

# **RICHLAND COUNTY GOVERNMENT**



## **Office of the County Administrator**

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

**May 4, 2010**

**6:00 PM**

**Call to Order:** Livingston

**Invocation:** Jeter

**Pledge of Allegiance:** Jeter

#### **Approval of Minutes**

**Regular Session: April 20, 2010:** The portion of the minutes regarding third reading of the Crane Creek ordinance was reconsidered. An amended ordinance, which included more districts, was approved for third reading. The portion of the minutes regarding the Catawba Indians Resolution was reconsidered, and moved to the top of the agenda. The portion of the minutes regarding the C&D Landfill was reconsidered, and placed after the Rules and Appointments Report. The remaining minutes were approved.

**Zoning Public Hearing: April 27, 2010:** The minutes were approved.

**Adoption of the Agenda:** The agenda was adopted as amended. Items e - j were added under the Report of the County Attorney.

**Resolution regarding Catawba Indians [Manning]:** This item was not approved.

#### **Report of the County Attorney**

- a. **Columbia Venture:** Defer
- b. **Vulcan Lease Agreement:** Defer
- c. **Real Estate Contract**
- d. **Pending Legal Matter**

- e. **Farmers' Market Update**
- f. **Personnel Matter**
- g. **FN Manufacturing v. Richland County and McEntire Produce v. Richland County**
- h. **Risk Management Budget Amendment**
- i. **Eastover Sewer Plant**
- j. **C&D Landfill**

**Citizens' Input:** Two people spoke.

#### **Report of the County Administrator**

- a. **Public Works Week:** David Hoops, Public Works Director, informed Council of the events scheduled for Public Works Week, and introduced staff.
- b. **Real Estate Contract:** Executive Session item.
- c. **Smoking Ban Update:** Mr. Pope informed Council that two smoking violations were reported during the first quarter of the year. The two reported violations were for the same business. An inspection occurred, but no violations were noted.
- d. **Farmers' Market Update:** Executive Session item.
- e. **Lower Richland Sewer Update:** Mr. Pope stated that he had sent the proposal to Council.
- f. **Richland Savvy Seniors: May 21, 2010:** Ms. Snowden informed Council that the county is partnering with AARP, Senior Resources and the Council on Aging to host the inaugural Savvy Senior Friday on Friday, May 21<sup>st</sup> from 10am to 1pm at Richland Mall.
- g. **Richland County Census Update:** Ms. Snowden informed Council that the mail response rate for Richland County is 75% (up 6% from the 2000 census), with the state average being 73%, and the national 72%.
- h. **Employee Grievance:** Council voted to accept the Administrator's recommendation(s). **ACTION: ADMINISTRATION, HUMAN RESOURCES**

**Report of the Clerk of Council:** The Clerk shared invitations with Council.

**Report of the Chairman:** No report.

**1. Public Hearing Item**

- a. **An Ordinance Amending the FY 2009 – 2010 General Fund Annual Budget to appropriate \$345,000 of undesignated General Fund Balance to the Sheriff Department’s Budget for part-time personnel expenditures:** No one spoke.

**2. Consent Items**

- a. **[Removed from Consent] An Ordinance Authorizing a lease to Vulcan Materials, Inc. for approximately 10 acres of land, which is a portion of Richland County TMS #06500-01-11 [Third Reading]:** This item was deferred to the May 18, 2010 Council Meeting, as the lease agreement is still being negotiated. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL**
- b. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; “Business, Professional and Personal Services” of Table 26-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to allow “Bed and Breakfast Homes / Inns” as a Permitted Use with Special Requirements in the RU Rural; OI Office and Institutional, NC Neighborhood Commercial, and GC General Commercial Zoning Districts; and to remove “Bed and Breakfast Homes / Inns” from the M-1 Zoning District [Third Reading]:** Council gave third reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- c. **Case # 10-03MA, Matthew Congdon, Killian Crossing, PDD to amended PDD (398.66 acres) and GC (17.29 acres), TMS# 17400-02-04/12/13/14, Killian Road [Second Reading]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- d. **Case # 10-06MA, Lake Carolina, David Tuttle, PUD-2 to RU (22.05 acres), TMS# 23300-03-01(p), Ashland at Kelly Mill Road [Second Reading]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**

- e. **Case # 10-07MA, Map amendment for properties in the Crane Creek Master Plan Neighborhood District(s) [Second Reading]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- f. **An Ordinance so as to Reflect that Schools, Including Public and Private, are not Permitted in the M-1 Zoning District [Second Reading]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- g. **An Ordinance so as to Correctly Identify the Development Review Team as the Entity that Reviews Land Development and Subdivisions, and Has the Authority to Reduce Road Standards [Second Reading]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- h. **Jasmine Place Water Quality Improvement Project:** Council approved the award of the construction services contract for the Jasmine Place Water Quality Capital Improvement to Joe Singleton Company in the amount of \$179,415.00, which will come from the Richland County Department of Public Works Stormwater Management Division FY10 adjusted budget. **ACTION: PROCUREMENT, PUBLIC WORKS, STORMWATER, BUDGET, FINANCE, LEGAL**
- i. **[Removed from Consent] Ordinances to Amend the Standards for Outdoor Retail Lighting [First Amendment]:** Council approved first reading of the ordinance amending Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraphs (1) d. and (5). Amendments are to be presented at second reading regarding non-business hours. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- j. **Change to Handbook regarding Weapons:** Council approved the revision to the Employee Handbook, which would allow County employees to bring weapons onto County property provided the weapons are locked in the trunks of the employees' vehicles or some other vehicle receptacle if a trunk is not available. **ACTION: ADMINISTRATION, HUMAN RESOURCES, LEGAL**
- k. **Decker Boulevard / Woodfield Park Slum and Blight Designation:** Council approved the request to designate Decker Boulevard / Woodfield Park as a slum and blight area. **ACTION: COMMUNITY DEVELOPMENT**
- l. **Laurelwood Plantation Historic Preservation Acquisition:** Council approved the request of acquisition of Laurelwood Plantation on 28 acres owned by the Sarah Marye family in partnership with Palmetto Trust and

the Conservation Commission. **ACTION: CONSERVATION COMMISSION, PLANNING, LEGAL, BUDGET, FINANCE**

- m. Transportation Enhancement Grant for Woodrow Wilson Home:** Council approved the request to partner with Historic Columbia and accept Transportation Enhancement Funds, if awarded, for the Woodrow Wilson Family Home. **ACTION: ADMINISTRATION, GRANTS, LEGAL, BUDGET, FINANCE**
- n. Request for Contract Award for Parking Garage Repairs:** Council voted to allow the Procurement Director and Support Services Department to move forward with negotiations and award the contract to Aquatech of Greenville in the amount of \$131,534 to complete the work to stop water intrusion into the parking garage structure. **ACTION: PROCUREMENT, SUPPORT SERVICES, LEGAL, BUDGET, FINANCE**
- o. Job Performance Plan for the Clerk of Council position:** Council forwarded this item to the Evaluation Committee.
- p. Business Service Center – Records Retention Schedule:** Council approved the records retention schedule as described. **ACTION: BUSINESS SERVICE CENTER**
- q. Approval of the Exercise of an Option to Renew a contract with Palmetto Posting, Inc.:** Council approved the request of the Treasurer/Tax Collector to exercise the option to renew the contract with Palmetto Posting through the 2010 tax sale. **ACTION: PROCUREMENT, LEGAL, TREASURER, BUDGET, FINANCE**
- r. [Removed from Consent] Budget Amendment – Risk Management:** Council gave first reading approval to a budget amendment in the amount of \$500,000 with funding to come from the General Fund fund balance. **ACTION: RISK MANAGEMENT, LEGAL, BUDGET, FINANCE, CLERK OF COUNCIL**
- s. Emergency Services Purchase Orders and Contract Approval for FY 2010 – 2011:** Council approved the purchase orders and contracts for the services, contingent on the 2010-2011 budget. **ACTION: EMERGENCY SERVICES, PROCUREMENT, BUDGET, FINANCE, LEGAL**
- t. Transfer funds allocated for SC Gospel Fest to Administrator to be distributed as per County Rules:** Council directed the County Attorney to review the MOU from 2008-2009 to see if there are any violations to

- u. **Jail Intervention Program:** Council approved the establishment of a Jail Intervention Program. **ACTION: LEGAL, SOLICITOR, DETENTION CENTER**

3. **Third Reading Item**

- a. **Budget Amendment – Sheriff: Part-Time Employees:** Council gave third reading approval to the Sheriff Department’s request in the amount of \$345,000 to amend the budget to cover part-time expenses. **ACTION: ADMINISTRATION, BUDGET, FINANCE, SHERIFF, LEGAL, CLERK OF COUNCIL**

4. **Second Reading Item**

- a. **Ordinance to Amend Road Names and Addressing Requirements:** Council gave second reading approval to the ordinance. **ACTION: ADMINISTRATION, PLANNING, LEGAL, CLERK OF COUNCIL**

5. **First Reading Items**

- a. **An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2010 and ending June 30, 2011:** Council gave first reading to the ordinance. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**
- b. **An Ordinance authorizing the levying of ad valorem property taxes, which, together with the prior year’s carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2010, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2010 through June 30, 2011:** Council gave first reading to the ordinance. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**
- c. **An Ordinance Authorizing the issuance and sale of not to exceed \$2,100,000 General Obligation Bonds, Series 2010B, or such other appropriated series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto:** Council gave first reading to the ordinance, and requested the Administrator forward details of the bond to

them. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**

- d. **An Ordinance Authorizing the issuance and sale of not to exceed \$13,400,000 General Obligation Bonds, Series 2010A, or such other appropriated series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto:** Council gave first reading to the ordinance, and requested the Administrator forward details of the bond to them. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**
6. **Report of the Development and Services Committee**
    - a. **Memorandum of Understanding to reflect the intent of parties regarding access to Lower Richland Boulevard and Garners Ferry Road in the development of certain residential and commercial facilities:** Council deferred the item to the May 18, 2010 Council Meeting. **ACTION: ADMINISTRATION, PLANNING, PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
    - b. **Water Line Construction to New Light Beulah Baptist Church:** Council denied the request for Richland County to participate in the funding of the construction of a water line to serve the New Light Beulah Baptist Church. **ACTION: ADMINISTRATION**
  7. **Report of the Administration and Finance Committee**
    - a. **Richland County Library: USDA Grant Request – Eastover Branch:** This item was referred to the budget process. **ACTION: ADMINISTRATION, BUDGET, FINANCE**
    - b. **An Ordinance Amending the Fiscal Year 2009 – 2010 Victim’s Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim’s Assistance Fund for the anticipated revenue shortfall:** Council gave first reading approval to the ordinance. **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE, CLERK OF COUNCIL**
    - c. **Replacement of Damaged RCSD Vehicles:** Council gave first reading approval to a budget amendment in the amount of \$11,486.13. **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE, CLERK OF**

**COUNCIL, SHERIFF'S DEPARTMENT, PROCUREMENT,  
FLEET SERVICES**

- d. **Eastover Sewer Plant Update (Contractual Matter):** Executive Session item.
- 8. Report of the Economic Development Committee**
- a. **Project McGuire**
    - i. **Resolution re: First Amendment to Lease Purchase Agreement:** Council approved the Resolution. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL**
    - ii. **First Amendment to Lease Purchase Agreement:** Council approved the First Amendment to the Lease Purchase Agreement. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL**
    - iii. **Bond Resolution:** Council approved the Bond Resolution. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL**
- 9. Report of the Rules and Appointments Committee**
- a. **Notification of Vacancies:** Council voted to advertise. **ACTION: CLERK OF COUNCIL**
    - i. **Building Codes Board of Adjustments – 1 [Monte Lemmon, June 19, 2010]**
    - ii. **Historic Columbia Foundation – 1 [John W. Cullum, Resigned]**
  - b. **Discussion from the Rules and Appointments Committee**
    - i. **To request the Attorney General's opinion regarding the possibility of a conflict of interest as it relates to the methodology used to compensate voter registration appointees [Dickerson]:** Council directed the Attorney to forward correspondence to the Attorney General regarding the possibility of a conflict of interest as it relates to the methodology used to compensate voter registration appointees. The Administrator is to forward correspondence to the Legislative Delegation regarding Council's actions on this item. **ACTION: LEGAL, ADMINISTRATION**



**10. Report of the Transportation Ad Hoc Committee**

- a. An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a County-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission, to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto [By Title Only]:** Council gave first reading approval by title only to the transportation sales tax ordinance, in conjunction with the following funding distribution:

<b>Mode</b>	<b>Amount</b>	<b>Percentage</b>
Bike / Pedestrian / Greenway	\$58,482,394	6%
Transit	\$337,117,605	33%
Roadway	\$627,400,000	61%
<b>TOTAL</b>	<b>\$1,022,999,999</b>	<b>100%</b>

Further, Council approved the Committee's recommendations for the following motions:

- 1. I move that we direct staff to review the congestion management plan of the Midlands COG and incorporate those suggestions into the Transportation Plan for the referendum. [Hutchinson]:** The Ad Hoc Committee reviewed this item, and has determined that this information has been included in the current study. Therefore, no action is required. [Council took no action on this item.]
- 2. Add an option to the referendum of a quarter of a penny sales tax for the bus only and reduce the two cents hospitality tax to one and three-quarters cents. This would keep the sales tax the same while eliminating the additional road maintenance fee of \$10 for cars and \$16 for commercial vehicles. An option for no new taxes while solving the bus problem. [Jackson]:** The Committee recommends the elimination of the Mass Transit Fee as scheduled. However, the Committee has no recommendations regarding the Hospitality Tax. [Council approved the elimination of the Mass Transit Fee as scheduled, but made no recommendation on the Hospitality Tax.]

- 3. Motion to give High priority ranking to all Local roads projects to include; resurfacing, widening, sidewalks and paving (using alternative and traditional paving methods) in the transportation penny sales tax referendum to all.**  
[Washington]: The Committee has reviewed this item, and has determined that the existing methodology should continue to be used instead of “shifting” priorities at this time. [Council voted to continue using the current methodology.]
- 4. Motion to use Pavement Quality Index PQI to prioritize all State and Local road resurfacing projects listed in the transportation penny sales tax referendum.** [Washington]: The Committee has reviewed this item, and has determined that the existing methodology should continue to be used instead of “shifting” methodologies at this time. [Council voted to continue using the current methodology. Council further voted to consider the establishment of criteria by ordinance similar to that of the dirt road paving program that would include PQI and other factors (ie, current and projected ADT, % truck traffic and other important factors in ranking roadway segments in a constrained funding scenario) for roadway and bike / pedestrian / greenway projects. The re-surfacing program may also include monies for the differing types of roadways (arterials, collectors, local subdivision streets, etc.), and may include a separate ranking system. Horry County’s resurfacing program under their RIDE program is recommended to be used as a guide. The development of the criteria and ranking system(s) could be developed after the approval of the referendum.
- 5. Motion to give High priority ranking to sidewalks and bike lane projects for any road that is within a one mile radius of the following: school, recreational facility and churches.**  
[Washington]: The Committee has reviewed this item, and has determined that the existing methodology should continue to be used instead of “shifting” methodologies at this time. [Council voted to continue using the current methodology. Council further voted to consider the establishment of criteria by ordinance similar to that of the dirt road paving program that would include PQI and other factors (ie, current and projected ADT, % truck traffic and other important factors in ranking roadway segments in a constrained funding scenario) for roadway and bike / pedestrian / greenway projects. The re-surfacing program may also include monies for the differing types of roadways (arterials, collectors, local subdivision streets, etc.), and may include a separate ranking system. Horry County’s resurfacing program under their RIDE program is recommended to be used as a guide. The development of the criteria and ranking system(s) could be developed after the approval of the referendum. **ACTION: ADMINISTRATION,**

**LEGAL, CLERK OF COUNCIL, BUDGET, FINANCE,  
TREASURER**

12. **Citizens' Input:** One person spoke.
  
13. **Executive Session**
  - a. **Real Estate Contract:** Received as information.
  - b. **Pending Legal Matter:** Received as information.
  - c. **Farmers' Market Update:** Received as information.
  - d. **Personnel Matter:** Received as information.
  - e. **FN Manufacturing v. Richland County and McEntire Produce v. Richland County:** Received as information.
  - f. **Risk Management Budget Amendment:** Council gave first reading approval to a budget amendment in the amount of \$500,000 with funding to come from the General Fund fund balance. **ACTION: RISK MANAGEMENT, LEGAL, BUDGET, FINANCE, CLERK OF COUNCIL**
  - g. **Eastover Sewer Plant:** Council directed the County Administrator to move forward with an emergency procurement using the design / build process to construct a new Lower Richland Wastewater Treatment Plan as discussed in Executive Session. Council clinched the vote. **ACTION: ADMINISTRATION, PROCUREMENT, LEGAL, BUDGET, FINANCE, UTILITIES**
  - h. **C&D Landfill:** Council affirmed their prior action from the April 20, 2010 meeting.
  
14. **Motion Period**
  - a. **That the County Administrator direct staff to prepare a document prior to 2nd reading of the FY 2010-11 budget listing all budget amendments approved by County Council during the FY 2009-10 budget year. The list should include the County department receiving the additional funds, the amount requested, the amount approved by Council and a brief description as to why the additional appropriations were required. The listings should be grouped by department then by the date of Council action. [Pearce, Washington, Malinowski]: Forwarded to the May A&F Committee. ACTION: ADMINISTRATION, BUDGET, FINANCE**

- b. **Resolution to support naming the Lexington and Richland Counties Project Pet Regional Adoption Center for a major gift donor (Austin Meyer). Austin Meyer, a resident of Columbia, South Carolina, has generously committed to contribute \$1.5 million to support the creation of the Project Pet Regional Adoption Center. Part of this campaign includes programs that will provide adoptions for both Lexington and Richland Counties Animal shelters as well as, a medical clinic that is available to provide spay/neuter procedures for all the local rescue groups and low income families that own pets that need to be altered. This gift is a great example of the public private partnership that exist between Project Pet and Lexington and Richland Counties as they partner to create a Center that is a true collaboration within the Midlands. Austin is a local businessman who desires to help put real solutions in place that address the root causes of problems that can be solved and ultimately save tax payers money as well as the lives of thousands of companion pets. [Livingston]: Forwarded to the May 18, 2010 Council Meeting for action. **ACTION: CLERK OF COUNCIL****

15. **Adjournment:** Council adjourned at 10:40 p.m.