

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

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

February 7, 2012

6:00 p.m.

Call to Order: Washington

Invocation: Malinowski

Pledge of Allegiance: Malinowski

Approval of Minutes

- a. **Regular Session: January 17, 2012:** Approved as published.
- b. **Zoning Public Hearing: January 24, 2012:** Approved as published.

Adoption of the Agenda: Adopted as amended.

Report of the County Attorney

- a. **Contractual Matter**
- b. **Classification and Compensation – Contractual Matter**
- c. **Legal Opinion – Agenda Items**
- d. **Personnel Matter**

Citizens' Input: Several people spoke regarding the CMRTA item.

Report of the County Administrator

- a. **Eastover Wastewater Treatment Plant:** Mr. Pope will send an invitation to Council members to tour the facility. **ACTION: ADMINISTRATION**

- b. **SCE&G Settlement Update:** Mr. Pope stated that this item is almost completed. He will keep Council updated. **ACTION: ADMINISTRATION, LEGAL**
- c. **Caughman Creek Property Update:** The attorney has spoken with the owner, who is to forward a revised survey and agreement. Updates will be provided to Council. **ACTION: ADMINISTRATION, LEGAL**
- d. **Introduction:** Mr. Pope introduced Susan McPherson, who is the Chamber's new Governmental Affairs Liaison.

Report of the Clerk of Council

- a. **SCAC Mid-Year Conference and Institute of Government Registration Deadline**

Report of the Chairman

- a. **Schedule Transportation Work Session:** The Work Session will be held March 14 from 5 – 7pm. **ACTION: ADMINISTRATION, CLERK OF COUNCIL**
- b. **Reinstate Transportation Steering Committees:** To be determined. Mr. Manning's motion from Retreat and the letter from the Chamber of Commerce will be forwarded to a Transportation Committee. **ACTION: CLERK OF COUNCIL**
- c. **Committee Assignments:** The Committee assignments were emailed to Council.
- d. **Dinner / Dialogue with the Richland County Legislative Delegation:** February 15, 2012, 6pm – 8pm at Tapps. **ACTION: PUBLIC INFORMATION OFFICE**
- e. **Ethiopian Ambassador:** Council unanimously approved a Resolution, which is to be presented on February 15. **ACTION: CLERK OF COUNCIL**
- f. **Personnel Matter:** Executive Session item.

1. Public Hearings

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; so as to properly reference the Building Codes Board of Appeals rather than the**

“Building Codes Board of Adjustment” wherever applicable: No one spoke.

- b. **Animal Care Ordinance Revisions; Chapter 5, Animals and Fowl, so as to clarify sections dealing with authority of officers, conditions of impoundment, redemption of animals and owner responsibilities:** Six people spoke.
- c. **An Ordinance Authorizing a Quit-Claim Deed to Bettye Garrick Byrd for an unnamed 50’ Road shown on a plat in Plat Book “X” at Page 9275 and recorded in the Richland County Register of Deeds:** No one spoke.

2. Consent Items

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; so as to properly reference the Building Codes Board of Appeals rather than the “Building Codes Board of Adjustment” wherever applicable [Third Reading]:** Council gave third reading approval to an ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the “Building Code Board of Adjustments” wherever applicable in the chapter. **ACTION: PLANNING, BUILDING INSPECTIONS, LEGAL, CLERK OF COUNCIL**
- b. **An Ordinance Authorizing a Quit-Claim Deed to Bettye Garrick Byrd for an unnamed 50’ Road Shown on a Plat in Plat Book “X” at Page 9275 and recorded in the Richland County Register of Deeds [Second Reading]:** Council gave second reading approval to the ordinance. **ACTION: PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
- c. **12-02 MA, E. Randall Mosteller, RU to GC (0.40 acres), TMS# 01511-01-07, 2140 Dutch Fork Road [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- d. **12-03 MA, Peter & Debra Giglotti/Novella Taylor, RU to NC (1.95 acres), TMS# 20281-01-33, 2233 Clemson Road [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- e. **An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-131; Table of Area, Yard, and Height Requirements; so as to correct referenced section numbers [Second**

Reading]: Council gave second reading approval to the text amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**

- f. **FEMA Flood Mitigation Assistance Grant – Richland County All Hazard Plan:** Council approved the FEMA grant award in the amount of \$47,501 and a cash match of \$7,920 for the Public Works Department. **ACTION: ADMINISTRATION, PUBLIC WORKS, FINANCE, GRANTS**
- g. **Purchase of One Tandem Axle Dump Truck:** Council approved the request to purchase a tandem axle dump truck for the Roads and Drainage Division of Department of Public Works in the amount of \$104,592. **ACTION: ADMINISTRATION, PUBLIC WORKS, FINANCE, PROCUREMENT**
- h. **Rezoning a portion of TMS numbers 09309-03-07/08/09/10 from General Commercial to Residential, Multi-Family, Medium Density:** Council initiated the rezoning requests for TMS # 09309-03-07/08/09/10 from General Commercial to Residential, Multi-Family, Medium Density zoning by sending the requests to the Planning Commission. **ACTION: ADMINISTRATION, PLANNING, LEGAL, CLERK OF COUNCIL**
- i. [Removed from Consent] **Sunnyside Drainage Ditch Capital Improvement Project Right-of-Way Purchase and Transfer:** Council deferred the item to the February 21, 2012 Council Meeting. **ACTION: ADMINISTRATION, LEGAL, PUBLIC WORKS, PROCUREMENT, CLERK OF COUNCIL**
- j. **Town of Eastover Animal Care Intergovernmental Agreement:** Council approved the IGA. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ANIMAL CARE**
- k. **An Ordinance Amending the Fiscal Year 2011 – 2012 General Fund Annual Budget to appropriate \$29,203 of General Fund Undesignated Fund Balance to the Treasurer’s Office for the purchase of a new AS400 computer system [First Reading]** Council gave first reading approval to a budget amendment for the Richland County Treasurer’s Office budget in the amount of \$29,203 for the purpose of sharing the cost of the purchase of a new AS400 computer system with the County Auditor’s Office. Staff is to compare the cost of lease verses purchasing the system and determine what it would cost to provide this service in-house. **ACTION: ADMINISTRATION, FINANCE, LEGAL, TREASURER’S OFFICE, INFORMATION TECHNOLOGY, CLERK OF COUNCIL**

- l. An Ordinance Amending the Fiscal Year 2011 – 2012 General Fund Annual Budget to appropriate \$30,803 of General Fund Undesignated Fund Balance to the Auditor’s Office for the purchase of a new AS400 computer system and printers [First Reading]** Council gave first reading approval to a budget amendment for the Richland County Auditor’s Office budget in the amount of \$30,803 for the purpose of sharing the cost of the purchase of a new AS400 computer system with the County Treasurer’s Office. This request also includes \$1,600 for printer upgrades for the new AS400 system. Staff is to compare the cost of lease verses purchasing the AS400 system and determine what it would cost to provide this service in-house. **ACTION: ADMINISTRATION, FINANCE, LEGAL, AUDITOR’S OFFICE, INFORMATION TECHNOLOGY, CLERK OF COUNCIL**
- m. An Ordinance Amending the Fiscal Year 2011 – 2012 General Fund Annual Budget to appropriate \$45,500 of General Fund Undesignated Fund Balance to the Auditor’s Office for the printing of tax bills and software updates [First Reading]** Council gave first reading approval to a budget amendment for the Auditor’s office budget in the amount of \$45,500 for the purpose of providing the ability to print tax bills for a full year and to defray the costs of software changes needed to the computer system in order to comply with Special Resource Revenue Agreements and the FILOT supplement policy previously approved by Council. **ACTION: ADMINISTRATION, FINANCE, LEGAL, AUDITOR’S OFFICE, INFORMATION TECHNOLOGY, CLERK OF COUNCIL**
- n. An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7 Deductions, Exemptions, Charitable Organizations, and Determination of Classification; so as to allow the deduction of Interstate Commerce Income from Gross Income [First Reading]** Council gave first reading approval to an ordinance amending Chapter 16, Licenses and Miscellaneous Business Regulations, to allow the deduction of interstate commerce income from gross income. This recommendation for approval is consistent with, and facilitates, the settlement approved by Council on December 13, 2011 regarding the Interstate Commerce lawsuits with FN Manufacturing LLC and McEntire Produce, Inc. **ACTION: ADMINISTRATION, BUSINESS SERVICE CENTER, FINANCE, LEGAL, CLERK OF COUNCIL**
- o. An Ordinance to repeal Ordinance number 055-08HR in its entirety, and to ensure that businesses are not harmed by such repeal [First Reading]** Council gave first reading approval to an ordinance repealing Ordinance number 055-08HR in its entirety, while ensuring that businesses are not harmed by such repeal. This recommendation for approval is consistent with, and facilitates, the settlement approved by

Council on December 13, 2011 regarding the Interstate Commerce lawsuits with FN Manufacturing, LLC and McEntire Produce, Inc.
ACTION: ADMINISTRATION, BUSINESS SERVICE CENTER, FINANCE, LEGAL, CLERK OF COUNCIL

- p. [Removed from Consent] **Commercial Façade Improvement Grant Program:** Council deferred the item to the February 21, 2012 Council Meeting. **ACTION: ADMINISTRATION, PLANNING, FINANCE, COMMUNITY DEVELOPMENT, PROCUREMENT, GRANTS, CLERK OF COUNCIL**
 - q. **Credentialing System Equipment Project:** Council approved the Credentialing System Equipment grant award to the Sheriff Department in the amount of \$6,400. **ACTION: ADMINISTRATION, SHERIFF'S DEPARTMENT, FINANCE, GRANTS**
 - r. **Curtiss-Wright Hangar:** Council directed staff to review and report on the legal aspects of the possible sale of the Curtiss-Wright Hanger and surrounding land at the Jim Hamilton-LB Owens Airport to a private developer as a possible means of accomplishing its restoration and redevelopment. **ACTION: ADMINISTRATION, AIRPORT, LEGAL**
 - s. [Removed from Consent] **Specialized Aviation Service Operation (SASO) negotiation:** Council deferred the item to the February 21, 2012 Council Meeting. **ACTION: ADMINISTRATION, AIRPORT, LEGAL, CLERK OF COUNCIL**
 - t. **Forensic Laboratory Enhancement Grant – Sheriff's Department:** Council approve the grant application to provide upgraded forensic equipment and training for the Richland County Sheriff's Department. **ACTION: ADMINISTRATION, SHERIFF'S DEPARTMENT, FINANCE, GRANTS**
 - u. **RCSD Entry Deputy Pay Increase FY 12:** Council voted to handle the present pay for the Deputies as salary exceptions through the regular process. Pay increases for Sheriff's Department employees and all other County employees will be part of the Classification and Compensation Study to be considered for funding during the FY 13 budget process. **ACTION: ADMINISTRATION, SHERIFF'S DEPARTMENT, FINANCE, HUMAN RESOURCES**
3. **Third Reading Item**
- a. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 5, Animals and Fowl, so as to clarify sections dealing with authority of officers, conditions of impoundment, redemption of**

animals and owner responsibilities [Third Reading]: Council gave third reading approval to Option 2. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ANIMAL CARE**

4. Report of the Development and Services Committee

- a. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article II, Rules of Construction / Definitions; Section 26-22, Definitions; the term “Accessory Use / Structure (Building.” [DENIAL]:** Council voted to deny the item.
- b. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; Paragraph (8), Bars and Other Drinking Places; and Section 26-152, Special Exceptions; Subsection (D), Standards; Paragraph (2), Bars and Other Drinking Places; so as to remove the distance requirement between two or more bars [First Reading]:** Council voted to deny the item.

5. Report of the Administration and Finance Committee

- a. **Broad River Administration Building – Loan Payment [Deferred at the January 10, 2012 Council Meeting]** Council voted to deny the item.

6. Report of the Economic Development Committee

- a. **Approval of Mars Petcare Set Aside Grant:** Council deferred the item to the February 21, 2012 Council Meeting. **ACTION: ADMINISTRATION, ECONOMIC DEVELOPMENT, GRANTS, FINANCE, CLERK OF COUNCIL**
- b. **Approval of Project Roadrunner Closing Fund Grant:** Council deferred the item to the February 21, 2012 Council Meeting. **ACTION: ADMINISTRATION, ECONOMIC DEVELOPMENT, GRANTS, FINANCE, CLERK OF COUNCIL**

7. Report of the Rules and Appointments Committee

- a. **Notification of Vacancies:** Advertise a. i - ii. **ACTION: CLERK OF COUNCIL**
 - i. **Accommodations Tax Committee – 1 [Cunningham]**
 - ii. **Board of Assessment Control – 1 [McCloud*]**

- b. Notification of Appointments**
 - i. Richland Memorial Hospital Board – 2 [Best, Howard]:** Best and Howard were appointed. **ACTION: CLERK OF COUNCIL**
 - ii. Township Auditorium – 1 [Campbell, Smith, White]** Smith was appointed. **ACTION: CLERK OF COUNCIL**
- c. Discussion from Rules and Appointments Committee**
 - i. Whenever a motion is forwarded to full Council from Committee, the only way it goes back to Committee is if Council directs it back to Committee. [Jackson] Remains in Committee. ACTION: CLERK OF COUNCIL**
 - ii. Motion that council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take effect. [Hutchinson, Jackson, Rose] Remains in Committee. ACTION: CLERK OF COUNCIL**
 - iii. Request for an opinion from the Ethics Commission: Remains in Committee. ACTION: CLERK OF COUNCIL**
 - iv. Reviewing Committee Qualifications: Remains in Committee. ACTION: CLERK OF COUNCIL**
- 8. A Resolution to appoint and commission Diamond Webster and Dante Roberts as Code Enforcement Officers for the proper security, general welfare, and convenience of Richland County: Council approved the Resolution. ACTION: BUSINESS SERVICE CENTER, CLERK OF COUNCIL**
- 9. CMRTA Funding Gap [ACTION] Council approved \$775,000 for the CMRTA for the current funding gap. A funding plan is to be brought to Council at the February 21, 2012 Council Meeting. ACTION: ADMINISTRATION, FINANCE, CLERK OF COUNCIL**
- 10. FY 12 – 13 Budget Calendar [ACTION] Council approved the budget calendar as amended. The May 24 meeting was moved to May 23. ACTION: ADMINISTRATION, FINANCE, CLERK OF COUNCIL**

11. **Classification & Compensation Study [ACTION]** Executive Session item.
12. **2012 Retreat Goals / 2012 Legislative Agenda [ACTION]:** Council approved the 2012 Retreat Goals and 2012 Legislative Agenda as presented. Council stated that the millage agencies are to request the same funding amount as was received last year (FY 12) (ie, present a flat budget), and are to submit an addendum *if* they would like to request additional dollars over last year's funding amount. **ACTION: ADMINISTRATION, FINANCE**
13. **Citizens' Input:** No one spoke.
14. **Executive Session**
 - a. **Contractual Matter:** Staff is to proceed as directed in Executive Session. The vote to reconsider failed. **ACTION: ADMINISTRATION**
 - b. **Classification and Compensation – Contractual Matter:** Buck Consulting was approved. The vote to reconsider failed. **ACTION: ADMINISTRATION, HUMAN RESOURCES, FINANCE, PROCUREMENT**
 - c. **Legal Opinion – Agenda Items:** Received as information.
 - d. **Personnel Matter:** Received as information.
15. **Motion Period**
 - a. **Staff in conjunction with the Finance and Legal Departments will develop a policy relating to Richland County Council members' individual spending accounts so that each council person will be restricted to only spending their authorized amount. [Malinowski] Forwarded to the A&F Committee. ACTION: ADMINISTRATION**
 - b. **Richland County Council Rules reflect the primary responsibilities of the Chair and Vice Chair in sections 2.1 through 2.8 in addition to references throughout relating to meeting protocol. I move that other than the responsibilities listed in council rules for the Chair and Vice Chair all other matters the Administrator and/or staff has relating to a council matter will be provided to the full council for any action. Such matters will also be immediately provided to the full council for review. It is not up to the chair and vice chair to make decisions independently of the full council. [Malinowski] Forwarded to the Rules and Appointments Committee. ACTION: CLERK OF COUNCIL**

- c. That the Administrator stop providing quarterly reports relating to the smoking ban. He does not provide them for any other violations of county ordinances and people can go to the weekly update if they want to see these. [Malinowski] Council approved the item. **ACTION: ADMINISTRATION**
- d. That all items currently listed at the end of the A & F and D & S committee agendas as “Items Pending Analysis” be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now. [Malinowski] Forwarded to the Rules and Appointments Committee. **ACTION: CLERK OF COUNCIL**
- e. When a Richland County resident reaches the age of 62 they will receive some form of a Richland County tax reduction, either through the property tax or some other type of credit. *Note: Motion allows for Staff input and flexibility on how such credit or tax break would be implemented.* [Rose] Forwarded to the A&F Committee. **ACTION: ADMINISTRATION**
- f. If council approves the issuance of a \$35m bond that the County Administrator be directed to bring said bond ordinance based on the project list presented at the retreat and show the cost savings based on the issuing rate. If, after council approval, the effective interest rate has increased beyond 2 percent, the Administrator would be required to bring an updated analysis of the cost and savings prior to issue. [Malinowski] Forwarded to the A&F Committee. **ACTION: ADMINISTRATION**
- g. Forward the proposed Destination Riverbanks not to exceed \$32M general obligation bond issuance to Committee in February for review, discussion and recommendation to full Council. Destination Riverbanks includes, but is not limited to, the following improvements: a new sea lion exhibit; interactive animal demonstration area; new children’s garden; replacement of the main Zoo entryway and ticketing facilities; replacement of restrooms, gift shop, and snack bar, and expansion of restaurant; HVAC and energy management system upgrades; parking lots and road system repairs; roof repairs; refurbishment of gunite structured; upgrade IT network; emergency communication and video surveillance systems; relocation of tram stop, and purchase additional tram cars; acquisition of buildings on Rivermont Drive; renovation of canal fountain in botanical garden. [Manning] Forwarded to the A&F Committee. **ACTION: ADMINISTRATION**
- h. Request unanimous consent for a Council Resolution to be sent to every member of the Richland County Legislative Delegation

requesting their individual and collaborative support of full funding of the Local Government Fund (LGF) consistent with the statutory guidelines [Pearce] Council approved the item. **ACTION: CLERK OF COUNCIL**

- i. **Staff in conjunction with the Finance and Legal Departments will develop a policy relating to Richland County Council members' individual spending accounts so that each council person, as well as all other line items for which County Council authorizes spending in conjunction with the annual budget process, will be restricted to only spending their authorized amount. [Manning] Forwarded to the A&F Committee. ACTION: ADMINISTRATION**

- j. **By resolution and or action, I move that Richland County confirm that all businesses in Richland County are treated fairly and equally and will continue to be treated fairly and equally in the manner in which they may be subjected to inspections, that no businesses be targeted for enforcement, to include random enforcement, especially in circumstances where law-enforcement backup is used (i.e., the investigation is not one initiated by law enforcement), in a way that targets businesses, including Minority Businesses, that no businesses be subjected to harassment, degradation, intimidation of any kind, and that the County be mindful of the unnecessary use of blue lights (unless required by law enforcement) during the conduct of non-law enforcement initiated investigations. This confirmation should be a regular administrative function undertaken with enough frequency to ensure compliance with the intent of this motion.**

To do a simple inspection whether for food, safety or capacity, the Fire Marshal, DHEC and other County officials shall use the utmost care and respect to all businesses. All businesses should be treated equally and with respect. [Jackson] Forwarded to the Economic Development Committee. ACTION: ADMINISTRATION, ECONOMIC DEVELOPMENT

16. Adjournment: Council adjourned at 10:04 p.m.