



Richland County Council

REGULAR SESSION
July 21, 2020 – 6:00 PM
Via Zoom Meeting

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

OTHERS PRESENT: Michelle Onley, Ashiya Myers, Ashley Powell, Angela Weathersby, Leonardo Brown, John Thompson, Dale Welch, Kyle Holsclaw, Clayton Voignier, Jeff Ruble, Mike King, Jennifer Wladischkin, Dwight Hanna Brian Crooks, Michael Mahoney, Tyler Kirk, Tammy Addy, Stacey Hamm, Judy Carter, Brittney Hoyle-Terry, Tommy DeLage, Tariq Hussain, Synithia Williams, Ifeolu Idowu and Brad Farrar

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Dalhi Myers
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Dalhi Myers
4. **APPROVAL OF THE MINUTES**
 - a. **Special Called: July 14, 2020** – Ms. McBride moved, seconded by Mr. Dickerson, to approve the minutes as distributed.

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

Opposed: Manning

Not Present: Terracio and Walker

The vote was in favor.

5. **ADOPTION OF THE AGENDA** – Mr. Brown requested to remove Item 17(c): “Ole Towne Antique Mall”

Mr. Livingston requested to add the following Items to the agenda: Report of the Employee Evaluation Ad Hoc Committee – (1) Temporary Assistance for the Clerk’s Office, (2) County Administrator Evaluation Process, and (3) Clerk to Council Position.

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

Mr. Manning inquired if the meeting the items we are being asked to added to agenda had 24-hour notice, and, if so, why an amended agenda was not sent out with those items added, so the public was aware.

Mr. Livingston responded that the committee was not sure which items would be referred from the meeting.

Mr. Malinowski inquired if this motion would require a two-thirds vote.

Mr. Farrar responded in the affirmative.

Ms. Newton moved, seconded by Ms. McBride, to add the Report of the Employee Evaluation Ad Hoc Committee to the agenda.

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

Not Present: Terracio and Walker

The vote in favor was unanimous to add the Report of the Employee Evaluation Ad Hoc Committee to the agenda.

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

Opposed: Manning

Not Present: Terracio and Walker

The vote was in favor.

6. **PRESENTATION OF PROCLAMATION**

- a. Proclamation Honoring the 30th Anniversary of the Americans with Disabilities Act [JACKSON] – Ms. Onley read the proclamation into the record. Full Council requested to be added in support of the proclamation.

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

- a. Personnel Matter – Grievance Reviews and Recommendations
- b. Temporary Assistance for the Clerk’s Office

8. **CITIZENS’ INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – No comments were received for this item.

9. **CITIZENS’ INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time.) – No comments were received for this item.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown stated there has not been any substantive changes.

Ms. D. Myers inquired if staff had completed the process of putting together the clarifying information to be provided to businesses and citizens.

Mr. Brown responded they have not completed the process, but the Fire Marshals have been going out to various facilities, which we do have. He stated we need to meet with the ad hoc committee to make sure the clarifying information is consistent with the will of the committee, and Council.

Ms. D. Myers requested that the information be circulated to the Councilmembers.

Ms. Dickerson inquired if we have received the face masks and determined how we are going to distribute them in the various areas.

Mr. Brown responded the masks have not been received. They have received feedback from several Councilmembers on areas they would like to see the masks distributed in their districts. We will coordinate the dates and locations for distribute with each Councilmember.

- b. Personnel Matter – Grievance Reviews and Recommendations – Mr. Malinowski moved, seconded by Ms. Dickerson, to uphold the Administrator’s recommendation in Memorandum 7-2-2020 (Detention Center).

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

The vote in favor was unanimous.

Mr. Malinowski stated he disagrees with the Administrator’s recommendation on the other grievance. In speaking with the Administrator, if we have a rule that says all employees are to receive annual evaluations, and an annual evaluation is not given, to provide a list of potential/alleged infractions, which did not stipulation there was an infraction, does not constitute an evaluation. If the employee were given an evaluation they would have been given the opportunity to address any shortcomings. Therefore, to receive this “Last Chance Agreement” is proper, and should not be placed in the employee’s personnel file. The employee should be given an evaluation and start from there.

Mr. Malinowski moved, seconded by Ms. Dickerson, to not place the “Last Chance Agreement” into the file. Give the employee their evaluation and let them try to resolve any shortcomings.

Ms. D. Myers made a substitute motion, seconded by Ms. Newton, to defer this item until after Executive Session.

In Favor: McBride, Livingston, Manning, Jackson, Myers and Newton

Opposed: Malinowski, Dickerson and Kennedy

Not Present: Terracio and Walker

The vote was in favor of deferral until after Executive Session.

Ms. Dickerson moved, seconded by Mr. Malinowski, to reconsider the motion to uphold the Administrator’s recommendation on Memorandum 7-2-2020.

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

Not Present: Terracio and Walker

The motion for reconsideration failed.

11. **REPORT OF THE INTERIM CLERK OF COUNCIL** – No report was given.

12. **REPORT OF THE CHAIR** – No report was given.

13. **APPROVAL OF CONSENT ITEMS**

- a. 20-001MA, Robert Giles, RM-HD to NC (2 Acres), Ohio Street & Olympia Avenue, TMS # R11203-01-01, 03, 04 & 05 [THIRD READING]
- b. 20-003MA, Chad Monteith, RU to GC (5 Acres), 6505 N. Main Street, TMS # R11716-01-04 [THIRD READING]
- c. 20-009MA, Bill Dixon, PDD to PDD (13.4 Acres), Greenhill Parish Parkway TMS # R25800-03-44 [THIRD READING]
- d. 20-010MA, Yong M. Han & Kyu H. Han, RU to GC (.071 Acres), 10804 Two Notch Road, TMS # R25915-02-05 [THIRD READING]
- e. 20-014MA, Alex Serkes, GC to HI (6 Acres), 10501 Farrow Road, TMS # R17500-02-07 and 15 [THIRD READING]

Ms. D. Myers moved, seconded by Ms. Kennedy, to approve the consent items.

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

Not Present: Terracio and Walker

The vote in favor was unanimous.

14. **THIRD READING ITEMS**

- a. 20-016MA, John Ecton, RU to RS-LD, 2304, 2312, and 2314 Johnson Marina Road, TMS # R01315-01-17; R01315-01-14; and R01311-02-20 – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve this item.

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

Not Present: Terracio and Walker

The vote in favor was unanimous.

15. **SECOND READING ITEMS**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and Infrastructure Credit Agreement, and amendments of certain existing fee-in-lieu of ad valorem agreements, by and between Richland County, South Carolina and Project Quattro; to provide for payments of fees-in-

lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item.

Ms. D. Myers stated, for the record, as important as getting this done for the potential company, it is equally as important that we work out something that is a benefit to the surrounding community.

Mr. Jackson stated it is his intent to work collaboratively with Ms. D. Myers on this project, as they have done in the past on another project.

Ms. Newton inquired if Third Reading of this item will be coming back at the meeting in August.

Mr. Livingston responded in the affirmative.

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

Opposed: Myers

Not Present: Terracio and Walker

The vote was in favor.

16. **REPORT OF THE BLUE RIBBON AD HOC COMMITTEE**

- a. CDBG-MIT Action Plan Update – Approval of the CDBG-MIT Action Plan – Mr. Voignier stated on August 30, 2019 the US Dept. of Housing and Urban Development allocated \$21,864,000 in Community Development Block Grant-Mitigation (CDBG-MIT) funds to Richland County, as a grantee recovering from a qualifying disaster in 2015. In order to expend these funds HUD requires the development and submission of an action plan, which includes proposed mitigation activities, as well as the mitigation needs assessment that identifies and quantitatively analyzes all significant current and future disasters risks, providing a substantive basis for the proposed mitigation activities. Through the Richland County CDBG-MIT Action Plan, staff is proposing two (2) infrastructure and two (2) housing programs, based on the results of the mitigation needs assessment. These programs are designed to improve resilience to public infrastructure, mitigate future flood damage, reduce impacts of flooding and severe storms on public safety, and property damage, enhance the long-term resilience of community lifelines and address the unmet household mitigation needs among the most socially vulnerable populations. This action plan was published to the County’s mitigation website from March 18 – June 15, 2020 to allow for public input and comment. At its May 28, 2020 meeting, the Blue Ribbon Committee unanimously recommended that Council approve the action plan for submission to HUD by the August 31, 2020 deadline.

Ms. Dickerson inquired if we have expended all of the funds, or are there funds still available.

Mr. Voignier responded the action plan requires us to spend the entire allocation of the \$21.8M. They have not spent the funds yet. This is an action plan to spend the funds over a 12-year grant period.

Mr. Malinowski stated, for record, these particular funds that are being given to Richland County is extremely important to the citizens and he thinks it was somewhat unfair to Councilmembers to be asked to absorb and understand 176 pages of data in a short period of time we have been given. While there are different proposals in the action plan, he noted on p. 249 of the agenda, Ms. D.

Myers asked about there being more public input before this moved forward to Council. He inquired if there was an attempt to obtain any additional public input.

Mr. Voignier stated, in terms of the official public comment period that closed on June 5th. However there have been continuing meetings with the Conservation Commission, as well as members of Gills Creek Watershed Association. Although their comments will not be reflected in the action plan, there will be additional opportunities for public input we will take into consideration, and we will continue to meet with those stakeholders throughout the period of the grant.

Mr. Malinowski stated, on p. 192 of the agenda, it shows the budget, which shows a total of \$4.8M for planning and program administration, which is 28% of the total, and seems a bit excessive.

Mr. Voignier responded the Federal Register allows for up to 5% to be allocated to program administrator and 15% to planning. Those funds not only support the administration of the programs, but other planning efforts that will support infrastructure programs, and implementation of all the programs. The budget was put together by staff, who felt that the current amounts for the infrastructure and housing programs were adequate to meet those needs. If there are additional funds available, as we get further into the grant, we will look at reallocating those funds to those projects, if necessary.

Mr. Malinowski noted the design study cost is over 50% of the construction cost. He requested an explanation for this.

Mr. Voignier responded that budget was put together by the Public Works Department, and would be better able to respond to that question.

Ms. Williams responded the estimates that were put in for the infrastructure projects were based off of the current costs we have seen with other infrastructures throughout the department. As Clayton stated earlier, as we get into the program and the funding changes, then we can reallocate those resources to more construction projects or other areas within the program.

Ms. D. Myers noted the stakeholders tend to be the same groups we go to repeatedly for all of our projects. The Conservation Commission, the Gills Creek Watershed, and the Builders Association were identified as stakeholders, which is fine, but they do not take in a large swath of the County that should be considered a stakeholder. She inquired about what meetings were held with other groups, since the time she asked for additional public input.

Mr. Voignier responded they held a public hearing on June 5th to receive additional stakeholder input. He has spoken with a regional organization and they will be meeting with them to receive some additional input.

Ms. D. Myers stated, with this being such a large grant, and there being so much post-flood need, she was concerned at the committee meeting, and remain concerned, we are continuously talking in a loop to the same people. We are not getting to different groups of people whose input is important in making sure that we are meeting the need that exist. In the plan document, which are submitted to HUD and become a binding document, we have covered all of those bases. Her initial concern was that we draft a plan that included the whole of Richland County, not just the request from the Conservation Commission and homebuilders. For example, did we talk to the neighborhood association, community groups, etc. She is concerned the Lower Richland, Forest Acres and King's Grant areas have not been specifically heard from, and it is important that they be heard from before we submit this action plan to HUD.

Mr. Voignier stated they have not spoken specifically to those neighborhood associations. They have met with the Forest Acres Town Administrator about a particular project, and will be having further discussions with them. Part of the planning budget is for education outreach for when the actual programs get started.

Ms. D. Myers stated her concern is the programs will be approved by the time you do the education, so if there is something that needs included in the programming, we have not done the outreach to figure that out.

Ms. McBride noted that 50% of the funds must benefit low and moderate income individuals. She inquired how Mr. Voignier is documenting this requirement. In addition, is there a way for Council to see, monthly or quarterly, who is receiving the funds, and what is being done?

Mr. Voignier responded for the housing program there will be applications where we will have to document income eligibility. For the infrastructure projects, those qualify under an area benefit for LMI, so those are documented in that way. Furthermore, we are required by HUD to do a quarterly performance report that will be published on the website. In addition, those reports will be provided to the Blue Ribbon Committee, and can be provided to Council also.

Ms. McBride inquired if they will be contracting out with different vendors.

Mr. Voignier responded in the affirmative.

Ms. McBride stated she would strongly urge us to look at minority vendors to assist with these projects.

Mr. Voignier stated, as we are doing solicitation for these projects, he will work with Procurement to ensure that we are as inclusive as possible.

Ms. McBride stated she would like a way to monitor the vendors and contractors we are using.

Mr. Manning inquired as to when the public hearing was held, and the time the hearing was held.

Mr. Voignier responded there were two public hearings. The one on March 12th did not receive any participation, and an additional public hearing was held on June 5th. There was fairly good participation at the June 5th public hearing. Both public hearings were held at 5:00 PM.

Mr. Manning noted individuals that work 12-hour shifts would have been precluded from participating in the public hearings.

Mr. Voignier responded it would have precluded a live participation; however, they did have an opportunity to submit written comments and read those into the record at the meeting.

POINT OF ORDER – Ms. D. Myers noted the meeting was held on Friday afternoon at 5:00 PM.

Ms. Newton stated these have been such extraordinary times over the past few months, which has made it more difficult to get community input, but it makes it even more important. She would ask that in addition to what has been outlined we look for additional opportunities to continue to have conversations with the community.

Mr. Malinowski inquired as to what would happen if this were not to pass. (i.e. additional public hearing and Special Called Meeting prior to August 31st deadline.)

Mr. Voignier responded if that is the will of Council that is essentially what would have to occur. If we do not submit the action plan by the deadline the funding would not be available, as we have exhausted all of our extensions. In addition, HUD would not look on the County favorably for not meeting the deadline.

Ms. Dickerson stated she would prefer to pass this item now, so we do not miss out on receiving these funds, and so we do not have to have a Special Called Meeting.

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

Not Present: Terracio and Walker

The vote in favor was unanimous.

Ms. D. Myers requested staff to utilize the tele-town hall format.

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

In Favor: Myers

Opposed: Malinowski, Dickerson, McBride, Livingston, Jackson and Newton

Not Present: Terracio and Walker

The motion for reconsideration failed.

Ms. D. Myers noted that we have a list of what we have defined as stakeholders, which seems to be the same list across all categories. It leaves out broad sections of the County. She would request staff to expand our definition of stakeholders beyond the Conservation Commission, the building industry, etc. and reach into all the communities to get needed input.

Mr. Jackson stated he hope we continue this conversation, and continue it at the highest level possible, recognizing that if we want to engage other stakeholders the responsibility lies with staff to make that happen.

16.5 **REPORT OF THE EMPLOYEE EVALUATION AD HOC COMMITTEE**

- a. Temporary Assistance for the Clerk's Office – This item was taken up in Executive Session.
- b. County Administrator Evaluation Process – Ms. Newton stated Mr. Brown has completed his self-evaluation and Council members have completed their evaluation. The question before Council is how we want to communicate the results of that information to Council and the Administrator. The committee recommended, when we receive the aggregated feedback, it will be shared with Council and the Chair and Vice-Chair would meet with the Administrator to review the feedback. Any Councilmember that wishes to be a part of this meeting is welcome to attend.

Ms. D. Myers stated, for clarification, the recommendation does not include the Chair, or a member, of the Employee Evaluation Ad Hoc Committee participating in the review.

Ms. Newton responded that it did not.

Ms. McBride stated usually the committee develops the format and the process. Once that is done, they have done their job, and it goes back to the Chair and Vice-Chair to represent Council. However, each Councilmember has the opportunity to speak with the Administrator regarding their evaluation.

Mr. Jackson stated the task the Employee Evaluation Ad Hoc Committee was given was a yeoman's task, given the way it had to build the airplane in flight. He thinks it is important, before the Chair and Vice-Chair meet with the Administrator to go over the results, for Council to be privy to that so there is a collective understanding of what the findings, recommendations and conversations are going to be before they occur with the Administrator, so the Administrator gets a clear message. Also typically tied to that is an extension of a contract, or a merit increase.

Ms. Newton stated the idea is to bring the feedback to Council first. Then the question is how you facilitate the conversation that shares that information with the Administrator.

Ms. McBride stated once Council reviews the aggregated data and gives the Chair permission to share it with the Administrator, if the Administrator has any feedback, it would then be shared with Council.

Mr. Manning stated he is a little concerned that Mr. Jackson is talking about a contract extension and a merit raise, when we have not seen the results of the evaluation. The results of the evaluation may indicate that is not what we want to do.

Mr. Livingston responded the disposition could be those things, or something different.

- c. Clerk to Council Position – Ms. Newton stated the committee recommended that we hire Find Great People to do an Executive Search for the Clerk to Council position.

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

Opposed: Malinowski

Abstain: Manning

Not Present: Terracio and Walker

The vote was in favor.

Ms. Newton moved, seconded by Mr. Manning, to reconsider this item.

In Favor: Malinowski and Jackson

Opposed: McBride, Livingston, Manning, Myers and Newton

Not Present: Terracio and Walker

The motion for reconsideration failed.

17. **OTHER ITEMS**

- a. FY2020-2021 CDGG and HOME Annual Action Plan Budget – Mr. Voignier stated staff is recommending approval of the FY20-21 Annual Action Plan budget, as presented in the agenda briefing document, for CDBG and HOME funds the County is allocated on an annual basis, as an entitlement community. While Council previously approved utilization of the CDBG portion of the allocation to aid in the County’s response to the COVID-19 pandemic, staff has not identified additional CDBG eligible projects or programs beyond those currently in progress to prevent, prepare and respond to COVID-19, which already have identified funding sources. Staff has identified other new, and continuing CDBG eligible program needs, as reflected in the proposed budgets for CDBG and HOME.

Ms. Newton moved, seconded by Ms. Dickerson, to approve this item.

Ms. D. Myers inquired about how much broad-based community input have we sought and received for this plan.

Mr. Voignier responded they have not held the public comment period and a public hearing for this plan. All of these projects have been consistently funded year over year, with the exception of the sewer pipe installation project, which he believes has had some public input. There will be a public hearing and public comment period held on the other projects prior to the plan being submitted to HUD for approval.

Ms. D. Myers inquired if the plan will come back to Council after the comment period, and if Council will be made aware of any changes those comments produce.

Mr. Voignier responded he would be happy to provide that to Council, for information. What will be coming back to Council are particular projects, whenever we identify the entities that will be receiving the funds, in particular the public service projects, as well as, the Community Housing Development organization.

Ms. D. Myers again requested the annual allocation of CDBG funds and the uses we make of them. She stated there are communities across the County that largely left out of these critical conversations. She is asking that we involve more of the County’s stakeholders in these discussions, so they are not left out of these multimillion dollar projects.

Ms. Dickerson stated, for the record, that she supports Ms. D. Myers’ comments.

Mr. Malinowski inquired how the Operation One Touch Minor Home Repair and Public Service Projects (Zoom Grants) programs work, and how it is determined who will qualify and get these funds.

Mr. Voignier responded Operation One Touch is generally for projects under \$15,000 that homeowners apply for. The applications are assessed and evaluated based on their income eligibility, as well as, the type of project. They estimate that 15 – 20 homes would benefit from the program in a fiscal year. They typically set aside 15% of the budget for the Public Service Projects. The application process is currently underway for these projects. Each application is a minimum of \$30,000, and a maximum of \$100,000, for projects we receive from the community. The applications are evaluated by an internal committee, based on the goals of the program, and several other factors (i.e. financial and programmatic). They are partnering with the County’s

Government and Community Services Department to cast a wider net, so we can get additional applications for these projects.

Mr. Malinowski requested clarification on the Program Administration Costs.

Mr. Voignier responded the Program Administration Costs should be less than 20% of the total allocation of \$1.6M.

Ms. McBride inquired if the decisions, on these projects, are made by an in-house review team.

Mr. Voignier responded they make a recommendation, which comes back to Council, on the Public Service Projects. Operation One Touch is a first-come, first-served, application process.

Ms. McBride stated there appears to be a need for more transparency and accountability, as we try to change the way we are doing business. She would like for us to look at the overall process, in terms of the methods we are using to make decisions.

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

Not Present: Terracio and Walker

The vote in favor was unanimous.

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

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

Not Present: Terracio and Walker

The motion for reconsideration failed.

- b. CDBG-DR Rehabilitation Project Change Order – Mr. Voignier stated staff is recommending approval of a 2nd Change Order for one of the County's rehabilitation properties in the Housing Disaster Recovery Program. The change order totals \$11,079.86. All change orders greater than 25% of the original contract amount, for CDBG-DR funds, must be approved by Council. The purpose of the change order is to address a structural issue that could not be identified until work began on the 1st change order. The structural issue presents a safety concern that must be repaired, based on the County's housing standards to construct safe, sanitary and secure homes, in accordance with our CDBG-DR Action Plan. Failing to complete this work may cause the structure to fail in the future with further damage to the property, and possibly the homeowner.

Ms. Newton moved, seconded by Mr. Livingston, to approve staff's recommendation.

In Favor: McBride, Livingston, Myers and Newton

Opposed: Malinowski, Dickerson and Jackson

Not Present: Terracio and Walker

The vote was in favor.

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

In Favor: Malinowski, Dickerson, McBride, Manning and Myers

Opposed: Livingston and Newton

Not Present: Terracio and Walker

The vote was in favor of reconsideration.

Mr. Manning requested that someone that voted in opposition of the item would explain their reason for opposing the change order.

Mr. Malinowski stated the original contract amount was \$21,500. He realizes things can be found after work has begun, but the first change order was in excess of \$39,000, which was a 183% increase. The second change order is over \$11,000, which is 51% of the original approval. We have an original contract awarded in the amount of \$21,500 with two (2) change orders in excess of \$50,000. The County is being asked to repair items that are a result of the homeowner not conducting routine home maintenance.

Mr. Manning inquired if this item does not pass will there be other options.

Mr. Voignier responded, if this does not pass, the work will not be completed. What will be left is the sagging floor joist underneath the den. There is a potential for future structural failure or the homeowner could be injured, if the floor joist were to fail completely. He does not know the extent of the liability for the County in that situation.

Mr. Manning stated, for clarification, Mr. Voignier is requesting the governing body to allow taxpayer money to be utilized to rectify the situation. He inquired if staff allowed this to happen, or did not see this coming. He requested staff to help him understand that it is the responsibility of Council, as stewards of the taxpayers, to make this government expenditure.

Mr. Voignier responded the responsibility is placed due to the recommendation of the Blue Ribbon Committee, as far as change orders. He noted this is disaster recovery grant funding, and is not County dollars. The purpose of the funds is for this purpose. We indicated in the action plan that we construct homes that are safe, sanitary and secure. It could be viewed as us not fulfilling our obligation under the action plan, if these types of change orders are not approved.

Ms. Newton inquired if the only remedy is utilizing CDBG-DR funds, or is there any responsibility on the part of the vendor we were working with to have discovered this earlier.

Mr. Voignier responded we have not concluded that the contractor should have been able to see this. The purpose of the original change order was to replace the joists that were rotted out in the kitchen, as those repairs were related to flood damage. When they opened up the kitchen, they would not anticipate to see, without beginning the work, the other half of the house because of the way the ventilation system and the crawlspace is configured.

Ms. D. Myers inquired if staff knows the value of the home.

Mr. Voignier responded that he did not have that information in front of him.

Ms. D. Myers stated, for clarification, the change orders would total approximately \$72,000.

Mr. Voignier responded in the affirmative. The analysis we do is, once it reaches a certain point, our grant size limit for rehabilitation is \$90,000. Therefore, once it exceeds that amount, we would make the decision that we would have had to rebuild the home.

Ms. D. Myers stated, for the repairs to the kitchen floor, we have basically built a house.

Mr. Manning inquired about how long the Blue Ribbon Ad Hoc Committee discussed this item.

Mr. Voignier responded the Blue Ribbon Ad Hoc Committee recommended the establishment of the policy regarding change orders that are greater than 25%. Council approved that policy, so that any change orders that exceed 25% go directly to Council. He stated this is a staff recommendation.

Mr. Malinowski does not understand why we cannot tell the person we will repair what is needed, based on the flooding event, but items that were due to the homeowner's neglect, we are not paying for.

Ms. Dickerson stated she believes this item should have gone through committee.

Mr. Manning moved, seconded by Mr. Malinowski, to send this item to the July D&S Committee meeting.

Mr. Voignier stated this matter is time-sensitive, as the homeowner is currently not in the home and the County is paying their relocation expenses.

Mr. Malinowski inquired as to what happens if Council refuses to move forward with the change order. Will the homeowner go back into the house?

Mr. Voignier responded he would have to confer with the contractor to determine if they are still willing to complete the first change order, and discontinue work on the home. No work is currently being done, pending the approval/disapproval of this item.

Mr. Manning made a substitute motion, seconded by Ms. McBride, to approve the change order.

Mr. Manning stated he does not know what in the world has gone wrong here, and he hates the fact that he is a part of a body that is having this in front of us with this all so messed up. At the same time, we have a citizen that is out of their home, with a contractor ready to go to work. He thinks it is unfair for this citizen, and whatever went wrong that has us, as a governing body, with the staff that we depend on, in a bad situation. But, he is not in a bad situation where he is out of his house, with a government that somehow did not seamlessly get to the point to where this should have been an easy decision. It either should not have been here as a staff recommendation, or if it was we should have been in a position where this was a no-brainer and a rubber stamp. He cannot see us, at this point, having a citizen's life further disrupted because of the situation we find ourselves in tonight.

Ms. McBride stated she agrees with Mr. Manning.

Mr. Jackson stated he is concerned this is not the real issue, and we are resolving one homeowner's problem tonight, because of the negligence of staff and an outside contractor. is afraid we are about to set a bad precedent so contractor can come in the future and do the same thing. He thinks

to have a contractor gouge us like this, and treat us like a money pit, is a bigger issue than it is for homeowners being treated fairly.

Ms. D. Myers stated she is looking at these pictures, and she is troubled because she thinks after this work is done you will have virtually a \$100,000 kitchen in a home that does not even equal that value. She finds it shocking that we would be putting this much money into a kitchen, and that it came to us, at this point.

Ms. McBride stated this is not a precedent. This has been going on for a long time, and we have just been passing it. She thinks it is time to correct it, but she does not think we need to use this person to make that correction. We are not saving resources because we are still paying for the relocation expenses. We need to put policies, mechanisms and tracking systems in place to make sure this does not happen again.

Mr. Manning stated, if this is setting a precedent for staff to continue to let this happen, then he does not think this is a precedent. It seems to him, that is what got us here, and he hopes this whole discussion is being heard clearly by Mr. Brown, particularly in light of the report we had earlier from the Employee Evaluation Ad Hoc Committee. He is making and voting for this substitute motion for the sake of a citizen, but he sure hopes this precedent is not allowed to continue.

Mr. Malinowski stated we do not have any answers as to what happens to the citizen in this matter. It seems like there should be a “playbook” that says, “if this does not pass, this is what happens next.”

Mr. Manning requested to withdraw his substitute motion.

Mr. Livingston ruled that Mr. Manning’s request was not in order.

In Favor: McBride, Livingston, Manning

Opposed: Malinowski, Dickerson, Jackson, Myers and Newton

Not Present: Terracio and Walker

The substitute motion failed.

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

The vote in favor of forwarding this item to the July D&S Committee meeting was unanimous.

- c. Ole Town Antique Mall – Proposed Improvements – This item was removed during the Adoption of the Agenda.
- d. COVID-19 Pandemic Relief Grant Update – Ms. A. Myers stated, beginning on p. 383 of the agenda, is the final pandemic relief grant update, and recommendations. As indicated during the July 14th meeting, the grant closed for application at 11:59 PM on June 30th. Included in tonight’s agenda, on p. 385, is a report and list of non-profits approved by Council to receive grant funding. Tonight, staff is seeking a motion for approval for the final round of recommended small business recipients.

Mr. Malinowski inquired if has been determined that the individuals we are being asked to approve are only receiving funds from Richland County.

Ms. A. Myers responded, as a part of the submission process, the grantees have to sign and indicate they are only receiving funds from Richland County. If they receive other funding, they have to deny ours.

Ms. McBride inquired if citizens are able to apply for assistance from the organizations now.

Ms. A. Myers responded in the affirmative.

Ms. McBride inquired if we have informed the public that they can apply.

Ms. A. Myers responded she has requested, through the PIO Director, and Mr. Brown, that we post that information on website to let citizens know the funds have been dispersed.

Ms. McBride inquired if there is any other means of informing the citizens, and how they can apply.

Ms. A. Myers responded that she has requested, through the PIO Director, that the public be made aware that these funds are available. She does not know what means Ms. Harris plans to use to do so, but the request has been made to inform the public. She will have Ms. Harris follow-up with Council regarding this matter.

Ms. McBride requested the total applications received in the various areas.

Ms. Dickerson stated she is very disappointed in what she is seeing. She inquired if Mr. Livingston had appointed Councilmembers to the committee.

Mr. Livingston responded he sent out an email to Councilmembers asking if they would like to serve, but there are currently no Councilmembers on the committee.

Ms. Newton moved, seconded by Mr. Livingston, to approve staff's recommendation.

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

Opposed: Malinowski and Dickerson

The vote was in favor.

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

In Favor: Malinowski and Dickerson

Opposed: McBride, Livingston, Walker, Manning, Jackson, Myers and Newton

The motion for reconsideration failed.

- e. Richland County's Fiber Broadband Partnership for Southeast Richland County – Ms. Myers moved, seconded by Mr. Manning, to approve this item.

Ms. D. Myers thanked staff for finding this provider to build out broadband in the Southeast at no cost to Richland County. She noted the only thing the provider has requested is a customer facing space in the building being constructed, with deferred rent.

Mr. Malinowski noted in the briefing document that the Budget and Finance Departments are concerned about giving a for profit organization rent free space in a taxpayer-funded facility. He inquired if it legal to put a private company in a government facility, with deferred rent. He also noted the company wants any grants funds the County may receive to defray the costs for constructing the system.

Mr. Brown stated, when this item initially came before the body, there were some different considerations. Specifically, we were talking about doing some joint trenching for the laying of conduit and the water and sewer lines. Those things have changed, so the requests associated with that are different, and not in consideration. The provider, TruVista has not given us any conditions by which the project is contingent upon. They did say, if the County has access to funds that could be used, they would like to have access to the funds, if possible. They also did say, if the County has space, they would like to utilize that space as a payment center.

Mr. Farrar stated, under Home Rule, the governing body has contract authority, as well as, authority to dispose of real and personal property, which includes leasing. Obviously, anybody that is a County facility you want to have a lease, even if the rent is deferred, to spell out the rights of the parties.

Mr. Brown stated originally there was more of a partnership, because we thought the provider would be able to do joint trenching, but we learned that is not feasible due to some of the construction liability. At this point, we have a service provider who is willing to do work in that area, and is not something that Council would be approving. If there was anything Council would be approving, which is not the case today, it would be whether you were providing some space in the facility that is currently not in existence.

Ms. Carla French, TruVista, stated, without the spirit of partnership with the County, it would not be a fruitful business decision for them to move into Lower Richland County to serve these underserved areas. When staff first came to them, they looked at the opportunity. There were some significant savings with the idea of being able to participate in the trench, and the business case looked attractive. Once they found out they were not going to be able to co-locate, they had to revisit the opportunity, add \$2.5M in costs to the project, and determine if it was still viable. When they go into a community, they like the local government leadership to be a fan of the services they will be providing. Tonight, was to make sure Council understood they have looked and are willing to invest in Richland County. Not only for the approximately 3,000 underserved homes, but also for the businesses in that footprint. In the spirit of partnership, the thought was, is there an opportunity to help defray some costs for TruVista, with the deferment of rent for a period of time, and the County's assistance in developing grant applications.

Mr. Malinowski made a substitute motion, seconded by Ms. D. Myers, to accept Ms. French's comments as information, and create a resolution of support for their company conducting business in Richland County.

Mr. Manning inquired if the \$85,000 set aside for the conduit is still in the County's account.

Mr. Brown stated he was not sure how far they gotten with putting down the conduit, but TruVista is still willing to uphold the commitment they originally made, and will reimburse the County if any funds have been expended.

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

The vote in favor was unanimous.

Ms. D. Myers thanked her colleagues and TruVista for their support of this endeavor.

Mr. Jackson stated, as a former educator, the benefit of this goes beyond the residents, and businesses, in Lower Richland.

18. **EXECUTIVE SESSION**

- a. Personnel Matter – Grievance Reviews and Recommendations
- b. Temporary Assistance for the Clerk’s Office
- c. Richland County’s Fiber Broadband Partnership for Southeast Richland County

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

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

Opposed: Walker and Manning

The vote was in favor.

Council went into Executive Session at approximately 8:50 PM and came out at approximately 9:41 PM

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

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

Opposed: Walker

The vote was in favor.

Mr. Manning moved, seconded by Ms. Newton, to go into Executive Session on the broadband matter.

In Favor: Walker, Manning, Jackson, Myers and Newton

Opposed: Malinowski, Dickerson and Livingston

The vote was in favor.

Council went into Executive Session at approximately 9:41 PM and came out at approximately 9:48 PM

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

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

The vote in favor was unanimous.

- a. Personnel Matter – Grievance Reviews and Recommendations – Mr. Malinowski moved, seconded by Mr. Walker, that no disciplinary action should be placed in the personnel file and the employee should be immediately given an appraisal so any shortcomings can be addressed.

Ms. Myers made a substitute motion, seconded by Ms. Newton, to follow the Administrator’s recommendation.

Mr. Walker withdrew his second to the original motion.

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

Opposed: Malinowski

The vote was in favor.

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

In Favor: Malinowski

Opposed: Dickerson, McBride, Livingston, Walker, Jackson, Myers and Newton

The motion for reconsideration failed.

- b. Temporary Assistance for the Clerk’s Office – Ms. Newton moved, seconded by Ms. McBride, to proceed with Candidate #1.

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

Abstain: Manning

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

Ms. Newton moved, seconded by Ms. McBride, to reconsider this item.

Opposed: Malinowski, McBride, Livingston, Walker, Jackson, Myers and Newton

The motion for reconsideration failed.

19. **MOTION PERIOD** – There were no motions submitted.

20. **ADJOURNMENT** – The meeting adjourned at approximately 11:25 PM.