

# **RICHLAND COUNTY GOVERNMENT**



## **Office of the County Administrator**

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

**October 4, 2011**

**6:00 p.m.**

**Call to Order:** Pearce (Mr. Livingston and Mr. Jeter were out of the country.)

**Invocation:** Jackson

**Pledge of Allegiance:** Jackson

#### **Presentation of Resolutions**

- a. **Gadsden Elementary – National Blue Ribbon School [Washington]**
- b. **National Community Planning Month Proclamation [Rutherford]**

#### **Approval of Minutes**

- a. **Regular Session: September 20, 2011:** Approved as published.
- b. **Zoning Public Hearing: September 27, 2011:** Approved as published.

**Adoption of the Agenda:** Adopted as amended.

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

- a. **Potential Claim Update**
- b. **Department of Justice Update:** Mr. Smith stated that the Department of Justice has received the proposed redistricting plan, and has 60 days (November 28, 2011) to approve or send questions.
- c. **SOB Update**
- d. **Project Atlas**
- e. **Project Cyrus**

**f. Employee Grievances [4]**

**Executive Session**

- a. Project Atlas:** Received as information.
- b. Project Cyrus:** Received as information.

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

**Report of the County Administrator**

- a. Smoking Ban Report – 3<sup>rd</sup> Quarter 2011:** Mr. Pope stated that no complaints had been received.
- b. Adult Services Report:** Per a Council directive, a report from the COG and Richland County Recreation Commission regarding adult services is included in the agenda packets for review. Reports will be provided quarterly.
- c. Eastover Water – Sewer Negotiations:** Mr. Pope stated that he will meet with Town officials next week, and will report back afterwards to Council. **ACTION: ADMINISTRATION**
- d. Business Services Reform Task Force Update:** Mr. Pope stated that the group has met twice thus far, and will hold a public forum on October 17.
- e. Update from Legislative Delegation Meeting:** Mr. Pope stated that the Richland County Legislation Delegation met last week, and that several council members participated. The Assessor's legislation item was discussed, and is to be pre-filed in the fall. Mr. Pope will keep Council updated as this item progresses through the legislative process.
- f. Employee Grievances (4) [ACTION]:** After the second Executive Session at the end of the agenda, Council upheld the Administrator's recommendations. **ACTION: ADMINISTRATION, HUMAN RESOURCES**

**Report of the Clerk of Council:** The Clerk of Council shared invitations.

**Report of the Chairman:** Mr. Pearce recognized Ms. Dickerson for appearing in the NACo publication.

**1. Public Hearings**

- a. 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: No one spoke.**
- b. An Ordinance Amending the Fiscal Year 2011 – 2012 General Fund Annual Budget to appropriate \$71,250 of General Fund Undesignated Fund Balance to the Sheriff’s Department for two Deputy Sheriff’s Motorcycle Safety Education and Enforcement positions previously funded by grant funds: No one spoke.**

**2. Consent Items**

- a. 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 [Third Reading]: Council gave third reading approval to the ordinance. ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL, SHERIFF’S DEPARTMENT, GRANTS, FINANCE**
- b. An Ordinance Amending the Fiscal Year 2011 – 2012 General Fund Annual Budget to appropriate \$71,250 of General Fund Undesignated Fund Balance to the Sheriff’s Department for two Deputy Sheriff’s Motorcycle Safety Education and Enforcement positions previously funded by grant funds [Third Reading]: Council gave third reading approval to the ordinance. ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL, SHERIFF’S DEPARTMENT, GRANTS, FINANCE**
- c. An Ordinance amending Section 12 of the Fiscal Year 2011 – 2012 Annual Budget Ordinance (Administrative Service Fee) [Second Reading]: Council gave second reading approval to the ordinance. ACTION: ADMINISTRATION, CLERK OF COUNCIL, LEGAL, SHERIFF’S DEPARTMENT, FINANCE**
- d. 11-11 MA, Dan Douglas/Kenneth D. Richardson, RU to GC (2.50 acres), TMS# 01506-01-08, Highway 76 [Second Reading]: Council gave second reading approval to the map amendment ordinance. ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- e. 11-12 MA, Edward Holcombe, PDD to GC (2.26 acres), TMS# 02505-02-09/14, 1016 Rauch Metz Road [Second Reading]: Council gave**

second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**

- f. **11-13 MA, Fred Gantt, III, RM-MD to LI (4.4 acres), TMS# 11115-01-01/02/03/04/05/06/07, Simmons Street [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- g. **11-16 MA, Margaret Smith, RM-HD to NC (0.414 acres), TMS# 14215-09-08, 6624 Shakespeare Road [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- h. **11-17 MA, Josh Williamson/Margaret Grimsley, RM-MD to GC (1.0 acres), TMS# 11115-05-05(p), 1840 Bluff Road [Second Reading]:** Council gave second reading approval to the map amendment ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- i. **[Removed from Consent] An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-173, Off-Street Parking Standards; Subsection (D), Design of Parking Areas; Paragraph (4), Accessible Spaces; so as to comply with ADA Access Requirements [Second Reading]:** Council gave second reading approval to the amended ordinance. **ACTION: PLANNING, CLERK OF COUNCIL, LEGAL**
- j. **Valhalla Micro Surfacing Project:** Council approved awarding the contract to Roadway Management Inc. in the amount of \$246,205.45. **ACTION: PUBLIC WORKS, PROCUREMENT, FINANCE**
- k. **North Paving Project – Wade Kelly Road Right of Way:** Council approved the request to pay the appraised amounts for the right of way for Wade Kelly Road in the amount of \$4,000. **ACTION: PUBLIC WORKS, LEGAL, FINANCE, PROCUREMENT**
- l. **Condemnation of Private Property for Use as a Drainage Easement:** Council approved staff's request to condemn the private property adjacent to Beaver Dam Road (TMS #22708-04-11) contingent on the following: Staff is to send a letter to the landowner giving the landowner a specified amount of time to accept the County's proposal of installing a curb inlet at the road and pipe down to an existing junction box on the landowners property. If the landowner does not accept the County's proposal, the County will proceed with the condemnation process and condemn 403 SF of the landowner's property adjacent to Beaver Dam Road for \$100. **ACTION: PUBLIC WORKS, LEGAL, FINANCE**

- m. **[Removed from Consent] Franklin Park and Albene Park Water Systems:** Council approved staff to negotiate the permanent transfer of the Franklin Park and Albene Park water systems to the County with the following contingencies: a) Council appropriately address the Hopkins system non-conformity to the Council approved unified user rate in 2009 and b) ensure that appropriate language is included with any agreement between Richland County and DHEC that would protect the County from any financial burden or unnecessary expense associated with closing the existing systems covered under the receivership agreement as the new County system comes on line. Staff is to bring the item back to Council for final approval. **ACTION: UTILITIES, LEGAL, FINANCE**
  
- n. **Petition to close Road / Portion of Beckham Swamp Road – Consent Order:** Council approved the petitioner’s request to close a portion of Beckham Swamp Road and directed Legal to execute the proposed Consent Order. **ACTION: PUBLIC WORKS, LEGAL**
  
- o. **Annual Renewal of the Fleet Maintenance and Repair Contract:** Council approved the request to renew the contract with First Vehicle Services to provide for the maintenance and repair of County Fleet vehicles and equipment through 2012. **ACTION: PUBLIC WORKS, PROCUREMENT, FINANCE**
  
- p. **[Removed from Consent] Automatic Vehicle Locations Systems – Sheriff’s Department:** Council previously approved \$300,000, which was the full amount requested by the Sheriff’s Department, during the FY12 budget process. As for the additional request of \$325,203, Council approved \$100,000 be used from the FY11 Sheriff’s Department vehicle bond and the remaining \$225,203 be provided through the FY12 Sheriff’s Department vehicle bond. FY 12 funding (\$225,203) is to be re-appropriated in the Sheriff’s FY 13 budget. **ACTION: SHERIFF’S DEPARTMENT, PROCUREMENT, FINANCE**
  
- q. **C&D Disposal Services Contract:** Council approved staff’s recommendation to negotiate and award a one year contract to Loveless and Loveless at \$8.25 per ton. No contract will be awarded that exceeds the approved FY 12 budget for these services. **ACTION: SOLID WASTE, PROCUREMENT, FINANCE**
  
- r. **[Removed from Consent] Construction Services / Airport Tree Obstruction Removal – Cherokee Inc. Contract:** Council approved the request to authorize executing a contract with Cherokee Incorporated for Airspace Tree Obstruction Removal construction phase services in the amount of \$268,750. **ACTION: AIRPORT, PROCUREMENT, FINANCE**

- s. **[Removed from Consent] Professional Services / Airport Tree Obstruction Removal – LPA Group:** Council approved the request to authorize executing a contract with the LPA Group for Airspace Tree Obstruction Removal construction phase professional services in the amount of \$82,650. **ACTION: AIRPORT, PROCUREMENT, FINANCE**
- t. **HUD Grant for Neighborhood Improvement:** Council approved accepting a HUD grant for the Neighborhood Improvement Program that, if awarded, will fund the Hopkins Strategic Community Master Plan. **ACTION: PLANNING, NEIGHBORHOOD IMPROVEMENT, GRANTS, FINANCE**
- u. **Emergency Services Radio Purchase:** Council approved the purchase of radios from Motorola in the amount of \$258,885.43. **ACTION: EMERGENCY SERVICES, PROCUREMENT, FINANCE**
- v. **[Removed from Consent] Emergency Supplies and Equipment Purchase Orders:** Council approved the purchase orders including the award to South Eastern Medical for \$131,439.60. **ACTION: EMERGENCY SERVICES, PROCUREMENT, FINANCE**
- w. **Transfer of Position from Dentsville Magistrate to Administrative Magistrate:** Council approved the request to transfer a Summary Court Law Clerk position from the Dentsville Magistrate to the Administrative Magistrate. **ACTION: ADMINISTRATIVE MAGISTRATE, FINANCE, HUMAN RESOURCES**
- x. **[Removed from Consent] Lobbyists’ Interaction with Council on Certain Matters:** Council directed staff to write a policy directing any Lobbying Firm employed by the County do a conflict check prior to providing information to Council on any matter not pertaining to the firm’s lobbying efforts for the County. **ACTION: LEGAL**
- y. **[Removed from Consent] Increase Detention Center Officers’ Starting Salaries:** Council directed staff to conduct a County-wide compensation study to include all County employees. County Administration will attempt to identify funding in FY 12 to complete the study and have the results available for the FY 13 budget process. The compensation study should be completed within 90 days from issuance of the Notice to Proceed (NTP). **ACTION: ADMINISTRATION, PROCUREMENT, HUMAN RESOURCES, FINANCE**

**3. Third Reading Items**

- a. An Ordinance authorizing the levying of Ad Valorem Property Taxes, which, together with the prior year's carryover and other state levies and any additional amount appropriated by the Richland County Council prior to July 1, 2011, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2011 through June 30, 2012:** Council gave third reading approval to the ordinance as amended. The vote to reconsider failed. **ACTION: AUDITOR, ASSESSOR, TREASURER, FINANCE, LEGAL, CLERK OF COUNCIL**
- b. 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 [Third Reading]:** Council deferred this item to the October 18, 2011 Council Meeting. **ACTION: ADMINISTRATION, PLANNING, CLERK OF COUNCIL, LEGAL, PUBLIC WORKS**

**4. Second Reading Items**

- a. An Ordinance authorizing certain economic incentives, including payment of a Fee in Lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and Project Atlas, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended; and other related matters:** Council gave second reading approval to the ordinance. **ACTION: ADMINISTRATION, ECONOMIC DEVELOPMENT, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, FINANCE**
- b. Authorizing an amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina, and Fairfield County, South Carolina, to expand the boundaries of the park to include certain real property located in Richland County, and related matters:** Council gave second reading approval to the ordinance. **ACTION: ADMINISTRATION, ECONOMIC DEVELOPMENT, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, FINANCE**

**5. Report of the Development and Services Committee**

- a. Low Traffic Volume Road Paving Program:** Council deferred this item to the November 1, 2011 Council Meeting. **ACTION:**

**ADMINISTRATION, CLERK OF COUNCIL, PUBLIC WORKS,  
PROCUREMENT, FINANCE**

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

- a. **An Ordinance Amending the Fiscal Year 2011 – 2012 Neighborhood Improvement and Community Development Fund Annual Budgets to appropriate \$48,641 of Neighborhood Improvement Undesignated Fund Balance for transfer to the Community Development Fund for the CDBG and HOME administrative shortfall [First Reading]:** Council gave first reading approval to the request to transfer \$48,641 from Neighborhood Improvement to the Community Development Department. **ACTION: COMMUNITY DEVELOPMENT, PLANNING, NEIGHBORHOOD IMPROVEMENT, FINANCE, LEGAL, CLERK OF COUNCIL**
- b. **Caughman Creek Property Purchase Agreement:** Council approved the contract for purchase. The vote to reconsider failed. **ACTION: LEGAL, ADMINISTRATION**

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

- a. **Project Cyrus – Inducement Resolution:** Council approved the Inducement Resolution. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**
- b. **Project Cyrus – Ordinance Authorizing a Fee in Lieu of Tax Agreement between Richland County and Project Cyrus [First Reading]:** Council gave first reading approval to the ordinance. **ACTION: ADMINISTRATION, LEGAL, CLERK OF COUNCIL, ASSESSOR, AUDITOR, TREASURER, ECONOMIC DEVELOPMENT, FINANCE**

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

- a. **Notification of Appointments**
  - i. **Accommodations Tax Committee – 2:** Re-advertise. **ACTION: CLERK OF COUNCIL**
  - ii. **Appearance Commission – 2:** Re-advertise. **ACTION: CLERK OF COUNCIL**
  - iii. **Board of Assessment Control – 1:** Re-advertise. **ACTION: CLERK OF COUNCIL**

- iv. **Board of Zoning Adjustments and Appeals – 4:** Re-advertise. **ACTION: CLERK OF COUNCIL**
- v. **Building Codes Board of Adjustments and Appeals – 3:** Re-advertise. **ACTION: CLERK OF COUNCIL**
- vi. **Business Service Center Appeals Board – 1:** Re-advertise. **ACTION: CLERK OF COUNCIL**
- vii. **Community Relations Council – 1:** Watson was appointed. **ACTION: CLERK OF COUNCIL**
- viii. **Hospitality Tax Committee – 1:** Sumter was appointed. **ACTION: CLERK OF COUNCIL**
- ix. **Internal Audit Committee – 1:** Re-advertise. **ACTION: CLERK OF COUNCIL**
- x. **Music Festival Board – 2:** Re-advertise. **ACTION: CLERK OF COUNCIL**

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

- i. **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]:** Council approved the rule change. **ACTION: CLERK OF COUNCIL, LEGAL**
- ii. **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]:** This item remains in Committee. **ACTION: CLERK OF COUNCIL, LEGAL**
- iii. **CMRTA Appointments:** Richland County has three (3) appointments to the re-formulated CMRTA Board. One (1) Council member will be appointed. The Council member must have a majority of unincorporated area in his/her district. Two (2) citizen members from an unincorporated area of Richland County

will be appointed. Council members are to submit names for potential board members to the Clerk of Council's Office. The three appointments will be voted on at the October 18, 2011 Council Meeting. **ACTION: CLERK OF COUNCIL**

9. **Report of the Decker Center Space Allocation Committee:** Council approved the request to authorize the Boudreaux Group and Richland County Government (Procurement, Support Services, Administration and departments that have a stake in the design and remodeling) to negotiate the redesign, renovation and retrofitting of Decker Center to make it as energy efficient as possible, and to conform to preexisting space to accommodate associated workflows within a predetermined structural footprint, and return to Council for approval of award of a contract. Council also approved the authority to negotiate further with the next highest qualified, if negotiations with the Boudreaux Group are unsuccessful, until a successful negotiation is reached. **ACTION: ADMINISTRATION, PROCUREMENT, SUPPORT SERVICES, INFORMATION TECHNOLOGY, FINANCE**
10. **Citizen's Input:** One person spoke.
11. **Executive Session**
  - a. **Potential Claim Update:** Received as information.
  - b. **SOB Update:** Received as information.
  - c. **Employee Grievances [4]:** Council upheld the Administrator's recommendations. **ACTION: ADMINISTRATION, HUMAN RESOURCES**
12. **Motion Period**
  - a. **Resolutions honoring Judge William Womble, Judge Clevette Hudnell, and Judge Samuel Peay on their retirement and service to Richland County [Livingston]:** Approved. **ACTION: CLERK OF COUNCIL**
  - b. **Reexamine the Business License Fee, especially the Interstate Tax, to promote business recruitment to be competitive in the region. [Jackson]:** This item was forwarded to the Business Services Reform Task Force. Recommendations from this group will be forwarded to Council for review and action. **ACTION: ADMINISTRATION**
  - c. **Review the process of the DRT and the effect of it going through the Planning Commission as it did in the past for more transparency and giving the public and Council members more awareness of what is**

**really happening in their district. [Jackson]:** Referred to the D&S Committee. **ACTION: ADMINISTRATION, PLANNING**

- d. That only vehicles registered as commercial vehicles will pay the commercial fee as it relates to the CMRTA fee. [Malinowski]:** Referred to the A&F Committee. **ACTION: ADMINISTRATION, PLANNING**

**13. Adjournment:** Council adjourned at 8:38 p.m.