

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

COUNTY ADMINISTRATOR'S REPORT OF COUNCIL ACTIONS REGULAR SESSION COUNCIL MEETING

December 6, 2011

6:00 p.m.

Call to Order: Livingston

Invocation: Dickerson

Pledge of Allegiance: Dickerson

Approval of Minutes

- a. **Regular Session: November 15, 2011:** Approved as amended. The Hospitality Tax item was deferred to January.

Adoption of the Agenda: Adopted as amended.

Report of the County Attorney

- a. **SCE&G [Outside Counsel]:** Council directed staff to proceed as discussed in Executive Session. **ACTION: ADMINISTRATION, LEGAL**
- b. **Darrell's vs. Richland County [Outside Counsel]:** Deferred.
- c. **Redistricting Update [Outside Counsel]:** Council directed staff to proceed as discussed in Executive Session. **ACTION: LEGAL**
- d. **SOB Update: Legal Advice:** Deferred.
- e. **Medicare Retiree Group Health Insurance Benefits Services: Contractual Matter:** Council approved the recommendation from Human Resources. **ACTION: ADMINISTRATION, HUMAN RESOURCES, FINANCE**
- f. **FN Manufacturing, LLC and McEntire Produce, Inc. – Pending Litigation:** Deferred.

- g. Fire Contract:** Deferred.

Citizens' Input: One person spoke.

Report of the County Administrator

- a. Legislative Delegation Update:** There will be a meeting of the Richland County Legislative Delegation on Thursday, December 9, 2011 at 12 noon. The meeting location is Midlands Tech, Beltline in the Student Center.

Report of the Clerk of Council

- a. January Meeting Schedule:** Council voted to have the Regular Session Council Meetings on January 10 and 17.
- b. Annual Council Retreat, January 26 - 27, 2012, Clemson University Sandhill Research & Education Center, 900 Clemson Road:** Council members are to forward proposed locations to the Clerk's Office.

Report of the Chairman: No report.

1. Public Hearings

- a. 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; (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:** No one spoke.
- b. 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: No one spoke.

- c. 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: No one spoke.**
- d. Authorizing the Execution and Delivery of an Amendment to the Fee Agreement between Richland County, South Carolina, and Arum Composites, LLC its affiliates and assigns, to provide for a new effective date and millage rage; and other related matters: No one spoke.**
- e. 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: No one spoke.**
- f. 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: No one spoke.**
- g. 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: No one spoke.**
- h. 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: No one spoke.**

2. Consent Items

- a. [Removed from Consent] Authorizing an amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County,**

South Carolina, to expand the boundaries of the park to include certain real property located in Richland County, and related matters [Third Reading]: Council deferred the item until it is ready to be placed back on the agenda. **ACTION: AUDITOR, ASSESSOR, TREASURER, FINANCE, LEGAL, CLERK OF COUNCIL, ADMINISTRATION, ECONOMIC DEVELOPMENT**

- b. [Removed from Consent] **Authorizing the Execution and Delivery of an Amendment to the Fee Agreement between Richland County, South Carolina, and Arum Composites, LLC its affiliates and assigns, to provide for a new effective date and millage rage; and other related matters [Third Reading]:** Council gave third reading approval to the item as amended. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- c. **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 [Second Reading]:** Council gave second reading approval to the item. **ACTION: ADMINISTRATION, GRANTS, LEGAL, CLERK OF COUNCIL**
- d. **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 [Second Reading]:** Council gave second reading approval to the ordinance. **ACTION: LEGAL, CLERK OF COUNCIL**
- e. [Removed from Consent] **County Council Shirts:** This item was deferred until January. **ACTION: CLERK OF COUNCIL, PUBLIC INFORMATION**
- f. [Removed from Consent] **Approval of Competitive 2010 Local Emergency Management Performance Funds Grant:** Council approved the request to accept the LEMPG grant, if awarded, in an amount up to \$21,000. **ACTION: EMERGENCY SERVICES, GRANTS, FINANCE**
- g. [Removed from Consent] **Payment Procedures for County Grant Programs:** Council voted to maintain the existing grant payment procedures for all grant programs with the exception of Neighborhood

Improvement, whose grants may be up-fronted in an amount up to \$1,500.
ACTION: GRANTS, FINANCE, PLANNING

- h.** [Removed from Consent] **Special DUI Prosecutor Grant:** Council approved the request to accept the Special DUI Prosecutor Grant in the amount of \$75,000 from the Office of Highway Safety of the South Carolina Department of Public Safety. **ACTION: SOLICITOR, GRANTS, FINANCE**
- i.** [Removed from Consent] **VOTE Federal Accessibility Grants for the Election Commission:** Council voted to accept the two grants, if awarded, totaling \$50,224 from the Help America Vote Act (HAVA) Health and Human Services Voting Access for Individuals with Disabilities. **ACTION: GRANTS, FINANCE**
- j.** **CDBG Allocations of Funds Decker Boulevard Specific:** Council approved the expenditure of CDBG funds for the Decker Boulevard Master Plan in the amount of \$300,000. **ACTION: GRANTS, FINANCE, COMMUNITY DEVELOPMENT, PLANNING**
- k.** **Resolution to Distribute \$5,281.78 in Federal Forestry Funds:** Council approved the Resolution allocating \$5,281.78, of which 50% will be apportioned to public schools, and the remaining 50% will be used for the construction and/or improvement of public roads. **ACTION: FINANCE**
- l.** **Professional Services Property Acquisition adjacent to Jim Hamilton – LB Owens Airport:** Council approved the request to authorize the execution of a contract with LPA Group for property acquisition professional services in the amount of \$55,474. The committee also recommended that the Federal Aviation Administration commitment to the project be obtained in writing prior to entering into the contract. **ACTION: AIRPORT, FINANCE, PROCUREMENT**
- m.** **Increase RCSD Deputy Current Pay:** Council voted for the Sheriff's Department to use counter offers and other existing internal measures as an immediate tool to address turnover issues that will occur over the next several months on a case-by-case basis. In addition, Council recommended that the motion made by Councilmembers Manning and Jackson that states "In order to ensure that Richland County can better recruit and retain qualified Sheriff's Deputies in this region, I hereby move that Council increase the current pay for deputies commensurate with the pay for deputies employed by the City of Columbia and Lexington County," be rolled into the Classification and Compensation study to be considered during the FY 13 budget process.

3. Second Reading Items

- a. **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: Council gave second reading to the ordinance and associated documents. ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- b. **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: Council gave second reading to the ordinance and associated documents. ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- c. **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: Council gave second reading to the ordinance and associated documents. ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- d. **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: Council gave second reading to the ordinance and associated documents. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

- e. **Authorizing the execution and delivery of a fee agreement by and between Richland County, South Carolina 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:** Council gave second reading to the ordinance and associated documents. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- f. **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:** Council gave second reading to the ordinance and associated documents. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- g. **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:** Council gave second reading to the ordinance and associated documents. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

4. First Reading Item

- a. **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 SC Pageant:** Council gave first reading approval to the ordinance. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, FINANCE, GRANTS**

5. Report of the Development and Services Committee

- a. **Proposed Amendment to Settlement Agreement with Northeast Landfill:** Council voted to hold a Work Session immediately following

the Zoning Public Hearing on December 20, 2011. DHEC is to be invited to attend, in addition to the current stakeholders. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, SOLID WASTE**

- b. **Old LRADAC Building Environmental Remediation and Demolition Project:** Council approved the award of a contract to Neo Corporation for the demolition of the LRADAC Building in the amount of \$349,600. Council approved a 25% contingency, which would be \$87,400. **ACTION: ADMINISTRATION, PROCUREMENT, FINANCE, GRANTS, SUPPORT SERVICES, PUBLIC WORKS**
6. **Report of the Administration and Finance Committee**
- a. **Action to Make Certain Department Heads with Contractual Responsibility At Will Employment Status [ToTable]** Council tabled the item.
 - b. **Responses from RFP to Medicare Retiree Group Health Insurance Benefit Services:** Council approved the recommendation from Human Resources. **ACTION: ADMINISTRATION, HUMAN RESOURCES, FINANCE**
7. **Report of the Rules and Appointments Committee**
- a. **Notification of Vacancies:** Advertise. **ACTION: CLERK OF COUNCIL**
 - i. **Business Service Center Appeals Board – 1 [Bartley*]**
 - ii. **Township Auditorium Board – 1 [Kirby, Resigned]**
 - b. **Notification of Appointments:** The Committee held items i, iii, iv, v, and vi in Committee to determine the qualifications required and/or preferred for these appointments. **ACTION: CLERK OF COUNCIL**
 - i. **Accommodations Tax Committee – 4 [None]**
 - ii. **Airport Commission – 3 [Goude-lock II*, Hope, Purcell*]**
Goude-lock II, Hope, and Purcell were appointed. **ACTION: CLERK OF COUNCIL**
 - iii. **Appearance Commission – 2 [None]**
 - iv. **Board of Assessment Control – 1 [None]**

- v. **Building Codes Board of Adjustments – 3 [None]**
- vi. **Business Service Center Appeals Board – 1 [None]**
- vii. **Internal Audit Committee – 1 [Sandra C. Manning]:** This item remains in Committee for further Legal Review. **ACTION: CLERK OF COUNCIL, LEGAL**
- viii. **Lexington / Richland Alcohol and Drug Abuse Council – 2 [Matheus* and Harbeson*]:** Harbeson was appointed. The remaining vacancy is to be readvertised. **ACTION: CLERK OF COUNCIL**
- ix. **Richland Memorial Hospital Board – 4 [Bradley, Frierson*, Isreal, Jr.*, Summers]** Frierson and Isreal, Jr. were appointed. The remaining two applications (Bradley, Summers) remain in Committee for further Legal Review. **ACTION: CLERK OF COUNCIL, LEGAL**

c. **Discussion from Rules and Appointments Committee**

- i. **Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item, then Council's current rule will take effect. [Hutchinson, Jackson, Rose]:** Held in Committee. **ACTION: CLERK OF COUNCIL, LEGAL**

- 8. **Report of the Clerk's Office Organization Ad Hoc Committee:** Council voted to keep the two current employees.
- 9. **Report of the Fire Ad Hoc Committee:** Deferred until the December 13, 2011 Meeting.
- 10. **A Resolution to appoint and commission George William Catoe, Jr. as a code enforcement officer for the proper security, general welfare, and convenience of Richland County:** Council approved the Resolution. **ACTION: CLERK OF COUNCIL**
- 11. **A Resolution to appoint and commission Karl L. Kinard as a code enforcement officer for the proper security, general welfare, and convenience of Richland County:** Council approved the Resolution. **ACTION: CLERK OF COUNCIL**

12. **Citizens' Input:** No one spoke.

13. **Executive Session**

- a. **Medicare Retiree Group Health Insurance Benefits Services: Contractual Matter:** Council approved the recommendation from Human Resources. **ACTION: ADMINISTRATION, HUMAN RESOURCES, FINANCE**

14. **Motion Period**

- a. **Based on Councilwoman Dickerson's motion to return the CMRTA to the City of Columbia, I make a motion to direct staff to determine the financial impact on Richland County of such action on an annual basis with a projection out to 5 years. [Malinowski] Referred to the A&F Committee. ACTION: ADMINISTRATION, FINANCE**
- b. **Resolution honoring the Recreation Commission on being reaccredited by CAPRA. [Washington] Approved. ACTION: CLERK OF COUNCIL**
- c. **Develop a Capital Projects Sales Tax for November 2012, with collection beginning May 1, 2013. The Capital Projects Sales Tax is a 1% increase, with 100% of the proceeds going towards identified capital projects in both the City, County and adjacent municipalities. It is a seven year tax, through 2019, expected to generate over \$400,000,000. A Priority Investment Element inventories potential funding sources and forecasted revenues available to finance planning initiatives, capital improvements, and other quality of life projects in the community should be used. Planning for roads, new parks, or new schools is the easy part; figuring out a long range capital plan to pay for them is the true challenge. New growth and development demand additional public services, roads, and utilities. Managing available revenue sources and enumerating project needs helps ensure that adequate capacity is available to serve the magnitude and timing of anticipated development.**

In essence, the Priority Investment Element would be a catalyst for the development of a more formalized Capital Improvement Planning Process and the incorporation of capital planning elements in our annual budgets that looks beyond year to year budget cycles. The Element would require improved coordination across multiple disciplines: Land Use, Transportation, Schools, and other Public Facilities would be planned and programmed not in a vacuum, but in a manner which anticipates the impacts each has on the other. Plans, programs, policies, and capital projects recommended in the Priority

Investment Act (PIA) address needs highlighted throughout the Comprehensive Plan for Richland County and the City of Columbia as well as related entities. [Jackson] Referred to the A&F Committee.
ACTION: ADMINISTRATION, FINANCE

- d. **Remove the 400ft separation between restaurant and bars to have a more safe and friendly effective pedestrian environment. [Jackson] Referred to the D&S Committee. ACTION: ADMINISTRATION, PLANNING**
 - e. **Permanently finance the bus by a \$5 vehicle registration fee for noncommercial vehicles and \$10 for commercial vehicles. [Jackson] Referred to the A&F Committee. ACTION: ADMINISTRATION, FINANCE**
 - f. **Sheriff's Department Salary Increase Request [Livingston]: Referred to the A&F Committee. ACTION: ADMINISTRATION, HUMAN RESOURCES**
 - g. **Rezoning of Ridgeway Street from split commercial to residential. [Livingston]: Referred to the D&S Committee. ACTION: ADMINISTRATION, PLANNING**
 - h. **Clarify accessory structure intent Section 26-22 of the Land Development Code. [Jackson] Referred to the D&S Committee. ACTION: ADMINISTRATION, PLANNING**
 - i. **A resolution in support of naming Lower Richland High School Auditorium "Debbie Stroman Auditorium" for the most successful Girls Basketball Coach in the state. Note: Proposal from the PTSA and Principal Lower Richland High School [Jackson] Approved. ACTION: CLERK OF COUNCIL**
15. **Adjournment:** Council adjourned at 9:25 p.m.