

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

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

May 1, 2007

6:00 PM

Call to Order: McEachern

Invocation: Jackson

Pledge of Allegiance: Jackson

Richland 101 Graduation: Mr. McEachern and Ms. Hutchinson presented the graduates with certificates.

Presentation of Resolution:

Randy Byrd: Act of Heroism: Ms. Dickerson and Ms. Scott presented Mr. Byrd with a resolution.

Citizens' Input: Four people spoke regarding the sewer extensions.

Approval of Minutes

Regular Session: April 17, 2007

The minutes were approved as submitted.

Adoption of the Agenda: The agenda was adopted as amended. The Tax Map number and zoning information was added to item 1a. Item 5b was moved to the top of the agenda, after adoption of the agenda. Pending Litigation: Cloud v. Richland County, was added to Executive Session. The Bookert Heights item was moved to the agenda as item 8 for action. Executive Session was moved to item 9, and the agenda was renumbered.

Request to approve a budget amendment to increase the Coroner's budget for body removal services (\$50,000): Council gave first reading approval to a budget amendment for the Coroner's Office. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CORONER'S OFFICE**

Report of the County Attorney for Executive Session Items

- a. **Minimum Acreage Required for Development Agreements:** Per Mr. Smith, this item was not an Executive Session item. Mr. Smith clarified that the minimum acreage required for a Development Agreement is 25 acres. Therefore, the Development Agreement associated with item 2b is not valid, and will therefore not proceed.
- b. **Contractual Matter: Potential Sale of County Property**
- c. **Potential Litigation: Legal Advice**
- d. **Pending Litigation: Cloud v. Richland County**

Report of the County Administrator

- a. **Lawnmower Exchange Program:** Joe Cronin gave a report on the very successful Lawnmower Exchange Program. Another such event is already in the works for next year. Partial revenues received from DHEC pollutant emission fines will be appropriated to use for such events in FY 07 – 08.
- b. **Pets in the Park Event:** Jennifer Dowden reported on a successful Pets in the Park Event, an annual event sponsored and attended by numerous Richland County businesses and citizens.
- c. **Potential Sale of County Property:** Mr. Pope informed Council that this item will be discussed during Executive Session.
- d. **Potential Litigation:** Mr. Pope informed Council that this item will be discussed during Executive Session.
- e. **Bookert Heights Sewer Project:** Mr. Pope reminded Council that this item has been placed on the agenda for action because of its sense of immediacy with regards to federal funds.

Report of the Clerk of Council: There was no report.

Report of the Chairman: There was no report.

Open / Close Public Hearings: None.

Approval of Consent Items: The following consent items were approved: 2a, 2b, 4a, 5a, 5c, 5d, 5e, 5f, 5g, 5h. Items 4d and 4f were removed from the consent agenda.

1. Third Reading Items

- a. **07-09MA; Robert Fuller; Bluff Industrial Boulevard Extension; 11111-01-54; M-1 to GC:** Council gave third reading to the zoning map amendment changing the zoning designation from M-1 to GC. **ACTION: PLANNING, LEGAL**
- b. **Ordinance Amending Chapter 26, Land Development Code Regarding Traditional Recreation Open Space:** Council gave third reading to the ordinance. **ACTION: LEGAL, PLANNING**

2. Second Reading Items

- a. **07-15MA; Keith Moore; RU to NC (2.15 acres); Neighborhood Commercial Use; 25700-02-02; Spears Creek Church Road [CONSENT]:** Council gave second reading to the zoning map amendment changing the zoning designation from RU to NC. **ACTION: PLANNING, LEGAL**
- b. **07-16MA; Brad Lail; RU/NC to GC (11.26 acres); General Commercial Use; 17104-02-02/03/04; Parklane Road and Legrand Road [CONSENT]:** Council gave second reading to the zoning map amendment changing the zoning designation from RU/NC to GC. **ACTION: PLANNING, LEGAL**

3. First Reading Items

- a. **FY 2007 – 2008 Budget Ordinance:** Council gave first reading to the ordinance by title only. **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE**
- b. **FY 2007 – 2008 Millage Ordinance:** Council gave first reading to the ordinance by title only. **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE**

4. Report of the Development and Services Committee:

- a. **Request to approve a Memorandum of Understanding with Clemson University's Institute for Economic and Community Development for the purpose of developing a 5 year strategic plan [CONSENT]:** Council approved the MOU with Clemson University's IECD for the purpose of developing a five year strategic plan. **ACTION: ADMINISTRATION**
- b. **Request to approve change order #2 for the 2006 resurfacing project (awarded to Sloan Construction Company, Inc.) to authorize the**

resurfacing/repair of the SCDOT portion of Mallet Hill Rd
[CONSENT]: Council approved the change order. **ACTION:**
ADMINISTRATION, PROCUREMENT, PUBLIC WORKS,
BUDGET, FINANCE

c. Funding options and prioritization for electric traffic signalization on new and existing county roads

1. Funding Options for Electric Traffic Signals: This item was deferred to the May 15, 2007 Council meeting, to be taken up immediately after the corresponding third reading item also on that agenda. **ACTION: ADMINISTRATION, PUBLIC WORKS, BUDGET, FINANCE, LEGAL**

2. Proposed Traffic Signal Prioritization Policy: This item was deferred to the May 15, 2007 Council meeting, to be taken up immediately after the corresponding third reading item also on that agenda. **ACTION: ADMINISTRATION, PUBLIC WORKS, LEGAL**

d. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to the Rothstein Tract, Wal Mart Shopping Center and the upgrade of several existing system components: Council approved all of Ms. Smith's amendments that do not conflict with the February 8, 1995 agreement. Further detail provided below. **ACTION: ADMINISTRATION, PUBLIC WORKS, UTILITIES, LEGAL**

Council voted to remove the following language from Article I. Paragraph 8: *The Developer shall obtain all easements in the name of the County for all easements related to the Facilities and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. In the event the County or the Developer believes the negotiated easement cost is excessive; County staff shall place on the next available meeting agenda of its Council or an appropriate committee thereof a request that it condemn any easement not acquired through negotiation. If Council does not approve the condemnation, such easement may be acquired for the negotiated price. The Developer shall be reimbursed with sewer tap certificates for easement acquisition costs whether by condemnation or negotiation.* The following paragraph would replace Article I. Paragraph 8: The Developer shall obtain all easements in name of the County and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. The Developer shall be reimbursed with sewer tap certificates for reasonable easement acquisition costs as determined by the County.

All of Ms. Smith's amendments to the Rothstein Agreement that do not conflict with the settlement agreement of February 8, 1995 captioned Partial Settlement Order entered into between Richland County and others passed. Mr. Montgomery requested that the County Attorney apprise Council if there are any changes in the subsequent agreement that would affect the motion as amended before the minutes are approved, so the minutes may be reconsidered, if necessary.

- e. **Request for approval of a Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision:** Council approved an amended Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision. Council amended the agreement by deleting the second paragraph under recitals. Council directed legal staff to review the questions raised in Ms. Smith's memorandum and provide guidance to Council prior to the minutes being adopted. **ACTION: ADMINISTRATION, PUBLIC WORKS, UTILITIES, LEGAL**

- f. **Request for approval of a Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision [CONSENT]:** Council approved the Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision. **ACTION: ADMINISTRATION, PUBLIC WORKS, UTILITIES, LEGAL**

- g. **Request to approve the award of a construction contract to Sloan Construction Company, Inc. for the Paving Program (South Contract):** Council removed Willow Wind Road from the paving contract and directed the Administrator to negotiate a new price with the lowest responsive bidder, and further authorized the Administrator to execute the newly negotiated contract and proceed with the paving program. The Administrator is further directed to bid and award a contract for paving the next roads on the priority list not to exceed the amount of funds not expended on Willow Wind Road. **ACTION: ADMINISTRATION, PUBLIC WORKS, PROCUREMENT, BUDGET, FINANCE**

- h. **Request to place sewer extension authority under Richland County Council:** Council voted to send the item back to D&S in order to establish a comprehensive policy. **ACTION: ADMINISTRATION, PUBLIC WORKS, LEGAL**

- i. **Request to place subdivision authority under the Richland County Planning Commission:** Council voted to keep the current policy in place, which involves the Development Review Team (DRT) process. Council

reiterated that DRT agendas are to continue to be published as appropriate in order to notify the public of pending subdivision developments.
ACTION: LEGAL, PLANNING

5. Report of Administration and Finance Committee

- a. **Request to approve a budget amendment to Risk Management, Ombudsman, and Central Services [CONSENT]:** Council gave first reading approval to a budget amendment for Risk Management, Ombudsman, and Central Services. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, RISK MANAGEMENT, OMBUDSMAN, CENTRAL SERVICES**
- b. **Request to approve a budget amendment to increase the Coroner's budget for body removal services (\$50,000):** Council gave first reading approval to a budget amendment for the Coroner's Office. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CORONER'S OFFICE**
- c. **Resolution to Distribute \$27,327.18 in Federal Forestry Funds [CONSENT]:** Council approved the resolution, with 50% of the funds going to public roads, and 50% to Richland County schools. **ACTION: BUDGET, FINANCE**
- d. **Ordinance authorizing the issuance of revenue refunding bonds and revenue bonds for the benefit of International Paper Company and related matters in connection therewith [CONSENT]:** Council gave first reading to the ordinance. **ACTION: ADMINISTRATION, LEGAL**
- e. **Resolution towards the issuance of revenue refunding bonds and revenue bonds for the benefit of International Paper Company and related matters in connection therewith [CONSENT]:** Council approved the resolution. **ACTION: ADMINISTRATION, LEGAL**
- f. **Request to renew contract with Correct Care Solutions for the provision of medical services at the Alvin S. Glenn Detention Center [CONSENT]:** Council approved the contract with Correct Care Solutions. **ACTION: ADMINISTRATION, LEGAL, PROCUREMENT, BUDGET, FINANCE, DETENTION CENTER**
- g. **Emergency Services: Request for approval to purchase four new ambulance vehicles and five new chassis for ambulance remounts [CONSENT]:** Council approved the purchase of four new ambulance vehicles and five new chassis for ambulance remounts. **ACTION:**

**PROCUREMENT, EMERGENCY SERVICES, BUDGET,
FINANCE**

- h. Request for approval for the Administrator to negotiate a price with the vendor selected to provide a CAD system for the Richland County / City of Columbia 911 Center [CONSENT]:** Council authorized the Administrator to negotiate a price with the vendor selected to provide a CAD system for the Richland County / City of Columbia 911 Center.
ACTION: ADMINISTRATION
- 6. Report of the Economic Development Committee**
 - a. Citadel Foundation / Northpoint Industrial Park: Financial Plan and Contract Approval:** Council deferred the item to the May 15, 2007 Council agenda. **ACTION: ADMINISTRATION**
 - b. Potential Speculative Building(s) Development: Financial Plan:** Council deferred this item until staff is ready to bring it forward.
ACTION: ADMINISTRATION
- 7. Report of the Rules and Appointments Committee**
 - I. Notification of vacancy on East Richland Public Service Commission – 2:** These positions are to be advertised. **ACTION: CLERK OF COUNCIL**
 - II a. Appointment to Planning Commission - 1:** Heather Cairns was appointed. **ACTION: CLERK OF COUNCIL**
 - II b. Appointment to Riverbanks Zoo – 1:** Bud Tibshwany was appointed.
ACTION: CLERK OF COUNCIL
 - III. Amendments to Council Rules**
 - a. Section 4.6 Reports**
 - b. Section 5.21 Voting**

These items were received as information. **ACTION: CLERK OF COUNCIL**
- 8. Bookert Heights Sewer Project:** Council awarded the construction contract in the amount of \$1,170,699 to Trussell Brothers. **ACTION: ADMINISTRATION, COMMUNITY DEVELOPMENT, PROCUREMENT, LEGAL, BUDGET, FINANCE**

9. **Citizens' Input:** No one spoke.

10. **Executive Session:**

- a. **Minimum Acreage Required for Development Agreements:** Per Mr. Smith, this item was not an Executive Session item.
- b. **Contractual Matter: Potential Sale of County Property:** The Administrator was directed to perform due diligence on the issue and bring a report back to Council. **ACTION: ADMINISTRATION**
- c. **Potential Litigation: Legal Advice:** Council directed the Administrator to invite the Sheriff to discuss the potential litigation with Council. **ACTION: ADMINISTRATION, SHERIFF'S DEPARTMENT**
- d. **Pending Litigation: Cloud v. Richland County:** The County Attorney was directed to proceed as directed in Executive Session. **ACTION: LEGAL**

10. **Motion Period**

- a. Montgomery directed staff to forward Alternative 1 to the Planning Commission on the re-zoning of the golf course properties. **ACTION: PLANNING, LEGAL**
- b. Smith forwarded to the D&S Committee the review of the sewer policy to include: the analysis of demand vs. capacity, the outstanding taps upon completion of the expansion, the feasibility of eliminating sewer extension agreements, and a legal review and opinion on ways to terminate the consent agreement and establish a Richland County service area. **ACTION: ADMINISTRATION, LEGAL, PUBLIC WORKS, UTILITIES**
- c. Malinowski forwarded to the D&S Committee the immediate development of long range plans of the Richland County sewer district with specific yearly goals to achieve the plans. The long range corridor should be at least five years out, and these plans will be reviewed semi-annually by the D&S Committee or Council, whichever the Administrator deems appropriate. The initial plans should be completed within six to nine months. **ACTION: ADMINISTRATION, LEGAL, PUBLIC WORKS, UTILITIES**
- d. Pearce made a motion for the Administrator to begin discussions in February 2008 with the Coroner as it relates to the body removal services currently provided by contract. **ACTION: ADMINISTRATION, CORONER**

11. Adjournment: Council adjourned at 9:55 p.m.