



Richland County Council Special Called Meeting  
February 9, 2021 – 6:00PM  
Zoom Meeting  
2020 Hampton Street, Columbia, SC 29201

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

OTHERS PRESENT: Michelle Onley, Angela Weathersby, Kyle Holsclaw, Tamar Black, Leonardo Brown, Ashiya Myers, Ashley Powell, Clayton Voignier, Randy Pruitt, Sandra Haynes, Stacey Hamm, Dwight Hanna, Brian Crooks, Jennifer Wladischkin, Michael Niermeier, Lori Thomas, Mike Zaprzalka, Elizabeth McLean, Dale Welch, James Haynes, Ronaldo Myers, Lauren Hogan, Jeff Ruble, John Thompson, Dante Roberts, Michael Byrd, Britteny Hoyle-Terry and Judy Carter

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00PM.
2. **INVOCATION** – The Invocation was led by the Honorable Bill Malinowski
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Bill Malinowski
4. **APPROVAL OF MINUTES**
  - a. **Regular Session: December 15, 2020** – Ms. Terracio moved, seconded by Mr. Malinowski, to approve the minutes as distributed.

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

Present but Not Voting: McBride (due to technical difficulties)

The vote in favor was unanimous.

- b. **Zoning Public Hearing: December 17, 2020** – Mr. J. Walker moved, seconded by Mr. Malinowski, to approve items 4(b) and 4(c) as distributed.

Mr. Malinowski noted on page 33 where it indicates “present but not voting” he would like his vote to be recorded as a “no” vote, as he was having technical difficulties during this portion of the meeting.

Ms. Onley answered in the affirmative.

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

Present but Not Voting: McBride (due to technical difficulties)

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The vote in favor was unanimous.

- c. Special Called Meeting: December 17, 2020 – Approved with previous motion.
- d. Special Called Meeting: December 29, 2020 – Mr. O. Walker moved, seconded by Mr. J. Walker, to approve the minutes as distributed.

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

Present but Not Voting: McBride (due to technical difficulties)

The vote in favor was unanimous.

- e. Special Called Meeting: January 5, 2021 – Mr. O. Walker moved, seconded by Mr. J. Walker, 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.

- 5. **ADOPTION OF AGENDA** – Ms. Terracio moved, seconded by Ms. Mackey, to adopt the agenda as published.

Mr. Malinowski noted he does not believe Item 17(a) is properly before Council because the motion was indicated the item was supposed to come back at the next regularly scheduled meeting, and this is a Special Called meeting. He requested the be placed on the February 16<sup>th</sup> meeting agenda

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 ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSIN ITEMS** – Ms. McLean stated the following items qualify for Executive Session:

- a. Receipt of Legal Advice: Coggins vs. Seals and Richland County
- b. Personnel Matter: Request from Gary Watts RE: Retiree Health Insurance

Mr. Livingston noted he intended to remove Item 11(a) Request from Gary Watts: RE: Retiree Health Insurance from the agenda.

Mr. O. Walker moved, seconded by Ms. Mackey, to go into Executive Session.

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

Opposed: Malinowski, Terracio, J. Walker, and Newton

The vote was in favor.

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***Council went into Executive Session at approximately 6:14 PM  
and came out at approximately 7:47 PM***

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

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

Ms. Terracio moved, seconded by Mr. J. Walker, to instruct the attorney to proceed as discussed in Executive Session regarding a public hearing and to bring back a response by the first Council Meeting in March.

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

The vote in favor was unanimous.

Mr. Malinowski stated he wanted the attorney to bring forward information as to why it was stated, when the Gerald Seals matter was taking place, the courts stated Council took a vote in Executive Session, which is not accurate. He would like the details on that, so Council, and if need be, the public can be provided. He noted Council has never taken a vote in Executive Session.

**7. CITIZEN'S INPUT**

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

- a. Coronavirus Update - Mr. Brown stated included in the agenda packet is documentation associated with his report. DHEC has updated how they are calculating the positive percentage in Richland County. They went from the process they were using to using positive tests over a total combined number of positive and negative tests times 100 to get the percent positive. When they changed the structure of how they were calculating that, we were averaging upwards of 30+ percentage points. However, once they made that change, which aligns more with the federal alignment, the numbers went down. It does not change the community spread value, but from a statistical standpoint, it changed the percent positive number. If you were to look at our percent positive now, compared to what it looked like before around December/January, we were still averaging upwards of 20+ percentage positivity. Now according to the State, we are down to around 10% for the State, and even lower in Richland County. He noted that a few of the Councilmembers had various events. Councilwoman Barron had an event at the James Clyburn Technology Center, which was a combination mask giveaway and senior sign up for the COVID-19 vaccine.

Ms. Barron stated she visited the Booker Heights Community and Forest Height Community. The

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Community gave away bags for Senior Citizens, and inquired if we had masks to giveaway. We were able to contribute to their senior bags. While there, several seniors drove up with questions about registering for the COVID-19 vaccination, and she was able to register approximately 13 people.

Mr. Brown noted that District 2 has several scheduled COVID-19 testing events, which are currently on the County's website, was included in the County's newsletter, and it is also in the agenda packet. Those events are scheduled through April and are hosted on the 2<sup>nd</sup> Saturday of each month in Blythewood and the last Saturday of every month in St. Andrews. Mr. Brown stated the County continues its partnership with Prisma Health. They are using the Sear facility to conduct free testing for citizens. Additionally, he included information about the COVID-19 rollout. We have been getting a lot of questions from our Employees, as well as others, about Richland County's abilities to effect the vaccination rollout. He noted Richland County, as an agency, does not have jurisdiction over the COVID-19 vaccine rollout. Those phases that are included in the rollout are phases communicated by DHEC to the agencies in Richland County. The majority of Richland County's staff would fall in the 1C phase. We are looking at a vaccine rollout later in the year, unless DHEC or the Governor's Office escalates that or moves it up sooner. He wanted to make it clear, to the extent that Richland County has control over this process, it is really the sharing of information, and not us being able to dictate when individuals are vaccinated.

Mr. Livingston stated, based on feedback from his colleagues, we may need to hold a Coronavirus Ad Hoc committee meeting to address some questions.

Mr. Malinowski stated he received both shots and he cannot say enough positive things about Prisma Health, Richland County's Sheriff Department, the National Guard, and the University of South Carolina for the process that they have working for getting these vaccines out.

- b. Emergency Rental Assistance (ERA) Program Update – Ms. Barron inquired about the Emergency Rental Assistance program. She was aware that Mr. Brown stated we are still trying to find out the details, but she inquired if we have a timeframe for that.

Mr. Brown responded Richland County did apply and receive an allocation of funding related to the Emergency Rental Assistance Program. He noted the amount was a little over \$12 million dollars. Right now, the consultant, as well as the staff members that are working on that project are looking to meet this week to talk about the details. We are also looking to meet with the Coronavirus Ad Hoc committee in the coming weeks, so we can discuss how we are going to set up the program associated with these funds.

- c. 2020-2021 Retreat Follow-up
  - 1. State of the County Memorandum - Mr. Brown noted memo included in the agenda packet, contains the information he verbally briefed Council on during the Retreat.

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

- a. Recognition from US Census Bureau for 2020 Census Partnership – Ms. Onley stated the County received a thank you certificate from the US Census Bureau honoring their partnership with the 2020 Census.

**11. REPORT OF THE CHAIR**

- a. Request from Gary Watts Re: Retiree Health Insurance – Mr. Livingston stated after speaking with

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staff, Human Resources, and a few Council members, he requested to remove this item from the agenda.

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

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

Present but Not Voting: J. Walker

The vote in favor was unanimous.

- b. Equity Index Study – Mr. Livingston stated he received some information from the City of Columbia regarding an effort to do an equity index study. The study will deal with an analysis of our demographic information that will be helpful when dealing with various racial equity situations in the County. He noted Spartanburg has done this and encouraged Council to look at their report and the data it provided. He stated the reason the request came from the City was because they are trying to get five or six groups so the cost of the study will be reasonable. The cost for the County would be \$2,000. Mr. Livingston's recommendation would be that the Administrator looks at this study. If the Administrator believes the study will be beneficial, he has the authority to undertake the study on the County's behalf.

Ms. McBride moved, seconded by Ms. Terracio, to approve the Chair's recommendation.

Ms. Terracio inquired if Mr. Livingston knew who the other entities were.

Mr. Livingston responded he did not, but he would have Mr. Brown to follow-up.

Ms. Barron stated she thinks this study is needed, but she thinks we need to do our due diligence with getting more information on who the other players are, the agency in which we are using, etc. Even though it seems like a small amount of money, we still want to be good stewards over the funds.

Ms. McBride stated this study would be good, but at the same time, as she has mentioned over the years, we need to look at the equity issue with our procurement, in terms of all our contracts, and even in hiring for Richland County. She hopes the equity index study will not be a substitute for what we as Richland County had already planned to do.

Mr. Livingston responded that is was a component of that study.

Mr. Brown responded this would not replace the County's efforts concerning the issues addressed by Ms. McBride.

Ms. Newton stated, for clarification, we are instructing the Administrator to do his due diligence about the study, and proceed if he sees fit.

Mr. Livingston responded in the affirmative.

Ms. Newton offered a friendly amendment, in the event Richland County does participate in the Equity Index Study, the Administrator comes back to Council with recommendations as to how the information gleaned from the study might affect County programs or policies.

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

The vote in favor was unanimous.

## 12. OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Amending the Fiscal Year 2021 Economic Development Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition – No comments were received.
- b. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition - No comments were received.

## 13. APPROVAL OF CONSENT ITEMS

- a. 20-037 MA Brian K. Smith HI to GC (7.3 acres) Farrow Road and Clemson Road TMS# R17400-04-04 – Ms. Terracio moved, seconded by Mr. J. Walker, to approve this item.

Ms. Terracio inquired about which district the re-zoning is in.

Mr. Livingston responded that this was in district 7.

Ms. Barron stated she wanted to formally go on record to say the process for this project had already started prior to her coming on Council, but she has spoken to her colleagues that govern in the Northeast area, and they are concerned about the congestion. As we move forward, they would like to look towards smart growth, and not just moving to approve.

Mr. Malinowski noted Councilwoman Barron could defer this item to obtain additional information.

Ms. Barron thanked Mr. Malinowski and stated she has been brought up to speed on this issue.

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

The vote in favor was unanimous.

## 14. THIRD READING ITEMS

- a. An Ordinance Amending the Fiscal Year 2021 Economic Development Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition – Mr. J. Walker moved, seconded by Mr. Malinowski, to approve Items 14(a) and 14(b).

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

The vote in favor was unanimous.

Mr. Walker moved, seconded by Mr. Malinowski, to reconsider Items 14(a) and 14(b).

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

The motion for reconsideration failed.

- b. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition – Approved in previous motion.

15. **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. Move that Richland County discontinue its practice of demolishing private property in the unincorporated areas of Richland County where that property is not on a public road without that property owner's consent and opportunity to be heard by Richland County council, and I further move that any and all such involuntary demolitions be incurred at the County's expense and not the property owner's expense. [MYERS] – Ms. Terracio stated the committee recommended Council approve staff's recommendation to continuing with current implementation and enforcement procedures that comply with the International Property Maintenance Code (IPMC). She noted no motion would be required since the recommendation is to maintain the current policy and practices.

Mr. Malinowski stated he is not sure a vote is not required because they have choices provided to on p. 63 of the agenda packet, when adopting the IPMC. He noted that on p. 64, when it talks about a structure, it does not give a definition to what a structure is. It says a structure that is found unfit for human occupancy can be condemned. He noted there are many structures in our unincorporated areas that are not meant to be for human occupancy.

Mr. Malinowski made a substitute to “Amend the County Code of Ordinances to adopt the IPMC code in part, with the exception of the administrative and enforcement sections (Sections 103-112), and add the desired administrative and enforcement procedures to be used in conjunction with the remainder of the adopted IPMC”. The motion died for lack of a second.

16. **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 Centrum]; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approved of this item.

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

Opposed: Malinowski and Pugh

The vote was in favor.

- b. Authorizing the first amendment to the master agreement governing the Forest Acres Business Park between Richland County and Fairfield County; authorizing the first amendment to intergovernmental agreement between Richland County and the City of Forest Acres; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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Mr. Malinowski stated he was going to be voting “no” because he spoke with Director Ruble and he was supposed to provide Mr. Malinowski some information, and he has not received it.

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

Opposed: Malinowski

The vote was in favor.

17.

**OTHER ITEMS**

- a. Move to remit the \$300,000 private donation (negotiated by Councilwoman Dalhi Myers and Councilman Chip Jackson) earmarked for the Taylors Community to Richland County Parks & Recreation under an IGA, to be designated as funding for the Taylor's Community Park, promised and fully funded, as part of an Economic Development plan for the Reign Community on Shop Road before December 31, 2020. These funds were donated beginning in 2017 prior to the construction of the 2,000 bed new Reign Community, which is now complete. RC staff has not begun planning or construction on the fully funded park - This item was removed during the Adoption of the Agenda.
- b. FY20 - District 7 Hospitality Tax Allocation – Ms. Barron moved, seconded by Ms. Terracio, to approve this item

Ms. McBride stated at the last Council Meeting she voted to defer this item to ensure Councilwoman Barron had the opportunity to look at the hospitality tax allocations. She requested Ms. Barron’s input on what Council needs to do with the item.

Ms. Barron responded she had the opportunity to review the request. She believes the H-Tax funds need to go out into the community, and we need to streamline the process by which they are distributed. In addition, the frequency in which organizations get funding.

Ms. McBride inquired if Councilwoman Barron had an issue funding this item.

Ms. Barron responded she did not.

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

Opposed: J. Walker

The vote was in favor.

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

In Favor: J. Walker

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

The motion for reconsideration failed.

- c. An Ordinance extending ordinances 17-20HR, 041-20HR and 055-20HR requiring the wearing of face masks to help alleviate the spread of COVID 19 – Ms. McBride moved, seconded by Ms. Terracio, to approve this item

Mr. Walker inquired if anything has changed with the enforcement agency with this extension, or is it still incumbent upon the Fire Marshal to enforce this ordinance.

Mr. Brown stated there is not any additional enforcement mechanisms.

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

Opposed: Malinowski, J. Walker.

The vote was in favor.

18. **EXECUTIVE SESSION** – There were no items for Executive Session.

19. **MOTION PERIOD**

- a. Approval of proposed letter in opposition of SC Senate Bill I – Ms. Terracio stated while the letter before us may not be something her colleagues feel they should weigh in on, she wanted to make a statement about the effects these types of Bills will have on the constituents of Richland County. She knows people have different feelings on this issue, but the Bill will not only effect the citizens of the County who can become pregnant, as well as their families, it will directly affect Richland County in ways you may not have considered. For instance, the County has an interest in Prisma Health and ensuring the citizens here have access to healthcare. This Bill would discourage doctors from coming into the State and County, and encourage them to leave because their ability to practice evidence-based medicine would be diminished. Richland County has an interest in economic development and she's been told over and over again about how important it is that businesses come and stay here. We need people to work at these businesses, and they need to choose to stay here or to move here, as her family did. Bills like this do not attract businesses and they do not retain talent. It will come as no surprise to anyone that she opposes this Bill. If others feel this would hard their constituents, and the interest of Richland, she would welcome support for her letter.

Mr. Livingston stated he could forward this to a committee, but inquired as to when this Bill will come up.

Ms. Terracio responded the Bill has been moving quickly, so sometime next week or so.

Mr. Livingston stated it will be a couple weeks before we have a committee meeting.

Ms. McBride stated she fully supports her efforts. She suggested doing a proclamation and have the Council members supporting the effort to sign off on it.

Ms. Terracio stated she could have something prepared and circulated to anyone that wants to sign off on it.

Mr. O. Walker and Ms. English voiced their support of the proclamation and a woman's right to choose.

Mr. Livingston stated this is the motion period and discussion is not normally permitted. He encouraged Ms. Terracio to seek other options since this Bill is moving quickly and all he can do is send it to committee.

20. **ADJOURNMENT** – Mr. J Walker moved, seconded by Mr. Malinowski, to adjourn.

Ms. McBride requested a Point of Personal Privilege.

**POINT OF ORDER:** Mr. J Walker noted he moved for adjournment before Ms. McBride requested a Point of Personal Privilege.

In Favor: Malinowski, Pugh, J. Walker

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

Present not voting: O. Walker

The motion for adjournment failed.

**POINT OF PERSONAL PRIVILEGE:** Ms. McBride extended her sincere thanks to all her colleagues, Administrator and staff for their acts of kindness and thoughtfulness extended to her and her family in the passing of her sister former Councilwoman Thelma Tillis. All of the calls, cards, flowers, and emails meant so much to them and her family truly appreciated everything. She wanted to particularly thank Mr. Livingston for taking the time to speak on behalf of his relationship with her sister and County Council at the funeral. She also thanked Ms. English for her prayers.

The meeting adjourned at approximately 8:42PM