



Richland County Council
Regular Session
December 15, 2020 – 6:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Paul Livingston Chair, Dalhi Myers Vice-Chair, Bill Malinowski, Joyce Dickerson, Yvonne McBride, Allison Terracio, Joe Walker, Gwendolyn Kennedy, Jim Manning, and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Ashiya Myers, John Thompson, Ashley Powell, Lori Thomas, Bill Davis, Dwight Hanna, Clayton Voignier, James Hayes, Judy Cater, Michael Niermeier, Randy Pruitt, Kyle Holsclaw, Sandra Haynes, Stacey Hamm, Michael Byrd, Jennifer Wladischkin, Jani Hussain, Ronaldo Myers, Larry Smith, Jeff Ruble, Brittney Hoyle-Terry and Michael Maloney

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

4. **APPROVAL OF MINUTES**

- a. Special Called Meeting: November 19, 2020 [PAGES 9-13] - Ms. Dickerson moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Kennedy, Manning, Myers, Newton

Abstain: Walker

The vote in favor was unanimous.

- b. Special Called Meeting: December 1, 2020 [PAGES 14-20] - Mr. Walker wanted the record to reflect that under the Council members present he is listed as “present”, then he is listed as “not present” in every subsequent vote of the meeting. He was not there so he requested the minutes were adjusted to reflect so.

Ms. Terracio moved, seconded by Ms. Dickerson to approve the minutes as amended.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Kennedy, Myers, Newton

Abstain: Walker

Present but Not voting: Manning

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The vote in favor was unanimous.

- c. Special Called Meeting: December 8, 2020 – Ms. Dickerson moved, seconded by Mr. Walker, to approve the minutes as distributed.

In Favor: Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Myers

Abstain: Malinowski, Newton

Present but Not voting: Manning

The vote in favor was unanimous.

- 5. **ADOPTION OF AGENDA** – Mr. Livingston stated he was aware there were some items that needed to be added to the agenda.

Ms. Onley stated the Presentation of a Resolution for Richland County Attorney Larry Smith and District 7 Hospitality Tax Allocation needed to be added to the agenda.

Mr. Livingston added the District 7 Hospitality Tax Allocation under “Other Items”.

Mr. Manning moved, seconded by Ms. Dickerson, to adopt the agenda as amended.

Ms. Newton made a substitute motion, seconded by Mr. Walker, to add the Presentation of a Resolution for Larry Smith, District 7 Hospitality Tax Allocation, an update on Council’s motion to grant a public hearing to former Administrator Gerald Seals regarding his termination and “The Report of the Employee Evaluation Ad Hoc Committee”, in order to discuss the recruitment process for the County Attorney.

Mr. Livingston added the Report of the Employee Evaluation Ad Hoc Committee after the Report of the Sewer Ad Hoc Committee.

In favor: Dickerson, McBride, Livingston, Terracio, Walker, Myers, Newton

Opposed: Malinowski, Manning

Present but Not Voting: Kennedy

The vote was in favor.

- 6. **PRESENTATION OF RESOLUTION TO COUNTY ATTORNEY LARRY SMITH** - Ms. Onley read the resolution for County Attorney Larry Smith into the record

Ms. McBride moved, Seconded by Ms. Myers, to adopt the resolution.

In Favor: Malinowski, McBride, Dickerson, Livingston, Terracio, Walker, Manning, Myers, Newton

Present not voting: Kennedy

The vote in favor was unanimous.

Mr. Livingston stated on behalf of County Council, as well as the citizens of Richland County, they were extremely grateful for his service, commitment and dedication to the County for such a long period of time. He has certainly made a difference and they are proud and will continue to appreciate that.

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

- a. Personnel/Contractual Matter: County Attorney and Procuring of Additional Supporting Staff
- b. Pending Litigation/Receipt of Legal Advice: Richland County vs. SC Dept. of Revenue
- c. Pending Litigation/Receipt of Legal Advice: Richland County vs. Program Development Team (PDT)
- d. Update on County Council's motion to grant a public hearing to Former Administrator Gerald Seals regarding his termination

Mr. Smith stated that items B, C and D would need to be taken up first since they required outside counsel.

Ms. McBride moved, seconded by Ms. Dickerson, to go into Executive Session.

In Favor: Dickerson, McBride, Livingston, Terracio, Manning

Opposed: Malinowski, Walker, Myers, Newton

Present not Voting: Kennedy

The vote was in favor.

Council went into Executive Session at approximately 6:25 PM and came out at approximately 7:36 PM

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

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers, Newton

Present not voting: Kennedy

The vote in favor was unanimous.

Mr. Livingston stated that no action was taken during Executive Session

8. **CITIZEN'S INPUT**

- a. For Items on the Agenda Not Requiring a Public – Mr. Robert Reese submitted comments regarding Item 18(b): "Sewer Service for Albene Park."

POINT OF ORDER: Mr. Malinowski requested the comments in Public Input be limited to 2-minutes, as stated in Council Rules.

9. **CITIZEN'S 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 time.) – No comments were received for this item.

10. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update [PAGES 21-27] – Mr. Brown stated we have heard in the news about the rising number of cases. At the time this packet were presented, you can see that the percent positive in South Carolina has risen to 21.3%. He believed that as of today DHEC is reporting that the number was about 19.9%. He noted the rate is way above the 5% positive number that is the ideal. The trend line over the past three weeks shows a continued rise in cases. Page 25 shows the specific statistics for Richland County. After the Thanksgiving holiday, you could see the rise in cases. On p. 26, you will find the overall view of Richland County's numbers across the board with the number of tests: positive cases, hospitalizations, and reported deaths. Also included in the packet, is the efforts made by the Richland County Staff, as well as the contractors, to get relief funds into Richland County. As a result of those efforts, we have been approved to receive funding in the following five (5) categories: FEMA – COVID-19 Public Assistance (PA) Program, HUD- Community Development Block Grant (CDBG) COVID (CV) Program, HHS – CARES Act Provider Relief Fund (PRF) Program, DOJ – Coronavirus Emergency Supplemental Funding, (CESF), and Program Treasury/SC – Coronavirus Relief Fund (CRF) Program. This report does not reflect all of the requests that we will be making, there is supposed to be a Phase II, and our team is working hard to try to get funds allocated. Right now, this represents the efforts and the funding they have been approved to receive, which will ultimately come back into the General Fund to deal with some of those programs and projects that would normally be paid for by General Fund dollars, but had to be moved to pay for Covid-19 related issues.
- b. Appointment of Assistant County Administrator [PAGES 28-32] – Mr. Brown introduce the new Assistant County Administrator Lori Thomas.

Ms. Thomas stated that she was honored and humble to be asked to be a member of the Richland County team. She stated for the last 13 years she worked in finance, operations, management, organizational development, and strategic planning. She looks forward to being able to use those skill to help staff to continue the great work that they do. She also spent 20 years in the private sectors where she was a Chief Financial Officer and General Manager. She graduated from the University of South Carolina with a Bachelor in Business Administration. She received her master's from Winthrop University in Business Administration and is a graduate of the University of Wisconsin's Advanced Government Finance Institute.

11. **REPORT OF THE INTERIM CLERK OF COUNCIL**

- a. Update on Council Retreat Location – Ms. Onley stated IT, PIO and herself conducted a site visit at the Township and spoke with their event planner. As a result of the discussion, it was determined the Green Room may not be adequate for social distancing. The Township stated we could use the Auditorium with the Councilmembers on the stage and staff in the audience. She stated she has also reached out to the Columbia Museum of Art and we could use their loft, but we would have to utilize the downstairs salon for Executive Session, and there is no AV available in the salon.

Mr. Walker moved, seconded by Mr. Malinowski, to use the main auditorium of the Township Auditorium for the 2021 Richland County Council Retreat.

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Ms. Terracio inquired about Executive Session at The Township. She assumed that Council would stay on the stage and everybody else would leave the room.

Ms. Onley responded in the affirmative.

Ms. McBride thanked the Administrative staff and Ms. Onley for following-up. She noted she had concerns about the size of the Green Room and she is glad we are moving to the auditorium. She inquired if they had to use the stage.

Ms. Onley responded in order to be socially distant and to accommodate the livestream, it would be best to be on the stage.

Mr. Livingston inquired about changing rooms and the costs.

Ms. Onley stated there may be a small charge for the electricity, but that would be the only cost.

In Favor: Malinowski, McBride, Livingston, Terracio. Walker, Newton.

Abstain: Dickerson, Manning, Myers

Present but Not voting: Kennedy

The vote in favor was unanimous.

12. **REPORT OF THE CHAIR**

a. **2021 Council Retreat:**

1. Livestreaming or Recording [ACTION] – Mr. Livingston requested Ms. Onley to give an update in regards to livestreaming.

Ms. Onley noted PIO and IT have indicated it would be possible to livestream the Retreat.

13. **OPEN / CLOSE PUBLIC HEARINGS**

a. **Approving the transfer of certain real property located in Richland County, the granting of certain options and other matters related thereto** – Mr. Malinowski requested to identify the property we are referencing for the record.

Mr. Ruble stated the public hearing is in reference to Project Collet, and the property is located in the Carolina Pines Industrial Park.

Mr. Malinowski inquired if Council has voted on this particular development.

POINT OF ORDER: Mr. Walker inquired if it was appropriate to have discussion during the public hearing portion.

Mr. Livingston responded he was providing clarify before the public hearing was opened.

Ms. Onley responded no comments were received for this item.

14. **APPROVAL OF CONSENT ITEMS**

- a. 20-032 MA, Ryan Maltba, RU to GC (.88 acres), 4551 Hard Scrabble Road, TMS# 20300-04-16 [THIRD READING]
- b. 20-034 MA, Paulette Morin, RU to GC (2.35 acres), Shop Road and Atlas Road, TMS# R16204-07-06, 08, 09, 10, 11 & 12 [THIRD READING]

Ms. Terracio moved, seconded by Mr. Walker to approve the Consent Items.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers, Newton

Present not voting: Kennedy, Manning

The vote in favor was unanimous.

15. **THIRD READING ITEMS**

- a. Approving the transfer of certain real property located in Richland County, the granting of certain options and other matters related thereto – Mr. Livingston noted this item is related to the earlier public hearing item.

Ms. Terracio moved, seconded by Mr. Walker, to approve.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Newton

Opposed: Myers

Not Present: Kennedy

The vote was in favor.

Mr. Manning moved, seconded by Mr. Walker, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Manning, Myers, Newton

Not Present: Kennedy

The motion for reconsideration failed.

16. **SECOND READING ITEMS**

- a. An Ordinance Amending the Fiscal Year 2021 Economic Development Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition –
- b. An Ordinance Amending the Fiscal Year 2021 General Fund Annual Budget by \$2,829,714 to amend the Economic Development Budget for property acquisition

Mr. Manning moved, seconded by Ms. McBride, to approve items (a) and (b).

Mr. Malinowski inquired if Mr. Ruble could explain where these funds were coming from and why

they were going there.

Mr. Ruble responded the funds are coming from the Economic Development Fund to purchase property for Project Sunshine, which is Mark Anthony Brewing.

Mr. Malinowski noted it appears the funding is coming from the General Fund.

Mr. Hayes responded the funds are currently located in the General Fund. Those funds were committed for Economic Fund Balance and we have to transfer them from the General Fund to the Economic Development Fund. It is an operating transfer from the General Fund to the Economic Development Fund.

Mr. Malinowski inquired if those funds were approved during the budget process.

Mr. Hayes responded they were a part of the committed fund balance for Economic Development in the General Fund, but the funds were not approved in this year's budget, which is why we are doing the budget amendment. Anytime we need to utilize funds in the fund balance, Council needs to amend the budget.

In Favor: Malinowski, Dickerson, McBride, Terracio, Walker, Manning, Myers, Newton

Present not voting: Livingston

Not Present: Kennedy

The vote in favor was unanimous.

17. **REPORT OF RULES & APPOINTMENTS COMMITTEE**

I. NOTIFICATION OF APPOINTMENTS

- a. Richland Library Board of Trustees – 1 – Mr. Malinowski stated the committee recommended appointing Mr. William P Stork.

Mr. Livingston inquired if any of the applicants were incumbents.

Mr. Malinowski responded none of the applicants were incumbents.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers, Newton.

Present but Not voting: Manning

Not present: Kennedy

The vote in favor was unanimous.

- b. Richland Memorial Hospital Board of Trustees – 2 – Mr. Malinowski stated the committee recommended re-appointing Ms. Helen B. Woods and re-advertising for the remaining vacancy.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers, Newton

Not Present: Kennedy

The vote in favor was unanimous.

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

- a. Dirt Road Package K-Contract Award – Mr. Manning stated the committee recommended approval of the award of Dirt Road Package K to McClam & Associates, Inc. in the amount of \$834,743.10 and to approve a 10% construction contingency and a 10% utility contingency for a total budget of \$1,001,691.72.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Manning, Myers, Newton

Opposed: Walker

Not Present: Kennedy

The vote was in favor.

Mr. Manning moved, seconded by Ms. Dickerson, to reconsider.

In Favor: Walker

Opposed: Malinowski, Dickerson, McBride, Terracio, Manning, Myers, Newton

Present but Not voting: Livingston

Not present: Kennedy

The motion for reconsideration failed.

- b. Transportation Program Advisory Committee (TPAC) Discussion – Mr. Manning stated this item was held in committee.

19. **REPORT OF THE SEWER AD HOC COMMITTEE**

- a. Eastover Plant Upgrades – Southeast Sewer Project Flow Increase – Mr. Malinowski stated the committee recommends to approve staff's recommendation to approve the additional services for rehabilitation work at the Eastover Wastewater Treatment Plant (WWTP) and to add to Tom Brigman Contractors, Inc.'s current Division 2 Contract for the Southeast Sewer and Water Expansion Project (Project). The rehabilitation work at the Eastover WWTP will bring the plant to its full rated capacity of 750,000 gallons/day and enable the County to take on the additional sewer flows from the transfer area and other customers along the project route once the project comes online..

Ms. Newton inquired about the funding source for this change.

Mr. Davis responded they have bond money that had contingency fund in it to cover the costs.

In Favor: Malinowski, Dickerson, McBride, Terracio, Walker, Manning, Myers, Newton

Present Not voting: Livingston

Not Present: Kennedy

The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Dickerson, to reconsider this item.

In Favor: none

Opposed: Malinowski, Dickerson, McBride, Livingston, Walker, Manning, Newton

Present not voting: Myers

Not Present: Kennedy

The motion failed.

b. Sewer Service for Albene Park – Mr. Malinowski stated the committee discussed this item at length. A new motion has been made within the committee to include Albene Park in the Phase I development. Mr. Malinowski noted many of those residents have serious problems with their current septic systems. This was held in committee, so staff can bring additional information back prior to it being forwarded to Council for discussion and a vote.

c. Council Motion: I move to direct the County Administrator to work with staff to develop a modified sewer plan that:

** Corrects the disparity in sewer rates for the new Richland County sewer customers transferred from City of Columbia sewer service in January 2020; and ?

** Assesses and updates the County's long-term sewer strategy to ensure the sustained health of the system while also preserving fair, consistent rates for all sewer users. This plan should be comprehensive in nature and include a timeline, benchmarks, and a methodology for tracking its success. It should also identify the parties responsible for completing proposed work as well as a robust constituent communication strategy. The plan should move to Council for review and action as soon as possible and no later than Council March 17th meeting (or not more than four (4) weeks from the date of Council's February 18th meeting). – No action was taken.

20. **EMPLOYEE EVALUTAITON OVERSIGHT AD HOC COMMITTEE**

a. Ms. Newton stated the committee directed staff to get additional information about recruitment firms we might be able to use to procure a County Attorney. Following that direction, staff did come back with information, and she forwarded an email to Council. There are currently three recruiting firms on State contract we would be able to work with, without an additional procurement. These firms do not specialize in procuring legal services, but two of them do have experience recruiting for government and one of them has found city attorneys for other municipalities. The Procurement staff did identify other recruiting firms that do specialize in recruiting attorneys; however, those firms were out of state.

Mr. Livingston inquired if this item would be taken up at the next committee meeting or do we need to take action on it now.

Ms. Newton responded it is not currently on the agenda for tomorrow's committee meeting, but the committee could amend the agenda. She noted, if we wanted to take action, the next Council meeting would be in February, unless a Special Called meeting was called.

Ms. McBride inquired what would happen if Council does not appoint an Interim County Attorney.

Mr. Livingston responded that will be a part of the Executive Session discussion.

Mr. Manning inquired if Council could do a motion to delegate the committee to make that decision.

Mr. Livingston responded in the affirmative.

Mr. Manning moved, seconded by Mr. Walker, that Richland County Council authorize the Employee Evaluation Oversight Ad Hoc Committee make the determination as to whether to use one of the State contract firms or to pursue the procurement process for a specialty firm for a County Attorney.

In Favor: Dickerson, McBride, Livingston, Terracio, Walker, Manning, Newton

Opposed: Malinowski

Present but Not Voting: Myers

Not Present: Kennedy

The vote was in favor.

Mr. Walker moved, seconded by Mr. Manning, to reconsider this item.

In Favor: Malinowski

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Manning, Newton

Present but Not Voting: Myers

Not Present: Kennedy

The motion for reconsideration failed.

21. **OTHER ITEMS** –

- a. Move to engage a third-party consultant to undertake work on Richland Renaissance, which was approved 11-0 by this Council in early 2019. Staff has chosen to postpone this Council-approved project, which would alleviate serious facility constraints and result in savings over time, as the County would not spend money on short-term repairs, but on long-term needed facilities planning and construction – Mr. Manning stated Council may recall that last week we deferred this item for clarification. The clarification is on p. 208, under the “Notes” section, on “November 19, 2020 – The D&S Committee recommended Council to authorize Administration to engage a third-party consultant to undertake a comprehensive review of Richland County’s long-term needed facilities and service delivery planning and construction work. Additionally, Administration will newly brand this plan and discontinue formal references to Richland Renaissance moving forward.”

Mr. Manning moved, seconded by Mr. Malinowski, to approve the committee’s recommendation.

Ms. Dickerson requested clarification on whether we are discontinuing the use of the name “Richland Renaissance” or if we are going to determine whether we discontinue the use of the “Richland

Renaissance.”

Mr. Manning responded, the committee discussion was there were a lot of people that a variety of understandings, emotions and thoughts, so it would be best moving forward to rebrand the project.

Ms. Terracio stated her recollection is we had a discussion about rebranding at the last Council meeting. She inquired if motion passed.

Mr. Manning responded he believes we had some discussion. There were some other elements, and a lot of confusion. Ms. A. Myers clarified that different committees took up different parts of these. Rather than taking action on it at the last meeting, Council deferred it so we could have it in writing.

Ms. Newton inquired if item 21(c) was also included in item 21(a).

Mr. Manning responded his understanding is that is the case. When we got to Item 21(c), we would not have to take it up separately. It would be included under the authorization of the third-party consultant.

Ms. Newton stated, regarding the rebranding of Richland Renaissance, she would be open to leaving some flexibility on the rebranding because she did not want to obliterate the hard work Council and staff put into the Renaissance Project.

Ms. Dickerson stated that she wished it could be reconsidered with the community involved since the community is engaged and involved in this Richland Renaissance. A lot of them were disappointed and they have serious feeling about that. She stated that the citizens should have a say in the rebranding of this committee.

Ms. McBride stated there are a number of citizens that have positive feelings about the Renaissance. The other part is we approved prioritizing DSS, the 911 Emergency Center, and the Antique Mall.

Ms. McBride stated, if accept Mr. Manning’s motion, she would like to add the prioritization of those facilities.

Mr. Livingston stated we know it is a part of Mr. Manning’s motion.

Ms. McBride stated it was not written out; therefore, she offered a friendly amendment to include it in Mr. Manning’s motion.

Mr. Manning noted he is not clear, if we this has already passed why would we amend the motion to include something that was passed at another time.

Ms. McBride stated we keep having the same conversation and we keep getting the same response.

Ms. A. Myers stated Ms. McBride maybe referring to the Renaissance Committee meeting, when that was discussed, it was not necessarily a motion to prioritize.

Ms. McBride stated it was voted on.

Ms. A. Myers stated the motion that came out of the Renaissance Committee was to direct staff to move forward. Then it was lumped into the comprehensive plan with Ms. Newton’s motion at D&S. That may not have been the intent, but she thinks that is where the confusion may be coming in.

Mr. Livingston requested staff go back and review the minutes.

Ms. Terracio requested to have the motion on the floor restated.

Mr. Manning stated the motion is “To authorize Administration to engage a third-party consultant to undertake a comprehensive review of Richland County’s long-term needed facilities and service delivery planning and construction work. Additionally, Administration will newly brand this plan and discontinue formal references to Richland Renaissance moving forward”

Mr. Malinowski stated we either need to vote on the next three matters, or defer them until the Clerk provides the minutes Ms. McBride is referring to. He believes they are two different items, and we need to see exactly what that was prior to take any additional information.

Ms. Onley stated motion is in the November 17th Council minutes

Mr. Livingston inquired at to what the minute’s state.

Ms. Onley stated it was the second substitute motion “to direct staff to review the current County facility needs and County-owned properties, and bring back a utilization plan for Council’s consideration. The plan will prioritize DSS, Public Safety and the Courthouse.”

Mr. Livingston inquired if that motion has already been passed by Council.

Ms. Onley responded in the affirmative.

Ms. Newton inquired about the difference between what was already passed and what is currently being discussed.

Mr. Livingston stated that he personally did not see a difference. He believes the motion passed would cover Items 21(a) and 21(c).

Ms. Dickerson stated she believes the rebranding should be an option, and the citizens need to be involved if the name is to be modified.

Ms. Newton stated comparing the two motions, the difference between the one that was already passed and the one before us now, is that it authorizes staff to bring in a third-party consultant to assist staff.

Ms. Newton made a substitute motion, seconded by Ms. Dickerson, to authorize Administration to engage a third-party consultant to undertake a comprehensive review of Richland County’s long-term needed facilities and service delivery planning and construction work. Additionally, Administration should evaluate if it would be prudent to rebrand Richland Renaissance moving forward.

In Favor: Dickerson, Livingston, Terracio, Walker, Newton

Opposed: Malinowski, McBride, Manning, Myers

Not Present: Kennedy.

The vote was in favor.

Mr. Walker moved, seconded by Ms. Dickerson, to reconsider 21(a) and 21(c).

POINT OF ORDER: Mr. Walker stated that items 21(a) and 21(c) were included in the previous item.

Mr. Malinowski noted, he believes Ms. Newton's motion stood on its own. He inquired why they would include both items.

Mr. Livingston responded because both items talk about engaging a third-party consultant.

Mr. Malinowski stated the general wording makes them close, but it was certainly not the same thing Ms. Newton read.

In Favor: Malinowski, McBride, Manning, Myers

Opposed: Dickerson, Livingston, Terracio, Walker, Newton

Not Present: Kennedy

The motion for reconsideration failed.

- b. Move that Richland County proceed with completing the plan to move the EOC/EMS out of the windowless basement of the parking garage to the old junkyard property brought years ago for that purpose at the corner of Two Notch Rd and Cushman Drive [MANNING] [TO TABLE]. – Mr. Manning moved, seconded by Ms. Terracio, to table this item.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers, Newton

Opposed: Manning

Not Present: Kennedy

The vote was in favor.

Mr. Walker moved, seconded by Mr. Malinowski, to adjourn.

In Favor: Malinowski, Dickerson, MWalker

Opposed: McBride, Livingston, Terracio, Manning, Newton

Not Present: Kennedy

The motion failed.

- c. Move to engage a third party design-build company to begin work on the \$2m SE Richland County multipurpose facility, as approved by Council in 2018. The funds were earmarked and approved, but RC staff has not undertaken any planning or construction of the Council approved project by the end of November, 2020 – Taken up with item 21(a).
- d. Move to remit the \$300,000 private donation (negotiated by Councilwoman Dalhi Myers and Councilman Chip Jackson) earmarked for the Taylors Community to Richland County Parks &

Recreation under an IGA, to be designated as funding for the Taylor's Community Park, promised and fully funded, as part of an Economic Development plan for the Reign Community on Shop Road before December 31, 2020. These funds were donated beginning in 2017 prior to the construction of the 2,000 bed new Reign Community, which is now complete. RC staff has not begun planning or construction on the fully funded park. – Mr. Walker moved, seconded by Mr. Malinowski, to defer the item until the next regularly schedule Council meeting of 2021.

In Favor: Malinowski, Dickerson, McBride, Terracio, Walker

Opposed: Livingston, Manning, Newton

Not Present: Kennedy, Myers

The vote was in favor.

- e. An Ordinance extending ordinances 17-20HR and 041-20HR, requiring the wearing of face masks to help alleviate the spread of COVID 19 – Ms. McBride moved, seconded by Ms. Dickerson, to approve.

Mr. Malinowski inquired, when someone is cited with a violation of this ordinance, is there anything stating whether it becomes a criminal or a civil matter.

Mr. Smith responded he thinks the intent was for it to be a civil penalty, as opposed to a criminal penalty.

Ms. McBride inquired if it is a \$25 fine.

Mr. Malinowski responded he was told there were 70 violations reported, 2 citations were given, and each of those individuals paid a \$100 fine.

Ms. McBride inquired if that was the City of Columbia.

Mr. Malinowski responded he inquired about the Richland County ordinance, and this was the feedback he received. He inquired, when a violation is reported in a business, who is responsible for the violation; the individual not wearing the mask or the business.

Mr. Smith responded there was some language in the ordinance that required the business to ensure their employees wore masks for the safety of the public. Then, if you had members of the public that came into a business establishment without wearing a mask, those individuals would then be potentially in violation of the ordinance.

Mr. Malinowski inquired if the Fire Marshall is in charge of this particular program and issuing citations.

Mr. Smith responded he does not know who was delegated the responsibility of enforcement. He thought Mr. Malinowski was only interested in the content of the ordinance.

Mr. Malinowski stated, he believes, if we find out who is responsible for enforcing the ordinance, they should be able to answer the question.

Mr. Brown stated the team under the County Administrator is willing to facilitate this process. Early

on there were concerns that the Sheriff's Department, because it was not a criminal action, was concerned about potential enforcement. According to the ordinance, it says "a person that fails to comply with Paragraph I of this ordinance shall be guilty of a civil infraction punishable by a fine of not more than \$25 dollars. A person who fails to comply with paragraph II of this ordinance shall be guilty of a civil infraction punishable by a fine of not more than \$100 dollars." The civil penalty right now is being enforced through the Fire Marshal's office. We only have a limited number of code enforcement officers, and they were not in a position, at the time, to assist due to other issues. We do have the Fire Marshal's office that goes out when we receive a notification of a violation to determine whether or not an individual or a business is not in compliance.

Mr. Malinowski noted the Fire Marshal should have attended this meeting to respond to questions. He inquired if there were 70 violations reported, why were there only two citations issued.

Mr. Brown responded this ordinance was designed to encourage people to wear the appropriate protective equipment, consistent with Council's directive. It was designed to be used as a mitigation tool, not to go out and seek people out to fine them. The Council has not issued any specific directives as to how to shift from a public health process to more of a penalty process. Each time staff goes out they try to encourage through education. If there are repeat offenders, then they take the necessary action.

Mr. Malinowski inquired, since the initial mask ordinance, have the incidents of the virus increased, decreased or remained the same.

Mr. Brown responded the incidents of confirmed cases have increased.

Mr. Byrd stated usually when they get a complaint, by the time they get to the scene, the person that was in violation is no longer on the scene. We cannot charge then unless we see them. In the two cases where citations were issued, the citations were issued to the business owners. They were observed violations, which is why the business owners were issued citations.

Mr. Walker stated, at this point in the pandemic, he believes the constituents are educated enough to realize the importance of wearing a mask to mitigate the spread of this disease. The overreaching, and unenforceability, as expressed by Mr. Byrd, is quite frankly a waste of the County's assets, personnel and opportunity. He encouraged Council to realize there is a self-awareness out there, specifically in unincorporated Richland County, given the fact the City of Columbia has extended their mask ordinance to the more densely populated areas, to step back and let things work naturally as opposed to overreaching and trying to extend our governance.

Ms. McBride stated, based on all the research, even though the Coronavirus is increasing, if we did not have the mask ordinance, we would have many more cases and dying from the disease. Our resources are limited, and it is unfortunate we could not use more to save lives.

Ms. Dickerson stated, when she travels in the area she lives, which is predominately African American, it breaks her heart to see large gatherings at car washes and body shops. You can drive along this particular corridor and see people putting other people at risk. Some people may be well educated, but you would be surprised at those people who are not educated on the severity of this pandemic. She hopes we can stress the fact they should wear a mask.

Mr. Walker responded he completely understands and agrees. He was not speaking to the density of the gatherings, social distancing, or number of people associated in a certain place. He was not even

speaking to whether wearing a mask works. suggest we encourage people to wear masks, and although the COVID-19 numbers continue to increase, even though we have mandated masks, the wearing of masks has slowed and prevented the spread of COVID. All he was speaking to is, if you consider unincorporated Richland County, is it necessary for this body to mandate and impugne fines and penalties against our constituents for not wearing a mask. Specifically businesses in which people they do not employ are not wearing masks. He challenged this body to consider whether that is our role. We have a role in educating, empowering and funding programs to get certain messages out into the community. He believes our assets are better spent educating our constituents than impressing our constituents.

Ms. Dickerson inquired if the fines is what Mr. Walker does not agree with.

Mr. Walker responded it was not the fines, but the resources of the County being diverted to enforce the mandate.

Ms. McBride stated she worked in highway safety and one of the things they pushed for were seatbelts. They had people come up with some of the same issues stated here regarding the fines, but the fines actually helped change the culture of some people. The fines were necessary, not punitive. It is a combination of education and persuasiveness, and it worked. The fines and the masks, we are looking at prototypes that worked, and that is why they are recommended. From her experience, she has seen the combination works on security and health issues. The seatbelt and masks not only save the person wearing them, but they also save people around them.

In Favor: Dickerson, McBride, Livingston, Terracio, Manning, Newton,

Opposed: Malinowski, Walker

Not Present: Kennedy, Myers

The vote was in favor.

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

In Favor: Malinowski, Walker

Opposed: Dickerson, McBride, Livingston, Terracio, Manning, Newton

Not Present: Kennedy, Myers

The motion for reconsideration failed.

- f. FY20 District 7 Hospitality Tax Allocation – Mr. Manning moved, seconded by Mr. Livingston to approve this item.

Mr. Walker made a substitute motion, seconded by Mr. Malinowski, to deny the request given that the representative for this district was not present.

Mr. Manning stated Ms. Kennedy often has difficulty, as do other people navigating the meeting. She was at the meeting earlier when the item was added to the agenda. Just because she is not currently online is not a reason for us not to consider the item.

Mr. Walker stated, for clarification, a motion to deny is in fact a consideration of the item.

In favor: Malinowski, Dickerson, Terracio, Walker

Opposed: McBride, Livingston, Manning, Newton

Not Present: Kennedy, Myers

The substitute motion for denial failed.

Ms. McBride made a substitute motion, seconded by Mr. Walker, to defer the item until the first Council meeting in January.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Newton

Present but Not Voting: Manning

Not Present: Kennedy, Myers

The vote in favor was unanimous.

21 **EXECUTIVE SESSION**

a. Personnel/Contractual Matter: County Attorney and Procuring of Additional Supporting Staff

Ms. Terracio moved, seconded by Mr. Livingston to enter Executive Session.

In Favor: Dickerson, McBride, Livingston, Terracio, Newton

Opposed: Malinowski, Walker, Manning

Not Present: Kennedy, Myers

The vote was in favor.

Council went into Executive Session at approximately 9:06 PM and came out at approximately 10:31 PM

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

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers, Newton

Present but Not Voting: Manning

The vote in favor was unanimous.

Ms. Terracio moved, seconded by Mr. Malinowski, to direct the County Attorney to bring back information as discussed in Executive Session.

In favor: Malinowski, Dickerson, McBride, Terracio, Manning, Myers, Newton

Opposed: Walker, Manning

Not Present: Kennedy

The vote was in favor.

23. **MOTIONS PERIOD**

- a. I move to have staff amend Table 26.V-2 (Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions) of the Richland County Land Development Code to allow the manufacturing of all beverages (alcoholic and nonalcoholic) in the Light Industrial (M-1) and Light Industrial (LI), in addition to the Heavy Industrial (HI) as permitted principal uses [LIVINGSTON] - Mr. Livingston stated this is related to our discussion regarding Project Sunshine, and to move this process forward.

Mr. Livingston moved, seconded by Mr. Malinowski, to forward this item to staff, so they can begin working on the amendment.

Ms. Newton stated for clarification, the motion is to forward this to staff, so they can begin working on this. Staff would then come back to Council with proposed recommendations. She stated her concern is making this change changes the designation of every facility with this designation.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers, Newton

Not Present: Kennedy

The motion in favor was unanimous.

- b. Move to approve the Quit Claim request from Vi Hendley, who is the fee simple owner of the lot of land known as 104 Alabama Street (0816-02-15) by deed dated April 9, 1997 and filed in the Richland County RMC Office deed book 56, page 8011 [TERRACIO] - This item was referred to the D&S Committee.

24. **ADJOURNMENT** - The meeting adjourned at approximately 10:38 PM.