



Richland County Council
Special Called
June 8, 2021 – 6:00 PM
Zoom Meeting

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: Leonardo Brown, Tamar Black, Angela Weathersby, Lori Thomas, Bill Davis, Dwight Hanna, Judy Cater, Michael Niermeier, Randy Pruitt, Kyle Holsclaw, Sandra Haynes, Stacey Hamm, Michael Byrd, Ronaldo Myers, Jeff Ruble, Brittney Hoyle-Terry and Andrea Mathis, Dale Welch, Dante Roberts, Elizabeth McLean, John Ansell, Mike King, Michael Maloney, Quinton Epps, Sierra Flynn, Stephen Staley, Syndi Castelluccio, Synithia Williams, James Hayes and Jennifer Wladischkin

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 Overture Walker
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Overture Walker

APPROVAL OF MINUTES

4.
 - a. **Regular Session: May 18, 2021** – Ms. Barron moved, seconded by Ms. McBride, to approve the minutes as distributed.

Mr. Malinowski noted the language in the proclamations presented at the May 18th contained language that is typically used in resolutions. He requested the language be amended to remove “Richland County Council” at the end of the proclamations.

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

The vote in favor was unanimous to approve the minutes as corrected.

- b. **Zoning Public Hearing: May 25, 2021** – Ms. Barron moved, seconded by Ms. McBride, to approve the minutes as distributed.

Ms. Newton noted, for the record, Item #6 (Case # 21-010MA), was to be deferred until the July Zoning Public Meeting.

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

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The vote in favor was unanimous to approve the minutes as amended.

- c. Special Called Meeting: May 25, 2021 – Ms. McBride moved, seconded by Ms. Newton, 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** – Mr. Brown requested to move Item 18(b): Mask Ordinance/Safety Plan to Item 9(a).

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

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

Opposed: Malinowski and J. Walker

The vote was in favor.

REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

6.
 - a. Personnel Matter: Clerk to Council Office
 - b. Contractual Matter/Legal Advice: 911 Center Proposal

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

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

Opposed: Malinowski and J. Walker

The vote was in favor.

Council went into Executive Session at approximately 6:20 PM and came out at approximately 7:57 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

The vote in favor was unanimous.

Contractual Matter/Legal Advice: 911 Center Proposal – Mr. J. Walker moved, Ms. McBride, to authorize the Administrator and the Acting County Attorney to move forward with negotiations, as discussed in Executive Session, and return an update to Council by the next regularly scheduled Council meeting.

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

English and Newton

The vote in favor was unanimous.

7. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public – No comments were received for this item.

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 received for this item.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown reported the County's incident level is currently low. The percent positive remains below 5%. At the time of the report, over \$3.5M has been approved in the Emergency Rental Assistance Program funding.
- b. Mask Ordinance/Safety Plan – Mr. Brown stated the County's mask ordinance expired on June 5th. What is in effect now is an encouragement to follow CDC guidelines concerning vaccinated and unvaccinated persons. As it relates to the Detention Center and homeless shelters, the CDC recommends the continued wearing of face coverings.

10. **REPORT OF THE CLERK OF COUNCIL** – Ms. Mathis provided Council the dates of upcoming meetings.

11. **REPORT OF THE CHAIR**

- a. Personnel Matter: Clerk to Council Office – This item was taken up in Executive Session.
- b. SC Association of Counties Scholarship Recognition: Ridha Fatima, Spring Valley High School – Mr. Livingston recognized Ms. Fatima on receiving a scholarship from the SC Association of Counties.

12. **OPEN / CLOSE PUBLIC HEARINGS**

- a. Providing for the issuance of refunding revenue bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$18,000,000 to refund the County's outstanding Village at Sandhill Improvement District Assessment Revenue Bonds, Series 2004, and other matters relating thereto – No comments were received for this item.
- b. Providing for the issuance of General Obligation bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$13,000,000 to refund a portion of the County's outstanding General Obligation bonds; and other related matters – No comments were received for this item.
- 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 Intertape Polymer Corp. to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters—No comments were received for this item.

13. **APPROVAL OF CONSENT ITEMS**

- a. A1-002MA, John Swistak, PDD to RM-HD (2.6 Acres), S/E Rice Meadow Way, TMS # R20310-07-02 & 03 [SECOND READING]
- b. 21-005MA, James Charles Hester, RU to NC (2.12 Acres), 1220 Dutch Fork Road, TMS # R03303-01-01 [SECOND READING]
- c. 21-012MA, Wyman Shull, RU to RS-MD (0.144 Acres), 1111 A J Amick Road, TMS # R02414-02-32 (portion of) [SECOND READING]
- d. 21-031MA, Ryan Maltba, PDD to GC, 4561 Hardscrabble Rd., TMS # R20300-04-15 [SECOND READING]
- e. Amending the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place”, by incorporating and adopting the “Rediscover Sandhills” Neighborhood Master Plan into the Plan [SECOND READING]
- f. FY2022 Dirt Road Paving Project List
- g. Operational Services – Award of Township Auditorium Boiler Project
- h. Operational Services – Award of Township Auditorium Lightning Upfit
- i. Financial Audit Services
- j. Department of Public Works – Award of 80,000 lb. Excavator
- k. Department of Public Works – County Line Trail
- l. Department of Public Works- Danbury Drainage Improvements

Ms. McBride moved, seconded by Ms. Terracio, to approve the consent items.

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

Present but Not Voting: J. Walker (due to technical difficulties)

Ms. McBride moved, seconded by Ms. Terracio, to reconsider Item 13(i).

Mr. J. Walker made a substitute motion, seconded by Ms. Barron, to reconsider Items 13(f) – 13(l).

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. Providing for the issuance of refunding revenue bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$18,000,000 to refund the County's outstanding Village at Sandhill Improvement District Assessment Revenue Bonds, Series 2004, and other matters relating thereto – Ms. Terracio moved, seconded by Ms. Mackey, to approve this item.

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

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

- b. Providing for the issuance of General Obligation bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$13,000,000 to refund a portion of the County's outstanding General Obligation bonds; and other related matters – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

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

Present but Not Voting: J. Walker (due to technical difficulties)

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 Intertape Polymer Corp to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits and other related matters – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

Mr. Malinowski inquired what project name this item was given for First/Second Reading.

Mr. Ruble responded this was previously Project Curb.

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

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

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

- a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be "affordable" when 30% or less of one's income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] – Ms. Terracio stated the committee recommended inviting a representative from the Affordable Housing Task Force to present at the next Council meeting. She noted she had not coordinated the

presentation for tonight's meeting, and requested to defer this item until the June 15th Council meeting.

Ms. Newton requested an updated briefing document that address the information to be provided by the Affordable Housing Task Force.

Mr. Livingston noted this should be a report from the Affordable Housing Task Force instead of a presentation.

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

- a. Conservation Commission – Award of Bridge & Dirt Road Improvement Project – Mr. Malinowski stated, a part of, the committee's recommendation was to have the Administrator to determine the policy to ensure we are not in violation with this approval.

Mr. Brown responded staff has not determined if there is a violation because the Conservation Commission was paying for work that is normally conducted by Public Works.

Ms. McLean responded she does not believe it matters what fund the work is paid out of as long as Council appropriated the funding.

Mr. Malinowski inquired if there was a contract Legal would have to review.

Ms. McLean responded she has not reviewed the contract, but if we sign a contract with a vendor, the contract would come to Legal for review.

Ms. Terracio moved, seconded by Ms. Barron, to approve this item.

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

Opposed: Malinowski and McBride

The vote was in favor.

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

I. NOTIFICATION OF APPOINTMENTS

- a. Central Midlands Council of Governments – Five (5) Vacancies – Mr. Malinowski stated the committee recommended appointing Ms. Stephanie O'Cain, Mr. Wayne Gilbert, Mr. William Simon and Mr. Charles Appleby and re-advertising for the remaining vacancy.

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

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

- b. East Richland Public Service Commission – Two (2) Vacancies – Mr. Malinowski stated the

committee recommended appointing Mr. John Kososki and Ms. Catherine Cook.

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

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

- c. Transportation Penny Advisory Committee – 5 – Mr. Malinowski stated the committee recommending re-advertising for the vacancies.

Ms. Newton inquired when the vacancies will be re-advertised.

Ms. Mathis responded she was not sure when the next ad would be placed, so she will have to follow-up with Ms. Newton.

Ms. Barron noted the committee discussed advertising the vacancies immediately.

Ms. McBride inquired if the committee was looking for a particular criteria or requirements.

Mr. Malinowski responded there was a recommendation that individuals serving on this committee have some knowledge of the purpose behind the overall Penny Tax.

Mr. Malinowski responded we do not just advertise 1 – 2 vacancies due to the costs. There is a schedule staff follows in advertising.

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

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

18. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Three Rivers Greenway Boozer Property Conveyance [FIRST READING] – Mr. O. Walker stated this property, which is known as the Boozer Property, is located near Candi Lane and owned by the County. Said property was used to construct the Three Rivers Greenway and Saluda Riverwalk Greenway Projects in 2020. The City requested annexation of the property, which Council approved on November 10, 2020. The next step is to deed the property to the City via ordinance.

Ms. Newton inquired if it was always a part of the plan to deed the property to the City.

Mr. Niermeier responded it was a part of the plan.

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

Opposed: Malinowski

Present but Not Voting: J .Walker (due to technical difficulties)

The vote was in favor

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

- a. COVID-19 Memorial – Ms. Barron stated the committee recommended allowing staff and herself to move forward with planning the COVID-19 Memorial.

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

Present but Not Voting: J. Walker (due to technical difficulties)

The vote in favor was unanimous.

20. **OTHER ITEMS**

- a. A Resolution to appoint and commission Chappell Antonie Green as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County
- b. A Resolution to appoint and commission Marcus Martell Haggwood, Sr. as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County
- c. FY20 – District 11 Hospitality Tax Allocations
- d. FY20 – District 7 Hospitality Tax Allocations

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

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

Present but Not Voting: J .Walker (due to technical difficulties)

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. McBride, to reconsider Items 18(a) and 19(a) – 19(d).

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

Present but Not Voting: J .Walker (due to technical difficulties)

The motion for reconsideration failed.

21. **EXECUTIVE SESSION**

- a. Personnel Matter: Clerk to Council Office

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

Present but Not Voting: J. Walker (due to technical difficulties)

Council went into Executive Session at approximately 8:41 PM and came out at approximately 10:05 PM

Ms. McBride moved, seconded by Mr. Malinowski, to come out of Executive Session.

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

The vote in favor was unanimous.

Personnel Matter: Clerk to Council Office – Mr. Malinowski noted no action was taken in Executive Session. There were four (4) items discussed. Each Council member should vote for one of the four options. Once the vote has been completed, the Clerk will inform Council which, if any, of the four (4) items have a majority.

Mr. Malinowski moved, seconded Ms. English, to direct the Clerk to call the vote for #s 1, 2, 3, and 4.

#1: Terracio and J. Walker

#2:

#3: Malinowski, Pugh, O. Walker, Mackey and English

#4: McBride, Livingston, Barron and Newton

Ms. Mathis stated #3 received the majority vote.

Ms. Newton inquired how many votes were received for #3.

Ms. English responded five (5).

Mr. Malinowski inquired, because we do not have a Council majority of six (6) votes, do we need to vote again on the top two (2) items, or take the top vote.

Ms. McLean responded, her recollection was, the motion stated the majority would be the winner. She believes that will be enough to allow you to vote and leave this, as is.

Mr. Malinowski stated this item needs to be added to the June 15th agenda for further discussion and clarification.

Ms. McBride stated we have a vote of five (5) for and six (6) against, so she does not see that as a majority.

Ms. English responded the vote was five (5), four (4) and two (2).

Mr. Livingston stated, before the next Council meeting, we need to see whether we would need to have a clear majority of Council.

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Mr. J. Walker moved, seconded by Ms. Terracio, to reconsider the previous vote.

Mr. Malinowski requested a substitute motion.

POINT OF ORDER: Mr. J. Walker inquired if a substitute motion can be made on a motion for reconsideration.

Mr. Malinowski noted a Council member on the prevailing side would have to make the motion for reconsideration.

POINT OF ORDER: Mr. J. Walker stated he thinks it would be hard to establish a prevailing side in a "Round Robin" vote.

Mr. Malinowski noted, the fact his motion stated the majority vote would be the one accepted, we do have a majority vote. He did not say a majority of Council members.

Mr. Malinowski moved, seconded by Mr. J. Walker, to have the Clerk to review the minutes to determine the original motion was and, based upon the motion, to proceed accordingly at the June 15th Council meeting.

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

Opposed: Malinowski, O. Walker, Mackey and English

The vote was in favor.

22. **MOTION PERIOD**

- a. I move to name June as Pride Month in Richland County [TERRACIO] – This item was referred to the D&S Committee.

23. **ADJOURNMENT** – The meeting adjourned at approximately 10:21 PM.