MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 6, 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.

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, Dale Welch, Nelson Lindsay, Sara Salley, Buddy Atkins, Larry Smith, Geo Price, Betty Etheredge, Daniel Driggers, Holland Ledger, Janet Claggett, Lillian McBride, Garry Baum, Brenda Carter, Rodolfo Callwood, Dwight Hanna, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at 6:02 p.m.

INVOCATION

The Invocation was given by the Honorable Joyce Dickerson

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PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

APPROVAL OF MINUTES

<u>Regular Session: November 15, 2011</u> – Mr. Pearce moved, seconded by Mr. Jeter, to reconsider the following item: "Hospitality Tax County Promotions Grant Program Changes."

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

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Jeter, to defer this item until the January 10th Council meeting. The vote was in favor.

Mr. Malinowski requested that all ordinances be amended to remove the former Clerk of Council's name.

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

ADOPTION OF AGENDA

Mr. Smith stated that the Fire Contract needed to be added to the Report of the Attorney for Executive Session.

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

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REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. SCE&G
- b. Redistricting Update
- c. Medicare Retiree Group Health Insurance Benefits Services—Contractual Matter
- d. Fire Contract

Mr. Jeter moved, seconded by Ms. Kennedy, to defer the following Executive Session Items: Darrell's vs. Richland County; SOB Update; FN Manufacturing, LLC and McEntire Produce, Inc. The vote in favor was unanimous.

OUTSIDE COUNSEL EXECUTIVE SESSION

Council went into Executive Session at approximately 6:14 p.m. and came out at approximately 6:50 p.m.

- **a. SCE&G** Ms. Kennedy moved, seconded by Ms. Dickerson, to proceed as discussed in Executive Session. The vote was in favor.
- **b.** Redistricting Update Ms. Kennedy moved, seconded by Ms. Dickerson, to authorize staff to proceed with the implementation of the redistricting plan and to clarify any issues related to the plan with DOJ as necessary. The vote in favor was unanimous.

CITIZENS' INPUT

Mr. Manning moved, seconded by Mr. Jackson, to waive the rules to allow the citizen to speak. The vote in favor was unanimous.

Mr. David Lewis spoke regarding the CMRTA.

REPORT OF THE COUNTY ADMINISTRATOR

a. Legislative Delegation Update – Mr. Pope stated that there will be a meeting of the Richland County Legislative Delegation on December 9th at 12 noon at the Midlands Technical College Student Center, Beltline Campus.

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REPORT OF THE CLERK OF COUNCIL

- a. <u>January Meeting Schedule</u> Ms. Onley stated that staff is requesting that the January meeting schedule be altered to accommodate the agenda software update.
- b. Annual Council Retreat, January 26-27, 2012, Clemson University Sandhills Research & Education Center, 900 Clemson Road – Ms. Onley stated that the Council Retreat is scheduled to be held on January 26 and 27, 2012 at the Clemson Sandhills Research & Education Center on Clemson Road.

Council members requested that alternate locations be explored.

Mr. Washington moved, seconded by Mr. Malinowski, to defer this item until the December 13th Council meeting. The vote was in favor.

REPORT OF THE CHAIRMAN

No report was given.

PUBLIC HEARINGS

- 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, 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 signed up to speak.
- Authorizing (1) the execution and delivery of a fee in lieu of tax incentive agreement between Richland County, South Carolina (the "County") and FedEx Ground Package System, Inc., acting for itself, 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

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multi-county park to be made available to the Company and the Project; and (4) other matters relating thereto – No one signed up to speak.

- 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 signed up to speak.
- 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 rate; and other matters No one signed up to speak.
- 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 signed up to speak.
- 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 signed up to speak.
- 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 signed up to speak.
- 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 signed up to speak.

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APPROVAL OF CONSENT ITEMS

- 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]
- 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]
- CDBG Allocation of Funds Decker Boulevard Specific
- Resolution to Distribute \$5,281.78 in Federal Forestry Funds
- <u>Professional Services Property Acquisition adjacent to Jim Hamilton-LB</u>
 <u>Owens Airport</u>
- Increase RCSD Deputy Current Pay

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

THIRD READING

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 other related matters – Ms. Hutchinson moved, seconded by Mr. Malinowski, to defer this item until such time as it is ready to come back before Council. The vote in favor was unanimous.

Authorizing the Execution and Delivery of an Amendment to the Fee Agreement between Richland County, South Carolina, and Arum Composities, LLC its affiliates and assigns, to provide for a new effective date and millage rate; and other matters – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item

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with the commencement date being amended to December 31, 2014. The vote in favor was unanimous.

SECOND 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 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

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 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

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 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

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 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

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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 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

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 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

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 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

FIRST 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 – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

<u>Proposed Amendment to Settlement Agreement with Northeast Landfill</u> – Ms. Hutchinson stated that the committee recommendation was that Council conduct a work session prior to December 30th and include representatives from Republic Services, County Staff and the Conservation Commission.

Mr. Malinowski moved, seconded by Mr. Jackson, to schedule the work session for December 13th. A discussion took place.

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Ms. Dickerson made a substitute motion, seconded by Ms. Hutchinson, to schedule the work session for December 20th. A discussion took place.

Mr. Washington made a second substitute motion, seconded by Ms. Hutchinson, to develop a roundtable made up of Republic Services, Conservation Commission, and the Soil & Water Department to review the technologies to protect the water quality in the community. A discussion took place.

Mr. Washington moved, seconded by Ms. Hutchinson, to call for the question. The vote in favor was unanimous.

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

The second substitute motion failed.

<u>For</u>	<u>Against</u>
Pearce	
Hutchinson	
Jeter	
Livingston	
Dickerson	
Manning	

Mr. Malinowski moved, seconded by Mr. Jackson, to reconsider the vote.

For

Pearce

Malinowski

Jackson

Hutchinson

Jeter

Livingston

Dickerson

Kennedy

Rose

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The vote was in favor of reconsideration.

Ms. Dickerson withdrew her substitute motion.

Mr. Livingston made a substitute motion, seconded by Mr. Pearce, to schedule the work session on December 20th immediately following the Zoning Public Hearing.

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

The vote was in favor of the substitute motion.

Old LRADAC Building Environmental Remediation and Demolition Project – Ms. Hutchinson stated that the committee recommended to approve the award of a contract to Neo Corporation for the demolition of the LRADAC Building in the amount of \$349,600 and an additional 25% contingency, which would be \$87,400, but included in this project. A discussion took place.

The vote was in favor of the committee's recommendation.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

<u>County Council Shirts</u> – Mr. Washington moved, seconded by Ms. Dickerson, to defer this item until the January 10th Council meeting.

Approval of Competitive 2010 Local Emergency Management Performance Funds Grant – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

<u>Payment Procedures for County Grant Programs</u> – Mr. Washington moved, seconded by Mr. Jackson, to change the requirements for the neighborhood grants to provide up to \$1,500 upfront funding. A discussion took place.

The vote in favor was unanimous.

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<u>Special DUI Prosecutor Grant</u> – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

<u>VOTE Federal Accessibility Grants for the Election Commission</u> – Mr. Jackson moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

Action to Make Certain Department Heads with Contractual Responsibility At Will Employment Status [TO TABLE] – Mr. Pearce stated that the committee recommended tabling this item. The vote in favor was unanimous.

Responses from RFP to Medicare Retiree Group Health Insurance Benefit Services – This item was taken up in Executive Session.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. Business Service Center Appeals Board—1 Mr. Malinowski stated that the committee recommended advertising for this item. The vote in favor was unanimous.
- b. Township Auditorium Board—1 Mr. Malinowski stated that the committee recommended advertising for this item. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- **a.** Accommodations Tax Committee—4 Mr. Malinowski stated that the committee recommended examining the qualifications for the committee prior to re-advertising. The vote in favor was unanimous.
- b. Airport Commission—3 Mr. Malinowski stated that the committee recommended re-appointing Mr. J. Russell Goudelock and Mr. Don Purcell and appointing Mr. Stuart C. Hope. The vote in favor was unanimous.
- **c. Appearance Commission—2** Mr. Malinowski stated that the committee recommended examining the qualifications for the committee prior to re-advertising. The vote in favor was unanimous.

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- **d. Board of Assessment Control—1** Mr. Malinowski stated that the committee recommended examining the qualifications for the committee prior to re-advertising. The vote in favor was unanimous.
- **e. Building Codes Board of Adjustments—3** Mr. Malinowski stated that the committee recommended examining the qualifications for the committee prior to re-advertising. The vote in favor was unanimous.
- f. Business Service Center Appeals Board—1 Mr. Malinowski stated that the committee recommended examining the qualifications for the committee prior to re-advertising. The vote in favor was unanimous.
- **g.** Internal Audit Committee—1 Mr. Malinowski stated that this item was held in committee pending a legal opinion. The vote in favor was unanimous.
- h. Lexington/Richland Alcohol and Drug Abuse Council—2 Mr. Malinowski stated that the committee recommended re-appointing Mr. Harbeson and re-advertising for the other vacancy.

Mr. Pearce made a substitute motion, seconded by Mr. Washington, to re-appoint Mr. Harbeson and Ms. Matheus. A discussion took place.

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

The substitute motion failed.

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For Against

Malinowski Pearce
Jackson Rose
Hutchinson Washington
Jeter
Livingston
Dickerson
Manning
Kennedy

The vote was in favor of the committee's recommendation.

i. Richland Memorial Hospital Board—4 – Mr. Malinowski stated that the committee recommended re-appointing Ms. Rosalyn Woodson Frierson and Mr. Gerald Isreal, Jr. The other two applications will be remain in committee pending a legal opinion. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

a. 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 affect [HUTCHINSON, JACKSON AND ROSE] — The item was held in committee.

OTHER ITEMS

Report of the Clerk's Office Organization Ad Hoc Committee – Mr. Jeter stated that the committee recommended accepting and posting the Executive Clerk to Council job description; the new Clerk of Council, as part of his/her duties, will make recommendations on the two existing positions in the Clerk's Office; the Clerk's Ad Hoc Committee will assist in conjunction with the Human Resources in screening of any applications; and one of the current employees will be involved in the selection of the Clerk.

Mr. Pearce moved, seconded by Mr. Malinowski, to divide the question. The vote in favor was unanimous.

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Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to remove the Master's Degree or Bachelor's Degree requirement from the job description and retain four years of professional experience in government, administration/management, law or community education.

Mr. Pearce made a second substitute motion, seconded by Mr. Malinowski, to continue to operate with the two existing employees and appoint one of the existing employees as the Clerk of Council. A discussion took place.

Mr. Jackson made a friendly amendment that if the Clerk's Office discovered that they needed another employee they be allowed to come back to Council.

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

The vote was in favor of the second substitute motion.

<u>Report of the Fire Ad Hoc Committee</u> – Mr. Washington moved, seconded by Mr. Malinowski, to defer this item until the December 13th Council meeting. The vote was in favor.

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 – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

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 – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

CITIZENS INPUT

No signed up to speak.

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EXECUTIVE SESSION

Example 2015 Proceedings of the control of the cont

a. Medicare Retiree Group Health Insurance Benefit Services—Contractual Matter – Mr. Pearce moved, seconded by Mr. Malinowski, to accept the Human Resource Director's recommendation. The vote in favor was unanimous.

MOTION PERIOD

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] – This item was referred to the A&F Committee.

Resolution honoring the Recreation Commission on being reaccredited by CAPRA [WASHINGTON] – Mr. Washington moved, seconded by Mr. Malinowski, to adopt a resolution honoring the Recreation Commission on being reaccredited by CAPRA. The vote in favor was unanimous.

Develop a Capital Projects Sales Tax for November 2012, with collections 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 revenue 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

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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] – This item was referred to the A&F Committee.

Remove the 400ft separation between bars to have a more safe and friendly effective pedestrian environment [JACKSON] – This item was referred to the D&S Committee.

<u>Permanently finance the bus by a \$5 vehicle registration fee for noncommercial vehicles and \$10 for commercial vehicles [JACKSON]</u> – This item was referred to the A&F Committee.

<u>Sheriff's Department Salary Increase Request [LIVINGSTON]</u> – This item was referred to the A&F Committee.

<u>Rezoning of Ridgeway Street from split commercial to residential [LIVINGSTON]</u> – This item was referred to the D&S Committee.

<u>Clarify accessory structure intent Section 26-22 of the Land Development Code</u> [JACKSON] – This item was referred to the D&S Committee.

A resolution in support of naming Lower Richland High School Auditorium

"Debbie Stroman Auditorium" for the most successful Girls Basketball Coach in
the state [JACKSON] – Mr. Jackson moved, seconded by Mr. Manning, to adopt a
resolution in support of naming Lower Richland High School Auditorium "Debbie
Stroman Auditorium". The vote in favor was unanimous.

<u>January Meeting Schedule</u> – Mr. Manning moved, seconded by Ms. Hutchinson, to hold the first Council meeting in January on January 10th.

ADJOURNMENT

The meeting adjourned at approximately 9:25 p.m.

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The minutes were transcribed by Michelle M. Onley

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.