



Richland County Council
REGULAR SESSION
MINUTES
October 18, 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

OTHERS PRESENT: Michelle Onley, Jennifer Wladischkin, Kyle Holsclaw, Judy Carter, Michael Byrd, Angela Weathersby, Justin Landy, Dale Welch, Geo Price, Michael Maloney, Brittney Terry-Hoyle, Dante Roberts, Aric Jensen, Chanda Cooper, Quinton Epps, Patrick Wright, Leonardo Brown, Anette Kirylo, Sandra Haynes, Tamar Black, Casey White, Susan O’Cain, Chelsea Bennett, Jeff Ruble and Dwight Hanna

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. Family Court Awareness Month Proclamation – Ms. English, Ms. Barron, Ms. Mackey, Ms. McBride and Mr. Pugh presented a proclamation in honor of Family Court Awareness Month.
 - b. Family Literacy Month Proclamation – Ms. Barron presented a proclamation in honor of Family Literacy Month.

POINT OF PERSONAL PRIVILEGE – Ms. Mackey acknowledged that Mr. Derrick Huggins, the COMET’s Interim CEO, passed away. She recognized all of Mr. Huggins contributions to Richland County and the community.

5. **PRESENTATION**
 - a. Soil and Water Conservation District Commission Annual Report – Mr. Kenneth Mullis, Chairman, Soil and Water Conservation District Commission, presented their annual report to Council.
6. **APPROVAL OF MINUTES**
 - a. Regular Session: October 4, 2022 – Mr. Livingston moved to approve the minutes as distributed, seconded by Mr. Pugh.

Mr. Malinowski noted the documents included in the September 27th Zoning Public Hearing minutes were provided to Council members, but not the public. In addition, his vote was recorded incorrectly on Item 20(d): “Bull St/Elmwood Avenue Intersection – Award of Contract”. The record needs to reflect he voted against this item.

Ms. Newton indicated her vote on Item 20(c): “Wetland Credit Sales” was recorded incorrectly. She voted “nay”.

Mr. Malinowski made a substitute motion to approve the minutes as corrected, 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.

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7. **ADOPTION OF AGENDA** – Ms. McBride moved to adopt the agenda as published, 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.

8. **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

9. **CITIZENS' INPUT**

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

10. **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.

11. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Leonardo Brown, County Administrator, indicated the County is currently at Community Level Low.

- b. Allen University Property Request – 1741 Cushman Drive, Columbia, SC 29203 – Mr. Brown stated the access agreement has been submitted to Allen University. The university has the ability to go and look at the site. The item is on tonight's agenda so that Council can officially move forward with the process for considering the request.

Mr. O. Walker inquired if the request is for the soil sample or acquisition of the property.

Mr. Brown responded it is the acquisition of the soil sample. The request has already been approved by Council. He indicated to the university that a part of the process is appraisals, which have already ordered.

Ms. Barron inquired as to next steps.

Mr. Brown replied anytime you have potential acquisition of property by another entity it requires an appraisal of the property in question. You also consider any other utilization the County has for the property. The expectation is the appraisal will be available for the November 1st Council meeting.

Ms. Barron inquired as to what the request from Allen University entailed.

Mr. Brown stated the request was for a soil sample and purchase. There was not a specific amount offered. According to the County's land acquisition policy, an appraisal must be done. The property would have to be sold for at least the appraised value unless Council determines something else.

Ms. Barron stated, for clarification, the sale of the property has to be at least the appraised amount.

Mr. Brown responded Council has to consider the fair market value.

Ms. McBride stated, for clarification, there are no other actions Council can take at this time.

Mr. Brown replied he does not believe it would be appropriate at this time.

- c. Other Updates – Mr. Brown noted the County received 427 completed ARPA applications. The total requested value is \$107,117,226.87.

Ms. Mackey expressed her appreciation to staff and the Coronavirus Ad Hoc Committee on this endeavor.

Ms. McBride thanked the citizens of Richland County for applying for the grants.

12. **REPORT OF THE CLERK OF COUNCIL**

- a. Proposed 2023 Council Meeting Dates – Ms. Anette Kirylo, Clerk of Council, requested Council's consideration of the proposed 2023 Council meeting dates.

Ms. Newton inquired as to when the Council Retreat dates will be confirmed.

Ms. Kirylo responded she anticipates having the dates by the November 1st Council meeting.

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Ms. Mackey moved to approve the proposed 2023 Council Meeting Calendar, 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. Institute of Government and SCAC County Council Coalition: October 19-20, 2022 – Ms. Kirylo reminded Council members of the upcoming Institute of Government classes and SCAC County Council Coalition.

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

14. **OPEN/CLOSE PUBLIC HEARINGS**

- 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 – No one signed up to speak.

15. **APPROVAL OF CONSENT ITEMS**

- a. 22-007MA, Lucky Detty, RM-HD to OI (.231 Acres), 116 Beatty Downs Road, TMS# R06106-01-39 [THIRD READING] – Mr. Pugh moved to approve this item, 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.

16. **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 approve this item, seconded by Mr. Pugh.

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

Recuse: J. Walker (per written statement provided) and Mackey (due to her parent company representing the company)

The vote in favor was unanimous.

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

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

Recuse: J. Walker (per written statement provided) and Mackey (due to her parent company representing the company)

The motion for reconsideration failed.

17. **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, TMS# R11111-01-02, 54 & 55, R11114-01-02 & 13 – Ms. English moved to approve this item, 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.

- b. 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 – Mr. J. Walker moved to approve this item, seconded by Ms. Newton.

Ms. McBride requested a brief overview of this item.

Mr. Ruble stated, on the agenda tonight, is a Third Reading item, which is an agreement between the developer and the County. The Second Reading item is an agreement between the County and the City of Forest Acres. The City of Forest Acres approved Second Reading at their meeting this morning.

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

Recuse: J. Walker (per written statement provided) and Mackey (due to her parent company representing the company)

The vote in favor was unanimous.

18. FIRST READING ITEMS

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article II, County Council; Section 2-14, Compensation of Council Members; so as to reflect the new annual salary for County Council – This item was taken up after Executive Session.

19. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

a. NOTIFICATION OF VACANCIES:

1. Accommodations Tax Committee – Seven (7) Vacancies (TWO [2] applicants must have a background in the lodging industry, THREE [3] applicants must have a background in the hospitality industry, ONE [1] applicant will fill an at-large seat)
2. Airport Commission – One (1) Vacancy (Applicant must reside in the Rosewood, Shandon or Hollywood-Rose Wales Garden neighborhoods)
3. Board of Zoning Appeals – Six (6) Vacancies
4. 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 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)
5. Business Service Center Appeals Board – Three (3) Vacancies (ONE [1] applicant must be from the Business Industry and TWO [2] applicants must be CPAs)
6. Community Relations Council – One (1) Vacancy
7. East Richland Public Service Commission – One (1) Vacancy
8. Hospitality Tax Committee – One (1) Vacancy (Applicant must be from the Restaurant Industry)
9. Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – One (1) Vacancy
10. Midlands Workforce Development Board – Six (6) Vacancies (ONE [1] applicant must have a background in Apprenticeship, ONE [1] applicant must have a background in Adult Education, ONE [1] applicant must have a background in Education and THREE [3] applicants must be from the Private Sector)
11. Music Festival Commission – One (1) Vacancy
12. Richland Library Board – Six (6) Vacancies
13. Richland Memorial Hospital Board of Trustees – Six (6) Vacancies
14. Riverbanks Park Commission – One (1) Vacancy
15. Township Auditorium Board – Three (3) Vacancies
16. Transportation Penny Advisory Committee (TPAC) – Three (3) Vacancies

Ms. Barron stated the committee recommended advertising for the vacancies listed.

Ms. Newton inquired about the deadline for application submission.

Ms. Barron replied she believes it is November 13th, but the Clerk's Office can confirm.

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

The vote in favor was unanimous.

20. **OTHER ITEMS**

- a. A Resolution to appoint and commission Eugene Jacobs as a Code Enforcement Officer for the proper security, general welfare and convenience of Richland County
- b. A Resolution to appoint and commission James Foust as a Code Enforcement Officer for the proper security, general welfare and convenience of Richland County

Mr. J. Walker moved to approve Items 20(a) and (b), seconded by Ms. Mackey.

Mr. Malinowski noted there was a scrivener's error in the resolution for Mr. Eugene Jacobs.

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

The vote in favor was unanimous.

- c. Eagle View Imagery – Ms. Mackey moved to approve this item, seconded by Mr. J. Walker.

Mr. Malinowski inquired what 800 staff hours equates to in dollars. In addition, he inquired if the County needs to be concerned about privacy issues. Lastly, how much do we anticipate getting in return for our investment?

Mr. Wright stated he does not believe we have any concerns regarding privacy issues.

Mr. Brown will have a response to the questions regarding staff hours and the anticipated return on the investment prior to the minutes being approved at the next Council meeting.

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 Items 20(a) – (c), seconded by Ms. Newton.

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

The motion for reconsideration failed.

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

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

Opposed: Malinowski and J. Walker

The vote was in favor.

***Council went into Executive Session at approximately 6:47 PM
and came out at approximately 6:56 PM***

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

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

The vote in favor was unanimous.

- a. Budget Process and Council Compensation – Mr. Livingston moved to amend the ordinance language as follows: "The compensation of members of the county council shall be equal to 80% of the minimum annual salary of an employee of Richland County Government. The chair of the county council shall, during his/her term as chair, receive an addition to his/her annual compensation, the sum of 10% of the annual compensation, to compensate for the additional duties...", seconded by Ms. Barron.

Mr. Malinowski stated these funds are in the approved budget. However, during the budget process we told many entities they would have to ensure the requested amounts were equal to or less than the previous year. He believes to vote an approximate 45% increase for ourselves is out of line.

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Mr. O. Walker noted, during the budget season, the Administrator put together a proposed budget. The budget included a 4% cost of living adjustment for all County employees earning a living wage. For those employees not earning a living wage, they were brought up to \$32,000. During the deliberations, the question was asked whether the Administrator's recommendation included elected officials. The question was answered in the affirmative. The action tonight does not raise the taxes of the citizens or businesses. We are memorializing the action taken during the budget process.

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

Opposed: Malinowski, J. Walker and Newton

The vote was in favor.

22. MOTION PERIOD

- a. I move that the 2021 Code be reviewed utilizing the 2005 Code as a base guideline to provide a new code for Richland County. It is noted staff previously stated there were some items that needed changing in the 2005 code and those items should be pointed out for addressing/changing. [MALINOWSKI] – This item was referred to the Planning Commission.

23. ADJOURNMENT – Mr. Pugh moved to adjourn the meeting, seconded by Mr. Livingston.

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 7:04 PM.



Richland County Council

STATEMENT OF RECUSAL

In accordance with Section 8-13-700(B) [*provides in part that no public official, public member or public employee may make, participate in making, or in any way attempt to use their official office, membership or employment to influence a governmental decision in which they, a member of their immediate family, an individual with whom they are associated, or a business with which they are associated has an economic interest.*], I hereby recuse myself from all votes, deliberations and other action on the following matter(s):

(Please add agenda Item number and description):

11 B) Report of the County Administrator - Allen University
Property Request 1741 Cushman Drive Columbia, SC 29203

REASONS FOR DISQUALIFICATION:

Due to me being a faculty member at Allen University.

Signature

Signature

10/18/22

Date

10/18/22

Date received by Clerk Dept.



Richland County Council

STATEMENT OF RECUSAL

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(Please add agenda Item number and description):

Regular Session 10.18.2022 14 a)Public Hearing and 16 a) Third
Reading for project Bulldog

REASONS FOR DISQUALIFICATION:

Due to my parent company representing the company

Jessica Mackay

Signature

Signature

10/18/22

Date

10/18/22
Date received by Clerk Dept.



Richland County Council

STATEMENT OF RECUSAL

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(Please add agenda Item number and description):

Regular Session 10.18.2022 17 a)Second Reading item
22-006MA Jared Munneke zoning change request

REASONS FOR DISQUALIFICATION:

Due to my parent company representing the applicant

Jessica Mackay

Signature

Jessica Mackay
Signature

10/18/22

Date

10/18/22
Date received by Clerk Dept.



Richland County Council

STATEMENT OF RECUSAL

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(Please add agenda item number and description):

16. THIRD READING ITEMS + 176 Project Bulldog Fairfield County

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

REASONS FOR DISQUALIFICATION:

Although the county attorney has reviewed and opined on the record that I need not

recuse myself, I want to be overly transparent and cautious as my father is employed by the seller

of this property. While he actually stands to LOSE his job as a result of approving this deal,

I want there to be no question as to my involvement in this final decision. I do not think my recusal is necessary

but am erring on the side of transparency and caution.

Signature

Signature

10/18/2022

Date

10/18/22
Date received by Clerk Dept.



Richland County Council

STATEMENT OF RECUSAL

In accordance with Section 8-13-700(B) [*provides in part that no public official, public member or public employee may make, participate in making, or in any way attempt to use their official office, membership or employment to influence a governmental decision in which they, a member of their immediate family, an individual with whom they are associated, or a business with which they are associated has an economic interest.*], I hereby recuse myself from all votes, deliberations and other action on the following matter(s):

(Please add agenda Item number and description):

17 b) second reading : Developing a multi- County park with
Fairfield County; authorizing the execution and delivery of an agreement
governing the multi county park... (Project Bulldog)

REASONS FOR DISQUALIFICATION:

My parent company represents the company making this
request

Jessica Mackay

Signature

Signature

10/18/22

Date

10/18/22
Date received by Clerk Dept.