

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

**COUNTY ADMINISTRATOR'S REPORT OF COUNCIL ACTIONS
REGULAR SESSION COUNCIL MEETING
November 18, 2008
6:00 PM**

Call to Order: McEachern

Invocation: Montgomery

Pledge of Allegiance: Montgomery

Presentations

- a. **EngenuitySC:** Neil McLean, Executive Director, gave an update on EngenuitySC.
- b. **Richland 101 Graduation:** The graduates were recognized, and a class representative spoke.

Citizens' Input: No one spoke.

Approval of Minutes

- a. **Special Called Meeting: October 28, 2008:** The minutes were approved as submitted.

Adoption of Agenda: The agenda was adopted as amended. The ordinance authorizing the \$5,500,000 Bond was removed from the agenda.

Report of the County Attorney for Executive Session Items

- a. **Watts vs. Richland County**
- b. **Lower Richland Property Feasibility Study / Potential Purchase of Land**
- c. **Employee Benefits / Contractual Matter**

Report of the County Administrator

- a. **Smoking Ban Enforcement Update:** Mr. Pope stated that staff is currently developing policies regarding enforcement. **ACTION: ADMINISTRATION, LEGAL**
- b. **Joint City / County Ad Hoc Committee Meeting Updates: Bus System, Detention Center Drop Off:** These meetings are ongoing. We are currently waiting on a response from the City with regards to the Detention Center Drop Off. **ACTION: ADMINISTRATION, LEGAL**
- c. **Project Pet Agreement:** Our Legal Department is currently reviewing this document. Once it has been reviewed, the Chairman can sign it, and the agreement will be enacted. **ACTION: ADMINISTRATION, LEGAL, ANIMAL CARE SERVICES**
- d. **Eastover Sewer Billing and Collections Update:** This item will go to the November A&F Committee meeting. **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE, UTILITIES**
- e. **Clerk of Court Audit Update:** This audit is ongoing. Results will be shared with Council when available. **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE, CLERK OF COURT**

Report of the Clerk of Council

- a. **D&S and A&F Committee Meetings / Zoning Public Hearing / December Schedule:** Referred to the Motion Period.
- b. **Farewell Reception for Council Members:** Referred to the Motion Period.
- c. **Roast / Toast for Bernice Scott:** Referred to the Motion Period.

Report of the Chairman

- a. **Recognition of Ms. Lillian McBride, Mr. Mike Cinnamon, and Ms. Judy Carter:** The employees were recognized for their excellent service during the Elections process.
- b. **Public Information Office – Election Assistance:** The employees were recognized for their excellent service during the Elections process.

Public Hearing Items: 1a, 1b, 2c, 2e, 2f, 2g, ~~2h~~, 2i, 2j: Three people spoke about item 2j.

Approval of Consent Items: 1a, 1b, ~~1c~~, 2a, 2b, ~~2c~~, 2g, ~~2h~~, 2i, ~~2j~~—Stricken items were removed from the Consent agenda. The remaining items were approved.

1. Third Reading Items

- a. **An ordinance amending the Fiscal Year 2008 – 2009 Budget Ordinance for the Fund Balance Policy [PUBLIC HEARING] [CONSENT]:** Council gave third reading to the ordinance. **ACTION: ADMINISTRATION, FINANCE, BUDGET, TREASURER'S OFFICE, AUDITOR'S OFFICE, LEGAL, CLERK OF COUNCIL**
- b. **An ordinance amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability [PUBLIC HEARING] [CONSENT]:** Council gave third reading to the ordinance. **ACTION: ADMINISTRATION, FINANCE, BUDGET, LEGAL, CLERK OF COUNCIL**
- c. **An Ordinance Authorizing a utility easement to SCE&G on property identified as TMS #24700-09-06 [PUBLIC HEARING] [CONSENT]:** Council gave third reading to the staff version of ordinance. **ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL**

2. Second Reading Items

- a. **08-30MA; St. John's Baptist Church; Joe Sumter; RU to OI (2.87 acres); Family Life Center; 24400-01-66 & 67; Ault Road and Rosa Lee Drive [CONSENT]:** Council gave second reading approval to the zoning map amendment changing the zoning designation from RU to OI. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- b. **08-33MA; Tom Margle; OI / GC / OI to RM-HD (15.48 acres); Multi-Family; 19705-01-01, 19706-03-01 & 02; I-77 and Percival Road [CONSENT]:** Council gave second reading approval to the zoning map amendment changing the zoning designation from OI / GC / OI to RM-HD. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- c. **08-92MA; Sycamore Development; RU to RS-MD (36.35 acres); Residential; 20500-04-03 / 01 (p) / 04 (p); Rimer Pond Road:** Council gave second reading approval to the zoning map amendment changing the zoning designation from RU to RS-MD. An agreement is to be reached before third reading occurs. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- d. **08-29MA; Sycamore Development; RU to RS-MD (31.23 acres); Residential; 20500-04-01 (p); Rimer Pond Road:** Council gave second

reading approval to the zoning map amendment changing the zoning designation from RU to RS-MD. An agreement is to be reached before third reading occurs. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**

- e. **An Ordinance Establishing a Temporary Moratorium on the Issuance of New Permits within the Unincorporated Areas of Richland County for Signs that Use LED Technology [PUBLIC HEARING]**
[CONSENT]: Council gave second reading approval, and attached the pending doctrine ordinance. No additional permits are to be granted until the County develops a plan on how to handle these signs. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**

- f. **Request to approve the use of accrued interest from the Broad River Sewer bond issue toward the completion of the construction project [PUBLIC HEARING]:** Council gave the item second reading. Staff is to contact DHEC regarding a consent order extension as it relates to the portion of “issues beyond our control.” **ACTION: ADMINISTRATION, UTILITIES, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**

- g. **An ordinance amending the Fiscal Year 2008 – 2009 General Fund Annual Budget to move fifty thousand (\$50,000) from the Non-Departmental Budget to the Human Resources Budget due to health insurance savings [PUBLIC HEARING] [CONSENT]:** Council gave second reading approval to the budget amendment. **ACTION: HUMAN RESOURCES, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**

- ~~h. **An ordinance authorizing the issuance and sale of not exceeding \$5,500,000 General Obligation Bond Anticipation Notes, Series 2008, or such other appropriate series designations, of Richland County, South Carolina; fixing the form and details of the bonds; authorizing the administrator of the county to determine certain matters relating to the bonds, providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [PUBLIC HEARING] [CONSENT]:** This item was removed from the agenda.~~

- i. **Request to approve a budget amendment to the Hospitality Tax Fund in the amount of \$40,000 to provide operating capital for the Township Auditorium:** Council gave second reading approval to the budget amendment. Per the action taken at the 10-28 Council meeting, this item is to receive two readings, and be held by council for third reading pending a demonstrated need by the Township for additional funding later

in the fiscal year. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL, TOWNSHIP**

- j. **Request to approve a budget amendment in the amount of \$100,000 to redirect funds allocated to support the Midlands Area Commission on Homelessness to the Midlands Housing Alliance:** Council gave second reading approval to the budget amendment. Mr. Livingston raised specific concerns, which are to be addressed by staff. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**

3. **Report of the Economic Development Committee**

- a. **Ordinance 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 Property Owned by Primesouth, Inc., and Other Related Matters:** Council gave first reading approval to the ordinance. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL, AUDITOR'S OFFICE, TREASURER'S OFFICE**
- b. **Ordinance Authorizing Certain Economic Incentives, Including Payment of a Fee In Lieu of Property Taxes and Other Related Matters, Pursuant to a Fee Agreement Between Richland County, South Carolina, and Project Bay, Pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as Amended, for a Project Involving an Investment of Not Less Than \$30,000,000:** Council gave first reading approval by title only to the ordinance. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL, AUDITOR'S OFFICE, TREASURER'S OFFICE**

4. **Report of Rules and Appointments Committee**

- a. **Notification of Vacancies:** Advertise. **ACTION: CLERK OF COUNCIL**
 - 1. **Lexington / Richland Alcohol and Drug Abuse Council**
 - 2. **Planning Commission**
 - 3. **Richland Memorial Hospital Board of Trustees**
- b. **Notification of Appointments**
 - 1. **Accommodations Tax Advisory Committee – 2: Advertise.**
ACTION: CLERK OF COUNCIL

2. **Airport Commission – 4:** Mayers was appointed. The other positions are to be advertised. **ACTION: CLERK OF COUNCIL**
3. **Board of Assessment Control – 1:** Advertise. **ACTION: CLERK OF COUNCIL**
4. **Midlands Workforce Development Board – 2:** Cook and Ellen were appointed. **ACTION: CLERK OF COUNCIL**
5. **Township Auditorium Board – 2:** Pincelli was appointed. Legal is to review the other appointment to be made. **ACTION: CLERK OF COUNCIL, LEGAL**

c. Rule Changes

1. **Council Individual Discretionary Accounts:** Remains in Committee
ACTION: CLERK OF COUNCIL, LEGAL

5. Request to Approve Bus Service Adjustments (Central Midlands Regional Transit Authority)

- **Eliminate Route 37, Faraway Drive / Parklane (Weekdays)**
- **Eliminate Route 37, Faraway Drive / Parklane (Saturdays)**
- **Eliminate Route 35, Dentsville Express / Village at Sandhill (Saturdays)**
- **Eliminate all Sunday service**
- **Eliminate all service on July 4th and Labor Day**

Council approved the elimination of Routes 37 and 35, but recommended that Sunday service and holiday service remain. Legal is to make a determination regarding the binding of this action / decision by Council. **ACTION: ADMINISTRATION, LEGAL**

6. Lower Richland Property Feasibility Study / Potential Purchase of Land:
Executive Session Item

7. Citizens' Input: Two people spoke regarding property taxes.

8. Executive Session

- a. **Watts vs. Richland County:** Staff is to proceed as discussed in Executive Session. **ACTION: ADMINISTRATION, LEGAL**
- b. **Lower Richland Property Feasibility Study / Potential Purchase of Land:** Received as information. **ACTION: ADMINISTRATION, LEGAL**
- c. **Employee Benefits / Contractual Matter:** Received as information. **ACTION: ADMINISTRATION**

9. **Motion Period**

- a. **Staff to review the current MOU for CMRTA and create wording for requirements to be a “voting” board member of the CMRTA. There are people on the CMRTA board who do not provide funding for CMRTA but are voting on what monies the rest of us should appropriate and how it should be spent. This needs to be changed. [Malinowski]: Forwarded to the January A&F Committee meeting. ACTION: ADMINISTRATION, LEGAL**
- b. **Motion to discuss 2008 Christmas Holiday Schedule [JACKSON]: Forwarded to the November A&F Committee meeting. ACTION: ADMINISTRATION, LEGAL**
- c. **December D&S and A&F Committee Meetings, Zoning Public Hearing: These meetings were cancelled.**
- d. **Motion to authorize an Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Road Highways and Bridges; Article I, In General; Section 21-3, Definitions; Section 21-4 Drainage on Private Property; and 21-5 Maintenance of Unpaved Roads; so as to permit adoption of countywide dirt road paving program standards as generally described in Policy Overview Report document RC-PS-414-08 dated July 2008. The program implementation shall be administered under a special 13 member committee appointed by each county council member and two ad hoc members representing the Richland County Transportation Committee (CTC) and the SC Dept of Transportation Richland Resident Maintenance Engineer. Funding for final design development and program management shall be programmed and initiated in winter 2009. The program implementation shall include low volume traffic roadway pavement standards and right-of-way policy as described in Policy Overview Report document RC-PS-414-08 issued and presented to Council in July 2008. A copy of the proposed ordinance changes is included herein. [Scott]: Forwarded to the November D&S Committee meeting. ACTION: ADMINISTRATION, LEGAL**
- e. **Farewell Reception for Council Members: December 11 in the 4th Floor Conference Room. ACTION: CLERK OF COUNCIL**
- f. **Roast / Toast for Bernice Scott: Council members will purchase individual tickets. ACTION: CLERK OF COUNCIL**
- g. **Resolution for Ms. Livola Simon Taylor [Scott]: ACTION: CLERK OF COUNCIL**

- h. Proposed Zoning Amendments [MALINOWSKI]:** Please allow this email to serve as 24 hour notice of a motion I would like to make at the November 18, 2008 Richland County Council Regular Session. It is recommended this matter proceed directly to the Planning Commission with input from Planning Director Kocy since a similar rezoning matter was previously before the Planning Commission.

A change in Richland County Land Development Code is requested to require the following wording in section (31) Dwellings, Multi-Family, Not Otherwise Listed.

- a. Use districts: General Commercial.
- b. Multi-family dwellings in a General Commercial (GC) zoning district shall comply with one (1) of the following requirements:
 - 1. No more than twenty-five percent (25%) of the entire parcel may be used for multi-family dwellings and related uses (such as recreational amenities, garages, storage sheds and parking spaces);
or
 - 2. Multi-family dwellings and related uses (such as recreational amenities, garages, storage sheds and parking spaces) may be developed on the parcel as a whole, provided that the entire first level (or floor) of such dwelling(s) must be used solely for general commercial purposes.

The reasoning behind such a change is as follows:

- 1. This revision is beneficial land use by providing for mixed use of limited residential permitted in the GC zone.
- 2. The revision would prohibit GC from being used as 100% residential as is done now when there are zoning classifications that will allow for high density residential zoning.
- 3. The current code, allowing 100% residential, creates uncertainty in county planning and school efforts (will the site be commercial or housing).
- 4. The current requirements reduce the sites that could be used for commercial purposes, which are valuable assets to the property owners and Richland County.
- 5. Friction is created when residents residing in a GC zone are faced with surrounding GC lands being used as zoned as they want to then protest the allowed commercial use.

This item was forwarded to the January A&F Committee meeting.
**ACTION: ADMINISTRATOIN, PLANNING, LEGAL, CLERK OF
COUNCIL**

- 10. Adjournment:** Council adjourned at 9:49pm.