



Richland County Council
REGULAR SESSION
MINUTES
May 3, 2022 – 6:00 PM
Council Chambers

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: Michelle Onley, Kyle Holsclaw, Ashiya Myers, Randy Pruitt, Michael Byrd, Stacey Hamm, Dale Welch, Leonardo Brown, Tamar Black, Lori Thomas, Patrick Wright, Justin Landy, Aric Jensen, Abhi Deshpande, Anette Kirylo, Judy Carter, Dante Roberts, Dwight Hanna, Angela Weathersby, Casey White, Melissa Hughey, Jennifer Wladischkin, Michael Maloney, Sandra Haynes and John Thompson

1. **CALL TO ORDER** – Chairman O. Walker called the meeting to order at approximately 6:00PM.
2. **INVOCATION** – The Invocation was led by the Pastor Doyle Roberts on behalf of the Honorable Jesica Mackey.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Jesica Mackey.
4. **PRESENTATION OF PROCLAMATIONS**
 - a. **A Proclamation Recognizing Ridge View Boys Basketball Championship [MACKEY and O. WALKER]** – Ms. Mackey and Mr. O. Walker presented a proclamation to the Ridge View Boys Basketball Team in honor of their current championship.
 - b. **A Proclamation Recognizing W. J. Keenan High School and their Lady Raiders Three-Peat Championship [BARRON]** – Ms. Barron presented a proclamation to the W. J. Keen High Lady Raiders in honor of their Three-Peat Championship win.
 - c. **Proclamation Honoring Richland County Detention Center Correctional Officers [ENGLISH]** – Ms. English presented a proclamation to staff from the Richland County Detention Center in honor of National Correctional Officers Week.

Mr. O. Walker noted Councilwoman Terracio arrived at the Council meeting at 6:10 PM.

5. **APPROVAL OF MINUTES**
 - a. **Regular Session: April 19, 2022** – Ms. McBride moved, seconded by Ms. Barron, to approve the minutes as distributed.

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

The vote in favor was unanimous.

6. **ADOPTION OF AGENDA** – Ms. Newton noted Items 16(a) and (b): “2022 County Administrator Evaluation Process” and “County Attorney and Clerk to Council Performance Evaluation Process” needs to be taken up in Executive Session, as they are contractual matters. In addition, she noted she did not see the Richland Library’s lease extension listed on the agenda.

Mr. Patrick Wright, County Attorney, stated the item should be on the agenda for Executive Session.

Ms. Kirylo stated the item “9019 Garners Ferry Road First Amendment to Lease – Richland County Public Library” is on the amended agenda.

Mr. Malinowski inquired when the library lease extension information was provided to staff and the public.

Ms. Kirylo responded the information was provided to the public on Monday, May 2nd.

Mr. Malinowski stated, he believes, we come across as unprofessional and like we are trying to sneak things through. He noted Council Rules state all items of information, including backup materials, need to be in the Administrator’s Office the Wednesday prior to the agenda being published. Obviously, this item was not there Wednesday because it was sent out on Monday at 5:30 PM, which is barely 24-hours before the FOIA requirement. He noted he does not think it is proper to continue to not give the public proper notice. Not everybody is constantly looking at the agendas. They are looking at it when they know the agenda is coming out.

Mr. Wright stated, it is his understanding, this item did not come to his office until late Thursday. He noted it was published in time to the public. It was just not in time to be placed on the printed agenda on Thursday.

Mr. Malinowski responded, according to FOIA Rules, it is proper. However, according to Council Rules, it is not proper. As long as we allow outside entities flaunt our rules, they are going to continue to do so.

Ms. Barron moved, seconded by Mr. Livingston, to adopt the agenda as amended.

Ms. McBride stated she agreed with Mr. Malinowski and maybe henceforth we will follow the rules.

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

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

The vote was in favor.

POINT OF PERSONAL PRIVILEGE – Ms. English thanked Mr. Maloney and his staff for working so diligently on the roads in her district. In addition, she thanked Council for their support of the Sweet Potato Festival. She noted people from California, Connecticut, Massachusetts, New York, Georgia, Florida, Texas and North Carolina in attendance. Over 14,000 attended the event. Lastly, she congratulated Ms. Mackey on being elected to serve on the “New Deal”.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – The County Attorney, Mr. Patrick Wright, stated the following items qualify for Executive Session:

a. **Alvin S. Glenn Detention Center**

b. **9019 Garners Ferry Road First Amendment to Lease – Richland County Public Library**

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c. 2022 County Administrator Evaluation Process

d. County Attorney and Clerk to Council Performance Evaluation Process

8. CITIZENS' INPUT

a. For Items on the Agenda Not Requiring a Public Hearing – 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) – Ms. Sandra Hines, 7517 Mountainbrook Drive, Columbia, SC 29209 spoke regarding the County funding an Affordable Housing Trust Fund.

10. REPORT OF THE COUNTY ADMINISTRATOR – Mr. Leonard Brown, County Administrator, informed Council of the Pavement Management Work Session on Tuesday, May 10th at 3:00 PM.

11. REPORT OF THE 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 Vanguard to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the conveyance of certain real property to Project Vanguard; and other related matters – No one signed up to speak.

14. APPROVAL OF CONSENT ITEMS

a. Emergency Services – Fire Division – Purchase of Fire Pumper Truck

b. Department of Public Works – Engineering Division – Springwood Lakes Community Drainage Project

c. Upper Township Magistrate – Sheriff's Department Substation

Mr. Malinowski moved, seconded by Mr. Pugh, 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.

Ms. Newton moved, seconded by Mr. J. Walker, to reconsider the Consent Items.

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

The motion for reconsideration failed.

15. FIRST READING ITEMS

a. An Ordinance to raise revenue, make appropriations, and adopt an Annual Budget (FY2023) for Richland County, South Carolina for Fiscal Year beginning July 1, 2022 and ending June 30, 2023. So

as to raise revenue, make appropriations and amend the General Fund, Millage Agencies, Special Revenue Funds, Enterprise Funds, and Debt Service Funds Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2022 and ending June 30, 2023 [BY TITLE ONLY] – Mr.

Livingston 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.

- b. **An Ordinance authorizing the levying of Ad Valorem property taxes which together with the prior year's carryover and other State Levies and any additional amount appropriated by the Richland County Council prior to July 1, 2022 will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2022 through June 30, 2023 [BY TITLE ONLY]** – Ms. Mackey moved, seconded by Ms. English, 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. **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 on interim procedures** – Mr. Livingston moved, seconded by Ms. Mackey, to approve this item.

Mr. Aric Jensen, Assistant County Administrator, noted the redlined text on pp. 56-57 is what Council is being requested to consider.

Mr. Malinowski made a substitute motion, seconded by Ms. Newton, to change the language in the ordinance as follows: “zone maps and text preparation and process”.

Ms. Barron requested Mr. Jensen explain the recent press release to the individuals in the audience.

Mr. Jensen stated for the last month staff has been listening and observing the discussions about the Land Development Code and mapping process. One of the things he has noted is people are commenting this is the first time they have heard about the process, they do not understand why we are doing it, and many believe we are in the 11th hour and it is too late to make comments or their comments will not affect the process. He reviewed the process and discovered this has been a 5-year process. Only 3 of the current Council members were on Council when the consultant outlined the need to update the code. In addition, we have dealt with COVID and numerous other things. In his opinion, staff has not done a sufficient job to communicate to the public and keep them involved through the process. Essentially, we are recommending a “restart” or “refresh” where we gather the information from the consultant and share their analysis with the public. Some of the code will need “massaging” as we start the mapping process. He noted it is the role of the Planning Commission to create the process, so he will need to sit down with the Chair and Vice Chair of the Planning Commission in order to move forward.

Ms. Newton requested Mr. Jensen outline the additional tools and resources to assist the public to understand what is being proposed.

Mr. Jensen recommended packaging the materials in a modern format for dissemination. He noted, when he was at Reno, they had an aggressive social media campaign. He noted in jurisdictions he previously worked in, when it came to zoning maps, they created a translation tables. Once you have the baseline, then you can start talking about what you want to see.

Ms. Newton stated, she knows certain things are in the purview of the Planning Commission, but we have to

ensure those comparisons or frequently asked questions go out. She noted, if you only choose to do thing digitally, it is the same as choosing to not have certain people be involved in the process. She wants to ensure we are using all the channels available.

Mr. Pugh stated it is important that we get this right, and get it right the first time. This is contingent upon people's livelihood and things they have worked for many years. He noted not everyone speaks "Land Development Code". It is important we ensure we speak plainly, help people understand and we do not make people feel less when they ask questions.

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

The vote in favor of the substitute motion was unanimous.

Mr. Malinowski stated he sent an email to staff and communicated in reviewing some online information there were no Planning Commission minutes posted since March 2019. He noted that time period included substantive discussion about the Land Development Code. He received a response stating, "My apologies. Staff will begin placing minutes going back as far as possible on the webpage and ensure the webpage is kept up-to-date." He cited the SC Code of Law says, the Planning Commission shall adopt rules of organizational procedure and shall keep a record of its resolutions, findings and determinations, which record must be a public record.

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

- a. **2022 County Administrator Evaluation Process** – This item was taken up in Executive Session.
- b. **County Attorney and Clerk to Council Performance Evaluation Process** – This item was taken up in Executive Session.

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

- a. **I-20/Broad River Rd. Interchange** – Ms. Mackey stated the committee recommended Council approve the de-programming of the I-20/Broad River Road Interchange project in the amount of \$52.5M.

Ms. Newton stated, for clarification, we do not plan to pay these funds from the Richland County budget, and essentially will allocate the funds back to the Transportation Penny.

Ms. Mackey responded this project is currently included in SCDOT's Carolina Crossroads Improvement Project. SCDOT already has funds identified, and secured those funds; therefore, the County will no longer need to use Penny Funds for this project. Those funds will go back to the Penny Program, and will be allocated at Council's discretion for approved Penny Projects.

Ms. Newton noted previously we requested SCDOT to confirm that they would not come back and ask for the funds. She inquired if SCDOT has the right to the funds in the future.

Mr. Michael Maloney, Director of Public Works, stated the funding is a designated program item. SCDOT will not write a letter, but they did indicate they have funding they are proceeding with. He indicated SCDOT has the Interstate Fund and State funding for the project. He noted staff would not designate the funds immediately, but they would like to work with Council to utilize the funds to offset cost overruns due to the increase in construction costs. There is also the opportunity to talk about other projects that were cancelled due to lack of funding.

Ms. Newton stated, for clarification, we have reached out to SCDOT, but they neglected to give us a firm commitment that they would not come back to us.

Mr. Maloney responded SCDOT has not requested an IGA to use the Penny Funds.

Ms. Newton inquired about the time sensitivity of making this determination now.

Mr. Maloney responded staff would like to have the funds de-programmed, so they can begin planning.

Mr. Wright noted we likely will not get a response from SCDOT.

Ms. Terracio inquired if the funding must be used for a project in the same category.

Mr. Maloney responded he does not see anything in the program that defines that.

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

The vote in favor was unanimous.

- b. **Mill Creek Mitigation Credit Sales** – Ms. Mackey stated the committee recommended Council approve the sale of mitigation credits to South Fork Ventures, LLC, which will generate \$55,200, and be credited to the Transportation Penny Program.

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

Opposed: Newton

The vote was in favor.

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

In Favor: Newton

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

The motion for reconsideration failed.

18. **OTHER ITEMS**

- a. **FY22 – District 8 Hospitality Tax Allocations** – 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.

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

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

The motion for reconsideration failed.

19. **EXECUTIVE SESSION**

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

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

Opposed: Malinowski and J. Walker

The vote was in favor.

*Council went into Executive Session at approximately 7:10 PM
and came out at approximately 8:19 PM*

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

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

The vote in favor was unanimous.

- a. **2022 County Administrator Evaluation Process**
- b. **County Attorney and Clerk to Council Performance Evaluation Process**

Ms. Newton stated the committee recommended to direct Ms. Wladischkin and Procurement to enter into negotiations with Company #2. The budgeted amount should not exceed the amount discussed in Executive Session.

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

The vote in favor was unanimous.

Ms. Newton moved, seconded by Mr. Malinowski, to reconsider Items 19 (a) and (b).

In Favor: McBride and Barron

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

The motion for reconsideration failed.

20. **MOTION PERIOD**

- a. **A Resolution Honoring Richland County Emergency Medical Service Employees**

Ms. Mackey moved, seconded by Mr. Malinowski, to adopt the resolution recognizing National Emergency Medical Service week.

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

The vote in favor was unanimous.

- b. **Direct staff and CASA to look into what it will take to have Richland County CASA receive state funding to operate the way that all other CASA groups in the state do, with state funding. Richland County should not be excluded from something that is provided to all other counties by the state [MALINOWSKI]** – The motion was forwarded to staff.

- c. Recommend to add the Lake Murray Capital City entity to the Special Promotions group for budget purposes in receiving Hospitality Tax and Accommodations Tax each budget year. This entity is one of only 2 tourism promotional agencies approved by the state to bring tourism to the Midlands Region, including Richland County. They consistently promote Richland County via worldwide media with advertising and entertainment events. [MALINOWSKI and LIVINGSTON] – The motion was forwarded to the budget process.
- d. Direct staff and legal to create a new IGA regarding the Alvin S. Glenn Detention Center Inmate Per Diem rate. Richland County is operating on fees that were implemented effective July 1, 2018, but did not go into effect until July 1, 2019 due to the 90-day notice requirement pursuant to the agreement. The agreement in effect at that time was to have the fee only increase \$10 per year until it reached 95% of the actual cost to the County. We are currently losing thousands of dollars per year the way this is being handled.

Richland County should not have taxpayers pay for outside entities who placed individuals in the County Detention Center, as that is the responsibility of the placing entity. Every entity who places an individual in the Alvin S. Glenn Detention Center should have an IGA with Richland County that reflects the current rate they will be paying as well as the fact rates are subject to change upward or downward on an annual basis. Those IGAs should also be worded as an annual agreement with up to so many extension years and the 90-day notice needs to be either reduced or more closely followed by staff. [MALINOWSKI] – The motion was forwarded to staff.

21. ADJOURNMENT – Ms. Newton moved, seconded Mr. Malinowski, to adjourn.

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 8:26 PM.