



Richland County Council

REGULAR SESSION

March 17, 2020

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Calvin “Chip” Jackson, Gwen Kennedy, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio and Joe Walker

OTHERS PRESENT: Michelle Onley, Kimberly Williams-Roberts, Ashiya Myers, Ashley Powell, Angela Weathersby, , Stacey Hamm, Beverly Harris, Leonardo Brown, Larry Smith, Dwight Hanna, Ronaldo Myers, and Quinton Epps

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.

Mr. Livingston stated Council is very concerned and cautious about their efforts to protect our community. After this meeting, this body will decide how it will conduct future meetings, and the public will be informed of those efforts. There was a press conference earlier today, and additional information is available on the County’s website.

2. **INVOCATION** – The Invocation was led by the Honorable Gwen Kennedy

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Gwen Kennedy

Ms. Myers stated, on behalf of Mr. Livingston and her colleagues, she wanted to note, earlier this afternoon we held a press conference to make the community aware of the measures the County was taking to protect the health and safety of the citizens of Richland County. Among those, the emergency measure that has been undertaken, allows us to hold this meeting in a very different way than what the public, and all of us, are used to. That is why people are allowed to call in this evening, and we are allowed to accept their votes for a regularly scheduled meetings. Between the time of the press conference and now, Governor McMaster has changed the SC State protocol from no more than 10 people in a room to no more than 50. We are still relying on our good sense, and adherence to CDC guidelines to make sure we protect the health and safety of everyone. We are operating under emergency procedures so things will look a little bit more relaxed, in terms of how we conduct the meeting.

Mr. Walker stated he would like for those participating by phone be allowed to participate in Executive Session, as well.

Mr. Malinowski stated, in his opinion, we are within the City of Columbia confines, and the City of Columbia has set certain guidelines, which we are not following. He does not believe we are following the CDC regulations, nor the Presidential guidelines.

Mr. Livingston stated, after meeting with the Administrator, there were some crucial issues we need to move forward.

4. **APPROVAL OF THE MINUTES**

- a. Regular Session: February 18, 2020 – Ms. Kennedy moved, seconded by Ms. Dickerson, to approve the February 18th and March 3rd minutes as distributed.

Mr. Malinowski made a substitute motion to deny the approval of the March 3rd minutes because we are not following Council Rules, yet we are approving minutes that go against Council Rules. He specifically referred to Rule 5.21 – Voting. There were 15 items voted on at the last meeting. Of those 15 items, there were 21 “Present but Not Voting” and 5 “Abstaining”, which were not covered according to the rules.

Mr. Walker moved, seconded by Mr. Malinowski, to divide the question.

In Favor: Terracio, Malinowski, Kennedy, Walker and Livingston

Opposed: Myers, Dickerson and McBride

The vote was in favor to divide the question.

Mr. Walker moved, seconded by Ms. Terracio, to approve the minutes as distributed.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

- b. Regular Session: March 3, 2020 – Mr. Malinowski moved, seconded by Mr. Walker, to deny approval of the minutes until there is conformity with Council Rules.

In Favor: Terracio, Malinowski and Walker

Opposed: Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The motion failed.

Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as distributed, and request those Council members abstaining provide their reason for abstaining to the Clerk’s Office by the close of business this week.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Opposed: Malinowski and Walker

Present but Not Voting: Manning

The vote was in favor.

5. **ADOPTION OF THE AGENDA** – Ms. Myers moved, seconded by Ms. Kennedy, to remove Items 15(a): “Approving the sale of certain property located on Farrow Road, and other related matters” and 17(a): “Mitigation Bank Credit Sales – City of Sumter, Shot Pouch Greenway”.

Ms. Terracio moved, seconded by Mr. Malinowski, to defer the Public Hearings and Third Reading Items until the April 7th Council meeting.

Mr. Livingston responded, it is his understanding, those items are time-sensitive.

Ms. Terracio stated Item 14(b): “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 Washington & Assembly, LLC; and other related matters “ is on the City of Columbia’s agenda for First Reading. She is not sure deferring this item for 2 weeks will put them behind.

Ms. Dickerson stated we do not know if we will be here in 2 weeks, and if the Administrator and Chair deemed these 2 items were time-sensitive, then that is what she is relying on. She further stated she is not a follower of the City.

In Favor: Terracio, Malinowski, Myers, Newton and Walker

Opposed: Jackson, Manning, Kennedy, Dickerson, Livingston and McBride

The motion to defer the Public Hearings and Third Reading Items failed.

Mr. Manning moved, seconded by Ms. McBride, to defer Item 17(c): “Resolution requesting PrismaHealth to provide information to the public regarding the impending acquisition of Providence Hospital, Providence Hospital -Northeast, Kershaw Health and Providence Health -Fairfield Emergency Room”.

Mr. Manning withdrew his motion.

Ms. Myers moved, seconded by Ms. McBride, to move Executive Session up in the agenda to take it up immediately following Adoption of the Agenda.

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

Present but Not Voting: Manning

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. McBride, to adopt the agenda as amended.

In Favor: Jackson, Newton, Myers, Kennedy Walker, Dickerson, Livingston and McBride

Opposed: Terracio and Malinowski

Present but Not Voting: Manning

The vote was in favor.

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

Mr. Livingston stated tonight's meeting is a regularly scheduled meeting; thus Council Rules need to be overridden to allow Council members to call in. Per the emergency powers bestowed him, as Chair, he is waiving the rule and Council members will be allowed to participate via telephone. Additionally, Council Rules do not allow Council members to participate in Executive Sessions via telephone. Based upon the powers invested in me by the Emergency Declaration, he will waive the rules tonight for any Council member who will take the following oath, and have it electronically recorded by the Clerk of Council. The oath is as follows: "I do solemnly swear, and affirm, that I will only participate in Executive Session portion of the meeting by telephone in solidarity and privacy. To totally ensure that no person, other than myself, and hear any portion of the conversation. Both what I say, and what would possibly be heard on my end of the telephone line."

Unfortunately, this is a Council Rule because there a lot of legal/propriety information, and we have no way of knowing who else is on the other line. Mr. Livingston believes these are different circumstances, and we have important agenda items for Executive Session. He requested Council to consider his proposal, so we can allow those Council members to participate.

Mr. Malinowski stated anyone who has the number the Council members called in on can call into, and we would not know they are there as long as they are quiet. Therefore, anyone on the phone line can be listening in on what is discussed.

Ms. Powell stated it is true the phone line cannot be moderated, so someone could be listening in.

Mr. Malinowski stated, for security purposes, he would not like to have the Council members on the phone to participate in Executive Session.

Ms. Dickerson inquired if IT could have given Council members a private number to call into.

Ms. Powell stated we could initiate a 3-way call and it would be secure, unless someone is seated with a Council member.

a. **Richland County vs. SC Dept. of Revenue Update**

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

In Favor: Terracio, Newton, Jackson, Myers, Manning, Dickerson, Livingston and McBride

Opposed: Malinowski, Kennedy and Walker

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 6:36 PM and came out at approximately 7:21 PM

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

The vote in favor was unanimous to come out of Executive Session.

a. **Richland County vs. SC Dept. of Revenue Update** – Ms. Myers moved to approve and instruct staff to resolve these issues fully, and finally, as outlined in the agreement.

Mr. Smith stated he believes there was a small amendment made by Ms. Terracio, which needs to be added to the motion.

Ms. Myers moved, seconded by Ms. Terracio, to approve the settlement agreement, as outlined and discussed in Executive Session, including the amendments suggested by Ms. Terracio.

In Favor: Terracio, Newton, Myers, Kennedy and Walker

Opposed: Malinowski, Jackson, Manning, Dickerson, Livingston and McBride

The motion failed.

Ms. Myers inquired what we are to instruct staff to do since this motion failed.

Mr. Livingston suggested staff go back and state where we are, and see if we can engage in mitigation or arbitration.

Ms. Terracio stated her colleagues are mostly concerned about #7 in the settlement agreement.

Ms. Terracio moved to reconsider this item and remove #7 in the settlement agreement for renegotiation.

Mr. Livingston stated according to Council Rules you have to be on the prevailing side.

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

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

Opposed: Malinowski

Present but Not Voting: Kennedy

The vote was in favor of reconsidering this item.

Mr. Smith stated it would be appropriate for Council to go back into Executive Session to explain the effect of the motion to delete #7 from the settlement agreement.

Ms. Dickerson stated those things may not affect some of the Council members, but it will have a devastating effect on her.

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

In Favor: Terracio, Jackson, Newton, Kennedy, Manning, Dickerson, Livingston and McBride

Opposed: Malinowski, Myers and Walker

The vote was in favor to go into Executive Session.

Council went into Executive Session at approximately 7:34 PM and came out at approximately 8:19 PM

Ms. Dickerson stated when we are in Executive Session we cannot take notes; however, it appeared one of her colleagues was recording Executive Session. She wants to verify if that did or did not happen.

Mr. Livingston stated he will follow up on that matter.

Ms. Terracio moved, seconded by Ms. Dickerson, to present the proposal, with the removal of #7 from the settlement agreement, to the Department of Revenue, and instruct the County Attorney to enter into conversation with them regarding the concerns of Council members, as shared in Executive Session.

Mr. Malinowski made a substitute motion, seconded by Mr. Livingston, to direct Legal to look into mediation to potentially resolve this matter.

Ms. Myers stated mediation is always available; therefore, she would like additional information on what we are directing Legal to do. In essence, are we directing them not to return the settlement agreement?

Mr. Malinowski responded in the affirmative, and enter into mediation regarding the dollar amounts and terms of concern discussed in Executive Session.

In Favor: Malinowski, Kennedy, Manning, Dickerson, Livingston and McBride

Opposed: Terracio, Jackson, Newton, Myers and Walker

The vote was in favor of the substitute motion.

7. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – Ms. Maria Walrath expressed her concern regarding Item 14(b): “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 604 Huger, LLC; and other related matters”.

8. **CITIZENS' INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time.) – Ms. Sue Kanipe expressed her concern for affordable housing in Richland County.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown stated just before coming to tonight’s meeting, he was made aware there is a confirmed COVID-19 case in Richland County. Based on the County’s plan that triggers a different step. At this point, he cannot sit before Council and recommend the County remain open. His suggestion would be to limit only those employees that are essential, and essential services to remain operational.

In addition, the City of Columbia has enacted a curfew to begin on Wednesday, March 18th that will restrict travel and public gatherings from 11:00 PM until 6:00 AM, with the exception of persons

traveling to and from work, or healthcare. The following persons are exempted and free to travel or carry out their duties: police officers, firefighters, active duty military, healthcare providers, public works and utility works employed by any public utility.

Ms. Myers suggested, any definition Mr. Brown is drafting, of essential staff be drafted to include staff connected to senior feeding, so the Senior Resources offices that provide the meals would not be deemed non-essential. Secondly, the Sheriff has communicated that he is not in favor of a curfew for unincorporated Richland County.

Ms. McBride recommended Mr. Brown draft a letter to DHEC because they should have notified the County about the confirmed COVID-19 case in the County, and would appreciate being notified in the future.

Mr. Malinowski moved, seconded by Ms. McBride, to adjourn the meeting.

Ms. Dickerson stated she gets irritated every time we are following the City. When the City is notified, the County should be notified.

In Favor: Terracio, Malinowski, Jackson, Kennedy and McBride

Opposed: Myers, Newton, Dickerson and Livingston

The vote was in favor of adjourning the meeting.

10. **REPORT OF THE CLERK OF COUNCIL**

- a. Virtual Transportation Program Community Meeting, March 19, 6:00 – 7:30 PM, Council Chambers – This item was not taken up.

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

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. 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 Washington & Assembly, LLC; and other related matters – This item was not taken up.
- b. 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 604 Huger, LLC; and other related matters – This item was not taken up.

13. **APPROVAL OF CONSENT ITEMS**

- a. 20-002MA, Tommy Wood, RS-MD to GC (1.46 Acres), 7220 Frost Avenue, TMS # R09402-02-01(p) [THIRD READING] – This item was not taken up.
- b. 20-004MA, Deborah Stratton, RU to NC (2.17 Acres), 4133 Clemson Road, TMS # R20281-01-27 [THIRD READING] – This item was not taken up.

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- c. 20-005MA, Angie Dodson, NC to GC (1.46 Acres), 1526 Leesburg Road, TMS # R16415-07-04 [SECOND READING] – This item was not taken up.

14. **THIRD READING ITEM**

- a. 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 604 Huger, LLC; and other related matters – This item was not taken up.

15. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. A Resolution Authorizing the Administration by the County of certain grant funds from the South Carolina Department of Commerce – This item was not taken up.

16. **OTHER ITEMS**

- a. Richland County Sheriff's Department – Forensic Laboratory Information Management System (LIMS) Grant – This item was not taken up.
- b. Resolution requesting PrismaHealth to provide information to the public regarding the impending acquisition of Providence Hospital, Providence Hospital – Northeast, Kershaw Health and Providence Health – Fairfield Emergency Room – This item was not taken up.
- c. A Resolution to appoint and commission Jason Michael Jensen as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – This item was not taken up.
- d. A Resolution to appoint and commission Jameela Darcell Bryant as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – This item was not taken up.

17. **MOTION PERIOD**

- a. 2020 Census Partnership Resolution [LIVINGSTON] – – This item was not taken up.

18. **ADJOURNMENT** – The meeting adjourned at approximately 8:44 PM.