



Richland County Council

REGULAR SESSION
September 15, 2020 – 6:00 PM
Via Zoom Meeting

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio 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, Jennifer Wladischkin, Dwight Hanna, Michael Maloney, Stacey Hamm, Judy Carter, Tariq Hussain, Brad Farrar, Bill Davis, Michelle Niermeier, Ronaldo Myers, Steven Gaither, Alexandria Stephens, Ojetta O’Bryant, Geo Price Dante Roberts, James Hayes and Larry Smith

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 Jim Manning
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Jim Manning
4. **APPROVAL OF THE MINUTES**
 - a. **Special Called: August 31, 2020** – Ms. Newton noted that her vote was not recorded on Item 14(a), which is located on p. 5 of the minutes.

Ms. Dickerson moved, seconded by Ms. Myers, to approve the minutes as corrected.

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

Not Present: McBride, Walker and Kennedy

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Mr. Malinowski noted Item 16(a) had been previously been reported out of the Administration and Finance Committee; therefore, it does not need to be listed under the Report of the Administration and Finance Committee.

Mr. Livingston suggested moving Item 16(a) to “Other Items” and listing the item as 19(c) on the agenda.

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

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

Opposed: Manning

Not Present: Kennedy

The vote was in favor.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Smith stated that Item 19(c) “Home Detention/Electronic Monitoring Services” is potentially an Executive Session item.

7. **CITIZENS’ INPUT**

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

8. **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.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown cited information from the www.scdhec.gov website. According to the website, from February 10 – September 14, Richland County has had 100,013 COVID-19 test performed. Of those tests, 19,222 were positive, which equates to a 21% positivity rate. From August 31 – September 14, there were 11,499 test conducted, with a positivity rate of 23.7%, which equates to 2,602 positive results. He also noted there have been 220 deaths in the County.

There are a couple face mask events coming up, with one taking place on Friday, September 18th in Council District 2.

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

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

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance authorizing deed to the City of Columbia for Clemson Road Widening 12” water line relocation; Richland County TMS # 25700 and 25800 (portion) – No comments were received.

13. **APPROVAL OF CONSENT ITEMS**

- a. 20-008MA, Michael Winkler, RU to NC (1.25 Acres), 11045 Two Notch Road, TMS # R29100-05-04 [THIRD READING]
- b. 20-015MA, Brenda Miller, RU to RS-MD, 8104 Brookmount Lane, TMS # R14414-02-04 [THIRD READING]
- c. 20-018MA, Ryan Horton, RM-HD to GC (2.62 Acres), 616 Percival Road, TMS # R16716-01-01 [THIRD READING]
- d. 20-006MA, Paul Pettinelli, HI to GC (.9 Acres), 1314 Rosewood Drive, TMS # R11208-02-10 [THIRD READING]
- e. 20-014MA, Alex Serkes, GC to HI (6 Acres), 10501 Farrow Road, TMS # R17500-02-07 and 15 [THIRD READING]

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

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

Not Present: Kennedy

The vote in favor was unanimous.

14. **SECOND READING ITEMS**

- a. An Ordinance authorizing deed to the City of Columbia for Clemson Road Widening 12" water line relocation; Richland County TMS # 25700 and 25800 (portion) – Mr. Manning moved, seconded by Mr. Walker, to approve this item.

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

Not Present: Kennedy

The vote in favor was unanimous.

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

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

Not Present: Kennedy

The motion for reconsideration failed.

15. **FIRST READING ITEMS**

- a. Authorizing the issuance of General Obligation Bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$30,000,000, for the purpose of acquiring, constructing, equipping, rehabilitating and improving various capital projects; authorizing the County Administrator to prescribe the details of the issuance and sale of the bonds and the form and details of the bonds; providing for the disposition of the proceeds of the bonds and the payment of the bonds; and other related – Ms. Terracio moved, seconded by Mr. Livingston, to approve this item.

Ms. Myers inquired if it is our custom to include BAN language in the bond issuances, and if so, why and the cost associated with it.

Mr. Jones responded the authorization is always included in the event that something happens in the market where the County still needs the money, but would rather borrow short-term to allow the market to adjust. Therefore, it would only be out of necessity.

Ms. Myers suggested, if that is the case, it needs to be reflected in the language because there is a cost associated with the issuance of a BAN, and then later issuing bonds. Additionally, Ms. Myers noted she has received the feasibility study for Fire Service, but she is not sure if full Council has seen it. She believes it should have been provided to full Council as a precursor to requesting Council to vote on bonds, or BANs, for fire safety and improvements.

Mr. Byrd responded the whole process was paused when the pandemic began. Some of the information is still in draft form, and has not been finalized. He stated they can begin the process again, and move forward. The bond process took a different separate avenue.

Ms. Myers stated, for clarification, we are moving forward with the suggestions, but to not request Council to adopt the feasibility study.

Mr. Byrd noted the feasibility study still has to be vetted by the consultant, and approved. He stated some of the items in the bond pre-dated the discussion about a consultant, but the consultant did look at what we were proposing, and agreed with it; therefore, it was placed in the draft.

Ms. Myers stated, as a foundation document, which shows the public and Council why staff is making the recommendations they are making. It is important for people to know where we have had experts identify there are issues with safety, and why we are not refurbishing fire stations in their neighborhood(s). She noted the feasibility has been in the works for approximately 3 years. She suggested the document has to be a part of the discussion, and approval of the bond amounts.

Mr. Malinowski requested additional details of the projects, so the public is aware of what Council is voting on. He agrees with Ms. Myers that everyone needs to see the Fire Service feasibility study. In addition, many of these projects go back to 2014, and there have been huge changes in development in the last 6 years. He is not sure that the stations being cited are the ones that need to be built, or upgraded. There may be others that need to be considered; therefore, we may need to go back to the drawing board and re-create, in conjunction with the Council representative for that area, to re-create the priority list.

Ms. Newton stated she would like to see the research that notates where we need the fire stations, and why.

Ms. Myers stated she is not in favor of starting from scratch, since we could end up 4 years from now still talking about whether or not we are going to build the fire stations. The need for the fire stations, and fire safety, was one of the first things she raised when she was elected to Council. She finds it shocking that we still cannot decide whether or not there is a feasibility study that indicates there needs to be fire stations in parts of the County where there is an ISO Rating of 8, 9 or 10. Instead of starting from scratch, we need to put a deadline on getting the feasibility study completed. If there are questions about it, then send those back to the drawing board, but not the whole thing.

Mr. Livingston stated, for clarification, what we are discussing now is Item 15(a), but it appears a lot of the conversation is centered on Item 15(b).

Ms. McBride noted these items were discussed in committee, and are now back before Council. The information should be available online and in the committee's discussion.

Mr. Hayes stated these items were approved, as a part of the budget work session, and were a part of the motions list that Council approved in June.

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

Opposed: Malinowski, Walker, Myers and Newton

Not Present: Kennedy

The vote was in favor.

- b. Authorizing the issuance of Fire Protection Service General Obligation Bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$8,000,000 for the purpose of acquiring and constructing fire stations and acquiring fire protection equipment; authorizing the County Administrator to prescribe the details of the issuance and sale of the bonds and the form and details of the bonds; providing for the disposition of the proceeds of the bonds and the payment of the bonds; and other related matters – Ms. Terracio moved, seconded by Ms. McBride, to approve this item.

Mr. Malinowski noted he is not advocating starting from scratch, but having discussions with individual Council members who may be affected.

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

Opposed: Malinowski, Walker and Newton

Not Present: Kennedy

The vote was in favor.

Ms. Myers requested that the draft feasibility study be distributed to Council members prior to the next Council meeting.

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

- a. Home Detention/Electronic Monitoring Services – This item was moved to “Other Items”

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

- a. Award of Engineering Services contract for a cleared site at the Blythewood Business Park – Mr. Livingston stated the committee’s recommendation was for approval.

Mr. Malinowski stated we are being asked to approve a contract, but there has been no input from Legal, Budget, Finance, etc.

Mr. Ruble responded that this item went through the procurement process, and Ms. Wladischkin may be able to address those procurement procedures.

Mr. Malinowski moved, seconded Ms. Myers, to defer this item.

In Favor: Malinowski and Myers

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Manning and Newton

Not Present: Kennedy

The motion failed.

Ms. Myers requested an overview of the document Council has been requested to vote on.

Mr. Ruble stated the Richland County Economic Development Office received funding for \$2,370,000. Council voted in December 2019 to receive those funds. The funds were to go toward grading and preparing a site in the Blythewood Business Park.

Ms. Myers inquired if Legal, or any of the other departments, had reviewed the contract, and if there were any things Council needs to be aware of before it is voted on. She is concerned that we may be blindly agreeing to things that would later be problematic.

Ms. Wladischkin responded we will be using the standard contract for Professional Services, and incorporating the vendor's submittal to the RFP, as part of the contract documents.

Ms. Newton inquired if, by using the standard contract, we are following Richland County's standard procedure with contracts, of this nature.

Ms. Wladischkin responded this is the County's standard procedure for implementing contract. There is a boilerplate contract for Professional Services, and we incorporate the solicitation documents as a part of the entire contract package.

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

Opposed: Malinowski

Not Present: Kennedy

The vote was in favor.

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

In Favor: Malinowski

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers and Newton

Not Present: Kennedy

The motion for reconsideration failed.

- b. Authorizing the extension of the term of the fee in lieu of tax agreement dated as of September 1, 1999, by and between Richland County, South Carolina, and Carolina Ceramics, LLC – Mr. Livingston stated the committee recommended approval of this item.

Ms. Newton inquired if this is a 5-year extension.

Mr. Ruble responded it is a 5-year extension on a 20-year term.

Ms. Myers inquired if staff had responded to the questions raised at the last meeting.

Mr. Ruble responded those responses were sent to Council on September 10th.

Mr. Malinowski noted we are potentially setting a negative precedence, in that, if someone falls on hard times the County can change the rules to allow them to continue to “play”.

Mr. Ruble responded this is a discretionary incentive, so Council can do as it so pleases. The committee weighed the issue and recommended approval because this company invested more than they committed, when the FILOT was originally created.

Mr. Malinowski stated the company is requesting an extension, in hopes of returning to profitability. He inquired as to what happens if they do not.

Mr. Ruble responded the agreement would be null and void and the company would go out of business.

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

Not Present: Kennedy

The vote in favor was unanimous.

- c. Consenting to and ratifying the partial assignment and assumption of a fee in lieu of tax and incentive agreement from PPT Real Estate Enterprises L.P. to NL Ventures XI Northpoint, L.L.C.; and other related matters – Mr. Livingston stated the committee’s recommendation is for approval.

Mr. Malinowski stated on p. 145 it references “Exhibit A”, which is an older assignment that notates the term for this expired. He inquired if we gave them a 5-year extension from their original investment period, which ended on October 31, 2016.

Mr. Ruble responded there are two (2) concurrent agreements. One expired in 2016, which was a FILOT. There is another agreement that is ongoing. Council voted on, and approved in May 2020, but it was with a different buy. The deal with that buyer ultimately feel thorough. The company has now returned with a different buyer, and they are asking Council to approve it again.

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

Not Present: Dickerson and Kennedy

The vote in favor was unanimous.

- d. Authorizing, approving, ratifying and consenting to the partial assignment and assumption of an infrastructure credit and incentive agreement from PPT Real Estate Enterprises, L.P. to NL Ventures XI Northpoint, L.L.C.; and other related matters – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Dickerson and Kennedy

The vote in favor was unanimous.

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

I. **NOTIFICATION OF VACANCIES**

- a. Accommodations Tax – Five (5) Vacancies (ONE applicant must have a background in the lodging industry, THREE applicants must have a background in the cultural industry, and ONE applicant will fill an At-large seat)
- b. Airport Commission – Three (3) Vacancies (ONE applicant must reside within the Rosewood, Shandon, or Hollywood-Rose Hill-Wales Garden neighborhoods)
- c. Board of Assessment Appeals – One (1) Vacancy
- d. Building Codes Board of Appeals – Six (6) Vacancies (ONE applicant must be from the Architecture Industry, ONE from the GAS Industry, ONE from the Building Industry, ONE from the Contracting Industry & TWO from Fire Industry as alternates)
- e. Business Service Center – Two (2) Vacancies (ONE applicant must be from the Business Industry and ONE applicant must be a CPA)
- f. Central Midlands Council of Governments – Two (2) Vacancies
- g. CMRTA – One (1) Vacancy (Applicant familiar with COMET System and fiduciary experience preferred)
- h. Community Relations Council – Eight (8) Vacancies
- i. East Richland Public Service Commission – Two (2) Vacancies
- j. Employee Grievance Committee – Six (6) Vacancies (MUST be a Richland County employee; 1 seat is an alternate)
- k. Hospitality Tax – Four (4) Vacancies (TWO applicants must be from the Restaurant Industry)
- l. Internal Audit Committee – Two (2) Vacancies (applicant with CPA preferred)
- m. LRADAC – Two (2) Vacancies
- n. Music Festival – Two (2) Vacancies
- o. Procurement Review Panel – Two (2) Vacancies – (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)
- p. Richland Library Board of Trustees – One (1) Vacancy
- q. Richland Memorial Hospital Board of Trustees – Two (2) Vacancies
- r. r. River Alliance – One (1) Vacancy
- s. Transportation Penny Advisory Committee (TPAC) – Three (3) Vacancies

Mr. Malinowski stated the committee recommended advertising for the vacancies.

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

Not Present: Dickerson and Kennedy

The vote in favor was unanimous.

II. **NOTIFICATION OF APPOINTMENTS**

- a. Board of Zoning Appeals – 1 – Mr. Malinowski stated the committee recommended to re-advertise for this vacancy.

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

Not Present: Dickerson and Kennedy

The vote in favor was unanimous.

- b. Central Midlands Council of Governments – 3 – Mr. Malinowski stated the committee recommended appointing Dr. Todd Beasley and re-advertising for the remaining vacancies.

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

Not Present: Kennedy

The vote in favor was unanimous.

- c. Music Festival – 2 – Mr. Malinowski stated this item was held in committee.

19. **OTHER ITEMS**

- a. FY21 Budget Considerations:

Mr. Brown stated he is requesting that Council approve the amendments to the FY20-21 budget, as submitted to Council in the Recommended Budget Book received the week of August 31, 2020. The amendments include:

- Includes 10% budget reduction to many departments and county funded organizations. The funding was approved in the budget; therefore, it does not require an amendment.

Mr. Manning inquired if Mr. Brown is discussing Item 19(a)(1): Safe Voting Plan 2020 Grant Agreement.

Mr. Livingston responded it is “Budget Considerations”, but not a specific item.

Mr. Manning stated the first item would be Item 19(a)(1), which is the way the agenda was printed, published and advertised.

Ms. Myers stated she does not believe what Mr. Brown is discussing is properly before the body because it is not listed on the agenda.

Mr. Brown stated, for clarification, the item “Budget Considerations” would not be considered appropriately on the agenda.

Mr. Manning responded that is the point that Ms. Myers and himself are raising, based on the reading of the agenda printed, published, etc.

Ms. Myers stated, if these items are time-sensitive, must be taken up tonight, she would suggest that we amend the agenda to take them up, but she does not believe we can take them up as the agenda is printed.

Mr. Livingston inquired if the County has accepted the grants referenced in the briefing documents.

Mr. Brown responded the County has not accepted the grants that have a start date of October 1, 2020. If Council chooses not to accept these grants, then we would not be able to meet the deadline to receive these routine grants.

Ms. McBride inquired if Council had already approved the FY21 budget.

Mr. Brown responded in the affirmative, but Council will need to approve the receipt of the grants.

Ms. Myers noted there is no supporting documentation in the packet for what Mr. Brown is pointing out. She also thought that we were discussing the 10% across the board reduction, which we have not approved.

Mr. Brown responded in the affirmative. If Council took no action, the FY20-21 budget has been approved; therefore, those reductions would not be included. He noted the documentation for this posted on the County’s website and was covered in the recent amendments.

Mr. Malinowski requested a legal opinion on whether we can take up these items.

Mr. Smith responded it does not appear, with the way the item is listed on the agenda, that there is not a clear delineation, as it relates to the budget item, Mr. Brown is discussing.

Mr. Livingston suggested moving forward with the items listed on the printed agenda, and if there are any time-sensitive items, we vote to amend the agenda to take those items up.

1. Safe Voting Plan 2020 Grant Agreement—Mr. Brown stated Council received detailed responses to the questions raised on whether or not the Board approved this grant for the Voter Registration’s Office. There is information from the SC Election Commission that states that the State does not receive the grant; therefore, the County, or someone else, would have to act as the recipient of the grant, on behalf of Voter Registration & Elections. There is information about the organizations that support the funding for the grant, as well as other counties that have received funding.

Mr. Manning moved, seconded by Ms. McBride, to accept this grant.

Mr. Malinowski noted, on p. 252, it states, “Since the appointing authority for county election commissioners is by an authority ‘outside county government’ ...the General Assembly has

mandated that county council possesses no authority in this area..." Therefore, if we possess no authority, he does not believe we have the authority to accept or reject the grant, regardless of what it is for.

Mr. Smith responded the Elections Board is appointed by the Legislative Delegation; therefore, they are a separate legal entity. In this case, we recommended the County act as a pass through for these funds, with the caveat that the County is not going to be responsible for the admission, or the operations, of this grant. Administration and operations of this grant, and the things the grant is attended to address, will be the responsibility of the Board of Elections and Voter Registration.

Mr. Malinowski stated, in the requirements, from the agency, it notes, "they can ask for the return of all or part of the grant funds if it is determined, in its sole judgment, that any of the above conditions have not been met." To him, this means the County will be held responsible, if the conditions are not met. He also noted the local government units would own and control all of the equipment. We have no idea if there is any software requirements, future costs for maintenance, etc. It is his understanding, the State has mandated there should be one voting machine for every so many voters. So, why would we want to incur costs for maintenance, and associated costs for 30 machines? In addition, he did research on this and it showed that many of the organizations that support them are left leaning private groups, who advocate for specific political agendas. They have shown themselves to oppose congressional bills that target terrorists, human traffickers, and other criminals that use the internet for crimes. They also want to guide voters to what they should be doing when they register to vote. He does not believe we align ourselves with a group that has surrounded themselves with so many questionable supporting entities.

Ms. McBride stated the recommendation came Richland County Voter Registration & Elections, and they took all of these things into consideration. We know that additional resources are needed, and the problems we have experienced; therefore, any resources we can obtain to help mitigate some of these issues we need to look at doing.

Ms. Terracio stated, because County Council is the funding source for the Board of Elections, if we deny these monies, we would shirking our duties to ensure the Election Commission is fully funded.

Ms. Myers stated there are good reasons to add voting machines. State law sets a floor, not a ceiling. It states we must have a minimum number of voting machines. Given our desire to support the Election Commission to ensure the vote, and election is free and fair, having more machines strikes her as the right thing to do.

Mr. Malinowski inquire if the Election Commission did any research into the partners, which are outline on p. 270 of the agenda, this group has.

Ms. Stephens stated she did review the partners and sources for this organization. She stated these machines will be used at satellite locations throughout the County. Other machines they are looking into purchasing will assist in counting absentee ballots, in sorting the ballots as they are received and to verify the signatures.

Mr. Malinowski inquired what has been determined regarding additional maintenance, registration, software contracts, etc.

Ms. Stephens stated she is still awaiting quotes from the vendors about rolling the maintenance into the current maintenance contract. She will provide Council with this information, when she receives it.

Mr. Malinowski noted that he has received complaints about the phones not being answered in Voter Registration.

Ms. Stephens responded that she will be meeting with IT to initiate a telephone service to get information out to the public, and additional staff has been hired to assist citizens with questions.

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

Opposed: Malinowski

Not Present: Kennedy

The vote was in favor.

2. Riverbanks Zoo Request – Mr. Manning moved, seconded by Mr. Malinowski, to honor the request of the Riverbanks Zoo to allow them to have the funds they would usually receive later in the year, based upon the reasons publicly presented at the budget work session.

Mr. Malinowski inquired if it had been determined if we can do this legally.

Mr. Brown responded it was his understanding that there is a process for doing this, but that it would be vetted and presented to Council prior to the funds being released.

Ms. McBride stated, for clarification, they are not requesting additional funds, but to receive their funds at a different time.

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

Not Present: Kennedy

The vote in favor was unanimous.

3. School Resource Officers – Mr. Brown stated, at the budget work session, Chief Cowan made a presentation to Council, and forwarded information to each Council member regarding their request as it relates to school resource officers.

Mr. Malinowski inquired why the amounts per officer vary.

Chief Cowan responded there was a period of time when the school resource officers were at a 50%/50% cost. Then there was a period of time when School District One added 14 new SROs. When they did so they were required to pay those at 100%, and have continued to do so. As new SROs are added, at the request of the district, they are required to pay 100% of the cost for those positions. Therefore, that causes a difference from district to district. It also causes a change when it involves the number of SROs they have, per district.

Mr. Malinowski noted approximately 76% of the overall cost is funded by the district, but the figures for Heathwood Hall does not indicate the 76%. The MOU amount was a little over \$47,000, and the cost to the County was \$35,000.

Chief Cowan stated the overall cost of the program is 75.9% collectively. Each district is broken down differently, based on the cost they pay. Each district had incurred increased costs over the last several years, and that has begun to increase.

Ms. Terracio stated her vote “no” to this is a signal that she would like for us to explore other ways for us to have support at the schools, beyond law enforcement.

Ms. McBride noted the SROs are important, but so are the nurses and social workers. She is concerned that we never provide the resources that are needed for the social services. She inquired as to what the requested amount is.

Chief Cowan responded they are requesting a revised budget of \$6,795,406.20, which is approximately a \$727,000 increase from last year. The majority of the increase will address the salary increases implemented as a result of the Total Rewards study and some operational expenses.

Ms. McBride inquired if this a raise for the SROs.

Chief Cowan responded the SROs, along with other County employees, received raises over the course of the Total Rewards Program. This amount is specific to making sure the budget for the School Resource Officer Program is commiserate with the costs related to their salaries, FICA, retirement, and operational expenses.

Ms. McBride stated, for clarification, if we did not approve the \$727,000, we would not lose any SROs.

Chief Cowan responded they would not have the funding in place to pay them their salaries.

Ms. McBride stated, for clarification, the SROs would have their salaries decreased.

Chief Cowan responded the Sheriff’s Department would have to figure out a way to pay their salaries, and he would assume decreasing their salaries would be the only way to do so. He stated there were 67 SROs, in the last fiscal year, which did not receive the funding they should have, and the Sheriff covered those costs within his budget.

Ms. McBride inquired if Administration had reviewed the SRO budget and agreed with them not having adequate funding to continue paying them at last year’s level.

Mr. Brown responded, based upon the information provided by Chief Cowan, it is possible the financial numbers and the budget numbers do not match. Whether or not that is the total value can only be determined by the department who is creating the expense.

Mr. Livingston inquired if the \$727,000 would give a pay increase to all of the SROs.

Chief Cowan responded it would balance the SRO Budget, and make the budget whole. If this item passes, the SROs will not receive additional raises. It will fund them at their present salaries, and there will not be any positions added.

Mr. Livingston stated, for clarification, each department, based on the Total Rewards criteria approved by Council, received a certain amount of funding.

Mr. Hayes responded Council approved \$1.5M for Total Rewards to begin in January. Annualized that would be \$3M. Mr. Hanna worked with payroll to determine the eligibility criteria for each department.

Ms. Newton stated this discussion has raised questions about the Total Rewards Program, and it would be appropriate for Council to get a full update on where we are with Total Rewards, to compare what we approved, and what we funded. Looking at the additional expenses we are discussing, what would be the source of funding?

Mr. Hayes responded the funding would come from the Reserve Fund, and would be an annual expenses, as these are recurring costs.

Ms. Myers inquired as to where we will be in regard to our Reserve Fund policy.

Ms. Hamm responded we would still be within the range of our Unreserved Fund balance. We currently have approximately \$40M, which is 26%.

Ms. Myers inquired, given COVID-19, and the SCDOR matter, do we have confidence that we will be within the range of where we are supposed to be.

Mr. Brown responded with the uncertainty that we face he does not want anyone to be too optimistic or too negative, but he is not confident on any financial numbers for next year.

Ms. Myers inquired if we have looked at the fiscal impact of the Total Rewards Program.

Mr. Brown responded, his understanding is, Council approve Total Rewards. The Total Rewards implementation took effect last fiscal year, but there has been no additional funding applied to Total Rewards in this fiscal year.

Mr. Hayes stated, for clarification, Council approved Phase I of the Total Rewards Program in August 2019 to bring employees up to the minimum, which equated to approximately \$1.8M. Residual funding from the COLA was used to fund that. The \$1.8M was put into the FY21 budget. In addition, initially \$1M was recommended, and Council added an additional \$500,000, to seed fund Total Rewards to bring employees up to their market level in FY20. The \$1.5M was annualized to \$3M for FY21. Therefore, the \$1.8M and the \$3M were put into FY21, as a continuation of funding that started in FY20, but no new money was added in FY21.

Ms. Myers inquired as to how this impacts the Sheriff's budget next year, since his budget is different from other budgets.

Mr. Livingston responded, based on the documents he received, we will have to fund the Sheriff's budget at the same level in the next fiscal year.

Mr. Manning stated, when he came on Council, the school districts reimbursed the County for the SROs. He inquired if that has changed.

Mr. Hayes responded the \$6,795,406 is their total requested budget. The school districts would be responsible for \$4,798,694, and the County's portion would be \$1,996,000. Chief Cowan is referring to an increase to the County's portion.

Mr. Manning stated, for clarification, there would be no reimbursement from the school districts on the funding we are discussing tonight.

Chief Cowan responded the additional funding they are requesting goes to the 75.97% overall cost of the program, which is passed off to the districts.

Mr. Manning stated, for clarification, the funding being requested is to cover the shortfall from last year.

Chief Cowan responded they met with Administration in April, May, July, August and November 2019 regarding this issue because they had 67 SROs that did not receive funding, but that qualified under the Total Rewards Program. The Sheriff's Department agreed to cover those costs for last fiscal year, and have passed those expenses off to the school districts this fiscal year.

Mr. Manning stated, when we discussed the budget earlier, when we closed out the books on June 30, 2020, which included a full quarter of dealing with COVID, that we put over \$1M in the Reserve Fund.

Ms. Hamm responded in the affirmative.

Mr. Manning stated, at that time, the question was asked, "How did July 2020 compare to July 2019?" and the answer was that the revenue in July 2020 was above July 2019.

Ms. Hamm responded in the affirmative.

Mr. Manning inquired if we have the figures from August 2020 yet.

Ms. Hamm responded the accruals are not done for August, so we do not have the total revenue for August, at this point.

Mr. Manning stated, with great respect for his colleagues, he would love to see more social work, nurses and mental health. He stated those things are funded through State government. The County can do more, but it is not statutorily under the purview of County government in the State of South Carolina. While he is for reimagining how we do policing, and additional funding for services for the citizens, if we combine those two (2) things together we can decrease some of the need for local law enforcement, he is not in favor of putting into jeopardy our current law enforcement. He noted some of the largest mass, and heartbreaking, shootings have been in schools. He suggested finding another way to make this important statement, without doing a vote that could put our students in jeopardy.

Ms. Newton stated, for clarification, the increase we are talking about only encompassing Phase I of the Total Rewards Program.

Chief Cowan responded the amount we are requesting relates directly to the phases that have been implemented.

Mr. Livingston stated he believes the \$727,000 increase for 67 SROs is significantly high. He inquired if that is equal to what others received under the Total Rewards Program. He noted the Sheriff's Department received \$1M last fiscal year.

Chief Cowan responded there were some individuals that were \$6,000 - \$7,000 behind where they needed to be, based on the Total Rewards criteria.

Ms. McBride stated she is a supporter of SROs, but she is also a supporter of social workers, counselors and nurses. She believes Council is responsible for the social services in schools, and we need to hold the school districts accountable for public safety. We need to take seriously the lack of services the students are not receiving. She requested clarity on whether all of the private schools were given an opportunity to request SROs.

Ms. Myers requested the amount set aside last fiscal year for Total Rewards and the number of employees covered by that amount.

Mr. Hanna responded, as he recalls, Council approved funding of approximately \$1.5M, which covered a 6-month period. All employees who were eligible, based on the criteria, were given an adjustment in salary. It is his recollection approximately 2,200 were eligible. He can provide that information to Council.

Ms. Dickerson inquired if this item is time-sensitive.

Mr. Brown responded Council can address this item whenever they chose. This will require a budget amendment, which will require three (3) readings and a public hearing.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer until the October 6th Council meeting.

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

Opposed: Walker and Manning

Not Present: Kennedy

The vote was in favor.

4. Victims Assistance – Sheriff's Department – Chief Cowan stated there were some additional requests at the budget work session, and the responses have been forwarded to Council. He stated, during the biennium, Council decided not to increase the Victims Service funding across the County. In so doing, it reduced the Sheriff's capacity to provide salaries, which results in a need for \$153,389.52 increase to the present budget. There are no new positions.

Mr. Malinowski stated, in the past, he had requested that the overall Victims Services program be looked at, since the costs continue to increase each year.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the cap Council previously set.

Mr. Hayes stated the total budget for Victims Services Fund is \$686,021, and not just the Sheriff's Department.

Mr. Manning stated he understands setting a cap, like Act 388, but we have to consider growth in population, cost of living, etc. He would be concerned about freezing the funding at a certain amount. He would suggest to at least increase the funding, based on those principles.

Mr. Livingston stated, for clarification, the request is for a transfer this year of the same amount as last year.

Mr. Hayes responded, he believes, Chief Cowan is requesting an increase for the Sheriff's Department's Victim Services to make the budget whole.

Mr. Livingston inquired about how the request affects the total amount from the General Fund.

Mr. Hayes responded if we do an amendment it will be more than the \$686,000 from last year.

Mr. Walker stated, he is a little bit frustrated, as he listens to the conversation. He has been in 20 months of conversations, with this particular Council, specifically in Executive Session, where he hears the continued complaint of unfunded mandates. We get frustrated when governances, higher than us, mandate certain things that they then do not appropriate funding to us for, and we have to figure out how to cover it. He inquired how we do not perceive it as us doing the same things to those elected, over whose budget we preside. When we push down a TRS mandate that says provide raises to employees, at a certain level. How can we then not expect to be asked to fund those raises? We have told the Sheriff he has to do something, yet now we are debating whether or not we are going to fund that which we told him he has to do.

Ms. McBride stated she believes we have been supportive of the Sheriff in almost every budget issue. Our issue, right now, is ensuring that it is within our budget, and we can do it.

Mr. Malinowski requested an overview of the Victims Services Fund. It was his understanding that what was imposed on the County came from the State, and that we provide more funding than we were required to provide.

Mr. Smith responded, he believes, there was a statute passed by the Legislature that there would be victims services provided to victims of crime. Those services were generally done through the Sheriff's Department and Solicitor's Office.

Mr. Malinowski stated the reason the "cap" came into play was because the amount the State mandated the County to pay was increasing.

Mr. Livingston stated, as the years went by, the State mandated fee/tax that was funding the Victims Assistance program generated less funding than it did originally. Council felt the program was important, so we started adding funding from the General Fund to supplement their funding. He personally believes the program is worthwhile to the County.

Mr. Malinowski stated he believes the overall program needs to be reviewed because he is familiar with instances of victims not being provided the services they needed.

Chief Cowan stated, for clarification, in FY18-19 the Sheriff's budget for Victims Services was at \$650,000. In FY20, it dropped to \$524,000. They did not increase positions. The only increases to the cost of the program were related to TRS, FICA and Police Retirement. He stated they

“kick-in” annually an additional \$248,000 to help support the things that are mandated by the State and are necessary to provide services to the victims of crime. The request is to return them to the level they were at in FY17-FY19.

Ms. Myers inquired about how many Victims Assistance employees there are.

Chief Cowan responded he believes there are 12 employees, which includes FT and PT positions.

Ms. Dickerson inquired about how many victims we are serving. Has it increased or decreased?

Chief Cowan responded that they answered 154,000 calls for services, but he does not know the number of actual victims. He does know the needed services have not decreased.

Ms. Dickerson inquired about how long a person stays in the program.

Chief Cowan responded the Sheriff’s position is that anyone that has been victimized, by a crime, will be provided assistance as long as they need it.

Mr. Malinowski noted the figures provided by Chief Cowan are as follows: FY17 - \$640,000 and FY18 & FY19 - \$654,000. The motion is to provide them \$686,000, which is above those figures.

Chief Cowan stated their request is for \$677,456, which will put them back at the FY18-19 funding level. Their current approved budget is \$524,067.

Mr. Hayes stated they are requesting an additional \$153,000 over the current approved amount.

Mr. Malinowski inquired if there is someone keeping track of the victims, to ensure that the different departments (i.e. Solicitor’s Office) are not claiming the same victims.

Chief Cowan stated that he could not speak on behalf of the other departments, but the Sheriff’s Department tracks the victimization and the services they provide. He noted they provide different services to victims than the Coroner’s Office, Solicitor’s Office or the Detention Center would.

Mr. Walker made a substitute motion, seconded by Mr. Livingston, to approve the Sheriff’s funding request.

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

Opposed: Malinowski

Not Present: Kennedy

The vote was in favor.

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

In Favor: Malinowski and Newton

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers

Not Present: Kennedy

The motion for reconsideration failed.

Mr. Hayes stated this item will require three (3) readings and public hearing because we are amending the budget.

Mr. Livingston ruled the motion for reconsideration was improperly before the body, and this will serve as First Reading on this item.

- b. FY20 – District 3 Hospitality Tax Allocations – Ms. McBride moved, seconded by Ms. Dickerson, to approve this item.

Mr. Walker stated he is voting against this item due to his stance on the discretionary H-Tax policy of Council.

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

Opposed: Walker

Not Present: Kennedy

The vote was in favor.

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

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

Not Present: Kennedy

The motion for reconsideration failed.

- c. Home Detention/Electronic Monitoring Services – Mr. Myers stated he provided his responses to the questions raised at the previous Council meeting, and inquired if there are any additional questions.

Mr. Malinowski stated, for clarification, if there are any changes to the agreement(s) they will need to be done at another time.

Mr. Myers responded in the affirmative. The recommendation was to approve a one-year extension.

Ms. Dickerson moved, seconded by Mr. Manning, to approve this item.

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

Opposed: Malinowski and Myers

Not Present: Kennedy

The vote was in favor.

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

In Favor: Malinowski and Myers

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Manning and Newton

Not Present: Kennedy

The motion for reconsideration failed.

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

In Favor: Dickerson, McBride, Livingston, Walker, Manning

Opposed: Malinowski, Terracio, Myers and Newton

Not Present: Kennedy

The vote was in favor.

Mr. Manning moved, seconded by Mr. Walker, to add the following items:

19(d) - Formal acceptance of County Grants as outlined in the Recommended Budget Book;

19(e) - Approval to fund Chamber of Commerce at their FY21 requested amount of \$53,000 which is less than the currently approved amount of \$55,000; and

19(f) - Approval to add additional funding to the RCSD FY21 General Fund Budget to pay for the statutorily required Body Worn Cameras and In Car Cameras.

Mr. Malinowski, Ms. Myers, and Mr. Livingston noted their agendas did not contain the additional briefing document.

Ms. Onley responded the briefing document was received by the Clerk's Office after the agendas had been printed, but the additional briefing document was printed and included in their delivery packets, and included in the online agenda packet.

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

Opposed: Malinowski, Terracio

Abstain: Myers

(Ms. Myers stated she was not prepared to take the items up due to her packet not being complete.)

Not Present: Kennedy

The vote was in favor.

- d. Formal acceptance of County Grants as outlined in the Recommended Budget Book – Mr. Manning moved, seconded by Mr. Walker, to approve this item.

Ms. Newton stated, for clarification, the motion for grants would include grants for which the County would be required to pick up positions.

Mr. Hayes responded there is a chart in the Budget Book that lists what grants require position pick-ups, and it is his understanding the motion would include those grants.

Mr. Malinowski stated, in reviewing a document provided by the Legal Department that, according to State Law, if an elected official gets a grant it is understood the grant will be picked up.

Mr. Farrar stated the general principle, is there are State laws and AG opinions, which take the position that you cannot take an action, as a governing body, which would have the effect of reducing, for example, the Sheriff's capacity to enforce the law. It is not a one size fits all case, so you would have to look at each grant position.

Ms. Newton made a substitute motion, seconded by Ms. Myers, to accept all of the recommended grants, which do not require us to pick up a position, and eliminate the grants that would require position pick up.

Ms. McBride stated some of these grants are essential to the work we are doing, and the requirement to pick up the grant is a good faith effort. With the exception of law enforcement, there is no mandate that you have to pick up those positions. However, if the positions are doing what we need to do, and we have resources then we should pick them up. She does not see how we would let the needed resources go because we might have to pick up a position. Many of the services provided to our constituents now are because of grants.

Mr. Farrar stated if the County does not have the resources that may be a practical problem that overrides the issue. The basic principle is the governing body makes the appropriation and the elected official has to carry out the elected official's mission.

Ms. Myers stated, to the extent that these are necessary positions, it is her opinion that we ought not to be hoisting them upon the County through the backdoor with a grant. We should say they are necessary, and Council affirmatively votes to fund them.

Mr. Brown requested clarification on whether the substitute motion was referring to the continuing grants or new grants.

Ms. Newton stated there are 3 continuing grants and 3 new grants. She inquired as to what would happen if Council did not re-apply for the continuing grants.

Mr. Hayes responded the County would not be able to continue the grant, since we would not have Council's approval. He stated that each grant has to be accepted annually.

Ms. Newton stated her intent was to not accept the new grants.

In Favor: Malinowski, Walker and Newton

Opposed: McBride, Livingston, Terracio, Manning and Myers

Not Present: Kennedy

The substitute motion failed.

In Favor: McBride, Livingston, Manning and Myers

Opposed: Malinowski, Terracio, Walker and Newton

The original motion failed.

Ms. Myers inquired if the previous action taken eliminated grants across the board.

Mr. Hayes responded all of the grants that were scheduled to begin in October the County will not be in a position to accept those grants.

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

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

Opposed: Malinowski and Terracio

Not Present: Kennedy

The vote was in favor.

Ms. Myers encouraged her colleagues to consider the impact, to all the departments and elected officials, by reflexively cutting out their access to the grant dollars, and may cause employees to be terminated in the midst of the pandemic. She suggested accepting the grants, even if we have to place conditions on them.

Ms. Myers moved, seconded by Mr. Walker, to approve the grants, as outlined in the budget book.

Mr. Malinowski noted he felt Ms. Newton's substitute motion to not approve the grants that required position pick-ups was a fair compromise, but that motion failed. .Now we want to do an all-or-nothing motion.

Ms. Terracio stated we have a list of grants before us, and the only way to sort to them out is whether they require position pick up. Some of the grants looks like they would provide amazing services to the citizens, but some of them she has some questions about, and she does not want to belabor the meeting going through each grant, which is why she cast a "No" vote.

Ms. Newton stated, from a budgetary perspective, it concerns her when we back ourselves into some of these positions. She believes we need a better budget process overall.

Mr. Brown stated, his recommendation, based upon the information before Council, is to approve the items currently in the budget.

Ms. Myers inquired as to the number of positions that would be eliminated if the motion was not approved.

Mr. Brown responded it would be 16 positions, based on the continuing grants.

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

Opposed: Malinowski

The vote was in favor.

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

In Favor: Malinowski

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers and Newton

The motion for reconsideration failed.

- e. Approval to fund Chamber of Commerce at their FY21 requested amount of \$53,000 which is less than the currently approved amount of \$55,000 – Mr. Manning moved, seconded by Ms. Terracio, to approve the Chamber of Commerce’s request.

Mr. Malinowski inquired as to why the Chamber of Commerce’s budget was approved for \$2,000 more than their requested amount.

Mr. Hayes stated the Council motion was for agencies to be funded at the FY20 level; therefore, the Chamber of Commerce was approved for \$55,000.

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

The vote in favor was unanimous.

- f. Approval to add additional funding to the RCSD FY21 General Fund Budget to pay for the statutorily required Body Worn Cameras and In Car Cameras – Mr. Brown stated if you take this item up separately, instead of taking up his overall recommendation regarding the other agencies, it will require a budget amendment.

Mr. Manning moved, seconded by Mr. Malinowski, to move this item to the 2nd and 3rd Reading Budget Process.

Ms. Myers requested clarification on Mr. Brown’s previous statement.

Mr. Brown stated, for clarification, the list of items, he submitted on his agenda briefing document, could have been done within the current, approved budget amount. Once Council did not take action to decide whether or not to cut the recommended 10% that amount is still included in the department’s funds. Therefore, any additional changes would require new money vs. money that was already allocated within the budget.

Ms. Myers stated, for clarification, if this is a subset of the bigger budget, and it is one item, out of all the items, and it is still a part of what was presented to Council, why do we have to approve all the money to approve a small portion of it.

Mr. Brown stated the \$939,000 for the body worn cameras is a statutory requirement that we would be able to account for within the \$186M Council approved because we would have cut funds

from other areas freeing up the ability to allocate funds to where they were needed within the budget, and requiring no amendments.

Ms. Myers stated, for clarification, Mr. Brown is saying he does not know where we would get the funds from, without the 10% reduction, even though this is a statutory requirement.

Mr. Brown responded in the affirmative. He noted this amount has not been previously budgeted.

Mr. Manning requested clarification on what “many departments and county funded organizations” references.

Mr. Brown stated the County departments, and County-funded organizations, were listed in the budget book.

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

Not Present: Kennedy

The vote in favor was unanimous.

Ms. Myers requested clarification on where we are with the reduction, the impact of the omissions to the agenda, and what we need to do to rectify that, so we have a budget on October 1st that staff can implement.

Mr. Brown stated, based on tonight’s actions, we can implement the budget. There are just a few items that will require amendments. We were trying to clean up the budget and make the financial impact and the fiscal impact be the same.

19. **EXECUTIVE SESSION** – There were not items for Executive Session.

20. **MOTION PERIOD**

- a. I move to direct staff, by way of the County Administrator, to continue in its development of a proposal for the beautification of the Ole Antique Mall site as an expansion of the Broad River Road Corridor Façade Grant Program. This beautification effort is intended to be an intermediary improvement until such a time that the highest and best use for the site is determined via community engagement as part of the Richland Renaissance initiative. Staff should also work in concert with Richland County Sheriff’s Department and the County Magistrate’s Office to provide a comprehensive proposal for Council consideration. [DICKERSON] – This item was referred to the Richland Renaissance Ad Hoc Committee.

21. **ADJOURNMENT** – The meeting adjourned at approximately 9:57 PM.