



Richland County Council
Regular Session
May 7, 2019 – 6:00 PM
Council Chambers

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

OTHERS PRESENT: Michelle Onley, Beverly Harris, John Thompson, Stacey Hamm, Eden Logan, Larry Smith, Jennifer Wladischkin, Brad Farrar, Trenia Bowers, Ted Powell, Ashiya Myers, Sandra Yudice, Shahid Khan, Allison Stone, Nathaniel Miller, Clayton Voignier, Michael Niermeier, James Hayes, Ashley Powell, Tamara Rodriguez, Dwight Hanna, Eva Prioleau, Dale Welch, Stephen Staley, Ismail Ozbek, Chris Eversmann, John Hopkins, Synithia Williams, Janet Claggett, Christa Sheehan, Tiffany Harrison, and Pam Davis

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The invocation was led by the Honorable Allison Terracio
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Allison Terracio
4. **PRESENTATION OF PROCLAMATIONS**
 - a. **A Proclamation Honoring “National Public Works Week”: May 19-25, 2019** – Ms. Myers presented the Proclamation to Mr. Ozbek on behalf of the Public Works Department.
 - b. **A Proclamation Recognizing the Week of May 13-17, 2019 as Employee Safety Week** – Ms. Newton presented the Proclamation to Ms. Rodriguez and Ms. Sheehan on behalf of the Risk Management Department.
5. **APPROVAL OF MINUTES**
 - a. **Regular Session: April 16, 2019** – Ms. Myers moved, seconded by Mr. Jackson, to approve the minutes as presented.

Mr. Walker requested the vote for Item #20(a): “Richland County vs. Program Development Team” to reflect that he voted in favor.

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

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The vote in favor was unanimous.

- b. Zoning Public Hearing: April 23, 2019 – Ms. Myers moved, seconded by Mr. Jackson, to approve the minutes as presented.

Mr. Manning moved, seconded by Mr. Jackson, to reconsider Item (c): “19-011MA” on p. #32.

Ms. Dickerson inquired why Mr. Manning is requesting to reconsider this item.

Mr. Manning stated the vote was to deny the re-zoning request. He had spoken with the Zoning Administrator, prior to the meeting, and when the vote came up he got confused. Mr. Price was hoping, as was the applicant, that we would defer this item until the June Zoning Public Hearing. In addition, Mr. Price was hoping that Ms. Kennedy, Mr. Manning, and Planning staff would meet to discuss a plan on how to move forward on the properties on Hardscrabble Road.

Mr. Malinowski inquired, of the Parliamentarian, if any Councilmember can ask for reconsideration, they do not have to be on the prevailing side.

Mr. Smith stated the Councilmember would have to be on the prevailing side, in order to ask for reconsideration.

Mr. Malinowski stated the minutes reflect that Mr. Manning was present but not voting. He inquired if Mr. Manning can make the motion for reconsideration, or will another Councilmember have to make the motion on his behalf.

Mr. Manning stated, he thought, our rules said that you were with the prevailing side, if you did not vote. Therefore, that has him with the prevailing side.

Mr. Smith stated, if Mr. Manning did not vote, his vote would have been counted on the prevailing side.

Ms. Dickerson stated we really need to look at this rule because it is not fair.

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

Opposed: Dickerson

The vote was in favor.

Mr. Manning moved, seconded by Mr. Malinowski, to defer “19-011MA” be deferred until the June Zoning Public Hearing.

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

Abstain: Dickerson

Present but Not Voting: Myers

The vote in favor of deferral was unanimous.

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

Present but Not Voting: Dickerson

The vote in favor of the amended minutes unanimous.

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

Mr. Smith stated Items #12(a): “County Administrator Search” and #10(b): “City of Columbia – Intergovernmental Agreement for Bulk Water Sale” are Executive Session items. In addition, he requested to add “Richland County vs. SC Dept. of Revenue Update” and “Attorney General’s Opinion RE: Utility Credits” to the Report of the Attorney for Executive Session.

Dr. Thompson requested to defer Item 14(i): “Total Rewards Implementation” to the May 21st Council meeting.

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

Present but Not Voting: Manning

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

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

- a. CDBG Flood Recovery Program
- b. Cedar Cove/Stoney Point
- c. Richland County vs. SC Department of Revenue
- d. City of Columbia: Intergovernmental Agreement for Bulk Water Sale
- e. County Administrator Search
- f. Attorney General’s Opinion RE: Utility Credits

8. **CITIZENS’ INPUT: For Items on the Agenda Not Requiring a Public Hearing** – No one signed up to speak.

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

10. **REPORT OF THE ACTING COUNTY ADMINISTRATOR**

- a. Introduction of Financial Advisor: First Tryon – Mr. Walter Goldsmith and Mr. David Cheatwood gave a brief overview of their services, and how those services will apply to Richland County.

Ms. Dickerson inquired if an RFP was put out for these services.

Dr. Yudice stated that auditing and financial professional services are exempt from procurement.

She stated three (3) firms were interviewed: SMA, Compass and First Tryon. Mr. Gomeau selected First Tryon before he left.

Ms. McBride inquired about the firm's minority participation.

Mr. Goldsmith stated they do not have any African-Americans. They currently have one individual of Indian descent. The firm is approximately 45% female. In their industry, there is not a lot of minority participation, and it is something they trying to target.

Ms. McBride inquired how the goal has been in place.

Mr. Goldsmith stated he became Manager of the department almost 5 years ago, and it is a goal that they have to work on.

Ms. Terracio inquired about how many females hold senior management positions.

Mr. Goldsmith stated their Chief Operating Office, Chief Compliance Officer, one of their Managing Directors, one of the Senior Traders, and 2 Analysts. He can provide a breakdown, but there are a number of females in senior management positions.

11. **REPORT OF THE CLERK OF COUNCIL** – Ms. Roberts reminded Council of the upcoming budget meetings.

a. Upcoming Budget Meetings:

1. May 9 – Budget Work Session, 4:00 – 6:00 PM, Council Chambers
2. May 16 – FY20 Budget Public Hearing, 6:00 PM, Council Chambers
3. May 23 – 2nd Reading of Biennium Budget (FY20 and FY21), 6:00 PM, Council Chambers

12. **REPORT OF THE CHAIR**

- a. Administrator Search Update – This item was taken up in Executive Session

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Amending Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations, by adding Section 16-23, "Health Massage, Bodywork Therapists, and Massage Establishments" – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. 19-012MA, Roger Winn, HI to GC (5.88 Acres), 8911 Farrow Road, TMS # R17200-03-06 [SECOND READING]
- b. Revisit the bed and breakfast ordinance to increase the number of rooms up to 20, so the business can be profitable and flourish. This would be in line with keeping the rural character and allow opportunities for small businesses [N. JACKSON] [RECOMMENDATION TO TABLE]
- c. Explore developing municipal enterprises for economically distressed communities with

conservation and other properties owned by Richland County [N. JACKSON]

- d. Develop incentives and tax credits for Green Economy. This promotes green collar jobs in environmentally focused industries in environmentally sensitive areas [N. JACKSON]
- e. United Way Lease Agreement Renewal – 2000 Hampton St.
- f. Corley Construction, LLC Payment Authorization
- g. Mountainbrook Ditch Stabilization Project
- h. Award for Mobile Home Park Demolition – Percival Road
- i. Airport Overnight EAA Camping Event Request

Ms. Dickerson moved, seconded by Ms. Myers, to approve the Consent Items.

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

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. Dickerson, to reconsider Item 14(h): “Award for Mobile Home Park Demolition”

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

The motion for reconsideration failed.

15. **THIRD READING ITEMS**

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations, by adding Section 16-23, “Health Massage, Bodywork Therapists, and Massage Establishments” – Mr. Manning moved, seconded by Mr. Malinowski, to approve this item.

Mr. Malinowski requested that staff provide him all of the cases cited on p. 281, so he can review them.

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

The vote in favor was unanimous.

16. **SECOND READING ITEMS**

- a. An Ordinance Authorizing, pursuant to Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina

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and Kemira Chemicals, Inc., a corporation organized and existing under the laws of the State of Delaware concerning a new project; authorizing and providing with respect to an existing project for the conversion of an arrangement for fee-in-lieu of tax payments between Richland County and Kemira Chemicals, Inc., under Title 4, Chapter 12, South Carolina Code of Laws, 1976, as amended, to an arrangement under Title 12, Chapter 44, South Carolina Code of Laws, 1976, as amended; and matters relating thereto – Mr. Jackson moved, seconded by Mr. Walker, to approve this item.

Mr. Malinowski stated, in the future, he would like the information regarding the various readings/public hearing be included in the agenda packet.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County and [Project ES] to provide for payment of a fee-in-lieu of taxes; authorizing certain special source credits; and other related matters – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item.

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

Present but Not Voting: Manning and McBride

The vote in favor was unanimous.

17. **FIRST READING ITEMS**

- a. An Ordinance to raise revenue, make appropriations, and adopt Biennium Budget II (FY 2020 and FY 2021) for Richland County, South Carolina; authorizing the levying of Ad Valorem property taxes which together with the prior year's carryover and other State Levies and any additional amount appropriated by the Richland County Council prior to July 1, 2019 will provide sufficient revenues for the operations of Richland County Government during the period of the first fiscal year of Biennium Budget II from July 1, 2019 through June 30, 2020 (Fiscal Year 2020) [BY TITLE ONLY] – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

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

The vote in favor was unanimous.

- b. An Ordinance to raise revenue, make appropriations, and adopt Biennium Budget II (FY 2020 and FY 2021) for Richland County, South Carolina; authorizing the levying of Ad Valorem property taxes which together with the prior year's carryover and other State Levies and any additional amount appropriated by the Richland County Council prior to July 1, 2020 will provide sufficient revenues for the operations of Richland County Government during the period of the first fiscal year of Biennium Budget II from July 1, 2020 through June 30, 2021 (Fiscal Year 2021) [BY TITLE ONLY]

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

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

The vote in favor was unanimous.

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

- a. City of Columbia: Permission to Survey – SS7462 Verch Locke Sewer Lift Station Area – Mr. Malinowski stated, on p. 269 of the agenda, it indicates the committee recommended Council grant permission for the City of Columbia to perform its survey and soil sampling. During the meeting, he inquired if we would also need an IGA, and the attorney said an IGA would need to be drafted and reviewed by Council. He stated the IGA was not in the agenda packet.

Mr. Smith stated the intent of the motion was to ensure there was an agreement between the County and the City that they would restore the property to its original conditional. They included language that addresses this matter in the document that both entities have to sign and agree upon.

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

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

The vote in favor was unanimous.

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

I. NOTIFICATION OF APPOINTMENTS

- a. Building Codes Board of Appeals – Six (6) Vacancies (One applicant must be from the Architecture Industry, One from the Electrical Industry, One from the Gas Industry, One from the Building Industry and Two from the Fire Industry as alternates) – Ms. Newton stated the committee recommended re-appointing Mr. Willie Farmer (Electrical).

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

The vote in favor was unanimous.

- b. Midlands Workforce Development Board – One (1) Vacancy (Private Sector Business seat; must represent private sector business with policy-making or hiring authority) – Ms. Newton stated the committee recommended appointing Mr. Scott King.

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

The vote in favor was unanimous.

II. ITEMS FOR ACTION

- a. I move that Council consider holding one meeting per quarter in unincorporated Richland County to keep all county needs before its policy makers [MYERS] – Ms. Newton stated the committee recommended tabling this item.

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

Opposed: Myers and Manning

The vote was in favor.

20. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Three Rivers Greenway CSX Railroad – Mr. Jackson stated the committee recommended approval of the authorization to conduct the appraisal.

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

The vote in favor was unanimous.

- b. Approval of the Broad River Corridor Neighborhood Executive Summary and Recommendations – Mr. Jackson stated the committee recommended approve the Executive Summary and recommendations, and move forward.

Mr. Malinowski stated, on p. 393 of the agenda, it mentions that a cost estimate report, dated August 6, 2012, was prepared by the Dennis Corporation. He inquired if there is any update on the cost estimate report.

Mr. Niermeier stated he did not have that information with him.

Mr. Malinowski stated, as we have seen in the past, when appraisals are several years old, they may not be a good one. Secondly, we have been told, companies that are no longer doing business that the information they provided is not considered, so he does not know why we would consider it, at this point. He would move to defer this item until we get those answers.

Mr. Beaty stated a separate cost estimate was prepared. The original cost estimate came up with the entire referendum amount. Prior to going to a public meeting, they updated the cost estimate, presented the different options to the public, and the public provided input. They made sure the recommendation that came to Council was within the original referendum amount.

Mr. Malinowski inquired as to the referendum amount.

Mr. Beaty stated, he believes it was approximately \$20 million.

Mr. Malinowski stated there was a question asked, at the public meeting, as to what entity would be responsible for the maintenance and upkeep of landscaping, if that option was to be selected. He stated, on p.409, Item 1 says, “...raised medians and/or landscaped areas for beautification”, so

which way are they going.

Mr. Beaty stated the recommendation would be to move forward and begin the design, with those improvements as a part of the design. Again, prior to any final implementation, direction would be provided on whether to include those maintenance items.

Mr. Malinowski stated it looks like we would want to know who is going to be responsible for the maintenance before we approve putting that item in there. He inquired if they have an idea of what maintenance and upkeep costs will be.

Mr. Beaty stated he has an idea, and the costs would be minimal. The intent, of the recommendation, is to move forward with the project design while the decisions and additional information is gathered on the maintenance without delaying the project.

Mr. Malinowski stated, he thinks, they need to go back to the last meeting, when this was discussed. If, in fact, the company doing the design now is not going to be here in a few months, and design work will not be accepted by SCDOT, then why would we move forward and approve the design, at this point. Why would that not be requested once the group being put in place, in the near future, would come up the design.

Mr. Jackson stated we need to have a larger conversation about what works will be continued, and what works we want to bring to a conclusion, as we transition from outside to internally. The challenge we have is that, as we are asked to consider that, projects and work still appear on our agenda. We are discussing them, and moving forward, as appropriate, with recommendations from the committee to the full Council. Until such time as the full Council issues a cease and desist order, the Transportation Ad Hoc Committee's responsibility is to do just that. The scenario of any design work being changed to a new designer is true for all of the projects. In the interest of continuing the work we have been assigned, as the Transportation Ad Hoc Committee, he is recommending, until we have that larger discussion, and make that determination, that we consider the design request.

Mr. Malinowski moved that Council immediately meet with the Transportation, in conjunction with the Acting Administrator, and determine exactly how we want to move forward, and who is going to be responsible for designing these projects. If it is an in-house group, as Council voted, then we must immediately give them authority to begin creating these designs.

Mr. Livingston stated the motion would not be properly before Council, at this time.

Mr. Malinowski stated he is making this motion in lieu of the committee's recommendation.

Mr. Livingston requested Mr. Malinowski to restate his motion.

Mr. Malinowski stated, his motion is, to direct the Transportation Director, Acting Administrator, and staff to immediately have the Transportation Ad Hoc Committee determine what designs need to be done on upcoming projects and begin that design work in-house.

Ms. Myers inquired, for clarification, if the motion is that it be done in-house or that it be directed by in-house staff.

Mr. Malinowski stated that it would be directed by in-house staff.

Ms. Myers seconded Mr. Malinowski's motion.

Mr. Walker proposed a friendly amendment to direct the Acting Administrator, Transportation Director, and the Transportation Ad Hoc Committee, to review the current roster of projects, determine the phases in which they currently sit, and determine which are appropriate to move forward vs. which are to be "tabled", until such time as we have a clear path forward with our Transportation Program.

Mr. Livingston stated he is going to have to get some feedback from the attorney because we are taking the Broad River item and trying to redo the whole Transportation Program. He stated he does not think the motion is properly before us.

Ms. Terracio stated this is a much needed project in the area. It is going to be a benefit to all the constituents. From her experience in talking to people, they seem to be excited about this particular project, and seeing the benefit in the community. She inquired as to the estimated construction date for this project.

Mr. Niermeier stated before you are the Executive Summary, with recommendations. This is 70% design, which should be concluded in February 2020. All of OET's contracts expire in March 2020. He stated they are in the process of drafting a new scope of work.

Ms. Terracio inquired as to when the design would start.

Mr. Niermeier stated design would begin in August, and then construction would begin in approximately 2 years, after you get 100% design, approval and permitting.

Ms. Terracio stated, if we went back and had a discussion about this, would we significantly delaying the design and construction of the project.

Mr. Niermeier stated we would be pushing through February under the current contract, so any further delays could extend beyond. He is reviewing language now to see if it could be extended, or not. If not, we would stop at the 70% to award the contract to another OET or re-contract/continue with the current OET.

Mr. Walker withdrew his amendment.

Mr. Malinowski stated, he is following what was said before, which was, if we allow a company to design something, and then that company is no longer employed or under contract with the County, those designs are all for naught and a new team will have to design it again, in order for it to be accepted by SCDOT. So rather than go through all the steps, and pay to have something designed that we know will not be done by November, when the PDT contract expires, the in-house team should begin moving forward with the design instead.

Mr. Niermeier stated this is under the OET contract, which is different than the PDT contract that is expiring in November.

Mr. Malinowski withdrew his motion.

Mr. Walker stated, when we talk about things being within the referendum amount, this project, particularly, was a bulk referendum amount. He inquired if this project is bound within the

Neighborhood Program, or is this the entirety of the program.

Mr. Niermeier stated this project is bound within the Neighborhood Improvement Program.

Mr. Walker stated it is easy to say this project is within the referendum amount because it is a huge referendum amount, which is intended for 4 or 5 projects. He inquired, if this particular project is "on" budget, as per the cumulative bucket of funds allocated to this Neighborhood Improvement Project.

Mr. Beaty responded in the affirmative.

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

The vote in favor was unanimous.

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

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

Present but Not Voting: Manning

The motion for reconsideration failed.

- c. Approval of Budget Transfers Between Penny Projects – Mr. Jackson stated the committee recommended approving the revised budget.

Mr. Walker stated, as it relates to the information provided regarding the requested budget transfers between FY19 and FY20, from project to project, some of the dollars in and out, and the various projects they are being moved into, specifically in FY19, there is an attempt to show us which projects are over the referendum amount, but it looks like many more projects, that are contemplated in these transfers, are, in most cases, over the referendum amount. For example, Blythewood Road Area Improvements. The ordinance amount is \$20 million; the estimated cost is \$26.186 million, which equates to a deficit that is not noted as a referendum overage on the spreadsheet. This project is in the acquisition stage; therefore, those are dollars that could potentially be saved without interrupting the construction project. Lower Richland Boulevard Widening is \$875,000 over the referendum, and not noted on the spreadsheet. Polo Road Widening is \$3.175 million over the referendum amount, also not noted on the spreadsheet. He stated he is concerned that the information we are looking at is not an accurate depiction of which project are actually over the referendum amount. What we are doing is transferring funds from one project to another in FY20 to FY19, and accelerating the payment on a project that we know is significantly over the referendum amount. If we are creating the impression that we are getting pregnant with projects, we may not ever be able to do, if, in fact, we transfer these dollars and start spending money on projects that are significantly over the referendum amount. He would like someone to address these discrepancies.

Mr. Niermeier stated the request before you are for projects currently underway that require reallocation of budget to make them whole, pay invoices, and construction. The ones highlighted in red, which indicate they are over referendum, are the projects that are being presented just for the

budget transfers. He stated you are correct, if we go under the master accounting spreadsheet, there are other ones that are anticipated to be over referendum. As it relates to the request before you now, it is just the 3 that are anticipated to be over referendum.

Mr. Walker stated he would respectfully challenge that. It states very clearly, the amount needed for FY19 being transferred from the Broad River Widening Project, which has a \$1.4 million budget balance. Those dollars were not requested to be spent in FY19. You are now asking for them to be transferred into FY19, and that project is \$1.5 million over the referendum, which is not clearly depicted in the spreadsheet. The need to move that \$700,000+ into FY19 causes him concern. The \$775,000 that we are, in essence, saying go spend, by moving it into FY19, or you have already spent, that you need to pay, on a project that is \$5.2 million over the referendum, that we have not had an opportunity to say yes or no to. It permeates throughout the spreadsheet. We have significant overages, in other projects, that are not highlighted in red, which are within the same category. You are asking us to accelerate payment into project that are significantly over the referendum amount, and not clearly depicting that they are over the referendum amount. As such, he has serious concerns with moving any dollars from project to project without a clear understanding of where these projects really are, and what the true referendum amounts are.

Mr. Beaty stated, although the subject of projects being over the referendum amount does blend into the chart you are looking at, the intent of the chart is to move budgeted funds from a project that is not going to spend the money in FY19 to other projects that may have spent more than what we budgeted. It is easy to mix the 2 together (i.e. what is over the referendum and what's not). The purpose of the chart today is, we thought a project would spend a \$100 in FY19, but the contractor worked faster and did more work than we thought they were going to. Until the budget transfer takes place, that contractor cannot have the invoices paid for anything over \$100. When the original budget was put together in January 2018, a project may have been added, but a budget amendment was not made. The contractor may have gone to work, and is not being paid. The intent of the chart is not to address project overruns, or underruns, but to move the budgeted amount within the fiscal year. He stated that Mr. Walker was correct that there are numerous projects that are over the referendum amount. The subject was addressed approximately a year ago, and it sounds like it may need to be thoroughly vetted again.

Mr. Walker stated what he did was reference only those projects that are still in acquisition, or otherwise not in construction. He could reference some construction projects that fall into the same category (i.e. Shop Road Phase I and II). He attended the last Transportation Ad Hoc Committee meeting, and part of the conversation, to him, sounded as though the budget transfers were needed in the case of projects that were under construction or underway. It did not sound like the request was intended to cover pre-construction costs.

Mr. Beaty stated the primary case is projects that are in design or construction where budget transfers need to be made in order to pay invoices. The chart in front of you, in the right column it says, "Category of Project Transfer From", and there are a bunch of acquisitions in that column. What they showed was the budget had professional services, acquisitions and construction. They anticipated, in January 2018, Broad River Road Widening would be in the acquisition process. They were wrong. They are not in right-of-way acquisition on Broad River Road, so they are proposing a budget transfer, from this pot of money that they are not going to spend, be allocated to the Blythewood Area, where they are spending. The chart may have been more clear, but the intent of the 2nd column from the right is to show you the pot of money that they are not going to spend in FY19, so they could spend the money on projects that are underway.

Mr. Walker stated, with that information, all projects into which funds are being transferred are currently under construction.

Mr. Beaty responded, "or design."

Mr. Walker stated, for clarification, with outstanding invoices to be paid for work.

Mr. Beaty responded in the affirmative.

Ms. Newton stated, as we look at these budget items, are the funds that we are transferring essentially for funds already spent, so this is paying invoices that have already been incurred, or is this we are transferring to pay those outstanding bills and also providing funding to continue the project along.

Mr. Beaty stated the bulk of these transfers are to pay previously spent dollars (i.e. outstanding invoices).

Ms. Newton stated, for clarification, the last column that says, "Category of Project to Transfer From", does not indicate the status of the project that you are asking to transfer to. Every project on this list is under construction or design.

Mr. Beaty responded in the affirmative.

Ms. Newton stated, for the projects that are in design, these are places where we have already incurred the expenses, and we are paying vendors for work that is already done.

Ms. Dickerson stated she is really concerned about Broad River Road, and she is not budging a dime on Broad River Road, so you need to figure out a way to let Blythewood manage. She is going to hold firm on not transferring money from Broad River Road to Blythewood. She requested Mr. Beaty to explain this to her.

Mr. Beaty stated they are not necessarily taking money from one project, in its total budget, to another. They are only transferring the money in this one year. The money was spent quicker on one project, and slower on another, in this calendar year. The total money is going to stay the same. They just spent more of it in FY19, and less of it in FY20.

Mr. Niermeier stated they are borrowing the funding from the project that are not spending the money, and it will go back to those projects in the next fiscal year.

Ms. Dickerson inquired why they were not spending money on Broad River Road.

Mr. Niermeier stated it will be spent. They did not get to that project this year, for whatever reason. It was planned on, anticipated, and budgeted for, but the project did not work its way forward as quickly as it was initially thought.

Ms. Dickerson stated the projects need to get equal attention.

Mr. Beaty stated he will take responsibility. They do pay attention, to all projects, that are under development, but on this section of Broad River Road, there were design delays they did not anticipate a 1 ½ years ago, which is why they have not moved into the right-of-way acquisition as

early they had hoped to. The project is still moving forward. It is just not as quickly as they thought it would.

Ms. Myers stated she is 100% in favor of paying any invoices that we have already incurred. Her concern was that we were shifting money and we had not had a broader discussion where that leaves us with the Penny Program, and what that does to projects within the program. Mr. Walker's point is an excellent one. The narrowly defined task on this chart is, where do we need money, and where is there money that has already been allocated that we can get to without 3 readings and public hearing. She does not think that reaches the substance of what Mr. Walker is pointing out, which is that we may ultimately get to a project, from which we have borrowed money, to spend on a project that is way over the referendum. By virtue of this vote, vote that we are going to overspend, by definition, on those projects, which depletes the amount left for that category without having the broader discussion of what projects should be prioritized, and where the money should be spent. She would like to have a distinction between what the bulk and all is. We are talking about \$17 million over, so it could be the bulk is \$12 million. She would like a broader discussion of where we are with the projects. Where we actually have invoices. This is just a listing of the shifting of money. It does not denote where there are invoices that need to be paid, and are outstanding.

Mr. Malinowski stated p. 411, in the agenda packet, had 22 line items. Prior to this meeting, someone dropped off a page that looks similar that has 37 line items on it. What is the purpose of that one vs. the one in the agenda?

Mr. Niermeier stated what was in the agenda was the old documentation. What was handed out was the revised listing, requested by the ad hoc committee, that takes the overall list that was \$24 million. Now you are looking at one that is \$17 million, and only includes projects under construction, or that have active invoices against it. He stated it was not in the agenda packet because he met the agenda deadline. It was included in the Clerk of Council's weekly report on Friday.

Mr. Malinowski stated on the 1st list, that shows "Widenings", it says, "Amount Needed", almost \$8 million. Yet on the next column over, where it says, "Transfer Project Budget Balance", if you add all those amounts up you are around \$22 million. If you only need \$8 million, why are we transferring \$22 million.

Mr. Beaty stated the balance on the right shows there is an excess of funds available, but we are requesting a less amount.

Mr. Malinowski stated, for clarification, you are showing the amount available, but the amount needed is all that is going to be transferred.

Mr. Beaty responded in the affirmative.

Mr. Malinowski inquired how the funds will be put back into these projects once they are transferred out.

Mr. Beaty stated with a new budget for FY20.

Mr. Malinowski stated, for clarification, we are putting more funds into already overspent projects from projects that are not done yet, and you are telling me that every one of those projects we are

taking money from we will have enough money to replenish.

Mr. Beaty stated, he thinks, you are combining the total cost of the project, over the life of the project vs. the cost that is proposed to be spent in one fiscal year. He thinks we are combining the 2 subject, which is not the intent of the chart. For instance, North Main Street is cost constrained. They thought that \$6 million would be spent in the future, but the contractor is working faster and they need more money this fiscal year to pay the contractor. The total project budget on North Main is not going to change. They just spent more this year than what they thought they were going to.

Mr. Malinowski stated that may be, but you only have some many dollars in the pot to begin with. Once you take them out, where does the dollars come from to put back in.

Mr. Beaty stated that is a broader conversation than what he can present tonight, but the answer is it is going to come out of lower ranked or other projects later in the development process.

Ms. Myers stated, for clarification, we were talking about these all having invoices pending, but there is a column here that says, "No Invoices Pending".

Mr. Niermeier stated they are under construction. That was the instructions they were given at the Transportation Ad Hoc Committee meeting, either under construction or have invoices pending.

Ms. Myers stated, so we have equated acquisition phase, with under construction.

Mr. Niermeier stated the criteria is they either under construction or there is an existing invoice against the project.

Ms. Myers stated, she thought, at the ad hoc committee meeting, we said, "those under construction."

Mr. Jackson stated one of the challenges we have with trying to make a determination about whether or not we are going to complete projects. Whether they are in the acquisition phase, or they are in the construction or right-of-way phase. Until we make that determination, we will have this discussion at every meeting we come to where there is a request for funds to cover acquisitions right-of-way or construction that is being done. We made a determination, as a Council, that we would identify all of the projects that were over the referendum amount, and we would have a plan for how the cost would be covered. The recommendations for that plan was presented, and we voted on that recommendation in the ad hoc committee. It came to Council for discussion, and we were not ready to move forward with that because those modifications to the overall funding plan would impact projects in certain areas of the County. There will be no way that we will move forward with the Penny Projects, as they are designed, and construction underway, until we determine whether or not we want to allow the funding to occur to continue those projects. It is absolutely clear that the schedule that was developed for FY18-19 was a projected schedule. Based upon that projection, some projects were ahead of schedule; therefore, required more funding. Some projects were behind schedule and did not require as much funding. The question is whether or not we are going to figure out a plan beyond this fiscal year, next fiscal year, or the next fiscal year, that will determine which projects can be funded. Which projects will need to be tabled, and which projects will have to be refined or redesigned. We attempted to redesign some projects in here, to shorten some termini. Could not resolve that problem either. If we had shortened some of the termini, on some of those projects, we would have had more funding to be able to move forward. As the Chair of the Transportation Ad Hoc Committee, he would implore every member of

Council to make yourself available for us to have a once, and for all, discussion where we reach a hard and fast decision about which projects are going to continue. Which ones we are going to cease and desist with, as we attempt to bring the overall program in-house. As a reminder, we are only 5 months away from this whole project effort, under the current contract. We need to be vigilant about making sure that we come up with a plan to approve existing projects, and a funding plan to approve those existing projects. As well as, a determination of how we plan to go forward, once we get beyond those we have authorized to be funded, so we do not come back next month the same discussion, about the same issues, when we all know that the funding that is at the end of the road is not enough. He is a little frustrated with us acting as if we do not know that. We have known that since he has been on Council. This is not a new revelation tonight. He would want us to acknowledge that, be honest about that, and make some decisions regarding that rather than continuing to “kick this can down the road” each time this committee attempts to make a report and recommendations to Council.

Ms. Newton wholeheartedly agreed with the comments by Mr. Jackson. She would also add to that institutionalizing how we are going to make these decisions, so every time it comes before us, we can say, this is the process we agreed upon, and that is why we are applying this rubric and criteria. She thinks there is desire, among Councilmembers, to pay outstanding invoices for work that has been done. She wonders if there is mechanism, or motion, that would allow us to pay the vendors that have done good work for Richland County, and then we pause some of these other things so we can have that once and for all conversation.

Ms. McBride stated one of the issues that we raised in the Transportation Ad Hoc Committee was that, by law, based on the referendum, we had established priorities and we could not go back in and change those priorities because they were already established.

Mr. Smith stated he is not certain about the priority issue. He thinks there was a list of projects that were attached to the referendum, which were prioritized, but they also had a dollar amount attached to them. What we talked about was, if you were going to change the dollar, doing a budget amendment, in order to increase some of those numbers. In the same discussion, we also talked about trying to come up with a mechanism, by which Council could determine how it was going to re-prioritize the projects, if you found a need to do so. We had several workshops to talk about that, and what criteria the Council was going to use, if you found a need to re-prioritize those projects.

Ms. McBride stated that is what the ad hoc committee was attempting to do with these issues that are being presented now. The other part, when we are looking at the costs and the design, are we also thinking in the future that we have the funding to do the construction. If not, we are throwing the design money away. There should be a line item budget that we would itemize for construction.

Ms. Dickerson stated she thinks we need to have one final Transportation meeting to discuss the monies. She stated she thought the bond money was supposed to help us out with some of these projects. It seemed to her that we had bond money that we only spent half of, so why are we in debt.

Dr. Thompson stated the bond money was just to accelerate, but we did not use all of the money, so we had to pay the money back. He stated it is a misalignment between construction projects, as well as, the design and acquisition of those projects.

Mr. Livingston stated the committee’s recommendation was to support the budget transfers that were presented to Council.

Mr. Beaty suggested approving only the amounts to pay outstanding invoices.

Mr. Livingston inquired if any of these project may not have an invoice, and may have to stop because they cannot move forward.

Mr. Beaty stated there are some projects in construction where the contractor could be working ahead of the budgeted amount, and that contractor could get caught in the same predicament of not being able to be paid.

Mr. Malinowski stated, what he is not understanding is, if you have a certain amount of dollars in the bank account to pay people doing the work, why are contractors going beyond that and spending more. Were they given the okay to finish the project, and not worry about the costs, or were the contract let saying you have this much dollar amount, and if you want to go over it you have to get permission first.

Mr. Beaty stated, for example, a contractor submitted a bid, and Richland County went into a contract, with that contractor for \$10 million. Separately, Richland County only budgeted \$8 million in that year. The contractor does not know how much was in the budget. He just knows he has a \$10 million contract, and he worked quicker than they thought.

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

Opposed: Malinowski, Newton, Myers, Walker and Dickerson

The motion failed.

Mr. Jackson stated he would like for us to make a determination on how we plan for those outstanding invoices, based upon this motion failing.

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

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

Opposed: Malinowski

The vote was in favor of reconsideration.

Ms. Myers moved, seconded by Ms. Newton, to make the budget transfers, as requested, for all outstanding invoices, and invoices that may come in for work that is currently in progress, as requested by the Transportation Ad Hoc Committee.

Ms. Dickerson stated she will only support this motion if the transfer amounts equal the invoices.

Mr. Walker requested a friendly amendment to allow the transfer for any invoices received, for work performed, prior to May 21st.

Ms. Myers accepted Mr. Walker's friendly amendment.

Mr. Malinowski stated, when you are talking about the invoices to be paid, at some point we have got to put the restriction on when the supplies are purchased. He is not sure about moving 2 weeks

out. He suggested doing it, as of today. He sees this is as a loophole to allow them to order more.

Mr. Walker stated he is trying to not hamstring Mr. Beaty in moving forward, but there is an implied level of responsibility associated with that time window. He inquired if satisfying invoices of May 7th hampstrings Mr. Beaty, or is it necessary to go to the 21st.

Mr. Beaty stated they could pay everything, and continue to move forward, as of today, or they could extend it to May 21st, and verify all work that is invoiced and recommended for payment, by the PDT and staff, prior to payment.

Mr. Walker inquired as to what Dr. Thompson's recommendation would be.

Dr. Thompson stated you could stop it today. The County has 30 days to make payment, so he does not think we will have any interruption.

Mr. Walker withdrew his friendly amendment.

Mr. Beaty stated no projects would be delayed. What we got is past design, or past construction, that has been performed, and contractors have not been able to get paid. If you move forward with allowing us to pay any invoices we have today, that will catch everybody up, and they will not need to be paid again for 2 - 4 weeks.

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

Abstain: Jackson and Manning

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

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

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

Abstain: Jackson and Manning

The motion for reconsideration failed.

- d. Approval of Letter to Award a Bid for Dirt Road Package J – Mr. Jackson stated the committee recommended approval of the letter to award Dirt Road Package J to Cherokee, Inc.

Mr. Malinowski requested a list of the dirt roads in Package J. He inquired if it should be noted that, prior to utilizing the 10% contingency, it must be approved.

Mr. Beaty stated it is recommended, by the PDT, to County staff. The normal process has been that County staff can approve up to that amount, without coming back to Council.

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

The vote in favor was unanimous.

- e. Approval of On-Call Engineering Services Agreement – Mr. Jackson stated the committee recommended to deny the rate increase.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

21. **REPORT OF THE DIRT ROAD AD HOC COMMITTEE**

- a. County Maintained Roads and Public Works Plan – The committee has requested the Public Works Department to bring back a listing of those roads that are being maintained by Public Works and those that are subject exclusively to the Penny, so we can develop a plan to utilize CTC Funds.
- b. Richland County Road Maintenance Fee – The committee requested Public Works and Administration to provide an accounting of the Road Maintenance Fee from 2017 – 2018, along with projects that have been funded through that fee.
- c. Review of Code Sections dealing with driveways and public vs. private roadways – The committee is awaiting a list of those roads, and who is maintaining what roads.

22. **OTHER ITEMS**

- a. A Resolution to appoint and commission Meghan Ashley Fletcher as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services Dept.} – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

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

Present but Not Voting: McBride

The vote in favor was unanimous.

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

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

Opposed: Manning

Present but Not Voting: McBride

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 8:05 PM and came out at approximately 9:51 PM

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

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

Present but Not Voting: McBride

The vote in favor was unanimous.

- a. CDBG Flood Recovery Program – Ms. Myers moved, seconded by Ms. Newton, to direct staff to select an auditor to undertake a compliance, to include operations and finances of the CDBG Program, as discussed in Executive Session.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

- b. City of Columbia: Intergovernmental Agreement for Bulk Water Sale – Ms. Myers moved, seconded by Ms. Newton, to direct staff to offer the Richland County IGA, and continue policy discussions with the City of Columbia, as discussed in Executive Session.

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

The vote in favor was unanimous.

- c. County Administrator Search – Ms. McBride moved, seconded by Ms. Terracio, to accept the names of the four (4) finalists, as presented by the Administrator Search Committee, and that those names be shared with the public. In addition, the process to hire a new Administrator proceed, as discussed in Executive Session.

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

Abstain: Dickerson

The vote in favor was unanimous with Ms. Dickerson abstaining from the vote.

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

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

Present but Not Voting: Manning and Dickerson

The motion for reconsideration failed.

Regular Session

May 7, 2019

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24. **MOTION PERIOD**

- a. Resolution Honoring Jim Gandy upon his retirement from WLTX News/Weather [LIVINGSTON] – Mr. Manning moved, seconded by Ms. Terracio, to adopt a resolution honoring Jim Gandy.

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

The vote in favor was unanimous.

- b. Resolution, in conjunction with the National recognition, that Richland County recognizes May as Lyme Disease Awareness Month [MANNING] – Mr. Manning moved, seconded by Ms. Terracio, to adopt a resolution recognizing May as Lyme Disease Awareness Month.

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

Abstain: Dickerson

Present but Not Voting: Myers

The vote in favor was unanimous.

25. **ADJOURN** – The meeting adjourned at approximately 9:56 PM.