



Richland County Council

Rules and Appointments November 17, 2015 - 4:00 PM 4th Floor Conference Room

Julie-Ann Dixon	Bill Malinowski (Chair)	Jim Manning
District 9	District 1	District 8

Call to Order

- 1 The Honorable Bill Malinowski

Approval of Minutes

- 2 November 3, 2015 [PAGES 4-6]

Adoption of Agenda

- 3

Discussion

- 4 a. Determine if an act that amended Section 27-2-105, code of laws of South Carolina, 1976, approved in June 2014, is a violation of Home Rule.

Background: The above amended bill gives the state the authority to change county boundaries with no input from the county/counties being affected. This could have a tremendous financial impact on a county by the transfer of millions of dollars of property from one county to another or even changing a county line to put property in a neighboring county to assist with economic incentives for a new business.

I also question why the Richland County Lobbyist did not make Richland County aware of this bill as it proceeded at the state level?



Richland County Council

Currently the Richland County/Lexington County line is being looked into for change and neither county has requested this change or disputed the lines. (See 10-4-15 Tim Flach article in The State for some details). [MALINOWSKI]
[PAGE 7]

b. Direct staff to update Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, Standards; Subsection (B), to address the height of fences and walls when located in the required side and rear yards. Currently there are no standards.
[MALINOWSKI] [PAGES 8-9]

Adjournment



Richland County Council



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RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



RULES AND APPOINTMENTS COMMITTEE

November 3, 2015
4:00 PM
4th Floor Conference Room

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

CALL TO ORDER

Mr. Malinowski called the meeting to order at approximately 4:00 PM

APPROVAL OF MINUTES

October 20, 2015 – Mr. Malinowski moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dixon moved, seconded by Mr. Manning, to adopt the agenda as published. The vote in favor was unanimous.

INTERVIEWS

Board of Zoning Appeals – 1 – Mr. Patrick Pinckney was interviewed.

Mr. Malinowski moved, seconded by Ms. Dixon, to re-advertise for this vacancy. The vote in favor was unanimous.

East Richland Public Service Commission (Applicant must be a resident of Arcadia Lakes) – 1 – Ms. Catherine Schemel Cook was interviewed.

Ms. Dixon moved, seconded by Mr. Malinowski, to recommend appointing Ms. Catherine Schemel Cook to the East Richland Public Service Commission. The vote in favor was unanimous.

Building Codes Board of Appeals – 3 – Mr. Michael Lowman, Mr. Greg Mackie and Mr. Jesse S. Burke were interviewed.

Ms. Dixon moved, seconded by Mr. Malinowski, to re-appoint Mr. Michael Lowman, Mr. Greg Mackie, and Mr. Jesse S. Burke to the Building Codes Board of Appeals. The vote in favor was unanimous.

Committee Members Present

Bill Malinowski, Chair
Julie-Ann Dixon
Jim Manning

Others Present:

Monique McDaniels
Kimberly Roberts
Michelle Onley

NOTIFICATION OF VACANCIES

- a. **Airport Commission - 3**
- b. **Lexington Richland Alcohol and Drug Abuse Council (LRADAC) - 2**
- c. **Accommodations Tax Committee - 2 (1 at-large position and 1 position with a background in the Cultural Industry)**
- d. **Richland Memorial Hospital Board - 2**
- e. **Transportation Penny Advisory Committee - 1 (Unexpired Term)**

Ms. Dixon moved, seconded by Mr. Malinowski, to advertise for these vacancies. The vote in favor was unanimous.

ITEMS FOR ACTION

- a. **Ordinance providing for the appointment of Ex-Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex-officio members to any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex-officio member shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex-officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex-officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] - Mr. Malinowski moved, seconded by Ms. Dixon, to recommend to approve the following language: All Richland County Council members appointed by the Council Chair as liaisons to any board, committee, agency, entity or public body ("public bodies") 1) created by an ordinance of Richland County, 2) funded by Richland County, or 3) whose members are appointed by the governing body of Richland County shall be permitted to attend all meetings of such public bodies, including any executive sessions held by such public bodies. The vote in favor was unanimous.**
- b. **Terms of Service - Eligibility Requirements after Two Consecutive Terms - Mr. Manning stated he felt Sec. 2-327(b) should be amended to read as follows: "Notwithstanding any other provision of this Article, any member serving on a board, commission or committee shall continue ..."**

The committee requested clarification of the executive position and/or executive appointment terms for this section.

Ms. McDaniels stated the Clerk's Office has been approached by one of the boards the Council appoints to about holding appointments open until February to allow individuals currently serving, but who have already served two consecutive terms, to apply for re-appointment.

The committee stated the interview and appointment process needs to be followed.

Ms. Dixon moved, seconded by Mr. Manning, to defer until January. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 4:57 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

Session 120 - (2013-2014)

S*0988 (Rat #0282, Act #0262 of 2014) General Bill, By Cromer

Similar (H 4579)

Summary: Geodetic survey

AN ACT TO AMEND SECTION 27-2-105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF THE SOUTH CAROLINA GEODETIC SURVEY (SCGS) WITH RESPECT TO DETERMINING COUNTY BOUNDARIES, SO AS TO AUTHORIZE THE SCGS TO CLARIFY COUNTY BOUNDARIES AND MEDIATE BOUNDARY DISPUTES BETWEEN COUNTIES BY PROVIDING A PROCEDURE ALLOWING THE SCGS ADMINISTRATIVELY TO ADJUST COUNTY BOUNDARIES, TO PROVIDE THE PROCEDURES INCLUDING NOTICE THAT SCGS MUST FOLLOW IN MAKING SUCH ADJUSTMENTS, TO PROVIDE THAT AFFECTED PARTIES MAY FILE A REQUEST FOR A CONTESTED CASE ON THESE ADJUSTMENTS TO THE ADMINISTRATIVE LAW COURT, PROVIDE THE TIME WITHIN WHICH SUCH A REQUEST MUST BE FILED, AND PROVIDE FOR FURTHER APPEALS, TO PROVIDE THE METHOD OF DETERMINING THE EFFECTIVE DATE OF THESE ADMINISTRATIVE COUNTY BOUNDARY ADJUSTMENTS AND THE NOTICE REQUIREMENTS FOR THESE ADJUSTMENTS TO BE EFFECTIVE, AND TO PROVIDE THAT NOTHING CONTAINED IN THIS ADMINISTRATIVE PROCESS RESTRICTS THE AUTHORITY OF THE GENERAL ASSEMBLY BY LEGISLATIVE ENACTMENT TO ADJUST OR OTHERWISE CLARIFY COUNTY BOUNDARIES BY LEGISLATIVE ENACTMENT. - ratified title

02/04/14	Senate	Introduced and read first time (Senate Journal-page 9)
02/04/14	Senate	Referred to Committee on Judiciary (Senate Journal-page 9)
02/11/14	Senate	Referred to Subcommittee: Hutto (ch), S.Martin, Gregory, Thurmond
04/16/14	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 7)
04/17/14		Scrivener's error corrected
04/29/14	Senate	Committee Amendment Adopted (Senate Journal-page 31)
04/29/14	Senate	Read second time (Senate Journal-page 31)
04/29/14	Senate	Roll call Ayes-40 Nays-0 (Senate Journal-page 31)
04/30/14	Senate	Read third time and sent to House (Senate Journal-page 38)
04/30/14	House	Introduced and read first time (House Journal-page 87)
04/30/14	House	Referred to Committee on Judiciary (House Journal-page 87)
04/30/14		Scrivener's error corrected
05/20/14	House	Recalled from Committee on Judiciary (House Journal-page 69)
05/28/14	House	Amended (House Journal-page 25)
05/28/14	House	Read second time (House Journal-page 25)
05/28/14	House	Roll call Yeas-109 Nays-0 (House Journal-page 26)
05/29/14	House	Read third time and returned to Senate with amendments (House Journal-page 22)
06/03/14	Senate	Concurred in House amendment and enrolled (Senate Journal-page 60)
06/03/14	Senate	Roll call Ayes-39 Nays-0 (Senate Journal-page 60)
06/05/14		Ratified R 282
06/09/14		Signed By Governor
06/13/14		Effective date 06/09/14
06/26/14		Act No. 262

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-172, DENSITY AND DIMENSIONAL STANDARDS; SUBSECTION (B), REQUIRED SETBACKS; ALLOWABLE ENCROACHMENT INTO REQUIRED SETBACKS; PARAGRAPH (5), PROJECTIONS INTO REQUIRED YARDS; SUBPARAGRAPH C., SCREENING OR RETAINING WALLS AND FENCES; SO AS ALLOW FENCES AND WALLS NOT OVER SEVEN (7) FEET IN HEIGHT IN SIDE AND REAR YARDS.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-172, Density and Dimensional Standards; Subsection (b), Required setbacks; allowable encroachment into required setbacks; Paragraph (5), Projections into required yards; Subparagraph c., Screening or retaining walls and fences; is hereby amended to read as follows:

- c. *Screening or retaining walls and fences.* Screening or retaining walls and fences may be permitted in a required yard upon the determination of the planning department that the fence or wall:
 - 1. Does not impede site vision clearance for driveways or roads.
 - 2. Does not include gates that swing outward into sidewalks or public rights-of-way.
 - 3. Front yard fences may not exceed four (4) feet in height.
 - 4. Fences and walls shall not exceed seven (7) feet in height when located in the required side and rear yards.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE ____ DAY

OF _____, 2015.

S. Monique McDaniels
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Public Hearing:
Second Reading:
Third Reading: