

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

COUNTY ADMINISTRATOR'S REPORT OF COUNCIL ACTIONS REGULAR SESSION COUNCIL MEETING

December 15, 2009

6:00 PM

Call to Order: Livingston

Invocation: Dickerson

Pledge of Allegiance: Dickerson

Presentation of Resolution: Mr. Pearce presented a Resolution honoring Judge William Womble for his years of service with Richland County.

Point of Personal Privilege: Former Council member, Bernice G. Scott, was recognized.

Citizens' Input: No one spoke.

Approval of Minutes

Zoning Public Hearing: November 24, 2009: Approved as submitted.

Regular Session: December 1, 2009: Approved as submitted.

Adoption of the Agenda: Approved as amended. "Discharge of Firearms in Certain Areas Unlawful" was added to the agenda for 2nd reading under the Consent agenda.

Report of the Attorney for Executive Session Items

- a. **Fire Contract Update**
- b. **Potential Legal Matter**
- c. **Personnel Matter**
- d. **Township Property Purchase Update**

Report of the County Administrator

- a. **Whitaker Container / West Pro Update:** Mr. Pope stated that we are awaiting a meeting with Whitaker and his legal counsel, and will keep Council posted.
- b. **Fire Contract Update:** Executive Session item.
- c. **Township Property Purchase Update:** Executive Session item.
- d. **Project Pet – Richland County / Lexington County Update: Joe Mergo:** Mr. Mergo gave a brief presentation regarding the project, which should break ground March 2010, with a scheduled completion date of March 2011.
- e. **Restaurant Promotions:** This item was discussed by Council, and received as information.
- f. **Potential Legal Matter:** Executive Session item.
- g. **FY 2011 Budget Process and State Budget Cuts:** Mr. Pope stated that he met with the Directors on Monday to discuss the FY 2011 budget process, and at that time mentioned the possibility of further current fiscal year cuts. The State has just announced that, indeed, more current fiscal year cuts will occur. The County doesn't know what impact, if any, these cuts will have, but he will keep Council posted as information becomes available. **ACTION: ADMINISTRATION, BUDGET, FINANCE**
- h. **Eastover Waste Water Treatment Plan:** Mr. Pope informed Council that a well failure occurred at the Eastover Waste Water Treatment Plan on Friday, but that the situation was under control. Staff will come back to Council with recommendations regarding this plant. **ACTION: ADMINISTRATION, UTILITIES**

Report of the Clerk of Council

- a. **Renaissance Foundation Christmas Drop-In & Tour of Historic Bethel, 1528 Sumter Street, December 17, 11am – 1pm**

Report of the Chairman

- a. **Personnel Matter:** Executive Session item.
- b. **Save the Dream Tour:** The request for \$15,000 was discussed, and received as information.

1. Public Hearings

- a. An Ordinance Amending the Fiscal Year 2009 – 2010 Conservation Commission Fund Budget to appropriate \$23,000 of reserved fund balance for the Wetlands Mitigation Assessment: No one spoke.**
- b. An Ordinance Authorizing (1) Special Source Revenue Credits by Richland County, South Carolina with respect to certain infrastructure improvements by Blue Cross and Blue Shield of South Carolina; (2) the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the special source revenue credits; and (3) certain other matters relating thereto: No one spoke.**
- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds, Subsection (A) (4); so as to remove the required 75% payment: No one spoke.**

2. Approval of Consent Items

- a. An Ordinance Authorizing (1) Special Source Revenue Credits by Richland County, South Carolina with respect to certain infrastructure improvements by Blue Cross and Blue Shield of South Carolina; (2) the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the special source revenue credits; and (3) certain other matters relating thereto [THIRD READING]: Council gave third reading approval to the ordinance and associated documents. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, AUDITOR, ASSESSOR, TREASURER, BUDGET, FINANCE****
- b. [REMOVED FROM CONSENT] An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds, Subsection (A) (4); so as to remove the required 75% payment [THIRD READING]: Council gave third reading to the ordinance. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL****
- c. 09-11MA; Abdalla Yaghy; RU to RC (4.19 acres); 35206-02-06 & 35200-09-56; Corner of Garners Ferry Road & Pond Drive [THIRD READING]: Council gave third reading to the map amendment. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL****
- d. An Ordinance Amending the Fiscal Year 2009 – 2010 Conservation Commission Fund Budget to appropriate \$23,000 of reserved fund**

balance for the Wetlands Mitigation Assessment [THIRD READING]: Council gave third reading to the ordinance. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, CONSERVATION COMMISSION**

- e. **Discharge of Firearms in Certain Areas Unlawful [SECOND READING]:** Council gave second reading to an ordinance amending Section 18-1(b) of the Richland County Code of Ordinances regarding the discharge of firearms in certain areas as being unlawful. **ACTION: LEGAL, CLERK OF COUNCIL**

3. Third Reading Items

- a. **09-13MA; Westinghouse; Brian Pasco; RU to HI (44.98 Acres); 18600-01-01(p); 5801 Bluff Road [SECOND READING]:** Council deferred the item to a Special Called Meeting on December 22, 2009 at 7:30 p.m. Another community meeting is to be held on Monday, December 21, 2009. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- b. **Comprehensive Plan:** Council gave third reading to the Comprehensive Plan as follows:

Motion to give third reading approval to the 2009 Richland County Comprehensive Plan with (1) the note below inserted into the first page of the plan immediately behind the title page and (2) the amendments noted below.

(1) Note:

Prior to executing of any of the Implementation Strategies or any other policy in this plan not currently practiced by Richland County as of December 2009, Richland County Council must affirm such strategy or change in policy with public notice and adoption of an ordinance with three readings and a public hearing as required by law. Such ordinance will provide specific definitions as well as methodology and resources needed.

This Plan was adopted by Richland County Council with the expressed intent of examining the recommended strategies and changes in practice over the ten year period this plan will be in effect but should not **necessarily** be considered an endorsement of such strategies. These concepts include but are not limited to:

- Voluntary incentive based inclusionary zoning
- Transfer of Development Rights
- Right-of-way Dedication
- Dedication of land for parks / greenways

- Riparian buffer widths
- Adequate facilities ordinance
- Transportation impact fee
- Change in rural or any other density requirements
- Suburban / low density boundary

(2) The following amendments are adopted:

A. Page 111. Deleting the paragraph beginning “Another goal of the fire department is actively promoting the installation of fire sprinkler systems in all structures providing automatic suppression of fires, saving lives, reduce injuries and preserving property . . .

B. Include a reference to a partnership with CDBG funds and mixed income communities to increase affordable housing.

C. The term “rural” will replace “low-density suburban” in the Land Use Element.

D. Goal 8, Proactive Rezoning, will be deleted from the Land Use Element.

E. Changes as indicated in the “2009 Comprehensive Plan Response Document”

F. Amend GOAL 5, Implementation Strategy, to read:

Implement riparian buffer provision in the Richland County Land Development Code. ~~These provisions should apply to both perennial and intermittent streams, varying in width of 50 to 100 feet based on site conditions, stabilizing stream banks and protecting water quality from polluted run-off commonly generated by working farms, golf courses, and suburban scale development.~~

4. First Reading Item

- a. **An Ordinance Amending Ordinance No. 029-07HR; so as to temporarily decrease the tap fees to be paid by users of the Broad River Regional Sewer System to Three thousand (\$3,000.00) dollars and to implement a gradual increase of such fees to Four thousand (\$4,000.00) dollars (By Title Only):** Council gave first reading by title only to the ordinance. Staff will provide the fiscal impact of this ordinance at second reading. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, UTILITIES, BUDGET, FINANCE**

5. Report of the Economic Development Committee

- a. **An Ordinance Authorizing (1) the execution and delivery of an infrastructure credit and incentive agreement by and among Richland County, South Carolina and Navistar, Inc., and /or Pure Power Technologies, LLC, and / or one or more of their affiliates, and assigns to provide for, in part, special source revenue credits, the conveyance of a fee simple title to certain land and real property**

improvements, and the inclusion and maintenance of certain property in a joint county industrial or business park; and (2) other matters related thereto: Council gave first reading to the ordinance and corresponding Infrastructure Credit and Incentive Agreement. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, AUDITOR, ASSESSOR, TREASURER, BUDGET, FINANCE**

6. Report of the Rules and Appointments Committee

a. Discussion from Rules and Appointments Committee

- i. Motion for presentations to be held on the 3rd Tuesday of the month:** Sent back to Committee for further discussion. **ACTION: CLERK OF COUNCIL**
- ii. Planning Commission Members and Occupations:** Deferred to the January 5, 2009 Council Meeting. **ACTION: CLERK OF COUNCIL, PLANNING**
- iii. Staggered Terms for CMRTA Board Appointees:** Council approved the following term limits for the Richland County CMRTA Board Appointees: Dickerson, two years; Hutchinson, two years; Smith, one year; Leidinger, three years; Liming, three years. **ACTION: CLERK OF COUNCIL**

7. Annual Financial Supplement to Chair (Forwarded from the 9/22/09 A&F Committee): Council gave first reading approval to a \$1,500 annual supplement to the Chair's salary. The full version of the ordinance will be presented at 2nd reading. **ACTION: ADMINISTRATION, CLERK OF COUNCIL, BUDGET, FINANCE, LEGAL**

8. Business Service Center – Policies Approval (Deferred from the 12-1-09 Council Meeting): Council approved the BSC Policies as presented in the agenda packet which included staff's two recommendations, along with the following additional amendment: Independent contractors, people paid with IRS Form 1099s in which taxes are not withheld, are considered as having their own business and are thus required to obtain their own business license. If there are questions regarding whether a business license is needed, contact the Business Service Center for answers. However, if the activity for which the person is paid some nominal amount does not represent the person's primary, or even secondary, occupation, engaging in the activity shall not be considered "doing business" and no business license is required. **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE**

9. Hospitality Tax County Promotions Grant Guidelines and Application Changes (Deferred from the 12-1-09 Council Meeting): Council approved the

guidelines and application. **ACTION: ADMINISTRATION, BUDGET, FINANCE**

10. **Historic Homes Renovation Projects (Deferred from the 12-1-09 Council Meeting):** Council approved staff's recommendations, which will allow the transfer of the approximately \$340,000 from the Woodrow Wilson Home to the Hampton Preston Mansion for repairs, as well as the approval of a comprehensive assessment to be performed on the Hampton Preston Mansion. **ACTION: ADMINISTRATION, BUDGET, FINANCE**
11. **Hospitality Tax Funding Request: Southern Intercollegiate Athletic Association (Benedict College):** Council deferred this item to the January 5, 2010 Council Meeting in order to receive more financial information on the event. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**
12. **Adoption of Economic Development Strategic Plan:** Council approved the Economic Development Strategic Plan, which will be incorporated into the Countywide Strategic Plan. **ACTION: ADMINISTRATION, BUDGET, FINANCE**
13. **Smoking Ban Amendments:** Council gave first reading to the smoking ban ordinance amendments as presented in the agenda packet, along with the following additional amendments which have been highlighted:
 - 4) (a) If three or more infractions occur within a six-month period, except as set forth below, the business shall be deemed a public nuisance and shall have its business license revoked, if already issued, or its business license application denied, if a business license has not been issued.
 - (b) If, after investigation, it is determined the business cited for a violation has not made proper efforts (defined as posting as required and, when necessary, having employees verbally advise customers to not smoke in the business) to enforce the smoking ban ordinance, they shall be cited as being in violation and charged with one of the three required citations toward starting the process of a business license revocation or denial of application. Otherwise only a citation for a fine will be issued, and the violation will not be counted as one of the three violations necessary to begin the process of business license revocation or denying a business license application of the business.**ACTION: ADMINISTRATION, BUSINESS SERVICE CENTER, LEGAL, CLERK OF COUNCIL**
14. **Citizens' Input:** One person spoke.
15. **Executive Session**
 - a. **Fire Contract Update:** Council directed the Administrator to proceed with an audit of the Fire Service. **ACTION: ADMINISTRATION,**

**EMERGENCY SERVICES, BUDGET, FINANCE, LEGAL,
PROCUREMENT**

- b. **Potential Legal Matter:** Council voted to accept Richland County School District Two's recommendation and seek an Attorney General's Opinion on this issue. **ACTION: ADMINISTRATION, LEGAL**
 - c. **Personnel Matter:** Received as information.
 - d. **Township Property Purchase Update:** Received as information.
16. **Motion Period**
- a. **I move that Richland County partner with the Urban Land Institute to bring Ellen Dunham-Jones to Richland County ton Feb. 22 to speak to professionals, neighborhood leaders, and public officials about her work in retrofitting suburbia. The County will contribute \$3,000 from the Discretionary Account of Kit Smith, District 5, to pay Dunham-Jones' fee. Other costs and logistical support will be provided by the Urban Land Institute. [Smith]: Approved. ACTION: ADMINISTRATION, CLERK OF COUNCIL, BUDGET, FINANCE**
 - b. **Resolution for Mr. James Knotts [Washington]: Approved. ACTION: CLERK OF COUNCIL**
 - c. **I move that property owners should not be required to obtain permits for cosmetic or maintenance purposes including replacing roofs, sidings, windows, doors, painting, etc. The IRC was not specific and because it is not a structural problem, permits should not be required. [Jackson]: Council forwarded this item to the January D&S Committee. ACTION: ADMINISTRATION, BUILDING SERVICES**
 - d. **Request to have Treasurer's salary study brought forward for action by County [Jeter]: Council voted to bring the item back to full Council at the first meeting in January. ACTION: ADMINISTRATION, CLERK OF COUNCIL, HUMAN RESOURCES**
17. **Adjournment:** Council adjourned at 10:00 p.m.