



Richland County Council
REGULAR SESSION
MINUTES
June 21, 2022 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Kyle Holsclaw, Michael Byrd, Dale Welch, Leonardo Brown, Lori Thomas, Patrick Wright, Justin Landy, Aric Jensen, Abhijit Deshpande, Anette Kirylo, Dwight Hanna, Angela Weathersby, Judy Carter, Michael Maloney, John Thompson, Quinton Epps, Geo Price, Steven Gaither, Brian Fitzgerald, Cheryl Johnson, Tim Nielsen, Dante Roberts, Ashiya Myers, Brittney Hoyle-Terry, Bill Peters, Sandra Haynes, Casey White, Syndi Castelluccio and Jeff Ruble

1. **CALL TO ORDER** – Vice-Chairwoman Jessica Mackey called the meeting to order at approximately 6:00PM.
2. **INVOCATION** – The Invocation was led by the Honorable Bill Malinowski.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Bill Malinowski.
4. **PRESENTATION OF PROCLAMATIONS**
 - a. **A Proclamation Recognizing June as National Safety Month** – Ms. Mackey presented a proclamation to Risk Management personnel in honor of National Safety Month.
 - b. **A Proclamation Recognizing County Environmental Education Analyst Chanda Cooper** – Mr. Aric Jensen, Assistant County Administrator, presented Ms. Cooper with a proclamation in recognition of her being named the 2022 Environmental Educator of the Year by the Environmental Education Association of South Carolina.
 - c. **A Proclamation Recognizing June as Pride Month** – Ms. Terracio presented a proclamation recognizing June as Pride Month.
5. **APPROVAL OF MINUTES**
 - a. **Special Called: May 26, 2022**
 - b. **Regular Session: June 7, 2022**

Mr. Malinowski stated the correct funding amount for Item #18 “Hospitality Tax (Approval of SERCO funding)” is \$67,895 for both 2nd and 3rd Reading of the Budget.

Mr. Livingston moved to approve the minutes as corrected, seconded by Ms. Barron.

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

Not Present: O. Walker

The vote in favor was unanimous.

6. **ADOPTION OF AGENDA** – Mr. Patrick Wright, County Attorney, requested to add the Road User Fee Update to Executive Session.

Mr. Livingston moved to adopt the agenda as amended, seconded by Mr. J. Walker.

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

Not Present: O. Walker

The vote in favor was unanimous.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – The County Attorney, Mr. Patrick Wright, stated the following items qualify for Executive Session:

- a. Alvin S. Glenn Detention Center
- b. Review of Boards, Commissions and Committees Not Currently Active
- c. Road User Fee Update

Mr. Wright noted the “Review of Boards, Commissions and Committees Not Currently Active” will affect an item later on the agenda under the Report of the Rules and Appointments Committee.

Mr. Livingston moved to take up all of the Executive Session items at the end of the meeting, and defer action on the item under the Report of the Rules and Appointments Committee, seconded by Mr. Malinowski.

Ms. Kirylo noted the item Mr. Wright is referring to is the Boards, Commissions and Committees, which is not impacted by the item for Executive Session.

Ms. Barron stated, for clarification, the item for Executive Session does need to be discussed, as it relates to an item that was approved at the last Council meeting.

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

Not Present: O. Walker

The vote in favor was unanimous.

8. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing
 1. Ms. Kathleen Rush, 204 Duck Pond Road, Columbia, SC 29223 – Solid Waste
 2. Liewendelyn Hart, 4443 Bethel Church Road, Apt. 24, Columbia, SC 29204 – Pinewood Lake Park

9. **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)
1. Aubrey Jenkins, 1900 McFadden Street, Columbia, 29204 – Invitation to Community Event at Progressive Church, 2222 Barhamville Road.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Leonardo Brown, County Administrator, stated the County is currently in Community Level High. He encouraged everyone to follow the CDC Guidelines.
- b. Other Updates – Mr. Brown noted the County received a Rural Infrastructure Authority (RIA) Grant Award of \$500,000 for the Shady Grove Road Pump Station Project.

There is a work session scheduled for July 21st at 4:00 PM to discuss the Richland County Public Safety Complex.

Mr. Brown noted the County submitted the Emergency Rental Assistance Program to the SCAC. Unfortunately, we did not win an award.

11. **REPORT OF THE CLERK OF COUNCIL**

- a. Proposed 2023 Council Retreat Date and Location – Ms. Anette Kirylo, Clerk to Council, requested feedback on locations and dates for the 2023 Council Retreat by June 28th. The proposed dates are January 19-20, 26-27 or February 2-3.

Ms. Mackey moved to authorize the Clerk to look at Charleston and Rock Hill/York County to hold the 2023 Council Retreat, seconded by Ms. Barron.

Mr. Malinowski moved to have Council members bring back recommendations to the Clerk's Office by June 28th as requested by the Clerk to Council.

The motion died for lack of a second.

Ms. Terracio requested a friendly amendment to also look at locations in Richland County.

Mr. Livingston noted the motion does not preclude adding a recommendation to the list of proposed locations.

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

Opposed: Malinowski and J. Walker

Not Present: O. Walker

The vote was in favor.

- b. Strategic Planning Work Session – Ms. Kirylo reminded Council the work session is scheduled for June 23rd.

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

13. SECOND READING ITEMS

- a. An Ordinance Amending Ordinance #05-53.5-21 Amending the Richland County Code of Ordinances, so as to adopt the Richland County Land Development Code Rewrite; and to replace Chapter 26, Land Development amending the effective dates of its provision and clarification of interim procedures – Mr. Malinowski stated he has been communicating with Mr. Aric Jensen, Assistant County Administrator. During the discussions, he had been stating Council never requested staff to move forward with any code changes; however, he stands corrected. A previous Council did approve the consulting firm to move forward with the creation of a new Land Development Code. Since that time, we have new Council members and have received push back from the County's property owners about the new code. He and Mr. Jensen agree we need to come up with a more precise way of handling the overall code. The possibility exists we may only need to fix some of the problems in the old code.

Mr. Malinowski moved to send this back to staff to create an interim ordinance that addresses the concerns of Council and the people of Richland County, seconded by Mr. Pugh.

Ms. Mackey inquired what this does in regards to procedure. Would we be starting over?

Mr. Wright responded it depends on what you decide to do. If you send it back and make changes to what has been proposed, it will come back for 2nd Reading. Otherwise, you would be starting from the beginning.

Ms. Newton stated, while we were updating our ordinance, there were dates put on the books that specified when a new Land Development Code was going to take effect. If Mr. Malinowski's motion passes, and we send it back to staff, what happens with the dates already on the record.

Mr. Wright responded, technically, we are outside of the dates, so it would be prudent to have the interim measures to rescind the dates.

Mr. Brown noted there are two ways to look at this. One is we are trying to address it as a whole. The other is we are trying to address the item we are trying to change the dates on. Mr. Malinowski' motion, in effect, is trying to deal with it, but you still have to address what you have before you now.

Mr. Malinowski withdrew his motion.

Mr. Malinowski moved to scrap the dates and interim ordinance and create something in collaboration with staff, seconded by Mr. Pugh.

Mr. Wright responded the only problem is what would be standing would still contain the wrong dates.

Mr. J. Walker stated, for clarification, Item 13(a) needs to be done regardless of the direction we take the Land Development Code Rewrite.

Mr. Livingston moved to approve this item for 2nd Reading, seconded by Mr. J. Walker.

Ms. Barron stated, for clarification, all we are voting on is the date.

Mr. Wright responded in the affirmative.

Ms. Barron noted, if there are somethings which concern us, we still have an option to address them because we are talking about a separate document.

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

Opposed: Malinowski, Pugh and English

Not Present: O. Walker

The vote was in favor.

- 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 Greens to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; authorizing the administration of grants; approving the transfer of certain real property; and other related matters – Ms. English moved to approve this item, seconded by Mr. Livingston.

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

Not Present: O. Walker

The vote in favor was unanimous.

POINT OF ORDER – Ms. Newton inquired if it would have been appropriate for Mr. Malinowski to make a different motion regarding the Land Development Code once Council took up Item 13(a).

Mr. Wright responded Council can make motions regarding the Land Development Code at any time.

Ms. Barron requested to change her vote on Item 13(a).

Mr. Wright ruled the vote has already been published; therefore, a motion for reconsideration would have to be made for Ms. Barron to change her vote.

Ms. Barron moved to reconsider Item 13(a), seconded by Mr. Malinowski.

Ms. Barron withdrew her motion for reconsideration. She noted this was confusing for Council, and she knows this is going to be confusing for the general public.

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

- a. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Piecemaker; identifying the project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

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

Mr. Ruble responded this company is a manufacturer of steel components located on Mauney Drive and has been in existence since the 1930s. The company plans to create approximately 30-40 new jobs. The average pay is \$25.00/hr. The investment will be approximately \$3M.

Mr. Malinowski inquired what accounts for an equivalent job.

Mr. Ruble responded it equates to a full-time job. A lot companies contract out their employees.

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

Not Present: O. Walker

The vote in favor was unanimous.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Piecemaker to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

15. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

a. ITEMS FOR ACTION

1. Board, Commission and Committee Descriptions – Ms. Barron stated the committee recommended approval of the updated board, commission and committee descriptions.

Ms. Newton inquired if we approve the changes, as written, without putting in writing the discretion for special circumstances, does that prevent us from taking actions in the future.

Mr. Wright responded it would be a simple motion of Council to approve the special circumstances. The committees in the County's ordinance are the only ones that Council may not be able to make special accommodations for.

Ms. Newton noted, in the future, we may need to address how we deal with unfinished terms.

Ms. McBride made a friendly amendment that it would be beneficial to have representation from various districts on the boards, commissions and committees, seconded by Ms. Terracio.

Ms. Newton stated it one thing to say you must have a representative from every district, and another thing to say we value and/or prioritize representation from across the County.

Ms. Barron noted we have applicants that come before the committee that does not even know who their representative is. It is up to the body to recruit individuals for these vacancies and encourage them to apply to ensure there is more diverse representation.

Ms. McBride withdrew her motion.

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

Not Present: O. Walker

The vote in favor was unanimous.

2. Online Boards, Commissions and Committees Attendance Form – Ms. Barron recommended approval of this item.

Mr. Tim Nielsen, IT Department, gave a brief overview of the online attendance form.

Ms. McBride inquired if the applicant's district can be a part of the form.

Mr. Nielsen responded in the affirmative.

Ms. Terracio stated she is concerned if we are publishing people's phone numbers and email addresses. She inquired as to how easy it will be to fill out this form by the committee's point of contact.

Ms. Barron noted this is not an additional task, but a different way of doing a task they should have already been doing. This task is required by all boards, commissions, and committees. This will ensure we get the data in a uniform way.

Ms. Mackey stated this form will only be seen by staff, and all information will remain confidential.

Ms. Barron restated the motion, for the record, is to approve the online attendance form and to include the applicant's district on the form.

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

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Newton thanked the Rules and Appointments for their fabulous work that has come before them.

POINT OF PERSONAL PRIVILEGE – Ms. McBride thanked the Clerk’s Office for all of their hard work assisting the Rules and Appointments Committee.

16. **OTHER ITEMS**

- a. A Resolution to appoint and commission Christina Elizabeth Adams as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Ms. Newton moved to approve this item, seconded by Ms. Terracio.

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

Not Present: O. Walker

The vote in favor was unanimous.

- b. Optional Employer Participation Resolution for Participation in the State Insurance Benefits Program – Mr. Brown stated this item is a requirement for the County to be considered to join the State’s Health Care Program.

Mr. J. Walker moved to approve this item, seconded by Ms. Barron.

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

Not Present: O. Walker

The vote in favor was unanimous.

Ms. Barron moved to reconsider Item 16(b), seconded by Mr. J. Walker.

Mr. Malinowski made a substitute motion to reconsider Items 16(a) and (b), seconded by Mr. J. Walker.

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

Not Present: O. Walker

The motion for reconsideration failed.

17. **EXECUTIVE SESSION** – Mr. Malinowski moved to go into Executive Session, seconded by Ms. Barron.

Ms. Terracio stated she is unclear why we are going into Executive Session to discuss Rules and Appointments matters.

Mr. Wright responded there are potential legal consequences regarding the recommendation.

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

Opposed: J. Walker

Not Present: O. Walker

The vote was in favor.

***Council went into Executive Session at approximately 7:10 PM
and came out at approximately 7:24 PM***

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

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

Not Present: O. Walker

The vote in favor was unanimous.

- a. **Alvin S. Glenn Detention Center** – No action was taken.
- b. **Review of Boards, Commissions and Committees Not Currently Active** – Ms. Barron stated, as it relates to Section 2-332. Boards, Commissions and Committees, to retain Disability and Special Needs Board, the Emergency Planning Committee and Bond Review Committee in the ordinance, seconded by Mr. Livingston.

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

Not Present: O. Walker

The vote in favor was unanimous.

- c. **Road User Fee Update** – No action was taken.

18. **MOTION PERIOD**

- a. To rename the Discretionary Grants Committee to the Community Impact Grant Committee, and add additional Council members to the committee. This comes from Council's recent budget motion to allocate an additional \$300,000 to the committee and develop a process that creates accountability and transparency [MACKEY] – Vice-Chairwoman Mackey referred this item to the Rules and Appointments Committee.

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

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

Not Present: O. Walker

The vote in favor was unanimous.

The meeting adjourned at approximately 7:47 PM.