



Richland County Council  
Regular Session  
**MINUTES**  
April 5, 2022 – 6:00 PM  
2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Michelle Onley, Angela Weathersby, Kyle Holsclaw, Ashiya Myers, Randy Pruitt, Michael Byrd, Stacey Hamm, Dale Welch, Geo Price, Jeff Ruble, Leonardo Brown, Tamar Black, Lori Thomas, Patrick Wright, Justin Landy, Michael Maloney, Aric Jensen, Abhi Deshpande, Zachary Cavanaugh, Anette Kirylo, Chris Eversmann, Casey White, Brittney Hoyle-Terry and Bill Davis

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 Travien Capers, Zion Benevolent Baptist Church.
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]** – The Ridge View High School Boys Basketball Team was unable to attend the meeting due to inclement weather.
  - b. **Resolution Recognizing April 2022 as Child Abuse Prevention Month [MACKEY]** – Ms. Mackey presented a resolution recognizing April 2022 as Child Abuse Prevention Month.
  - c. **Proclamation Recognizing April 2-8, 2022 as the Week of the Young Child [MACKEY]** – Ms. Mackey presented a proclamation recognizing April 2 – 8, 2022 as the Week of the Young Child.
  - d. **A Proclamation Recognizing W. J. Keenan High School and Their Lady Raiders Three-Peat Championship [BARRON]** – The W. J. Keenan High School Lady Raiders were unable to attend the meeting due to inclement weather.
5. **APPROVAL OF MINUTES**
  - a. **Regular Session: March 15, 2022** – Ms. McBride moved, seconded by Ms. Barron, to approve the minutes as distributed.

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

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Not Present: Terracio and J. Walker

The vote in favor was unanimous.

6. **ADOPTION OF AGENDA** – Ms. Newton noted the District 11 Hospitality Tax allocation ROA needs to be amended to include the following allocations: Columbia City Ballet - \$5,000 and Town of Eastover - \$13,000.

Mr. Malinowski requested an update on the Planning Commission's action on the Land Development Code, and the effect it will have on Council.

Mr. Leonard Brown, County Administrator, stated he would incorporate this into his report.

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

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. **Contractual Items Related to Blythewood Industrial Park**
- c. **Local Transportation Tax Expenditure Guidelines**

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

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

***Council went into Executive Session at approximately 6:17 PM  
and came out at approximately 9:31 PM***

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

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

- a. **Alvin S. Glenn Detention Center** – Mr. Livingston moved, seconded by Ms. English, to authorize the County Attorney to move forward as discussed in Executive Session.

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

**Special Called  
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Not Present: Terracio and J. Walker

The vote in favor was unanimous.

- b. **Contractual Items Related to Blythewood Industrial Park** – No action was taken.
- c. **Local Transportation Tax Expenditure Guidelines** – No action was taken.

8. **CITIZENS' INPUT**

- a. **For Items on the Agenda Not Requiring a Public Hearing** – Ms. Karen Irick, 101 Acie Avenue, Hopkins, South Carolina 29061 requested Council to not approve Items 14(i) – 14(n) until Richland County Utilities submits a report as to why Acie Avenue is not included as a site location for a sewer lift station in Phase I of the Southeast Richland County Sewer and Water System Expansion Project.

9. **CITIZENS' INPUT**

- a. **Must Retain 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)** – No one signed up to speak.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Coronavirus Update** – Mr. Brown stated the County's current level of community spread is in the low tier.
- b. **Other Updates** – Mr. Brown noted a Procurement Work Session is scheduled for April 21, 2022 at 2:00 PM in Council Chambers.

Ms. Newton requested the Clerk's Office to place the work session on Council's calendar(s).

In addition, Mr. Brown noted, in the agenda packet, there is follow-up information regarding concerns expressed by citizens during citizens' input.

- c. **American Revolution 250<sup>th</sup> Anniversary County Committees & Grants** – Mr. Brown noted there is a request from the SC American Revolution Sestercentennial Commission for the County to participate in the American Revolution 250<sup>th</sup> Anniversary Committees and Grants initiative.
- d. **Planning Commission's Deferral of Land Development Code** – Mr. Geo Price, Deputy Director of Community Planning and Development Department, stated the Planning Commission held their regularly scheduled meeting on April 4<sup>th</sup> to address the remapping of parcels in the unincorporated areas of Richland County. After hearing comments from the citizens, the Planning Commission decided further discussion and evaluation would be needed. Therefore, the matter was deferred to allow them to hold additional work sessions. At this point, the Zoning Public Hearing scheduled for April 26<sup>th</sup> will be cancelled because there will be no items to come before Council. The intent is to bring this item to the June 28<sup>th</sup> Zoning Public Hearing.

It was noted, once an item is on the Planning Commission agenda, Council can pull that item and take action on it after 30 days. The Planning Commission Chair will be reaching out to the Council Chair to determine if pushing this item to the June 28<sup>th</sup> Zoning Public Hearing is appropriate.

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Mr. Malinowski inquired what happens to the applications that have been submitted for the new zoning codes.

Mr. Price responded staff is going to work with Legal to draft an amendment to the previous ordinance to extend the dates. The amended ordinance will come before Council for approval.

11. **REPORT OF THE CLERK OF COUNCIL** – Ms. Kirylo noted the FY23-24 Budget Schedule is as follows:

- a. **April 6, 2022, 4:00 – 6:00 PM, Budget Work Session (Grants)**
- b. **April 26, 3:00 – 5:00 PM, Budget Work Session (Administrator’s Recommended Initiatives, General Fund and Special Revenue Funds)**
- c. **May 3, 2022, 6:00 PM, First Reading of FY23-24 Proposed Budget and Millage Ordinance (By Title Only)**
- d. **May 5, 2022, 4:00 – 6:00 PM, Budget Work Session (Millage Agencies and Enterprise Funds)**
- e. **May 19, 2022, 6:00 PM, Budget Public Hearing**
- f. **May 26, 2022, 6:00 PM, Second Reading of FY23-24 Proposed Budget and Millage Ordinance**
- g. **June 7, 2022, 6:00 PM, Third Reading of FY23-24 Proposed Budget Ordinance**

It was noted there will be virtual options for Councilmembers to attend the work sessions, if they are unable to attend in person.

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

13. **OPEN/CLOSE PUBLIC HEARINGS**

- a. **An Ordinance Authorizing the easement to East Richland County Public Service District for sewer utility facilities; specifically located at the Cooper Library Branch of the Richland Library, being at 5317 Trenholm Road and described as TMS #14014-06-25** – No one signed up to speak.
- b. **An Ordinance Amending Sections 16-5 and 16-7 of Article I, Chapter 16 of the Code of Ordinances of Richland County relating to business licensing and regulation and to establish an effective date for certain amendments to the Code of Ordinances** – No one signed up to speak.
- c. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Pure Power Technologies, Inc., a company previously identified as Project Wheat, to provide for payment of a fee-in-lieu of taxes; and other related matters** – No one signed up to speak.
- d. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; to rename the chapter and replace the language therein to more clearly reflect the operations and administration of solid waste, recycling, and public sanitation within the County** – No one signed up to speak.

14. **APPROVAL OF CONSENT ITEMS**

- a. **An Ordinance Authorizing an easement to East Richland County Public Service District for sewer utility facilities; specifically located at the Cooper Library Branch of the Richland Library, being at 5317 Trenholm Road and described as TMS # 14014-06-25 [THIRD READING]**

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- b. **An Ordinance Amending Sections 16-5 and 16-7 of Article 1, Chapter 16 of the Code of Ordinances of Richland County relating to business licensing and regulation and to establish an effective date for certain amendments to the Code of Ordinances [THIRD READING]**
- c. **Department of Public Works – FY21 Annual Roads Report**
- d. **Department of Public Works – FY22 Comprehensive Transportation Improvement Plan (CTIP)**
- e. **Emergency Services – Emergency Management Division – Hazard Mitigation Plan Resolution**
- f. **Emergency Services – Fire Division – Notification of Fire Intergovernmental Agreement Expiration in 2023**
- g. **Administrator’s Office – Federal Certifying Officer and Environmental Officer**

Mr. Livingston moved, seconded by Ms. Barron, to approve the consent items.

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

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

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

Not Present: Terracio and J. Walker

The motion for reconsideration failed.

15. **THIRD READING ITEMS**

- a. **An Ordinance Amending the Richland County Code of Ordinances: Chapter 12, Garbage, Trash and Refuse; to rename the chapter and replace the language therein to more clearly reflect the operations and administration of solid waste, recycling, and public sanitation within the County** – Mr. Livingston moved, seconded by Ms. Barron, to approve this item.

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

Opposed: Malinowski

Not Present: Terracio and J. Walker

The vote was in favor.

- b. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Pure Power Technologies, Inc., a company previously identified as Project Wheat, to provide for payment of a fee-in-lieu of taxes; and other related matters** – Mr. Pugh moved, seconded by Ms. Barron, to approve this item.

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

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

- a. **Administrator's Office – Pawmetto Lifeline Request** – Ms. Mackey moved, seconded by Ms. Barron, to approve this item.

Mr. Malinowski noted he removed this item from the Consent Agenda because the recommendation on p. 169 does not accurately reflect the committee's actions. He stated, for clarification, the item was forwarded to Council for guidance. At the committee meeting, he requested the following information, which he has not received:

- (1) Did Lexington County agree to their half of the building?
- (2) Is there an MOU or IGA between Lexington and Richland County?
- (3) Is the building on the list of County-owned buildings?
- (4) Is the donation within the guidelines for disposal of property?

Mr. Malinowski stated the committee's recommendation was to have the requested information be reviewed by Administration and Legal regarding IGAs and MOUs and provided to Council and to ensure the County is not in violation of anything. In addition, to ensure Lexington County is in agreement with donating their half of the building, prior to moving forward with the donation.

Mr. Brown apologized for not following up with Mr. Malinowski in a timely manner. He stated this is not a time-sensitive item; therefore, he believes the requested information can be provided prior to the next Council meeting.

Mr. Wright noted his office does not have an MOU or IGA. If provided, Legal could review them prior to the next Council meeting.

Mr. Malinowski moved, seconded by Ms. McBride, to defer this item until the April 19<sup>th</sup> Council meeting.

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

- b. **Richland County Utilities – "Willingness to Serve" Letter for Savannah Wood Amenity (Tax Map Serial #R21900-06-14)**
- c. **Richland County Utilities – "Willingness to Serve" Letter for McCords Ferry Phase II and III**
- d. **Richland County Utilities – "Willingness to Serve" Letter for Laurinton Farms (Tax Map Serial #R24700-02-08)**
- e. **Richland County Utilities – "Willingness to Serve" Letter for Bunch Tract (Hunter's Breach)**

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**(Tax Map Serial #R21800-01-06)**

- f. Richland County Utilities – “Willingness to Serve” Letter for Bunch Tract – Commercial (Tax Map Serial #R21800-01-06)**
- g. Richland County Utilities – “Willingness to Serve” Letter for Alexander Point (Tax Map Serial #R21900-04-26)**

Ms. Mackey moved, seconded by Ms. Barron, to approve Items 16(b) – (g). Ms. Newton noted, for the record, she will be voting against these items. She understands they are simply willingness to serve letters acknowledging the County has capacity. In addition, she understands these properties were zoned and approved for development in 2005, but her constituents have significant concerns about what it means for District 11.

Mr. Malinowski stated, for clarification, the willingness to serve letters are an official response to developers that want to develop a specific piece of property, and would like to have the County’s sewer to serve said property. The Utilities Director, in turn, sends the willingness to serve letters to say, as of right now, the County is willing to serve up to “XX” amount of taps because we have the capacity. It is not about putting in lift stations or other sewer matters. It is strictly to put pipes in the ground to serve those developments.

Mr. Brown noted it does not necessarily have to be a developer. Anyone can request taps for their property.

Ms. McBride noted her major concern is the taps are based on first come, first serve and they can obtain as many taps as they want as long as it does not exceed the available amount.

Mr. Brown responded the requestor has to demonstrate they can utilize those taps within a certain timeframe.

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

Opposed: McBride, English and Newton

Not Present: Terracio and J. Walker

The vote was in favor.

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

In Favor: McBride, English and Newton

Opposed: Malinowski, Pugh, Livingston, Barron, O. Walker and Mackey

Not Present: Terracio and J. Walker

The motion for reconsideration failed.

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 Gamecock; identifying the project; and other matters related thereto**
- 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 Gamecock] to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING]**
- c. **Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Laser; identifying the project; and other matters related thereto**
- d. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Laser to provide for payment of a fee-in-lieu of taxes; and other related matters [FIRST READING]**
- e. **Affirming the use of certain revenues from the I-77 Corridor Regional Industrial Park ("Park") as reimbursement for expenditures made to attract to and locate property in the park**

Mr. Malinowski moved, seconded by Ms. Newton, to approve Items 17(a) – (e).

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

18. **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

a. **NOTIFICATION OF APPOINTMENTS**

- 1. **Airport Commission – One (1) Vacancy (The applicant must reside within the Rosewood, Shandon or Hollywood-Rose Wales Garden neighborhoods)**
- 2. **Board of Assessment Appeals – One (1) Vacancy**
- 3. **Transportation Penny Advisory Committee (TPAC) – Five (5) Vacancies**

Ms. Barron stated the Rules and Appointments Committee recommended appointing Mr. Louis Dessau to the Airport Commission, Ms. Cynthia Blair to the Board of Assessment Appeals and Ms. Candace Pattman to the Transportation Penny Advisory Committee (TPAC).

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

**Special Called  
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19. **OTHER ITEMS**

a. **FY22 – District 3 Hospitality Tax Allocations:**

1. Columbia Museum of Art - \$25,000
2. EdVenture -- \$25,000
3. Richland County Library -- \$20,000
4. Columbia City Ballet -- \$25,000
5. Riverbanks Zoo - \$20,000
6. Benedict College - \$35,000
7. Columbia International University/RAM Serve - \$15,000
8. The South Carolina Juneteenth Freedom Fest – \$10,000

b. **FY22 – District 7 Hospitality Tax Allocations:**

1. Harambee Festival 2022 - \$5,000
2. Historic Columbia Concert Series - \$10,000
3. Columbia Council of Neighborhood - \$1,000
4. Homeless No More Run/Walk - \$1,000
5. Greater Columbia Relations - \$5,500

c. **FY22 – District 8 Hospitality Tax Allocations:**

1. SC Juneteenth Freedom Festival 2022 - \$2,500

d. **FY22 – District 11 Hospitality Tax Allocations:**

1. Lower Richland Alumni Foundation - \$7,500
2. Columbia City Ballet - \$5,000
3. Town of Eastover - \$13,000

Mr. Pugh moved, seconded by Ms. McBride, to approve 19(a) – (d).

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

Ms. Newton moved, seconded by Ms. McBride, to reconsider Items 19(a) – (d).

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

Not Present: Terracio and J. Walker

The motion for reconsideration failed.

20. **EXECUTIVE SESSION** – There were no additional items for Executive Session.

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21. MOTION PERIOD

a. In addition to all the questions and concerns we have received about the proposed new Land Development Code, I have not seen any information that the Planning Department has examined the impact of their recommended revisions. I am therefore requesting Richland County staff provide answers to the following prior to moving forward with any further readings/changes:

1. Provide a carrying capacity report to both the public and elected officials as to whether or not the existing resources in the county can handle the results of the recommended revisions in density and land use. This report will include the effects on:
  - a. Waste treatment
  - b. Water supply
  - c. Drainage systems
  - d. Traffic impact and road conditions resulting from the plan revision
  - e. School impact
  - f. Public transportation
  - g. Law enforcement input relating to crime statistics
  - h. Environment
  - i. Neighborhoods

If our resources are not capable of supporting the impact of the changes the plan will need to either be revised or a capital plan developed to address the changes and additions resulting from the plan changes. [MALINOWSKI]

b. In response to questions previously asked about why Richland County is creating an entirely new Land Development Code (LDC), one response from staff was that “there are issues with the 2005 LDC that continue to be a problem throughout all of the various Council Districts that the 2021 LDC will alleviate. While the 2021 LDC may have things certain citizens may not like, there is also a lot that citizens do like and will make development in the County the better for it.”

Based on the above statement, staff is requested to provide answers to the following:

Is it possible for Council to be provided the issues with the 2005 LDC that staff feels need to be addressed? Maybe for the moment, those things could be addressed without this wholesale blanket rezoning and new restrictions/standards that now apply to property owners after the code was approved without their knowledge (even though there were public hearings and input meetings) and that are now used for developers for applications for subdivisions.

Rather than adopt a totally new LDC to solve a few issues it will take time to address several issues that property owners have brought up that need to be modified. These will take time to be addressed properly and in the meantime there are those that will jump on this new code the minute this door is opened if it is to their advantage. [MALINOWSKI]

c. The new Land Development Code (LDC) has charts showing the number of homes per

acre, include a column that shows the maximum number of homes per acre if awarded 100% density bonus for open space and 100% density bonus for green development. The bonus density has a huge impact on infrastructure such as roads, schools, sewer system, environment, and neighborhoods. This information should be listed with the description of each zoning classification.

In the above requested chart, footnote that public sewer (vs. a septic system) will be required by DHEC when lot sizes are reduced to a certain fraction of an acre so that it is very clear public sewer may be needed in the area (spurring more dense development) when bonus density is planned.

The new density formula is confusing by listing the fraction of a home per acre in districts that require more than one acre per home. For those districts add in parentheses or footnote the number of acres that are required per home.  
[MALINOWSKI]

- d. A 20' front setback, 7' side setback and 15' rear setback is shown as the requirement in AG, HM, RT for clustering. If this is done how is that considered AG, HM or RT? If all the development is 20' from the street, 7' from the side, and 15' from the rear, the integrity of the rural character would definitely not be preserved. There needs to be plenty of open space around the entire home when clustering. (See below regulation as written).

I also don't believe removal of the lot width requirement for R2 and R3 should be done. Neighborhoods have approached Council to not allow front yard parking or even street parking. Having no setbacks will exacerbate that problem as there will be no way to put any type of vehicle in the side/back yard to not park in front or on the street. In order to alleviate the problem the setbacks need to actually be increased. [MALINOWSKI]

*Cluster Development.*

*Sec. 26-5.5, Cluster Development, establishes the need to group lots together within a development into one or more groupings surrounded by open space. Where indicated in this article, the dimensional standards for residential development may be modified for cluster development in accordance with the standards in this section.*

- a. *In the AG, HM, RT, and R1 districts: Residential lots created as part of a cluster development are eligible for a reduction of 75% of the dimensional standards of that district, whereas no lot width shall be less than 30 feet, front setback no less than 20 feet, side setback no less than 7 feet, and rear setback no less than 15 feet.*
- b. *In the R2, R3, R4, R5, and R6 districts: Residential lots created as part of a cluster development are eligible for the removal of the lot width standard.*

Mr. Malinowski moved, seconded by Ms. Barron, to forward the motions to staff for response prior to approval of the Land Development Code.

Ms. Barron, Mr. Pugh and Ms. English requested to be added to the motions.

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

21. **ADJOURNMENT** – Ms. Newton moved, seconded by Ms. Barron, to adjourn.

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

Not Present: Terracio and J. Walker

The vote in favor was unanimous.

The meeting adjourned at approximately 10:08 PM.