



Richland County Council  
Regular Session  
May 18, 2021 – 6:00 PM  
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Paul Livingston Chair, Yvonne McBride, Vice-Chair, Bill Malinowski, Derrek Pugh, Allison Terracio, Joe Walker, Gretchen Barron, Overture Walker, Cheryl English and Chakisse Newton

OTHERS PRESENT: Leonardo Brown, Tamar Black, Angela Weathersby, Ashiya Myers, John Thompson, Lori Thomas, Bill Davis, Dwight Hanna, Clayton Voignier, Judy Cater, Michael Niermeier, Randy Pruitt, Kyle Holsclaw, Sandra Haynes, Stacey Hamm, Michael Byrd, Ronaldo Myers, Jeff Ruble, Brittney Hoyle-Terry and Andrea Mathis, Dale Welch, Lauren Hogan, Chris Eversmann, Brian Crooks, Jessica Mancine, Dante Roberts and Geo Price

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 Jesica Mackey.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Jesica Mackey.
4. **PRESENTATION OF PROCLAMATIONS**
  - a. A Proclamation Recognizing May 2021 as Bike Month in Richland County [TERRACIO and BARRON] – Ms. Terracio read the proclamation into the record.
  - b. A Proclamation Proclaiming May 24, 2021 as “Meatless Monday” in Richland County [TERRACIO, O. WALKER, BARRON and McBRIDE] – Ms. Terracio read the proclamation into the record.  
  
POINT OF PERSONAL PRIVILEGE – Ms. Terracio recognized Ms. Sue Doran to make remarks regarding “Meatless Monday”.
  - c. A Proclamation Honoring “National Public Works Week”: May 16-22, 2021 – Ms. Mathis read the proclamation into the record.

**APPROVAL OF MINUTES**

5.
  - a. Regular Session: May 4, 2021 – Ms. McBride moved, seconded by Mr. Pugh, to approve the minutes as distributed.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

Regular Session  
May 18, 2021

6. **ADOPTION OF AGENDA** – Mr. Malinowski requested to remove Items 17(a)(2), (3), and (4).

Ms. McBride moved, seconded by Mr. Pugh, to adopt the agenda as amended.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

**REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS**

7.

- a. Richland County vs. SCDOR/Reames: Legal Update/Legal Advice/Settlement Discussions
- b. Richland County Face Mask Ordinance Extension: Legal Advice
- c. 911 Call Center Proposal: Contractual/Legal Advice
- d. County Attorney Search Update

Mr. Malinowski moved, seconded by Mr. O. Walker, to defer Item 7(a).

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton.

Opposed: J. Walker

The vote was in favor.

Ms. Terracio moved, seconded by Ms. McBride, to go into the Executive Session to take up Item 7(d): County Attorney Search Update.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: Malinowski and J. Walker

The vote in favor.

***Council went into Executive Session at approximately 6:22 PM and came out at approximately 7:02 PM***

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

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

County Attorney Search Update – Ms. McBride moved, seconded by Mr. Pugh, to move forward with using the job description, as discussed, and to conduct the job announcement for the County Attorney position.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

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

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

8. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public – Mr. Larry Smalls provided comments regarding the face mask ordinance.

9. **CITIZEN'S INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at time.) – No comments were received for this item.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown stated from the percent positive for the County was 3.9%, which remains below the 5% goal. We are still showing that we are in the moderate range; however, the overall number are declining.

The County has approved \$1.5M in approved payments through the Rental Assistance Program. In the agenda packet, there is a breakdown of individuals by zip code, as well as a breakdown of approved applications by zip code. Additionally, on p. 29, there is a projection of when the ERA funds will be expended. This program was designed to get fast spending of the funds out to the community. The entities that spend the funds slowly, could potentially have remaining funds moved to agencies that have spent at least 65% of the funds.

Ms. Newton stated, for clarification, our goal is to expend at least 65% of the funds, so we are eligible for additional funds.

Mr. Brown responded in the affirmative.

Ms. Mackey inquired if the State has opened up their application process, and if it has caused any confusion with the County's process.

Mr. Brown responded the State has opened up their program. The County has met with the State to coordinate efforts. To his knowledge, there has not been a decrease in the number of citizens applying through the County.

Ms. McBride inquired about the number of individuals that have received funding.

Mr. King responded approximately 364 residents have received assistance.

Ms. McBride stated she is more interested in working with individuals in need, and not the percentage of funds we have left. She noted she has spoken with community workers/individuals that have not heard of the program. She would like the County to consider piloting a program with some of the non-profits in the community to see if we can reach individuals in need.

Mr. Brown stated the Government and Community Services has been working on engaging the faith-based community.

Ms. Barron noted "boots on the ground" community canvassing would serve us well. She likes the idea of partnering with organizations to disseminate the information about the funding.

Ms. English noted many of the faith-based organizations have established foundations that can assist, and are willing to work with the County on this initiative.

Mr. Brown noted there is new guidance from the CDC for fully vaccinated people.

- b. Land Development Code Rewrite – Mr. Brown stated, his understanding is, the County engaged a consultant for the Code Rewrite. The consultant projected a completion date of 2 years, but it has been approximately 4 years since the project began. The consultant is attempting to complete the project and produce a product for Richland County. Staff will be providing a robust timeline and outlook concerning this item since 2017. In addition, there will be upcoming public forums available for citizens to participate. First Reading/Public Hearing is slated for June 22, with Second Reading and Third Reading/Public Hearing occurring July 13 and July 20, respectively.

Mr. O. Walker inquired about noticing these public forums for the citizens.

Mr. Crooks responded an initial notice has been provided through the PIO Office. In addition, they have worked with Government and Community Services to provide information through their various newsletters. There is a plan to provide a printed copy at the library branches.

Ms. Newton inquired if the copies at the library are for citizens to take with them, or only to review at the library.

Mr. Crooks responded intent is for the citizens to only review the plan at the library.

Ms. Newton requested a "cheat sheet" for those individuals that do not want to review the entire document.

Ms. McBride inquired about the cost to engage the consultant.

Mr. Brown responded he believes the cost was approximately \$225,000.

Ms. McBride inquired if the consultants are involved in the community meetings.

Mr. Crooks responded County staff will be leading the meetings.

Ms. McBride noted the questionnaire provided to Councilmembers were open ended. She inquired if there was a questionnaire that had choices to be selected from.

Mr. Crooks responded he believes that was possible. Staff was looking for Council's opinion, and they will be looking at those at the work session.

Mr. Malinowski inquired about the length of each public forum meeting.

Mr. Crooks responded the meetings are scheduled for 1 ½ hours, but the time can be expanded.

Mr. Malinowski noted there are conflicts with the budget meetings and the public forum meetings. He believes there should have been better coordination with the scheduling of the public meetings.

Ms. Mackey stated she believes there needs to be a more robust public engagement effort because of the amount of work and time we have put into this document. She requested a public engagement plan, so Council knows all of the opportunities the constituents have to get involved. In addition, there needs to be more than virtual meetings.

Mr. Brown stated the consultant, at this point, is looking to know what information they have developed where there are questions or needs to be addressed so they can wrap the engagement with the County up. Prior to COVID-19, there was direct citizen engagement associated with this project.

Ms. Newton noted, although it is true there have been opportunities for the public to engage, there are large swaths of the community who were unaware of the process. Therefore, we need to find a way to bridge the gap.

11. **REPORT OF THE CLERK OF COUNCIL** – Ms. Mathis provided Council the dates of the upcoming meetings.

Ms. Black will be contacting each Council member to schedule 5-minute interviews with PIO staff.

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

13. **OPEN / CLOSE PUBLIC HEARINGS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a public infrastructure credit agreement to provide for public infrastructure credits to Catawba Apartments, LLC, a company previously identified as Project Catawba; and other related matters – No comments were received for this item.

14. **THIRD READING ITEMS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a public infrastructure credit agreement to provide for public infrastructure credits to Catawba Apartments, LLC, a company previously identified as Project Catawba; and other related matters – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

Ms. Terracio stated, it is her understanding, the developer has been working with the City of Columbia regarding some commitments. She requested those commitments be shared with the County.

Mr. Tushar Chikhliker, Nexsen Pruet, stated there have been a number of meetings with the City of Columbia, the neighborhood and USC to understand their concerns, and have come to an agreement on additional commitments. The commitments largely fall into the categories of affordable housing and safety.

Mr. Adam Beck stated they have agreed to make 14 of the 278 units (5%) income restricted, with 5 being limited to 50% of the median income, and the remaining 80% of the median income. The leasing will be done by the unit and not by the bed. They have been working with the City of Columbia and USC on some safety concerns related to a railroad crossing on Lincoln Street. Funds have been committed to help approve the stormwater runoff and the wetlands areas on the eastern border of the project. There have been discussions with the COMET to add a bus stop for the residents on the northeast corner of Catawba Street.

Ms. Terracio inquired if there have been any thoughts about holding tenants accountable for their actions, and being good neighbors.

Mr. Beck responded the project will be self-managed, and will not be managed by a third-party company. He stated they will be conducting background checks, and all tenants will be required to sign a code of conduct.

Ms. Terracio inquired about the status of this item with the City of Columbia.

Mr. Chikhliker responded the project has received First Reading with the City. They are working with the City of Columbia on how to document the commitments. The hope is to be able to move forward with Second Reading at the June 1<sup>st</sup> City Council meeting.

In Favor: Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, English and Newton

Opposed: Malinowski

Ms. Mackey recused herself from the vote due to her parent company representing the client.

The vote was in favor.

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

In Favor: Malinowski

Opposed: Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, English and Newton

The motion for reconsideration failed.

## 15. **SECOND READING ITEMS**

- a. Providing for the issuance of refunding revenue bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$18,000,000 to refund the County's outstanding Village at Sandhill Improvement District Assessment Revenue Bonds, Series 2004, and other matters relating thereto – Ms. Mackey moved, seconded by Ms. McBride, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey,

English and Newton

The vote in favor was unanimous.

- b. Providing for the issuance of General Obligation bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$13,000,000 to refund a portion of the County's outstanding General Obligation bonds; and other related matters – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

- c. 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 Curb 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. Barron, to approve this item.

Mr. Malinowski requested Exhibit A be provided by Third Reading.

Ms. Terracio requested a brief description of this project.

Ms. McBride stated this is a proposed FILOT to support the expansion of an existing manufacturer of packaging materials located near Blythewood. The expansion represented a capital investment of \$21M and the creation of 165 new jobs at an average wage of \$17/hr.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

- d. 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 a company known for the time being as Project Coyote, to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Ms. McBride moved, seconded by O. Walker, to approve this item.

Ms. McBride stated this is a proposed FILOT for an existing manufacturer of building materials that is considering the consolidation of operations to Richland County, and an expansion of their existing operations. The project represents an investment of \$4.8M and the creation of 20 new jobs at an average wage of more than \$21/hr.

Ms. Newton noted she would like to have a discussion about the County's FILOT agreements and the threshold for them.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

16. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. A Resolution (1) approving the assignment to Treap the Row at the Stadium Owner LLC of all the rights, interests, and obligations of Reign Living WB, LLC (as successor in interest by assignment to Reign Living Columbia, LLC (f/k/a Reign Living LLC) (“Reign Living”) under that certain infrastructure credit agreement Reign Living and Richland County, South Carolina (“Credit Agreement”); (2) authorizing the County’s execution and delivery of an assignment and assumption of infrastructure credit agreement in connection with such assignment ; and (3) authorizing other matters related thereto – Ms. McBride stated this a resolution to approve the assignment of the County’s infrastructure credit agreement with Reign Living to a new owner, Treap the Row at the Stadium Owner, LLC, and to allow the County to execute documents associated with the transfer. The committee recommended approval of this item.

In Favor: Pugh, McBride, Livingston, J. Walker, Barron, O. Walker, English and Newton

Opposed: Malinowski and Terracio

Ms. Mackey recused herself from the vote due to her parent company representing the client.

The vote was in favor.

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

In Favor: Malinowski and Terracio

Opposed: Pugh, McBride, Livingston, J. Walker, Barron, O. Walker, English and Newton

The motion for reconsideration failed.

Mr. J. Walker requested confirmation that this item does not require 3 Readings and a public hearing.

Ms. McLean confirmed the item only required one reading.

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

***I. NOTIFICATION OF APPOINTMENTS***

- a. Community Relations Council – 8 – Mr. Malinowski stated the committee recommended appointing Mr. William Zachery Riley, Mr. Derrick Fickling, Ms. Maranda J. Williams, Ms. Kira Person, Ms. Heather Singleton, Ms. Yvonne Murray-Boyles, Ms. Demestress “Dee” Bell-Williams and Ms. Jonnieka Farr.

Ms. Barron noted Mr. William Zachery Riley and Ms. Jonnieka Farr are incumbents.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

- b. Transportation Penny Advisory Committee – 5 – This item was held in committee.



c. Hospitality Tax Advisory Committee – 5 – This item was held in committee.

d. Board of Assessment and Appeals – 1 – This item was held in committee.

18. **REPORT OF THE EMPLOYEE EVALUATION AND OVERSIGHT AD HOC COMMITTEE** – This item was taken up during Executive Session.

19. **OTHER ITEMS**

a. Taylor's Community Improvement Funds – Mr. Brown stated this item was previously before Council, and was deferred to address Council's questions. The responses to those questions can be found in the agenda packet. He noted the Government and Community Services Department were able to locate an existing homeowners/neighborhood group.

Mr. Malinowski noted, on p. 335, it states, "Depending on the measures implemented, limited maintenance costs may be associated with the projects..." He contends these are private funds going for private use. There should be no taxpayer dollars used for maintenance.

Mr. Malinowski moved, seconded by Mr. J. Walker, to provide the funds to the homeowner association and expended according to the agreement.

Ms. Barron made a friendly amendment to receive an update on if the funds were expended within the guidelines provided in the agreement.

Ms. Terracio inquired if Legal had any concerns.

Ms. McLean responded she did not have any concerns, as long as the language provided is complied with. She does agree with having some measure of control so the County knows what is happening with the funds.

Ms. Newton inquired, if this is approved, will a document come back to the body that outlines the parameters.

Mr. Malinowski stated, if it is the will of Council, the document can come back before it is provided to the community.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

b. Intergovernmental Agreement with the Town of Arcadia Lakes – Mr. Brown stated this item was previously before Council. The responses to Council's questions can be found on p. 398 in the agenda packet.

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

Mr. Malinowski inquired about the updates to the agreement.

Ms. Hogan responded language was added to address if additional costs were incurred.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

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

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

- c. FY21 – District 4 Hospitality Tax Allocation – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: J. Walker

The vote was in favor.

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

In Favor: J. Walker

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

## 20. EXECUTIVE SESSION

- a. Richland County Face Mask Ordinance Extension: Legal Advice

- b. 911 Center Proposal: Contractual/Legal Advice

Mr. Malinowski moved, seconded by Mr. J. Walker, to end Richland County's face mask ordinance requirement.

Mr. Livingston inquired if the face mask ordinance extension has to be taken up in Executive Session.

Ms. McLean responded Council is not required to go into Executive Session, it is always at the discretion of Council.

Ms. Terracio noted the current ordinance is set to expire on June 5<sup>th</sup>. She inquired, if Council cancelled the ordinance today, what effect would that have on County staff and the libraries.

Ms. McLean responded Council, and the Administrator, make rules about public buildings whether they are in an ordinance or not. The ordinance relates to businesses, and other areas in Richland

County. There is not anything stopping a business entity from requiring a face mask.

Ms. Terracio requested the Administrator to address how cancelling the face mask ordinance would affect County staff.

Mr. Brown stated this would not prohibit staff members from wearing masks. In terms of County facilities, we could still have screenings and face mask requirements. He inquired if it is Council's intent that citizens would be able to enter County facilities, and not be required to wear a mask.

Ms. Terracio inquired if the Administrator would be able to require masks in County facilities through policy.

Mr. Brown responded, if Council removes the mask ordinance, he would have the ability to communicate that masks are not required, but staff and citizens could wear a mask if they so choose.

Ms. McLean inquired if Mr. Malinowski's intent is to repeal the current ordinance.

Mr. Malinowski responded in the affirmative.

Ms. Mackey stated her concern is if County staff will be able to quickly make the transition.

Mr. Brown responded there are staff members attending the meeting that could share the information when they come into the office tomorrow. The signage would be able to be changed within a day.

Ms. Mackey noted she is still concerned about the safety of the County employees and those citizens coming into the County facilities. She does not believe there is proper measures in place.

Ms. Barron stated she is also concerned about staff and the citizens. The information provided by the CDC states it is safe for vaccinated individuals to not wear masks. If individuals are not vaccinated they need to continue to wear a mask. She requested Council to take into consideration the safety of the County staff and the citizens they will come into contact with.

Mr. Malinowski noted the Administrator still has the ability to make it a requirement that employees who are not vaccinated must wear their masks.

Ms. Newton made a substitute motion, Ms. McBride, to continue the mask ordinance, until its expiration on June 5<sup>th</sup>. During that time, we dramatically increase our efforts to promote vaccinations in Richland County, and mask wearing among those that are not vaccinated.

Mr. Pugh noted Council is making a decision about rescinding the mask ordinance on a Zoom meeting because we do not feel comfortable with meeting in Chambers.

Mr. Malinowski inquired what happens when June 5<sup>th</sup> comes and only 5% more are vaccinated. Will the mask ordinance be extended again?

Ms. Newton responded she would prefer to have the mask ordinance stay in place until there was a higher vaccination rate, but she recognizes, in this environment, she does not think it is practical. She suggested using the next 2 weeks to come up with a plan to address employee and constituent safety in County facilities.

Mr. Malinowski noted he would support Mr. Brown taking the precautions he feels necessary in relation to County buildings and staff.

Ms. Terracio inquired if the Governor's Order would prevent the County from letting the mask ordinance to run its course.

Ms. McLean responded she did not feel comfortable addressing Ms. Terracio's question in open session.

Mr. Livingston inquired, if the ordinance was suspended, would individuals entering County buildings be required to wear masks.

Ms. McLean responded that would be at the discretion of Council and the Administrator. She noted this would not apply to buildings the Administrator does not have control over (i.e. Township, libraries).

Mr. Livingston inquired what portions of the current ordinance are in conflict with CDC guidelines.

Ms. McLean responded she does not believe the CDC guidelines were mentioned in any clause; therefore, she does not think there is an issue.

Mr. J. Walker stated the CDC guidance that has been issued indicates those vaccinated should be afforded the opportunity to enjoy the results of the vaccination. Therefore, why would we not immediately look at the opportunity to lift the mask ordinance off of those that have taken the steps to be vaccinated?

Mr. J. Walker made a second substitute motion, seconded by Ms. Terracio, to not rescind the existing mask ordinance, but to omit those who have been fully vaccinated, and readdress the mask ordinance on June 5<sup>th</sup>.

Ms. McLean stated she is concerned about amending an emergency ordinance in this manner. She indicated you can pass an emergency ordinance with one reading; however, is the amendment an emergency as well.

Mr. J. Walker requested a recommendation to achieve the intent of his motion, within the parameters that Legal believes is appropriate.

Ms. McLean responded, unfortunately, she is not sure how to assist Mr. J. Walker. The only options with an ordinance are 3 readings and a public hearing or an emergency ordinance. If Council is going to take a vote that the amendment is an emergency, you could do that.

Mr. Livingston stated, for clarification, if we were to keep the ordinance in place, but not enforce it on individuals who are fully vaccinated, it would be a problem.

Ms. McLean responded we should fully enforce the ordinance. There is not really a way to have an ordinance, and not enforce it on certain individuals.

Ms. Newton stated her concern is that we have time to craft County policies for County buildings. We can allow private businesses/employers handle the guidelines the way they want.

Ms. McBride called for the question, seconded by Ms. Newton.

In Favor: Malinowski, McBride, Livingston, Terracio, J. Walker

Opposed: Pugh, Barron, O. Walker, English and Newton

The motion to call for the question failed.

Mr. J. Walker stated, based on Ms. McLean's statement, he would suggest this is absolutely a change in the current state of emergency, and as we continue to receive guidance from national level healthcare providers, it is appropriate that we amend our ordinances, as guidance is received.

Mr. O. Walker inquired, if Council decides to make an amendment to the ordinance, and make it effective immediately, it would have to be an emergency. It is his understanding, we cannot just declare an emergency, there have to be reasons stated.

Ms. McLean responded in the affirmative.

Mr. O. Walker inquired, if we are going to amend by the conventional means, we would have to go through 3 readings.

Ms. McLean responded in the affirmative.

Mr. O. Walker stated he does not know how making an amendment to the ordinance would be tantamount to an emergency. He noted we need to think hard about making an amendment without having a reason, or basis, for declaring what the new emergency is.

Mr. Livingston responded, by excluding those individuals that have been vaccinated, it may help increase the number of persons being vaccinated.

Ms. Barron inquired if we are dealing with an emergency.

Ms. McLean responded Council will need to make that decision. In the original emergency ordinance, Council made some findings and declarations about the emergency, so Council would need to do the same thing in this instance.

Ms. Barron inquired, if we are to deem this an emergency, we would need proper documentation and/or statement.

Ms. McLean responded in the affirmative.

Ms. Barron requested Mr. Brown's thoughts on moving forward with the amended emergency ordinance.

Mr. Brown responded he would communicate to staff that anyone who wants to continue to wear a mask, whether vaccinated or not, he would support them wearing a mask. We have screenings in place, and we will continue to offer those screenings. We also have protective shields in place, and social distancing would continue to be in place. He would continue to encourage people to become vaccinated. He inquired, from Council's perspective, would they expect citizens to be allowed into the County buildings without masks.

Ms. McBride noted, if we passed the second substitute motion, there would be no way to monitor who is required to wear a mask.

In Favor: Malinowski and J. Walker

Opposed: McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

The vote on the second substitute motion failed.

Mr. J. Walker stated, for the record, a comment was made about there being 3 non-rabid dogs and 7 rabid dogs, and being concerned about the 7 rabid dogs. His concern is about the 3 non-rabid dogs that are locked up unnecessarily. The continuation of the mask ordinance continues to reek of overreach by a municipal level government, even when the national guidance flies in the face of it.

In Favor: Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: Malinowski and J. Walker

The vote was in favor of the substitute motion.

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

In Favor: Malinowski, Terracio and J. Walker

Opposed: Pugh, McBride, Livingston, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

Ms. Terracio moved, seconded by Ms. Mackey, to go into Executive Session to receive legal advice regarding the 911 Center proposal.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey and Newton

Opposed: J. Walker

The vote was in favor.

***Council went into Executive Session at approximately 9:41 PM and came out at approximately 10:21 PM***

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

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

911 Center Proposal: Contractual/Legal Advice – Mr. J. Walker moved, seconded by Mr. Malinowski, to direct the Administrator to have affirmative action by the June 8, 2021 Council meeting, as it pertains to the 911 Center, and discussed in Executive Session.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

21. **MOTION PERIOD**

- a. I move to authorize the County Attorney to take any and all necessary actions, including condemnation, proceedings, to acquire ownership of the roadway parcels of Aiken Hunt Circle and Oak Brook Drive that are currently not in the County's road maintenance program. These parcels are located in the Wildewood Subdivision, and the current owner has been nonresponsive to prior requests by the Department of Public Works to acquire the roadway parcels [MACKEY] - This item was referred to the D&S Committee.

22. **ADJOURNMENT** - The meeting adjourned at approximately 10:26 PM.