



Richland County Council  
Special Called  
October 16, 2018 – 6:00 PM  
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, Cathy Rawls, John Thompson, Brandon Madden, Tracy Hegler, Sandra Yudice, Stacey Hamm, Eden Logan, Larry Smith, Dwight Hanna, Tim Nielsen, Shahid Khan, Jeff Ruble, Nathaniel Miller, Jennifer Wladischkin, Chris Eversmann, Mohammed Al-Tofan, Brad Farrar, Dale Welch, Michael Niemeier, Kecia Lara, and Ismail Ozbek

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The invocation was led by Dr. John Thompson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joyce Dickerson
4. **PRESENTATION OF RESOLUTIONS**
  - a. Resolution honoring the life and service of Doug Strickler to Richland County [ROSE] – Mr. Rose presented a resolution honoring Doug Strickler’s life and service to Richland County to Mr. Strickler’s widow.
  - b. Resolution honoring Olivia McCartney for being named 2018-19 Spring Hill High Teacher of the Year and the 2018 American Legion Dept. SC Teacher of the Year – This resolution was deferred to the November 13<sup>th</sup> Council meeting.
5. **APPROVAL OF MINUTES**
  - a. Regular Session: October 2, 2018 – Ms. Myers moved, seconded by Mr. Pearce, to approve the minutes as distributed.

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

The vote in favor was unanimous.

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6. **ADOPTION OF THE AGENDA** – Ms. McBride moved, seconded by Ms. Myers, to adopt the agenda as published.

Mr. Malinowski stated the title for Item 16(a) needs to be corrected to read "...Richland County and Spirax Sarco...". He also questioned whether Item #20 is properly before us based on the fact that Council Rules state that agendas with their backup information must be received by the Clerk of Council at the close of business on the Thursday preceding the meeting. It is his understanding all the information pertaining to this item was not received until Monday at approximately 5:00 PM. He thinks this does not show, in his opinion, an honest, open effort by this Council to let the public know what is going on regarding this important matters. He stated if he had looked at this last Friday, or over the weekend, and he does not see any of these things on here, he is of the opinion he is not going to go down there. But, if he did see these he might have wanted to attend to speak to them, but he would not have had that opportunity because of the lateness that this came out. He stated this being on here is in violation of Council Rules, and does not treat the public with fairness. Therefore, he is asking his colleagues to support him in removing that item.

Ms. Myers stated the information was provided to the Clerk's Office. The resolution of the items, however, was not. The Clerk's Office had every backup document that the committee had. What they did not have was the votes on the actual items, but they did have the supporting documents. She stated she understood the documents from Dr. Yudice were sent to Ms. Onley, but she did not have the votes.

Ms. Dickerson stated last week we had an unexpected storm, which took place on Thursday, and this committee was scheduled to meet on Thursday. Because of the storm they were not able to meet. When we had the Horizon meeting on Wednesday, she asked for this item to be put on the agenda, based on the committee meeting the next day, which would have given all of the Council members all of the documents. When Ms. Myers called her regarding this matter, and trying to make sure we go forth in a respectful way, the committee took the time in their busy schedule to meet on Monday to make sure that those items got addressed, so they could come on this agenda. As the Chair, she asked the Clerk to put it on there. If you think that I did not have that authority, and we do not adopt this agenda, she can say that this meeting will be adjourned and we can go home.

Ms. Myers stated they did not ask that the agenda be amended. They asked that they be allowed to seek unanimous consent to have the items placed on the agenda, and they wanted to make sure the 3 time sensitive items got looked at. She believes that everyone received the email with the presentation, at the same time the committee did. There was no extra information provided. The Clerk's Office staff and the Administration staff sent the emails out to all of us simultaneously. If the will of the Council is that all the items, including the time sensitive ones, roll over to November, the committee is certainly not here to disrupt the entirety of the meeting, they will yield to the will of the Council.

Mr. Malinowski stated he showed up today at 11:00 AM based on an agenda that he had that said your committee was meeting today at 11:00 AM, and was told "Oh, no. That was yesterday." Somewhere along the line he had an agenda that was wrong.

Ms. Dickerson apologized, but the item is here and she called for the vote on the adoption of the agenda.

Mr. Livingston requested Item 14(a) "Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Miwon Specialty Chemical USA, Inc. (Project Monopoly) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the execution and delivery of a purchase and option agreement; the transfer of approximately 15 acres of real property located in Richland County; the granting of an option on an additional approximately 15 acres of

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adjacent real property; and other related matters” be added to the Executive Session Items.

Mr. Pearce inquired as to which items are time sensitive.

Ms. Myers stated Item 20(a) “Staff Recommendations for Richland County Space Use Needs” is the one that is the most critical. It would be nice for staff to have direction on the other items, but Item 20(a) is time sensitive.

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

Opposed: Malinowski and Kennedy

The vote was in favor.

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

- a. Township Property Negotiations Update
- b. Offender Management Services (Court-Ordered GPS monitoring)
- c. Letter from City of Columbia: Lower Richland Sewer Service Agreement
- d. Letter to the Central Midlands Council of Government: 208 Plan
- e. Interim County Administrator’s Contract
- f. Personnel Action Form: Assistant County Administrator
- g. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Miwon Specialty Chemical USA, Inc. (Project Monopoly) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the execution and delivery of a purchase and option agreement; the transfer of approximately 15 acres of real property located in Richland County; the granting of an option on an additional approximately 15 acres of adjacent real property; and other related matters

Mr. Pearce inquired if the “Letter to the Central Midlands Council of Government: 208 Plan” would qualify as an Executive Session item.

Mr. Smith stated that was a companion item with Item 7(c) “Letter from City of Columbia: Lower Richland Sewer Service Agreement”.

Ms. Myers stated Items 20(c), (d), and (e) also are Executive Session Items.

- h. Report on the party interested in purchasing the Cushman Road property
- i. Purchase of the Best Buy on Two Notch Road
- j. Report back on the proposed sale of 26.5-acre tract at the north end of Paso Fino Drive

8. **CITIZENS’ INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Ms. Heather Weiss and Ms. Fielding Pringle spoke regarding Item 7(b) “Offender Management Services (Court-ordered GPS monitoring).”

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9. **REPORT OF THE ASSISTANT COUNTY ADMINISTRATOR**

- a. 2018 Forestry MOU Fire Services Equipment – Dr. Yudice stated this document will allow Richland County and the South Carolina Forestry Commission to enter into a mutual aid agreement and for the County to obtain surplus equipment to establish rural water sites and other firefighting operations. The funds for the purchase of the equipment will be through the program, and will come from Council-approved funding. We are requesting Council authorization for Mr. Michael Byrd to sign the agreements as the Fire Chief for the unincorporated areas of Richland County.

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

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

The vote in favor was unanimous.

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

The motion for reconsideration failed.

- b. 2018 NPDES Annual Report – Dr. Yudice stated Richland County received a new National Pollutant Discharge Elimination System Municipal Separate Storm System Permit in July 1, 2016. This permit requires the County to implement a comprehensive Stormwater Management Plan with the goal of reducing pollution entering and exiting the County's drainage, and report yearly on activities related to the permit. The Public Work's Stormwater Division is responsible for preparing and submitting an annual report for the SCDHEC by November 1, 2018. The 2017 – 2018 Annual Report from the County was included in the agenda packet. The County has successfully updated the management plan to meet the requirements of the permit and has conducted a mock audit with the stormwater consultant that resulted in the County being on track with the program goals and objectives. The results indicate the County is compliant with the assets of the program and reviewing recommendations for continued improvement for possible future implementation. The annual report is typically signed by the person with signatory authority for the County, the Town of Arcadia Lakes and the City of Forest Acres. Under our current circumstances, we are requesting Council to allow the Assistant County Administrator to sign the annual report, and submit it by the November 1<sup>st</sup> deadline.

Mr. Malinowski stated he had requested any changes that were made be provided to him, but they were not. He stated he would support the item because we need to move forward, but he would still like to see what changes have been made.

Mr. Pearce inquired as to what happens once the report is submitted to DHEC.

Mr. Eversmann stated this is an annual requirement, as part of our NPDES Permit. Ms. Synithia Williams, Stormwater General Manager, says the contents of the report indicate we are on track with all of the requirements of our permit, which did change a couple of years ago to include stormwater quality testing. DHEC will review the report, and if they have any concerns they will come back to us and indicate what they are. Generally speaking, we are on track, and maintain constant communication with our regulators.

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Ms. McBride moved, seconded by Mr. Pearce, to approve staff's recommendation.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

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

- a. REMINDER: Midlands Technical College Annual Oyster Roast & Shrimp Boil, October 17, 6:00 – 8:00 PM, MTC Northeast Campus, 151 Powell Road – Ms. Roberts reminded Council of the upcoming Midlands Technical College Annual Oyster Roast & Shrimp Boil.
- b. China Jushi Welcome Dinner, October 18, 7:00 PM, Capital City Club – Ms. Roberts stated this dinner has been cancelled and an email had been forwarded to Council regarding the cancellation.
- c. REMINDER: Institute of Government Classes & County Council Coalition, October 24-25m Embassy Suites Hotel, Columbia – Ms. Roberts reminded Council of the upcoming Institute of Government Classes and County Council Coalition.
- d. National Community Planning Month “Spirit Week”: October 22 – 26, 2018:
  1. Habitat for Humanity Neighborhood Revitalization Service Project, October 22, 10:00 AM – 2:00 PM (Participants will be notified of project location)
  2. Neighborhood Toolkit and Certification Program Wrap-Up, October 25, 6:00 – 7:30 PM, Decker Center
  3. 100 Plates: Conversation, Collaboration, Change, October 26, 5:30 – 7:30 PM, Columbia Place Mall – Sears Parking Lot

Ms. Roberts informed Council of the upcoming National Community Planning Month “Spirit Week” events.

- e. Urban League “Equal Opportunity Day Dinner”, November 1, 6:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts stated the Clerk's Office received a request to purchase a table for the Urban League “Equal Opportunity Day Dinner”. This will require action by Council.

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Mr. Pearce moved, seconded by Mr. N. Jackson, to purchase a table.

Mr. Malinowski inquired, for the record, what the cost of the table is.

Ms. Roberts stated it is \$2,000.

Mr. Pearce stated there are 2 events that occur in the City annually, and this is 1 of those 2 events that Council has supported during his entire 20-year tenure on Council. This is a very important event honoring an organization that does tremendous good in the community. Whether it is \$100 or \$2,000, he thinks it money that is very well spent by Council.

Mr. C. Jackson inquired as to how seats the table will accommodate.

Ms. Roberts responded there are 8 seats.

Ms. Dickerson stated, for the record, that she hopes she is not the only one sitting at the table like she was last time.

Mr. Pearce stated he will be there with Ms. Dickerson.

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

The vote in favor was unanimous.

Ms. Dickerson inquired for what Mr. Malinowski said to her about people not voting, did he want her to put that in the record.

Mr. Malinowski stated it is odd that we have one particular Council member who consistently does not vote. Nothing is ever said to that individual, but because of one time he did not cast a vote right away she wants to make a big deal about it.

She stated she told Mr. Malinowski she would make a mention of that at the next meeting, so she was not being funny.

Mr. Pearce thanked Ms. Roberts and Ms. Onley for the Bosses' Day cupcakes.

11. **REPORT OF THE CHAIR**

- a. Economic Development Trip: China Jushi – Mr. Ruble presented a brief PowerPoint presentation regarding the Economic Development trip to China.
- b. Letter to the Central Midlands Council of Government: 208 Plan – This item was taken up in Executive Session.
- c. Interim County Administrator's Contract – This item was taken up in Executive Session.

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- d. Personnel Action Form: Assistant County Administrator – This item was taken up in Executive Session.
- e. Clerk to Council Workshop – Ms. Dickerson stated she had a conversation with Ms. Roberts last week, and they concluded she needed to have a lot of input and some instructions, requirements, etc.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to Arclin Surfaces – Blythewood Co.; and other related matters – No one signed up to speak.
- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Miwon Specialty Chemical USA, Inc. (Project Monopoly) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the execution and delivery of a purchase and option agreement; the transfer of approximately 15 acres of real property located in Richland County; the granting of an option on an additional approximately 15 acres of adjacent real property; and other related matters – No one signed up to speak.

13. **APPROVAL OF CONSENT ITEMS**

- a. An Ordinance authorizing deed to the City of Columbia water lines for Richland Library Northeast, 7490 Parklane Road; Richland County TMS # 17707-08-01 (Portion); CF # 340-15 [SECOND READING]

Mr. Pearce moved, seconded by Ms. Kennedy, to approve the consent item.

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

Opposed: C. Jackson and Myers

The vote was in favor.

14. **THIRD READING ITEMS**

- a. 18-026MA, Tom James, NC to GC (5.53 Acres), Lower Richland Boulevard, TMS # R21800-04-20 [THIRD READING] – Mr. N. Jackson stated he received a letter stating Mr. Price had a discussion with the developer and the developer has agreed to put in the necessary traffic system for the purpose of safety.

Mr. N. Jackson moved, seconded by Mr. Livingston, to approve this item.

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

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The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Miwon Specialty Chemical USA, Inc. (Project Monopoly) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the execution and delivery of a purchase and option agreement; the transfer of approximately 15 acres of real property located in Richland County; the granting of an option on an additional approximately 15 acres of adjacent real property; and other related matters – This item was taken up in Executive Session.
- c. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to Arclin Surfaces – Blythewood Co.; and other related matters – Mr. Livingston moved, seconded by Ms. Kennedy, to approve this item.

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

The vote in favor was unanimous.

15. **FIRST READING ITEMS:**

- a. An Ordinance authorizing and providing for the combining of Richland County’s existing water systems and Richland County’s existing sewer systems into a combined water and sewer system to be known as the Richland County Water and Sewer System; providing for the operation thereof; providing for issuance of bonds; and other matters related thereto [BY TITLE ONLY] – Mr. N. Jackson moved, seconded by Ms. Myers, to approve this item.

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

The vote in favor was unanimous.

- b. Approval of the Spears Creek Church Road Widening Contract for 30% Plans – Mr. C. Jackson moved, seconded by Ms. Myers, to approve this item.

Mr. Malinowski requested someone to explain the 30% plans.

Mr. C. Jackson stated the design for this project is being presented to Council because it is going to



change the scope of the project, and reduce the amount of money that is going to be required because we are going to shorten the length, so the funding for the project can fall within referendum amount and not exceed that budget.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

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

- a. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Spirax Sarco, Inc.; identifying the project; and other matters related thereto – Mr. Pearce stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Spirax Sarco, Inc. to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- c. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project K3; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project K3 to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

- e. An Ordinance Authorizing the third amendment of that certain fee agreement by and between Richland County, South Carolina and Project K3, relating to, without limitation, the payment of Richland County of a fee in lieu of taxes, and other matters relating thereto [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski stated it is his understanding the company is \$15 million short of what they originally committed to in 2008.

Mr. Ruble stated there was no claw back in place. This was negotiated before he came to the County. The company was \$15 million short on investment, but they overachieved on the jobs. What we are doing is amending the previous agreement so we have a clear paper trail. The second part of this is the company is potentially investing another \$50 million, so all in all they keep investing.

Mr. Malinowski inquired if there will be a claw back in the new agreement.

Mr. Ruble responded in the affirmative.

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

The vote in favor was unanimous.

- f. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Monopoly; identifying the project; and other matters related to Project Monopoly – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

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

18. **NOTIFICATION OF VACANCIES**

- a. Accommodations Tax – Two (2) Vacancies (One applicant must have a background in the Cultural

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Industry; One applicant must have a background in the Hospitality Industry

- b. Hospitality Tax – Three (3) Vacancies (Two applicants must be from the Restaurant Industry)
- c. Employee Grievance Committee – Six (6) Vacancies (Must be a Richland County employee; 2 seats are alternates)
- d. Board of Assessment Appeals – One (1) Vacancy
- e. Board of Zoning Appeals – One (1) Vacancy
- f. Building Codes Board of Appeals – Eight (8) Vacancies (One applicant must be from the Architectural Industry; One from the Plumbing Industry; One from the Engineering Industry; One from the Gas Industry; One from the Building Industry; One from the Electrical Industry and Two from the Fire Industry as alternates)
- g. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the public procurement arena and One applicant must be from the consumer industry)
- h. Planning Commission – One (1) Vacancy
- i. Midlands Workforce Development Board – One (1) Vacancy (One Private Sector Business seat; must represent private sector business with policy-making or hiring authority)
- j. Lexington Richland Alcohol and Drug Abuse Council – Three (3) Vacancies
- k. Richland Memorial Hospital Board – Four (4) Vacancies
- l. Airport Commission – One (1) Vacancy

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

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

The vote in favor was unanimous.

19. **NOTIFICATION OF APPOINTMENTS**

- a. Accommodations Tax – Three (3) Vacancies (One applicant must have a background in the Cultural Industry; Two applicants must have a background in the Hospitality Industry) – Mr. Malinowski stated the committee recommended appointing Mr. Taylor H. Miller to the Accommodations Tax Committee.

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

The vote in favor was unanimous.

- b. East Richland Public Service Commission – One (1) Vacancy – Mr. Malinowski stated the committee

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recommended appointing Ms. Lisa Kelly Stewart to the East Richland Public Service Commission.

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

The vote in favor was unanimous.

20. **REPORT OF THE PROPERTY DISTRIBUTION MANAGEMENT AD HOC COMMITTEE**

- a. Staff Recommendations for Richland County Space Use Needs – Ms. Myers stated staff did an outstanding job of putting together what is a comprehensive set of analyses and recommendations of some of the spaces that we have purchased over the last 1 ½ years. What staff has asked us to do because they have gone as far as they can in house. Staff has requested to allow them to now engage an expert to opine on their recommendations, particularly the use of Burlington for the 911 Center and Crime Lab, the potential use of the Sears property or DSS, and other State entities, and an analysis of whether or not the Dillard's building would be useful for County needs. These would all be assessment. None of it would be written in stone. An engineering analysis comes back before Council, as a recommendation of what the space can, or cannot, be used for. The committee moved to procure professional services of an architectural and engineering firm to perform an engineering evaluation of the County's Columbia Mall space to determine upfit costs, and appropriateness for use of the Burlington property for the Richland County Sheriff's Department 911 Communications Center and Crime Lab, the use of the Sears property for the Department of Social Services, and other State entities, and the use of Dillard's for County needs. The assessment would include space use programming, and a public transportation suitability evaluation, given the COMET has asked to use the outdoor space for some of their transit.

Mr. Pearce inquired if we are going to issue a new RFP.

Ms. Myers stated, if we give them permission tonight, they would issue an RFP to get someone to come in and look at the space and give an analysis.

Dr. Yudice stated it would be a Request for Qualifications.

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

Opposed: Malinowski and Rose

The vote was in favor.

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

In Favor: Malinowski and Rose

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

The motion for reconsideration failed.

Ms. Myers stated the committee recommended to authorize the staff to take necessary actions to locate

suitable space for the Department of Juvenile Justice in time for DJJ to relocate from the Courthouse by December 31, 2018. As you know, we do not have control over the Courthouse, and at this point the Clerk of Court...

Mr. Pearce stated that is not on the agenda.

Ms. Myers stated she was looking at her notes. That item is not time sensitive, and can wait until the November 13<sup>th</sup> Council meeting.

Mr. Pearce stated, as he recalls, they are being evicted in December.

Ms. Myers stated she would like to raise it, but she was given pretty narrow guidelines, so she will raise it at the next meeting.

Ms. Dickerson stated, for clarification, that (a) and (b) was the same thing.

Ms. Myers stated the motion said that the assessment shall include space programming and a public transportation suitability evaluation for the COMET bus transfer.

Mr. Malinowski stated he does not have a motion. He has an agenda, which your amended one, which says 20(a) and 20(b).

- b. Memorandum from COMET – Proposal for Columbia Place Mall Connection – Ms. Myers stated the committee recommended to allow staff to procure an architectural and engineering space evaluation for COMET programming and public transportation suitability at the Columbia Mall.

Mr. Malinowski stated what he read on the October 2<sup>nd</sup> agenda was that the COMET was looking for space in the parking lot, so he does not know how there is a space need.

Ms. Myers stated she said public parking programming. What they are looking to see is if they can use space at the Columbia Mall. What we want to know is, if we give the COMET that space, will it interfere with the other programming.

Mr. Malinowski stated, for clarification, the space Ms. Myers is referring to is parking lot space or actual space.

Mr. Livingston stated they may need a shelter too.

Mr. Malinowski stated it says, “The COMET is prepared to assist Richland County with upgrading a path for buses to use with higher grade asphalt.” He stated if the COMET wants it, then they should pay for it.

Ms. Myers inquired if Mr. Malinowski would like for her to move to have the COMET contribute.

Mr. Malinowski stated he is fine with them coming out and using the space, but he does not know why we would pay for the upgrade.

Ms. Myers stated this is not a move to grant them the space. This is a move to evaluate the suitability of the space. None of this space is going to be allocated tonight. This is all a request for architectural

designs and engineering because we do not know if it will even be suitable.

Mr. Pearce stated, for clarification, the COMET wants to use the space, and we do not know, at this point, whether we might need the space. The only way to figure that out is to do a study.

Ms. Myers stated the COMET thinks they want to use the parking lot for a small transit hub, but the parking lot is not graded for that. Staff has told us they need someone to come in and evaluate whether or not the parking lot is graded for it, and what improvements or reinforcement would need to be made for heavy weight equipment. In addition, what kind of outside shelters would need to be put in, and where it would best placed. The engineering and architectural evaluation would be brought back to us, and then we would entertain, if we like it, a proposal.

Mr. Pearce inquired if we know what this is going to cost.

Ms. Myers stated the RFQs will tell us what they cost.

Dr. Yudice stated the COMET will bear the cost of any construction, and upgrade of the path they would be using for the transfer station.

Mr. N. Jackson stated, for clarification, any construction, if necessary, the COMET will be paying for it.

Ms. Dickerson stated she is going to make them pay.

Ms. Myers restated the committee's recommendation to empower the staff to procure a professional service architectural and engineering firm to perform an engineering evaluation of the space programming and a public transportation suitability study for the COMET to use some space at Columbia Mall, which we own, as a bus transfer station.

Ms. Kennedy inquired as to who was paying for the study.

Ms. Myers stated, if we would like for the COMET to pay for the study, we can ask them to.

Ms. Kennedy stated that would be nice.

Ms. Myers added the friendly amendment that the COMET will pay for their portion of the study.

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

Opposed: Livingston, Rose and McBride

The vote was in favor.

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

In Favor: Malinowski, Livingston, Rose and McBride

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

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The motion for reconsideration failed.

- c. Report on the party interested in purchasing the Cushman Road property – This item was taken up in Executive Session.
- d. Purchase of the Best Buy on Two Notch Road – This item was taken up in Executive Session.
- e. Report back on the proposed sale of 26.5-acre tract at the north end of Paso Fino – This item was taken up in Executive Session.

21. **OTHER ITEMS**

- a. Move for the Approval of the Amended FY2018-2019 Budget for the Richland County School District One. Move that this should be first reading only, based on previous agreements [N. JACKSON] – Mr. Pearce stated this item went to the Budget Ad Hoc Committee. If you recall, we sent this item to the committee to discuss increasing the dollar amount for School District One, based on School District One’s assessment of what the millage would raise. The Budget Ad Hoc Committee took it up, and based on a letter from the Auditor, it was found the number the school district was asking for did not match. Therefore, the Budget Ad Hoc Committee tabled the item in committee. Subsequent to the committee meeting, School District One said they would be happy with the Auditor’s figure of what the current millage would bring. There was no way he could get a Budget Ad Hoc Committee meeting in because of all of the other meetings going on. Therefore, what we did was use the Council Rule to have 3 members of Council bring this out of committee. What is being asked is that we adjust School District One budget to the amount that the Auditor is saying the millage will render, which is \$3,583,000, in addition to what was approved on 3<sup>rd</sup> Reading.

Mr. Pearce moved, seconded by Mr. N. Jackson, to adjust School District One’s budget to the same number recommended by the Auditor, based on the millage.

Ms. Kennedy inquired if this is what the school district says they need, or is this what we say they need.

Mr. Pearce stated their calculation of millage was significantly higher, and that is why the Budget Ad Hoc Committee tabled it because the Auditor did not believe it would do that. The School District Superintendent and the Chief Financial Officer have agreed they are happy with this figure.

Mr. C. Jackson stated the last time this was brought up, during the budget process, it was presented as both School District One and School District Two, if he is not mistaken. He was not aware that School District One has now decided to separate from the motion that was for both school districts, in terms of the budget request. It is perfectly okay if they want to do that, but he is surprised that School District Two was not informed of this decision, and given the same opportunity to make the same request tonight. He remembers making a motion to defer this item until the Finance Department had come back with some numbers that would be more satisfactory to both School Districts One and Two. He wanted it put on record that he is disappointed to learn that School District One is making a proposal, separate from School District Two, when they were both presented by him, as a recommendation for both School District One and Two.

Mr. Malinowski stated he thought this was an issue, when it first came up, that Mr. Smith was going to check into the legality of Council doing this, which is basically on the path toward making millage

agencies financially autonomous.

Mr. Smith stated that was the ordinance that was initially forwarded to the County. He stated that is not the ordinance that is currently being proposed. He thinks the original ordinance was “abandoned” after we had gone back and forth and discussed it. Council did 3 Readings and a public hearing on both school districts budgets, passed their budget, and this is a request to amend Richland School District One’s budget, based on the updated numbers from the Auditor. It is not the same ordinance, which they initially proposed.

Mr. Malinowski stated we are getting back to what give us what you got. If the bank says there is this much, we want it all. Not that they really need it because they gave us a budget figure they were willing to operate on, and now they want the \$3 million more because that is how much is in the bank. He thinks that is opening the door for every other millage agency to come back, and say they also want the maximum amount that is in the bank they are entitled to. He stated he read a letter that came in, prior to this coming through from the school district, where they said, “Federal funds have been reduced by this much. State funds have been reduced by that much.” The County and the County taxpayers are not here to make these millage agencies whole because State and Federal government fails to give them funding. He does not think this is something that should be honored, although his colleagues will have other opinions.

Mr. C. Jackson made a substitute motion, seconded by Ms. Dickerson, to defer action on this item until we find out from School District Two what their pleasure is regarding the same matter.

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

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

The substitute motion failed.

Ms. Dickerson inquired if this is going to require 3 Readings and public hearing.

Mr. Smith stated this will require 3 Readings and a public hearing, and this was intended to be 1<sup>st</sup> Reading tonight, based on the agenda.

Mr. C. Jackson requested a friendly amendment to include School District Two, with the exact same language being proposed for School District One. Mr. Pearce seconded the amendment.

Mr. Malinowski stated, while it says this should be 1<sup>st</sup> Reading, he does not know what entails making something 1<sup>st</sup> Reading or not. To him this would be a title only. We do not have any background information in front of us.

Mr. Smith stated, traditionally, the Council does give 1<sup>st</sup> Reading by Title Only. In this particular instance, that is what it would be.

Ms. Dickerson inquired if Richland District Five falls into this, as well.

Mr. Pearce requested staff, in preparation for 2<sup>nd</sup> Reading, provide a letter from Mr. Brawley with the correct numbers.

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Ms. Myers inquired if Mr. Smith had prepared the legal opinion that was supposed to ride along with this item. She stated, when we discussed this before, Mr. Smith was going to provide a legal opinion on whether, and how we should do this.

Mr. Smith stated the legal opinion he was going to provide, if necessary, was the issue of the ordinance that they had proposed, which was that you do not approve a budget, but you approve a millage amount. It is his understanding, the school districts abandoned that plan.

Ms. Myers stated her nervousness is because of the Chair's offhanded comment that we do not get into the slippery slope, that is why she is asking for some guidance. She stated if Mr. Smith could provide some guidance that would be helpful.

Mr. Pearce stated this is strictly a budget amendment. You can amend the budget anyway you want to. He stated he could make a motion to amend the budget to provide an additional \$2,000 to Council Services to pay for the table that we bought.

Ms. Myers stated she agrees, but because we know this is directly tied to the restated millage. Yes, it is styled as a budget amendment, but we all clearly know the point is to recoup millage that actually there, and at the time of the budget estimate, we obviously had a lower number than what has come in. Every other agency is going to look at this, so she wants Mr. Smith to give us some guidance on this.

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

Opposed: Malinowski and Dickerson

The vote was in favor.

- b. FY19 – District 4 Hospitality Tax Allocations – Mr. Rose moved, seconded by Ms. McBride, to approve this item.

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

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Rose, to reconsider this item.

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

The motion for reconsideration failed.

- c. FY19 – District 5 Hospitality Tax Allocations – Mr. Rose moved, seconded by Ms. McBride, to approve this item.

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

**Special Called  
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The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Rose, to reconsider this item.

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

The motion for reconsideration failed.

- d. FY19 – District 8 Hospitality Tax Allocations – Mr. Rose moved, seconded by Ms. McBride, to approve this item.

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

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Rose, to reconsider this item.

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

The motion for reconsideration failed.

- e. To allocate District 10 Hospitality Tax Funds to the following: \$7,500 to the Skipp Pearson Jazz Foundation and \$5,000 to the Black Expo [MYERS] – Mr. Rose moved, seconded by Ms. McBride, to approve this item.

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

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Rose, to reconsider this item.

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

The motion for reconsideration failed.

22. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – No one signed up to speak.

23. **EXECUTIVE SESSION** – Mr. Smith stated the following items are eligible for Executive Session.  
Mr. Smith stated the following items are eligible for Executive Session.

- a. Township Property Negotiations Update

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- b. Offender Management Services (Court-Ordered GPS monitoring)
- c. Letter from City of Columbia: Lower Richland Sewer Service Agreement
- d. Letter to the Central Midlands Council of Government: 208 Plan
- e. Interim County Administrator's Contract
- f. Personnel Action Form: Assistant County Administrator
- g. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Miwon Specialty Chemical USA, Inc. (Project Monopoly) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the execution and delivery of a purchase and option agreement; the transfer of approximately 15 acres of real property located in Richland County; the granting of an option on an additional approximately 15 acres of adjacent real property; and other related matters
- h. Report on the party interested in purchasing the Cushman Road property
- i. Purchase of the Best Buy on Two Notch Road
- j. Report back on the proposed sale of 26.5-acre tract at the north end of Paso Fino Drive

In Favor: Malinowski, Myers, Kennedy, Livingston, Rose and McBride

Opposed: N. Jackson

The vote was in favor of going into Executive Session.

***Council went into Executive Session at approximately 7:29 PM and came out at approximately 9:18 PM.***

The vote was in favor of coming out of Executive Session.

- a. Township Property Negotiations Update – Mr. Pearce moved, seconded by Ms. Kennedy, to direct staff to move forward as discussed in Executive Session, and to authorize the Assistant County Administrator to execute the letter of intent.

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

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Rose, to reconsider this item.

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

The motion for reconsideration failed.

- b. Offender Management Services (Court-Ordered GPS monitoring) – Ms. McBride moved, seconded Mr. N. Jackson, to direct the Assistant County Administrator to execute a 1-year extension of the County's contract with Offender Management Services for the Court-Ordered GPS monitoring under the terms discussed in Executive, and for the Assistant County Administrator to identify the appropriate funding sources.

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

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McBride

The vote in favor was unanimous.

- c. Letter from City of Columbia: Lower Richland Sewer Service Agreement & Letter to the Central Midlands Council of Government: 208 Plan – Mr. N. Jackson moved, seconded by Ms. Myers, to authorize the Chair to execute the letters.

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

Opposed: C. Jackson and Rose

The vote was in favor.

Ms. Myers moved, seconded by Mr. C. Jackson, to adopt a resolution authorizing the County Attorney to go forward with the process of a declaratory ruling and/or injunction, with the caveat that there be some communication with the legal office of the City.

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

Opposed: Rose

The vote was in favor.

- d. Interim County Administrator's Contract – Mr. Livingston moved, seconded by Ms. McBride, to authorize the Chair, on behalf of Council, to sign the Interim Administrator's contract.

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

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. C. Jackson, to reconsider this item.

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

The motion for reconsideration failed.

- e. Personnel Action Form: Assistant County Administrator – Ms. Myers moved, seconded by Mr. Livingston, to direct Mr. Hanna to provide the documents for the Chair's signature to provide compensation to the Assistant County Administrator, as discussed in Executive Session.

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

Opposed: N. Jackson

The vote was in favor.

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

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

The motion for reconsideration failed.

- f. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Miwon Specialty Chemical USA, Inc. (Project Monopoly) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the execution and delivery of a purchase and option agreement; the transfer of approximately 15 acres of real property located in Richland County; the granting of an option on an additional approximately 15 acres of adjacent real property; and other related matters – Mr. Livingston moved, seconded by Mr. N. Jackson, to approve this item, and to include a cap on the County’s exposure, as discussed by the attorney in Executive Session.

Mr. Malinowski stated in the Seller Covenants it says, “Seller shall pay for Seller’s attorney’s fees, preparation of deed fees and all costs necessary...”

Mr. Livingston stated that’s not this one. This is 14(a), an Economic Development project.

Ms. Dickerson stated it was an Economic Development that was postponed, and we went into Executive Session.

Mr. Malinowski stated 14(a) on his agenda has to do with Miwon Specialty Chemical.

Mr. Livingston stated “Project Monopoly”.

Mr. Malinowski stated that is what he is referring to here on p. 315 of the agenda. Basically, they are getting \$500,000 of free property, if we have to pay attorney’s fees. He inquired if that is normally what happens?

Mr. Ruble stated he is not sure how we handle that normally, but he does not think we do. He stated it is a standard real estate contract that we proposed to the company, so it has already been approved by our legal. We have adopted standard, uniform documents.

Mr. Malinowski stated sometimes standard documents need to be tweaked a little bit. On the next page, it talks about all the utilities being at no cost the company, and we are going incur whatever costs that is. It does not tell us what the cost is, but we are supposed to make sure we provide them sewer, water, electric, gas, and telecommunications to their boundary, at no cost to them. He inquired what the cost is that we are going to incur?

Mr. Ruble stated that all the utilities are already there.

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

The vote in favor was unanimous.

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

The motion for reconsideration failed.

- g. Report on the party interested in purchasing the Cushman Road property – Ms. Myers moved, seconded by Ms. McBride, to instruct staff to send a letter to the interested party declining the offer, at this time.

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

The vote in favor was unanimous.

- h. Purchase of the Best Buy on Two Notch Road – Ms. Myers moved, seconded by Mr. C. Jackson, to instruct the Assistant County Administrator to forward a letter to the potential seller declining to purchase the property, at this time.

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

The vote in favor was unanimous.

- i. Report back on the proposed sale of 26.5-acre tract at the north end of Paso Fino Drive – Ms. Myers moved, seconded by Mr. Livingston, to defer this item until the next Property Distribution Management Ad Hoc Committee meeting, and then report back to Council.

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

The vote in favor was unanimous.

24. **MOTION PERIOD**

- a. I move that we establish rules for electing persons to serve on Boards/Commissions rather than going by the Parliamentarian's recollections of how it has done in the past with serious consideration to include appointments require a majority of Council member's vote. [MANNING] – This item was referred to the Rules & Appointments Committee.
- b. Immediately start procurement process for construction of the DHEC approved Lower Richland Sewer Project. If this motion is considered on October 16, 2018 it will allow the County to move forward. The funds are already approved and would not delay the process. The City's concern would be addressed immediately that we can, and are moving forward. Gadsden Elementary funds are available and can be added to the approved plan. [N. JACKSON] – This item was referred to the D&S Committee.
- c. Update of Blythewood MOUs with Richland County [DICKERSON] – This item was referred to staff.
- d. To allocate District 10 Hospitality Tax Funds to the following: \$7,500 to the Skipp Pearson Jazz Foundation and \$5,000 to the Black Expo [MYERS] – This was taken up under "Other Items".

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- e. Resolution Committing Richland County to Providing a Local Cash Match For a Community Development Block Grant From the SC Department of Commerce to Fund the Demolition of the Former Eastover Elementary School in Eastover, SC – Mr. Pearce moved for unanimous consent to adopt the resolution.

Mr. N. Jackson inquired if this property is owned by the school district or the Town of Eastover.

Ms. Myers stated it belongs to the Town of Eastover.

Mr. Malinowski stated when this originally came up he asked if there was any pursuit for Federal funding because of the asbestos and contaminants.

Ms. Myers stated they were not qualified for one set of funds, but they were qualified for another set. She stated it is a \$342,000 project. We are giving them \$100,000. They are getting matching funds from other sources. Someone asked them for proof that this money was approved.

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

The vote in favor was unanimous.

25. **ADJOURN** – The meeting adjourned at approximately 9:37 PM.