

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 9, 2010 6:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT:

Chair	Paul Livingston
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington
Absent	Damon Jeter

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Daniel Driggers, Anna Almeida, Jim Wilson, Quinton Epps, Dale Welch, Andy Metts, Ray Peterson, David Chambers, Valeria Jackson, John Hixson, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the
Honorable Valerie Hutchinson and Boy Scout Michael Smith

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized Councilman-elect Seth Rose was in the audience.

APPROVAL OF MINUTES

Regular Session: October 19, 2010 – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: October 26, 2010 – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Ms. Hutchison, to adopt the agenda as distributed. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Morales vs. Richland County**
- b. **DHEC**

CITIZENS' INPUT

(For Items on the Agenda Not Requiring a Public Hearing)

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

FEMA—Class 8 National Flood Insurance Program – Mr. Pope stated that FEMA had determined that Richland County will increase to a Class 8 in the National Flood Insurance Program Community Rating System. The floodplain management activities implemented by Richland County qualified it for a 10% discount in premium cost of flood insurance for NFIP policies issued or renewed in Special Flood Hazard Areas on or after October 1, 2010. The Community Rating System for Richland County will automatically renew annually if there are no NFIP noncompliance actions.

Mitigation Program – Mr. Pope requested that Item #12 be removed from the consent agenda in order for Council to receive additional information from staff.

REPORT OF THE CLERK OF COUNCIL

Richland's International Flavors on Decker – Ms. Finch stated Richland's International Flavors on Decker will be held November 13th; Parade—9 a.m. and Festival—10 a.m.-6 p.m.

REPORT OF THE CHAIRMAN

No report was given.

PRESENTATION

Farm City Proclamation – Ms. Hutchinson presented Mary Jane Henderson with a proclamation in honor of Farm City Week.

OPEN/CLOSE PUBLIC HEARINGS

- **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 signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; "Institutional, Educational, and Civic Uses" of Table 26-V-2.; and Article VI, Supplemental Use Standards; 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]**
- **Construction Services Phase II Security Enhancements Jim Hamilton LB Owens Airport**
- **Professional Services Work Authorization Jim Hamilton LB Owens Airport**
- **Brown Conservation Easement Donation**
- **Hopkins Conservation Easement Donation**
- **Mullis Conservation Easement Donation**
- **Nicholson Conservation Donation**
- **Troutman-Ganus Conservation Easement Donation**
- **Budget Transfer from Decker Blvd. S&B to Booker Heights Infrastructure**
- **EMS/MC Billing and Collecting Fee—EMS Patients**
- **Hospitality Tax—Round Two Funding Recommendations**

Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve the consent items. The vote in favor was unanimous.

THIRD READING

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 – Mr. Washington moved, seconded by Mr. Jackson, to approve this item. The vote was in favor.

FIRST READING

A Budget Amendment to adjust the budgets for Richland County School District One and Richland County Public Library – Ms. Hutchinson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Purchase/Sale of Wetlands around Carolina Bay/Mistletoe Bay (Conservation Banking) – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the committee's recommendation and to forward this item to the 2011 Council Retreat. The vote in favor was unanimous.

Quit Claim, portions of Lake Dogwood Circle – Ms. Dickerson moved, seconded by Ms. Hutchinson, to defer this item to the November 16th Council meeting. The vote in favor was unanimous.

Animal Care Ordinance Amendments – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item to the November 16th Council meeting. The vote in favor was unanimous.

Quit Claim, Laurelwood Lane and Campbell Road – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item to the November 16th Council meeting. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

HUD approved FY10-11 Annual Action Plan – Mr. Malinowski moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote in favor was unanimous.

Motion to hire outside Counsel for Redistricting – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the committee's recommendation. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT

Project Steel – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

a. **Financial System access for Council Members [WASHINGTON]** – Mr. Malinowski stated that the committee recommended approval of this item. The vote was in favor.

b. **To Change Section 18-1 to eliminate the underlined and italicized wording show 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] – Mr. Malinowski stated that the committee recommended First Reading approval of the amended ordinance. The vote in favor was unanimous.

c. **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]** – Mr. Malinowski stated that the committee recommended approval of this item. The vote in favor was unanimous.

d. **Council will schedule at a minimum Quarterly ½ Day Work Sessions 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] – Mr. Malinowski stated that this item was held in committee and the committee requested that Mr. Manning attend the next Rules & Appointments meeting.

- e. **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** – Mr. Malinowski stated that the committee recommended approval of this item. The vote in favor was unanimous.

OTHER ITEMS

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 – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

**CITIZEN'S INPUT
(Must Pertain to Items Not on the Agenda)**

Rev. Payton Wooldredge spoke regarding the bus service.

Mr. Jim Manning spoke regarding Decker Boulevard lighting needs.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:55 p.m. and came out at approximately 7:36 p.m.
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- a. **Morales vs. Richland County** – Ms. Kennedy moved, seconded by Ms. Dickerson, to authorize the settlement of the claim as directed in Executive Session. The vote in favor was unanimous.
- b. **DHEC** – The DHEC Consent Orders were unanimously accepted.

MOTION PERIOD

A motion to amend the ordinance on church signs in rural communities to prevent rezoning [JACKSON] – This item was referred to the D&S Committee.

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] – This item was referred to the D&S Committee.

I make a motion that 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] – This item was referred to the A&F Committee.

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 – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 7:44 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Kit Smith

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley