



Richland County Council
Special Called Meeting
July 13, 2021 – 6:00 PM
Council Chambers

COMMITTEE MEMBERS PRESENT: Paul Livingston Chair, Bill Malinowski, Derrek Pugh, Allison Terracio, Gretchen Barron, Overture Walker, Jesica Mackey, Cheryl English and Chakisse Newton

OTHERS PRESENT: Leonardo Brown, Tamar Black, Angela Weathersby, Ashiya Myers, John Thompson, Lori Thomas, Bill Davis, Dwight Hanna, Randy Pruitt, Kyle Holsclaw, Sandra Haynes, Stacey Hamm, Michael Byrd, Ronaldo Myers, Dale Welch, Dante Roberts, Geo Price, Mike King, Michael Maloney, Jennifer Wladischkin, Judy Carter, Elizabeth McLean and Michelle Onley

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM. Mr. Livingston noted that Ms. McBride is not present at tonight’s meeting due to her attendance at the NACo Conference.

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. **PRESENTATION**

- a. Memoriam Honoring Councilman Calvin “Chip” Jackson – Ms. Mackey and Mr. Livingston presented Councilman Jackson’s widow and family with a proclamation and framed newspaper article honoring Mr. Jackson’s legacy.

APPROVAL OF MINUTES

5.
 - a. Budget – 2nd Reading: May 27, 2021 – Mr. O. Walker moved, seconded by Ms. Barron, to approve the minutes as distributed.
 - b. Budget – 3rd Reading: June 10, 2021
 - c. Regular Session: June 15, 2021
 - d. Zoning Public Hearing: June 22, 2021

Mr. Malinowski made a substitute motion, seconded by Mr. O. Walker, to approve the May 27th, June 10th, June 15th and June 22nd minutes as distributed.

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

Opposed: Newton

Not Present: McBride and J. Walker

The vote was in favor.

Special Called Meeting
July 13, 2021

6. **ADOPTION OF AGENDA** – Mr. Pugh moved, seconded by Mr. O. Walker, to adopt the agenda as published.

Mr. Malinowski moved, seconded by Ms. English, to consolidate both Executive Sessions and take the items at the beginning at the meeting.

Ms. Newton stated there is a scrivener’s error on p. 534. The Hospitality Tax allocation amount should be \$10,000.

Mr. Brown stated Item 18(a) “I move to authorize the County Attorney to take any and all necessary action, including condemnation proceedings to acquire ownership of the roadway parcels of Aiken Hunt Circle and Oak Brook Drive that are currently not in the County’s road maintenance program. These parcels are located in the Wildewood Subdivision, and the current owner has been nonresponsive to prior requests by the Department of Public Works to acquire the roadway parcels” needs to be deferred to allow time for staff to obtain an appraisal.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

7. **PRESENTATION OF RESOLUTION**

- a. Resolution Recognizing Columbia-Richland Fire Department on being designated as a “Fire Safe SC Community” for Two Consecutive Years – Ms. Terracio moved, seconded by Ms. Barron, to defer the presentation until the July 20th Council meeting.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

8.

- a. Richland County v. Richland Program Development Team (2019-CP-40-2417) – Legal Update pursuant to SC Code of Laws § 30-4-70(a)(2)
- b. Settlement Agreement with SCDOR (2016-CP-40-3102/2016-001839 – Case NO. 20-ALJ-17-0224-CC) – Legal advice/settlement of legal claims pursuant to SC Code of Laws §30-4-70(a)(2)
- c. Richland County’s Road Maintenance Fee in light of Burns v. Greenville County – Legal advice pursuant to SC Code of Laws § 30-4-70(a)(2)
- d. Clerk’s Office Personnel

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

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

Council went into Executive Session at approximately 6:28 PM and came out at approximately 9:44 PM

Ms. Terracio moved, seconded by Ms. Newton, to come out of Executive Session.

**Special Called Meeting
July 13, 2021**

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

Richland County v. Richland Program Development Team (2016-CP-40-2417) – Mr. Malinowski moved, seconded by Mr. Pugh, to instruct Legal to proceed with the PDT, as discussed in Executive Session.

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

Opposed: Terracio and Newton

Not Present: McBride and J. Walker

The vote was in favor.

Settlement Agreement with SCDOR (2016-CP-40-3102/2016-001839 – Case No. 20-ALJ-17-0224-CC) – Mr. O. Walker moved, seconded by Ms. English, to approve the settlement agreement with SCDOR, as presented in Executive Session, and authorize the County Administrator to execute the same.

Mr. Malinowski made a substitute motion to follow Legal's recommendation.

The substitute motion died for lack of a second.

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

Opposed: Malinowski

Not Present: McBride and J. Walker

The vote was in favor.

Richland County's Road Maintenance Fee in light of Burns v. Greenville County – No action was taken; received as information.

Clerk's Office Personnel – Ms. Mackey moved, seconded by Ms. Newton, to authorize the Chair to execute the contract agreement, as discussed in Executive Session.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

9. **CITIZEN'S INPUT**

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

10. **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.

11. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown noted Richland County moved from a low tier to a moderate tier. He encouraged those that are not vaccinated to become vaccinated and be aware of the protocols in place to reduce the spread of COVID-19. It was noted 45% of Richland County residents have been vaccinated, and 49.2% of SC residents have been vaccinated.

The County has served over 1,200 individuals and approved \$7M under the Emergency Rental Assistance Program. There are still funds available to be disbursed for those in need of rental and utility assistance.

12. **REPORT OF THE DEPUTY CLERK OF COUNCIL** – The Clerk’s Office did not have a report.

13. **REPORT OF THE CHAIR**

- a. Clerk’s Office Personnel – This item was taken up in Executive Session.

14. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Authorizing deed to the City of Columbia for certain parcels on the Three Rivers Greenway/Saluda Riverwalk, Richland County TMS # 07208-03-01 and TMS # 07208-03-02 – No one signed up to speak.

15. **APPROVAL OF CONSENT ITEMS**

- a. 21-015MA, Robert C. Lee, RU to GC (.97 Acres), 511 Ross Road, TMS # R17107-003-03 [SECOND READING]
- b. EMS – Ambulance Purchase
- c. EMS – Fire Tanker Purchase
- d. Department of Public Works – Stormwater NPDES Consultant
- e. Alvin S. Glenn Detention Center –HVAC Maintenance
- f. Community Planning & Development – CDBG/CV FY21 Action Plan Substantial Amendment
- g. Community Planning & Development – 2021-2022 Annual Action Plan
- h. Community Planning & Development – Saint Bernard Project

Ms. Newton moved, seconded by Mr. Pugh, to approve the consent items.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

Ms. Newton moved, seconded by Mr. Malinowski, to reconsider the consent items, with the exception of those that require additional readings.

In Favor: Malinowski

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

Not Present: McBride and J. Walker

**Special Called Meeting
July 13, 2021**

The motion for reconsideration failed.

16. **THIRD READING ITEMS**

- a. An Ordinance Authorizing deed to the City of Columbia for certain parcels on the Three Rivers Greenway/Saluda Riverwalk; Richland County TMS # 07208-03-01 and TMS # 07208-03-02 – Mr. O. Walker moved, seconded by Ms. Newton, to approve this item.

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

Opposed: Malinowski

Not Present: McBride and J. Walker

The vote was in favor.

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

In Favor: Malinowski

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

Not Present: McBride and J. Walker

The motion for reconsideration failed.

17. **SECOND READING ITEMS**

- a. 21-017MA, Kevin Steelman, RU to RS-E (44. 64 Acres), Old Tamah Road, TMS # R03400-02-03, 04 & 05 – Mr. Malinowski noted, during the recent rains, neighbors in a neighboring subdivisions had damage to their homes and yards because barriers were potentially not put up properly. He requested staff to ensure this does not happen with the adjoining property.

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

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

- b. 21-018MA, DR Horton, RU to RS-E (94 Acres), Hardscrabble Road, TMS # R14600-03-17(p) – Ms. Barron moved, seconded by Ms. Newton, to defer this item until the September 14th Council meeting.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

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

**Special Called Meeting
July 13, 2021**

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

18. **REPORT OF DEVELOPMENT SERVICES COMMITTEE**

- a. I move to authorize the County Attorney to take any and all necessary actions, including condemnation proceedings, to acquire ownership of the roadway parcels of Aiken Hunt Circle and Oak Brook Drive that are currently not in the County's road maintenance program. These parcels are located in the Wildewood Subdivision, and the current owner has been nonresponsive to prior requests by the Department of Public Works to acquire the roadway parcels. [MACKEY] – This item was deferred during the Adoption of the Agenda.
- b. I move to name June as Pride Month in Richland County – Mr. Malinowski noted he does not see a need to elevate/recognize any individual group above other individuals in the community.

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

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

Opposed: Malinowski

Abstain: English

Not Present: McBride and J. Walker

The vote was in favor.

- c. Special Revenue Fund – Hospitality Tax: RC Volleyball Complex – new group seeking Council funding (\$3,950,000) – The committee recommended scheduling a work session.
- d. Special Revenue Fund – Hospitality Tax: SC Kings Foundation Nexx Level Sports Center – new group seeking Council funding (\$9,500,000) – The committee recommended scheduling a work session.
- e. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] – The committee recommended scheduling a work session.
- f. Amend the County’s current ordinance, in order to allow lighting on Broad River Road [DICKERSON] – The committee recommended tabling this item.

Items 18(c), (d), (e) and (f) were taken up together.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

- g. Municipal Solid Waste Management – Collection Contract – Mr. Malinowski moved, seconded by Ms. Terracio, to extend the existing contract with CWS for one month.

**Special Called Meeting
July 13, 2021**

Mr. Brown noted, in committee, we talked about several items, but there were things we started pulling out of the item.

Mr. Malinowski stated the second part of his motion will be to defer action on any other items listed because we do not have all the information presented to us.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

Mr. Maloney stated this is a longstanding contract, and they intend to bring the full contract back to Council in September. They would like to get the RFP started, which would be changes to the contract. These are recommendations for changing things for a positive impact for the delivery of services. The items are so we can have more efficient pick up of good from curbside, cost control in the long-term, to regulate things with the contractors, and performance-based stats as far as penalties.

Mr. Ansell stated, as we operate today, the practice is fairly inefficient. Councilmembers are familiar with some of the complaints we receive. Soil Waste and Recycling is trying to be definitive and allow the property owners, as well as the contractors, the concept of "this is what we have", "this is what we can put out" and "this is what we can collect." When we talking about the bagging and bundling, we are talking about speeding up the process of collections in general. Currently we are using pitchforks with each stop taking minutes, whereas it could take seconds with the recommendations outlined. This will speed up the collection process, add efficiency to the collections contractor, and allow more completion of routes.

Mr. Malinowski noted Council needs to vote on complete information and not just "words". Therefore, until we get a draft of the re-write, review it thoroughly, make recommendations, ask questions, and allow the public to see the information, we should not be moving forward with this matter.

Ms. Newton stated, her understanding is, the reason staff is asking for this now is they need leeway to create a RFP.

Mr. Maloney responded in the affirmative. Staff wants the Chapter 12 re-write to follow the prescriptive changes to the contract. We have found the ordinance does not align with Council's desire for how collection services should be handled.

Ms. Newton inquired if the creation of the RFP time-sensitive, based on the contracts we have.

Mr. Maloney responded the RFP would be issued in August, which would allow them the month of September to look over the specifics and to bring the contract in, with the pricing from the contractors.

Ms. Newton inquired if there is a way to accomplish the objective of starting the RFP draft without obligating Council, and obligating us to do certain things. Her recollection is, as part of the motion, removed the adoption of the updated Richland County Solid Waste Management Plan, so that is not appropriately a part of our conversation. She suggested we remove the first two bullet points (i.e. Updated Solid Waste Management Plan and the approval of the rewrite of Chapter 12). She supports a lot of the items; however, there are others that need further discussion and constituent input.

Mr. Malinowski inquired, if we can extend the contract for one company, why can we not extend the contracts for the other companies until this matter is fully resolved.

Mr. Brown responded he believes it is a possibility. We would have to review the contracts. He noted Mr. Maloney was attempting to address routine service issues. Those may not change without some additional changes from the County.

**Special Called Meeting
July 13, 2021**

Mr. Malinowski moved, seconded by Ms. Newton, to bring this back next week, and excerpt the changes that are needed to move forward with an RFP, and defer the remainder until we receive all of the information.

Mr. Maloney stated everything they put forward are items they believe is important for the RFP. The items Ms. Newton mentioned could be put on as alternatives. They do not feel this is a loss of service, but a better definition of the services.

Ms. Newton stated her recommendation was to assist Mr. Maloney to reach his objective, which is to start the RFP process. She would not like to see the RFP released until Council saw the definition of the terms. She understands once the RFP is written those are terms we will be bound by. She was trying to find an alternative to have staff provide greater specificity through the draft RFP, but by pursuing a bifurcated solution.

Mr. Malinowski inquired if staff would need a contract extension.

Mr. Maloney responded they would not in that timeframe.

Mr. Malinowski made a substitute motion, seconded by Ms. Newton, to come forward at the July 20th Council meeting with more detailed information on what will be needed to advertise an RFP.

Ms. Newton suggested Mr. Maloney be in discussion with Procurement to provide us with the maximum options we have. She noted the procurement process tends not to allow vagaries, but she wants to ensure we are not locked down into things we do not want to do.

Ms. Terracio inquired if staff has been in discussions with the current contractors about expectations.

Mr. Maloney responded they have spoken with the collection contractors. There are general concerns that we would be accepting new proposals, and not just extending contracts. There are two contractors that have indicated there would be a cost reduction with the automation option. There are concerns from the contractors regarding the penalty system, and how that could impact them.

Ms. Barron inquired if some of the other contractors will be ruled out because they do not have the equipment.

Mr. Maloney responded, right now, we require the rear load trucks. All we are requesting is to allow for automation, not for it to be a requirement for a contractor who is doing well with the systems they have in place now.

Ms. Barron inquired if it places a particular contractor at a disadvantage because they are a smaller company.

Mr. Maloney responded it does not put them at a disadvantage for meeting the standards. The pricing from contractor to contractor is not the same.

Ms. Barron noted, it would appear, if you have a smaller company, it places that company at a disadvantage to be able to perform at a higher level. As we move forward, she would like to ensure that everyone has an opportunity to have a fair chance at being able to bid on the project.

Mr. Pugh requested the substitute motion be restated.

Mr. Malinowski stated the substitute motion is to have Mr. Maloney, and his staff, to provide Council the major items that are needed to issue an RFP.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

**Special Called Meeting
July 13, 2021**

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

- a. Department of Public Works – Compound Parking Lot Restoration – Mr. O. Walker stated, it is his understanding, the parking lot restoration would be funded by revenue from the road maintenance fee. There was a recent Supreme Court case that pertained to Greenville County’s road maintenance fund. It is his understanding, Richland County’s program is similar, and he did not know if Council would be comfortable approving this item considering the Supreme Court’s opinion.

Ms. Mackey moved, seconded by Mr. O. Walker, to defer this item until the July 20th Council meeting.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

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

I. NOTIFICATION OF APPOINTMENTS

- a. Airport Commission – Two Vacancies (One applicant must reside within the Rosewood, Shandon, or Hollywood-Rose Hill-Wales Garden neighborhoods) – This item was held in committee.

- b. Planning Commission – Three (3) Vacancies – Mr. Malinowski stated the committee recommended appointing Mr. John Metts.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

- c. Richland Library Board of Trustees – One (1) Vacancy – Mr. Malinowski stated the committee recommended appointing Ms. Brenda B. Branic.

Ms. Terracio made a substitute motion, seconded by Mr. Malinowski, to appoint Ms. Nicole A. Cooke.

In Favor: Malinowski, Terracio and Newton

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

Not Present: McBride and J. Walker

The substitute motion failed.

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

Opposed: Malinowski and Terracio

Not Present: McBride and J. Walker

The vote was in favor.

- d. Richland Memorial Hospital Board of Trustees – Two (2) Vacancies – This item was held in committee. The committee directed the liaison to contact the hospital to determine what their needs are for the board.

**Special Called Meeting
July 13, 2021**

- e. Riverbanks Park Commission – One (1) Vacancy – Mr. Malinowski stated the committee recommended appointing Mr. Clifford Bourke, Jr.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

21. **REPORT OF THE EMPLOYEE EVALUATION AND OVERSIGHT AD HOC COMMITTEE**

- a. Evaluation Process for the County Administrator – Ms. Newton stated the committee directed Procurement to submit a RFP for firms that could assist Council with the County Administrator’s evaluation.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

- b. Clerk to Council Search – Ms. Newton noted we are able to use our existing relationship and agreement with Find Great People to recommence the search. The committee recommended utilizing the existing position for the description to continue the process.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

- c. Update on County Attorney Search – Ms. Newton stated Randi Frank presented the committee with several candidates that met, or exceeded, the criteria set for the County Attorney. Those candidates were reviewed and discussed during the last committee meeting. Each member of Council should have received a packet. The committee is requesting that all interested Council members review the candidates, and submit to the consultant a ranked list of candidates by July 17th, so the committee can make recommendations for interviews.

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

- a. Spears Creek Church Rd. Project – Mr. O. Walker stated the committee recommended approval of this item.

Mr. Malinowski noted, there were several projects that were approved for descoping. This particular project has now come back with a recommendation that we change the approved descoping, and add approximately 10% to the project to the exclusion of all the other descoped projects. In order to provide fairness for all of the descoped projects, we have to have the Transportation Department determine the amount of funds available and give them all an additional 10% increase.

Mr. Malinowski moved, seconded by Ms. Newton, to approve this project, have the Transportation Department review all the other descoped projects, and add a similar percentage back to those projects to ensure fairness.

Ms. Newton stated she was a proponent of us reevaluating the budget to ensure we had funds for everything. When we started with the Penny process there were a number of roads that went over budget, and now the ones that were left we are trying to sort out. Her concern is that we descoped these projects, and now we are going back and piecemealing the additions. If we have extra money where we can look at

all the projects, we should do so, but there should be a process. She wants us to come back with the funds available and make recommendations for those projects.

Mr. Malinowski withdrew his motion.

Ms. Newton made a substitute motion, seconded by Mr. Malinowski, to review the funds available and come back with recommendations on how to equitably fund the descoped projects.

Mr. Livingston stated, when the projects were descoped, they were based on certain criteria. He believes it will be a mistake if we decide every project that has been descoped needs the same percentage. When we descoped them, it was noted some of the projects may have to be revisited when we take a closer look.

Ms. Mackey noted the Spears Creek Church Road Project, when it was descoped, unlike the other projects, there was not a current traffic study done. When Council descoped the project, they were not descoping the project based on the correct data. She believes we need to move forward with this project, and determine which other projects were not done correctly, and do not have the correct data.

Mr. O. Walker stated, when the Transportation Ad Hoc Committee voted to approve this project, we also voted to commission staff to begin to explore a prioritization process for rescoping projects. He noted there is an estimated \$50.2M remaining in the program.

Ms. Steele stated they are close to completing the rescope evaluation, and anticipate having a recommendation in the coming weeks. There are approximately 6 projects staff feels need to be rescoped. Council has approved 2 of the projects (Garners Ferry and Innovista Phase III).

Mr. Maloney noted Spears Creek Church Road is not being restored to the PDT's estimate of \$49M.

Ms. Newton restated her motion, as follows: to direct staff to bring us criteria and a process for evaluating rescoping roads in the Penny Project; taking into consideration any applicable data, information, and budgeting information; and all the remaining roads, including Spears Creek Church Road, be evaluated together.

In Favor: Malinowski, Terracio and Newton

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

Not Present: McBride and J. Walker

The substitute motion failed.

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

Opposed: Malinowski, Terracio and Newton

Not Present: McBride and J. Walker

The vote was in favor.

Ms. Mackey moved, seconded by Ms. English, to bring back the data and prioritize list at the July 20th Council meeting.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

Ms. Mackey moved, seconded by Ms. Barron, to reconsider this item.

In Favor: Malinowski, Terracio and Newton

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

Not Present: McBride and J. Walker

The motion for reconsideration failed.

23. **REPORT OF THE DETENTION CENTER AD HOC COMMITTEE**

- a. Compensation Recommendation – Ms. Terracio stated the recommendation is to increase the starting salary for detention center officers to \$36,500.

Mr. Malinowski inquired how long the 50 detention center officer positions would be frozen.

Mr. Brown responded the positions will be frozen in perpetuity, until there is another mechanism for additional funds.

Mr. Malinowski noted, an evaluation indicated, the facility could operate effectively with less than 264 budgeted detention officers. He inquired if there is a more exact number.

Mr. Brown stated they do not have a more exact number. We are trying to use those positions to increase the salaries for the individuals that are working there.

Mr. Malinowski stated, on p. 527 of the agenda, it states, “This change would be augmented by a full development of a new career and salary structure... and will be presented at the next Council meeting.

Mr. Brown responded this will be presented to Council after the next Detention Center Ad Hoc Committee meeting.

Mr. Pugh noted the Detention Center is already short staffed, and now we are freezing 50 positions in order to increase the current staffs’ salaries.

Mr. Brown responded the positions being frozen have been vacant for quite some time. We are not taking positions away from the Detention Center.

Ms. Barron stated, for clarification, any current detention officers that are below \$36,500 will have their salary increased to \$36,500.

Mr. Brown stated the salary scale we are developing will address the remaining Detention Center employees.

Ms. Mackey inquired when the increase will go into effect.

Mr. Brown responded it will become effective on the first payroll in August.

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

Ms. Terracio moved, seconded by Ms. Newton, to reconsider this item.

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

Not Present: McBride and J. Walker

The motion for reconsideration failed.

24. **OTHER ITEMS**

- a. FY22 – District 1 Hospitality Tax Allocations
- b. FY22 – District 7 Hospitality Tax Allocations
- c. FY21 – District 11 Hospitality Tax Allocations
- d. FY22 – District 11 Hospitality Tax Allocations

Mr. Malinowski moved, seconded by Ms. Barron, to approve Items 24(a), (b), (c) and (d).

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

Not Present: McBride and J. Walker

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Terracio, to reconsider Items 24(a), (b), (c) and (d).

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

Not Present: McBride and J. Walker

The motion for reconsideration failed.

25. **EXECUTIVE SESSION** – There were no additional Executive Session items.

26. **MOTION PERIOD**

- a. All County Council contracts and agreements adopted by a majority vote of full Council will require a majority vote of full Council to amend and/or change [NOTE: This motion should be taken up as soon as possible, and not be addressed with the overall Council Rules update.] [LIVINGSTON] – This item was referred to the Rules and Appointments Committee.
- b. Move to amend Council Rules related to virtual and phone call meeting attendance and have this motion included on the July 20, 2021 Rules and Appointments Committee meeting agenda. [MACKEY] – This item was referred to the Rules and Appointments Committee.
- c. Move to direct staff to evaluate current zoning laws that permit zoning designations for large residential developments to remain in perpetuity and present options to re-evaluate and/or rezone those properties if they are not developed within 7 years. Recommendations should include processes to ensure that zoning and the comprehensive plan remain consistent with the lived character of the community [NEWTON, LIVINGSTON and MALINOWSKI] – This item was referred to the D&S Committee.

27. **ADJOURNMENT** – The meeting adjourned at approximately 11:26 PM.