

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

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

January 19, 2010

6:00 PM

Call to Order: Livingston

Invocation: Kennedy

Pledge of Allegiance: Kennedy

Presentations: Mr. Pope presented proclamations to the Animal Care Subcommittee members, and thanked them for their years of service, and dedication to the well being of animals in Richland County.

Citizens' Input: No one spoke.

Approval of Minutes

Regular Session: January 5, 2010: Approved as published.

Adoption of the Agenda: Adopted as published.

- 1. Report of the Attorney for Executive Session Items**
 - a. TIF Update**
 - b. HBA Update: Pending Litigation**
 - c. Personnel Matter**
 - d. Lease Agreement**
 - e. Fire Contract**

2. **Executive Session (Outside Legal Counsel)**

- a. **TIF Update:** Council directed staff and outside legal counsel to work with the Chair and Vice Chair to craft and send a letter to City Council, based on discussions in Executive Session. **ACTION: ADMINISTRATION, LEGAL**

3. **Report of the County Administrator**

- a. **Audit Presentation:** Tom McNeish presented a synopsis of the audit, which required no adjustments.
- b. **Recognition of Finance Staff:** Mr. Pope recognized members of the Finance Staff who assisted in making this year's audit a tremendous success.
- c. **TIF Update:** Executive Session item.
- d. **2010 Council Retreat:** Mr. Pope reminded Council that Retreat will take place Thursday and Friday at the Adult Activity Center on Parklane Road in Richland County. The agenda was emailed to Council on Friday.
- e. **Personnel Matter:** Executive Session item.
- f. **CMRTA Progress Report:** Mrs. Ancheta gave the progress report, which stated that the CMRTA has spoken to the union, and it appears that they may be willing to freeze wage rates in the event that a long term, dedicated local funding source is not secured in November 2010. The CMRTA has also written a formal request to the Lexington County Council Chair regarding county local operating subsidy funding, and has informed Lexington County Council that bus and DART service reductions and/or eliminations will take place no later than September 30, 2010 if funding is not provided by Lexington County.
- g. **Bridge Renaming and SCDOT Reimbursement Request:** Mr. Pope informed Council that SCDOT has approved the bridge renaming request, but has requested \$500 for the sign and installation. Mr. Pope will take \$500 from the Department of Public Works' budget, which can be handled administratively without a budget amendment. **ACTION: ADMINISTRATION, PUBLIC WORKS, BUDGET, FINANCE**
- h. **Lease Agreement: Legal Matter:** Executive Session item.
- i. **Fire Contract Update:** Executive Session item.

- j. **Bereavement:** Mr. Pope informed Council that Sparty Hammett's father had passed away. Everyone offered their condolences.
4. **Report of the Clerk of Council**
- a. **SCAC Mid-Year Conference:** February 24 (conference) and 25 (classes).
 - b. **State of City Address:** January 28, 6:00 pm, Convention Center
 - c. **Retreat:** Begins at 7:30am both mornings.
 - d. **Life Chance 2010:** January 23, 7:00 pm, Koger Center.
5. **Report of the Chairman**
- a. **Committee Assignments:** The Chairman reminded Council members to forward their Committee preferences to him as soon as possible.
6. **Public Hearings**
- 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:** No one spoke.
 - b. **Annual Financial Supplement to Chair:** No one spoke.
 - c. **Smoking Ban Amendments:** No one spoke.
 - d. **Stormwater Ordinance:** 13 people spoke.
7. **Consent Items**
- a. **[Removed from Consent] 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 [Third Reading]:** Council deferred this item, which is to be brought back once it is ready. **ACTION:** ADMINISTRATION, LEGAL, CLERK OF COUNCIL, UTILITIES, BUDGET, FINANCE

- b. **Annual Financial Supplement to Chair [Third Reading]:** Council gave third reading approval to the ordinance. **ACTION: LEGAL, CLERK OF COUNCIL, BUDGET, FINANCE**
- c. **[Removed from Consent] Smoking Ban Amendments [Third Reading]:** Council deferred this item to the February 2, 2010 Council Meeting so that the Legal Department can amend the ordinance verbiage approved at second reading. **ACTION: BUSINESS SERVICE CENTER, LEGAL, CLERK OF COUNCIL**
- d. **Ordinance to incorporate the Trenholm Acres / Newcastle Neighborhood Master Plan into the “2009 Richland County Comprehensive Plan” [Third Reading]:** Council gave third reading approval to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- e. **Ordinance to incorporate the Crane Creek Neighborhood Master Plan into the “2009 Richland County Comprehensive Plan” [Third Reading]:** Council gave third reading approval to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- f. **Ordinance to allow an exemption for luminaries on outdoor athletic / sports fields from the requirements of being “full-cutoff certified” [Third Reading]:** Council gave third reading approval to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- g. **[Removed from Consent] Ordinance Amendment Regarding Commercial Enforcement of Unlicensed Vehicles and Weeds and Rank Vegetation (Overgrown Lots) [Second Reading]:** Council deferred this item to the February 2, 2010 Council Meeting. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- h. **An Ordinance Authorizing a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter’s Road, an unpaved road in the Richland County Road Maintenance System [Second Reading]:** Council gave second reading approval to a quit-claim deed by which Richland County releases its interest in part of the right of way for an abandoned section of Hunters Road to Malika R. Snipe and Ms. Aramide Mitchell. **ACTION: PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
- i. **An Ordinance Authorizing a quit-claim deed to Mount Pilgrim Baptist Church for a portion of the right-of-way of Pilgrim Road in exchange for a portion of Lot 63 in State Park Acres [Second Reading]:** Council gave second reading approval to a quit claim deed by which Richland County releases its interest in part of the right of way for

Pilgrim Road in exchange for a portion of Lot 63 State Park Acres.
ACTION: PUBLIC WORKS, LEGAL, CLERK OF COUNCIL

8. Third Reading Items

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12 – 16, Yard Trash and Other Household Articles:** Council deferred this item to the February 2, 2010 Council Meeting, and requested a work session be held to discuss potential alternatives (ie, elderly exemption, assistance with the purchase of biodegradable bags and/or roll carts, etc.) **ACTION: ADMINISTRATION, PLANNING, PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
- b. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to improve Richland County’s water quality, protect the environment, and comply with the County’s National Pollution Discharge Elimination System (NPDES) permit requirements:** Council gave third reading approval to the ordinance as recommended by the Development Round Table, with the following exceptions:

As recommended by the Planning Commission:

Created definitions for “agricultural land”, “ephemeral stream”, and “forest land”; in Section 26-64 (b) (1), second line, struck the words “useful to man”; in Section 26-64 (f), last paragraph, third sentence, struck the words “are known to”; in Section 26-64 (g) (3) k. 8., struck the explanatory words “as piping along the fill/natural ground interface may cause slope failure”; in Section 26-187 (c) (1) e. and f., added the words “For delineated wetland areas associated with perennial streams, the buffer shall be at least fifty (50) feet **perpendicular beyond the wetland edge.**” In Section 26-187 (h) (1) d., last line, changed the word “both” to the word “each”. In Section 26-187 (h) (2), struck the words: “Areas Where Buffer Averaging is Prohibited. Buffer width averaging is prohibited **in developments that have, or will have after development, the land uses listed below** when the result of averaging would allow any of the land uses listed below to exist within the pre-averaged buffer area.”. In Section 26-202 (c) (1) b., struck the word “entire” and inserted the word “upstream”.

As recommended by the Zoning Administrator in striking the words in Section 26-64 (b) (1) as follows:

- (1) Land disturbing activities on agricultural land for production of plants and animals useful to man, **~~including but not limited to: forages and sod crops, grains and feed crops, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules,~~**

~~or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture;~~ except that the construction of an agricultural structure or structures which, singularly or collectively total one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a SWPPP prior to the start of the land disturbing activity.

Created an “Entitled Property definition as follows:

Entitled Property. Any property that, prior to January 19, 2010 has been subject to either “Permitted Development Activity” or a “Valid Government Approval.” If a Permitted Development Activity or Valid Governmental Approval has occurred with respect to any tract and such tract was subsequently subdivided, or in the future is subdivided, by an approved subdivision plat, then all subdivided parcels that were part of the original tract shall be considered Entitled Property.

Amended the exemption language for entitled property to read as follows:

- (6) All “Entitled Property”; provided, however, this exemption shall no longer be in effect after January 19, 2017. In addition, all entitled property shall comply with the stormwater regulations that were in effect prior to January 19, 2010.

ACTION: PLANNING, LEGAL, CLERK OF COUNCIL

9. Second Reading Item

- a. **09-19MA; Hock Site; Hock Development Co.; GC & RM-HD to GC (1.34 Acres); 19813-06-25; Alpine Road & Old Percival [Second Reading]:** Council gave second reading approval to the ordinance.
ACTION: PLANNING, LEGAL, CLERK OF COUNCIL

10. Report of Economic Development Committee

- a. **Resolution Recognizing Industry Appreciation Week:** Council approved the Resolution. **ACTION: ADMINISTRATION**

11. Report of Rules and Appointments Committee

- a. **Discussion from Rules and Appointments Committee**
- i. **Planning Commission Ordinance and Norman Jackson’s motion to restructure the Planning Commission:** Remains in Committee. **ACTION: CLERK OF COUNCIL**

12. **\$100,000 Hospitality Tax Allocation, Public Information:** Council deferred the item to the February 2, 2010 Council Meeting. Administration is to follow up in writing with Mr. Malinowski regarding his questions. **ACTION: ADMINISTRATION, CLERK OF COUNCIL**
13. **Farmers' Market: Pineview Property Follow-up:** Council rescinded the following action that was approved at the November 3, 2009 Council meeting: "Council voted to suspend consideration of using public funds to invest in a Richland County farmers' market, and to work with current local markets in promotional activities." This item was forwarded to the February Development and Services Committee. **ACTION: ADMINISTRATION, CLERK OF COUNCIL**
14. **Hospitality Tax Funding Request: Southern Intercollegiate Athletic Association (Benedict College):** Council approved \$5,000 in appropriated undesignated Hospitality Tax funds. **ACTION: ADMINISTRATION, BUDGET, FINANCE**
15. **Request to consider salary adjustments and amendments to existing county policies and procedures for the following elected and appointed positions:**
 - a. **Treasurer:** Council approved the study recommendations for every position within the study, and gave first reading by title only to budget amendments for the Treasurer, Board of Voter Registration, and the Assessor. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL, HUMAN RESOURCES, TREASURER, BOARD OF VOTER REGISTRATION, ASSESSOR**
16. **Treasurer / Voter Registration / Election Commission Salary Study:** See previous item.
17. **Citizens' Input:** Two people spoke.
18. **Executive Session:** The following items were received as information.
 - a. **HBA Update: Pending Litigation**
 - b. **Personnel Matter**
 - c. **Lease Agreement**
 - d. **Fire Contract**

19. Motion Period

- a. Richland County extends to Fred Kotoske economic development incentives immediately; like the SC Statehouse did expediently in one day, to include, but not limited to, an ordinance exception for a flag lot, so that he can build a new restaurant (Taco Bell) on Decker Blvd. seeing as no one else has expressed such interest in new building for a very long time. [Manning]: Forwarded to the Economic Development Committee. **ACTION: ADMINISTRATION, PLANNING****
 - b. Resolution to recognize Tanya Rodriguez Hodges from Latino Communication for coordinating the 1st Annual Three Kings Day Parade and Celebration. [Manning]: Approved. **ACTION: CLERK OF COUNCIL****
 - c. Remove all parking meters from the County Administration building and if the County have jurisdiction remove those on the street around the building. [Jackson]: Forwarded to the Development and Services Committee. **ACTION: ADMINISTRATION****
- 20. Adjournment:** Council adjourned at 11:50 pm.