

RICHLAND COUNTY GOVERNMENT



Office of the County Administrator

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

September 6, 2011

6:00 p.m.

Call to Order: Livingston

Invocation: Kennedy

Pledge of Allegiance: Kennedy

Approval of Minutes

- a. Zoning Public Hearing: July 26, 2011:** Approved as published.

Adoption of the Agenda: A report regarding the leases at Decker Mall was added to the agenda. The agenda was adopted as amended.

Report of the County Attorney

- a. Splash vs. Richland County**
- b. FN Manufacturing vs. Richland County**
- c. McEntire vs. Richland County**
- d. Potential Claim – Legal Advice**
- e. Lexington-Richland School District Five – Legal Advice**
- f. Jackson Creek Mitigation Program**
- g. Personnel Matter**
- h. Employee Grievances**

Citizens' Input: Two people spoke.

Report of the County Administrator

- a. **Employee Grievances – 2 [ACTION]:** After discussing the item in Executive Session, Council voted to uphold the Administrator's recommendation. **ACTION: ADMINISTRATION, HUMAN RESOURCES**
- b. **Caughman Property:** Mr. Pope informed Council that this item will appear on the September A&F Committee agenda, and will include the draft contract for purchase. **ACTION: ADMINISTRATION, LEGAL**
- c. **Community Development National Award:** Mr. Pope stated that the Richland County Community Development Department has been selected as a recipient of the 2011 John A. Sasso Community Development Week Award. The national award recognizes communities that exemplify the spirit of the Community Development Block Grant (CDBG) program by showcasing its good works through the activities and events during National Community Development Week. The award was presented during the National Community Development Association's Annual Conference on Friday, June 24, 2011 in Cincinnati, Ohio. Richland County is one of nine recipients in the United States.
- d. **SCE&G Right-of-Way [ACTION]:** Council directed the Administrator to forward a letter of intervention to the Public Service Commission prior to the deadline. **ACTION: ADMINISTRATION**
- e. **Development Review Process:** Mr. Hammett stated that the Development Review Process Analysis Executive Summary was emailed to Council. Staff are in the process of finalizing the full report. The mission of the Task Force was to completely revamp the Richland County development review process. The completion of the study was the first major step in what will likely be an 18-month process. A symposium will be held in November with the development community to introduce all of the process changes. The symposium will be the forum for conveying information from completion of many of the recommendations outlined in the report. This will be a major accomplishment and serve as the basis for revamping the development review process. **ACTION: ADMINISTRATION, PLANNING**
- f. **Personnel Matter:** After discussing the item in Executive Session, Council received this item as information.
- g. **Appointment Authority for Assessor's Office [ACTION]:** Mr. Pope stated that he has met with the County's governmental affairs representative to discuss this item, and it was recommended that the item first be presented to the County's Legislative Delegation, and then later

pre-filed. Mr. Cloyd is to be notified of this item, and Council is to be updated as this item progresses through the legislative process. **ACTION: ADMINISTRATION, LEGAL, ASSESSOR**

- h. Jackson Creek Mitigation Program:** After discussing the item in Executive Session, Council directed Administration to proceed with the establishment of the proposed review team, and granted authority to staff to begin discussions with property owners regarding potential agreements. These agreements are to be brought back to Council for approval. **ACTION: ADMINISTRATION, PLANNING, PUBLIC WORKS, LEGAL**

Report of the Clerk of Council

- a. Councilwoman Joyce Dickerson's appointment at the Annual NaCo Conference to the Chair of the Telecommunications and Technology Steering Committee**

Report of the Chairman

- a. 9-11 Monument Funding:** Council approved \$25,000 from Hospitality Tax for the project. **ACTION: ADMINISTRATION, GRANTS, FINANCE**

1. Public Hearings

- a. An Ordinance Amending the FY 11 – 12 General Fund Annual Budget to appropriate \$91,754 of General Fund Undesignated Fund Balance to the Solicitor for Grant Match Funds:** No one spoke.
- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; Subparagraph (G), Reasonable Distance; so as to prohibit smoking within fifteen (15) feet of a door used as an entrance to or exit from an enclosed area where smoking is prohibited:** No one spoke.
- c. An Ordinance Amending the Richland County Code of Ordinances; Chapter 6, Buildings and Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-52, Inspection Required; so as to not require inspection of occupied structures unless there are safety concerns:** No one spoke.

2. Consent Items

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 6, Buildings and Regulations; Article II, Administration;**

Division 3, Permits, Inspection and Certificate of Approval; Section 6-52, Inspection Required; so as to not require inspection of occupied structures unless there are safety concerns [Third Reading]: Council gave third reading approval to the ordinance. **ACTION: BUILDING SERVICES, LEGAL, CLERK OF COUNCIL**

- b. An Ordinance Amending the FY 11 – 12 General Fund Annual Budget to appropriate \$91,754 of General Fund Undesignated Fund Balance to the Solicitor for Grant Match Funds [Third Reading]:** Council gave third reading approval to the budget amendment ordinance. **ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL, FINANCE, SOLICITOR, GRANTS**
- c. 11-08 MA, Larry H. Sharp, RU to RC (3.26 acres), TMS# 10100-05-01/02, 8308 Winnsboro Road [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- d. 11-09 MA, Joseph E. Sharp, RU to RC (3.49 acres), TMS# 09900-03-04/05, 8105 Winnsboro Road [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- e. 11-10 MA, Vulcan Lands, Inc., RU to HI (292.43 acres), TMS# 06500-01-03 & 06500-01-11(p), Caughman Road [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- f. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; so as to add a new section that permits private road subdivisions in the RU (Rural) Zoning Districts [Second Reading]:** Council gave second reading approval to the text amendment ordinance, based on the Planning Commission's recommendation of approval with a 66' right-of-way rather than a 50' right-of-way. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- g. An Ordinance Amending the Fiscal Year 2011 – 2012 General Fund Annual Budget to appropriate \$44,250 of General Fund Undesignated Fund Balance to the Sheriff's Department for the Laboratory Technician position previously funded by grant funds [Second Reading]:** Council gave second reading approval to the ordinance. **ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL, SHERIFF'S DEPARTMENT, GRANTS, FINANCE**

- iv. **Building Codes Board of Adjustments and Appeals – 3 [No applications]:** Readvertise. **ACTION: CLERK OF COUNCIL**
 - v. **Business Service Center Appeals Board – 1 [No applications]:** Readvertise. **ACTION: CLERK OF COUNCIL**
 - vi. **Central Midlands Council of Governments – 2 [Hill; Jackson; Judice; Letts; Watson]:** Dr. Hill was appointed. The other position was deferred to the September 20 meeting. **ACTION: CLERK OF COUNCIL**
 - vii. **Community Relations Council – 3 [Coble; Jenkins; Wilson, Jr.]** Jenkins and Wilson, Jr. were appointed. The other position is to be readvertised. **ACTION: CLERK OF COUNCIL**
 - viii. **Internal Audit Committee – 1 [No applications]:** Readvertise. **ACTION: CLERK OF COUNCIL**
 - ix. **Midlands Workforce Development Board – 1 [Lindsay]** Lindsay was appointed. **ACTION: CLERK OF COUNCIL**
 - x. **Music Festival Board – 1 [No applications]:** Readvertise. **ACTION: CLERK OF COUNCIL**
- c. **Discussion from Rules and Appointments Committee**
- i. **Electronic Participation:** The rule is to be added in Council Rules as 1.5 b i. **ACTION: CLERK OF COUNCIL, LEGAL**
 - ii. **Employee Grievance Committee Process:** Remains in Committee. **ACTION: CLERK OF COUNCIL**
6. **Application for locating a Community Residential Care Facility in an Unincorporated Area of Richland County – 429 Rockhaven Drive, Columbia, SC 29223:** The location was denied. **ACTION: ADMINISTRATION**
7. **Decker Mall Ad Hoc Committee:** Council voted to collect the rent as currently charged. If the total rent revenues are greater than the total operational expenses, pro-rated rebates are to be distributed at the end of the lease term. **ACTION: ADMINISTRATION, FINANCE**
8. **Executive Session**
- a. **Splash vs. Richland County:** Council directed the attorney to proceed as discussed in Executive Session. **ACTION: LEGAL**

- b. **FN Manufacturing vs. Richland County:** Council directed the attorney to proceed as discussed in Executive Session. **ACTION: LEGAL**
- c. **McEntire vs. Richland County:** Council directed the attorney to proceed as discussed in Executive Session. **ACTION: LEGAL**
- d. **Potential Claim – Legal Advice:** Received as information.
- e. **Lexington-Richland School District Five – Legal Advice:** Council directed staff to place the item on the next Planning Commission agenda. **ACTION: ADMINISTRATION, PLANNING**
- f. **Jackson Creek Mitigation Program:** Council directed Administration to proceed with the establishment of the proposed review team, and granted authority to staff to begin discussions with property owners regarding potential agreements. These agreements are to be brought back to Council for approval. **ACTION: ADMINISTRATION, PLANNING, PUBLIC WORKS, LEGAL**
- g. **Employee Grievances:** Council voted to uphold the Administrator’s recommendation. **ACTION: ADMINISTRATION, HUMAN RESOURCES**
- h. **Personnel Matter:** Received as information.

9. **Motion Period**

- a. **To review Richland County’s plan for responding to a natural disaster or emergency such as a flood, earthquake, hurricane, etc.** [Rose]: Forwarded to the D&S Committee. **ACTION: ADMINISTRATION, EMERGENCY SERVICES**
- b. **I move that we get nice shirts like I see other County Council members wear at SCAC.** [Manning]: Forwarded to the A&F Committee. **ACTION: ADMINISTRATION, CLERK OF COUNCIL**
- c. **I move that Council hires an Independent Internal Auditor.** **RATIONALE –** The instructor for the Level II class on Financial Management for the Institute of Government for County Officials held in conjunction with the South Carolina Association of Counties’ 44th Annual Conference stated that every County should have an Internal Auditor. Richland County does not have one. Furthermore, notes from a 2005 Richland County Internal Audit Committee lists 15 “potential IA projects.” My understanding is that item #3 and items #4 have had audits completed. However, I am greatly concerned about two items in particular that in 2005 (over 6 years ago) were

identified as “a high risk area for potential fraud and/or abuse.” These items are still some way on down the “list.” Item #7 on the list for consideration for internal auditing is Procurement Audit. The corresponding information for this item reads as follows: Within any county government, procurement is a high risk area for potential fraud and abuse. Periodic audits of procurement transactions can help reduce the likelihood of fraud. After Richland County implements procurement cards, the potential risk will increase. Item #8 on the list is Timekeeping Audit. The corresponding information for this item reads as follows: Fraud related to timekeeping is also a potential concern for county government. Controls over timekeeping have improved in Richland County since 2001, however there is still potential for abuse. [Manning]: Forwarded to the A&F Committee.
ACTION: ADMINISTRATION

- d. **Motion for a Resolution in honor of Mrs. Donella Brown Wilson and her extraordinary life. [Rose]: Approved. ACTION: CLERK OF COUNCIL**
- e. **Motion for a Resolution in support of Trinity Baptist Church, a church with historical significance in our community and one celebrating its 90th birthday in September 2011 [Rose]: Approved. ACTION: CLERK OF COUNCIL**
- f. **Motion that Council direct the County Attorney to develop a protocol for outsourcing County legal matters to Richland County law firms. For each area of law the County Attorney is to have a list of competent Richland based law firms in that field and the County legal business is to be given out on a rotational basis working off that particular list designated for each specific area of law. The purpose of this motion is to divvy out the County legal business to competent Richland law firms in the most fair and equitable manner. [Rose, Jeter]: Forwarded to the A&F Committee. ACTION: ADMINISTRATION, LEGAL**
- g. **When speaking during the citizen’s input portion of council meetings, persons currently serving on Richland County Commissions of any kind are not allowed to use their title or the commission name unless they have received unanimous consent from the commission to do so [Malinowski]: Forwarded to the Rules and Appointments Committee. ACTION: CLERK OF COUNCIL**
- h. **Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and**

with specific requirements in place [Malinowski]: Forwarded to the D&S Committee. **ACTION: ADMINISTRATION, PLANNING**

- i. County Council will consider a rule change that states any Special Called Meeting will only have the item(s) the meeting was called for on the agenda. A complete agenda with Administrator, Attorney and Clerk of Council report will not be required nor will approval of previous meeting minutes or any citizen's input be on the agenda unless it relates to the matter the meeting is called for [Malinowski]:** Forwarded to the Rules and Appointments Committee. **ACTION: CLERK OF COUNCIL**
 - j. Council will have specific language relating to CMRTA board appointees stating that at least one citizen appointee will be from the unincorporated portion of Richland County and at least one county council appointee will have a majority of unincorporated Richland County in their District [Malinowski]:** This language will be included in the IGA. **ACTION: ADMINISTRATION, LEGAL**
 - k. To have staff determine the legalities of an ordinance change that would allow for public/private business partnerships to be operated on school property, specifically in the sports medicine field, and create the necessary wording [Malinowski]:** Forwarded to the D&S Committee. **ACTION: ADMINISTRATION, LEGAL**
 - l. Overtime compensation shall not be calculated towards retirement salary [Jackson]:** Forwarded to the D&S Committee. **ACTION: ADMINISTRATION, HUMAN RESOURCES**
 - m. Reform the Hospitality Tax policies. Example, priorities to County projects, rank projects on tourism impact etc. [Jackson]:** This item will be discussed in the ongoing revisions process regarding the Hospitality Tax policies. **ACTION: ADMINISTRATION**
 - n. Motion for a Resolution in honor of Bishop C. M. Bailey. [Rose]:** Approved. **ACTION: CLERK OF COUNCIL**
- 10. Adjournment:** Council adjourned at 10:30 p.m.