

**RICHLAND COUNTY  
COUNTY COUNCIL AGENDA**

**AMENDED**



**Tuesday, JANUARY 04, 2022**

**6:00 PM**

**COUNCIL CHAMBERS**

# RICHLAND COUNTY COUNCIL 2021



Bill Malinowski  
District 1  
2018-2022



Derrek Pugh  
District 2  
2020-2024



Yvonne McBride  
District 3  
2020-2024



Paul Livingston  
District 4  
2018-2022



Allison Terracio  
District 5  
2018-2022



Joe Walker III  
District 6  
2018-2022



Gretchen Barron  
District 7  
2020-2024



Overture Walker  
District 8  
2020-2024



Jessica Mackey  
District 9  
2020-2024



Cheryl English  
District 10  
2020-2024



Chakisse Newton  
District 11  
2018-2022



Richland County Council

**AMENDED AGENDA**

Regular Session  
January 04, 2022 - 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER**

The Honorable Paul Livingston, Chair  
Richland County Council

a. ROLL CALL

2. **INVOCATION**

The Honorable Cheryl English

3. **PLEDGE OF ALLEGIANCE**

The Honorable Cheryl English

4. **ADOPTION OF AGENDA**

The Honorable Paul Livingston

5. **ELECTION OF THE CHAIR**

a. 2.7 Election

The Chair shall be elected at the first regular or special called meeting of the Council in January, or as soon thereafter as may be practical, by the membership of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.

6. **ELECTION OF VICE-CHAIR**

a. 2.8 Vice Chair

The Vice Chair shall be elected either at the first regular or special called Council meeting in January or as soon thereafter as may be practical. The Vice Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council. The Vice Chair shall preside in the absence of the Chair.

**7. SELECTION OF SEATS**

- a. 3.1 SEATING: At the first meeting in January after the election and seating of the Chair and Vice-Chair, Council members shall select their seats based on seniority in years of continuous service and then in alphabetical order.

LIVINGSTON  
MALINOWSKI  
MCBRIDE  
NEWTON  
TERRACIO  
J. WALKER  
ENGLISH  
BARRON  
MACKEY  
PUGH  
O. WALKER

**8. SECOND READING ITEMS**

- a. An Ordinance establishing new electoral districts for the election of members of Richland County Council pursuant to the United States Census of 2020 and in compliance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended [PAGES 7-8]

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

The Honorable Bill Malinowski

- a. Richland County Sheriff's Department - School Resource Officer Grant [PAGES 9-13]

**10. OTHER ITEMS**

- a. Review of "An Emergency Ordinance extending previous emergency ordinance requiring the wearing of face masks to help alleviate the spread of COVID-19, specifically the recent surge in the delta variant" [PAGES 14-15]

**11. MOTION PERIOD**

- a. I move to have staff amend section 26-186 (Development with Open Space Design Standards) of the Land Development Code by amending the formula used in determining the total number of units allowed in the utilization of density-based and density bonus design standards by subtracting the constrained open space area

The Honorable Bill Malinowski

acreage from the total site acreage prior to calculating. In addition, all lots must conform to the DHEC minimum required sizes so no bonus allows that lot size to be less than the DHEC requirement.

## **12. ADJOURNMENT**



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-21HR

AN ORDINANCE ESTABLISHING NEW ELECTORAL DISTRICTS FOR THE ELECTION OF MEMBERS OF RICHLAND COUNTY COUNCIL PURSUANT TO THE UNITED STATES CENSUS OF 2020 AND IN COMPLIANCE WITH SECTION 4-9-90 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. Incident to the adoption of this Ordinance, the County Council of Richland County, South Carolina, finds, as a fact, that each of the statements hereinafter set forth is in all respects true and correct:

(a) The United States Department of Commerce has declared final the results of the federal decennial census of 2020 (the “2020 Census”); and

(b) In compliance with the United States Constitution, the Constitution of the State of South Carolina, Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended, Act No. 881, 1976 S.C. Acts 2501, and relevant portions of the United States Voting Rights Act, as amended, the Council has determined to realign the electoral districts for the election of members of Council in accordance with the 2020 Census and is adopting this Ordinance for that purpose.

SECTION II. From and after the effective date of this Ordinance as defined hereinafter, the County shall be divided into eleven (11) new districts for the purpose of electing members to the Council. Each new district shall be entitled to elect one (1) member of Council in accordance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended. The new districts are as defined and delineated on the schedule of precincts and voting districts [Exhibit A], and as shown on the series of eleven (11) maps [Exhibit B], all of which are attached hereto and incorporated herein.

SECTION III. The Richland County Board of Elections and Voter Registration is hereby directed, immediately upon the effective date hereof, to undertake, by and with the South Carolina Election Commission, all steps necessary for holding elections for members of the Council according to the regular schedule for the general election on November 8, 2022, in such of the new districts as is required in accordance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended.

SECTION IV. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION V. Conflicting Ordinances Repealed. All other ordinances previously adopted establishing electoral districts for the members of the Richland County Council that are inconsistent with this ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION VI. Effective Date. This Ordinance is effective immediately upon third reading of the same.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST this the \_\_\_\_\_ day of  
\_\_\_\_\_, 2021.

\_\_\_\_\_  
Anette Kirylo  
Clerk of Council

First Reading:  
Public Hearing:  
Second Reading:  
Third Reading:





Richland County Council  
**Minutes {Excerpt}**  
Administration and Finance Committee  
December 16, 2021  
Council Chambers  
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Bill Malinowski, Chair, Yvonne McBride, J. Walker, Overture Walker and Jessica Mackey

OTHERS PRESENT: Paul Livingston, Cheryl English, Gretchen Barron, Michelle Onley, Anette Kirylo, Tamar Black, Leonardo Brown, Patrick Wright, Steven Gaither, Stacey Hamm, Syndi Castelluccio, Randy Pruitt, Harry Polis, Michael Maloney, John Ansell, Angela Weathersby, Kyle Holsclaw, Justin Landy, Aundria Holloman, Jennifer Wladischkin, Bill Davis, Michael Byrd and Dale Welch

**ITEMS FOR ACTION**

- a. **Richland County Sheriff's Department - School Resource Officer Grant** – Mr. Malinowski noted the item was not properly before them because the information was received after the agenda deadline; however, it needs to be addressed since it is time-sensitive.

Mr. Walker moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the grant, if awarded, for up to ten (10) additional School Resource Officers to be assigned to the Sheriff's Department and placed in Richland School District Two.

Mr. Malinowski inquired, if approved, will the ten (10) officers come from the current complement of deputies.

Chief Polis responded in the affirmative.

Mr. Malinowski stated his concern is how these deputies will be replaced.

Chief Polis responded the goal is to get the deputies hired as quickly as possible, get them trained and into the schools. They may have to reallocate resources within the department to ensure the positions are filled, based on the State's appropriation and rules of the grant.

Mr. Malinowski inquired if the grant money would be provided directly to the Sheriff's Department or to the schools. He noted one of the concerns was the grant becoming a part of the Sheriff's Department's appropriation and funding.

Mr. Wright responded, after his correspondence with Chief Polis, and reviewing the grant, it

**Administration and Finance Committee  
December 16, 2021**

appears the funds go directly to the Sheriff's Department.

Chief Polis stated, the funds would go directly to the County. The Budget Office would reimburse the Sheriff's line item, based on the appropriation from the State.

Mr. Malinowski inquired if it could be stated that the grant is being used strictly for this purpose, and if this program were to end, the County would not be obligated to provide the additional funding.

Mr. Wright responded, if the grant were to end, the School District has agreed to pay 100% of the cost for the positions.

Mr. Malinowski inquired, if the School District would take it out of their current budget, or would the future budget increase to cover the costs.

Mr. Manning stated, should it come to the district to fund, they would have to see what funds were available. They might have to go into their reserve fund, or ask for a millage increase. It would be determined by the needs of the district and the future year's budget, as it would affect the funding for teachers/classrooms. He noted the district is committed to work with the County.

Ms. Mackey inquired if there is an agreement with the School District that states they will provide funding, if the grant ends.

Chief Polis responded there is not a formal document, but they have had discussions, and they believe the School District is prepared to work closely with the County to ensure the safety of the schools that the positions are funded.

Mr. Livingston inquired if the State is committed to this being a recurring grant for "x" number of years.

Chief Polis responded, his understanding is, this is going to continue beyond this fiscal year.

Mr. Livingston inquired how long it is going to be recurring.

Chief Polis responded no end date has been provided.

Ms. McBride inquired if this is State or Federal funds.

Chief Polis responded it is State funds.

Ms. McBride noted, if there was a budgeting issue, it would not be the County's obligation. She inquired who is paying for School Resource Officers in other districts.

Chief Polis responded the school districts, in connection with the County, pays for the School Resource Officer's Program. It is percentage based, and roughly 50% is paid by School District II, and the County covers the other 50%. School District I pays approximately 75% and the County pays the remaining 25%.

Ms. McBride stated, in the future, they need to vet this more thoroughly.

Ms. Barron noted her youngest son attends one of the schools that does not have a SRO, so she wants this to happen. However, she expressed her concerns regarding the School District not

presenting a concrete plan or a signed document to the committee.

Mr. James Manning, Richland County School Board District 2 Vice Chair, stated Richland Two School Board has not received a draft document to consider. They have been advised by legal counsel about binding future boards, which would need to be considered in the document.

Richland County School Board District 2 Chair, Dr. Teresa Holmes stated Richland District II wants to have an officer in every school because the safety of the students is important.

Mr. Manning stated they are applying for ten (10) officers, but that does not mean they will get ten (10). The current board is committed to ensuring there are resource officers in the remaining schools, so if they are not awarded all ten (10) they will find money in the budget to cover the remaining schools.

Ms. Barron inquired why the school district did not have a copy of the MOU.

Chief Polis responded, in the interest of getting something in front of the committee, the Sheriff's Department's attorney draft a sample document. The Sheriff's Department was awaiting feedback from the County Attorney's Office before providing the document to the School District.

Ms. Barron inquired if the Sheriff's Department needs to take additional steps before this process can be finalized.

Chief Polis responded it is ultimately up to the body on how to move forward.

Mr. O. Walker inquired if the funds are coming from the State as part of a grant.

Chief Polis responded in the affirmative.

Mr. O. Walker inquired if the County would have to give its imprimatur and the green light for these funds.

Chief Polis responded in the affirmative.

Mr. O. Walker inquired if the funds will be coming from the State Treasurer's Office directly to Richland County, and once "touched" the County owns it.

Chief Polis responded in the affirmative.

Mr. O. Walker inquired if a check will be issued to the Sheriff's Department as reimbursement for the School Resource Officers, whether it was three (3), five (5), or ten (10).

Chief Polis responded in the affirmative.

Mr. O. Walker noted it will be recurring funds, but they do not have a firm answer on how long those dollars will be recurring. In the event the appropriation is not renewed by the State, the County will be responsible for funding the SROs.

Chief Polis answered in the affirmative.

Mr. O. Walker inquired if there was a binding agreement signed between the Sherriff's Department

and Richland County 2 in the event the appropriation was not renewed.

Chief Polis answered in the affirmative.

Mr. O. Walker inquired if there are any other districts receiving the SRO appropriation, or are they paying for them out of their budget.

Chief Polis responded, to his knowledge, there are no other school districts receiving State appropriations.

Mr. O. Walker inquired about the time line.

Chief Polis responded, around January 1<sup>st</sup>, they will be notified by the State on how many, if any, positions have been awarded. The positions have to be filled, and deputies in schools, by March 31, 2022.

Mr. O. Walker noted this is something we want to see happen, but there is a concern about adding to the Sheriff's Department's budget. He requested assurance, preferably in writing, if the appropriation is not renewed the School District would pick up the tab.

Mr. Livingston inquired who submitted the grant to the State.

Chief Polis responded the paperwork is completed by the school district and submitted by the Sheriff's Department to the State. He noted, on October 6, the Richland School District II Superintendent, Dr. Davis, made the request in writing. The School District and the Sheriff's Department worked together to identify the ten (10) schools.

Mr. Livingston inquired if the funds could be given to the County, and the County provide the funds directly to the School District.

Chief Polis responded, based on the terms of the grant, the Sheriff's Department has to implement the grant.

Ms. Mackey noted she understands Mr. Manning's point of not wanting to tie the hands of future boards, but this grant puts Council in the position to do so. She suggested working with the Budget Department to ensure we account for the funding, as we are the ones collecting it, as we move forward with the budget.

Mr. Malinowski requested the County Attorney to review the grant to see if there is a way the funds could be given directly to the School District.

Chief Polis stated the grant requires the law enforcement agency has to handle the grant.

Mr. Manning stated, depending on the language, the Board may be able to sign the document, but he does not want to overcommit without seeing the document. He noted, if Council did not apply for the grant, it would saddle the district with the entire cost of the SROs. He noted they have found weapons at some of their schools, and they need SROs to ensure the safety of their students.

Dr. Holmes stated they are committed to this because it is something needed as schools are changing, and the climate is different; therefore, there is a need for resource officers in schools. She noted they would appreciate the County's assistance with the grant.

Ms. English stated, as a former mental health counselor in the schools, she understands the importance of SROs. She thanked everyone for bringing this item to Council.

Mr. Wright stated the County has the same restraints as binding future bodies, but they enter into MOUs. He inquired as to why the School District could not sign the MOU.

In Favor: Malinowski, McBride, J. Walker, O. Walker and Mackey

The vote in favor was unanimous to forward this item to Council with a recommendation to approve the grant, if awarded, for up to ten (10) additional School Resource Officers to be assigned to the Sheriff's Department and placed in Richland School District Two.

Mr. Malinowski moved, seconded by Mr. J. Walker, to add this item to the January 4, 2022 Council meeting.

In Favor: Malinowski, McBride, J. Walker, O. Walker and Mackey

The vote in favor was unanimous

Mr. Malinowski requested that staff get the information to Council as soon as possible.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 049-21HR

**AN EMERGENCY ORDINANCE EXTENDING PREVIOUS EMERGENCY ORDINANCE REQUIRING THE WEARING OF FACE MASKS TO HELP ALLEVIATE THE SPREAD OF COVID 19, SPECIFICALLY THE RECENT SURGE IN THE DELTA VARIANT.**

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I.

**WHEREAS**, on September 14, 2021, Richland County Council passed Ordinance 036-21HR, an Emergency Ordinance Requiring the Wearing of Face Masks to Help Alleviate the Spread of COVID-19, Specifically the Recent Surge in the Delta Variant; and,

**WHEREAS**, the Council finds that the emergency conditions present on September 14, 2021, are still present today; and,

**WHEREAS**, South Carolina Code of Laws Annotated Section 4-9-25 provides that:

All counties of the State, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them. The powers of a county must be liberally construed in favor of the county and the specific mention of particular powers may not be construed as limiting in any manner the general powers of counties.

**WHEREAS**, South Carolina Code of Laws Annotated Section 4-9-130 provides that:

To meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment; and

**WHEREAS**, Richland County Code of Ordinances; Chapter 2, Administration, Article II, County Council, Division 2, Ordinances, Section 2-31 provides:

(a) An emergency ordinance may be enacted only to meet public emergencies affecting life, health, safety, or the property of the people. Such an ordinance may not levy taxes, grant, renew or extend a franchise nor may it impose or change a service rate;

(b) Each emergency ordinance shall contain a declaration that an emergency exists, defining the emergency, and shall be entitled an "Emergency

Ordinance";

(c) Emergency ordinances require no readings or prior publications before adoption by county council;

(d) Emergency ordinances require a two-thirds (2/3) affirmative vote of members present for adoption;

(e) An emergency ordinance is effective immediately on the date of adoption and shall expire automatically on the sixty-first day following the date of enactment; and.

(f) The clerk of council shall be responsible for indexing and providing for compilation of the emergency ordinance adopted and shall, with the county attorney's assistance, cause a copy of the emergency ordinance to be filed in the office of the clerk of court;

**WHEREAS**, in light of the foregoing, County Council deems it proper and necessary to extend Emergency Ordinance 036-21HR and its subsequent extensions;


**NOW, THEREFORE**, by virtue of the authority vested in the governing body of Richland County pursuant to Home Rule, S.C.Code Ann. Sections 4-9-25 and 4-9-130, and in accordance with the requirements of S.C.Code Ann. Section 4-9-130 and Richland County Code of Ordinances, Chapter 2, Administration, Article II, County Council, Division 2, Ordinances, Section 2-31, and in light of the foregoing, the governing body of Richland County declares that an emergency exists with respect to the presence of and the spread of the Coronavirus (COVID-19), and pursuant to the above authorities, and incorporating the federal and state emergency declarations, orders, measures, guidance and recommendations set forth in the prefatory clauses hereinabove, extends EMERGENCY ORDINANCE 036-21HR, for an additional 60 days, as allowed by law.

**SECTION II. Severability.** If any section, subsection, or clause of this Emergency Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

**SECTION III. Conflicting Ordinances Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


**SECTION IV. Effective Date.** This Emergency Ordinance shall be effective beginning on November 9, 2021. This Ordinance shall automatically expire on the 61st day after enactment of this Ordinance.

RICHLAND COUNTY, SOUTH CAROLINA

By:   
Paul Livingston, Chair  
Richland County Council

ATTEST THIS 9<sup>th</sup> DAY OF

November, 2021

  
Michelle Onley  
Deputy Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only  
No Opinion Rendered As To Content