



Richland County Council  
Regular Session  
**MINUTES**  
March 1, 2022 – 6:00 PM  
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Michelle Onley, Angela Weathersby, Kyle Holsclaw, Ashiya Myers, Randy Pruitt, Michael Byrd, Stacey Hamm, John Thompson, Bill Davis, Dale Welch, Geo Price, Jeff Ruble, Leonardo Brown, Tamar Black, Lori Thomas, Patrick Wright, Justin Landy, Michael Maloney, Aric Jensen, Shane Kitchen, Abhi Deshpande, Jennifer Wladischkin, Casey White, Jani Hussain, Quinton Epps, Zachary Cavanaugh and Allison Steele

1. **CALL TO ORDER** – Chairman O. Walker called the meeting to order at approximately 6:00PM. He stated Councilwoman Allison Terracio informed him she would not be present at tonight’s meeting.
2. **INVOCATION** – The Invocation was led by Pastor David Finklea, Advancement Officer of Major Gifts, Columbia International University, on behalf of the Honorable Overture Walker.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Overture Walker.
4. **PRESENTATION OF PROCLAMATIONS**

- a. **A Proclamation Recognizing James C Brown’s Retirement [McBRIDE]** – Ms. Tamar Black, Assistant to the Clerk to Council, read the proclamation into the record. Mr. Brown was not in attendance at the meeting.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pugh, Mr. O. Walker and Mr. Livingston expressed their appreciation for Mr. Brown’s service to Richland County.

- b. **A Proclamation Supporting CIU’s RAMServe Day [BARRON and LIVINGSTON]** – Ms. Black read the proclamation into the record. Ms. Barron and Mr. Livingston presented the proclamation to Pastor David Finklea.

**POINT OF PERSONAL PRIVILEGE** – Ms. Barron stated it is an honor for her to serve as a liaison for the RAMServe. She thanked Mr. Livingston for introducing Council members to this project.

Mr. Livingston thanked Columbia International University (CIU) for the program. He noted there has been tremendous improvement to the Broad River area with their contributions.

Special Called  
March 1, 2022

5. **APPROVAL OF MINUTES**

- a. **Regular Session: February 15, 2022** – Ms. Newton moved, seconded by Ms. Barron, to approve the minutes as distributed.

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

Not Present: Terracio

The vote in favor was unanimous.

6. **ADOPTION OF AGENDA** – Mr. Leonardo Brown, County Administrator, requested to defer Item 15(a): “An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; to rename the chapter and replace the language therein to more clearly reflect the operations and administration of solid waste, recycling, and public sanitation within the County” to the March 15, 2022 Council meeting.

Mr. Patrick Wright, County Attorney, noted the items under the Report of the Attorney for Executive Session were incorrectly numbered. The correct numbering was (a) and (b), not (b) and (c).

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

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

Not Present: Terracio

The vote in favor was unanimous to adopt the agenda as amended.

**POINT OF PERSONAL PRIVILEGE** – Ms. English thanked staff for assisting her with matters in her district.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. **Alvin S. Glenn Detention Center**
- b. **Convention Center Expansion**

Mr. Pugh moved, seconded by Mr. Livingston, to go into Executive Session.

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

Opposed: J. Walker

Not Present: Terracio

The vote was in favor of going into Executive Session.

***Council went into Executive Session at approximately 6:17 PM  
and came out at approximately 7:33 PM***

**Special Called  
March 1, 2022**

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

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

Not Present: Terracio

The vote in favor was unanimous.

- a. **Alvin S. Glenn Detention Center** – No action was taken.
- b. **Convention Center Expansion** – Ms. Barron moved, seconded by Mr. Pugh, to authorize the County Administrator to explore, and review, all available options for the Convention Center.

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

Opposed: McBride

Not Present: Terracio

The vote was in favor.

#### 8. **CITIZENS' INPUT**

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

- 1. Javar Juarez, 1924 Spotswood Drive, Columbia, SC 29210; spoke about Broad River District gun violence.

#### 9. **CITIZENS' INPUT**

- a. **Must Retain 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 one signed up to speak.

#### 10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Coronavirus Update** – Mr. Leonardo Brown, County Administrator, stated COVID-19 has moved from a pandemic to an endemic, which means this is something we will be living with and normalized over time. Going forward, we will be looking at hospitalizations and deaths opposed to the confirmation of cases within the community. Richland County is still a high transmission community. He noted Council will be considering extending the mask ordinance at tonight's meeting. Regardless of the outcome of the vote, as an employer we are under the Occupational Safety and Health Administration (OSHA), and as a part of their charge employers must follow the guidelines associated with protecting the health of employers within the organization. OSHA's guidelines communicates the way to mitigate the spread of COVID-19 is to follow CDC guidance, which means we will continue to follow mask requirements until the County is not in a high transmission community.
- b. **Project Updates** – The project updates were included in the agenda packet for Council's review.
- c. **Other Updates** – There was a letter from Pawmetto Lifeline and information on Public Work's FY21

Special Called  
March 1, 2022

Annual Roads Report and FY22 Comprehensive Transportation Improvement Plan (CTIP) included in the agenda packet. These items will be coming before Council in the future.

11. **REPORT OF THE CLERK OF COUNCIL** – No report was given.
12. **REPORT OF THE CHAIR** – No report was given.
13. **OPEN/CLOSE PUBLIC HEARINGS**
  - a. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; to rename the chapter and replace the language therein to more clearly reflect the operations and administration of solid waste, recycling, and public sanitation within the County** – The public hearing was deferred.
  - b. **Authorizing the sale of certain real property owned by Richland County, South Carolina; and other matters related thereto** – No one signed up to speak.
14. **APPROVAL OF CONSENT ITEMS**
  - a. **An Ordinance Authorizing an easement to East Richland County Public Service District for sewer utility facilities; specifically located at the Cooper Library Branch of the Richland Library, being at 5317 Trenholm Road and described as TMS # 14014-06-25 [FIRST READING]**
  - b. **County Attorney's Office - Purchase of the Edgewood Library Branch property (2101 – 13 Oak Street)**
  - c. **Road Closure Petition (Pointe Grand Columbia, LLC v. SCDOT, RC, DPX Holdings, LLC, 2021-CP-40-06246) to close Research Court for which Richland County currently provides maintenance**
  - d. **Award Contract for Body Removal Services**
  - e. **Community Planning & Development – Business Service Center – Business License Tax Rate Schedule Rebalance [FIRST READING]**
  - f. **Operational Services – Approve Funding for the Modernization of (6) Elevators at 2020 & 2000 Hampton Street**
  - g. **Operational Services – Approval to Award Contract for (2) Fire Station Roofs**
  - h. **Utilities – Hopkins Utilities Office – Sewer Connection**
  - i. **Department of Public Works – Solid Waste & Recycling Division – Approval of Class 2 Solid Waste Disposal Contract Amendment**

Ms. Mackey moved, seconded by Mr. Livingston, to approve Item 14(a).

Mr. Malinowski made a substitute motion, seconded by Ms. McBride, to approve the Consent Items.

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

Special Called  
March 1, 2022

Not Present: Terracio

The vote in favor of the substitute motion was unanimous.

Mr. J. Walker moved, seconded by Mr. Malinowski, to reconsider Item # 14(h).

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

Not Present: Terracio

The motion for reconsideration failed.

#### 15. **THIRD READING ITEMS**

- a. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; to rename the chapter and replace the language therein to more clearly reflect the operations and administration of solid waste, recycling, and public sanitation within the County** – This item was deferred to the March 15<sup>th</sup> Council meeting.
- b. **Authorizing the sale of certain real property owned by Richland County, South Carolina; and other matters related thereto** – Ms. Barron moved, seconded by Ms. Mackey, to approve this item.

Mr. Malinowski stated, for clarification, this is the Economic Development property matter.

Mr. Brown responded in the affirmative.

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

Not Present: Terracio

The vote in favor was unanimous.

#### 16 **SECOND READING ITEMS**

- a. **21-028MA, Matt Rains, HI to RS-MD (113.2 Acres & 8.32 Acres), Farrow Road, TMS # R17600-02-32 & 46** – Mr. Pugh moved, seconded Mr. Livingston, to accept the applicant's withdrawal request.

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

Not Present: Terracio

The vote in favor was unanimous.

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

- a. **Committing to negotiate a fee-in-lieu of ad valorem taxes and incentive agreement between**

Special Called  
March 1, 2022

**Richland County and Project Vanguard: identifying the project; and other matters related thereto** – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Terracio

The vote in favor was unanimous.

- b. **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 Vanguard to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the conveyance of certain real property to Project Vanguard; and other related matters [FIRST READING]** – Mr. Livingston stated the committee recommended approval of this item.

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

Opposed: Malinowski

Not Present: Terracio

The vote was in favor.

- c. **Committing to negotiate a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County and a company known for the time being as Project Wolf; identifying the project; and other matters thereto** – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Terracio

The vote in favor was unanimous.

- d. **Committing to negotiate a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County and company known for the time being as Project Jackal; identifying the project; and other matters related thereto** – Mr. Livingston stated the committee recommended approval of this item.

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

Not Present: Terracio

The vote in favor was unanimous.

- e. **A Resolution certifying property as an abandoned building site pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67 of the Code of Laws of South**

**Carolina 1976, as amended** – Mr. Livingston stated this is a resolution certifying the building at 209 Stoneridge Drive was abandoned and is eligible for the abandoned tax credit.

Mr. Malinowski inquired if this is an item that was previously approved and has already been rehabilitated, and now they are requesting the tax incentive.

Mr. Ruble responded this was approved in 2017. The property is currently up for sale, and the new buyer has requested the certification.

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

Not Present: Terracio

The vote in favor was unanimous.

18. **CORONAVIRUS AD HOC COMMITTEE**

- a. **Grant Management Software** – Ms. Barron stated the committee recommended Council approve the allocation of \$687,949.00 in American Rescue Funds and other Federal funds that are applicable sources to purchase comprehensive grant management software to facilitate the process of distributing, tracking and processing both grant funds received and distributed.

Mr. J. Walker inquired if this was the recommendation of staff to the committee.

Mr. Brown nodded his head in the affirmative.

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

Not Present: Terracio

The vote in favor was unanimous.

- b. **ERAP Vendor** – Ms. Barron stated the committee recommended Council approve an extension of the existing agreement with TetraTech to administer the distribution of any reallocated Emergency Rental Assistance 1 funds.

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

Opposed: McBride

Not Present: Terracio

The vote was in favor.

Ms. Barron moved, seconded by Ms. Newton, to reconsider Item 18(b).

In Favor: McBride

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

Not Present: Terracio

The motion for reconsideration failed.

19. **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. **Blythewood Rd. Widening Right-of-Way Condemnations** – Ms. Mackey stated the committee recommended Council adopt a resolution to exercise the County’s eminent domain powers for the purpose of initiating condemnation actions for the acquisition of certain real property, which is two tracts for the Blythewood Road Widening Project.

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

Not Present: Terracio

The vote in favor was unanimous.

- b. **Mitigation Credit Sales – Villages at Congaree Point** – Ms. Mackey stated the committee recommended Council the sale of mitigation credits in the amount of \$55,200. The funds will be credited to the Transportation Penny Program.

Mr. Malinowski inquired why there are old highlighted minutes in the agenda packet.

Mr. Epps responded it is their practice to show previous actions Council took to purchase other credits.

Mr. Malinowski requested to discontinue the practice.

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

Opposed: J. Walker and Newton

Not Present: Terracio

The vote was in favor.

Ms. Mackey moved, seconded by Mr. Livingston, to reconsider Items 19(a) and (b).

In Favor: Newton

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

Not Present: Terracio

The motion for reconsideration of Items 19(a) and (b) failed.

20. **OTHER ITEMS**

a. **FY22 – District 2 Hospitality Tax Allocations:**

1. Auntie Karen Foundation - \$5,000

b. **FY22 – District 7 Hospitality Tax Allocations:**

1. Columbia City Ballet: Motown -- \$5,000
2. Auntie Karen Foundation – 18<sup>th</sup> Annual Legends Concert - \$5,000

c. **FY22 – District 9 Hospitality Tax Allocations:**

1. Auntie Karen Foundation: 18<sup>th</sup> Annual Legends Concert - \$5,000

d. **FY22 – District 11 Hospitality Tax Allocations:**

1. Auntie Karen Foundation - \$5,000

Mr. Pugh moved, seconded by Ms. Barron, to approve Items 20(a) – 20(d).

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

Opposed: J. Walker

Not Present: Terracio

The vote was in favor.

Ms. McBride moved, seconded by Ms. Barron, to reconsider Items 20(a) – 20(d).

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

Not Present: Terracio

The motion to reconsider Items 20(a) – 20(d) failed.

e. **Regional Gateway Project – Intergovernmental Agreement (IGA)** – Mr. Livingston moved, seconded by Ms. Mackey, to approve this item.

Ms. Newton inquired if the Legal Department was fine with the proposed IGA.

Mr. Wright responded, in bullet point 4(b)(2) of the IGA, the previous version says, “Each county government share will be based on the full county population, less the population of any participating municipalities.” The response document says, “It would specify the population of the unincorporated areas of the county.” He noted Council can either approve the provided language or the pending language.

Mr. Malinowski stated he believes the IGA should be more detailed. We have not received a response from the South Carolina Department of Transportation (SCDOT) on whether they are going to allow us to move forward with any encroachment permits. There is no language regarding exceeding certain costs, liability and indemnification. The IGA states, "The agreement shall not be terminated as long as there is a contract, grant or other mutual obligation in effect." He noted it is unclear on the obligations and potential liabilities.

Ms. Newton made a substitute motion, seconded by Mr. J. Walker, to accept the IGA pending the recommendations Legal counsel has suggested.

Mr. Wright stated, based on the responses received, the language will be to specify the population of the unincorporated areas of the county.

Ms. McBride inquired if the County Attorney is satisfied with the agreement, based on the comments made by Mr. Malinowski.

Mr. Wright responded in the affirmative. The indemnification language will be included in the forthcoming contracts.

Mr. Malinowski inquired if Blythewood and Chapin were invited to participate.

Mr. Brown stated he could not respond specifically. He knows a question was raised about ensuring all municipalities were given an opportunity to participate. He believes the Midlands Business Leadership Group (MBLG) made an effort to contact all of the municipalities.

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

Opposed: Malinowski

Not Present: Terracio

The vote was in favor of the substitute motion.

- f. **An Emergency Ordinance extending previous emergency ordinances requiring the wearing of face masks to help alleviate the spread of COVID-19** – Ms. Mackey moved, seconded by Ms. Barron, to approve this item.

Ms. Newton noted she supports masking wearing, and she will continue to mask. The County should encourage people to continue to mask. She stated, in the past, she raised some questions about the mask ordinance, in terms of updating it in light of vaccination status, and she still has those concerns.

Mr. Malinowski inquired about how many citations have been issued since the last mask ordinance went into effect.

Mr. Brown responded six citations were issued, and two were fined.

Mr. J. Walker stated, for the record, this evening, the President of the United States and the

Speaker of the House were seated in the packed Chamber of Congress where the State of the Union speech was delivered maskless. The reality is people should be able to choose whether they want to wear a mask or not. We continue to mandate and mandate. He inquired what the sunset is on this. When do we accept this is an endemic and not a pandemic, and allow people to make the choice? From a morale perspective, it is hurting our employees. He encouraged Council to consider where we are and make a common sense based decision, which is still supported by the guidance and data.

Ms. Barron stated, to the point of following the guidance from our local and federal officials, they also state, if we are in a high transmission area, we need to continue to mask. Richland County is in a high transmission area and we need to continue to mask.

Mr. J. Walker noted, as he read the CDC guidance, it indicated while in a high transmission area you need to continue to mask while indoors, in large groups and not separated.

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

Opposed: Malinowski, J. Walker and Newton

Not Present: Terracio

The vote was in favor.

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

18. **MOTION PERIOD** – There were no motions.

19. **ADJOURNMENT** – Ms. Newton moved, seconded by Mr. J. Walker, to adjourn.

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

Not Present: Terracio

The vote in favor was unanimous.

The meeting adjourned at approximately 8:13 PM