



Richland County Council  
SPECIAL CALLED  
**MINUTES**  
July 12, 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, Paul Livingston, Allison Terracio, Joe Walker, Gretchen Barron, Cheryl English and Chakisse Newton

OTHERS PRESENT: Kyle Holsclaw, Michael Byrd, Dale Welch, Leonardo Brown, Lori Thomas, Patrick Wright, Justin Landy, Aric Jensen, Abhijit Deshpande, Anette Kirylo, Angela Weathersby, Judy Carter, Michael Maloney, John Thompson, Quinton Epps, Geo Price, Steven Gaither, Ashiya Myers, Sandra Haynes, Casey White, Michelle Onley, Jennifer Wladischkin, Bill Davis, John Ansell, Tamar Black and Jeff Ruble

1. **CALL TO ORDER** – Chairman Overture Walker called the meeting to order at approximately 6:00PM.
2. **INVOCATION** – The Invocation was led by Assistant County Administrator John Thompson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Yvonne McBride.
4. **APPROVAL OF MINUTES**
  - a. **Regular Session: June 21, 2022** – Ms. Barron moved to approve the minutes as distributed, seconded by Mr. Pugh.  
  
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: June 28, 2022** – Ms. Newton moved to approve the minutes as distributed, seconded by Ms. McBride.  
  
In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton  
  
The vote in favor was unanimous.
5. **ADOPTION OF AGENDA** – Ms. Barron noted the amount listed on Item 21(a)(5): “Transitions Homeless Center” should be \$100,000, not \$200,000.

Mr. Pugh requested to add a Hospitality Tax allocation for District 2.

**Regular Session**  
**July 12, 2022**

Mr. Patrick Wright, County Attorney, stated there is no new information regarding the Alvin S. Glenn Detention Center; therefore, requested to remove Item 7(a) from the agenda.

Mr. Pugh moved to adopt the agenda as amended, 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.

6. **PRESENTATION OF PROCLAMATIONS**

- a. A Proclamation Recognizing June the Columbia-Richland Fire Department on being named a 'Fire Safe South Carolina' Community – Ms. English, Mr. Livingston, Ms. Terracio and Chairman Walker presented a proclamation to the Columbia-Richland Fire Department for being named a 'Fire Safe South Carolina' community. Councilwoman McBride stated that she also joins her colleagues in congratulating them.

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

8. **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. Bishop Eric Davis, 22 Keeneland Trail, Blythewood, SC 29016 – G.A.N.G.S. in Peace Initiative
3. Barry Walker, Irmo Mayor, 7300 Woodrow Street, Irmo, SC 29063 – Broad River Road Widening

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 – Richland County is currently at community level High.

b. Other Updates

1. Public Safety Complex Work Session – July 21, 2022 at 4:00 PM, Council Chambers and Zoom
2. Five Year Consolidated Plan FY2022-2026; FY2022 Annual Action Plan Budget and Projects for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) – Additional information will be provided in the July 19, 2022 Council agenda packet. This item will be taken up at the July 26, 2022 Administration and Finance Committee.
3. Employee Appreciation – During the week of July 18, 2022 the County will be providing Honey Baked boxed lunches to the employees. Council members are encouraged to participate in the distribution.
4. July 26, 2022 Wrap-Up Meeting – Mr. Leonardo Brown, County Administrator, requested Council to schedule a wrap-up meeting to take up time-sensitive items on July 26<sup>th</sup>.

11. **REPORT OF THE CLERK OF COUNCIL**

- a. Proposed 2023 Council Retreat Date and Location – Ms. Anette Kirylo, Clerk to Council, stated, according to the feedback she got from Council, the top 2 locations for the 2023 Council Retreat were Charleston and Richland County. The preferred date is within the month of January, 2023.

**Regular Session  
July 12, 2022**

Ms. Mackey moved to direct the Clerk to Council Office to move forward with planning the 2023 Council Retreat in Charleston during the month of January, 2023, seconded by Mr. O. Walker.

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

Opposed: Malinowski and J. Walker

The vote was in favor.

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

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. 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 City Roots, LLC to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; authorizing the administration of grants; approving the transfer of certain real property; and other related matters – No one signed up to speak.
- b. An Ordinance Authorizing the acquisition of certain property located in Richland County; and other matters related thereto – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. Move to invite the Richland County Conservation Commission to present the Lower Richland Tourism Plan to Council [NEWTON and ENGLISH – November 16, 2021] – Ms. English moved to accept the Lower Richland Tourism Plan and forward it to the Planning Commission for inclusion in the Comprehensive Plan, seconded by Ms. Newton.

Mr. Malinowski stated there is a lot of information not presented in the agenda packet. In addition, he believes we should have input from Risk Management regarding the County's liability with some of the suggested items (i.e. boat rentals).

Mr. Malinowski made a friendly amendment to receive input Risk Management on the Lower Richland Plan.

Ms. English noted this is a plan and nothing will go forward without it coming back to Council.

Ms. Newton noted we are accepting the plan conceptually, and we may not do everything developed in the plan 5 years ago. We are acknowledging that tourism in Lower Richland is important, but acceptance of the plan is not a commitment to adopt the budget, as presented. She encourages input from Risk Management, Legal, etc.

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

The vote in favor was unanimous.

- 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]

Mr. Malinowski 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.

- c. An Ordinance establishing the offense of using, discharging, shooting or igniting fireworks or similar explosives within Richland County between certain hours, to provide exceptions, and to provide a penalty for each violation [FIRST READING] -- Mr. Pugh moved to defer this item until the August 30, 2022 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.

- d. Department of Public Works – Solid Waste & Recycling Division – Collection Area 2 Contract Amendment/Extension
- e. Department of Public Works – Solid Waste & Recycling Division – Collection Area 4 Contract Amendment/Extension
- f. Richland County Sheriff's Department – Additional School Resource Officer – Keenan High School

Ms. Newton moved to approve Items 14(d) to (f), seconded by Mr. J. Walker.

Mr. Malinowski made a substitute motion to approve Items 14 (d) and (e), 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.

Ms. Barron moved to approve Item 14(f), seconded by Ms. Mackey.

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

Opposed: Terracio

The vote was in favor for Item 14(f).

Ms. Barron moved to reconsider Items 14(d) – (f), seconded by Ms. Newton.

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

The motion for reconsideration failed.

## 15. THIRD READING

- 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 – Ms. English moved to approve this item, seconded by Ms. Mackey.

Mr. Malinowski cited Sec. 26-52(a) and (g) regarding amendments. He questioned how this item is properly

coming before Council since more than 180 days have elapsed since the public hearing in September 2021. Mr. Patrick Wright, County Attorney, stated Third Reading of the amendment was in November 2021. The item before Council tonight is a new amendment.

Mr. Malinowski inquired as to what the amendment passed in November was for.

Mr. Wright responded the amendment was to change from the 2005 to the 2021 Land Development Code.

Mr. Malinowski inquired if the ordinance referred to under Section II (a) is the ordinance before Council for Third Reading.

Mr. Wright responded the ordinance referenced is the ordinance approved November 16, 2022. Tonight we are giving Third Reading to an ordinance amending that ordinance to address the effective dates and clarification of the interim procedures.

Mr. Malinowski inquired what the "within 90 days of adoption" is referring to.

Mr. Wright responded that is referring to the ordinance approved on November 16, 2021.

Mr. Malinowski stated we have inconsistencies throughout the document. In some areas it says "zone map preparation process" and in others it says "Land Development Code text and zone map amendments". He noted there was a motion passed by Council that said we would include "and text" every place that said map.

Mr. Wright responded the text was approved on November 16, 2022. The only thing that has not become effective are the maps. He noted tonight's Third Reading will allow the 2005 Land Development Code to be effective until the maps become effective.

Ms. Barron recommended to articulate in a clearly way for the public to understand what the propose ordinance is. She stated the reading of this ordinance has created too much confusion.

Mr. Malinowski made a substitute motion to have Legal draft a document eliminating the legalese and bring it back at next week's Council meeting.

The motion died for lack a second.

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

Opposed: Malinowski, Pugh and Barron

The vote was in favor.

- 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 City Roots, LLC to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; authorizing the administration of grants; approving the transfer of certain real property; and other related matters – Mr. Malinowski moved to approve this item, 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.

- c. An Ordinance Authorizing the acquisition of certain property located in Richland County; and other matters related thereto – Mr. Malinowski moved to approve this item, 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.

**16. FIRST READING**

- a. An Ordinance Amending the School Resource Officer line item in the FY 2023 Budget Ordinance (No. 012-22HR) of Richland County, South Carolina – Ms. Mackey moved to approve this item, seconded by Ms. Barron.

Mr. Malinowski inquired if the dollar amount listed in the ordinance was correct.

Mr. Abhijit Deshpande, Budget Director, responded the transfer in dollar amount listed includes the \$141,974 for the additional School Resource Officer.

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

Opposed: Terracio

The vote was in favor.

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

- a. I move to consider Riverbanks Parks Commission’s petition to allow the Riverbanks Park District to issue not to exceed \$80 million in general obligation bonds to make improvements at Riverbanks Zoo and Gardens (O. WALKER – June 7, 2022] – Mr. Malinowski stated the committee recommended approval of this item.

Ms. Barron stated she has some challenges with adding an additional tax to the citizens. She noted she cannot in good conscience vote to raise taxes for the zoo when she did not do it for the school district, education is very important to me and it has been a challenged during the budget.

Mr. Malinowski stated even the smallest of tax increases could have a negative effect on some of the less fortunate individuals; therefore, he cannot support this item.

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

Opposed: Malinowski, Pugh, McBride, J. Walker, Barron and Newton

The motion failed.

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

- a. An Ordinance Authorizing the acquisition of certain property located in Richland County; and other matters related hereto – Mr. Livingston stated the committee recommended approval of this item.

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

The vote in favor was unanimous.

Mr. Malinowski requested a map to be included in the agenda for the next reading.

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

- a. ITEMS FOR ACTION

1. Existing Richland County Council Ad Hoc Committee List – Ms. Barron stated the committee recommended approval of the updated Council Ad Hoc Committee List.

Mr. Malinowski noted we may want to keep the Ordinance Review Ad Hoc Committee to take up matters like the Land Development Code Rewrite.

Mr. Wright stated ad hoc committees are meant to be temporary or for a specific short-term purpose. He noted Council can create a committee and make it permanent.

Ms. Barron stated, for clarification, the ad hoc committees being dissolved are: Blue Ribbon, Civil Rights Museum, Dirt Road, Famously Hot New Year, Ordinance Review, Pinewood Lake, Privatization and Sewer.

Ms. McBride noted she does not have an issue with dissolving the Richland Renaissance Ad Hoc Committee.

Ms. Barron stated she accepts Ms. McBride's recommendation to dissolve the Richland Renaissance Ad Hoc Committee.

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

The vote in favor was unanimous.

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

- a. Broad River Road Widening Project Right-of-Way Acquisition – Ms. Mackey stated the committee recommended approval to award Right-of-Way coordination and acquisition to CECS, Inc. at a cost of \$1.3M. To complete this work under an aggressive thirty-three (33) month design schedule staff is also requesting Council to initiate Eminent Domain powers for all parcels where Right-of-Way acquisition is necessary for the widening of Broad River Road.

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

The vote in favor was unanimous.

- b. Southeast Richland Neighborhood Improvements (SERN) Sidewalk Phase 2 – Ms. Mackey stated the committee recommended approval of proceeding with a project to extend a five foot wide concrete sidewalk along Rabbit Run Road Garners Park Road (formerly Rabbit Run Connector) to Trotter Road.

**Regular Session  
July 12, 2022**

Ms. McBride inquired when Phase 2 will be implemented and if it will have an impact on the priority of other neighborhood improvement programs.

Mr. Maloney, Public Works Director, responded Phase 2 utilizes funds that were left over from Phase 1 and will not impact the other neighborhood improvement projects' schedule.

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) and (b), seconded by Ms. Mackey.

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

The motion for reconsideration failed.

## **21. REPORT OF THE CORONAVIRUS AD HOC COMMITTEE**

- a. Award of American Rescue Plan Funding – Ms. Barron stated the committee recommended approval the award of American Rescue Plan funds as follows: Recreation Commission - \$75,000; Richland Library - \$400,000; Midlands Technical College - \$375,000; Columbia Area Mental Health - \$135,000; and Transitions Homeless Center \$100,000.

Ms. Newton stated, for clarification, we are applying the ARP funds to these agencies lost revenue.

Ms. Barron responded in the affirmative.

Mr. Malinowski inquired if these are considered grants.

Ms. Barron responded these agencies will not go through the grant process we have been talking about. These items are similar to the ones we funded out of our budget to support County needs.

Mr. Malinowski inquired if they are allowable expenditures according to the Treasury rules.

Ms. Lori Thomas, Assistant County Administrator, responded the expenditures are allowable. The funds are to address their operational shortfalls.

Ms. McBride inquired if Transitions Homeless Center is a millage agency.

Ms. Thomas responded Transitions is not a millage agency; however, they were awarded \$100,000 ARP funding through the budget process. In the previous year, they were awarded \$200,000. The committee recommended awarding them an additional \$100,000 to match the previous year allocation.

Ms. McBride inquired if Transitions will have to submit an application like the other non-profits.

Ms. Barron responded Transitions will go in the priority group with all the other lump sum organizations.

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

Opposed: Malinowski and J. Walker

The vote was in favor.



- b. Proposed grant application and application process – Ms. Barron moved to defer this item until the July 19<sup>th</sup> Council 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.

- c. G.A.N.G.S. in Peace Initiative – Ms. Barron stated G.A.N.G.S. in Peace requested funding to support some activities in Richland County to curb gun and gang violence. When the committee received the proposal, they requested additional information from the organization, which can be found in the agenda packet.

Ms. Terracio stated her main concern is public funding mixing with religious organizations.

Mr. Wright responded the Supreme Court has said that a religious organization cannot use any part of direct grant to fund religious worship, education, etc. Organizations may use government monies to support non-religious social services.

Ms. Terracio inquired if any part of this program involves religious instruction.

Bishop Eric Davis responded the program does not involve religious instruction. They are facilitating an emergency situation.

Mr. Wright stated, in addition, there have been a number of Supreme Court decisions that say religious organizations stand just as any other organization. We cannot not provide them funding because they are a religious organization.

Ms. McBride stated she is a process person, and everything has a procedure. This request is out of process. When we did the budget, we decided the millage agencies could come because of the emergency and we would use ARP funds. All other non-profits had to go through a competitive process, and this is circumventing the competitive process. She noted we have a mental health emergency in Richland County, and there are funds available to help mental health entities, but they would have to go through the competitive process to get the funding. She recently participated in a gun buyback program that will work with the families of these young people using guns. The program was so successful they ran out of funds.

Mr. Malinowski inquired if the County will enter into a MOU or IGA for this program.

Mr. Wright responded there is a process in place, so we do not do agreements for all these organizations. It is based on the application and whether they meet the requirements.

Mr. Malinowski inquired what the normal rental fee is for the facility and asked to be provided with more information.

Ms. Thomas stated, if they are awarded funds, there is a grant award letter, which is basically a grant contract whereby they have to agree to abide by all terms, reporting and includes a claw back provision.

Ms. Terracio moved to defer this item until the July 19<sup>th</sup> Council meeting, seconded by Mr. Malinowski.

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

Opposed: McBride, O. Walker, Mackey and English

The vote was in favor of deferral.

## 22. REPORT OF THE STRATEGIC PLANNING AD HOC COMMITTEE

- a. Strategic Planning Report – Ms. Mackey stated the committee recommended approval of the Strategic Plan Report. The committee is requesting Council’s input on whether the vision statement should read “Richland County will be a leading community...” or “Richland County will be a leading County...”

Mr. Malinowski inquired if the bar charts captured responses from Council members or Council and staff.

Ms. Thomas responded it is Council and staff. The information was collected at the Council Retreat in Greenville.

Ms. McBride noted in the “Introduction & Background” it states, “The planning workshop was Richland County Council’s first such workshop conducted in many years and the first for the current elected and appointed leadership team.” She stated we have done a number of workshops, so she believes the statement in the “Introduction & Background” is misleading.

Ms. Mackey stated the intent was to set the stage to let people know this is something that has been worked on with the new leadership and elected officials.

Ms. McBride suggested amended the language to read: “This planning workshop was the first for the current elected and appointment leadership team.”

Mr. Livingston moved to approve the Strategic Plan Report, with the amended language for the “Introduction & Background” and to have the Vision Statement to read: “Richland County will be a leading community creating opportunities for equitable, sustainable, and meaningful growth and living for all residents.” Ms. McBride seconded the motion.

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

The vote in favor was unanimous.

## 23. OTHER ITEMS

- a. FY23 – District 1 Hospitality Tax Allocations
- b. FY23 – District 9 Hospitality Tax Allocations
- c. FY23 – District 2 Hospitality Tax Allocations

Mr. Pugh moved to approve Items 23(a) – (c), seconded by Mr. Malinowski.

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

Opposed: J. Walker

The vote was in favor.

Mr. Pugh moved to reconsider Items 23(a) – (c), seconded by Mr. Malinowski.

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

The motion for reconsideration of Items 23(a) – (c) failed.

Ms. Mackey moved to reconsider Items 21(a)(1-5) and 22(a), seconded by Ms. Barron.

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

The motion for reconsideration of Items 21(a)(1-5) and 22(a) failed.

24. **EXECUTIVE SESSION** – There were no Executive Session items.

25. **MOTION PERIOD** – There were no motions submitted.

Mr. Livingston moved to schedule a Special Called “Wrap Up” meeting for July 26<sup>th</sup>, 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.

26. **ADJOURNMENT** – Mr. J. Walker moved to adjourn, 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.

The meeting adjourned at approximately 8:04 PM.