

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 18, 2008 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	Joseph McEachern
Member	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Absent	Kit Smith

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Latasha Hopper, Daniel Driggers, Lillian McBride, Mike Cinnamon, Judy Carter, Teresa Smith, Anna Almeida, Geo Price, Andy Metts, Dwight Hanna, Tammy O’Berry, Monique Walters, Michelle Onley

### CALL TO ORDER

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

### INVOCATION

The Invocation was given by the Honorable Mike Montgomery

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Mike Montgomery

## PRESENTATION

**EngenuitySC: Neil McLean, Executive Director** – Mr. Neil McLean presented Engenuity's annual report.

**Richland 101 Graduation** – Ms. Dowden recognized the Richland 101 graduates and Mr. Charles Jackson, a Richland 101 participant, gave a brief speech.

## CITIZENS' INPUT

No one signed up to speak.

## APPROVAL OF MINUTES

**Special Called: October 28, 2008** – Mr. Montgomery moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

## ADOPTION OF AGENDA

Ms. Finch stated that bond counsel had requested that the item regarding the \$5,500,000 General Obligation Bond Anticipation Notes be removed from the agenda.

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

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session items:

- a. **Lower Richland Property Purchase Decision**
- b. **Watts vs. Richland County**
- c. **Employee Benefits: Contractual Matter**
- d. **County Administrator's Evaluation**

## REPORT OF THE COUNTY ADMINISTRATOR

**Smoking Ban Enforcement** – Mr. Pope stated that the meeting with Sheriff Lott took place and staff is developing an enforcement program through the Business Services Department.

**Joint City/County Ad Hoc Committee Meeting Updates: Bus System, Detention Center Drop Off** – Mr. Pope stated the Transportation Committee has met twice and representatives from Council and the City of Columbia met this afternoon regarding the County's drop off policy. The City is to provide additional information.

**Project Pet Agreement** – Mr. Pope stated that the final legal review is being conducted.

**Eastover Sewer Billing and Collections** – Mr. Pope stated that this item will be placed on next week's A&F Committee meeting agenda.

**Clerk of Court Audit Update** – Mr. Pope stated that the audit is proceeding.

#### REPORT OF THE CLERK OF COUNCIL

**December Committee and Zoning Public Hearing Meetings** – Ms. Finch stated that it had been suggested that the December Committee and Zoning Public Hearing meetings be cancelled.

**Farewell Reception** – Ms. Finch stated that there is customarily a Farewell Reception held for outgoing Council members. The Convention Center will allow the use of their facility, at no charge, on December 11<sup>th</sup> or 18<sup>th</sup>.

**Roast & Toast for Councilwoman Bernice G. Scott, November 21<sup>st</sup>, 7:00 p.m., Metropolitan Convention Center** – Ms. Finch stated that Council had received a request to purchase a table and be sponsors at this event.

#### REPORT OF THE CHAIRMAN

**Recognition of Ms. Lillian McBride, Mr. Mike Cinnamon, Ms. Judy Carter and Public Information Office—Election Assistance** – Mr. McEachern recognized County employees that assisted with the Election this year.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern recognized that former Council Chairman Tony Mizzell was in the audience.

#### PUBLIC HEARING ITEMS

Mr. McEachern opened the floor to the following public hearing:

- **An Ordinance Authorizing a Utility Easement to South Carolina Electric & Gas Company on property identified as TMS#24700-09-06** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2008-2009 Budget Ordinance for the Fund Balance Policy** – 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; and Section 23-71, Oversight and Accountability** – No one signed up to speak.
- **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** – No one signed up to speak.
- **Request to approve the use of accrued interest from the Broad River Sewer bond issue toward the completion of the construction project** – No one signed up to speak.
- **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** – No one signed up to speak.
- **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** – No one signed up to speak.
- **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** – Ms. Ellen Cooper, Ms. Mary Jo Rove, and Ms. Patricia Morrison spoke regarding this item.

The public hearings were closed.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized Blythewood Mayor Keith Bailey was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce recognized that Councilman-elect Kelvin Washington was in the audience.

#### **APPROVAL OF CONSENT ITEMS**

Mr. Pearce moved, seconded by Mr. Montgomery, to approve the following consent items:

- **An Ordinance Authorizing a Utility Easement to South Carolina Electric & Gas Company on property identified as TMS#24700-09-06** [Third Reading]
- **An Ordinance Amending the Fiscal Year 2008-2009 Budget Ordinance for the Fund Balance Policy** [Third Reading]
- **08-30MA, St. John's Baptist Church, Joe Sumter, RU to OI (2.87 Acres), Family Life Center, 24400-01-66 & 67, Ault Rd. & Rosa Lee Dr.** [Second Reading]
- **08-33MA, Tom Margle, OI/GC/OI to RM-HD (15.48 Acres), Multi-Family, 19705-01-01, 19706-03-01 & 02** [Second Reading]

- **An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to move fifty thousand dollars (\$50,000) from the Non-Departmental Budget to the Human Resources Budget due to health insurance savings** [Second Reading]
- **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** [Second Reading]

The vote in favor was unanimous.

### THIRD READING ITEMS

**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** – Ms. Hutchinson moved, seconded by Ms. Malinowski, to approve staff's recommendation. The vote was in favor.

### SECOND READING ITEMS

**08-28MA, Sycamore Development, RU to RS-MD (36.35 Acres), Residential, 20500-04-03/01(p)/ 04 (p), Rimer Pond Rd.** – Ms. Dickerson moved, seconded Mr. Montgomery, to approve this item and an agreement be approved before Third Reading. A discussion took place.

The vote was in favor.

**08-29MA, Sycamore Development, RU to RS-MD (31.23 Acres), Residential, 20500-04-01(p), Rimer Pond Rd.** – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item and an agreement be approved before Third Reading. A discussion took place.

The vote was in favor.

**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** – Ms. Hutchinson moved, seconded Ms. Dickerson, to approve this item with the inclusion of the pending doctrine ordinance. The vote was in favor.

**Request to approve the use of accrued interest from the Broad River Sewer bond issue toward the completion of the construction project** – A discussion took place.

Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item. This motion failed.

Mr. Livingston moved, seconded by , to approve this item and to have staff contact DHEC to determine what constitutes circumstances beyond our control. The vote was in favor.

**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** – Mr. Pearce moved, seconded by Mr. Montgomery, to approve this item. A discussion took place.

The vote in favor was unanimous.

#### REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**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** – Mr. Jeter stated that the Committee recommended approval. The vote in favor was unanimous.

**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** – Mr. Jeter stated that the Committee recommended give this item First Reading by Title Only. The vote in favor was unanimous.

#### REPORT OF RULES AND APPOINTMENTS COMMITTEE

##### I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Lexington/Richland Alcohol and Drug Abuse Council—2** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
- b. **Planning Commission—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- c. **Richland Memorial Hospital Board of Trustees—3** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

**II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- a. **Accommodations Tax Advisory Committee—2** – Mr. Montgomery stated that the committee recommended that staff re-advertise for these vacancies. The vote in favor was unanimous.
- b. **Airport Commission—4** – Mr. Montgomery stated that the committee recommended appointing Mr. Peter R. Mayers and to re-advertise for the remaining vacancies. The vote in favor was unanimous.
- c. **Board of Assessment Control—1** – Mr. Montgomery stated that the committee recommended that staff re-advertise for these vacancies. The vote in favor was unanimous.
- d. **Midlands Workforce Development Board—2** – Mr. Montgomery stated that the committee recommended appointing Mr. Larry C. Cooke and Mr. Bill Ellen. The vote in favor was unanimous.
- e. **Township Auditorium Board—2** – Mr. Montgomery stated that the committee recommended appointing Mr. John A. Pincelli and holding the other appointment pending further information. The vote in favor was unanimous.

**III. Council Individual Discretionary Accounts** – Mr. Montgomery stated that this item was held in committee.

**Request to approve bus service adjustments (Central Midlands Regional Transit Authority)**

- a. **Eliminate Route 37 Faraway Drive/Parklane (Weekdays)**
- b. **Eliminate Route 37 Faraway Drive/Parklane (Saturdays)**
- c. **Eliminate Route 35 Dentsville Express/Village at Sandhills (Saturdays)**
- d. **Eliminate all Sunday service**
- e. **Eliminate all service on July 4<sup>th</sup> and Labor Day**

Mr. Montgomery moved, seconded Ms. Scott, to accept the elimination of Routes 37 and 35 and to deny the elimination of all Sunday service and all service on July 4<sup>th</sup> and Labor Day. A discussion took place.

The vote in favor was unanimous.

**Lower Richland Property Purchase** – Mr. Montgomery moved, seconded by Mr. Jeter, to defer this item until after Executive Session. The vote in favor was unanimous.

## CITIZENS' INPUT

Mr. Clinton Newell and Mrs. Newell spoke regarding property taxes.

## EXECUTIVE SESSION

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**Council went into Executive Session at approximately 7:36 p.m. and came out at approximately 9:22 p.m.**  
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- a. **Lower Richland Property Purchase** – Proceeded as discussed in Executive Session
- b. **Watts vs. Richland County** – No action taken.
- c. **Employee Benefits: Contractual Matter** – No action taken.

## MOTION PERIOD

**Staff review of current MOU for CMRTA and creation of wording for requirements to be “voting” board member of the CMRTA.** – Mr. Malinowski referred this item to the January A&F Committee meeting.

**2008 Christmas Holiday Schedule** – Mr. Jackson forwarded to the November A&F Committee meeting.

**December D&S and A&F Committee Meetings, Zoning Public Hearing** – Mr. Montgomery moved, seconded by Ms. Scott, to cancel the December committee and Zoning Public hearings. The vote in favor was unanimous.

**Dirt Road Paving Ordinance** – Mr. Malinowski moved to have staff determine how H4745 (South Carolina Residential Improvement District Act) can be used to the benefit of Richland County in funding construction and maintenance of infrastructure and improvements related to new development. This motion was forwarded to the D&S Committee.

**Farewell Reception for Council Members** – Mr. Jackson moved, seconded by Ms. Dickerson, to hold the farewell reception on December 11<sup>th</sup> in the 4<sup>th</sup> Floor Conference Room.

**Roast/Toast for Bernice Scott** – Council members voted to purchase individual tickets for this event.

**Motion to authorize and 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** – This item was forwarded to the November D&S Committee meeting.

**Resolution for Ms. Livola Simon Taylor** – Ms. Scott moved to adopt a resolution for Ms. Livola Simon Taylor for her community work.

**Proposed Zoning Amendments: 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.

Mr. Malinowski forwarded this to the January A&F Committee meeting.

## ADJOURNMENT

The meeting adjourned at approximately 9:39 p.m.

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Joseph McEachern, Chair

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Valerie Hutchinson, Vice-Chair

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Joyce Dickerson

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Mike Montgomery

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L. Gregory Pearce, Jr.

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley