



Richland County Council
REGULAR SESSION
MINUTES
November 15, 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, Overture Walker, Cheryl English, and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Jennifer Wladischkin, Kyle Holsclaw, Judy Carter, Michael Byrd, Angela Weathersby, Justin Landy, Dale Welch, Michael Maloney, Aric Jensen, Patrick Wright, Leonardo Brown, Anette Kirylo, Sandra Haynes, Tamar Black, Susan O’Cain, Jeff Ruble, Dwight Hanna, Ashiya Myers, Abhijit Deshpande, Crayman Harvey, Stacey Hamm, Sarah Harris, Bill Peters, John Ansell, Brittney Terry-Hoyle, Chelsea Bennett, Casey White, and Lori Thomas

1. **CALL TO ORDER** – Chairman Overture Walker called the meeting to order at approximately 6:00 PM.

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.

POINT OF PERSONAL PRIVILEGE – Ms. Terracio recognized that Representative Leon Howard and COMET Vice-Chair John Furgess were in the audience.

4. **PRESENTATION OF PROCLAMATIONS**

- a. A Proclamation Recognizing the Omicron Phi Chapter of Omega Psi Phi on their 96th Anniversary [PUGH] – Ms. Tamar Black read the proclamation into the record.

5. **APPROVAL OF MINUTES**

- a. Regular Session: November 1, 2022 – Ms. Newton noted her vote was incorrectly recorded on Item 14(c) “An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article II, County Council; Section 2-14, Compensation of Council Members; so as to reflect the new annual salary for County Council”.

Ms. Newton moved to approve the minutes as corrected, 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.

6. **ADOPTION OF AGENDA** – Mr. Patrick Wright, County Attorney, stated there were 2 additional items for Executive Session. The items are the opioid litigation update and the Council compensation ordinance.

Ms. Barron moved to adopt the agenda as amended, 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.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. Personnel Matter: Employee Evaluation Report
- b. Contractual Matter: Project Golden Eagle
- c. Opioid Litigation Update
- d. Council Compensation Ordinance Update

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

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

Opposed: Malinowski, McBride, and J. Walker

The vote was in favor.

***Council went into Executive Session at approximately 6:12 PM
and came out at approximately 6:47 PM***

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

No actions were taken by Council during Executive Session.

- a. Personnel Matter: Employee Evaluation Report – Received as information.
- b. Contractual Matter: Project Golden Eagle – Received as information.

8. **CITIZENS' INPUT**

a. For Items on the Agenda Not Requiring a Public Hearing

- 1. Jamari Pratt, 1530 Harden Street, Columbia, SC 29204
- 2. Mazetta Alston, 4221 Highland Park Drive, Columbia, SC 29204
- 3. Shirley Geiger, 4202 Pine Forest Drive, Columbia, 29204
- 4. Angela McCullough, 4015 Evergreen Drive, Columbia, SC 29204
- 5. John Furgess
- 6. Representative Leon Howard, 2425 Barhamville Road, Columbia, SC 29204
- 7. Abigail Carte, 2 Jasmine Court, Beaufort, SC 29907
- 8. Jasher Cox, 1530 Harden Street, Columbia, SC 29204

Ms. Newton stated, for the record, Item 19 “Motion Period” is not going to be voted on tonight. The Chair will refer the motion to a committee, where it will be vetted before it comes back to Council for action.

CITIZENS' INPUT

- 9.
- 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)
 - 1. Cynthia Smith, 835 Greenville Circle, Columbia, SC 29210

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Updates:
 - 1. State Lobbyist – Mr. Leonardo Brown, County Administrator, stated the County is seeking a state lobbyist to assist with its efforts to gain state funding.

Ms. Barron inquired if the entity the County previously utilized would be considered for the upcoming solicitation.

Mr. Brown responded the previous entity was brought in under an emergency procurement process. We are now going through a regular procurement process. The entity is eligible to submit a bid for the services.

Ms. Barron inquired if there was preferential treatment of the entity since they were our previous lobbyist.

Mr. Brown replied there is no extra benefit for them in this situation.

2. Diversity Officer – The County has advertised for a Diversity Officer.

Ms. McBride suggested changing the title from Diversity Officer to Diversity Director. In addition, to ensure there is a Diversity Office that would be equipped with a director and administrative assistant.

3. American Rescue Plan Act Grant Funding Requests – Included in the agenda packet is an overview of the total dollar amounts of ARPA funding requested.

Ms. McBride requested a more in-depth report that details geographic equity, the amount of funds requested and the number of grant applications received.

Mr. Brown replied staff will attempt to parse out the information, as the idea behind the application was to make it convenient for entities to apply.

4. Allen University Property Request – 1741 Cushman Drive – Staff has prepared an informational briefing related to the request. Included in the briefing are relevant Council minutes and the previous real estate transaction executed in 2013. In addition, the “Acquisition, Lease, and Disposal of County Real Property” policy is included. The appraisal of the property was forwarded to Council members under separate cover.

Ms. McBride stated it was her understanding, the motion indicated we would be willing to sell the property to Allen University contingent upon the soil impact study. She does not want them to spend these funds and the County decides not to sell the property or give the impression of misleading them.

Ms. McBride moved to direct the Administrator to move forward with the sale of the property to Allen University contingent upon the soil impact study, seconded by Ms. Barron.

Mr. Brown noted Allen University requested to be able to do the soil sample. The County did not require/request the sample. The university was aware that one was not contingent on the other.

Ms. McBride stated her intent is that we move forward to negotiate the sale contingent on the soil study.

Mr. Malinowski noted the agenda documentation indicates the property sale was tabled. He believes we have a process that needs to be followed before any further action is taken.

Ms. McBride stated the sale of the property was not tabled. The use of the property was what was tabled. The property was to be used for an EMS Office, but we did not have the funds available.

Mr. Malinowski noted, when it comes to disposal of property, the “Acquisition, Lease and Disposal of County Real Property” policy indicates a list has to be created and maintained by the Administrator, published for the public, and move forward from there. Prior to disposal, the Procurement Manager shall publish a notice on the County’s website and a newspaper of general circulation. In addition, the Administrator has not given his determination on how much of the property is surplus and can be sold. He does not think a motion for sale is properly before us, at this time.

Ms. McBride stated, if we gave Allen University the approval to conduct the soil study, we should have addressed all of this upfront. This is a historical black university that has done awesome things for Richland County. Now that we are in a position to help the university, as well as the community, there are all these hiccups. Her desire is to legally move forward to pursue the sale of the property.

Mr. Brown stated Allen University communicated with him they understood the soil study was a part of the process, and nothing was contingent. He never led them to believe anything otherwise. Mr. Malinowski listed several items the Council can choose to make a determination concerning the process, but the policy also says, “Any other method determined by the County Administrator, with the approval of County Council, to be commercially reasonable considering the type and location of the property involved.” He noted the policy became effective in 2019.

Mr. Wright stated the determination of whether you want to sell the property is to be determined by Council, then you would follow the process.

Ms. Barron stated, for clarification, Ms. McBride’s motion is to determine whether or not Council would like to sell the property.

Ms. McBride responded her motion was to allow the Administrator to sell the property to Allen University contingent upon the impact study.

Ms. Barron inquired if this process is the same one utilized when discussing the Economic Development project in Executive Session.

Mr. Brown replied the way this item was presented would not be considered the same process Economic Development follows. While there have been remarks and comments this would be an economic impact, what you normally have with that process is information about job creation, impact, overall value, etc. This is about the County having a property that someone wants to purchase and what the County wants to do in regard to the request.

Ms. Barron stated we have an opportunity to bring light in a dark place on Two Notch Road. Council has talked about changing the narrative about what we do in Richland County. This is a game-changer for the community.

Ms. Newton stated, for clarification, if the soil sample comes back and indicates this is not a good location, and the university decides they do not want to buy it, it would end negotiations.

Ms. McBride responded in the affirmative.

Ms. Newton inquired if the motion is to sell the property or negotiate the sale of the property.

Ms. McBride responded the motion is to allow the sale of the property to Allen University contingent upon the soil impact study. The motion would take the university out of limbo by allowing negotiations.

Ms. Newton inquired if a motion to sell the property is synonymous with opening the negotiation process.

Mr. Wright responded, at this point, negotiation would be the proper approach since there are no numbers on the table.

Ms. Newton noted she would feel more comfortable if the motion was to enter into negotiations. She does have some other considerations that have nothing to do with the merits of this project, but she would like to see them addressed. The original purpose of this property was to address the EMS Department's needs.

Ms. McBride responded she should have used the term negotiate to make it clear we would have to negotiate the costs/selling price.

Mr. Wright stated, for clarification, the motion should be to authorize the County Administrator to enter into negotiations to sell the property.

Ms. McBride amended her motion to authorize the County Administrator to enter into negotiations for the sale of the property.

Ms. Newton inquired if the contingency is still a part of the amended motion.

Ms. McBride responded in the affirmative.

Mr. Malinowski noted Mr. Brown has not indicated whether he supports selling any part of this property.

Mr. Brown indicated it is Council's decision.

Ms. Barron stated it has been a number of years since the property was purchased for EMS. It is her understanding the County does not have the funds to move forward with the EMS Office.

Mr. Brown responded, at this time, the County does not have funds allocated to move forward with building the EMS Office.

Mr. O. Walker stated the Cushman Drive property was purchased in 2013 to construct an Emergency Operations Center ("EOC). Currently, the EOC is located in the basement of the Administration Building.

Mr. Brown affirmed Mr. O. Walker's statement.

Mr. O. Walker inquired about what made the Cushman Drive property unique.

Mr. Brown responded there were a number of items, which are notated in the agenda packet, which communicated why the site would be ideal for an Emergency Operations Center.

Mr. O. Walker inquired if there are a bevy of parcels around the County that would be compatible with the needs of the EOC.

Mr. Brown responded those types of properties are more difficult to come by. Currently, we do not have another site identified.

Mr. O. Walker indicated his predecessor made a motion in 2020 to start the process of moving the EOC out of the basement of the Administration Building. It is his understanding the matter was tabled. He inquired why the matter was tabled.

Mr. Brown responded he does not know why Council decided to table the matter.

Mr. O. Walker stated Mr. Brown requested ARPA funds be utilized to construct the EOC facility.

Mr. Brown indicated one of his initial requests was for funding to be geared toward the EOC. There were decisions made that funding would go to different places, so there is currently no funding available.

Ms. McBride stated the EOC is a needed and worthy project. There are many other worthwhile projects, unfortunately, the funding was not available. It was not a priority in the Strategic Plan. The interest came back when we began discussing the sale of the property. She noted we do not know about properties available now, and we still have the property at Columbia Mall. Whenever we are able to get the funding, we would have a number of different properties to look at. She noted Council did not approve funding to continue with the EOC facility. In addition, the community members never had anyone come out and talk with them about an EOC facility being constructed on Cushman Drive.

Mr. O. Walker indicated he agrees this item is important to Allen University and the community. He struggles with whether this is the right parcel in light of the needs expressed by the Administrator. His practice has been not to force his colleagues to accept certain things in their district(s). Ms. McBride has made it clear to him in private conversations, as well as publicly tonight, the EOC is not something she or her constituents want in her district.

Ms. McBride responded she provided several properties that could be investigated. She noted the Sheriff's Department and the Coroner's Office are located in that community. Therefore, placing the EOC in this area would be too much.

Ms. Mackey stated, for clarification, the Administrator has not received an offer but will come back to Council once he is provided an offer.

Ms. McBride responded in the affirmative.

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

Opposed: Malinowski and J. Walker

Recusal: Pugh (due to being an employee of Allen University)

The vote was in favor.

5. County Partnership with Gateway to the Army Association – The Gateway to the Army Association is requesting approval for Richland County to serve as the primary applicant and fiscal agent for its \$650,000 request to the SC Dept. of Veterans Affairs to complete the Centennial Park Project located at Ft. Jackson. This item will appear on the November 17, 2022, Administration & Finance Committee agenda.

b. Administrator's Nomination:

1. Fire Suppression Services – Intergovernmental Agreement Extension – Mr. Brown stated the County currently has an agreement that is set to expire. After speaking with Chief Aubrey Jenkins; Mr. Michael Byrd, Emergency Management Director; and Ms. Teresa Wilson, City Manager, we believe it best to extend the agreement utilizes one year with renewable terms. We do not want to impact ISO ratings. Currently, the County has a (2) ISO rating and the City has a (1) ISO rating.

Mr. Livingston moved to allow the County Administrator to execute a one-year extension, with two (2) one-year renewable terms, seconded by Ms. Mackey.

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

The vote in favor was unanimous.

2. Request for Letter of Support – State Purchase – McEntire Joint National Guard Base – Mr. Brown stated the request is to allow McEntire Joint National Guard Base to proceed with acquiring property to add to their clear zone.

Ms. Barron moved to allow McEntire Joint National Guard Base to proceed with the acquisition to expand their clear zone, 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.

Mr. J. Walker moved to reconsider Items 10(b)(1) and (2), seconded by Ms. Terracio.

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

The motion for reconsideration failed.

Mr. Malinowski stated he heard on a local news station the County is planning on moving administrative offices to the Columbia Place Mall. The report indicated they contacted Council members, but Council members did not have a date or time. He requested an update from the Administrator.

Mr. Brown responded he is not aware of this plan.

POINT OF PERSONAL PRIVILEGE – Ms. Barron thanked staff for their assistance in facilitating the District 7 Townhall on Monday, November 14th.

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

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

13. **APPROVAL OF CONSENT ITEMS**

- a. 22-023MA, Gerald A. Lee, RS-MD to RM-MD (3.12 Acres), W/S Archie Drive, TMS# R17116-01-01 [THIRD READING]
- b. 22-016MA, John Stephenson, M-1 to RS-LD (138.5 Acres), B/S Longwood Road, TMS # R18900-02-01 [THIRD READING]
- c. 22-029MA, Douglas Putlock, NC to RS-MD (3 Acres), 1012 Bickley Road, TMS # R02415-02-01 [THIRD READING]
- d. 22-032MA, Ervin Capers, HI to RU (4.86 Acres), 208 & 217 Gatehill Road & E/S McCords Ferry Rd., TMS # R38800-02-09, R38900-03-06 and R38900-03-07 [THIRD READING]

Mr. Malinowski moved to approve Items 13(a) – (d), 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 reconsider Consent Items a, b, c, and d, seconded by Mr. Malinowski.

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

The motion for reconsideration failed.

14. **SECOND READING ITEMS**

- 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 Wellness to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. J. Walker 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.

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15. **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

- a. 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 refer this item back to the D&S Committee, 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.

16. **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

- a. Department of Public Works – Solid Waste & Recycling – Articulated Dump Truck – Mr. Malinowski stated this item was forwarded to Council without a recommendation. He noted the Fleet Manager, after considering all of the issues, recommends purchasing the Caterpillar.

Mr. Livingston inquired as to the recommendation of staff.

Mr. Brown responded staff recommends the Caterpillar equipment, based on their ability to immediately provide the equipment.

Mr. Livingston moved to support the staff's recommendation, seconded by Mr. J. Walker.

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

Opposed: Malinowski

The vote was in favor.

Mr. Livingston moved to reconsider this item, Second 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.

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

- a. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Academy; identifying the project, and other matters related thereto – 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.

- b. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina, and Project Academy to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING] – 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.

- c. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a public infrastructure credit agreement to provide for public infrastructure credits to a company identified for the time being as Project Green Arrow; and other related matters [FIRST READING] – 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.

- d. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Golden Eagle; identifying the project, and other matters related thereto – 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.

- e. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina, and Project Golden Eagle to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING BY TITLE ONLY] – 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.

- f. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; authorizing the execution and delivery of an infrastructure credit agreement by and among Richland County, South Carolina and Project Cheers to provide for certain infrastructure credits; and other related matters [FIRST READING] – 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.

18. **EXECUTIVE SESSION**

- a. Opioid Litigation Update
b. Council Compensation Ordinance Update

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

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 8:09 PM
and came out at approximately 8:17 PM*

Mr. Malinowski moved to come out of Executive Session, seconded by Ms. Mackey.

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

The vote in favor was unanimous.

No actions were taken by Council during Executive Session.

- a. Opioid Litigation Update – Received as information.
b. Council Compensation Ordinance Update – Received as information.

19. **MOTION PERIOD**

- a. Direct the Administrator to work with Legal to create an ordinance that restricts Airbnb rentals to properties in the General Commercial (GC) zoning categories only. Penalties for violations should be included. [MALINOWSKI] – The Chair referred this item to the Planning Commission.

20. **ADJOURNMENT** – Mr. J. Walker moved to adjourn the meeting, seconded by Ms. Newton.

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

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The vote in favor was unanimous.

The meeting adjourned at approximately 8:21 PM.