



Richland County Council
Regular Session
April 20 2021 – 6:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

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

OTHERS PRESENT: Angela Weathersby, Kyle Holsclaw, Michelle Onley, Tamar Black, Ashiya Myers, Andrea Mathis, Leonardo Brown, John Thompson, Lori Thomas, Stacey Hamm, Mike King, Michael Maloney, Beverly Harris, Elizabeth McLean, Sandra Hayne, Ronaldo Myers, Nadia Rutherford, Michael Niermeier, Emerald Washington, Dante Roberts, Lauren Hogan, Michael Byrd, Brittney H. Terry, Jani Hussain, Jeff Ruble, Jennifer Wladischkin, Bill Davis, James Hayes, and Clayton Voignier.

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

APPROVAL OF MINUTES

4.
 - a. **Regular Session: April 6 2021** – Mr. O. Walker moved, seconded by Ms. Mackey, to approve the minutes as distributed.

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

Abstain: Newton

The vote in favor was unanimous, with Ms. Newton abstaining because she was not present at the April 6th meeting.

5. **ADOPTION OF AGENDA** – Ms. McBride stated she would like to remove Items 12(a) and 14(a).

Ms. McBride moved, seconded by Mr. Malinowski, to remove Items 12(a) and 14(a) from the agenda.

Ms. Barron moved to adopt the amended agenda.

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

Not Present: Mackey

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The vote in favor was unanimous.

REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

6.

- a. Receipt of Legal Advice: Related to the Coggins lawsuit and settlement with former County Administrator Gerald Seals, including review of proposed settlement – Ms. McLean noted there was not an update on this item.

7. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public – Ms. Viola Hendley submitted a comment regarding Item 14(a).

Mr. Livingston noted, for the record, the comments pertained to the item that was deleted from the agenda during the Adoption of the Agenda.

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 comments were submitted.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown noted, in the agenda packet, beginning on p. 22, he provided an update for Council. Since the last reporting, Richland County has continued to see a decline in numbers overall. When it comes to the percent positive, we continue to have a lower incident rate. Also provided is general information regarding our Emergency Rental Assistance Program, which started on April 5th. He wanted Council to have a general understanding of the numbers being reported by Tetra Tech.

Mr. Brown stated staff received a letter from a citizen that applied for the ERA Program. He noted that some payments have already been approved. Included in the agenda is a breakdown of the demographics of the people who have applied, and have been approved for assistance.

Ms. Terracio inquired if employees are being allowed to use time off to get vaccinated and deal with side effects of the vaccine.

Mr. Brown responded in the affirmative.

Ms. Terracio noted she just got her 2nd dose and she believes it would be good to give people space and time to recover from the vaccine.

Ms. Newton inquired if the chart on p. 22 represents the total number of applications we have received.

Mr. Brown responded the amounts listed are the amount of funding approved.

Ms. Newton inquired if the amounts funded tracked with what staff expected.

Mr. Brown stated, based on the review of other programs, they have learned from their challenges, and benefitted from that. He noted they are ahead of schedule with two weeks of payments already approved.

Mr. King noted they are pleased with the progress we are making, compared to the other municipalities around the country. This is an aggressive program, and the start-up was as smooth as expected. He noted the call center is handling the application process, the Richland County Library has handled 46 in-person appointments and over 677 resident contacts. The Government and Community Services Department has had 98 in-person appointments and hundreds of phone calls. The call center has processed over 4,000 calls. When the application is submitted, many times it is missing critical requisite information. The eligibility specialists are working one-on-one with the applicant to make sure they get the information in so they can be approved. Currently, they have 699 applications that have been completed, and submitted.

Ms. Newton noted the applicants were tracked via zip code. She inquired if they will be tracking disbursement that way.

Mr. King responded in the affirmative.

Ms. McBride noted she was pleased with the data collection process and the assistance being given to the residents. Sometime in the future, she would like an update on the County meeting the September deadline.

Ms. Terracio noted she also heard from the applicants that people are diligently working with people on these applications, and she appreciates that.

Ms. Barron thanked Mr. Brown, Mr. King, and staff for their diligence in getting the program out into the community and making sure people were fully aware of what is going on. The service received speaks volumes. She noted she is looking forward to getting as much funds out as possible. She inquired if we are continuing to advertise in the community, in addition to social media.

Mr. Brown responded in the affirmative. He noted they have a little over \$12M they want to get in the hands of those individuals that need it. He stated the next step is to go into the communities.

10. **REPORT OF THE CLERK OF COUNCIL** – Ms. Mathis reminded Council of upcoming meetings.

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

12. **OPEN/CLOSE PUBLIC HEARING**

- 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 – This item was removed from the agenda.

13. **APPROVAL OF CONSENT ITEMS**

- a. 20-036MA Joginder Paul CC-4 to CC-3 (202 Acres) 7430 Fairfield Road TMS # R11904-02-05 [THIRD READING]

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- b. 21-004MA Richard Bates CC1 to CC3 (2.63 Acres) of 75.81 Acres Crane Church Road [THIRD READING]
- c. 21-008MA Jatin Patel RU to GC (5.37 Acres) 10040 Wilson Blvd. TMS # R14800-04-01 [THIRD READING]
- d. Ordinance authorizing Quit-Claim deed of Olympia Alleyway to contiguous landowner (Hendley – 104 Alabama Street) [SECOND READING]

Ms. Newton moved, seconded by Mr. 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.

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. – This item was removed from the agenda.

15. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- 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 Magnus Development Partners, LLC and other matters related thereto [FIRST READING]. – Ms. McBride stated the committee recommended approval of a lease agreement between Richland County and Magnus Development Partners, LLC to develop a 210,000 square foot shell building that is located in the County-owned industrial site located at North Point Industrial Park near Blythewood. This building will make the County more attractive to potential investors with a tight timeline. She noted staff has been working on this since December 2017.

Ms. Terracio stated, for clarification, staff has been working on this since 2017.

Ms. McBride responded in the affirmative.

Mr. Malinowski noted he spoke with Mr. Ruble earlier today and there are some things that he requested Mr. Ruble provide and/or clarify. Although it mentions Exhibits A, B, C and D, there are no exhibits in the packet. All the rights, such as termination, construction, and inspections seem to favor the company to the potential detriment of the County. He also noted the effective date is not defined.

Ms. McBride noted they discussed those items with Mr. Ruble and they should have the answers by Second Reading.

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

Opposed: Malinowski

Abstained. J. Walker

The vote was in favor, with Mr. J. Walker abstaining due to a financial relationship with one of the principals of the business in question. He noted he does not have a direct relationship to this particular transaction.

16. **OTHER ITEMS**

- a. Detainee Telephone Service – Mr. Myers stated the information in the packet addressed some of Mr. Malinowski's questions from the previous meeting.

Mr. Malinowski stated, while we have some information, there is still quite a bit of information that is lacking. He inquired how long the jail management system been in place.

Mr. Myers responded it has been in place since 2000/2001.

Mr. Malinowski inquired why the County's Information Technology got involved.

Mr. Myers responded this system came from Lexington Fayette. It was a homegrown system written by a programmer that worked for them at the time. It was inexpensive, and we needed a jail management system. The director, at that time, chose this system because it was inexpensive and IT could develop a system for us.

Mr. Malinowski inquired if it had worked out.

Mr. Myers responded it has not. He noted, when they had a consultant to review the jail operation system, one of the things they determined one of the things needed was a system because we depend heavily on paper.

Mr. Malinowski noted he wholeheartedly supports them getting a system that works to cut down on the work and to make sure things are accurate. He stated the County's IT is supposed to be providing technical support for the current system, yet we are being told the requested upgrades have not been given priority and have been pending for several years. He inquired why that is the case.

Mr. Myers responded, to be fair to IT, not only do they have several other departments, but when you start talking about a jail management system, it gets very sophisticated to where one program has to speak to another program. He personally thinks they do not have all the expertise they need. Jail operations have grown by leaps and bounds since 2000. He does not think IT has enough programmers to keep the program going the way it should be.

Mr. Brown responded, his understanding is, there have been technology requests for many years that have not been approved, and that could be part of the issue. The recommendation they submitted did not get approved. He noted since he has been with Richland County has been an ongoing issue, which is why he is focusing on technology in the budget.

Mr. Malinowski stated his problem continues to be the reply to the question regarding the potential cost of the proposed jail management system, to include maintenance. The reply was the cost of the proposed system cannot be determined until the system is reviewed. If we do not know the cost of the system, how can any offerer agree to provide us funding for the system. How will that work?

Mr. Myers responded, Mr. Dennison gave us a bottom line figure of at least \$300,000 a year, based off of the 10% revenue. They are not sure how much revenue it is going to be in. However, they are not going to allow us to go over a certain amount. When you start talking about software, you have to go through negotiations to see how much it is going to cost.

Mr. Malinowski inquired, if the cost was \$500,000/year, where would the rest of the money come from.

Mr. Myers responded he would have to site with IT and find a system they can afford.

Mr. Malinowski inquired if the legal department would draw up a memorandum of understanding regarding the contract that will be entered into.

Mr. Myers responded Procurement might have to be involved, but that is their normal process.

Mr. Malinowski inquired if Mr. Myers is requesting to enter into negotiations, and obtain the additional information.

Mr. Myers responded in the affirmative.

Mr. Malinowski moved, seconded by Ms. Newton, to allow Mr. Myers to enter into negotiations with the offerer. Prior to committing the Legal Department is involved to ensure everything is proper.

Ms. Mackey noted Mr. Myers stated he would stay within the budget and not get a system that they cannot afford. She inquired if he believes the amount of money received is enough to meet the needs. She did not want him to settle for a system that in 2 -3 years he will need more than he has.

Mr. Myers responded, based on the payment, they would get at least \$300,000/year, and they can stretch the payments over the life of the 5-year contract. He doubts they would spend that amount on the jail management system.

Ms. Newton stated, for clarification, once Mr. Myers enters into negotiations, he will have a number he can work with, or at least a range based on certain parameters.

Mr. Myers responded in the affirmative.

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

The vote in favor was unanimous.

- b. Emergency Funding for FY21 for the Coroner's Office – Mr. Brown noted what Council has before them is staff's recommendation to be proactive and put in place a contingency plan that allows the Coroner's Office to continue to operate with no "hiccups" between payments for vendors. The Coroner has identified that she is going to have a shortfall based on the routine expenditures, the services routinely used, and the number of times she is having to use those services. He noted he, and staff, meet with the Coroner and looked at the information provided. Staff did their own analysis, and while we were slightly different in our numbers, we were both around the \$300,000 range. They are looking for opportunities within the County's current approved budget to fill the gap. In the event that we are unable to fully fill that gap, we want to ensure we have a contingency effort that would

allow the Coroner's Office's operations to continue. He noted he does not need anything approved tonight, but they want to be ahead of the game in considering the budget amendment. If this item comes back to Council, they would be able to make a decision with all the information already being borne out.

Mr. Livingston stated, for clarification, Mr. Brown does not need any action today.

Mr. Brown responded in the affirmative. He noted they worked with the budget office and they believe they can fill the gap. They want to put a contingency plan in place so if they do not have enough funding they will not have to come back and start the process from scratch, and now we are untimely unable to pay invoices and receive services.

Mr. O. Walker inquired how they found themselves in this position. The first time he heard about this was from the State Newspaper. He noted he was disturbed by what he read about how the Coroner's Office is unable to afford autopsies or body storage. He inquired how we can ensure this does not happen again.

Mr. Brown responded, during the Council Retreat, the Coroner was looking at the budget and projecting out some potential increases she may need addressed. At that time, they told the Coroner to work within her budget, and they would make sure she had the funding to do the job she is required to do. The Coroner had done that, and at this point, they are projecting she is going to need some additional help beyond the scope of her budget. They are coming to Council to get ahead of this to ensure the continuity exists.

Ms. Rutherford stated, before she took office, she and Mr. Brown discussed budget concerns they had based on an outside perspective. Once she got into office, and crunched the numbers, she realized there was a large deficit. Based on the projections, they figured they would come up short in March, which is exactly what happened. They figured, in terms of hiring new staff, autopsies, post mortem toxicology and body transport services, they were going to have deficits. She noted they were already up 30% in terms of the number of deaths reported in Richland County. There was a significant increase of approximately 300 deaths between last year and this year. She noted approximately a third of those death are COVID-related. The youngest person to die from COVID was 20 years old without any health problems, which required extensive testing. She noted they requested \$65,000 early on so they could properly store the remains in a dignified way.

Mr. O. Walker inquired if the \$65,000 for body storage was included, or was it subsumed by the \$300,000 request.

Mr. Brown responded Council already approved the \$65,000.

Ms. Rutherford stated the rate of death has gone up, so unless there is a decrease in that number they would need extra funds. They tried to account for that in the proposed budget for the new fiscal year, so they will not have to come to Council again and request additional funds. She noted they are trying to work within those means by bringing in another transport service that offers their services at a much lower rate.

Ms. Newton inquired if Ms. Rutherford planned for a net increase of 30% for next year's budget, or has she increased it beyond that 30%.

Ms. Rutherford responded they did account for the 30% and requested \$900,000 in additional funds.

The received recommendation was not for the full amount, but they are graciously requesting Council to reconsider their budget. She noted they have to take into account the increase in natural deaths.

Ms. Barron inquired if this is a COVID-related problem, or would we have come to this place anyway.

Ms. Rutherford responded they would have come to this place anyway. Since January 1st there have been 23 accidents, 15 homicides, 1,130 natural deaths, 7 suicides, 5 fetal deaths, and 199 COVID deaths. The natural deaths are taking a toll on the budget.

Mr. Brown noted the expenses from the Coroner's Office in 2018 was \$2.78M, 2019 was \$2.87M, and 2020 was \$3.42M. He noted there is some correlation to the Coroner's point. Her budget request was for \$3.9M, which they did not recommend, based on last year's spend, and where they are trending this year. They are looking for her budget to be about \$3.5M.

Ms. Barron inquired if they would be able to utilize other funds from the Federal Government to address some of those COVID-19 related deaths.

Ms. McBride inquired if COVID testing was done for the natural deaths.

Ms. Rutherford responded they have been collecting their own set of raw data on the number of COVID-related deaths. If they did not test positive for COVID within the last three months, they are still keeping track of them to see if the long-term effects of COVID may have caused any heart or respiratory issues they did not have prior to be diagnosed with COVID. They are also keeping track of the people that have received the vaccination. The data is being proactively collected in case DHEC, or FEMA, asks for it at some point. For the deaths that are related to COVID, if they had symptoms of COVID, if their families reported they were not feeling well, they are performing COVID tests on the decedents post mortem, which is an increased cost. She noted some of the natural deaths were found to have been COVID-related.

Mr. Pugh thanked Ms. Rutherford for being proactive. He stated he could attest to deaths being on the rise. His wife works in hospice, and it has been a task the last couple months.

Ms. Mackey inquired if the Coroner's Office is past due on any invoices or services.

Ms. Rutherford responded they will not be able to pay some of their bills for March, and will not be able to pay their bills for April. The purchase order for professional pathology services, which performs autopsy services for the County only has \$19,000 left on it, and their average bill per month is \$80,000. Transport services has a zero balance. After the next invoice, they will not have the funds to pay them. She stated she sat down with Mr. Brown and reviewed the numbers. The only thing Mr. Brown did not account for was that they owe a local funeral home for providing cremation services.

Mr. Brown stated, within Ms. Rutherford's approved budget, she does not have funds to carry her through the remainder of the fiscal year. This is why they are going to step in and utilize funds that are not located within her budget, but are located within the County's overall approved budget. As we get close to the end of the fiscal year, this is something that happens. There are budget sweeps where you have departments who have outstanding invoices, and departments that have not spent as much as they anticipated. You use those funds to make those adjustments. If we do through this process, and spend all of those funds as well, which right now we are not projected to do, then it would require additional Council action. He noted, instead of getting to that point, he wanted to ensure Council was aware of the situation, give them time to think about the situation, ask questions and

give feedback. In the meantime, they can still utilize the funds they have now to address the Coroner's budget, until they no longer have that flexibility and there is a potential break in operational services.

Ms. Mackey inquired if there was any evaluation of expenses that could have been reduced to alleviate the need to pull funds from another place. And, are they currently looking at stopping some expense they do not need. For instance, are they still planning on hiring in the Coroner's Office.

Ms. Rutherford responded they have done things in the office to decrease spending. She noted she thrifted her office furniture. Every expense, at this point, has been a necessary expense. There were some damages they had to pay for. There were some building improvements needed, and some of the cars were not in stellar shape. She noted they have halted hiring. Prior to her taking office, part-time staff worked full-time hours, and received overtime, which affected the budget.

Mr. Malinowski noted the line item chart included in the packet was confusing and seemed incomplete. He requested to see a more detailed explanation.

Mr. Brown noted the information in the chart was from the Coroner's Office's initial submission.

Ms. Rutherford responded if there was another format the budget and expenditures should be listed in, she would be open to receiving the template so it is better understood by Council.

17. **EXECUTIVE SESSION** - No action was taken

18. **MOTIONS PERIOD** - No action was taken

19. **ADJOURNMENT** - The meeting adjourned at approximately 7:11 PM