

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 4, 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:

Chair	Joseph McEachern
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, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Larry Smith, Joseph Kocy, Anna Almeida, Jennie Sherry-Linder, Tiaa Rutherford, Amelia Linder, Geo Price, James Brown, Andy Metts, Rodolfo Callwood, Audrey Shifflett, Daniel Driggers, Teresa Smith, Pam Davis, Donny Phipps, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:02 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

## ADOPTION OF AGENDA

Mr. Smith stated that Item b. under the Report of the County Attorney for Executive Session needed to be removed.

Mr. Montgomery moved, seconded by Ms. Dickerson, to approve the agenda as amended. The vote in favor was unanimous.

## CITIZENS' INPUT

No one signed up to speak.

## APPROVAL OF MINUTES

**Regular Session: February 19, 2008** – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

**Special Called Meeting: February 26, 2008** – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: February 26, 2008** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

## REPORT OF THE COUNTY ADMINISTRATOR

**Clarification of EMS Stations Budget Amendment** – Mr. Pope stated that he had spoken with Councilman Malinowski and provided clarification on this item.

**Farmers' Market Update** – Mr. Pope stated that the County is supporting the joint resolution and efforts of Representative Jimmy Bales regarding this matter.

**C-Funds Update** – Mr. Pope stated that the CTC had proposed two options, both of which, from the staff's perspective, places significant risk to the County. A follow-up meeting has been requested.

**Animal Care MOU with Lexington County** – Mr. Pope stated he had spoken with Lexington County Administration and a joint meeting has been planned for next week with the staffs to set a timeline of outstanding issues and to begin the development of an operational agreement/MOU.

**Digital Billboards** – Mr. Pope stated that Council had requested a side by side and it had been provided by e-mail and a hard copy was also distributed at tonight's meeting.

**Riverside Property** – Mr. Pope stated that a separate entity has placed a contract on the property to possibly purchase it. Once the transaction has been completed then staff will schedule a meeting to insure that access to the area is available without having to build a separate road into the property.

Mr. Montgomery moved, seconded by Ms. Scott, to move this item to Executive Session. The vote in favor was unanimous.

**Recreation Commission Update** – Mr. Pope stated that the subcommittee of Council and the subcommittee of the Recreation Commission met on February 6<sup>th</sup> to discuss the responsibility and accountability between Richland County and the Recreation Commission, the need for a shared vision, and the immediate needs of the Council.

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

The following items were potential Executive Session items:

- a. **Personnel Matter**
- b. **Riverside Property**

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

**COG Luncheon—March 5<sup>th</sup>** – Ms. Finch reminded Council of the CMCOG Luncheon on March 5<sup>th</sup> at 11:45 a.m. between the Environmental Planning Advisory Committee and the Regional Planning and Development Committee.

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

No report was given.

#### **PUBLIC HEARING ITEMS**

Mr. McEachern opened the floor to the following public hearing:

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article III, Construction, Modification, Expansion, and/or Operation of Solid Waste Management Facilities, Beneficial Landfills, and Composting Facilities, so as to repeal certain provisions** – No one signed up to speak.
- **An Ordinance Authorizing a Quit-Claim Deed for 62 Square Feet on Hastings Alley** – No one signed up to speak.
- **An Ordinance Amending Chapter 23 Regarding Hospitality Tax Sections 23-67 and 23-73** – No one signed up to speak.
- **An Ordinance Amending Chapter 16 Regarding Peddlers' Licenses** – No one signed up to speak.

- **An Ordinance Amending Ordinance 96-096HR Regarding Tourism Development Fee – No one signed up to speak.**
- **A Budget Amendment to Transfer Interest Earned on the Vista TIF Funds to the General Fund and Appropriate an Increase in the General Fund Budget for Legal and Accounting Fees by the Amount of Money Previously Spent to Finalize the TIF Agreement with the City of Columbia – No one signed up to speak.**
- **An Ordinance Amending the Fiscal Year 2007-2008 Budget to Transfer Funds for the Elders Pond Station Construction for (\$1,722,000) and Transfer Funds for the Horrell Hill Station Construction for (\$550,244) to a Capital Project Fund from the Fire Fund and General Fund – No one signed up to speak.**
- **A Budget Amendment to Increase the Board of Voter Registration Department Budget by \$20,000 for the Purpose of Providing for Part-time Employees – No one signed up to speak.**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; and to add a new division entitled “4.A. Building Codes and Inspections” so that a new county department will be created – No one signed up to speak.**
- **An Ordinance Calling for a Referendum and Ballot Question to Authorize the South Carolina Department of Revenue to Issue Temporary Permits for Off-Premises Sales of Beer and Wine without regard to the days or hours of sale – No one signed up to speak.**
- **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 Exception; “Manufacturing, Mining and Industrial Uses” of Table 26-V-2; and Article VI, Supplemental Use Standards; Section 26-152 Special Exceptions; so as to permit a limited number of digital billboards in the GC, M-1, LI, HI Zoning Districts as Special Exceptions [SPECIAL EXCEPTION VERSION]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs, so as to create a new section that would allow digital display devices [SAVANNAH VERSION]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs, so as to create a new section that would allow digital display devices [INDUSTRY VERSION]**

Ms. Smith moved, seconded by Ms. Hutchinson, to consolidate the public hearings on items 2.a., 2.b., and 2.c. A discussion took place.

The vote in favor was unanimous.

The following individuals spoke:

1. Eugene Davoll
2. Ted McClure
3. Mary Lou Stinson
4. Ed Judice
5. Scott Shockley
6. Peggy McClure
7. Travis Bianchi
8. Lanier Jones
9. Carol Kososki
10. William Wood
11. Ted Speth
12. John Hardee
13. Robin White
14. Basil Garzia
15. Will Haltiwanger
16. Ashleigh Moore
17. Pamela Craig
18. Barbara Wyatt
19. Yvonne Brown
20. Van Kornegay
21. Jim O'Brian
22. Ryan Nevius
23. Ray Torres
24. Scott Trent
25. James Barker
26. Furman Wingate
27. Maureen McAuldey
28. James Whitmire

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses** – No one signed up to speak.

#### **APPROVAL OF CONSENT ITEMS**

Ms. Hutchinson moved, seconded by Ms. Scott, to approve the following consent items:

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article III, Construction, Modification, Expansion, and/or Operation of Solid Waste Management Facilities,**

- Beneficial Landfills, and Composting Facilities, so as to repeal certain provisions [Third Reading]**
- **Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley [Third Reading]**
  - **An Ordinance Amending Chapter 23 Regarding Hospitality Tax Sections 23-67 and 23-73 [Third Reading]**
  - **An Ordinance Amending Chapter 16 Regarding Peddlers' Licenses [Third Reading]**
  - **A Budget Amendment to Transfer Interest Earned on the Vista TIF funds to the General Fund and Appropriate an Increase in the General Fund Budget for Legal and Accounting Fees by the Amount of Money Previously Spent to Finalize the TIF Agreement with the City of Columbia [Third Reading]**
  - **An Ordinance Amending the Fiscal Year 2007-2008 Budget to Transfer Funds for the Elders Pond Station Construction for (\$1,722,000) and Transfer Funds for the Horrell Hill Station Construction for (\$550,244) to a Capital Project Fund from the Fire Fund and General Fund [Third Reading]**
  - **A budget amendment to Increase the Board of Voter Registration Department budget by \$20,000 for the Purpose of Providing for Part-time Employees [Third Reading]**
  - **An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; and to add a new division entitled "4.A. Building Codes and Inspections" so that a new County department will be created [Third Reading]**
  - **08-02MA, David Gantt, NC to RU (1 Acre), Landscape and Horticultural Service, 15200-01-09(p) & 15200-01-13(p), Blythewood Road [Second Reading]**
  - **Decker Boulevard Redevelopment Overlay Zone: An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (d) Overlay Districts; so as to provide for a "CRD Corridor Redevelopment Overlay District" [Second Reading]**
  - **Request to approve a contract with Honeywell, Inc., in the amount of \$246,991.99 for the Purpose of Updating HVAC Controls and Smoke Evacuation System at the Alvin S. Glenn Detention Center**
  - **Smoking Policy for County Facilities and Vehicles**
  - **An Ordinance Authorizing Deed to the City of Columbia for Certain Water Lines to Serve the Palmetto Heart Medical Office Building at the Palmetto Richland Hospital Campus; Richland County TMS #11503-01-04(p) [First Reading]**
  - **An Ordinance Authorizing Deed to the City of Columbia for Certain Sanitary Sewer Lines to Serve the Palmetto Heart Medical Office Building at the Palmetto Richland Hospital Campus; Richland County TMS #11503-01-04(p) [First Reading]**

The vote in favor was unanimous.

### THIRD READING ITEMS

**An Ordinance Amending Ordinance 96-096HR Regarding Tourism Development Fee** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

**An Ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale** – Ms. Hutchinson moved, seconded by Mr. Jeter, to approve this item. The vote was in favor. Mr. McEachern requested that the record reflect that he voted in opposition to this item.

### SECOND READING ITEMS

**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; “Manufacturing, Mining, and Industrial Uses” of Table 26-V-2; and Article VI Supplemental Use Standards; Section 26-152 Special Exceptions; so as to permit a limited number of digital billboards in the GC, M-1, LI, HI Zoning Districts as Special Exceptions (Special Exception Version)**

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-180, Signs; so as to create a new section that would allow digital display devices [SAVANNAH VERSION]**

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-180, Signs; so as to create a new section that would allow digital display devices [INDUSTRY VERSION]**

Ms. Hutchinson moved, seconded by Mr. Pearce, to give 2<sup>nd</sup> Reading approval to the Savannah Version.

Ms. Dickerson made a substitute motion, seconded by Mr. Jeter, to table all three ordinances.

A discussion took place regarding the proper procedure to remove any, or all, of these ordinances from the table and place them back on the agenda.

Mr. Montgomery made a 2<sup>nd</sup> substitute motion, seconded by Mr. Pearce, to table all three ordinances until the National Highway Traffic Safety Administration issues a study on the safety of digital display billboards.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Jeter
Hutchinson	McEachern
Smith	Livingston
Montgomery	Dickerson
	Scott

The 2<sup>nd</sup> substitute motion failed.

<u>In Favor</u>	<u>Oppose</u>
Jackson	Pearce
Jeter	Malinowski
McEachern	Hutchinson
Livingston	Smith
Dickerson	Montgomery
Scott	

The substitute motion passed.

Council recessed at 7:50 p.m.

Council reconvened at 7:59 p.m.

**08-01MA, Stan Mack, OI to PDD (9 Acres), Construction Company & Commercial Mixed Use, 03300-07-06, Farming Creek Road** – Mr. Malinowski moved, seconded by Ms. Scott, to give 2<sup>nd</sup> Reading to this item. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c) Standards; Paragraph (66) Sexually Oriented Businesses; so as to amend requirements pertaining to sexually oriented businesses** – Mr. Montgomery moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to**



**amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses** – Mr. Montgomery moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

#### **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**On-Premises Signs** – Mr. Pope requested Council's input on enforcement efforts on this issue. Council requested an assessment before enforcement measures were put into place.

#### **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Draft Intergovernmental Agreement for Detention Center Services** – Mr. Montgomery moved, seconded by Ms. Dickerson, to direct staff to draft a proposal and to send this matter back to the A&F Committee. A discussion took place.

The vote in favor was unanimous.

#### **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

No report was given.

#### **APPLICATION FOR LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN AN UNINCORPORATED AREA OF RICHLAND COUNTY**

**Brenda C. Price, 4724 Faulkland Road, Columbia, SC 29210** – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**Lower Richland Sewer Service** – Mr. Livingston moved, seconded by Mr. Jackson, to work with McEntire Air National Guard and the developers to fund this service and to explore what will be required from the County's General Fund to back stop the bond payments. A discussion took place.

Mr. Montgomery made the following amendment: to direct staff to present a plan to adopt the Eastover alternative and explore what the County would have to impose.

Mr. Livingston accepted Mr. Montgomery's amendment.

The vote in favor was unanimous.

**Report of Northeast Sports Complex Committee** – Mr. Montgomery moved, seconded by Ms. Dickerson, to approve the Administration soliciting or contracting with the current provider to do a design development study, to develop a RFP that could use the design development with private developers to make proposals for public/private development, and to move forward on parallel with the two options. A discussion took place.

The vote in favor was unanimous.

**CITIZENS' INPUT**

No one signed up to speak.

**EXECUTIVE SESSION**

Mr. Pearce moved, seconded by Mr. Malinowski, to go into Executive Session. The vote in favor was unanimous.

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**Council went into Executive Session at approximately 9:00 p.m. and came out at approximately 9:13 p.m.**  
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- a. **Personnel Matter** – No action was taken.
- b. **Riverside Property** – No action was taken.

**MOTION PERIOD**

Ms. Smith moved, seconded by Mr. Montgomery, to suspend the newly adopted Council rule regarding motions for this meeting. The vote in favor was unanimous.

**Bluff Road and Blair Road Funds** – Ms. Scott referred to the D&S Committee the exploration of a budget amendment of \$243,184.94 to fund the Bluff Road and Blair Road project. The funds are to be replaced with C-Funds.

**Moving Permits for Manufactured Homes** – Ms. Scott directed the Administrator to investigate the moving of manufactured homes without moving permits.

**Lower Richland Girls' Basketball Team Resolution** – Mr. Jackson requested a resolution for the Lower Richland Girls' Basketball Team in honor of them winning their 3<sup>rd</sup> State Championship.

**Keenan Girls' Basketball Team Resolution** – Mr. McEachern requested a resolution for the Keenan Girls' Basketball Team in honor of their win against Lee Central.

**County Station on Time Warner Cable** – Mr. Jeter directed the Administrator to contact Time Warner Cable and set up a meeting regarding the County's station.

**Recreation Commission Work Session** – Ms. Smith moved, seconded by Ms. Scott, to schedule a work session on March 25<sup>th</sup> to discuss legal and political options, governance issues and bond or construction issues.

**Maintenance of Yards** – Ms. Dickerson directed the Administrator to investigate the matter of unkempt yards with the Columbia Housing Authority.

**Funding for Homeless Shelter** – Mr. Jackson referred to the A&F Committee the exploration of funding for a homeless shelter with the City of Columbia.

### ADJOURNMENT

The meeting adjourned at approximately 9:23 p.m.

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Joseph McEachern, Chair

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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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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