



Richland County Council
Regular Session
November 9, 2021 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

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

OTHERS PRESENT: Kyle Holsclaw, Michelle Onley, Tamar Black, Ashiya Myers, Dale Welch, Justin Landy, Leonardo Brown, John Thompson, Aric Jensen, Bill Davis, Michael Maloney, Zachary Cavanaugh, Patrick Wright, Jennifer Wladischkin, John Ansell, Lori Thomas, Christine Keefer, Beverly Harris, Angela Weathersby, Quinton Epps, Randy Pruitt, Stephen Staley, Hayden Davis, Geo Price and Brian Crooks

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Overture Walker
3. **PLEDGE OF ALLEGIANCE** – The pledge of Allegiance was led by the Honorable Overture Walker
4. **APPROVAL OF MINUTES**

- a. **Regular Session: October 19, 2021** – Ms. Mackey moved, seconded by Ms. Barron, to approve the minutes as distributed.

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

Not Present: Newton

The vote in favor was unanimous.

- b. **Zoning Public Hearing: October 26, 2021** – Ms. Barron moved, seconded by Ms. Mackey, to approve the minutes as distributed.

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

Not Present: Newton

The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Mr. Livingston requested to add “Redistricting” under the Report of the Chair. In addition, he requested to add an H-Tax Allocation for District 4. He noted that Chief Cowan is running late; therefore, we will take up the presentation of the resolution when he arrives.

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Ms. McBride moved, seconded by Mr. Pugh, to adopt the agenda as amended.

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

The vote in favor was unanimous.

6. **PRESENTATION OF RESOLUTION**

- a. **Resolution Recognizing Chris Cowan for his service to Richland County** – Ms. Black read the resolution into the record, and Mr. Pugh and Ms. Barron presented Chief Cowan with a token of their appreciation for his service.

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

POINT OF PERSONAL PRIVILEGE – Ms. English thanked staff for their support and hard work on bringing the Hopkins Magistrate Project to completion.

8. **CITIZENS' INPUT**

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

10. **REPORT OF THE COUNTY ADMINISTRATOR**

a. **Coronavirus Update**

- The percent positive is at 2.9% for Richland County, which is considered to be in the moderate tier
- 57.3% of Richland County eligible residents have completed their vaccination
- 55.2% of South Carolina eligible residents have completed their vaccination
- As of this report, we have expended over 90% of the ERA (2) funds
- The County has approved approximately \$7,045,042.26 of ERA (2) funds, which has assisted 1,246 applicants
- The County has requested additional ERA funding
- 54 Residents received a \$100 gift card, through the COVID-19 Vaccine Incentive Program, by receiving their 1st vaccine shot at an event on October 30th at the Meeting Place; 7 booster shots were also administered at this event

Mr. Brown requested the remaining \$19,600 in the COVID-19 Vaccine Incentive Program be utilized by Councilmembers, throughout the County, to do additional programs to incentivize residents to become vaccinated.

Ms. Barron moved, seconded by Ms. McBride, to approve the Administrator's recommendation to utilize the remaining \$19,600 to incentivize residents to become vaccinated.

Mr. Malinowski inquired if the motion before Council was proper, as this item was listed under the Report of the Administrator, and not as an action item.

Mr. Wright responded in the affirmative.

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

Opposed: Malinowski and J. Walker

Not Present: Newton

The vote was in favor.

b. Project Updates

- Strategic Planning Retreat – The Retreat is scheduled for Monday, November 15th.
- Public Safety Complex – SLED walk-thru on November 10th; in receipt of 8 submissions for the Construction Manager At-Risk
- Department of Social Services Relocation – Continuing to work through the process
- Health Insurance Evaluation – Staff is meeting with employees and retirees to receive feedback, as the County looks at the health insurance benefits
- Refunding Sandhills Assessment Bonds – The sale was more successful than predicted.

POINT OF PERSONAL PRIVILEGE – Mr. Livingston introduced the new County Attorney, Patrick Wright.

11. REPORT OF THE INTERIM CLERK OF COUNCIL

- a. 2022 Council Retreat Location Update** – Ms. Onley noted she received several proposed locations from Councilmembers, and request guidance on how Council could like to proceed.

Mr. Malinowski moved, seconded by Mr. J. Walker, to hold the Retreat at the Township Auditorium on the available dates provided by Mr. Holloman.

In Favor: Malinowski, Terracio and J. Walker

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

Not Present: Newton

The motion failed.

Ms. Mackey moved, seconded by Mr. O. Walker, to hold the Retreat in either Charleston/North Charleston or Greenville.

Mr. J. Walker stated he is a bit befuddled as to how the County's governing body can put forward a plan to take Richland County's tax dollars and spend them in other counties to discuss the business of Richland County.

Mr. J. Walker made a substitute motion, seconded by Mr. Malinowski, to remove Charleston/North Charleston and Greenville from the recommended locations.

In Favor: Malinowski, Terracio and J. Walker

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

Not Present: Newton

The substitute motion failed.

Ms. Mackey suggested reaching out to venues Council has used in the past, and utilizing the original dates provided.

Ms. McBride noted when Council has visited other counties we looked at initiatives in those counties, which helps the County to continue to be innovative and progressive.

Mr. Malinowski noted, if Council wants to find out about initiatives in this counties, they could make individual trips or hold Zoom meetings. He stated he cannot support leaving Richland County because if residents want to attend the Retreat they will have to travel to these locations.

Ms. Barron stated Council can utilize the technology at our disposal to engage the citizens.

Ms. McBride noted we have had meetings in the County, and there has not been good public turnout.

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

Opposed: Malinowski, Terracio and J. Walker

Not Present: Newton

The vote was in favor to hold the Retreat in either Charleston/North Charleston or Greenville.

- b. **Reminder of Upcoming Council Meetings** – Ms. Onley reminded Council members of the dates of the upcoming Council meetings.

12. **REPORT OF THE CHAIR**

- a. **Redistricting** – Mr. Livingston stated he would like to schedule a work session soon. He noted it is important for Councilmembers to attend this work session. He will be forwarding preliminary information to Councilmembers.

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. **Authorizing the issuance of General Obligation Bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$40,000,000 for the purpose of acquiring, constructing, equipping, rehabilitating and improving a Public Safety Complex; authorizing the County Administrator to prescribe the details of the issuance and sale of the bonds and the form and details of the bonds, providing for the disposition of the proceeds of the bonds and the payment of the bonds, and other related matters** – No one signed up to speak.
- b. **An Ordinance making certain changes to Article I, Chapter 16 of the code of Ordinances of Richland County relating to business licensing and regulation** – Ms. Pam Davis spoke on this

item.

- c. **An Ordinance 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** – Mr. Jason Enoch, Mr. Chris Lawson, Mr. Carroll Lucas, Mr. Ernest Etheredge, Ms. Kim Murphy, Mr. John Grego, Mr. Taylor Oxendine, Mr. Kevin Steelman, Mr. Josh Rabon and Ms. Traci Cooper spoke regarding this item.
- d. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 2, Competitive Purchasing Policy; Section 2-612, Same-Purchase Negotiations; so as to change the requirements regarding residential Solid Waste Collection vendors** – No one signed up to speak.
- e. **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 Avantech, LLC to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters** – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. **Authorizing the issuance of General Obligation Bonds in one or more series, tax-exempt or taxable, in an amount not to exceed \$40,000,000 for the purpose of acquiring, constructing, equipping, rehabilitating and improving a Public Safety Complex; authorizing the County Administrator to prescribe the details of the bonds, providing for the disposition of the proceeds of the bonds and payment of the bonds, and other related matters [THIRD READING]**
- b. **21-033MA, Charles Eleazer, RU to GC (3.23 Acres), S/E Rauch Metz Road, TMS # R02500-07-36 [SECOND READING]**
- c. **Ordinance authorizing Quit-Claim deed to Olympia Alleyway to contiguous landowner (Mr. Outlaw – 726 Maryland Street) [FIRST READING]**
- d. **RCSD School Supply/Backpack Grant Approval**
- e. **RCSD Midlands Gang Task Force Grant**
- f. **Utilities Department – Quail Creek Collection System Rehabilitation**
- g. **Utilities Department – Rabbit Run Sewer Line – Southeast Sewer Project Flow Increase**
- h. **Utilities Department – Request for Approval of willingness to serve letter for the Point at Chestnut Plantation Development (TMS # R05211-01-01)**
- i. **Community Planning & Development – TetraTech Change Order**
- j. **Government & Community Services – “Seeds to Engage” Small Business Grant Program**

Ms. Newton moved, seconded by Ms. Barron, to approve the Consent Items.

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

English

Not Present: Newton

The vote in favor was unanimous.

15. **THIRD READING ITEMS**

- a. **An Ordinance making certain changes to Article I, Chapter 16 of the Code of Ordinances of Richland County relating to business licensing and regulation** – Mr. Malinowski moved, seconded by Ms. McBride, to defer this item for additional information.

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

The vote in favor was unanimous.

- b. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing, Division 2, Competitive Purchasing Policy; Section 2-612, Same-Purchase Negotiations; so as to change the requirements regarding residential Solid Waste Collection vendors** – Ms. Mackey moved, seconded by Ms. Barron, to approve this item.

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

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 Avantech, LLC to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters** – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

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

The vote in favor was unanimous.

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

- a. **Economic Development – Funding for the repaving of Mauney Drive from the County Transportation Committee (CTC)** – Mr. Malinowski clarified the committee’s recommendation was to place Mauney Drive on Public Works’ priority list for paving, and not just to pave it.

Mr. Brown stated, in this instance, Economic Development requested the committee, and ultimately Council, to allow them to apply for CTC funding. During the committee’s discussion, questions were posed as to whether CTC had funding, and if the County already had projects identified for CTC funding. The project has not been awarded funding. The request is for the ability to request CTC funding for this particular project.

Mr. Malinowski restated the committee’s recommendation is to allow the Public Works Department to apply for CTC funds for Mauney Drive. If the funds are not received, to place the road on Public

Works' priority list for paving.

Ms. Terracio inquired if this item is time-sensitive.

Mr. Ruble noted the initial request came from Tyson and Owens Steel, which complained about potholes. He does not believe it is time-sensitive.

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

The vote in favor was unanimous.

- b. **Department of Public Works – Solid Waste & Recycling Division – Residential Curbside Collection Services, Area I- Contract Award recommendation** – Mr. Malinowski stated the committee recommendation was for denial of the award of the contract.

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

Opposed: Malinowski, Pugh, Livingston and J. Walker

Abstain: Newton

The vote was in favor of the committee's recommendation for denial.

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

In Favor: Malinowski, J. Walker and Newton

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

The motion for reconsideration failed.

Ms. Newton inquired what the procedure or process will be following the vote for denial.

Mr. Brown responded the current vendor will remain in place.

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

- a. **Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Carolina Pines Industrial, LLC; identifying the project; and other matters related thereto** –

Ms. McBride stated this is an inducement resolution for Carolina Pine Industrial, LLC that legally recognizes this project, so that any investment can be captured in a FILOT agreement. The committee recommended approval.

Mr. Malinowski inquired as to what the infrastructure credits are for the entity. He indicated he would speak with Mr. Ruble prior to 2nd Reading of this item to obtain the information.

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 execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Carolina Pines Industrial I, LLC, to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING]** – Ms. McBride stated Carolina Pines Industrial, LLC is an operating entity, from a Charlotte-based development company. They are proposing to construct a 210,000 sq. ft. building at the Carolina Pines Industry Park in Blythewood. The 30-year agreement sets the assessment ratio at 6% with a fixed millage. The committee’s recommendation is for approval.

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

Opposed: Malinowski and J. Walker

The vote was in favor.

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

- a. **HVAC and Ventilation System** – Ms. Barron stated the committee’s recommendation is to approve \$5,205,000 in ARP funding to replace the HVAC and Ventilation System, as well as the roofing at 2000 and 2020 Hampton Street.

Mr. Malinowski inquired if everything is being replaced.

Mr. Brown responded the entire HVAC System is being replaced.

Mr. Malinowski stated he does not understand why it is sole source, and we have to utilize the current vendor, instead of bidding it out.

Mr. Pruitt stated the duct work will not be replaced. The reason it is being sole sourced is because it is proprietary. It is the vendor’s equipment that we will be connecting the new equipment to, which saves us.

Ms. McBride inquired if this means anytime we have HVAC maintenance done we have to utilize the same supplier.

Mr. Brown responded what we are doing now is addressing an issue within the facility, which has not been addressed (i.e air quality). We now have a mechanism in which to do that.

Ms. McBride stated her concern is limiting the County and eliminating other entities opportunity to bid for projects.

Mr. Malinowski inquired if we are paying Sourcewell independently, as a third-party. He stated if we are dealing with a company that is currently providing us HVAC, and we have contracts with them, why not go directly to the company.

Ms. Wladischkin responded Sourcewell is a purchasing cooperative where government entities join together in order to competitively issue solicitations with the intent to have other governmental entities be able to use them so you can leverage your buying power.

Mr. Malinowski stated, for clarification, we cannot get the same deal with dealing with the company

we have been dealing with for years because they are sole source.

Ms. Wladischkin responded she will research this further.

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

Opposed: Pugh and McBride

The vote was in favor.

In Favor: Malinowski, Pugh, McBride

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

The motion for reconsideration failed.

- b. Utilities Delinquent Receivable** – Ms. Barron stated the committee’s recommendation is to reserve up to \$1M in ARP lost revenue funds to recover utility bad debt brought on by the pandemic.

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

The vote in favor was unanimous.

Ms. Barron moved, seconded by Mr. O. Walker, to reconsider Items 18(a) and (b).

Mr. Pugh requested to divide the question.

Ms. Barron withdrew her motion.

Mr. Pugh moved, seconded by Mr. Malinowski, to reconsider Items 18(a) and (b) separately.

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

Opposed: Barron and Mackey

The vote was in favor of reconsidering Items 18(a) and (b) separately.

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

The motion for reconsideration failed.

19. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Three Rivers Greenway Phase II Funding** – Mr. O. Walker stated the committee recommended approval of the request.

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

The vote in favor was unanimous.

Mr. O. Walker moved, seconded by Ms. Barron, to reconsider this item.

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

The motion for reconsideration failed.

20. **OTHER ITEMS**

- a. **An Emergency Ordinance extending previous emergency ordinance requiring the wearing of face masks to help alleviate the spread of COVID-19, specifically the recent surge in the delta variant** – Ms. Mackey moved, seconded by Ms. Barron, to approve this item.

Mr. Malinowski inquired if we had to retract the previous ordinance.

Ms. Mackey responded she was not aware of the ordinance being retracted.

Mr. Malinowski inquired, at what point, will it be determined we will no longer need to wear masks.

Ms. Barron responded we are working to get people vaccinated, so until we get to a safe level of herd immunity she supports a mask ordinance.

Mr. J. Walker stated, as a Council, we have tried to de-conflict the confusion in the marketplace by allying ourselves with the City of Columbia. It is his understanding, the City allowed their ordinance to expire. He requested verification that the City did allow their ordinance to expire. In addition, he inquired what the ramifications of conflicting ordinances, overlaying similar real estate, could look like.

Mr. Brown responded we will have individuals contacting the County to inquire about who is imposing what, who is required to what, and where, and requesting the Fire Marshal to go out and potentially address mask violations. In response to Mr. Malinowski's previous question as to when the mask ordinance expires, it is a policy decision of Council. He noted he was able to confirm the City had allowed their ordinance to expire.

Ms. McBride noted she wants to work collaboratively with the City, but she is more concerned about saving the lives of our citizens. She inquired about how many Richland County residents passed away in the last month from COVID.

Mr. Brown responded he does not have the requested information readily available.

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

Opposed: Malinowski, Terracio and J. Walker

The vote was in favor.

- b. **FY22-District 3 Hospitality Tax Allocation**
- c. **FY22- District 10 Hospitality Tax Allocation**
- d. **FY22-District 4 Hospitality Tax Allocation**
- e. **Resolution to appoint and commission Stephen Staley, Shirani Fuller and Richard Player as Code Enforcement officers for the proper security, general welfare, and convenience of Richland County**
- f. **A Resolution to appoint and commission Yvonne Belton Gilliam as a Code Enforcement officer for the proper security, general welfare, and convenience of Richland County**
- g. **A Resolution to appoint and commission Felicia Rowana Pringle as a Code Enforcement officer for the proper security, general welfare, and convenience of Richland County**
- h. **A Resolution to appoint and commission Angie Renee Cooper as a Code Enforcement officer for the proper security, general welfare, and convenience of Richland County**
- i. **South Carolina Rural Water Association (SCRWA) Voting Delegate Approval**

Ms. Newton moved, seconded by Ms. Mackey, to approve Items 20(b) – 20(i).

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

The vote in favor was unanimous.

Ms. Barron moved, seconded by Ms. English, to reconsider Items 20(b), (c) and (d).

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

The motion for reconsideration of Items 20(b), (c) and (d) failed.

- 21. **EXECUTIVE SESSION** – There were no items for Executive Session.
- 22. **MOTIONS PERIOD** – There were no motions submitted.
- 23. **ADJOURNMENT** – The meeting adjourned at approximately 8:07 PM