



Richland County Council

SPECIAL CALLED MEETING
August 1, 2019 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Michelle Onley, Ashiya Myers, Larry Smith, Michael Niermeier, Beverly Harris, Angela Weathersby, Art Braswell, Ismail Ozbek, Allison Stone, Chris Eversmann, Janet Claggett, Stacey Hamm, Leonardo Brown, Stephen Staley, Jennifer Wladischkin, Geo Price, Tyler Kirk, Pam Davis, and Donny Phipps

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The invocation was led by the Honorable Calvin Jackson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Calvin Jackson
4. **APPROVAL OF MINUTES**
 - a. **Special Called Meeting: July 9, 2019** – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

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

Present but Not Voting: Newton

The vote in favor was unanimous.
 - b. **Special Called Meeting: July 23, 2019** – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the minutes as distributed.

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

Present but Not Voting: Newton

The vote in favor was unanimous.
 - c. **Zoning Public Hearing: July 23, 2019** – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

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

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Mr. Livingston stated the Cherry Bekaert Report/Letter needed to be added under the Report of the Chair.

Mr. Brown stated Items 12(s) “Town of Eastover Inspections IGA” and 15(b) “Columbia Housing Authority Vehicle Donation” needed to be removed from the agenda.

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

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

The vote in favor was unanimous.

6. **REPORT OF ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. State Election Commission MOU
- b. SC Dept. of Revenue Letter
- c. Cherry Bekaert Letter

7. **CITIZENS’ INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – No one signed up to speak.

8. **CITIZENS’ INPUT**

- b. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time) – Mr. Joe Heilig spoke regarding Item # 19(b) “Ashwood Drive Maintenance”.

9. **REPORT OF THE COUNTY ADMINISTRATOR** – No report was given.

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

- a. REMINDER: Institute of Government Classes and Annual SCAC Conference, August 3-7 – Ms. Onley reminded Council of the upcoming SCAC Institute of Government Classes and Annual Conference.

Ms. Onley informed Council Ms. Roberts’ was not in attendance at tonight’s meeting due to the passing of her father.

11. **REPORT OF THE CHAIR**

- a. Internal Auditor Position – Mr. Livingston stated Council approved the creation of the Internal Auditor position. In addition, it was approved to hire an Administrative Assistant for the Internal Auditor. It is his intent to appoint a committee, in order to move forward with creating the job description and hiring the personnel.
- b. SC Department of Revenue Letter – This item was referred to Executive Session.
- c. Cherry Bekaert Letter – This item was referred to Executive Session.

12. **APPROVAL OF CONSENT ITEMS**

- a. 19-002MA, Sukhjinder Singh, RU to NC (2.9 Acres), 3500 Hardscrabble Road, TMS # R20100-04-08 [THIRD READING]
- b. 19-011MA, Ki O. Kwon, RU to OI (4.61 Acres), 4026 Hardscrabble Road, TMS # R20100-02-46 [THIRD READING]
- c. 19-014MA, Margaret Chichester, RU to RC (2.2 Acres), 2869 Congaree Road, TMS # R32404-01-01 (Portion) [THIRD READING]
- d. 19-017MA, Kevin E. Wimberly, RS-MD to RM-MD (37.12 Acres), Rabon Road, TMS # R17213-05-37 [THIRD READING]
- e. 19-018MA, Jervonta Walker, OI to GC (.4 Acres), 1606 Horseshoe Drive, TMS # R17011-02-16 [THIRD READING]
- f. 19-020MA, James M. McKenzie, RU/RU to GC (3.78 Acres), 245 Killian Road, TMS # R14781-01-34 & 54 [THIRD READING]
- g. 19-021MA, David B. Grant, M-1 to HI (5.02 Acres), 1200 Atlas Way, TMS # R16200-01-08 [THIRD READING]
- h. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article III, Procedures for Construction of Water and Sewer Lines; Division 2, Sewer Construction; Section 24-28, Construction of Facilities within feasible reach of a planned portion of a public sewer interceptor; so add language regarding the Broad River Basin [SECOND READING]
- i. An Ordinance Authorizing Quit Claim Deeds to Paul D. Riley and South Carolina Real Estate Management and Development Corporation for parcels of land located in Richland County, known as the Olympia Alleyways; specifically the land abutting and between TMS # 08816-05-10 (406 Florida Street) and TMS # 08816-05-11 (402 Florida Street) [SECOND READING]
- j. An Ordinance Amending the Fiscal Year 2020 Road Maintenance Special Revenue Fund Annual Budget by \$500,000.00 to cover expenses from the Department of Public Works' Pavement Preservation Program with funds from the Road Maintenance Special Revenue Fund Balance [SECOND READING]
- k. 19-026MA, Paul Elias, M-1 to HI (15 Acres), 1700 Longwood Road, TMS # R16100-02-02, 16 (Portion) & 21 (Portion) [SECOND READING]
- l. 19-029MA, John Sells, OI to RS-MD (.06 Acres), 1323 Means Avenue, TMS # R07307-05-07 [SECOND READING]
- m. 19-030MA, Madison Pickrel, RU to RS-LD, (65.41 Acres), 230-258 Sand Farms Trail, TMS # R20400-01-05, 06, 07, 08, 14 & 15 [SECOND READING]
- n. 19-031MA, Mildred B. Taylor, M-1 to RS-MD (7.21 Acres), 1216 Killian Loop, TMS # R14700-06-05 & R14781-04-15 [SECOND READING]

- o. I move, to further address blight and nuisances in Richland County, that we instruct the County's lobbyists and legislative affairs personnel, in conjunction with the South Carolina Association of Counties, to request wo changes to State law as follows: First, to allow counties to regulate hotels, restaurants, cafes and lunch counters to provide for public health, comfort and convenience, in the same manner as State law already allows municipalities to so regulate, pursuant to Title 45, Chapter 3 of the South Carolina Code of Laws, and; Second, to allow counties to "provide by ordinance that the owner of any lot or property" in the county shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance, and to give counties the same authority municipalities already have in this area pursuant South Carolina Code of Laws Section 5-7-80 as amended, which has been a right of municipalities since at least the 1962 Code of Laws [MANNING]

- p. I move that Richland County provide the approval to transfer the ownership interest related to the garbage collection from Capital Waste Services, LLC (Currently operating in Areas 5a and 3) owned by Hawk Capital Partners selling its equity to the newly formed entity controlled by Kinderhook Industries. (Please understand the motion is conceptual by the maker, not technical legal terms as to structure) [MANNING] – Ms. Myers moved, seconded by Ms. Dickerson, to reconsider this item.

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

 The motion for reconsideration failed.

- q. The COMET Interest Payments [TO DENY]

- r. Fund Balance for inside and outside departments/agencies receiving funds from Richland County should not exceed a certain percentage of their operating budget. This is required to address this matter and determine what reasonable percentage that should be [MALINOWSKI]

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

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

The vote in favor was unanimous.

13. THIRD READING ITEMS

19-015MA, David Parr, RU to RS-MD (14.79 Acres), Golden Rod Court, TMS # R12800-01-23 – Ms. Myers moved, seconded by Ms. Terracio, to approve this item.

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

The vote in favor was unanimous.

14. SECOND READING ITEMS

- a. An Ordinance Creating Chapter 18, Offenses; Section 18-7, Regulations and Requirements relating to the use of single-use plastic bags; so as to establish regulations and requirements relating to single-use plastic bags – Mr. Malinowski moved, seconded by Ms. Terracio, to approve 2nd Reading

and 3rd Reading will not come back until we have conducted a complete educational program. The program will include creating a stakeholders' roundtable that will consist of business, industry, and residents.

Mr. Malinowski stated we want to make sure that we get this correct, so we do not have to chase after it later on because we did not do our due diligence to do it correctly. We want to come back with something that is very desirable and workable for Richland County, and, if we cannot make it be that way then we do not approve this type of ordinance.

Ms. Myers inquired if Mr. Malinowski would be willing to set a timeframe from the matter to come back to Council. (i.e. 6 months, a year, etc.)

Mr. Malinowski suggested 6 months. At that point, if we need additional time we can request it.

Ms. Terracio stated she has had a lot of conversations, and feedback, since First Reading passed. She wants to be considerate about the different jurisdictions that we connect. The Town of Arcadia Lakes already has a bag ordinance, so we want to do our best to be in harmony with those other ordinances. We have also heard from the industry and we hear the people that are concerned. The spirit of the ordinance is to reduce plastic in our water and environment, and its impact.

Ms. McBride expressed concern that 6 months may not be adequate time for staff to do the public relations and receive input to bring back to Council. She suggested extending the time up to a year.

Mr. Malinowski accepted Ms. McBride's friendly amendment to extend the timeframe up to a year.

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

The vote in favor was unanimous.

- b. Providing for an installment plan of Finance for certain economic development projects; identifying, authorizing and pledging certain sources of revenue expected to be used by the County to make installment payments, including the proceeds of General Obligation Bonds, in one or more series, tax-exempt or taxable, in an amount not exceeding the County's constitutional bonded debt limit; authorizing the commitment of certain County assets to the installment plan of finance; and other related matters – Mr. Jackson moved, seconded by Ms. Myers, to approve this item.

Mr. Malinowski stated, on p. 119 of the agenda, it states, "...including the proceeds of General Obligation Bonds, in one or more series, tax-exempt or taxable, in an amount not exceeding the County's constitutional bonded debt limit". His concern is that we could put the entire County debt limit on the line for one particular department, for one particular item. He would think that we would want a specific dollar limit.

Mr. Jones stated they do not anticipate the County needing to issue General Obligation Bonds to support this plan of finance. The ability to issue it is there to support a bond rating for the bond issue. He would be fine with limiting it to \$28M. No bonds would be issued without a great deal of discussion among Council and staff.

Mr. Malinowski expressed some concerns with the language on p. 124, Section 2(a): "...such changes as may be approved by the Chair of the County Council ("Chair"), the County Administrator

or their designees". He would think something of this magnitude and importance that it would come back to Council.

Mr. Jones stated they would be willing to do the will of the Council, and would be glad to take any amendments between this version and the final version.

Mr. Malinowski made a substitute motion to approve this item with the following amendments: (1) the addition of "a maximum of \$28 Million"; and (2) that any material changes to the ordinance will come back to Council for approval.

Ms. Myers stated she did not think we were issuing GO Bonds for this.

Mr. Jones stated we are not. This is an installment purchase plan, but it is critical the County put its ability to issue GO Bonds behind the deal, in order for us to get a bond rating. There are no cash flows or projections presented, or prepared, by the County's financial advisor that shows a requirement for the issuance of General Obligation bonds. When we go to get a bond rating, if the bond rating agencies recognize, and if the County had to, it would, and has already authorized the issuance of its GO indebtedness. He stated they are willing to include a friendly amendment that any bond issue would have to come back before Council for approval by resolution.

Ms. Myers requested, at Third Reading, to have the ordinance reflect that it either GO Bonds or IPRBs.

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

The vote in favor was unanimous.

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

- a. Town of Eastover Inspections IGA – This item was removed from the agenda during the Adoption of the Agenda.
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions; so to add Section 1-18 related to payment of fees and service charges by tax exempt entities – Ms. Dickerson stated the committee recommended approval.

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

The vote in favor was unanimous.

- c. Columbia Housing Authority Vehicle Donation – This item was removed from the agenda during the Adoption of the Agenda.
- d. South Edisto Project Funding : Use of CDBG Funds – Ms. Myers moved, seconded by Ms. Terracio, to approve this item.

Mr. Malinowski stated, at the committee meeting, it was stated the funds Richland County obligated for this project were to be used for infrastructure construction. Now, the backup

documentation indicates the funds will be used for land acquisition. He was not aware staff could arbitrarily change what Council initially agreed on regarding these projects.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to refer this item back to committee in order to receive an explanation on what the \$350,000 is going to be used for.

In Favor: Malinowski, Jackson, Kennedy, Walker, Dickerson, McBride

Opposed: Terracio, Myers, Livingston

Abstain: Newton

The vote was in favor.

- e. Richland County Recreation Commission – Reprogramming of funds for Allen-Benedict Court Residents [TO DENY] – Ms. Dickerson stated the committee recommended denial of this request.

Ms. Myers stated she disagreed with the committee’s vote. The vote was based on a procedural issue. Her concern is that we approved funds to help the Allen-Benedict Court residents. While she understands, and agrees, it would have been helpful for the Recreation Commission to come back and request permission to do it in an alternate way. What they did was give the residents grocery vouchers. At this point, the funds have been expended, and the residents did get the grocery vouchers. She requested that Council approve the reimbursement.

Ms. Myers moved, seconded by Mr. Livingston, to approve the requested reimbursement.

Mr. Malinowski stated in the documentation it indicates the funding was used for “programming”. He requested a definition of “programming”.

Ms. Watkins stated they had to host a “program” to distribute the vouchers to over 28 families. She expressed that it was a procedural error. They thought they had done their due diligence through their connection with County staff. They were not aware they needed to make an additional plea. Their original intent was met with difficulties due to the widespread layout of where all of the residents were, as well as, confidentiality issues. They would not allow them to have direct contact information, so they could not do the vouchers by simply passing them out.

Mr. Malinowski inquired about the process for distributing the vouchers.

Mr. Darius Williams, Outreach Coordinator, stated they created household accounts through their system. They also verified with the Richland Library and the Columbia Housing Authority that they were Allen-Benedict residents. After that, they were issued vouchers to the Recreation Commission’s program, which included afterschool/summer and athletic programs. He stated they distributed \$6,975 in program vouchers, \$3,994 in household essentials, school supplies, etc., and \$5,000 in grocery gift cards.

Ms. Dickerson stated she did not realize the funding was going to be used for summer programs and that laundry services was being offered through another group we were working with.

Ms. Watkins stated she could not speak for the other groups, but the reprogramming information was submitted, and they were under the impression, based on communication with staff, that the

process for the re-approval was done, which is why they moved forward. If it had not been approved, they would have never moved forward.

Ms. Dickerson stated she had a problem with how this process worked. We need to know exactly where these funds are going and how they are being spent.

Mr. Malinowski stated we gave cards and vouchers away to approximately 75 people, but there was an attendance of about 400 people at the event. Obviously, there was a lot of money spent on non-residents, when it was intended for residents only.

Ms. Brandy James stated they submitted the revised proposal on May 16th to Council officials. They were not notified until July 1st that the proposal did not get to Council. She offered their apologies that Council did not receive the revised proposal.

Ms. Watkins stated only Allen-Benedict residents received the benefits. They can share that information with Council, if they desire to see it.

Mr. Manning made a substitute motion, seconded by Ms. Dickerson, to defer this item until the September 10th Council meeting.

In Favor: Terracio, Malinowski, Kennedy, Manning, Walker and Dickerson

Opposed: Jackson, Newton, Myers, Livingston and McBride

The vote was in favor.

Mr. Jackson stated he has no problem with deferring this. He is disappointed that we would have this kind of debate over a procedural error. It disturbs him that we have to come back and have another discussion where it is clear the intent of the funding process from the onset was to help the residents of Allen-Benedict Court, who were in a crisis situation, and were not sure the things they would need. In the midst of that situation, and having to make adjustments on the fly, the Recreation Commission, who volunteered to help them out, may not have conformed to the actual letter of the law, in terms of what they were expecting to do. Because they could not do it, we are now drawing this out and have staff come back and debate something that was clear, and acknowledged by the Recreation Commission.

- f. Solid Waste Rate Study – Ms. Dickerson stated the committee recommended approval of this item.

Mr. Malinowski stated, at the committee meeting, he requested to see some figures that showed where there was a negative net position, for the last 2 years, of \$5.7 and \$6.3 Million, but he did not see them in the agenda packet. He also stated, the consultant noted, "There are several city and county departments from which RCSWR does not collect revenues from waste delivered to the landfill (approximately \$2.4 million in FY 2018)." He believes that if we collect the revenues, that anyone else would have to pay, we would not have this deficit, and may not have to vote on an increase, or one this large. He would like to see this broken down into "what's the revenue amount that we are not getting from the City vs. what we are not getting from the County departments" rather than just saying, "Okay. Let's increase the fees by 25% to cover costs." He would like to see a little more specificity into what dollar amounts and percentages are needed to make us self-sustaining.

Mr. Braswell stated they do take waste from other departments within the County, which do not pay, but not the City. There was an error in the table included in the committee agenda; therefore, he updated the table to be included in the Council agenda. He stated their expenses are higher than their revenues and they are depleting the Enterprise Fund. They need funds to continue to operate our collection services. Approximately \$29M is under contract for managing the County's waste. The last increase took place in 2008. It would have been better to have incremental increases over the years, but they were not aware the fund was being depleted so rapidly. Until recently, the hauler contracts had a 3.5% increase every year. It has since been changed to the CPI.

Mr. Malinowski stated, in the original tables they were given at the committee meeting, we had annual revenues from fees. We also had a column that was annual revenue not fee related. In the new tables there is not a column for annual revenue not fee related. He inquired what the amount would be and what the impact would be on the projections.

Mr. Braswell stated the updated tables reflect a reduced revenue requirement, instead of showing the revenue not fee related in the table.

Mr. Malinowski stated he would like to see where we lost revenue. He stated there could be a problem with spending.

Mr. Braswell stated the hauler fees have gone up every year, but fees have not been raised since 2008. It was just a matter of time before we ran into a negative cash flow.

Mr. Malinowski stated it appears there are choices (i.e. Scenario 1 or Scenario 2).

Mr. Braswell stated Scenario 1 is a one-time increase of 25%, which will make the fund whole. Scenario 2 would spread the cost out over 2 years. If Council approves this scenario, it will require the 2nd year to be at a higher increase to make the fund whole.

In Favor: Dickerson, Livingston and McBride

Opposed: Malinowski, Myers and Walker

Abstain: Terracio, Jackson, Newton and Kennedy

The motion failed.

Ms. Myers moved, seconded by Ms. Dickerson, to accept the alternative to phase in the fee increase.

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

Opposed: Malinowski and Walker

The vote was in favor.

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

In Favor: Malinowski and Walker

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

The motion for reconsideration failed.

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

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits; and other related matters [FIRST READING] – Mr. Jackson stated the committee recommended approval of this item.

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

Present but Not Voting: McBride

The vote in favor was unanimous.

17. **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

- a. Township Auditorium Board – Two (2) Vacancies – Ms. Newton stated the committee recommended re-appointing Ms. Abigail Rogers and appointing Mr. Harold Ward.

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

The vote in favor was unanimous.

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

- a. Items for Information:

1. Approval of Letters of Recommendation to Award Bid:

- a. Resurfacing Package Q – Mr. Jackson stated the package includes 52 roads and a length of approximately 16.4 miles. The proposed bids were opened in July, and reviewed, according to the appropriate procurement process. The committee recommends the awarding of the letter of recommendation for the bid.

Ms. Myers stated, at the committee meeting, a request was made for a list of roads in each of the packages.

Mr. Niermeier stated they could get the list for Council. The list is also included in the monthly report.

Mr. Malinowski suggested deferring this item until the end of the Report of the Transportation Ad Hoc Committee to allow staff time to provide the requested information.

Mr. Jackson stated he does not object to deferring the item. The only objection he has is that it has been handed out on more than one occasion. This is not a new report. It has been distributed more than once.

Ms. Dickerson stated she is sure that she has the list, but she expects it to be in front of her. She does not expect to have to “fish” to get it. As evidenced earlier, things can change between meetings and she wants to ensure what she is voting for/against has not changed.

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

Present but Not Voting: Walker, Dickerson and McBride

The vote in favor was unanimous.

- b. North Springs/Harrington Intersection – Mr. Jackson stated the bids were opened on July 17th. The proposed scope recommends that North Spring Road be widened, and also provide an additional widening along Harrington Road. These fall within the referendum amount and the committee recommends approval.

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

Abstain: McBride

Present but Not Voting: Walker

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

2. Approval to Increase Construction Contingency Amount: -- Mr. Jackson stated the request is to increase the construction contingency amount beyond the original approved amount of 10% due to changes in site conditions and modifications of the projects to minimize impacts to utilities. Increases will occur the Koon/Fairview Sidewalk and the Magnolia/Schoolhouse Road projects.

- a. Koon/Fairview Sidewalk Project (10%)
b. Magnolia/Schoolhouse Road Project (10%)

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

Abstain: Myers and Dickerson

Present but Not Voting: Walker

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

3. Approval of Penny Project Features Inside SCDOT Right of Way – Mr. Jackson stated there were several projects discussed at the work session regarding shared-use paths, landscaped medians, mast arms and street lighting. The committee recommends the removal of these items from future designs.

Mr. Malinowski inquired if these are the ones that had tremendous annual costs.

Mr. Jackson stated some of the costs would not be annual. The mast arms would only have to be replaced if they were damaged. The annual costs would be for the landscaping.

Mr. Malinowski inquired about the ordinance that said we would not put street lights anywhere unless they could be put everywhere.

Mr. Niermeier stated that was an exhibit in the committee packet. The recommendation from the committee is to remove these items from current designs. There are a couple of designs being held up pending inclusion/non-inclusion.

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

Present but Not Voting: Myers, Walker and Dickerson

The vote in favor was unanimous.

4. Approval of moving forward with 50 of the 56 Sidewalk projects in the Ordinance Referendum – Mr. Jackson stated the committee recommended moving forward with the 50 of the 56 sidewalk projects in the ordinance referendum. These are sidewalks that have been discussed, and recognized, that could be completed given the current dollars available.

Mr. Malinowski inquired if there was public input on these.

Mr. Jackson stated Mr. Beaty indicated there was public input.

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

Abstain: Newton and Myers

Present but Not Voting: Walker

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

POINT OF PERSONAL PRIVILEGE – Ms. McBride stated she has spoken with the Administrator, but she wants to make it known publicly that they are still having problems with the sidewalks on Magnolia and Schoolhouse Road. There is no construction taking place. She has been promised by the Transportation Department Director that he would keep her abreast of what is going on, but she does not know what is going on. Her constituents have been calling her and she has been by both projects. There are 2 houses, where senior citizens are residing, in which they cannot use their front door and the mail carrier cannot deliver mail. If we need to fire the contractors and hire new contractors, that is what needs to be done.

Mr. Niermeier responded that he has a signed letter that will be mailed out tomorrow to the residents. In preparation of them beginning work, the contractor deployed equipment to their holding area off of Magnolia yesterday. He has been working with Procurement on how to address this contractually.

Mr. Malinowski inquired if Public Works is now under the Transportation Department.

Mr. Niermeier responded that Public Works and Transportation are 2 separate departments.

19. **OTHER ITEMS**

- a. Residential Utilities Assistance Program – Mr. Malinowski requested an explanation regarding the following statement: “The fund will be subject to County Council’s annual appropriations...” as he was not aware Council would be appropriating funding.

Ms. Hamm stated the funds would come from people that round up or donate to the fund. It would not be County funds.

Mr. Malinowski stated the cost of administering the program has yet to be determined. He inquired who is going to make this determination.

Ms. Hamm stated they are looking at having the United Way administer the program, on behalf of the County, since they are familiar with dealing with these type situations.

Mr. Malinowski stated we had an Attorney General opinion that stated, "You cannot use taxpayer funds for reimbursements." If we cannot use taxpayer funds for that, then why can we use taxpayer funds, relating to County employees and equipment, for this program.

Ms. Hamm stated the money, and the fund, would be administered by the County. The agency would be reviewing the applications and determining who is qualified to receive the credit.

Mr. Malinowski stated he would like to be sure the County can legally do a portion of the work before the program gets into place and running.

Ms. Myers moved, seconded by Ms. Kennedy, to approve staff's recommendation.

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

Present but Not Voting: Malinowski, Jackson and Walker

The vote in favor was unanimous.

- b. Ashwood Drive Maintenance – Mr. Malinowski moved, seconded by Mr. Walker, to accept Ashwood Hill Drive into the County's road maintenance system.

Mr. Malinowski stated someone in the County told these individuals, in this community, that if they completed what was needed on their punch list, the County would take it over. These residents did complete it. It has been years and it still has not been taken over. Therefore, we need to uphold what they were told.

Ms. Myers stated the briefing memo says, "A cost estimate to hire an Engineer and Contractor to bring this roadway up to County Standards is approximately \$100,000." She inquired as to the length of the road.

Mr. Staley stated it is approximately ½ mile with 30 – 40 houses on it.

Ms. Myers stated she is concerned that we go through all these Penny projects, and we have people who have been waiting years to have things done with their roads. Then, for one road, we are hiring an external engineer for approximately \$100,000, when we have engineers doing projects for the County right now. This is not to pave a road, but to bring it up to County standards. She stated she is in favor of accepting the road and getting it to County standards. She is not in favor of us appropriating \$100,000 to hire an external engineer to tell us what to do to bring the road up to our standards when our engineers are in the business of doing this every day. It would seem the Public Works Department could repair a road.

Mr. Staley stated the \$100,000 includes the construction, engineering, construction administration, and a contingency. He stated he has an estimate that he could share with Council.

Ms. Myers stated she would like to be approving what it cost, not an estimate.

Mr. Malinowski stated he does not believe the County should be repairing the curbing in front of the driveways. He also stated that he agreed with Ms. Myers that we need a more definitive estimate.

Mr. Ozbek stated this is a high-level estimate and the actual cost should be much lower. However, the request is to either direct staff to do it or not to do it.

Ms. Dickerson requested a friendly amendment to defer this until we get additional information.

Mr. Malinowski stated the only reason he is supporting this is because this goes back many years, before many of the others, and a County representative told the people, the County would take this over. He believes, if it went to court, we would lose and incur additional costs.

Ms. Dickerson stated, hopefully, the new Administrator can address the problem of staff going out into the communities and making commitments without the issues coming to Council.

Ms. Myers suggested instructing staff to accept the road, and then instruct the Administrator, with the Public Works Department, to have the County engineers work to bring the road up to code, and not utilize the external engineer.

Ms. McBride inquired if these are private roads.

Mr. Ozbek stated these are private roads until the County takes it over. There a number of private roads the County has been asked to take over.

Ms. McBride inquired if there is anything in the writing that states the County promised to take over this road.

Mr. Ozbek responded that they were not able to locate anything.

Ms. McBride stated that we are going to pull one road out and accept that one road. We do not have a process and there is no prioritization.

Mr. Ozbek stated that is why this is before Council. Staff is requesting direction because the County engineer cannot recommend taking a road, which does not meet the County standards, into the County system.

Ms. Kennedy inquired if we repair private roads.

Mr. Ozbek stated the County does not repair private roads unless they are part of a declared State or Local emergency. These are subdivision roads that were under development by a developer and abandoned. There are approximately 100 similar subdivisions with the same situation. They were supposed to have been completed, and accepted by the County, but for one reason or another, they were not.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to have the County accept the road, the County repair the road, but that it goes in a priority listing with other County roads that need repair.

Ms. Myers inquired if it sets a precedence, if we do this, and do we put ourselves in jeopardy with other constituents, who might come later.

Mr. Smith stated he does not have the ordinance in front of him, at this point. He thought the language of the ordinance said, that prior to accepting the road, it has to be up to standard. He believes the motion is to accept the road, then bring it up to standard.

Ms. Myers inquired as to what the real number for repair costs is.

Mr. Ozbek stated the estimate from the County Engineer is \$100,000. They would have to get a real estimate from a contractor.

Mr. Livingston stated, it is his understanding; the motion on the floor would violate the County's ordinance.

Mr. Malinowski stated that means the County will never be able to take any roads over.

Mr. Ozbek stated this is similar to what Council did in 2013. There was a list of 40 roads, and Council voted to accept those 40 roads prior to them meeting County standards.

Ms. Newton stated her understanding of the motion is to accept the road, then put it in the priority list and bring it up to standards. She inquired if there is a prioritized list of roads like these, and, if so, can it be provided to Council, as well as an understanding of the process is.

Mr. Ozbek stated the previous Planning Director and himself did a presentation on approximately 400 roads that are in similar conditions. The roads were prioritized, based on their conditions, and a discussion took place. The matter was referred to the Council Retreat, and it was supposed to come back to committee.

Ms. Newton inquired if that means we have not been systematically going through and repairing the roads, or is there just not a formal process in place.

Mr. Ozbek stated we are in the discussion stage of prioritizing the roads, but we cannot prioritize them until the County takes them over by Council action. The roads are unfinished and do not meet County standards.

Mr. Jackson stated he would caution his colleagues because developers will lose their incentive to complete roads, before they turn them over to us, if we come behind this and accept the roads that were never completed by the developers.

Ms. Dickerson stated, when she came on Council, there were many subdivisions where the roads were not completed by the developers. She thinks we need to put some strong stipulations on these new subdivisions regarding roads.

Mr. Livingston stated he recalls Council has made significant changes since many of the roads we are discussing came into play.

Mr. Ozbek stated these are all legacy issues, and the loopholes have been plugged.

Ms. Myers stated she does not want to be on the record that we have broken the precedence, and, therefore, we are going to bring accepting all of these roads. In addition, she certainly does not want to project to the public that the way to get Council to accept their road is to present that a developer gave you the shaft. She would be interested in some guidance on how we meet our obligation to the citizens, and balance it out with the fact that there are many roads, all over the County, with stories. She would also be interested if we have gotten any bond money from developers for roads they left abandoned, and if it can be mobilized to help.

Ms. Newton stated, for clarification, the priority list does not exist.

Mr. Ozbek stated the Public Works Department continuously maintains roads, as they come in. As far as there being a priority list, it does not exist.

Ms. Newton stated she is concerned about the roads across Richland County. She would like for us to have a broader conversation.

Ms. Terracio stated, for clarification, that we will not be repairing curbs.

Ms. McBride stated, for clarification, if we accept the road, we will be violating the ordinance.

In Favor: Malinowski and Dickerson

Oppose: Terracio, Jackson, Newton, Myers, Kennedy, Livingston and McBride

The motion failed.

Ms. Myers suggested we revive the document that listed the roads and estimates. In addition, that we find a way to have the conversation Mr. Ozbek is requesting, so they can get direction from Council on what we are going to do with these roads, and how they are going to be accepted.

Mr. Malinowski stated he thought normally when we had a Director of department we advertised for the position, people apply and another Director for the department is chosen. Yet, in the case of Public Works, it seems, for some reason, while the position, to his knowledge, was not there, we hired a Deputy Director, while the Director was still there. He wonders why that was done.

Mr. Ozbek stated they did not hire a Deputy Director. He believes Mr. Malinowski is referring to the Interim Director. The Deputy Director was already a position, after the reorganization.

Mr. Malinowski inquired why an Interim Director was hired when we still have a Director.

Mr. Brown stated, prior to working at Richland County, one of the things that had already been a good process to establish, for a private or public sector organization, is a line of succession. Specifically, to allow individuals to have a successful transition that will not negatively impact the operation of the organization. If you have staff that are currently your #2, or your projected #2, then what you want to begin to do is, if they have not been handling #1 decisions, is to allow them to handle #1 decisions under the auspicious of having direct contact, so that way the organization does not fail and you can make a good assessment if the interim will indeed be a good #1. He does not know if that is what Richland County did, but he would hope that it is a part of a larger succession

plan that Richland County was implementing. That is not something that he is unfamiliar with, and he would not be concerned if that was the intent.

Mr. Malinowski stated the Director of Public Works position states that you must possess designation as a registered Professional Engineer in South Carolina. Yet, the advertisement for the Director of Public Works, as posted by the HR Department does not list that particular qualification. He would like this looked into. In addition, he has some questions about the “proposed” organizational chart for the Transportation Department.

20. **EXECUTIVE SESSION** – Ms. Kennedy moved, seconded by Ms. Newton, to go into Executive Session.

In Favor: Newton, Kennedy, Dickerson, Livingston and McBride

Opposed: Malinowski, Jackson, Myers Manning and Walker

Present but Not Voting: Terracio

The motion failed to go into Executive Session.

- a. State Election Commission MOU – Mr. Smith stated a proposed MOU from the State Election Commission was presented to Council. The MOU placed certain legal requirements on the County, and required the County to enter into that particular agreement, in order for us to get the new voting system. At that point, Council directed him to see whether or not there were any differences that we could go back to the State Election, and the Richland County Election Commission, to discuss and come back with something that we thought was more workable. The document, in front of you, is the document that came out of the discussions. If you take a look at Section (b), that particular section has the County Election Commission assuming all of those responsibilities, based on the initial version. The Election Commission would assume title and ownership of the machines, and not Council. They would also contract with the vendor for maintenance. He has had a conversation with the attorney for the State Election Commission. They have no problem with this version. He has forwarded this version to Thad Hall and asked him to share it with the Election Commission to see if they had any concerns with it. He has not gotten a response, as of today’s meeting, as to whether or not the Election Commission has met, and if this version has been shared with them. He would request that Council approve this, subject to the Richland County Election Commission agreeing to this version, and authorizing the appropriate County person to execute the document. If you recall, there was a particular delivery date for the machines. We are going to be gone for a while before we meet again. If the Election Commission meets and decides that this version is something they can live with, then we could get to the business of executing the agreement and getting the machines delivered.

Ms. Myers inquired if Mr. Smith is in receipt of the letter Council received from the Election Commission.

Mr. Smith responded that he is not.

Ms. Myers requested Mr. Smith be given a copy of this letter to make sure nothing in the letter is inconsistent with what he is recommending.

Ms. Newton stated the previous version had significant liability, on the part of the County, for things that were not particularly under our purview. It seems those have been removed. From Mr. Smith’s

perspective, are there any areas that are still concerning, or a potential liability, that he want to direct Council's attention to.

Mr. Smith stated the part that he would direct their attention to would be p. 2, paragraph 3, which restates the County's obligation to appropriate the funds. If, for some reason, the funds are not appropriated, then it talks about continuing the contract, and so forth.

Mr. Malinowski inquired as to who purchased the machines and provided them to the Election Commission.

Mr. Smith stated he did have a discussion with the Director. It is his understanding that some of the machines may have been purchased through the State, and the County may have purchased some of the machines.

Mr. Malinowski stated he is wondering at the fact that we are supposed to turn them over to the vendor for disposal, and exactly what kind of money may the vendor be getting out of these machines. If these were funds that were Richland County taxpayer funds, then the County should receive some remuneration on this. After all, the County had no say in what company was being contracted with and what machines were going to be used.

Mr. Smith stated he had spoken with the Director of Elections and Voter Registration if there is a municipality or another county in the United States that could benefit from the machines, and whether they could be sold to recoup the funds. The Director did not have an answer to the question, or if there was a plan to take the machines to some other jurisdictions.

Ms. Myers stated #3, 4 and 5 seem to suggest that the Election Commission will have responsibility and control over the machines and they will be responsible for the storage and security measures. She noted the letter she passed to Mr. Smith specifically speaks to those items, and attaches a nearly \$400,000 line item to it.

Mr. Smith stated the Director told him that they were looking at placing these machines in "cage-like" security area. The operational side of places those machines and getting the appropriate contractor would be on the Election Commission. On the County-side, the issue would be appropriating the funds for that purpose.

Ms. Myers stated the Election Commission is requesting a new building, the cages and for rental assistance with delivery of the machines. She would suggest move on buying the machines and take up the other pieces at another time, which will allow Mr. Smith time to acquire the additional information.

Mr. Smith stated the letter from the State Election Commission suggested that all (3) parties had to execute the agreement before the machines were delivered.

Mr. Terry Graham, Interim Elections and Voter Registration Director, stated they will not receive the machines until the agreement is executed. They were supposed to have received the machines two weeks ago. Because they do not have the executed agreement it is holding up receipt of the machines, as well as, the required training. The Election Commission is still in discussions about the cages. They may have to take a step back from that, but from a security standpoint they were looking at the cages because it is more secure to take them to the precincts at one time versus the clerk's trying to carry them to the polls themselves. We are trying to make sure the voters get back

a sense of security. He stated it is his understanding that Richland County did not purchase the machines. They anticipate receiving 1,076 – 1,126 machines.

Mr. Malinowski inquired as to what the cages were.

Mr. Graham stated the cage would hold the machines, printer and make the transport of the machines easier.

Mr. Brown stated the cages are designed to keep all of the equipment together. As you transport items out to the voting site, then everything is together. When the equipment is returned, it is returned uniform, so the points of breakdown become less from a security standpoint.

Mr. Livingston stated, for clarification, the recommendation from Mr. Smith was to move forward on adopting the MOU, contingent upon the Election Commission also moving forward and executing the MOU.

Ms. Myers moved, seconded by Mr. Jackson, to accept the recommendation of Mr. Smith and direct him to continue having conversations with the Election Commission to ensure Council is kept appraise and any changes that need to be made.

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

The vote in favor was unanimous.

- b. SC Department of Revenue Letter – Mr. Livingston stated he received a letter from the Department of Revenue stating the audit was being held up because they did not get information they needed from the COMET. He had been in contact with the COMET Director and their attorney. The COMET responded that they had provided all the requested information.

Mr. Smith provided a copy of the letter the DOR and the COMET's attorney to full Council. He stated he spoke with the DOR Director and he believes they have received all of the requested information from the COMET, but they have not had an opportunity to review the information to verify that.

Ms. Myers noted, for the public, the letter from the COMET states they provided the financial information, and all of its expenditures and general ledgers, for the last (3) years to DOR.

Mr. Manning moved, seconded by Mr. Malinowski, to accept this as information.

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

Present but Not Voting: Jackson, Myers and McBride

The vote in favor was unanimous.

- c. Cherry Bekaert Letter – Mr. Livingston stated, you may recall, we requested the County Attorney to draft a letter in response to Cherry Bekaert on why we cannot get the information we are seeking. The draft letter was forwarded to Councilmembers for review. He believes one Councilmember did respond to the letter. He is requesting permission to proceed with forwarding the letter to Cherry Bekaert.

Ms. Myers inquired if our contract with the PDT allows us to request receipts, documents, etc. to all Penny expenditures.

Mr. Smith responded in the affirmative.

Ms. Myers inquired what precludes us from reciting that portion of the contract, and saying to the PDT to turn over all this information to us within "X" period of time, and forget about going through Cherry Bekaert, who is a third-party. Why can we not get it directly from the PDT, who is contractually obligated to provide it to the County.

Mr. Smith stated he does not believe there is anything precluding us from doing it. He stated, historically, when we have asked for information, we have not gotten it. There is specific information that we are looking for, which formed the basis of Cherry Bekaert's findings and conclusions. If we make a request of the PDT, he is not sure we know what it is we are going to ask them for.

Mr. Jackson stated, during Cherry Bekaert's presentation to Council, he recalls raising an issue regarding the change order, one of the items referenced in the presentation. Cherry Bekaert said, on the floor of this facility, that they were assured they had the documentation that would respond, in the affirmative, to the statement they made. Since that time, that has not materialized. He lost confidence in that report, made by them, when that assertion was made without any supporting documentation to back it up.

Ms. Dickerson stated this item is constantly before us, and we have asked for this information numerous time. The PDT is under contract with us. We provide them the money. If we request the receipts to show how the money was spent, and we are told they are not going to provide them, she has a serious problem with that. This is totally unacceptable to her. This is why we are where we are today because we cannot get adequate information, when we ask for it.

Mr. Livingston stated Council directed the County Attorney to draft a letter to forward to Cherry Bekaert. That letter was sent out to Councilmembers, and because he did not get feedback but from one Councilmember, he simply wanted to ensure the other Councilmembers were okay with the letter, prior to it being sent.

Ms. Myers stated she understands Mr. Livingston's question, but the question goes to source documents that are not held by the audit firm. The documents are held by the PDT, and the audit firm is a middleman. She understands Cherry Bekaert requested some of these documents from the PDT. The audit firm may have the documents, but the PDT has them too, and we do not have to sign a release to get them from the PDT.

Ms. Myers moved, seconded by Ms. Dickerson, to request the PDT to provide copies of all change orders that have been executed, and acted upon by the PDT, and all paid receipts that have been executed by the PDT, to this body by August 31st. The documents belong to Richland County and the citizens of Richland County have a right to the information.

Mr. Livingston stated, right now, he wants a motion in regards to the Cherry Bekaert letter.

Ms. Myers moved, seconded by Ms. Dickerson, to table the letter.

Ms. Newton requested a copy of the letter to review.

Ms. McBride stated, for clarification, the letter is to get the questions answered that were raised.

Mr. Smith stated the purpose of the letter was to respond to Cherry Bekaert's letter dated July 5th, wherein they indicated that in order for the County to get this information we would have to agree to certain stipulations. One of them being, the County will not use the information obtained from their review for any other purpose. Council will not comment orally, or in writing, to anyone as a result of our review. Their audit was engaged and conformed in accordance with the general accepted auditing standards. We would not provide any expert testimony or litigation support services, except an engagement to comment on issues relating to the quality of their audit engagement. We accept sole responsibility for the nature, timing and extent of our work performed, and the conclusions reached related to the June 30, 2017 financial statements of the joint venture.

Mr. Jackson inquired about the cost of the audit.

Ms. Myers inquired as to whom the requested documents originate with.

Mr. Smith stated he does not know where the documents originate.

Ms. Myers inquired where Cherry Bekaert get documents to do an audit.

Mr. Smith stated he is assuming they got some of the documents from the PDT, and potentially the PDT subcontractors.

Ms. Myers inquired if the change orders and documents that she specifically questioned Cherry Bekaert about would have come from the PDT.

Mr. Smith stated he believes the documents would either come from the PDT or through the PDT, by way of a subcontractor. Since we have not seen them, it is difficult to say.

Ms. Myers stated her point is that they are not Cherry Bekaert documents.

Mr. Smith stated the work product and the report, itself, is there. The documents, which underlie and support the conclusions, would be the documents that came from either the PDT or a vendor that worked with the PDT.

Ms. Myers inquired if Cherry Bekaert would be described as a middleman.

Mr. Smith stated he would describe Cherry Bekaert as a vendor that we hired to do a job.

Ms. Myers stated, for clarification, Cherry Bekaert is collecting information from our contractor. Our contractor is obligated to give us these documents, without restriction on use.

Mr. Smith stated he is not looking at the contract, but his recollection is that the PDT is required to either give us the documents or make the documents available to us upon request.

Mr. Livingston stated his reason for wanting to send a letter is that is he is looking for more than just change orders. With an audit, you are looking at reasons and rationale for their conclusions. Otherwise, there is not a need to do an audit. If you did not need an audit, you could just request everybody you are dealing with to provide their records.

Ms. Newton stated we appear to be having a binary discussion. On the one hand, Ms. Myers made a motion to table the Cherry Bekaert. The motion that Ms. Myers made previously was that we request the documents directly from the PDT because those are in fact our documents. The point, that Mr. Livingston made, is that the reason we want this information from Cherry Bekaert is because you want their interpretation, and analysis, of the information that they have. Up until this point, they have not been forthcoming providing that. She suggested pursuing both paths. We can send the letter to Cherry Bekaert explaining our legal rationale, while we simultaneously request the same information from the PDT because all of their files and records are ours. This is the opportunity for us to get them, so they become a part of our permanent file. When the PDT dissolves, we want to make sure Richland County has all the documents that belong to Richland County.

Ms. Newton made a substitute motion, seconded by Ms. Kennedy, to send the letter to Cherry Bekaert and simultaneously request the information from the PDT.

Mr. Smith stated, several months ago, he sent a letter to the PDT's attorney about the retention of the documents. That was specifically for the purpose of the transition. Where we are, in terms of getting the information, as part of the transition, he does not know. That is an operational question. We may be in the process of doing this.

Ms. Newton stated from her perspective that would not prevent her motion from going forward. All we are saying is these documents belong to us; let us make sure we have them. If they come back and say they have already given us the documents, there is no conflict.

Ms. Dickerson inquired how she can be assured about how Cherry Bekaert came to the conclusion they came to. They need to be able to line up each document with their audit.

Ms. Myers withdrew her motion to table the letter. She noted that we could go back and forth, with Cherry Bekaert, with letters for the next 6 months, trying to get their audit information, but the PDT will be dead in 6 months.

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

Ms. Dickerson offered a friendly amendment to have the requested information (i.e. change orders, general ledgers, including expenditures) provided by August 31, 2019.

Ms. Myers suggested to have the additional information provided by September 15, 2019.

Mr. Jackson moved, seconded by Mr. Malinowski, to divide the question.

Mr. Jackson stated the reason he requested to divide the question is that Mr. Smith indicated that he sent a letter asking for the very same thing that we are about to vote on, and he does not know the status of the request. Rather than sending a second letter, asking for the same thing within a (3) week time period, it might be helpful to find out the status of the information being gathered.

Mr. Smith stated the letter he sent was basically telling the PDT their obligation, under the contract, to retain the information for a certain period of time.

Mr. Malinowski suggested, in addition to the change orders, to have the PDT provide who approved the change orders.

In Favor: Terracio, Jackson, Livingston and McBride

Opposed: Malinowski, Newton, Myers, Walker, and Dickerson

The motion to divide the question failed.

Mr. Walker inquired if Mr. Smith his interpretation of the word “documents” would include email correspondence associated with this project.

Mr. Smith stated if the emails related to the program, then yes. He believes the languages says, “any and all documents related to the program” so he would think that includes correspondence.

Mr. Jackson inquired about which year the Cherry Bekaert audit covers.

Mr. Smith stated it is for 2017.

Mr. Jackson inquired if the expenditures we are requesting are for that same period, or for a greater period of time.

Mr. Smith stated his interpretation of the motion was that we are asking for all information related to the program, and is not limited to the timeframe of the audit.

Ms. Myers inquired if the motion includes Mr. Malinowski’s clarification that we would be asking for change orders, and who approved them.

Mr. Smith stated we are entitled to documents. If the documents themselves reflect who approved it that is fine, but it does not require them to answer questions.

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

Opposed: Jackson

The vote was in favor.

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

In Favor: Jackson and Livingston

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

The motion for reconsideration failed.

Mr. Smith stated, early this morning, they got a request from a member of the Legislative Delegation for copies of the County’s audit for the last (3) years, and copies of the Cherry Bekaert audit of the Penny for the last (3) years. Of course, the information related to the County’s audit is on the website, and he was informed of that. The request was forwarded to Mr. Brown and his staff is working on gathering the information. In addition, he has requested additional information related to an email that was sent by Mr. Seals in August 2017, which related to another matter that Cherry Bekaert was engaged to do. However, there is no written report related to that information.

21. **MOTION PERIOD**

- a. A Resolution Honoring Judge Mel Maurer on the occasion of his retirement from Richland County – Ms. Dickerson moved, seconded by Ms. Myers, to adopt the resolution.

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

Present but Not Voting: McBride

The vote in favor was unanimous.

- b. FY20 – District 10 Hospitality Tax Allocations [MYERS] – Ms. Dickerson moved, seconded by Mr. Malinowski, to approve this item.

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

Present but Not Voting: Walker

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

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

Present but not Voting: Walker

The motion for reconsideration failed.

- c. FY20 – District 3 Hospitality Tax Allocations [McBRIDE] – Ms. Dickerson moved, seconded by Mr. Malinowski, to approve this item.

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

Present but Not Voting: Walker

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

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

Present but not Voting: Walker

The motion for reconsideration failed.

22. **ADJOURNMENT** – The meeting adjourned at approximately 9:21 PM.