

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 13, 2011 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

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MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Member	Kelvin Washington

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, John Hixson, Nelson Lindsay, Sara Salley, Larry Smith, Daniel Driggers, Hayden Davis, Pam Davis, Andy Metts, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at 6:05 p.m.

INVOCATION

The Invocation was given by the Honorable Jim Manning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

POINT OF PERSONAL PRIVILEGE

Mr. Manning introduced the 2012 One Columbia, One Book, "Saints at the River" and stated that each Council member has a copy at their desk.

PRESENTATION OF RESOLUTION

Resolution honoring the Recreation Commission's re-accreditation by CAPRA – Mr. Washington, Ms. Dickerson, Mr. Jackson, and Ms. Kennedy presented a resolution to the Recreation Commission honoring their re-accreditation by CAPRA.

APPROVAL OF MINUTES

Regular Session: December 6, 2011 – Mr. Malinowski stated that the vote on the Report of the Clerk's Office Organization Ad Hoc Committee needed to be corrected.

Mr. Jackson moved, seconded by Ms. Hutchinson, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Washington moved, seconded by Mr. Jackson, to add "Approval of Project Rocky Set-A-Side Grant Award" to the agenda as Item #19.b. the vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Kennedy, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. Finch vs. Richland County
- b. FN Manufacturing, LLC
- c. McEntire Produce, Inc.
- d. Fire Contract

OUTSIDE COUNSEL EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:17 p.m. and came out at approximately 6:43 p.m.
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- a. **FN Manufacturing, LLC** – Ms. Hutchinson moved, seconded by Mr. Jackson, to direct staff to resolve this matter as directed in Executive Session. The vote was in favor.
- b. **McEntire Produce, Inc.** – Ms. Hutchinson moved, seconded by Mr. Jackson, to direct staff to resolve this matter as directed in Executive Session. The vote was in favor.

CITIZENS' INPUT

Mr. Washington moved, seconded by Mr. Manning, to waive the rules to allow Ms. Alfie Baker Mincy to speak. The vote in favor was unanimous.

Ms. Mincy and Mr. Kenneth Elliott thanked Council for their support of the Labor of Love Back to School Bash.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Legislative Delegation Update** – Mr. Pope stated that the Legislative Delegation meeting was held Thursday, December 8th. Per the direction of Council, Counsel for the Delegation has drafted legislation regarding the Assessor. Senator Jackson and Representative Rutherford will be sponsoring the legislation and will be pre-filed. Co-sponsors are also being sought. Council will be updated on this item.
- b. **Business Friendly Task Force Update** – Mr. Pope stated that the Task Force met on Monday, December 12th. The members are looking at peer communities, and have reviewed two surveys (1) for the development community and (2) for the business license community. A SWOT analysis regarding our community is to be performed. The next meeting is to be held January 9, 2012 at the Chamber of Commerce.
- c. **Northeast Landfill Work Session** – Mr. Pope reminded Council of the work session that will be held December 20th immediately following the Zoning Public Hearing.

REPORT OF THE CLERK OF COUNCIL

- a. **Council Retreat Location** – Ms. Onley outlined the results of the search for an alternate location for the Council Retreat.

Mr. Malinowski moved, seconded Ms. Hutchinson, to proceed with the original location of Clemson Sandhills Research & Education Center.

Ms. Kennedy made a substitute motion, seconded by Ms. Dickerson, to not move forward with the location.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Dickerson	Malinowski
Kennedy	Hutchinson
Washington	Jeter
	Livingston
	Manning
	Rose

The substitute motion failed.

<u>For</u>	<u>Against</u>
Pearce	Jackson
Malinowski	Dickerson
Hutchinson	Kennedy
Jeter	
Livingston	
Manning	
Rose	
Washington	

The vote was in favor of the motion to proceed with the original location.

REPORT OF THE CHAIRMAN

No report was given.

PRESENTATIONS

Palmetto Utilities – Mr. Stan Jones, President, updated Council on the company's request to amend the 208 Plan. The matter will be presented to Council in January and could potentially be a Retreat topic.

Recreation Commission—CAPRA – Kenya Bryant, Assistant Executive Director, briefed Council on their CAPRA re-accreditation.

PUBLIC HEARINGS

- An Ordinance Amending the Richland Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commission and Committees; Section 2-332, Boards, Commissions and Committees Created; Subsection (Q), Internal Audit Committee; so as to add members thereto – No one signed up to speak.
- Authorizing the execution and delivery of a fee agreement by and between Richland County, South Carolina and Project Rocky I and Project Rocky II, as sponsors, to provide for fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-332, Boards, Commissions and Committees Created; Subsection (Q), Internal Audit Committee; so as to add members thereto [THIRD READING]
- An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the "County") and FedEx Ground Package System, Inc., acting for itself and for one or more affiliates or other project sponsors (the "Company"), in connection with the establishment of certain facilities in the County (the "Project"); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Project; (3) the benefits of a multi-county park to be made available to the Company and the Project; and (4) other matters relating thereto
- An Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina and Bottling Group, LLC and matters relating thereto
- An Ordinance Authorizing the execution and delivery of an amended fee in lieu of tax agreement between Richland County, South Carolina, and Spirax

Sarco, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes

- **An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the "County") and Westinghouse Electric Company, LLC, acting for itself and for one or more affiliates or other project sponsors (the "Company"), in connection with the establishment of certain facilities in the County (the "Project"); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Project ("FILOT Payments"); (3) the Company to claim certain special source credits against such FILOT Payments; (4) the benefits of a multi-county park to be made available to the Company and the Project; and (5) other matters relating thereto**
- **An Ordinance Authorizing the execution and delivery of an infrastructure credit agreement by and between Richland County and Koyo Corporation of U.S.A., so as to provide, among other things, special source revenue credits for a project; and to provide for other matters related thereto**
- **An Ordinance Authorizing the first amendment of that certain fee agreement by and between Richland County, South Carolina and Koyo Corporation of U.S.A., relating to, without limitation, the payment to Richland County of a fee in lieu of taxes, an extension of the investment period to allow for continuing and further investment in the project, and the extension of the term of the project**

Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the consent items. The vote in favor was unanimous.

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (a)(4); so as to increase the amount of funding dedicated to organizations and projects that generate tourism in those areas where Richland County collects Hospitality Taxes – Mr. Washington moved, seconded by Mr. Jackson, to defer this item until the January 17th meeting. The vote was in favor

Authorizing the Execution and Delivery of a fee agreement by and between Richland County, South Carolina and Project Rocky I and Project Rocky II, as sponsors, to provide for fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters

– Mr. Washington stated that the ordinance title needed to be amended to the following: “Authorizing the Execution and Delivery of a fee agreement by and between Richland County, South Carolina and Mars Petcare US, Inc., as sponsor, to provide fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters”

Mr. Washington moved, seconded by Mr. Jackson, to approve this item as amended. A discussion took place. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Inducement Resolution for Project Dinner – Mr. Washington stated that the committee recommended approval of this item. A discussion took place.

Mr. Malinowski moved, seconded by Ms. Kennedy, to forward this item to Executive Session. The vote in favor was unanimous.

Approval of Project Rocky Set-A-Side Grant Award – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

OTHER ITEMS

Caughman Creek Property – Mr. Malinowski moved to direct the Administrator to inform the landowner that Council does not proceed with the current contract, but would like to proceed with an offer that excludes the dam acreage. The motion died for lack of a second.

Mr. Livingston moved, seconded by Mr. Rose, to not move forward with the current agreement.

Mr. Jackson made a substitute motion, seconded Mr. Malinowski, to direct the Administrator to notify the seller immediately to complete the survey of 44 acres excluding the dam and close immediately after the survey is complete.

Mr. Jackson withdrew his substitute motion.

Mr. Jackson offered a friendly amendment to renegotiate a contract to exclude the dam and dam infrastructure from the contract.

Mr. Livingston accepted Mr. Jackson's friendly amendment.

A discussion took place.

Mr. Livingston moved, seconded by Mr. Pearce, to call for the question. The vote in favor was unanimous.

The vote in favor was unanimous to not move forward with the current agreement and to renegotiate a contract to exclude the dam and dam infrastructure.

Report of the Fire Ad Hoc Committee – This item was taken up during Executive Session.

CITIZENS INPUT

No signed up to speak.

Mr. Washington moved, seconded by Mr. Pearce, to reconsider all Third Reading Economic Development items. The motion failed.

Mr. Malinowski moved, seconded by Mr. Pearce, to reconsider the following Executive Session Items: FN Manufacturing, LLC and McEntire Produce, Inc. The motion failed.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:16 p.m. and came out at approximately 8:58 p.m.
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- a. **Inducement Resolution for Project Dinner** – Mr. Washington moved, seconded by Ms. Hutchinson, to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Fire Contract** – Mr. Pearce moved, seconded by Mr. Malinowski, to accept the recommendation of the Fire Ad Hoc Committee, as amended, and to proceed with negotiations with the City of Columbia. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Malinowski, to reconsider this item. The motion failed.

- c. **Finch vs. Richland County** – Mr. Pearce moved, seconded by Mr. Manning, to direct the County Attorney to enter into mediation and to report back to Council.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to offer the original.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Kennedy	Malinowski
Washington	Hutchinson
	Jeter
	Livingston
	Manning
	Rose

The substitute motion failed.

<u>For</u>	<u>Against</u>
Pearce	Jackson
Malinowski	Kennedy
Hutchinson	Washington
Jeter	
Livingston	
Manning	
Rose	

The vote was in favor of directing the County Attorney to enter into mediation and report back to Council.

MOTION PERIOD

There were no motions.

ADJOURNMENT

The meeting adjourned at approximately 9:01 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Seth Rose

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley