



Richland County Council
Regular Session
December 7, 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, Joe Walker, Gretchen Barron, Overture Walker, Jessica Mackey, Cheryl English and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Tamar Black, Anette Kirylo, Lori Thomas, Justin Landy, Angela Weathersby, Kyle Holsclaw, John Thompson, Leonardo Brown, John Ansell, Patrick Wright, Michael Byrd, Michael Maloney, Geo Price, Stacey Hamm, Jennifer Wladischkin, Judy Carter, Beverly Harris, Dante Roberts, Dale Welch, Jani Hussain, Randy Pruitt, Synithia Williams, Dwight Hanna, Bill Davis, Zachary Cavanaugh, Aric Jensen, Syndi Castelluccio, Jeff Ruble, Sandra Haynes, Katie Marr and Quinton Epps

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 Chakisse Newton

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

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized the new Clerk to Clerk Anette Kirylo.

APPROVAL OF MINUTES

4.

a. **Regular Session : November 16, 2021** – Ms. Barron moved, seconded by Ms. McBride, 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.

b. **Zoning Public Hearing: November 18, 2021** – Ms. Mackey moved, seconded by Ms. Barron, to approve the minutes as distributed.

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

Abstain: J. Walker

The vote in favor was unanimous.

c. **Special Called Meeting: November 18, 2021** – Ms. McBride moved, seconded by Mr. Pugh, to

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approve the minutes as distributed.

Mr. Malinowski inquired about the motion being reconsidered on Item 4(b).

Ms. Newton responded the reconsideration was in reference to the motion from the previous Council meeting.

Ms. Terracio stated, for the record, she was not in attendance at the Zoning Public Hearing or the Special Called Meeting due to work commitments.

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

Abstain: Malinowski and J. Walker

The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Mr. Livingston noted there were two (2) that need to be added: SRO Grant Request – Legal Advice [Pursuant to SC Code of Laws §30-4-70 (a)(2)] and an addition H-Tax allocation for District 2.

Mr. Malinowski inquired if Council will be provided documentation regarding the SRO Grant Request in Executive Session.

Mr. Wright responded in the affirmative.

Ms. Barron 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.

6. **REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Wright stated the following item was appropriate for Executive Session.

a. **SRO Grant Request – Legal Advice [Pursuant to SC Code of Laws § 30-4-70(a)(2)]**

7. **CITIZEN'S INPUT**

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

8. **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 one signed up to speak.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

a. **Covid-19 Update** – Mr. Brown stated according to the most recent DHEC Report:

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- The County is at the moderate tier
- The percent positive is 2.7%
- 52.9% of County residents eligible to be vaccinated have completed their vaccination; with vaccines now available for kids 5-11 the eligible population has changed from 353,173 to 391,862
- 50.1% of SC residents eligible to be vaccinated have completed their vaccination; with vaccines now available for kids 5-11 the eligible population has changed from 4,296,148 to 4,856,250
- Richland County has exhausted all of the ERA I and ERA II funding; we have requested additional funding from the US Treasury and the State ERA Program
- The County has held several vaccine incentive events: October 30th – The Meeting Place Church with MUSC; November 20th – Lower Richland High School with Prisma and December 5th – Killian Park with MUSC. There is an upcoming vaccine event on December 11th at Lower Richland High School.

b. Project Updates

- Strategic Planning Process is ongoing
- Public Safety Complex is moving forward. The County awarded MB Kahn the Construction Manager at Risk contract. The firm will be responsible for outreach, community meetings to promote the project and to encourage the inclusion of qualified small, local and minority owned businesses.
- The County received a letter of support from Representative Kirkman Finlay for the DSS Relocation. Rep. Finlay has requested financial assistance from the State’s SLFRF dollars.

Ms. Terracio inquired if we have thought through how best to communicate options to those individuals that may still be behind on their rent and facing eviction.

Mr. Brown stated the information available still allows individuals to contact the County, but also provides information on other services. He noted, when the County ran out of funding, he inquired of the US Treasury and the State, what happens when their local community’s program runs out of funding, but there is other broader funding available. Basically, there is a Catch-22, since the County received funding and distributed the funds, individuals in the County are not eligible to log into the State portal.

Mr. Livingston inquired if we can find out if the COVID Home Test Kits are affecting the numbers.

Mr. Brown stated he did not have that information, but could reach out to DHEC.

Ms. McBride requested a final report on how the funds were distributed and who received them. In addition, she stated, it was her understanding, each district was to have a program. She wanted to have a 2nd vaccine event, but was told all of the districts had to have their programs first.

Mr. Brown stated, at the onset, it was a pilot program. Later Council came back and voted to make it an active program.

Ms. McBride and Ms. Barron thanked staff for assisting with the vaccine events.

10. REPORT OF THE DEPUTY CLERK OF COUNCIL

- a. **2022 Retreat Location Update** – Ms. Onley noted the Clerk’s Office was able to secure the Hyatt

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Regency in Greenville, SC for the upcoming Council Retreat. Once the County Attorney's Office has reviewed the contract, it will be executed.

11. **REPORT OF THE CHAIR**

- a. **County Administrator Evaluation** – This item was taken up in Executive Session.
- b. **Redistricting Update** – Mr. Livingston noted most of the Councilmembers have conducted their one-on-one feedback with Ms. Etheredge. In order to move the process forward, we will need to hold three readings and a public hearing. The proposed schedule will be: First Reading – December 14, 2021; Second Reading – January 4, 2022; Special Called/Public Hearing – January 18, 2022 and Third Reading – February 8, 2022.

Ms. Newton inquired if the only public hearing/input is the January 18th date, or will other dates be coming from another department.

Mr. Wright responded, if Council wants to hold more than one hearing they can, but we are only required to hold one public hearing.

Mr. Livingston noted there is also opportunities for public input/feedback between readings. The maps are posted on the website and various locations.

Ms. Terracio inquired if it would be possible to have maps to present to the public prior to First Reading.

Mr. Livingston responded he would prefer Council have an opportunity to review the maps prior to them being released to the public.

Ms. Barron noted we want to give ample time for the public to provide feedback. She inquired what forum the public would utilize to provide their feedback.

Mr. Livingston responded citizens could contact Councilmembers directly, utilize comments cards at locations where the maps are displayed or we could have an online forum.

Mr. Wright indicated Third Reading has to be held by February 8, 2022.

Ms. Terracio requested the maps be placed online and distributed to the neighborhood associations.

12. **OPEN/CLOSE PUBLIC HEARING**

- a. **Ordinance authorizing Quit-Claim deed of Olympia Alleyway to contiguous landowner (Mr. Outlaw -726 Maryland Street)** – No one signed up to speak.
- b. **Authorizing the execution and delivery of 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** – No one signed up to speak.
- c. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and**

between Richland County South Carolina and Tri-County Electric Cooperative, Inc., to provide payment of a fee-in-lieu of taxes; and other related matters – No one signed up to speak.

13. **APPROVAL OF CONSENT ITEMS**

- a. **Ordinance authorizing Quit-Claim deed of Olympia Alleyway to contiguous landowner (Mr. Outlaw -726 Maryland Street) [THIRD READING]**
- b. **Emergency Services Department – EMS Supplies**
- c. **Department of Public Works – Knollwood Drive & Planters Drive Drainage Improvements – Contract Award Recommendation**
- d. **Palmetto Pride Litter Crew Grant**

Mr. Pugh moved, seconded by Ms. Barron, to approve the Consent Items.

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 Ms. Newton, to reconsider the following items:

- *Acceptance of an Unnamed Street into the County Road Maintenance System (CRMS);*
- *Emergency Services Department—EMS Supplies*
- *Department of Public Works –Knollwood Drive & Planters Drive Drainage Improvements—Contract Award Recommendation*
- *Palmetto Pride Litter Crew Grant*

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

The motion for reconsideration failed.

14. **THIRD READING ITEMS**

- a. **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** – Ms. McBride moved, seconded by Mr. O. Walker, 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.

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

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

The motion for reconsideration failed.

- b. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Tri-County Electric Cooperative, Inc., to provide for payment of a fee-in-lieu of taxes; and other related matters** – Ms. McBride moved, seconded by Ms. English, 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.

15. **SECOND READING ITEMS**

- a. **21-028MA, Matt Rains, HI to RS-MD (113.2 Acres & 8.32 Acres), Farrow Road, TMS # R17600-02-32 & 46** – Mr. Pugh moved, seconded by Mr. Malinowski, to defer this item until the February 8, 2022 Council meeting.

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 THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. **Acceptance of an Unnamed Street into the County Road Maintenance System (CRMS)** – Mr. Malinowski noted, on p. 51, it states, “unnamed street in question [is] a minor non-conformance.” He does not believe we need to be approving “minor non-conformances.” He inquired who will determine how minor is minor, and we may be opening the door for a lot of “minor non-conformances”. He suggested changing the ordinance language as follows: entrance roads into subdivisions are exceptions to the need for individually owned lots to front directly on the street right-of-way. He inquired if this item was time-sensitive.

Mr. Maloney responded approval of this item will allow the subdivision to start work on bringing this street up to County standards. He noted this does not come up often, but this was not in the initial plat. SCDOT built a left turn lane into the entrance that was not a part of the plat, and has become the formal way for people to enter and exit.

Mr. Malinowski stated the subdivision can begin to bring the street up to County standards while we are changing the ordinance.

Ms. Newton inquired if there are other circumstances that would come up if we amended the motion the way Mr. Malinowski is suggesting.

Mr. Maloney responded he does not foresee a lot of changes like this situation. He noted this subdivision will not commit funding until Council approves this item.

Ms. Newton inquired if there is an alternative to address Mr. Malinowski's concerns.

Mr. Malinowski made a substitute motion, seconded by Mr. Pugh, to approve staff's recommendation of accepting the unnamed street once it brought up to County standards, and to direct staff to begin working on an ordinance change.

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

The vote in favor was unanimous.

17. **REPORT OF ADMINISTRATION & FINANCE COMMITTEE**

- a. **Department of Public Works – Solid Waste & Recycling Division - Residential Curbside Collection Services, Area 3 – Contract Award recommendation** – Mr. Malinowski stated the committee recommended denial of the contract award.

Mr. Malinowski provided additional information regarding Coastal Waste and Recycling's partnership with Kinder Garbage Hauling Services in Blythewood.

Mr. Malinowski made a substitute motion to accept staff's original recommendation and award the contract to Coastal Waste and Recycling.

Ms. Barron stated the unfortunate situation is Council is asked to vote on items without having background information. She noted she would never have been in support of a local minority business not having the opportunity.

Ms. Newton noted the committee's recommendation did not indicate the contract would be rebid. She inquired what the consequences would be of accepting the committee's recommendation for denial.

Mr. Brown responded the current contract would be in place. Once the contract expired, the County could re-negotiate the contract or the contract could be rebid.

Ms. Newton inquired if there was a potential for disruption of service during that time.

Mr. Brown responded the County would have to re-negotiate. There would not need to be a separate approval.

Ms. Mackey inquired if this is the only recommendation staff plans to make.

Mr. Brown responded, based on the procurement process, this will be staff's recommendation.

Mr. Livingston inquired if this information was provided during the procurement process, or will this additional information jeopardize us legally.

Ms. Wladischkin responded it is generally unacceptable to have discussions outside of the procurement process. Any discussions should have been filtered through Procurement.

Ms. McBride inquired if Mr. Malinowski's motion was legal.

Mr. Wright responded he believes the motion is acceptable.

Ms. Terracio inquired when the contract expires.

Ms. Wladischkin indicated the contract expires on February 28, 2022.

Ms. Barron made a second substitute motion, seconded by Ms. Terracio, to defer this item until the December 14th Council meeting.

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

Opposed: Malinowski, McBride and O. Walker

The vote was in favor.

- b. **Department of Public Works – Solid Waste & Recycling Division - Residential Curbside Collection Services, Area 6 – Contract Award recommendation** – Mr. Malinowski stated the committee recommended denial of the contract award, and to rebid the contract.

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

The vote in favor was unanimous.

18. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE NOTIFICATION OF APPOINTMENTS**

- a. **A Resolution (1) Approving the assignment to CA Student Living Station Columbia, LLC of all the rights, interests, and obligations of Blue Atlantic Columbia, LLC ("Blue Atlantic") under that certain credit agreement between Blue Atlantic and Richland County, South Carolina ("Credit Agreement"). (2) Authorizing the County's execution and delivery of an assignment and assumption of credit agreement in connection with such assignment; and (3) Authorizing other matters related thereto** – Ms. McBride stated this is a request for Council to consent to the transfer of incentives from Blue Atlantic Columbia, LLC to CA Student Living Station Columbia, LLC. She noted this is a student housing complex located at the corner of Harden and Gervais, which was approved in 2014. This allows the developer to transfer the property to a long-term owner, and both the incentives and the obligations follow the ownership. The committee recommended approval.

Mr. Malinowski stated, for the record, he previously voted against this contentious item, and will do so again tonight.

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

Opposed: Malinowski

Recuse: Mackey

The vote was in favor.

- b. **Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Wheat; identifying the project; and other matters related thereto** – Ms. McBride

stated this is a resolution officially recognizing this project, so that any expenditures the company makes henceforth can be counted as a part of the incentive agreement. The committee recommended approval.

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

Recuse: Mackey

The vote in favor was unanimous.

- c. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Wheat to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING]** – Ms. McBride stated this is First Reading for a potential 30 year FILOT for Project Wheat, a supplier of automotive components that is considering a \$5.4M investment at their plant in Blythewood. The FILOT will provide a 6% assessment ratio and a fixed millage. The committee recommended approval.

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

Recuse: Mackey

The vote in favor was unanimous.

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

- a. **Mitigation Credit Sales - Quick Trip Store in Lexington County** – Mr. O. Walker stated the mitigation credit sale will generate \$131,972.09, which will be credited to the Transportation Penny Program. The committee recommended approval.

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

Opposed: J. Walker and Newton

The vote was in favor.

- b. **Mitigation Credit Sales - Amick Farms Rail Upgrade in Saluda County** – Mr. O. Walker stated the mitigation credit sale will generate \$51,750, which will be credited to the Transportation Penny Program. The committee recommended approval.

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

Opposed: J. Walker and Newton

The vote was in favor.

Mr. O. Walker moved, seconded by Ms. Terracio, to reconsider Items 19(a) and (b).

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

In Favor: J. Walker and Newton

The motion for reconsideration failed.

20. **OTHER ITEMS**

- a. **FY22 - District 2 Hospitality Tax Allocations**
- b. **FY22 - District 8 Hospitality Tax Allocations**
- c. **FY22 - District 9 Hospitality Tax Allocations**
- d. **A Resolution to appoint and commission Franklin Bell as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County**
- e. **A Resolution to appoint and commission Cinnamon Hairston as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County**

Ms. Newton moved, seconded by Ms. Terracio, to approve Items 20(a) – (e).

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

Opposed: J. Walker

The vote was in favor.

Ms. English moved, seconded by Ms. McBride, to reconsider Items 20(a) – (e).

In Favor: J. Walker

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

The motion for reconsideration failed.

21. **EXECUTIVE SESSION**

Ms. McBride moved, seconded by Ms. Mackey, to go into Executive Session.

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

Opposed: J. Walker

*Council went into Executive Session at approximately 7:16 PM
and came out at approximately 8:01 PM*

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

The vote in favor was unanimous.

a. **SRO Grant Request - Legal Advice [Pursuant to SC Code of Laws § 30-4-70(a)(2)]** – No action was taken.

b. **County Administrator Evaluation** – No action was taken.

22. **MOTION PERIOD**

a. **Amending "Fireworks" Ordinance** – This item was referred to the D&S Committee.

b. **Request the Business License Ordinance be reviewed and changed to address items that are allowed by state law but are not being done by Richland County and resulting in large amounts of money not being collected. I will provide additional information to Assistant Administrator Jensen for review and handling prior to it getting to a committee** – This item was referred to the A&F Committee.

23. **ADJOURNMENT** – The meeting adjourned at approximately 8:15 PM