



Richland County Council  
Regular Session  
December 4, 2018 – 6:00 PM  
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, Cathy Rawls, John Thompson, Sandra Yudice, Stacey Hamm, Larry Smith, Dwight Hanna, Tim Nielsen, Shahid Khan, Jeff Ruble, Nathaniel Miller, Jennifer Wladischkin, Mohammed Al-Tofan, Brad Farrar, Dale Welch, Michael Niemeier, Kecia Lara, Trenia Bowers, Melissa Watts, Ashley Powell, Erica Wade, Bryant Davis, John Hopkins, Pam Davis, Magnolia Salas, Stephen Gaither, Michelle Rosenthal, Geo Price, Quinton Epps, Valeria Davis, Edward Gomeau, Ashiya Myers, Jocelyn Jennings, O’Jetta Bryant, Portia Easter, Marjorie King, and Ismail Ozbek

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 6:00 PM. He stated that Ms. Dickerson was not in attendance due to an early Christmas vacation and that Mr. Rose has officially resigned from County Council.

2. **INVOCATION** – The invocation was led by the Honorable Norman Jackson

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Norman Jackson

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

4. **APPROVAL OF MINUTES**

a. Special Called Meeting: November 13, 2018 – Mr. Livingston moved, seconded by Ms. Myers, to approve the minutes as distributed.

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

The vote in favor was unanimous.

b. Zoning Public Hearing: November 15, 2018 – Ms. Myers moved, seconded by Mr. Pearce, to approve the minutes as distributed.

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

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The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Mr. Smith requested that Item 6(a): “Legal Advice: Options for BAN Maturation in 2019” be removed from the agenda.

Ms. McBride moved, seconded by Mr. C. Jackson, to move Item 28(a): “To make a change order to the Upper Township Magistrate contract to include brick for the outside of the entire structure. Additional funding associated with this change order must be identified and approved by County Council. Unanimous consent as an agenda item for action to the Dec. 4, 2018 meeting is requested.” from the motion period to an action item.

Ms. Myers stated, for the record, we need unanimous consent.

Mr. Malinowski stated the fact that this is on the agenda as a motion item, which are normally sent to committees, unless unanimous consent is given for that item at the time, are we allowed to move this to an action item.

Mr. Smith stated you can move it to an action item, with unanimous consent, and waiving of Council Rules.

Mr. Malinowski stated this is an item that he has not seen any background information on. There is no information provided to us. We have no prices or information from staff. He thinks the cost to do this should be vetted, and receive proper staff input.

Ms. McBride stated this item has been vetted numerous times within our budget. It was passed in the 2018 Biennial Budget. At that time, we discussed the costs of it.

Mr. N. Jackson stated, if we bring this to the agenda for action, during the discussion we can make a decision on how to move forward with it. This is just to get it on the agenda, as an action item.

Mr. Livingston stated what is before us is whether or not to add this to the agenda. That would give us an opportunity to discuss it.

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

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

The vote in favor of calling for the question was unanimous.

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

Opposed: Malinowski

The motion for unanimous consent to move Item 28(a) to an action item failed.

Mr. Pearce withdrew Item 28(c): “Several years ago a GO Bond as issued for construction of three unique additions to the Alvin S. Glenn Detention Center: 1) additional housing for female detainees, 2) housing for 17 y/o’s to avoid their being placed with adults, and 3) a separate facility for individuals identified as needing psychiatric care and monitoring. It appears that two million dollars (\$2 million) of the twelve million (\$12 million) was moved from the detention center project at the time that funds were being assembled for the Renaissance

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Project. Documentation that a vote of Council was made to move these funds cannot be identified. I move that the \$2 million removed from the Alvin S. Glenn Detention Center be restored to that account in order that the project will be fully funded for the purpose for which these funds were originally intended.” On discussions with Dr. Yudice and Mr. Niermeier, he is now told that although it was proposed the money was never transferred. The money has remained in there, and is available for the construction of the Detention Center, as originally planned; therefore, there is no need to proceed with the motion.

Mr. Manning moved, seconded by Mr. Pearce, to moved Item 14(a): “An Ordinance Amending the Fiscal Year 2018-2019 School District #1 of Richland County Annual Budget to increase it by \$3,584,725” up on the agenda to become Item 8(b), so the School Board members can leave to attend the City Council meeting.

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

The vote in favor was unanimous.

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

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

Opposed: McBride

The vote was in favor of adopting the agenda.

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

a. Personnel Matter Update

7. **CITIZENS’ INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Capt. Tom Bryant, on behalf of McEntire Joint National Guard Base, requested to add the following language to the noise ordinance: “Noise generated by military operations and activities.”

Ms. Barbara Roach spoke regarding the community’s displeasure at the construction of the Upper Township Magistrate office.

Ms. Helen Taylor Bradley spoke against the ordinance combining Richland County’s water and sewer systems.

8. **CITIZENS’ INPUT: Must Pertain to Richland County Matters Not on the Agenda** – Mr. Leon Lion spoke regarding the status of the Richland Renaissance Plan.

Ms. Myers requested the Clerk’s Office to provide Ms. Bradley with the information from the sewer rate study work session.

b. An Ordinance Amending the Fiscal Year 2018-2019 School District #1 of Richland County Annual Budget to increase it by \$3,584,725 – Mr. N. Jackson moved, seconded by Mr. Manning, to approve this item.

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

Opposed: Malinowski

The vote was in favor.

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

In Favor: Malinowski

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

The motion for reconsideration failed.

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

- a. Presentation of Biennium Budget Book – Mr. Hayes presented the County’s 1<sup>st</sup> Biennium Budget Book to Council members. He thanked the budget staff, PIO staff and IT staff for their assistance in compiling the budget book.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized that Councilwoman-elect Newton was in the audience and requested that she be provided a budget book.

- b. Personnel Matter Update – This item was taken up in Executive Session.

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

- a. Contractual Matter: Storage of Council Records – Ms. Roberts stated the statement of services before Council has been reviewed by Legal. There is also an attachment with the estimate that was given at the last Council meeting, during Executive Session.

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

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

- b. REMINDER: Richland Memorial Board Annual Luncheon, December 6, 12:00 PM, 9 Medical Park Dr., Suite 600A – New Bagnal Board Room – Ms. Roberts reminded Council of the upcoming Richland Memorial Board Annual Luncheon.

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- c. REMINDER: Richland Library – Edgewood Sneak Peek, December 6, 4:30 – 6:00 PM, 2101 Oak Street – Ms. Roberts reminded Council of the upcoming “Sneak Peek” of the Edgewood Library.
- d. REMINDER: Richland County Magistrates’ Holiday Luncheon, December 14, 11:30 AM, Brookland Banquet & Conference Center – Ms. Roberts reminded Council of the upcoming Magistrates’ Holiday Luncheon.
- e. REMINDER: Township Auditorium Holiday Drop-In, December 5, 6:00 – 8:00 PM, Township Auditorium – Ms. Roberts reminded Council of the upcoming Township Auditorium Holiday Drop-In.

**REPORT OF THE CHAIR**

11.

- a. Updated Council Calendar – Mr. Malinowski stated the committee meetings on January 8<sup>th</sup> were deleted due to the new members coming on board, and committee assignments not being made prior to January 8<sup>th</sup>.

Mr. Manning stated the Swearing-In Ceremony was not included on the calendar approved by Council, but appears on the calendar in the agenda packet. Additionally, the concern he had in further reviewing this document, the meeting on the 8<sup>th</sup> is listed as a Special Called Meeting. The only other meeting listed for January is the Council Retreat. In Council Rules, and he knows we have been working recently about being real sticklers to our rules, particularly with Rule 5.2(1) about voting, Rule 2.6 – Election reads, “The Chair shall be elected at the first regular meeting of the Council in January, or as soon thereafter as may be practical. In reviewing p. 51 of the agenda, there is no regular meeting scheduled for January in 2019. So, if we are going to follow Council Rules, he does not believe we are going to have the Election of the Chair.

Mr. Malinowski requested that someone refresh his memory if it indicates the first meeting in January is regularly scheduled or just the first meeting in January.

Mr. Manning stated, on p. 10 of the Council Rules, it states, “The Chair shall be elected at the first regular meeting of the Council in January, or as soon thereafter as may be practical...”

Mr. Malinowski requested Mr. Smith’s input on this matter. He understands what Mr. Manning is saying. He is correct, if it reads the first regular, or as soon thereafter as practical. While that is not a regularly called one, does that come under the soon after.

Mr. Smith stated, if the Council does not have the Election of the Chair at the first meeting in January, it gives you the flexibility to determine how soon thereafter you will have it. If there is not a regularly scheduled meeting in January, you certainly can have a Special Called Meeting in January to accomplish that.

Mr. N. Jackson stated you can still have the first meeting in January. It is just the agenda. You set the agenda and you can have Election of the Chair, and that is it. That is the way it was before. We just decided not to meet in January because of the Retreat. We decided just to elect the Chair at the first meeting in January.

Mr. Malinowski stated we can change the 8<sup>th</sup> to the 1<sup>st</sup> and meet January 1<sup>st</sup>.

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Mr. Manning stated he just knows that there has been a real push to be a stickler for one of our rules, and this rule clearly says regular meeting. Our agenda, p. 51, does not have regular meeting listed.

Mr. Malinowski stated he was glad Mr. Manning brought that to our attention. Mr. Manning was 100% correct.

Mr. Livingston moved, we amend Council's meeting schedule, and list January 8<sup>th</sup> as a Regular Session meeting. Ms. Myers seconded the motion.

Mr. Manning stated he thought Mr. Livingston was going to make a motion to suspend Council Rules, and for January 8<sup>th</sup> to be the regular meeting.

Mr. Livingston stated that is his motion.

Mr. Manning stated Mr. Livingston did not say anything about suspending the rules.

Mr. Livingston amended his motion to include the suspension of Council Rules.

Mr. Pearce stated our rules already state the first regular session, or after. The wording is already there, which permits you to have it at the Special Called meeting. This happens every year when we do not meet on the 1<sup>st</sup>. It is a matter of semantics, and how you interpret the words. It seems to him that this is very unnecessary.

Mr. Manning respectfully disagreed with Mr. Pearce because it says, "elected at the first regular meeting, or as soon thereafter as practical. You cannot get to "as soon after" until you have one.

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

The vote in favor was unanimous.

- b. REMINDER: To Pick-Up Richland County Calendars – Mr. Malinowski reminded everyone to pick up a copy of the Richland County Calendars.
- c. Recognition of Richland County CASA on being awarded a Program Expansion Grant – Mr. Malinowski stated CASA was awarded a \$35,000 Program Expansion Grant to recruit, screen, and train more local volunteers to serve children who experience abuse and neglect. The Federal grant funds distributed, through the National Court Appointed Special Advocates Association, are provided by the Office of Juvenile Justice and Delinquency Prevention. The US Dept. of Justice, as authorized under the Victims of Child Abuse Act of 1990, awards the grant through a competitive process, and in 2018 the National Court Appointed Special Advocates was awarded over \$10 million in Federal grants.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance authorizing and providing for the combining of Richland County's existing water systems and Richland County's existing sewer systems into a combined water and sewer system to be known as the Richland County Water and Sewer System; providing for the operation thereof; providing for

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issuance of bonds; and other matters related thereto – No one signed up to speak.

- b. An Ordinance Amending the Fiscal Year 2018-2019 School District #1 of Richland County Annual Budget to increase it by \$3,584, 725 – No one signed up to speak.
- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Spirax Sarco, Inc. to provide for payment of a fee-in-lieu of taxes; and other related matters – No one signed up to speak.
- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Koyo Bearings North America, LLC (F/N/A Koyo Bearings USA, LLC) as assignee to JTEKT North America Corporation (F/N/A/ Koyo Corporation of U.S.A.) to provide for payment of a fee-in-lieu of taxes; and other related matters – No one signed up to speak.
- e. An Ordinance Authorizing the Third Amendment of that certain fee agreement by and between Richland County, South Carolina and Koyo Bearings North America, LLC (F/N/A Koyo Bearings USA, LLC) as assignee of JTEKT North America Corporation (F/N/A/ Koyo Corporation of U.S.A.), relating to, without limitation, the payment to Richland County of a fee in lieu of taxes, and other matters relating thereto – No one signed up to speak.
- f. An Ordinance Authorizing an amendment to the fee agreement by and among Richland County, South Carolina, McEntire Produce Inc., R. C. McEntire Trucking, Inc., and McEntire Limited Partnership, dated July 25, 2006, to provide for an extension of the term thereof and an amendment to the fee agreement among Richland County, South Carolina, McEntire Produce Inc., R. C. McEntire Trucking Inc., and McEntire Limited Partnership, dated June 5, 2012 to provide for an extension of the term thereof, authorize an extension of the investment period thereof, and provide for the issuance of infrastructure credits thereunder – No one signed up to speak.

13. **APPROVAL OF CONSENT ITEMS**

- a. 18-033MA, Sanjiv Narang, HI to GC, (1.46 Acres), 809 Idlewild Boulevard, TMS #R11209-02-04 [SECOND READING]
- b. 18-034MA, Johnathan L. Yates, PDD to PDD (49.27 Acres), 1141 Kelly Mill Road, TMS #R23300-03-06 [SECOND READING]
- c. 18-037MA, Ben H. Higgins, RU to NC (1.02 Acres), 1041 McCords Ferry Road, TMS #R38000-03-02 [SECOND READING]
- d. 18-039MA, Gabriel McFadden, RU to NC (1.21 Acres), Dutch Fork Road, TMS #R01507-02-05 [SECOND READING]

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- e. 18-040MA, Scott Morrison, GC to RM-HD (7.22 Acres), Brighton Road, TMS #R17004-02-02 (Portion)[SECOND READING]
- f. 18-041MA, Ridgewood Missionary Baptist Church, RU to OI (1.63 Acres), Lawton Street, TMS #R09310-03-14, 16-23 [SECOND READING]
- g. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, so as to permit radio, television, and other similar transmitting towers with special requirements in the Rural (RU), Light Industrial (LI), and Heavy Industrial (HI) Districts to remove the special exception requirements for radio, television, and other similar transmitting towers in the Rural (RU), Light Industrial (LI), and Heavy Industrial (HI) Districts [SECOND READING]
- h. Approval to award Emergency Services Department purchase orders for Self Contained Breathing Apparatus (SCBA's or air packs) purchase to Newton's Fire & Safety Equipment, Inc.
- i. An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; so as to standardize this chapter more closely with the Municipal Association of SC's model business license ordinance and to reflect enhanced enforcement priorities to pursue enhanced quality of life for the Richland County Community [FIRST READING]
- j. Alvin S. Glenn Detention Center Inmate Food Services Contract

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

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

The vote in favor was unanimous.

14. **THIRD READING ITEMS**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Spirax Sarco, Inc. to provide for payment of a fee-in-lieu of taxes; and other related matters – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

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

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Koyo Bearings North America, LLC (F/N/A Koyo Bearings USA, LLC) as assignee of KTEKT North America Corporation (F/N/A/ Koyo Corporation of U.S.A) to provide for

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payment of a fee-in-lieu of taxes; and other related matters – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski inquired if this item was code named on the November 13<sup>th</sup> agenda.

Mr. Ruble stated it was code named K3.

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

The vote in favor was unanimous.

- c. An Ordinance Authorizing the Third Amendment of that certain fee agreement by and between Richland County, South Carolina and Koyo Bearings North America LLC (F/N/A Koyo Bearings USA, LLC) as assignee of JTEKT North America Corporation (F/N/A/ Koyo Corporation of U.S.A.), relating to, without limitation, the payment to Richland County of a fee in lieu of taxes, and other matters relating thereto – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

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

The vote in favor was unanimous.

- d. An Ordinance Authorizing an amendment to the fee agreement by and among Richland County, South Carolina, McEntire Produce Inc., R. C. McEntire Trucking Inc., and McEntire Limited Partnership, dated July 25, 2006, to provide for an extension of the term thereof and an amendment to the fee agreement among Richland County, South Carolina, McEntire Produce Inc., R. C. McEntire Trucking Inc., and McEntire Limited Partnership, dated June 5, 2012, to provide for an extension of the term thereof, authorize an extension of the investment period thereof, and provide for the issuance of infrastructure credits thereunder – Mr. Pearce moved, seconded by Mr. N. Jackson, to approve this item.

Mr. Malinowski stated this item received 2<sup>nd</sup> Reading on February 20, 2018. He inquired where this item has been for over 9 months.

Mr. Ruble stated we had first considered this item in the Economic Development Committee in the Summer of 2017. It was put off pending litigation over an unrelated item.

Mr. Malinowski stated, for clarification, the request for a new agreement came within the timeframe of the 2012 agreement.

Mr. Ruble responded in the affirmative.

Mr. Malinowski inquired, based on the length of time since the last reading, can they still continue with this, based on the time between readings, or is there no limitation on that?

Mr. Smith stated he would have to take a look at Council Rules to see if there is any reference to having to give 3<sup>rd</sup> Reading within a specific timeframe. As he understands it, the matter was deferred, with no time certain to give it 3<sup>rd</sup> Reading. He is assuming the basis for that was to deal with the litigation that Mr. Ruble referenced. He does not think there is anything in the Rules that speaks to this.

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Mr. Malinowski requested, in the future, Council is provided a reason why this length of time has passed.

Mr. Smith stated he does not see anything in the current Rules that would prevent you from going forward, but if this is not time sensitive, he would suggest that you not clinch the minutes, so that between now and the next meeting if there is an issue we can address it.

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

The vote in favor was unanimous.

15. **SECOND READING ITEMS:**

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

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

The vote in favor was unanimous.

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

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

The vote in favor was unanimous.

- c. 18-038MA, Ken Jones, RS-LD to NC (1.62 Acres), 3409 Hard Scrabble Road, TMS #S17300-06-08 – Ms. Myers moved, seconded by Mr. Pearce, to approve this item.

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

The vote in favor was unanimous.

**REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

- a. An Ordinance authorizing deed to the City of Columbia water lines for Richland Library Southeast, 7421 Garners Ferry Road; Richland County TMS # 16409-04-02 (Portion); CF # 191-10A [FIRST READING] – Mr. Malinowski inquired if this obligates Richland County to something in the future by giving a deed to the waterlines to the City. For example, can the City annex the library.

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Mr. Smith stated this matter would be subject to the same advice we have given regarding if this is in our designated service area. He thinks what we need to see is if something can be placed in the deed that addresses the concerns, which we have previously discussed with Council.

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

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

The vote in favor was unanimous.

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

- a. Electronic recording (e-recording) memorandum of understanding (MOU) between Richland County and Corporation Service Company (CSC) – Mr. Malinowski stated he made a comment in committee about an error, which is listed on p. 86. Where it states “Attachment 8” needs to be corrected to read “Attachment B”.

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

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

The vote in favor was unanimous.

- b. Intergovernmental Agreement between Richland County, Lexington County and Town of Irmo for Engineering Services and Infrastructure Maintenance (Attachment A) – Mr. Malinowski stated he had questions on this previously. He does not see any changes or comments why there were no changes. On p. 92 of the agenda, it states under the issues that staff notes a couple things to consider, and gives 3 bullet points. He would think that we would want to resolve these issues before approving this MOU. He stated there is a cost associated with staff review time and maintenance of infrastructure. Then on p. 96, Section 3(A): Richland County Maintenance Responsibilities states, “Through its Department of Public Works, the County will provide routine maintenance on all those roads located within the corporate limits of the Municipality, that have been accepted for maintenance by the Municipality.” To him, that means we are accepting even roads that are in Lexington County and the responsibility of SCDOT. He made comment that at the beginning of line 2 it should say, “routine maintenance on all those Richland County roads”. If there is a reason we should not have that because there is something else in the memorandum of understanding, he does not know. On p. 97, “with the exception of street name signs, the County will not provide maintenance on roads that have been taken into the State Highway System. The County will provide name signs on all roads within the corporate limits.” Again, there is a good portion that is Lexington County, so why is Richland County providing signs for the Lexington County side?

Letter (B) “The County will incorporate the County maintained roads within the corporate limits into its pavement management system.” He thought that it should read, “The County will incorporate the Richland County maintained roads.”

Letter (C): “The drainage infrastructure located off of road rights-of-way...” He believes we should add in there “off of Richland County road rights-of-way.” He stated, if Mr. Smith can tell him that all of this is going to be taken care of, fine, but the way he sees it, we are opening ourselves up to pay a lot of

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Lexington or SCDOT work.

Section 4: Duration – This is an agreement for 5 years and the only out is 60 days prior to the anniversary date of this agreement. We had this in another matter regarding the Detention Center, whereby, a deadline was missed, and we ended up being responsible for 5 more years of that same agreement. He would like to see something like a 5-year term, renewable annually, so either party can get out of the agreement.

He inquired if p. 101 is the IGA we are approving, or is it a previous one for our information.

Mr. N. Jackson stated Mr. Malinowski mentioned the corporate limits, and then mentioned Lexington County. He sees the Town of Irmo. Lexington County would not be corporate limits. The corporate limit refers only to municipalities.

Mr. Malinowski stated he wants to make sure that if we are providing services, within the corporate limits of Irmo, they are for services that are the Richland County portion of the corporate limits.

Mr. N. Jackson stated the corporate limits of the Town of Irmo is incorporated. Lexington County is not incorporated.

Mr. Malinowski stated the corporate limits of the Town of Irmo take in both Lexington and Richland County. That is why he is saying he does not think Richland County should provide name signs on all roads within the corporate limits. We should provide them for roads that are within Richland County, in the corporate limits.

Mr. Gomeau stated, under Section 1(A), Development Project, they talk about only maintaining those roads within Richland County. That defines what the boundaries are there. Either county boundary is reviewed, inspected, and maintained by the County in which it is located.

Mr. Malinowski stated that is for land development projects. These other things, in his opinion, are referring to things that are already existing.

Mr. Gomeau stated they use land development throughout this, so he is assuming that is there intention to do that.

Mr. Malinowski moved defer and ask Legal to give us an opinion if what we have in front of us is correct.

Mr. Manning inquired as to which committee this item came from.

Mr. Malinowski stated he believes it was A&F.

Mr. Manning stated he is concerned that Mr. Malinowski said he raised this before, and it was not addressed. The number of items that Mr. Malinowski has concerns about, and trusting that it is all going to get fixed after we pass this, he does not feel is prudent.

Mr. Manning moved, seconded by Mr. Malinowski, to refer this back to the committee.

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Mr. N. Jackson inquired if it is time sensitive. This will not be taken up until February.

Mr. Manning inquired as to why it will be February.

Mr. Malinowski stated this is not a new item, so why can it not be picked up immediately.

Mr. Smith stated the matter has already been to committee, so it can go back to clarify these matters. Once those matters are clarified, if the committee so desires, it can be moved forward at that point.

Mr. N. Jackson stated his point was the committee meets after the 2<sup>nd</sup> meeting. The 2<sup>nd</sup> meeting is next Tuesday, so the next meeting will not be until February.

Mr. Malinowski inquired if this is going to put a serious hindrance on this.

Mr. Ozbek stated he does not think so. This was coming from the Planning and Community Development; this is not a Public Works summative.

Mr. Price stated it is not time sensitive.

Mr. Livingston requested staff to check which committee this came through because he does not remember it coming through A&F.

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

The vote in favor was unanimous.

- c. Use of Assigned Funds – Salary Adjustments ***{This item was reconsidered at the December 11, 2019 Council meeting}*** – Mr. Malinowski inquired if we had a work session on this because what he sees in front of us raises some questions to him. He inquired if there is a possibility we could have a work session on this, so we can get some clarification on this. He stated we kept hearing about the Total Rewards, but Council never received any of the information until now.

Mr. Malinowski moved, seconded by Ms. Myers, to hold a work session to discuss this.

Ms. Myers inquired if the work session can be on December 11<sup>th</sup>.

Ms. McBride stated we need more time to read this. She inquired if this is time sensitive item.

Mr. Hanna stated it is time sensitive in the perspective that any delay that Council would want on our proposed plans to move forward with the implementation of pay increases for employees. As he understands it, the funding has already been approved by the Council to implement the pay increases.

Ms. McBride stated Council has already approved the funding for the pay increases.

Mr. Hanna stated that is his understanding.

Ms. McBride inquired as to what Mr. Malinowski's issue is.

Mr. Malinowski stated his issue is that at the last meeting there were numerous questions asked, not by

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just himself, but several of his colleagues, and we were just given the responses to this questions. They range anywhere from salary to other benefits (health, insurance, time off, and vacation). There are numerous items in here that were never fully explained to the Council and finally put in here because questions were asked. He is not against giving the employees pay raises, but he thinks we need to make sure that we have covered this thoroughly and know exactly why we are approving the pay raise when we do it. This work session would give us the opportunity to do so. Because the funding was approved in general, so it is there when, and if we decide to go forward with the pay raises. He is sure that we will, but we need to determine the amount of pay raises, who gets the pay raises, why do some get it and others don't. Other departments, in the past, have received pay raises to the exclusion of other departments. Based on that, he would like to come to a meeting of everyone to make sure we are on the same page and do what is best for the employees.

Mr. Gomeau inquired about how finite Mr. Malinowski wants to get with the data.

Mr. Malinowski stated the data that has been provided is all he needs. He just need some clarification on some of the information that has been provided.

Mr. Gomeau stated he was here when this started, but the assignment of funds was done. Somehow that got to a point where employees understood that the pay changes would take place in January. He does not know if that is entirely correct, but he does know there is an anticipation that this would be finished by then and the pay raises would be implemented. He just wants to be sure that everyone is clear on why this is happening, so when the employees go to Mr. Hanna's department, he will have an answer for them.

Mr. Malinowski stated, to him, we have finally been provided with the information. In one news brief that he saw on one of the bulletin boards in the County, it says, "This program is 70% complete. Stay tuned for final details." So if it was only 70%, we are still not all the way there.

Mr. C. Jackson inquired if it would be possible to allow for the requested work session, with the understanding that once that work session has occurred, the pay raises will be retroactive to the date that was initially indicated.

Mr. C. Jackson made a substitute motion, seconded by Mr. N. Jackson, to hold the work session, based on the results of the work session, whatever pay raises the Council may authorize, would be retroactive.

Mr. Malinowski requested the information about employees being told the pay raises would be effective in January.

Mr. N. Jackson stated questions were asked, and the responses are in the document. Is it just that we got it late or was it not in full detail?

Mr. Malinowski stated there is a lot of detail in there, and we just got it. He read through it and he has a lot of questions, and there was not time to get anybody to give the answers.

Mr. N. Jackson stated you got the answers...

Mr. Malinowski stated we got answers to the questions. The answers we got, caused him to need additional clarification.

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Mr. N. Jackson inquired if additional clarification means we have to have a work session.

Mr. Malinowski stated it depends on what the other Councilmembers want.

Mr. N. Jackson stated the work session was for Mr. Malinowski.

Mr. Malinowski stated he asked for it. He thought it would benefit anyone. You can vote it up or down.

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

Mr. Manning requested Mr. C. Jackson restate the motion.

Mr. C. Jackson restated his motion to authorize a work session at the Retreat to discuss the salary document, and once that work session has occurred, and is ready for vote of Council, the approval will allow pay raises to be retroactive to January 1<sup>st</sup>.

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

The vote in favor was unanimous to call for the question.

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

The vote in favor was unanimous.

- d. The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increases for CYs 2016 and 2017 – Mr. Livingston stated the committee’s recommendation was to approve the salary increases, consistent with the contract and the County’s raises for FY17-18.

Mr. Malinowski stated the opening line of the briefing document states the D&S Committee took this item up, which he is sure is a typo. In addition, it is his recollection, on that particular day, a couple committee members had to leave, so the committee recommendation is based on 3 individuals. On p. 373, 1<sup>st</sup> paragraph, it states, “The Contractor shall be eligible.” It does not say they are entitled to. It says they shall be eligible. When you go down to the bottom of the page, footnote 1, says, “A review of PDT’s request for wage rate increase calculations revealed that the formula used in PDT’s calculations is inaccurate” and refers you to an attachment.

Mr. Livingston stated they did not use that formula.

Mr. Malinowski inquired as to what formula they used, or did they just approve it.

Mr. Livingston stated the recommendation is what the County employees received.

Mr. Malinowski stated, as of right now, we do not know what the County employees will receive because that is going to be at a work session coming up at the Retreat. He thinks we are moving forward, possibly giving somebody something that our own employees have not received yet.

Mr. Livingston stated we are talking about FY17-18.

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Mr. Malinowski stated, beyond that, there was information that he received that indicated there were discrepancies in the salaries that were being shown as paid to the employees, by the PDT, and what the employees were actually receiving.

Mr. Livingston stated that was discussed too.

Mr. Malinowski inquired as to the result. He does not see it here.

Mr. Livingston stated that is what their recommendation is based on.

Mr. Malinowski stated that is 3 people out of 11 on Council, or in this case 9.

Mr. Livingston stated Mr. Malinowski presents stuff, as Chair of a committee all the time, whether it is 2 or 3.

Mr. Malinowski stated he does, but it is not talking about hundreds of thousands of dollars either. He thinks this is something...he does not want to say it publicly.

Ms. Myers inquired, given Mr. Malinowski's concerns, would there be any harm in taking this up in the work session, in tandem, with considering the employees' raises. Then, we could air all of the questions and come to a decision. We could have the same motion that Mr. C. Jackson made for the employees.

Ms. Myers made a substitute motion, seconded by Ms. Kennedy, to take this up in the work session, and coming out of that work session, any decisions made would be retroactive.

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

Opposed: Manning, N. Jackson and Livingston

The vote was in favor of the substitute motion.

- e. Use of existing capital bond proceeds for fund architectural, engineering and design studies and to purchase equipment for the County's GIS (geographic information systems) program – Mr. Livingston stated the committee recommended approval of a resolution authorizing the expenditure of \$1,869,668 of the unspent proceeds remaining from the pursuit of Richland Renaissance for the purchase GIS program servers (\$350,000), the design of the revised Lower Richland Sewer Plan (up to \$750,000), the architectural and engineering evaluation of the County's Columbia Place Mall properties (up to \$400,000) and the body worn cameras (\$369,668).

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

Opposed: Malinowski and Manning

The vote was in favor.

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

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In Favor: Malinowski

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

The motion for reconsideration failed.

- f. Shakespeare Crossing Affordable Housing Development Project – Mr. Livingston stated the committee recommended to approve the request to award CDBG funding to Community Assistance Provider in the amount not to exceed \$166,448.00 for the completion of infrastructure at Shakespeare Crossing.

Ms. McBride stated it is her understanding that this project has been underway for approximately 2 years. She inquired if that is correct.

Mr. Livingston stated it may have been phases of it, but you would have to ask someone from Community Development.

Ms. Davis stated this has been underway for 2 years, but it is a multi-phase project. We are now entering into Phase II, and it is an up to Phase IV period project.

Ms. McBride stated one of the items listed in the briefing document is “construction of 8 of the planned 24 residential units”. She stated she has been by this place numerous times and there is no construction. There are no buildings, and the community is concerned because they have been told that this would be completed. It is her understanding that nothing has taken place in the last 6 months. She has visited the site, and this is not correct, in terms of construction of the 8 planned residential units, unless they are invisible.

Ms. Davis stated the work that has been taking place is on the infrastructure project. Because of the location of the property, we had to make sure the infrastructure was in place, as well as any safety concerns were being addressed.

Ms. McBride inquired as to what the statement on p. 389 means. Is this a mistake?

Ms. Davis stated this is referring to the fact that the work will begin. She believes it may have been a typo, but it will begin.

Ms. McBride would like for the community to receive an update on the status of this project, and when they can expect it to be completed. She would like to be copied on this update.

Ms. Myers inquired if any of the other bulleted items on p. 389 are incorrect. If so, is the funding that we are approving tonight going to be used for those 4 bullets. She would some clarity because if those items have not been completed we are not in Phase II; we are in Phase I.

Ms. Davis stated, in the work of the as build, if you look on p. 426, it speaks to Attachment “C”, which is the timeline. The work is supposed to be completed, to get us to the 4 units of the 20 – 24 units, by June 30, 2019. There are multiple sources built within this, to get us to this point, including State housing. We can definitely provide a status update.

Ms. Myers stated she does not think she asked the question properly. She inquired as to what the 1<sup>st</sup> Phase did. If those bullets are incorrect, what did the first funding do, and is this funding, that we are

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approving now, going to those things that are itemized in Paragraph 3, or where are we.

Ms. Davis stated the first portion of the funding was for the soft costs, the acquisition of the land, and to get us to the infrastructure work, that was completed to create a stabilization wall. After that, there were some additional infrastructure that we have to complete for utility service and sewer lines. That took us through the end of this month, and into the first of next month. The next step, is to do the vertical for the first 4 units of the multi-phased project.

Ms. Myers stated that means the first 2 bullets have been completed.

Ms. Davis responded that is correct.

Ms. Myers inquired as to where the funding for the 2<sup>nd</sup> half of that, and the construction of the 8. Do we need additional.... If we are not at this stage, then is the funding that you are asking for going to deliver us to this stage, and beyond. She would like to be sure we are getting enough money to do what we say we are going to do.

Ms. Davis stated, for them, they have to do it in phases. So, they are knowing that it is going to take them to a point of getting through the infrastructure piece. The \$166,000 that we have on tonight's agenda, will get us through the infrastructure piece. After that, we will look at additional funding within Community Development to get us to the vertical.

Ms. Myers stated that is kind of different from what the briefing document said, so thank you for the clarification.

Ms. Davis stated they can still provide a status update for Council, as well as the community.

Ms. McBride stated she was not aware it was a County project. She inquired if it is a collaborative project. She was told the City was putting funding in.

Ms. Davis stated the City is not, but State Housing is. Midlands Housing Trust Fund and Wells Fargo are also contributing funds.

Ms. Myers requested a corrected briefing document. She is not sure where we are and what we have spent on what, and if we put enough money in it to do what it is...

Mr. Malinowski stated, under the "Issues" on p. 389, it says, "As reviewed by County Staff, the project is behind schedule", which leads credence to what Ms. McBride said in her opening statement. He inquired as to how much behind schedule they are.

Ms. Davis stated she will follow up with Council on that.

Mr. Malinowski stated, on p. 392, it states, "...included as Attachment A, as approved by the County..." that we have allocated \$166,448, but the amount shown on p. 426 is far in excess of that amount. So, if you could get that information also.

Mr. Livingston moved, seconded by Ms. Kennedy, to approve the committee recommendation, pending receipt of the information that was requested by Council.

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In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, N. Jackson, Livingston and McBride  
The vote in favor was unanimous.

- g. Request to provide funding to the Lourie Center – Mr. Livingston stated the committee recommended approval of the request for \$12,000.

Mr. Manning stated, for clarification, this is funding that somebody quit giving the Lourie Center.

Mr. Malinowski stated he thinks it is the United Way.

Mr. Manning stated United Way withdrew this amount of money, and Richland County Council is looking to step up to fill in a gap of what somebody else is not funding anymore.

Mr. Pearce stated this is his motion, and Mr. Manning is correct.

Mr. Manning stated he knew the answer. He just wanted it on the record.

Mr. N. Jackson inquired as to the amount of additional funding being requested.

Mr. Malinowski stated \$12,000.

Mr. N. Jackson inquired if this is continuous or a one-time request.

Mr. Pearce stated it is a one-time only item. He stated the funding of this particular program does need to be looked at, in terms of participation of the City and County. This was not the opportunity to do that. This was to bail out a program that transports elderly to their doctors, due to a funding cut. He agreed to make the motion with the understanding that he did not know where the money was coming from, and that the A&F Committee would have to look at it. The committee looked at, and sent it forward for approval. Next year, when this program comes up, he thinks it needs to be looked at, in terms of the relationship between the City and the County.

Mr. Malinowski inquired as to where the funding is coming from.

Mr. Livingston stated the recommendation is for the funding to come from the General Fund Contingency Fund.

Mr. N. Jackson stated nothing against helping in a situation like this. He just recalls some years ago where the request for \$146,000 was one-time, and that was 10 years ago. It has increased from \$146,000 to over \$160,000. That is why he asked the question...

Mr. Pearce stated it has actually been reduced from \$250,000, which was the original allocation, down to what it is now. The funding to the Lourie Senior Center was \$250,000, and was appropriated to build the center.

Mr. N. Jackson stated, initially we had a one-time request. He is not speaking to the building the center.

Mr. Pearce stated the entire history of this is it was \$250,000 commitment for a capital construction. Somehow, years ago, it got carried over as an operating, and we debated it over the years. If you recall,

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then, we put them on a reduction schedule, so their funding would be reduced every year. Mr. Malinowski stated it is \$159,000 now, but it has been at that for 3 – 4 years.

Mr. Pearce stated that is why he said this program needs to be evaluated, in terms of how it is going to be funded. And, that is not the issue tonight. It is simply whether to give them this money, this one time.

Ms. Kennedy inquired what the City is doing.

Mr. Malinowski stated they give about \$45,000 per year to our \$159,000. He stated, for clarification, Mr. Pearce said they had nowhere else to go. He would like to know if they approached the City with this request.

Mr. Pearce stated, actually, Mr. Rose passed this on to him, and he agreed to take it up after he left. He does not know the exact date when the City was approached. He said at the beginning, this program does need to be looked at, in terms of the relationship between the funding. This is not the time to do that. This is the time to deal with, do you want to give the \$12,000 and help this program, or do you not want to. At a later date, you can take up these issues of whether or not the City is funding adequately. Please let us be germane to the issue, discuss that, whether the not they get the \$12,000, or not. Vote it up or down, and move on.

Mr. Malinowski stated his question was relating to, a comment was made in your summary from the A&F Committee, that they had nowhere else to go, so he asked for clarification if they approached the City, or not. That was yes, no, or I don't know.

Mr. Pearce stated he was told they did.

Mr. Manning stated he would like to speak to what is germane to this issue. There is certainly a great need for the citizens, in our County, to have these services fulfilled through the remainder of this budget year. One of the things he is very proud of, as a member of Richland County Council, is that we get unfunded mandates from the Federal and State government, and now we have a situation where we have the opportunity to step up and take care of the citizens of Richland County one more time. His question was just, who shorted, that we are going to take care of our citizens.

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

Opposed: Malinowski

The vote was in favor.

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

In Favor: Malinowski and Livingston

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

The motion for reconsideration failed.

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Mr. Gomeau stated he was just told the IGA with Town of Irmo ends at the end of December, so it is timing issue. Lexington County has already signed the IGA.

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

- a. Authorizing the extension of the term of the lease purchase agreement by and between Richland County, South Carolina and Mars Petcare US, Inc.; and other related matters – Mr. Livingston stated the committee recommended approval of this item.

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

Abstain: Myers

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

- b. Authorizing a ten-year extension of the term of certain existing fee-in-lieu of ad valorem taxes agreements; committing to negotiate a new fee-in-lieu of ad valorem taxes agreement between Richland County and Amcor Rigid Plastics, LLC; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- c. A Resolution authorizing the extension of the exemption period under a December 15, 1998 fee-in-lieu of taxes lease agreement by and between Richland County, South Carolina, and Huron Tech Corp., as succeeded by Kemira Chemicals, Inc., and authorization of a new fee-in-lieu of taxes agreement – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

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

19. **NOTIFICATION OF APPOINTMENTS**

- a. Richland Memorial Hospital Board – 4 – Mr. N. Jackson stated the committee recommended re-appointing Timothy E. Davis.

Mr. Pearce stated, for clarification, since there were no other applicants, that the existing Board members would continue their service until replaced.

Mr. Smith responded in the affirmative. If you have a situation where you have current Board members, and you have a situation where there is a gap between the expiration of their term and the appointment of a subsequent member, then they would continue to serve until their replacements are identified and voted on.

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Mr. Pearce stated he wanted that confirmed publicly because of the issues related to the ongoing consolidation. It is critical that the Board stay full, and have members on it. He inquired if the vacant positions have been re-advertised.

Ms. Roberts responded in the affirmative.

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

The vote in favor was unanimous.

- b. Airport Commission – 1 – Mr. N. Jackson stated the committee recommended re-appointing Mr. Joel McCreary.

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

The vote in favor was unanimous.

- c. Accommodations Tax – Two (2) Vacancies (One applicant must have a background in the Cultural Industry; One applicant must have a background in the Hospitality Industry) – Mr. N. Jackson stated the committee recommended appointing Mr. Christian B. Norton.

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

The vote in favor was unanimous.

20. **ITEMS FOR ACTION FROM RULES AND APPOINTMENTS COMMITTEE**

- 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. N. Jackson stated the committee recommended the following language be added to Council Rules: “If a member is present and does not declare a vote or an abstention, his/her vote shall be recorded as “present but did not vote.”

Mr. Manning inquired as to who the members of the Rules and Appointments Committee is.

Mr. Malinowski stated the members are Ms. McBride, Mr. N. Jackson, Ms. Kennedy, and himself.

Mr. Manning stated, as a point of order, he does not believe this is properly before us.

Mr. Malinowski stated to expand on why, and we will get the Parliamentarian’s opinion.

Mr. Manning stated Rule 4.1: Standing Committees (c) Rules and Appointments states “... consisting of three (3) members” so he does not believe this committee is properly constituted. Thus, I do not believe this is properly before us.

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Mr. Malinowski stated all he can say is the Chair appointed these individuals. If that is actually the case, and it is upheld, then we probably need to go back and rescind every item that approved by that committee while there were four (4) people serving on it.

Mr. Smith stated, again, you could waive the rules and address it in that fashion, but that is a matter that is within the Council's discretion, in terms of how you want to handle it.

Mr. Manning stated the rest of the sentence states this committee "functions as a review, oversight, and advisory body on the rules of County Council concerning appointments to County boards, commissions and committee." So, that would be a 2<sup>nd</sup> reason that he would believe this is not properly before us because this does not have to do with a County board, commission or committee. He stated he did not mean to upset anybody, but you got him to paying attention because it seemed like there were a rule that he was not following and you have been working real hard to get him in order, so he started reading the rules.

Mr. N. Jackson stated Mr. Manning was correct, but when the Chair was assigning motions to committees, this is the committee she sent the motion to.

Mr. Manning stated, again, his contention is that he does not believe the committee was properly constituted. If the Chair sends something to a wrong committee, and the committee is not properly constituted, and if the rules say that is not under the purview of the committee. If you could point to the rule that says that, if the Chair of County Council says something, it does not matter what the rules say anymore, he would be happy to look at rule.

Mr. N. Jackson stated that has been the practice of the Chair for the last 2 years.

Mr. Malinowski stated he would be willing to accept a motion from Mr. Manning, if he would like to have everything that was done by the Rules Committee in the past year purged. We can have the Clerks look for it, and rescind everything and start over.

Mr. Manning stated he was sticking with his point of order that he does not believe what has just now been brought to us is properly before us.

Mr. Livingston stated, according to Roberts Rules, if a point was not raised during the time when a rule was violated in a meeting, we could ratify all of our previous decisions, as it relates to the Rules Committee.

Mr. Smith stated you could go back and ratify what you have previously done.

Mr. Livingston moved, seconded by Mr. Manning, to ratify all of the previous decisions of the committee, and defer this item before us.

Mr. Malinowski stated, it was his understanding, that if something is not according to the rules it needs to be reconsidered before the next meeting. If it is not, it does make any difference; those items have become official business.

Mr. Smith stated the rules say, if you vote on an item, at a previous meeting, that at the subsequent meeting, if you approve the minutes from the previous meeting, and that item was voted on at the

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previous meeting, that becomes the action of the Council.

Mr. Malinowski stated, for clarification, there is no need to ratify everything in the past because this should have been brought up previously.

Mr. Smith stated, to the extent, that you have, in all of these instances, approved the minutes at the previous meetings, then you would have approved that in that way. To Mr. Livingston's point, to the extent that you did not, then this vote just ratifies anything that may relate to the issue that Mr. Manning just raised.

Ms. McBride stated, for the clarification, did the Council establish these rules regarding the number of members to serve on a committee.

Mr. Smith stated they established them through the adoption of the rules.

Ms. McBride stated, so the Council could easily correct that, by changing the number of members on a committee, correct?

Mr. Smith responded in the affirmative.

Mr. Livingston stated that is why he is deferring Mr. Manning's item until we change the rules.

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

The vote in favor was unanimous.

Mr. Pearce stated, for clarification, so by not voting, he just voted yes. And, so did Ms. McBride and Mr. Manning.

Mr. Malinowski responded in the affirmative.

Mr. N. Jackson stated he does not know if he should continue or not.

Mr. Malinowski stated he does not think he should because you cannot give a report from an illegal committee.

Mr. Manning stated, as a point of clarification, he would use the wording "not properly constituted" and not an "illegal committee".

Ms. Myers moved, seconded by Ms. McBride, to suspend the rules and enlarge the committee, by consent of this Council, and allow Mr. N. Jackson to continue the report of the committee that spent hours working on it and brought it forward.

Mr. Malinowski stated the remaining items were held in committee.

Ms. Myers stated the public deserves that we use their time wisely. Procedural maneuvers that make it seem as if we cannot move forward...we all know we can move forward by a simple vote. So, moving forward is the logical thing to do.

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

The vote was in favor.

- b. Revisit the bed and breakfast ordinance to increase the number of rooms up to 20, so the business can be profitable and flourish. This would be in line with keeping the rural character and allow opportunities for small businesses [N. JACKSON] – Mr. N. Jackson stated this item was held in committee to obtain additional information.
- c. Clarify the misleading term “cannot call names” during Citizens’ Input. Formal names can be called, but no name calling will be allowed outside of your formal name [N. JACKSON] – Mr. N. Jackson stated the committee recommended that no derogatory, or negative information, be presented. You can call a person’s name for clarification.

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

The vote in favor was unanimous.

- d. Bring forward all motions that were not resolved and place them on the appropriate agenda [N. JACKSON] – Mr. N. Jackson stated the committee recommended the Clerk’s Office provide a monthly update to staff and Council on all motions made, and their status.

Mr. Livingston inquired if we are amending the Council Rules.

Mr. Malinowski stated there have been some questions as to motions that have been made, that after a while, seem to disappear. This is a way of assuring that all of the motions are accounted for.

Mr. Livingston stated he thought amending the Rules required 3 Readings.

Mr. Malinowski stated it is not an ordinance; it is Council Rules.

Mr. Manning moved to suspend all of the rules, and take up whatever action we want to do tonight because people put a lot of hours in...

The motion died for lack of a second.

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

Abstain: Manning

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

21. **REPORT OF THE OFFICE OF SMALL BUSINESS OPPORTUNITY AD HOC COMMITTEE**

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- a. NAICS (North American Industry Classification System) Code Funding Limit – Mr. N. Jackson stated, during the OSBO Ad Hoc Committee meeting on July 10<sup>th</sup>, staff was directed to work on the Small Business and present a size standard recommendation to the committee for consideration. Pursuant to the conclusion of the Small Business Focus Group, with representatives from the SLBE industry, and the completion of the research of the size and standards prescribed by local government, the committee recommended the size standards as follows: Construction (\$7 Million); Architectural (\$3 Million); Professional Services (\$3 Million); Engineering (\$2.5 Million); and Wholesale Operations (\$2 Million). The committee, and Council, is asked to either continue with the current approved size standards, or make any necessary modification. Staff recommends no changes to the size standards, as listed in the ordinance.

Mr. N. Jackson stated there is a graduation program. When a business reaches a certain level it graduates from the program permanently, and it cannot get back on the program. Right now, in some of the industries, we are limited in Richland County with the amount of businesses that are available to do some of these contracts. If the standard is that low, as it is now, when these people graduate from the program, then we have to start reaching to Lexington County, and other counties. It is a decision that Council will have to make. For example, Charleston is almost double what we use here in Richland County. We can keep it as it is, and when these companies graduate, which some have already graduated, then the opportunities would go to other counties. The Small and Local Business Enterprise was really designed for Richland County.

Ms. Myers moved, seconded by Mr. C. Jackson, to accept staff's recommendation.

Mr. C. Jackson stated he thinks one of the challenges we need to issue is that we ensure that there are opportunities for, not just surface orientations, professional development or program development opportunities, but some real training programs that provide for interested, budding entrepreneurs to be able to actually qualified and become certified and eligible. He has heard from a couple of people out there that said they are not comfortable, in terms of, knowing what they need to do to become eligible or certified, and become an active participant, even though they have a fledgling/budding new business that is trying to start up. Of course, we have sessions here, and we invite people to come, but he thinks it needs to be more than that. This is a systemic problem. The School District, that he came from, had this problem annually, in terms of, trying to make sure there was adequate representation. They had to go to a system of allowing those small businesses to fall under the umbrella of larger organizations, who had the bonding capacity, and capital ability, in order to help them get up and get started with enough work, so they could become legitimate competitors, in the process.

Mr. Manning stated, for clarification, that the motion is that we do not change what we are doing.

Mr. Malinowski responded in the affirmative.

Mr. Manning inquired as why we are opening the door to make motions that we do not change what we are doing. It seems like if what we are doing is what we are doing, then we do not need a motion to do anything, or if we do, we need a motion that we allow staff to keep doing everything they are doing that we are not changing.

Mr. Malinowski stated this is an item that went to this committee to be reviewed, and come back to Council with some type of action. They, as in many committee, apparently did not reach anonymity, so they asked Council to either continue with current approved standards, as listed in the ordinance, or

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make modifications to increase it. We have now got a motion on the floor to follow the staff recommendation, which is to keep things the same. Mr. Manning is entitled to make a substitute motion, if he disagrees.

In Favor: Myers and McBride

Opposed: Malinowski, C. Jackson, Kennedy, N. Jackson and Livingston

Abstain: Manning

The motion failed.

- b. SLBE Program Graduate Recommendations – Mr. N. Jackson stated, at the July 10<sup>th</sup> OSBO Ad Hoc Committee meeting, members expressed concerns regarding the SLBE Program Gross Annual Revenue Standards. The ordinance states, "Once the gross annual revenues of a business exceed the three-year average gross annual revenue limits, it should no longer be eligible to benefit as an SLBE firm and should be permanently graduated from the program." A SLBE firm shall be permanently graduated from the SLBE Program after its three (3) fiscal year average gross sales exceeds the standard limit eligibility. The committee recommends that the size standards eligibility requirement, as it relates to graduation criteria, be addressed in Council for approval. He stated that we have not made a decision on this in the last three (3) years, but the small businesses in the program have reached a point to graduate now. There are less businesses in Richland County that can apply for these contracts. The Penny Tax Program was designed to help small and local businesses in Richland County, but because of the standard limits, when they graduate from the program, that is it. They cannot apply anymore. We have to use businesses now from other counties. And, other counties have protected their small and local businesses in adjusting the standards, so they can, at least, apply for the contracts for most of the jobs in their county. In Richland County, it is different.

Mr. C. Jackson stated he thinks it is appropriate to go back to the committee. He will certainly make sure he is at the committee to share with the committee, rather than simply, permanently suspending, or expelling organizations for having done well, that we create an opportunity where they might, in turn provide some mentorship, or bring some new fledgling/budding businesses under their fold. And, by doing that, maybe given an opportunity to have a waiver, so they would not be eliminated. He would say there are better ways of doing business and helping business organizations grow in our County, and not punishing them once they have reached a certain level, over a three (3) year period, by kicking them out, but reward them for going out and creating opportunities for other businesses to come under them, that may not have the capacity, at the time.

Mr. Livingston stated he is not sure what we need to do about this, but we do need to look at it. We need to have our staff to answer the question, in terms of, how many of our small businesses are about to graduate out of the program, how many are we going to be losing as a result of these particular standards. And, to look at how we compare to other counties, in terms of, our standards. He stated we need to look at the standards. He is not ready to say what they ought to be, but he thinks we, at least, should defer this and take a step back and look at the standards more carefully.

Mr. Manning moved, seconded by Mr. Livingston, to defer Item 21(a) and (b) and send them back to the committee.

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Mr. Malinowski stated we already voted on Item 21(a), so you would have to reconsider that.

Mr. Manning stated he thought he heard that was going back to the committee, but he did not hear that as a motion.

Mr. Malinowski stated he did not either. It just failed to pass to keep it the same. Nothing further was mentioned.

Mr. Manning stated, which does not make it go back to committee, thus his motion.

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

The vote in favor was unanimous.

- c. Status of Mentor Protégé Program – Mr. N. Jackson stated staff has completed the development of the draft mentor protégé program, which incorporates the feedback received from small and local businesses during the August 22<sup>nd</sup> Small Business Focus Group meeting. The pilot mentor protégé program is designed to motivate and encourage prime contractors and mentors to assist with developing small and local business enterprise protégés in Richland County. The committee recommends that Council approve the draft mentor protégé program, as a pilot program, and also using one of six industry categories when developing the mentor protégé program teams.

Mr. Malinowski inquired if there is any cost to the County in this particular program.

Mr. N. Jackson stated there is no costs. All of the businesses volunteer, and the OSBO Office also participates in the training and the mentoring program.

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

The vote in favor was unanimous.

## 22. REPORT OF THE ORDINANCE REVIEW AD HOC COMMITTEE

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County [FIRST READING] – Mr. Malinowski stated the committee recommends that Council approve staff's recommendation, with the elimination of the potential for jail time.

Mr. N. Jackson stated he would like to add the comments from the McEntire Air National Guard. McEntire Air Guard is very vital to the community, and because of BRAC, he wants to make sure everything we do is in line to prevent being affected by BRAC.

Mr. Malinowski stated that added language would be, "Noise generated by military operations are also exempt."

Mr. Livingston inquired, if we are referring to jail time.

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Mr. Malinowski stated the committee was suggesting to follow the recommendation, but eliminate the potential for jail time.

Mr. Livingston stated, most of, the other ordinances he looked at mentioned jail time. Isn't this a magistrate issue? Why don't we leave that up to the magistrate?

Ms. Kennedy stated, when we are talking about this noise ordinance, over in her district they seem to have a problem with a shooting range, or something is going on. The residents are constantly being bothered by this all times of the night, and all times of day. She inquired if this will cover the noises coming from this shooting range. She stated she has not found it yet, but the residents have called the County about it, and they have slowed down a little.

Mr. Malinowski stated, in the change of the ordinance on p. 473, 2(a) says, the following noises shall be exempt from the prohibitions of paragraph (1), even when they cause a disturbance. If you go down to viii. it states, "Noise generated by licensed hunting on property where it is allowed." You would have to know if what you are talking about is hunting, or actual shooting.

Ms. Kennedy stated this is not hunting. This is shooting. Actually, she does not know whether they are hunting for somebody, or not. She knows the noise is in all of her communities. She stated the Sheriff's Department has been notified about it. They might be killing people; we do not know.

Mr. N. Jackson stated, for clarification, is Ms. Kennedy talking about an established business, or an established practice in the community.

Ms. Kennedy stated she has not been able to find it. She stated if they are killing people in the mornings, and at night, District 7 would like to know about it. She stated they have reported it constantly, and nothing seems to be being done. If it is a shooting range, the residents do not want it.

Mr. Malinowski stated it also says, "Noise created by any government-sponsored events or privately organized sports, recreation, or athletic events." So, if you have a business out there that is some kind of recreation activity they are exempt. He stated he thinks shooting ranges are covered by State law.

Ms. Kennedy stated, what if we do not want them exempt? And, the residents are wondering how come they are only in certain district. That only certain people are being kept up all night, and all day.

Mr. Malinowski stated he believes there are shooting ranges in all districts.

Mr. Malinowski inquired if shooting ranges are covered by State law.

Mr. Smith stated he does not know whether or not they are.

Ms. Kennedy stated she would like to send it back to committee, and let them do some more research on the noise, and what the people are shooting at.

Mr. N. Jackson inquired what sending it back to committee to find out the location have to do with what is before us.

Mr. Malinowski stated, the way he is hearing it, is Ms. Kennedy is asking about an item that has not been covered in the either prohibited, or the not prohibited section. The item is shooting ranges, or shooting

on property. She wants to know if this can somehow be looked into, as to if it is an allowable event.

Mr. Pearce stated, for clarification, this is an ordinance; three readings and a public hearing.

Mr. Malinowski stated we can get answers on 2 other readings.

Ms. Kennedy inquired if Major Cowan knew where the ranges were, or if we have some unwanted creatures in her district that people are shooting at.

Chief Cowan stated he is not sure what area Ms. Kennedy is speaking of, but he would be glad to meet with her.

Ms. Kennedy inquired if they had gotten any calls from the residents of Meadowlake, Lincolnshire, and other areas, about the gunfire. She knows the residents called, because she called after they called her.

Chief Cowan stated they get calls periodically, from around the county, for shots fired, and we respond to every single one of them. If there is a specific location where you believe shooting is coming from, then he, or anyone from the Sheriff's Department, can meet with her to look at it. He stated there are some ranges, close to her district, run by the State and Sheriff's Department that we may need to talk about. But, it should not impact the ordinance. The ordinance, that we are asking to be pushed forward, should not impact Ms. Kennedy's concerns. He thinks they can address her concerns, without it negatively impacting the ordinance.

Ms. Kennedy stated, so if we pass this, her concerns will be addressed because she has been there before when we have passed stuff, and then the concerns are overlooked. She does not intend to be overlooked.

Mr. Manning stated, for clarification, what we have in front of us does have the imprisonment.

Mr. Malinowski responded in the affirmative.

Mr. Manning stated he heard Mr. Malinowski say that staff recommended that not be here.

Mr. Malinowski stated the committee recommended that be removed, and it has not been removed in what we were provided.

Mr. Pearce inquired if there is a motion on the floor.

Mr. Malinowski stated the committee recommendation is what is being debated.

Mr. Pearce made a substitute motion, seconded by Mr. Manning, to approve the document, included in the agenda packet, which will leave the jail time in, and leave it to the discretion of the magistrate's court.

Mr. Malinowski inquired if the Sheriff's Department investigate/enforce, such as this, if there is no imprisonment time in the ordinance.

Chief Cowan stated they still will enforce the ordinance.

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Mr. N. Jackson inquired, for clarification, as to which motion Council is voting on.  
Mr. Malinowski stated we are voting on the substitute motion.

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

The vote was in favor of the substitute motion.

Ms. Myers wanted to be clear that we voted out the specific McEntire request.

Mr. Malinowski stated Mr. N. Jackson requested that be placed in there.

Ms. Myers stated the substitute motion was to vote on what was before us.

- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto [FIRST READING] – Mr. Malinowski stated the committee recommended Council approve a pilot program in neighborhoods that do not have HOAs; consult with Legal to ensure we are allowed to do this, so it is not said we are singling out these people over others; and potentially placing “No Overnight Truck Parking” signs at the entrance to neighborhoods.

Mr. Malinowski stated, once the pilot program is approved, Legal has to ensure that this is something that is allowable, in conjunction with staff. Staff will need to develop something, and provided it to Legal for input.

Ms. Kennedy stated we are sitting up here making all these things, like the ordinance that we took all those hours discussing. She hopes, if we are going to roll on this, we are going to enforce it because the sign ordinance is certainly not being enforced properly. She does not intend to sit here each time voting, and wasting her time, when we are going to vote and nothing is going to be done. We promise the citizens one thing, then turn around and not enforce it. The Sheriff’s Department cannot enforce stuff that we do not report. This came up some years back, and it has not been enforced.

Mr. Manning inquired if the Ordinance Review Ad Hoc Committee looked at overall ordinance enforcement. They each, individually, talk about what the penalties and enforcement. We have issues with business licenses at strip clubs, that are not official strip clubs, but it is going on. There are shootings, at some of the clubs. He thinks that if the committee has not already, not related to individual ordinance issues, but the whole global issue of ordinance enforcement, within Richland County, if the committee has done that, or is that something he needs to make a motion to get them to look at that.

Mr. Malinowski stated this has just been the start of a piecemeal way of doing it. Motions were made, sent to the committee, and they are acting individually on them.

Mr. Manning inquired if there is wording about homeowner association, in the technical, legal language. He goes to community meetings all the time, and they are like we are a homeowner association, but they are really not. They are just a community group, or neighborhood association. Are we using that synonymously, or is the actual, technical language...he does not know if the Secretary of State makes

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you that. He inquired how a homeowner association is officially, legally a homeowner association.

Ms. Powell stated that is established by a community association's bylaws and covenants.

Mr. Manning stated a neighborhood association bylaw can make them an official homeowner association, with all of the legal rights that go with a homeowner association, and they do not need to record that, or register that?

Ms. Powell stated it is registered at the Secretary of State's Office.

Mr. Manning inquired, if that language is in here that a homeowner's association has registered with the Secretary of State, so everybody that reads this knows...

Mr. Malinowski stated not in the portions that we had at the committee.

Mr. Manning requested that language be added.

Mr. N. Jackson stated, usually when a developer develops a community, and anyone tries to purchase a property, the developer develops the homeowner's association until the properties are built out, then it is turned over to the homeowners. The developer usually has the bylaws, and a board until everything is built out.

Mr. Manning inquired if it is recorded with the Secretary of State.

Mr. N. Jackson responded in the affirmative.

Mr. Manning stated, that is his point, so that we all know the technical, legal terminologies, so that if someone says they are a homeowner association that our language is going to be clear that they are per that standard.

Mr. N. Jackson stated he thinks the pilot program is for those homeowner associations that is not registered by the Secretary of State, and does not have covenants in their community. Most of them have it where you cannot park trucks, but the older subdivisions, that does not have any governance, are the ones the pilot program is for.

Mr. Manning stated, if you have to be registered by the Secretary of State to be a homeowner association, then how are they a homeowner association, if they are not.

Mr. Malinowski stated the committee recommendation was the pilot program in neighborhoods that do not have a homeowner's association. Staff is to create a pilot program, with the necessary language for "No Overnight Parking of Trucks" in these neighborhoods that do not have homeowner's associations. Staff will provide the language to Legal to make sure we are on solid legal ground, and then bring it back here for a subsequent reading.

Mr. Manning inquired for a neighborhood to be considered a neighborhood, for a neighborhood grant, the neighborhood is registered with the County as an association, in some way.

Ms. Powell stated, not necessarily. That grant process requires that you be a community organization,



not a homeowner's association.

Mr. Manning inquired if 4 people could get together, and say they are a neighborhood, and be in this pilot program. He is just curious as to who is this.

Mr. Malinowski stated he thinks that is why we want staff to create something and have it reviewed by Legal.

Ms. McBride stated we needed staff support because these organizations are sort of loosely knitted, even though the communities are there together. They are 20 or more that have been working on this for years and years, and nothing has been done. This was the only means that we felt, at least, we could start something. Not only will staff, which includes the Sheriff's Department, because that is a very important component, and we will also involve those communities that we have been working with for the past 2 years. In addition to that, we are supposed to provide the necessary resources, so the Sheriff's Office can do the enforcement of these laws. Once we have done that, we can get a report back seeing how effective this is, and possibly move forward countywide.

Mr. Manning stated he totally agrees with that. Those associations that have been doing that, and working on this have officers. Their president comes to the Richland County Neighborhood Group. They get neighborhood grants, so those people he knows. He knows who they are based on them getting grants. He thinks that we need to, in some way, and it sounds like we are going to do that, ensure they are constituted as neighborhood association. When we use HOA, then that becomes a technical term registered. That is a way to know them, but these other groups...he wants to be careful that we have a way of codifying because the ones that we know, we know. He knows how we know them, by virtue of them getting grants, and by being a part of the neighborhood association.

Ms. McBride stated this is a pilot project; therefore, it is going to be limited. We already know some of the communities that may be involved.

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

Opposed: Malinowski

The vote was in favor.

Mr. Manning stated, for clarification, Mr. Malinowski's vote was not necessarily you were against the item. He was just being careful that it was not on the consent agenda.

Mr. Malinowski stated he supported it coming out of committee on the pilot program. It was just to keep it off the consent agenda, until we get all the finalities.

- c. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses, Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification [FIRST READING] – Mr. Malinowski stated they ran out of time when this item came up in committee, but in haste, the committee recommended approving staff's recommendation. The recommendation is on pp. 478 – 479.

Mr. N. Jackson stated, for clarification, this did not include cutting the grass down from 24 inches to 12 inches.

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Mr. Malinowski stated we ran out of time in committee, and a motion was hurriedly made to forward it to Council with the staff recommendation.

Mr. N. Jackson inquired, of staff, if this includes reducing the grass height from 24 inches to 12 inches.

Mr. Malinowski stated the backup documentation says 2 feet.

Mr. N. Jackson made a substitute motion, seconded by Mr. Pearce, to change the height of the grass from 2 feet to 1 foot.

Mr. Malinowski stated the purpose for this potential ordinance amendment is to amend the time for notification. It did not say anything about doing anything else.

Mr. N. Jackson stated it was a rush in, and rush out. If we had extended the time, that would have been added. He is adding it now, as a substitute motion, to include cutting it from 24 inches to 12 inches.

Mr. Manning stated 2 feet is also included in the previous item.

Mr. N. Jackson amended his motion to change it from 2 feet to 1 foot in the previous ordinance, as well.

Mr. Malinowski stated his problem with this particular motion was that this is one of those that makes it for the entire unincorporated County.

Ms. Kennedy stated some subdivisions already have it.

Mr. Malinowski stated this is for those that do not have their own rules and regulations set forth. This is one, that way back when this started, we asked the Planning Department to come up with an ordinance that was not a one-size fits all, and this is a one-size fits all.

Mr. Manning stated Section (d), line 2, it says, "in a developed residential area".

Mr. Malinowski stated he was not focusing on that. What he was focusing on is that this was put here originally, so as to amend the time for notification. The time for notification, under (d) also, it says "In the event that an offender has been previously cited for or given notice of a violation of this section, enforcement action may be taken immediately without the requirement of an opportunity to cure the violation. " He stated that seems to go against everything that our country stands for, which at this point, you are now guilty and have no chance to prove yourself innocent, or to cure the violation. It says you can immediately be cited, and that is that.

Mr. N. Jackson stated, if you have been previously cited.

Mr. Malinowski stated, so 10 years later, he is renting again to somebody else. There is no timeframe in here. He does not think that because you were...I could have been previously cited. I cured the problem, but now I am cited again. Because of the words here, "I was previously cited", even though I may have cured it the day I received the notice, I am now automatically guilty, even though I corrected the problem.

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Ms. Myers suggested a friendly amendment to Section (d) to add, "within the last twelve (12) months, without cure."

Mr. Pearce stated we are forgetting here that we have a magistrate's court system, with educated people, who are going to make educated decisions about these things. So, if someone was cited 10 years before...he stated he is not a magistrate, but he beats a magistrate would say, "It's been 10 years, we'll give him another chance." That is what that system is all about.

Mr. Malinowski stated we are not talking about a magistrate here. We are talking about, it says, "enforcement action may be immediately taken".

Mr. Pearce stated enforcement might mean taking him to the magistrate.

Mr. Malinowski stated enforcement in here, according to this, says that the County can come cut, they can hire somebody to come do it, and you are going to be billed for it. He understands what Mr. Pearce is saying, but according to this, you are not even going to make it to the magistrate. Also, down on Section (f) Removal by county, on line 3 it cuts it back to 14 calendar days, which he questions with holidays and other things. He stated he would rather see it 14 business days. But then it says, "...elapsed after such notice has been served, deposited in the United States Mail, or posted upon the premises..." He stated he can tell you he put it in the mail, but what proof do I have. There should be some type of return receipt, registered, that makes it official. It would like to see something in there that would be used as legal terminology. Posted on the premises; some kid can come up and tear that off 10 minutes after it is posted. He does not see as a duly given notice. If we are so intent on doing this, where it says, "and the cost of doing so may become a lien upon the property..."we should make it, "it will become a lien." Make it more serious for those people who are violating our ordinances, and telling you they are not going to do anything. And, we need a specific way and time that it is sent through the mail, and posted upon the premises does not work, at all.

Ms. McBride stated we have a motion on the table, right?

Mr. Malinowski stated he is asking for an amendment before we get back to 2<sup>nd</sup> Reading on it, so they have time to do that.

Mr. N. Jackson did not accept Mr. Malinowski's amendments.

Mr. Pearce stated, as he understands it, the motion on the floor is to pass this with the grass modification, and Ms. Myers' amendment.

Mr. Malinowski stated he was asking the maker of the motion to accept these other amendments, which is to clarify the way something is deposited in the mail. Make it more official, not just we put it in the mail. And, to eliminate posting upon the premises.

Mr. Manning moved, seconded by Ms. McBride, to call for the question.

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

Opposed: C. Jackson

The vote was in favor of calling for the question.

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

The vote was in favor of the substitute motion.

23. **REPORT OF THE PINWOOD LAKE AD HOC COMMITTEE**

- a. Pinewood Lake Park Foundation Inventory Disposition – Mr. Malinowski stated the committee recommended to direct the Interim Administrator to meet with the Foundation and the Conservation Commission to try and resolve the ongoing dilemma of having the park functioning. Once that is done, a report will be submitted to the committee for recommendations to the full Council.

24. **REPORT OF THE PROPERTY DISTRIBUTION MANAGEMENT AD HOC COMMITTEE**

- a. Department of Juvenile Justice – Staff Recommendation of O’Neil Court for a new location – Ms. Myers stated we have been in discussions about the need to have the DJJ to get a new, and separate facility, because they will be moving out of the courthouse. Having had discussions with Clerk McBride, who was very helpful, and the DJJ staff, the committee recommend that we allow DJJ to use the facility at 144 O’Neil Court for their operations, and that we authorize staff to proceed with upfitting the facility, with an estimated cost of \$50,000. Budget and Grants has identified a source of funding for the \$50,000.

Mr. Malinowski inquired where the funding was identified.

Mr. Hayes stated the funding is coming from the General Fund contingency fund.

Mr. Malinowski stated the request is for doing all of that now, and to be completed by the end of March. He inquired if we would need some type of MOU with this group, prior to them taking possession of a County building.

Mr. Smith stated he would imagine we may need a lease, or something like that. If it is one of the agencies that we are required, by State law...

Mr. Malinowski stated, for clarification, if we are required by State law, we do not need MOUs.

Mr. Smith stated he would not say we do not need them. We have not typically done them. We had recommended, some years ago, that we do leases, even if it is an agency, which we are required by State law to do. We have been working on that, but have not completed that process. If the Council wishes for us to do that, in this instance, we can.

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

The vote in favor was unanimous.

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

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

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The motion for reconsideration failed.

- b. COMET Request for a temporary bus stop on the Dillard's property at Columbia Place Mall – Ms. Myers stated this was a request from the COMET to create a temporary bus stop at the Dillard's property at Columbia Place Mall. After discussion with the COMET, and discussion in the committee meeting, the committee recommended the COMET be allowed to create a permanent stop across from the Dillard's property at Columbia Place Mall. The COMET will bear the costs of that. There will be an agreement between the County, and the COMET, to allow for that bus stop.

Mr. Malinowski stated there is a statement that says, "The COMET is prepared to assist Richland County with upgrading the path for buses, with higher grade asphalt." It seems to him it should be the COMET is prepared to pay all costs associated with.

Ms. Myers stated Mr. John Andoh from the COMET is here and that is what was decided.

Mr. Malinowski stated he is looking at 2 different drawings, and he does not know which one we are voting on; p. 506 shows bus stops going right down the middle of the parking lot to the front of the mall; p. 509 shows a path of travel and a loop, but he does not...

Ms. Myers stated that is misleading. It is image #1 on p. 504 of the agenda. There was a lot of discussion in the meeting about where to put this stop. Mr. C. Jackson brought it to our attention that you did not want the stop in front of the Dillard's door. The COMET has agreed that the stop will be across from the Dillard's. Unfortunately, all the pictures from the discussion were included in the packet, but there will not be a bus stop at the door of the Dillard's facility. And, before this completed, the COMET will bring back the design and we will have another opportunity to look at it.

Mr. Andoh stated the correct rendering is located on p. 510.

Mr. Malinowski stated it is still on the same side as Dillard's, just out by the street.

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

Opposed: Manning

The vote was in favor.

- c. Possible use of the Brookfield Drive Property (RSD2 Donation) – Ms. Myers stated the committee has requested staff to bring additional information back to us before we take action. We have been offered 2 parcels of property, across from Richland Northeast High School, at Brookfield Drive, by Richland District Two. While one of the parcels is, in the committee's opinion, useful for the County, we would like the staff to come back and tell us what the uses to be made of it are, and what the cost would be associated with that. And, where the funds would come from.
- d. Letter requesting County to purchase property at 215 Monticello Road – Ms. Myers stated a request came before the committee to purchase a piece of property at 215 Monticello Road. The committee is recommending that we decline the offer, and instruct staff to respond to the potential seller, that we would not be interested in purchasing any property. We are awaiting new guidelines on purchases of

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and sale of property, within Richland County.

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

The vote in favor was unanimous.

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

- a. Approval to expend BAN proceeds on Transportation Projects prior to expenditure of sales tax revenue – Mr. C. Jackson stated the committee recommends approval of this request.

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

The vote in favor was unanimous.

- b. Approval of draft letter for Transportation Penny Bikeway Project's sharrows to be maintained by the City – Mr. C. Jackson stated the committee recommended approval of the letter.

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

The vote in favor was unanimous.

- c. Mitigation Bank Credit Sales – Mr. C. Jackson stated the committee recommends the sale of the mitigation bank credits.

Mr. Livingston inquired if these funds go back into the Penny Program.

Mr. Manning inquired if the property was purchased with Penny funds.

Mr. Livingston stated if the property was not purchased with Penny funds, then his question does not matter.

Mr. N. Jackson stated it was purchased before the Penny came along.

Mr. Livingston stated he thought this was something that purchased with Penny funds.

Mr. Pearce stated it was purchased with Penny funds.

Mr. Livingston stated there were several purchases with Penny funds. He was going to make the clarification.

Mr. Epps stated it was purchased with Penny funds.

Mr. N. Jackson inquired if all the mitigation properties that was purchased over the years were purchased with Penny funds.

Mr. Epps stated just the mitigation bank.

Mr. N. Jackson stated we purchased property that could be used as mitigation property before the Penny Tax was approved.

Mr. Epps stated there were some properties that were purchased with Stormwater funds, but the mitigation property, that we currently have, was purchased with Penny funds.

Mr. N. Jackson stated that is the one you currently have, but that was not his question. His question was if property was purchased without Penny funds because we started purchasing mitigation property before the Penny Tax was approved.

Mr. Epps stated he is not sure about that.

Mr. Malinowski stated he does not know if it was purchased as mitigation property, rather than just property.

Mr. Pearce stated we have purchased several tracts for mitigation. What are you presently calling the mitigation bank? What block of land are you calling...because that is the issue here...

Mr. Epps stated the block of land that is called the "mitigation bank" is off of Old Bluff Road and the Lower portion of the Millcreek tract; about 1,300 acres right off the Congaree River. That is the Millcreek Mitigation Bank property, and that was purchased with Penny funds. The mitigation credits sales money goes back to the Penny.

Mr. Pearce inquired if this is the first big sale that we have had.

Mr. Epps stated it is not.

Mr. Pearce inquired as to what we did with the money from the previous sale.

Mr. Epps stated it all goes back to the Penny.

Mr. Pearce stated the precedence has already been set for it to go back to the Penny. He thought we purchased some land, prior to that that we put the money for, but he does not know where that tract exactly was.

Mr. Epps stated Mr. Pearce might be remembering the Broad River. There was a mitigation bank on the Broad River, that still exists, and that was not purchased with Penny. That was quite a while ago.

Mr. Malinowski inquired about the Ted Hopkins property.

Mr. Epps stated that was purchased with Stormwater funds, and we still own that.

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

Opposed: Myers

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The vote was in favor.

Mr. Pearce stated, for the record, when we made those purchases there was a lot of questions about that. He thinks we are beginning to see the fruits of our labor, with those mitigation banks. If we did not have them, we would be having to expend quite a bit of additional funding.

- d. Polo Road Shared Use Path Condemnation – Mr. C. Jackson stated the committee recommended approving the condemnation of the Polo Road Shared Use Path.

Mr. Malinowski stated he asked Mr. Smith to legally determine if condemnation can be made in this instance.

Mr. Smith stated he spoke with Dr. Thompson and he explained to him what was taking place, and why the request had been made to condemn. Apparently, there is an issue between the property owner and the lienholder. In order to move the project forward, if you authorize condemnation, we will just put the funds in the court and have those two fight it out regarding who is going to get what share of that.

Mr. Malinowski stated he thought it was mentioned in committee they asked us to approve this, but they were close to getting a deal.

Dr. Thompson stated they have not been able to reach an agreement.

Mr. C. Jackson stated he asked them about that today, and they still feel they can get that done.

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

Opposed: Malinowski

The vote was in favor.

Mr. N. Jackson inquired if the items on today's Transportation Ad Hoc Committee meeting were going to be addressed tonight.

Mr. C. Jackson stated those items will come back at the December 11<sup>th</sup> Council meeting.

## 26. OTHER ITEMS

- a. FY19 District 4 Hospitality Tax Allocations – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

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

The vote in favor was unanimous.

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

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

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The motion failed for reconsideration.

- b. FY19 District 10 Hospitality Tax Allocations – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, N. Jackson, Livingston and McBride  
The vote in favor was unanimous.

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

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

The motion failed for reconsideration.

Ms. Myers stated there is a mistake on her allocations. She stated it should be the Lower Richland Alumnae Foundation; and World Affairs Council amount should be \$2,000; leaving the balance at \$15,200.

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

- a. Personnel Matter Update

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

The vote in favor going into Executive Session was unanimous.

***Council went into Executive Session at approximately 9:27 PM and came out at approximately 9:35 PM.***

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

- a. Personnel Matter Update – No action was taken.

28. **MOTION PERIOD**

- a. To make a change order to the Upper Township Magistrate contract to include brick for the outside of the entire structure. Additional funding associated with this change order must be identified and approved by County Council. Unanimous consent as an agenda item for action to the Dec. 4, 2018 meeting is requested [KENNEDY] – This item was referred to the A&F Committee.

Mr. Pearce requested that we specify when this item will go to committee. He stated if we do not specify it, it will probably end up in February.

Mr. N. Jackson stated it is not supposed to. The rules say, “any motion made on the 1<sup>st</sup> meeting of the month is supposed to be...”

Mr. Malinowski stated it is supposed to be at the meeting on the 18<sup>th</sup>, based on the Rules.

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Mr. Manning stated the Chair of the committee could call a Special Called meeting, and the item could be on the Council agenda next week.

Mr. Manning moved to suspend the rules. We have done that all night.

Mr. Malinowski inquired if we can do that during the motion period.

Ms. Kennedy inquired if we are talking about (a).

Mr. Pearce stated he is trying to speed it up.

Ms. Kennedy stated she would like to ask a question, while we are speeding it up.

Mr. Malinowski stated normally we do motions, they are sent to committees, and we do not debate and discuss them. He asked Mr. Smith to comment on that.

Mr. Smith stated the purpose of the motion period is for the Council to address the motions that are the agenda, and for them to be directed to a specific committee for them to take up.

Mr. Livingston stated he thought this item was added to the agenda.

Mr. Malinowski stated we did not, so it is going to A&F.

Mr. Manning stated he made a motion about this item. He either needs that to be ruled out of order or died for lack of a second.

Ms. Kennedy stated she had her hand up.

Mr. Malinowski stated we asked the Parliamentarian, and he said this is not a time to make motions, so the motion was out of order.

Mr. Manning moved, seconded by Ms. Kennedy, to suspend the rules.

Mr. Smith stated it will require unanimous.

Mr. Malinowski inquired about what Mr. Manning wants to do with this item.

Mr. Manning stated he wants to suspend the rules to start with.

Mr. Malinowski stated we need to know why we are suspending the rules.

Ms. Kennedy stated we have comments to make.

Mr. Livingston inquired about which rule is beings suspend.

Mr. Malinowski stated the rule that motions are directed to the committees, staff, etc. and not discussed here.

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Mr. Pearce stated he does not understand why we are voting to suspend the rules.

Mr. Malinowski stated because Mr. Manning made a motion to do so.

Mr. Manning stated whatever rule was the rule that said we could not talk about now. And, he believes when the suspended the rules earlier it was not unanimous consent vote, but now it take unanimous consent to suspend the rules, but it did not earlier.

Mr. Smith stated you did not suspend the rules because you did not get unanimous because there was one Council member that voted against it.

Mr. Malinowski stated, if Mr. Manning would like to make a specific motion as to what you want to accomplish in suspending the rules, he will entertain that; otherwise, he is going to continue.

- b. When individuals who have volunteered their time and complete their service on Richland County Boards & Commissions, County Council currently has no means of recognizing this service. I move that Council direct the Clerk of Council to develop a suitable document or other item for presentation to the individual as a way of thanking them for their contribution and service to the County [PEARCE] – This item was referred to the Clerk of Council.
- c. All Boards and Commissions staffed with volunteer citizens have various opportunities for multiple terms. It has become the practice of the Rules & Appointments Committee to treat incumbents seeking additional terms exactly the same as new applicants. No “extra credit” is given for an incumbent whose service may have been exemplary. I believe this practice is unfair and potentially detrimental to the welfare of the Boards and Commissions as valuable experienced individuals are being lost simply because new candidates may have performed better in their 5 – 10 minute interviews. I move that the Rules & Appointments Committee review this situation and begin to provide some type of consideration for candidates seeking additional terms. [PEARCE] – This item was referred to the Rules & Appointments Committee.
- d. Rural Zoning vs. Open Space Provision – Rural minimum lot size is 0.76 acre lots. Open space provision will allow high density lots with green space set aside. The uses for housing are similar but the capacity is different; therefore, there should be a zoning change from any current zoning to another defined use. [N. JACKSON] – This item was referred to the D&S Committee.
- e. Everyone, including Elected Officials, receiving funding from Richland County during the budget process will submit quarterly reports [MALINOWSKI and MYERS] – This item was referred to the A&F Committee.
- f. Moving forward, the Administrator and newly hired Richland County Department Heads must reside in Richland County, except those obtaining positions by succession [MALINOWSKI] – This item was referred to Legal.
- g. Revisit the Renaissance Plan at the 2019 Council Retreat [DICKERSON] – This item was referred to the Council Retreat.
- h. I move that the County Council Retreat Agenda and packet attachments be prepared and delivered to all County Council members five working/business days prior to the initiation of the retreat. [MANNING] – This item was referred to Administration and the Clerk of Council’s Office.

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25. **ADJOURN** – The meeting adjourned at approximately 9:50 PM.