

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

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

December 13, 2011

6:00 p.m.

Call to Order: Livingston

Invocation: Manning

Pledge of Allegiance: Manning

Presentation of Resolution: Recreation Commission's Re-Accreditation by CAPRA [Washington, Dickerson, Jackson, Kennedy]

Point of Personal Privilege: Mr. Manning stated that copies of Saints at the River, the book chosen for **One Book, One Columbia**, have been provided to Council members.

Approval of Minutes

- a. **Regular Session: December 6, 2011:** Approved as amended.

Adoption of the Agenda: Adopted as amended (4b was added).

Report of the County Attorney

- a. **Finch v. Richland County:** The County Attorney was directed to proceed with mediation. **ACTION: LEGAL**
- b. **[First Executive Session] FN Manufacturing, LLC:** Council directed staff to proceed as discussed in Executive Session. Council voted to not reconsider this item. **ACTION: LEGAL**
- c. **[First Executive Session] McEntire Produce, Inc.:** Council directed staff to proceed as discussed in Executive Session. Council voted to not reconsider this item. **ACTION: LEGAL**

- d. **Fire Contract:** Council directed staff to forward the amended IGA to the City of Columbia per discussions in Executive Session. Council voted to not reconsider this item. **ACTION: ADMINISTRATION, LEGAL**
- e. **Project Dinner:** Council voted to approve the Inducement Resolution. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

Citizens' Input: One person spoke.

Report of the County Administrator

- a. **Legislative Delegation Update:** Mr. Pope stated that he attended the Legislative Delegation meeting on Thursday, December 8 with Mr. Livingston. Legal counsel for the Delegation has drafted legislation regarding the Assessor, per the request of Richland County Council. The legislation will be sponsored by Senator Jackson and Representative Rutherford. Co-sponsors will also be sought. The legislation is to be pre-filed. Council will continue to be updated on this item. **ACTION: ADMINISTRATION**
- b. **Business Friendly Task Force Update:** The latest Task Force meeting was held on Monday, December 12. The members are looking at peer communities, and have reviewed two surveys – 1 for the development community, and 1 for the business license community. A SWOT analysis is also to be performed. The next meeting will be held January 9, 2012 at the Chamber of Commerce. **ACTION: ADMINISTRATION**
- c. **Northeast Landfill Work Session:** Mr. Pope reminded Council of the upcoming Work Session, to be held immediately following the Zoning Public Hearing on December 20, 2011.

Report of the Clerk of Council

- a. **Council Retreat Location:** Retreat will be held January 26 and 27 at the Clemson Sandhill Research & Education Center.

Report of the Chairman: No report.

Presentations

- a. **Palmetto Utilities:** Stan Jones, President, gave Council an update on the company's request to amend the 208 plan. This item will be discussed in January, and may potentially be a Retreat topic. **ACTION: ADMINISTRATION, UTILITIES, CLERK OF COUNCIL**

- b. **Recreation Commission – CAPRA:** Kenya Bryant, Asst. Executive Director, updated Council on the Re-Accreditation.

1. Public Hearings

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

2. Consent Items

- a. [Removed from Consent] **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 [Third Reading]:** Council deferred this item until the associated Hospitality Tax item is discussed. **ACTION: ADMINISTRATION, GRANTS, LEGAL, CLERK OF COUNCIL**
- b. **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]:** Council gave third reading approval to the ordinance. **ACTION: LEGAL, CLERK OF COUNCIL**
- c. **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 [Third Reading]:**

Council gave third reading to the ordinance and associated documents. Council voted to not reconsider the item. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

- d. **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 [Third Reading]:** Council gave third reading to the ordinance and associated documents. Council voted to not reconsider the item. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

- e. **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 [Third Reading]:** Council gave third reading to the ordinance and associated documents. Council voted to not reconsider the item. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

- f. **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 [Third Reading]:** Council gave third reading to the ordinance and associated documents. Council voted to not reconsider the item. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

- g. [Removed from Consent] **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 [Third Reading]: It was announced that Project Rocky is MARS Petcare. Council gave third reading to the ordinance and associated documents. Council voted to not reconsider the item. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

- h. 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 [Third Reading]:** Council gave third reading to the ordinance and associated documents. Council voted to not reconsider the item. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
 - i. 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 [Third Reading]:** Council gave third reading to the ordinance and associated documents. Council voted to not reconsider the item. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- 3. Second 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 second reading approval to the ordinance. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, FINANCE, GRANTS**
- 4. Report of Economic Development Committee**
- a. Inducement Resolution for Project Dinner:** Council approved the Resolution. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

- b. Approval of Project Rocky [MARS Petcare] Set-A-Side Grant Award:** Council approved the set-aside pass-through grant from the Department of Commerce, which is to be used for site-work associated with the MARS Petcare expansion. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE, GRANTS**
- 5. Caughman Creek Property:** Council voted to terminate the current contract. The property owner may submit a new proposal without the dam and its associated infrastructure. A survey should also be completed to prevent ambiguity. **ACTION: ADMINISTRATION, LEGAL**
- 6. Report of the Fire Ad Hoc Committee:** Council directed staff to forward the amended IGA to the City of Columbia per discussions in Executive Session. Council voted to not reconsider this item. **ACTION: ADMINISTRATION, LEGAL**
- 7. Citizens' Input:** No one spoke.
- 8. Executive Session**
 - a. Finch v. Richland County:** The County Attorney was directed to proceed with mediation. **ACTION: LEGAL**
 - b. Fire Contract:** Council directed staff to forward the amended IGA to the City of Columbia per discussions in Executive Session. Council voted to not reconsider this item. **ACTION: ADMINISTRATION, LEGAL**
 - c. Project Dinner:** Council voted to approve the Inducement Resolution. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- 9. Motion Period:** No items.
- 10. Adjournment:** Council adjourned at 9:01 p.m.