



Richland County Council
Regular Session
October 19, 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, 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, Elizabeth McLean, Bill Davis, Michael Maloney, James Hayes, Zachary Cavanaugh, David Bertolini, 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 Jesica Mackey
3. **PLEDGE OF ALLEGIANCE** – The pledge of Allegiance was led by the Honorable Jesica Mackey
4. **PRESENTATION OF RESOLUTIONS** – Ms. Newton requested to add a resolution honoring James Hayes.

Mr. Livingston requested to make Item 4(b) “...the 175th Homecoming Celebration of Main Street United Methodist Church” a resolution from Council instead of a proclamation.

Ms. Barron noted that Chief Chris Cowan was unable to attend tonight’s meeting.

- a. **Resolution recognizing Chris Cowan for his service to Richland County**
- b. **A Proclamation recognizing the 175th Homecoming Celebration of Main Street United Methodist Church**
- c. **A Proclamation Recognizing Director James Hayes for his 17 years at Richland County** – Ms. English and Ms. Newton presented the proclamation to James Hayes.

APPROVAL OF MINUTES

5. a. **Regular Session: October 5, 2021** – Mr. Pugh requested the minutes be corrected to reflect he recused himself on Item 18(d) “Mitigation Credit Sales – Encompass Health Rehabilitation Hospital” instead of abstained.

Mr. Malinowski noted the heading of the minutes should read October 5th instead of September 21st.

Ms. Newton noted her vote on Item 18(a) “Clemson Rd. Sidewalk Phase I Contingency” should have been in favor.

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Ms. McBride moved, seconded by Ms. Barron, to approve the minutes as amended.

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. **ADOPTION OF AGENDA** – Ms. McBride moved, seconded by Mr. O. Walker, to adopt the agenda as amended.

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

Not Present: J. Walker

The vote in favor was unanimous.

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

a. **Convention Center MOU**

b. **Personnel Matter: Grievance Reviews and Recommendations**

Mr. Pugh moved, seconded by Ms. Barron, to go into Executive Session.

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

Not Present: J. Walker

The vote in favor was unanimous.

***The Council went into Executive Session at approximately 6:23 PM
And came out at approximately 7:13 PM***

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

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

Not Present: J. Walker

The vote in favor was unanimous.

a. **Convention Center MOU** – Mr. Malinowski moved, seconded by Ms. Newton, to allow the Administrator to move forward with due diligence, as discussed in Executive Session.

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

The vote in favor was unanimous.

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)** – Mr. Allen Hutto spoke regarding moratoriums.

Ms. Katie Bolden spoke regarding the Detention Center.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

a. **Coronavirus Update**

- Incident rates are coming down, but the County is still considered to be in the high tier
- 55.9% of Richland County eligible residents have completed their vaccination
- 53.5% of South Carolina eligible residents have completed their vaccination
- Details regarding eligibility for the booster shot can be found in the Council agenda.
- The County has approved approximately \$4,986,000 of ERA(2) funds, which has assisted 898 applicants
- Treasury is accepting applications from those that expended their allocation of ERA funding
- The County plans to request an additional \$12.5M in ERA funding

Mr. Brown stated, "Periodically, Treasury will determine if there are sufficient funding requests from Grantees serving jurisdictions with demonstrated needs to warrant the disbursement of reallocated funds." The Treasury is going to go through an evaluation to determine who will receive the reallocated funding. In addition, they will try to reallocate funding within the State first, before they go out of State.

Ms. Newton inquired if the County is at a point where we can assist households still in need, but are over the 50% AMI.

Mr. Brown responded the County does not have enough funding to assist applicants over the 50% AMI. He noted, because of the dwindling funds, we have had to change the tier to 30% AMI.

Ms. Barron requested a breakdown of landlords and individuals who received assistance.

Mr. Brown responded, in order for a landlord to receive funding, the tenant has to make application. The Treasury does not allow the landlord to apply on behalf of the tenant.

Ms. Terracio inquired when the process for additional funding would begin, and how long will it take to receive the funding.

Mr. Brown responded he is not able to provide an answer. He noted they have already engaged the Treasury and let them know we intend to request additional funding.

Ms. Terracio inquired when the County started ERA(1) and ERA(2).

Mr. Brown responded ERA(1) started in May and ERA (2) in September.

Mr. Livingston inquired who do the funds go to, the landlord or the tenant.

Mr. Brown responded the funds can go to the tenant, the utility company or the landlord. If the landlord does not participate in the program, then the funds go to the tenant.

Mr. Livingston inquired if the funds could be given to the tenant, and the tenant not pay the landlord.

Mr. Brown responded in the affirmative. The Treasury wanted to put the funds in the hands of the renters. This is not a Richland County process.

Ms. McBride noted if the tenant chooses not to pay the landlord, then they could potentially be evicted for non-payment.

ERAP(1) Funding:

- Over 14,000 applications initiated
- 6,961 applications submitted
- 2,004 applications approved
- 83.4%/1671 applicants were within the 50% AMI or less ratio
- 83.8%/1680 applicants were African American
- 31.2%/625 applicants were within the 31 – 40 age range
- 73.4%/1471 applicants were female

Mr. Malinowski noted not all of the zip codes are included on breakdown.

Mr. Brown stated there are three different breakdowns; therefore, there may not have been information for a particular zip code.

Ms. McBride stated there are many more people in need, since Richland County has a high poverty rate, particularly for African Americans.

Mr. Brown noted there are already 6,002 applicants for ERA(2), and there is not enough funding to cover all of them. He recommended the County stop taking applications because people are going to have a mindset that there is going to be available funding, and we may not be able to provide for everyone's needs.

Mr. O. Walker inquired if staff follows up when they notice applicants initiate the application, but do not follow through.

Mr. Brown stated having staff reach all of those individuals is an issue. The individuals that have incomplete applications are contacted about items that are missing. Library staff, internal staff and the contractor are a part of the process.

Mr. O. Walker inquired about the predominant reason applications are initiated, but are not completed.

Mr. Brown responded some of it is technologic access and the other is documentation. The Treasury allows for some self-attestation, but there is still a need for additional documentation.

Ms. Barron inquired if the Administrator needs a motion to discontinue acceptance of applications. Mr. Brown responded, at this point, the volume of applications we received, not including the ones

that are incomplete, far outstrip the funding we have, and potentially the funding we could receive. He does not want citizens to hang their hopes on receiving funds.

Ms. Barron inquired if Mr. Brown has a plan in place on how to address this moving forward.

Mr. Brown responded the County would communicate via messaging on the website and with the same outlets we utilized to inform the public of the funding available.

b. Project Updates

- Health Care Benefits Overview – Request Councilmember Involvement
- Staff Augmentation – Vacancy Breakdown and Analysis will be coming back to Council
- Strategic Planning –October 26th Strategic Planning Ad Hoc Committee meeting and November 15th Strategic Planning Retreat
- Public Safety Complex – Architect contract has been signed. There will be follow-up meetings on October 20th and 22nd. Currently evaluating the Construction Manager at-Risk applicants.

Ms. Mackey noted the Construction Manager at Risk will be doing outreach to engage small, local, minority businesses. She inquired about the timeline, and is there any requirement for participation.

Mr. Brown responded they do not have a particular number in mind, but the County has a minimum target.

- Department of Social Services Relocation – DSS has provided information the County is utilizing to determine what it will take to get them into a more adequate space at the Columbia Place Mall.
- American Rescue Plan Funding – At this point, there is approximately \$61M remaining.
- Redistricting Process – There was a benchmark report released by the South Carolina Revenue and Fiscal Affairs. The target goal for Council districts is 37,380 persons, per district. Council members will be meeting with Betty Etheredge to look at their individual districts. There is an RFP, which closes October 20th, for a consultant to assist with the process and to validate information.

Mr. Livingston noted there is a 10% variance in the number of residents for each district. He inquired if there is a State mandated date for this to be completed.

Ms. McLean responded there is no deadline. The redistricting needs to be completed so people will be able to apply to run for office.

Mr. Brown stated the filing deadline will be utilized as the benchmark.

11. REPORT OF THE INTERIM CLERK OF COUNCIL

- a. 2022 Council Retreat Location Update** – Ms. Onley noted the dates the Council Retreat is historically held is unavailable at the Township Auditorium, which is the only location provided to the Clerk’s Office. Any alternate location suggestions should be forwarded to the Clerk’s Office.

Ms. Mackey inquired if we can provide additional locations for Retreat.

Ms. Onley responded in the affirmative.

Mr. Malinowski moved to provide the Clerk's Office their preferred dates to utilize the Township for the 2022 Council Retreat.

The motion died for lack of a second.

- b. **Sponsorship Opportunity: Jazz at Lincoln Center Orchestra with Wynton Marsalis "Big Band Holidays", December 9-10, 2021** – Ms. Onley will forward the information out to Council.

12. **REPORT OF THE CHAIR** – The Chair did not have a report.

13. **APPROVAL OF CONSENT ITEMS**

- a. **21-022MA, Frank McMaster, RU to GC (8.76 Acres), Barbara Drive, TMS # R17109-02-06 [THIRD READING]**
- b. **21-025MA, Matthew Condon, RU to RM-HD (5.94 Acres) 9569 & 9579 Farrow Road, TMS # R17400-09-05, 06 & 07 [THIRD READING]**
- c. **21-027MA, Chip Goforth, RU to RC (3.35 Acres), 7742 Bluff Road, TMS # R32403-02-04 & 05 [THIRD READING]**
- d. **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 [SECOND READING]**
- e. **An Ordinance making certain changes to Article I, Chapter 16 of the Code of Ordinances of Richland County relating to business licensing and regulation [SECOND READING]**

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

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

Not Present: J. Walker

The vote in favor was unanimous.

14. **SECOND READING ITEMS**

- a. **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** – Ms. McBride moved, seconded by Ms. Mackey, to approve this item.

Mr. Malinowski noted he does not see any of the comments provided by Councilmembers during the work sessions reflected in the document. The only reflected changes are from the Planning

Commission. He believes there should be language included in the Code that addresses historic districts (i.e. Olympia). In addition, he does not understand how we can put a moratorium in effect on October 1, 2021, and it remains in effect until May 2, 2022.

Ms. Terracio requested assurance that the historic districts will be dealt with before this ordinance is given 2nd Reading. Also, she has not heard about giving the public more of a chance to come in and speak to us.

Ms. Newton stated she was in agreement with having more input from the public.

Ms. Barron noted one of her 78-year old constituents is concerned about the Land Development Code Rewrite; however, she does not feel comfortable coming to a public setting. She would like for us to offer a virtual meeting opportunity for the citizens to engage.

Mr. O. Walker requested staff address the moratorium.

Mr. Crooks stated staff felt the moratorium was appropriate, as we go through the rewrite process. As we are going through the text, if we have a map out there, it ultimately affects the way the map looks. Similarly, if we are providing this notice to the public, at what point do we go through the process. Do we do it one, two or three times? He noted people will still build and develop, they just cannot request a different zoning.

Mr. Malinowski stated he does not understand when we say, “an individual can come in and ask for a zoning change, as long as it is not a change other than what their current zoning is.”

Mr. Crooks stated, in terms of the moratorium language, you cannot do map amendment requests for what the current zoning is. Once the new code is adopted, you cannot request a “RS-LD” because at point that would no longer exist. Going forward, map amendments can only be requested for the zoning districts in play at that time.

Mr. Malinowski noted, as of right now, he cannot go from “RU” to “RS-LD” because that is the old system. Therefore, he is frozen out of doing anything until May 2022. He inquired how that is not impunitive to developers, or the seller of the property.

Mr. Crooks responded that was not a question he could address.

Mr. Malinowski stated he does not understand why within 90 days of adoption of this ordinance the County will mail written notice to all real property owners. It seems the proper method would be to notify people first. These notices should have been sent out with the last tax notices.

Mr. Crooks stated the notices are in reference to the remapping process. At this point, the only thing that would have been changed would be the text.

Mr. Malinowski inquired why we do not get the input from the citizens first, and then do the text.

Mr. Malinowski made a substitute motion, seconded by Ms. Terracio, to defer this item until the first meeting in December.

In Favor: Malinowski

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

Not Present: J. Walker

The motion for deferral failed.

Ms. Newton stated she is in favor of the moratorium, and willing to discuss. There are a lot of challenges with the current Land Development Code that the new Land Development Code addresses. Allowing people to rezone properties with the old designation is not something she sees is in the best interest of the County.

Ms. Mackey noted she requested a report that summarized all of the public engagement and outreach efforts surrounding the code rewrite. She stated there were ample opportunities, whether it was virtual or in-person. Staff also offered one-on-one meetings.

Ms. Terracio inquired when an additional public hearing could be held.

Mr. Crooks responded, since we have already had a public hearing, there would not be any additional requirements for noticing the hearing.

Ms. Terracio moved, seconded by Mr. Malinowski, to schedule an additional public hearing prior to 3rd Reading of this item.

Mr. Price suggested holding the public hearing at a regularly schedule Council meeting to allow the citizens ample time to speak.

Ms. Terracio withdrew her motion.

Ms. Terracio made a substitute motion, seconded by Ms. Barron, to hold an additional public hearing at the November 9th Special Called Meeting.

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

Opposed: McBride

Not Present: J. Walker

The vote was in favor of holding an additional public hearing at the November 9th Special Called Meeting.

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

Opposed: Malinowski, Terracio and Newton

Not Present: J. Walker

The vote was in favor.

- b. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing, Division 2, Competitive Purchasing Policy; Section 2-162. Same-**

Purchase Negotiations; so as to change the requirements regarding residential Solid Waste Collection vendors

- c. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement, and amendment of that certain existing fee-in-lieu of ad valorem agreement, by and between Richland County, South Carolina and Project Tide; to provide for payments of fees-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters**

- d. **An Ordinance 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 Remedy to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters**

Ms. Newton moved, seconded by Ms. Mackey, to approve Item 14(b).

Mr. Malinowski made a substitute motion, seconded by Ms. Barron, to approve Items 14(b), (c), and (d).

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

Not Present: J. Walker

The vote in favor was unanimous.

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

a. **NOTIFICATION OF VACANCIES**

- 1. **Accommodations Tax – Seven (7) Vacancies (TWO applicants must have a background in the lodging industry, THREE applicants must have a background in the hospitality industry, ONE applicant must have a cultural background and ONE applicant will fill an At-Large seat)**

- 2. **Airport Commission – One (1) Vacancy (The applicant must reside within one mile of the airport: Rosewood, Shandon, or Hollywood-Rose Wales Garden neighborhoods)**

- 3. **Board of Assessment Appeals – One (1) Vacancy**

- 4. **Board of Zoning Appeals – Two (2) Vacancies**

- 5. **Building Codes Board of Appeals – Six (6) Vacancies (ONE applicant must be from the Architecture Industry, ONE from the Gas Industry, ONE from the Building Industry, ONE from the Contracting Industry, and TWO from the Fire Industry, as alternates)**

- 6. **Business Service Center – Two (2) Vacancies (ONE applicant must be from the Business Industry and ONE applicant must be a CPA)**

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7. Central Midlands Council of Governments - One (1) Vacancy
8. Community Relations Council - One (1) Vacancy
9. Employee Grievance Committee - Two (2) Vacancies (Must be a Richland County employee; ONE seat is an alternate)
10. Hospitality Tax - Three (3) Vacancies (ONE applicant must be from the Restaurant Industry)
11. Internal Audit Committee - Two (2) Vacancies (Applicant with CPA preferred)
12. Music Festival - One (1) Vacancy
13. Planning Commission - Three (3) Vacancies
14. Richland Memorial Hospital Board of Trustees - Two (2) Vacancies
15. Township Auditorium - Two (2) Vacancies
16. Transportation Penny Advisory Committee (TPAC) - Five (5) Vacancies

Mr. Malinowski stated the committee recommended advertising/re-advertising for the vacancies.

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. ITEMS FOR ACTION

1. I move that if matters such as Clerk to Council Search or Compensation for Interim Clerk of Council are to be a part of the Employee Evaluation Oversight Ad Hoc Committee that the name of the Ad Hoc Committee be changed to better reflect what would fall under the purview of its function, responsibility, and/or purpose [MANNING - October 20, 2020] -
Mr. Malinowski stated, after discussion, if this is an employee evaluation committee, the committee should merely be evaluating the employees. To be advertising for positions and negotiating salaries would not be a part of the evaluation committee. However, if the word "oversight" brings in other duties, it could be including those functions. Finally, there was a discussion about changing the name to the "Employee Evaluation, Hiring and Compensation Committee".

Mr. Livingston noted it started out as an evaluation committee, but we attributed other duties and responsibilities to it. Whether we confirmed that through a vote, he does not know. The intent of the committee is to evaluate, as well as review potential employees.

Mr. Malinowski moved, seconded by Ms. Mackey, that the name of the committee remain as is, and to amend the responsibilities to include search and compensation matters.

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

Not Present: J. Walker

The vote in favor was unanimous.

2. **All County Council contracts and agreements adopted by a majority vote of full Council will require a majority vote of full Council to amend and/or change [NOTE: This motion should be taken up as soon as possible, and not be addressed with the overall County Rules update.] [LIVINGSTON – July 13, 2021]** – This item was held in committee.
3. **Boards, Committees and Commissions Recruitment** – This item was held in committee.
 - a. Direct the Rules Committee to determine which Richland County Boards, Committees and Commissions should have as a qualification that the person applying must reside in the unincorporated area of Richland County only. There are some of these positions where other municipalities appoint individuals and if a person applying for one of those positions resides in that municipality that they should make application through them [MALINOWSKI – October 6, 2020]
 - b. Based on the fact the Planning Commission makes decisions that affect unincorporated Richland County only, members assigned must reside in unincorporated Richland County [MALINOWSKI – September 21, 2021]

16. **EXECUTIVE SESSION** – Mr. Malinowski moved, seconded by Ms. McBride, to go into Executive Session.

In Favor: Malinowski, Pugh, Livingston, Terracio, Barron, Mackey, English and Newton

Opposed: McBride and O. Walker

Not Present:

The vote was in favor.

***The Council went into Executive Session at approximately 8:57 PM
And came out at approximately 9:22 PM***

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

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

Not Present: J. Walker

The vote in favor was unanimous.

- a. **Personnel Matter: Grievance Reviews and Recommendations** – Ms. McBride moved, seconded by

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Ms. Barron, to accept the Administrator's report and the recommendation of the Grievance Committee.

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

Not Present: J. Walker

The vote in favor was unanimous.

17. **MOTIONS PERIOD**

18. **ADJOURNMENT** – The meeting adjourned at approximately 9:25 PM