



Richland County Council

SPECIAL CALLED MEETING

August 31, 2020

Immediately Following the Zoning Public Hearing
Zoom Meeting

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Vice Chair; Joyce Dickerson, Bill Malinowski, Yvonne McBride, Chakisse Newton, Allison Terracio, and Jim Manning

OTHERS PRESENT: Michelle Onley, Ashley Powell, Leonardo Brown, Dale Welch, Angela Weathersby, Ashiya Myers, John Thompson, Larry Smith, Tammy Addy, Clayton Voignier, Kyle Holsclaw, Quinton Epps, James Hayes, Allison Steele, Nancy Stone-Collum, and Elizabeth McLean

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.

A moment of silence was held in remembrance of Councilman Calvin “Chip” Jackson.

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.

4. **APPROVAL OF MINUTES**

- a. **Regular Session: July 21, 2020** – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

- b. **Zoning Public Hearing: July 28, 2020** – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

In Favor: Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Opposed: Malinowski

Not Present: Walker and Kennedy

The vote was in favor.

- c. Special Called Meeting: July 28, 2020 – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

In Favor: Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Opposed: Malinowski

Not Present: Walker and Kennedy

The vote was in favor.

- 5. **ADOPTION OF AGENDA** – Mr. Livingston requested to add the following under the Report of the Chair: “Scheduling of Nuisance Ordinance Hearing”.

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

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Myers and Newton

Opposed: Manning

Not Present: Walker and Kennedy

The vote was in favor.

- 6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION** – No report was given.

- 7. **CITIZENS’ INPUT**

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

- 8. **CITIZENS’ 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 comments were received.

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

- a. Coronavirus Update – Mr. Brown stated since the institution of the mask ordinance the Ombudsman’s Office has received 131 calls in response to concerns related to the ordinance. The Fire Marshal’s Office have responded to approximately 31 complaints, have issued 28 orders communicating to individuals what the mask ordinance says, and encouraging them to properly respond to the mask ordinance. No tickets were issued on those initial site visits.

Early on, we discussed providing masks to the community. Staff has gotten together and broken down the approximately 67,000 masks for distribution to the Council districts.

The County moved forward with signing the Subrecipient Agreement and submitted a request for reimbursement to the State.

DHEC informed the County they want to provide testing at the Health Department. No specific dates or times have been provided.

The following are the County's number of positive COVID tests: August 24th – 77 cases; August 25th – 79 cases; August 26th – 84 cases; August 27th – 76 cases; August 28 – 112 cases; August 29th – 195 cases; August 30th – 404 cases; August 31st – 193 cases. From the period of July 1 – 15, the County had a 22.6% positive rate; July 17 – 31, the rate was 26.2%; August 1 – 15, the rate was 23.2%; and August 16 – 30, the rate 29.5%.

As staff has been discussing what the County might look like when we re-open, or phase back in additional services, with the recent numbers it is certainly going to be a slower process because the numbers are going in the wrong direction. If 5% is the ideal goal, being at 29% is not going to cut it. And, if having a 14-day downward trend is going to be goal, then going up and having an average of over 100 cases per day is not going to cut it either.

Staff received some information about testing, as a strategy. Over the past few days, there have been some questions about the testing information we received. One of the key things is how to account for people who may not be showing signs or symptoms. We have received differing opinions on who needs to be tested. The testing information has not been consistent across the State and National entities the last couple of months.

Ms. Myers inquired if Council has adopted a policy, in terms of the CDC Guidelines, in regard to re-opening.

Mr. Brown responded Council has not.

Ms. Myers inquired if Council has adopted a policy, as far at the 5% number referenced.

Mr. Brown responded Council has not.

Ms. Myers inquired if Council has adopted a policy with regard to the targeting of any number, in terms of re-opening.

Mr. Brown responded Council has not.

Ms. Myers inquired where those policy recommendations be coming from.

Mr. Brown responded the general guidance would come from the guidelines provided by the CDC and DHEC.

Ms. Myers inquired if the Administrator considered it necessary for Council to adopt a policy.

Mr. Brown responded in the affirmative.

Ms. Newton inquired about what kind of discussions have happened in terms of evaluating how we might be able to provide more services remotely.

Mr. Brown responded part of the conversation has been what equipment we need to procure and what services we need to extend, so that more remote work can be done.

Ms. Newton stated that presumes we know which services we are going to offer remotely. She inquired if there has been a prioritization of what those services are, if there is an analysis that we can look at that show which services we provide in a non-Coronavirus world, and the services we are providing now.

Mr. Brown responded staff will be working on providing that information to Council, and determining which services are high volume, in-person services, so they can be shifted to a remote service (i.e. Auditor, Treasurer, etc.) Staff has been provided information by the Ombudsman's Office regarding questions and concerns they have received regarding services.

Mr. Livingston noted that he planned to schedule a Coronavirus Ad Hoc Committee in the near future to discuss some of these details.

10. **REPORT OF THE INTERIM CLERK OF COUNCIL** – No report was given.

11. **REPORT OF THE CHAIR**

- a. Scheduling Nuisance Ordinance Hearing – Mr. Livingston stated Council received information regarding the closing of a business, per the County's nuisance ordinance. Per the ordinance, the business is entitled to an appeal hearing, and he has received a request from the property owner for an appeal hearing. He will contact his colleagues to determine a date and time to hold the hearing.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and Infrastructure Credit Agreement, and amendments of certain existing fee-in-lieu of ad valorem agreements, by and between Richland County, South Carolina and Project Quattro; to provide for payments of fees-in-lieu of taxes; authorizing certain infrastructure and other related matters – No comments were received.

13. **APPROVAL OF CONSENT ITEMS**

- a. 20-006MA, Paul Pettinelli, HI to GC (.9 Acres), 1314 Rosewood Drive, TMS # R11208-02-10 [SECOND READING]
- b. 20-008MA, Michael Winkler, RU to NC (1.25 Acres), 11045 Two Notch Road, TMS # R29100-05-04 [SECOND READING]
- c. 20-015MA, Brenda Miller, RU to RS-MD, 8104 Brookmount Lane, TMS # R14414-02-04 [SECOND READING]
- d. 20-018MA, Ryan Horton, RM-HD to GC (2.62 Acres), 616 Percival Road, TMS # R16716-01-01 [SECOND READING]
- e. County Attorney's Office – Request to Close a County Road – Murray Tract

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

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

14. **THIRD READING**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and Infrastructure Credit Agreement, and amendments of certain existing fee-in-lieu of ad valorem agreements, by and between Richland County, South Carolina, and Project Quattro; to provide for payments of fees-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. Manning moved, seconded by Ms. McBride, to approve Items 14(a) and (b).

Mr. Malinowski stated he would like to vote on the items individually.

Mr. Manning withdrew his motion.

Mr. Manning moved, seconded by Mr. Malinowski, to approve this item.

Ms. Terracio inquired if there is any additional information that can be publicly shared regarding this item.

Mr. Ruble responded PIO has prepared a press release, which will be sent out tomorrow morning should Council approve Third Reading of this item.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

- b. Approving the transfer of certain property located in the Blythewood Park to Fairfield Electric Cooperative; and other related matters – Ms. Dickerson moved, seconded by Mr. Manning, to approve this item.

In Favor: Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Opposed: Malinowski

Not Present: Walker and Kennedy

The vote was in favor.

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

- a. Approval of the Award Sum from SC State Revolving Fund (SRF) towards the South East Sewer and Water Expansion Project – Ms. Myers inquired, if the County only built what is described in the briefing documents, would the system work.

Dr. Thompson responded it would not work because you have to be able to build infrastructure to get to the Eastover Wastewater Treatment facility.

Ms. Myers inquired about the cost of that portion of the project.

Dr. Thompson stated the entire project cost approximately \$25M.

Ms. Myers stated, if we built the standalone portion, which consistently has been described as the school's portion, would the schools be any better off than they are today.

Dr. Thompson responded not without the backbone of the system.

Ms. Myers stated, for clarification, so it is necessary to build the other parts of it to add to the portions on the school campuses.

Dr. Thompson responded you would have to build the entire infrastructure to convey the waste.

Ms. Myers stated, for clarification, if it is a better analysis, of what we are defining as the school's portion, which recognizes you have to build a whole system, and not just a pump.

Dr. Thompson responded if only the school system was using it, but we understand the community will be using it as well.

Ms. Myers stated, assuming only the school system is using it, can we build just on the school property and have a working system.

Dr. Thompson responded you would not be conveying waste anywhere.

Ms. Myers inquired if the residential customers were incidental to the school system.

Dr. Thompson responded, based on recent information, it appears the system was built for the schools.

Ms. Myers stated, if that is the case, she would like to understand why we have consistently stated only "X" amount will be used for the schools. It leads the public, and others, to believe that the schools are being disadvantaged by this system. She inquired if it is accurate to describe the costs for the project as only the lift stations on the school property.

Dr. Thompson responded we would need more than the lift stations on the property.

Ms. Myers requested that we reflect the actual cost of building this network to clean up the schools, so we get past the discussion of if the County is trying to make money on the back of the school. Where we are is, this is a system that residents can join, but it is primarily to fix these schools and get waste off of their premises. She noted there would be no \$30M bond, but for the fact that we are getting the waste off of the school grounds. She suggested the way the briefing documents are written may be too narrow and misleading. She inquired, outside of this project, what are Richland County's multi-million dollar projects.

Mr. Brown responded the other project would be the Transportation Penny.

Ms. Myers inquired if we have spent any time educating the public on this project, outside of what Councilmembers have done.

Mr. Brown responded there have not been any public meeting recently because there is some questions that have not been fully answered.

Ms. Myers inquired if Administration knew how much has been spent on public education for the Transportation Penny.

Mr. Brown responded that he did not know the amount.

Ms. Myers noted she knows that it was at least \$300,000 a year until the PDT contract ended. She suggested, given the size of this project, we need to represent it to the public and there be a concerted effort to dispel the miscommunication, misunderstanding and misinformation in the public domain. There needs to be a plan developed to make the community aware of why it is critically important to get the human waste off the grounds of the schools, and why it is helpful, not harmful, to the community where it will sit.

Ms. Myers moved, seconded by Ms. Dickerson, to accept the \$1M.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

- b. Little Jackson Creek Up-Ditch Work Authorization Award – Ms. Dickerson stated the committee recommended to approve Work Authorization No 10 (Scope Amendment) for additional consultant services for the Little Jackson Creek Up-Ditch Hazard Mitigation Grant Project (HMGP) in the amount of \$127,853.

Mr. Malinowski inquired if the retaining wall the County is going into is on railroad property.

Ms. Williams responded the retaining wall was put in on the small portion of the entire length of the up-ditch, and is not on the railroad side. It is on the property owner's side. When they reached out to the property owner, the County was informed the railroad put it in because the property was eroding away.

Mr. Malinowski noted the briefing document states, "No real estate services related to private landowners" is needed. He inquired if that is correct.

Ms. Williams responded that is correct. In order to go in with the equipment, the County is obtaining the construction easements on both sides. Outside of the CSX permit fees, which we are trying to get waived, there should be no other real estate costs or services.

Mr. Malinowski stated, the scope of services, assumes the up-ditch will not be considered jurisdictional Waters of the United States. He inquired when we will be certain.

Ms. Williams responded they submitted the request to the Army Corps of Engineers for them to look at. It could take a couple of months for them to get back with the County.

Mr. Malinowski stated, for clarification, if it is determined that it is Waters of the United States, what more is going to be needed from the County.

Ms. Williams responded they may look at us to do mitigation somewhere else. In other projects, the County has been able to alter the work, or limit it, to avoid having to do additional permit requirements.

Mr. Malinowski inquired if the County will have to go onto the railroad property.

Ms. Williams responded we will not be working on the railroad property, but because we will be in the vicinity of it, we have to get the easement permit to go into their right-of-way.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Mr. Manning, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Myers and Newton

Not Present: Walker and Kennedy

The motion for reconsideration failed.

- c. Home Detention/Electronic Monitoring Services – Ms. Dickerson stated the committee recommended to continue the electronic monitoring program and approve the award of a contract for home detention services to Offender Management Services.

Ms. Myers stated she thought the committee recommended extending the contract for one year and opening up a bid and approval process by the end of the one-year contract extension.

Mr. Malinowski stated one of his questions, at the committee meeting, related to the detainees and if Richland County was paying for all of them, regardless of where they came from. In response, Mr. Myers stated that all General Session/Circuit Court detainees are County detainees, regardless of the municipality. He requested an explanation of that because if other municipalities send them there, unincorporated Richland County should not be paying for them to be there. Right now, we have requirements that whichever municipality sends an individual to the Detention Center they have to pay a daily fee for that individual to be there, so he does not see why that does not carry over to this part. Any additional fees should carry over to the municipality, as well.

Mr. Myers stated the only portion the municipalities pay is when the detainee are charged with municipality offenses, and are not General Session offenses. Once they are General Session offenses, their bond is set and the County takes responsibility.

Ms. Dickerson stated, for clarification, if that means the County is responsible for the home detention monitoring services.

Mr. Smith responded, the current agreement, with the municipalities, covers the basics of the stay of a detainee in the Detention Center (i.e. food). He stated it would require an amendment to the current agreement, regarding what they will pay, to defer the costs to the County for the detainees. The County would need to take a look at each individual agreement with the municipalities to review the language, and determine when the agreements can be amended.

Mr. Malinowski requested a friendly amendment to direct Legal to immediately begin reviewing the agreements to determine if the County can charge municipalities for home detention services for their detainees.

Ms. Myers accepted the friendly amendment.

Mr. Malinowski inquired if stakeholder input was obtained from the detainees.

Mr. Myers responded input was not obtained from the detainees utilizing the monitoring services.

Mr. Malinowski inquired as who Dan Goldberg and William Bilton are, as they were two of the evaluators.

Mr. Myers stated they are from the Solicitor's Office.

Mr. Malinowski stated, when you look at the evaluations, those two individuals consistently gave the current provider higher ratings than anyone else, and lower ratings to the other vendors, which he finds unusual. If you take their ratings out, Corrective Solutions rates higher.

Mr. Newton inquired, if the Magistrate's Office has looked at doing an analysis, in terms of whom we are assigning the monitoring too, or what is the policy. As we look broadly at the program, what is governing who gets an ankle bracelet?

Mr. Smith responded it is the Magistrate's discretion as to who will be placed on the monitoring program. He is not sure of all the criteria, but he knows they typically consider putting someone on that has not committed a serious crime.

Ms. Newton inquired if it would be in the County's purview to understand the criteria and how they conform to best practices.

Mr. Smith responded, in terms of evaluating the cost benefit analysis, to know exactly what they are utilizing as a criteria that would be correct.

Ms. Newton stated she is not trying to derail what we are trying to do, but as we look at negotiating an agreement, depending on what we work out, she does not know how that could affect the agreement we plan to negotiate.

Ms. McBride inquired if we are utilizing the home monitoring services to the extent that we do not need it. She also noted that Mr. Malinowski is not the only one that was concerned about the evaluation scores.

Mr. Malinowski stated, his recollection is, the higher the number, the higher the costs.

Ms. Wladischkin responded the higher the score, the better the cost proposal. She indicated she could provide the numbers to Council.

Ms. Myers inquired if Ms. Pringle has any anecdotal information regarding the individuals utilizing the monitoring services.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

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

- a. Authorizing the extension of the term of the fee in lieu of tax agreement dated as of September 1, 1999, by and between Richland County, South Carolina, and Carolina Ceramics, LLC – Mr. Livingston stated the committee recommended approval of this item.

Ms. Myers stated she is exceptionally grateful for how Mr. Jackson guided the Economic Development Committee and the work he put into keeping all Councilmembers informed of what was going on.

Mr. Malinowski noted the information he saw was older, and he did not see current information where they were requesting the extension. He does not understand why they want the extension, what we are getting out of it, and what are they required to invest.

Mr. Ruble responded the original fee-in-lieu was issued in 1999, and based on an \$8M investment. The County has the ability to create a 5-year investment window, but the County can also extend that, which they did for up to 8 years. The company has accomplished the investment. We are now at the end of the term of the fee-in-lieu agreement. They have requested the County to extend it another 5 years. If Council decides not to do that, it means all their property would go ad valorem and their property taxes would jump dramatically. The company originally came to us our "Existing Industry Program" and said they needed help. They had new investors and were trying to turn the company around, but needed some help from the County. We anticipate the company will make further investments at the plant, but this a stop gap measure during the pandemic.

Mr. Malinowski stated, for clarification, all of the original agreements have been completed, and there is nothing for the County, other than giving up additional taxes.

Mr. Ruble responded the taxes in the area are pretty high, so if you kick them out of the fee their taxes will jump, and you run the risk of bankrupting the company or asking them to move to another county. If you extend the fee, it does not cost the County a lot of money and there is a good chance they will make additional investments.

Mr. Malinowski inquired as to how much it will cost the County.

Mr. Ruble responded he did not currently have those numbers available, but can provide them.

Ms. Dickerson inquired about how many people were employed by this company.

Mr. Ruble responded, as he recalls, their employment has fluctuated. They took a hard hit in 2008 with the housing prices, and have tried to increase employment since then, but they have struggled. They are getting outside investors to come in and help them resurrect the plant.

Mr. Malinowski stated, it appears, Council does not have complete information. He understands the company may have fell on hard time during the housing crisis, but we are now asking the taxpayer to

come up with the funds to keep a company going, when currently many of the current businesses and taxpayers are falling on hard times.

Mr. Malinowski moved, seconded by Ms. Myers, to defer this item.

In Favor: Malinowski, Dickerson, McBride, Terracio, Manning and Newton

Opposed: Livingston and Manning

Not Present: Walker and Kennedy

The vote was in favor.

- b. Consenting to and ratifying the partial assignment and assumption of a fee in lieu of tax and incentive agreement from PPT Real Estate Enterprises, L.P. to NL Ventures XI Northpoint, L.L.C.; and other related matters – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired if the company caused an investment of at least \$25M and create 150 new jobs by the end of the compliance period.

Mr. Ruble responded there was a clawback of \$45,000, which they wrote the County a check for.

Mr. Malinowski noted the documentation says, the creation of at least 150 new jobs, without regard to jobs maintained, which means they can be here today and gone tomorrow, and they will have fulfilled their requirement. He inquired if there has been any additional research to determine how many of jobs are still there.

Mr. Ruble responded there is 250 – 300 employees. He stated the noted language was a flaw in the past negotiations. There should have been a maintenance agreement.

Ms. Myers inquired as to why we would not adopt the language Mr. Malinowski pointed out as a condition of the transfer.

Mr. Ruble responded the deal was made in 2012, so we would have to go back and amend an old contract. We are not asking the County to give up anything, but to allow them to transfer property to a third-party. The \$45,000 clawback they paid was related to the earlier deal, and resolved all of the issues. The deal is no longer on holds with the County.

Ms. Myers stated given they have asked to transfer this contract, and there was a flaw in the original agreement, which could stand to disadvantage Richland County employees working at this company, would it not be prudent to accept what Mr. Malinowski and said. Then, upon approval, we would amend the contract. Our approval is contingent upon an amendment to the contract that recognizes that you have to maintain this level of employment.

Mr. Livingston stated, for clarification, if Pure Power continued to do business, and did not change ownership, would everything remain the same.

Mr. Ruble responded in the affirmative. In answer to Ms. Myers' question, ideally we would had that language in, and if we had to do it over again. Going forward, that is no longer an issue. They paid their penalty, and the employment number is no longer in effect.

Ms. Myers stated they are asking for something; therefore, we get the right to ask for something too.

Mr. Ruble stated he may need to go back to Parker Poe and explore this matter.

Mr. Smith stated he is not familiar with this transaction, but he would say generally when you are negotiating something that could potentially trigger you counteroffering with some conditions on your approval process. To the extent that there is a potential for the County to be in a position to ensure that the employment level stays within a certain range, it seems that is worth exploring being included in this transaction.

Ms. Myers moved seconded by Mr. Malinowski, to defer this item.

In Favor: Malinowski, Dickerson, McBride, Terracio, Myers and Newton

Opposed: Livingston

Not Present: Walker and Kennedy

The vote was in favor.

- c. Authorizing, approving, ratifying and consenting to the partial assignment and assumption of an infrastructure credit and incentive agreement from PPT Real Estate Enterprises, L.P. to NL Ventures XI Northpoint, L.L.C.; and other related matters – Mr. Malinowski moved, seconded by Ms. Myers, to defer this item.

In Favor: Malinowski, Dickerson, McBride, Terracio, Myers and Newton

Opposed: Livingston and Manning

Not Present: Walker and Kennedy

The vote was in favor.

17. OTHER ITEMS

- a. Face Mask Ordinance Extension – Mr. Manning moved, seconded by Ms. McBride, to extend the face mask ordinance for another 61 days.

Mr. Malinowski inquired if we have any new statistical data. The emergency ordinance was passed 60 days ago based upon information gleaned from March 11-27. On June 25, there was generalized information, but nothing specific. To automatically approve continuance of an ordinance, without new information, is not proper.

Mr. Livingston stated he is basing it on information from DHEC.

Mr. Malinowski stated SC Code 16-7-110, "No person over sixteen years of age shall appear or enter upon any lane, walk, alley, street, road, public way or highway of this State or upon the public property of the State or of any municipality or county in this State while wearing a mask or other device which conceals his identity." If that is still in place, we are in violation of State law.

Mr. Smith stated the Attorney General issued an opinion that counties do have the authority, under Home Rule, to issue face mask ordinances. Within that opinion, they also opined that particular section of State law was not applicable because most of the devices that are used as masks do not prevent you from identifying the person.

Mr. Malinowski stated we also do not have a set of guidelines as to what is considered a permissible mask. He believes individuals need to be able to think and act on their own without the government stepping in and telling them what to do. He thinks this is a matter of individual businesses and government agencies putting notices on their entranceways that masks are required. The most recent information that he has received was that 6% of death are from COVID only. The remaining 94% are from underlying reasons.

Mr. Smith stated, when we passed the face mask ordinance in June, we did not know that we had a positivity rate, like we have now. Whenever the Governor issued his stay at home order, the positivity rate was 4 – 5%. Today it was up to 15.5%. Yesterday it was 21%.

Mr. Malinowski stated the positivity rate is not only due to the lack of wearing face masks. If the positivity rate is that high, it is obvious the face mask ordinance is not doing what we want it to.

Ms. Dickerson moved seconded by Ms. McBride, to call for the question.

In Favor: Malinowski, Dickerson, McBride Livingston, Terracio, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

In Favor: Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Opposed: Malinowski

Not Present: Walker and Kennedy

The vote was in favor.

- b. Memorandum of Understanding – COMET – Mapping Services – Mr. Welch stated this is an item where the COMET has requested the GIS Department to put their routes on their map pages. The MOU was brought to Council, and approved, in December. After which, the COMET’s attorneys had some concerns about the language, particularly in the indemnification area. Mr. Farrar reviewed the document, and suggested some language to address those concerns.

Mr. Manning inquired if the COMET’s attorney has reviewed this language.

Mr. Welch responded in the affirmative, and they are willing to accept the proposed language.

Mr. Manning moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski noted the briefing document states the financial impact to the County will be negligible. He requested an approximate cost.

Mr. Welch responded it would require approximately one (1) hour per quarter.

Mr. Malinowski noted, on p. 327, it states, "...the COMET will be solely responsible for any damages to the COMET's or any third party's computer..." He inquired if Richland County is considered a third party.

Mr. Farrar responded, when the agreement came back, the COMET proposed language that said we will indemnify the County if they cause any damages to anybody, so long as it is not the County's fault, and he had no problems with the proposed language.

Mr. Malinowski inquired if this is the same MOU that was recommended for approval in December 2019.

Mr. Farrar responded in the affirmative.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Manning, Myers and Newton

Not Present: Walker and Kennedy

The vote in favor was unanimous.

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

19. **MOTION PERIOD**

- a. Once Council approves an action no Council member is to individually go to a staff member in an effort to accomplish/change something that was not in the approved information/action by Council [MALINOWSKI] – This item was referred to the Rules & Appointments Committee.

20. **ADJOURNMENT** – The meeting adjourned at approximately 8:00 PM.