



Richland County Council  
REGULAR SESSION  
**MINUTES**  
October 4, 2022 – 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

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

1. **CALL TO ORDER** – Chairman Overture Walker called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Joe Walker.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joe Walker.
4. **PRESENTATION OF PROCLAMATION**
  - a. **Community Planning Month Proclamation** – Ms. Newton, Mr. Malinowski, Ms. Barron, Ms. McBride and Ms. Mackey presented a proclamation recognizing October as Community Planning Month.
  - b. **“Catch the COMET Month” Proclamation** – Ms. Terracio and Mr. O. Walker presented a proclamation recognizing October as “Catch the COMET Month”.
5. **APPROVAL OF MINUTES**

- a. **Regular Session: September 20, 2022** – Mr. Malinowski noted the incorrect minutes were included in the printed agenda packet.

Ms. Anette Kirylo, Clerk to Council, responded a corrected agenda, with the correct minutes, was emailed to Council members on Friday and the agenda published on the County’s website included the correct attachment.

Mr. Malinowski moved to reconsider Item 18 – “Motion Period”: Move to add Juneteenth (Juneteenth National Independence Day) as a Richland County holiday, seconded by Mr. J. Walker.

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

The vote in favor was unanimous.

Mr. Malinowski made a substitute motion that in the future all Federal holidays will be recognized as County holidays, seconded by Ms. Barron.

Ms. Barron stated, for clarification, the substitute motion is inclusive of all Federal holidays.

Ms. McBride noted she cannot always agree with the decisions of the Federal government; therefore, she could not support all holidays the Federal government could come up with.

Mr. Malinowski withdrew the substitute motion.

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

The vote in favor of adding Juneteenth as a County holiday was unanimous.

Ms. Mackey moved to approve the minutes as amended, seconded by Mr. J. Walker.

**Regular Session  
October 4, 2022**

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

The vote in favor was unanimous.

- b. Zoning Public Hearing: September 27, 2022 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. Mackey.

Mr. Malinowski noted the documents on pp. 25-31 were not previously a part of an agenda package.

Ms. Kirylo responded those documents were presented to Council during the Zoning Public Hearing.

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

The vote in favor was unanimous.

6. **ADOPTION OF AGENDA** – Ms. Barron requested to add the appointment to Historic Columbia to the Report of the Rules and Appointments Committee.

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

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

The vote in favor was unanimous.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Patrick Wright, County Attorney, state the following item is eligible for Executive Session.

- a. Budget Process and Council Compensation
- b. Allen University Property Request – 1741 Cushman Drive, Columbia, SC 29203
- c. Green Street Phase II
- d. Information Technology – Enterprise Resource Planning Software

8. **CITIZENS' INPUT**

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

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. Pamela Robinson, 1150 Pompey Town Road, Greeleyville, SC 29056

10. **REPORT OF THE COUNTY ADMINISTRATOR** – The County Administrator's Report was given in Executive Session.

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 authorizing several easements to Dominion Energy South Carolina, Inc. for the transportation of gas, oil petrol products, or any other liquids, gases, or substances which can be transported through a pipe line; located on property owned by Richland County along Clemson Road; and as is more fully described herein – No one signed up to speak.
- b. Authorizing the expansion of the boundaries of an industrial park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to SE Forest Acres LLC, a company previously identified as Project Bulldog; and other related matters – Mr. Livingston moved to defer the public hearing until the October 18<sup>th</sup> Council meeting, seconded by Ms. Newton.

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

The vote in favor was unanimous.

- c. 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 a public infrastructure credit agreement to provide for public infrastructure credits to Bullstreet Apartments, LLC, a company previously identified as Project Framework; and other related matters

1. Mr. Bob Coble, 3333 Heyward Street, Columbia, SC 29205

#### 14. **APPROVAL OF CONSENT ITEMS**

- a. 22-007MA, Lucky Detty, RM-HD to OI (.231 Acres), 116 Beatty Downs Road, TMS# R06106-01-39 [SECOND READING]
- b. 22-006MA, Jared Munneke, GC/M-1/RU/RM-HD to RM-HD (74.28 Acres), End of Idlewilde Boulevard and Barnes Street. Councilwoman English requested to remove this item from the Consent Items. Item has been moved to Second Reading now reflected under Minute Item 16. a
- c. Community Planning & Development – Conservation – Historic Columbia Heritage Tourism Marketing Plan

Mr. Malinowski moved to approve the Consent Items, seconded by Mr. J. Walker.

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

The vote in favor was unanimous.

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

- a. Authorizing the expansion of the boundaries of an industrial park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to SE Forest Acres LLC, a company previously identified as Project Bulldog; and other related matters – Mr. Livingston moved to defer this item until the October 18<sup>th</sup> Council meeting, seconded by Mr. J. Walker.

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

The vote in favor was unanimous.

- b. 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 a public infrastructure credit agreement to provide for public infrastructure credits to Bullstreet Apartments, LLC, a company previously identified as Project Framework; and other related matters – Mr. Livingston moved to approve this item, seconded by Mr. J. Walker.

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

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

The vote in favor was unanimous.

- c. An Ordinance authorizing several easements to Dominion Energy South Carolina, Inc. for the transportation of gas, oil petrol products, or any other liquids, gases, or substances which can be transported through a pipe line; located on property owned by Richland County along Clemson Road; and as is more fully described herein – Ms. Mackey moved to approve this item, seconded by Mr. Joe Walker.

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

The vote in favor was unanimous.

- d. An Ordinance authorizing the levying of ad valorem property taxes which together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2022 will provide sufficient revenues for the operation of Richland County Government during the period from July 1, 2022 through June 30, 2023 – Ms. Mackey moved to approve this item, seconded by Ms. Newton.

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

The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. O. Walker recognized the County Auditor, Paul Brawley, was in the audience.

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

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

The motion for reconsideration failed.

**16. SECOND READING ITEMS**

- a. 22-006MA, Jared Munneke, GC/M-1/RU/RM-HD to RM-HD (74.28 Acres), End of Idlewilde Boulevard and Barnes Street – Ms. English moved to defer this item until the October 18<sup>th</sup> Council meeting, seconded by Ms. Newton.

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

Recuse: Mackey (due to her parent company representing the applicant)

The vote in favor was unanimous.

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

- a. Information Technology – Enterprise Resource Planning Software – Mr. Malinowski stated the committee recommended approval of this item.

Ms. Mackey inquired if this item needed to be discussed in Executive Session prior to approval.

Mr. Wright responded, it is his understanding, the matter necessitating Executive Session has been resolved; therefore, the item does not require Executive Session unless Council members have additional questions.

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

The vote in favor was unanimous.

Mr. J. Walker moved to reconsider this item, seconded by Ms. Mackey.

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

The motion for reconsideration failed.

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

- a. Developing a multi-county park with Fairfield County; authorizing the execution and delivery of an agreement governing the multi-county park; authorizing the inclusion of certain property located in Richland County in the multi-county park; authorizing the execution of an intergovernmental agreement; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

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

Opposed: Terracio

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

The vote was in favor.

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

- a. NOTIFICATION OF APPOINTMENTS

1. Hospitality Tax Committee – Two (2) Vacancies (ONE applicant must be from the Restaurant Industry)

2. Transportation Penny Advisory Committee – Three (3) Vacancies

3. Building Codes Board of Appeals – Nine (9) Vacancies (ONE applicant must be from the Architecture Industry, ONE from the Gas Industry, ONE from the Building Industry, ONE from the Contracting

**Regular Session  
October 4, 2022**

Industry. ONE applicant must be from the Plumbing Industry. ONE applicant must be from the Electrical Industry. ONE applicant must be from the Engineering Industry and TWO from the Fire Industry. as alternates – Ms. Barron stated the committee recommended appointing Ms. Tanya Rodriguez-Hodges to the Hospitality Tax Committee and Ms. Christine Keefer to the Transportation Penny Advisory Committee. In addition, the committee recommended re-advertising for the Building Codes Board of Appeals.

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

The vote in favor was unanimous.

4. Employee Grievance – Three (3) Vacancies – Ms. Barron stated the committee recommended re-appointing Ms. Susan Hairston-Hunt and appointing Ms. Tara Smith and Ms. Betty Etheredge.

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

The vote in favor was unanimous.

5. Business Service Center – Four (4) Vacancies (ONE applicant must be from the Business Industry, ONE applicant must be an Attorney and TWO applicants must be CPAs) – Ms. Barron stated the committee recommended appointing Ms. Ruth Nagee to fill the attorney vacancy and re-advertising the remaining vacancies.

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

The vote in favor was unanimous.

6. Board of Assessment Appeals – One (1) Vacancy – Ms. Barron stated the committee recommended appointing Ms. Tasha Thompson.

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

The vote in favor was unanimous.

7. Historic Columbia – One (1) Vacancy – Ms. Barron stated the committee recommended appointing Ms. Lisa Burden.

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

The vote in favor was unanimous.

Ms. Barron noted we have an Internal Audit Committee, which is designed to be led by an Internal Auditor. Currently, we do not have an Internal Auditor on staff. If we are not planning to hire an Internal Auditor, then the Internal Audit Committee needs to be disbanded because it cannot function without having the employee in place.

Mr. Brown responded the Internal Auditor position is designed to be independent of the County Administrator. It would be a collaboration effort led by County Council.

## 20. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Dirt Road Package N – Award of Contract – Ms. Mackey stated the committee recommended awarding the contract for Dirt Road Package to the lowest responsive and responsible bidder McClam and Associates, Inc. She noted McClam and Associates did meet an SLBE goal of 19%.

Ms. Newton noted this dirt road package includes Cornell Adams Road.

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

The vote in favor was unanimous.

- b. Resurfacing Package S – Award of Contract – Ms. Mackey stated the committee recommended awarding the contract to the lowest responsive and responsible bidder, Palmetto Corp. of Conway.

Ms. Barron inquired if anyone from Richland County bid on the resurfacing package.

Mr. Michael Maloney, Public Works Director, responded there were local bidders, but their bids were higher.

Ms. Barron stated anytime we can invest in local businesses we should make every effort to do so. She understands the lowest bid prevails and how procurement works, but as we look at processes in the future, if we could give priority to those businesses who live, work and pay taxes here.

Ms. McBride noted we also need to include diversity and equity in the process. She suggested the Administrator hire an Equity Director and noted there is a way to ensure equity in regards to contracts.

Mr. Wright stated there is a required process, which would potentially include an equity or diversity study, before you can deviant from the lowest responsive bidder.

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

The vote in favor was unanimous.

- c. Wetland Credit Sales – Ms. Mackey stated the committee recommends approving the following four (4) mitigation requests:

1. SCDOT for the US 21 Bridge Replacement Project in Lexington County, SC for 3.17 wetland credits at a rate of \$12,500 per credit;
2. West Fraser, Inc. for a development for 1.08 wetland credits at a rate of \$12,500 per credit;
3. Pointe Grand Columbia, LLC for Powell Road & Technology Circle for 455 stream credits at a rate of \$200 per credit;
4. Jacobs Creek, LLC for Blythewood Farms Phase II for 3.1 wetland credits and 549 stream credits for \$12,500 and \$200 per credit, respectively.

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

Opposed: Newton

The vote was in favor.

- d. Bull St/Elmwood Avenue Intersection – Award of Contract – Ms. Mackey stated the committee recommends awarding the Bull/Elmwood Intersection Project to CR Jackson, Inc.

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

Opposed: Malinowski

The vote was in favor.

Ms. Mackey moved to reconsider Items 20(a) – (d), seconded by Mr. J. Walker.

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

The motion for reconsideration failed.

## 21. OTHER ITEMS

- a. Allen University Property Request – 1741 Cushman Drive, Columbia, SC 29203 – Mr. Livingston moved to defer this item until after Executive Session, seconded by Mr. J. Walker.

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

The vote in favor was unanimous.

- b. FY23 – District 7 Hospitality Tax Allocations:

(1) Talented Tenth - \$5,000, (2) Junior League of Columbia - \$20,000 (3) Broad River Business Alliance - \$5,000 (4) Aja Wilson Foundation - \$5,000.

Ms. Barron moved to remove item 21 b (1) and (3) off the agenda and to approve items 21(b)(2) Junior League of Columbia - \$20,000 and (4), Aja Wilson Foundation - \$5,000 seconded by Mr. Pugh.

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

Opposed: J. Walker

The vote was in favor.

**Regular Session  
October 4, 2022**

Ms. Barron moved to remove Item 21 b (1) Talented Tenth – 5,000 off the agenda, seconded by Pugh.

1. A Resolution to appoint and commission Victor Andre Flemming as a Code Enforcement Officer for the proper security, general welfare and convenience of Richland County – Ms. Barron moved to approve this item, seconded by Ms. Newton.

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

The vote in favor was unanimous.

Mr. Malinowski moved to reconsider Items 21(b) and (c), seconded by Mr. Pugh.

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

The motion for reconsideration failed.

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

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

Opposed: J. Walker

The vote was in favor.

***Council went into Executive Session at approximately 7:08 PM  
and came out at approximately 7:43 PM***

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

The vote in favor was unanimous.

No actions were taken during Executive Session.

- a. Budget Process and Council Compensation – No action was taken.
- b. Allen University Property Request – 1741 Cushman Drive, Columbia, SC 29203 – Ms. McBride moved to authorize the Administrator to approve Allen University's request, seconded by Mr. J. Walker.

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

Recuse: Pugh (due to being a staff member at Allen University)

The vote in favor was unanimous.

Mr. J. Walker moved to reconsider this item, seconded by Ms. Terracio.

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

The motion for reconsideration failed.

- c. Green Street Phase II – No action was taken.

### 23. **MOTION PERIOD**

- a. ~~In order to achieve the purposes of Section 6-29-710 of Richland County Zoning Ordinance; purposes (attached), County Council must continue to have the ability to review rezoning requests on a case by case basis, and not by arbitrarily creating a Land Development Code (LDC) that removes such authority from Council by creating zoning that allows widespread densities.~~

~~Creating a totally new LDC is a drastic action and should not be considered until a full review of the 2005 Comprehensive Plan (CP) is completed to determine what changes may need to be made. Prior to any changes those involved must educate themselves in order to make informed decisions and not a "hurry and get it done" method.~~

~~Richland County's CP was adopted several years ago, and currently 9 of 11 Council Members and 8 of 9 Planning Commission members were not here when the previous CP was created.~~

**Regular Session  
October 4, 2022**

There is concern the recently adopted LDC does not align with what current Council members want, and public comments made in response to the new LDC have been overwhelmingly negative.

FEMA/DHEC/EPA recently provided a \$200,000 grant for a study to help neighborhoods (especially low-income) prepare to respond to, and recover from, disasters like hurricanes, floods, chemical releases, etc. The study area in Lower Richland has a propensity for flooding, will take place November 4-5, 2022, and provide important information. Implementation of high-density zoning and multiplexes as proposed by the new LDC will put that area at even greater risk for disaster and make the information gathered of no help to residents in the area.

The entire county is also hinging on the results which could be jeopardized by the negative effect of the increased densities recommended in the new LDC.

There needs to be critical information on many items the county's consultant did not provide with their recommended LDC. Much of that information was requested in motions previously made but not yet acted on by the Planning Commission. Without the carrying capacity studies previously requested we don't know how many more water lines, sewage plants, police, fire, nor how much more flood control measures will be needed, nor the cost to the County and ultimately to the taxpayer.

Richland County, in partnership with USC and NOAA, is currently conducting a Heat Study within the county. The results of that study should be utilized and placed into the new LDC, and not just state "Best Practices" will cover it. If we say we will use "Best Practices" why bother with any research and not just say the new LDC will follow "Best Practices"?

We need to better understand how action by Council on the LDC will impact constitutional issues like "takings" and State's Right to Farm Act.

The Flint, Michigan water poisoning came as a result of recommending officials and local elected officials skirting necessary studies in making important decisions. This was a horrible tragedy and was found criminal. Officials lost their credibility, their jobs, and some went to prison. It is imperative Richland County be precise as residents deserve it and they have entrusted Council to make sure every effort is made to do it right.

Proper planning is not just about creating high density and building as many homes as you can for the sake of meeting an affordable housing shortage. Residents must know toilet contents have somewhere to go when flushed, clean drinking water will come out of the faucet, when you're suffering a life threatening medical emergency there will be an ambulance within a respectable distance to help and a clear road to get through, that you won't watch your house burn down while fire trucks struggle with traffic on the way, and that you're not desperately clinging to a rooftop watching your neighborhood being viciously swept away due to a flood.

This might sound dramatic, but it's reality. The task at hand is not just rubber stamping a plan that hasn't been given the time or respect it needs, but to provide long, detailed thought and research to arrive at a sound, workable plan.

MOTION: Based on the above, I move the Land Development Code approved in November 2021 be rescinded and replaced with the original 2005 code until a total review of what needs to be corrected in the 2005 code is completed and changes/ recommendations can then be made for a new or updated code [MALINOWSKI]

Mr. Malinowski withdrew his motion.

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

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

The vote in favor was unanimous.

The meeting adjourned at approximately 7:47 PM.