



Richland County Council
Special Called Meeting
MINUTES
August 30, 2022 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Overture Walker, Chair; Jesica Mackey, Vice-Chair, Bill Malinowski, Derrek Pugh, Yvonne McBride, Paul Livingston, Allison Terracio, Joe Walker (via Zoom) Gretchen Barron, Cheryl English, and Chakisse Newton

OTHERS PRESENT: Anette Kirylo, Leonardo Brown, Patrick Wright, Lori Thomas, Aric Jensen, Michael Maloney, Michael Byrd, John Thompson, Stacey Hamm, Jennifer Wladischkin, Angela Weathersby, Justin Landy, Tamar Black, Sandra Haynes, Geo Price, Jeff Ruble, Dale Welch, Abhijit Deshpande, Susan O’Cain, Michelle Onley, Chelsea Bennett, Crayman Harvey and Ashiya Myers

1. **CALL TO ORDER** – Chairman Overture Walker called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Joe Walker.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joe Walker.
4. **APPROVAL OF MINUTES**

- a. **Regular Session: July 19, 2022** – Mr. Malinowski noted the date on the minutes was incorrect.

Mr. Pugh moved to approve the minutes as corrected, seconded by Mr. J. Walker.

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

Not Present: Newton

The vote in favor was unanimous.

- b. **Zoning Public Hearing: July 26, 2022** – Ms. Barron moved to approve the minutes as distributed, seconded by Mr. J. Walker.

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

Not Present: Newton

The vote in favor was unanimous.

- c. Special Called Meeting: July 26, 2022 – Mr. Pugh moved to approve the minutes as distributed, seconded by Ms. Barron.

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

Not Present: Newton

The vote in favor was unanimous.

- 5. **ADOPTION OF AGENDA** – Mr. Patrick Wright, County Attorney, requested to add “Voter Registration and Elections” to the Report of the Attorney for Executive Session.

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

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

Not Present: Newton

The vote in favor was unanimous.

6. **REPORT OF ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. State v. Tyler, et al (Warrant No. 2022A4021600867)
- b. Mitchell, et al v. Richland County (Case No. 2021-CP-40-03410)
- c. Harris v. Richland County (2022-CP-40-04075)
- d. Alvin S. Glenn Detention Center
- e. Voter Registration and Elections

7. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing

- 1. John Zeigler, 103 Roundtree Road, Blythewood, SC 29016 – Opposition to new development near Stonington subdivision.

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 this time.) – No one signed up to speak.

9. **REPORT OF THE COUNTY ADMINISTRATOR** –

- a. Coronavirus Update – The County is currently at community level High.

b. Other Updates

- J. Mitchell Graham Award Recognition for Emergency Rental Assistance Program
- SCAC Institute of Government Graduates: Councilwoman Chakisse Newton – Level I and II and County Administrator Leonardo Brown – Level II
- County Administrator Leonard Brown served as a panelist during the conference and presented on the topic: “The Great Resignation” and other HR Trends
- South Carolina Department of Transportation Project – Interstate Bridge Repair
- Federal Funding Assistance Initiative provided by Conservation Voters of South Carolina (CVSC)
- PBS NewsHour – Richland County was one of the local governments featured.
- Road User Fee – Information has been posted on the County’s Website.

10. **REPORT OF THE CLERK OF COUNCIL** – Ms. Anette Kirylo, Clerk of Council, reminded Council the next Council meeting is scheduled for September 13, 2022.

11. **REPORT OF THE CHAIR**

- Councilwoman Chakisse Newton – Graduated from Level II of the Institute of Government.
- Councilwoman Allison Terracio – Elected Chair of the COMET
- Councilman Derrek Pugh – Elected Chair of SC Coalition of Black County Officials (SCCOBCO) and Councilwoman Yvonne McBride was elected as Vice-Chair.
- Councilman Derrek Pugh and his wife recently welcomed a daughter.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Amending the School Resource Officer line item in the FY 2023 Budget Ordinance (No. 012-22-HR) of Richland County, South Carolina – No one signed up to speak.

13. **APPROVAL OF CONSENT ITEMS**

- a. Case # 22-009MA, Josh Brown, RU to GC (1 Acre), 341 Western Lane, TMS # R04000-03-03 [SECOND READING]
- b. Case # 22-011MA, Oliver Mack, RC to LI (4.7 Acres), 6108 Bluff Road, TMS # R21300-01-02, 31 and 32 [SECOND READING]
- c. Case # 22-012MA, Richard Hendy, PDD to PDD (4.63 Acres, E/S Hard Scrabble Rd., TMS # R20400-01-19 [SECOND READING]

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

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

Not Present: Newton

The vote in favor was unanimous.

14. **THIRD READNIG ITEMS**

- a. An Ordinance Amending the School Resource Officer line item in the FY 2023 Budget Ordinance (No. 012-22-HR) of Richland County, South Carolina – Ms. Barron moved to approve the item, seconded by Ms. McBride.

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

Opposed: Terracio

Not Present: Newton

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

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

Not Present: Newton

The motion for reconsideration failed.

15. **SECOND READING ITEMS**

- a. Case # 22-013MA, Patrick Palmer, M-1 to GC (161.79 Acres), 310 Killian Road, TMS # R14600-03-16 – Ms. Barron moved to approve the item, seconded by Mr. Malinowski.

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

Not Present: Newton

The vote in favor was unanimous.

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

- a. Risk Management – Fleet Services – Central Garage Canopy Addition Project – Mr. Malinowski stated the committee recommended Council approve the selection of HMB Contracting (Hoover Metal Buildings) for the construction of a canopy work area for the heavy side shop at the Central Garage facility, with an addition which will extend the side of the building, increasing the dimensions of the working space. There were no submittals during the solicitation process; therefore, HMB Consulting was selected based on their previous experience with County projects.

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

Not Present: Newton

The vote in favor was unanimous.

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

- 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 an infrastructure credit agreement to provide for infrastructure credits to Project Bulldog; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the committee recommended approval of this item. He noted this item is in reference to a redevelopment proposal for Richland Mall and that this item will be taken up in Executive Session at the September 13th Council meeting.

Ms. McBride inquired if this project is consistent with the process we have always used.

Mr. Jeff Ruble, Economic Development Director, responded the details are a little different than other projects we have seen where we follow standard guidelines. He noted there is a short due diligence period.

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

Opposed: McBride

Recused: Mackey – Parent company represents the business involved.

Not Present: Newton

The vote was in favor.

- b. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Dawson; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: 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 Dawson to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Newton

The vote in favor was unanimous.

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

- a. Approval of Reserve Fund Use Plan – Ms. Mackey stated the committee recommended approval to move the remaining balance of \$31,130,528.15 from the Administrative/Debt Service costs and transfer the General Fund proceeds to the Program Reserve Fund to be used as County Council approves for referendum projects.

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

Not Present: Newton

The vote in favor was unanimous.

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

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

Not Present:

The motion for reconsideration failed.

19. **OTHER ITEMS**

- a. FY23 – District 1 Hospitality Tax Allocation: Harbison Theatre at Midlands Technical College - \$25,000
- b. FY23 – District 4 Hospitality Tax Allocation: Tri-City Visionaries - \$1,000
- c. FY23 – District 4 Hospitality Tax Allocation: The Big Red Barn Retreat - \$7,500
- d. FY23 – District 9 Hospitality Tax Allocation: The Bash – Ridgeville High School - \$5,000
- e. FY23 – District 10 Hospitality Tax Allocation: Tri-City Visionaries - \$5,000

Mr. Malinowski moved to approve Items 19(a) – (e), seconded by Ms. Barron.

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

Opposed: J. Walker

Not Present: Newton

The vote was in favor.

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

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

Not Present: Newton

The motion for reconsideration failed.

- f. Adoption of Comprehensive Council Rules – Mr. Malinowski moved to defer this item until the September 13th Council meeting, seconded by Mr. J. Walker.

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

Not Present: Newton

The vote in favor was unanimous.

- g. FY 2022-2023 Five Year Consolidated Plan; FY2022 Annual Action Plan – Mr. Livingston moved to approve this item, seconded by Mr. J. Walker/

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

Not Present: Newton

The vote in favor was unanimous.

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

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

Not Present: Newton

The motion for reconsideration failed.

- h. American Rescue Plan Act Fund Grant Application and Process – Ms. Barron moved to approve this item, seconded by Ms. Mackey.

Ms. McBride noted, it was her understanding, we were going to have a Blue Ribbon Task Force to ensure all of the citizens would have an opportunity to have input. In addition, she stated she has concerns with the rubric. She provided Councilmembers a sample rubric to help them understand what she was speaking of. Providing a rubric helps those doing the evaluation, as well as the grant writers. She also believes too many points were given to the budget and not enough to the project summary.

Ms. McBride made a substitute motion to direct the Administrator to review the sample rubric, to decrease the number of points for the budget to 30 and increase the points for the project summary to 30, seconded by Mr. Malinowski.

Ms. Barron stated she understands Ms. McBride's concerns with the rubric, but she does not support changing what is in place. She recommended providing Ms. McBride's guidance as additional information to the applicants. We want the funds to get into people's hands so they can expand their services.

Mr. Malinowski inquired if the dates on pp. 372-373 (i.e. August 1st) would be adjusted accordingly.

Mr. Leonardo Brown, County Administrator, responded the opening date for applications will be no later than September 1st and the closing date will be September 30th. There will be a rolling timeframe, so there will other opportunities after the September 30th deadline if the funds have not been exhausted.

Mr. Malinowski inquired if the "forfeiture" of the award would be prior to the organization receiving the funds or would they receive the funds and then be required to repay the funds if they did not meet the federal guidelines.

Mr. Brown responded it would be a combination.

Mr. Malinowski stated there have been billions of dollars obtained fraudulently from these types of funds. Based on that fact, who is going to verify the responses to the questions in the "Administrative Systems" section are accurate.

Mr. Brown responded the Third-Party provider will be responsible for monitoring the responses, but ultimately it is the responsibility of the organization submitting applications.

Ms. McBride stated she added the rubric to make it clearer and easier for the grant writers who do not have a lot of experience writing grants.

Ms. McBride withdrew her substitute motion.

Ms. McBride noted a deadline of September 30th does not give organizations adequate time to apply for the funds.

Mr. Brown responded organizations have been contacting the County to determine when the application process is going to be opened and there has been media coverage regarding the process. We do not anticipate this will be the only application submittal window for funds.

Ms. McBride recommended having a press conference to publicize the process.

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

Opposed: Malinowski and McBride

Not Present: Newton

The vote was in favor.

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

In Favor: Malinowski and McBride

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

Not Present: Newton

The motion for reconsideration failed.

POINT OF PERSONAL PRIVILEGE – Ms. Barron stated the Coronavirus Ad Hoc Committee has been working with Administration to ensure we had a solid document, so when the funds go out to community individuals will have something there. She is excited we are now to the point where people can start to apply. She thanked her colleagues for pushing this forward.

20. **EXECUTIVE SESSION**

Mr. Livingston move to go into Executive Session, seconded by Ms. Barron.

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

Not Present: Newton

The vote in favor was unanimous.

***Council went into Executive Session at approximately 6:54 PM
and came out at approximately 7:36 PM***

Ms. Newton arrived at approximately 7:09 PM and entered Executive Session.

Mr. J. Walker moved to come out of Executive Session, seconded by Ms. Barron.

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

The vote in favor was unanimous.

- a. State v. Tyler, et al (Warrant No. 2022A4021600867) – No action was taken.
- b. Mitchell, et al v. Richland County (Case No. 2021-CP-40-03410) – No action was taken.
- c. Harris v. Richland County (2022-CP-40-04075) – No action was taken.
- d. Alvin S. Glenn Detention Center – No action was taken.
- e. Voter Registration and Elections – No action was taken.

21. **MOTION PERIOD**

- a. Richland County Attorney Wright made committee chairs aware of the fact there is an ordinance that does not allow council to direct anyone except the Administrator or the Clerk of Council to request work on any matter. The wording that has been used many times stated to “Direct staff”, which is incorrect. In the future all directions need to be to the Administrator or the Clerk to Council. This motion is to request the Clerk to review all pending motions and correct language where needed so they follow county ordinance. Please contact legal department if additional information is needed. [MALINOWSKI and BARRON] – Mr. Malinowski moved to direct the Clerk to Council to review all pending motions and correct language where appropriate, seconded by Ms. Barron.

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

The vote in favor was unanimous.

- b. I move to direct the Administrator to conduct a review of the rank weeds and vegetation ordinance and recommend any updates that would improve the effectiveness of the ordinance particularly as it relates to safety, enforcement, and blight reduction. [NEWTON] – This item was referred to the D&S Committee.
- c. Based on the below information no further action should be taken by the Planning Commission or Council related to the new Land Development Code (LDC) until the urban heat island map is completed. The expanding residential, commercial and transportation infrastructure contribute to areas where temperatures are much warmer, and that could put people at risk of injury or death on hot days.

“This study will help demonstrate to local governments and others where we need to preserve undeveloped land and trees, plant additional trees or build other green infrastructure to reduce or prevent heat islands in Richland County.” (Quinton) Epps said. (Division Manager, Community Planning and Development Department)

The heat-mapping initiative aims to improve understanding of and guide action to reduce heat health risks, encouraging economic development and boost the area quality of life overall, therefore, prior to council deciding what zoning needs to be placed in specific areas without having that information would be a dereliction of our duties to the residents of the county. [MALINOWSKI] – This item was referred to the D&S Committee.

Mr. Malinowski moved to reconsider the agenda and add the “FY23 – District 5 Hospitality Tax Allocations” to the agenda, seconded by Ms. Terracio.

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

The vote in favor was unanimous.

FY23 – District 5 Hospitality Tax Allocations: Jam Room Foundation, \$7,500; Columbia Music Festival - \$10,000; SC Philharmonic - \$10,000; 701 CCA - \$10,000; Columbia City Ballet - \$10,000; Columbia Classical Ballet - \$10,000; Columbia Museum of Art - \$10,000; Five Points Association – St. Pat’s - \$10,000; Historic Columbia - \$20,000 and Columbia Jazz - \$2,500 – Ms. Terracio moved to approve this item, seconded by Ms. Mackey.

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

Opposed: J. Walker

The vote was in favor.

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

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

The motion for reconsideration failed.

22. **ADJOURNMENT** – Mr. Malinowski moved to adjourn, seconded by Ms. Barron.

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

The vote in favor was unanimous.

The meeting adjourned at approximately 7:47 PM.



Richland County Council

STATEMENT OF RECUSAL

In accordance with Section 8-13-700(B) [*provides in part that no public official, public member or public employee may make, participate in making, or in any way attempt to use their official office, membership or employment to influence a governmental decision in which they, a member of their immediate family, an individual with whom they are associated, or a business with which they are associated has an economic interest.*], I hereby recuse myself from all votes, deliberations and other action on the following matter(s):

(Please add agenda Item number and description):

17a - Project Bulldog infrastructure credit
agreement to provide for infrastructure credits

REASONS FOR DISQUALIFICATION:

My parent company represents the business
making the request

Jessica Mackay
Signature

[Handwritten Signature]
Signature

8-30-2022
Date

8/30/22
Date received by Clerk Dept.