



Richland County Council
Regular Session
November 16, 2021 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

COUNCIL MEMBERS PRESENT: Paul Livingston 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, Dale Welch, Justin Landy, Leonardo Brown, John Thompson, Aric Jensen, Zachary Cavanaugh, Patrick Wright, Lori Thomas, Beverly Harris, Angela Weathersby, , Geo Price, Stacey Hamm, Judy Carter, Sandra Haynes, Sierra Flynn, Dwight Hanna, Michael Byrd, Shane Kitchens, Steven Gaither, Jeff Ruble 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 Bill Malinowski

3. **PLEDGE OF ALLEGIANCE** – The pledge of Allegiance was led by the Honorable Bill Malinowski

4. **APPROVAL OF MINUTES**

a. **Special Called Meeting: November 6, 2021** – Ms. Barron moved, seconded by Ms. Mackey, to approve the minutes as distributed.

Ms. Newton noted on Item #14 it indicates she made the motion, but also states she was not present. She requested the Clerk's Office to review the recording and verify the vote and motion.

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

Not Present: McBride

The vote in favor was unanimous.

5. **ADOPTION OF AGENDA** – Mr. J. Walker moved, seconded by Ms. Barron, to adopt the agenda as published.

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

Not Present: McBride

The vote in favor was unanimous.

6. **REPORT OF THE ACTING COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Wright stated the following items qualified for Executive Session:

a. **William Coggins, individually, and on behalf of all others similarly situated vs. Richland County Council and Gerald Seals – Civil Action No. 2018-CP-40-2985 – Legal Advice [Pursuant to SC Code of Laws § 30-4-**

Regular Session
November 16, 2021

70(a)(2)

b. County Administrator Evaluation

c. Clerk to Council Search

7. CITIZENS' INPUT

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

8. 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. David Oberly spoke regarding the mask mandate and the road maintenance fee.

9. REPORT OF THE COUNTY ADMINISTRATOR – No report was given.

POINT OF PERSONAL PRIVILEGE – Ms. Newton noted there is a COVID vaccination event in partnership with PRISMA Health and Representative Jermain Johnson at the Sheriff's Substation on Lower Richland Boulevard on Saturday, November 20th, 11:00 AM – 2:00 PM. In addition, the non-profit Carolina for All is going to be giving away Thanksgiving food baskets.

10. REPORT OF THE INTERIM CLERK OF COUNCIL

a. Proposed Council Retreat Locations

1. Charleston/N. Charleston (Embassy Suites – Downtown Charleston)
2. Greenville (Madren Conference Center – Clemson)

Ms. Onley gave an update on the retreat locations.

Ms. Barron inquired if the Madren Center was the closest location in the Greenville area.

Ms. Onley responded the Madren Center is the location we have used in the past when holding the Council Retreat in the Upstate; therefore, we contacted them first.

Ms. Barron inquired if Council needs to take action on this item at tonight's meeting.

Ms. Onley responded we need to choose a location as soon as possible, so staff can begin the planning process.

Ms. Mackey requested the information in writing.

Mr. Malinowski noted we need to inquire if there is the ability for recording, if we will be allowed to utilize in-house services or contract the services.

Ms. Onley responded, it is her understanding, we will have contract the livestreaming services.

Mr. Malinowski requested the costs for contracting out these services.

11. REPORT OF THE CHAIR – No report was given.

12. APPROVAL OF CONSENT ITEMS

- a. 21-033MA, Charles Eleazer, RU to GC (3.23 Acres), S/E Rauch Metz Road, TMS # R02500-07-36 [THIRD**

**Regular Session
November 16, 2021**

READING]

b. Ordinance Authorizing Quit-Claim Deed of Olympia Alleyways to contiguous landowner (Mr. Outlaw – 726 Maryland Street) [SECOND READING]

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

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

Not Present: McBride

The vote in favor was unanimous.

13. 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 – Ms. Newton moved, seconded by Ms. Mackey, to approve this item.

Mr. Malinowski stated, for clarification, we are only approving the State requirements, the remainder of the ordinance content is unchanged.

Mr. Cavanaugh responded in the affirmative.

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

Not Present: McBride

The vote in favor was unanimous.

b. 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. J. Walker moved, seconded by Ms. Barron, to approve this item.

Mr. J. Walker inquired if the amended ordinance removes the moratorium re-zoning language.

Mr. Price responded, until December 1, 2021, anyone can request a re-zoning under the current zoning designations. After December 1, 2021, they can request a re-zoning utilizing the new Land Development Code. The term “moratorium” has been removed from the ordinance.

Ms. Newton stated, in her area, there is constant conflict between the Comprehensive Plan and zoning recommendations. She requested to “pause” re-zonings in District 11.

Ms. Newton made a substitute motion, seconded by Ms. Barron, to adopt the ordinance, but to “pause” re-zonings in District 11 until the remapping process is complete, to allow for conflicts in the Comprehensive Plan to be addressed.

Mr. Malinowski noted Council was told they could send their comments/questions about the Land Development Code Rewrite to staff, but he has not been provided any feedback to his questions.

Ms. Terracio inquired if Council will be voting on re-zoning requests that were already in the que at the December Zoning Public Hearing.

Mr. Price responded there are re-zoning requests in the que that will come before Council in December and February.

Ms. Terracio inquired if Council will be voting on re-zoning requests utilizing the new zoning designations in February, March and April.

Mr. Price responded in the affirmative. He noted the approved re-zonings will not take effect prior to the remapping process being approved.

Mr. Malinowski inquired how the maps will be created.

Mr. Price responded staff will essentially do conceptual mapping for Richland County. During that time, staff will meet with each Councilmember to look specifically at their respective district.

Ms. Barron inquired how the changes are being communicated to the citizens.

Mr. Price responded, once the text is in place, there will be a mail-out informing citizens of the new zoning designation for their property. During this time, staff will have numerous meetings within the communities. In addition, if Councilmembers identify specific areas to meet with, staff will be conduct meetings in those areas.

Ms. Barron inquired, if we are going to be implementing the new code for those applying for re-zonings, how will this be communicated to the citizens.

Mr. Price responded staff will reach out to those citizens that previously inquired about re-zoning. In addition, when individuals come in to inquire about re-zoning, staff can explain the new zoning designations. Staff will also place information on the County's website.

Ms. Mackey inquired if there are any staff/legal concerns regarding Ms. Newton's motion singling out District 11.

Mr. Wright responded, in order to do a variance, there has be an articulable reason. Then, it is up to Council to decide if they accept the reason for the variance.

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

Opposed: Malinowski, Livingston, J. Walker and O. Walker

Not Present: McBride

The vote was in favor.

14. **SECOND READING**

- 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 Carolina Pines Industrial I, LLC 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. Barron, to approve this item.

Mr. Malinowski noted in the Economic Development documents it states, "The Chair, the County Administrator and the Clerk to County Council are each authorized to execute such documents and take such further actions as may be necessary to complete the expansion..." He believes any changes need to be brought back to Council.

Ms. Terracio inquired about the normal process.

Mr. Livingston responded usually what is executed is what Council approves.

Mr. Ruble responded these are form documents that were vetted between outside counsel and the County's legal counsel. The documents are used with most economic development projects. He noted Ms. Emily Luther

responded via email to Mr. Malinowski today, but it may have been too late for him to have seen the response prior to the meeting.

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

Opposed: Malinowski

Not Present: McBride

The vote was in favor.

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

- a. **Authorizing, approving, ratifying and consenting to the partial assignment and assumption of an infrastructure credit and incentive agreement from NL Ventures XI Northpoint, LLC to MTP – 1410 Northpoint Blvd., LLC and other related matters** – Mr. O. Walker stated last year Council consented to the transfer of incentives from PPT Real Estate Enterprises to a third-party group, NL Ventures. This resolution similarly provides Council’s consent to the transfer of incentive benefits related to an infrastructure credit from NL Venture to a long-term owner property associated with SomeraRoad, a national real estate investment group. The committee recommended approval of this item.

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

Not Present: McBride

The vote in favor was unanimous.

- b. **Consenting to and ratifying the partial assignment and assumption of a fee-in-lieu of tax and incentive agreement from NL Ventures XI Northpoint, LLC to MTP – 1410 Northpoint Blvd., LLC; and other related matters** – Mr. O. Walker stated the committee recommended approval of this item.

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

Not Present: McBride

The vote in favor was unanimous.

16. **REPORT OF THE RULES & APPOINTMENTS COMMITTEE**

- a. **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 Council Rules update.] [LIVINGSTON – July 13, 2021]** – Mr. Malinowski stated the committee recommended approval of this item.

Mr. Malinowski noted one item allowed by Robert’s Rules is plurality votes. If a Councilmember makes a motion indicating plurality vote is what they are looking for, a substitute motion could be made for a majority vote.

Mr. Malinowski made a substitute motion to not amend the rules.

The substitute motion died for lack of a second.

Mr. Livingston noted, Council can make a motion to hire someone, which would require a majority vote. In turn, Council could dismiss someone with a minority vote by offering three (3) options.

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

Opposed: Malinowski

Not Present: McBride

The vote was in favor.

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

- a. **Mental Health Check-In Program for Richland County Sheriff's Department** – Ms. Barron stated we have the State and National Sheriff here in Richland County, which allows him to be privy to a proactive Mental Health Check-In Program for the deputies. The committee is recommending to fund the program through 2026, in the amount of \$16,250, out of ARP funding. After 2026, funding will be found to continue the program. Mr. Malinowski inquired if the deputies will be mandated to participate in the program.

Chief Polis responded deputies would be mandated to participate as a part of their employment.

Mr. Malinowski inquired as to what will happen to the results (i.e. will it be used to demote/dismiss an individual).

Chief Polis responded the goal of the program is to provide resources for the deputies to ensure they are mentally sound to perform their job duties. They are attempting to prevent officer suicides.

Mr. Malinowski inquired if the program has been started, and Council is approving it after the fact.

Chief Polis responded the Sheriff's Department has not started the program. The letter in the agenda packet, was a letter they received early on outlining the program.

Mr. Malinowski inquired who the referrals will be made to, and for what.

Chief Polis responded, if an officer speaks with a clinician, and the clinician feels the officer needs a referral for follow-up, the clinician will make the referral.

Ms. Terracio noted, in addition to reducing the number of officer suicides, she feels this program will generally help officers with being a functioning human being.

Mr. Malinowski inquired if the deputies have been provided with the National Suicide Prevention Lifeline number.

Chief Polis responded in the affirmative.

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

Not Present: McBride

The vote in favor was unanimous.

- b. **COVID-19 Pandemic Small Business Relief Grant Program** – Ms. Barron stated Council has approved this program. Staff is recommending implementation of the program. She stated the committee recommended approval of 120 businesses at \$15,000 each.

Mr. Malinowski noted the briefing document states, "At least 70% of every grant must be expended for activities that benefit low-to-moderate persons...The remaining 10% may be used to eliminate slum or blight conditions." He inquired where the other 20% is going.

Mr. Brown responded that is the minimum amounts.

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

Not Present: McBride

The vote in favor was unanimous.

- c. **CBDG-CV Public Service Grants** – Ms. Barron stated the program is already in place, and staff is recommending to utilize these funds for the non-profit community. The committee recommended approval of this item.

Mr. Malinowski inquired if Council will be provided a list of applicants, or will this be done through CDBG.

Mr. Brown responded Council will not have to approve the applicants.

Ms. Barron noted the evaluation panel will be extended to include the community stakeholders.

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

Not Present: McBride

The vote in favor was unanimous.

Ms. Barron moved, seconded by Ms. Newton, to reconsider Items 17(a) – (c).

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

Not Present: McBride

The motion for reconsideration failed.

18. **REPORT OF THE EMPLOYEE EVALUATION AND OVERSIGHT AD HOC COMMITTEE**

- a. **County Administrator Evaluation** – This item was taken up in Executive Session.
- b. **Clerk to Council Search** – This item was taken up in Executive Session.

19. **EXECUTIVE SESSION**

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

Mr. Malinowski inquired why Council needs to go into Executive Session regarding the Coggins case since it has already been reported in the newspaper.

Mr. Wright responded in order for him to give any legal advice it would need to be discussed in Executive Session.

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

Opposed: Malinowski and J. Walker

Not Present: McBride

The vote was in favor.

***Council went into Executive Session at approximately 6:57 PM
and came out at approximately 7:34 PM***

**Regular Session
November 16, 2021**

Mr. J. Walker moved, seconded by Mr. Malinowski, to come out of Executive Session.

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

Not Present: McBride

The vote in favor was unanimous.

- a. **William Coggins, individually, and on behalf of all other similarly situated, V. Richland County Council and Gerald Seals – Civil Action No. 2018-CP-40-2985 – Legal Advice [Pursant to SC Code of Laws § 30-4-70(a)(2)]** – No action was taken.
- b. **County Administrator Evaluation** – Proceed as discussed in Executive Session.
- c. **Clerk to Council Search** – Mr. J. Walker moved, seconded by Ms. Terracio, to authorize the Chair to extend, and enter into, contract negotiations with Candidate #2.

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

Abstain: Malinowski and Barron

Not Present: McBride

Mr. Malinowski stated, for the record, he abstained from the vote because Council never approved the advertising for the Clerk's position. Therefore, anything coming after that would not have been proper.

The vote in favor was unanimous.

20. **MOTIONS PERIOD**

- a. **Move to invite the Richland County Conservation Commission to present the Lower Richland Tourism plan to Council [NEWTON and ENGLISH]** – This item was referred to the D&S Committee.
- b. **Proclaiming January 17, 2022 Racial Justice Week in Richland County [LIVINGSTON and McBRIDE]** – Mr. Malinowski moved, seconded by Mr. Livingston, to adopt the resolution.

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

Not Present: McBride

The vote in favor was unanimous.

21. **ADJOURNMENT** – The meeting adjourned at approximately 7:42 PM