

# **RICHLAND COUNTY GOVERNMENT**



## **Office of the County Administrator**

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

**November 3, 2009**

**6:00 PM**

**Call to Order:** Livingston

**Invocation:** Manning

**Pledge of Allegiance:** Manning

**Presentation:** Mr. Livingston presented Mrs. Dickerson with a token of appreciation for her leadership on the National Multi Modal Conference, which took place in Richland County.

**Citizens' Input:** One person spoke regarding the Columbia International Festival.

#### **Approval of Minutes**

**Regular Session: October 6, 2009:** Approved as presented.

**Zoning Public Hearing: October 27, 2009:** Approved as presented.

**Adoption of the Agenda:** Approved as presented.

#### **Report of the Attorney for Executive Session Items**

- a. **Columbia Venture Litigation:** Deferred to the November 17 meeting.  
**ACTION: CLERK OF COUNCIL, LEGAL**
- b. **Lobbyist Contract Award**
- c. **Employee Grievances**
- d. **HBA vs. Richland County**
- e. **Whitaker Container Update / Waste Pro Analysis**

**f. Columbia Renaissance Redevelopment and Innovista TIF Update**

**Report of the County Administrator**

- a. Township Property Purchase:** Deferred to the November 17, 2009 meeting. **ACTION: ADMINISTRATION, CLERK OF COUNCIL**
- b. Whitaker Container Update / Waste Pro Analysis:** Executive Session item.
- c. Columbia Renaissance Redevelopment and Innovista TIF Update:** Executive Session item.
- d. Screaming Eagle Substation: Cost Overruns:** Mr. Pope reviewed the proposal with Council, and stated that the item was an action item on the agenda.
- e. Development Roundtable:** Staff gave a presentation regarding the Development Roundtable process. Mr. Pope informed Council that this item was an action item on the agenda.
- f. Lobbyist Contract Award:** Executive Session item.
- g. Employee Grievances – 3:** Executive Session item.
- h. State Museum MOU:** Deferred to the November 17, 2009 meeting. **ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL**

**Report of the Clerk of Council**

- a. Monday, November 2, 2009, 10:30 a.m. – 7:30 p.m. and Tuesday, November 3, 2009, 8:00 a.m. – Noon – National Multi-Modal Transportation Steering Committee, Columbia Hilton Center; (Monday November 2, 2009, 5:30 – 7:30 pm reception at Columbia Museum of Art)**
- b. Tuesday, November 3, 2009, 5:30 p.m. – 7:30 p.m., Auntie Karen’s Legends of ... 2010 Kick Off Party, AT&T Conference Center, 1600 Williams Street, RSVP Required**
- c. Wednesday, November 4, 2009, 6 – 8 p.m., Midlands Technical College 4<sup>th</sup> Annual Oyster Roast & Shrimp Boil, MTC Center of Excellence for Technology Patio – North East Campus, RSVP Required**

- d. **Thursday, November 5, 2009, Columbia Urban League Equal Opportunity Day Dinner, Seawell's on Rosewood, Reception – 6:00 pm; Dinner – 7:00 pm**
- e. **Wednesday, November 11, 2009, 4:30 – 6:30 pm, Tailgating on the Terrace – Clarion Hotel, RSVP Required**
- f. **Thursday, November 12, 2009, 5:00 pm, Home Builders Association Third Annual Housing Stump Meeting, The Medallion Center, 7309 Garners Ferry Road, RSVP Required**

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

**1. Public Hearings**

- a. **Regional Sports Complex MCIP:** No one spoke.
- b. **An Ordinance Amending the FY 2009 – 2010 Road Maintenance and Mass Transit Fee Fund Annual Budget to appropriate undesignated Fund Balance for the Revised Transportation Study:** No one spoke.
- c. **Authorizing the execution and delivery of a special source revenue credit agreement by and among Richland County, South Carolina, and South Pills, LLC, and South University of Carolina, Inc., their affiliates and assigns, to provide for a special source revenue credit; to provide for the inclusion of the project in a multi-county business or industrial park; and other matters related thereto:** No one spoke.

**2. Approval of Consent Items**

- a. **09-12MA; Robert Giles; Jonathan Giles; RM – HD to NC (0.32 Acres); 11203-01-02; Corner of Olympia Avenue and Bluff Road [THIRD READING]:** Council gave third reading to the ordinance.  
**ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- b. **An Ordinance Amending Section 26-181 regarding road signs / traffic control devices; so as to conform to the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated* [THIRD READING]:** Council gave third reading approval of an ordinance amendment regarding Section 26-181 so as to be in conformance with the Federal Highway Administration's *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated*. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**

- c. **An Ordinance to define and permit “Bus Shelters & Benches” in all Zoning Districts, with special requirements [THIRD READING]:** Council gave third reading approval to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- d. **An Ordinance amending Section V, Zoning Districts and District Standards; and Article VI, Supplemental Use Standards; so as to provide for a parks and recreation district [THIRD READING]:** Council gave third reading approval to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- e. **[Removed from Consent] An Ordinance amending Section 26-105, FP Floodplain Overlay District; Subsection (B), Applicability / Establishment; so as to require delineation of flood lines on plats and to delete reference to areas along the Congaree River [THIRD READING]:** Staff stated that the language in the ordinance had been amended to reflect a compromise reached by staff, the HBA, and the State Floodplain Coordinator. Council gave third reading approval to the amended ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- f. **Section 26-180, Signs; so as to create a new section that would allow digital display devices under certain conditions [THIRD READING]:** Council gave third reading approval to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- g. **Authorizing the Execution and Delivery of a special source revenue credit agreement by and among Richland County, South Carolina, and South Pills, LLC, and South University of Carolina, Inc., their affiliates and assigns, to provide for a special source revenue credit; to provide for the inclusion of the project in a multi-county business or industrial park; and other matters related thereto [THIRD READING]:** Council gave third reading to the ordinance authorizing the execution and delivery of a special source revenue credit agreement, and also approved the corresponding SSRC documents. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, AUDITOR, ASSESSOR, TREASURER, BUDGET, FINANCE**
- h. **[Removed from Consent] Regional Sports Complex MCIP [THIRD READING]:** Council gave third reading to the ordinance authorizing an amendment to the master agreement governing the I-77 corridor regional industrial park between Richland and Fairfield Counties. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, AUDITOR, ASSESSOR, TREASURER, BUDGET, FINANCE**

- i. **An Ordinance amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21 – 10, Street Name Signs; Subsection (A); so as to conform to the Federal Highway Administration’s *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated* [SECOND READING]:** Council gave second reading approval of an ordinance amendment regarding Section 21 so as to be in conformance with the Federal Highway Administration’s *Manual on Uniform Traffic Control Devices 2003 Edition with Revisions 1 and 2 Incorporated*. **ACTION: PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
- j. **[Removed from Consent] An Ordinance authorizing a quit-claim deed to EHP Development, LLC for five parcels of land totaling Five Thousand Three Hundred Sixteen (5316) square feet located along Hastings Alley and Hamrick Street, Richland County, South Carolina, and being portions of TMS #11203-03-02, 11203-03-16, 11203-03-17, 11203-03-23, and 11203-03-27 [SECOND READING]:** Council gave second reading approval to the quit claim deed. Staff is to clarify the recipient of the quit-claim deed. **ACTION: PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
- k. **An Ordinance authorizing quit-claim deed to Smallwood village Phase III Homeowner’s Association, Inc. for a certain parcel of land totaling .76 acres located along White Branch Circle, Richland County, South Carolina, known as TMS # 22710-08-30 [SECOND READING]:** Council gave second reading approval to the quit claim deed. **ACTION: ADMINISTRATION, PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
- l. **An Ordinance amending the Fiscal Year 2009 – 2010 General Fund Annual Budget to appropriate \$90,157 of General Fund Undesignated Fund Balance to the Court Administration Budget, Magistrate’s Budget and Central Services Budget [SECOND READING]:** Council gave second reading approval to a budget amendment to add an additional \$72,213 to Court Administration’s FY 10 budget; an additional \$10,644 to the Magistrate’s FY 10 budget; and an additional \$7,300 to the Central Services’ FY 10 budget for the purpose of complying with the Uniform Expungement of Criminal Records Act. **ACTION: BUDGET, FINANCE, ADMINISTRATION, COURT ADMINISTRATOR, MAGISTRATES, CENTRAL SERVICES, LEGAL, CLERK OF COUNCIL**
- m. **[Removed from Consent] An Ordinance amending the Fiscal Year 2009 – 2010 Hospitality Tax Fund Annual Budget Amendment to appropriate \$100,000 of Hospitality Tax Fund Designated Fund Balance for the next steps in the design-development phase of the**

**Regional Sports Complex [SECOND READING]:** Council gave second reading approval to the amended budget amendment in the amount of \$184,970, and approved the scope of services for the next steps in the Design-Development Phase of the Regional Sports Complex. **ACTION: BUDGET, FINANCE, ADMINISTRATION, LEGAL, CLERK OF COUNCIL**

- n. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 25, Vehicles for Hire; Article II, Towing and Wrecker Services; Section 25-20, Wrecker and Storage Charges, so as to increase the fees charged for towing and wrecker services [SECOND READING]:** Council gave second reading approval to the recommended amendments to Section 25-20, Wrecker and Storage charges. **ACTION: SHERIFF'S DEPARTMENT, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**
  
- o. **An Ordinance Amending the Fiscal Year 2009 – 2010 Title IV-D Sheriff's Fund Budget to appropriate \$10,000 of additional revenue due to revised revenue projections [SECOND READING]:** Council gave second reading approval to a \$10,000 budget amendment for the FY 10 budget for the Title IV funds based on updated revenue numbers. **ACTION: SHERIFF'S DEPARTMENT, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**
  
- p. **An Ordinance Amending the Fiscal Year 2009 – 2010 General Fund Annual Budget to appropriate \$81,000 of General Fund Undesignated Fund Balance to the Election Commission Budget for the mandated purpose of replacing batteries in electronic voting machines [SECOND READING]:** Council gave second reading approval to an \$81,000 budget amendment for the FY 10 budget for the Election Commission for the State Election Commission mandated purpose of replacing the motherboard batteries in the iVotronic electronic voting machines and the batteries in the PEB's (Personal Electronic Ballot cartridge that activates the machine for voting). **ACTION: ELECTION COMMISSION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**
  
- q. **Deed of Water and Sewer Lines (Bookert Heights, Ridgewood, BRRWWTP) [SECOND READING]:** Council gave second reading approval to the ordinances and corresponding deeds. **ACTION: UTILITIES, LEGAL, CLERK OF COUNCIL**
  
- r. **09-14MA; Joe Jackson; Prayer & Faith Temple; RS – HD to RU (2.85 Acres); 24903-05-02; 1520 Lower Richland Boulevard [SECOND READING]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**

- s. **09-15MA; Larry M. Spivey; Major Management / Tracy Billings; RU to GC (.341 Acres); 19716-02-20 (p); Alpine Road & Old Percival Road [SECOND READING]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- t. **09-17MA; FSD, LLC; Fred Babae; HI to GC (2 Acres); 17200-03-23; 206 Business Park Boulevard [SECOND READING]:** Council gave second reading to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- u. **Bridge Renaming:** Council approved the request of renaming the bridge on Monticello Road that travels over Cedar Creek in honor of the late Deputy John Mark Dial. **ACTION: ADMINISTRATION, CLERK OF COUNCIL**
- v. **Conservation Donation of 175 Acres off Long Creek Parkway:** Council accepted the conservation donation on 175 acres (est.) owned by Mungo Company. **ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL, CONSERVATION COMMISSION**
- w. **Conservation Donation off Sloan Road:** Council accepted this conservation donation on 4 acres (est.) owned by South Capitol Group. **ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL, CONSERVATION COMMISSION**
- x. **[Removed from Consent] Lower Richland County Agricultural Center [DENIAL]:** Council denied this request. **ACTION: ADMINISTRATION**
- y. **[Removed from Consent] Accounting for the last two years of the Richland County Neighborhood Council:** Council referred this item to Council's Internal Audit Committee. The recommendation is for the Internal Audit Committee to look into expenditure of county funds on non-council sanctioned entities without prior Council authorization. **ACTION: ADMINISTRATION**
- z. **[Removed from Consent] Hospitality Taxes and Business Straddling Jurisdictional Lines:** Council approved a policy such that, any time a business is physically located within Richland County and some other jurisdiction, and more than 50.000% of the business' physical structure is located within the Richland County jurisdiction, the business will be treated as if the entire business is physically located within the Richland County jurisdiction, for fees and taxes purposes, excluding real estate property taxes, and conversely, if less than 50.000% of the business' physical structure is located within the Richland County jurisdiction, the

business will be treated as if no part of the business is physically located within Richland County. **ACTION: ADMINISTRATION, BUSINESS SERVICE CENTER, BUDGET, FINANCE, TREASURER**

- aa. **School District Tax Info / Carry Over Funds:** Council requested that staff develop proposals for Council's consideration. **ACTION: ADMINISTRATION, BUDGET, FINANCE, AUDITOR, TREASURER, ASSESSOR**
- bb. **Waste Tire Grant:** Council accepted the DHEC grant and allowed the County Administrator to sign the grant agreement. **ACTION: ADMINISTRATION, SOLID WASTE, GRANTS, BUDGET, FINANCE**
- cc. **[Removed from Consent] Hospitality Tax Round Two Funding Recommendations:** Council approved \$10,000 for the Columbia International Festival from the undesignated County promotions portion of the Hospitality Tax. Council approve \$5,000 for the Auntie Karen Foundation, of which \$2,500 comes from the SC Archives and History Foundation project, and \$2,500 comes from the SCALE, Inc. project. The funding was distributed as amended, based on the changes made by Council. Staff is also to clarify the 75 – 25 split. **ACTION: ADMINISTRATION, GRANTS, BUDGET, FINANCE**

**3. Second Reading Item**

- a. **An Ordinance Amending the Fiscal Year 2009 – 2010 Road Maintenance Fund Annual Budget to appropriate \$40,000 of Undesignated Fund Balance for the revised transportation study [SECOND READING]:** Council gave second reading approval to the budget amendment, and approved the scope of services for the revision of the transportation study. **ACTION: BUDGET, FINANCE, ADMINISTRATION, LEGAL, CLERK OF COUNCIL**

**4. Report of Administration and Finance Committee**

- a. **Negotiate Purchase of 1400 Atlas Road for Farmers Market:** Council voted to suspend consideration of using public funds to invest in a Richland County farmers' market, and to work with current local markets in promotional activities. **ACTION: ADMINISTRATION**

**5. Report of Economic Development Committee**

- a. **SC Economic Development Ambassador Award Nomination for Richland County:** Council recommended Dr. Harris Pastides for the SC



Economic Development Ambassador of the Year for Richland County.  
**ACTION: ADMINISTRATION**

**6. Report of Rules and Appointments Committee**

- a. **Notification of Vacancies:** Advertise. **ACTION: CLERK OF COUNCIL**
  - i. **Lexington / Richland Alcohol and Drug Abuse Council – 2 [Bouknight, Garrick, Jr.]**
  - ii. **Midlands Regional Convention Center Authority – 1 [Fowler]**
  - iii. **Richland Memorial Hospital Board – 3 [Bradshaw, Odom, Pringle Washington]**
  - iv. **Riverbanks Park Commission – 1 [Waring]**
- b. **Notification of Appointments:** Notify. **ACTION: CLERK OF COUNCIL**
  - a. **Board of Zoning Appeals – 1 [Cooke Sr.]:** Cooke Sr. was appointed.
  - b. **Business Service Center Appeals Board – 1 [Bartley, Brunache]:** Bartley was appointed.
  - c. **Community Relations Council – 1 [Kennedy-Gooden, Lewis]:** Kennedy-Gooden was appointed.
  - d. **Employee Grievance Committee – 2 [Pritchard, IT]:** Pritchard was appointed.
  - e. **Midlands Workforce Development Board – 1 [Cherry, Research Manager]:** Cherry was appointed.
  - f. **Planning Commission – 2 [Anderson, Cantwell, Carter, Jr., DuBuard, Sr., Frederich, Gwinn, Ham, Hanson, Herrmann, Hertzell, Hofer, Jones, Kays, Letts, Mahoney, McDaniel, Mitchell, Westbrook, Wilkes, Yonkel]:** The interviews for the Planning Commission were deferred to the November 17, 2009 Rules and Appointments Committee meeting. **ACTION: CLERK OF COUNCIL**

**c. Rule Changes**

- i. Motion for presentations to be held on the third Tuesdays of the month:** Held in Committee. **ACTION: CLERK OF COUNCIL**

**d. Discussion from Rules and Appointments Committee**

- i. Draft of countywide letterhead to be used by all departments:** Council voted to have a committee of council create a proposed letterhead. **ACTION: CLERK OF COUNCIL**
- ii. Any Executive Session item involving an attorney hired outside the normal scope of a regular contract by Richland County will be taken up first so that attorney is not waiting for other matters and receiving unnecessary compensation:** This item was deferred. Language is also to be added to include consultants who are paid on an hourly basis. **ACTION: CLERK OF COUNCIL, LEGAL**

- 7. Development Roundtable:** Council voted to adopt the 22 development principles resulting from the Development Roundtable process, and authorized Phase II of the Roundtable consisting of 12 members (4 Staff, 4 Development, and 4 Environmental) that will draft the 22 principles into ordinances. **ACTION: ADMINISTRATION, PLANNING, PUBLIC WORKS, STORMWATER**
- 8. Lobbyist Contract Award:** Council approved the award of contract to Nelson Mullins Riley & Scarborough. **ACTION: ADMINISTRATION, LEGAL, PROCUREMENT, BUDGET, FINANCE**
- 9. Screaming Eagle Substation – Cost Overruns:** Council approved the following recommendations: **ACTION: ADMINISTRATION, LEGAL, BUDGET, FINANCE**

<b>Initial:</b>	Richland County	\$350,000.00
<b>Funding :</b>	State of South Carolina	<u>\$100,000.00</u>
		\$450,000.00

**Funding Shortfall Reasons:**

- 1. Higher Estimated Construction Costs
- 2. Size of the Facility (to accommodate Public Safety and Community Meetings)
- 3. Site Development Issues
  - a. Slope of land
  - b. Grading
  - c. Septic and Water Construction

<b>Total Project Cost</b>	<b><u>\$820,000.00</u></b>
Existing Funding:	<u>\$450,000.00</u>
<b><u>Budgeted Funds Needed for Project:</u></b>	<b><u>\$370,000.00</u></b>
<b>Recommended Funding Strategy</b>	\$370,000.00
Pineview Purchasing Surplus	\$168,000.00
Jail Cell Construction Project	\$102,000.00
Sheriff's Vehicle Deferral	<u>\$100,000.00</u>
	0

10. **An Ordinance Amending the Fiscal Year 2009 – 2010 Conservation Commission Fund Budget to appropriate \$23,000 of reserved fund balance for the Wetlands Mitigation Assessment:** Council gave first reading to an ordinance amending the Fiscal Year 2009 – 2010 Conservation Commission Fund Budget to appropriate \$23,000 of reserved fund balance for the Wetlands Mitigation Assessment. **ACTION: ADMINISTRATION, PLANNING, CLERK OF COUNCIL, LEGAL, BUDGET, FINANCE, CONSERVATION COMMISSION**
11. **Citizens' Input:** No one spoke.
12. **Executive Session**
  - a. **Columbia Venture Litigation:** Deferred to the November 17 meeting. **ACTION: CLERK OF COUNCIL, LEGAL**
  - b. **Lobbyist Contract Award:** Council approved the award of contract to Nelson Mullins Riley & Scarborough. **ACTION: ADMINISTRATION, LEGAL, PROCUREMENT, BUDGET, FINANCE**
  - c. **Employee Grievances:** Council accepted the Administrator's recommendations on the three grievances. **ACTION: ADMINISTRATION, HUMAN RESOURCES**
  - d. **HBA vs. Richland County:** Council authorized the County Attorney to proceed as discussed in Executive Session. **ACTION: ADMINISTRATION, LEGAL**
  - e. **Whitaker Container Update / Waste Pro Analysis:** Council authorized the Administrator to execute the documents as it relates to the assignment

of the contract from Whitaker Container to Waste Pro. **ACTION: ADMINISTRATION, LEGAL, PROCUREMENT, SOLID WASTE**

- f. **Columbia Renaissance Redevelopment and Innovista TIF Update:** Council authorized the Chairman of Council to proceed as discussed in Executive Session. **ACTION: ADMINISTRATION, LEGAL**

**13. Motion Period**

- a. **Resolution for Dr. Jordan D. Smith [LIVINGSTON]:** Approved. **ACTION: CLERK OF COUNCIL**
- b. **December Zoning Public Hearing [SMITH]:** The December Zoning Public Hearing was cancelled. **ACTION: CLERK OF COUNCIL, ADMINISTRATION, PLANNING, LEGAL**
- c. **December Committee Meetings Schedule [LIVINGSTON]:** This item was forwarded to the Rules and Appointments Committee. **ACTION: CLERK OF COUNCIL**
- d. **Scheduling of Mitigation Bank, Smoking Ban, Comprehensive Plan, and Stormwater Work Sessions [STAFF]:** This item was deferred. **ACTION: CLERK OF COUNCIL, ADMINISTRATION**
- e. **To create a tax free zone for companies willing to invest more than \$25 million (10 years county tax free and 75% County resident employment) [JACKSON]:** This item was forwarded to the Economic Development Committee. **ACTION: ADMINISTRATION**
- f. **County staff draft and present to Council a proposal to create a Richland County Neighborhood Council sanctioned and supported by the County [MANNING]:** This item was forwarded to the D&S Committee. **ACTION: PLANNING, ADMINISTRATION**
- g. **Resolution acknowledging and honoring Summary Court Chief Judge William Womble for thirty (30) years of service as a Magistrate in Richland County and for his service as Chief Judge for the past ten (10) years [PEARCE]:** Approved. **ACTION: CLERK OF COUNCIL**
- h. **Direct Pays or requests for payments to organizations:**
  - a. **Items not requiring a PO should be placed on a requisition**
  - b. **The check request should have the appropriate authorizing signature(s) and the appropriate account from which it is to be paid.**

- c. **An invoice or letter from the organization outlining the payment requested should be provided for backup.**
- d. **The check request and backup should be submitted to the front desk no later than 5PM on Friday for processing in the next week's check run. [JETER]: This item was forwarded to the Rules and Appointments Committee. ACTION: ADMINISTRATION**

- i. **Background: A current Richland County Ordinance exists regarding the discharge of firearms in certain areas as being unlawful. Section 18-1 (b) states it is unlawful to discharge a firearm *within two hundred yard of the property boundaries of any dwelling or business*. This subsection shall not apply to a peace officer or member of the armed forces of the United States or any authorized gun club, or in the lawful defense of life or property. This subsection also shall not apply to hunting or other lawful use of firearms by persons while upon their own property, nor shall this subsection apply to persons hunting or otherwise lawfully discharging firearms on another person's property with the landowner's express permission.**

**This ordinance does not protect areas that have been built as subdivisions yet still contain a few acres of undeveloped land. For the safety of our citizens in subdivisions I am making the following motion:**

**That Section 18-1 (b) Discharge of firearms in certain areas unlawful is amended to eliminate allowing a discharge of the items mentioned in the current ordinance in areas built as subdivision by anyone except a peace officers, any authorized gun club or in the lawful defense of life or property. [MALINOWSKI]: This item was forwarded to the D&S Committee. ACTION: ADMINISTRATION**

- j. **Motion by Jim Manning for a Council Resolution recognizing the Town of Arcadia Lakes on its 50th Anniversary and Ribbon Cutting Ceremony for the new Town Hall. Approved. ACTION: CLERK OF COUNCIL**
- k. **2010 Council Retreat: Council voted to hold the 2010 Council Retreat January 21 – 22 at the Parklane Recreation Commission facility. ACTION: ADMINISTRATION, CLERK OF COUNCIL**

- 14. **Adjournment: Council adjourned at 10:10.**