



Richland County Council  
Regular Session  
February 16, 2021 – 6:00PM  
Zoom Meeting  
2020 Hampton Street, Columbia, SC 29201

COUNCIL MEMBERS PRESENT: Paul Livingston Chair, Yvonne McBride, Bill Malinowski, Derrek Pugh, Allison Terracio, 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, John Thompson, Elizabeth McLean, Dwight Hanna, Lauren Hogan, Jani Hussain, Ronaldo Myers, James Hayes, Michael Niermeier, Jeff Ruble, Judy Carter, Jennifer Wladischkin, Dale Welch, Bill Davis, Stacey Hamm, Lori Thomas, Michael Maloney, Randy Pruitt, Brittney Hoyle-Terry, Dante Roberts and Michael Byrd.

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:02PM.
2. **INVOCATION** – The Invocation was led by the Honorable Chakisse Newton
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Chakisse Newton
4. **PRESENTATIONS**
  - a. **COMET Highlights** – Mr. Andoh provided an update on the COMET.
5. **APPROVAL OF MINUTES**
  - a. **Special Called Meeting: February 9, 2021** – Ms. Terracio moved, seconded by Mr. Pugh, to approve the minutes as published.

Ms. McBride requested that it be notated on pp. 9-10 that she was present, but unable to vote due to technical difficulties.

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

Not Present J. Walker.

The vote in favor was unanimous.

6. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Mr. O. Walker, to approve the minutes as distributed.

Ms. Mackey noted that item 18(a)(1)(b) Airport Commission needed to be removed from the agenda.

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

The vote in favor was unanimous.

7. **REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS** – There were no items for Executive Session.

8. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing - No one signed up to speak.

9. **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.

10. **REPORT OF THE COUNTY ADMINSTRATOR**

- a. CAFR Presentation – Mr. Brown stated Council received the CAFR in their agenda packet.

Ms. Hamm stated the MDNA (Management Discussion and Analysis) gives an overview of what has happened in the past year, and will explain the numbers. She also provided a summary of the charts contained in the CAFR. If Council has any specific questions, they are encouraged to contact her.

Mr. Brown noted they have planned a workshop to discuss the materials in more detail.

- b. 911 Call Center Agreement – Mr. Cowan stated over the course of the last 5 years, the Sheriff's Department and Council have been working on consolidating 911 communications under Richland County with Sheriff Lott having managerial responsibilities. Two years ago, we came before Council and spoke specifically about the consolidation and what it needed to look like. They have been working with Mr. Byrd, the City of Columbia Police Department, Fire Department, Emergency Management Division and Administration. They have established an executive committee, which consists of Sheriff Lott, Chief Holbrook, Chief Jenkins, Director Tinsley and Director Byrd, to oversee communications. The consolidation will take effect March 1<sup>st</sup>. Beginning March 1<sup>st</sup>, the Sheriff will assume managerial responsibilities for 911 communications for the City and the County. Mr. Byrd will continue to support and work with us in regards to the financial aspects, as well as the operational aspects. They have also established a strategic planning working group that is made up of both City and County professionals to make sure as we progress forward we are taking into account the employees of the current 911 center, as well as the citizens of the County and the City of Columbia. The City of Columbia has had managerial authority since 1999, with the consolidation the Sheriff Lott will assume managerial authority.

Ms. Barron inquired how will this impact the Sheriff's Department financially, and Richland County specifically.

Mr. Cowan responded there is going to be a lot of moving parts as we go forward in the process. There are a lot of things we need to consider and take into account. Then we need to present the options to Council. They have been working closely with Mr. Hanna. Mr. Hanna has been working Ms. Pam Benjamin at the City to make sure we are taking into account all of the personnel components, whether that is the liability with retirement, leave, and where people are in their retirement. They have created three categories: Personnel, Capital, and Resources. Currently, the County is paying for all of the resources, and we are paying for a large portion of the personnel. There are expenses that are already in the budget and on the books that are already impacting the County and Council. As we move forward, we have to look at in in three separate pieces to ensure that we present the best path forward, but also getting Council's input to ensure it is impacting the County in a positive way.

Ms. Barron stated, for clarification, we are in the early stages of finalizing our plan. As we finalize the plan, they will come back to us, but it appears we are inheriting some new personnel.

Mr. Cowan responded in the affirmative.

Mr. O Walker inquired why this proposal would be more efficient, in terms of delivering emergency services, as oppose to the status quo.

Mr. Cowan responded one of the biggest changes has been the creation of the Executive Committee. The Executive Committee is getting together on a monthly basis and talking about the operational capacity and capabilities of the center. As well as working collectively on how to operate better. Whether it is from an IT standpoint, personnel standpoint, or resources standpoint, we have to be planning for 2030. The Sheriff has said he wants to be looking at what the next evolution of communication is. He no longer wants to be utilizing technology from 2015/2016. He wants to be utilizing technology that is going to make it more efficient and effective, whether that is texting to 911 or how citizens access 911. To answer Mr. O. Walker's question, the Executive Committee coming together on a monthly basis and communicating about how the operations of the center can improve. The Sheriff has brought in Stephany Snowden as the Director of Communications. She is a collaborator and a team builder. She will work with the Executive Committee, and the 911 Team to take the center to a new level. Over the last several years, as we have been working through this process we have been researching the industry standards (i.e. What are other agencies, counties, cities doing to make themselves more fiscally responsible and more effective and efficient?)

Ms. Mackey inquired if the citizens would be effected by this 911 change or would it be an internal shift.

Mr. Cowan responded this is more of a managerial shift and the citizens should not see a change in their 911 service. As we continue to collaborate, and work together through the processes, there may be more efficiencies that occur. There will only be improvements going forward.

Ms. McBride inquired if there is a timeframe for the completion, to include moving into a facility.

Mr. Cowan responded they have to do things methodically to ensure it is what works best for County and City Council, as well as the citizens. There is not a definitive timeline, but we have outgrown the present center.

Ms. Mc Bride inquired if there were any main issues Council should start looking at or know about.

Mr. Cowan responded the main issues will be to continue supporting the existing personnel and needed resources to have a top of the line 911 center for all citizens of Richland County. In addition, as they come back to Council with potential problems and solutions, you help them identify those and put them into place quickly.

Mr. Brown stated one of the areas that has not been fully fleshed out is how we work with the City, as it relates to personnel. This is one of the decision points that will have to come before Council.

11. **REPORT OF THE INTERIM CLERK OF COUNCIL** - No report was given.

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

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. Authorizing the Execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Cross to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – No comments were received.

14. **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. Barron moved, seconded by Mr. Malinowski, to approve this item.

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

Not Present: J. Walker

The vote in favor was unanimous.

15. **THIRD READING ITEMS**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Cross to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Ms. McBride moved, seconded by Mr. O. Walker, to approve this item.

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

Not Present. J. Walker

The vote in favor was unanimous.

16 **SECOND 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 an infrastructure credit agreement to provide for infrastructure credits to

[Project Centrum]; and other related matters – Ms. McBride moved, seconded by Mr. O. Walker, to approve this item.

Mr. Malinowski noted on p. 60 there is usually dates for the different readings. He requested the date for First Reading be added prior to Third Reading.

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

Opposed: Malinowski

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 - Ms. Newton moved, seconded by Ms. McBride, to approve this item.

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

Not Present: J. Walker

The vote in favor was unanimous.

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

- a. Authorizing the execution and delivery of an assignment by Tyson Prepared Foods, Inc. ("TPF") of a 2017 fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and TPF to Project Charlie; the execution and delivery of an assignment by TPF to Project Charlie of a 1996 fee-in-lieu of taxes agreement in the form of a lease agreement by and between Richland County, South Carolina and TPF; the execution and delivery of an amendment to the 2017 fee in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and TPF; and other related matters. [FIRST READING]. – Ms. McBride stated this company is contemplating a \$54.2M investment that would create 330 jobs at an average hourly rate of \$18.62. The committee recommended approval of this item.

Ms. Terracio thanked the Economic Development Committee Chair for sharing additional information about the investment, jobs and salary. She believes it will be beneficial for the citizens to know these details.

Mr. Malinowski inquired, when Tyson Food had their fee-in-lieu agreement in October 2017, if it was a 10-year agreement.

Mr. Ruble responded it was a 20-year agreement, What we offered was to extend the investment period which was a 5-year period, so the company could contribute additional investment into the window.

Mr. Malinowski stated, for clarification, the original company has not invested their \$9M.

Mr. Ruble replied he believes the original company achieved their goals, but that is a mute issue

because the original entity has closed their offices. We would assume the new investment would go toward the new company's investment obligation.

Mr. Malinowski requested clarity on the investment period. "For purposes of this Fee Agreement, the Investment Period is expected to end (unless the Commencement Date is later than December 31, 2017), on December 31, 2027." He inquired if we knew the Commencement Date on this and why we are putting a question mark in here from 3 years ago.

Mr. Ruble responded he does not have the answer tonight, but he will speak with the attorneys and provide an answer by Second Reading.

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

Present: J. Walker

The vote in favor was unanimous.

- b. Approving the declaration of covenants, conditions and restrictions for the Blythewood Business Park; and other related matters – Ms. McBride stated the committee recommended approval of this item. As part of the development of Blythewood Business Park, we are proposing a set of covenants and restrictions that will guide the growth in the park assuring all construction will align with the County and community's expectation for a Class A development.

Mr. Malinowski inquired if this is a one reading item.

Mr. Ruble responded in the affirmative.

Mr. Malinowski stated he received this 20+ page document on Friday afternoon, and has questions on 8 or 9 of those pages. He does not want to delay the meeting tonight, but it seems there are lot of items relating to the rules that leaves the door open for exceptions. He would like the opportunity to send his questions to Mr. Ruble, and have this item brought back at the next meeting.

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

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

Not Present: J. Walker

The vote for deferral was unanimous.

Additionally, Mr. Malinowski requested information regarding Exhibits A and B.

## 18. REPORT OF THE RULES AND APOINTMENTS COMMITTEE

### a. NOTIFICATION OF VACANCIES

- 1. a. Accommodations Tax – Five (5) Vacancies (ONE applicant must have a background in the lodging industry, THREE applicants must have a background in the hospitality industry, and

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ONE applicant will fill an At-large seat)

b. Board of Assessment Appeals – One (1) Vacancy

c. Board of Zoning Appeals – One (1) Vacancy

d. Building Codes Board of Appeals – Six (6) Vacancies (ONE applicant must be from the Architecture Industry, ONE from the GAS Industry, ONE from the Building Industry, ONE from the Contracting Industry & TWO from Fire Industry as alternates)

e. Business Service Center – Four (4) Vacancies (TWO applicants must be from the Business Industry and TWO applicants must be a CPA)

f. Central Midlands Council of Governments – Five (5) Vacancies

g. Community Relations Council – Eight (8) Vacancies

h. East Richland Public Service Commission – Two (2) Vacancies

i. Employee Grievance Committee – Six (6) Vacancies (MUST be a Richland County employee; 2 seats are alternates)

j. Hospitality Tax – Five (5) Vacancies (TWO applicants must be from the Restaurant Industry)

k. Internal Audit Committee – Two (2) Vacancies (applicant with CPA preferred)

l. Lexington Richland Alcohol Drug Abuse Council – One (1) Vacancy

m. Music Festival – Two (2) Vacancies

n. Planning Commission - Three (3) Vacancies

o. Procurement Review Panel – Two (2) Vacancies – (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)

p. Richland Library Board of Trustees – One (1) Vacancy

q. Richland Memorial Hospital Board of Trustees – Two (2) Vacancies

r. River Alliance – One (1) Vacancy

s. Riverbanks Park Commission – One (1) Vacancy

t. Transportation Penny Advisory Committee (TPAC) – Five (5) Vacancies

Mr. Malinowski stated the committee recommends advertising/re-advertising items item

1(a) – 1(u), with the exception of item 1(b).

Ms. Newton inquired about the deadline for citizens to apply for these vacancies.

Ms. Onley responded March 5<sup>th</sup>.

Ms. Terracio inquired why the notification for the Airport Commission was removed.

Mr. Malinowski responded the committee was informed by Mr. Eversmann the 2 vacancies had been filled.

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

Present: J. Walker

The vote in favor was unanimous.

b. NOTIFICATION OF APPOINTMENTS

1. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – 2 – Mr. Malinowski stated the committee recommended appointing Mr. Harold C. “Harry” Ward and Ms. Michelle Drayton.

Mr. Livingston inquired if any of the applicants were incumbents.

Mr. Malinowski responded they were not.

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

Not Present: J. Walker

The vote in favor was unanimous.

2. Midlands Workforce Development Board - 2 (Private Sector) – Mr. Malinowski stated the committee recommended appointing Ms. Maranta White and Ms. Sheena Thompson.

He noted, for the benefit for the new Council members, this particular entity usually recommends individuals they believe will work the best for them, but other individuals are welcome to apply.

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

Present: J. Walker

The vote in favor was unanimous.

## 19. 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 – Mr. Brown noted there are meeting notes in the agenda packets that reference the conversation in the November A&F Committee. The last time they check back on this item, they were able to identify language in the Economic Development Agreement that talked about where the funds came from, in terms of what was happening with the park. Discussions had begun with the Recreation Commission, and that is where the item rests. The Community Planning and Development Department has been working with the Recreation Commission to determine whether this is something the Recreation Commission could take on.

Mr. Livingston inquired about the communication between the Recreation Commission and staff.

Mr. Brown responded there have been initial conversations, but there have been no commitments by the Recreation Commission to move forward with the development of a park in this area.

Mr. Voignier stated all the information about this particular park are included in the agenda packet. There have been additional conversations with the Recreation Commission about the Atlas Road Park, which is not related to this particular agenda item.

Ms. A. Myers stated, per her notes, the last direction Council delivered was for the County Attorney's Office was to advise Council on what steps needed to be taken in order to deliver the park or the funds to the Taylors community.

Ms. McLean stated the last involvement Legal had on this was the drafting of an intergovernmental agreement with the Recreation Commission. Legal has had no involvement in this process from the beginning. The intergovernmental agreement was based on comments they got from Ms. Powell and Mr. Voignier. She stated, at the time, they were not in any way in agreement with the Recreation Commission on how this might go down. Mr. Voignier sent her a draft the Recreation Commission presented to the County, which Legal had not seen. Basically, it was a master agreement for all parks the Recreation Commission would take over on behalf of the County. Legal can go in any direction Council would like. If Council would like the County to own this park, build this park and hand it over to the Rec Commission, it would have to be negotiated. Based on the agreement the Recreation Commission sent, it does not seem likely, but that is a path we could try. The other option is to give the funds to the Recreation Commission with an agreement saying what they have to spend it on.

Ms. Newton stated her understanding was the \$300,000 was negotiated and would be provided for recreation for the community. Effective December 2020, all of the funds have been paid to the County. As it relates to the Recreation Commission, they have not agreed to accept responsibility for the park.

Mr. Brown responded in the affirmative.

Ms. Powell stated the answer to those questions would be 'yes', but she added staff was not aware of any Council motion that directs the funds to be used for a park.

Ms. Newton inquired if it would be appropriate to make a motion that would give staff a clear direction. From her perspective, there are so many details that are unclear it would be along the lines of directing Administration and Legal to come to Council with a plan for how these funds might be used for recreation for this community, which would give Administration and Legal the latitude to recommend options.

Ms. Barron noted, from what she read, these funds were for recreation. It does not state that it has to go through the Recreation Commission. She is concerned if they have not responded at this point, they may not be willing to manage the project. Having several parks in her district, and having conversations with the Recreation Commission, she would like for us to do our due diligence in instructing Mr. Brown, his staff and Legal to be able to explore creative options that would not include the Recreation Commission.

Mr. Livingston stated the funding was designated for a particular area. Richland County is not directly responsible for recreation. He thought staff suggested we consider establishing an MOU with the Recreation Commission and let them decide what the appropriate use of the funding and location would be.

Ms. McBride stated it appears we are under legal obligation to use the \$300,000 for a recreational program in the Taylors community, based on the donation.

Ms. McLean responded it is a possibility. She does not know how the donation was initially negotiated. She does not know what our representations to the developer were. It appears it was for somewhat recreation facility in that area. She stated she would need additional information before she could answer the question definitively.

Ms. McBride agrees with Ms. Barron, she is concerned about giving the funds to the Recreation Commission without a detailed plan on how it would be used.

Mr. Malinowski inquired if we cannot come to an agreement with the Recreation Commission, could we give the money back. He noted staff pointed out that additional cost for recurring park maintenance would occur, and we need to take that into consideration. It is fine for somebody to give you funding to build the park, but then the County is responsible for the increase in the budget for maintenance and staffing.

Ms. Newton stated she would like for Legal to review the documentation and come back with their option. She noted she spoke with the attorney who represented the developer on this project to ask some clarifying questions. Her understanding is those funds were clearly donated for the purpose of recreations in this community. She would suggest for staff to come back with a plan that could include a number of options. At this point, her impression is the Recreation Commission does not have a desire to manage this project.

Ms. McBride stated she believes the needs of the community have been identified. She would hate to see us not do something to address the identified need. She noted we have a lot of expertise on our staff and we may have someone on staff that can provide options for this to be done.

Ms. Powell responded staff is willing, and able, to look at an array of options and come back to Council with some to choose from. Their stagnation has been that there has not been a clear motion from the policy making body as to what these funds should be used for.

Ms. Barron stated if the Recreation Commission would like to serve in the capacity of giving us guidance on the best way of using these funds, she would encourage Council to use them and their expertise. Also, looking at nontraditional ways of how we can still serve this community with the funds that have been given to us through some of our non-profit organizations or other partner organizations within the community. Based on what she read, it is about bringing recreation to the community. The method is not clear. She would encourage staff to be creative in bringing this to the community and give them the resources they need.

Ms. Newton moved, seconded by Ms. Barron, to designate the \$300,000 donated by Reign for recreation in the Taylor's community, to direct staff and Legal to collaborate with the Recreation Commission to present a plan to use those dollars for recreation in Taylors, and to provide an update on that plan to Council in the next 45 days.

Mr. Malinowski inquired if the motion should include the worst-case scenario that we would return the funds.

Mr. Livingston responded when they come back with the update we can make that decision.

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

Not Present: J. Walker

The vote in favor was unanimous.

20. **EXECUTIVE SESSION** – There were no items for Executive Session.
21. **MOTION PERIOD** – There were no motions.
22. **ADJOURNMENT** – The meeting adjourned at approximately 7:39PM