



Richland County Council
REGULAR SESSION
MINUTES
July 19, 2022 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Overture Walker, Chair; Jessica Mackey, Vice-Chair; Bill Malinowski, Derrek Pugh, Yvonne McBride, Paul Livingston, Joe Walker and Cheryl English

1. **CALL TO ORDER** – Chairman Overture Walker called the meeting to order at approximately 6:00PM.
2. **INVOCATION** – The Invocation was led by the Honorable Cheryl English.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Yvonne McBride.
4. **APPROVAL OF MINUTES**
 - a. **Special Called: July 12, 2022** – Mr. Pugh moved to approve the minutes as distributed, seconded by Mr. J. Walker.

Mr. Malinowski noted Item 14(b) *“I move to have staff amend Section 26-186 (Development with Open Space Design Standards) of the Land Development Code by amending the formula used in determining the total number of units allowed in the utilization of density-based and density bonus design standards by subtracting the constrained open space area acreage from the total site acreage prior to calculating. In addition, all lots must conform to the DHEC minimum required sizes so no bonus allows that lot size to be less than the DHEC requirement [MALINOWSKI – January 4, 2022]”* was actually addressed, and subsequently approved, after Item 15(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. Wright stated it does not matter the order it is listed in the minutes, but that the action itself is recorded in the minutes.

Mr. Malinowski noted on p. 5 of the minutes the statement *“Mr. Wright responded the text was approved on November 16, 2022. The only thing that has not become effective are the maps.”* is not totally accurate. The Planning Commission is discussing the maps and additional text changes. He believes it is misleading to let the public think the only thing not effective are the maps.

Mr. Wright stated until the maps are completed there can be no adjustments to the text.

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

Not Present: Terracio, Barron and Newton

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The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Mr. Pugh moved to amend the agenda to add a Hospitality Tax allocation for District 5, seconded by Ms. English.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

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

7. **CITIZENS' INPUT**

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

1. Robert Reese, 204 Sonoma Drive, Hopkins, SC 29061 – G.A.N.G.S in Peace Initiative
2. Thomas Williams, 1528 Willow Oak Drive, Columbia, SC 29223 – G.A.N.G.S in Peace Initiative
3. Kaylin Jones, Gingerroot Way – G.A.N.G.S in Peace Initiative
4. Linda Maxwell, 511 Alcott Drive, Columbia, SC 29203 – G.A.N.G.S in Peace Initiative
5. Levar Baker, 309 Peppercorn Lane, Columbia, SC 29223 – G.A.N.G.S in Peace Initiative
6. Alonzo Canzater, 822 Swygert Road, Blythewood, SC 29016 – G.A.N.G.S in Peace Initiative
7. Jay Brown, 18 Berryhill Road, Columbia, SC 29210 – G.A.N.G.S in Peace Initiative
8. Torian Sims, 537 Lake Carolina Boulevard, SC 29229 – G.A.N.G.S in Peace Initiative
9. Lolita Frazier, 220 Springtree Road, Columbia, SC 29223 – G.A.N.G.S in Peace Initiative
10. Jamar Smith, 250 Crossmore Drive, Columbia, SC 29212 – G.A.N.G.S in Peace Initiative
11. Darryl Sutton, 3912 Pine Cone Drive, Columbia, SC 29204 – G.A.N.G.S in Peace Initiative
12. Malachi Amant, 341 Percival Road, Columbia, SC 29206 – G.A.N.G.S in Peace Initiative
13. Ann Mickle, 129 Island View Circle, Elgin, SC 29045 – G.A.N.G.S in Peace Initiative
14. LaKenyatta Maxwell, 118 Crawford Court, Columbia, SC 29203 – G.A.N.G.S in Peace Initiative
15. Bishop Eric Davis, 22 Keeneland Trail, Blythewood, SC 29016 – G.A.N.G.S in Peace Initiative

8. **CITIZENS' INPUT**

- a. **Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time)** – No one signed up to speak.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Coronavirus Update** – No update was given.
- b. **Other Updates** – Mr. Brown introduced the new Detention Center Director, Tyrell Cato.
- c. **FY2022-2023 Five Year Consolidated Plan: FY2022 Annual Action Plan** – Mr. Brown stated the proposed submission to HUD relative to the CDBG and HOME programs. The proposed submission will go through a public display period. When Council comes back in August, we will be looking for Council to address the matter.

Ms. McBride inquired if this is the federally mandated plan that has to be submitted in order for the County to receive CDBG funds to address homelessness and infrastructure areas.

Mr. Brown responded in the affirmative.

10. **REPORT OF THE CLERK OF COUNCIL** – Ms. Kirylo reminded Council of the Special Called meeting scheduled for July 26th at 7:45 PM.

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

12. **SECOND READING ITEMS**

- a. An ordinance amending the School Resource Officer line item in the FY2023 Budget Ordinance (No. 012-22HR) of Richland County, South Carolina – Mr. Livingston moved to approve this item, seconded by Ms. Mackey.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

- b. An Ordinance Authorizing the acquisition of certain property located in Richland County; and other matters related thereto – Ms. Mackey moved to approve this item, seconded by Mr. J. Walker.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

13. **REPORT OF THE CORONAVIRUS AD HOC COMMITTEE**

- a. Proposed grant application and application process – Mr. Brown stated the proposed application is not in the current agenda packet, as it had previously been provided.

Mr. Livingston stated the committee recommended approval of the proposed application.

Ms. McBride moved to move forward with the proposed application and to allow the Administrator and staff to critique or refine the application as they deem necessary, seconded by Mr. Livingston.

Ms. Mackey offered a friendly amendment to have the Administrator bring the application back to Council by August 30th.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

Mr. Livingston stated the committee recommended utilizing the discretionary grant process as a basis for evaluation, securing a third-party vendor to evaluate applications for compliance with US Treasury requirements and then forwarding recommendations to the Coronavirus Ad Hoc Committee. The committee also discussed whether there were going to be Council members on the evaluation committee.

Mr. Brown stated, for clarification, the applicant will apply through the Zoom Grants portal. Staff will provide technical assistance, if needed. Applications will be vetted through the third-party vendor. Once vetted, if they are eligible, the applications will go to the “discretionary grant” committee process.

Ms. McBride inquired if the third-party vendor can use a rubric to ensure that the process is as fair as possible. She recommended Council members not be involved in the evaluation and ranking process to ensure the process is not politicized.

Ms. McBride moved to use the external evaluation vendor to develop a rubric, as well as to vet the applications.

Mr. O. Walker stated, for clarification, the request would go through Zoom Grants. Then a third-party vendor would evaluate the request to determine if it comports with US Treasury guidelines. He inquired if the next step in the process would be for the application to be evaluated by staff or a third-party vendor.

Ms. McBride responded the application would be evaluated by the third-party vendor.

Mr. O. Walker inquired if the recommendation should go to Council or the Coronavirus Ad Hoc Committee.

Ms. McBride stated the third-party vendor would evaluate the grants. Council needs to determine if we are going to fund grants ranked 70 or above. She does not have a recommendation on whether it should go to Council or the Coronavirus Ad Hoc Committee.

Mr. O. Walker inquired if we want to include an anonymity feature.

Ms. McBride responded she would hope that would be a part of the process.

Mr. Livingston noted he would like for us to get as much as we can done now so staff can work on something during the month of August.

Mr. Brown stated staff can have the guidelines back to Council by August 30th, but the selection of the vendor will not be complete because it has to go through the RFP process.

Mr. Livingston inquired if the intent of Ms. McBride's motion was for the third-party vendor to also score the applications.

Ms. McBride responded she is suggesting the vendor could assist. She noted the State and Federal government puts out a request for grant reviewers, and they review the grants by utilizing a rubric. If we try to review the applications, it is very subjective. We could use the "discretionary grant" process, but only if we have the rubric in place. Her suggestion would be to exclude Council members from the process.

Ms. Mackey inquired if the intent is for the third-party vendor to rank the applications and then present them to Committee. The committee will make the final decision based on the allotted funding.

Ms. McBride responded that was a part that was missing in the process.

Mr. Livingston noted the committee recommended allowing an organization to apply in up to three (3) categories, but the committee did not recommend an amount.

Ms. English noted she can provide the federal guidelines she utilizes at her job to assist staff with creating guidelines for the application process.

Mr. Brown noted there is recommended evaluation criteria, based on the discretionary grant process, included in the agenda packet.

Ms. McBride moved to forward the recommendations from the Coronavirus Ad Hoc Committee to the Administrator, and staff, for refinement. In addition, the process for evaluation will utilize external evaluators, staff, or others employing a rubric and blind review. Also, Administration will bring back recommendations to the August 30, 2022 Special Called Meeting. Ms. Mackey seconded the motion.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

Mr. Livingston stated the committee recommended to allow organizations to apply for funding in up to three categories.

Ms. McBride stated, for clarification, with the committee's recommendation an organization could apply for three separate grants. Therefore, one entity could get up to \$700,000.

Mr. Livingston responded we still have to determine the amount for each grant.

Ms. Mackey stated she supports allowing organizations to apply in more than one category. Some of the organizations may be able to help in more than one category and create an impact in the community.

Mr. Malinowski noted there is a flip side. We need to be willing to spread the wealth and get as much of the funds out to as many organizations as we can.

Ms. Mackey noted the organization can submit the same program in the homeless category, and the mental health category, but they may only get funded out of one category. She does not want us to miss out on a good quality program.

Ms. English inquired if there is a timeframe for when the funds have to be spent.

Mr. Brown responded the timeframe will be imposed by Council.

Ms. English suggested accepting applications between August and December. If we still have funds, then we can come back and do another application period.

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

Opposed: Malinowski, McBride and J. Walker

Not Present: Terracio, Barron and Newton

The vote was in favor of the committee's recommendation to allow organizations to apply for funding in up to three categories.

Mr. Livingston stated, for the record, the recommendation for all priority groups who have been allocated funds to date to enter applications upon the portal opening so previously approved funds can be requested for use by the recipients in accordance with grant guidelines was approved during the budget process.

- b. G.A.N.G.S. in Peace Initiative – Mr. Livingston stated this item came before the committee. At that time, the committee felt there was not enough information in reference to the request. The committee requested additional information. The additional information was provided to Council and the matter was placed on the July 12th agenda, wherein it was deferred to the July 19th Council meeting.

Ms. English stated we have always supported improving Richland County in every aspect. It is our goal to improve the County as a whole and to ensure public funds are spent with prudence and foresight. We do not haphazardly enter into agreements based on feelings or emotions. As a mental health counselor, minister, social worker, and psychosocial rehabilitator specialist, she has had the opportunity to work with various agencies. She noted she has advocated for a lot over the last 20 years. As a number of the service agencies and organizations face daily challenges to meet the growing needs of the citizens who require specialized services, she applauds everyone across the County who works to assist others to achieve daily functional living. The program before them has merit and potential to reduce gang interaction. Her concern is the disrespect and personal attacks her colleagues received for asking clarifying questions. The behavior demonstrated at the July 12th Council meeting leaves concern about progressive deportment by program volunteers. Assessment and evaluation are a critically required part of every program. No process can begin without it. Council has often spoken about equity, inclusion and transparency, and we too must adhere to those standards. It is our

responsibility to the citizens of Richland County to ensure the processes of assessment and evaluation are met to definitively justify the expenses. What cannot be tolerated is the level of disrespect from any agency or organization that comes before the body. We want to be good stewards of the funds, and address the needs of many. We thank you for the proposal, applaud your efforts, and understand the need, but it must go through an appropriate process.

Ms. English moved that the G.A.N.G.S. in Peace Initiative go through the appropriate process to be consider for the ARPA funds, seconded by Mr. Malinowski.

Mr. O. Walker stated the narrative that has been put out is Council is callous, does not care about what is happening in the disadvantaged communities and we do not care about individuals that look some of us. We have been politically threatened. He noted this is an initiative that most can support, but at the same time the request is not right for consideration. This is not the same as coming before Council and asking for General Fund. These are federal dollars, which is a separate pot of money. In order to consider requests for those dollars, there has to be a process in place. Even if Council decided to provide funding for the program, the request could not be honored until it is vetted by a third-party vendor to determine whether the program comports with US Treasury guidelines. If the funds are not expended in accordance with the US Treasury guidelines the taxpayers will have to pay the funds back.

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

Opposed: Pugh, J. Walker

Not Present: Terracio, Barron and Newton

The vote was in favor.

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

- 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 public infrastructure credit agreement to provide for public infrastructure credits to a company identified fir the time being as Project Framework; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

Recusal: Mackey (due to her parent company representing the company)

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

15. **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

- a. NOTIFICATION OF APPOINTMENTS

1. Lexington Richland Alcohol and Drug Abuse Council – Two (2) Vacancies – Mr. Malinowski stated the committee recommended re-appointing Mr. Joshua Douglas Fabel and appointing Salley Rickenbacker Robinson.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

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b. ITEMS FOR ACTION

1. 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 – June 21, 2022] – Mr. Malinowski stated the committee recommended approval of this item.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

Ms. Mackey noted the Rules and Appointments Committee would like for the Chair to name the additional Council members so the Community Impact Grant Committee can begin work.

2. Disclosure of addresses/personal information of applicants – Mr. Malinowski stated the committee recommended the personal information be removed from the public agenda. The information would continue to be provided to Council members and staff.

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

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

16. OTHER ITEMS

- a. FY23 - District 10 Hospitality Tax Allocations – Mr. Pugh moved to approve this item, seconded by Ms. McBride.

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

Opposed: J. Walker

Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

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

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

Not Present: Terracio, Barron and Newton

The motion for reconsideration failed.

17. EXECUTIVE SESSION – There were no items for Executive Session.

18. MOTION PERIOD – There were no motions submitted.

19. ADJOURNMENT – Mr. Pugh moved to adjourn, seconded by Ms. McBride.

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

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Not Present: Terracio, Barron and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 7:52 PM.