



# **RICHLAND COUNTY COUNCIL SPECIAL CALLED MEETING AGENDA**

**JANUARY 22, 2009  
6:00 PM**

**CALL TO ORDER**

**HONORABLE PAUL LIVINGSTON, CHAIR**

**INVOCATION**

**HONORABLE JIM MANNING**

**PLEDGE OF ALLEGIANCE**

**HONORABLE JIM MANNING**

## **Presentations**

1. City Year

## **Citizen's Input**

2. For Items on the Agenda Not Requiring a Public Hearing

## **Approval Of Minutes**

3. Special Called: December 30, 2008 [**PAGES 8-13**]
4. Regular Session: January 6, 2009 [**PAGES 15-24**]

## **Adoption Of The Agenda**

### **Report Of The Attorney For Executive Session Items**

### **Report Of The County Administrator**

5.
  - United Way Campaign Update
  - Treasurer/Auditor Compensation Update
  - Allied Waste Settlement Agreement

### **Report Of The Clerk Of Council**

6.
  - Agenda Software Update
  - Bobby Gist Roast & Toast, Seawell's, February 27th at 6:00 p.m.

### **Report Of The Chairman**

7. 2009 Committee Liaison Assignments

### **Open/Close Public Hearings**

8. None

### **Approval Of Consent Items**

9. An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease

Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset **[PAGES 37-38]**

### **Third Reading Items**

10. Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards **[PAGES 31-35]**
11. *An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset***[CONSENT][PAGES 37-38]**

### **Other Items**

12. Report of Joint City/County Transit Ad Hoc Committee
  - a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to temporarily suspend the collection of a portion of the Hospitality Tax **[BY TITLE ONLY] [PAGE 40]**
  - b. An Ordinance Amending the Fiscal Year 2008-2009 Road Maintenance Budget, so as to increase the Road Maintenance Fee and appropriate such increase in funds for Mass Transit **[BY TITLE ONLY] [PAGE 41]**
13. Approval of 2009 Retreat Items **[PAGES 43-46]**

### **Old Business**

### **Citizen's Input**

14. Must Pertain to Items Not on the Agenda

### **Executive Session**

- 15.

## **Motion Period**

16.
  - Harambee Funding Request [LIVINGSTON]
  - Resolution honoring Ms. Katherine Bellfield for her community service [LIVINGSTON]
  - Resolution honoring Mr. Bernie McGuire's for his 30 years of service to Richland County by running the Parklane Tennis Center [HUTCHINSON]
  - Motion requesting staff to identify the green spaces in Richland County and their current zoning designations to see if they qualify for rezoning under the TROS zoning [HUTCHINSON]

## **Adjournment**



# Richland County Council Request of Action

**Subject**

City Year

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

# Richland County Council Request of Action

**Subject**

Special Called: December 30, 2008 [PAGES 8-13]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 30, 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:

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** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Tamara King, Larry Smith, Pam Davis, Daniel Driggers, Dale Welch, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:00 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



**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized Representative Joseph McEachern was in the audience.

### **PRESENTATION**

#### **2008 Local Government Official of the Year—SC Recreation and Parks Association**

– Ms. Cynthia Robinson presented Ms. Scott with the 2008 Local Government Official of the Year award.

Mr. Pearce moved, seconded by Ms. Scott, to add Mr. Dennis Dabney, Richland County Airport Commission, to the agenda. The motion failed.

Mr. Livingston moved, seconded by Mr. Pearce, to allow Mr. Dennis Dabney and Mr. Glenn to make a statement. The motion failed.

**POINT OF ORDER** – Ms. Smith stated that the rules require Council members be informed of the subjects of a Special Called meeting. The Clerk's Office was informed that she would not be accessible via e-mail and therefore did not have proper notification of the changes to the agenda. The only items properly before Council are the items listed on the original agenda.

### **CITIZENS' INPUT**

Mr. Liles Glenn spoke regarding the renaming of the Columbia Owens Downtown Airport.

### **APPROVAL OF MINUTES**

**Regular Session: December 16, 2008** – Mr. Livingston moved, seconded by Mr. Pearce, to reconsider the portion of the minutes dealing with the renaming of Columbia Owens Downtown Airport. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to allow the Airport Commission to speak. The motion failed.

Council recessed at 6:15 p.m. and reconvened at 6:18 p.m.

Mr. Livingston moved, seconded by Ms. Scott, to rename the Columbia Owens Downtown Airport to the Jim Hamilton-L. B. Owens Airport.

Mr. Pearce offered the following friendly amendment: ...and that the Council directs the County Administrator to have the Office of Public Information bring back the costs to develop or design a suitable kiosk for the lobby of the terminal building that will note both individuals contribution to aviation in Richland County.

The vote was in favor.

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

#### **ADOPTION OF AGENDA**

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

#### **REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS**

The following items were potential Executive Session items:

**a. Personnel Matter**

#### **REPORT OF THE COUNTY ADMINISTRATOR**

**Donation of Property—Brickyard/Longtown Road** – Mr. Pope stated that there has been a request from the Mungo Company to donate 185.15 acres of property to Richland County.

Mr. Livingston suggested that the County Administrator bring back a report on the benefit and cost to the County of accepting this property.

Ms. Hutchinson referred this matter to the D&S Committee.

#### **REPORT OF THE CLERK OF COUNCIL**

No report was given.

#### **REPORT OF THE CHAIRMAN**

**Personnel Matter** – Ms. Hutchinson stated that the County Administrator's Evaluation will be taken up during Executive Session.

#### **PUBLIC HEARING ITEMS**

Ms. Hutchinson opened the floor to the following public hearing:

- **An Ordinance Amending the Richland County Business License Fee Schedule providing a Business License rate for each class of businesses subject to the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to equally reduce the Business License rate for all rate classifications**

Mr. Barron Grier, Mr. Buddy McEntire, Mr. Ron Valley, Mr. Dennis Lynch and Mr. John Landon spoke regarding this matter.

The public hearing was closed.

### THIRD READING ITEMS

**An Ordinance Amending the Richland County Business License Fee Schedule providing a Business License rate for each class of businesses subject to the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to equally reduce the Business License rate for all rate classifications** – Mr. Montgomery moved, seconded by Ms. Scott, to reduce the business license fee rates by 20%. The vote was in favor.

Ms. Scott moved, seconded by Mr. Montgomery, to reconsider this item. The motion failed.

### FIRST READING ITEM

**An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease business license revenue by seven hundred sixty-eight thousand (\$768,000) due to fee adjustments and appropriate undesignated General Fund balance of seven hundred sixty-eight thousand (\$768,000) to offset** – Mr. Montgomery moved, seconded by Ms. Dickerson, to approve this item by title only. The vote in favor was unanimous.

### OTHER ITEMS

#### **Report of Hospitality Tax Ad Hoc Committee**

- a. **Renaissance Foundation** – The committee recommended that after the five year commitment outlined in the MOU has been completed that the Renaissance Foundation will then be eligible to apply for permanent funding.

Mr. Livingston moved, seconded by Mr. Montgomery, to refer this item back to the Hospitality Tax Ad Hoc Committee. The vote in favor was unanimous.

- b. **Restriction of the Hospitality Tax Fund Balance Funds** – This item was retained in committee.

### CITIZENS' INPUT

No one signed up to speak.

**EXECUTIVE SESSION**

=====  
**Council went into Executive Session at approximately 7:20 p.m. and came out at approximately 7:24 p.m.**  
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**County Administrator Evaluation** – Mr. Jeter moved, seconded by Ms. Scott, to authorize the acting Chair to execute an amendment to the County Administrator’s employment contract which will include a 5% increase to his annual compensation effective January 1, 2009. Council recognizes that the County Administrator has not received a pay increase since his contract was originally executed in Spring 2007 and that this amount is less than the cost of living increases given other County employees in the last fiscal year. This will bring his salary to \$157,500 and will extend his contract for an additional two years or through June 30, 2012. It is further moved, that the provision be deleted from the contract which currently provides his salary for the succeeding 12 months will be increased by the same percentage as that awarded to County employees having the same rating during the proceeding year and to authorize the Administrator to obtain and present a salary and compensation package comparison of the salaries of the five largest local government managers or administrators in South Carolina during the 2009 evaluation process.

**ADJOURNMENT**

The meeting adjourned at approximately 7:26 p.m.

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Valerie Hutchinson, Chairwoman

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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

# Richland County Council Request of Action

**Subject**

Regular Session: January 6, 2009 [PAGES 15-24]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 6, 2009 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	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Lynn Keating, Larry Smith, Daniel Driggers, Dale Welch, Teresa Smith, Anna Almeida, David Adams, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by the Honorable Joyce Dickerson

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

### **ELECTION OF CHAIRPERSON**

Ms. Hutchinson opened the floor for nominations.

Mr. Pearce nominated Mr. Paul Livingston for the position of Council Chair.

Mr. Malinowski nominated Ms. Joyce Dickerson for the position of Council Chair.

The floor was closed for nominations.

Mr. Pearce, Mr. Jeter, Ms. Kennedy, Ms. Hutchinson, Mr. Livingston, Ms. Smith, Mr. Washington, and Mr. Manning voted for Mr. Paul Livingston.

Mr. Livingston was elected Council Chair by a majority vote.

### **ELECTION OF VICE-CHAIRPERSON**

Ms. Hutchinson opened the floor for nominations.

Mr. Manning nominated Mr. Damon Jeter for the position of Vice-Chair.

The floor was closed for nominations.

Mr. Pearce moved, seconded by Ms. Smith, to elect Mr. Jeter Council Vice-Chair by acclamation. The vote was in favor.

### **SELECTION OF SEATS**

Mr. Livingston stated the next order of business was the selection of seats.

(The selection of seats was taken up by seniority and continued in alphabetical order.)

The seats were selected from left to right as follows:

1. Pearce
2. Malinowski
3. Jackson
4. Hutchinson
5. Jeter
6. Livingston
7. Dickerson
8. Manning
9. Kennedy



10. Washington
11. Smith

### **CITIZENS' INPUT**

No one signed up to speak.

### **ADOPTION OF AGENDA**

Mr. Malinowski stated that the minutes from the Special Called Meeting on December 30, 2008 needed to be included on next meeting agenda.

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

### **REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS**

The following items were potential Executive Session items:

- a. **Columbia Downtown Airport—Contractual Matter**
- b. **King vs. Richland County**
- c. **Richland County Magistrate Pay Appeal**
- d. **Treasurer and Auditor Compensation**

### **REPORT OF THE COUNTY ADMINISTRATOR**

**Columbia Downtown Airport—Contractual Matter** – This item was taken up during Executive Session.

**Project Pet Update** – Mr. Pope stated that the \$1.5 million check was hand-delivered to Lexington County.

**Joint City/County Ad Hoc Transportation Committee Update** – Mr. Pope stated that another meeting has been scheduled for January 16<sup>th</sup> to finalize the recommendations to the councils.

**NE Recreation/Entertainment Complex Update** – Mr. Pope stated that a RFQ was issued to have a public/private partnership on this matter. The consultants are to forward additional information to Council.

**Richland County Magistrate's Pay Appeal** – This item was taken up during Executive Session.

**Treasurer and Auditor Compensation** – This item was taken up during Executive Session.

#### REPORT OF THE CLERK OF COUNCIL

**Retreat Reminder** – Ms. Finch reminded Council that the Retreat was going to be held Thursday, December 8<sup>th</sup> and Friday, December 9<sup>th</sup> at the Recreation Commission's Adult Activity Center on Parklane Road.

#### REPORT OF THE CHAIRMAN

Mr. Livingston stated that he would be setting up individual meetings with Council members to discuss his plans for the future.

#### PUBLIC HEARING ITEMS

- **An Ordinance amending the Richland County Code of Ordinances, Chapter 10, Fire Prevention and Protection** – No one signed up to speak.
- **Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards** – Mr. Barry Walker, Sr. spoke regarding this matter
- **Eastover Sewer Budget Amendment** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

- **Ordinance allowing the reassessment of the business license fee structure each year during the budget process** – Ms. Smith moved, seconded by Mr. Malinowski, to approve this item for Third Reading. The vote in favor was unanimous.

#### THIRD READING ITEMS

**Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards** – Mr. Jackson moved, seconded by Mr. Malinowski, to defer this item. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 10, Fire Prevention and Protection** – Mr. Malinowski moved, seconded by Mr. Jackson, to amend the ordinance to clarify the time frame. The vote in favor was unanimous.

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

**Eastover Sewer Budget Amendment** – Mr. Jackson moved, seconded by Ms. Hutchinson, to give Third Reading to this item. A discussion took place.

The vote in favor was unanimous.

#### SECOND READING ITEM

**An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset** – Mr. Pearce moved, seconded by Ms. Hutchinson, to give Second Reading to this item. The vote in favor was unanimous.

#### OTHER ITEMS

**Preliminary Approval of the Richland County Strategic Plan** – Ms. Smith moved, seconded by Mr. Jeter, to authorize the Administrator to begin the process necessary to inform the public of the draft Strategic Plan and then bring it back to Council for final adoption. The vote in favor was unanimous.

#### CITIZENS' INPUT

No one signed up to speak.

#### EXECUTIVE SESSION ITEMS

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**Council went into Executive Session at approximately 6:43 p.m. and came out at approximately 7:41 p.m.**  
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- a. **Columbia Downtown Airport—Contractual Matter** – Ms. Smith moved, seconded by Mr. Pearce, to authorize the Administrator to proceed with developing options for an Airport management position for Richland County. The vote in favor was unanimous.
- b. **King vs. Richland County** – No action was taken.
- c. **Richland County Magistrate's Pay Appeal** – No action was taken.
- d. **Treasurer and Auditor Compensation** – No action was taken.

**MOTION PERIOD**

**Bobby Gist Resolution** – Mr. Jeter requested unanimous consent to adopt a resolution in honor of Bobby Gist contributions to Richland County.

**Guidelines for Special Called Meeting Agendas** – Mr. Malinowski referred this matter to the Rules & Appointments Committee for further discussion.

**ADJOURNMENT**

The meeting adjourned at approximately 7:56 p.m.

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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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L. Gregory Pearce, Jr.

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Kit Smith

The minutes were transcribed by Michelle M. Onley

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF  
ORDINANCES, CHAPTER 10, FIRE PREVENTION AND PROTECTION.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 10, Fire Prevention and Protection; is hereby amended to read as follows:

**Sec. 10-1. Compliance with chapter provisions.**

No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the unincorporated areas of the county, except as stated in this article.

**Sec. 10-2. Open burning on the premises of private residences.**

Open burning of leaves, tree branches and yard trimmings originating on the premises of private residences and burned on those premises shall be permitted within “rural” zoning districts, as defined under the Richland County Land Development Code, provided that any fire must be located not less than 75 feet from any structure, road, or property line and adequate provision has been made to prevent the fire from spreading to within 75 feet of any such structure, road or property line. Open burning of leaves, tree branches, and yard trimmings shall be prohibited on the premises of private residences within any “residential” zoning district, as defined under the Richland County Land Development Code.

**Sec. 10-3. Open burning ~~in~~ on the premises of undeveloped areas properties for the purpose of land clearing or right-of-way maintenance.**

Open burning ~~in undeveloped areas~~ on the premises of undeveloped properties upon which no private residence is situated, including undeveloped ~~areas~~ properties within “residential” zoning districts, as defined under the Richland County Land Development Code, for the purpose of land-clearing or right-of-way maintenance shall be permitted, provided that such burning is conducted in accordance with the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.. Open burning for the purpose of land clearing and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).

**Sec. 10-4 Attendant and fire extinguishing equipment required; notice to state forester; adherence to state law.**

The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the state forester or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative. The burning must be conducted in accordance with related state laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.

**Sec. 10-5. Fires shall be prohibited as follows.**

- a. The county Fire Marshal may prohibit open burning when atmospheric conditions, local circumstances or other conditions exist that would make such fires hazardous.
- b. The following materials shall not be burned in an open fire: Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

**Sec. 10-6. Criteria for determining hazards.**

Reasonable criteria shall be established by the county council to assist in determining when outdoor fires may be hazardous. These criteria may include air quality standards as well as various fire danger indexes.

**Sec. 10-7. Prohibited on county roads, drainage rights-of-way and adjacent areas.**

Open burning shall be prohibited on all county roads and drainage rights-of-way, or within an area that may cause damage to such areas.

**Sec. 10-8. Exemptions.**

- a. This article does not apply to vegetative debris burning related to forestry, wildlife and agricultural burns, as authorized by the state forestry commission.
- b. This article is not meant to restrict open burning in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions or human warmth that are done in a safe manner.

**Sec. 10-9. Restrictions; exceptions.**

Smoke production must be ended and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day with

the exception of fires in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth and fires where time parameters are already regulated by the Department of Environmental Control Regulation 61-62.2.

**Sec. 10-10. Hazardous or toxic materials.**

Hazardous or toxic materials shall not be burned.

**Sec. 10-11. Permit for organized public fireworks displays--Fee.**

A charge of twenty-five dollars (\$25.00) shall be made for the issuance of the public fireworks display permit required by the fire prevention code adopted in Article V of Chapter 6, to cover administrative costs.

**Sec. 10-12. Same--Disposition of fee.**

All fees required by section 10-2 shall be deposited in the county general fund, in accordance with the receipts and deposits policies established by county council.

**Sec. 10-13. Same--Penalties.**

Any person holding a fireworks display in the county without obtaining a permit as provided in the fire prevention code adopted in Article V of Chapter 6, shall be deemed in violation of S.C. Code 1976, § 23-35-60, as amended, and, upon conviction thereof, shall be punished according to law.

**Sec. 10-14. Burning of structures for fire-fighting training.**

A vacant, dilapidated and unsafe structure may be burned by personnel of a legally constituted fire department for fire-fighting training purposes. Before such training is commenced, the appropriate fire department official will present proof to the county building official that approval for burning the structure has been obtained, if so required, from the state department of health and environmental control and the owner of the structure. Upon presentation of the required proof, the building official will issue a permit for the burning of the structure. When the burning/training is completed, the fire department which conducted the training will remove or cause to be removed debris, burned or unburned, lying within ten feet of the perimeter wall of the structure. Necessary and appropriate seeding will be accomplished to establish vegetation to prevent transporting of soil to other people's property by way of erosion. On completion of the removal of debris and necessary seeding, the fire department official will notify the building official, so that an inspection will be made for compliance with this section and the closing out of the permit.

**Sec. 10-15. Civil and criminal liability.**

The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

**Sec. 10-16. Conflicts of article with state law.**

The provision of this chapter shall prevail and be controlling over provisions of state law if such is allowed by state law. Otherwise, if any conflict arises between the provisions of this chapter and any state law, the provisions of state law shall prevail and be controlling.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after **March 1, 2009**.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chairperson

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

First Reading:  
Second Reading:  
Public Hearing:  
Third Reading:



# Richland County Council Request of Action

**Subject**

- United Way Campaign Update
- Treasurer/Auditor Compensation Update
- Allied Waste Settlement Agreement

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

# Richland County Council Request of Action

## **Subject**

- Agenda Software Update
- Bobby Gist Roast & Toast, Seawell's, February 27th at 6:00 p.m.

## **Purpose**

## **Committee Recommendation**

## **Council Action (First Reading)**

## **Council Action (Second Reading)**

## **Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

# Richland County Council Request of Action

**Subject**

2009 Committee Liaison Assignments

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

None

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset  
**[PAGES 37-38]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

# Richland County Council Request of Action

**Subject**

Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards [**PAGES 31-35**]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-09HR**

**AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE  
OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND  
BRIDGES, SO AS TO ADD NEW LANGUAGE RELATED TO  
ROAD PAVING.**

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-3, Definitions; is hereby amended by the addition of the following language:

- (m) *Alternative Maintenance Paving.* A County paving program by which qualifying light duty/low volume unpaved public roads may be paved using non standard paving or treatment methods.
- (n) *Light Duty/Low Volume Unpaved Road.* Unpaved roads with average daily traffic limited at 400 vehicles per day.

SECTION II. The Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-20, Road paving program; is hereby amended by the addition of the following language:

(i) The Alternative Maintenance Paving Program shall consist of two categories, Pave-In-Place and Alternative Surface Treatment, which are defined as follows:

(1) The Pave-In-Place Program shall allow for the placement of hot mix asphalt on low volume/light duty dirt roads that meet the following criteria:

- a) The paving section would be over the existing, road bed only.
- b) The existing road bed/width must be a minimum of 22 feet to allow for two 11 foot travel lanes.
- c) The road must be less than or equal to one half (1/2) mile in length.
- d) The road must not have horizontal or vertical curve alignment problems and must meet American Association of State Highway and Transportation Officials (AASHTO) Guidelines.
- e) Roads up to one mile may be considered at the discretion of the Public Works Director if they meet all criteria except c).

(2) Alternative Surface Treatment allows for the placement of materials other than asphalt as the travel surface for road ways. Types of Alternative Surface Treatment may include:

- Triple treatment Surface course
- Rubberized Asphalt
- Milled Asphalt

Alternative Surface Treatment may be used on low volume/light duty dirt roads that meet the following criteria:

- a) The paving section would be over the existing, road bed only.

- b) The existing road bed/width must be a minimum of 22 feet to allow for two 11 foot travel lanes.
- c) The road must be less than or equal to one half (1/2) mile in length.
- d) The road must not have horizontal or vertical curve alignment problems and must meet American Association of State Highway and Transportation Officials (AASHTO) Guidelines.
- e) Roads up to one mile may be considered at the discretion of the Public Works Director if they meet all criteria except c).

(3) Roads in the Alternative Maintenance Paving Program maybe improved by geographical location in lieu of the priority list referenced in the aforementioned section of this ordinance to reduce mobilization cost. The decision shall be at the discretion of the Director of Public Works.

(4) In order to incorporate community input before roads are paved, DPW will Contact property owners on roads known to have right of way to determine interest in the improvement. If 80% concur (conforms to Section 21-5 (h)) proceed with improvements. Roads where owners do not support the improvement will be reported to council.

SECTION III. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2009.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Valerie Hutchinson, Acting Chair

ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

First Reading:  
Public Hearing:  
Second Reading:  
Third Reading:





**RICHLAND COUNTY**  
Department of Public Works  
C. Laney Talbert Center  
400 Powell Road  
Columbia, South Carolina 29203



Voice: (803) 576-2400 Facsimile (803) 576-2499

<http://www.richlandonline.com/departments/publicworks/index.asp>

January 21, 2009

**Response to the Major Concerns Raised by County Engineer David R. Hoops, PE**

Comments/recommendations have been consolidated into major categories:

**A. Right of Way**

1. Community involvement would be enhanced by contacting property owners on roads known to have right of way to determine interest in the improvement. If 80% concur (conforms to Section 21-5 (h) of County Code) proceed with improvements. Roads where owners do not support the improvement will be reported to council.
2. Evaluate roads known to have right of ways and determine level of effort necessary to improve.
3. Start an evaluation of all other dirt roads. Roads found to have adequate right of way will be considered for immediate action. Roads requiring right of way would be placed in a process where property owners would be contacted to determine their interest in the improvement and their agreement to donate right of way. Upon acquiring right of way roads would be moved to section will be considered for immediate action Roads where owners are not interested *in* the improvement or unwilling to donate right of way would be reported to council. This process could take two years or more if performed in-house, Consulting services would be necessary if faster progress is directed by Council and or if the goal is to complete this program in 3 years.

**B. Drainage**

1. Improve in place roads with adequate drainage and road base. Road base may be expanded if roadside drainage is properly located. This work would be performed by Public Works.
2. Prepare scope of service for engineering services (and or Design-Build) for roads requiring major drainage or grading improvements. This work would be performed by contractors with the exception that Public Works would select projects when work load allows.

**C. If Major funding acquire for short duration completion of projects.**

1. Prepare scope of service for consulting services to include sections roadway and drainage design and right or way acquisition as needed.
2. Consultant to prepare project list and scope for projects that can proceed to construction or design-build.
3. When right of way has been acquired on additional roads consultant will prepare project list and scope for follow up projects.
4. Public works will provide over-site, contract management and reporting to Council as resources allow with support from Consultants if need.

**Immediately pave all public dirt roads in the County**  
*\*Public Works responses to Councilman Jackson's comments Included\**

- a. Pave all "qualifying" public maintained dirt roads in the County Not just a small percentage of short roads.

*Paving all "qualifying roads" will be a function of funding, to be determined by council.*

- b. Remove the 1/2 mile restriction rule. Pave all qualifying dirt roads. Especially the long roads.

*The recommendation to limit roads to be paved under this program to 1/2 mile is based upon the potential of longer roads to exceed the traffic limitations recommended by the report. The 1/2 mile length recommendation covers approximately 66% of the existing dirt roads. Our recommendation is to improve the few roads longer than 1/2 mile to the present minimum standard with the anticipation that higher traffic volumes will be generated in the future.*

- c. Amend requiring full AASHTO design in Ordinance. Choice of AASHTO ought to be a policy issue, not an Ordinance mandate. Instead, allow DPW to establish design and perhaps 'reference' a standard such as applicable portions of AASHTO to give some flexibility. Richland County should not be bound to rigid, full AASHTO standards across the board. There are a number of very good, low volume standards, and AASHTO is not the only authority. Ordinance needs to provide some flexibility to DPW; full AASHTO is just like adopting SCDOT standards. Only portions dealing with pavement thickness and road traffic volume is needed.

*AASHTO is the nationally recognized standard for roadway design. It takes into account traffic volumes and speeds so we are not applying freeway design standards to local county roads. It is the minimum standard that we many times exceed based upon our engineering judgment. Due to the potential liability DPW would not recommend designing roads to anything less than this standard*

- d. Refer to the paving program as "**maintenance**" and make sure the program falls entirely under "maintenance". This will limit or mitigate liability and provide flexibility in roadway signage.

*This is a legal question. My non-legal opinion would be that defining a program as maintenance rather than improvements would not reduce the county's exposure to liability.*

- e. Avoided statutory mandate that curves and sight distance meet stringent AASHTO standards. Cover the curve hazards by placing a sign ordinance that warns motorists of sharp curves, steep grades and reduced speed. We can always improve any safety hazard...and this can be at discretion of DPW Director.

*Many motorist drive at the speed that is comfortable for the situation and not the posted speed limit. We normally design roads to exceed the standard to accommodate this tendency. This is again a legal question, but we would doubt that placing warning signage would relieve the county of liability when knowingly creating an unsafe situation.*

- f. Maintenance of old, existing dirt roads should not require adherence to a new code for storm water management. New dirt roads would have to, but provide language for a maintenance exemption to new storm water regulations. What we want to avoid is massive drainage studies and massive, expensive permitting to carry out drainage work. Call the program maintenance paving and call the drainage "incidental."

*If asphalt pavement is applied, it is considered an improvement and the new code language would apply even if it is under a maintenance program because it would be an increase in impervious surface that would increase the amount of storm water runoff and increase the velocity of the storm water thereby increasing the probability of erosion. At a minimum increased erosion control measures would be required.*

- g. Outsource all design works to private consultant. Impose CTC as having say in the selection process and oversight of progress.

*We agree that much of this work must be performed by contract services if it is to be performed in a short time frame. With present staffing, public works may not have adequate staff for over-site of contracted services.*

- h. Remove schedule of 8 to 12 short <sup>1</sup>/<sub>2</sub> mile roads per year. This is woefully inadequate; remember we want to pave all dirt roads in three years.

*This is a function of funding*

- i. Design-build is as ok option if this drags on a year. To start paving in 2009 it must be outsourced to private consultant ASAP. DPW cannot handle this project and should only oversee the project by inspections and doing the duties they do at present.

*We agree that design build can be an option if time is taken to develop a very detailed scope and specifications. If this becomes a multi millions dollar project the county will want to maintain a very tight over-site on the contractors. As stated in comment (g.) present staffing may be inadequate for even this over-site.*

- j. Roads with dedicated Right of Way will be the first to pave regardless of the position on the ranking list. If roads on the ranking list do not have Right of Way then it would not be paved in the first place, therefore this would not have any effect to the ranking list.

*We agree that only roads with right of way should be improved*

# Richland County Council Request of Action

**Subject**

*An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset*  
**[CONSENT][PAGES 37-38]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_-09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 GENERAL FUND ANNUAL BUDGET TO DECREASE BUSINESS LICENSE REVENUE BY ONE MILLION FIVE HUNDRED AND THIRTY-SIX THOUSAND (\$1,536,000) DUE TO FEE ADJUSTMENTS AND APPROPRIATE UNDESIGNATED GENERAL FUND BALANCE OF ONE MILLION FIVE HUNDRED AND THIRTY-SIX THOUSAND (\$1,536,000) TO OFFSET.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. That the amount of one million five hundred and thirty-six thousand (\$1,536,000) be reduced for business license fees in the FY 2008-2009 General Fund Budget and one million five hundred and thirty-six thousand (\$1,536,000) be appropriated from undesignated General Fund balance. Therefore, the Fiscal Year 2008-2009 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 138,135,934
Reduction in Business License Fees	(1,536,000)
Appropriation of General Fund undesignated fund balance	<u>1,536,000</u>
Total General Fund Revenue as Amended:	\$ 138,135,934

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 138,135,934
Change to Budget:	<u>0</u>
Total General Fund Expenditures as Amended:	\$ 138,135,934

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Val Hutchinson, Vice Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

First Reading:  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

Report of Joint City/County Transit Ad Hoc Committee

a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to temporarily suspend the collection of a portion of the Hospitality Tax [BY TITLE ONLY] **[PAGE 40]**

b. An Ordinance Amending the Fiscal Year 2008-2009 Road Maintenance Budget, so as to increase the Road Maintenance Fee and appropriate such increase in funds for Mass Transit [BY TITLE ONLY] **[PAGE 41]**

## **Purpose**

## **Committee Recommendation**

## **Council Action (First Reading)**

## **Council Action (Second Reading)**

## **Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF  
ORDINANCES; CHAPTER 23, TAXATION; ARTICLE VI. LOCAL HOSPITALITY  
TAX; SO AS TO TEMPORARILY SUSPEND THE COLLECTION OF A PORTION  
OF THE HOSPITALITY TAX



AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 ROAD  
MAINTENANCE BUDGET, SO AS TO INCREASE THE ROAD MAINTENANCE  
FEE AND APPROPRIATE SUCH INCREASE IN FUNDS FOR MASS TRANSIT

# Richland County Council Request of Action

**Subject**

Approval of 2009 Retreat Items [**PAGES 43-46**]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# 2009 Retreat Goals

## **Reorganization**

**Goal:** Implement the new reorganization plan discussed at Retreat.

**Council Directives:** The County Administrator presented the Reorganization plan to County Council and as follow-up, committed to the following:

- Redefine the areas of responsibility for the two Assistant County Administrators
- Reclassify Administrative positions
- Provide a Reorganization chart to Council with the Department and Director's names identified on the org chart
- Create the necessary structure for operational and organizational efficiencies
- Continual Customer Service Improvements in all areas of County Government under the authority of the County Administrator. This includes Administrative involvement in the hiring of Senior, Mid-Management, and Customer Service positions.
- Prompt responses to Council's concerns regarding citizens' complaints. Follow up from County Administrator, Assistant Administrators, and Ombudsman.

**Timeline:** Immediately.

## **Alternative Dirt Road Paving Program**

**Goal:** Establish an alternative dirt road paving program.

**Council Directives:** Continue to work with the ordinance we have drafted for third reading. Work on issues addressed by Council (length of road / issues of connectivity; establishment of advisory committee; community input). Bring staff recommendations for these issues to Council for review. Consider a pilot program when funding is discussed. Council is to email other issues to the Administrator as soon as possible to be included for review.

**Timeline:** First Council meeting in February.

## **Strategic Planning**

**Goal:** Adopt a Strategic Plan.

**Council Directives:** Schedule a half day mini retreat between public hearing and adoption (Council's discretion). Adopt the plan, then set out the priorities.

**Timeline:** February 3<sup>rd</sup> Council agenda: Public Hearing. February 17<sup>th</sup> Council agenda: Adoption.

## **Mitigation Bank**

**Goal:** Develop a mitigation bank policy / mitigation bank for Richland County.

**Council Directives:** Work with the Conservation Commission to establish a policy and mitigation bank. Procure a consultant to assist with the bank development.

**Timeline:** TBD

## **Economic Development Strategic Plan**

**Goal:** Adopt and implement an Economic Development Strategic Plan.

**Council Directives:** Prepare plan and bring to EDC and Council for review and approval.

**Timeline:** Spring 2009

## **Planning**

**Goal:** Adopt Comprehensive Plan

**Council Directives:** Staff and Planning Commission finalize plan, and bring to Council for approval.

**Timeline:** Spring 2009

**Goal:** Neighborhood Planning

**Council Directives:** Merge Comprehensive Planning and Neighborhood Planning; better coordination with Community Development to maximize resources

**Timeline:** Ongoing

**Goal:** Rewrite Land Development Code

**Council Directives:** Establishment of Development Roundtable;

**Timeline:** 18 months

### **FY 10 Budget**

**Goal:** Adopt balanced budget.

**Council Directives:** Look at all fees across the board and bring back recommendations to Council; parity with other local governments (Lexington County). Millage agencies are to come in under or at the cap. Outside agencies are to come in with a 5% reduction.

**Timeline:** June 30, 2009

### **GASB 45**

**Goal:** Invest the committed funds in a manner that is most advantageous to the County.

**Council Directives:** Determine which method (ie, trust) of investment is most appropriate for the committed funds.

**Timeline:** ASAP

### **CMRTA**

**Goal:** Establish an interim funding source and/or a long-term funding plan for the CMRTA.

**Council Directives:** Continue the City / County ad hoc committee meetings. Consider a two year temporary funding method. Bring a proposal to Council for consideration and approval.

**Timeline:** February / March 2009

### **BRWWTP**

**Goal:** Completion of the plant, and successful start-up of operations.

**Council Directives:**

**Timeline:** 4 months.

## **NPDES**

**Goal:** Continue to improve stormwater program and maintain compliance with DHEC and EPA regulations. Adopt stormwater ordinance.

**Council Directives:**

**Timeline:** Ongoing; Adopt ordinance in February / March 2009

## **Sewer Extension Policy**

**Goal:** Update only at Retreat. Goals to be determined once study is completed.

**Council Directives:**

**Timeline:**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

## **Subject**

- Harambee Funding Request [LIVINGSTON]
- Resolution honoring Ms. Katherine Bellfield for her community service [LIVINGSTON]
- Resolution honoring Mr. Bernie McGuire's for his 30 years of service to Richland County by running the Parklane Tennis Center [HUTCHINSON]
- Motion requesting staff to identify the green spaces in Richland County and their current zoning designations to see if they qualify for rezoning under the TROS zoning [HUTCHINSON]

## **Purpose**

## **Committee Recommendation**

## **Council Action (First Reading)**

## **Council Action (Second Reading)**

## **Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No