

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 2, 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.

MEMBERS PRESENT:

Vice-Chair	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
Member	Kit Smith

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Pam Davis, Daniel Driggers, Teresa Smith, David Hoops, Dan Johnson, Michael Byrd, Dale Welch, Rodolfo Callwood, Joseph Kocy, Anna Almeida, Andy Metts, Dwight Hanna, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:09 p.m.

INVOCATION

The Invocation was given by the Honorable Bernice G. Scott

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bernice G. Scott

PRESENTATION

Blythewood Comprehensive Land Use Plan—John Perry – Town Administrator John Perry presented the Blythewood Comprehensive Land Use Plan.

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Zoning Public Hearing: October 28, 2008 – Mr. Jackson moved, seconded by Mr. Jeter, to approve the minutes as amended. The vote in favor was unanimous.

Regular Session: November 18, 2008 – Mr. Jackson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that the Project Bay item may need to be taken up during Executive Session.

Mr. Jackson moved, seconded by Mr. Jeter, to approve 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. **Owens Field Personnel Matter**
- b. **Lower Richland Property Item/Potential Purchase of Property**
- c. **Business Service Center Appeals**
- d. **Project Bay**

REPORT OF THE COUNTY ADMINISTRATOR

Project Pet Documents – Mr. Pope stated that Mr. McEachern has signed the documents after legal review and are now awaiting the final signature from Lexington County. Once Lexington County signs the documents we will proceed with the appropriation of the funds for the no-kill shelter.

Lower Richland Property – This item was taken up during Executive Session.

Joint City/County Ad Hoc Committee Meeting Update – Mr. Pope stated the Joint City/County Transit Committee is meeting Friday, December 12th at the CMRTA. Staff is available to discuss the financials with those Council members that are interested.

A meeting of the Hospitality Ad Hoc Committee needs to be scheduled on either December 9th or 11th.

Strategic Plan Update – Mr. Pope stated that a completed draft will be available at the December 16th meeting.

Introduction of New County Employees – Mr. Pope introduced Mr. Sparty Hammett, Assistant County Administrator and Mr. David Hoops, County Engineer.

REPORT OF THE CLERK OF COUNCIL

Invitations for Swearing-In Ceremony Reminder – Ms. Walters reminded the Council members that will be participating in the Swearing-In Ceremony to forward their list of invitees to the Clerk's Office.

Holiday Gathering for a Good Cause – Ms. Walters stated that Council had received an invitation from Parker Poe to participate in a Holiday Gathering for a Good Cause, December 10th, 6:00-9:00 p.m. at the Milestone at Adam's Pond.

REPORT OF THE CHAIRMAN

Mr. McEachern's Resignation from County Council – Ms. Hutchinson stated that Mr. McEachern had been sworn into the House of Representatives and therefore had to resign from County Council.

PUBLIC HEARING ITEMS

None

APPROVAL OF CONSENT ITEMS

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

- **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. [Third Reading]**
- **08-33MA, Tom Margle, OI/GC/OI to RM-HD (15.48 Acres), Multi-Family, 19705-01-01, 19706-03-01 & 02 [Third 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 [Third Reading]**
- **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 [Third Reading]**

- **08-34MA, University Suites, HI to RM-HD (13.94 Acres), Multi-Family Use, 13607-02-01, Bluff Rd. [Second Reading]**
- **08-36MA, Security Federal, NC to OI (2 Acres), Bank, 02505-02-10, Hwy, 176 & Rauch Metz Rd. [Second Reading]**
- **08-37MA, Bruce Oswald, GC to RS-MD (.83 Acres), Residential, 11708-06-06, 5706 Fairfield Rd. [Second Reading]**
- **08-39MA, Martha Crawford, RU to OI (3 Acres), Child Care Facility, 17800-03-30 & 31, 1235 Trading Post Rd. [Second Reading]**
- **Sheriff: Request to approve a \$5,000 grant from Palmetto Pride (No personnel or matching funds required)**
- **Emergency Services: Request to approve a contract with Walter L. Hunter Construction Company, Inc. for storage building site work**
- **Emergency Services: Request to approve the purchase of a Medical Ambulance Bus from Sartin Services, Inc. in an amount not to exceed \$350,000**
- **An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VIII, Personnel Regulations; Division 6, Conditions of Employment; so as to amend the county's holiday schedule [DENIAL]**
- **Request to approve the collaboration between the Planning and Community Development Departments for the purpose of leveraging resources and funds for neighborhood programs and improvements**
- **Request to approve a change order with Thomas & Hutton in the amount of \$120,120 for the watershed modeling project of Gills Creek and Crane Creek**
- **An Ordinance amending the Richland County Code of Ordinances, Chapter 10, Fire Prevention and Protection [First Reading]**

The vote in favor was unanimous.

THIRD 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 by Ms. Scott, to defer this item until the December 16th meeting. The vote in favor was unanimous.

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 defer this item until the December 16th meeting. The vote in favor was unanimous.

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. Dickerson moved, seconded by Mr. Malinowski, to approve this item. A discussion took place.

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. Livingston, to approve this item with the updated numbers. The vote in favor was unanimous.

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 – Ms. Scott moved, seconded by Ms. Dickerson, to defer this item until the funds are requested. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, so as to remove the requirement of Development Review Team review prior to PDD approval and to delete the provision for PDD expiration – A discussion took place.

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

SECOND READING ITEMS

08-03MA, Charlie Waite, Summit Contractors, Inc., HI to RM-HD (27.86 Acres), Multi-Family Apartments, 17400-05-30, Clemson Rd. & Longreen Parkway – Mr. Livingston moved, seconded Ms. Scott, to approve this item. The vote was in favor.

08-31MA, Jim Poston, M-1 to GC (.92 Acres), Zaxby's, 17400-05-40(p), Clemson & Longtown Rd. – Mr. Pearce moved, seconded by Mr. Jeter, to approve this item. The vote was in favor.

08-39MA, Martha Crawford, RU to OI (3 Acres), Child Care Facility, 17800-03-30 & 31, 1235 Trading Post Rd. – Ms. Dickerson moved, seconded Ms. Scott, to defer this item for 60 days until staff drafts appropriate verbiage for childcare facilities in the rural areas. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, regarding lighting standards – A discussion took place.

Mr. Montgomery moved to amend the ordinance by including the following language, seconded by Mr. Jackson: ...that this shall not apply to events sanctioned by the South Carolina High School League or the South Carolina Association of Independent Schools which are underway at the time the 11:00 hour happens. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, so as to correctly reflect that Sexually Oriented Businesses are permitted in the HI Zoning

District, as well as in the GC Zoning District – Mr. Montgomery moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

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

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards – Ms. Smith moved to send this item back to Committee for staff evaluation and report.

The motion died for lack of a second.

Mr. Jackson moved, seconded by Ms. Scott, to approve this item. A discussion took place.

Mr. Montgomery expressed his concerns over:

- adopting the policy document RC-PS-414-08 referenced in Sec. 21-5
- assuming responsibility to maintain roads that may not have been legally dedicated to the County
- the policy declaration in Sec. 12-5(a) to eliminate unpaved road surface condition and adopt the low volume road Alternative Maintenance Paving program that provides hard surface paving that provides equivalent projected service life and utility to that of standard road sections
- the appointment of a Dirt Road Maintenance Paving Commission
- and the incidental drainage policy

Ms. Scott called for the question, seconded by Mr. Pearce. The vote in favor was unanimous.

The vote on the original motion was unanimous.

Ozone Non-Attainment Boundary Recommendation – Mr. Malinowski moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Eastover Sewer Budget Amendment – Ms. Dickerson moved, seconded Ms. Scott, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

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

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

OTHER ITEMS

Business License Appeal: Dick Smith Automotive Group, Inc. – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item until after Executive Session to obtain legal advice.

Mr. Montgomery moved, seconded by Mr. Pearce, to sustain the decision of the appellate board on the basis that grounds were not stated under the ordinance to constitute an acceptable appeal. The vote in favor was unanimous.

Business License Appeal: FN Manufacturing, LLC – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item until after Executive Session to obtain legal advice.

Mr. Montgomery moved, seconded by Mr. Pearce, to sustain the decision of the appellate board on the basis that grounds were not stated under the ordinance to constitute an acceptable appeal. The vote in favor was unanimous.

Business License Appeal: McEntire Produce – Mr. Pearce moved, seconded by Mr. Malinowski, to defer this item until after Executive Session to obtain legal advice.

Mr. Montgomery moved, seconded by Mr. Pearce, to sustain the decision of the appellate board on the basis that grounds were not stated under the ordinance to constitute an acceptable appeal. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Ms. Dickerson, to give First Reading by Title Only to an ordinance to amend the Business License Ordinance Fee Schedule and place a cap on the Fee Schedule in an amount to be determined (\$2,000,000 worth of revenue with a significant reduction [90%] on the fee assessed on all revenue in excess of

\$10,000,000), and ask staff to provide the economic impact and some ordinance language for Second Reading on December 16th. The vote in favor was unanimous.

Mr. Montgomery moved, seconded by Ms. Scott, to give First Reading by Title Only to an amendment to the Business License Ordinance to allow a reassessment of the Business License Ordinance fee structure each year during the budget process. The vote in favor was unanimous.

Lower Richland Property Purchase – Ms. Scott moved, seconded by Ms. Dickerson, to direct the County Administrator to negotiate a contract as discussed in Executive Session.

<u>In Favor</u>	<u>Oppose</u>
Jackson	Pearce
Jeter	Malinowski
Livingston	Hutchinson
Dickerson	Smith
Scott	Montgomery

The motion failed on a tie vote.

CITIZENS' INPUT

Ms. Vickie Rose spoke regarding storm drainage problems on her property.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 7:45 p.m. and came out at approximately p.m.
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MOTION PERIOD

Ruth and Abraham Gold's 50th Wedding Anniversary Resolution – Mr. Jeter requested unanimous consent to adopt a resolution in honor of Mr. and Mrs. Gold's 50th Wedding Anniversary. The vote in favor was unanimous.

Arbor Day Resolution – Ms. Hutchinson requested unanimous consent to adopt a resolution in honor of Arbor Day. The vote in favor was unanimous.

Resolution to rename Owens Field Airport – Ms. Scott referred this item to a Special Called D&S Meeting on December 16th at 5:30 p.m. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 9:00 p.m.

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley