



**THE IRMO TOWN COUNCIL WILL HOLD A REGULAR MEETING
ON TUESDAY, SEPTEMBER 18, 2018 AT 7:00 P.M. IN THE MUNICIPAL BUILDING,
7300 WOODROW STREET, IRMO, SOUTH CAROLINA 29063**

AGENDA

- I. Call to Order
- II. Pledge of Allegiance
- III. Invocation
- IV. Reading of the Minutes: August 21, 2018
- V. Report of Standing
 - A. Administrative Briefing
 - B. Code Enforcement Update
- VI. Amendments to the Agenda
- VII. Consideration of Communications
- VIII. Presentation by Citizens (Agenda Items Only)
- IX. **UNFINISHED BUSINESS**
 - A. **SECOND READING** of Ordinance 18-22 amending the Irmo Town Code, Chapter 2, Administration; Article I, In-General; Section 2-4 – Recovery Collection Costs of Delinquent Debts (Staff)
 - B. **SECOND READING** of Ordinance 18-23 to decrease the Franchise payments from 4% to 3.5% from all entities that collect and submit a Franchise Fee on behalf of the Town of Irmo (Mayor)
 - C. **SECOND READING** of Ordinance 18-24 amending the Irmo Town Code, Chapter 20, Municipal Court; Section 20-3 - Municipal Judge (Mayor)
 - D. **SECOND READING** of Ordinance 18-25 amending the Irmo Town Code, Appendix A, Zoning Ordinance; Article VI, Supplemental Off-Street Parking and Loading Regulations; Section 6-4 Parking, Storage and use of Vehicles and Equipment in Residential Zones (Walker)
- X. **NEW BUSINESS**
 - A. **FIRST READING** of Ordinance 18-26 amending the Irmo Town Code, Chapter 10, Businesses; Article II, Licenses; Section 10-32 – Definitions (Staff)

- B. FIRST READING** of Ordinance 18-27 amending the Irmo Town Code, Chapter 10, Businesses; Article II, Licenses; Section 10-35 – Registration Required (Staff)
- C. FIRST READING** of Ordinance 18-28 amending the Irmo Town Code, Appendix A, Zoning Ordinance; Article VI, Supplemental Off-Street Parking and Loading Regulations; Section 6-4 Parking, Storage and use of Vehicles and Equipment in Residential Zones (Walker)
- D. FIRST READING** of Ordinance 18-29 to annex Lexington County TMS #02799, Block 06, Lot (s) 002 and 043 (located at 6365 and 6371 St Andrews Road) (Staff)
- E.** Approval to accept the Richland County Jail increase to house prisoners (from \$43 to \$71 per day) (Mayor)
- F.** Approval to increase garbage fee \$4.00 annually, per residence, to continue recycling services to the Town (Mayor)
- G.** Approval to raise Judge Adam’s salary from \$25,000 to \$29,000 and increase the contract amount with Lexington County (Mayor)
- H.** Approval to award Accommodation Tax Grant Funds to a certified Destination Marketing Organization in the amount of \$13,300 (DMO’s are: Lake Murray Country and Experience Columbia) for advertising and promoting the Town of Irmo (Staff)
- I.** Approval to award Accommodation Tax Grant Funds in the amount of \$31,350 (\$15,675 to Lake Murray Country and \$15,675 to the Okra Strut Commission) for tourism related activities (ATAX Advisory Committee)
- J.** Approval to submit application for Rural Infrastructure Grant in the amount of \$500,000 (Walker)

XI. Presentation by Citizens

XII. Discussion

XIII. Executive Session

A. Legal Matter (lawsuit)

(Council may act on items discussed in executive session after returning from the executive session).

XIV. Adjournment

STATE OF SOUTH CAROLINA)
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TOWN OF IRMO)

ORDINANCE NO. 18-22

AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 2, ADMINISTRATION; ARTICLE I, IN GENERAL; SECTION 2-4 – RECOVERY COLLECTION COSTS OF DELINQUENT DEBTS

WHEREAS, the Town of Irmo is a claimant agency as defined in the Setoff Debt Collection Act, S.C. Code 12-56-10, et seq. (the Act) and is therefore entitled to utilize the procedures set out in the Act to collect delinquent debts owed to the Town of Irmo;

AND WHEREAS, “delinquent debt” is defined in the Act to include “collection costs, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgement for that sum which is legally collectible and for which a collection effort has been or is being made;”

AND WHEREAS, the Town of Irmo has contracted with the Municipal Association of South Carolina to submit claims on its behalf to the S.C. Department of Revenue pursuant to the Act;

AND WHEREAS, the Municipal Association of South Carolina charges an administrative fee for the services it provides pursuant to the Act;

AND WHEREAS, the administrative fee charged by the Municipal Association of South Carolina is a cost of collection incurred by the Town of Irmo that arises through contract, and is therefore properly considered as a part of the delinquent’s debt owed to the Town of Irmo as that term is defined in the Act;

AND WHEREAS, the Town of Irmo also incurs internal costs in preparing and transmitting information to the Municipal Association, which costs are also collection costs that are a part of the delinquent debt owed to the Town of Irmo;

AND WHEREAS, the Town of Irmo may desire to recover its internal costs of collection by adding such costs to the delinquent debt;

NOW THEREFORE, BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO AS FOLLOWS:

1. The Town of Irmo may impose a collection cost of up to \$25.00 to defray its internal costs of collection for any delinquent debts that are sought to be collected pursuant to the provisions of the Setoff Debt Collection Act, S.C. Code 12-56-10 et seq. This cost is hereby declared to be a collection cost that arises by operation of law and shall be added to the delinquent debt and recovered from the debtor.

2. The Town of Irmo hereby declares that the administrative fee charged by the Municipal Association of South Carolina is also a collection cost to the Town, which shall also be added to the delinquent debt and recovered from the debtor.
3. All Ordinances in conflict with this Ordinance are hereby repealed.
4. This Ordinance shall be effective on the date of final reading, provided however, that this ordinance is declared to be consistent with prior law and practice and shall not be construed to mean that any fees previously charged to debtors as costs of collection under the Act were not properly authorized or properly charged to the debtor.

DRAFT

STATE OF SOUTH CAROLINA)
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TOWN OF IRMO)

ORDINANCE NO. 18-23

AN ORDINANCE TO DECREASE THE FRANCHISE PAYMENTS FROM 4% TO 3.5% FROM ALL ENTITIES THAT COLLECT AND SUBMIT A FRANCHISE FEE ON BEHALF OF THE TOWN OF IRMO.

Section I: As payment for the right to provide electric and gas services, and any other services as may be permitted under this Franchise Ordinance, including those rights conferred by Ordinance 99-06 and 06-10 in the succeeding calendar year, the Company shall pre-pay into the Treasury of the Town, on the first business day of July each year, beginning with the year 2019, a franchise fee equal to three point five (3.5%) percent from gross sales revenue accruing to the Company during the preceding calendar year from all residential and commercial sales of electricity, natural gas, cable service and all wheeling or transportation service to such customers within the corporate limits of the Town, not including sales made under legally authorized special sales programs which allow the Company to reduce prices to meet customers' competitive energy prices. To change the percentage of the revenue on which the franchise fee is calculated, the Town must both (1) amend this Franchise Ordinance by means of an Amendatory Ordinance solely addressed to that purpose, and (2) provide the Company written notice including an attested copy of the Amendatory Ordinance at least ninety (90) days prior to the next franchise fee payment due date. So long as both conditions are met, the increase will apply to the next franchise fee payment due from the Company and the recovery of the higher fee will begin during the calendar year for which the franchise fee applies. During the term of this Franchise Ordinance, the percentage of the revenue on which the franchise fee is based shall not exceed the highest percentage paid by the Company to any other town or city under a franchise agreement. Any other revenue accruing to the Company in the municipality may be subject to other fees and/or business license taxes as appropriate."

Section II: In all other aspects, the current ordinance shall remain unchanged and in full force and effect.

Section III: (Severability) If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section IV: (Conflicting Ordinances Repealed) All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

STATE OF SOUTH CAROLINA)
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TOWN OF IRMO)

ORDINANCE NO. 18-24

AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 20 – MUNICIPAL COURT; SECTION 20-3 – MUNICIPAL JUDGE

BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:

Change in first sentence following: *“municipal judges,”*

To read: *“... who may be appointed or contracted by the council with either the Richland County or Lexington County Magistrate Office pursuant to SC State Statute 14-25-25”*

Add to end of sentence #4 following *“state ...”*

To read: *“...constitution, unless previously sworn in as a magistrate judge.”*

STATE OF SOUTH CAROLINA)
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TOWN OF IRMO)

ORDINANCE NO. 18-25

AN ORDINANCE AMENDING THE IRMO TOWN CODE, APPENDIX A – ZONING ORDINANCE; ARTICLE VI, SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS; SECTION 6-4, PARKING, STORAGE AND USE OF VEHICLES AND EQUIPMENT IN RESIDENTIAL ZONES

BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:

Add to paragraph (4);

Add sub-paragraph d): “Any car that has a valid handicap plate or sticker on the vehicle is exempt from this ordinance”

STATE OF SOUTH CAROLINA)
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TOWN OF IRMO)

ORDINANCE NO. 18-26

AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 10, BUSINESSES; ARTICLE II, LICENSES; SECTION 10-32 - DEFINITIONS

BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:

Gross Income:

In first sentence delete “*total income*” and replace with, “*gross receipts or gross revenue*”

In second sentence change “*collected*” to read “*written*”

In the last sentence delete “*gross income*” and replace with, “*gross receipts or gross revenues*”

In the last sentence change “*Insurance Commission*” to read “*Department of Insurance*”

STATE OF SOUTH CAROLINA)
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TOWN OF IRMO)

ORDINANCE NO. 18-27

AN ORDINANCE AMENDING THE IRMO TOWN CODE, CHAPTER 10, BUSINESSES; ARTICLE II, LICENSES; SECTION 10-35 – REGISTRATION REQUIRED

BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:

Paragraph (b):

In last sentence delete “*gross income*” and replace with, “*gross receipts and gross revenue*”

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STATE OF SOUTH CAROLINA)
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TOWN OF IRMO)

ORDINANCE NO. 18-28

AN ORDINANCE AMENDING THE IRMO TOWN CODE, APPENDIX A – ZONING ORDINANCE; ARTICLE VI, SUPPLEMENTAL OFF-STREET PARKING AND LOADING REGULATIONS; SECTION 6-4, PARKING, STORAGE AND USE OF VEHICLES AND EQUIPMENT IN RESIDENTIAL ZONES

BE IT ORDERED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF IRMO IN COUNCIL DULY AND LAWFULLY ASSEMBLED, THAT THE IRMO TOWN CODE IS AMENDED AS FOLLOWS:

Delete all of paragraph 4 (includes sub-paragraph A), B) and C)

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STATE OF SOUTH CAROLINA)
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TOWN OF IRMO) TO ANNEX TMS 02799, BLOCK 06, LOT (s)
002 and 043

BE IT ORDERED AND ORDAINED, by the Town of Irmo, South Carolina, in Council duly and lawfully assembled and by the authority thereof;

Property at 6371 St Andrews Road as shown on Lexington County TMS# 02799, Block 06, Lot 002 (zoned CG) now or formerly owned by Jose and Lenore Chavez and;

Property at 6365 St Andrews Road as shown on Lexington County TMS# 02799, Block 06, Lot 043 (zoned CG) now or formerly owned by Jose and Lenore Chavez and,

WHEREAS, it appears to the Town Council that the annexation of this property will be in the best interest of the Town of Irmo;

NOW, THEREFORE, BE IT ORDERED by the Town of Irmo that the above described property is hereby annexed into and becomes part of the Town of Irmo effective upon third and final reading of this Ordinance.