



## Richland County Council

REGULAR SESSION  
April 3, 2018 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

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

**OTHERS PRESENT:** Michelle Onley, Brandon Madden, Larry Smith, Kim Williams-Roberts, Beverly Harris, Trenia Bowers, Dwight Hanna, Stacey Hamm, John Hopkins, Michael Niermeier, Dale Welch, James Hayes, Jennifer Wladischkin, Sandra Yudice, Steven Gaither, Quinton Epps, Kathy Rawl, Michelle Rosenthal, Angela McCallum, Valeria Jackson, Geo Price, Jocelyn Jennings, and John Thompson

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson stated in viewing past Council meetings she has been concerned about the conduct and the order. She requested her colleagues be reminded of Council’s rules and regulations, the preservation of order and the order in which it is to flow. In addition, to be mindful of the code of conduct. We may disagree, but we be respectful to all. To direct all comments to issues and refrain from personal attacks. She hopes her colleagues will understand that. She further stated we have rules on speaking and tonight she will enforce those rules, based on Council’s rules and regulations. Thirdly, we have voting rules and regulations on Council’s voting and she will be following those rules closely to maintain order and be presentable to the constituents.

2. **INVOCATION** – The Invocation was led by the Honorable Calvin “Chip” Jackson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Calvin “Chip” Jackson
4. **APPROVAL OF MINUTES**

- a. Special Called Meeting: March 9, 2018 – Mr. Pearce moved, seconded by Ms. McBride, to approve the minutes as distributed.

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

The vote in favor was unanimous.

Ms. Dickerson stated there were 2 Council members who did not cast a vote on the approval of the minutes, which means their votes fall in the affirmative.

- b. Regular Session: March 20, 2018 – Ms. Myers moved, seconded by Ms. McBride, to approve the minutes as distributed.

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

The vote in favor was unanimous.

- c. Zoning Public Hearing: March 27, 2018 – Mr. Pearce moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

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

The vote in favor was unanimous.

Ms. Dickerson requested a legal opinion regarding votes that are not cast. She stated any votes that are not cast are counted in the affirmative. If someone wants to bring the minutes back up for reconsideration would the person that did not cast a vote be allowed to do so.

Mr. Smith stated if a Council member did not otherwise abstain from voting. Did not have a recusal and they did not vote, the vote would fall on the prevailing side.

Ms. Dickerson stated, for clarification, any vote for reconsideration could be brought up by that Council member.

Mr. Smith stated as long as they are on the prevailing side.

- 5. **ADOPTION OF THE AGENDA** – Dr. Yudice stated Item 9(d): “Richland County Soil and Water Educators” needs to be removed from the agenda.

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

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

The vote was in favor of adopting the agenda as amended.

Ms. Dickerson stated Mr. Seals contacted her and explained that he had a serious fall and would not be able to be with us, but Dr. Yudice would be sitting in on his behalf. Mr. Seals is on the phone but will not be participating.

- 6. **PRESENTATION OF PROCLAMATION**

- a. National Community Development (CD) Week Proclamation – Mr. Pearce and Mr. C. Jackson presented a proclamation to Ms. Valeria Jackson in honor of National Community Development week. Ms. Jackson outlined the events taking place this week to commemorate National Community Development week.

- 7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION** – Mr. Smith stated the following items are potential Executive Session Items:

- a. Employee Grievance

- b. Contractual Matter: Property Purchase
  - c. Legal Advice: Agenda Item # 12(b) – “An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; by the addition of Section 18-71, enhanced trigger devices declared illegal; Exceptions; so as to prohibit the use of “bump stocks”, “trigger cranks”, and other such devices
  - d. Stated vs. Patricia Ford
  - e. SCDOR Update
  - f. Personnel Matters (2)
  - g. Personnel Matter: Human Resources
8. **CITIZENS’ INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Mr. Roger Lawrence spoke regarding Item # 9(c): Cedar Cove & Stone Point Subdivisions Sanitary Sewer System Upgrade”.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Interior Planning & Design Services – Columbia Place Mall - Mr. Lee Mashburn, Mr. Doug Quakenbush, and Ms. Jessica Koumas presented overview of the services they plan to provide.

Mr. Mashburn stated they have gone through the RFP process with the County. He introduced the teams participating as follows:

1. Mashburn Construction – Design/Build Contractor
2. Quakenbush Architects – Architectural Design
3. MGA Partners Architects – Programming
4. John Bowman Architect – Building Assessments
5. Osmium Development Group – SLBE Outreach
6. Cox & Dinkins – Civil Engineering
7. Johnson & King Engineers – Structural Engineering
8. Buford Goff & Associates – M/E/P Engineering

Mr. Mashburn stated the County selected to a design/build due to the speed and control of the process. The goal overall is to try to get into this project and move everyone out of the current Administration Building as quickly as possible, so demolition can begin and move the Judicial Center into that site. The teams’ responsibilities are to control the cost to maintain a budget all the way through design and pre-construction. They are focusing first on the existing condition of the building, pre-construction design and quickly get the programming and determine which buildings they will be using within the mall area. Then work with Quackenbush and MGA through programming and conceptual design to come up with some budgeting to determine where the baseline and benchmark budget is. It is their responsibility, as the design builder, to maintain the budget all the way through design, so we know where we are starting from. We get a good idea what the budget is going to be for the whole building and how we are going to approach it, get approval on that and move forward with design, demolition and construction. MGA is working on all 3 projects and they will be the mold that holds the projects together so they are in sequence and flowing with each other. John Bowman will initially be working on existing conditions and work with Quackenbush all the way through the project. Quackenbush will manage the engineers.

Mr. Quackenbush stated they have identified several strategies that will be put forth in a menu approach. Working back and forth with the budget and priorities to establish the final project. The first strategy is transforming the buildings themselves. There are 3 large, big box retail buildings in play with plenty square footage. They have very little ventilation, windows, natural light or views in or out. That can be corrected with façade improvements that will also help the quality of the interior space. The second issue is the buildings have multiple entries. It is very ambiguous where the front door might be for a facility like this. We would be developing strategies to have the front door, which also enhance safety and security. A third issue, we have done some analysis with the civil engineers. There is a tremendous amount of asphalt and parking at the mall. Much more than is required by zoning codes. They have done estimates that suggest they could remove up to 5 acres of parking, which could be replaced by green space, create some outdoor amenities and enhance the quality of the visuals of the facility.

Ms. Koumas stated an important aspect of this project is going to be workplace strategy. As we, the design team, work with the County departments to assess their needs. We will look for opportunities to create neighborhoods for the departments within the large complex while also allowing them to maintain their individual identities. We will look for opportunities to right size the departments. Look at scalability. Maybe even reduce the square footage needs for each departments, which is in line with a lot of workplace trends nowadays. Another important aspect is to create a healthy work environment. Not only for the County employees, but for the public as well. We will look for opportunities both inside and outside to incorporate green space, fitness and health amenities within the facility. And to incorporate natural daylight into a building that was not initially designed that way.

Mr. Quackenbush stated there are 3 buildings in play that total approximately 600,000 square feet. This certainly exceeds the current vision for how much is needed. That affords the opportunity to do some master planning, to assess future needs and plan for that as well. Finally, they are optimistic about the potential synergies for the future. What the renovation of this project could mean for the community and the neighborhoods around it. Certainly introducing more green space and potentially more public amenities. Improving regional transit around the area. They would expect there would be future private investment that would follow the development of the facility.

Mr. Mashburn stated to talk through the timing of the project. Again the urgency of getting in so the other projects can move forward. They have the programming slotted for about 2 months, which would put them at early June. Then another 2 months for design, which would overlap with the programming. The design phase will be determining the space layouts and how outside light will be introduced. Documentation will last 2 months, which will put them into Fall. Then 14 months has been allotted for construction. Once they get to the document process, they will competitively bid it to local subcontractors and small, local businesses. Hopefully, they will have Richland County, and surrounding areas, to bid this project. He reiterated that programming would take place in June, design documentation will run into October and demolition will begin in September. Construction would be completed by October/November 2019.

Mr. Pearce stated the County recently completed rehabilitating the Decker Mall, which was a smaller facility. The design document phase notated in the presentation seems to him like an aggressive timeline. The County got the architectural design for the Decker project and then it went to the engineering, plumbing, etc. As he recalls, the timeline took quite a bit of time. He inquired if this is sufficient time to get this done.

Mr. Mashburn stated this is a design/build, so as opposed to them preparing a complete set of bid documents, they will be working in tandem together. It will enable them to start early and enable

them to do some things without a complete set of documents. While Mr. Quackenbush is completing documents, they can go ahead and start. Part of the reasons why they are doing a design build is to be able to get that aggressive schedule. If they can get through the first 6 months, which typically takes a year, that will get them to construction a lot faster.

Mr. Quackenbush stated Mr. Mashburn touched on the notion of blending the construction documents, which is much easier in a design/build relationship. In programming phase where they will be defining what the program is going to be, establishing goals and how resources are allocated there will be a lot of decisions that will have to be made quickly, which is where they often see projects slow down. Once they have sign off on the program, they are confident they can move at a pretty strong pace. They are optimistic about it working.

Mr. Mashburn stated a lot of the approvals are as important as the work they have to do. They are going to need buy-in from everyone. They are going to need approval before they move forward and that is a process they hope to expedite.

Mr. Malinowski stated it was mentioned they would remove 5 acres of parking and create green space with it. He inquired about the cost.

Mr. Quackenbush stated for clarification that will be one of the options they explore. He mentioned up to 5 acres may be available, based on the parking counts required. However, that will be analyzed against the budget and against the outdoor space needs. The other issue he will put on the table that helps on the cost side is this is actually a much more sustainable stormwater strategy. There are ways to use the green space to control stormwater and reduce cost associated and divert dollars that might have to go to renovating asphalt as an alternative. You think about the condition of the parking lots and the potential money that would have to go into refurbishing them. Removing asphalt could be more cost effective depending on how elaborate they are with landscaping.

Mr. Malinowski requested an answer to his question, which was if you remove 5 acres of asphalt, what is the cost?

Mr. Quackenbush stated it depends on what they put back in its place. If it is grass it is very affordable.

Mr. Malinowski stated just removing the 5 acres of asphalt and carting it away. In addition, where will the asphalt be taken?

Mr. Mashburn stated they have not gotten that far in the planning process.

Mr. Malinowski inquired if they had thought about selling outparcels. He noted it was stated in the presentation that development is eager to follow this particular project.

Mr. Quackenbush stated that is one of the strategies they want to explore.

Mr. Malinowski stated right now it is "pie in the sky" ideas and we do not have anything definite.

Mr. Quackenbush stated they have not been hired yet. What they put together is their vision for the project.

Mr. Livingston stated what was put out was a Request for Qualifications and this is what they responded to.

Dr. Yudice responded in the affirmative.

Mr. Livingston stated what is before Council is a request to move forward and negotiate with this company.

Dr. Yudice stated they are requesting Council to approve the Administrator entering into negotiations for a contract. The contract will be brought back for approval.

Mr. Livingston stated it was his recollection that he read the proposal is for interior only. He inquired if we are looking at interior and exterior.

Dr. Yudice stated it includes both. The interior design of the offices, as well as the exterior of the entire site.

Mr. N. Jackson stated there are so many questions to ask and to make a decision tonight. He is seeing Public Safety, State Offices and Administrative Building. He inquired about where the Health Department will be located.

Dr. Yudice stated the Health Department will be in the State Offices.

Mr. N. Jackson inquired if they will be renovating all 3 buildings.

Dr. Yudice stated the State Offices will include the Health Department, DSS, and all of the State offices the County has to provide by law.

Mr. N. Jackson inquired if there is a rendering of the front of the building.

Dr. Yudice stated there is not a rendering yet. Once Council approves the contract, one of the steps for the firm to achieve is to provide a rendering.

Mr. N. Jackson inquired if Council has to approve the contract prior to receiving a rendering.

Dr. Yudice stated the County needs a contract with them first.

Mr. N. Jackson stated in the past during the bidding process the firm would provide certain views before moving forward or entering a contract. Council would decide on a view and move forward. Not give a contract and then decide how it will look because the cost will change depending on how we would like it to look. There is some many questions about the process and what we would like to see and what should be in the building, which could escalate the costs.

Dr. Yudice stated her recollection is the County Administrator has provided a budget for this site, as a part of Richland Renaissance.

Mr. N. Jackson stated he knows Mr. Seals has presented a budget for the site, but that is not fixed. It could go up a lot more or less. Usually in a bid process, if you have several people do a presentation about how it should look, at least before we make a final decision we would have an idea what it would cost to make that final decision.

Mr. C. Jackson stated he wanted to echo what Mr. N. Jackson said. In a prior life, when building schools that is exactly the way they did it. Typically, a design is provided and there is a cost associated with that. Then we vote on whether or not that is something we want to spend money or

and build. We do not typically get approval to do a contract and then a design comes back, based upon that approval. It seems to be a little backwards because he would like to know what they are going to design, what it is going to look and what it will cost. Then he can decide whether or not that is something as a Council can afford.

Mr. Livingston stated he is aware there are some State agencies the County is not required to provide space for and there are some that we provide space for. Is Probation, Parole and Pardon included?

Dr. Yudice stated they are included.

Mr. Pearce stated it is his understanding they are going to bring this back with dollars and Council is going to have to approve it at that point. If we do not like it, we do not approve it.

Mr. Quackenbush stated there are going to be lots of options that have to be explored before they know what happens to the exterior. Before they know how many buildings are renovated. Before they even know how much space they are renovating. This first phase that they are doing is assessing all of those questions. That is why they are starting with programming. At this point, they do not know confidently if they are renovating 200,000 square feet or 300,000 square feet. But the design/build process will allow all of that to be transparent. Council gets to make all of those decisions as part of the process before the project is given a thumbs up.

Mr. Pearce stated they are going to try to work within the budget they were given; however, if they cannot do this within the budget they are going to present options against that budget.

Mr. Malinowski inquired if the County is hoping to lease out space to State offices. Do we know if specific State agencies are going to be coming in there?

Dr. Yudice stated her recollection is the Health Department, DSS, Probation, Pardon and Parole. It will include all of the State agencies the County currently provides space for.

Mr. Livingston stated for clarification that we are simply talking about the mall complex.

Dr. Yudice stated, on this item, it is just the mall.

Ms. Dickerson stated it is her understanding they are presenting their proposal. She inquired if Council is to vote to give them the authority to move forward with contract negotiations. That will give Council the authority to be inclusive in approving the contract =.

Dr. Yudice stated once we reach an agreement with the Mashburn team the contract will be brought back for Council approval.

Ms. Dickerson stated she wanted to ensure that Mr. C. Jackson and Mr. N. Jackson's questions are answered because they are mentioning the fact that Council needs to have input. We are trying to figure out where and how Council will be included in this process.

Ms. Myers stated for clarification this is the opening bid where they will be sent off to put together what is being requested by Council and bring it back to Council.

Dr. Yudice stated this is the proposal that was presented to the County. It went through the Procurement process and the proposal was evaluated. We are requesting Council to allow us to go into negotiations with this team for a contract.

Ms. Myers stated, as a preliminary matter, they were the successful team to put together a bid, so that we would have exactly what was Mr. C. Jackson and Mr. N. Jackson requested. As well as what Mr. Pearce suggested we normally vote on, which is a package of proposals.

Mr. Mashburn stated this is unique and different because it is a design/build. Traditionally, you would hire the architect to put those options in front of you, so you will have those options. Then they would complete the bid documents. For the sake of time and budget, the County elected to choose a design/build delivery. The County sent out design/build proposals for teams. They were one of the teams, and obviously the successful recipient.

Mr. Pearce stated they have already been given a budget. What is the County going to negotiate a contract for?

Mr. Mashburn stated the way the design/build contract works is they put together a proposal for design and pre-construction services. They have not gotten to that point yet. These are just concepts. In this case, the whole team is together. It is their responsibility, as the contractor, to price it as they go to make sure they are in line with the budget.

Mr. N. Jackson inquired about how many firms applied.

Dr. Yudice stated there were 3 proposals.

Mr. N. Jackson stated one of his concerns, as this is a contractual matter, is that there are certain things he would ask, but since it is contractual it would be more qualified for Executive Session. He stated he has some concerns, which he will not bring forward publicly.

Mr. Malinowski inquired if the company before Council the lowest bidder.

Dr. Yudice stated this is a request for qualifications. This was the highest qualified firm.

Ms. Dickerson stated for clarification that this item needs Council's vote tonight.

Dr. Yudice stated to allow the County to negotiate a contract with the selected firm. We will bring the contract back for Council approval.

Mr. Pearce moved, seconded by Mr. Livingston, to allow the County to negotiate a contract with the selected firm and bring the contract back to Council for approval.

Mr. N. Jackson made a substitute motion, seconded by Mr. Malinowski, to take this matter up in Executive Session prior to it being voted on.

In Favor: Malinowski, McBride, Kennedy, Manning, C. Jackson, N. Jackson

Opposed: Dickerson, Livingston, Rose, and Pearce

The vote was in favor of the substitute motion.



Mr. C. Jackson inquired if Council will be allowed, after Executive Session, to reintroduce the motion in its original state.

Mr. Smith stated once Council has gone into Executive Session to discuss this matter those on the prevailing side can come back out and request the item be reconsidered.

- b. Judicial Center Architect of Record – Dr. Yudice introduced MGA Partners as the Architect of Record for the Judicial Center.

Mr. Pearce inquired if the courthouse is going to be differently.

Dr. Yudice stated it will also be design/build. MGA conducted the Judicial Center needs assessment study, and based on that RFQ, they were selected to be Architect of Record.

Ms. Amy Stein introduced Ms. Mary Beth Branham, LS3P and Mr. Bill Fleming, Stevens & Wilkinson, which are a part of the team.

Ms. Stein stated they were hired in 2017 to complete an assessment of the existing Judicial Center. They worked with the stakeholders of the building, the County and the ad hoc committee and came up with a plan to build a new judicial campus, which they are here to preliminarily present today. The Columbia Place Mall project is intertwined with judicial campus. The mall needs to complete first because the idea is to site the new Courthouse and judicial campus on 2020 Hampton. At the end of the process, the existing Judicial Center will be sold. It is part of a very large program to rejuvenate Richland County. One of the important factors, when they began to realize during the initial study that the 2020 site might be available for reuse, they thought it was tremendous opportunity to place the judicial campus on the site. The 2020 site is 9-acre site, which is quite a bit larger than the current Judicial Center, which sits on 2.5 acres. Some of the problems that building has is its inability to grow and lack of parking. This new site is excellent as an opportunity to provide more public access to the building. Also, in an institutional core with Allen University and Benedict College across the street. There is also the ability to purchase 3 additional acres to the North and they are recommending the County do so. This will provide for future growth for the judicial campus for the next 20 – 50 years. During the course of the study, they looked at concepts for the building. The basic idea is to utilize the 2 sites for a campus of buildings that would comprise the new Judicial Center. There is a 5-story courthouse and an administration building across the street. Both of those work together to house the agencies currently in the Judicial Center. One of the assets of this site is the existing parking garage, which they will be utilizing. There is plenty of public parking. The main approach and identity for the building will on Harden Street. This proposed new campus will house 600 County employees, all of the agencies and stakeholders currently in the Judicial Center. On the Courthouse side will be all of the judges, courtrooms, clerk's offices and Sheriff. In the building across the street, the administration agencies and stakeholders that support the courts (Solicitor, Public Defender, DJJ, CASA, SisterCare, Register of Deeds, etc.). They spoke with the stakeholders and when a courthouse gets to this size (17 courtrooms) often the buildings are split into a campus. It works because we can allow people in the administration building to have mobile workspace in the Courthouse. The building will be designed to the latest judicial standards. One of things that can be accomplished at this larger new site is to provide 3 modes of circulation for the public, judges and court staff, and detainees in the building. All of those modes will be separate and highly secure. It will also be a very technology rich building that meets current court standards. A project of this scale and magnitude is going to take many folks to create. Architects and Engineers who are skilled and probably a team of over 70 people by the end of the project. They had a couple ideas on what they needed to accomplish with that. First, and foremost, they wanted to engage the local community. Their firm does work all across the country and they know how to find teams that can take on work

locally and be their eyes and ears here. They wanted to distribute the work to multiple firms, so they have a different team for the Courthouse and different team for the administration building. MGA will lead the work of those firms from Philadelphia, but they are proud to say that 60% of the work will be completed in South Carolina, 42% in Richland County and 17% are SLBE and minority firms.

Ms. Branham stated she leads an architectural firm, LS3P, in Richland County, but more importantly she grew up in Richland County. She has lived here all of her life and raised her children here. LS3P is an architectural and interior design firm, which is celebrating their 55<sup>th</sup> anniversary this year. They have 8 offices in the Southeast. She started LS3P's Columbia office 14 years ago specifically to be local to their clients and communities in which we live and work. Since being in Columbia, they have had the great fortune to be involved in some notable projects in Richland County. Most recently, they worked with Richland School District Two and the Honorable Chip Jackson on the design of the Richland 2 Institute of Innovation, which also contains the Richland County Sandhills Library. As you know, this facility is a fabulous community resource in the area and it was a joy to be a part of it. They have also teamed with lead design architects, like MGA, on projects that require unique and special expertise. In addition to designing various courthouses in South Carolina and North Carolina, their firm has recently partnered with the lead design firm on the Federal Courthouse in Greenville, South Carolina. Additionally, they teamed with a lead design firm on the design of the Fireflies Stadium for the City of Columbia. They know how significant this courthouse will be for them, their families and their community. They would be honored to be a part of this wonderful renaissance in the County with you and their partners.

Mr. Bill Fleming with the architectural and engineering firm Stevens & Wilkinson. They recently celebrated their 40<sup>th</sup> year in Columbia and in 2019 the firm will celebrate their 100<sup>th</sup> as a firm. They have teamed with multiple firms over the course of their existence on projects of this magnitude and this critical success to the operations of Richland County. Currently, they just finished the Florence Judicial Center that contains a lot of the similar office functions that will be in the administration building. They are working with York County on a new administration building. In the near past, they have finished the Horry County Administrative and Judicial Complex, Sumter County Courthouse, and a similar facility in Lancaster. He stated he was a 55-year resident of Richland County. His daughter attended school here, so he has enjoyed the opportunity to work here for his local community. He stated he had worked with John Bowman on C. A. Johnson. They are familiar with all of the people they are on the team with and they look forward to working with the County on the administration building.

Mr. Pearce moved, seconded by Ms. Myers, to accept them as architects of record.

Mr. Malinowski inquired if accepting them as architects of records are we accepting all the things they present to Council this evening.

Dr. Yudice stated the action from Council is to enter into a contract with this firm and bring the contract back to Council for approval. Then the process will start for the design of the facility.

Mr. Malinowski stated we ended up having some problems with the Penny Tax when we had liaisons through a public firm. He inquired as to why we are shipping this out when we have our own Public Information Office that can handle liaison. We also have our own small, local business enterprise group that should be handling it and not asking someone else to handle it.

Mr. N. Jackson stated this why he asked for the last item to be discussed in Executive Session. There were certain questions he wanted to ask.

Mr. N. Jackson made a substitute motion, seconded by Mr. Malinowski, to discuss this item in Executive Session before moving forward.

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

Opposed: Manning and Rose

The vote was in favor of the substitute motion.

- c. Cedar Cove & Stoney Point Subdivisions Sanitary Sewer System Upgrade – Dr. Yudice stated this is a project for the Cedar Cove & Stoney Point Sewer System that has been presented to Council since last year.

Mr. Malinowski stated the Administrator has recommended from the beginning that Richland County pay for the entire process of getting this system in working order. Other matters came up that created some back and forth legal situations. He also feels this is something that Richland County needs to do for the citizens that we have here. As you heard, Mr. Lawrence say, there are pollutants and fecal matter going into the lake.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to direct the Administrator to locate the needed funding for the upgrading of the sewer system in Cedar Cove and Stoney Point to the current standards, according to our experts. This will include the decommissioning of old septic tanks, providing sewer lines, as needed, on owners and public properties. A new grinder system, where needed. Once the installation is complete, Richland County will be responsible for maintaining the public portion of the system. In addition, to authorize the Legal Department to reach a written agreement with the homeowners' association representative and bring it back to Council for approval.

Ms. Myers inquired if the County would be going and digging up everything in a homeowner's private backyard, decommissioning that and putting in new infrastructure for a private homeowner.

Mr. Malinowski responded the County would and that is why we would have to reach a legal agreement that the County would have hold a harmless and a need to go on the property to do all of this from the beginning.

Ms. Myers inquired about how many homes we are talking about and how much the cost would be.

Dr. Yudice stated it is about 140 homes at a cost of \$2.5 million.

Ms. Myers stated her understanding of the Administrator's Report was that we are handling the public portion and private homeowner's would handle their portion.

Dr. Yudice stated that was one of the options, but the recommendation is to do the entire system including the decommissioning for the homeowner's.

Ms. Myers inquired about what kind of precedence this will set.

Mr. N. Jackson stated unless there is a problem in the system, per DHEC, the homeowner would have to tie into the new system, but they would be responsible for decommissioning the septic tank

in their yard. Any homeowner in Lower Richland has access to tap into the line, but they are responsible for decommissioning their septic system.

Mr. Malinowski stated there are documents out there and that is why this has gone back and forth amongst 2 legal entities, the County's and the homeowners' association. Some of the documents indicate that Richland County is responsible for that portion that lies on private property. Rather than pick and choose, it was better felt that we pay for the whole thing moving forward. There is a problem in the system and is why this whole thing is before us.

Ms. Myers inquired if Mr. Smith could explain this or did it need to be taken up in Executive Session.

Mr. Smith stated it would be better to take it up in Executive Session.

Mr. Malinowski made a substitute motion, seconded by Ms. Myers, to take this item up in Executive Session.

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

Opposed: Rose

The vote was in favor of the substitute motion.

- d. Employee Grievance – This item was taken up in Executive Session.
- e. Transportation Workshop Facilitator – Dr. Yudice stated they have scheduled a Transportation Workshop for April 17<sup>th</sup>. It is the Administrator's recommendation to hire a facilitator. Barry Nocks with Clemson University has been contacted and is available to be the facilitator during the workshop.

Mr. N. Jackson requested to be reminded what the workshop was about.

Dr. Yudice stated it is about amending Ordinance 039-12HR that Council has been informed they need to go back and reaffirm the changes that have been previously made for the transportation projects and reaffirming the budget process moving forward.

Mr. N. Jackson inquired if that is also where there was a recommendation to balance some funds. The Transportation Director suggested saving some money by moving the management of the dirt roads to Public Works.

Dr. Yudice stated that will be discussed in the workshop.

Mr. Pearce inquired if this is to discuss the presentation Dr. Thompson made awhile back.

Dr. Yudice stated that will be discussed at the workshop.

Mr. Livingston stated he wished he had some scope of what we are going to be doing in that workshop because he has no idea what specifically we are talking about. He inquired, if in talking with Mr. Nocks, he was provided a scope of work or what will be discussed in the workshop.

Dr. Yudice stated the workshop is about the Transportation Penny and the information that Ms. Frannie Heizer has provided in the past. There are some actions that Council will need to take after the workshop, which is amending the Penny Tax Ordinance.

Ms. Dickerson stated this is the workshop that Ms. Heizer requested us to defer.

Mr. Livingston requested a copy of Mr. Nocks' resume.

Dr. Yudice stated Mr. Nocks provided his resume yesterday and will be forwarded to Council. We are requesting authorization to hire him as the facilitator for the workshop.

Mr. Manning inquired if there is a document that states what the scope of services is.

Dr. Yudice stated once they have Council's authorization they will request that.

Mr. Manning stated we are going to authorize and after we authorize we will draw up what the person is going to do. He inquired if we have a cost estimate on this.

Dr. Yudice stated not yet. They requested a cost estimate, but it is just for him to come and facilitate the workshop.

Mr. Manning stated there is no scope of what we are asking him to do. We have his resume. He is going to tell us what he is going to do and give us an estimate after we approve that taxpayer dollar expense tonight.

Dr. Thompson stated the purpose of the facilitator is to come in here to help us to focus on a couple of items. As mentioned earlier, he made a couple of presentations to Council. One of those presentations was about looking at how we ratify the ordinance based on the termini or the beginning point or ending point of construction projects that were changed from the referendum. Another point is some of those projects went above the referendum amount in terms of the amount of dollars per project, so we have to ratify the ordinance. It is also an opportunity to give us direction as move forward in prioritizing projects. We understand that we have been over budget. From this body, how do we move forward in prioritizing the projects that we have, so we can complete those projects in an orderly fashion? No, we do not have a document, in terms of the scope of work, but we will have a document soon. We do not have the costs from the proposed contractor.

Ms. Dickerson stated for clarification that they are wanting Council to approve a facilitator tonight without knowing what the approximate cost for the facilitator will be.

Dr. Thompson stated they want to move forward, in terms of having a facilitator.

Mr. Malinowski stated he is not sure Mr. Manning received his answer because that is exactly where he was going. He inquired if Dr. Thompson was telling Council they needed to focus on certain items, ratify an ordinance, to prioritize projects and how to move forward. It seems like Dr. Thompson already knows where we need to go and what we need to do in this workshop. All those things mentioned are for Council to answer. He stated Council has held numerous workshops over the years and never had a facilitator. He does not know what the facilitator is going to be doing that is going to help us make these decisions and why we should be paying someone to hold our hand while we do it.

Dr. Thompson stated they do not have a scope of work nor a cost.

Ms. Myers inquired how they found a person without a scope of work.

Dr. Thompson stated based on the person's background and doing this type of work.

Ms. Myers stated, if we do not know what we want them to do, how do we know that person is appropriate to do it. When you called this person, was there a discussion what we needed them to do. There has to be some predicate upon which we made the call.

Dr. Thompson stated the same conversation he has had with Council is the same conversation they had with this individual.

Ms. Myers stated she is not opposed to a facilitator. Reflexively she is opposed to a facilitator without some written scope of work that Council can see. Staff may have in their minds exactly what is going, but for Council's purposes it would help to have a written scope of work and a responsive document in the form of a resume to suggest the potential facilitator meets the requirements.

Mr. Livingston stated what he cannot understand is all these professionals we have in this area. We have attorneys, Transportation Department Director, and the PDT Team working on this. He does not know what this person is going to offer that he cannot get from all these professionals.

Mr. N. Jackson inquired if Council will be discussing Dr. Thompson's presentation or will they have an opportunity to get other options on how to move forward.

Dr. Thompson stated that we will have to consider in terms of another engineering firm.

Mr. N. Jackson stated not necessarily another engineering firm. He stated Dr. Thompson did a presentation on how he thought the County should move forward. There are other options also, so is Council going to only discuss Dr. Thompson's presentation or will there be an opportunity to hear other options to make a decision.

Dr. Thompson stated he will speak to Dr. Yudice about it. He does not think it is realistic this will happen by April 17<sup>th</sup>.

Mr. N. Jackson stated it is not realistic, so we are just going to hear what staff has to say and make a decision with no options or anything.

Dr. Thompson stated, based on ratification, he does not think we need an engineer to figure that one out. In terms of the termini changing from what was in the ordinance or going over the budget.

Mr. N. Jackson stated he is following the ordinance. He stated Dr. Thompson is giving Council an option on how to move forward and save some money, which requires engineering practices and documentation to make these changes. Dr. Thompson gave Council an option to move the dirt roads to Public Works and hiring new staff, but Mr. N. Jackson is sure there is more than one option. He inquired if there will be an opportunity to hear more than one option.

Dr. Thompson stated from the County Administrator's memo about 3 weeks ago he offered 3 options and we can explore from those options or we can find new options.

Mr. N. Jackson stated those 3 options are from the County Administrator only. He inquired if there were any from outside groups.

Dr. Thompson stated one of the options is to maintain the work we are doing with PDT.

Mr. N. Jackson inquired if the PDT had some input and provided a recommendation also.

Dr. Thompson responded in the negative.

Mr. N. Jackson stated that was what he was asking. The PDT has been doing the work. They have been contracted to do the work. Whatever happens, he would like to hear some options from them. He would like to get more than one opinion and making decisions from the Administrator's perspective.

Mr. Pearce stated Dr. Thompson seemed to be able to articulate exactly what Council needs to do, so why can he not do the workshop. It is his understanding that Part I is to ratify parts of the ordinance, which we know exactly what we need to do, so he does not see why we need a facilitator to go through that. We would have someone to preside over the meeting, which Dr. Thompson could probably do. Then Mr. Smith could tell Council what they need to vote on and deal with it. Part II is some issues with projects that went over budget. How is a facilitator going to help us with that? Then we get into what Mr. N. Jackson is talking about, which is the proposal part and at that point we have a proposal that Dr. Thompson put on the table. We have an existing program. But he does not see how a facilitator is going to go out and find another option.

Dr. Yudice stated they do not expect the facilitator to do that. They wanted to present the recommendations to Council. If Council desires to have a facilitator for the workshop, they can go ahead and bring one. They talked to Dr. Nocks and he agreed to develop a proposal, which they do not have yet.

Ms. Dickerson stated that is only if Council agrees to have a facilitator, but they have an option not to have a facilitator and the Administrator will have to figure out a way to present the workshop to Council on April 17<sup>th</sup>.

Mr. Pearce stated, to summarize, we need somebody that will keep us on track if we are going to actually deal with this and then get a decision and move to the next thing. What has happened is we have gone into these meetings and wandered all over the place. Nobody has gotten to the point of anything.

Dr. Yudice stated that is the purpose for bringing a facilitator for the workshop.

Mr. C. Jackson stated he is absolutely convinced, based upon the discussion tonight, we need a facilitator, a mediator, an intercessor. His understanding is the intent was to make sure it did not become subjective in our discussion and it could be someone who could be objective. He stated he is not sure the Administrator, the Transportation Director or Council can be objective. He thinks we all have very distinct views about what is going to happen, how we see it happening and what should happen to the Penny Program, the PDT, and the staff. He does not know Mr. Nocks; therefore, he does not feel comfortable approving someone whose resume he has not seen and hoping he can facilitate the group that has such strong opinions.

Mr. C. Jackson moved, seconded by Mr. Livingston, to defer the decision on Mr. Nocks until Council has an opportunity to review his resume and view the scope of work. In addition, to delay the April 17<sup>th</sup> workshop.

Dr. Yudice stated they have a brief document from Dr. Nocks, if Council would like for her to read it.

Council declined and requested his resume be forwarded to them.

Ms. McBride stated Mr. C. Jackson actually said what she was about to say. After being on Council for about 14 months and dealing with the Penny Tax for most of those months, it is quite obvious we need a facilitator. She concurs that we may not need the one selected. We have tried. We have had several workshops and they have not really successful. She thinks a facilitator would help guide Council through the process. Mr. N. Jackson mentioned there may be some options that a neutral person could help them move along.

The decision on the facilitator will be placed on the April 17<sup>th</sup> Council agenda for action.

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

The vote in favor was unanimous.

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

- a. District 3 – Returning Home Event – Ms. Roberts reminded Council that District 3 will be hosting a “Returning Home” event on April 5<sup>th</sup> at 11:00 a.m.
- b. Richland Renaissance Public Meeting: April 12, Former Haverty’s Store, 1430 Colonial Life Blvd. – Ms. Roberts reminded Council of the upcoming Richland Renaissance meeting on April 12<sup>th</sup> at the former Haverty’s store. The meeting will begin at 6:00 PM.
- c. Transportation Workshop, April 17, 2:00 – 4:00 PM – This meeting was deferred.
- d. International Gala, April 5, 6:00 – 9:00 PM, Ellis Banquet Hall – First Baptist Church, 1300 Washington Street – Ms. Roberts reminded Council of the International Gala on April 5<sup>th</sup> at the Ellis Banquet Hall – First Baptist Church from 5:00 – 9:00 PM.
- e. Updated Council Rules – Ms. Roberts stated the Chair requested that Council be notified that Section 2.5 – “Participation had at least 2 areas where it was not gender inclusive. It referred to the male gender only; therefore, the rules have been corrected accordingly. If Council members see other areas that need to be corrected, please let the Clerk’s Office know.

Mr. C. Jackson stated the International Festival is scheduled for April 14 – 15. In the past, Council has been invited to attend, but he has not received any information thus far.

11. **REPORT OF THE CHAIR**

- a. Personnel Matters (2) – This item was taken up in Executive Session.
- b. Personnel Matter: Human Resources – This item was taken up in Executive Session.
- c. CMRTA Executive Director – Ms. Dickerson stated the CMRTA has hired a new Executive Director, which will start on April 29<sup>th</sup>. He will be introduced to Council once he starts. Ms. August will be working through May 15<sup>th</sup> to assist with the transition.



12. **APPROVAL OF CONSENT ITEMS**

- a. 17-048MA, Mike McCall, RU to RS-LD (.49 Acres), 10 North Drive, TMS # R02403-01-10 [SECOND READING]
- b. Develop an overlay for Garners Ferry Road and Sumter Highway Corridor eastward, for setbacks, signage, borders, shrubbery, and other appearances to keep the rural character [N. JACKSON]

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

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

The vote in favor was unanimous.

13. **THIRD READING ITEMS**

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC, for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

Mr. Rose made a substitute motion, seconded by Mr. Manning, to defer this item until May 1<sup>st</sup> after the City take up the zoning request for student housing.

Ms. Dickerson stated, in her opinion, Council should hold up this item waiting on the City. This is a Council decision. The City has their decision.

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

Opposed: Malinowski, Myers, Pearce, Kennedy, and Dickerson

The vote was in favor of deferral.

14. **SECOND READING ITEM**

- a. An Ordinance Repealing Ordinance Number 039-17HR and authorizing a deed to Lexington County Health Services District, Inc. for One Summit Parkway, which is the former Summit Parkway Library; also described as TMS # 23000-03-07 – Mr. C. Jackson moved, seconded by Mr. Rose, to approve this item.

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

The vote in favor was unanimous.

- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration, Article VII. Boards, Commissions and Committees, Subsection 2-327(a), so as to allow for the reappointment of members after one year of non-service – Mr. Manning requested a point of clarification. He stated his understanding was at the last meeting we changed the wording to be after one year of the expiration of the term.

Ms. Onley stated the language in the ordinance is correct and she will have the title amended prior to Third Reading.

Mr. Manning moved, seconded by Mr. Malinowski, to approve the corrected language in the agenda.

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

The vote was in favor was unanimous.

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

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 19, Offenses; by the addition of Section 18-7, Enhanced Trigger Devices Declared Illegal; Exceptions; so as to prohibit the use of “bump stocks”, “trigger cranks”, and other such devices – This item was taken up in Executive Session.

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

- a. Memorandum of Agreement with Hughes Lake Owners’ Association for Storm Drainage Pipe Replacement – Mr. Malinowski stated on p. 114 of the agenda under notes it says, “The committee recommended to approve the negotiation and execution of a memorandum of understanding and the subsequent payment of \$15,000 to the Association. The MOU is to be brought back to Council. He sees this as conflicting language because above it says negotiation and execution and then it is brought back to Council. His recollection of the committee meeting is that it was going to be negotiated and brought back to Council before any payment was to be made. He wants to assure that is done.

Mr. Smith stated his recollection is what Mr. Malinowski stated. What came from committee was not that the document would be executed, but it would be negotiated and brought back to Council so you know the terms and conditions of the MOU. If Council approves that, then it would be executed.

Mr. Malinowski moved, seconded by Ms. Myers, to approve the committee’s recommendation to negotiate and bring the MOU back to Council prior to execution.

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

The vote in favor was unanimous.

- b. To clarify the motion passed to move forward with the Renaissance Plan. Motion was to “move forward with the plan, to include the necessary purchase by the Administrator, as discussed in Executive Session.” NOTE: The motion did not give the Administrator permission to purchase additional property or make decisions without input and approval of full Council. In Executive Session the discussion included Vision, Draft and Public Input. It is paramount that this process is not ignored [N. JACKSON] – Mr. Livingston stated the committee did not have a recommendation on this item.

Mr. N. Jackson stated there was some misunderstanding with the motion that was passed. He specifically mentioned in the motion that we move forward approving the Renaissance Plan, as discussed in Executive Session. There is concern about purchasing property. What was discussed with Council was certain properties we would move forward with. He believes the Administrator had a different interpretation. He wanted to clarify that when we gave permission to move forward with the plan, his motion was to move forward with what was discussed in Executive Session. The parts discussed were a vision, a draft, and we would come back with more ideas or modify/change anything we decide before the Administrator could move forward. It was not a done deal when we said move forward with the Renaissance Plan. The wording was, as discussed in Executive Session, so he wanted to clarify his motion that was approved. The intent of the motion and how Council moved forward with the Renaissance Plan because there were some concerns about just purchasing properties. He thinks the Administrator thought he could decide to purchase whatever property he chose and let Council know after.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to move as he just described.

Ms. Dickerson stated she did not have any documentation in front of her to confirm the discussion and vote on this in that context.

Mr. Manning stated he wanted to be sure he was clear what he is reading here. It is saying that in Executive Session the discussion included public input.

Mr. N. Jackson responded in the affirmative.

Mr. Manning stated we really and truly went into Executive Session, and in the secret room, outside of public view, we were having discussion that included public input. We have really got that bad about what he has been carrying on about for years. That we are actually documenting, on our agenda, that in Executive Session, we, as a Council, discussed public input.

Ms. Dickerson stated, on behalf, she does not recall that particular discussion; therefore, she cannot confirm that is exactly what we discussed in Executive Session. She noticed a lot of times we discuss something, but what we decide to come out of there to vote on, she does not recall it being in that context.

Mr. N. Jackson stated he did not want it to come from Council down to the community. He wanted the community's input first before we move forward. That is why he had meetings in his community to get their input. How it was presented to Council was, here is the plan, we are going to present it to the community. When we went into Executive Session, it was discussed that we have community input first before we move forward with everything. That is why he had to clarify his motion that was approved. He is clarifying what was approved. He mentioned that we get input from the community first before we move and that has not been done. That is why he made the motion to clarify his motion. As Mr. Manning clearly said, yes it had to be discussed in Executive Session, where he asked to make sure we include the public first before we move forward with anything. That is why he wanted to be sure we include the public before we move forward with anything. The land purchase that was discussed, that was fine. We had agreed to that, but anything else we need the public input before we move forward.

Ms. Dickerson stated, at this particular point and time, what is before us is that this came out of committee without a recommendation. She stated we will vote on whether or not we will proceed on this item...that we take a vote on Mr. N. Jackson's motion. His motion was that he recalled there was public input in Executive Session for this item.

Ms. Myers stated, for clarification, if we follow this, as written, it presupposes that we have voted on this motion, so we would be voting on again. She asked if we need to vote on the prior motion and take that one back. We have already voted on this, so she is not clear. If there is a new motion, but this is clarifying the old motion. So we have already voted on that motion. Is that right?

Ms. Dickerson responded in the affirmative.

Ms. Myers suggested Mr. N. Jackson is asking for Council to provide some clarity to the Administrator and the staff as to what the intent of the motion was, but we have already voted on this motion.

Mr. N. Jackson stated it was not clear, so that is why he wanted to clarify the motion so the Administrator would know how to move forward. He does not want to see something done and we are told we approved it and we did not. He wants to make it clear to the Administrator that certain things with County building here and the mall. We discussed that. We are supposed to move forward with that, but anything else we needed public input on how to move forward. He wanted to clarify that motion, so he can understand because it was not clear.

Mr. N. Jackson made a substitute motion, seconded by Mr. Malinowski, to move forward with the Renaissance Plan and the renovations of Columbia Mall and the Administration Building, but anything else has to be approved by Council before the Administrator can move forward.

Mr. Smith stated it was brought to his attention that this matter apparently came before Council...

Dr. Yudice stated this matter came before Council at the December 12<sup>th</sup> Special Called meeting. It was approved to move forward and the vote was clinched.

Mr. Smith stated, at this point, if Council was going to do something different the vote would have to be rescinded. If all that is occurring is a clarification than that is a different issue than making a motion on the same issue.

Mr. N. Jackson stated that is why he had a clarification. He was asked to make a motion, but that is why he had a clarification to let the Administrator understand what the motion meant because there is some misunderstanding.

Mr. Malinowski stated, for clarification, that Dr. Yudice said Council approved to move forward. He inquired as to what Council was to move forward with.

Dr. Yudice stated to move forward with the concept of Richland Renaissance.

Ms. Dickerson stated, for clarification, as discussed in Executive Session. At this time, there is no need for a vote on this matter.

Mr. Smith stated if Mr. N. Jackson's intent was too simply to clarify his intent that would be appropriate. However, if what was being discussed was a motion on this issue, then you would have to repeal your previous action.

Mr. N. Jackson stated he wanted to clarify his motion that it was more a concept that was approved. At the Retreat, there was a misunderstanding with the Administrator that it was not a concept, but to move forward. That is why he had a clarification, so he can understand how we would like for him to move forward.

Dr. Yudice stated, for clarification, the item was land acquisition for Richland Renaissance back in December. That is what was approved to move forward.

Ms. Dickerson inquired if Mr. N. Jackson's motion was in order.

Mr. Smith stated, as he understands it, Mr. N. Jackson has not made a motion. Mr. N. Jackson stated the only thing he wanted to do was clarify his intentions.

Ms. Dickerson stated since this item has been voted on we do not need to take any action on this item.

Mr. Livingston moved, seconded by Ms. Kennedy, to request all the land the County put an option on, land purchased and the amount paid, and any land the County made offers on since the December 12<sup>th</sup> meeting. The information should be provided to Council members by the end of the week.

Mr. Malinowski inquired if Mr. Livingston wanted two separate pieces of information provided. The first one with all that he requested, as it related to the initial concept that passed by Council back in December. The second one, where we are now.

Mr. Livingston stated he said since December.

Mr. Malinowski stated we need to know what we had then and what we have now.

Mr. Livingston responded in the affirmative.

Ms. Dickerson stated she wanted to be sure to carry this correctly. What is before us is to get some information for clarification on this item. And she needs to take a vote that we are doing this for clarification and costs for land acquisition and how much land we acquired.

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

The vote in favor was unanimous.

- c. Award of Contract for Hunters Run, Phase I Roadway Repairs Project – Mr. Livingston stated the committee's recommendation was for approval.

Mr. Malinowski stated during the committee meeting one of the things mentioned was that this road has been under consideration for 5, 8, 10 years and the monies have already been approved, so let's go ahead and move forward with this one because it has been waiting for so long. Since the last meeting, he did some investigating and found out there are some roads that have been unattended to by Richland County by 2000, which far supersedes these 2010 type of roads that have just come before us. He cannot support providing \$200,000 - \$300,000 for a roads that has been around for such a small period of time versus such long ones.

Mr. Malinowski made a substitute motion, seconded by Ms. Myers, to fix the roads that have been waiting to be repaired since 2000 and this one wait its turn.

Mr. N. Jackson stated he understands the Public Works Department is developing a criteria and a ranking method to address that situation. Until that is developed, he does not think we should stop

the proposal that has been in the works for several. He believes Public Works should have something within the next month and then we could move forward with that and it would more fairly treated. He cannot help that someone did not bring it to our attention that a road badly needs repairs. We only get what is presented to us and that is all we deal with. If we develop the ranking list then we will have something to look at and we will know how to move forward in the future.

Mr. Malinowski stated staff is aware of the roads that he found that have been in need of repair.

Ms. Myers stated, in the committee meeting, we did discuss this pretty robustly. She agrees the roads before us should be repaired, but there really does need to be some order put around and some process, so the squeaky wheel does not always get the oil. The people that have followed the rules. Have come and presented their case and were told their roads were going to be repaired do not just get left out there because they are not screaming at the front of the line. The issue is fairness. If I have been waiting since 2010, and followed all the County's protocols, why is fair for someone to jump in at 2015 because they come every Tuesday and talk about their road they jump ahead of the line. She thinks they all have to be repaired. The process should be fair and transparent to the taxpayers who live on these roads, so they can fairly anticipate when they get their repairs.

Ms. Myers inquired if the intent of the substitute motion is for this road to be put in line with the roads that were discovered by Mr. Malinowski and all of the roads get repaired or are we taking this one out of line and putting something else in line.

Mr. Malinowski stated he would like to take the ones staff is aware of. The ones from 2000, they are well aware of and have been communicating with the citizens. If we are talking about fairness, they really should have those 2 or 3 roads repaired first and this one can come afterward.

Ms. Myers inquired if the packages have developed for those roads like the road that is before Council.

Mr. Malinowski stated he could not answer that. He believes staff knows what is there, but they have not put any bids out.

Ms. Myers stated she is going to vote to approve the road, but at some point the taxpayers are entitled to transparency. There are people who call every day. She has a constituent that has been waiting for roadwork for 32 years. She is asking if we can get some fairness and order around it. She is asking for a date certain by which we will have a process and list of roads that have been waiting for repair by that date.

Ms. Dickerson stated she has a lady that calls her almost every day about her road and if she raises her hand for this her constituent will have her head on the chopping block. She thinks when we start moving these roads. We are moving them out of context and that was one of the things we were going to keep them in line. It is her understanding that some contractual work has been done to award these people this contract.

Dr. Yudice stated she does not believe so. This item is for Council to award the contract.

Ms. Dickerson inquired if bids had been put out.

Ms. Wladischkin stated a bid was issued for the repair work and they received 2 submittals.

Mr. N. Jackson stated we have 2 road systems. We have a dirt road system, which has a ranking list. Then we have another system where there is no ranking list and the Engineering Department was developing a criteria to rank those roads, which is different from the dirt road list. Some people were referring to the dirt roads in the committee meeting. The department decided to be fair to the citizens to develop a ranking list. They are supposed to come back with a list, how it has been ranked and the criteria within the next month.

Mr. Malinowski inquired who decided to issue the bids for this matter.

Ms. Wladischkin stated they receive requisitions from the departments and solicit bids based on the requisitions submitted.

Mr. Malinowski stated if someone makes enough noise to the department, the department will ask Procurement to send out a bid.

Ms. Wladischkin stated if they have the funding available, yes.

Ms. Dickerson inquired if the department makes that decision without Council having any input.

Ms. Wladischkin stated that is not exactly true.

In Favor: Malinowski

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

The substitute motion failed.

Ms. Myers made a friendly amendment to bring back to Council all non-dirt roads that are outstanding up by the end of April.

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

Opposed: Malinowski

The vote was in favor to approve the committee's recommendation.

- d. Restructuring Ordinance: Phase II – Mr. Livingston stated the committee did not have a recommendation on this item. Part of the discussion, and one of his concerns, was there were several changes and ideas for Council to meet with staff and the Administrator to have a discussion prior to moving forward.

Mr. Livingston moved, seconded by Mr. Manning, to hold a work session on this item.

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

The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning recognized there were some journalism students in the audience.

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

18. **NOTIFICATION OF APPOINTMENTS**

- a. Board of Zoning Appeals – 3 – Mr. Malinowski stated the committee recommended re-appointing Mr. Mike Spearman, appointing Mr. Cody Pressley and re-advertise for the remaining vacancy.

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

The vote in favor was unanimous.

- b. Central Midlands Council of Governments – 3 – Mr. Malinowski stated the committee recommended appointing Mr. John K. Baxter, Ms. Shealy Boland Reibold and Mr. Charles L. Appleby, III.

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

The vote in favor was unanimous.

19. **NOTIFICATION OF VACANCIES**

- a. Central Midlands Regional Transit Authority – 1 – Mr. Malinowski stated the committee will interview applicants at the next Rules and Appointments meeting.

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

Mr. C. Jackson stated he wanted to thank his committee members for giving him the opportunity to Chair one of the most challenging committees. The committee had an outstanding meeting. He also thanked staff and the PDT staff to talk about the items under the Report of the Transportation Ad Hoc Committee.

- a. Candlewood Neighborhood Improvement Project Award – Mr. C. Jackson stated the bids went out on January 31, 2018 and the committee recommended approval of this item. The funds are available and the project is within the proposed budget.

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

The vote in favor was unanimous.

- b. S-7 Sidewalk Project (Magnolia, Bratton, Grand) – Mr. C. Jackson stated this item dealt with sidewalks projects that had been delayed. It was explained to the committee that it based upon staff making sure appropriate funds were in place and would have enough funding to carry us throughout this fiscal year. He was contacted today by staff indicating the funds in questions have been resolved and identified funds for this project are available and ready to move forward. The committee's recommendation is to move forward with this project.

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

The vote in favor was unanimous.



c. Shared-Use Paths Recommendation and SCDOT Maintenance Agreements:

1. Clemson Road Widening
2. Southeast Richland Neighborhood
3. Polo Road Shared-Use Path Project

Mr. C. Jackson stated this item is the shared-use path project, which he was informed by Legal, involves work that is going to be done with the widenings of Clemson Road, Southeast Richland Neighborhood and Polo Road. The shared-use space allows for pedestrians and cyclists to operate. It creates a sidewalk and green space. Typically, the green space is created once we do the construction and turned over to SCDOT. In this case, the recommendation for the shared-use space is to ask the County to assume the responsibility for maintaining the green space once the sidewalk has been done. Legal has indicated that in doing that we need to be mindful of the costs in doing so and if we assume the responsibility for maintenance, we must also assume the responsibility for any liability that occurs as a result of that. The committee forwarded this item to Council without a recommendation.

Mr. N. Jackson inquired if the space the County is being requested to maintain is within the SCDOT right-of-way or the County's right-of-way.

Dr. Thompson stated it is the SCDOT right-of-way.

Mr. Malinowski stated there is a #3 footnote on p. 287 of the agenda, but there is not an explanation of the footnote at the bottom of the page. He inquired as to what the footnote is.

Mr. C. Jackson stated #3 would be a continuation of what has been stated above, which was to eliminate the project altogether.

Mr. Malinowski did not think that was it because footnotes #1 and #2 tells it what they are for, but #3 does not.

Mr. C. Jackson stated if you read #1 in the upper text it talks about vegetative buffer areas. In the footnote it talks about the costs for the ground cover assumes low-growth vegetation. If you read #2 it talks about the redesigned project. If you look down at the bottom it talks about the costs for traffic control and maintenance, which is the redesign.

Mr. Malinowski inquired if there is a reason we have to put a vegetative buffer there. Can we not just have curb and sidewalk?

Dr. Thompson stated we do not have to put vegetative there. It could just be concrete. In fact, SCDOT recommended that in a May 2017 letter.

Mr. Livingston stated that was not quite his understanding in the meeting. His understanding is that if you did not do that you had to meet a certain other type of SCDOT requirement that was going to cost a lot of money. It was significantly cheaper to do the maintenance than to pay the additional costs to do it to SCDOT standards.

Mr. N. Jackson stated SCDOT design standard has a 4 or 5-ft. bike lane and sidewalk. What we are doing here is a multipurpose sidewalk. A pathway with bikes and walking. To separate from the street you have to a 5-ft. neutral zone or grass median, which has to be maintained. It is cheaper to

build it this way, but we have to maintain it. If we do it SCDOT way, we have to redesign to SCDOT standard design and it will cost more.

Ms. McBride stated she heard the same thing that Mr. Livingston and Mr. N. Jackson did. That we will save money in the long run.

Ms. Myers inquired if by taking on the liability, if we take on the maintenance, that means all possible incidents, accidents, etc. and because we are self-insured it will be all on us, so that should be factored into maintenance costs.

Mr. Smith stated there is a certain portion the County would have to maintain. Certainly that portion, which is a part of this shared-use path that we maintain, we would also accept any liability if we fail to maintain it and something occurs.

Mr. Livingston moved, seconded by Mr. C. Jackson, to move forward with the project and the County take on the maintenance.

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

The vote in favor was unanimous.

- d. Widening Categorical Recommendations to Align Program with Available Funding – Mr. C. Jackson stated there was discussion at the meeting about the particular options. No action is needed at this time. The options discussed at the committee meeting will be included with the options currently being considered.
- e. Public Involvement Meetings:
  - 1. Crane Creek Neighborhood – April 19, 5:00 – 7:00 PM, Forest Heights Elementary
  - 2. Clemson/Sparkleberry Intersection – April 30, 5:00 – 7:00 PM, Spring Valley High School
  - 3. Shop Road Widening – May 17, 5:00 – 7:00 PM, Olympia Learning Center

Mr. C. Jackson stated we discussed at the meeting that the most recent function held at Blythewood probably did not get the kind of rave reviews as the other public meetings have gotten. In part because there was not a formal presentation, which hampered the public from being able to understand, in layman's terms, what was being proposed to allow them to ask the kind of questions that would help them have a better understanding of the process. We have asked staff to be cognizant of that at the upcoming meetings and reintroduce a formal presentation into all of the upcoming public involvement meetings. No action is required for this item.

- f. 2017 Annual Report – Mr. C. Jackson stated this item deals with the annual report provided by the PDT. It is now being reviewed by County staff and will ultimately be forwarded to the PIO Office for additional editing. The annual report will be posted to the County's website after final editing. Once all of the edits have been made, it will be brought back to Council for approval.

Mr. C. Jackson moved, seconded by Mr. Livingston, to have the annual report sent to staff for review. Once the review has been completed, bring it back to the April 17<sup>th</sup> Council meeting for approval.

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

The vote in favor was unanimous.

- g. Greene Street Phase II: Right-of-Way Condemnation – Mr. C. Jackson stated there was discussion at the committee meeting on whether or not there would be a need for condemnation. However, the committee would like for Legal to focus on resolving the right-of-way acquisition first. If that fails, give them the authority to pursue other methods to acquire the land.

Ms. Myers stated the documents were under separate cover, but she did not receive them.

Dr. Thompson stated he will ensure Council members are forwarded the documentation.

Ms. Onley stated the additional information was included in the Clerk’s Office weekly report.

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

The vote in favor was unanimous.

- 21. **CITIZENS’ INPUT: Must Pertain to Richland County Matters Not on the Agenda** – No one spoke.

- 22. **EXECUTIVE SESSION**

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

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

*Council went into Executive Session at approximately 8:42 PM and came out at approximately 9:13 PM*

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

The vote in favor was unanimous to come out of Executive Session.

- a. Interior Planning & Design Services – Columbia Place Mall – Mr. Pearce moved, seconded by Mr. Livingston, to direct the County Administrator to enter into negotiations for a contract with the firm brought forth to Council with emphasis placed on those items discussed in Executive Session.

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

Opposed: Rose, N. Jackson, Manning and Malinowski

The vote was in favor.

- b. Judicial Center Architect of Record – Mr. Manning moved, seconded by Ms. Dickerson, to ask Administration to enter into negotiations with Stevens & Wilkinson.

Mr. Pearce made a substitute motion, seconded by Ms. Myers, to direct the Administrator to enter into contractual negotiations with the group recommended by the Procurement Office.

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

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

The substitute motion failed.

Ms. Dickerson stated Mr. Pearce made a substitute motion and it failed. Now we come to Mr. Manning's motion. She requested Mr. Manning restate his motion.

Mr. Manning stated he moved to direct Administration to negotiation, for the Judicial Center Architect of Record, to be Stevens & Wilkinson.

**POINT OF ORDER** – Mr. Pearce requested a review of the last vote. If a person did not vote that vote would on...

Ms. Dickerson stated the vote would be on the prevailing side.

Mr. Pearce stated the vote was 5 – 5, so there was no prevailing side. What do you do then?

Ms. Dickerson inquired as to who did not vote.

Ms. McBride stated she did not vote.

Mr. Smith stated part of the issue here is one related to Procurement and how RFQs are supposed to operate. There needs to be some discussion as it relates to that.

Mr. Livingston inquired if our rules say we must negotiate first with the most highly qualified bid. Therefore, since they are the most highly qualified we have to stick with our rules we have to negotiate with them. If the negotiations fail, we go to the next and the next one.

Mr. Smith stated that is what he was eluding to. You would go to the next qualified entity only if your negotiations failed with the initial highest ranked.

Mr. Manning stated, for clarification, if that is the rules and that's the way it works, why are we voting?

Mr. N. Jackson stated that was his clarification. If that is our rules, then why do we have to vote on it?

Mr. Livingston stated because you may not want to deal with any of them.

Mr. N. Jackson stated, when we go back to the Penny Tax, we did not go to the #1 team.

Ms. Dickerson stated we do not want to do Penny Tax right now.

Mr. N. Jackson stated he is doing his clarification and making his point. This Council did not vote on #1. We voted on #3. So do not tell him now that we have to do it in this order.

Ms. McBride moved, seconded by Mr. Pearce, to reconsider this item.

Mr. Malinowski stated he would still like to hear from Mr. Smith because if he is saying we have to take the first one, why are we even voting.

Mr. Livingston stated we may choose to take none, so that is why we are voting.

Mr. Malinowski stated we already had a motion not to take them, so why can't we vote on that motion.

Mr. Livingston stated according to our rules the motion would have to be to reject all of them.

**POINT OF ORDER:** Mr. Malinowski stated Mr. N. Jackson made a substitute after the motion to reconsider. So, why is that not being voted on first?

Ms. Dickerson inquired as to when he made the motion.

Mr. Malinowski stated Mr. N. Jackson made the motion while the Chair was talking and he seconded the motion.

Ms. Dickerson stated, if Mr. N. Jackson made the motion, she did not recognize his motion. Now she has a motion on the floor to reconsider.

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

Opposed: Malinowski, Manning, and N. Jackson

The vote was in favor of reconsideration.

Mr. Pearce stated the basis of his motion was to follow the procedure that have been established by this County for quite some time, which is to negotiate. The only exception was the Transportation Penny, and it was not correct. It was done differently by doing the whole process.

Mr. N. Jackson made a second substitute motion, seconded by Mr. Malinowski, to reject all bids.

Mr. N. Jackson stated it is still not clear what the process was. Council has no information on the bidding process and recommendations. He still has some concerns that he expressed in Executive Session.

In Favor: Malinowski, Manning and N. Jackson

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

The vote failed for the second substitute motion.

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

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

The vote was in favor of the substitute motion.

Mr. Manning and Mr. Malinowski requested to have their votes changed to nay on Item #9(a): "Interior Planning & Design Services – Columbia Place Mall".

- c. Cedar Cove & Stoney Point Subdivisions Sanitary Sewer System Upgrade – Mr. Malinowski moved, seconded by Mr. Manning, to direct the Legal Department, in conjunction with Administration, to enter into negotiations with the Cedar Cove & Stoney Point Homeowners' Association representative, which will include obtaining competitive bid information.

Mr. N. Jackson stated he has some concerns because he is dealing with the Lower Richland Sewer Project and the impression it may give fixing sewer and condemning septic tanks on properties.

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

Opposed: N. Jackson

The vote was in favor.

Ms. Myers stated for the record that this vote has nothing to do with the Lower Richland Sewer.

Mr. Manning moved, seconded by Mr. N. Jackson, to go back into Executive Session.

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

The vote in favor was unanimous.

*Council went into Executive Session at approximately 9:24 PM  
and came out at approximately 10:24 PM*

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

The vote in favor was unanimous.

- d. Employee Grievance – Mr. Manning moved, seconded by Mr. Malinowski, to uphold the Administrator's recommendation.

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

The vote in favor was unanimous.

- e. Contractual Matter: Property Purchase – Ms. Dickerson moved, seconded by Mr. Manning, to approve the purchase, as discussed in Executive Session.

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

Opposed: Rose

The vote was in favor.

- f. Legal Advice: Agenda Item #12(b) – “An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; by the addition of Section 18-71, enhanced trigger devices declared illegal; Exceptions; so as to prohibit the use of “bump stocks”, “trigger cranks” and other such devices [FIRST READING] – Mr. Manning moved, seconded by Mr. Pearce, to approve this item.

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

Opposed: Malinowski and Livingston

The vote was in favor.

- g. State vs. Patricia Ford – Mr. Rose moved, seconded by Mr. Manning, to follow the recommendation of the Attorney General’s Office, as discussed in Executive Session.

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

The vote in favor was unanimous.

- h. SCDOR Update – Received as information.

- i. Personnel Matter – Mr. Manning moved, seconded by Ms. Myers, to proceed with interviews, per the committee’s recommendation.

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

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

The motion failed.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to proceed as alternatively discussed in Executive Session.

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

The vote in favor was unanimous.

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

In Favor: Manning

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

The motion failed for reconsideration.

Ms. Dickerson stated the vote was to suspend with any further interviews and make Ms. Roberts an offer to serve as the Clerk to Council. She also stated she will bring the discussion regarding the minutes back because she did not have a clear understanding.

- j. Personnel Matter – Mr. N. Jackson moved, seconded by Mr. Manning, the County Administrator's contract be terminated immediately and Brandon Madden become the acting Administrator.

Ms. Dickerson stated that was not properly before us.

Mr. N. Jackson stated he just made a motion.

Ms. Dickerson stated we have to have a motion 24 hours in advance.

Mr. Manning stated that was a personnel matter they were in Executive Session for.

Ms. Dickerson stated that was not what her personnel matter was about. She ruled the motion out of order.

**POINT OF ORDER** – Mr. N. Jackson stated we discussed the Administrator in Executive Session. Ms. Dickerson wanted certain things and she was not sure. He stated they came out and he made a motion, based on what was in Executive Session. He has the right to make a motion. The Chair does not have to accept it or not.

Ms. Dickerson stated her employee thing did not have anything on it about terminating...it was about his evaluation. It had nothing to do with...she was supposed to bring back clarity. That is what Council told her. That is not the motion that was in...

Mr. N. Jackson stated it was properly moved and seconded.

Ms. Dickerson inquired if this motion is properly before us. This has to be a separate motion and we have to have 24 hours on that motion.

Mr. N. Jackson stated we would have to have one on the Clerk also and we did not.

Ms. Dickerson stated that was under her report.

Mr. Smith stated he did not know what was discussed in Executive Session. The only thing on the agenda was a personnel matter. He has no clue as to what...

Mr. N. Jackson stated the Administrator and the Clerk.

Ms. Dickerson stated it did not have that. It was about the Administrator's evaluation.

Mr. Malinowski stated what was discussed was regarding the Administrator's evaluation and how we were going to move forward. Ms. Dickerson came out to get clarification from staff as to what passed previously regarding the evaluation process and the hiring of a firm. Based on that, is Mr. N. Jackson's motion proper.

Mr. Manning stated the printed agenda published on Friday contained 3 personnel matters.

Ms. Dickerson stated two.



Mr. Manning stated there were 2 items that said personnel matters. That was publicly published on Friday. Is that correct?

Mr. Smith responded in the affirmative.

Mr. Manning stated we had a motion to go into Executive Session under 2 personnel matters.

Mr. Smith responded in the affirmative.

Mr. Manning stated we came out and one of his colleagues made a personnel matter motion. So would that not have been properly published since Friday on this Council's agenda as a personnel matter?

Mr. Smith stated if the question is whether or not it is properly published. The answer to that question is yes. Apparently, the Chair took the position that the personnel matter was specific as to his evaluation.

Ms. Dickerson stated that is what her personnel matter was about. Her other matter was to get Human Resources to help find the process. These were the 2 items that she put under the Chair's Report. It had nothing to do with this particular motion. In her opinion, this motion is out of order.

Ms. Kennedy stated, as a Council person, Mr. N. Jackson has the right to make any motion that he feels is necessary. Nobody on the Council has the right to tell him he cannot make a motion.

Ms. Dickerson stated she is not telling Mr. N. Jackson that he does not have the right to make a motion. But the fact of the matter is, according to Council rules, if you are going to put a motion to be voted on, on the agenda, it has to be 24 hours prior to the meeting.

Mr. N. Jackson stated it was done Friday. There is no issue.

Ms. Dickerson stated she does not have the Administrator here.

Mr. N. Jackson stated he does not have to be. The motion is on the agenda properly. You may not like the motion that comes out of Executive Session...

Ms. Dickerson stated this motion did not come out of Executive Session.

Mr. N. Jackson stated he just made the motion out of Executive Session.

Ms. Dickerson stated that was not what we discussed in Executive Session.

Mr. N. Jackson stated what we discussed was the Administrator.

Ms. Dickerson stated we discussed how we would evaluate an Administration.

Mr. N. Jackson stated, at the end of the discussion, he made a motion to dismiss the Administrator. He has the right to make that motion. The Administrator was on the agenda in Executive Session. And that is the motion he made and it has been properly seconded.

Mr. Smith stated Mr. N. Jackson had the right to make the motion. He thinks if there is a question about whether or not the motion is properly in order that is Ms. Dickerson's function as Chair.

Ms. Dickerson ruled the motion out of order.

**POINT OF ORDER** – Mr. N. Jackson stated the Chair could not rule the motion out of order. He stated Council has a right to vote.

Ms. Kennedy inquired about what Legal had to say about the Chair's ruling. The entire Council has to make the decision. It cannot be made by one person.

**POINT OF ORDER** – Mr. N. Jackson stated he was recognized. He made a motion. It was properly seconded. It has to be acted upon. The Chair cannot say she will not accept his motion.

Mr. C. Jackson stated his understanding of Robert's Rules is that if the Chair rules a motion out of order, you can challenge the Chair, but you cannot tell the Chair that she cannot rule the motion out of order. She can rule the motion out of order. Then you can challenge the ruling by the Chair and vote it up or down, but you cannot tell the Chair she cannot rule it out of order.

Mr. N Jackson moved, seconded by Mr. Manning, to challenge the Chair's ruling.

Mr. Manning inquired, for clarification, what a yes vote to the challenge means.

Mr. Smith stated the question would be whether or not the Chair's ruling was appropriate to rule the motion out of order. Mr. N. Jackson challenged the determination. It would go to the ruling that has been made by the Chair.

Mr. N. Jackson stated a no would say the Chair cannot rule out of order.

Mr. Manning stated theoretically Mr. N. Jackson, since he is challenging it he would be voting no.

Mr. Smith stated as to the Chair's ruling yes.

Mr. Pearce stated, for clarification, if you are voting no, you are voting to overrule the Chair.

Ms. Myers inquired if she could read the rule.

Ms. Dickerson stated she had the rule

Mr. Rose stated cannot the motion just be to move to overrule the Chair, so it is a lot easier to understand. It does not have to say challenge. If you vote yes you want to overrule the Chair because the motion is to overrule the Chair.

Mr. N. Jackson moved, seconded Mr. Rose, to overrule the Chair.

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

Opposed: Malinowski, C. Jackson, Myers, Dickerson and McBride

The vote was in favor of overruling the Chair.

Ms. Dickerson requested Mr. N. Jackson restate his motion.

Mr. N. Jackson stated his motion is for the County Administrator's contract be terminated immediately and Brandon Madden becomes the acting Administrator.

Mr. Malinowski stated he would like to know what the County Administrator's contract says regarding any type of termination and how long here's here for. Without having all those specific details we could be opening ourselves for another legal suit.

Mr. Malinowski moved, seconded by Ms. Dickerson, to defer this matter until Council receives additional details on the Administrator's contract.

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

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

The motion failed for deferral.

Mr. Malinowski stated he would like for someone to provide him a copy of the Administrator's contract now, so he knows what the County possibly stands to gain or lose in this foolhardy motion.

Mr. N. Jackson stated that is not the motion in front of Council.

Mr. Malinowski stated Mr. N. Jackson's motion is back in front of us. His motion was a secondary motion.

Mr. N. Jackson stated Mr. Malinowski made a secondary motion and he cannot make another secondary motion.

Mr. Malinowski stated he is not asking for a motion. He is asking for details, so he knows how he can act on Mr. Jackson's motion.

Ms. Myers stated she is not speaking for or against any Administrator in that Chair. She is speaking for the dignity of this Council. She is shocked that we would treat any employee, from the custodian to the most senior, this way. It embarrasses her. As a professional, she has never in her life seen anything this outrageous. And she is speaking for me, even assuming we had the worst Administrator on the planet this is not the way you handle a professional. We are not working in the Trump Administration. The man, at least, deserves to know what expectations are, what perhaps might be wrong or right with what he doing. This is beyond an embarrassment and she cannot believe that we are entertaining this, as the last item of the day. That did not appear on any agenda. Was not discussed, except for, as Mr. Manning would say, in some secret rooms that are not on the premises. She is shocked. She has practiced law 25 years and hired and fired a lot of people. Never have I thought to do something this undignified and disrespectful.

Mr. C. Jackson stated he wanted to echo because he wants it on record, and he wants everyone in Richland County who is watching this tonight, to know that he totally supports 100% what Ms. Myers has just stated. He was on a School Board where we had to terminate the CEO of the school district. The largest school district in this region. And, as poorly run as she did that school district, we had more dignity and respect for her as a human being and a professional to let her know what our concerns were before we embarrassed her in terminating her on the spot. She had done nothing so egregious that it required that. Nor has this Administrator. Though I do not agree with everything he has done, and he has gone on record saying that, he has done nothing that egregious that we would at 11:00 at night, tonight, make a decision like this on that position.

Mr. Malinowski stated, rather than belabor the point or add anything additional, he also concurs with his colleagues, Councilwoman Myers and Councilman C. Jackson.

Ms. McBride stated she also concurs with Councilmen C. Jackson and Malinowski and Councilwoman Myers. She is really shocked at what just took place.

Ms. Dickerson stated she wanted to go on record, as well. In her opinion, it was not under my agenda. So, she does not think it was properly before us. She was overruled. It is obvious what is going to transpire will take place. It is her opinion that Council has never evaluated this Administrator. We have never given him any reason for us to terminate him. His evaluation was due in December and we failed to evaluate him, so he would know what the expectations of this Council is for him. For us to come out here tonight, with him not being present, and to do coup because of some probably personal things that may or may not agree with you. She is going to go on record with Ms. Myers, Mr. C. Jackson, and say that if she had any inkling to terminate Mr. Seals that she would have done it in the correct process. Evaluated him and let him know his job would be terminated. Another thing, we have not looked at what his contract says, how long we have to pay him. She does not have the contract in front of her. Without being able to look at that to make sure what we are doing is properly before us. As much harassment as we have put this gentleman through. Public calling him out has just been pathetic. Another thing, for us to just sit here and say we are going terminate him and put someone here in his place. She has a problem with.... This Council has created a hostile environment for Mr. Seals because the environment has been very hostile. She contacted Legal last week and asked them how she could come up with a remedy for us to sit down and find out what it is and how we can we can negotiate and have a conversation. This Council has gone out of control. The environment we have created. She came in here the other day and she called because she saw Brandon had a distressed look on his face like he did not know what he was doing. She asked 3 people how Brandon was feeling because she looked at him last week and he was totally stressed out. She asked about the stress in this office between the Clerks and Administration. She has been dealing with this for the past 8 months. For us to do this, she echoes Ms. Myers. If we have a personal vendetta, this is not the way to express it.

Mr. Malinowski stated this Administrator has started numerous projects that he is not so sure someone can step in there and follow in his footsteps. This Council has voted to move forward on. He does not know how this is going to also affect us financially and project wise. It is kind of like people running for election or re-election, you make one bad vote and even though you have done fine for 2 or 3 years that one vote is held against you. As Ms. Dickerson said, personal vendettas need to be discussed and resolved away from such a drastic step here.

Ms. Kennedy stated she wanted to make a clarification because she knows how some Council members are. You getting ready and spread rumors and stuff. She said Mr. N. Jackson had a right to make his motion. She did not say anything other than that, so she wants to make sure you correct what she said because it would be ugly if it goes out another way.

Mr. Manning moved to call for the question. The motion died for lack of a second.

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

Opposed: Malinowski, Dickerson, McBride, C. Jackson, and Myers

The vote was in favor to terminate Mr. Seals and hire Mr. Madden.

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

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

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

The motion failed to reconsider this item.

Ms. Myers stated when she ran for office the rap on Richland County was just what we just did. It is why the citizens have no confidence and it is exactly why we do not make forward progress. It is an embarrassment.

27. **MOTION PERIOD**

- a. Move to explore options with a Richland County landlord ordinance to assist with issues between communities and landlords [ROSE and MYERS] – This item was referred to the A&F Committee.
- b. Resolution commemorating Flood Survivor and First “Returning Home” Recipient [PEARCE and McBRIDE] – Mr. Manning moved, seconded by Mr. N. Jackson, to adopt the resolution commemorating flood survivor and first “Returning Home” recipient.

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

The vote in favor was unanimous.

**ADJOURN** – The meeting adjourned at approximately 10:57 PM