



Richland County Council  
Special Called Meeting  
August 31, 2021 – 6:00PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29201

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

OTHERS PRESENT: Angela Weathersby, Kyle Holsclaw, Tamar Black, Ashiya Myers, Leonardo Brown, Elizabeth McLean, Jeff Ruble, Bill Davis, Dale Welch, Harry Polis, Beverly Harris, James Hayes, Jenifer Wladischkin, Judy Carter, Casey White, Randy Pruitt, Ronaldo Myers, Sandra Haynes, Stacey Hamm, Chris Cowan, Christa Sheehan, Michael Byrd, Michael Maloney, Lori Thomas, Geo Price, Chris Eversmann, and John Thompson

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

- a. **Regular Session: July 20, 2021** – Mr. O. Walker moved, seconded by Ms. Barron, to approve the minutes as distributed.

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

Not Present: J. Walker

The vote in favor was unanimous.

- b. **Zoning Public Hearing: July 27, 2021** – Ms. Barron moved, seconded by Ms. Terracio, to approve the minutes as distributed.

Mr. Malinowski stated he wished the minutes reflected the reason why he approved Item #2 in spite of the Planning Commission and staff's recommendation for disapproval. He wanted anyone reading the minutes to understand his reasoning.

Mr. Livingston directed the Clerk's Office to insert Mr. Malinowski's comments prior to the minutes being published.

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

Not Present: J. Walker

**Special Called Meeting  
August 31, 2021**

The vote in favor was unanimous.

- c. **Special Called Meeting: July 27** - O. Walker moved, seconded by Ms. Barron, to approve the minutes as distributed.

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

Not Present: J. Walker

The vote in favor was unanimous

- d. **Special Called Meeting: August 16, 2021** – Ms. Barron moved, seconded by Mr. Pugh, to approve the minutes as distributed.

Mr. Malinowski noted there were additional comments he made regarding children not being required to wear masks on playgrounds or outside.

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

Not Present: J. Walker

The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Ms. Terracio moved, seconded by Mr. Malinowski to approve the agenda as published.

Mr. Malinowski stated Items 7(c) and (d) actions are listed as action items, but he did not receive any information, so he is unclear on what action is being requested.

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

Not Present: J. Walker

The vote in favor was unanimous.

6. **PRESENTATION OF PROCLAMATION**

- a. **A Proclamation Recognizing the Life and Work of Jim Stastkowski** – Ms. Black read the proclamation into the record.

7. **REPORT OF ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Ms. McLean stated the following items are appropriate for Executive Session:

- b. **Legal update: Alan Wilson v. City of Columbia [Pursuant to SC Code of Laws §30-4-70(a)(2)]**
- c. **Crown Point Development, LLC and Miriville, LLC v. Richland County (road closure case) [Pursuant to SC Code of Laws §30-4-70(a)(2)] [ACTION]**

Special Called Meeting  
August 31, 2021

- d. **Greater Columbia Community Development Corp. f/k/a Greater Christian Ministries, Inc. v. SCDOT, RCDPW, and City of Columbia (road closure case) [Pursuant to SC Code of Laws §30-4-70(a)(2)] [ACTION]**

8. **CITIZEN'S INPUT**

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

9. **CITIZEN'S 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 time.)** – Mr. Spry spoke regarding the paving of Sara Matthews and Wages Roads.

Mr. Mustafa, Ms. Greenlaw, and Ms. Elaine Cooper spoke regarding the Sankofa Institute.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Introduction of Assistant County Administrator Aric Jensen** – Mr. Brown introduced the new Assistant County Administrator Aric Jensen.
- b. **Recognitions** – Mr. Brown stated Councilwoman Yvonne McBride and GIS Division Manager, Dr. Patrick Bresnahan, were NACO Presidential Appointees. He noted, while at the South Carolina Association of Counties Conference, Richland County submitted two competitive presentations. One for the J. Mitchell Graham Competition and the other for the Covid-19 Response and Resiliency Showcase. The County was recognized for its effort and acknowledged for their participation. In addition, he and Councilwoman Terracio were graduates of the SCAC's Institute of Government Level I classes.

Assistant County Administrator John Thompson was presented with a certificate from the SC Emergency Management Division Advance Professional Series associated with disaster operations.

Mr. Livingston stated they are proud to have Councilwoman Yvonne McBride and Dr. Patrick Bresnahan in their new national leadership roles representing Richland County. He also congratulated Councilwoman Terracio, Mr. Brown, and Dr. Thompson for their achievements.

- c. **COVID-19 Update** – Mr. Brown stated, in the packet, there is information from the July 20<sup>th</sup> meeting to be used as a comparison to the current reporting. He noted the level of incident rates on July 20<sup>th</sup> went from 58.21 per 100,000 to 925 per 100,000 as of the date of reporting. Richland County's level of confirmed cases went from the moderate tier to the high tier, and the percent positive went from below 5% to 10.7%.
- d. **Project Updates** – Mr. Brown stated Richland County has obligated almost 100% of the funds from the Emergency Rental Assistance Program. He noted very few organizations in the nation who have expended the funds Richland County has expended, and the US Treasury recognized this as well. We have been asked to participate in a lot of roundtable discussions, as well as to submit information to the treasury about the program. The County received an additional \$9.9 million dollars in ERAP(2). We have already received 40% of that funding. According to the US Treasury's guideline, the County can apply for additional funds.

Ms. Mackey thanked staff for all the work they have done to make the program a success. She noted Richland County still has funds for Emergency Rental Assistance and we are here to help.

Ms. English, Ms. McBride, and Ms. Barron thanked Mr. Brown, and his staff, for their efforts and work in getting the funds out in Richland County.

Mr. Brown stated County Council will need to select a date with the Richland County Recreation Commission for a Sports and Tourism Complex Work Session.

As instructed by Council, staff is working to move forward with the construction of the Public Safety Complex to house E-911, the Forensic Lab and SC Pardon and Parole. They have an architect and they are looking to hire a Construction Manager at Risk. Mr. Brown inquired if Council wants him to get everything done and come back to Council with updates, or to come to Council for approval of each step. This will determine how fast, or slow, we can move forward.

Mr. Livingston inquired about what the major steps will be before he provides his input.

Ms. McBride stated the updates are good, but by law the County Administrator has certain responsibilities and things they can do. The Administrator should follow those guidelines, provide updates on the major milestones, but not every detail requires Council's input.

Ms. Barron inquired if the architect has been fully awarded.

Mr. Brown responded they are finalizing the financial pieces and executing the agreement.

Ms. Barron inquired if they have hired the Construction Manager at Risk.

Mr. Brown responded they have not. He inquired if he should go ahead and do so. The team wanted to ensure they understood the level of involvement Council was expecting.

Ms. Barron stated, for clarification, now that Mr. Brown has guidance, we will be able to move forward.

Mr. Brown responded in the affirmative. He will move forward with the Construction Manager at Risk.

Staff met with the DSS team and received feedback on their projected needs. A follow-up meeting will be held on September 13<sup>th</sup> to address those needs, to request clarity on the space DSS needs. He noted they will be coming to Council with a potential funding source. This will be discussed with the Coronavirus Ad Hoc Committee, as well as other interested Councilmembers.

Ms. McBride inquired about who was involved in projecting the space for DSS.

Mr. Brown responded he spoke with the DSS executives. DSS had to go through their State and procurement process for the space projections. At the previous meeting, Rep. Finlay, and other interested parties attended.

Ms. Mackey inquired about the expectations from the September 13<sup>th</sup> meeting, and when Council could anticipate a report.

**Special Called Meeting  
August 31, 2021**

Mr. Brown responded he hopes to get information about the actual amount of space needed. They are projecting to do a design-build and it was important to have accurate information. Previously, DSS shared space with other entities, so we need to ensure the new space is adequate.

Mr. Brown noted they spoke with the current contract haulers. The haulers are in communications with Solid Waste team, and are aware of the process and recommendations. It was noted only Areas 1 and 6 contracts were extended until September 21, 2021.

Mr. Brown stated Council will receive a contract from Baker Tilly in the near future regarding the Strategic Planning Process. He noted they are expected to start the Strategic Planning Process on September 14<sup>th</sup> and conclude at the end of November.

Mr. Brown stated we need to get Council together to update the Council photo(s).

Ms. Newton inquired about the third party community survey.

Mr. Brown responded it is not currently out, but it could run parallel with the County's survey.

Ms. Newton inquired if Baker Tilly is aware of it being an option in the Strategic Planning Process.

Mr. Brown respond it was not initially discussed with Baker Tilly, but it could be discussed with them tomorrow.

Ms. Newton inquired when would there be an update on the staff augmentation study.

Mr. Brown responded in September.

Ms. McBride inquired about her equity and inclusion study motion.

Mr. Brown responded the County attempted to partner with the City's process, but the City had already started their process, but they could share their information. He noted the County would have to conduct its own study.

Ms. McBride noted the primary reason, and focus, was to look internally first.

11. **REPORT OF THE INTERIM CLERK OF COUNCIL** – No report was given.

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 [Project Mo] to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters** – No comments were received.

14. **APPROVAL OF CONSENT ITEMS**

- a. **21-019MA Robert F. Fuller RU to LI (1.16 Acres) 1050 Gates Road TMS # R02509-04-01 [SECOND READING]**

b. **21-020MA Thomas Fowler GC to RM-HD (0.8 Acres) 4725 Alpine Road TMS # R19712-10-33 [SECOND READING]**

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

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

The vote in favor was unanimous.

**THIRD READING ITEMS**

15.

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 [Project Mo] 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.

**SECOND READING ITEMS**

16.

a. **21-021MA Matthew Condon PDD to PDD (19.17 Acres) Farrow Road TMS # R17404-01-01, R17408-01-01, 02 & 03 [SECOND READING]** – Ms. McBride noted she had some constituents that did not fully understand the changes and inquired if someone could provide some additional input.

Mr. Steelman noted LandTec, a residential developer, is co-developing the project with the applicant. The PDD amendment is to reduce the rural density from 2,100 to 1,750, and relocate some of the commercial uses.

Ms. Barron moved, seconded by Ms. McBride, 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.

b. **21-010MA Kevin Steelman PDD to PDD 8930 Rabbit Run TMS # R21800-01-06** – Ms. Terracio moved, seconded by Ms. Mackey, to approve this item.

Ms. Newton stated this request is to down zone a property in her district, which would decrease the total number of housing units by approximately 200 units. She is working with the developer to update the language in the PDD, with input from the community. She noted she would vote “no” to keep this item off the consent agenda for Third Reading.

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

Opposed: Newton

The vote was in favor.

- c. **Approving the lease and sale of certain real property located in and owned by Richland County; authorizing the execution and delivery of a lease agreement with Magnus Development Partners, LLC and other matters related** – Ms. McBride moved, seconded by Ms. Barron, to approve this item.

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

Abstained: J. Walker

The vote in favor was unanimous.

17. **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. **Adoption of the Jim Hamilton - LB Owens Airport Runway Extension Justification Study** - Mr. Malinowski noted this item went to the D&S Committee on July 17, 2021, and the committee recommended approval.

Mr. Malinowski moved, seconded by Ms. Terracio, 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.

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

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

The motion for reconsideration failed.

18. **OTHER ITEMS**

- a. **FY22 - District 3 Hospitality Tax Allocations** – Ms. McBride noted the amount and the name of the event are incorrect in the agenda. The amount should be \$30,000 and the event's title is "Meeting Place Fall Movie and Health Festival".

Ms. McBride moved, seconded by Ms. Barron, to approve this item.

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

Opposed: J. Walker.

The vote was in favor.

**b. FY22 - District 5 Hospitality Tax Allocations**

**c. FY21 - District 7 Hospitality Tax Allocations**

**d. FY22 - District 7 Hospitality Tax Allocations**

Ms. Barron moved, seconded to Ms. Terracio to approve items (b)(c)and(d)

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

Opposed: Malinowski and J. Walker.

The vote was in favor.

Ms. McBride moved, seconded by Ms. Terracio, to reconsider Items 17(a) – (d).

In Favor: Malinowski, and J. Walker

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

The motion for reconsideration failed.

**POINT OF PERSONAL PRIVILEGE** – Ms. English thanked the staff that helped her with her book bag and book giveaway, voter registration and vaccination drive.

Mr. Pugh also thanked his colleagues that attended his stuff the bus event. For the record, the County beat the City in the stuff a bus contest. They were able to provide supplies to over 10 schools.

19. **EXECUTIVE SESSION** – Mr. O. Walker moved, seconded by Ms. Barron to go into Executive Session.

Mr. Malinowski inquired why the road closures are under Executive Session.

Ms. McLean responded normally the closures would go through committee, but Council was in recess when the items came in. Due to the time sensitivity, she brought them forth in this way.

Mr. Malinowski inquired if the closures could be taken up in open session.

Ms. McLean responded in the affirmative.

Ms. Terracio made a substitute motion, seconded by Mr. Malinowski, to address the road closures in open session.

Ms. McLean noted, she could give an update on Alan Wilson v. City of Columbia in open session, unless Council has detailed questions.

Ms. Mackey inquired why the items are under Executive Session.

Ms. McLean responded, the items are listed under Executive Session, to allow Council the option to discuss legal strategies.

Mr. Malinowski offered a substitute motion, seconded by Ms. Terracio, to remain in public session and discuss items (b), (c) and (d), as listed on the agenda, unless we get to a point where the attorney feels they need to enter Executive Session.

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

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

The vote was in favor.

- b. **Legal update: Alan Wilson v. City of Columbia [Pursuant to SC Code of Laws §30-4-70(a)(2)]** – Ms. McLean stated the County filed an amicus brief, as well as the City of Charleston. The SC Education Association filed one on behalf of the City of Columbia. She noted today the Supreme Court heard oral arguments on this case, as well as School District II’s injunction case, related to the State Budget proviso. She indicated we might not know for a while the outcome.
- c. **Crown Point Development, LLC and Miriville, LLC v. Richland County (road closure case) [Pursuant to SC Code of Laws §30-4-70(a)(2)] [ACTION]** – Ms. McLean noted this road is in Ms. Barron’s district off of Two Notch and Alpine Circle. She stated the property owners, at the end of the cul-de-sac requested a portion of the cul-de-sac be closed. She noted the property owners asked the court to deed the road to them, and they would maintain their half of the road, which is what usually happens. Per State Law, the applicant properly placed notice. The case has been forwarded to Planning, Public Works, and Emergency Services to get their feedback. She noted all three departments would not be adversely affected by this road closure. She stated she has to respond to the lawsuit, which requires action from Council.

Mr. Malinowski inquired who currently controls the road.

Ms. McLean responded the road is County maintained.

Mr. Malinowski inquired about the total acreage.

Ms. McLean responded it is .42 acres.

Ms. Newton inquired about the deadline.

Ms. McLean responded she has 30 days to respond.

Ms. McBride inquired about the pros and cons to the County.

Ms. McLean responded the County would not be responsible for maintaining 255 ft. of road. There are no known cons, at this time.

Ms. Mackey inquired if the road would remain a private road even if the land were sold.

Ms. McLean responded it would stay a private road.

Ms. Barron moved, seconded by Ms. Terracio, to give the attorney consent to move forward with the road closure.

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

The vote in favor was unanimous.

- d. **Greater Columbia Community Development Corp. f/k/a Greater Christian Ministries, Inc. v. SCDOT, RCDPW, and City of Columbia (road closure case) [Pursuant to SC Code of Laws §30-4-70(a)(2)] [ACTION]** – Ms. McLean noted this road is in Mr. Livingston’s district off of Club Road. She stated this is not actually a road. It is a private piece of property that has a platted road that was never created.

Mr. Livingston noted these types of roads usually lead to illegal dumping.

Mr. Malinowski moved, seconded by Ms. English, to approve the road closure.

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

The vote in favor was unanimous.

**MOTION PERIOD**

20.

- a. **Resolution Recognizing October 4, 2021 as World Habitat Day in Richland County** – Ms. Terracio stated she wants to honor the work Habitat for Humanity does in the community.

Ms. Terracio moved, seconded by Ms. Newton, to unanimously adopt the resolution.

Mr. Malinowski requested a copy of the resolution by 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. Malinowski moved, seconded by Ms. Terracio, for reconsideration.

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

The motion for reconsideration failed.

21. **ADJOURNMENT** – The meeting adjourned at approximately 7:40 PM.