

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 20, 2012 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	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Brad Farrar, Yanisse Adrian-Silva, Sara Salley, John Hixon, Nelson Lindsay, Tracy Hegler, Dale Welch, Janet Claggett, Ray Peterson, Amelia Linder, Daniel Driggers, Melinda Edwards, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:08 p.m.

INVOCATION

The Invocation was given by the Honorable Gwendolyn Davis Kennedy

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Gwendolyn Davis Kennedy

POINT OF PERSONAL PRIVILEGE – Mr. Pearce stated that he felt extremely safe with the members of the Sheriff’s Department in attendance.

PRESENTATION OF RESOLUTION

Resolution Honoring the life of Deputy Ryan Rawl and his service to his country in Afghanistan [ROSE] – Mr. Rose presented a resolution to Deputy Ryan Rawl’s family honoring him for his service to Richland County and his country in Afghanistan.

APPROVAL OF MINUTES

Regular Session: November 13, 2012 – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as distributed.

Mr. Malinowski moved, seconded by Mr. Jackson, to approve the minutes with the exception of the portion on p. 10 entitled “Executive Session: Palmetto Utilities”. The portion relating to “Executive Session: Palmetto Utilities” will be taken up after Executive Session. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Malinowski moved, seconded by Ms. Hutchinson, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. Palmetto Utilities
- b. Personnel Matter
- c. Employee Grievances—2

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized Ms. Dickerson on her appointment as Chair of the National Foundation for Women Legislators.

CITIZENS’ INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Richland 101 Graduation – Ms. Edwards presented the Richland 101 graduates with their certificates.

IT “County Records” Security Recommendations – Mr. McDonald stated that staff is pursuing the issues and the IT recommendations. This item will come back at the December 4th Council meeting.

Employee Grievances—2 – This item was taken up in Executive Session.

REPORT OF THE CLERK OF COUNCIL

Proposed 2013 Council Meeting Calendar – Mr. Manning moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Work Session Reminders: Regional Recreation Complex Interviews, Council Rules Work Session, and Business Friendly Task Force – Ms. Onley reminded Council about upcoming Work Sessions.

REPORT OF THE CHAIRMAN

Penny Referendum Next Steps – Mr. Livingston stated that the appointing the Oversight Committee and finalizing the Small/Minority Business component will take place before December 31st.

Personnel Matter – This item was taken up in Executive Session.

PRESENTATION

Columbia Metropolitan Convention Center – Mr. Ric Luber and Ms. Kell gave an update on the Columbia Metropolitan Convention Center.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fees on the investments by [Project Resolve], and other matters related thereto** – No one signed up to speak.
- **An Ordinance Authorizing the Second Amendment of that certain Fee Agreement by and between Richland County, South Carolina and [Project Resolve], relating to, without limitation, the payment to Richland County of a fee in lieu of taxes and the grant of a special source revenue credit to [Project Resolve], and other matters relating thereto** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **12-32MA, Terry Darragh, Richland County Landfill, Inc., RU to HI (79.11 Acres), Screaming Eagle Rd., 31600-02-18(p) [THIRD READING]**

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-176 Landscaping Standards; Subsection (J), Protection of Existing Trees During Development; Paragraph (3), Exemptions-Protection; so as to remove buffer and BMP requirements for forestry activities [THIRD READING]**
- **An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book "13" at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS#07313-07-01 [SECOND READING]**
- **An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS#15209-01-04, also known as 218 McNulty Street [SECOND READING]**

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

THIRD READING ITEMS

An Ordinance Authorizing the Second Amendment of that certain Fee Agreement by and between Richland County, South Carolina and [Project Resolve], relating to, without limitation, the payment to Richland County of a fee in lieu of taxes and the grant of a special source revenue credit to [Project Resolve], and other matters relating thereto [THIRD READING] – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

The vote in favor was unanimous.

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

An Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fee on the investment by [Project Resolve], and other matters related thereto [THIRD READING] – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

The vote in favor was unanimous.

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

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as "Reserved"

[THIRD READING] – Mr. Manning moved, seconded by Mr. Jackson, to defer this item for 6 months. The vote was in favor.

SECOND READING ITEMS

Authorizing the execution and delivery of an agreement between Richland County, and [Project Resolve] to provide for the conveyance of certain property from the County to [Project Resolve] and other matters related thereto [SECOND READING] – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item and request that Exhibit A “Property Description” be attached at Third Reading. The vote in favor was unanimous.

An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the “Incentive Agreement”) between Richland County, South Carolina (the “County”) and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the “Company”), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the “Expansion Project”), in which agreement the County will covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto [SECOND READING] – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

A Resolution Consenting to the interest in transfer of the Fee in Lieu of Tax Agreement among Richland County, South Carolina, Cellco Partnership and Spears Creek Realty, LLC; and other related matters – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

A Resolution Approving the transfer of the Unexpired Manufacturer’s Abatement from C&C Metal Fabrication, Inc. to AAA Septic Tank Installation and Repair LLC; and other related matters – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

An Ordinance Authorizing (1) the execution and delivery of a Special Source Credit Agreement between Richland County, South Carolina (the “County”) and Carolina Ceramics, LLC (the “Company”), whereby, under certain conditions, the County shall allow the Company to claim certain special source credits against the fee in lieu of tax payments made with respect to the Company’s manufacturing facilities with the County; (2) the benefits of a Multi-County Park to be made available to the Company; and (3) other matters relating thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Governmental Affairs Representative Services Contract Renewal – Mr. Livingston stated that the committee recommended deferral of this item until the December 4th Council meeting. The vote in favor was unanimous.

Bailey Bill Ordinance – Mr. Livingston stated that the committee recommended approval of NAI Avant/Avant Investments request to rehabilitate the property subject to the 50% threshold applicable to owner-occupied property under Section 23-63(c)(1). A discussion took place.

The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—3** – This item was held in committee.
- b. **Board of Zoning Appeals—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Colie L. Lorick, Jr.

Mr. Jeter requested that the vote on the applicants be taken up individually.

There were no votes for Mr. Terry Brown.

There were no votes for Mr. Terry L. Edwards.

Mr. Malinowski and Mr. Manning voted for Mr. Colie L. Lorick, Jr.

Mr. Rose, Mr. Jackson, Ms. Hutchinson, Mr. Pearce, Mr. Washington, Mr. Livingston, Ms. Dickerson and Mr. Jeter voted for Mr. Christopher Sullivan.

Mr. Christopher Sullivan was appointed.

- c. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Anthony Mizzell. The vote in favor was unanimous.
- d. **Employee Grievance Committee—2** – This item was held in committee.
- e. **Township Auditorium—1** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Andrew Nick Theodore. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Business Service Center Appeals Board—qualifications of recent appointments** – This item was held in committee.

- b. **Community Relations Council Appointments** – This item was held in committee.
- c. **Council Individual Discretionary Account** – This item was held in committee.

OTHER ITEMS

Tax Increment Financing (TIF):

- a. **TIF Chronology** – This item was received as information.
- b. **Authorizing, pursuant to Chapter 6 of Title 31, of the South Carolina Code of Laws, 1976, the execution and delivery of an Intergovernmental Agreement relating to the Columbia Renaissance Redevelopment Plan among Richland County, South Carolina, the City of Columbia, South Carolina, and School District No. 1 of Richland County, South Carolina; and other matters relating thereto [FIRST READING BY TITLE ONLY]** – Mr. Livingston moved, seconded by Mr. Manning, to approve the Renaissance Redevelopment Plan and Innovista Redevelopment Plan. A discussion took place.

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

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

The vote was in favor of approving the Ordinance and IGA related to the Renaissance Redevelopment Plan.

- c. **Columbia Renaissance Redevelopment Plan IGA** – This item was approved with approval of the Ordinance relating to the Renaissance Redevelopment Plan.
- d. **Authorizing pursuant to Chapter 6 of Title 31, of the South Carolina Code of Laws, 1976, the execution and delivery of an Intergovernmental Agreement relating to the Innovista Redevelopment Plan among Richland County, South Carolina, the City of Columbia, South Carolina, and School District No. 1 of Richland County, South Carolina; and other matters relating thereto [FIRST READING BY TITLE ONLY]** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the Ordinance and IGA related to the Innovista Redevelopment Plan. A discussion took place.

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

The vote was in favor of approving the Ordinance and IGA related to the Innovista Redevelopment Plan

- e. **Innovista Redevelopment Plan IGA** – This item was approved with the approval of the Ordinance relating to the Innovista Redevelopment Plan.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:27 p.m. and came out at approximately 8:45 p.m.
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- a. **Approval of Minutes** – Mr. Malinowski moved, seconded by Mr. Manning, to approve the portion of the minutes entitled “Executive Session: Palmetto Utilities”. The vote in favor was unanimous.
- b. **Employee Grievances** – Mr. Malinowski moved, seconded by Mr. Pearce, to uphold the Administrator’s recommendation. The vote in favor was unanimous.
- c. **Personnel Matter** – No action was taken.

MOTION PERIOD

Any utility provider must obtain permission from Richland County Council prior to work being done in unincorporated Richland County. The purpose for this motion is that an entity like the City of Columbia currently runs water lines when and where they want throughout Richland County. If Richland County is supposed to be directing where we do and don't want growth to take place such a practice is detrimental to the effectiveness of the Richland County comprehensive plan. [MALINOWSKI] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:48 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley