

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 15, 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, Charlie Fisher, Chanda Cooper, Don Chamblee, Nancy Stone-Collum, Justin Martin, Geo Price, Michael Byrd, 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 Damon Jeter

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Damon Jeter

APPROVAL OF MINUTES

Regular Session: November 1, 2011 – Mr. Malinowski stated that a copy of the letter of support for Richland Community Health Care Association should be attached to the minutes. Mr. Malinowski further stated that Mr. Washington was spelled incorrectly on p. 7 of the minutes.

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

ADOPTION OF AGENDA

Mr. Jackson moved, seconded by Mr. Malinowski, to move Items 5.a., 7.a., and 7.b. prior to the Report of the Attorney for Executive Session. 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.

PRESENTATIONS

Farm-City Proclamation [HUTCHINSON & JACKSON] – Ms. Hutchinson and Mr. Jackson presented a proclamation recognizing November 18-24, 2011 as Farm-City Week. Teachers and students from Horrell Hill Elementary were also recognized for their contributions to Farm-City Week.

Richland County Conservation Commission/Gills Creek Watershed Assoc./AT&T Foundation – Mr. Ted Creech, on behalf of AT&T Foundation, presented a check for \$11,500 to the Gills Creek Watershed for an iPhone Project. The Conservation Commission also contributed \$8,500 toward this endeavor.

SC Philharmonic, Morihiko Nakahara, Music Director – Mr. Nakahara and Ms. Hallyburton thanked Council for their support and outlined upcoming events of the SC Philharmonic.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

a. Richland County vs. SCE&G

- b. Darrell's vs. Richland County
- c. IGA – Fire Contract
- d. Economic Development Items

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OUTSIDE COUNSEL EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:32 p.m. and came out at approximately 7:48 p.m.
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- a. **Richland County vs. SCE&G** – Ms. Kennedy moved, seconded by Ms. Dickerson, to proceed as discussed in Executive Session. The vote was in favor.
- b. **Darrell's vs. Richland County** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to proceed as directed in Executive Session. The vote in favor was unanimous.
- c. **Economic Development Items** – No action was taken.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Eastover Water Negotiations** – Mr. Pope stated that staff is presently working on rescheduling the meeting with Eastover and Council will be updated as these negotiations progress.
- b. **Business Service Reform Task Force** – Mr. Pope stated that the next meeting is scheduled for November 21st, 4-6 p.m. at the Chamber of Commerce.

REPORT OF THE CLERK OF COUNCIL

- a. **Farm-City Proclamation** – Taken up during the Presentations at beginning of meeting.

REPORT OF THE CHAIRMAN

- a. **Miss SC Pageant** – Ms. Dickerson moved, seconded by Ms. Kennedy, to sponsor the event. A discussion took place.

The vote was in favor.

- b. **Reinstitute TIF Committee** – Mr. Jeter moved, seconded by Mr. Washington, to select a TIF Ad Hoc Committee.

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Ms. Dickerson offered the following friendly amendment : “If Council members are interested in serving to submit their names to the Chair.” The friendly amendment was accepted.

PUBLIC HEARINGS

- **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 to Project Cyrus; and other related matters** – No one signed up to speak.
- **An Ordinance Authorizing a deed to Cohn & Cohn Investments, LLC, for approximately 4.94 acres of land, constituting a portion of Richland County TMS # 25800-04-01** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **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 to Project Cyrus; and other related matters [THIRD READING]**
- **An Ordinance Authorizing a deed to Cohn & Cohn Investments, LLC, for approximately 4.94 Acres of land, constituting a portion of Richland County TMS # 25800-04-01 [THIRD READING]**
- **11-14MA, Ron Johnson, Longcreek Plantation, RU to RS-LD (4.91 Acres), Longtown Rd. East & Longtown Rd. West 20500-05-02 [THIRD READING]**
- **11-14MA, Adams Northeast AME Church, Kay Hightower, RU to GC (10.62 Acres), 409 Longtown Rd., 17400-05/12/13/14/26 [THIRD READING]**

Ms. Hutchinson moved, seconded by Ms. Dickerson, 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 – Mr. Jackson moved, seconded by Ms. Hutchinson, to defer this item until the December 6th Council meeting. The vote in favor was unanimous.

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An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; so as to exempt certain subdivisions from road construction requirements when property is being transferred to immediate family members or by will or intestate succession or forced division decreed by appropriate judicial authority – Mr. Washington moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

Mr. Washington moved, seconded by Mr. Jackson, to reconsider this item. The motion failed.

SECOND READING

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 – Mr. Malinowski requested that Exhibit A be attached and that the commencement date be amended to December 31, 2014.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item as amended. The vote in favor was unanimous.

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

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

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Hospitality Tax County Promotions Grant Program Changes – Mr. Jeter moved, seconded by Mr. Washington, to defer this item.

Ms. Hutchinson made a substitute motion, seconded by Mr. Malinowski, to approve Alternative #1.

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

The vote was in favor. *[This item was reconsidered at the December 6th Council meeting.]*

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Governmental Affairs Representative Services Contract Renewal – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

A Resolution 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; (2) the benefits of a multi-county industrial or business park to be made available to the Company; and (3) other matters relating thereto – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

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 [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

Inducement Resolution for Bottling Group, LLC – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

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 [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

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Inducement Agreement for Spirax Sarco, Inc. – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

A Resolution Authorizing the execution and delivery of an inducement agreement by and between Richland County, South Carolina, and Spirax Sarco, Inc. whereby, under certain conditions, Richland County will execute an amended fee in lieu of tax agreement for a project involving not less than ten million dollars (\$10,000,000) investment – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

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 [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

A Resolution 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; (2) the benefits of a fee in lieu of tax arrangement, special source credits and multi-county industrial or business park designation to be made available to the Company; and (3) other matters relating thereto – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

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 [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

Identifying an Economic Development Project to be located in Richland County, South Carolina; authorizing a fee agreement between Project Rocky and Richland County, South Carolina to induce Project Rocky to expand its existing manufacturing facility in Richland County; and other related matters – Mr.

Washington stated that the committee recommended approval of this item. The vote was in favor.

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Authorizing the execution and delivery of a fee agreement by and between Richland County, South Carolina and [Project Rocky], as sponsor, 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 [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

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 [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

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 [FIRST READING BY TITLE ONLY] – Mr. Washington stated that the committee recommended approval of this item. The vote was in favor.

OTHER ITEMS

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

Community Residential Care Facility in an Unincorporated Area of Richland County: 429 Rockhaven Drive, Columbia, SC 29223 – Council received this as information.

CITIZENS INPUT

Ms. Judy Irvin, Mr. Luke Dozier and Ms. Verner Starks spoke regarding residential care facilities in their community.

OUTSIDE COUNSEL EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:45 p.m. and came out at approximately 8:55 p.m.

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- a. IGA – Fire Contract – No action was taken.

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MOTION PERIOD

Pursuant to a request from Gary Watts, the Richland County Coroner, I move that the County Administrator and/or his designee along with the County Attorney meet with the Coroner and Probate Judge Amy McCullough to determine whether a County ordinance could be developed that would assist in the recovery of costs associated with the disposition of unclaimed decedents. This would only apply to those individuals whose estates are determined to have financial resources available. Explanation: According to the Coroner, the number of families declining custody of their deceased relatives is rising annually with the County having to bear the cost of preparation and burial of these individuals. In many cases, the Coroner and Probate Judge have determined that the decedent's estate have sufficient assets to cover these costs; however, they currently have no means to recover the costs associated with these expenses. [PEARCE] – This item was referred to the A&F Committee.

Motion for resolution from County Council supporting the One-Book, One Columbia reading initiative. This endeavor was a huge success last year in its inaugural year and will be taking place again in 2012. The Richland County library is involved and this is a resolution in which County Council will officially endorse the One-Book, One Columbia initiative. (Note: There is no financial resources tied to this resolution, this is merely showing County Council's support.) [ROSE] –Mr. Malinowski moved, seconded by Ms. Hutchinson, to adopt a resolution supporting One-Book, One Columbia reading initiative. The vote in favor was unanimous.

In an attempt to give qualified law firms an opportunity to participate in the counties bond work. We would request that the County Attorney establish a list of qualified firms and the list would be used to rotate the counties bond function. In addition, the county would encourage these firms to ensure that there is minority partnership in the process [JETER & WASHINGTON] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:02 p.m.

Paul Livingston, Chair

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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