

# **RICHLAND COUNTY GOVERNMENT**



## **Office of the County Administrator**

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

**November 9, 2010**

**6:00 p.m.**

**Call to Order:** Livingston

**Invocation:** Hutchinson

**Pledge of Allegiance:** Hutchinson / Michael Smith (Pending Eagle Scout)

#### **Approval of Minutes**

**Regular Session: October 19, 2010:** Approved as presented.

**Zoning Public Hearing: October 26, 2010:** Approved as presented.

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

#### **Report of the County Attorney**

a. **Morales vs. Richland County**

b. **DHEC Consent Orders**

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

#### **Report of the County Administrator**

a. **FEMA – Class 8 National Flood Insurance Program:** Mr. Pope stated that the Federal Emergency Management Agency (FEMA), has determined that Richland County will increase to a Class 8 in the National Flood Insurance Program (NFIP) Community Rating System (CRS). The floodplain management activities implemented by Richland County qualifies it for a 10% discount in the premium cost of flood insurance for NFIP policies issued or renewed in Special Flood Hazard Areas on or after October 1, 2010. If there are no NFIP noncompliance actions, the CRS

rating for Richland County will automatically be renewed annually and a notification letter will be sent to annually to the County.

- b. **Mitigation Program:** Mr. Pope stated that he would like the item regarding the Conservation Banking removed from the Consent agenda, as staff has a presentation for Council.

#### **Report of the Clerk of Council**

- a. **Richland International's Flavors on Decker:** November 13, 2010 at Decker Mall.

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

**Presentation: Farm City Proclamation:** Mrs. Hutchinson presented the Proclamation to Mary Jane Henderson of the Richland Conservation District.

#### **1. Public Hearing Item**

- a. **An Ordinance Amending the Fiscal Year 2010 – 2011 Hospitality Tax Annual Budget to appropriate \$11,500 of Hospitality Tax Undesignated Fund Balance to the Palmetto Capital City Classic:** No one spoke.

#### **2. Consent Items**

- a. **An Ordinance amending Chapter 26; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; "Institutional, Educational, and Civic Uses" of Table 26-V-2; and Section 26-151, Permitted Uses with Special Requirements; so as to Permit Cemeteries and Mausoleums in the RU Rural District, with Special Requirements [Second Reading]:** Council gave second reading approval to the ordinance. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**
- b. **Construction Services Phase II Security Enhancements Jim Hamilton LB Owens Airport:** Council approved the request to authorize executing a contract for Phase II security enhancements construction services conditional upon receipt of grant funds and local match. **ACTION: ADMINISTRATION, PROCUREMENT, JIM HAMILTON LB OWENS AIRPORT, GRANTS, FINANCE, BUDGET, LEGAL**
- c. **Professional Services Work Authorization Jim Hamilton LB Owens Airport:** Council approved the work authorization for professional services associated with airspace tree penetration removal in runway

approaches at the Jim Hamilton-LB Owens Airport. **ACTION: ADMINISTRATION, PROCUREMENT, JIM HAMILTON LB OWENS AIRPORT, GRANTS, FINANCE, BUDGET, LEGAL**

- d. [Removed from Consent] **Purchase / Sale of Wetlands around Carolina Bay / Mistletoe Bay (Conservation Banking):** Staff gave a presentation to Council regarding Wetlands Mitigation. Council approved the concept of mitigation banking, along with the consideration of public-private partnerships in this endeavor. Funding associated with Wetlands Mitigation would be addressed in the FY 12 budget process. Council also authorized staff to begin informal discussions with the current property owners. Council forwarded this item to the 2011 Retreat. **ACTION: ADMINISTRATION, PUBLIC WORKS**
- e. [Removed from Consent] **Quit Claim, portion of Lake Dogwood Circle:** Council deferred this item. **ACTION: ADMINISTRATION, PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**
- f. **Brown Conservation Easement Donation:** Council accepted the conservation easement on 56 acres owned by Jeff Brown. **ACTION: CONSERVATION COMMISSION, LEGAL, PLANNING, CLERK OF COUNCIL**
- g. **Hopkins Conservation Easement Donation:** Council accepted the conservation easement on 100 acres owned by Ted Hopkins. **ACTION: CONSERVATION COMMISSION, LEGAL, PLANNING, CLERK OF COUNCIL**
- h. **Mullis Conservation Easement Donation:** Council accepted the conservation easement on 40 acres owned by Joye Mullis. **ACTION: CONSERVATION COMMISSION, LEGAL, PLANNING, CLERK OF COUNCIL**
- i. **Nicholson Conservation Easement Donation:** Council accepted the conservation easement on 118 acres owned by Sarah Nicholson. **ACTION: CONSERVATION COMMISSION, LEGAL, PLANNING, CLERK OF COUNCIL**
- j. **Troutman-Ganus Conservation Easement Donation:** Council accepted the conservation easement on 23 acres owned by Roger Troutman and Mildred Ganus. **ACTION: CONSERVATION COMMISSION, LEGAL, PLANNING, CLERK OF COUNCIL**
- k. **Budget Transfer from Decker Boulevard S&B to Booker Heights Infrastructure:** Council approved the request to transfer \$150,975.78 from FY 10-11 Decker Blvd S&B Designation to Booker Heights



- b. **Quit Claim, Laurelwood Lane and Campbell Road:** Council deferred this item. **ACTION: ADMINISTRATION, PUBLIC WORKS, LEGAL, CLERK OF COUNCIL**

6. **Report of the Economic Development Committee**

- a. **Project Steel:** Council gave first reading approval to an ordinance authorizing certain economic incentives, including payment of a FILOT and other related matters. **ACTION: ADMINISTRATION, FINANCE, BUDGET, TREASURER, AUDITOR, ASSESSOR, LEGAL, CLERK OF COUNCIL**

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

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

- i. **Financial System Access for Council members [Washington]:** Council approved the Administrator's recommendation, which will provide Council with full read-only access to all IFAS modules, with the exception of the personnel module. **ACTION: ADMINISTRATION, FINANCE**

- ii. **To change Section 18 – 1 to eliminate the underlined and italicized wording shown below:**

*(b) Within three hundred yards of the property boundaries of any dwelling, business, or subdivision. It shall be unlawful for any person in the unincorporated area of the county to discharge any rifle, gun, pistol, revolver, or other similar instrument from or by means of which any bullet, shot, or other missile of any kind may be projected within three hundred (300) yards of any building used as a dwelling or business, or within the boundaries of any subdivision or within three hundred (300) yards of any subdivision, as that term is defined in Sec. 26-22 of this Code. 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. [Malinowski]: Council gave first reading approval to the ordinance. **ACTION: LEGAL, CLERK OF COUNCIL***

- iii. **Any changes made in any way to an item coming to Council from a committee of previous council meeting, to include**

consent items, must not be placed on the consent agenda in order to make council aware the item is not exactly the same.

[Malinowski]: Council approved the item. **ACTION: ADMINISTRATION, CLERK OF COUNCIL**

- iv. Council will schedule a minimum Quarterly ½ day Work Session to coincide with the receipt of the 50 plus page Quarterly Strategic Plan Update and 24 associated annual goals or dispose of the plan and subsequent reports.

[Manning]: This item will be an action item on the next Committee agenda. Mr. Manning's presence is also requested at the next Committee meeting. **ACTION: CLERK OF COUNCIL**

- v. When vacancies are identified on Richland County Boards and/or Commissions that require actions of County Council to fill, the Clerk assigned to advertise and process applications for these positions will notify the Executive Director and/or Chairman of the Board of the agency, Board or Commission either by telephone, email or regular mail prior to posting the public announcement of the vacancy [Pearce]: Council approved the item. **ACTION: CLERK OF COUNCIL**

- 8. **A Resolution to appoint and commission Lynn C. McGarey as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County:** The Resolution was approved. **ACTION: PLANNING, LEGAL, CLERK OF COUNCIL**

- 9. **Citizens' Input:** Two people spoke.

#### 10. **Executive Session**

- a. **Morales vs. Richland County:** Council authorized the settlement of the claim as discussed in Executive Session. **ACTION: ADMINISTRATION, RISK MANAGEMENT, LEGAL**
- b. **DHEC Consent Orders:** Council approved the County to enter into the two consent orders with Broad River and Eastover. **ACTION: ADMINISTRATION, LEGAL, UTILITIES**

#### 11. **Motion Period**

- a. **A motion to amend the ordinance on church signs in rural communities to prevent rezoning.** [Jackson]: Forwarded to the December D&S Committee. **ACTION: ADMINISTRATION, PLANNING**

- b. Staff will create an Ordinance stating: Any entity having a location in Richland County that will employ or house more than 100 persons in a facility on a regular basis and lies within the nuclear evacuation zone is required to submit an evacuation plan that must be approved prior to issuance of any building permit. [Malinowski]: Forwarded to the December D&S Committee. ACTION: ADMINISTRATION, EMERGENCY SERVICES**
  - c. I make a motion that the Richland County Utilities Department be required to provide a spending and income general ledger monthly to D&S Committee members for review and that they provide quarterly reports in person to the D & S Committee to show where they stand fiscally for the year. [Malinowski]: Forwarded to the December A&F Committee. ACTION: ADMINISTRATION, FINANCE**
  - d. Based on the new sewer planned for the Lower Richland County area and the possibility of assistance being provided to Low/Middle Income households (LMIH) I move that staff create an ordinance that sets forth criteria for qualification to receive assistance and that it will apply equally to all LMIH throughout Richland County. [Malinowski]: Forwarded to the December A&F Committee. ACTION: ADMINISTRATION, UTILITIES**
- 12. Adjournment:** Council adjourned at 7:45 p.m.