

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

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

March 15, 2011

6:00 p.m.

Call to Order: Livingston

Invocation: Hutchinson

Pledge of Allegiance: Hutchinson

Approval of Minutes

Regular Session: March 1, 2011: Approved as published.

Adoption of the Agenda: Approved as amended.

Report of the County Attorney

- a. **Shumaker vs. Richland County**
- b. **Contractual Matter – Mitigation Bank Proposal Update**
- c. **Legal Advice: Hamilton-Owens**
- d. **Employee Grievance – Personnel Matter**

Citizens' Input: No one spoke.

Report of the County Administrator

- a. **Mitigation Bank Proposal Update:** Executive Session matter.
- b. **Property Acquisition Update:** Mr. Pope stated that he has entered into a contract to purchase the property, per Council's directive. Staff is performing due diligence, and will provide updates to Council as this item progresses.

- c. **Employee Grievance:** Executive Session item.

Report of the Clerk of Council

- a. **Ms. Dickerson is the President-Elect for Women in NACo.**

Report of the Chairman

- a. **Derrick Huggins:** Mr. Huggins introduced himself and stated that he is looking forward to working with Council Members regarding the CMRTA.

1. Consent Item

- a. **An Ordinance Amending the Fiscal Year 2010 – 2011 General Fund Annual Budget to appropriate \$155,900 of General Fund Undesignated Fund Balance to the Coroner for additional funding for current budget [Second Reading]:** Council gave second reading approval to the ordinance. **ACTION: CORONER, CLERK OF COUNCIL, LEGAL, BUDGET, FINANCE**

2. Third Reading Item

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Board, Commissions and Committees; Section 2-326, Boards and Commissions Created and Recognized; so as to create a Richland County Complete Streets Commission, and Setting Forth the Conditions Under which said Commission Shall Function and the Responsibilities of Same:** Council gave third reading approval as amended to the ordinance. **ACTION: CLERK OF COUNCIL, LEGAL**

3. Second Reading Item

- a. **An Ordinance Amending the Fiscal Year 2010 – 2011 General Fund Annual Budget to appropriate \$164,754 of General Fund undesignated fund balance to the Solicitor for additional funding for emergency budget request:** Council gave second reading approval to the budget amendment. **ACTION: ADMINISTRATION, LEGAL, FINANCE, BUDGET, CLERK OF COUNCIL, SOLICITOR**

4. Report of Rules and Appointments Committee

- a. **Notification of Vacancies:** Advertise. **ACTION: CLERK OF COUNCIL**

- i. **Township Auditorium – 1 [Jack Mills, October 16, 2012 (Resigned)]**
- b. **Notification of Appointments**
 - i. **Accommodations Tax Committee – 3 [None] Advertise. ACTION: CLERK OF COUNCIL**
 - ii. **Appearance Commission, Landscaper / Landscape Architect – 1 [None] Advertise. ACTION: CLERK OF COUNCIL**
 - iii. **Building Codes Board of Adjustments & Appeals – (1 Licensed Contractor and 3 persons from the Fire Protection Industry) – 4 [None] Advertise. ACTION: CLERK OF COUNCIL**
 - iv. **Hospitality Tax Committee – 4 [LaShaun Brawley; Eddie Green*; Robert Tunell; Derrick Williams*] Green, Tunell, and Williams were appointed. Advertise the remaining vacancy. ACTION: CLERK OF COUNCIL**
 - v. **Internal Audit Committee – 2 [None] Advertise. ACTION: CLERK OF COUNCIL**
 - vi. **Planning Commission – 2 [Christopher Anderson, Herbert Sims, David Tuttle*, Howard VanDine, III] Anderson withdrew. Tuttle and VanDine III were appointed. ACTION: CLERK OF COUNCIL**
- c. **Discussion from Rules and Appointments Committee**
 - i. **Personnel Matter: Evaluation Forms / Job Descriptions: This item remains in Committee. ACTION: CLERK OF COUNCIL**
 - ii. **All Elected County Officials Shall Be Treated Equally, No Exceptions [Jackson]: Held in Committee. The Committee requested Mr. Jackson attend the meeting and provide new language to address his concerns. ACTION: CLERK OF COUNCIL**
 - iii. **If Council intends to attempt another try at a Referendum for a penny sales tax increase, all council members shall hold public meetings to get public input before making a final decision whether to move forward or not. Public input shall determine how proceeds from the tax will be spent and the term of the tax. This process should be given enough time to make sure it does not appear rushed or at the last minute.**

Reason: If approved, the citizens will be paying for this and we are only the representatives of the people's will and so we shall do everything that's in the best interest of the people we serve. **Transparency:** This process whether it is approved and passes or not will give comfort to our constituents that we are not hiding anything by revealing up front everything that would be done with that tax. **[Jackson]:** Held in Committee. The Committee requested Mr. Jackson clarify his motion, and they also requested Legal examine the public input item(s) mentioned above. **ACTION: CLERK OF COUNCIL, LEGAL**

- iv. **Motion to review Council's rules and regulations regarding the authority of the Chair, seniority, and possible term limitations in positions and rotations. [Dickerson, Jackson, Malinowski, Kennedy]:** Council did not approve the item.
- iv. **Central Midlands Regional Transit Authority – 1 [John V. Furgess, Sr.] – Appointment deferred from February 15, 2011 for clarification:** Furgess, Sr. was appointed. **ACTION: CLERK OF COUNCIL**

5. Redistricting Ad Hoc Committee

- a. **An Ordinance Amending the Fiscal Year 2010 – 2011 General Fund Annual Budget to appropriate \$70,000 of General Fund Undesignated Fund Balance to the County Attorney for Redistricting Ad Hoc Committee [First Reading]:** Council gave first reading approval to the ordinance. **ACTION: ADMINISTRATION, BUDGET, FINANCE, LEGAL, CLERK OF COUNCIL**

6. Citizens' Input: One person spoke.

7. Executive Session

- a. **Shumaker vs. Richland County:** Council directed the attorney to settle the claim under the terms as discussed in Executive Session. **ACTION: LEGAL**
- b. **Contractual Matter – Mitigation Bank Proposal Update:** Council declined the offer to purchase the property.
- c. **Legal Advice: Hamilton-Owens:** Received as information.
- d. **Employee Grievance – Personnel Matter:** Council upheld the Administrator's recommendation. **ACTION: ADMINISTRATION, HUMAN RESOURCES**

8. Motion Period

- a. I move that we change whatever is necessary so that the Talking Trash Booklet can read that Yard Trash will be picked up equivalent to 4 hoppers as opposed to 2 hoppers. [Manning] Council forwarded the item to the D&S Committee. ACTION: ADMINISTRATION, SOLID WASTE**
- b. Resolution honoring the Keenan Boys Basketball Team for their consecutive State Championship win. [Kennedy]: Council approved the Resolution. ACTION: CLERK OF COUNCIL**
- c. Explore how procurement decisions can provide an element of advantage to use businesses located in Richland County. [Manning] Council forwarded the item to the Economic Development Committee. ACTION: ADMINISTRATION**
- d. In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent to the City of Columbia) banning texting while operating a motor vehicle. [Rose]: Council forwarded the item to the D&S Committee. ACTION: ADMINISTRATION, LEGAL**
- e. To have staff obtain and provide council information as it relates to Richland County Transportation Committee spending to include the number of studies conducted, the amount spent, and the companies that received those amounts. [Malinowski]: Council forwarded the item to the A&F Committee. ACTION: ADMINISTRATION**
- f. For Richland County Council in conjunction with staff to create a policy that addresses the existing budget of newly elected officials and their possible requests for additional funding. [Malinowski]: Council forwarded the item to the A&F Committee. ACTION: ADMINISTRATION**
- g. For Richland County Council in conjunction with staff to create a policy that will be adhered to agencies requesting additional budget funds that will cause a budget amendment. [Malinowski]: Council forwarded the item to the A&F Committee. ACTION: ADMINISTRATION**
- h. All checkmarks placed for recommendation or denial of a particular item on the council agenda will require a comment to show why such decision was made. (No more blanks.) [Malinowski]: Council forwarded the item to the Rules and Appointments Committee. ACTION: CLERK OF COUNCIL**

- i. **That building requirements relating to environmental issues will require regulations for areas of “pollution” that don’t appear to be considered currently, to include but not limited to:**

Light pollution based on the amount of lights and time a facility will use them, run off pollution from additional vehicle contaminants, lawn chemical use, and other household activities that may have a negative effect on drinking aquifers supplying wells, ozone pollution due to additional vehicle traffic created by the development, and that sewer extensions be considered regarding the negative effect they will have on residents with septic systems who would be required to hook up to public sewer in the event of a malfunction vs. having it repaired/replaced. [Malinowski]: Council forwarded the item to the D&S Committee. **ACTION: ADMINISTRATION, PLANNING, PUBLIC WORKS**

- j. **That all meetings council members are advised of will automatically be placed on those council members’ calendars who request this service, whether or not they “accept” the invite. [Malinowski]: Council forwarded the item to the Rules and Appointments Committee. **ACTION: CLERK OF COUNCIL****

- k. **In light of some recent FOIA requests staff should create a policy addressing requests stating they are in the interest of the public and, therefore, the requestor should not be charged. Just because a media person or attorney makes a request does not automatically make it in the interest of the public. It should be incumbent on the requestor to show that. [Malinowski]: Council forwarded the item to the Rules and Appointments Committee. **ACTION: CLERK OF COUNCIL****

- l. **That all Ordinance changes and text amendments be reflected on the county website no later than 30 days after approval by council. Presently some ordinance changes that law enforcement may have a need for do not reflect current wording. [Malinowski]: Council forwarded the item to the Rules and Appointments Committee. **ACTION: CLERK OF COUNCIL****

- m. **I move to create economic incentives (i.e. special tax credits, etc.) for development in the County's priority investment areas as well as within a 1 mile radius. [Manning]: Council forwarded the item to the Economic Development Committee. **ACTION: ADMINISTRATION****

- n. **Manage the number of motions made by Council members during the Motion Period [Livingston]: Council forwarded the item to the Rules and Appointments Committee. **ACTION: CLERK OF COUNCIL****

- o. All motions shall be made from Council members only and any request or modification or amendments from staff should be sponsored by a Council member. All changes or additions to any document shall be highlighted or shown in a different color. [Jackson]: Council forwarded the item to the Rules and Appointments Committee. ACTION: CLERK OF COUNCIL**
 - p. Amend the recently passed Heirs Property Ordinance to remove staff's addition that includes: Restrictive Covenants (RC), Hold Harmless Agreement (HHA) and the additional 16ft right of way from 66ft back to 50ft. [Jackson]: Council forwarded the item to the D&S Committee. ACTION: ADMINISTRATION, PLANNING**
- 9. Adjournment:** Council adjourned at 8:15 p.m.