



Richland County Council
Regular Session
October 5, 2021 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

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

OTHERS PRESENT: Kyle Holsclaw, Michelle Onley, Tamar Black, Ashiya Myers, Dale Welch, Justin Landy, Lori Thomas, Leonardo Brown, John Thompson, Aric Jensen, Elizabeth McLean, Bill Davis, Dante Roberts, Michael Maloney, James Hayes, Jennifer Wladischkin, Stacey Hamm, Jeff Ruble, Shane Kitchen, John Ansell, Zachary Cavanaugh, Quinton Epps and David Bertolini

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 Cheryl English
3. **PLEDGE OF ALLEGIANCE** – The pledge of Allegiance was led by the Honorable Cheryl English

APPROVAL OF MINUTES

4.
 - a. **Regular Session: September 21, 2021** – Ms. Terracio moved, seconded by Ms. English, to approve the minutes as distributed.

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

Not Present: J. Walker and McBride

The vote in favor was unanimous.

- b. **Zoning Public Hearing: September 28, 2021**
 - c. **Special Called Meeting: September 28, 2021**

Mr. O. Walker moved, seconded by Mr. Pugh, to approve Items 4(b) and (c), as distributed.

Ms. Newton noted, on the Zoning Public Hearing minutes, her vote was recorded incorrectly for the “Land Development Code” item. She requested the minutes to be corrected to reflect she voted in opposition of this item.

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

Not Present: J. Walker and McBride

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The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Mr. Pugh moved, seconded by Ms. Barron, to adopt the agenda as published.

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

Not Present: J. Walker and McBride

The vote in favor was unanimous.

6. **REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS** - Ms. McLean stated the following items were appropriate for Executive Session:

- a. **Landfill Property Acquisition**
- b. **Personnel Matter: County Attorney**

7. **CITIZENS' INPUT**

- a. **For Items on the Agenda Not Requiring a Public** – No one signed up to speak.

8. **CITIZENS' 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 this time)**—Ms. Sabria Phillips spoke regarding the death of her son, Jaden.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Coronavirus Update** – Mr. Brown stated the COVID-19 in Richland County have been trending down. There are 658 confirmed cases, per 100,000, which still puts us in the high tier rate. The percent positive is at 6.5%, which is also down. The number of vaccinated individuals in Richland County is 54.6%, and 51.9% in the State.

To date, the County has approved \$3.8M of ERA (2) funding to assist 720 applicants.

- b. **Project Updates** – Additional information will be provided at the October 19th Council meeting.

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

- a. **2022 Council Meeting Calendar** – Ms. Onley stated the 2022 Council meeting calendar is included in the agenda packet, and requested Council take action.

Mr. Malinowski moved, seconded by Ms. Terracio, to approve the 2022 Council meeting calendar.

Ms. Terracio requested the Council meeting dates, as well as the SCAC Annual Conference, be placed on Council's calendar.

Ms. Onley responded in the affirmative.

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

Not Present: J. Walker

The vote in favor was unanimous.

- b. **2022 Council Retreat** – Ms. Onley requested Council provide their feedback to the Clerk’s Office on a location and date for the 2022 Council Retreat. She noted the typical date would be January 27 – 28, and she has received a suggestion to hold the Retreat at the Township Auditorium.

11. **REPORT OF THE CHAIR**

- a. **Personnel Matter: County Attorney** – This item was taken up in Executive Session.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. **Approving the lease and sale of certain real property located in and owned by Richland County; authorizing the execution and delivery of a lease agreement with Mangus Development Partners, LLC and other matters related thereto** – No one signed up to speak.

13. **APPROVAL OF CONSENT ITEMS**

- a. **21-022MA, Frank McMaster, RU to GC (8.76 Acres), Barbara Drive, TMS # R17109-02-06 [SECOND READING]**
- b. **21-025MA, Matthew Condon, RU to RM-HD (5.94 Acres) 9569 & 9579 Farrow Road, TMS # R17400-09-05, 06 & 07 [SECOND READING]**
- c. **21-027MA, Chip Goforth, RU to RC (3.35 Acres), 7742 Bluff Road, TMS # R32403-02-04 & 05 [SECOND READING]**
- d. **Division of Solid Waste & Recycling – Solid Waste Management Plan**
- e. **Treasurer’s Office – Federal Forestry Funds**
- f. **Coroner’s Office – Professional Pathology Services**
- g. **Waverly Magistrate Lease Agreement**
- h. **Public Defender Lease Agreement**
- i. **Public Defender Position**
- j. **Authorizing the issuance and General Obligation Bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$40,000,000 for the purpose of acquiring, constructing, equipping, rehabilitating and improving a Public Safety Complex; authorizing the County Administrator to prescribe the details of the issuance and sale of bonds and the form and details of the bonds, providing for the disposition of the proceeds of the bonds and the payment of the bonds, and other related matters [FIRST READING]**

k. **Alvin S. Glenn Detention Center – Award of Fire and Security Control Maintenance Contract**

l. **An Ordinance making certain changes to Article I, Chapter 16 of the Code of Ordinances of Richland County relating to business licensing and regulation [FIRST READING]**

Ms. Mackey moved, seconded by O. Walker, to approve the Consent Items.

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

Not Present: J. Walker

The vote in favor was unanimous.

Ms. Barron moved, seconded by Mr. O. Walker, to reconsider Items 13(d), (e), (f), (g), (h), (i), (k), and (m).

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

Not Present: J. Walker

The motion for reconsideration failed.

14. **THIRD READING ITEMS**

a. **21-010MA, Kevin Steelman, PDD to PDD, 8930 Rabbit Run, TMS # R21800-01-06** – Ms. Terracio moved, seconded by Mr. O. Walker, to approve this item.

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

Not Present: J. Walker

The vote in favor was unanimous.

b. **21-018MA, DR Horton, RU to RS-E (94 Acres), Hard scrabble Road, TMS # R14600-03-17(p)** – Ms. Barron moved, seconded by Mr. Pugh, to approve this item.

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

Not Present: J. Walker

The vote in favor was unanimous.

c. **Approving the lease and sale of certain real property located in and owned by Richland County; authorizing the execution and delivery of a lease agreement with Magnus Partners, LLC and other matters related thereto** – 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

Not Present: J. Walker

The vote in favor was unanimous.

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

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

Not Present: J. Walker

The motion for reconsideration failed.

- d. **An Ordinance 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, 2021 will provide sufficient revenues for the operation of Richland County Government during the period from July 1, 2021 through June 30, 2022** – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

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

Opposed: Malinowski

Not Present: J. Walker

The vote was in favor.

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

In Favor: Malinowski

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

Not Present: J. Walker

The motion for reconsideration failed.

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

- a. **Ordinance Amendment, Chapter 2, Administration, Purchase Negotiations** – Mr. Malinowski stated the committee recommended Council approve staff's recommendation to change the cap on Solid Waste Collection Area contracts from two (2) to three (3) for high performing collections contractors.

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

Newton

Not Present: J. Walker

The vote in favor was unanimous.

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

- a. **Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Tide; identifying the project; and other matters related thereto** – Ms. McBride stated the committee recommended approval of the resolution.

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

Not Present: J. Walker

The vote in favor was unanimous.

- b. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement, and amendment of that certain existing fee-in-lieu of ad valorem agreement, by and between Richland County, South Carolina and Project Tide, to provide for payments of fees-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING]** – Ms. McBride stated Project Tide is an existing manufacturer of steel pipe that is considering a \$46M expansion, and the creation of 100 new full-time jobs over the next 5 years. The County proposed to negotiate a 30-year FILOT with a fixed millage and 6% assessment ratio. The committee recommends approval.

Ms. Terracio inquired about the average salary.

Mr. Ruble responded the average salary is \$26.75/hr.

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

Not Present: J. Walker

The vote in favor was unanimous.

- c. **Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Remedy; identifying the project; and other matters related thereto** – Ms. McBride stated the committee recommended approval of the resolution.

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

Not Present: J. Walker

The vote in favor was unanimous.

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

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

Not Present: J. Walker

The motion for reconsideration failed.

- d. **An Ordinance 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 Remedy to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING]** – Ms. McBride stated Project Remedy is an existing manufacturer of customized water treatment processes that is considering a \$3.6M expansion, which will lead to the creation of 17 new full-time jobs. The County proposes to negotiate a 30-year FILOT with a fixed millage, and a 6% assessment ratio. The committee recommends approval.

Ms. Terracio inquired about the average salary.

Mr. Ruble responded the average salary is over \$20/hr.

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

- e. **A Resolution approving the 2021 Assessment Roll for the Village at Sandhill Improvement District, Richland County, South Carolina** – Ms. McBride stated the committee recommended approval of this item.

Mr. Malinowski noted there is a mathematical error on p. 393, and ACA Thomas will ensure the numbers are corrected.

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

The vote in favor was unanimous.

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

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

The motion for reconsideration failed.

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

a. **NOTIFICATION OF APPOINTMENTS**

1. **Employee Grievance Committee – Two (2) Vacancies (Must be a Richland County employee; 1 seat is an alternate)** – Mr. Malinowski stated the committee recommends appointing Ms. Meghan Easler to the Employee Grievance Committee.

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

Not Present: J. Walker

The vote in favor was unanimous.

2. **Transportation Penny Advisory Committee (TPAC) – Six (6) Vacancies** – Mr. Malinowski stated the committee recommends appointing Ms. Eva Young Prioleau.

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

Not Present: J. Walker

The vote in favor was unanimous.

3. **Township Auditorium – Two (2) Vacancies** – Mr. Malinowski noted the applicant withdrew their application.

4. **Procurement Review Panel – Two (2) Vacancies (one applicant must be from the public procurement arena & one applicant must be from the consumer industry)** – Mr. Malinowski stated the committee recommends appointing Ms. Tina Green to fill the consumer industry vacancy.

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

Not Present: J. Walker

The vote in favor was unanimous.

b. ITEMS FOR ACTION

1. **I move to amend the Public Nuisance Ordinance to define “Public Places/Establishments” to include restaurants, taverns, lodges, parking lots, and public places where children or students attend and/or normally congregate [DICKERSON]** – Mr. Malinowski stated, after discussion with Legal, it was determined this is addressed in the current ordinance. The committee’s recommendation is to take no additional action.

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

Not Present: J. Walker

The vote in favor was unanimous.

18. **REPORT OF TRANSPORTATION AD HOC COMMITTEE**

- a. **Clemson Rd. Sidewalk Phase I Contingency** – Mr. O. Walker stated this is a request to approve an additional 10% contingency amount for the Clemson Road Sidewalk Phase I Project. The requested amount is \$26,990, which will bring the total contract to \$323,880. The additional funds will come from the \$37,260 available in current unencumbered construction funds.

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

Opposed: Malinowski and Terracio

Not Present: J. Walker

The vote was in favor.

- b. **Dirt Road Package L** – Mr. O. Walker stated this is a request to approve the award of Dirt Road Package L to Palmetto Sitework Services in the amount of \$584,681.99, with a 15% contingency of \$87,702.29 for a total of \$672,384.28.

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

Not Present: J. Walker

The vote in favor was unanimous.

- c. **Lower Richland Rescope** – Mr. O. Walker stated, when this project was de-scoped in 2020, it was re-scoped to evaluate the traffic along the roadway. This was done because a gas station was built at the intersection of Lower Richland Boulevard and Garner’s Ferry Road. During the construction, the lanes at the intersection were altered and the usages changed. The County requested the OET to evaluate the new configuration, and provide a recommendation on what the scope of the project should be. The original referendum amount was \$6.1M. The new estimate is \$8.1M. Based on the assessment of the data, staff is recommending approval of Alternative #3.

Ms. Newton requested to hold public information meetings, since there has been some changes to the project.

Mr. Livingston inquired, based on the SCDOR ruling, does the County still do public information meetings.

Mr. Brown responded public information is paid from the General Fund.

Ms. McBride stated, for clarification, it is possible for the County to pay for public information, even Transportation Penny projects.

Mr. Brown responded the County, using its funds, can pay for increased public information.

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

Not Present: J. Walker

The vote in favor was unanimous.

- d. **Mitigation Credit Sales – Encompass Health Rehabilitation Hospital** – Mr. O. Walker stated this is a request to approve mitigation credit sales to Encompass Health. If approved, this will generate \$92,136.47, which will be credited to the Transportation Penny Program. The committee recommended approval.

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

Opposed: Newton

Recuse: Pugh (Hospital is his wife’s parent company)

Not Present: J. Walker

The vote was in favor.

Mr. Livingston inquired about the value of the remaining credits.

Mr. Epps responded he does not have the exact numbers. The value fluctuates over time due to market forces.

Mr. O. Walker moved, seconded by Ms. McBride, to reconsider Items 18(a) – (d).

Ms. Newton made a substitute motion, seconded by Mr. Pugh, to reconsider Items 18(a) – (c).

In Favor: Malinowski

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

Not Present: J. Walker

The motion for reconsideration failed.

Mr. O. Walker moved, seconded by Ms. McBride, to reconsider Item 18(d).

In Favor: Newton

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

Not Present: J. Walker

The motion for reconsideration failed.

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

- a. **Community Outreach and Awareness Efforts:**

1. **Incentive Program** – Ms. Barron stated the Committee recommended Council approve implementation of a pilot program by October 30th to incentivize the vaccination program, and to coordinate with the University of South Carolina and The Meeting Place to incentivize vaccination to 250 persons with a \$100 debit gift card.

Mr. Malinowski stated, while he supports the vaccination, he believes this is rewarding people for something they need to make a decision on themselves. This is not fair to those who have already received their vaccination.

Mr. Malinowski made a substitute motion that the first 250 persons who show up at this location, with proof of vaccination, can get the \$100 gift card.

The substitute motion died for lack of a second.

Ms. McBride noted there have been a number of successful incentive programs. She offered a friendly amendment to include a follow-up initiative on November 19th, and give the Administrator the flexibility to vaccinate up to 500 persons.

Ms. Barron stated, for clarification, the additional outreach is at the same location.

Ms. McBride responded in the affirmative. This will also allow for other pop-up events throughout Richland County.

Ms. Barron stated her concern is this is intended to be a pilot program, and then moving it to other portions of the County. She would not want us to expend all the funds in one location.

Ms. McBride stated her amendment was to allow the pilot program to go to the other districts.

Mr. Brown stated, for clarification, the committee's motion was to allow for collaboration with the University of South Carolina and the Meeting Place Church for an event on October 30th, which would allow for 250 persons to become vaccinated and receive a \$100 gift card.

Ms. McBride noted her intent was to vaccinate as many persons as possible before the holidays.

Mr. Livingston suggested moving forward with the pilot, and allow the Administrator to come back to Council after the event with a recommendation.

Mr. Malinowski inquired which pot of money the incentives are coming from.

Mr. Brown responded the funds are coming from the American Rescue Plan.

Ms. McBride withdrew her amendment.

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

Opposed: Malinowski

Not Present: J. Walker

The vote was in favor.

b. American Rescue Plan Funding:

1. **Premium Pay** – Ms. Barron stated Council previously approved premium pay for one set of the County’s employees. The committee is recommending an additional \$1,250 for employees who worked in-person on a modified schedule during the pandemic, using ARP funding.

Mr. Malinowski inquired if the County will be providing a stipend to Richland County volunteer firefighters.

Mr. Brown responded they are working with one of our firms to receive guidance on this matter. He noted we have the ability to bring this back to the committee if we get confirmation we can provide stipends to the volunteers.

Mr. Malinowski also requested reserve deputies to be considered.

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

Not Present: J. Walker

The vote in favor was unanimous.

2. **Safety and Security Equipment** – Ms. Barron stated the committee is recommending Council to approve the use of ARP funds to purchase equipment for the health and safety of employees and the population of Alvin S. Glenn Detention Center.

Mr. Malinowski noted, on p. 468, it states, it is to “Minimize public contact with employees entering facility to ensure staff availability.” He stated he finds it hard to believe staff members are going straight from home to work, and are not out and about in the community. He does not see why they need a separate parking lot. It was recommended to rope off an area for employee parking, similar to 2020 Hampton Street.

Mr. Brown stated the individuals coming out of the Detention Center are generally not the same individuals we have coming into the Administration Building, so the security is necessary. These are recommendations from the Risk Management Office, Detention Center and Sheriff’s Department.

Ms. Newton stated, during the committee meeting, several Councilmembers expressed concern about the inclusion of Tasers. She noted she supports promoting safety for the detainees and staff, but she feels uncomfortable voting in favor of Tasers.

Mr. Brown responded, looking at similar sized detention centers, the officers carry OC Spray, which is a foam spray or Tasers. All of the facilities have either a chemical agent and/or Tasers as a part of the security equipment for the detention officers. He noted these detention centers have policies in place.

Ms. Newton inquired about Richland County’s policies, training and how the process is going to work.

Mr. Brown responded the officers do have to be trained before they can carry the Tasers. Mr. Kitchen noted there is currently a training program in place. There is also a standing policy, which will be reviewed to ensure it is up-to-date.

Ms. Terracio inquired about the number of supervisors that currently carry Tasers.

Mr. Kitchen responded there are 4 supervisors certified to carry Tasers.

Ms. Terracio inquired, if this item were approved, how many officers would be allowed to carry.

Mr. Kitchen responded there will be approximately 20.

Ms. Terracio stated she has been informed there could be a need for communication equipment prior to the purchase of Tasers.

Ms. McBride stated she has concerns regarding the use of Tasers in the Detention Center. The use of Tasers is a very controversial issue, and could cause serious harm in the hands of someone that is not well-trained. Detention officers are not usually well-trained in law enforcement activities. It is her understanding, Tasers have been misused. There have been numerous lawsuits and, in most cases, it was found Tasers were inappropriately used. She suggested utilizing other means. She does not believe there are frequent "riots" at the Detention Center. She inquired about the number of violent offenders are detained in the County's Detention Center.

Mr. Kitchen responded the majority of the detainees are violent offenders.

Ms. McBride noted there are a disproportionate number of African American and poor detainees.

Ms. Barron stated she would like to amend the motion to remove the Tasers and include communication equipment, such as radios, or items that staff deems necessary.

Mr. Pugh stated we need to consider those that are working in these environments, and not what we think they need. In speaking with some law enforcement individuals, the incident at the Detention Center could have been defused faster if we had Tasers in place. He noted they are already short-staffed and we need to ensure we take care of the "heroes".

Mr. Livingston noted, he is not a jail expert, with this issue he is more concerned about explaining what he wants, not to tell you how to do it. He wants what staff thinks will provide safety and security for the employees and detainees.

Ms. McLean noted she believes Council needs to vote on the committee's recommendation, and do a separate motion if the committee's recommendation is voted down.

Ms. McBride stated she supports staff, but she also supports the citizens of Richland County, who are detained. She noted she evaluates staff's recommendation, and based on her evaluation, she determines if she can support the recommendation. She inquired if we have gotten any input on what is going on inside the detention facilities. It was suggested to implement programs to address the morale issues.

Ms. English inquired about how extensive the Taser training is, and if it includes conflict resolution or de-escalation.

Mr. Kitchen responded the training does include conflict resolution and de-escalation.

Ms. Barron re-stated the committee's recommendation was to approve the use of ARP funds to purchase equipment for the health and safety of employees and the population of Alvin S. Glenn Detention Center. She noted there is a list of recommended items on p. 468 of the agenda.

Mr. Malinowski noted the recommendation is for facility-wide security cameras (exterior and interior) and body cameras for contact tracing. He inquired why we need two (2) items for contact tracing.

Mr. Brown responded the body cameras allow the interaction, when you have staff members who are coming into specific contact. The general cameras would capture multiple personnel.

Mr. Malinowski inquired if we would not see the interaction on the general cameras.

Mr. Brown responded not with the same availability of equipment. With the body cameras you could view the audio and video directly.

Mr. Malinowski inquired where the \$400,000/yr. will come from in the future.

Mr. Brown responded it will likely come from the General Fund.

Ms. Terracio made substitute motion, seconded by Ms. McBride, to remove the Tasers from the recommendation, and approve the remaining recommendation from the committee.

Ms. Mackey stated, for clarification, Ms. McLean previously indicated we have to act on the committee's recommendation prior to making a substitute motion.

Ms. McLean responded, in the past, Council has not made a motion, but acted upon the committee's recommendation. Council could make a different/substitute motion if the committee's recommendation failed. She indicated she is not in charge of how Council votes. If Council feels a substitute motion is in order, you can proceed.

Ms. Mackey indicated it would seem to her that Council should act upon the committee's recommendation first.

In Favor: Malinowski, Pugh, Livingston, Barron, O. Walker and English

Opposed: McBride, Terracio, Mackey and Newton

Not Present: J. Walker

The vote was in favor of the committee's recommendation.

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

Ms. Terracio stated Council was forced to vote on the whole package, without the ability to pull out something. When items are on the Consent Agenda, Council can pull out certain things and vote, or not vote.

Mr. Livingston responded Ms. Terracio could have made a motion to pull the item out.

Ms. McBride stated she questioned the legality of the committee's recommendation. It was her understanding we were going to take each item individually. She would have never supported the package, as is.

In Favor: Malinowski, McBride, Terracio, Barron, Mackey and Newton

Opposed: Pugh, Livingston, O. Walker and English

Not Present: J. Walker

The vote was in favor of reconsideration.

POINT OF PERSONAL PRIVILEGE – Ms. Barron stated she did not expect this was going to go this way. It appears in the past we did things differently, and our hands was forced to make a decision. As the Chair of this committee, she stands by staff's recommendation, but she also has some concerns about some of the items listed in the packet. If we had another opportunity to pull some things out, she would feel more comfortable.

Ms. Terracio moved, seconded by Ms. Barron, to remove the Tasers from the recommendation, and approve the remaining recommendation from the committee.

Mr. Brown addressed the wording of the committee's recommendation, which states, "The Committee recommended Council approve the use of ARP funds to purchase equipment for the health and safety of the employees and population of Alvin S. Glenn Detention Center." Staff listed an itemized list of equipment that included funding. He noted each item is separate, and not a package, so it is not all or nothing.

Mr. Malinowski made a substitute motion to vote on each item individually.

The substitute motion died for lack of a second.

Ms. English inquired if the motion included communication devices.

Ms. Terracio responded she would be hesitant to include those without speaking to staff and determining a price. She suggested bringing the matter to the Detention Center Ad Hoc Committee for further discussion.

In Favor: Pugh, McBride, Terracio, Barron, Mackey and Newton

Opposed: Malinowski, Livingston, O. Walker and English

Not Present: J. Walker

The vote was in favor.

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

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

The motion for reconsideration failed.

20. **OTHER ITEMS**

a. **FY22 - District 5 Hospitality Tax Allocations**

b. **FY22 - District 7 Hospitality Tax Allocations**

Ms. Newton moved, seconded by Ms. Barron, to approve items 20 (a) and (b)

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

Not Present: J. Walker

The vote in favor was unanimous.

Ms. Newton moved, seconded by Mr. Pugh, to reconsider Items 20(a) and (b)

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

Not Present: J. Walker

The motion for reconsideration failed.

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

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

Not Present: J. Walker

The vote in favor was unanimous.

***The Council went into Executive Session at approximately 7:47 PM
And came out at approximately 9:20 PM***

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

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

Not Present: J. Walker

The vote in favor was unanimous.

a. **Landfill Property Acquisition** – Mr. Malinowski moved, seconded by Mr. O. Walker, to give the Administrator authority to negotiate.

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

Not Present: J. Walker

The vote in favor was unanimous.

- b. **Personnel Matter: County Attorney** – Ms. Newton moved, seconded by Ms. Mackey, to direct the Chair to execute the agreement, per the terms discussed in Executive Session.

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

Opposed: Malinowski

Not Present: J. Walker

The vote was in favor.

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

In Favor: Malinowski

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

The motion for reconsideration failed.

22. **MOTIONS PERIOD**

- a. **Any contract, IGA, or other document that needs council approval for continuation of service must be provided to Council with all background 2 months prior to expiration [MALINOWSKI]**
– Mr. Livingston referred this item to the Rules and Appointments Committee.

Ms. Barron moved, seconded by Ms. Mackey, to reconsider Items 19 (a)(1) and 19 (b)(1).

In Favor: Malinowski

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

Not Present: J. Walker

The motion for reconsideration of Items 19 (a)(1) and 19 (b)(1) failed.

23. **ADJOURNMENT** – The meeting adjourned at approximately 9:25 PM