



## Richland County Council

Special Called Meeting

December 8 2020 – 6:00 PM

Zoom Meeting

COUNCIL MEMBERS PRESENT Paul Livingston Chair; Dalhi Myers Vice-Chair; Bill Malinowski, Joyce Dickerson, Yvonne McBride, Allison Terracio, Joe Walker, Jim Manning and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Kyle Holsclaw, John Thompson, Bill Davis, Jennifer Wladischkin, James Hayes, Ashiya Myers, Clayton Voignier, Dwight Hanna, Larry Smith, Hayden Davis, Dale Welch, Tariq Hussain, Randy Pruitt, Michael Niermeier, Elizabeth Mclean, Judy Cater, Stacey Hamm, Ashley Powell, Quinton Epps, Sandra Haynes, Jeff Rubble, and Geo Price

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation as led by the Honorable Allison Terracio.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Allison Terracio.

#### **APPROVAL OF MINUTES**

4.
  - a. **Regular Session: November 17, 2020** – Mr. Walker moved, seconded by Ms. Terracio, to approve the minutes as distributed.

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

Present but not voting: Manning

Not Present: Kennedy, Myers

The vote in favor was unanimous.

4.
  - b. **Zoning Public Hearing: November 19, 2020** – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the minutes as published.

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

Present but not voting: Manning

Not Present: Kennedy

The vote in favor was unanimous.

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5. **ADOPTION OF AGENDA** – Mr. Malinowski requested to add the Report of the Rules and Appointments to the agenda.

Mr. Livingston noted the Report of the Rules and Appointments Committee would be placed on the agenda after the Report of the Sewer Ad Hoc Committee. He noted Item 11(b) needed to be amended to as follows: “Personnel/Contractual Matter.”

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

Opposed: Manning

Present But Not Voting: Myers

Not Present: Kennedy

The vote was in favor.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Smith noted Item 11 (b): Personnel/Contractual Matter: County Attorney” would qualify for Executive.

**CITIZEN’S INPUT**

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

8. **CITIZEN’S INPUT**

- a. Must Pertain to Richland County Matter 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.

**REPORT OF THE CONTY ADMINISTRATOR**

9. a. Coronavirus Update – Mr. Brown stated in the agenda packet is a report entitled “Coronavirus Update”. He noted there is a mask giveaway scheduled for District 11 on Friday, December 11 at the Richland County Sheriff’s Region 1 Substation from 10 AM until 11:30 AM. Next week he will give an update on the number of masks that we have passed out as a function of all the Council Districts being a part of the mask giveaway events. Also on that same document, you will notice he listed the preparation we are in order to offer some limited in-person services. He will go into detail more next week, when he talks about the numbers for Richland County and other surrounding counties. He pointed out we have a continued partnership with PRISMA Health. They are currently using Sears facility. Our contract with them to use that facility goes through December. We have not received a request for January, but he will let you know if we receive a request for continued COVID testing to be presented by PRISMA. Also, he listed, for your consideration, Emergency Services personnel’s and the toll of COVID on their physical, mental and emotional health. We recognize that many County employees are affected by COVID-19, but he specifically wanted to point out to Council the increase in COVID-19 requirements that are placed on the Emergency Services personnel has a specific level of strain and stress that some other departments do not have. He wanted to make sure, as we continue to see these rising numbers, that we think about the men and women who go out and facilitate those persons receiving emergency medical services. Those men and women are being exposed and we

have had an increased number of exposures to that based on the rise in numbers. When we think about Emergency Services, these are human beings that are out there being affected by this work. Please consider the men and women in the Emergency Services Department and what we can do to decrease the spread of COVID-19. He also noted the attachments, in the agenda packet, give a good idea of what it takes when you're affected by COVID-19. The CDC has listed some guidance about who should quarantine, and when they should quarantine. He noted if you look at the options to reduce the quarantine timeframe you would notice that even when reducing the timeframe, you are still talking about someone being away from the workplace for 7-10 days depending on what steps they have taken. So, when we have exposures at the County, we take people out of rotation at a minimum of 7 days. As we start to prepare to offer in-person services; we need to make sure we understand that we are seeing an increase in exposures.

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

11. **REPORT OF THE CHAIR**

a. 2021 Council Retreat - Mr. Livingston noted the Retreat is being held locally. He wanted to get input on the catering options (i.e. boxed lunches). He requested direction from Council on whether the Retreat should be livestreamed or recorded.

1. Catering Option [ACTION] –Mr. Walker inquired about the hours Council would be working during the Retreat.

Mr. Brown responded his expectation is 9:00 AM – 3:00 PM each day.

Mr. Walker replied, if that is the case, given the hours of Retreat are inside the hours of a standard work day for all of our employees, he suggested we break for lunch and eat at our own expense.

Ms. Terracio noted normally we do a working lunch, but she does not know if it would be safe to eat in the same room, even if we had a boxed lunch. She supported Mr. Walker's suggestion.

Mr. Walker moved, seconded by Mr. Malinowski, to take a one hour lunch break both days, and extend the end time, as needed, to facilitate the full instructional time anticipated by the Administrator.

In Favor: Malinowski, Livingston, Terracio, Walker, Newton

Abstained: Dickerson, Manning, Myers

Present But Not Voting: McBride

Not Present: Kennedy

The vote in favor was unanimous.

2. Livestreaming or Recording [ACTION] – Mr. Livingston requested feedback on options regarding livestreaming and/or recording of the Retreat.

Ms. McBride inquired about how we handled the Retreat in the past.

Ms. Onley responded in the past we have recorded the Retreat and the PIO Office staff edited the video and put it up on the website for the public to view.

Ms. McBride inquired about citizen participation.

Ms. Onley responded she did not know about the participation, but she could speak with Ms. Harris and obtain that information.

Ms. McBride noted she believed it was very small.

Ms. Onley responded in the affirmative.

Ms. Dickerson stated the citizen participation was extremely low.

Ms. Terracio stated she is not technology savvy, but we have been doing Zoom meetings since March. She believes the meetings are automatically livestreamed on YouTube. She inquired if there is not a way to use the technology we have to do something very similar to what we are doing presently.

Mr. Livingston noted we voted to hold the Retreat at the Township

Ms. Terracio stated, for clarification, we would use the same technology, but we are happened to all be in the same room. For example, staff uses the big conference room when they participate in meetings.

Mr. Livingston noted that was a good idea. We make sure we get feedback from IT between now and next week.

Ms. McBride requested a cost for livestreaming vs. recording.

Ms. Newton stated, looking at how we have done previous retreats, she recommended giving staff a directive that we would like to livestream the meeting, if technologically possible, and reasonable in costs. If that is not possible, we record the meeting and move forward.

Ms. Newton moved, seconded by Ms. McBride, to direct staff to find the best technological solution to provide transparency for our meeting, and if it allows for livestreaming, we do that. If recording the meeting is better, from a technological or cost perspective, we do that.

Mr. Malinowski agreed with Ms. McBride's original request, but he does not think it is fair to put this burden on staff. He believes staff needs to come back to Council with those answers, and at that point it will be incumbent upon Council to make the decision.

Mr. Malinowski made a substitute motion, seconded by Ms. McBride, to direct staff to come back at the next meeting with answers to the questions raised.

Mr. Livingston noted with the substitute motion it allows Council to get some feedback from the newly elected members.

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

Abstained: Dickerson, Myers

Present But Not Voting: Manning

Not Present Kennedy

The vote in favor was unanimous.

Ms. McBride inquired about when Council will discuss the Retreat agenda or when will they be presented with an agenda for the Retreat.

Mr. Livingston responded that should be on the next agenda.

Ms. McBride inquired if Council will have any input.

Mr. Brown noted staff sent information to the Chair, related to input for the agenda, so staff could prepare the documentation. Staff does have agenda items prepared. They can provide that to Council. At this point, if there were drastic changes, it would create a potential challenge, but we will certainly send Council what we have, and see what your thoughts are.

Ms. McBride inquired if there would be a facilitator for the Retreat.

Mr. Brown responded during parts of the Retreat there will be a facilitator present.

Ms. McBride inquired if the facilitator was involved in the creation of the agenda.

Mr. Brown responded they were involved in their particular part, but we do not have a facilitator for the entirety of the presentation. The facilitator has a job to do in part of the agenda training staff has prepared for Council.

- b. Personal/Contractual Matter: County Attorney – This item will be taken up during the Executive Session.

12. **OPEN/CLOSE PUBLIC HEARING** –

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and infrastructure credit agreement by and between Richland County, South Carolina and Project Yeti to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters - No comments were received.
- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Offer to provide for payment of a fee-in-lieu of taxes; and other related matters - No comments were received.

13. **APPROVAL OF CONSENT ITEMS**

- a. 20-032 MA, Ryan Maltba, RU to GC (.88 acres),4551 Hard Scrabble Road;TMS# 20300-04-16 [SECOND READING]

- b. 20-034 MA , Paulette Morin RU to GC (2.35 acres), Shop Road and Atlas Road, TMS# R16204-07-06, 08, 09, 10, 11 & 12 , [SECOND READING] – This item was taken up with item A.
- c. Transfer of Ownership of Water Lines from the City of Columbia to PRISMA Health
- l. Emergency Services Department – Fire Truck Purchase
- m. Emergency Services Department – Purchase Orders
- n. McEntire Joint National Guard Base (MJNGB)/South Carolina Air National Guard (SCANG) - Military Construction and Cooperative agreement (MCCA) to connect to the Southeast Sewer and Water Expansion Service

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

Ms. Terracio requested to remove Items 13(d), (e), (j) and (k).

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

Opposed: Malinowski, Manning and Myers

Not Present: Kennedy

The vote was in favor.

Ms. Terracio moved, seconded by Ms. Newton, to reconsider Items 13 (c), (l) and (m).

In Favor: Myers, Newton

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

Not Present:

The motion for reconsideration failed.

Ms. Myers noted there was outstanding information related to Item 13(c). She requested to receive the information prior to moving forward.

Mr. Walker moved, seconded by Ms. Terracio, to reconsider this Item 13(n).

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

Not Present: Kennedy

The motion for reconsideration failed.

14. **THIRD READING ITEMS**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Offer to provide for payment of a fee-in-lieu of

taxes; and other related matter - Ms. Newton moved, seconded by Mr. Malinowski, to approve items 14(a) – 14(c)

In favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Newton

Opposed: Myers

Not Present: Kennedy

The vote was in favor.

Mr. Malinowski moved, seconded by Mr. Walker, to reconsider Items 14(a) –14(c).

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Newton

Present But Not Voting: Manning, Myers

Not Present: Kennedy

The motion for reconsideration failed.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and infrastructure credit agreement by and between Richland County, South Carolina and Project Yeti to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters - This item was taken up in 14(a).
- c. 20-035 MA, Tiffany Harrison, M-1 to HI (202 acres), Longwood Road TMS# R16100-02-20, 04, 02 (P) & 19 (P) - This item was taken up in 14(a).

15. **SECOND READING ITEMS**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Cross to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Ms. McBride moved, seconded by Ms. Newton, to approve this item.

In favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers, Newton

Present But Not Voting: Manning

Not Present: Kennedy

The vote in favor was unanimous.

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

- a. Move to engage a third-party consultant to undertake work on Richland Renaissance, which was approved 11-0 by this Council in early 2019. Staff has chosen to postpone this Council-approved project, which would alleviate serious facility constraints and result in savings over time, as the County would not spend money on short-term repairs, but on long-term needed facilities planning and construction [MYERS] – Ms. Terracio moved, seconded by Ms.

Myers to consolidate Items 16(a) and 17(a).

Ms. Newton stated, for clarification, the way she sees it, Item 17(a) would fall under Item 16(a) in the same way that Item 16(b) falls under 16(a). The design-build and the plans for that process become part of the comprehensive facilities plan.

Ms. Myers stated that is not correct from her perspective. She withdrew her second.

Ms. McBride stated she thought that Item 16(a) was taken up in the Renaissance Ad Hoc Committee, and the motion was to prioritize DSS and EMS.

Ms. Myers moved, seconded by Ms. Dickerson, to defer Items 16(a) and (b) and 17(a).

Ms. A. Myers stated, in reference to the items from the Renaissance Ad Hoc Committee meeting, during the conversation, the only item that came out of the committee was the item related to the development of a proposal for the beautification of the Old Antique Mall and the Broad River Corridor Façade Grant Program. Staff was directed to combine it into a more comprehensive plan. Following that meeting, at the D&S Committee, one of the items was the third-party consultant, but that was changed on the motion Mr. Manning made to authorize Administration to engage a third-party consultant to do a comprehensive review of the long-term facilities plans, service delivery planning and construction work necessary, and to also rebrand the plan formerly known as the Richland Renaissance. The EMS/EOC facility moving to Two Notch Rd. and Cushman was the tabled motion. Coming out of the A&F Committee the motion relative to the private donation was moved to the Legal Department. Also, the engagement of a third-party design-build company was also added to the comprehensive motion made by Mr. Manning in the Renaissance Ad Hoc Committee.

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

Not Present: Kennedy

The vote in favor was unanimous.

- b. Move that Richland County proceed with completing the plan to move the EOC/EMS out of the windowless basement of the parking garage to the old junkyard property brought years ago for that purpose at the corner of Two Notch Rd and Cushman Drive [MANNING] [TO TABLE] – This item was deferred in Item 16(a).

## 17. **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. Move to engage a third party design-build company to begin work on the \$2m SE Richland County multi-purpose facility, as approved by Council in 2018. The funds were earmarked and approved, but RC staff has not undertaken any planning or construction of the Council-approved project by the end of November, 2020 – This item was deferred in Item 16(a).
- b. Sale of Property located on Farrow Rd. (Tax map Numbers #R17300-02-10 and #17300-02-33) –Mr. Walker moved, seconded by Mr. Malinowski, to approve the committee's recommendation.

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Ms. McBride inquired as to what the committee's recommendation was.

Mr. Brown stated there was a discussion about the different properties, and how the properties come to be before the body. Mr. Malinowski recommended staff work with Council to develop a list. Then, at that point, we could begin to determine, with Council direction, which properties could be appropriately considered.

Ms. McBride noted the title of this item is misleading.

Mr. Brown responded this item was tied to a request the County received about purchasing the property. Since it was brought to the County, it was brought to the A&F Committee.

Mr. Livingston stated, for clarification, the motion we are voting on the recommendation that staff create a list of surplus property, in conjunction with the Council members, whose district the property lies in.

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

Not Present: Kennedy

The vote in favor was unanimous.

- c. Sewer Availability Letter for Bunch at Garners Ferry Road Development – Ms. Myers moved, seconded by Mr. Livingston, to approve this item.

Ms. Terracio inquired how the “standardized” document generated was going to be brought back to Council.

Mr. Davis stated this is a letter that allows the developer to move forward with the purchase of the property and the planning. It will come back to staff for the delegated review process. At that time, the developer will submit plans and staff will approve it. Staff has a contract that has internal hold harmless clause in it, which has been used for many years.

Ms. Terracio inquired if there is any risk associated with the disconnection and reconnection of these systems.

Mr. Davis responded this is a standard procedure. It is much like connecting a sewer connection from a house or a building to a different pipe. It does involve some excavation at the manhole site.

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

Present But Not Voting: Manning

Not Present: Kennedy

The vote in favor was unanimous.

- d. Annual Leave Rollover – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve Items 17(d) and (e).

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

Present But Not Voting: Manning

Not Present: Kennedy

The vote in favor was unanimous.

- e. Sick Leave Policy Amendment – Ms. Terracio expressed concern that the date the accrued leave will expire is June 30, 2021. She is not sure this is long enough to extend the leave.

Mr. Brown stated the idea behind the timeline was that we want to encourage employees to go ahead and take the leave.

Ms. Terracio stated, for clarification, this item could come back before us if it was determined another extension was needed.

This item as approve in Item 17(d).

- f. Move to remit the \$300,000 private donation (negotiated by Councilwoman Dalhi Myers and Councilman Chip Jackson) earmarked for the Taylors Community to Richland County Parks & Recreation under an IGA, to be designated as funding for the Taylor's Community Park, promised and fully funded, as part of an Economic Development plan for the Reign Community on Shop Road before December 31, 2020. These funds were donated beginning in 2017 prior to the construction of the 2,000 bed new Reign Community, which is now complete. RC staff has not begun planning or construction on the fully funded park – Ms. Myers moved, seconded by Mr. Manning, to approve.

Ms. Myers stated a couple people have expressed concern because it has not yet been agreed upon by the Recreation Commission, that they have money for ongoing upkeep, that they could complete the park, or that the 3<sup>rd</sup> installment has not been paid. The agreement between Reign Living and Richland County was that Reign would repay Richland County for building the park before the 2,000-bed student living complex was completed. Reign Living has kept up his bargain. It has given us \$100,000 each year, and the 3<sup>rd</sup> check will be received before the end of year. The problem has been that Richland County has not made any movement on its part to get the park done. She has met with staff and the Recreation Commission. At the last meeting, we were supposed to tender an IGA to the Recreation Commission, which has not gotten to them. Her concern is the student housing is up. The park was going to provide a buffer between the citizens in the Taylor's Community and the student housing. At some point, this community needs to have the benefit of what it was promised. The reason for the motion is to allow the people who builds parks to go ahead and build the park, and to put it into the system. At the time, Tracy Hegler indicated \$300,000 was a gracious plenty for a park.

Mr. Malinowski stated this was supposed to go to Legal and have them advise Council what steps need to be taken to deliver the park. He requested an update from Legal.

Mr. Smith responded he is not personally familiar with the request, but he will check into it and get an answer.

Ms. Dickerson stated this was to be rolled into the overall Renaissance.

Ms. Myers stated she is reluctant to have this thrown into the Renaissance. She noted it is not a part of Renaissance. It was separately negotiated to benefit a small community that was being overrun by students, when we approved additional student housing in their neighborhood.

Ms. Newton made a substitute motion to move forward to draft a MOU or IGA with the Recreation Commission, with the understanding that we do not move forward to build anything until we receive the final payment for the park.

Ms. Myers stated having now had three (3) meetings with Recreation Commission it does not surprise her that they have questions about what would be in an IGA, because you negotiate IGAs. She does not think that is an impediment to the motion going forward, as written. Nor does she think we should add a new condition, which is, and if we do not receive the 3<sup>rd</sup> payment nothing can happen. When we negotiated this we gave the developer 3 years to make the payments, and they have kept their word.

Mr. Malinowski stated he still has a number of questions regarding this item.

Ms. Myers made a substitute motion, seconded by Ms. Dickerson, to defer this item until the December 15<sup>th</sup> Council meeting to allow the Legal Department to bring back a suggested way forward.

Mr. Smith stated, for clarification, the item itself talks about there being an IGA developed between the County and the Recreation Commission. He is assuming there has been discussion by staff and/or Council on the County's behalf, as it relates to preliminary terms and conditions. He inquired if anyone has any notes and/or information they can share with the Legal Department to assist with developing a draft IGA.

Ms. Myers responded more than a year ago she was in a meeting with Ms. Powell, Mr. Voignier, and the Recreation Commission, so she would direct Mr. Smith to those folks.

Mr. Smith inquired, other than bringing back a draft IGA, is there anything else Council is asking Legal to bring back.

Ms. Myers responded, if there were no follow-up after the meeting with the Recreation Commission, it would be helpful for Legal to give Council some guidance regarding alternatives to move this along.

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

Opposed: Manning

The vote was in favor.

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

- a. Authorizing the expansion of and ratifying the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County;

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and other related matters - Mr. Livingston stated the committee recommended approval.

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

Not Present: Kennedy

The motion in favor was unanimous.

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

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

Not Present: Kennedy

The motion for reconsideration failed.

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

- a. Decker/Woodfield NIP - Faraway Drive Sidewalk Contract Award – Mr. Manning stated the committee unanimously recommended to award the Faraway Drive Sidewalk contract to AOS Specialty Contractors for \$288,933.00, a 10% construction contingency and a 10% utility contingency for \$28,893.33 each, for a total budget of \$346,719.60. There is \$17,631,000+ plus dollars available in the Neighborhood Improvement budget.

Mr. Malinowski stated since the committee meeting, he reviewed the cost that was given to us, he was wondering about some of the items, like bonds and insurance. Are the companies that we hire to work for us required to provide their own insurance?

Mr. Niermeier responded, it is his understanding, those are normal inclusions in any contract we award. They are required to have insurance, by County Procurement.

Mr. Malinowski inquired, in the section entitled “Unclassified Excavation”, if we would not like to know exactly what excavation we are paying for.

Mr. Niermeier responded that it is a very typical line item in about every contract. At times, during construction, you will have unknowns that will pop-up and require something that is not a specific classification. Therefore, it will fall under that category, but that would be defined from the contractor to the project manager, to verify and validate said charge. It would also be reviewed by the inspector onsite.

Mr. Malinowski inquired about the construction signs. If you are in the construction business, would not you have permanent signs you would be using out of your own portfolio?

Mr. Niermeier responded a lot of those construction signs will get damaged from project to project just because of the nature of the job, so the contractors will include the new signs in each new project.

In Favor: McBride, Livingston, Terracio, Manning, Newton

Opposed: Malinowski, Walker, Myers

Present But Not Voting: Dickerson

Not present: Kennedy

The vote was in favor.

- b. Mitigation Credit Sales - Weyerhaeuser NR Company, I-26 Interchange Widening II – Mr. Manning stated the committee unanimously recommended the sale of these credits sales to Weyerhaeuser NR Company in the amount of \$189,520.94.

In Favor: Malinowski, McBride, Livingston, Terracio, Manning,

Opposed: Walker, Myers, Newton

Not Present: Kennedy

Present Not Voting: Dickerson

The vote was in favor.

Ms. Myers noted she wanted the record to reflect that she was not present at the committee meeting, but would have voted in opposition had she been present.

Mr. Manning moved, seconded by Ms. McBride, to reconsider Items 19(a) and (b).

In favor: Malinowski, Walker, Myers, Newton

Opposed: McBride, Livingston, Terracio, Manning,

Not Present: Kennedy

Present But Not Voting: Dickerson

The motion for reconsideration failed.

- c. FY21 Transportation BAN/BOND – Mr. Manning stated the committee recommended for approval of the resolution, to bond for \$100M, pay down \$25M of outstanding debt from the last Transportation BAN due in February 2021.

Mr. Malinowski noted, on p. 503, we have a staff recommended action that gives us two choices, but there is no real recommendation.

Mr. Manning responded, when it went to committee, we asked for clarification. The clarification they gave us is in the motion he reported out of committee.

Mr. Malinowski stated, on p. 504, it says the original ordinance does not require a resolution, but staff is proposing that we draft a resolution. What is the reason?

Mr. Jones responded, when discussing the requirement of a resolution, the conclusion of Administration, and the Chair, was that it would be best for Council to see all this again and go ahead

and give a vote, even if was for the bonds. The authorization to issue bonds is clear in the ordinance, but given all the discussion that has happened over these many years regarding bonds and BANs, it seemed best to give Council an opportunity to discuss it, which is the purpose of the resolution.

Mr. Malinowski noted, it also states paying this off is not operationally feasible. Why not?

Mr. Brown responded, if you were to pay all of the funds back at one time, you would only have funds to use that are in your possession, and we would not have funds on hand to continue projects that are currently ongoing. Thus, it would put an immediate halt to the furtherance of these services.

Mr. Niermeier is in agreement with Mr. Brown.

Mr. Malinowski noted, on p. 505, it says because the department paid down \$50M in debt last year, plans on paying \$25M this year, there are no further options for debt financing. He inquired if that was actually true.

Mr. Brown responded in the affirmative.

Mr. Jones stated the authorization for issuance of the bonds would exhausted with \$100M worth of debt. The ability to repay those bonds, and do projects would work with \$100M in debt, but would likely be problematic if there was more debt involved. Which is why the pay down has been suggested.

Mr. Malinowski inquired since the County began the BAN/Bond debt incurrence, how much has Richland County spent, to date, for issuing that debt? In other words, what is the interest and other fees, legal or otherwise?

Mr. Niermeier responded we have paid \$4,385,502 in cost.

Mr. Malinowski inquired if that excluded the principal payments.

Mr. Niermeier responded that is the balance between the premiums we received through issuance, the interest and actual arbitrage for interest paid for the BANs.

Mr. Malinowski noted \$4,285,502 is what it has cost us to have these issued.

Mr. Niermeier responded in the affirmative.

Mr. Malinowski inquired, moving forward, what type of additional cost will we incur before it is all paid off?

Mr. Cheatwood responded, based on the estimated interest rates, if we bond the \$100M and repaid it over a seven year term, the net interest and cost would be approximately \$2,837,000.

Ms. Myers noted she remain in favor of a pay-as-you-go, and she would like to pay off the BAN and not bond further.

Mr. Malinowski concurred with Ms. Myers.

Mr. Livingston inquired about the consequences, or the advantages, of the BAN vs. Bond program. He

inquired if we do not do anything would we simply shut the program down.

Mr. Brown noted this step is moving us toward the pay-as-you-go process.

Mr. Niermeier stated there are two pieces to this. First, we have an obligation due in February. Bonding will address that obligation. If we decided to BAN, it would be a similar process as last year. We would roll it over. Of the \$125M, we have spent \$100M. Secondly, it locks us into more sound planning moving forward. We would know when these debt payments, and those can be planned for within the budget. There is no more debt financing available, once this occurs, and it moves us toward revenue in, revenue out, or pay-as-you-go model. The discussion was this is the most responsible way moving forward concerning the past year, and the concerns of Council. If we paid off all at once, it would be approximately \$128M. Even with the \$40M in anticipated revenue, we are talking about having \$60M in the account, with more than half obligated and another half being encumbered on contracts this year. We would essentially shut down the program, as it is today.

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

Opposed: Malinowski, Terracio, Myers

Present But Not Voting: Dickerson

Not Present: Kennedy

The vote was in favor.

Mr. Manning move, seconded by Ms. McBride, to reconsider this item.

In Favor: Malinowski, Myers

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

Present But Not Voting: Dickerson

Not Present: Kennedy

The motion for reconsideration failed.

Mr. Manning the committee had an item that was deferred at today's meeting. The committee has scheduled another meeting next week to take up this item.

1. Authorizing the issuance and sale of not to exceed \$100,000,000 of General Obligation Bonds of the County for purposes of refinancing the Series 2020 Bond Anticipation Note; and other matters relating thereto

20. **THE REPORT OF THE SEWER AD HOC COMMITTEE** – Mr. Malinowski stated the items were held in committee to receive additional information from staff.

- a. Eastover Plant Upgrades – Southeast Sewer Project Flow Increase
- b. Sewer Service for Albene Park

**Special Called Meeting  
December 8, 2020**

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

Mr. Malinowski stated the Rules and Appointments Committee were advised of an unexpected vacancy on the Richland Memorial Hospital Board, and based on this vacancy, we would like to advertise the vacancy the next time the Clerk advertises vacancies.

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

Not Present: Kennedy

The vote in favor was unanimous.

22. **OTHER ITEMS**

- a. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition – Mr. Livingston stated the committee's recommendation was for approval.

Mr. Malinowski noted he did not have the amended agenda; therefore, he will vote no until has an opportunity to review the documents.

Mr. Walker stated he believes it would be prudent for Mr. Ruble to present the same information he presented to the Economic Development Committee.

Mr. Ruble noted there were some funds that was a clawback from Siemens Diesel that was originally allocated to Economic Development. A portion of those funds remained in the General Fund, and a portion went to the operating fund for Economic Development. For several years, Economic Development operated out of that fund. This is the remaining monies in the General Fund, and it is being reallocated back over for the purchase of the property for Mark Anthony Brewing.

Mr. Malinowski stated, for clarification, we did not have enough money to purchase the property, and we have to have this money.

Mr. Ruble responded this money was part of the Economic funds. It was just situated in the General Fund.

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

Opposed: Malinowski, Dickerson, Myers

Not Present: Kennedy

The vote was in favor.

- b. An Ordinance Amending the Fiscal Year 2021 Economic Development Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition [FIRST READING] – Mr. Brown noted this item is a companion piece. The money has to move between funds, so we have to account for both of those funds.



Mr. Hayes stated, as Mr. Ruble mentioned those funds were situated in the General Fund. There are two associated transactions that need to take place. You are amending the General Fund to have access to those funds because they are in the Fund Balance. Then, there is going to be an operational transfer from General Fund to the Economic Development Fund, where those funds were actually expended.

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

Opposed: Myers

Present But Not Voting: Malinowski, Dickerson

Not Present: Kennedy

The voted was in favor.

- c. FY20 - District 7 Hospitality Tax Allocations - Ms. Terracio moved, seconded by Ms. Newton, to approve this item.

In Favor: Malinowski, McBride, Livingston, Terracio, Manning, Myer, Newton

Opposed: Walker

Present But Not Voting: Dickerson

Not Present: Kennedy

The motion in favor passed.

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

In Favor: Walker

Opposed: Malinowski, McBride, Livingston, Terracio, Manning, Myers, Newton

Present But Not Voting: Dickerson

Not Present: Kennedy

The motion for reconsideration failed.

20. **EXECUTIVE SESSION** – Ms. McBride moved, seconded by Ms. Dickerson, to go into Executive Session.

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

Opposed: Manning, Myers

Present But Not Voting: Walker

Not Present: Kennedy

The vote was in favor.

***Council went into Executive Session at approximately 8:12 PM  
and came out at approximately 9:05 PM.***

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

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

Present But Not Voting: Manning

Not Present: Kennedy

The vote in favor was unanimous.

Ms. Newton moved, seconded by Mr. Walker, to direct the County Attorney to move forward as discussed in Executive Session, and bring back the information requested at the next Council meeting.

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

Present But Not Voting: Manning

Not Present: Kennedy

The vote in favor was unanimous.

21. **MOTION PERIOD**

- a. Request Richland County create some type of property tax relief for property owned that is affected in a negative way by the penny tax. Negative way refers to lack of normal use as intended or previously used - Mr. Livingston referred this item to the Transportation Ad Hoc Committee.

Mr. Malinowski stated he attempted to discuss this with Mr. Niermeier, but he could not provide any answers. Mr. Niermeier suggested he make a motion to have it dealt with. If we are sending it to the Transportation Ad Hoc Committee, we are going to get the same answer. He inquired if we need to get Legal involved.

Mr. Livingston responded Legal and Mr. Niermeier need to get together and figure out a way to deal with this matter.

22. **ADJOURNMENT** The meeting adjourned at approximately 9:11PM