

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 15, 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.

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 – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Stephany Snowden, Jennifer Dowden, Tamara King, Randy Cherry, Sara Salley, Michael Byrd, Larry Smith, Amelia Linder, Dale Welch, David Adams, Dwight Hanna, Daniel Driggers, Tommy DeLage, Wanda Kelly, Pam Davis, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:04 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

PRESENTATION OF RESOLUTION

Mr. Pearce presented Judge William Womble with a resolution in honor of his 30 years of service to Richland County.

Mr. Pearce further recognized that the following Summary Court judges were also in attendance: Judge Mauer, Judge Surles, and Judge Streeter.

CITIZENS' INPUT

The citizen was not permitted to speak due to the matter already receiving a public hearing.

APPROVAL OF MINUTES

Zoning Public Hearing: November 24, 2009 – Mr. Jeter moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Regular Session: December 1, 2009 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated the backup for Item #10 was not included in the agenda packet.

Mr. Malinowski moved, seconded by Mr. Manning, to add to the Consent Agenda for Second Reading the Discharge of Firearms in Certain Areas, which was inadvertently not included in the printed agenda. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Malinowski, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Fire Contract Update**
- b. **Whitaker Container/West Pro Update**
- c. **Township Property Purchase Update**
- d. **Potential Legal Matter**
- e. **Personnel Matter**

REPORT OF THE COUNTY ADMINISTRATOR

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.

Whitaker Container/West Pro Update – Mr. Pope stated that staff will be holding a meeting with the new company to work on the transition plan and Council will be updated as soon as that meeting takes place.

Fire Contract Update – This item was taken up during Executive Session.

Township Property Purchase Update – This item was taken up during Executive Session.

Restaurant Promotions – Mr. Pope stated that a request has been received from the restaurant industry for promotions in the amount of \$10,000.

Potential Legal Matter – This item was taken up during Executive Session.

Budget Kick-off Meeting & State Budget Cuts – Mr. Pope stated that the budget kick-off meeting was held and the Directors and Elected/Appointed Officials were given an overview of what the County will be facing in the coming year. Departments have been asked to come in flat with their budget requests with no new positions. Additionally, it was stated that the State is making further cuts and hopefully that will not mean cuts to the local government fund.

Eastover Wastewater Treatment Plant – Mr. Pope stated there was a failure about a week ago at the Eastover Wastewater Treatment Plant. This item will be brought back to Council once staff drafts a recommendation for a permanent solution.

REPORT OF THE CLERK OF COUNCIL

Renaissance Foundation Christmas Drop-In & Tour of Historic Bethel, 1528 Sumter Street, December 17th, 11 a.m.-1 p.m. – Ms. Finch stated that Council had received an invitation to the Renaissance Foundation's Christmas drop-in and tour of Historic Bethel Church on December 17th, 11 a.m.-1:00 p.m. at 1528 Sumter Street.

REPORT OF THE CHAIRMAN

Personnel Matter – This item was taken up during Executive Session.

Save the Dream Tour – Mr. Livingston stated that the Housing Authority requested an additional \$15,000 from the County for this particular initiative.

OPEN/CLOSE PUBLIC HEARINGS

- **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 signed up to speak.
- **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 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, Subsection (A)(4); so as to remove the required 75% payment** – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- **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]**
- **09-11MA, Abdalla Yaghy, Abdalla Yaghy, RU to RC (4.19 Acres), 35206-02-06 & 35200-09-56, Corner of Garners Ferry Rd. & Pond Dr. [THIRD READING]**
- **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]**
- **Discharge of Firearms in Certain areas unlawful [SECOND READING]**

Mr. Jeter moved, seconded by Ms. Dickerson, to approve the consent items. The vote in was in favor.

THIRD READING

Hospitality Tax Ordinance Amendment: County Promotions 75%/25% Split – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

09-13MA, Westinghouse, Brian Pasco, RU to HI (44.98 Acres), 18600-01-01(p) 5801 Bluff Rd. – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item.

Mr. Washington made a substitute motion, seconded by Ms. Kennedy, to defer this item to December 22nd in order to conduct a meeting on Monday, December 21st between

representatives of Westinghouse and residents of the surrounding community. The sole purpose of this meeting will be to discuss the re-zoning request and lay ground work to improve communications between the company and community in which it is located. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. Washington, to reconsider this item in order to amend the motion. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. Malinowski, to amend Mr. Washington's motion to hold the special called meeting at 7:30 p.m. The vote in favor was unanimous.

Comprehensive Plan – Ms. Smith moved, seconded by Mr. Malinowski, 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 execution 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.~~

A discussion took place.

The vote in favor was unanimous.

FIRST READING

An Ordinance Amending Ordinance 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) – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

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 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 – Mr. Pearce stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Motion for presentations to be held on the 3rd Tuesday of the month** – Mr. Malinowski stated that the committee made the following recommendation: “All presentations before Council be a maximum of five (5) minutes and shall be heard on the third Tuesday of the month. Presentations of time sensitive matter, as determined by unanimous consent of Council may be heard at any regular or special called meeting of Council. All presentations, regardless of topic, shall be approved by the Chair before placement on any Council agenda. No presentation shall be heard which is not on the Council agenda prior to the start of the meeting. No more than three (3) presentations will be allowed at each meeting.”

A discussion took place.

Mr. Pearce made a substitute motion, seconded by Ms. Dickerson, to refer this item back to committee. The vote was in favor.

- b. **Planning Commission Members and Occupations** – Mr. Malinowski stated that the committee recommended accepting the amendments to the ordinance.

Ms. Smith moved, seconded by Ms. Dickerson, to defer this item to the January 5th Council meeting. The vote was in favor.

- c. **Staggered Terms for CMRTA Board Appointees** – Mr. Malinowski stated that the committee made the following recommendation: Ms. Smith would serve one year, Ms. Hutchinson and Ms. Dickerson would serve for two years and Mr. Leidinger and Mr. Liming would serve three years. The vote in favor was unanimous.

OTHER ITEMS

Annual Financial Supplement to Chair (Forwarded from the 9/22/09 A&F Committee Meeting) – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Mr. Pearce made a substitute motion, seconded by Ms. Hutchinson, that the individual serving as Chair shall receive an additional supplement to his/her expense account of

\$1,500 annually to be used at his/her discretion to pay for expenses related to being the Chair. A discussion took place.

Mr. Pearce withdrew his motion.

Mr. Manning restated the motion: "to approve \$1,500 additional compensation for the Chair."

The vote in favor was unanimous.

Business Service Center—Policies Approval (Deferred from the 12/01/09 Council Meeting) – Mr. Pearce moved, seconded by Ms. Smith, to accept the current changes in the document.

Mr. Malinowski made a substitute motion, seconded by Ms. Hutchinson, to not provide any reimbursement if a business is annexed. A discussion took place.

Mr. Malinowski withdrew his motion.

The vote in favor of the main was motion was unanimous.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to amend the section entitled "Closing Businesses" to read: "the business has not renewed its license for two consecutive years..."

For
Malinowski
Hutchinson

The vote on Mr. Malinowski's amendment failed.

Mr. Malinowski moved, seconded by Ms. Smith, to amend the section entitled "Independent Contractors" to remove: "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." and replace it with: "If there are questions regarding whether a business license is needed, contact the Business Service Center for answers." The vote in favor was unanimous.

Mr. Malinowski moved to amend the section entitled "Landlords" to read: "The rental or leasing of one property is considered doing business and requires a business license."

The motion died for lack of a second.

Mr. Malinowski moved, to amend the section entitled "Payments Short or Over" to not forgive any shortage.

The motion died for lack of a second.

Ms. Smith moved, seconded by Mr. Pearce, to adopt the policy manual as amended. The vote was in favor.

Hospitality Tax County Promotions Grant Guidelines and Application Changes (Deferred from 12/01/09 Council Meeting) – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

Historic Homes Renovating Projects – Mr. Manning moved, seconded by Ms. Hutchinson, to approve the recommendation for repairs and a comprehensive assessment. A discussion took place.

The vote on the call for the question was unanimous.

The vote in favor was unanimous.

Hospitality Tax Funding Request: Southern Intercollegiate Athletic Association (Benedict College) – Ms. Smith moved, seconded by Ms. Dickerson, to defer this item until the January 5th Council meeting. The vote in favor was unanimous.

Adoption of Economic Development Strategic Plan – Mr. Manning moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote in favor was unanimous.

Smoking Ban Amendments [FIRST READING] – Mr. Washington moved, seconded by Mr. Jeter, to approve this item.

Mr. Malinowski moved, seconded by Mr. Manning, to add Item 4(b) to read: “If, after investigation, it is determined the business cited for a violation has not made proper efforts (defined 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.

Mr. Manning requested that the word “etc.” be added after the word business in line 3 of 4(b).

Ms. Smith made a substitute motion to give First Reading approval to the ordinance and any Council member that wants to offer amendments forward them to staff for legal review prior to Second Reading.

The substitute motion died for lack of a second.

Mr. Jeter moved, seconded by Mr. Manning, to approve the smoking ban ordinance as amended. The vote in favor was unanimous.

CITIZEN'S INPUT

Ms. Bernice Scott spoke regarding the Westinghouse re-zoning item.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 8:25 p.m. and came out at approximately 9:30 p.m.
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- a. **Fire Contract Update** – Ms. Smith moved, seconded by Mr. Washington, to direct the Administrator to proceed with a cost allocation audit of the fire service. The vote in favor was unanimous.
- b. **Township Property Purchase Update** – This item was received as information.
- c. **Potential Legal Matter—Site Development Fees** – Ms. Smith moved, seconded by Ms. Hutchinson, to accept School District Two's recommendation and join with them to seek an Attorney General's opinion on this issue. The vote in favor was unanimous.
- d. **Personnel Matter** – This item was received as information.

MOTION PERIOD

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 – This item was referred to the D&S Committee.

Request to have Treasurer's salary study brought forward for action by County [JETER] – This item was forwarded to the January 5th Council meeting for action.

I move that Richland County partner with the Urban Land Institute to bring Ellen Dunham-Jones to Richland County on February 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] – Mr. Washington moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.

Resolution for James Knotts [WASHINGTON] – Ms. Smith moved for unanimous consent of the resolution. The vote in favor was unanimous.

Northeast Sanitary Landfill Settlement – After an in depth discussion the Chair ruled that this motion was not properly before Council.

ADJOURNMENT

The meeting adjourned at approximately 9:54 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Kit Smith

Kelvin E. Washington, Sr.