



Richland County Council  
Regular Session  
March 5, 2019 – 6:00 PM  
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, John Thompson, Stacey Hamm, Eden Logan, Larry Smith, Dwight Hanna, Jennifer Wladischkin, Mohammed Al-Tofan, Brad Farrar, Michael Niemeier, Quinton Epps, Edward Gomeau, Ismail Ozbek, Dale Welch, Jeff Ruble, Geo Price, Jeff Kososki, Trenia Bowers, Cathy Rawls, Ted Powell, Ashiya Myers, Ashley Powell, Sandra Yudice, Art Braswell, Melissa Watts, and Ronaldo Myers

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 Joyce Dickerson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joyce Dickerson.
4. **PRESENTATION OF RESOLUTIONS**
  - a. **Resolution recognizing March as Bleeding Disorders Awareness Month [LIVINGSTON]** – Mr. Livingston presented a resolution recognizing March as Bleeding Disorders Awareness Month to Aaron Smith and his son, Logan.
5. **APPROVAL OF MINUTES**
  - a. **Regular Session: February 19, 2019** – Ms. Dickerson moved, seconded by Ms. Myers, to approve the minutes as distributed.

Ms. Terracio noted the date was incorrect on the first page of the minutes.

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

Present but Not Voting: Malinowski, Newton and Manning

The vote in favor was unanimous.

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- b. Zoning Public Hearing: February 26, 2019 – Ms. Newton moved, seconded by Ms. Myers, to approve the minutes as distributed.

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

Present but Not Voting: Newton and Manning

The vote in favor was unanimous.

6. **ADOPTION OF THE AGENDA** – Ms. Myers moved, seconded by Ms. Dickerson, to amend the agenda to add the following entitled ordinance to the agenda for consideration: “An Emergency Ordinance Amending the Richland County Code of Ordinances, Chapter 18, Offenses, to add Section 18-7, Public Nuisances; and Amending Chapter 16, Licenses and Miscellaneous Business Regulations, Section 16-18, relative to license suspension and revocation for a business determined to be a public nuisance”.

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

The vote in favor was unanimous.

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

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

Present but Not Voting: Manning

The vote in favor was unanimous.

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

- a. Personnel Matter: County Administrator Search
- b. Legal Update: Richland County vs. Program Development Team (PDT) – Mediation
- c. Pending Litigation: SC Dept. of Revenue vs. Richland County
- d. Contractual Matter: Richland County vs. City of Columbia
- e. Contractual Matter: Cedar Cove/Stoney Point Sewer Project
- f. Transportation Penny Program Path Forward
- g. An Emergency Ordinance Amending the Richland County Code of Ordinances, Chapter 18, Offenses, to add Section 18-7, Public Nuisances; and Amending Chapter 16, Licenses and Miscellaneous Business Regulations, Section 16-18, relative to license suspension and revocation for a business determined to be a public nuisance

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

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

Opposed: Malinowski and Manning

The vote was in favor of going into Executive Session.

***Council went into Executive Session at approximately 6:15 PM and came out at approximately 6:37 PM***

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

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

Abstain: Manning

The vote in favor was unanimous to come out of Executive Session with Mr. Manning abstaining from the vote.

- a. Personnel Matter: County Administrator Search – Ms. McBride moved, seconded by Ms. Myers, to accept the recommendation from the Administrator Search Ad Hoc Committee.

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

Opposed: Malinowski and Dickerson

Abstain: Manning

The vote was in favor.

8. **CITIZENS' INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Mr. James Randolph and Mr. Jason Sanders spoke about the emergency nuisance ordinance.

9. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – Ms. Myers stated, for all the citizens that have signed up to speak tonight, if they speak tonight, when the issue comes up on the Zoning Public Hearing, they will not be allowed to speak again.

POINT OF PERSONAL PRIVILEGE -- Ms. Dickerson thanked all of the citizens for coming out to speak tonight. She stated, when she met with the community, she explained the process. She reiterated that this matter will not come before Council until the 4<sup>th</sup> Tuesday in April and that if the citizens speak now they will not be able to speak at the Zoning Public Hearing. However, the citizens will be allowed to speak at the Planning Commission meeting on April 1<sup>st</sup>.

Mr. Malinowski stated he would like to hear from the Parliamentarian because what is listed on the agenda is "Must Pertain to Richland County Matters Not on the Agenda". It does not say, "And, not something that, in the future, would require a public hearing." It says, it is not on the agenda. This item is not on the agenda tonight, so why can they not speak to it tonight, and then again at the public hearing.

Mr. Smith stated the item is not on the agenda, but it does require a public hearing. As he understands what Ms. Myers indicated, and has been the custom and practice of Council, is that whenever a citizen speaks to an item, even though it may not be on the agenda, but it does require a public hearing, Council usually does not allow them to speak twice, if they have previously spoken. So, when the public hearing occurs, they normally do not get an opportunity, unless you waive the rules, to speak at the public hearing.

Mr. Malinowski stated that has been the process in the past, but for the sake of the public we need to clarify the wording on the agenda and/or sign-up sheets.

Mr. Malinowski moved, seconded by Ms. McBride, to waive rule to allow the citizens to speak at tonight's Citizens' Input and any future meetings held regarding the Crickentree Zoning matter.

Ms. McBride inquired if this is a practice or a written policy.

Mr. Smith stated he does not think it is a part of the rules, but a practice of Council.

Mr. Livingston stated, you may recall, Council used to have one public hearing at the beginning of the meeting, and it had a public hearing at the end of the meeting. At the end of the meeting, someone could come and speak to any item they wished to speak to. Council chose to put that public hearing at the beginning of the meeting also, so that is how we ended up where we are today. If you are going to treat the 2<sup>nd</sup> one as you did the one that was at the end before, then the citizens would have been allow to speak at the end of the meeting.

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

Present but Not Voting: Kennedy

The vote in favor was unanimous.

Rep. Kambrell Garvin, Mr. Rus St. Marie, Mr. Michael Koska, Mr. Bob McClure, Dr. Traci Cooper, Mr. Xavier McDaniel, Mr. Jerry Rega, Mr. Stephan Rioux, Ms. Debora Rioux, Mr. Jim Closs, Mr. Richard Montgomery, Ms. J. Marie Izzard, Mr. Ronnie Elliott, Ms. Michele Kelly, Mr. Albert Tucker, and Mr. Ronald Johnson spoke regarding the re-zoning of the Crickentree Golf Course property.

Ms. Diane Wiley spoke regarding ditch repair funding for the Belvedere community.

Ms. Dickerson thanked the Council members for waiving the rules to allow the citizens to speak.

Ms. Myers stated Mr. Smith requested that she reference the rule on the record for Citizens' Input [i.e. Rule 6(b)] and the recitation was correct. She thanked her colleagues for waiving the rules because it was required.

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

- a. Presentation of the FY18 CAFR – Ms. Hamm gave an overview of the Comprehensive Annual Financial Report for the year ending June 30, 2018.

The County:

- Received a clean audit report
- Issued \$175 BAN last month
- Received highest short term rating from Moody's / S&P
- Received the Certification of Achievement for Excellence in Financial Reporting for the last 35 years

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The General Fund:

- Revenue increased 2% from prior year (Exhibit 5, p. 19; Schedule I, p. 84)
- Expenditures increased 7.5% from prior year
- Transfers out increased \$6M from prior year. (Economic Development \$3.5, Vehicles, computers, Airport and Victim Assistance \$2.5)
- Fund balance decreased 5.2% (\$3.2M) from prior year
- Unassigned fund balance as a percentage of prior year expenditures is 25.6%

Transportation Funds:

- Transportation penny revenue was \$65,171,286 (Exhibit 5)
- Transportation penny capital outlays were \$86,505,898
- Transportation penny fund balances totaled \$274,602,902 (includes BAN funding)

Enterprise Funds:

- Solid waste realized a net loss from operations for the past 5 years due to increases in hauler's rates
- Resulting in a negative net position of \$5,764,589

Mr. Jackson inquired if the amount remaining in the fund balance is within the required limits.

Ms. Hamm stated we are at approximately 25%.

Mr. Jackson inquired if Council had agreed to increase the percentage over the next couple years.

Ms. Hamm stated it was supposed to go up 24% and then 26%. However, if we were to compare it right now we would be down to approximately 23.4%.

Mr. Livingston inquired if Ms. Hamm was referring to local option sales tax.

Ms. Hamm responded that was correct. The revenue is going up, so that has helped increase the overall revenue for the General Fund.

Mr. Livingston stated he thought that was used to rollback property tax.

Ms. Hamm stated it does. They budget a certain amount, but the money comes in and the credits are put on the tax.

Mr. Malinowski inquired, if we have incurred losses in the Solid Waste program for the last 5 years, if there is any reason we have not been provided something to try and eliminate or reduce those losses.

Ms. Hamm stated the last time the rate was increased was in 2008, so there has been increase in the Solid Waste fees we charge.

Mr. Malinowski inquired if there is any reason Council has not been broached with this subject and told about these losses.

Ms. Hamm stated she is not sure why the former Financial Director did not mention it.

Mr. Malinowski stated Victim's Assistance was listed as transfers out increases. He stated Council voted years ago to cap the Victim's Assistance at a certain dollar amount, so he is curious how more money can be taken out and transferred.

Ms. Hamm stated it is still the same amount. It is just bringing in less than what the capped amount was, according to Mr. Hayes. She stated the transfer is approximately \$700,000.

Ms. Myers inquired if the Transportation Tax Capital Project Fund Balance has a deficit.

Ms. Hamm stated it is a timing issue. The June 30<sup>th</sup> entries hit, but the transfer to cover it comes in in July.

- b. Biennium Budget II Calendar – Mr. Gomeau stated Mr. Hayes has worked with the Clerk's Office to coordinate the dates so there are no conflicts.

Mr. Manning inquired if we looked at the dates of the NACo Conference, which is held in July.

Mr. Manning moved, seconded by Ms. Dickerson, to hold the Public Hearing at 6:00 PM and hold 3<sup>rd</sup> Reading of the FY21 Biennium Budget immediately following the Public Hearing.

Mr. Jackson requested a friendly amendment to hold the public hearing at 5:00 PM.

Mr. Livingston stated there is one Councilmember that cannot be here at 5:00 PM on July 18<sup>th</sup>.

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

Opposed: Manning

Present but Not Voting: Terracio, Newton and Livingston

Mr. Jackson stated he thought Mr. Manning supported his friendly amendment.

Mr. Manning stated he did accept the friendly amendment, but then Ms. Newton stated she could not be in attendance at 5:00 PM. Therefore, he voted against the motion.

Mr. Jackson withdrew his friendly amendment.

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

Opposed: Malinowski and Jackson

Present but Not Voting: Kennedy and Walker

The vote was in favor of holding the Public Hearing and 3<sup>rd</sup> Reading of the FY21 Biennium Budget.

Ms. Dickerson requested the Clerk's Office to determine the dates for the SCAC Conference in case we have to schedule a Special Called meeting in July.

Mr. Malinowski stated, for clarification, Mr. Hayes said we could wait until after the August recess to do 3<sup>rd</sup> Reading.

- c. Upper Township Magistrate Brick Options – Mr. Gomeau stated staff has provided 2 options on the Upper Township Magistrate building for Council’s consideration. He stated right now we are at a standstill.

Ms. Kennedy moved, Ms. Myers, to approve Option #1 outlined on pp. 52 of the agenda packet.

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

Present but Not Voting: Terracio, Malinowski and Walker

The vote in favor was unanimous.

- d. Solid Waste – Waste Tire Grant – Mr. Gomeau stated this item is a grant from DHEC, which will help the County to remove 8,000 – 10,000 tires from tire storage. The County will pay for the removal and DHEC will reimburse us up to \$79,000.

Ms. Myers moved, seconded by Mr. Walker, to accept the grant.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

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

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

Present but Not Voting: Manning

The motion for reconsideration failed.

- e. Allen-Benedict Court Relief Effort – Mr. Hayes stated, in early February, Council members reached out to the Interim County Administrator to assist the residents of Allen-Benedict Court. Mr. Gomeau contact him and he was able to identify \$150,000 in the General Fund reserve account to assist the residents. He then had his Grants staff to identify to identify community groups who had existing infrastructure and were used to dealing with community residents. The Grants staff brought back the names of Harvest Hope, United Way of the Midlands and Christ Central Ministries. In addition, Council directed staff to work with 3 local government groups: the COMET, Richland Library and Recreation Commission. Early on, they were able to identify 4 critical areas that the residents needed: food distribution, relocation assistance, laundry care and transportation. The grant program was modeled around the current discretionary grant, which is suited for community and service based needed, but was tailored for this specific disaster relief situation. The grants will range from \$10,000 - \$25, 000, depending on the scope of the service. In the grant agreement, it is expressly written that 100% of the funds must go directly to assisting the residents of Allen-

Benedict Court. They met, as a core group, at the Library on February 12<sup>th</sup>. They had a conference call on February 14<sup>th</sup> to continue to iron out additional details. The conference call included members of the Columbia Housing Authority, since the residents are under their jurisdiction and the County needed pertinent information from them.

Ms. Mary Louise Resch, Government Relations, Grants and Disaster Manager for Harvest Food Bank stated to-date they have provided approximately 12,000 lbs. of food, cleaning supplies, baby supplies and other items. They have served approximately 653 residents. They have requested \$25,000 to provide these services.

Ms. Anita Floyd, United Way of the Midlands, stated they have 2 proposals. The first proposal is for \$20,000 to extend a fund they created with a grant from Blue Cross Blue Shield of South Carolina, which provided \$15,000. In addition, they have offered a \$5,000 match opportunity. The funds will be used to support the relocation of the residents by assisting with utility deposits and other unanticipated expenses. They are working with Salvation Army to manage the fund. They will accept referrals from Richland Library and the Housing Authority. The 2<sup>nd</sup> proposal is for a laundry service and are requesting \$25,000 for the service. The proposal is to contract with Woodbury Ventures, Phil Waddell's operation. Mr. Waddell has laundry mats and has worked a scheme where he can provide laundry for \$1.25/lb. He is willing to do this weekly for the residents that are in the hotels, and will turn it over within 24 hours. The service will include pick-up and delivery.

Ms. Michelle Ransom, COMET Grants Coordinator, stated, when the incident originally occurred, the COMET assisted with the evacuation. They then provided 31-day passes to 244 residents. They are requesting to provide additional 31-day passes to the residents for 6 months at a cost of approximately \$17,080.

Ms. Lakita Watson, Recreation Commission Executive Director, stated she recognizes the importance of individuals knowing the where, the what and the how, and that sometimes the information does not get out. Working with the partners, she would like to propose a resource fair that would bring these individuals all into one place to allow the realtors, and individuals with housing available, to communicate directly with the citizens. They are requesting \$15,000 in funding to provide 100 vouchers to the citizens to give them access to their afterschool programs.

Ms. Melanie Huggins, Richland Library Executive Director, stated libraries have always been in the business of collecting, organizing and sharing information. They are also in the resource and referral business. They are making referrals to these residents every day.

Ms. Lee Patterson stated, as of the close of business today, they have seen 35 Allen-Benedict residents. They saw the first resident on February 18<sup>th</sup>. They have assisted with applications, bus tickets, clothes, snacks and worked closely with the partner agencies. They have also communicated with the agencies, on behalf of the residents, to try to take some weight off of their shoulders. They have also purchased a cell phone that is manned 7-days a week to reach a library staff member. They have also promoted one of their social workers to full time. Some of the reoccurring needs they have heard over the course of the past few weeks is that they are hungry, gas vouchers, bus tickets, furniture, household goods, clothes and shoes. The library is requesting \$25,000 to assist the residents.

Ms. Myers thanked County staff and the partner agencies. She stated the one thing she did not hear about, and was one of the specific things they were concerned with, is the emergency need for medications.



Ms. Resch stated both Walgreen's and CVS have mobile pharmacies. They are trying to find out where the needs are so they can set up the pharmacies on site.

Ms. Myers inquired as to what the total of the programs.

Mr. Hayes stated he budgeted \$25,000 per program, but the total is well below that.

Ms. Myers wanted to have Mr. Hayes to say that so they could commend him on the record for coming in under budget, so that if there is another emergent need, we have money left.

Ms. McBride stated it is awesome to know that if Richland County has another emergency that we are prepared. She is amazed at the way the partners came together so quickly. She inquired what happens to with the residents that are not near a bus line. She inquired if there is another type of transportation.

Mr. Hayes stated one of the things they have looked at is a service called Phoenix Mobility, which will be a stop gap measure to assist individuals that are not near a bus line to get them from the hotel or residence to a COMET facility.

Mr. Malinowski stated that under the "Issues" section it indicates that grantee would receive funding in the amount of \$10,000 - \$25,000. Yet, the United Way because they are providing 2 services they are getting \$45,000. He inquired if everybody could do that.

Mr. Hayes stated it has to do with the fact that they are handling 2 particular programs; the relocation assistance and the laundry care.

Mr. Malinowski stated it should probably read, "Grantees for each situation will receive that."

Mr. Hayes stated they can make that adjustment.

Ms. Terracio thanked staff for immediately springing into action. She stated she found out on a Friday afternoon that citizens were being moved out of their homes, and wondered what we could do to help them. She is so heartened by everything she has heard tonight. She knows it is still a work in progress. She also wanted to thank staff that contributed out of their own pockets.

Mr. Hayes stated, to-date, Richland County employees raised over \$2,000 in gift cards, which will be turned over to the United Way to distribute.

Ms. Myers moved, seconded by Ms. McBride, to approve staff's recommendation to provide services to the residents of Allen-Benedict Court.

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

The vote in favor was unanimous.

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

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Manning, Walker, Dickerson,

Livingston and McBride

The motion for reconsideration failed.

- f. FY 2019 Countywide Audit Engagement Letter – Ms. McBride moved, seconded by Ms. Myers, to approve the Interim Administrator’s recommendation to allow the auditors to start in a more timely fashion before the end of the fiscal year.

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

Opposed: Malinowski

Present but Not Voting: Kennedy and Manning

The vote was in favor.

- g. Transportation Penny Program Path Forward – *This item was taken up in Executive Session.*

- h. Introduction of Assistant County Administrators – Mr. Gomeau introduced Dr. John Thompson and Ms. Ashley Powell as the new Assistant County Administrators.

11. **REPORT OF THE CLERK OF COUNCIL**

- a. Upcoming Penny Tax Project Public Meetings:

1. Broad River Corridor Neighborhood Improvements, March 7, 5:00 – 7:00 PM, Virginia Wingard United Methodist Church, 1500 Broad River Road – Ms. Roberts reminded Council of the upcoming Penny Tax Project Public meeting.

- b. Engage Richland:

1. Tour of Alvin S. Glenn Detention Center, March 7, 6:30 – 8:00 PM, 201 John Mark Dial Dr.  
2. From Child Safety to Criminal Investigations – The Many Roles of Your Coroner’s Office, March 14, 6:00 – 8:00 PM, 6300 Shakespeare Rd. – Ms. Roberts reminded Council of the upcoming Engage Richland meeting at the Alvin S. Glenn Detention Center and Coroner’s Office.

- c. REMINDER: Columbia Museum of Art’s “The Gala”, March 9, 7:00 – 11:00 PM, 1515 Main Street – Ms. Roberts reminded Council of the Columbia Museum of Art’s upcoming gala on March 9<sup>th</sup>.

12. **REPORT OF THE CHAIR**

- a. Personnel Matter: County Administrator Search – *This item was taken up in Executive Session.*

- b. Contractual Matter: Richland County vs. City of Columbia – *This item was taken up in Executive Session.*

- c. Discussion: “To Be Determined” 2019 Committees – Mr. Livingston stated you may recall there were some committees that were to be considered. The reason he is bringing this forward is to

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determine, at this point, whether or not some of these committees are urgent and need to be considered sooner, rather than later.

- ❖ Blue Ribbon Ad Hoc Committee – Ms. Powell stated Tetra Tech has no pressing items, but they will need to assemble the committee again in the future. Mr. Livingston stated he will appoint individuals to this committee.
- ❖ Innovista Ad Hoc Committee – It was the consensus of Council to disband this committee.
- ❖ Consolidation and Privatization Committee – Mr. Malinowski stated more and more he sees governments going into public/private partnership. This was something that was on the table years ago and it never came to fruition. He thinks this is something we need to think about, in order to reduce the cost of government. He stated the Internal Audit Committee is not on here and needs to be re-established. In addition, he made a motion to consider a public/private partnership with the EMS Department.

Ms. Newton stated where there are opportunities where we can focus on things within our existing committees, that would be her preference. She stated she received 52 meeting invites yesterday before she stopped counting. If we can make the most efficient use of our time, using existing structures, she thinks that would be wise.

Ms. McBride suggested handling these matters the same way as suggested for the Property Distribution.

- ❖ International Ad Hoc Committee – It was the consensus of Council to disband this committee.
- ❖ Caughman Pond/Pinewood Lake Ad Hoc Committee – Mr. Jackson stated he believes there are some major, unresolved issues with Pinewood Lake, as it involves the Conservation Commission. The issues were raised in a Council meeting, but were never resolved. He thinks the purpose of the committee was to attempt to resolve them. He is not familiar with the issues surrounding Caughman Pond, but he thinks that Pinewood Lake Ad Hoc Committee needs to reconvened. Once those issues are resolved, the committee could then be dissolved.

Ms. Newton thanked everyone that served on the Caughman Pond/Pinewood Lake Ad Hoc Committee. Although, there are some pending issues, she thinks those are things that could be handled without a committee. It has been one of her priorities for her district. She has received extensive citizen input on this during the course of last year.

Ms. McBride stated she agreed with Mr. Jackson, and Mr. N. Jackson brought up some very interesting issues. She thinks there is a lot going, but that it could be resolved within a couple of meetings.

Ms. Newton stated she recognized the good work the committee has done She feels the committee has put us in a position where we could move forward on those items, particularly those that staff was already handling.

Mr. Livingston stated one of the things we have not done in the past is sunset the ad hoc committees. So, if we keep this particular committee, we need to think about sun setting

committee.

Ms. Myers stated she agrees the committee did a lot of good work, but she would yield to the representative from the district on moving forward.

- ❖ Courthouse Ad Hoc Committee – It was suggested to make this committee a subset of the Renaissance Ad Hoc Committee.
- ❖ Budget Ad Hoc Committee – It was the consensus of Council to disband this committee.
- ❖ Employee Evaluation and Oversight Ad Hoc Committee – Ms. Myers stated she believes the last couple of years has shown us that we need some real policies to ensure that employees get a fair and timely evaluation, their scope of work is clear, and employees that are in trouble get the opportunity to rehab their careers.

Mr. Livingston stated he personally believes this should be driven by staff, and not Council.

Mr. Malinowski stated he agrees with Mr. Livingston. The hiring and firing of employees is under the authority of the Administrator, with the exception of the Administrator, Clerk to Council and County Attorney. The only thing that may involve Council is the review of the Employee Handbook.

Ms. Myers stated, for clarification, she was referring to the employees Council supervises. There is not a process for evaluation and fair treatment of them.

Ms. Newton inquired if this needs to be a standalone committee, or is there an existing committee where this would fit.

Ms. Myers stated she believes it needs to be a standalone committee.

- ❖ Property Distribution Management Ad Hoc Committee – Dr. Yudice stated there is one outstanding item that needs to be either be taken up by the committee or presented through the Interim County Administrator’s report at the next Council meeting. Mr. Livingston stated we need to do something with the Property Distribution Management Ad Hoc Committee or however we are going to do it with the Renaissance. He stated his confusion is that we also had a Renaissance, and since we took that out of deferral, the question is, do we now have a Property Distribution Management committee and a Renaissance committee or do we not have one and how we want to proceed.

Ms. McBride stated under the Property Management Distribution Ad Hoc Committee we handle more than the Renaissance projects. She found it to be very useful because we do not have a system in place that looks at how we buy property, and the purpose of the property. What happens, oftentimes, is that it comes to full Council without being vetted very well.

Mr. Malinowski inquired as to what was done before when the County was thinking about buying a piece of property. Did it get sent to one of our standing committees, and then, at that point, the information was sent forward to Council.

Mr. Livingston stated it would have been sent forward to one of the standing committees.

Mr. Malinowski suggested taking what Ms. McBride said and create a policy for buying and

selling items, send it to a standing committee, and act on it in the standing committee.

Mr. Livingston stated, keep in mind, these committees currently exist. We are just deciding on whether we want for them to continue.

Dr. Yudice stated, from staff's perspective, it would be fine if we send the previously referenced item through the A&F Committee. The policy that staff is currently working on is the "property purchase and sell policy.

Ms. Myers stated she thinks we definitely need Renaissance Oversight Ad Hoc Committee. If it is the will of Council, the Property Distribution Management Ad Hoc and the Renaissance Oversight Ad Hoc Committees could be folded together. In addition, the Courthouse Ad Hoc Committee could be a subset of the Renaissance Committee. It seems to her that those things all need to be working together anyway.

Ms. Dickerson stated it was brought to her attention that the Courthouse Ad Hoc Committee was dissolved and that part was placed under the Renaissance.

It was the consensus of Council to take of the remaining item in the Administration and Finance Committee, and disband the committee.

- ❖ Richland Renaissance Oversight Ad Hoc Committee – The word "oversight" was removed from the title of the committee. (i.e. Richland Renaissance Ad Hoc Committee).

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Amending the Fiscal Year 2019 Fire Service Fund Annual Budget by \$368,410 to cover the personnel expenses for the 11 positions under the SAFER Grant from January 1 to June 30, 2019 with funds from Fund Balance in the Fire Services Fund – No one signed up to speak.
- b. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund a corrective action plan in the amount of \$3,103,000 incident to a South Carolina Department of Health and Environmental Control Administrative Process responded to by the Department of Utilities with funds from the unassigned funds from General Fund Fund Balance – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. An Ordinance Amending the Fiscal Year 2019 Fire Service Fund Annual Budget by \$368,410 to cover the personnel expenses for the 11 positions under the SAFER Grant from January 1 to June 30, 2019 with funds from Fund Balance in the Fire Services Fund [THIRD READING]
- b. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund a corrective action plan in the amount of \$3,103,000 incident to a South Carolina Department of Health and Environmental Control Administrative Process responded to by the Department of Utilities with funds from the unassigned funds from General Fund Fund Balance [THIRD READING]
- c. 18-042MA, Cynthia Watson, RS-HD to MH, Bluff Road, TMS # R16103-05-03 [SECOND READING]

- d. 18-048MA, James A. Kassler, RU to NC (1 Acre), 3970 Leesburg Road, TMS # R25000-01-40 [SECOND READING]
- e. Public Works: Medium Bulldozer procurement
- f. Public Works: Asphalt Patch Truck procurement
- g. Utilities: Award of contract for SCADA System Upgrade
- h. Alvin S. Glenn Detention Center: Award of Contract or Inmate Healthcare

Mr. Manning 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.

15. **THIRD READING ITEMS**

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto – Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item for additional information.

Mr. Manning requested a friendly amendment to re-open the public hearing on this item.

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

Opposed: McBride

Present but Not Voting: Jackson

The vote was in favor.

16. **SECOND READING ITEMS**

- a. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund the upgrade of the Cedar Cove and Stoney Point communities low energy treatment (LET) Sanitary Sewer System in the amount of \$2,500,000 with funds from the fund balance of the Broad River Utility System Proprietary Fund – Mr. Malinowski moved, seconded by Ms. Terracio, to approve this item.

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

Abstain: Dickerson

Present but Not Voting: Newton, Myers, Kennedy, Manning

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

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

- a. I move that Richland County establish an Ordinance and/or Ordinance language revision to mirror or replicate that of the City of Columbia to replace or eliminate the public safety concerns particularly with regard to those businesses that have had shootings on their business premises...[MANNING and KENNEDY] [FIRST READING] – This item was taken up in Executive Session.

18. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. An Ordinance Authorizing, pursuant to Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended, the execution an delivery of a fee agreement between Richland County, South Carolina and Amcor Rigid Plastics USA, LLC, a limited liability company organized and existing under the laws of the State of Delaware concerning a new project; authorizing and providing with respect to an existing project for the conversion of an arrangement for fee-in-lieu of tax payments between Richland County and Amcor Rigid Plastics USA, LLC Under Title 4, Chapter 12, South Carolina Code of Laws, 1976, as amended, to an arrangement under Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended; and matters relating thereto – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski inquired if there were no jobs associated with this item.

Mr. Jackson responded there was not an increase in the number of jobs.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

- b. Committing to negotiate a fee-in-lieu of ad valorem taxes and incentive agreement between Richland County and Project ES, including a negotiated fee in lieu of ad valorem tax and special source revenue credits arrangement; identifying the project; and other matters related thereto – Mr. Jackson stated the committee recommended approval of this item.

Mr. Malinowski inquired if there were no jobs associated with this item.

Mr. Jackson responded there was not an increase in the number of jobs.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

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

I. **NOTIFICATION OF APPOINTMENTS**

- a. Hospitality Tax – Three (3) Vacancies (Two applicants must be from the Restaurant Industry) – Ms. Newton stated the committee recommended appointing Debora D. Lloyd to the Hospitality Tax Committee.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- b. Accommodations Tax – One (1) Vacancy (Applicant must have a background in the Cultural Industry) – Ms. Newton stated the committee recommended re-advertising the vacancy.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- c. Employee Grievance – Six (6) Vacancies (Must be a Richland County employee; 2 seats are alternates) – Ms. Newton stated the committee recommended appointing Susan Haurston-Hunt and re-advertising for the remaining vacancies.

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

Present but Not Voting: Dickerson and Manning

The vote in favor was unanimous.

20. **TRANSPORTATION AD HOC COMMITTEE** – Mr. Jackson stated the committee recommended to approve the Trenholm Acres/Newcastle Neighborhood Improvement Project Executive Summary, including the 3 streetscapes for Two Notch Road, Fontaine Road and Parklane Road; to defer the Shop Road Extension Phase 2 for additional information; and to approve the typical section design and engage the On-Call Engineering Team to begin design for the Blythewood Area Improvements (McNulty Street).

Ms. Dickerson stated she had questions about the Blythewood matters [i.e. “Blythewood Area Improvements (McNulty Street Improvements)”, “Approval of Blythewood Road Widening Shared Use Path Maintenance” and “Approval of Blythewood Area Improvements: Town of Blythewood Priorities Resolution”].

Mr. Malinowski inquired if all of these projects are within the referendum amount.



Mr. Jackson responded in the affirmative.

It was decided to take up the items individually.

- a. Trenholm Acres/Newcastle Neighborhood Improvement Project – Mr. Jackson stated the committee recommended to approve the Trenholm Acres/Newcastle Neighborhood Improvement Project Executive Summary, including the 3 streetscapes for Two Notch Road, Fontaine Road and Parklane Road.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- b. Shop Road Extension Phase 2 – Mr. Jackson stated this item was deferred in committee.
- c. Blythewood Area Improvements (McNulty Street Improvements) – Mr. Jackson stated the committee recommended approving the typical design and engage the On-Call Engineering Team to begin the design work.

Ms. Dickerson inquired if this road a part of the original referendum.

Mr. Jackson stated the committee was told it was. There was a special provision for this particular item, as well, to make design changes.

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

Present but Not Voting: Myers, Manning and Walker

The vote in favor was unanimous.

- d. Approval of Percival Road Sidewalk Service Modification – Mr. Jackson stated the committee recommended approval of the service order modification.

Mr. Malinowski stated, since they are all coming in within the referendum amount, could you please explain the contingency authorization amount of (-\$77,214.00) listed on pp. 252.

Mr. Beaty stated, when a design contract is initially set up, Council allows a 10% contingency for any changes that may be required. On the Percival Sidewalk, they are requesting more than the usual 10%, so that subsurface utilities can be investigated, and the contract amount is just over \$77,000. On the Service Order Modification it shows it as a red number because it is above the original 10% amount.

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

Present but Not Voting: Myers, Manning, Walker and Dickerson

The vote in favor was unanimous.

- e. Approval of Decker Blvd./Woodfield Park Neighborhood Improvement Project landscaped medians and driveway closures – Mr. Jackson stated the committee recommended approving the attached drawings showing the landscaped medians. The information will be presented to the public for review.

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

Present but Not Voting: Newton, Myers, Kennedy and Walker

The vote in favor was unanimous.

- f. Approval of Blythewood Road Widening Shared Use Path Maintenance – Mr. Jackson stated the SCDOT has agreed to maintain the Shared Use Path. The County will be responsible for maintaining the buffer area. The recommendation is to approve the Shared Use Path agreement with SCDOT.

Dr. Thompson stated SCDOT will maintain the Shared Use Path, and the County will be responsible for maintaining 5-ft. grass strip.

Mr. Malinowski inquired as to why unincorporated Richland County would be incurring the cost of maintaining property within the corporate limits of Blythewood.

Dr. Yudice stated the County can address recovering the costs incurred in an IGA with the Town of Blythewood.

Mr. Malinowski requested a friendly amendment to make approval of the agreement contingent upon an IGA with the Town of Blythewood.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

- g. Approval of Blythewood Area Improvements: Town of Blythewood Priorities Resolution – Mr. Jackson stated the committee recommended approving the Town of Blythewood's January 2019 resolution defining their priority list.

Dr. Thompson stated the Town of Blythewood wanted to reorganize their priority list. In Ordinance 039-12HR, in fine print at the bottom of the ordinance, it allows them that privilege, as long as it remains within the ordinance amount.

Mr. Malinowski inquired, if Blythewood had citizen input on this matter, or do they need it.

Ms. Dickerson stated she was not a part of this, and it is in the middle of her district.

Dr. Thompson stated it was just a Town meeting.

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

Opposed: Malinowski

Abstain: Dickerson

Present but Not Voting: Kennedy, Manning and McBride

The vote was in favor.

- h. Approval of Atlas Road Widening SCE&G Utility Agreement – Mr. Jackson stated the committee recommended approving the utility agreement with SCE&G.

Mr. Malinowski inquired if we could get the estimated hours of construction for this project, and an explanation of what the construction is for.

Dr. Thompson stated the majority of the items under associated costs are materials. The row tree trimming, traffic control/flagmen, and surveying stake pole locations is labor. The total construction labor is the actual labor to relocate the utilities, which consists of digging.

Mr. Beaty stated the \$1.585 Million is the cost to SCE&G for their labor. They did not break it down that they pay a person “X” amount of dollars per hour, plus overhead. With all utility agreements, it is a not to exceed amount, so SCE&G will not spend more than this amount without coming back and getting a modified agreement.

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

Present but Not Voting: Newton, Kennedy, Manning and Walker

The vote in favor was unanimous.

- i. Approval of Shop Road Widening Termini Change from South Beltline to Mauning Drive – Mr. Jackson stated the committee recommended approval of the Shop Road Widening termini change from South Beltline and Mauning Drive, which will result in a savings of approximately \$3.1 million.

Ms. Myers stated she thought we were going to get additional information about cost savings on this item.

Dr. Thompson stated the additional cost savings is in regards to George Rogers Boulevard, which Mr. Beaty quoted as \$4 - \$5 million.

Mr. Jackson stated Mr. Beaty threw out the cost savings for George Rogers Boulevard, but did not want to be held to that number. Mr. Beaty was certain of the cost savings for this particular item.

Mr. Malinowski stated on pp. 285 it says, “The referendum included an allocation of \$33.1 million for this work. The current design for this project proposes a 5-lane section with curb and gutter and offset shared-use paths on each side of the road within these limits for an estimated cost of \$61.5

million.” To him that looks like a cost overrun, yet we are bragging about saving \$3.1 million. He inquired if he was reading it incorrect.

Dr. Thompson stated Mr. Malinowski’s logic is correct.

Mr. Malinowski stated he asked in the beginning if all of these things were within the referendum amount, and he was told yes. So, this one is not. He stated we are approving going over by approximately \$30 million.

Dr. Thompson stated it is a policy decision.

Ms. Myers stated in the committee meeting we discussed this, and she raised the fact that it was twice the referendum amount. She asked specifically what was driving the costs, and Mr. Beaty stated he would bring back a description of the numbers. In addition, there was also this opportunity to save on the other end of it, which would bring it down to \$1 million.

Mr. Beaty stated the Shop Road Widening Project is significantly higher than the referendum amount primarily because of the extensive drainage required with the roadway. Most of the area is flat, and developed with a lot of parking lots. The area floods quite frequently, so when an entity improves the roadway the SCDOT is going to make the entity fix all those associated problems. The size of the drainage pipes, and the frequency of the catch basins is going to be greater than normal. Then, the corridor has a lot of utilities (i.e. water, sewer, fiber optics).

Mr. Jackson stated part of the motion, but he did not indicate, is to respond to what Ms. Myers raised, which was to approve the termini change, but to provide additional information regarding the cost savings.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the March 19<sup>th</sup> Council meeting.

Mr. Malinowski requested a friendly amendment to research an alternative to reduce the costs.

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

Opposed: Jackson and Livingston

Present but Not Voting: Kennedy, Manning and McBride

The vote was in favor.

- j. Approval of Service Order: Clemson/Sparkleberry Intersection – Mr. Jackson stated the On-Call Engineering Team can only complete design up to 70% of the work. Additional design work is needed for the production of the final construction plans. The committee recommends approval the service order on the Clemson/Sparkleberry Intersection.

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

Present but Not Voting: Kennedy, Manning and Walker

The vote in favor was unanimous.

- k. Approval of Service Order: Broad River Road Widening – Mr. Jackson stated additional engineering studies are needed in order to reduce the project impacts and costs by shifting the alignment in 2 locations. The committee recommended approval of the additional engineering studies.

Mr. Malinowski stated, for clarification, Broad River Road is Route 176, not Route 76.

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

Present but Not Voting: Kennedy, Manning, Walker and Dickerson

The vote in favor was unanimous.

- l. Approval of Award Letter Recommending to Award Bid: Broad River Neighborhood Improvement Project – Mr. Jackson stated the committee recommended awarding bid for the Broad River Neighborhood Improvement Project.

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

Opposed: Manning

Present but Not Voting: Walker

The vote was in favor.

- m. Approval of Award Letter Recommending to Award Bid: Dirt Road Package I – Mr. Jackson stated the committee recommends approval of Dirt Road Package I, which includes Amick Drive, Cadia Drive, Julian Addy Circle, Howard Coogler Road, Manus Road, Meadow Lane, and SE Sedgewood Road.

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

Present but Not Voting: Myers, Manning and Walker

The vote in favor was unanimous.

- n. Approval of Award Letter Recommending to Award Bid: Southeastern Neighborhood Improvement Program – Mr. Jackson stated the committee recommended award of the bid for the Southeastern Neighborhood Improvement Program.

Mr. Malinowski inquired as to who the award is being given to.

Dr. Thompson stated McClam & Associates.

In Favor: Jackson, Newton, Kennedy and McBride

Opposed: Malinowski and Manning

Present but Not Voting: Terracio, Myers, Walker, Dickerson and Livingston

The vote was in favor.

- o. Approval of Calhoun Road Diet Executive Summary and recommendations – Mr. Jackson stated this item was deferred in committee.
- p. Approval of Jushi Letter Request for Extension – Mr. Jackson stated, if you recall, Jushi requested a delay in opening the Shop Road Extension. They have agreed to pay the \$30,000/month for inspectors, if there is a delay in opening the extension. The committee recommended approval.

Mr. Malinowski stated, for clarification, that the dollar figure cited is accurate.

Dr. Thompson responded in the affirmative.

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

Present but Not Voting: Jackson and Manning

The vote in favor was unanimous.

## 21. OTHER ITEMS

- a. A Resolution to appoint and commission Ashley Amber Rose Crawford as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Care} – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

## 22. EXECUTIVE SESSION – Mr. Smith stated the following items are eligible for Executive Session.

- a. Legal Update: Richland County vs. Program Development Team (PDT) – Mediation
- b. Pending Litigation: SC Dept. of Revenue vs. Richland County
- c. Contractual Matter: Richland County vs. City of Columbia
- d. Contractual Matter: Cedar Cove/Stoney Point Sewer Project
- e. Transportation Penny Program Path Forward
- f. An Emergency Ordinance Amending the Richland County Code of Ordinances, Chapter 18, Offenses, to add Section 18-7, Public Nuisances; and Amending Chapter 16, Licenses and Miscellaneous Business Regulations, Section 16-18, relative to license suspension and revocation for a business determined to be a public nuisance
- g. I move that Richland County establish an Ordinance and/or Ordinance language revision to mirror or replicate that of the City of Columbia to replace or eliminate the public safety concerns

particularly with regard to those businesses that have had shootings on their business premises...[MANNING and KENNEDY]

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

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

Opposed: Manning

Present but Not Voting: Malinowski and Kennedy

The vote was in favor of going into Executive Session.

***Council went into Executive Session at approximately 9:38 PM and came out at approximately 11:29PM***

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

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- a. Legal Update: Richland County vs. Program Development Team (PDT) – Mediation – No action was taken.
- b. Pending Litigation: SC Dept. of Revenue vs. Richland County – Ms. Dickerson moved, seconded by Ms. Newton, to proceed as discussed in Executive Session.

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

Present but Not Voting: Kennedy, Manning and Livingston

The vote in favor was unanimous.

- c. Contractual Matter: Richland County vs. City of Columbia – No action was taken.
- d. Contractual Matter: Cedar Cove/Stoney Point Sewer Project – No action was taken.
- e. An Emergency Ordinance Amending the Richland County Code of Ordinances, Chapter 18, Offenses, to add Section 18-7, Public Nuisances; and Amending Chapter 16, Licenses and Miscellaneous Business Regulations, Section 16-18, relative to license suspension and revocation for a business determined to be a public nuisance – Ms. Myers moved, seconded by Ms. Dickerson, that based on the number of shootings, fatalities, injuries and property damage within the last 6 months, at drinking places and nightclubs in unincorporated Richland County, the disproportionate criminal and other instances at public nuisance establishments, placing an unacceptable administrative, logistical, and financial burden on the County, and the County's Sheriff's Department, Richland County's EMS, and the entirety of the County's public safety agencies, diverting resources away from other public safety response efforts in the ordinary course, including those responses

necessitated by activity that is lawful and not in the nature of a nuisance, that empirical evidence, as well as the anecdotal and eyewitness accounts of law and code enforcement personnel regarding such establishments, and the opinion of the County Council, the administrative staff and the Sheriff's Department of Richland County, that these limited number of establishments pose an imminent threat to life, health, public safety, and property in unincorporated Richland County. That an emergency be declared by the Richland County Council, and that an emergency ordinance dealing with public nuisances be adopted. In adopting the ordinance, Council does declare that an emergency exists and within the body of the ordinance we define that emergency. The ordinance does contain, in the title, the words emergency ordinance, as required by S.C. Code of Law 4-9-130. Under State Law, emergency ordinances require no readings, or prior publications, before adoption by County Council. This emergency ordinance shall be effective immediately on date of adoption and shall expire automatically on the 61<sup>st</sup> day following the date of enactment. The ordinance does not levy taxes, grant, renew or extend a franchise. Nor does it impose or change a service rate. I move that Council consider a permanent nuisance ordinance, in conjunction with the emergency ordinance modeled on the same. And, that both of those ordinance require the inclusion of the County Administrator and the Sheriff in taking emergency action. In addition, to amend the ordinance as discussed in Executive Session.

Mr. Smith stated, for clarification, Council is dealing with 2 ordinances. One is the emergency ordinance. The other item is Item (e) from the Consent Agenda, which was removed by Ms. Newton. That is a companion ordinance. Council is giving 1<sup>st</sup> Reading to that ordinance, and adopting the emergency ordinance. The ordinance that will become permanent is a 1<sup>st</sup> Reading item tonight.

Mr. Malinowski inquired about how much time there is when the Sheriff, in conjunction with the Administrator, shuttering a particular business. He stated we are talking about someone's livelihood.

Ms. Myers stated we discussed they would make amendments, as we proposed, for the long-term ordinance. In this one, we will follow the time period suggested by Ms. Newton in Executive Session for the next 60 days.

Mr. Malinowski stated it still has to come to Council. Which means you have a 60-day ordinance, and it could take 45 days before it gets to Council for a decision. We only officially meet on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month. He realizes they may be a nuisance, but we cannot become judge, jury and executor all at once.

Mr. Smith stated, to Mr. Malinowski's point, when the Council would have an opportunity to review this. Obviously, Council has regularly scheduled meetings; however, to the extent that you propose to amend it include participation by the Administrator, that also gives Council the opportunity, should they decide to do so, to call a Special Called Meeting.

Mr. Malinowski requested a friendly amendment that the Council, in conjunction with the Administrator and Sheriff's decision to shutter a business, will be notified so that within 7 days it will appear before Council.

Ms. Myers accepted the friendly amendment.

Mr. Livingston inquired what the remedy will be for the business if it is not heard by Council in 7 days.



Mr. Manning stated Council members do have the ability to call in for a Special Called meeting.

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

Present but Not Voting: Kennedy

The vote in favor was unanimous.

- f. Transportation Penny Program Path Forward – Mr. Walker moved, seconded by Mr. Malinowski, to permit staff to begin implementation of its transition of the Penny Program in-house. This transition is to be done in close consultation with the Richland PDT.

Mr. Manning stated he would like to speak in opposition to this motion. Council received 2 different Council Memorandums, on 2 different months, he is unclear as to which of the 2 we were looking at. Also, with the fact that we had the work session the week ago. We had a number of questions, and the answers were provided to us in the middle of the meeting tonight. Not having time to review the answers to the questions were asked. To have such an increased growth in the government to do this Penny Project concerns him greatly.

Mr. Malinowski stated Council has been advised they have the option, at any time, to cease and desist with moving forward.

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

Opposed: Manning

Abstain: Jackson, Kennedy, Livingston and McBride

The vote was in favor.

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

In Favor: Manning and McBride

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

Abstain: Jackson, Kennedy and Livingston

The motion for reconsideration failed.

23. **MOTION PERIOD**

- a. I move to direct the County Administrator to solicit proposals for a survey to residents of Richland County. The purpose of the survey will be to help the County strategically plan for the future as they continue to grow and meet new challenges. The survey will also assist elected officials, as well as County Administrators, in making critical decisions about prioritizing resources and helping set the direction for the future of the County. The survey will gather and analyze input and data from residents on service quality, priorities and overall performance and satisfaction with County services [WALKER] – This item was referred to the Development & Services Committee.

- b. Investing in Richland County Citizens through Workforce Development and Equal Employment Opportunities – I move that Richland County Administration and its Office of Economic Development work in collaboration with Midlands Technical College to explore the implementation of a Richland County Workforce Development & Employment Initiative (WDEI). The initiative should include a Summer Youth Employment Program and will address employment and other economic development opportunities for disadvantaged and underserved communities for Richland County. The WDEI would address employability skills, support services, on the job training and job placement for unemployed and underemployed adults and youth residing in Richland County. The WDEI should also involve other county, state, public and private entities located in Richland County to maximize employment opportunities and a better quality of life for all of Richland County citizens [McBRIDE] – This item was referred to the Economic Development Committee.
- c. I move that Richland County remove the salary history question on employment applications in an effort to ensure fair hiring practices. The mandated change should apply to employment applications in print and online and the salary history question should also be removed from verbal interviews and employment screenings [TERRACIO] – This item was referred to the Administration and Finance Committee.
- d. I move that Richland County Council secure the services of a public relations firm to, among other things, assist Council as a whole and its individual members in informing the media and general public of the body’s collective work and activities and community engagements of individual members. A public relations contractor will complement the work of the Clerk’s Office, as well as the Public Information Office, which promotes activities of the entire County organization; while a public relations firm will focus solely on Council and its members. The assistance of a contractor will ensure Council abides by state law in its interactions with staff, as the nature of public relations assistance can involve individual requests or directives to staff, which falls outside the authority of individual members. [DICKERSON] – This item was referred to the Development and Services Committee.
- e. I move that Richland County Council pass a resolution urging the South Carolina State Legislature to pass the Equal Rights Amendment, making it the final state required to ratify the Amendment [TERRACIO] – This item was referred to the Development and Services Committee.
- f. Request staff to consider a public/private partnership for ambulance services in Richland County. Private ambulance companies could be utilized at various sporting events or in response to situations that are not life and death where immediate qualified EMT personnel are not needed. This would reduce the current incident responses for Richland County personnel [MALINOWSKI] – This item was referred to the Development and Services Committee.
- g. Establish the needed position(s) to allow the Internal Audit Committee to become a viable, functioning committee [MALINOWSKI] – This item was referred to the Administration and Finance Committee.
- h. Council needs to create an evaluation method for the employees they are responsible for, the Administrator, Clerk to Council and Attorney. Once done, the evaluation process must take place [MALINOWSKI] – This item was referred to the Administration and Finance Committee.

- i. FY19 – District Hospitality Tax Allocations [MALINOWSKI] – Mr. Manning moved, seconded by Mr. Malinowski, for unanimous consent for this item.

The motion was withdrawn, in order to add the item to the agenda for action.

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

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

The vote in favor of reconsidering the agenda was unanimous.

Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

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

Present but Not Voting: Terracio and Kennedy

The vote in favor was unanimous.

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

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

24. ADJOURN – The meeting adjourned at approximately 11:57 PM.