



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION AGENDA**

**NOVEMBER 5, 2013  
6:00 PM**

**CALL TO ORDER THE HONORABLE KELVIN E. WASHINGTON, SR., CHAIR**

**INVOCATION THE HONORABLE KELVIN E. WASHINGTON, SR.**

**PLEDGE OF ALLEGIANCE THE HONORABLE KELVIN E. WASHINGTON, SR.**

**Approval Of Minutes**

1. a. Regular Session: October 15, 2013 [PAGES 11-17]
- b. Zoning Public Hearing: October 22, 2013 [PAGES 18-23]

**Adoption Of The Agenda**

**Report Of The Attorney For Executive Session Items**

2. a. City of Columbia Election Fees
- b. Act 388 Litigation

**Citizen's Input**

3. For Items on the Agenda Not Requiring a Public Hearing

**Report Of The County Administrator**

4. a. Update on the Village at Sandhills
- b. Results of Bond Sale

**Report Of The Clerk Of Council**

5. a. Retreat Location

- b. Columbia Urban League Dinner, November 7th, 6:00 PM, Columbia Metropolitan Convention Center
- c. 9th Annual Korean Fall Festival, November 9th, 11:00 AM-8:00 PM, Korean Community Church, 1412 Richland Street
- d. Lower Richland Veteran's Day Parade, November 9th, 11:00 AM, Lower Richland Boulevard & Black Swamp Road
- e. Korean Era Veterans Recognition Ceremony, November 13th, 1:00 PM, Township Auditorium

## **Report Of The Chairman**

### **Open/Close Public Hearings**

- 6.
  - a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; so as to create a new section to handle roadway improvements in the Town of Irmo, South Carolina; and Amending Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-6(A); so as to accommodate the new section
  - b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; so as to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the "Property Maintenance" Division rather than the "Unsafe Housing" Division
  - c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4, Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-66, so as to delete the requirement of Craftsmen Qualification Cards
  - d. An Ordinance Authorizing an Easement to School District 5 of Lexington and Richland Counties for a Sanitary Sewer Line across land owned by Richland County; specifically a portion of TMS # 03300-01-06
  - e. An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$100,000 of Hospitality Tax Unassigned Fund Balance for the EdVenture—Next Exhibit Capital
  - f. An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article I, In General; and Article II, Collection and Disposal; Section 12-12, Definitions, and Section 12-16, Conditions for Residential and Small Business Solid Waste Collection-Yard Trash and Other Household Articles; so as to remove reference to "Franchise" and so as to require trash to be bagged in a phased-in manner
  - g. An Ordinance Amending the Fiscal Year 2013-2014 Transportation Tax Fund Budget to add one full time position
  - h. Resolution in Support of Bonds for Affordable Housing Project

- i. Adoption of Support Resolution Regarding Not Exceeding \$100,000,000 SC JEDA Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the "Bonds")

## **Approval Of Consent Items**

7. An Ordinance Authorizing an Easement to School District 5 of Lexington and Richland Counties for a Sanitary Sewer Line across land owned by Richland County; specifically a portion of TMS # 03300-01-06 [**THIRD READING**] [**PAGES 29-34**]
8. An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; so as to create a new section to handle roadway improvements in the Town of Irmo, South Carolina; and Amending Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-6(A); so as to accommodate the new section [**THIRD READING**] [**PAGES 35-53**]
9. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; so as to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the "Property Maintenance" Division rather than the "Unsafe Housing" Division [**THIRD READING**] [**PAGES 54-61**]
10. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4, Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-66, so as to delete the requirement of Craftsmen Qualification Cards [**THIRD READING**] [**PAGES 62-66**]
11. 13-28MA  
John Kilmartin  
M-1 to RU (14.01 Acres)  
Broad River Road  
02600-09-05(p) [**SECOND READING**] [**PAGES 67-70**]
12. 13-31MA  
Ron Johnson  
RU to RS-LD (25.54 Acres)  
Longtown Road West  
17613-02-08(p) [**SECOND READING**] [**PAGES 71-73**]
13. 13-33MA  
Carolyn Peake  
RU to GC (4.097 Acres)  
10931 & 10901 Two Notch Road  
29000-01-01/05 & 29004-01-02 [**SECOND READING**] [**PAGES 74-75**]
14. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-21, Rules of Construction Information; Subsection (b), General Rules of Construction; Paragraph (9), Contiguous [**SECOND READING**] [**PAGES 76-78**]
15. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land

Development; Article V, Zoning Districts and District Standards; Section 26-151, Permitted Uses with Special Requirements; so as to delete manufactured home parks from the M-1 Zoning District **[SECOND READING] [PAGES 79-81]**

16. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (26) Special Congregate Facilities; so as to provide additional requirements for same **[SECOND READING] [PAGES 82-85]**
17. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; so as to reference the 2012 Edition of the International Building Code **[FIRST READING] [PAGES 86-90]**
18. To direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots **[PAGES 91-93]**
19. Richland County Sheriff's Department Funding Request for Security Camera Array **[PAGES 94-97]**
20. Elections & Voter Registration Office & Warehouse Consolidation **[PAGES 98-101]**
21. Approval of Elections and Voter Registration Budget Amendment **[PAGES 102-112]**
22. Request to Purchase Real Property – Decker Boulevard Acquisition Project (FEMA Grant) **[PAGES 113-138]**
23. Midlands Healthcare Collaborative (MHC): Use of Third Floor in Richland County Health Department for Free Comprehensive Healthcare Center and In-Kind Assistance **[PAGES 139-146]**
24. Hospitality Tax Ordinance Agency Procurement **[PAGES 147-149]**
25. Hospitality Tax Ordinance Agency Spending in Unincorporated Richland County **[PAGES 150-161]**
26. Public Hearing and Resolution in Support of Bonds for Affordable Housing Project **[PAGES 162-170]**
27. Richland County LED Lighting Pilot Project **[PAGES 171-173]**
28. Request for Public Hearing and Adoption of Support Resolution regarding Not Exceeding \$100,000,000 South Carolina Jobs-Economic Development Authority Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the "Bonds") **[PAGES 174-181]**

### **Third Reading Items**

29. An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate

\$100,000 of Hospitality Tax Unassigned Fund Balance for the EdVenture--Next Exhibit Capital  
[PAGES 182-193]

30. An Ordinance Amending the Fiscal Year 2013-2014 Transportation Tax Fund Budget to add one full time position [PAGES 194-200]

### **Report Of Development And Services Committee**

31. Proposed Comprehensive Business Approval Process Framework for Applicants [PAGES 201-209]
32. a. Bagging of Yard Debris in Solid Waste Collection Service Areas 2 and 6 [PAGES 210-226]
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article I, In General; and Article II, Collection and Disposal; Section 12-12, Definitions, and Section 12-16, Conditions for Residential and Small Business Solid Waste Collection-Yard Trash and Other Household Articles; so as to remove reference to "Franchise" and so as to require trash to be bagged in a phased-in manner [FIRST READING]

### **Report Of Economic Development Committee**

33. 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 Ruby, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended; and other related matters [FIRST READING BY TITLE ONLY] [PAGE 228]
- 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 Fairfield County; and other related matters [PAGES 229-231]

### **Report Of Rules And Appointments Committee**

#### **1. Notification Of Vacancies**

34. Board of Assessment Appeals-1; there will be one vacancy on this board

LaShonda Outing, December 14, 2013\*

\*Eligible for reappointment

35. Building Codes Board of Appeals-1; there will be one vacancy on this board

David A. Cook (Plumbing), December 14, 2013

36. Employee Grievance Committee-4; there are currently three vacancies, and one upcoming vacancy on this committee

Deborah Jordan, November 16, 2013\*

Josephine McRant, May 17, 2014 (Resigned)

Staci Pritchard, November 3, 2012 (Resigned)

William T. Young, May 5, 2012

37. Lexington/Richland Alcohol and Drug Abuse Council-2; there will be two terms expiring on this board

Rev. Gregory B. Cunningham, December 31, 2013 \*

L. L. Buddy Wilson, December 31, 2013\*

\* Eligible for reappointment

38. Midlands Workforce Development Board-1; there is one vacancy on this board

Julia Lawson, formerly of the Wateree Community Action (Resigned)

39. Richland Memorial Hospital Board-3; there will be three positions on this board

Bill Bradshaw, December 31, 2013

Calvin H. Elam, December 31, 2013

Dr. Jerry Odom, December 31, 2013

40. Planning Commission-1; there is one vacancy on the commission

Howard Van Dine, III, March 15, 2015 (termination)

## 2. **Notification Of Appointments**

41. Accommodations Tax Committee-2; [one position for hospitality, and one for lodging]; no applications have been received.]

42. Building Codes Board of Appeals-1; there is one vacancy on this board for the position of architect; and one application was received for the position: **[PAGES 240-246]**

Ashley Scott, Architect

43. Central Midlands Council of Governments-2; there are two appointments to be made to this board; an application was received from the following: **[PAGES 247-249]**

Anthony "Tony" Mizzell\*

\*Eligible for reappointment

44. Community Relations Council-1; there is one vacancy on this board; and one application was received from the following individual:

Dwayne Smiling

45. Hospitality Tax Committee-2; there are two vacancies on this committee, and currently no applications have been received.

46. Planning Commission-2; there are currently two appointments to be made to this commission; applications were received from the following: **[PAGES 252-263]**

Marilyn Joyner  
Robert A. Lapin  
Greg L. Lehman  
Edward "Eddie" Yandle

**3. Discussion From Rules And Appointments Committee**

47. Request that the SCAC post the Rules, Regulations, and Bylaws on the SCAC website and that each County and/or County Chair should have the opportunity to make a recommendation to the board regarding their representative when vacancies become available and that the representative should be term limited **[DICKERSON] [PAGES 264-280]**

**Other Items**

48. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE:

- a. Summary of visit to the York and Charleston County Transportation Programs **[PAGES 281-284]**
- b. Committee recommended approval of Request for Proposals and its release for Program Development Team **[PAGES 285-300]**
- c. Committee recommended approval of Request for Proposals and its release for On-Call Engineering Teams **[PAGES 301-312]**
- d. Next scheduled meeting: Monday, November 18th at 2:00. Topic will be Intergovernmental Agreement (IGA) with SCDOT

49. REPORT OF THE INTERNAL AUDIT WORK SESSION:

- a. Contract Approval: Build Your City, County, Country **[ACTION] [PAGES 314-320]**

50. REPORT OF THE SEWER AD HOC COMMITTEE:

- a. Direct staff to provide Council with as much neutral information as possible with regards to the privatization of the system. This may involve engaging a consultant to obtain this information **[ACTION] [PAGES 322-324]**

51. REPORT OF THE HOSPITALITY TAX REVIEW COMMITTEE: **[PAGES 325-341]**

- a. Adding New Ordinance Agencies: **[PAGE 327]**
  1. Township
  2. Renaissance Foundation
- b. Reviewing equity and allowances related to the Ordinance Agencies and establish a mechanism for annual or every other year review of Ordinance Agency funding **[PAGES 328-336]**

c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds, so as to clarify and revise the language therein **[FIRST READING] [PAGES 339-341]**

52. REPORT OF THE JAIL AD HOC COMMITTEE:

a. Management/Operational Study Contract

53. Authorizing the use of a portion of funds to be reimbursed to the County by the Central Midlands Regional Transit Authority (CMRTA) as the local match for a study of Rural Transit Services to be conducted by the Central Midlands Council of Governments (CMCOG) **[PAGES 343-345]**

### **Citizen's Input**

54. Must Pertain to Items Not on the Agenda

### **Executive Session**

### **Motion Period**

55. a. Richland County will perform a County-wide disparity study **[WASHINGTON]**

b. Richland County will develop a "Water & Sewer Authority" **[WASHINGTON]**

c. The County will hire an expert in the field of hydrology to develop a plan and be responsible for implementation of drainage and ditch program **[WASHINGTON]**

d. To add to the Internal Audit List the following departments: Planning and Human Resources **[DIXON]**

e. Move that Council fund the County Sheriff's Office as needed to implement the Richland County Sheriff's Department public safety plan for the 5 Points area in coordination with the Columbia Police Department and other law enforcement agencies **[ROSE]**

f. Move to explore other programs for at risk youth that have been successful in other jurisdictions to curb gang and/or crime affiliation by youth **[ROSE]**

g. Resolution Acknowledging Richland County and South Carolina's Sexual Trauma Statistics **[MANNING]**

### **Addendum**

56. Motion Period:

a. All entities who submit annual budget requests to Richland County and receive funding based on that request will submit an annual report prior to the budget meetings that show additional funds received that year from all other sources, including in-kind contributions. The purpose of this motion is to have every agency receiving budget funds from taxpayer monies being treated equal. **[MALINOWSKI]**



## Adjournment



### **Special Accommodations and Interpreter Services**

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

# Richland County Council Request of Action

## **Subject**

- a. Regular Session: October 15, 2013 [**PAGES 11-17**]
- b. Zoning Public Hearing: October 22, 2013 [**PAGES 18-23**]



**MINUTES OF  
RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
OCTOBER 15, 2013  
6:00 PM**

*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	Kelvin E. Washington, Sr.
Member	Joyce Dickerson
Member	Julie-Ann Dixon
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush
Absent	Greg Pearce

**OTHERS PRESENT** – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Brad Farrar, Amelia Linder, Quinton Epps, Buddy Atkins, Geo Price, Beverly Harris, Justine Jones, Rob Perry, Charlie Fisher, Chanda Cooper, Rudy, Curtis, Tiaa Rutherford, Kecia Lara, Daniel Driggers, Chris Eversmann, Ismail Ozbeck, Monique Walters, Michelle Onley

**CALL TO ORDER**

The meeting was called to order at approximately 6:05 p.m.

**INVOCATION**

The Invocation was given by the Honorable Torrey Rush

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Boy Scout Troop 397

### PRESENTATION OF RESOLUTIONS

- a. **National Friends of the Library Week Proclamation [MANNING]** – The proclamation was presented by Mr. Manning, Ms. Dixon and Mr. Rose.
- b. **Resolution honoring EAA Chapter 242 for their completion of 10,000 flights in the Young Eagles program [PEARCE, ROSE, and RUSH]** – Mr. Rose and Mr. Rush presented a resolution to the members of EAA Chapter 242 for completing 10,000 flights in the Young Eagles program.

### APPROVAL OF MINUTES

**Regular Session: October 1, 2013** – Mr. Livingston moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF THE AGENDA

Mr. Livingston moved, seconded by Mr. Malinowski, to move the presentation of the Soil and Water Conservation's poster winners to immediately following the Adoption of the Agenda. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Dickerson, to adopt the agenda as amended. The vote in favor was unanimous.

### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Richland County Soil and Water Conservation District's "Where Does Your Water Shed" poster contest winners:**
  1. **First Place: Jacintha Ravindran, 5<sup>th</sup> Grade, Pontiac Elementary School**
  2. **Second Place: Fiona Aldighieri, 8<sup>th</sup> Grade, Longleaf Middle School**
  3. **Third Place: Joseph Ravindran, 2<sup>nd</sup> Grade, Pontiac Elementary School**

Ms. Chanda Cooper recognized the winners of the Soil and Water Conservation District's poster contest.

### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. **Proposed Property Purchase**
- b. **Carolina Walk/Serrus Litigation Update**
- c. **Personnel Matter**

## EXECUTIVE SESSION

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Council went into Executive Session at approximately 6:22 p.m. and came out at  
approximately 6:39 p.m.  
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- a. **Carolina Walk/Serrus Litigation Update** – No action was taken.

## CITIZENS INPUT

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

- a. **Budget Book Presentation** – Mr. McDonald stated that the budget books and budget overview pamphlets were placed at each Council member's seat prior to the meeting. Mr. McDonald also thanked the Finance and Budget staff their putting the information together for the budget books and pamphlets.
- b. **Bond Rating Upgrade** – Mr. McDonald stated that Richland County's bond rating has increased to AAA. As a result of the new bond rating, the \$50 Million bond anticipation note was sold at 0.9% interest rate.
- c. **Transportation Penny Disbursement** – Mr. McDonald stated that the first disbursement was received from the Department of Revenue in the amount of \$12.3 Million.

## REPORT OF THE CLERK OF COUNCIL

- a. **REMINDER: Charleston County Transportation Program Site Visit, October 16<sup>th</sup>** – Ms. Onley reminded Council of the upcoming Charleston County Transportation Program site visit. Those attending need to meet at the County Administration Building at 8:00 AM.
- b. **Internal Audit Work Session: October 22<sup>nd</sup>, 4:00 PM** – Ms. Onley stated that the Internal Audit Work session is scheduled for October 22<sup>nd</sup> at 4:00 PM.
- c. **Hospitality Tax Review Committee Meeting, October 28<sup>th</sup>, 12:00 PM** – Ms. Onley stated that the Hospitality Tax Review Committee is scheduled to meet October 28<sup>th</sup> at 12:00 PM.
1. **Proposed 2014 Retreat Dates: (1) January 23-24, 2014 and (2) January 30-31, 2014** – Ms. Onley stated that the January 23-24 and January 30-31 had been recommended to hold the Annual Council Retreat.

Mr. Manning moved, seconded by Mr. Malinowski, to hold the Annual Council Retreat on January 23-24, 2014. The vote in favor was unanimous.

Recommendations for locations should be forwarded to the Clerk's Office by October 25<sup>th</sup>.

### REPORT OF THE CHAIR

- a. **Planning Commission: Appointee's Absences** – Mr. Manning moved, seconded by Mr. Malinowski, to uphold the Planning Commission's recommendation.
- b. **Fuel Cell Collaboration—County Participation** – Mr. Washington stated that EngenuitySC is coming forward with an initiative with fuel cells. EngenuitySC has entered into a partnership with Hyundai wherein 20 vehicles are available for lease and the County has an opportunity to participate by leasing these vehicles.
- c. **Coming Soon SC** – Mr. Washington stated that Economic Development recommended staff begin work on this item.
- d. **SC Equality's "Through the Looking Glass of Equality" Inaugural Gala Scholarship Request** – This item was taken up in the motion period.
- e. **Bible Way Church of Atlas Road's "Year of Jubilee" 50<sup>th</sup> Anniversary Banquet Scholarship Request** – This item was taken up in the motion period.
- f. **Famously Hot New Year's Celebration** – This item was taken up in the motion period.
- g. **"The Sustainers: Builders and Preservers of Civil Rights sites in the United States" Funding Request** – This item was taken up in the motion period.
- h. **SICA Funding Request** – This item was withdrawn.
- i. **Sewer Ad Hoc Committee** – Mr. Washington appointed Mr. Rush, Mr. Jeter, Mr. Rose, Mr. Jackson and Mr. Washington.

### APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; so as to create a new section to handle roadway improvements in the Town of Irmo, South Carolina; and Amending Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-6(a); so as to accommodate the new section [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; so as to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the**

**“Property Maintenance” Division rather than the “Unsafe Housing” Division  
[SECOND READING]**

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4, Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-66, so as to delete the requirement of Craftsmen Qualification Cards [SECOND READING]**

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

**SECOND READING**

**An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$100,000 of Hospitality Tax Unassigned Fund Balance for the EdVenture—Next Exhibit Capital** – Mr. Jeter moved, seconded by Mr. Livingston, to approve this item. The vote was in favor.

**An Ordinance Amending the Fiscal Year 2013-2014 Transportation Tax Fund Budget to add one full time position** – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item. The vote was in favor.

**REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6** – Mr. Rush moved, seconded by Ms. Dickerson, to defer this item.

Mr. Rush withdrew his motion to defer for further discussion.

Mr. Jeter moved, seconded by Mr. Washington, to attempt to renegotiate the 2 hauling contracts to remove the bagging of yard debris provision with the expectation that if renegotiated the curbside rate per household would increase. A discussion took place.

Ms. Dickerson made a substitute motion, seconded by Mr. Rush, to defer this item.

<b><u>For</u></b>	<b><u>Opposed</u></b>
Dixon	Jackson
Malinowski	Washington
Rose	Manning
Livingston	Jeter
Dickerson	
Rush	

The vote was in favor of deferral.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article I, In General; and Article II, Collection and Disposal; Section 12-12, Definitions and Section 12-16, Conditions for Residential and Small Business Solid Waste Collection-Yard Trash and Other Household Articles; so as to remove reference to “Franchise” and so as to require trash to be bagged in a phased-in manner [FIRST READING]** – Ms. Dickerson moved, seconded by Mr. Livingston, to defer this item. The vote was in favor.

**CITIZENS’ INPUT**

No one signed up to speak.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dixon stated that Richland County, City of Columbia and USC will be hosting a small and minority business summit at Parklane Adult Activity Center.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 7:45 p.m. and came out at approximately 8:06 p.m.**  
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- a. **Proposed Property Purchase** – Mr. Malinowski moved, seconded by Mr. Livingston, to proceed as directed in Executive Session with the advice of our attorney relative to a property acquisition. The vote in favor was unanimous.
- b. **Personnel Matter** – No action was taken.

**MOTION PERIOD**

- a. **Place “Hopkins SC” on the water tower in Hopkins community [WASHINGTON]** – This item was referred to the D&S Committee.
- b. **ComingSoonSC County Council Ad [WASHINGTON]** – This item is being handled administratively.
- c. **SC Equality’s “Through the Looking Glass of Equality” Inaugural Gala Sponsorship Request [WASHINGTON]** – This item was referred to the A&F Committee.
- d. **Bible Way Church of Atlas Road’s “Year of Jubilee” 50<sup>th</sup> Anniversary Banquet Sponsorship Request [WASHINGTON]** – This item was referred to the A&F Committee.
- e. **Famously Hot New Year’s Celebration Sponsorship Request [WASHINGTON]** – This item was referred to the A&F Committee.



- f. **“The Sustainers: Builders and Preservers of Civil Rights sites in the United States” Funding Request [WASHINGTON]** – This item was referred to the A&F Committee.
- g. **I move that the Council Meetings scheduled for January 2014 only include—the January 7<sup>th</sup> meeting to Select the Chair, Vice Chair and Seats, Time Sensitive Items and Motions; the Annual Council Retreat and the January 21st Development & Services, Administration & Finance and Zoning meetings [MANNING, WASHINGTON, and MALINOWSKI]** – This item was referred to the D&S Committee.
- h. **SICA Funding Request [WASHINGTON]** – This item was withdrawn.

**ADJOURNMENT**

The meeting adjourned at approximately 8:08 p.m.

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Kelvin E. Washington, Sr., Chair

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L. Gregory Pearce, Jr., Vice-Chair

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Joyce Dickerson

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Julie-Ann Dixon

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Jim Manning

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Seth Rose

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Torrey Rush

The minutes were transcribed by Michelle M. Onley

## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, OCTOBER 22, 2013 7:00 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.*

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#### **MEMBERS PRESENT:**

Chair	Kelvin E. Washington, Sr.
Vice Chair	Greg Pearce
Member	Joyce Dickerson
Member	Julie-Ann Dixon
Member	Norman Jackson
Member	Paul Livingston
Member	Bill Malinowski
Member	Jim Manning
Member	Seth Rose
Member	Torrey Rush

Absent        Damon Jeter

**OTHERS PRESENT:** Amelia Linder, Tracy Hegler, Suzie Haynes, Geo Price, Tommy DeLage, Nelson Lindsay, Annie Caggiano, Holland Leger, Monique Walters, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 7:04 p.m.

#### **ADDITIONS/DELETIONS TO AGENDA**

There were no additions or deletions.

**MAP AMENDMENT**

**12-19MA, Myung Chan Kim, NC to GC (1.93 Acres), 2201 Clemson Rd., 20281-01-45**

Mr. Washington opened the floor to the public hearing.

Mr. M. C. Kim spoke in favor of this item.

Mr. Andrew Harrison and Ms. Patricia Harrison spoke against this item.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Ms. Dickerson, to accept staff's recommendation for denial. The vote in favor was unanimous.

**13-18MA, Larry Brazell, RU to LI (147.83 Acres), Bluff Rd., 18900-02-06**

Mr. Washington opened the floor to the public hearing.

Mr. James Davis, Mr. Chuck Potts, Ms. Debbie Potts, Mr. Bruce Holleman, Mr. John Grego, Mr. David Well , and Mr. Robert Glover spoke against this item.

The floor to the public hearing was closed.

Mr. Jackson moved, seconded by Mr. Malinowski, to deny the re-zoning request.

Mr. Livingston made a substitute motion, seconded by Mr. Manning, to approve the Planning Commission and staff's recommendation. A discussion took place.

<b><u>For</u></b>	<b><u>Against</u></b>
Pearce	Dixon
Livingston	Malinowski
Manning	Jackson
	Rose
	Washington
	Dickerson
	Rush

The substitution motion for approval failed.

<u>For</u>	<u>Against</u>
Dixon	
Malinowski	
Jackson	
Rose	
Pearce	
Washington	
Livingston	
Dickerson	
Rush	
Manning	

The vote was unanimous to deny the re-zoning request.

Ms. Dickerson moved, seconded by Mr. Rush, to reconsider this item. The motion failed.

**13-07MA, Greg Ross, RU/RS-LD to RM-HD (21.46 & .46 Acres), Elmgren St. & Atlantic Dr., 07312-04-03 & 05**

Mr. Livingston moved, seconded by Ms. Dixon, to accept the administrative withdrawal. The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jackson recognized that Representative Joe McEachern was in the audience.

**13-26MA, Charles Medlin, GC to LI (3 Acres), 11031 Two Notch Rd., 29100-05-09**

Mr. Washington opened the floor to the public hearing.

Mr. Robert Fuller and Mr. Charles Medlin spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Dixon moved, seconded by Ms. Jackson, to approve a Text Amendment to permit the cabinet building in the GC District. A discussion took place.

Ms. Dixon withdrew her motion.

Ms. Dixon moved, seconded by Mr. Jackson, to withdraw the application for LI and incorporate cabinet building into a text amendment for the GC District. A discussion took place.

Mr. Jackson made a substitute motion, seconded by Ms. Dickerson, to give First Reading approval to a text amendment allowing cabinet building in the GC District. The vote in favor was unanimous.

**13-27MA, Bill Bouknight, RU to OI (3.37 Acres), 2101 Kennerly Rd., 04200-06-91**

Mr. Washington opened the floor to the public hearing.

Mr. Gene Swygert, Mr. Judd Close, Mr. Bobby Lockaby, Mr. Thomas Marshall and Mr. Bill Bouknight spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dickerson, to deny the re-zoning request. The vote in favor was unanimous.

**13-28MA, John Kilmartin, M-1 to RU (14.01 Acres), Broad River Rd., 02600-09-05(p)**

Mr. Washington opened the floor to the public hearing.

Mr. Keith Kneeshaw spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dickerson, to give First Reading approval to this item. The vote in favor was unanimous.

**13-30MA, Denise Bryant, M-1 to RM-HD (17.24 Acres), Wessinger Rd., 12000-03-02**

Mr. Washington opened the floor to the public hearing.

Ms. Denise Bryant and Ms. Bridgett DeLine spoke in favor of this item.

Mr. Henry Goodson and Representative Joe McEachern spoke against this item.

The floor to the public hearing was closed.

Mr. Rush moved, seconded by Mr. Jackson, to deny the re-zoning request. The vote was in favor.

**13-31MA, Ron Johnson, RU to RS-LD (25.54 Acres), Longtown Road West, 17613-02-08(p)**

Mr. Washington opened the floor to the public hearing.

Mr. Ron Johnson spoke in favor of this item.

Ms. Elizabeth Hardwick and Ms. Maria Carty spoke against this item.

The floor to the public hearing was closed.

Mr. Rush moved, seconded by Mr. Jackson, to give First Reading approval to this item. A discussion took place.

The vote in favor was unanimous.

**13-32MA, Mark Mack, RU to LI (2 Acres), Kennerly Rd. 02700-08-04(p)**

Mr. Washington opened the floor to the public hearing.

Mr. Mark Mack and Ms. Kendra Hammings spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. Manning, to accept the applicant's withdrawal and work with staff to draft a Text Amendment that will allow mulching in the RU District. A discussion took place.

The vote in favor was unanimous.

**13-33MA, Carolyn Peake, RU to GC (4.097 Acres), 10931 & 10901 Two Notch Rd., 29000-01-01/05 & 29004-01-02**

Mr. Washington opened the floor to the public hearing.

Ms. Carolyn Peake spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Dixon moved, seconded by Mr. Malinowski, to give First Reading approval to this item. The vote in favor was unanimous.

**TEXT AMENDMENTS**

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-21, Rules of Construction Information; Subsection (B), General Rules of Construction; Paragraph (9), Contiguous [FIRST READING]**

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded Ms. Dixon, to give First Reading approval to this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-151, Permitted Uses with Special Requirements; so as to delete manufactured homes parks from the M-1 Zoning District [FIRST READING]**

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dixon, to give First Reading approval to this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (D), Standards; Paragraph (26) Special Congregate Facilities; so as to provide additional requirements for same [FIRST READING]**

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dixon, to give First Reading approval to staff's recommendation. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 8:24 p.m.

Submitted respectfully by,

Kelvin E. Washington, Sr.  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

- a. City of Columbia Election Fees
- b. Act 388 Litigation



# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

**Subject**

- a. Update on the Village at Sandhills
- b. Results of Bond Sale

# Richland County Council Request of Action

## **Subject**

- a. Retreat Location
- b. Columbia Urban League Dinner, November 7th, 6:00 PM, Columbia Metropolitan Convention Center
- c. 9th Annual Korean Fall Festival, November 9th, 11:00 AM-8:00 PM, Korean Community Church, 1412 Richland Street
- d. Lower Richland Veteran's Day Parade, November 9th, 11:00 AM, Lower Richland Boulevard & Black Swamp Road
- e. Korean Era Veterans Recognition Ceremony, November 13th, 1:00 PM, Township Auditorium

# Richland County Council Request of Action

## **Subject**

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; so as to create a new section to handle roadway improvements in the Town of Irmo, South Carolina; and Amending Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-6(A); so as to accommodate the new section
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; so as to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the "Property Maintenance" Division rather than the "Unsafe Housing" Division
- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4, Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-66, so as to delete the requirement of Craftsmen Qualification Cards
- d. An Ordinance Authorizing an Easement to School District 5 of Lexington and Richland Counties for a Sanitary Sewer Line across land owned by Richland County; specifically a portion of TMS # 03300-01-06
- e. An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$100,000 of Hospitality Tax Unassigned Fund Balance for the EdVenture—Next Exhibit Capital
- f. An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article I, In General; and Article II, Collection and Disposal; Section 12-12, Definitions, and Section 12-16, Conditions for Residential and Small Business Solid Waste Collection-Yard Trash and Other Household Articles; so as to remove reference to "Franchise" and so as to require trash to be bagged in a phased-in manner
- g. An Ordinance Amending the Fiscal Year 2013-2014 Transportation Tax Fund Budget to add one full time position
- h. Resolution in Support of Bonds for Affordable Housing Project
- i. Adoption of Support Resolution Regarding Not Exceeding \$100,000,000 SC JEDA Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the "Bonds")

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing an Easement to School District 5 of Lexington and Richland Counties for a Sanitary Sewer Line across land owned by Richland County; specifically a portion of TMS # 03300-01-06 **[THIRD READING]**  
**[PAGES 29-34]**

## **Notes**

First Reading: September 10, 2013

Second Reading: October 1, 2013

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-13HR

AN ORDINANCE AUTHORIZING AN EASEMENT TO SCHOOL DISTRICT  
5 OF LEXINGTON AND RICHLAND COUNTIES FOR A SANITARY  
SEWER LINE ACROSS LAND OWNED BY RICHLAND COUNTY;  
SPECIFICALLY A PORTION OF TMS #03300-01-06.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant an easement for sanitary sewer line to School District 5 of Lexington and Richland Counties across a portion of Richland County TMS #03300-01-06, as specifically described in the Sanitary Sewer Easement, which is attached hereto and incorporated herein.

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

SECTION III. Conflicting Ordinances. 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 \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin Washington, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
Michelle Onley  
Interim Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           September 10, 2013  
Second Reading:  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA )

) SANITARY SEWER EASEMENT

COUNTY OF RICHLAND )

KNOWN ALL MEN BY THESE PRESENTS, That I (or we) SCHOOL DISTRICT 5 OF LEXINGTON/RICHLAND COUNTIES, SC 29 212, (The Grantor), of the County and State aforesaid, for and in consideration of the sum of one (\$1.00) dollar to the Grantor paid by Richland County, South Carolina, (The Grantee), the receipt of which is hereby acknowledged, and in further consideration of the agreements and conditions hereinafter contained, do(es) hereby grant unto the County of Richland as follows:

The Grantor does hereby grant unto the Grantee, their successors and assigns, an exclusive easement and right-of-way 15 feet in width (7.5 feet on each side of the sewer component), with an additional width as necessary, to construct, operate and maintain, together with the right of ingress and egress at all times for the purpose of constructing, operating and maintaining a sanitary sewer; together with the right to remove shrubbery, trees and other obstructions of any kind from the easement and right-of-way area. The Grantor hereby agrees that no construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without the prior written consent of the Richland County Utilities Department.

Said easement and right-of-way to run through property owned by Grantor, said property and easement being more fully described as follows:

All that certain piece, parcel or strip of land, situate, lying, and being near Columbia, in the County of Richland, State of South Carolina, containing the below described portion of the lot designated as Richland County TMS# 203300-01-06.

Also known as CIVIL SKETCH 1 (6-17-13; REV 7/15/13)

TITLED: "SEWER EASEMENT"

The Centerline of the easement is the centerline of the sanitary sewer system as built.

TO HAVE AND TO HOLD THE aforesaid rights to the Grantee, its successors and assigns.

And the Grantor(s) warrants that he/she is the lawful owner of the said property, has the right to convey the same, and that the property is free and clear of any and all liens and encumbrances of whatsoever kind or nature, except those which have been subordinated as set forth herein.

And the Grantor(s) agrees to warrant and forever defend the above Grantee rights against themselves, their heirs and successors in interest, and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 4<sup>TH</sup> day of SEPTEMBER, 2013.

WITNESSES:  
SCOTT A. CARLIN  
SCHOOL DISTRICT 5  
OF LEXINGTON & RICHLAND  
COUNTIES

GRANTOR(S):  
[Signature] CEO  
School District Five of Lexington  
& Richland Counties

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF RICHLAND         )

PROBATE  
(AS TO GRANTOR)

PERSONALLY appeared before me the undersigned witness, who after being duly sworn, deposes and says that s/he saw the within named Grantor, sign, seal and as her/his act and deed, deliver the within written instrument for the uses and purposes therein mentioned, and that s/he with the other witness whose name appears above, witnessed the execution thereof.

[Signature]  
Witness

SWORN to and subscribed before me  
This 4 day of Sept 2013  
[Signature]  
Notary Public for South Carolina  
My Commission Expires: 10-6-2016



The County of Richland, State of South Carolina, by and through its duly authorized officer, does hereby accept this easement.

WITNESSES:

\_\_\_\_\_  
  
\_\_\_\_\_

GRANTEE:

\_\_\_\_\_  
By: County of Richland  
Duly Authorized Officer

\_\_\_\_\_  
Attest:

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF RICHLAND      )

PROBATE  
(AS TO GRANTEE)

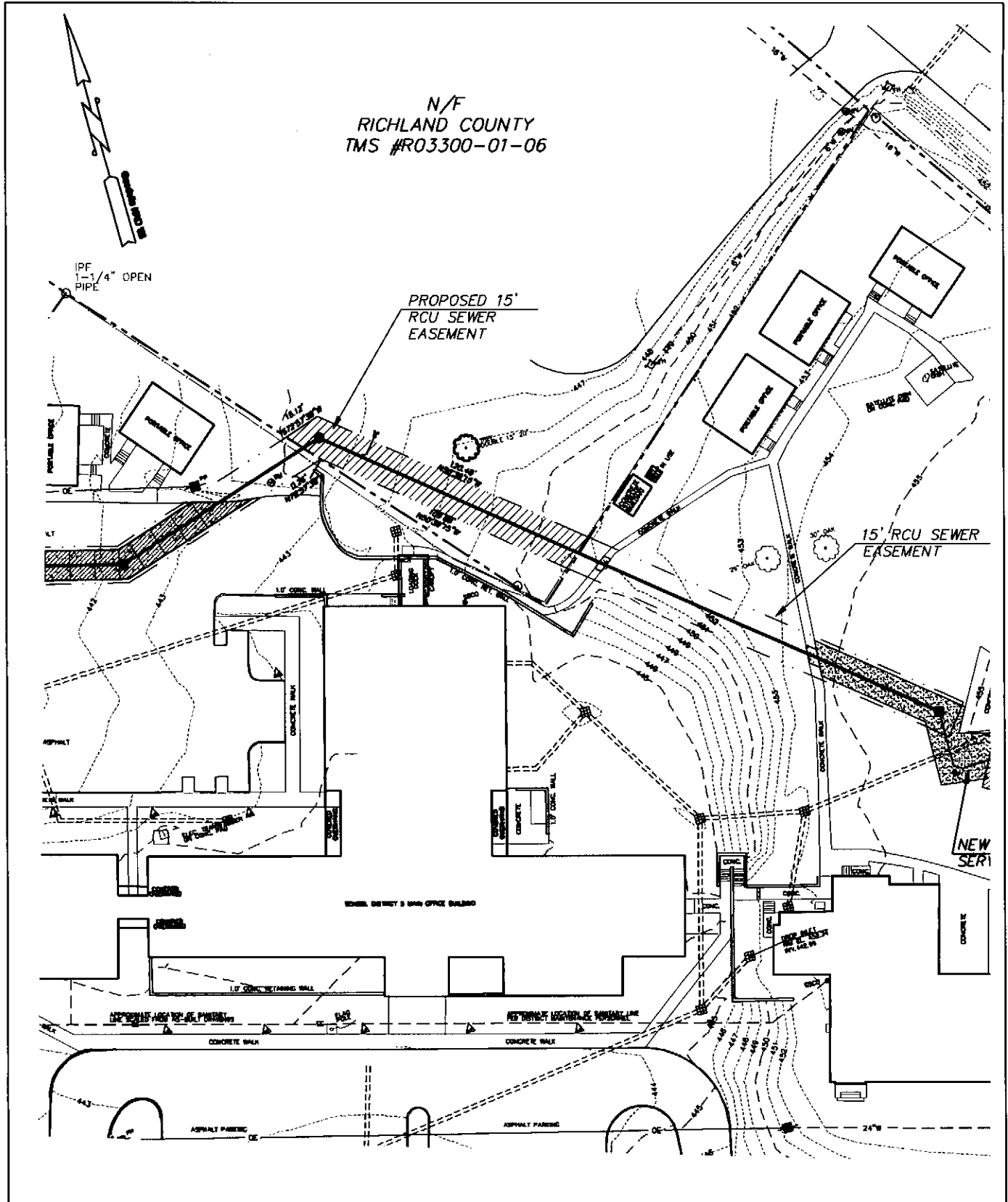
PERSONALLY appeared before me the undersigned witness, who after being duly sworn, deposes and says that s/he saw the within named Grantee, by its Duly Authorized Officer, sign, seal and as her/his act and deed, deliver the within written instrument for the uses and purposes therein mentioned, and that s/he with the other witness whose name appears above, witnessed the execution thereof.

\_\_\_\_\_  
Witness

SWORN to and subscribed before me  
This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires:\_\_\_\_\_

N/F  
 RICHLAND COUNTY  
 TMS #R03300-01-06



**LS3P**  
 291-A LADY STREET COLUMBIA, SC 29901  
 TEL: 803.763.0505 FAX: 803.763.0505  
 HTTP://WWW.LS3P.COM  
 MEMBER OF THE AMERICAN SOCIETY OF PROFESSIONAL ENGINEERS

<b>REFERENCE:</b>	
<b>PROJECT NAME: LEXINGTON/ RICHLAND SCHOOL</b>	
<b>DISTRICT 8 WAREHOUSE OFFICE UPFIT</b>	
<b>PROJECT NUMBER: LS3P JOB: 2201-123900</b>	
<b>DATE: 08/17/13 REV: 07/18/13</b>	
<b>DRAWN BY: JTS</b>	
<b>CHECKED BY: CWC</b>	

<b>Civil Sketch 1</b>
<b>SCALE: 1"=30'</b>
<b>SEWER EASEMENT</b>
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# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Article I, In General; so as to create a new section to handle roadway improvements in the Town of Irmo, South Carolina; and Amending Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-6(A); so as to accommodate the new section **[THIRD READING] [PAGES 35-53]**

## **Notes**

July 23, 2013 - The Committee unanimously approved Mr. McDonald's recommendation to defer the item to the September 24, 2013 Committee meeting.

September 24, 2013 - The Committee unanimously approved the request to amend Ordinance 21-6 that controls acceptance of roadways so that where a development in the Town of Irmo is located in both Richland and Lexington Counties with more than 50% of the development located in Lexington County, the public improvements will be controlled by Lexington County regulations.

First Reading: October 1, 2013

Second Reading: October 15, 2013

Third Reading:

Public Hearing:

# Richland County Council Request of Action

**Subject:** Acceptance of Roadways for Maintenance  
in the Town of Irmo

## **A. Purpose**

To amend Ordinance 21-6 that controls acceptance of roadways so that where a development in the Town of Irmo is located in both Richland and Lexington Counties with more than 50% of the development located in Lexington County, the public improvements will be controlled by Lexington County regulations.

## **B. Background / Discussion**

Richland County provides roadway maintenance to the Town of Irmo under an Intergovernmental Agreement approved in 2007 (see Appendix 1). The Intergovernmental Agreement makes Public Works responsible for roadway and drainage maintenance within the incorporated community. Richland County has this type of agreement in effect with every community within the county except the City of Columbia. Many other county services are provided by this method.

The Town of Irmo is located on the boundary line between Richland and Lexington Counties and accepts roads created by land development projects that may be located in both Counties. Richland and Lexington Counties have different standards and processes for accepting roads for public maintenance. The Town of Irmo has requested Richland and Lexington Counties to create a policy that allows for consistent standards within a development.

Below is a summary of the differences in standards and processes as it relates to road construction:

- The average Daily Traffic (ADT) is calculated differently, which is a factor in road design.
- Richland County uses a structural number based on the soil type to design the pavement thickness. Lexington County offers design criteria for pavement thickness based on two options: one with and one without a soils report. In the instances where a soils report is provided, Lexington County's design standards are less than our minimum design standards.
- An important test prior to placing pavement is the proof roll. This is typically accomplished by observing the passage of a loaded dump truck over the area to be paved. Richland County requires density reports from a geotechnical engineer prior to proof roll and Lexington County receives information from the geotechnical technician on site at proof roll.
- Richland County requires asphalt core data, which is used to analyze the integrity of road construction and is a factor in acceptance. Lexington County *may* require this data.
- Richland County regulations require a maximum specified time frame that subgrade and/or stone base can be left exposed to prohibit damage by inclement weather. Lexington County's regulations do not specify a timeframe.

**C. Legislative / Chronological History**

See the Intergovernmental Agreement dated July 2007 in Appendix 1.  
See Section 21-6 of Richland County Code of Ordinances in Appendix 2

**D. Financial Impact**

The differences in standards and processes may result in a thinner pavement section or less rigorous inspection of construction. These conditions could result in a pavement that requires more maintenance or has a shortened life span.

**E. Alternatives**

1. Approve the request to amend Ordinance 21-6 to allow acceptance for maintenance of pavements constructed to Lexington County standards in the Town of Irmo.
2. Do not approve the request to amend Ordinance 21-6 to allow acceptance for maintenance of pavements constructed to Lexington County standards in the Town of Irmo.

**F. Recommendation**

It is recommended that Council approve the request to amend section 21-6 to allow acceptance for maintenance of pavements constructed to Lexington County standards in the Town of Irmo, when more than 50% of the development is located in Lexington. The amendment is included in Appendix 3.

Recommended by: Sparty Hammett, Assistant Administrator, February 28, 2013

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers	Date: 3/21/13
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Public Works**

Reviewed by: David Hoops	Date: 3/22/13
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
✓ Recommend Council Discretion	

Comments regarding recommendation: This request could result in increased future maintenance costs.

**Legal**

Reviewed by: Elizabeth McLean	Date: 3/22/13
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. It appears as though Lexington’s standards are not quite as stringent as ours, which could over time potentially lead to more liability for accidents due to road flaws. I assume that our ordinances were passed to protect the health, safety and welfare of the citizens of Richland County and it seems somewhat counterintuitive to exempt out the Town of Irmo from those protections.

**Administration**

Reviewed by: Sparty Hammett	Date: 3/22/13
-----------------------------	---------------

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This amendment would have minimal financial impact as it would only address residential subdivisions in Irmo that are located in both Lexington and Richland counties. The situation has only occurred on average once every year or two. It is not feasible to construct a road to two different standards. This amendment to have the jurisdiction with the greater percentage of the project serve as the lead is a reasonable compromise to address the issue.

RECEIVED  
OCT 11 2007

STATE OF SOUTH CAROLINA ) INTERGOVERNMENTAL AGREEMENT  
 ) FOR ROADS & MAINTENANCE AND  
COUNTY OF RICHLAND ) NPDES PHASE II COMPLIANCE

This agreement, made and entered into in duplicate originals this \_\_\_ day of July, 2007, by and between the County of Richland, a body politic duly created and existing pursuant to the provisions of the S.C. Code Ann. § 4-9-10 *et seq.*, (hereinafter referred to as "the County"), and the Town of Irmo, a municipal corporation, created and existing pursuant to S.C. Code Ann. § 5-7-10 *et seq.* (hereinafter referred to as "the Municipality");

WITNESSETH:

ARTICLE 1 - ROADS, DRAINAGE, SEDIMENT CONTROL, PLAN REVIEW, AND INSPECTION.

WHEREAS, the Municipality wishes to provide for the maintenance of roads and drainage infrastructure within its corporate limits; and

WHEREAS, the Municipality has no staff or equipment for maintenance of roads or drainage infrastructure; and

WHEREAS, the County has staff and equipment for maintenance of roads and drainage infrastructure and provides these services in the unincorporated parts of Richland County; and

WHEREAS, the Municipality wishes to establish consistency with the County with regard to the design and construction of roads and drainage infrastructure, sediment control, and floodplain management; and

WHEREAS, the County has adopted and administers comprehensive design and construction standards for roads, drainage infrastructure, and sediment control measures constructed under its jurisdiction; and

WHEREAS, both parties hereto are authorized to enter into this agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976.

NOW, THEREFORE, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

Section I - County Responsibilities

A. Through its Department of Public Works, the County will provide routine maintenance on all those roads, located within the corporate limits of the Municipality, that have been accepted for maintenance either by the County in accordance with Section 21-7 of the Richland County Code of Ordinances or by the Municipality.

The level of maintenance provided will be subject to the availability of funds, labor,

and equipment for the County's overall road maintenance responsibility. The same level of maintenance will be provided on roads within the corporate limits as on those in unincorporated areas. Maintenance will include, but not be limited to:

- Pavement
- Drainage within the R/W
- Traffic Control signs
- Street name signs
- Shoulders, if necessary

With the exception of street name signs, the County will not provide maintenance on roads that have been taken into the State Highway System. The County will provide name signs on all roads within the corporate limits.

B. The County will incorporate the County maintained roads within the corporate limits into its pavement management system. All roads will be selected and prioritized for resurfacing based on their overall condition relative to all other roads in the pavement management system as measured by their pavement condition rating.

C. The drainage infrastructure located off of road rights-of-way within the corporate limits will be maintained by the County subject to the limitations contained in Chapters 21 & 26 of the Richland County Code of Ordinances. The level of maintenance provided will be subject to the availability of funds, labor, and equipment available for the County's overall drainage maintenance responsibilities and strictly within County's guidelines. The same level of maintenance will be provided within the corporate limits as in unincorporated areas.

Maintenance under the terms of this agreement is comprised of, but not limited to, activities such as:

- Cleaning drainage ditches
- Cleaning and/or repairing closed storm sewers
- Cleaning and/or repairing catch basins, drop inlets, junction boxes, etc.
- Minor ditch excavation
- Minor storm sewer installation that can be accomplished by County maintenance forces.

Maintenance does not include construction of major capital drainage improvement projects. Under the terms of this agreement, a major capital drainage improvement project is one requiring a private construction contract in the judgement of the County's Public Works Director.

D. Beginning September 1, 2007, Municipality will be responsible for plan review. The County recognizes the Municipality as an approved Delegated Entity. The County will accept roads and drainage maintenance for these approved projects in accordance with Chapters 21 & 26 of the Richland County Code of Ordinances. The County may require from time to time



documentation as needed, to insure its standards are being met. In addition, the County reserves the right, at any time, to inspect plan review process or inspection reports of a land disturbance project as necessary for quality assurance purposes. The County will be the final authority of issues related to construction quality of facilities it is expected to maintain.

#### Section II - Municipal Responsibilities

A. As a prerequisite to its authorization for the construction of new developments within the corporate limits involving new roads and/or drainage infrastructure, the Municipality will maintain an approved Delegated Entity.

B. As a prerequisite to its issuance of building permits or land disturbance permits for new commercial buildings within the corporate limits, the Municipality will require the review and approval of site plans with regard to erosion control measures, floodplain management requirements, and road access regulations.

C. As a prerequisite to its acceptance of maintenance responsibilities for new roads and/or drainage systems within the corporate limits, the Municipality will require a certification that they were constructed in accordance with approved plans and specifications.

D. As a prerequisite to its issuance of certificates of occupancy for new commercial buildings within the corporate limits, the Municipality will require the inspection and approval of site improvements related to stormwater management, floodplain management, and road access.

E. The Municipality will submit plans (preliminary plans, approved plans and as-built plans) for developments and commercial buildings within the corporate limits to the County's Engineer's office for Quality Assurance and data management purposes. Municipality will copy to County any of the quality inspection reports during the execution of the project and any other related documentation for County filing purposes.

F. The Municipality, within a reasonable time after the execution of this agreement, shall adopt or amend applicable ordinances as required to make them compatible with the requirements of a Delegated Entity for SC DHBC approval.

#### Section III - Funding

The County will assess the residents of the Municipality the same taxes and fees for the aforementioned services, and at the same rates that are assessed in the unincorporated areas of Richland County. The taxes and fees generated thereby shall be full compensation to the County for the services provided by the County pursuant to this agreement. The provisions of this section are applicable to:

- Real and personal property taxes
- Automobile registration fees
- Subdivision processing fees

"C" funds allocated to Richland County pursuant to State statute will be utilized by the

County for road improvement projects within the corporate limits as well as in the unincorporated parts of Richland County. The County will initiate projects on behalf of the Municipality in accordance with its established capital road improvement programs.

#### Section IV - Capital Drainage Improvements

Capital improvement programs to improve drainage and reduce the impact of flooding in the unincorporated parts of Richland County are occasionally funded by the County through the issuance of bonds. To participate in these programs, the Municipality must request and agree to have the millage for bond debt service levied within the corporate limits. If approved by County Council, capital projects within the corporate limits will be eligible for inclusion in the program. The County would provide program management and project management. Project selection within the corporate limits will be done in consultation with the Municipality.

#### ARTICLE 2 - NPDES STORMWATER PERMIT COVERAGE

**WHEREAS**, the Municipality is responsible for compliance with NPDES stormwater discharge permit requirements within its corporate limits; and

**WHEREAS**, the Municipality and the County have determined that the Municipality will be responsible for providing the services required by the NPDES permit within the corporate limits; and

**WHEREAS**, both parties hereto are authorized to enter into this agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976.

**NOW, THEREFORE**, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

#### Section I- Obligation to Comply with Permit

The Municipality shall be responsible for compliance with the NPDES permit and the County shall have no responsibility for compliance. The County shall only be responsible for maintenance of the storm drainage system per Article I.

#### ARTICLE 3 - GENERAL

##### Section I- Severability

The provisions of this Agreement are to be considered joint and severability such that the invalidity of any one section will not invalidate the entire agreement.

##### Section II- Successors and Assigns

Whenever in this Agreement the Municipality or the County is named or referred to, it shall be deemed to include its or their successors and assigns and all covenants and agreements in this

Agreement contained by or on behalf of the Municipality or the County shall bind and inure to the benefit of its or their successors and assigns whether so expressed or not.

**Section III - Extension of Authority**

The parties agree that all authorizations, empowerments, and all rights, titles, and interest referred or referenced to in this Agreement are intended to supplement the authority the County has or may have under any provision of law.

**Section IV - Termination by the County**

The County shall be entitled to terminate this Agreement, and the County shall be released from any obligations under this agreement if: (1) the County is rendered unable to charge or collect the applicable taxes or fees; or (2) the County Council acts to terminate this Agreement with the Municipality due to an adverse court decision affecting the intent of this Agreement.

**Section V- Termination by the Municipality**

The Municipality shall be entitled to terminate this Agreement, and the County shall be released from any obligations under this agreement if the Municipal governing body acts to terminate this Agreement with the County due to an adverse court decision regarding this Agreement or a contrary EPA/SC DHEC regulation.

In the event the Municipality terminates this agreement, the County shall be entitled to continue to collect all applicable taxes and fees within the Municipality for the tax year when the termination occurs. However, the Municipality will be entitled to a pro-rata distribution of such collections based on the percentage of the calendar year such services were provided.

**Section VI- Insurance**

For the duration of this Agreement, each party shall maintain a liability program adequate to meet at least the limits of the South Carolina Tort Claims Act.

**Section VII- Duration**

The duration of this Agreement shall be for a term of five (5) years, and will be automatically renewed for a like term unless one of the parties to the Agreement gives written notice to the other parties of an intent to terminate. Said notices must be given at least sixty (60) days prior to the County Auditor's calculations of the millage rates for the upcoming tax year; or unless otherwise terminated pursuant to Article III, Section IV or V, above.

**Section VIII- Previous Agreements**

This agreement supersedes all previous agreements between the County and the Municipality covering provision of these services.

IN WITNESS WHEREOF, the parties hereto have hereunder caused their names to be affixed

as heretofore duly authorized on the date first above written.

WITNESSES:

Debra Keating  
Tony McDonald

John L. Gibbons  
[Signature]

COUNTY OF RICHLAND

By: [Signature]  
Milton Pope  
County Administrator

Richland County Attorney's Office  
[Signature]  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

TOWN OF IRMO

By: [Signature]  
John L. Gibbons  
Mayor

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SO AS TO CREATE A NEW SECTION TO HANDLE ROADWAY IMPROVEMENTS IN THE TOWN OF IRMO, SOUTH CAROLINA; AND AMENDING CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SECTION 21-6 (A); SO AS TO ACCOMMODATE THE NEW SECTION.

NOW, THEREFORE, 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 21, Roads, Highways, and Bridges; Article I, In General; is hereby amended by the creation of a new Section to read as follows:

**Sec. 21-5.5. Standards for improving roadways in the Town of Irmo, South Carolina.**

On roadways being constructed or improved in the Town of Irmo, South Carolina, which are going to be or are already located in both Richland County and Lexington County, the following regulations shall be followed:

- (1) If more than fifty percent (50%) of the planned roadway improvement for all phases of the approved development are located in Lexington County
  - a. All improvements will be constructed to the standards of Lexington County.
  - b. Upon acceptance of improvements by Lexington County and the Town of Irmo, Richland County will accept the improvements located in Richland County for maintenance.
- (2) If more than fifty percent (50%) of the planned roadway improvements for all phases of the approved development are located in Richland County:
  - a. All improvements will be constructed to the standards of Richland County.
  - b. Upon acceptance of improvements by Richland County and the Town of Irmo, Lexington County will accept the improvements located in Lexington County for maintenance.
- (3) The percentage of planned roadway improvements in each County will be based upon centerline feet of roadway.

- (4) In conformance with Section 21-6 (b) of this Chapter, the provisions of this Section will apply to residential, commercial and industrial subdivisions. Streets and drainage systems serving group developments such as shopping centers, apartment complexes, condominiums, and mobile home parks will not be accepted for maintenance by Richland County.

SECTION II. The Richland County Code of Ordinances, Chapter 21, Roads, Highways, and Bridges; Article I, In General; Section 26-6 (a); is hereby amended to read as follows:

(a) Except as provided for in sections 21-4, ~~and 21-5~~, and 21-5.5 above, only those streets, roads, and drainage systems designed and constructed in accordance with the standards prescribed herein will be accepted for maintenance by the County.

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

SECTION V. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Michelle M. Onley**  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

First Reading:  
Second Reading:

Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA ) INTERGOVERNMENTAL AGREEMENT  
 ) FOR ROADS & MAINTENANCE AND  
COUNTY OF RICHLAND ) NPDES PHASE II COMPLIANCE

This agreement, made and entered into in duplicate originals this \_\_\_\_ day of October, 2013, by and between the **County of Richland**, a body politic duly created and existing pursuant to the provisions of the S.C. Code Ann. § 4-9-10 *et seq.* ( hereinafter referred to as “the County”), and the **Town of Irmo**, a municipal corporation, created and existing pursuant to S.C. Code Ann. § 5-7-10 *et seq.* (hereinafter referred to as “the Municipality”).

**WITNESSETH:**

**ARTICLE 1 – ROADS, DRAINAGE, SEDIMENT CONTROL, PLAN REVIEW, AND INSPECTION.**

**WHEREAS**, the Municipality wishes to provide for the maintenance of roads and drainage infrastructure within its corporate limits; and

**WHEREAS**, the Municipality has no staff or equipment for maintenance of roads or drainage infrastructure; and

**WHEREAS**, the County has staff and equipment for maintenance of roads and drainage infrastructure and provides these services in the unincorporated parts of Richland County, and

**WHEREAS**, the Municipality wishes to establish consistency with the County with regard to the design and construction of roads and drainage infrastructure, sediment control, and floodplain management; and

**WHEREAS**, the County has adopted and administers comprehensive design and construction standards for roads, drainage infrastructure, and sediment control measures constructed under its jurisdiction; and

**WHEREAS**, both parties hereto are authorized to enter into this agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976; and

**WHEREAS, this agreement modifies the 2007 agreement under which the parties have been operating;**

**NOW, THEREFORE**, in consideration of the promises, and the natural understanding and obligations hereinafter set forth, the parties hereto agree as follows:

**Section I. – County Responsibilities**

A. Through its Department of Public Works, the County will provide routine maintenance on all those roads, located within the corporate limits of the Municipality, that have been



accepted for maintenance either by the County in accordance with Section 21-7 of the Richland County Code of Ordinances or by the Municipality.

The level of maintenance will be subject to the availability of funds, labor, and equipment for the County's overall road maintenance responsibility. The same level of maintenance will be provided on roads within the corporate limits as on those in unincorporated areas. Maintenance will include, but not be limited to:

- Pavement
- Drainage within the R/W
- Traffic Control signs
- Street name signs
- Shoulders, if necessary

With the exception of street name signs, the County will not provide maintenance on roads that have been taken into the State Highway System. The County will provide name signs on all roads within the corporate limits.

B. The County will incorporate the County maintained roads within the corporate limits into its pavement management system. All roads will be selected and prioritized for resurfacing based on their overall condition relative to all other roads in the pavement management system as measured by their pavement condition rating.

C. The drainage infrastructure located off of road rights-of-way within the corporate limits will be maintained by the County subject to the limitations contained in Chapters 21 & 26 of the Richland County Code of Ordinances. The level of maintenance provided will be subject to the availability of funds, labor, and equipment available for the County's overall drainage maintenance responsibilities and strictly within County's guidelines. The same level of maintenance will be provided within the corporate limits as in unincorporated areas.

Maintenance under the terms of this agreement is comprised of, but not limited to, activities such as:

- Cleaning drainage ditches
- Cleaning and/or repairing closed storm sewers
- Cleaning and/or repairing catch basins, drop inlets, junction boxes, etc.
- Minor ditch excavation
- Minor storm sewer installation that can be accomplished by County maintenance forces

Maintenance does not include construction of major capital drainage improvement projects. Under the terms of this agreement, a major capital drainage improvement project is one requiring a private construction contract in the judgment of the County's Public Works Director.

D. Beginning September 1, 2007, Municipality will be responsible for plan review. The County recognizes the Municipality as an approved Delegated Entity. The County will accept

roads and drainage maintenance for these approved projects in accordance with Chapters 21 & 26 of the Richland County Code of Ordinances. In accordance with Section 21-5.5. of the Richland County Code of Ordinances, the County will accept roads and drainage maintenance on projects built to Lexington County standards for those portions which are in Richland County. ~~in developments located in both counties and in which more than fifty percent (50%) of the roadway improvements are located in Lexington County.~~ The County may require from time to time documentation as needed, to ensure its standards are being met. In addition, the County reserves the right, at any time, to inspect plan review process or inspection reports of a land disturbance project as necessary for quality assurance purposes. The County will be the final authority of issues related to construction quality of facilities it is expected to maintain.

## **Section II – Municipal Responsibilities**

- A. As a prerequisite to its authorization for the construction of new developments within the corporate limits involving new roads and/or drainage infrastructure, the Municipality will maintain an approved Delegated Entity.
- B. As a prerequisite to its issuance of building permits or land disturbance permits for new commercial buildings within the corporate limits, the Municipality will require the review and approval of site plans with regard to erosion control measures, floodplain management requirements, and road access regulations.
- C. As a prerequisite to its acceptance of maintenance responsibilities for new roads and/or drainage systems within the corporate limits, the Municipality will require a certification that they were constructed in accordance with approved plans and specifications.
- D. As a prerequisite to its issuance of certificates of occupancy for new commercial buildings within the corporate limits, the Municipality will require the inspection and approval of site improvements related to stormwater management, floodplain management, and road access.
- E. The Municipality will submit plans (preliminary plans, approved plans, and as-built plans) for developments and commercial buildings within the corporate limits to the County's Engineer's office for Quality Assurance and data management purposes. Municipality will copy to County any of the quality inspection reports during the execution of the project and any other related documentation for County filing purposes.
- F. The Municipality, within a reasonable time after the execution of this agreement, shall adopt or amend applicable ordinances as required to make them compatible with the requirements of a Delegated Entity for SC DHEC approval.

## **Section III – Funding**

The County will assess the residents of the Municipality the same taxes and fees for the aforementioned services, and at the same rates that are assessed in the unincorporated areas of Richland County. The taxes and fees generated thereby shall be full compensation to the County

for the services provided by the County pursuant to this agreement. The provisions of this section are applicable to:

- Real and personal property taxes
- Automobile registration fees
- Subdivision processing fees

“C” funds allocated to Richland County pursuant to State statute will be utilized by the County for road improvement projects within the corporate limits as well as in the unincorporated parts of Richland County. The County will initiate projects on behalf of the Municipality in accordance with its established capital road improvement program.

#### **Section IV – Capital Drainage Improvements**

Capital improvement programs to improve drainage and reduce the impact of flooding in the unincorporated parts of Richland County are occasionally funded by the County through the issuance of bonds. To participate in these programs, the Municipality must request and agree to have the millage for bond debt service levied within the corporate limits. If approved by County Council, capital projects within the corporate limits will be eligible for inclusion in the program. The County would provide program management and project management. Project selection within the corporate limits will be done in consultation with the Municipality.

#### **ARTICLE 2 – NPDES STORMWATER PERMIT COVERAGE**

**WHEREAS**, the Municipality is responsible for compliance with NPDES stormwater discharge permit requirements within its corporate limits; and

**WHEREAS**, the Municipality and the County have determined that the Municipality will be responsible for providing the services required by the NPDES permit within the corporate limits; and

**WHEREAS**, both parties hereto are authorized to enter into this agreement by virtue of the provisions of Section 4-9-40 of the South Carolina Code of Laws of 1976.

**NOW, THEREFORE**, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

#### **Section I – Obligation to Comply with Permit**

The Municipality shall be responsible for compliance with the NPDES permit and the County shall have no responsibility for compliance. The County shall only be responsible for maintenance of the storm drainage system per Article I.

## **ARTICLE 3 – GENERAL**

### **Section I – Severability**

The provisions of this agreement are to be considered joint and severability such that the invalidity of any one section will not invalidate the entire agreement.

### **Section II – Successors and Assigns**

Whenever in this agreement the Municipality or the County is named or referred to, it shall be deemed to include its or their successors and assigns and all covenants and agreements in this agreement contained by or on behalf of the Municipality or the County shall bind and inure to the benefit of its or their successors and assigns whether so expressed or not.

### **Section III – Extension of Authority**

The parties agree that all authorizations, empowerments, and all rights, titles, and interest referred or referenced to in this agreement are intended to supplement the authority the County has or may have under any provision of law.

### **Section IV – Termination by the County**

The County shall be entitled to terminate this agreement, and the County shall be released from any obligations under this agreement if: (1) the County is rendered unable to charge or collect the applicable taxes or fee; or (2) the County Council acts to terminate this agreement with the Municipality due to an adverse court decision affecting the intent of this agreement.

### **Section V – Termination by the Municipality**

The Municipality shall be entitled to terminate this agreement, and the County shall be released from any obligations under this agreement if the Municipal governing body acts to terminate this agreement with the County due to an adverse court decision regarding this agreement or a contrary EPA/SC DHEC regulation.

In the event the Municipality terminates this agreement, the County shall be entitled to continue to collect all applicable taxes and fees within the Municipality for the tax year when the termination occurs. However, the Municipality will be entitled to a pro-rata distribution of such collections based on the percentage of the calendar year such services were provided.

### **Section VI – Insurance**

For the duration of this agreement, each party shall maintain a liability program adequate to meet at least the limits of the South Carolina Tort Claims Act.

**Section VII – Duration**

The duration of this agreement shall be for a term of five (5) years, and will be automatically renewed for a like term unless one of the parties to the agreement gives written notice to the other parties of an intent to terminate. Said notices must be given at least sixty (60) days prior to the County Auditor’s calculations of the millage rates for the upcoming tax year; or unless otherwise terminated pursuant to Article III, Section IV or V, above.

**Section VIII – Previous Agreements**

This agreement supersedes all previous agreements between the County and the Municipality covering provision of these services.

**IN WITNESS WHEREOF**, the parties hereto caused their names to be affixed as heretofore duly authorized on the date first above written.

WITNESSES:

COUNTY OF RICHLAND

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Tony McDonald  
County Administrator

TOWN OF IRMO

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Hardy King  
Mayor

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Building and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; so as to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the "Property Maintenance" Division rather than the "Unsafe Housing" Division **[THIRD READING] [PAGES 54-61]**

## **Notes**

July 23, 2013 - The Committee deferred the item to the September 24, 2013 Committee meeting.

September 24, 2013 - The Committee unanimously approved the request to amend Section 6-84, Boarded-up Structures, so as to include commercial structures; and change the name of the "Unsafe Housing Division" to the "Property Maintenance Division."

First Reading: October 1, 2013

Second Reading: October 15, 2013

Third Reading:

Public Hearing:

## Richland County Council Request of Action

**Subject:** Amend Section 6-84, Boarded-up Structures, so as to include commercial structures; and change the name of the “Unsafe Housing Division” to the “Property Maintenance Division”.

### **A. Purpose**

County Council is requested to approve an ordinance amendment to the Richland County Code of Ordinances; Chapter 6, Buildings and Building Regulations; so as to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to change the reference from the “Unsafe Housing Division” to the “Property Maintenance Division”.

### **B. Background / Discussion**

Over the past years, Richland County has experienced an increase in the number of dilapidated residential and commercial structures. This trend can be attributed to normal attrition due to generational transition within families, economic downturn, or other varying factors. As result, many of these structures become abandoned, unsecured, and unsafe, thus impacting the quality of life for all Richland County residents who are exposed to the inherent consequences of these conditions.

Currently, provisions in both the International Building and Fire Codes identify the Building Department as the entity charged with the enforcement of “unsafe conditions” and “unsafe structures”. However, no division within the Building Department had been responsible up to this point for the enforcement of unsafe commercial buildings. With this ordinance amendment, it will be clear that the Building Department will now assume this responsibility.

In addition, we are requesting to change the name of the Unsafe Housing Division to the “Property Maintenance Division”. This request will clarify that unsafe housing was only one facet of what this division will be doing.

The Property Maintenance Division will be responsible for ensuring that existing residential and commercial structures and their premises conform to the requirements of the International Property Maintenance Code (IPMC).

We feel the name of the division should reflect the intent of the code, which is to ensure existing structures and premises provide a minimum level of health and safety as required within the International Property Maintenance Code.

### **C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

### **D. Financial Impact**

There is no financial impact associated with this request for FY14. Two Permit Specialist positions were vacated due to employee promotions in June. When the workload was analyzed, it was determined that there was no need to fill both of the positions. The Building Inspections Department filled one of the Permit Specialist positions, and will reclassify the other position to an Inspector to provide additional staffing if Council approves this Request of Action.

Funding for demolition of Unsafe Commercial Structures would then be identified during the FY15 budget process.

**E. Alternatives**

1. Approve the request to amend Section 6-84 to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the Division’s new name of “Property Maintenance Division”.
2. Do not approve the request to amend Section 6-84 to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the Division’s new name of “Property Maintenance Division”.

**F. Recommendation**

It is recommended that Council approve the request to amend Section 6-84 to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the Division’s new name of “Property Maintenance Division”.

Recommended by: Donny Phipps

Date: July 25, 2013

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 9/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 9/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 9/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to amend Section 6-84 to provide regulations for commercial boarded-up structures, as well as residential boarded-up structures; and to reference the Division’s new name of “Property Maintenance Division”.

If Council approves this Request of Action, the Building Inspections Department will reclassify a Permit Specialist position to an Inspector to provide additional staffing to support the ordinance amendment. Funding for demolition of Unsafe Commercial Structures would then be identified during the FY15 budget process.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, BUILDING CODES; SECTION 6-84, BOARDED-UP STRUCTURES; SO AS TO PROVIDE REGULATIONS FOR COMMERCIAL BOARDED-UP STRUCTURES, AS WELL AS RESIDENTIAL BOARDED-UP STRUCTURES; AND TO REFERENCE THE “PROPERTY MAINTENANCE” DIVISION RATHER THAN THE “UNSAFE HOUSING” DIVISION.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-up Structures; is hereby amended to read as follows:

**Sec. 6-84. Boarded-up structures.**

- (a) *Purpose.* The purpose of this section is to promote the health, safety and welfare of the citizens of the county by establishing regulations for boarded-up structures in order to prevent their detrimental effects in the county’s neighborhoods.
- (b) *Authority.* The Housing Official or designee(s) shall be responsible for the administration and enforcement of the provisions of this section.
- (c) *Registration.*
  - (1) Any person or owner that intends to board up a commercial structure or a residential structure shall comply with subsection (d) Covering of any means of egress and ingress of structures (see below).
  - (2) An application for registration must be made by the owner of ~~of~~ for the boarded up commercial or residential structure on a form prescribed by the building department, and submitted to the division. The completed registration form shall contain at a minimum the following information:
    - a. The full name and mailing address of the owner;
    - b. The full address and tax parcel number of the commercial or residential structure to be boarded;
    - c. Telephone number at which the owner may be reached;

- d. If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the present residence and business addresses and telephone numbers for the agent;
  - e. The owner's plan for the occupancy, repair or demolition of the commercial structure or residential structure;
  - f. The owner's plan for regular maintenance during the period the commercial or residential structure is boarded-up; and
  - g. Such other information as the department shall from time to time deem necessary.
- (3) The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.
  - (4) Registration of a boarded up commercial or residential structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, including, without limitation, Chapter 6. By accepting an owner's registration, the Building Department has not determined that the commercial or residential structure being registered is in compliance with any applicable local or state regulation or law.
- (d) *Covering of any means of egress and ingress of structures.*
- (1) It shall be unlawful for any person to cover any means of egress or ingress of a structure so as to secure the structure without first obtaining a permit to do so from the Building Codes and Inspections Department. The permit fee shall be ~~\$25.00~~ \$25.53 for residential buildings and ~~\$50.00~~ \$51.05 for mixed-use and commercial buildings. The permit shall authorize the owner to board the structure in conformance with the "National Arson Prevention Initiative" Board-Up Procedures. No later than five (5) days after boarding the property, the owner shall register the structure with the ~~Unsafe Housing~~ Property Maintenance Division.
  - (2) All boarded material shall be painted so as to match either the dominant color of the exterior of the structure or the color of the trim of the building, if any.
  - (3) Permits issued pursuant to this section shall be valid for no more than ten (10) days.
  - (4) Upon issuance of a permit pursuant to this section, the Housing Official shall list the property on the "Boarded-up Structure Inventory".
  - (5) Notwithstanding any other provision hereunder, it shall be a violation for any person to cover, for a period in excess of one hundred eighty (180) days, any

means of egress or ingress of any structure that is not in compliance with the International Property Maintenance Code or other applicable codes adopted.

- (6) Notwithstanding any other provision hereunder, it shall be a violation for any person to cover any means of egress or ingress of any structure with any material other than materials conforming to the International Residential Code.
- (e) *Requirements; time limit.*
- (1) An owner who registers a boarded up commercial structure or residential structure pursuant to subsection (c), above, must comply with the guidelines for boarding up structures established in subsection (d), above.
  - (2) An owner's registration of a boarded up commercial or residential structure shall expire one hundred eighty (180) days from the date of registration with the department ~~and may not be renewed unless approved by the Housing Official or designee(s).~~ Provided, however, the Housing Official may grant one extension of up to one hundred eighty (180) days if the request is made in writing thirty at least (30) days prior to the original expiration date and if a time line for abatement (either through repair or demolition) is approved.
- (f) Inventory of improperly boarded structures; notification of owners.
- (1) Not less than every sixty (60) days following the adoption of these Procedures, the Housing Official shall update the "Boarded-up Structure Inventory," and shall cause notice of these Procedures and the property owner's obligation to comply with the same, to be mailed by first class certified mail, return receipt requested, to all property owners whose structure is added to the inventory.
  - (2) In the event an owner of a structure that appears on the "Boarded-up Structure Inventory" cannot be located so as to notify the owner of these Procedures, service of notice by publication in the same manner as prescribed by the South Carolina Rules of Civil Procedure is authorized.
- (g) *Violations.*
- (1) It shall be unlawful for the owner of a boarded up commercial or residential structure to fail to register such structure with the department as required by subsection (c), above, except as otherwise provided herein.
  - (2) It shall be unlawful for an owner who has registered a boarded up commercial structure or residential structure to leave the structure boarded up after the expiration of the registration as set forth in subsection (e), above.
  - (3) It shall be unlawful for an owner to board up a commercial or residential structure in a manner that does not comply with this section unless the owner has

obtained the Housing Official's prior written approval for an alternative method of boarding up a commercial or residential structure.

(h) *Notification of violation.*

- (1) The Housing Official shall, on the expiration of one hundred eighty (180) days following the listing of a structure on the "Boarded-up Structure Inventory", give the owner notice of violation of this Section. Such notice shall state that the owner must within thirty (30) days of the notice, remove the non-conforming materials from any means of egress or ingress and replace the same with conforming materials which conform to the International Building Code and that the structure is in compliance with the International Property Maintenance Code.
- (2) Every day of noncompliance shall constitute a separate violation. The covering of any means of egress or ingress as provided under the provisions of this chapter does not stay enforcement of, or compliance with, any orders or notices by the Building Official or designee(s) or relieve any person or owner from complying with all other applicable local and state laws affecting structures and premises.
- (3) Permits shall be obtained by a licensed contractor to abate the commercial or residential structure either through repair or demolition as required by Richland County ordinance and South Carolina rules and regulations.

(i) *Manufactured homes.* Manufactured homes shall only be occupied as a residential structure as set forth by HUD Regulations. All vacant or abandoned manufactured homes shall be in compliance with HUD regulations, the International Property Maintenance Code, and this Chapter. Any repairs shall be made as set forth by HUD Regulations.

**Secs.6-85-6-95.Reserved.**

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 effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2013

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Michelle Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4, Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-66, so as to delete the requirement of Craftsmen Qualification Cards **[THIRD READING] [PAGES 62-66]**

## **Notes**

September 24, 2013 - The Committee unanimously approved the request to amend Chapter 6 of the Richland County Code of Ordinances to delete the requirement of Craftsmen Qualification Cards for any plumbing, gas, mechanical (HVAC) or electrical installation work.

First Reading: October 1, 2013

Second Reading: October 15, 2013

Third Reading:

Public Hearing:

## Richland County Council Request of Action

**Subject:** Delete the requirement of Craftsmen Qualification Cards.

### **A. Purpose**

County Council is requested to approve an ordinance amendment in Chapter 6 of the Richland County Code of Ordinances to delete the requirement of Craftsmen Qualification Cards for any plumbing, gas, mechanical (HVAC) or electrical installation work.

### **B. Background / Discussion**

The Building Codes and Inspections Department issues craftsmen cards to individuals that have a valid City of Columbia craftsmen card or a certificate from Municipal Association of South Carolina (MASC). The City of Columbia used to administer written exams but they stopped administering exams several years ago. However, the MASC certification card is not a license, nor does it require any bonds, or continued education. Therefore, the issuance of craftsmen cards serves no purpose.

In addition, State law requires a South Carolina Department of Labor, Licensing and Regulation (LLR) issued license appropriate for the scope of work to be done ((plumbing, gas, mechanical (HVAC) or electrical)), and provides no reference or allowance of a craftsman card in lieu of same. The attached ordinance would bring us into compliance with state law.

### **C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

### **D. Financial Impact**

There is currently a fee associated with the craftsmen card. It is \$5 for one year or \$25 for five years. For the past three fiscal years we collected the following revenue:

July 1, 2010 - June 30, 2011	July 1, 2011 - June 30, 2012	July 1, 2012 - June 30, 2013	Average
\$ 3,875.00	\$ 2,815.00	\$ 2,240.00	\$2,976.67

Deleting the requirement for Craftsmen Qualification Cards would result in an average \$2,976.67 revenue reduction.

### **E. Alternatives**

1. Approve the request to amend Chapter 6 to delete the requirement of Craftsmen Qualification Cards.
2. Do not approve the request to amend Chapter 6 to delete the requirement of Craftsmen Qualification Cards.

### **F. Recommendation**

It is recommended that Council approve the request to amend Chapter 6 to delete the requirement of Craftsmen Qualification Cards.

Recommended by: Donny Phipps

Date: July 2, 2013

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 9/5/13

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 9/5/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 9/10/13

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 4, LICENSING AND BONDING OF BUILDERS, CONTRACTORS AND CRAFTSMEN; SECTION 6-66, SO AS TO DELETE THE REQUIREMENT OF CRAFTSMEN QUALIFICATION CARDS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4, Licensing and Bonding of Builders, Contractors and Craftsmen Building Codes; Section 6-66, Craftsmen Qualification Cards; is hereby amended to read as follows:

**Sec. 6-66. ~~Craftsmen qualification cards.~~ Reserved.**

~~(a) Where any plumbing, gas, mechanical (HVAC) or electrical installation work is being done, a master with a current qualification card issued by Richland County shall be in actual control and in charge of the work being done.~~

~~(b) Any person wishing to qualify permanently for qualification cards shall satisfy the building official of his/her competence by satisfactorily completing a written test of competence approved by the building codes board of appeals.~~

~~(c) Qualification cards shall be valid for a period ending December thirty-first of the year of issue, and may either be renewed annually for five dollars (\$5.00), or for a five-year period for twenty five dollars (\$25.00). The purchaser of the qualification card has the election of renewing for one (1) year or five (5) years.~~

~~(d) There shall be no grandfather clause that would permit the licensing of craftsmen on the basis of facts existing prior to February 11, 1974.~~

~~(e) Qualifications for licensing or registration of craftsmen shall be established through written, oral, or field examinations as provided by SC State Licensing Boards.~~

~~(f) Reciprocity shall be extended to other counties and municipalities that have requirements equivalent to those of this county.~~

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 effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Michelle Onley  
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:

# Richland County Council Request of Action

## **Subject**

13-28MA  
John Kilmartin  
M-1 to RU (14.01 Acres)  
Broad River Road  
02600-09-05(p) **[SECOND READING] [PAGES 67-70]**

## **Notes**

First Reading: October 22, 2013  
Second Reading:  
Third Reading:  
Public Hearing: October 22, 2013

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-13HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 02600-09-05 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) ZONING TO RU (RURAL DISTRICT) ZONING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 02600-09-05 from M-1 (Light Industrial District) zoning to RU (Rural District) zoning; as further shown on Exhibit A, which is attached hereto and incorporated herein.

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 effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

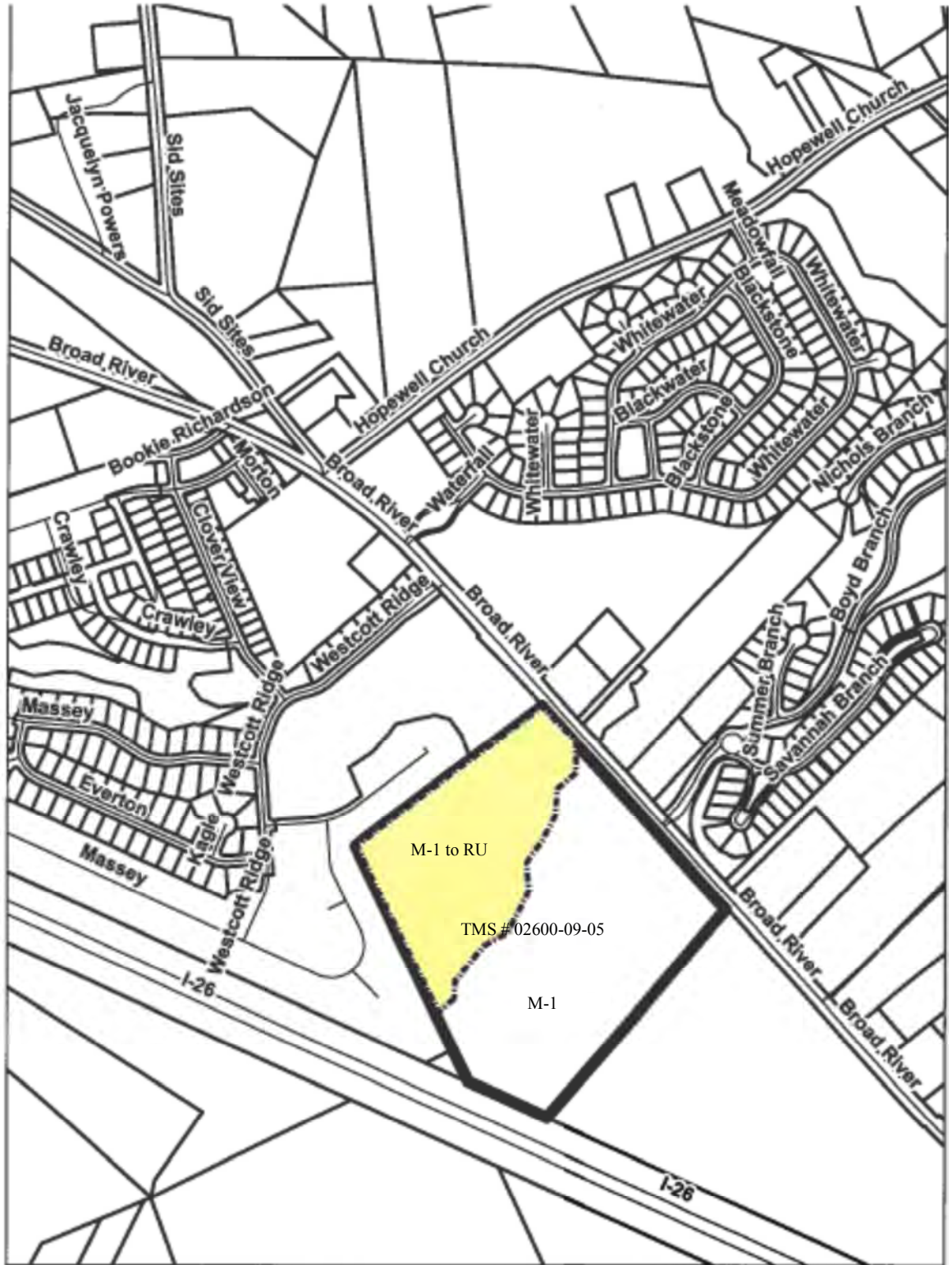
RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:           October 22, 2013  
First Reading:           October 22, 2013  
Second Reading:       November 5, 2013 (tentative)  
Third Reading:

Exhibit A



# Richland County Council Request of Action

## **Subject**

13-31MA  
Ron Johnson  
RU to RS-LD (25.54 Acres)  
Longtown Road West  
17613-02-08(p) **[SECOND READING] [PAGES 71-73]**

## **Notes**

First Reading: October 22, 2013  
Second Reading:  
Third Reading:  
Public Hearing: October 22, 2013

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-13HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 17613-02-08 FROM RU (RURAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 17613-02-08 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning; as further shown on Exhibit A, which is attached hereto and incorporated herein.

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 effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

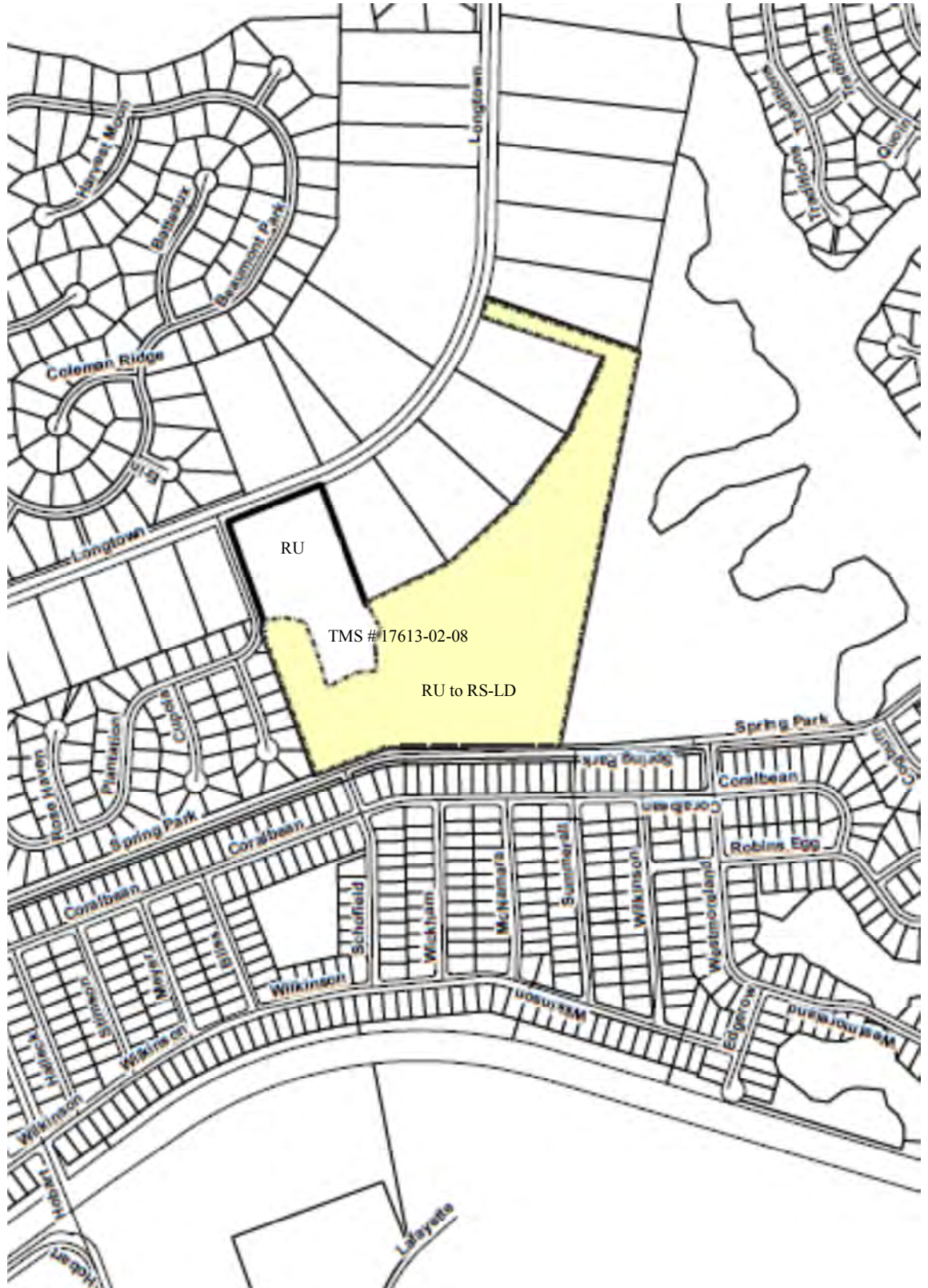
Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
Michelle Onley  
Clerk of Council

Public Hearing:           October 22, 2013  
First Reading:           October 22, 2013  
Second Reading:       November 5, 2013 (tentative)  
Third Reading:



Exhibit A



# Richland County Council Request of Action

## **Subject**

13-33MA  
Carolyn Peake  
RU to GC (4.097 Acres)  
10931 & 10901 Two Notch Road  
29000-01-01/05 & 29004-01-02 [**SECOND READING**] [**PAGES 74-75**]

## **Notes**

First Reading: October 22, 2013  
Second Reading:  
Third Reading:  
Public Hearing: October 22, 2013

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-13HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 29000-01-01/05 AND TMS # 29004-01-02 FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 29000-01-01/05 and TMS # 29004-01-02 from RU (Rural District) zoning to GC (General Commercial District) zoning.

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 effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
Michelle Onley  
Clerk of Council

Public Hearing:       October 22, 2013  
First Reading:       October 22, 2013  
Second Reading:     November 5, 2013 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-21, Rules of Construction Information; Subsection (b), General Rules of Construction; Paragraph (9), Contiguous **[SECOND READING] [PAGES 76-78]**

## **Notes**

First Reading: October 22, 2013

Second Reading:

Third Reading:

Public Hearing: October 22, 2013

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, RULES OF CONSTRUCTION/DEFINITIONS; SECTION 26-21, RULES OF CONSTRUCTION INFORMATION; SUBSECTION (B), GENERAL RULES OF CONSTRUCTION; PARAGRAPH (9), CONTIGUOUS.

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 II, Rules of Construction/Definitions; Section 26-21, Rules of Construction; Subsection (b), General Rules of Construction; Paragraph (9); is hereby amended to read as follows:

(9) *Contiguous.* The word “contiguous”, as applied to lots or districts, shall be interpreted as meaning ~~“having a common boundary of ten (10) or more feet in length”~~.

a. Touching along a common boundary for at least 15 feet.

b. The contiguity of land areas shall not be affected by existence between them of a road or alley; a public or private right-of-way; a public or private transportation or utility right-of-way; a river, creek, stream, or other natural or artificial waterway; provided, however, the contiguity of land areas shall be assumed to be disrupted by the existence of a thoroughfare road or a principal arterial road, as they are defined under Section 26-22.

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 \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2012

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Michelle Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:           October 22, 2013  
First Reading:           October 22, 2013  
Second Reading:       November 5, 2013 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-151, Permitted Uses with Special Requirements; so as to delete manufactured home parks from the M-1 Zoning District **[SECOND READING] [PAGES 79-81]**

## **Notes**

First Reading: October 22, 2013

Second Reading:

Third Reading:

Public Hearing: October 22, 2013

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO DELETE MANUFACTURED HOME PARKS FROM THE M-1 ZONING DISTRICT.

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 VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b) Permitted uses with special requirements listed by zoning district; Paragraph (45) Manufactured Home Parks.; is hereby amended to read as follows:

(45) Manufactured Home Parks - (MH, ~~M-1~~)

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c) Standards; Subparagraph (45) Manufactured Home Parks; Clause a; is hereby amended to read as follows:

a. Use districts: Manufactured Home; ~~M-1 Light Industrial~~.

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

SECTION V. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair



ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2012.

---

Michelle Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:	October 22, 2013
First Reading:	October 22, 2013
Second Reading:	November 5, 2013
Third Reading:	

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (26) Special Congregate Facilities; so as to provide additional requirements for same **[SECOND READING] [PAGES 82-85]**

## **Notes**

First Reading: October 22, 2013

Second Reading:

Third Reading:

Public Hearing: October 22, 2013

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-152, SPECIAL EXCEPTIONS; SUBSECTION (D), STANDARDS; PARAGRAPH (26) SPECIAL CONGREGATE FACILITIES; SO AS TO PROVIDE ADDITIONAL REQUIREMENTS FOR SAME.

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 VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (26), Special Congregate Facilities; is hereby amended to read as follows:

(26) *Special Congregate Facilities.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The facility shall be operated and contained within the building of and operated by a governmental agency or a nonprofit organization.
- c. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or a volunteer(s) during the hours of operation.
- d. No such facility shall be located within one quarter (1/4) mile of an existing congregare facility. The Board of Zoning Appeals may, however, in reviewing a special exception application, permit the clustering of special congregare facilities if it is determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- e. For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m.
- f. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- g. The facility shall be located within one-half (1/2) mile of an existing bus route or a public transit transfer station.

h. Facilities shall establish and maintain set hours for client intake/discharge. These hours shall be posted at the site. There shall be no loitering at the facility or in the surrounding area when the facility is closed. It is the responsibility of the facility to enforce this requirement.

i. Unless provided at the facility, the facility shall be located within one-half (1/2) mile of the following:

1. Professional services, such as doctor's offices and legal services;

2. Grocery stores;

3. Job development centers; and

4. Providers of services often utilized by the cliental, (i.e., medical clinics, food banks, public transportation).

j. No facility shall be located within:

1. Three hundred (300) feet of any residential district;

2. One thousand (1,000) feet of a public or private daycare, elementary or secondary school; and/or

3. One thousand (1,000) feet of a public park or public library.

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 \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Michelle Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:       October 22, 2013  
First Reading:       October 22, 2013  
Second Reading:     November 5, 2013 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; so as to reference the 2012 Edition of the International Building Code **[FIRST READING] [PAGES 86-90]**

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve the request to correct the code.

## **Richland County Council Request of Action**

**Subject:** To correct reference to the 2006 edition of the International Building Code, since the 2012 edition is now in effect.

### **A. Purpose**

County Council is requested to approve an ordinance to correct reference to the 2006 edition of the International Building Code, which is found under Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code.

### **B. Background / Discussion**

On October 1, 2013, County Council enacted Ordinance No. 050-13HR, which adopted and codified the 2012 edition of the International Building Code, along with other various building codes. Unfortunately, staff did not realize at the time that Section 6-168 also needed to be amended to properly reference the 2012 International Building Code.

### **C. Legislative / Chronological History**

Pursuant to its authority in Section 6-9-40 and in Section 6-9-50 of the SC Code of Laws, the South Carolina Building Codes Council recently adopted the 2011 edition of the National Electrical Code and the 2012 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, and International Property Maintenance Code, all such codes to go into effect throughout the state on July 1, 2013.

This is a staff-initiated request, as correcting the wrong code citation in Section 6-168 will avoid confusion should members of the public happened to notice it.

### **D. Financial Impact**

There is no financial impact associated with this request.

### **E. Alternatives**

1. Approve the request to correct reference to the 2006 edition of the International Building Code, which is found under Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code by approving the attached ordinance. If this alternative is chosen, the County Code of Ordinances will be consistent with State law
2. Do not approve the request to correct reference to the 2006 edition of the International Building Code, which is found under Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code. If this alternative is chosen, the County and its citizens will still have to comply with the current edition of the 2012 edition of the International Building Code, but it will conflict with Ordinance 050-13HR and it may cause confusion among the public.

### **F. Recommendation**

It is recommended that Council approve the request to correct reference to the wrong edition of the International Building Code by approving the attached ordinance, so that this information can be placed into the Richland County Code of Ordinances and on the internet, therefore being more available to interested citizens.

Recommended by: Donny Phipps Department: Building Codes & Inspections Date: 10/4/13

**G. Reviews**

**Finance**

Reviewed by Daniel Driggers:

Date: 10/7/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 10/8/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/8/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE IX, SWIMMING POOL CODE; SECTION 6-168, REQUIREMENTS; SO AS TO REFERENCE THE 2012 EDITION OF THE INTERNATIONAL BUILDING CODE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; is hereby amended to read as follows:

**Sec. 6-168. Requirements.**

In addition to the requirements imposed by the ~~2006~~ 2012 edition of the International Building Code, the following administrative requirements are hereby enacted:

- (1) A licensed swimming pool contractor shall be responsible for securing a permit from the County Building Official for the installation of an in-ground swimming pool.
- (2) In the event an approved wall, fence, or other substantial structure to completely enclose the proposed pool is not in existence at the time an application is made for the permit to install a pool, it shall be the responsibility of the property owner to have the enclosure installed prior to the final inspection and, further, to ensure that said structure remains in place as long as the swimming pool exists.

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 effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2013

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Michelle Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

To direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots **[PAGES 91-93]**

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve the request to lobby the state legislature for legislation to address overgrown lots.

## **Richland County Council Request of Action**

**Subject:** To direct the County’s legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

### **A. Purpose**

County Council is requested to direct the County’s legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

### **B. Background / Discussion**

State law currently allows municipalities to place a lien on the cost of cleaning a citizen’s lot and having the lien collectable in the same manner as municipal taxes. See below:

**SECTION 5-7-80.** Ordinances relating to upkeep of property within municipality.

(1) Any municipality is authorized to provide by ordinance that the owner of any lot or property in the municipality shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance.

(2) The municipality may provide by ordinance for notification to the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, may provide the terms and conditions under which employees of the municipality or any person employed for that purpose may go upon the property to correct the conditions and may provide that the cost of such shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.

HISTORY: 1962 Code Section 47-37; 1975 (59) 692.

However, there is no similar legislation to allow counties to place the cost of cleaning a person’s lot on county tax bills. Because this service results in a significant cost and is disruptive to the services the staff is intended to provide, it would be beneficial to have this authority placed within Title 4 of the S.C. Code of Laws. Many of the One-Stop complaints for overgrown lots each year are for the same lots, which belong to out-of-town property owners. This makes enforcement of the County’s ordinances related to overgrown lots difficult, and the lots end up being cleaned once or twice per year at no cost to the property owner.

Public Works responds to an average of 150 overgrown lot cleanups annually. They estimate that a typical clean up takes a three man crew two hours. Location and travel time can vary greatly, so they use an estimated cost of \$150 per location. Public Works also responds to approximately 15 requests annually to remove debris from lots, and these costs can be similar to overgrown lot cleanup.

### **C. Legislative / Chronological History**

This is a staff-initiated request.

**D. Financial Impact**

The County would save approximately \$24,750 annually if the cost of cleanup could be placed on citizens' tax bills and collected in that manner.

**E. Alternatives**

- 1. Approve the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.
- 2. Do not approve the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

**F. Recommendation**

It is recommended that Council approve the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots.

Recommended by: Sparty Hammett    Department: Administration    Date: 10/3/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers	Date: 10/8/13
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
✓ Recommend Council discretion	
Comments regarding recommendation:	
Policy decision	

**Public Works**

Reviewed by: David Hoops	Date:
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: Elizabeth McLean	Date: 10/15/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Administration**

Reviewed by: Sparty Hammett	Date: 10/15/13
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Recommend Council approval of the request to direct the County's legislative lobbyist to lobby the state legislature for the enactment of legislation similar to the authority that municipalities currently have for addressing overgrown lots. The recommended legislation would aid the County in addressing an ongoing problem and place the cost of property maintenance back on the property owner.	

# Richland County Council Request of Action

**Subject**

Richland County Sheriff's Department Funding Request for Security Camera Array [**PAGES 94-97**]

**Notes**

October 22, 2013 - This item was removed and forwarded to the 2014-2015 budget meetings schedule.

## **Richland County Council Request of Action**

**Subject:** Richland County Sheriff's Department Funding Request for Security Camera Array

### **A. Purpose**

Councilwoman Dickerson and the Richland County Sheriff's Department are jointly requesting the addition of a security camera array to be deployed in the county as a crime prevention mechanism. This request is being made jointly by RCSD and Councilwoman Dickerson.

### **B. Background / Discussion**

The Richland County Sheriff's Department uses a variety of methods to address crime within the county. Cameras increase the perception of safety among law abiding citizens while their surveillance capabilities can enhance efficiencies by alerting law enforcement of crimes and potentially dangerous situations as they occur and provide crucial information that help law enforcement the safest way to respond. Video footage documenting criminal activity and identifying perpetrators and witnesses also aid in investigations and prosecutions, increasing law enforcement and prosecution efficiency, benefiting crime victims whose cases are able to be closed through the use of video evidence as well as deterring a greater number of offenders from committing future crimes.

The department currently has a limited number of cameras available. As such, the department is requesting funding for a 22 camera system array to be deployed in identified "Hotspots" within the county to add additional capability in the prevention of crime and the development of investigative information.

### **C. Legislative / Chronological History**

At the September 10, 2013 Council meeting, Ms. Dickerson made the following motion:

"Consider purchasing security cameras as a crime prevention mechanism and for the safety of the citizens in Richland County to be placed in strategic locations along distressed corridors and communities where crime is increasingly an issue per the recommendation of Sheriff Leon Lott and the Community Action Team (CAT)."

This item was forwarded to the October 22, 2013 A&F Committee meeting.

### **D. Financial Impact**

**Funding:** Funding is requested from General Fund. The department has used forfeiture and seizure funds to establish the current limited capability.

**First Year Cost:** \$68,090 – The cost reflects the purchase, installation, maintenance, data download and data storage.

Subsequent Year (s) recurring: \$24,090 – The recurring costs reflects a \$3 per day per camera monitoring/maintenance/data download and storage/camera relocation.

22 Camera System Array @ \$2,000 each.	\$44,000.00
Daily Monitoring - \$3 per camera array per day (\$1,095) recurring	\$24,090.00
<b>Total</b>	<b>\$68,090.00</b>

**E. Alternatives**

1. Approve the request to fund the proposed addition of security camera capability to be deployed in identified “Hotspots” as a crime prevention mechanism.
2. Do not approve the request to fund the proposed addition of security camera capability to be deployed in identified “Hotspots” as a crime prevention mechanism. RCSD will need to address the added investigative capability by utilizing human resources to collect information.

**F. Recommendation**

It is recommended that Council approve the request for funding of the security camera array.

Recommended by: Sheriff Leon Lott      Department: RCSD      Date: September 16, 2013

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers      Date: 10/11/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:

This is a funding decision for Council based on County Council’s priorities. Approval would require a budget amendment with three readings and a public hearing and identification of a funding source.

**Procurement**

Reviewed by: Rodolfo Callwood      Date: 10/11/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean      Date: 10/11/13  
 Recommend Council approval       Recommend Council denial  
Comments regarding recommendation: Policy decision left to Council’s discretion.  
Things to consider: 1) Make sure the cameras monitor public areas 2) Establish guidelines to curtail potential misuse of the system and recordings 3) Understand that



any recordings may be releasable under FOIA 4) Be mindful of the Constitutional protections of citizens (i.e. again be careful of misuse).

**Administration**

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration is supportive of the request for security cameras; however, because we are essentially halfway through the fiscal year, it would be better if this request is funded in the 2014-15 Budget year.

# Richland County Council Request of Action

**Subject**

Elections & Voter Registration Office & Warehouse Consolidation **[PAGES 98-101]**

**Notes**

October 22, 2013 - A motion was unanimously approved for staff to provide Council a proposal of the consolidation and return it to Council on a date to be determined by the County Administrator.

## Richland County Council Request of Action

**Subject:** Elections & Voter Registration Office & Warehouse Consolidation

### A. Purpose

County Council is requested to approve the consolidation of the Richland County Elections & Voter Registration Office and Warehouse.

### B. Background / Discussion

The Richland County Elections & Voter Registration Office combined in July 2011. As of October 2013, the Elections & Voter Registration Office currently owns the following election related equipment:

- 947 iVotronic Machines
- 149 ADA Voting Machines
- Booths
- Flashcards
- Personalized Electronic Ballots (PEB's)



- Printers
- Batteries
- Laptops
- Related Election Equipment

*Elections & Voter Registration Warehouse*

The election machines and related equipment are currently stored in an offsite facility. On a daily basis, staff members must drive from the County Administration Building to the offsite warehouse facility to clear and test machines, conduct preventive maintenance on the machines and related equipment while organizing and preparing the machines for upcoming elections.

The warehouse is not climate controlled which negatively impacts the computerized equipment. Additionally, the warehouse contains many water leaks, insulation is falling from the ceiling, and electrical issues are the norm. Water leaks have spilled over onto voting machines and other electrical equipment which in turn has caused machine malfunctions. As recently as September 2013, the warehouse experienced electrical issues which resulted in a voting machine being destroyed and having to be replaced by the manufacturer. Additionally, the warehouse is currently at capacity.

With the addition of the 25 new precincts, additional 195 iVotronic Voting Machines and related equipment must be purchased in order to meet South Carolina Code of Laws 7-13-740 and South Carolina Code of Laws 7-7-465 in order to provide enough machines for the 25 new precincts which will take effect in January 2014.



*Elections & Voter Registration Warehouse Ceiling*



*Elections & Voter Registration Warehouse Water Leak*



**C. Legislative / C**

At the September 10, 2012 Council Meeting, Councilman Jackson made the following motion, which was forwarded to the October 22, 2013 D&S Committee meeting:

“Start a search for the relocation of the storage of Election Voting Machines and equipment and possible the Election Commission's office.”

**D. Financial Impact**

The financial impact associated with this request has not yet been determined.

**E. Alternatives**

1. Approve the request to approve the consolidation of the Richland County Elections & Voter Registration Office and Warehouse.
2. Do not approve the request to approve the consolidation of the Richland County Elections & Voter Registration Office and Warehouse.

**F. Recommendation**

It is recommended that County Council approve the request to consolidate the Elections & Voter Registration Office and the Warehouse.

Recommended by: Howard Jackson      Department: Elections & Voter Reg.      Date: 10/4/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation is not based on the concept of the request but rather the fact that the strategy has not been developed as part of the County’s capital planning and that no funding has been identified or designated for the project by Council. The current operation and storage facility are housed in county-owned facilities therefore approval would be an increase to the on-going County operations cost.

It is also reasonable to believe that if a consolidated facility is approved there will also be additional related personnel and operating cost. It is recommended that the County

determine the total one-time and recurring operating cost of decision and identify a long-term funding plan source prior to approval.

**Legal**

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, any change in the location/organizational structure of the Voter Registration and Elections Office itself may be premature given the current status of the law concerning the Board.

**Administration**

Reviewed by: Tony McDonald

Date: 10/17/13

Recommend Council approval

Recommend Council denial  
(at this time)

Comments regarding recommendation: Recommend that this request be incorporated into the budget process for fiscal year 2015 and considered as a potential item in the capital bond issue for that year. This will give staff time to more adequately explore the need for additional space, the associated costs, and the availability of space to meet the need. Delaying this request will also allow time for resolution of the issue concerning the constitutionality of the law merging the Elections and Voter Registration Offices.

# Richland County Council Request of Action

## **Subject**

Approval of Elections and Voter Registration Budget Amendment [**PAGES 102-112**]

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve the request minus the \$42,500 in funding for the Voter Outreach Coordinator position, which will be funded using existing funds from the Elections and Voter Registration office. Future funding for the position and any additional savings realized from the purchase of the laptops will be deducted from the requested amount and will be considered during the FY 14-15 budget meetings.

## Richland County Council Request of Action

**Subject:** Approval of Elections and Voter Registration Budget Amendment

### **A. Purpose**

County Council is requested to approve a budget amendment in the amount of \$658,122.56 for the Elections & Voter Registration Office for the purpose of purchasing voting machines, related equipment and the approval of a Voter Outreach Coordinator position.

### **B. Background / Discussion**

Richland County Legislative Delegation recently created and approved 25 new precincts to be implemented on January 1, 2014.

In compliance with South Carolina Code of Laws 7-13-740 and South Carolina Code of Laws 7-7-465, the directives of Council and in order to avoid a potential shortage and lack of machines which was experienced in the 2012 General Election, the Elections and Voter Registration Department has developed and would like approval of the following action plan:

1. Increase the current inventory of voting machines and related equipment with the following additions (see Appendix 1, Table 1 for cost breakdown):
  - a. 170 Refurbished iVotronic Machines
  - b. 25 ADA (Americans with Disabilities Act) Machines
  - c. 170 Booths
  - d. 25 Communication Packs with Printers
  - e. 1-Year Hardware & Software Warranty (includes 6 month complimentary extended warranty).
2. Renew the FY2014 Maintenance & Licensing Agreement for the maintenance and licensing agreement (see Appendix 1, Table 2 for cost breakdown).
3. Pay outstanding invoices for repairing voting machines and related equipment in preparation for upcoming elections. This ensures all County-owned voting machines and election equipment is in proper working condition and available for use in upcoming and future elections (see Appendix 1, Table 3 for cost breakdown).
4. Create and fund a Voter Outreach Coordinator position which will be responsible for educating Richland County citizens on the new Photo ID laws and will serve as a point of contact for voters, while increasing confidence and trust in the election process (see Appendix 1, Table 4 for cost breakdown).
5. Purchase laptops and related equipment to be used at polling locations to provide Electronic Voter Registration Lists (EVRs) that enable poll managers to electronically search for voters and record voter participation (see Appendix 1, Table 5 for cost breakdown).

### **C. Legislative / Chronological History**

At the November 13, 2012 Council meeting, Councilman Jackson made the following motions, which were added to the December 2012 D&S Committee agenda:

1. “Work with the Voter's Registration/Election Commission to identify inadequate precincts in each district and recommend replacement sites. Preferably a park, gym or school to accommodate a large crowd inside.

“Reason: Based on the new census each district has increased immensely and some facilities cannot accommodate the crowd. Citizens should not have to be waiting on the road facing traffic and endangering their lives.”

2. “Richland County Council develops a report from the Legislative Delegation's hearing including a course of action to support resolving the unfortunate Election Day problems.”

**D. Financial Impact**

**Itemization of Cumulative Costs Associated with Requests**

<b>Item No.</b>	<b>Item Description</b>	<b>Cost</b>
1	Addition of Voting Machines and Related Equipment	\$392,872.00
2	Renewal of FY2014 Maintenance & Licensing Agreement	\$ 69,624.90
3	Payment of Outstanding Invoices for Repairing Voting Machines and Related Equipment	\$ 7,554.11
4	Addition of Voter Outreach Coordinator Position	\$ 42,500.00
5	Purchase of Laptops and related equipment for polling locations	\$145,571.55
<b>Total</b>		<b>\$658,122.56</b>

**E. Alternatives**

1. Approve the request to amend the budget in the amount of \$658,122.56 for the Elections & Voter Registration Office for the purpose of purchasing voting machines, related equipment and the approval of a Voter Outreach Coordinator position.
2. Do not approve the request to amend the budget in the amount of \$658,122.56 for the Elections & Voter Registration Office for the purpose of purchasing voting machines, related equipment and the approval of a Voter Outreach Coordinator position.

**F. Recommendation**

It is recommended that Council approve the budget amendment in the amount of \$658,122.56 for the purposes outlined above.

Recommended by: Howard Jackson      Department: Elections & Voter Reg.      Date: 10/4/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 10/15/13

Recommend Council approval

Recommend Council denial



Comments regarding recommendation:

Request is a funding decision at Council's discretion based on County priorities and includes \$658k of additional funds but no funding source identified. Approval would require the identification of a funding source and a budget amendment. Based on the information provided, a portion of the request is for one-time capital dollars and part for annual recurring cost. The County's financial policy encourages the use of fund balance for one-time non-recurring items therefore it would be an appropriate use as partial funding.

annual recurring cost           \$120k  
one-time non-recurring cost   \$538k

### **Procurement**

Reviewed by: Rodolfo Callwood

Date: 10/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval if funded; requests is a funding decision at Council's discretion

### **Human Resources**

Reviewed by: T. Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Request is a funding decision at County Council's discretion.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 10/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. I am providing, below, the two statutes cited.

**SECTION 7-13-740.** Number and construction of booths; only one voter in booth at a time; speaking to voter prohibited.

There must be provided at each polling precinct at least one booth. At least one booth must be provided for each two hundred and fifty registered electors or a major fraction thereof of the precinct. The booths must be made of wood, sheet metal, or other suitable substance; must not be less than thirty-two inches wide, thirty-two inches deep, and six feet six inches high; must have a curtain hanging from the top in front to within three feet of the floor; and must have a suitable shelf on which the voter can prepare his ballot. In primary, general, and special elections, the booths must be provided by the commissioners of election or other electoral board. Only one voter shall be allowed to enter a booth at a time, and no one except as provided herein is allowed to speak to a voter while in the booth preparing his ballot.

AN ACT TO AMEND SECTION 7-7-465, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN RICHLAND COUNTY, SO AS TO REVISE AND ADD CERTAIN PRECINCTS, TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES AND PRECINCT LINES

OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, TO CORRECT REFERENCES, AND TO PROVIDE FOR ALTERNATE PRECINCT POLLING PLACES UNDER SPECIFIED CONDITIONS.

Be it enacted by the General Assembly of the State of South Carolina:

Richland County voting precincts revised

SECTION 1. Section 7-7-465 of the 1976 Code, as last amended by Act 24 of 2007, is further amended to read:

"Section 7-7-465. (A) In Richland County there are the following voting precincts:

Ward 1	Ballentine 1	Friarsgate 2
Ward 2	Ballentine 2	Old Friarsgate
Ward 3	Barrier Free	Gadsden
Ward 4	Beatty Road	Garners
Ward 5	Bluff	Greenview
Ward 6	Blythewood 1	Gregg Park
Ward 7	Blythewood 2	Hampton
Ward 8	Blythewood 3	Harbison 1
Ward 9	Bookman	Harbison 2
Ward 10	Brandon 1	Hopkins 1
Ward 11	Brandon 2	Hopkins 2
Ward 12	Briarwood	Horrell Hill
Ward 13	Bridge Creek	Hunting Creek
Ward 14	Caughman Road	Keels 1
Ward 15	College Place	Keels 2
Ward 16	Cooper	Keenan
Ward 17	Dennyside	Kelly Mill
Ward 18	Dentsville	Killian
Ward 19	Dutch Fork 1	Kingswood
Ward 20	Dutch Fork 2	Lake Carolina
Ward 21	Dutch Fork 3	Lincolnshire
Ward 22	Dutch Fork 4	Longcreek
Ward 23	Eastover	Longleaf
Ward 24	Edgewood	Lykesland
Ward 25	Estates	Mallet Hill
Ward 26	Fairlawn	Meadowfield
Ward 29	Fairwold	Meadowlake
Ward 30	East Forest	McEntire
Ward 31	Acres	Midway
Ward 32	North Forest	Mill Creek
Ward 33	Acres	Monticello
Ward 34	South Forest	North Springs 1
Arcadia	Acres	North Springs 2
Ardincaple	Friarsgate 1	North Springs 3

Oak Pointe 1	Pontiac 2	Spring Valley
Oak Pointe 2	Rice Creek 1	Spring Valley
Oak Pointe 3	Rice Creek 2	West
Oakwood	Ridge View 1	Springville 1
Olympia	Ridge View 2	Springville 2
Parkridge 1	Ridgewood	Trenholm Road
Parkridge 2	Riverside	Trinity
Parkway 1	Riversprings 1	Valhalla
Parkway 2	Riversprings 2	Valley State
Parkway 3	Riversprings 3	Park
Pennington 1	Riverwalk	Walden
Pennington 2	Round Top	Webber
Pine Grove	St. Andrews	Westminster
Pine Lakes 1	Sandlapper	Whitewell
Pine Lakes 2	Satchelford	Wildewood
Pinewood	Skyland	Woodfield
Polo Road	South Beltline	Woodlands
Pontiac 1	Spring Hill	

(B) The precinct lines defining the precincts provided in subsection (A) are as shown on the official map prepared by and on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document P-79-13 and as shown on copies of the official map provided to the Board of Elections and Voter Registration of Richland County by the Office of Research and Statistics.

(C) The polling places for the precincts provided in this section must be established by the Board of Elections and Voter Registration of Richland County subject to the approval of the majority of the Richland County Legislative Delegation.

(D) If the Board of Elections and Voter Registration of Richland County determines that a precinct contains no suitable location for a polling place, the board, upon approval by a majority of the county's legislative delegation, may locate the polling place inside the county and within five miles of the precinct's boundaries."

Time effective

SECTION 2. This act takes effect on January 1, 2014.

Ratified the 11th day of June, 2013.

Approved the 13th day of June, 2013.

**Administration**

Reviewed by: Tony McDonald

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: In order to meet the requirements of recent legislation establishing additional voting precincts in Richland County, it is

recommended that this request for funds be approved. It is further recommended that the funding source, if approved, be the General Fund fund balance.

**Table 1: Addition of Voting Machines and Related Equipment (Note: Customer Loyalty Discount saves \$39,000)**

Tabulation Hardware		
Quantity	Item Description	Price
170	iVotronic Voter Terminals @ \$1,695/ea. <i>**Includes Terminal, Supervisor PEB, &amp; Flashcard**</i>	\$288,150.00
25	iVotronic ADA Voter Terminals @ \$1,895/ea. <i>**Includes Terminal, Supervisor PEB, &amp; Flashcard**</i>	\$47,375.00
170	Booths @ \$300.00/ea.	\$51,000
25	Communication Packs @ \$425.00/ea. <i>**Includes modem w/thermal printer**</i>	\$10,625.00
Election Services		
	1 Year Hardware & Software Warranty	Included
	Shipping & Handling	\$2,950.00
	<i>Customer Loyalty Discount</i>	<i>(39,000.00)</i>
	Tax	\$31,772.00
<b>Total</b>		<b>\$392,872.00</b>

\* \* \*

**Table 2: Renewal of FY2014 Maintenance & Licensing Agreement (Note: Warranty extended until June 30, 2015 for the additional 195 iVotronic Machines at no additional cost)**

<p>Maintenance &amp; License Contract for FY2014            Coverage Dates: July 1, 2013 – June 30, 2014            Total Costs: \$97,113.90</p> <p>Department's FY2014 Budget            Program Maintenance &amp; License            Amount Approved: \$27,489</p> <p><b>Difference of: \$ 69,624.90</b></p>
<p><u>Hardware Maintenance, Software Maintenance &amp; Support</u></p> <ul style="list-style-type: none"> <li>• 947 iVotronic Machines</li> <li>• 195 iVotronic Machines that will be purchased due to the creation of 25 new precincts, effective January 1, 2014</li> <li>• On-Site Repairs of iVotronic Machines &amp; Equipment</li> </ul>

- Model 650 Scanner
- Unity Ballot Image Manager
- Unity Ballot on Demand
- Unity Data Acquisition Manager
- Unity Election Data Manager
- Unity Election Reporting Manager
- Unity Hardware Program Manager
- Unity iVotronic Image Manager

The Elections and Voter Registration Office pays a yearly maintenance and licensing fee with Election Systems & Software which provides hardware maintenance, software maintenance and technical support.

\* \* \*

**Table 3: Payment of Outstanding Invoices for Voting Machines Repairs & Related Equipment**

Quantity	Item Description	Price
180	Booth Wheels w/Rivets	\$891.00
22	Booth Leg Cups	\$53.90
8	Curly Cords w/Pigtail Cover attached	\$131.60
3	Surge Protectors	\$44.85
3	Pig Tail Covers	\$16.50
52	Booth Plate Sets	\$413.40
1	Blue Latch	\$2.80
5	Booth Legs	\$25.00
3	Motherboard Batteries	\$209.85
34	Power Supplies	\$663.00
13	Leg Cover Doors	\$130.00
1	Replaced Printer Sensor	\$50.00
1	Replaced Knob	\$5.50
1	Replaced Knob	\$5.50
1	Replaced Printer Cable	\$7.50
1	Replaced Knob	\$5.50

1	Replaced Paper Tray	\$7.00
1	Replaced Printer Cable	\$7.50
1	Replaced Knob	\$5.50
1	Replaced Printer Cable	\$7.50
1	Replaced Printer Cable	\$7.50
1	Replaced Knob	\$5.50
1	Replaced Printer Cable	\$7.50
135	Replace PEB Batteries	\$2,018.25
152	Replace PEB Batteries	\$2,272.40
	Taxes	\$559.56
<b>Total</b>		<b>\$7,554.11</b>

- The iVotronic Machines and election related equipment were purchased in 2004. Routine maintenance and repairs are needed to ensure all equipment is in proper working order and available for use in all elections in Richland County.
- Given the upcoming election schedule and the condition of the voting machines, it was imperative to begin the maintenance and repair of the voting machines and related election equipment immediately to assist with restoring public confidence and trust in the election process.

\* \* \*

**Table 4: Addition of Voter Outreach Coordinator Position**

Proposed Voter Outreach Coordinator Position:  
\$42,500 per year

- The need for a Voter Outreach Coordinator position evolved with the passage of the photo ID law that took effect January 2013. As a result of the new law, voter outreach requests have drastically increased in number. In order to try and accommodate the increased number of outreach requests, Elections and Voter Registration Office staff members are working evenings and weekends in order to accommodate the outreach events requests.
- The Voter Outreach Coordinator position will be responsible for educating the citizens of Richland County regarding the new Photo ID Laws and serving as a point of contact for the citizens of Richland County to obtain information regarding voter education and voter registration.
- The Voter Outreach Coordinator will also be responsible for informing citizens of the voter registration process as well as new changes to laws by speaking at functions and demonstrating iVotronic voting machines to educate the citizens of Richland County on the use of voting machines and the voting process.

\*

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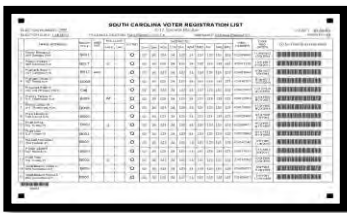
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**Table 5: Purchase of Laptops and Related Equipment for Polling Locations**

Quantity	Item Description	Cost
263	Laptops @ \$479.00/ea.	\$125,977.00
177	Bags @ \$31.15/ea.	\$5,513.55
358	Mouse @ \$3.80/ea.	\$1,360.40
312	Memory Cards @ \$6.21/ea.	\$1,937.52
	Taxes	\$10,783.08
<b>Total</b>		<b>\$145,571.55</b>

- Electronic Voter Registration List (EVRL) is an electronic version of the paper voter registration list. An EVRL master list is sent electronically from the State Election Commission (SEC), and the list is loaded onto a laptop and sent to the precinct on Election Day.
- The poll managers use the laptop (EVRL) to search for voters and record voting participation. At the end of the day, the poll clerk returns the laptop/s to the county election office. The election staff then extracts the participation information from the precinct and it is transmitted to the SEC to provide the voter credit for voting in the election.
- Using EVRL's instead of paper voter registration lists enables poll managers to process voters quicker on Election Day and makes it is easier to find and mark the proper voter. Additionally, poll managers are able to search for voters and direct them to their proper precinct as well as create reports that detail the number of individuals who voted at a particular polling location on Election Day.
- The formula for issuing laptops is 1 laptop for every 1500 registered voters in a precinct and 1 laptop at a resolution table to assist voters with issues various issues encountered on Election Day (i.e. voters moving to other address, voters attempting to vote at the wrong precinct, no photo ID, etc.). This formula would provide each polling location with a minimum of 2 laptops.

Paper Voter Registration List



Electronic Voter Registration List





# Richland County Council Request of Action

## **Subject**

Request to Purchase Real Property – Decker Boulevard Acquisition Project (FEMA Grant) [**PAGES 113-138**]

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve the purchase price of \$538,683.48, which reflects the removal of \$11,316.52 in delinquent taxes from the original amount requested of \$561,317.

## Richland County Council Request of Action

**Subject:** Request to Purchase Real Property – Decker Boulevard Acquisition Project (FEMA Grant)

**A. Purpose**

County Council is requested to approve the purchase of real property situated at 2628 Decker Drive, Columbia, SC in the amount of \$550,000 plus approximately \$11,317 in back taxes for a total of \$561,317.

**B. Background / Discussion**

Richland County applied for a flood mitigation grant through FEMA to implement the following project:

Decker Boulevard Acquisition Project – The property at 2628 Decker Boulevard (Old Zorbas Restaurant) is located within the Special Flood hazard area and contains a structure within the Floodway. Richland County proposes to purchase the property and structure (approximately 3 acres). The County will demolish the structure, remove and dispose of the debris and stabilize the area. This project will remove a structure from the Floodway reducing known flood risks, allow the property owner to realize monetary gains from the property, restore floodplain area, reduce flooding, and improve the overall quality of the area by removing a structure that has a low potential for improvement over time.

County Council approved matching funds for the FEMA Grant application in the FY 2013 budget and those funds have been requested for rollover into the FY2014 budget. An Option to Purchase (attached) was approved by Council and entered into with the owner on December 30, 2012 contingent on the FEMA grant award. FEMA grant was awarded (attached) on September 20, 2013 and we are prepared to proceed with the purchase of the property at the appraised value of \$550,000. The owner/seller is behind approximately \$11,317 on his tax payments and requests, letter attached, that we add that to the purchase price of the property based on his claim that he was unable to rent the property because of the delays in getting the FEMA grant award related to the Federal sequester earlier this year.

**C. Financial Impact**

Matching funds are required for this grant, were approved in FY 2013 budget, and are in the FY2014 requested rollover funds.

<u>Grant</u>	<u>Grant Funds</u>	<u>Cash Match</u>	<u>In-kind Match</u>	<u>Total</u>
Decker	\$633,448	\$211,150*	\$105,575	\$844,598

(\* Approximately \$4,500 of this has already been paid out for appraisals and a Phase 1 Environmental Study)

**D. Alternatives**

1. Approve the request to enter to purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC plus approximately \$11,317 in back taxes for a total of \$561,317.

2. Do not approve, do not implement the grant, purchase the property, and utilize \$633,448 of Federal funds.

**E. Recommendation**

1. It is recommended that Council approve the request to purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC plus approximately \$11,317 in back taxes for a total of \$561,317.

Recommended by: David Hoops Department: Public Works Date: 4 Oct 13

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 10/10/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

It is unclear if it is appropriate to use Federal grant funds or county match dollars to pay for past due property taxes for the additional \$11,317 therefore recommendation is approval of an alternative 3 – to purchase the property at the \$550,000 as agreed upon in the attached option from 2012.

**Procurement**

Reviewed by: Rodolfo Callwood Date: 10/14/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Grants**

Reviewed by: Sara Salley Date: 10/14/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:  
Public Works has contacted the grantor to seek guidance on the issue of back taxes. Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87) does not provide clear guidance on this issue.

**Legal**

Reviewed by: Elizabeth McLean Date: 10/15/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: First, I would recommend that Council seek guidance (as Ms. Salley has noted) on the issue of back taxes from the Grant providers at the State and Federal level.

Second, the owners have already agreed in the Option to Purchase Property to pay all taxes up to closing, at which time the current taxes will be prorated (see Sections 8 and

10). Dependent on the response to my first comment, it is up to Council to decide the issue of back taxes.

Third, the owners have written a letter explaining the tax delinquency. In that letter, they allege that “the attorney for the county” informed them that the back taxes could be somehow deducted from the sale of the property. NO ONE from the County Attorney’s Office has personally spoken to the owners; nor has anyone given the owners ANY advice regarding this property acquisition. The County Attorney’s Office represents the government of Richland County and does not advise citizens in their dealings with the County.

**Administration**

Reviewed by: Sparty Hammett

Date: 10-17-13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to purchase the property at the appraised value of \$550,000. Staff contacted a representative of the property owner and he agreed to the back taxes being paid out of the purchase price. The total purchase price will then be \$550,000 - \$11,316.52 (total back taxes) = \$538,683.48 paid to the property owner.

# Attachments

## OPTION TO PURCHASE PROPERTY

THIS AGREEMENT is made as of the 30<sup>th</sup> day of <sup>November</sup> ~~December~~, 2012, by and between Robert Chen having an address of 2385 Chinquapin Drive, Sumter, SC 29150 (hereinafter "**Grantor**"), and Richland County through its Conservation Commission, a department of Richland County, a South Carolina political subdivision, doing business in South Carolina, whose address is 2020 Hampton Street, Columbia, SC 29204 ("**Purchaser**"). <sup>KCO c.g.</sup>

WHEREAS, Seller is the owner of certain real property situated at 2628 Decker Drive, Columbia in Richland County, State of South Carolina, consisting of approximately two (2) acres being Richland County Tax Map # 16907-03-05 and which is more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Property"); and

WHEREAS, Purchaser has requested the exclusive right and option to purchase the property.

NOW, THEREFORE, for and in consideration of the Option Money (as defined below) and other good and valuable consideration hereinafter specified, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows

1. GRANT OF OPTION For and in consideration of the sum of Ten Dollars (\$10.00) (hereinafter referred to as the "Option Money"), the receipt of which Seller hereby acknowledges, Seller does hereby grant, and warrants to Purchaser that it has the right and authority to grant, to Purchaser the exclusive and irrevocable right and option (the "Option") to purchase, for the price and upon the terms and conditions hereinafter set forth, the property more particularly described in EXHIBIT "A" attached hereto and by this reference incorporated herein, comprising two (2) acres, more or less, lying in Richland County, South Carolina (hereinafter referred to as the "Property"). The Option coupled with an interest shall be irrevocable during the initial term of the Option and any extensions of the initial term.

2. TERM OF OPTION. The Option shall remain open and in effect for an initial period commencing with the effective date of this Agreement and ending at 12:00 midnight on December 30, 2013 (the "Term").

3. EXERCISE OF OPTION: The Option may be exercised at any time prior to the expiration of the Term by written notice from Purchaser to Seller either mailed or delivered to Seller as provided below. If the Option is not so exercised prior to the expiration of the Term, this Agreement shall automatically terminate, and, except as expressly provided to the contrary herein, Seller and Purchaser shall have no further rights, obligations or duties hereunder.

4. DISPOSITION OF OPTION MONEY The Option Money is non-refundable

but shall be credited against the amounts due from Purchaser at Closing.

5. PURCHASE TERMS. The purchase price for the Property if the option to purchase is exercised shall be Five Hundred and Fifty Thousand Dollars (\$550,000) (the "Purchase Price") which shall be paid at closing. The Purchase Price shall be payable by crediting the Option Money paid against the Purchase Price, and the balance by cashier's check or wire transfer at Closing; subject to those credits, proration and adjustments provided elsewhere in this Agreement.

6. RIGHT OF ENTRY Purchaser and its authorized representative(s) shall have the right, at any time after the execution by both parties of this Agreement and at Purchaser's sole cost and expense, to enter onto the Property for any lawful purpose, including, but not limited to, making such surveys and site analyses, including soil tests, as Purchaser may deem necessary and appropriate. If Purchaser does not exercise this option, then Purchaser shall restore the land to the condition it was in prior to the execution of this option.

#### 7. TITLE INSURANCE; SURVEY; TIME OF CLOSING

Within thirty (30) days after the Date first written above of this Agreement, Purchaser may order a commitment for title insurance (the "Commitment") issued or underwritten by a title insurance company chosen by Purchaser. Said Commitment shall contain the standard exceptions and exclusions as contained in title insurance commitments and policies issued in the State of South Carolina. Within thirty (30) days after receipt of the Commitment, Purchaser shall give notice in writing to Seller of any defects in or objections to the title as so evidenced, and Seller shall within thirty (30) days of receipt of said notice use good faith efforts to clear the title of the defects and objections so specified. Should said defects not be cured within the thirty (30) day period granted to Seller for the curing of the same, so that Seller is unable to provide title insurance on the Property free and clear of all liens and encumbrances except as aforesaid, Purchaser, at its election, shall have the right to waive the defect(s) or to require Seller to return the Option Money paid. Seller agrees that any mortgage encumbering the fee interest underlying the Property will be retired at Closing.

Purchaser may, at any time after the date of this Agreement and before the Closing, cause a survey acceptable in form to Purchaser and any acquiring governmental entity to be made of the Property by a land surveyor registered in the state where the Property is located. The expense of the survey shall be borne by Purchaser. Purchaser shall furnish Seller with a copy of said survey. The plat of survey shall show the boundaries of, and state the acreage of the Property, rounded to the nearest one-hundredth (1/100th) of an acre. Within thirty (30) days after receipt of the survey, Purchaser shall give notice in writing to Seller of any defects in or objections to the survey as so evidenced, and Seller shall within thirty (30) days of receipt of said notice use good

faith efforts to clear the survey of the defects and objections so specified. Should said defects not be cured within the thirty (30) day period granted to Seller for the curing of the same, so that Seller is unable to provide title insurance on the Property free and clear of all encumbrances except as aforesaid, Purchaser, at its election, shall have the right to waive the defect(s) or to require Seller to return the Option Money paid.

Purchaser agrees to close within the thirty (30) days following its exercise of the Option granted herein, provided there are no defects in or objections to title, or in the event there are defects in or objections to title within thirty (30) days after receipt of a letter from the Title Company certifying the title has been cleared and that all of Purchaser's requirements have been complied with by Seller. The Owner's Policy of title insurance shall be issued as of the date of closing, shall evidence good and merchantable easement interest in the Property (free and clear of or superior to all liens and encumbrances except then current ad valorem taxes), and shall be in an amount equal to the Purchase Price of the Property. The Closing shall take place at the office of the closing agent designated by Purchaser at 12:00 noon, or such other time as the parties may agree. The parties agree that Purchaser may arrange a simultaneous closing with a public agency and Seller will cooperate in coordinating such a simultaneous closing. The parties may arrange to close by mail. At Purchaser's request, all closing documents and the title insurance commitment referred to above shall be prepared naming a governmental entity as grantee, buyer, or insured.

#### 8. WARRANTIES AND REPRESENTATIONS OF SELLER

Seller warrants and represents that at the time of closing:

- (A) Seller shall have good and merchantable fee simple title to the Property;
- (B) The Property shall be free and clear of all liens and encumbrances, easements, rights of way, restrictions, ad valorem taxes assessments, building restrictions and covenants, leases, tenancies, reservations, and any and all other conditions which are unacceptable to Purchaser, which provide a forfeiture of the title to the Property, provided, however, if there is a mortgage on the Property, it shall be retired at closing;
- (C) Seller shall have provided Purchaser with copies of all written leases, tenancies, rental agreements, mineral reservations affecting the Property in any manner whatsoever, and shall have advised Purchaser fully as to all which are not written including the location of any underground storage tanks or other sources of contamination or pollution;
- (D) There will be no structures on adjacent properties that encroach on the

Property.

- (E) There will be no structures on the Property that encroach on adjacent properties.
- (F) Seller shall not have dealt with any real estate agent or broker.
- (G) To the best of Seller's knowledge and belief after inquiry, there is no condition at, on, under or related to the Property, or the underlying fee, presently or potentially posing a significant hazard to human health or the environment, whether or not in compliance with law, and there has been no production, use, treatment, storage, transportation or disposal of any hazardous materials on the Property or the underlying fee, nor any release or threatened release of any hazardous materials, pollutant or contaminant into, upon or over the Property or into or upon ground or surface water at the Property.
- (H) The Property has direct access to publicly dedicated rights-of-way, without the necessity of any private easements over or across the property of third parties.

#### 9. RISK OF LOSS

Pending close of this transaction, the risk of loss or damage to the Property by fire or other casualty or its taking or damage by condemnation shall be on Seller. If any loss or damage occurs during such period, then Purchaser shall have the option of (i) canceling and rescinding this Agreement and receiving a refund of all Option Money or (ii) accepting the Property with abatement of the Purchase Price for cost of replacement or repair.

#### 10. COSTS OF SALE

The following costs shall be paid by Seller at Closing:

- (A) Expenses of placing title in proper condition;
- (B) Transfer or documentary taxes on the deed, if any;
- (C) There will be a proration of real property taxes, but all taxes due at the time the document is first written shall be paid by Seller at closing;
- (D) A valid survey dated within 60 days of closing if required by purchaser;



The following costs shall be paid by Purchaser:

- (A) Recording fees;
- (B) Cost of closing;
- (C) Owner's Title Insurance (Commitment costs and premium);
- (D) Preparation of Deed

#### 11. REMEDIES FOR BREACH

(A) Purchaser's Remedies -- If Seller fails or refuses to comply fully with the terms of this Agreement, because of unmerchantability of title to Property or for any other cause, Purchaser may, at its option, (i) rescind this Agreement and recover any and all Option Money paid hereunder, together with all expenses paid or incurred by Purchaser, or (ii) proceed with this Agreement and take the Property, subject to an equitable abatement in the Purchase Price or (iii) pursue any other legal or equitable remedy including the right to specific performance of this Agreement and damages.

#### 12. NOTICES

Any notice hereunder shall be given in writing to the party for whom it is intended, in person or by certified mail, at the following address, or such future address as may be designated in writing:

To the Seller at:  
Robert Chen  
2385 Chinquapin Drive  
Sumter, SC 29150

To Purchaser at:  
Quentin Epps  
Richland County Public Works  
P.O. Box 142  
Columbia, SC 29202

or to any successor or assignee of either party, at the address stated in the notice of succession or assignment.

#### 13. ASSIGNMENT AND SUCCESSION

This Agreement shall be binding upon and inure to the benefit of the heirs, successors, administrators, personal representatives, and assigns of the respective parties. All rights hereunder may be assigned without restriction, provided that notice of each assignment shall be given in writing to the other party.

14. TIME OF ESSENCE: ACCEPTANCE

Time is expressly declared to be of the essence of this Agreement. Seller shall have fifteen (15) days from the date of receipt of this Agreement to accept and agree to the terms and conditions herein, provided that Purchaser may, in writing, extend the time for acceptance.

15. RECORDATION

Seller and Purchaser may record a Notice of this Option with the Recorder of Deeds in the County where the Property is located.

16. MODIFICATION: ENTIRE AGREEMENT EXPRESSED

No modification of this Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties. This Agreement constitutes the entire agreement between the parties. Neither party shall be bound by any terms, conditions, statements, or representations, oral or written, not herein contained. It is mutually understood and specifically agreed that this Agreement is binding upon the respective heirs, successors, administrators, personal representatives and assigns of the parties hereto.

17. INDEMNIFICATION. Seller shall indemnify, defend and hold harmless Purchaser, its officers, directors, employees, agents, and successors in interest to all or any part of the Property, and any lender holding a security interest in the Property, from and against any and all liabilities, claims, judgments, awards, settlements, damages and costs (including attorney's and consultant's fees and costs), including, without limitation, those incurred for remedial investigation, removal, interim and final remedial action, cleanup, abatement or other remedial work, natural resource damages, personal injury or property damages, fines and penalties (collectively "Liabilities") arising from or related to: (i) the existence of hazardous materials on or beneath the Property or in the ground or surface waters associated with the Property or (ii) a breach of the representations and warranties set forth above. The provisions of this Section shall survive the Closing.

18. GOVERNING LAW

This Agreement and all other instruments referred to herein shall be governed by the laws of the State of South Carolina.

19. COUNTERPARTS AND FAX SIGNATURES

To facilitate execution, this Agreement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all parties hereto appear in each counterpart hereof, and it shall be sufficient that the signature on behalf of each party hereto appear on one or more such counterparts. All counterparts shall collectively constitute a single agreement. Legible fax copies and photocopies of documents signed by either party are deemed to be equivalent to originals.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

**[SIGNATURES ON FOLLOWING PAGES]**

WITNESS:

Nancy L. Stone-Cochran

"SELLER"

Robert C. J. Chen

11/30/12  
Date

County of Richland)  
State of South Carolina)

Personally appeared before me Robert C. J. Chen on this 30 day of November, 2012, and acknowledged that all material statements of fact in the foregoing Option are true to the best of her knowledge and belief, and that the execution of said Option is her free act and deed.

Chau J. Jirk

Notary Public (SEAL)

My commission expires:

8-27-2017

WITNESS:

Ashwin A. Myer

"PURCHASER"  
Richland County

BY: Tony McDonald  
Its: Administrator

11/29/12  
Date:

(RICHLAND COUNTY)

I, the undersigned authority, a Notary Public in and for the State of South Carolina do hereby certify that Tony McDonald, whose name is signed to the foregoing Option, and who is known to me, acknowledged before me on this day that, being informed of the contents of the said Option, as Project Manager, and with full authority, he/she executed the same voluntarily on the day the same bears date.

GIVEN under my hand and official seal of office on this the 29 day of November, 2012.

Charles G. Will  
Notary Public

My Commission Expires: 8.27.2017

Richland County Attorney's Office  
Elizabeth A. Miller  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

**EXHIBIT "A"**

**PROPERTY DESCRIPTION**

All certain real property situated at 2628 Decker Drive, Columbia in Richland County, State of South Carolina, consisting of approximately two (2) acres being Richland County Tax Map #'s 16907-03-05



**SOUTH CAROLINA  
DEPARTMENT OF NATURAL RESOURCES**

**FLOOD MITIGATION ASSISTANCE PROGRAM SUBRECIPIENT AGREEMENT**

This Agreement is between the State of South Carolina, Department of Natural Resources, (Grantee) and, Richland County (Subgrantee).

In support of the Agreement, the parties' state:

**1. SCOPE OF SERVICES**

The approved scope of work consists of acquiring 2628 Decker Blvd, Columbia, SC 29206, demolishing the structure, removal of debris, and stabilizing the area. The acquisition process implemented through this grant must comply with FMA property acquisition and relocation for open space contained in 44 CFR Part 80.

**2. MODIFICATION**

The Grantee, the Subgrantee, or FEMA may request modifications to this Agreement, including work to be completed on the FMA application and the performance period. However, the party requesting the modifications must do so in writing and within 60 days of the end of the performance period. The requested modification may become effective only after approval by the Grantee and FEMA and written notice is received by the Subgrantee.

**3. PERIOD OF PERFORMANCE**

This project is funded by the U.S. Department of Homeland Security/FEMA Grant Number CFDA # 97.029, project titled "Decker Boulevard Acquisition Project". FMA Project Number: EMA-2013-FM-E001

The period of performance for this project will be from 07/31/2013 to 06/30/2016. Time extensions are, per item 2, a modification and request must be submitted in writing. Failure to complete the project will result in the denial of funding.

**4. FUNDING**

The Grantee will reimburse the Subgrantee for all allowable expenditures not to exceed \$633,447.50 as stated in the approved project budget. The Subgrantee agrees that no additional funding will be made available in excess of the approved amount and that any cost over runs will be absorbed by the Subgrantee.

For projects that exceed \$100,000, cumulative modifications to the project budget in excess of 10% of the project budget must be approved by the Grantee. Failure to request and receive approval for cumulative changes in excess of 10% of the project budget will be disallowed.

**5. COST SHARE**

FMA funds for eligible costs shown in the FMA application and described in this Agreement shall be shared on a 75% Federal, 25% non-Federal cost share basis, in accordance with the cost sharing provisions established in 44 CFR Part 201. Richland County match cost will be \$211,149.50. Only one-half of the non-federal shares may be provided through in-kind contributions.

**6. PAYMENTS**

FMA funding will be disbursed to the Subgrantee based on a reimbursements need. The Subgrantee shall submit payment requests on a quarterly basis. Payment requests shall include invoices documenting cost incurred, including any match requirements. The Subgrantee shall use payment request forms provided by the Grantee. Payment requests shall be submitted to: South Carolina Department of Natural Resources, Land, Water and Conservation Division, Attn: Maria Cox Lamm, 2762 Wildlife Lane, West Columbia, SC 29172. Any financial questions should be directed to Chris Falcone at (803) 734-3696. A final financial report, using the SF269a form or equivalent, plus a final invoice must be submitted to the Grantee no later than June 30, 2016, subject to audit by the Grantee, the State of South Carolina and/or the Federal Government. Final payment shall not be released until all services have been completed in accordance with this agreement and the final project report is submitted.

**7. APPLICABLE STATUTES, RULES and AGREEMENTS**

The parties agree to be bound by all terms of this agreement and all applicable state and federal statutes and regulations, including but not limited to:

- a. 44 CFR parts 7, 9, 10, 13, 14, 16 60, 80 and 201 and other applicable FEMA regulations and policies;
- b. Office of Management and Budget (OMB) Circulars A-21, A-87, A-94, A-102, A-110, and A-133;
- c. Title VII of the Civil Rights Act of 1964 (P.L. 88-352), as amended which prohibits discrimination based on race, color or national origin;
- d. Title IX of the Education Amendments of 1972, as amended (20 U.S.C.1681-1683 and 1685-1686) which prohibits discrimination based on sex;
- e. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C.794) that prohibits discrimination based on handicaps;
- f. The Age Discrimination Act of 1975, as amended (42 U.S.C.6101-6107) that prohibits discrimination based on age;
- g. The Drug Abuse Office and Treatment Act of 1972 (P. L. 91-616) as amended, relating to nondiscrimination on the basis of drug abuse;



- h. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- i. 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- j. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing, and any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made;
- k. Copeland Act of 1973 (40 U.S.C. 276c and 18 U.S.C. 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) regarding labor standards for federally assisted construction sub-agreements;
- l. Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.);
- m. Lead-Based Paint Poisoning Act (42 U.S.C. 4801—et seq.) that prohibits the use of lead based paint in construction of rehabilitation or residential structures;
- n. Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) that provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal and federally assisted programs. (These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.); and
- o. Energy Policy and Conservation Act (P.L. 94-163) as amended, and the provisions of the state Energy Conservation Plan adopted pursuant thereto.

**8. COMPLIANCE WITH ENVIRONMENTAL, PLANNING AND PERMITTING LAWS**

The Subgrantee shall be responsible for implementation and completion of the approved projects described in the FMA application in a manner satisfactory to the Grantee, and in accordance with applicable federal, state, and local statutes, regulations, plans, and policies.

Subgrantee shall comply with all federal and state environmental regulations, including, but are not limited to, the following:

- a. Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;

- b. Notification of violating facilities pursuant to EO 11738;
- c. Protection of wetlands pursuant to EO 11990;
- d. Evaluation of flood hazards in floodplains in accordance with EO 11988;
- e. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);
- f. Conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.);
- g. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P. L. 93-523);
- h. Protection of endangered species under the Endangered Species Act of 1973, as amended, (P. L. 93-205); and
- i. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

Subgrantee further agrees to provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms to the approved plans and specifications.

#### **9. RECORDS MAINTENANCE**

The Subgrantee agrees to maintain all records pertaining to the project and the funds received under this Agreement until all issues relating to inspections and audits are complete and all actions or resolutions are resolved. Records shall be maintained for three (3) years after the date FEMA completes closeout of the Subgrantee's final project. Access to those records must be provided at reasonable times to the Comptroller General of the United States, the Grantee, its employees and agents, and to FEMA, its employees and agents.

#### **10. RECOVERY OF FUNDS**

If the final inspection, audit, or other review by FEMA, the State, or another authorized entity determines that payments exceed eligible costs the Subgrantee shall within forty-five (45) days of receiving the determination notice reimburse the Grantee the excess amount.

#### **11. AUDIT**

The Subgrantee shall provide for an annual audit. This audit will be conducted in accordance with applicable Office of Management and Budgets Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," as well as any policy, procedure or guidance issued by the Grantee.

| The fiscal year for the Subgrantee ends June 30, 2014

- a. Audit resolution instructions shall be prescribed by the Grantee.
- b. Within thirty (30) days of the receipt of the non-federal audit, the Subgrantee shall provide the Grantee the following:
  1. One copy of the Audit Report;
  2. An amended Federal Status Report in agreement with the audit, accompanied by a trial balance;
  3. Any unobligated fund balance due as a result of audit adjustments;
  4. A response to management letter findings and recommendations;
  5. A response to all questioned cost, relating to this Grant and;
  6. Any other adjustments, explanations or information that may be pertinent to the Grant.
- c. The Grantee may require the Subgrantee to undertake such further or additional audits as determined necessary or appropriate including, but not limited to, past and current organization-wide audits. Such audits may be necessary to determine the adequacy, accuracy, and reliability of Subgrantee internal controls, fiscal data, and management systems established to safeguard Subgrantee assets and to ensure compliance with this Agreement.
- d. If this Agreement is closed out without an audit, the Grantee reserves the right to recover any disallowed costs identified in an audit after such closeout.

## **12. NONCOMPLIANCE**

If the Subgrantee violates any conditions of the following, additional financial assistance for the project will be withheld until the violation has been corrected or the Grantee may take all action legally available:

- a. The National Flood Insurance Act of 1968, as amended, or
- b. Applicable state law or state or federal regulations.

## **13. NONDISCRIMINATION/CONTRACTORS**

The Subgrantee shall agree to make positive efforts to use small and minority businesses and individuals. The Subgrantee shall comply with federal regulations concerning the General Services Administrative Consolidated List of Debarred, Suspended and Ineligible Contractors, as provided in 44 CFR Part 17.

#### **14. CONTRACTS WITH OTHERS**

If a Subgrantee contracts with any other entity (herein after "contractor") to perform work under this Agreement:

- a. The Subgrantee shall include in that contract that the contractor is bound by the terms and conditions of this Agreement with the Grantee.
- b. The Subgrantee shall include in the contract that the contractor shall hold the Subgrantee and the Grantee harmless against all claims of whatever nature arising out of the performance of the work.
- c. The Subgrantee shall provide the contractor with a copy of this Agreement.

To the extent that the Subgrantee has outstanding, uncompleted, contracts for work requiring reimbursement under this Agreement, the Subgrantee agrees to modify its contracts in accordance with this section.

#### **15. DEFAULT; REMEDIES; TERMINATION**

- a. If any of the following events occur ("Events of Default"), all obligations on the part of the Grantee to make any further payment of funds hereunder shall, if the Grantee so elects, terminate, and the Grantee may at its option exercise any of its remedies set forth herein, but the Grantee may make any payments or parts of payments after the happening of any Events of Default without thereby waiving the right to exercise such remedies, and without becoming liable to make any further payment:
  1. If any warranty or representation made by the Subgrantee in this Agreement or any previous Agreement with the Grantee shall at any time be false or misleading in any respect, or if the Subgrantee shall fail to keep, observe or perform any of the terms or covenants contained in this Agreement or any previous agreement with the Grantee and has not cured such in timely fashion, or is unable or unwilling to meet its obligations thereunder;
  2. If any material adverse change shall occur in the financial condition of the Subgrantee at any time during the term of this Agreement from the financial condition revealed in any reports filed or to be filed with the Grantee, and the Subgrantee fails to cure said material adverse change within thirty (30) days from the time the date written notice is sent by the Grantee;
  3. If any reports required by this Agreement have not been submitted to the Grantee or have been submitted with incorrect, incomplete or insufficient information; or

4. If the necessary funds are not available to fund this agreement as a result of action by Congress, the Legislature, the Office of the Comptroller or the Office of Management and Budget.
- b. Upon the happening of an Event of Default, then the Grantee may, at its option, upon written notice to the Subgrantee and upon the Subgrantees failure to timely cure, exercise any one or more of the following remedies, either concurrently or consecutively, and the pursuit of any one of the following remedies shall not preclude the Grantee from pursuing any other remedies contained herein or otherwise provided at law or in equity:
1. Terminate this Agreement, provided the Subgrantee is given at least fifteen (15) days prior written notice of such termination. The notice shall be effective when placed in the United States mail, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address set forth herein;
  2. Commence an appropriate legal or equitable action to enforce performance of this Agreement;
  3. Withhold or suspend payment of all or any part of a request for payment;
  4. Exercise any corrective or remedial actions, to include but not be limited to, requesting additional information from the Subgrantee to determine the reasons for or the extent of non-compliance or lack of performance, issuing a written warning to advise that more serious measures may be taken if the situation is not corrected, advising the Subgrantee to suspend, discontinue or refrain from incurring costs for any activities in question or requiring the Subgrantee to reimburse the Grantee for the amount of costs incurred for any items determined to be ineligible; and
  5. Exercise any other rights or remedies, which may be otherwise available under law.
- c. The Grantee may terminate this Agreement for cause upon such written notice as is reasonable under the circumstances. Cause shall include, but not be limited to, misrepresentation in the grant application, misuse of funds; fraud; lack of compliance with applicable rules, laws and regulations; failure to perform in a timely manner; and refusal by the Subgrantee to permit public access to any document, paper, letter, or other material related to this grant or project.
- d. Suspension or termination constitutes final Grantee action. Notification of suspension or termination shall include notice of administrative hearing rights and time frames.

- e. The Subgrantee shall return funds to the Grantee if found in non-compliance with laws, rules, regulations governing the use of the funds or this Agreement.
- f. Notwithstanding the above, the Subgrantee shall not be relieved of liability to the Grantee by virtue of any breach of Agreement by the Subgrantee. The Grantee may, to the extent authorized by law, withhold any payments to the Subgrantee for purpose of set-off until such time as the exact amount of damages due the Grantee from the Subgrantee is determined. In the event the Federal Emergency Management Agency (FEMA) de-obligates funds previously authorized under this Agreement, or under any other FEMA funded agreement administered by the Division, then Subgrantee shall immediately repay said funds to the Grantee. If Subgrantee fails to repay said funds, then Subgrantee authorizes the Grantee to recoup said funds from funding otherwise available under this Agreement or under any other grant Agreement with Subgrantee administered by the Grantee.

#### **16. REPORTS AND INSPECTIONS**

The Subgrantee shall provide the Grantee the required documentation as quarterly progress reports for each project. The first report is due ten (10) days after the end of the first quarter of project approval notification by the Grantee and quarterly thereafter until the project is complete and approved through final inspection. The due dates for quarterly reports are January 10, April 10, July 10, and October 10. All reports shall be provided using the quarterly report form supplied by the Grantee.

The Grantee may require additional reports as needed. The Subgrantee, as soon as possible, shall provide any additional reports requested by the Grantee. Interim inspections may be scheduled by the Subgrantee prior to the final inspection and may be requested by the Grantee based on information supplied in the quarterly reports.

#### **17. STANDARD CONDITIONS**

The Subgrantee further agrees to be bound by the following standard conditions:

- a. The State of South Carolina's performance and obligation to pay under this Agreement is contingent upon the provision of funding to the Grantee.
- b. If otherwise allowed under this Agreement, any extension shall be in writing and shall be subject to the same terms and conditions set forth in the initial Agreement. There shall be only two extensions of the Agreement unless the failure to meet the criteria for completion is due to events beyond the control of the Subgrantee.
- c. Bills for fees or other compensation for services or expenses must be submitted in detail sufficient for a proper pre and post audit thereof.
- d. The Grantee may unilaterally cancel this Agreement for refusal by the Subgrantee or its contractors to allow public access to all documents, papers, and letters made or received by the Subgrantee or its subcontractor in conjunction with this Agreement. It is expressly understood that substantial evidence of the

Subgrantees or their contractor's refusal to comply with this provision shall constitute a breach of contract, and constitute grounds for termination.

- e. The Subgrantee agrees that no funds from this Agreement will be expended for the purpose of lobbying the Legislature, state agency employees, Members of Congress, officers or employees of Congress, or an employee of a Member of Congress in connection with the awarding of this Agreement or any amendments or modifications of this Agreement.
- f. The Subgrantee certifies with respect to this Agreement that it possesses the legal authority to receive the funds.
- g. The Subgrantee shall comply with any Statement of Assurance attached hereto, which shall be incorporated herein. The Subgrantee acknowledges that the responsibility for complying with the approved subgrant award rests with the recipient Subgrantee and acknowledges that failure to do so constitutes grounds for the rescission or suspension of this subgrant and may influence future subgrant awards.
- h. Equipment purchase by the Subgrantee will remain with the Subgrantee and the title shall vest with the Subgrantee. The Subgrantee is required to maintain the official property listing for the equipment purchased, as required by A-102 or A-110. The equipment purchased with Federal funds in some instance may be transferred upon completion of the research work for which the equipment was used. If the Subgrantee can use the equipment on further research for which the equipment was originally purchased, then the Subgrantee should submit in writing a request to continue use of the equipment for such purposes. Otherwise, if the Subgrantee prefers to own the equipment, and the market value is \$5,000 or more the Subgrantee will be required to submit the Grantee the market value of the equipment which will then be reimbursed to the Federal funding agency.

#### **18. TERM**

This Agreement shall be effective upon execution and terminate upon completion of, and final payment for, all approved projects, subject to any modification in accordance with paragraph 2, above.





**19. NOTICE AND CONTACT**

All notices under this Agreement shall be in writing and delivered by hand delivery or mail to the representative and address below:


**FOR THE GRANTEE:**

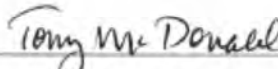
Alvin Taylor  
Director  
SC Department of Natural Resources  
1000 Assembly Street  
P.O. Box 167  
Columbia, SC 29202

**FOR THE SUBGRANTEE:**

Quinton Epps  
\_\_\_\_\_  
Stormwater Division Manager  
\_\_\_\_\_  
Richland County  
\_\_\_\_\_  
400 Powell Rd  
\_\_\_\_\_  
Columbia, SC, 29203  
\_\_\_\_\_

**IN WITNESS HEREOF**, the Grantee and Subgrantee have executed this Agreement:

  
\_\_\_\_\_  
Title: Director  
Date: 9-20-13

  
\_\_\_\_\_  
Title: County Administrator  
Date: 9/12/13

Witness: Rose Marie Scheibler

Witness: Anna Jo Adkins

October 1, 2013

RE: 2628 Decker Blvd

To Whom It May Concern:

We have been negotiating with the county on receiving FEMA grant money to purchase the property located at 2628 Decker Blvd. These talks have been going on for the past couple of years with the money finally being approved a couple of weeks ago. It is my understanding the county is in possession of the funds now and will confirm the deal at the next meeting in November.

Although this is a great deal for all parties, one concern does remain and that is in regards to the property taxes due. We are behind on payments because of the difficulty in leasing our building for rental income. Because of the uncertainty of when our deal with the county would be finalized, we have not been able to secure any tenants. We did try a couple of times and were told by the prospective tenant that the county mentioned they were buying the property and we couldn't lease it. That coupled with the attorney for the county informing us we could just deduct the taxes from the sale of the property contributed in us getting behind on our payments. As a result of these 2 factors, we humbly ask that the county waive the current and past due taxes on our non-revenue generating property. If sequestration hadn't come up, this would have been resolved last year and most of the taxes would have never been an issue.

Thank you for your consideration in this matter and I do hope that you will consider our request to be valid and worthy. We are a small family that spent 8 years running a business on Decker even after other businesses left for NE Columbia. We have already lost \$1 million from our initial investment in this property and cannot afford any more.

Sincerely,

Robert and Albert Chen

# Richland County Council Request of Action

## **Subject**

Midlands Healthcare Collaborative (MHC): Use of Third Floor in Richland County Health Department for Free Comprehensive Healthcare Center and In-Kind Assistance [**PAGES 139-146**]

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve negotiating the terms of a formal agreement with the Collaborative which includes control mechanisms for potential liabilities. The request is for the use of the third floor in the Richland County Health Department, and in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.

## Richland County Council Request of Action

**Subject:** Midlands Healthcare Collaborative (MHC): Use of Third Floor in Richland County Health Department for Free Comprehensive Healthcare Center and In-Kind Assistance

### **A. Purpose**

Richland County Council is requested to approve the use of the third floor in the Richland County Health Department, and in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.

### **B. Background / Discussion**

For a number of years, the United Way of the Midlands, Palmetto Health, Providence Hospitals, and Lexington Medical Center have financially supported free medical, vision and dental care programs for uninsured and underinsured children and adults. Nevertheless, the need for free comprehensive healthcare continues to grow in the Midlands. Over 90,000 people (15 percent) in the three-county footprint (Richland, Lexington and Fairfield Counties) are uninsured, and thousands more are underinsured. In addition, the SC Legislature elected not to accept federal expansion of Medicaid, leaving those at or below 138% of the federal poverty level with little or no option for healthcare within the Affordable Care Act (ACA) of 2010. Due to limited affordable healthcare resources, the emergency rooms of the local hospitals have become primary medical homes for all ailments and injuries – urgent and non-urgent.

In response, the aforementioned organizations, along with other community and social service agencies, have joined to host three annual healthcare events – SC Mission 2011, 2012, and 2013. Over 4,600 people from across the state traveled to Columbia to receive free medical, vision, and dental services. Although life-saving for some and life-changing for many, the collaborative has acknowledged the need for on-going healthcare services hence the creation of the Midlands Healthcare Collaborative (see list of partners below).

The goal of the Midlands Healthcare Collaborative is to build and sustain a free comprehensive healthcare center for uninsured and underinsured adults of the Midlands. Although several programs have been supported for years, the MHC recognized the inefficiency of the fragmented approach. To begin the process, the group established the Midlands Eye Care Clinic, the Midlands' first free comprehensive eye care clinic. All patients are provided a free comprehensive eye exam, and eyeglasses as needed. Since its first operational day in February 2012, the clinic has seen over 500 patients and 80% have received eyeglasses.

Given the success of the Midlands Eye Care Clinic, an ad hoc committee of the Collaborative began to explore the possibility of a free-standing, comprehensive, efficient, and accessible healthcare center. The committee of funders visited local and regional clinics, and solicited feedback from experts during the Fall of 2012.

In February 2013, the Collaborative re-convened to create a business plan for a regional, comprehensive healthcare center that will provide the following services free of charge and with expanded and flexible hours. The region is defined as Richland, Fairfield, and Lexington counties.

- **Medical:** Medical home/ Primary care/ Patient education/ Preventive testing / Referrals for x-rays, and laboratory and diagnostic testing (with support from three hospital systems) / Referrals to specialty care (24 specialties)
- **Dental:** Preventative, restorative, and emergency services (to include extractions) / Dental x-rays
- **Vision:** Comprehensive eye exams / Eyeglasses
- **Pharmacy:** Medications / Diabetic supplies

The business plan also provides five recommendations:

1. The Free Medical Clinic will serve as the lead organization.
2. The Free Medical Clinic will co-locate and eventually merge with Community Partners of the Midlands, LLC, which currently operates the dental and vision clinics currently located at the Richland County Health Department.
3. Aligned with the philosophy of the Free Medical Clinic, paid healthcare providers and administrative staff will be used to provide daily, steady service provision augmented by volunteers to provide additional capability.
4. Community Partners of the Midlands, LLC will maintain adult dental services at the Lexington County Health Department.
5. Open the new healthcare center in Spring 2014, contingent on up-fitting needs, integration of infrastructure/backroom operations and funding.

Building on the thirty years of experience and free, quality healthcare service provided by The Free Medical Clinic, this healthcare center will be able to integrate a broad array of services under one entity to meet the challenges identified throughout the SC Mission 2011, 2012, and 2013 events. This plan would allow for optimal use of resources to achieve better healthcare outcomes, attain greater involvement from all facets of the healthcare community, and improve the current fragmented healthcare system provided for uninsured and underinsured adults.

However, this business plan requires a centralized location that has sufficient space to co-locate these services. With the changes in the DHEC Midlands Region, the third floor of the Richland County Health Department building is currently vacant, except for the recent move of the Midlands Eye Care Clinic from its previous location on the second floor. The amount of space provided on the third floor makes it an ideal location for this new collaborative effort, and presents an opportunity for future expansion. Moreover, it presents an opportunity for partnership with the DHEC Midlands Region, providing a centralized location where low-income, uninsured residents can come to meet the majority of their essential healthcare and social service needs.

The Collaborative's role will be to provide project oversight and guidance, and to bring insight, feedback, strategic thinking, timely action, and financial support to sustain this effort. If successful, this would be South Carolina's first regional and comprehensive free healthcare center supported by a unique collaborative of social service organizations and local, competing hospital systems – a genuine, altruistic and systematic approach to community health. In fact, this could provide a groundbreaking community healthcare model to be replicated throughout the United States.

#### Partners of the Midlands Healthcare Collaborative

- **Lexington Medical Center**
- **Palmetto Health**
- **Providence Hospitals**
- **Sisters of Charity Foundation of South Carolina**
- **AccessHealth SC**
- **SC Optometric Physicians Association**
- **The Free Medical Clinic**
- **United Way of the Midlands**
- **Cool Spring Center**

Richland County Council is being requested to approve the use of the third floor in the Richland County Health Department, and also to provide in-kind assistance for the aforementioned purposes. Examples of in-kind services being requested include janitorial / custodial (taking out the trash, cleaning the restrooms, vacuuming offices, etc.), facility maintenance (changing light bulbs, painting offices, etc.), and utilities (water, sewer, electricity, etc.). Richland County currently provides these services to the entire Health Department facility. While staff cannot estimate costs as a result of the proposed new uses of the facility, they are estimated to be the same or similar as to when the entire 3<sup>rd</sup> floor was operational before it became [partially] vacant. Therefore, this request is cost neutral.

#### **C. Legislative / Chronological History**

**September 10, 2013:** Brief presentation to Richland County Council and asked to complete and submit the Richland County Council Request for Action form.

This is a community-initiated request. Therefore, there is no additional legislative history.

#### **D. Financial Impact**

Lexington Medical Center, Palmetto Health, Providence Hospitals and the United Way of the Midlands have consistently allocated about **\$2.1 million per fiscal year** to over a dozen primary, dental and vision healthcare programs in the Midlands region. However, this fragmented healthcare and funding system has proven to be inefficient.

At this time, Richland County Council is being requested to approve the use of the third floor in the Richland County Health Department, and also to provide in-kind assistance for the

aforementioned purposes. No additional costs beyond what was originally being provided to the facility before the 3<sup>rd</sup> floor vacancy are foreseen. Therefore, this request is cost neutral.

Please note that this effort will not generate revenue, but will provide significant cost avoidance. The Free Medical Clinic's approach to staffing (paid and volunteer staff), use of subsidized healthcare programs (patient assistance programs for medications), and local hospital partnerships (referrals for laboratory, x-ray, and diagnostic testing) takes a \$1 investment and generates \$9 of healthcare services. In addition, this small investment presents an opportunity to re-direct non-emergent patients from emergency rooms to a more appropriate, cost-efficient, multifaceted medical home. Thereby, improving patients' management of chronic diseases, cost-savings and improved health statuses – an invaluable profit to the patients, the hospital systems, and the community at large.

## **E. Alternatives**

1. Approve the request to allow the use of the third floor in the Richland County Health Department, and in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.

For the Collaborative, approval will allow full efficiency of combined Collaborative resources for the provision of free comprehensive healthcare services for thousands of residents in the Midlands, a reduction of fragmented healthcare services, a centralized location for healthcare service delivery (supplemented by satellite sites and referral networks), and a reduction of non-urgent emergency room and inpatient hospitalization costs. For uninsured and underinsured residents, approval will increase opportunities for improved health outcomes, access to a medical home with an integrated approach to meet multiple healthcare needs, and have a reduction of barriers to effective, life-saving healthcare. Lastly, for participating healthcare providers, approval will improve cross disciplinary services, increase hours of availability, increase organizational efficiencies, and enhance partnerships and networks to expand and improve access to healthcare.

2. Approve the request to allow the use of the third floor in the Richland County Health Department, but do not approve in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.
3. Do not approve the request to allow the use of the third floor in the Richland County Health Department, nor in-kind assistance for the purpose of providing free medical, vision, and dental services to uninsured and underinsured adults in Richland, Lexington and Fairfield Counties, and dental services to uninsured children in Richland and Lexington Counties.

If the Midlands Healthcare Collaborative's request is not approved, it will result in maintaining the status quo: a continued fragmented system of healthcare for our most

vulnerable residents, continued poor health outcomes, limited and restrictive subsidize healthcare providers, and an increased utilization of emergency rooms at local hospitals to meet healthcare needs.

## F. Recommendation

Recommended by: Midlands Healthcare Collaborative

Date: October 8, 2013

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 10/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Request is an item for Council's discretion based on the County's long range planning for facility use

### Support Services

Reviewed by: John Hixon

Date: October 18, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. If Council approves the concept, Support Services staff will meet with the MHC project coordinator(s) to determine the facility needs, and at that time, can determine the impact, if any.

### Legal

Reviewed by: Elizabeth McLean

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The general decision as to how to use space in County-owned buildings is a policy decision left to Council's discretion; however, I am assuming that Council would want to have a formal agreement in place which would clearly outline the requirements, limitations, and apportionment of potential liabilities. As no such agreement is attached and the request does not include all required specifics, Legal cannot offer a complete analysis at this time. Please note that any use of County property, and specifically the use of such property as a medical facility over which the County will have little or no control, will come with varied potential liabilities.

### Administration

Reviewed by: Roxanne Ancheta

Date: October 18, 2013

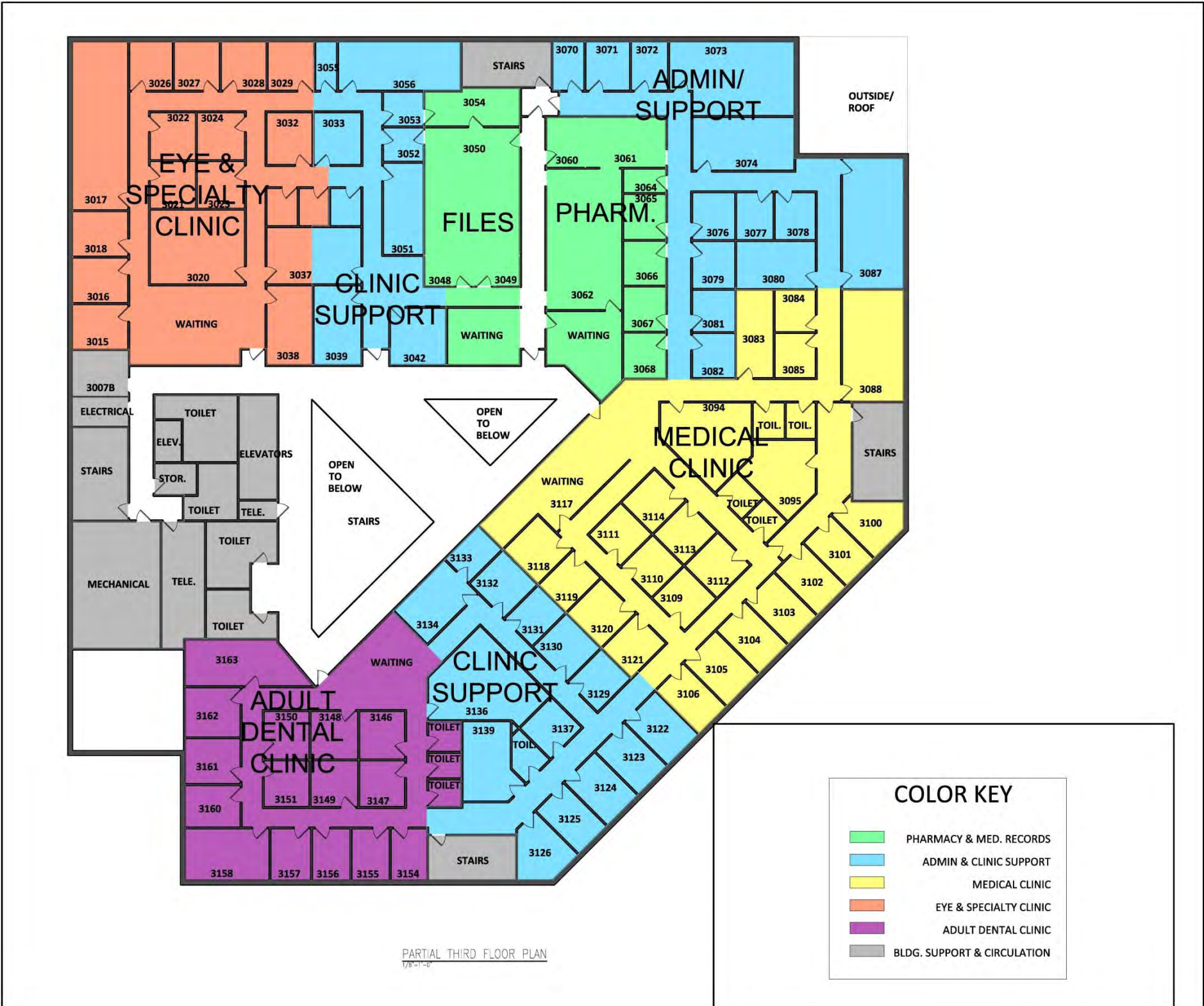
Recommend Council approval

Recommend Council denial

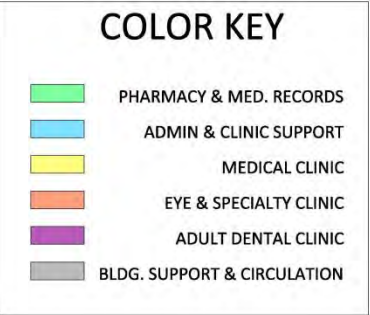
Comments regarding recommendation: While this is a policy decision of Council, it is recommended that, if approved in concept, appropriate staff meet with the MHC project coordinator(s) to determine specific facility / in-kind needs, including



potential associated costs, as well as resolve potential legal issues addressed by Ms. McLean. After these discussions, staff can present recommendations to Council.



PARTIAL THIRD FLOOR PLAN  
1/8" = 1'-0"



**GMK**  
ASSOCIATES, INC.

Design/Planning/Construction  
1201 Main Street, Suite 2100  
Columbia, S.C. 29201  
tel. 803-256-0000  
fax 803-255-7243

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consultants

owner

FREE MEDICAL CLINIC  
HARDEN STREET  
COLUMBIA, SOUTH CAROLINA

project name  
RELOCATION TO RICHLAND  
COUNTY OFFICE BUILDING

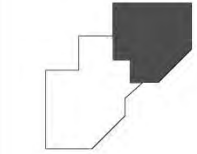
project number  
00000.00

scale/signature

issued for  
CONCEPT MASTER PLAN  
(NOT FOR CONSTRUCTION)  
date  
SEPTEMBER 30, 2013

number	item	date

key plan



sheet title  
PARTIAL THIRD FLOOR PLAN  
MASTER PLAN FOR FUTURE  
FREE MEDICAL CLINIC

sheet number

**A2.3**

drawn by  
checked by

# Richland County Council Request of Action

## **Subject**

Hospitality Tax Ordinance Agency Procurement [**PAGES 147-149**]

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council adopt County procurement guidelines for spent dollars. Staff was directed to provide a proposal at the next Council meeting which includes requirements, procedures, guidelines and outlines how monitoring will be provided prior to implementation.

# Richland County Council Request of Action

**Subject:** Hospitality Tax Ordinance Agency Procurement

**A. Purpose**

County Council is requested to look at Hospitality Tax Ordinance Agencies adopting County procurement guidelines for spent dollars.

**B. Background / Discussion**

On September 17, 2013, Council member Rush brought forth the following motion:

“To look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.”

Currently, all agencies receiving Hospitality Tax dollars, including Ordinance Agencies, follow their own organization’s procurement procedures.

Organizations funded by the County which receive funds from other grant programs and funding streams such as Accommodations Tax grants, Discretionary funds and Contractual and Statutory allocations do not have this requirement.

**C. Legislative / Chronological History**

Motion by Councilman Rush at the September 17, 2013 Council Meeting.

**D. Financial Impact**

No financial impact.

**E. Alternatives**

1. Approve the motion to look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.
2. Do not approve the motion to look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.

**F. Recommendation**

To look at hospitality ordinance agencies adopting county procurement guidelines for spent dollars.

Recommended by: Torrey Rush

Department: County Council

Date: 9/17/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

As always this is a policy decision for Council on what level of requirements are needed to be eligible for Council appropriations. It is difficult to make any recommendation

based on the level of information provided but I can provide a couple of general thoughts:

- While the theory of requiring consistent procurement policies is a sound fiscal management concept, the practice of applying those rules to agencies of varying sizes and with different staffing levels may be a challenge. It may be wise to evaluate the impact to agencies and make sure that the County's level of compliance requirements placed on agencies do not have an unintended consequence of increasing the administration cost and therefore reducing the percentage of funding going toward direct funding the specific program. One way to ensure this is to include language that limits the amount of the funding allowable for administrative cost.
- As stated in the ROA above, other similar County programs currently do not have this level of requirement. While the A-tax and Discretionary programs are different in that they don't traditionally have "ordinance" (recurring) agencies, the Contractual and Statutory program would seem to be similar. Therefore, the County would need to consider if this requirement would apply to those programs as well.

### **Grants**

Reviewed by: Sara Salley

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is a policy decision for Council.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. I agree with Mr. Driggers' comments. Also, I believe that the general principal of Mr. Rush's motion could be accomplished by simply adding some required procurement principles/guidelines to each programs' policies, which organizations are then required to follow. Such would alleviate the potential negative consequences to these organizations which may occur with an outright requirement of the entire procurement ordinance.

### **Administration**

Reviewed by: Roxanne Ancheta

Date: October 14, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision left to Council's discretion. Administration is in agreement with the aforementioned comments from Finance and Legal. The Hospitality Tax Review Committee will be meeting on Monday, October 28 to review the equity and allowances related to the Ordinance Agencies, and to establish a mechanism for annual or every other year review of Ordinance Agency funding. Further discussion relating to Mr. Rush's motion could occur at this meeting if Council chooses. A report and any recommendations from the Hospitality Tax Review Committee meeting will be forwarded to County Council.

# Richland County Council Request of Action

## **Subject**

Hospitality Tax Ordinance Agency Spending in Unincorporated Richland County [**PAGES 150-161**]

## **Notes**

October 22, 2013 - The Committee unanimously approved a substitute motion to recommend Council approve the third alternative proposed by CFO, Daniel Driggers (page 77): ". . . to not withhold additional current year payments but to have the committee make the necessary assessments prior to January and make any additional Agency requirements for the fiscal year 2015 budget process."

## Richland County Council Request of Action

**Subject:** Hospitality Tax Ordinance Agency Spending in Unincorporated Richland County

### **A. Purpose**

County Council is requested to put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.

### **B. Background / Discussion**

On September 17, 2013, Council member Rush brought forth the following motion:

“To put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.”

Currently the three Ordinance Agencies (Columbia Museum of Art, Historic Columbia Foundation and EdVenture) spend funds according to the South Carolina Code of Laws SECTION 6-1-730:

(A) The revenue generated by the hospitality tax must be used exclusively for the following purposes:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and re-nourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

(B)(1) In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, an amount not to exceed fifty percent of the revenue in the preceding fiscal year of the local accommodations tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection.

Each March, Ordinance Agencies are asked to include language in their annual requests, per the Hospitality Tax Ordinance Sec. 23-69, Distribution of funds, that shows how they are reaching out to the unincorporated areas.

(3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must annually present to the County an affirmative marketing plan for the inclusion of all citizens of Richland County and must also annually offer some “free” or discounted services to Richland County citizens. Each Agency shall also, to the fullest extent possible, make a good faith effort to expand programs and events into the unincorporated areas of Richland County. This plan shall be due to the county administrator no later than March 1 of each year. If an Agency fails to comply with these requirements, its

portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (f) below.

In May of 2013, Ordinance Agencies were asked to provide information on how they serve(d) the unincorporated areas in FY13. These reports are attached.

The Hospitality Tax Review Committee will be meeting on Monday, October 28 to review the equity and allowances related to the Ordinance Agencies, and to establish a mechanism for annual or every other year review of Ordinance Agency funding. A report and any recommendations from this Committee will be forwarded to County Council.

**C. Legislative / Chronological History**

Motion by Councilman Rush at the September 17, 2013 Council Meeting.

**D. Financial Impact**

In the FY14 budget process, Ordinance Agencies were allocated \$1,080,572 in Hospitality Tax funds. To date, these organizations have received a total of \$364,329 in payments. If approved and Ordinance Agency funds are put on hold, \$716,243 will remain unspent.

**E. Alternatives**

1. Approve the motion to put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.
2. Do not approve the motion to put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.

**F. Recommendation**

To put a hold on all spending for hospitality ordinance agencies until we get an understanding of how money will be spent in unincorporated areas.

Recommended by: Torrey Rush

Department: County Council

Date: 9/17/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

As always, this is a policy decision for Council. I support transparency inclusive of the County understanding how appropriations are utilized by Agencies however Council may want to consider an alternative three: to not withhold additional current year payments but to have the committee make the necessary assessments prior to January and make any additional Agency requirements for the fiscal year 2015 budget process. This alternative may accomplish the same result and allow all parties the opportunity to plan for the change without having a negative operational effect and is based on an understanding from the ROA that:

- Current budget levels are appropriated and approved by Council and available in the hospitality fund.



- Current approved process requires Agencies to report annually on activity related to unincorporated area and all are compliant in current year
- The request for the additional requirements was made after the Agency's completion of the current year budget process.
- Historically, the ordinance Agencies have utilized at least a portion of the appropriation to support the core day-to-day activity therefore a mid-year freeze on funding may have a negative effect on the Agency to provide uninterrupted services.

**Grants**

Reviewed by: Sara Salley Date: 10/11/13  
 Recommend Council approval  Recommend Council denial

Comments regarding recommendation:

This is a policy decision of Council. Agreeing with the Finance Director, the reporting requirements for Ordinance agencies could be changed to where these organizations provide the County with reports detailing information on how they interact and reach out to the unincorporated areas every year along with their affirmative marketing plan that is due each March. This information can be forwarded to Council so that they have it on hand during budget. Withholding funds that have already been allocated to the Ordinance Agencies for FY14 could cause an interruption of operating, programming and tourism services.

**Legal**

Reviewed by: Elizabeth McLean Date: 10/11/13  
 Recommend Council approval  Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, I wholeheartedly agree with Mr. Driggers' comments. Additionally, as these agencies receive annual HTax dollars because they are actually specifically listed in the HTax ordinance (section 23-69) above, that ordinance would need to be amended by ordinance, as well as any appropriations ordinances. I would also strongly consider the potential consequences to the County and to the agencies based on denial of funds to these organizations which have in good faith placed their reliance on these funds based on valid County ordinances, policies and procedures.

**Administration**

Reviewed by: Roxanne Ancheta Date: October 14, 2013  
 Recommend Council approval  Recommend Council denial

Comments regarding recommendation: This is a policy decision left to Council's discretion. Administration is in agreement with the aforementioned comments from Finance, Grants, and Legal. The Hospitality Tax Review Committee will be meeting on Monday, October 28 to review the equity and allowances related to the Ordinance Agencies, and to establish a mechanism for annual or every other year review of Ordinance Agency funding. Further discussion relating to Mr. Rush's motion could occur at this meeting if Council chooses. A report and any recommendations from the Hospitality Tax Review Committee meeting will be forwarded to County Council.



## Richland County Free Programs and Services

Report: FY 2012 (July 1, 2011 -June 30, 2012)

### Free or Discounted Services to Richland County residents:

To provide greater accessibility to the Museum, the Museum offers free and reduced admission to programs in our community particularly to reach at-risk children and families to provide educational opportunities for all and to help curb the path to poverty in our state. The programs look for strong community partners like St. Lawrence Place and at-risk schools to identify groups that would benefit from our programs. Recognizing that not everyone can afford to come to the Museum, we have made it a priority to find corporate sponsors such as BlueCross BlueShield of SC to fund accessible initiatives to the Museum through offerings like Free Sundays.

- **Free Sundays at the CMA:**

The CMA's collection is free to the public 52 weeks a year

**Costs: \$104,661**

(Calculated as 1/6 of annual costs – museum is open six days a week)

- Exhibitions/Collections - \$41,335
- Visitor Services -\$3,295
- Public Tour Program - \$1,867
- Public Programs - \$7,159
- Facilities/Maintenance/Security - \$51,005

**Value:** \$10 for adults, \$8 for senior or military, \$5 students (age 6 -college), FREE for ages 5 and under.

- **Passport to Art and docent led tours on Free Sundays at the CMA:**

Offered the second Sunday of each month from noon until 3:00 pm, Passport to Art is a free studio program for artists of all ages and features hands-on projects based on themes found in the exhibitions and museum collection. In conjunction, we offer a free guided tour for families at 1:00 pm, which connects to the studio project. In FY 2012 we offered 12 programs for 540 children and adults.

**Costs: \$7,800**

Costs are calculated based on materials, marketing and staff time.

**The Museum offers a multitude of free educational programs** for children and adults throughout the year with a special emphasis on unincorporated Richland County. The Museum is focusing on providing greater access to rural Richland County by deepening our outreach programs to provide free or reduced-price programs to schools and organizations. This fiscal year we extended our Richland Library partnership program *Hands on with CMA*, a free offsite program offered at Richland Library Southeast, Eastover and Cooper branches, and *All Around Town: All Around the State*, a free arts and literacy program offered to all third graders in Richland District One.

- **Richland Library Partnership**

- ***Hands on with CMA*** - Developed as a way to reach families throughout Richland County, *Hands on with CMA* engages participants with stories read by Richland Library's staff, followed by a hands-on art experience led by CMA's staff and volunteers. In FY 2012 the programs were offered at Eastover, Southeast and the Main library branches.

- *HANDS on CMA* at Richland Library (Eastover) - 785 children, families and daycare center students served. Cost \$7,477.
  - **All Around Town, All Around the State** – this special art and literacy program is based on the work of Columbia African-American photographer Richard Samuel Roberts. Roberts’ beautiful portraits of the black middle class in the early part of the 20<sup>th</sup> century are a part of Columbia history and in the CMA collection. This school program is done in partnership with Richland Library and local author and storyteller Dinah Johnson. Students view portraits, participate in art projects and storytelling, and visit the children’s room at the Main Library. This program was offered for nearly 2,000 3<sup>rd</sup> graders in Richland One School District in 2012. Unincorporated Richland schools included:
    - Hopkins Elementary: Our Time, Our Place (All Around Town) - 99 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$957
    - Horrell Hill Elementary: Our Time, Our Place (All Around Town) - 62 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$846

- **LEAF (Linking Ecology and the Art of the Floodplains)** - Each fall the Columbia Museum of Art partners with the National Park Service to present an innovative two-week science and art outreach program at **Congaree National Park in unincorporated Richland County**. The LEAF program promotes science literacy and resource conservation through nature walks, The Mud Lab and a studio art lesson featuring landscapes. **The LEAF program expanded this year (FY13) to educate 1,385 students in 28 classes from 21 schools in Richland County.**



**Costs: FY 2012- \$8,426 (FY 2013 \$12,533)**

Program is FREE for schools and costs are calculated based on cost of materials, travel, and staff time.

- FY12 –LEAF served 539 third grade students at a cost of **\$8,426**.
  - FY13 – LEAF more than doubled by serving 1,385 third grade students at a cost of **\$12,533**.
- **Educator Programs** – These programs are designed to connect educators with the museum’s collection and exhibitions that support South Carolina education standards
  - **Evening for Educators** - Held quarterly, this FREE program offers all South Carolina educators a preview of special exhibitions, upcoming programs and studio projects complete with downloadable lesson plans. Costs include materials and staff time. **Costs for FY 2012 - \$2,250**
  - **Mosaic Teacher Workshop** – Offered to provide teachers access to arts across the curriculum, this annual arts workshop held







at the CMA offers teacher sessions in drama, visual arts, dance, media literacy and music. Costs include materials, lunch, marketing and staff time.

**Costs for FY 2012** - \$7,300

**Revenue:** \$750 @ \$10 per teacher

- **Teacher In-service Workshop** – Available year round, this workshop provides teachers a creative environment to develop new skills in integrating the arts in their classrooms through CMA staff-led gallery talks, tours and hands-on workshops. Costs include materials and staff time.

**Costs for FY 2012** - \$890

**Revenue:** \$125 @\$5 per teacher

- **Community Programs and Outreach** - The Museum's Community Programs and Outreach team works with area institutions and schools such as St. Lawrence Place, Heyward Gibbes Middle School and Bethel AME to expose at-risk students to the visual arts using lesson plans that incorporate South Carolina state standards and curriculum.

In FY 2012, we broadened our reach and offered a *CMA on the Go* version of this program to reach further into Richland County to lend our educational resources to schools that may not have the funds to come to the CMA. *CMA on the Go* hosted in unincorporated Richland schools: FREE

- Horrell Hill Elementary – 26 students
- Gadsden Elementary schools – 175 students.

Costs include materials, travel and staff time.

**Cost \$4,903**

**Value** of waived fees: 201 students @ \$3 = **\$603**

#### **Schools coming to the CMA for Tours and Programs from unincorporated Richland County:**

**Cost for FY 2012** - \$2,595

**Students served:** 398

**Revenue:** \$712

Programs are either \$3 per student or FREE. Costs are calculated based on cost of materials, marketing, and staff preparation and implementation (\$660 per school program at CMA).

- SC Youth Challenge Academy -63 students charged \$3 per student. CMA direct and in-direct costs: \$754.50
- Irmo Elementary: Hudson River - 114 students charged \$3 per student. CMA direct and in-direct costs: \$1,002
- Home school groups: various tours - 60 students charged \$3 per student. CMA direct and in-direct costs: \$840
- Hopkins Elementary: Our Time, Our Place (All Around Town) - 99 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$957
- Horrell Hill Elementary: Our Time, Our Place (All Around Town) - 62 students @ FREE through partnership with Richland One. CMA direct and in-direct costs: \$846

**Submitted to Sara Salley, May 14, 2013**

1. For programs held out in the unincorporated areas, how much did your organization spend?

- To date this fiscal year, 2,400 students participated in the travelling trunk program in schools in unincorporated Richland County. This is a program staff takes into the classroom at no cost to the school or student. Costs for staffing, travel and materials total and average of \$10/student or \$24,000.
- HCF offers four “behind the scenes” tours annually. One of those tours this year took visitors to Lower Richland where they toured: Alwehav Plantation, Church of the Holy Cross, a revolutionary war era post office in Horatio and Thomas Sumter’s burial site. For staffing, marketing and travel costs totaled \$3,000.
- HCF produces and African American sites self-guided tour brochure, which includes several historic sites in unincorporated Richland County. Costs for this program including staffing, design and publication totaled \$12,000. This tour was offered as a guided bus tour once during the fiscal year. Costs for staffing, travel and marketing totaled \$1,200.
- Total expenditures \$40,200.

2. For programs held in your facilities (example: discount days) for citizens in the unincorporated areas, what was the cost if there was a charge or value if the program was free/discounted?

- HCF offers \$1 Sundays to all Richland County residents the 3<sup>rd</sup> Sunday of each month. Costs for tours are typically \$3-\$6.
- Annual events including the Jubilee: Festival of Heritage, Scarecrows in the Garden and the National Public Gardens Day are also offered free of charge to the community at large. The value of these activities range from \$3 to \$6/person.
- In 2012-13 HCF has worked in partnership with USC, the Columbia Metropolitan Convention and Visitors’ Bureau and the City of Columbia to offer a series of programs commemorating 50 years since the Civil Rights Movement. To date we have hosted public programs (4) and a tour of Civil Rights sites. Over 5,000 people have participated in these free programs programs with just over 30% from unincorporated Richland County. Typical charges for these programs range from \$5 to \$10/person.

3. School tours

- a. Do you offer free school tours to schools in the unincorporated area? If not, what is the charge? (Per child or per group). **Historic Columbia does not offer free tours at the house museums for students in the unincorporated area. Depending on the program student fees are \$1 to \$3 per student. HCF does offer free tours to student choir members who participate in the Holiday Choir showcase. In December 2012 students from the unincorporated area totaled 78.**
- b. How many students and/or school groups from the unincorporated area of Richland County visited your museum on school tours? **As of April 30, 2012 a total of 1,271 students from schools in unincorporated Richland County have visited Historic Columbia.**
- c. How much income was generated from these visits if there is a charge or what is the value if there is no charge? **Fees for these groups totaled \$2,808.**

## MEMO

To: Sara Salley, Grants Manager, Richland County  
From: Catherine Horne, President/CEO, EdVenture Children's Museum  
Date: May 15, 2013  
RE: Responses to Council Request

### 1. For programs held out in the unincorporated areas, how much did your organization spend?

For the period of **July 2013 – April 2013**, EdVenture delivered 27 outreach programs to elementary schools in the unincorporated areas. We reached 679 students at a cost of \$3,395.

EdVenture also offers a Youth Development/Leadership Program called Future Leaders that is offered at the following schools: Longleaf Middle (RCSD2), Southeast Middle (RCSD1) and the Center for Accelerated Prep (RCSD2). This program is free to students, and a total of 187 students are currently being served. The annual cost to provide this program is \$30,000.

EdVenture offers daily, afterschool programming called Club EdVenture, for ten elementary schools in RCSD1 (AC Moore, Bradley, Caughman Road, HB Rhame, Hyatt Park, Lewis Greenview, Logan, Pine Grove, Rosewood and Sandal Elementary). Some of these schools are located in unincorporated areas of Richland County. Club EdVenture serves approximately 300 students daily, with a sliding fee scale, based on financial need. EdVenture's annual cost to provide this program is \$214,350. EdVenture incurs an additional cost of approximately \$30,000 annually in tuition write-offs and scholarships.

Through a partnership with Richland County Library, EdVenture has an exhibit located in the new Eastover Branch, which is free for all patrons. EdVenture's cost to develop and provide this exhibit was \$10,420.

### 2. For programs held in your facilities (example: discount days) for citizens in the unincorporated areas, what was the cost if there was a charge or value if the program was free/discounted?

EdVenture offers a variety of accessibility options and special community events for families living in Richland County (both unincorporated and incorporated)\*:

- Family Nights - \$1/per person admission on the second Tuesday evening of every month.  
Annual Cost = \$105,000 (10,000 people)
- Bank of America Museums on Us Weekend – free admission for Bank of America cardholders on the first full weekend of every month.  
Annual Cost = \$34,500 (3,000 people)  
EdVenture only receives \$11,000 from Bank of America to offer this program; and must cover any additional incurred expenses.
- Yes, Every Child - \$1/per person admission for any person (and household family members) receiving Supplemental Nutrition Assistance Program (SNAP) benefits.  
Annual Cost = \$27,830 (2420 people). Please note this is the year one, and EdVenture is working with the United Way of the Midlands to hire an Americorps Vista to promote this program to churches, schools, and other community organizations in Richland County. This position is anticipated to begin in July 2013 and will be a one year placement.



- Countdown to Kindergarten – community wide event celebrating school readiness and the transition to kindergarten; admission is free.  
Annual Cost = \$28,750 (2,500 people)
- EdCeptional Kids – a community wide initiative that provides three after-hours open houses free of charge for families with children with disabilities.  
Annual Cost = \$17,250 (1,500 people)

\*Costs are based on regular museum admission per person of \$11.50. Our software system does not allow for us to pull reports on zip codes for discounted events; thus these numbers reflect the total number of people served and cost annually.

### 3. School tours

- a. Do you offer free school tours to schools in the unincorporated area? If not, what is the charge? (Per child or per group)**

EdVenture offers field trips to schools at a reduced charge of \$6.50 per student; teachers are free. Regular museum admission is \$11.50 per person.

- b. How many students and/or school groups from the unincorporated area of Richland County visited your museum on school tours?**

From the period of July 2012 – April 2013, 2,473 students from the unincorporated areas of Richland County visited EdVenture for a field trip.

- c. How much income was generated from these visits if there is a charge or what is the value if there is no charge?**

EdVenture charged \$16,074.50, which is a DISCOUNT of \$12,365.

# Richland County Council Request of Action

## **Subject**

Public Hearing and Resolution in Support of Bonds for Affordable Housing Project **[PAGES 162-170]**

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve a Public Hearing and adopt a Resolution in support of the acquisition of an affordable housing facility located in Richland County, which will be financed by a loan from the proceeds of bonds issued by the Wisconsin Public Finance Authority to Companion Associates Inc.

## **Richland County Council Request of Action**

**Subject:** Public Hearing and Resolution in Support of Bonds for Affordable Housing Project

### **A. Purpose**

County Council is requested to hold a Public Hearing on November 5, 2013 and adopt a Resolution in support of the acquisition of an affordable housing facility (“Project”) located in Richland County, which Project will be financed by a loan from the proceeds of bonds issued by the Wisconsin Public Finance Authority to Companion Associates Inc. (or a related entity) (“Borrower”).

### **B. Background / Discussion**

The request to Council arises from the requirements of the Internal Revenue Code and the Wisconsin Public Finance Authority prior to the issuance by the Authority of tax-exempt bonds to finance this type of capital project. Because the Project is located in the County, the Project must receive public approval of the County (which public approval is evidenced by holding the Public Hearing and adopting a Resolution in support of the Project).

The Bonds shall in no way be an obligation or liability of the County. The Public Hearing Notice is also being paid for by outside legal counsel.

The Resolution (Attachment 1) and Public Hearing Notice (Attachment 2) are included for your convenience.

### **C. Legislative / Chronological History**

This request is generated by outside legal counsel (Parker Poe) on behalf of the borrower.

### **D. Financial Impact**

There is no financial impact associated with this request, as the Bonds shall in no way be an obligation or liability of the County. The Public Hearing Notice is also being paid for by outside legal counsel.

### **E. Alternatives**

If Council chooses to not adopt the Resolution in support, the Project cannot move forward and Council will be foregoing an opportunity to provide safe, decent and affordable housing to the citizens of Richland County.

## F. Recommendation

It is recommended that Council hold a Public Hearing on November 5, 2013 and adopt the Resolution in support of the Project.

Recommended by: Ray Jones, Esq., Parker Poe

Date: October 9, 2013

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 10/10/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval based on outside legal counsel recommendation. Additionally, Council should consider if request qualifies for assessment of county administrative fee for bond issues.

### Legal

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

### Administration

Reviewed by: Roxanne Ancheta

Date: October 14, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council hold the Public Hearing on Tuesday, November 5, 2013, and adopt the Resolution in support of the bond issuance. There is no financial liability on the part of the County. Administrative fees should be assessed and collected, per our financial policies.

**A RESOLUTION**

**IN SUPPORT OF THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY OF ITS AFFORDABLE MULTIFAMILY HOUSING REVENUE BONDS, IN ONE OR MORE SERIES, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$22,000,000, FOR THE PURPOSE OF DEFRAYING THE COSTS OF AN AFFORDABLE HOUSING FACILITY LOCATED IN RICHLAND COUNTY; AND OTHER RELATED MATTERS**

*WHEREAS*, the Public Finance Authority (“Authority”), a State of Wisconsin bond issuing commission, acting by and through its Board of Directors, is authorized and empowered under and pursuant to the provisions of Sections 66.0301, 66.0302 and 66.0304 of the Wisconsin State Statutes, as amended (“Act”), to issue bonds and enter into agreements with public or private entities for the purpose of financing capital improvements located within or without the State of Wisconsin and owned, sponsored or controlled by a participant, as defined in the Act;

*WHEREAS*, Companion Foundation and its affiliates, a non-profit corporation, authorized to do business in the State of South Carolina (“Borrower”) has applied to the Authority to issue not to exceed \$22,000,000 of the Authority’s Affordable Multifamily Housing Revenue Bonds (“Bonds”) in one or more series, so the Borrower may (i) acquire, construct, rehabilitate and equip an affordable housing, 240 unit apartment building located at 1155 Clemson Frontage Road, Columbia, South Carolina 29229 and known as the Palms at Premier Park, to be used to furnish affordable housing for qualifying families (“Facility”); and (ii) pay certain fees and expenses to be incurred in connection with the issuance of the Bonds;

*WHEREAS*, the Facility will be initially owned and operated by Borrower;

*WHEREAS*, the Borrower anticipates that the Facility will benefit the State of South Carolina and Richland County, South Carolina (“County”), generally and, in particular, by providing affordable, decent, safe, and sanitary housing for people from the County and surrounding areas;

*WHEREAS*, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and Treasury Regulations Section 5f-103-2(f), as amended (collectively, “Federal Tax Requirements”), prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of the governmental unit having jurisdiction over the area in which the Facility is located, after a public hearing held following reasonable public notice;

*WHEREAS*, Richland County Council (“Council”) is the applicable elected representative of the governmental unit having jurisdiction over the area in which the Facility is located;

*WHEREAS*, on this date, prior to any deliberations regarding this Resolution, Council held a public hearing, as described in the notice of public hearing attached as Exhibit A, at which all interested persons have been given a reasonable opportunity to express their views. The public hearing was duly noticed by publication in *The State*, a newspaper having general circulation in the County, not less than 15 days prior to the date hereof; and

*WHEREAS*, Council now desires to approve the Authority's issuance of the Bonds and the financing of the Facility in accordance with the Federal Tax Requirements.

NOW, THEREFORE, BE IT RESOLVED by Council of the County as follows:

**Section 1.** It is hereby found, determined and declared that (a) the Facility is anticipated to benefit the general public welfare of the County by providing affordable, decent, safe and sanitary housing, and (b) the Facility will give rise to no pecuniary liability of the County, or a charge against its general credit or taxing power.

**Section 2.** As required by the Act, Council approves the Facility and supports the Authority in its determination to issue the Bonds to defray the costs of the Facility.

**Section 3.** Solely for purposes of satisfying the Federal Tax Requirements, the Facility and the Bonds are hereby granted "public approval." The Bonds shall in no way be an obligation or liability of the County.

**Section 4.** The County Council Chair is hereby authorized and directed to execute such documents as may be necessary to evidence the County's "host approval," as defined in the Federal Tax Requirements.

**Section 5.** The appointment of the County Council Chair to conduct the public hearing for purposes of satisfying the Federal Tax Requirements is hereby confirmed and ratified.

**Section 6.** All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force and effect from and after its adoption.

*[Signature Page Follows]*

Adopted this 5<sup>th</sup> day of November 2013.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: \_\_\_\_\_  
Chair of County Council  
Richland County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to Council  
Richland County, South Carolina

**EXHIBIT A**

**Notice of Public Hearing**



**NOTICE OF A PUBLIC HEARING REGARDING TAX-EXEMPT BONDS  
TO BE ISSUED BY THE PUBLIC FINANCE AUTHORITY**

**NOTICE IS HEREBY GIVEN** to all interested persons that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (“Issuer”), has been requested to issued one or more series of its Affordable Multifamily Housing Revenue Bonds (“Bonds”) and to lend the proceeds thereof to Companion Foundation to finance the acquisition and construction of an affordable housing, 240 unit, apartment building, known as Palms at Premier Park and located in Richland County, South Carolina (“Facility”).

The maximum principal amount of the Bonds proposed to be issued by the Issuer is \$22,000,000.

The Facility will initially be owned and operated by Companion Foundation and managed by Companion Associates, Inc.

The Facility will be located at 1155 Clemson Frontage Road, Columbia, SC 29229

**NOTICE IS HEREBY GIVEN** that the County Council of Richland County will hold a public hearing at its regularly scheduled meeting on **November 5, 2013, in the Council Chambers of the Richland County Administration Building, located at 2020 Hampton Street, Columbia, South Carolina 29202, commencing at 6:00 PM**, or as soon as practicable thereafter, concerning the proposed issuance of the Bonds and the nature and location of the Facility. At the time and place fixed for the public hearing, all persons who appear will be given an opportunity to express their views, both orally and in writing, for or against the proposed issuance of the Bonds, the location and nature of the Facility to be financed, and the approval of the issuance of the Bonds. County Council also intends at the November 5, 2013 meeting to consider and take action on a resolution to approve the issuance of the Bonds by the Issuer.

Any person interested in the issuance of the Bonds may appear in person at the public hearing or submit written comments. Any person wishing to submit written comments regarding the proposed issuance of the Bonds should do so by submitting said written comments to the County Administrator no later than 5:00 PM on October 29, 2013, at 2020 Hampton Street, Room 4058, Columbia, South Carolina 29202.

This notice is given pursuant to the provisions of Section 147 of the Internal Revenue Code of 1986, as amended. Additional information concerning the Facility may be obtained from Ray E. Jones, Esq., 1201 Main Street, Suite 1450, Columbia, South Carolina 29201; Phone (803)255-8000; Email Address: rayjones@parkerpoe.com. County Council does not discriminate upon the basis of any individual’s disability status. This non-discrimination policy involves every aspect of the County Council’s functions, including one’s access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting or needing this information in an alternative format because of a disability as provided for in the Americans with Disabilities Act should contact the County Administrator by phone at (803) 576-2050, or by fax at (803) 576-2137.

RICHLAND COUNTY COUNCIL

RICHLAND COUNTY, SOUTH CAROLINA

# Richland County Council Request of Action

## **Subject**

Richland County LED Lighting Pilot Project [**PAGES 171-173**]

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve funding an LED Lighting Pilot Project for the Public Works building.

# Richland County Council Request of Action

**Subject:** Richland County LED Lighting Pilot Project

**A. Purpose**

County Council is requested to approve a grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.

**B. Background / Discussion**

The County's Public Works facility supports 166 county employees and has the 6th largest energy footprint in the county building energy portfolio. Currently, this facility uses 4 lamp 32W T8 fluorescent bulbs for the interior of the building. Other than exit signs in several facilities, the county has not replaced any bulbs with LED technology. This pilot program can be used to educate staff and the public about newer technologies such as LED fixtures.

Richland County has applied for a \$5,000 SC Energy Office grant that, if awarded, would upgrade 50 florescent fixtures to LED fixtures in Public Works. Support Services will contribute \$227 to support the equipment cost as well as staff time for installation. As LED technology has improved greatly over the last several years, the Public Works building acts as a perfect test facility for interior LED retrofits. The LED fixtures will replace the 4 lamp 128W florescent fixtures with a 2 lamp 44W troffer, resulting in a 66% energy reduction. The LED fixtures will also have a cooling multiplier in the warmer months that will allow additional HVAC energy reductions that will shorten the payback period. The operation and maintenance cost should also be reduced for the LED fixtures allowing County electricians the ability to spend precious time on keeping systems running efficiently.

The grant would pay for the LED fixtures and installation will be completed by electricians on staff before May 30<sup>th</sup> 2014. Moving forward this could be used as a model for smaller facilities as staff time allows. This facility is currently tracked in Portfolio Manager by the Sustainability Manager. The County will continue maintaining accurate energy records during this project to identify actual savings, energy trends and system performance.

**C. Legislative / Chronological History**

None. This is a staff initiated project.

**D. Financial Impact**

The financial impact of this request is an additional \$227, which will come from Support Services' supplies budget to purchase an even 50 fixtures for easy reporting.

**E. Alternatives**

1. Approve the grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.
2. Do not approve the grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.

**F. Recommendation**

It is recommended that Council approve the grant, if awarded, to fund an LED Lighting Pilot Project for the Public Works building.

Recommended by: Anna Lange

Department: Sustainability

Date: 10/9/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 10/10/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Project is consistent with the County sustainability program and the required funding is immaterial therefore approval recommended. It may be beneficial for the decision process if potential savings amounts were able to be quantified for the report. Therefore as the County continues to invest in sustainability programs I would recommend that the County consider a re-investment program where only "hard"-savings are captured and utilized to fund future program initiatives. It would require the County to determine a methodology to identify and track estimated savings compared to a post-project review to quantify hard savings.

**Grants**

Reviewed by: Sara Salley

Date:10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

Legal cannot comment on any specific grant details/requirements as the documents have not been attached.

**Administration**

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Project will contribute to Richland County's ongoing efforts to invest in sustainability. The project costs to the county are negligible therefore approval is recommended.

# Richland County Council Request of Action

## **Subject**

Request for Public Hearing and Adoption of Support Resolution regarding Not Exceeding \$100,000,000 South Carolina Jobs-Economic Development Authority Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the "Bonds") **[PAGES 174-181]**

## **Notes**

October 22, 2013 - The Committee unanimously approved recommending that Council approve a public hearing and adopt a support resolution in connection with the issuance of the Bonds by the South Carolina Jobs-Economic Development Authority. The Bonds will be used to acquire, redevelop, renovate and equip a building in downtown Columbia commonly referred to as the Palmetto Compress Warehouse.

## Richland County Council Request of Action

Subject: Request for Public Hearing and Adoption of Support Resolution regarding Not Exceeding \$100,000,000 South Carolina Jobs-Economic Development Authority Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), Series 2013 (the “Bonds”)

### A. Purpose

County Council is requested to order a public hearing and adopt a support resolution in connection with the issuance of the Bonds by the South Carolina Jobs-Economic Development Authority (“JEDA”). The Bonds will be used to acquire, redevelop, renovate and equip a building in downtown Columbia commonly referred to as the Palmetto Compress Warehouse (the “Project”).

In connection with the foregoing, County Council is requested to:

1. Order a public hearing on the question of the issuance of the Bonds; the form of Notice of Public Hearing is attached hereto as Exhibit A.
2. Adopt a resolution expressing support for the Project; the form of such Resolution is attached hereto as Exhibit B.

### B. Background / Discussion

The City of Columbia purchased the Palmetto Compress Warehouse and subsequently solicited proposals for its redevelopment. Palmetto Compress Preservation Developers, LLC (the “Borrower”) submitted a proposal and is currently in negotiations with the City of Columbia to purchase the Palmetto Compress Warehouse. The Borrower is seeking to finance the Project through the issuance of the Bonds by JEDA. Pursuant to Title 41, Chapter 43 of the South Carolina Code (the “JEDA Act,” which governs the issuance of bonds by JEDA), the Bonds may only be issued by JEDA upon receipt of evidence of a public hearing by a political subdivision in which the project will be located and receipt of a resolution by the governing body of that political subdivision with certain specified findings. The findings required by Title 41, Chapter 43 of the South Carolina Code are provided at 4-29-60 and are set forth below, along with annotations specifying the basis for each.

1. That the project will subserve the purposes of this chapter;
  - a. *The JEDA Act requires that a project subserve the purpose of Chapter 29 of Title 4 of the South Carolina Code. The purpose of Chapter 29 of Title 4 of the South Carolina Code is to enhance the economic development of the county in which a proposed project is to be located. The Borrower represents that the redevelopment of this historically significant building will result in an investment of not exceeding \$100,000,000 in the County and the employment of approximately 75 people within 24 months.*
2. That the project is anticipated to benefit the general public welfare of the locality by providing services, employment, recreation or other public benefits not otherwise provided locally;

- a. *The Borrower represents that the Project will result in new jobs not otherwise being provided locally.*
3. That the project will give rise to no pecuniary liability of the county or incorporated municipality or a charge against its general credit or taxing power;
  - a. *Section 41-43-110 of the South Carolina Code provides that the “[t]he bonds do not constitute nor give rise to a pecuniary liability of the State or the authority or a charge against the general credit of the authority or the State or taxing powers of the State and this fact must be plainly stated on the face of each bond.” The County will not be a party to any agreement or instrument of any kind, so it will therefore have no liability, and neither its credit nor its taxing power will be pledged. The County’s limited role in this transaction as prescribed in the JEDA Act is to express its support by adopting a support resolution and holding the public hearing (together with and on behalf of JEDA).*
4. The amount of bonds required to finance the project;
  - a. *The Borrower represents that the amount of the Bonds will be in an amount not exceeding \$100,000,000.*
5. The amount necessary in each year to pay the principal of and the interest on the bonds proposed to be issued to finance the project;
  - a. *The closing documents to be delivered by JEDA and the Borrower at closing will set forth this information, as allowed by the JEDA Act.*
6. The amount necessary to be paid each year into any reserve funds which the governing board may deem it advisable to establish in connection with the retirement of the proposed bonds and the maintenance of the project; and
  - a. *The closing documents to be delivered by JEDA and the Borrower at closing will set forth this information, as allowed by the JEDA Act.*
7. Unless the terms of a financing agreement with respect to a project provide that the industry shall maintain the project and carry all proper insurance with respect thereto, the estimated cost of maintaining the project in good repair and keeping it properly insured.
  - a. *The closing documents to be delivered by JEDA and the Borrower at closing will set forth this information, as allowed by the JEDA Act.*

Ordering the public hearing and adopting the support resolution will allow for the Borrower to continue to pursue conduit bond financing for the Project, which represents a significant economic development project in the County.

### **C. Legislative / Chronological History**

The JEDA Board adopted an inducement resolution on September 24, 2013, inducing the Project and approving a petition to the State Budget and Control Board requesting consideration and approval of this transaction at its October 31, 2013 meeting. Upon approval by the State Budget and Control Board, the JEDA Board is expected to adopt a bond resolution at its November 2013 meeting. The actions requested of County Council herein are independent of the State-level approval process.

### **D. Financial Impact**



As set forth in the JEDA Act, there is no financial liability on the part of the County. The Project does, however, represent a significant investment in the County and would enhance the County's tax base.

## E. Alternatives

1. Order a public hearing on the question of the issuance of the Bonds. Adopt a resolution in support of the Project.
2. Do not order a public hearing and do not adopt a support a resolution.

## F. Recommendation

Order a public hearing on the question of the issuance of the Bonds. Adopt a resolution in support of the Project.

Recommended by: Gary T. Pope, Jr., Esq., Pope Zeigler Law Firm      Date: October 10, 2013

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 10/10/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval and Council consideration on assessment of administrative fee.

### Legal

Reviewed by: Elizabeth McLean

Date: 10/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

### Administration

Reviewed by: Roxanne Ancheta

Date: October 14, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council hold the Public Hearing on Tuesday, November 5, 2013, and adopt the Resolution in support of the JEDA bond issuance. As set forth in the JEDA Act, there is no financial liability on the part of the County. Administrative fees should be assessed and collected, per our financial policies.

## Exhibit A

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the South Carolina Jobs-Economic Development Authority (the "Issuer") and the County Council of Richland County, South Carolina, on Tuesday, November 5, 2013, at 6:00 p.m., in the County Council Chambers, located in the Richland County Government & Justice Center at 2020 Hampton Street, Columbia, South Carolina 29204, in connection with the issuance by the Issuer of its Revenue Empowerment Zone Bonds and Taxable Economic Development Revenue Bonds (Palmetto Compress Preservation Developers, LLC Project), which Bonds may be issued in one or more series (the "Bonds"). The Bonds will be issued in an aggregate principal amount not to exceed \$100,000,000, and the proceeds of the Bonds will be used to defray the cost of: (i) acquiring, redeveloping, renovating and equipping of that certain building located at 612 and 617 Devine Street in Columbia, South Carolina and commonly known as the Palmetto Compress Warehouse (the "Project"); (ii) funding necessary reserve funds, including, but not limited to, a debt service reserve fund; (iii) paying all or a portion of the interest on the Bonds during redevelopment and renovation of the Project; and (iv) paying certain costs of issuance and transaction costs associated with the Bonds. The Project will be owned by Palmetto Compress Preservation Developers, LLC, a South Carolina limited liability company (the "Company"). The Company will unconditionally covenant to make, or cause to be made, payments sufficient to pay the principal of and interest on the Bonds. The Bonds will be payable solely and exclusively out of payments to be made by the Company with respect to the Project.

The Bonds do not represent a general obligation of the State of South Carolina (the "State"), the Issuer, Richland County, or any other such political subdivision or agency of the State within the meaning of any State constitutional provision or statutory limitation or constitute or give rise to any pecuniary liability of the State or any political subdivision or agency thereof or a charge against its general credit or taxing powers.

The public is invited to attend the hearing at the address set forth above and/or submit written comments on the issuance of the Bonds and the financing of the Project to the South Carolina Jobs-Economic Development Authority at 1201 Main Street, Suite 1600, Columbia, South Carolina 29201, and to Richland County at 2020 Hampton Street, Columbia, South Carolina 29204.

SOUTH CAROLINA JOBS-ECONOMIC  
DEVELOPMENT AUTHORITY

RICHLAND COUNTY, SOUTH CAROLINA



(c) paying all or a portion of the interest on the Bonds during redevelopment and renovation of the Project; and

(d) paying certain costs of issuance and transaction costs associated with the Bonds; and

(ii) induce the Borrower to acquire, redevelop, renovate and equip the Project within the State; and

**WHEREAS**, the Authority has found that the Borrower is a responsible party that will be engaged in the business of operating, leasing and managing the Project, which will provide or cause employment and for residents of the City of Columbia and Richland County, South Carolina (the “County”) and surrounding areas; and

**WHEREAS**, the Borrower has demonstrated to the Authority that the assistance of the Authority by the issuance of the Bonds will result in the creation or maintenance of employment for those engaged with the Project, by providing employment for approximately 50 people within 12 months and a total of 75 people within 24 months when the Project is placed in full operation, with a resulting alleviation of unemployment and a substantial increase in payrolls and other public benefits incident to the conduct of such businesses not otherwise provided locally, and the number of jobs resulting from the assistance authorized herein bears a reasonable relationship to the principal amount of the Bonds, and that the amount of program funds committed bears a reasonable relationship to the amount of private funds committed; and

**WHEREAS**, the Borrower has demonstrated to the Authority that the size and scope of the business being assisted is such that a definite benefit to the economy of the State, and the County in particular, may reasonably be expected to result from the Project being financed; and

**WHEREAS**, the Authority has specified that the terms of the agreement(s) being entered into in connection with the Project shall be reasonable and proper, and adequately protect the public interest; and

**WHEREAS**, the County Council and the Authority have on this date jointly held a public hearing, duly noticed by publication in *The State*, a newspaper having general circulation in the County, on October 20, 2013, which date is not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Richland County, South Carolina, as follows:

**SECTION 1.** It is hereby found, determined, and declared that the Project will subserve the purposes of the Act. The Project is anticipated to benefit the general public welfare of the County by continuing to provide services, employment, recreation, or other public benefits not otherwise provided locally.

**SECTION 2.** Neither the Project nor the issuance of the Bonds will give rise to any pecuniary liability of the County or a charge against its general credit or taxing power.

**SECTION 3.** The amount of the Bonds required for the purposes described herein will not exceed \$100,000,000.

**SECTION 4.** Based on information provided by the Borrower, the documents to be delivered by the Borrower and the Authority with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Project (and, if any such reserve funds are to be established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Project and carry all proper insurance with respect thereto.

**SECTION 5.** The County Council supports the Authority in its determination to issue the Bonds.

**SECTION 6.** All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

**SECTION 7.** Adopted and approved by County Council this 5th day of November, 2013. This resolution is effective as of the date hereof.

**RICHLAND COUNTY COUNCIL**

\_\_\_\_\_  
Kelvin E. Washington, Sr.  
Chairman, County Council of  
Richland County, South Carolina

[SEAL]

Attest:

\_\_\_\_\_  
Michelle Onley  
Clerk to County Council of  
Richland County, South Carolina

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2013-2014 Hospitality Tax Budget to appropriate \$100,000 of Hospitality Tax Unassigned Fund Balance for the EdVenture--Next Exhibit Capital [**PAGES 182-193**]

## **Notes**

First Reading: October 1, 2013

Second Reading: October 15, 2013

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. SR\_05

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 HOSPITALITY TAX BUDGET TO APPROPRIATE \$100,000 OF HOSPITALITY TAX UNASSIGNED FUND BALANCE FOR THE EDVENTURE – NEXT EXHIBIT CAPITAL.

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

SECTION I. That the amount of One Hundred Thousand dollars (\$100,000) be appropriated in the Hospitality Tax Fund. Therefore, the Fiscal Year 2013-2014 Hospitality Tax Annual Budget is hereby amended as follows:

HOSPITALITY TAX - REVENUE

Revenue appropriated July 1, 2013 as amended:	\$6,876,992
Appropriation of unassigned fund balance:	<u>\$ 100,000</u>
Total Hospitality Tax Revenue as Amended:	\$6,976,992

HOSPITALITY TAX - EXPENDITURES

Expenditures appropriated July 1, 2013 as amended:	\$6,876,992
For Edventure – Next Generation Exhibit Capital:	<u>\$ 100,000</u>
Total Hospitality Tax Expenditures as Amended:	\$6,976,992

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin Washington, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2013

\_\_\_\_\_

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_

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

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





EdVenture children's museum

RECEIVED  
10 MAR 14 AM 11:09  
RICHLAND COUNTY  
ADMINISTRATORS OFFICE

March 4, 2011

Mr. Milton Pope  
County Administrator  
Richland County  
2020 Hampton Street  
Columbia, SC 29201

Dear Milton:

Seven years ago and with great fanfare, downtown Columbia opened its doors to all of its children through the stunning glass entranceway of our new EdVenture Children's Museum. Rarely before had the community come together to build a first-class space for children to explore and discover the world around them with such joy and happiness. After that momentous opening and within our first year of operation, it became apparent that EdVenture was a huge success. Attendance records surpassed all projections, fiscal soundness was achieved, and the museum established itself as one of South Carolina's preeminent family destinations.

Today, EdVenture's impact reaches far beyond the walls of its world-class facility. Educational outreach, community-based after-school programs, professional development, and youth leadership programs have made EdVenture a statewide leader in educational innovation for youth ages 0-18. As South Carolina's best attended museum, more than 200,000 children and adults experience EdVenture's exhibits and education programs on an annual basis. Of that audience, adults constitute 50% and audience diversity exceeds 38% of total audience. We are one of South Carolina's preeminent family destinations with a national, regional, and local impact. Based on industry calculations, EdVenture has impacted the local economy with more than \$75 million since its opening. While we are serving an ever-growing number of visitors, our impact is greatest right here in Richland County where we are transforming the lives of more than 100,000 children, families, and educators every year.

With today's economy increasingly dependent on cutting-edge science and technology, our role in educating the next generation is becoming more and more vital to the economic strength of our community. EdVenture's brand of experiential learning is a key building block for scientific literacy for youth and adults. As a learning environment where children and adults can grow, play, and discover the world, EdVenture enhances the quality of life for families who turn to the museum as the hub of support to teach their children about science, health, engineering, and math. They see EdVenture as the foremost place for resources and information—to make learning an engaging and fun experience.

The time is now for EdVenture to meet the challenges of today's society to ensure that all children are prepared to enter this ever-increasing complex and global society. For this purpose, EdVenture is launching the *Next Generation Initiative* to raise \$5 million to build new teaching laboratories and exhibits, create new educational initiatives for workforce preparation, increase access to EdVenture-type experiences through an innovative partnership with Richland County Public Library in the lower Richland area, secure a scholarship fund for at-risk schools and students, and provide reserve funds for future capital repair and replacement needs. We have competed for and successfully received \$2,250,000 in federal and foundation grants toward this \$5 million goal and we must match those grants with local support.

To succeed in this effort, we will need the full support of our elected officials, community leaders, businesses, and individuals. The City of Columbia has already committed to this project with the investment of approximately \$5 million for the construction of a 10,000 square-foot building addition to EdVenture. Our investments will provide educational resources that do not duplicate any existing educational resources in the schools or anywhere in South Carolina while not requiring any additional long-term operational expenses for EdVenture's annual budget. While the following pages detail the overall funding needs and priorities, support from Richland County will be specifically used for an EdVenture exhibit to be housed at the expanded library branch in the lower Richland area and new science and engineering exhibits and labs at EdVenture.

On behalf of the Board of Trustees of EdVenture, we seek the support of Richland County with a commitment of \$1 million payable over a three-to-five year period. We appreciate your consideration of this request and look forward to working with Richland County leadership to identify a funding source and schedule of payments that are appropriate for your budget. Information about *Next Generation* budget and sources of support are enclosed with this letter.

Supporting EdVenture today will ensure that all Richland County residents have the educational resources necessary for success in the 21<sup>st</sup> Century economy and workforce. It is our hope that Richland County will join us in transforming the lives and educational opportunities for all children in our community.

Thank you for your consideration.

Sincerely,



Catherine Wilson Horne  
President and CEO



Chris Kopecky  
Chair, Board of Trustees  
Chief Accounting Officer  
Edens & Avant

Enclosure

**1. NEW TEACHING LABORATORIES AND EXHIBITS**

EdVenture's new teaching laboratories and exhibits will offer family and school audiences hands-on opportunities to explore critical topics affecting our community. These teaching laboratories and exhibits will focus on three key priority areas: (1) ***Biomedical Sciences and Obesity Prevention***, (2) ***Environmental Sciences and Sustainability***, and (3) ***Engineering***. In the new teaching laboratories, families will learn the science behind chronic disease to make informed choices about their health while students will explore careers in the Biomedical Sciences working alongside researchers. Environmental Science will examine alternative energies and other environmental issues. Engineering laboratories and exhibits will inspire youth and adult audiences to use their ingenuity and creativity into solving simple and complex problems.

**\$3,000,000****2. NEW EDUCATION INITIATIVES**

EdVenture's new education initiatives will be science-based to address the rising achievement gap that exists among our children. With today's workforce ever-dependent on science and technology, it is imperative that our children are presented with early opportunities to engage in scientific inquiry-based learning to spark an interest and aptitude to pursue the careers of the 21st century. EdVenture will develop after school programming that provides adolescents with opportunities to extend classroom learning, paired with internship and workforce development.

**\$ 750,000****3. PARTNERSHIP WITH RICHLAND COUNTY PUBLIC LIBRARY**

While EdVenture has been committed to serving children, teachers, and families across Richland County, we have been working to develop strategies to increase access for children and their families in unincorporated areas of the County. EdVenture and RCPL have developed an innovative strategy to create a pilot project to place a mini-EdVenture inside of the soon-to-be-expanded Eastover Library.

**\$ 150,000****4. SCHOLARSHIP FUNDS**

Scholarship Funds provide Learning for All Generations. Today, our loyal donors make it possible for 20,000 at-risk children to experience EdVenture annually. But the need to serve more children and schools is so much greater. And, there is evidence to support our belief that the need will only grow larger in the future.

**\$ 400,000****5. CAPITAL RESERVE AND REPLACEMENT FUND**

EdVenture is seeking funding from a national foundation to build a dedicated capital reserve fund to support on-going building and technology needs.

**\$ 700,000**

**EdVenture Children's Museum**  
**Next Generation Educational Investment Plan**  
**Funding Sources (Proposed and Committed)**

**Goal: \$5,000,000**

<b>Source</b>	<b>Purpose/Type of Funds</b>	<b>Amount</b>	<b>Received</b>
Richland County	New Exhibits/Labs Lower Richland Library Exhibit	\$1,000,000	
Lexington County	New Exhibits/Labs	\$ 500,000	
Federal Grants	New Exhibits/Labs Education Initiatives	\$1,500,000	\$1,500,000
Donors			
Foundations	New Exhibits/Labs Education Initiatives Scholarship Funds Capital Reserve Funds	\$1,200,000	\$ 750,000
Corporate	New Exhibits/Labs Education Initiatives Scholarship Funds	\$ 400,000	
Individuals	Education Initiatives Scholarship Funds	\$ 400,000	
<b>Total</b>		<b>\$5,000,000</b>	<b>\$2,250,000</b>

**Note:** Funds raised to date: \$2,250,000

*City of Columbia provided construction costs of \$5,000,000 for Terrace Building addition to EdVenture to provide more educational programming space. These funds are above and beyond the costs described above.*



February 21, 2013

The Honorable Kelvin Washington, Chairman  
Richland County Council  
Richland County Administration Building  
2020 Hampton Street  
Columbia, SC 29201

Dear Kelvin:

On behalf of EdVenture's leadership, I want to thank you for your unwavering commitment to Columbia's children and families who are served by EdVenture every day and your support of EdVenture. The leadership and support from the citizens of Richland County has helped EdVenture provide world-class educational exhibits, programs and outreach right in their home community, AND experience a Children's Museum that ranks in the top ten nationally.

As you know, by 2015, EdVenture Children's Museum intends to complete a \$6 million investment to create new exhibits and educational initiatives designed to prepare our youth for success in the 21<sup>st</sup> century, as part of our Next Generation Plan. To date, we have raised more than \$4 million towards this goal which has already produced the following results:

- Body Detectives Exhibit and BioInvestigations Lab (November 2011)
- Wags and Whiskers Exhibit (November 2011)
- My Backyard Early Childhood Exhibit (April 2011)
- Building Boom and Little Builders Exhibit (April 2011)
- The Green Fork Café (June 2012)
- Farm to Fork Exhibit Gallery (November 2012)
- The Bookmark Library (November 2012)

These projects were made possible by the support of Richland and Lexington Counties, as well as numerous donations from individuals, corporations and foundations across South Carolina and the country.

Today, EdVenture is faced with the urgent need to complete the Next Generation Plan with the final installment of two new permanent exhibits to meet the increased need for educational resources in Science, Technology, Engineering, and Math for our youth to be competitive in the 21<sup>st</sup> century and contribute to our region's economic growth. Together, these exhibits will draw upon the economic development goals and priorities of Richland County, while also serving as a main attraction for tourism.

We respectfully request the remaining \$620,000 of our original \$1 million request to Richland County, to complete these projects now. Together, these two signature exhibits align with our region's economic development goals and will transform the visitor experience today and for years to come.

**Science of Flight Exhibit -**

Honoring local hometown heroes, Charles Bolden, as well as South Carolinian Ron McNair, EdVenture intends to create an Immersive environment where visitors can explore the physics behind why things fly in air and space. Visitors will be able to experiment, design and investigate the principles of aeronautics and flight. Working in partnership with NASA and the Museum of Flight in Everett, Washington, EdVenture will use objects and interactive experiences to enable visitors to learn and discover space and flight through airplanes, hot air balloons and more.

**Energy Exhibit -**

EdVenture will transform the current Great Outdoors Exhibit into a spectacular new outdoor exhibit focused on alternative energy sources such as solar, wind and hydro power. This exhibit will offer children and adults a hands-on opportunity to learn about physical and environmental sciences with nature's most intriguing elements. This two-story interactive display will feature levies, pullies, solar panels and turbines to teach visitors how the sun, water and wind can be harnessed to make power. This exhibit is in a highly visible location – just outside the museum's main entrance and will be a signature new feature of EdVenture, resembling the iconic nature of Eddie®.

Together, the budget for these exhibition projects is estimated to be \$2 million. Costs include the financial resources required to support the design and fabrication of the exhibits, educational programs and audience accessibility that are active components of EdVenture's mission. Grant support from NASA will be sought to specifically support educational components for the flight exhibit.

We appreciate your consideration of this request and look forward to working with Richland County leadership to identify a schedule of payments that are appropriate for your general fund and/or Hospitality Tax revenues budget.

Sincerely,



Catherine Wilson Horne  
President and CEO



Chris Kopecky  
Board Chairman  
Chief Accounting Officer, EDENS

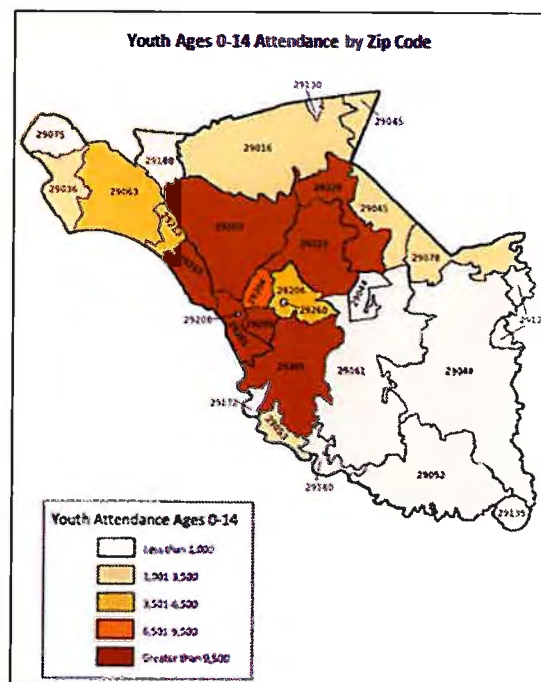
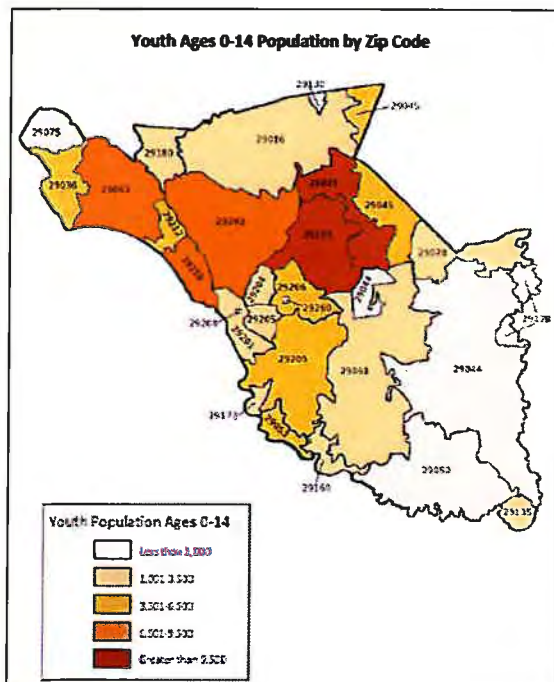
September 16, 2013

## A Request to Richland County Council

On behalf of EdVenture’s leadership, we want to thank you for your unwavering commitment to Columbia’s children and families who are served by EdVenture every day and your support of EdVenture. The leadership and support from the citizens of Richland County has helped EdVenture provide world-class educational exhibits, programs and outreach right in their home community, AND experience a Children’s Museum that ranks in the top ten nationally. Last year alone, EdVenture provided more than \$500,000 in free and/or reduced cost educational services to children in Richland County. And EdVenture’s attendance by zip code in Richland County closely mirrors the County’s population of children, ages 0-14.

The early interest and support of Richland County for the Next Generation Exhibit Investment Plan has enabled EdVenture to invest nearly \$3 million dollars into new exhibits and educational laboratories. The planning for the last two phases of this five-year project are underway and we expect all projects to be completed by 2015. Of the \$1 million dollars requested from Richland County, we have received and invested \$380,000 in new health and nutrition, early childhood and engineering exhibits. This support also has helped EdVenture raise more than \$2.5 million from other sources for these projects.

Today, we have an exciting and urgent opportunity before us for which EdVenture respectfully requests Richland County Council’s support in fulfilling the rest of the \$1 million request (\$620,000) as non-recurring Hospitality Tax funding.

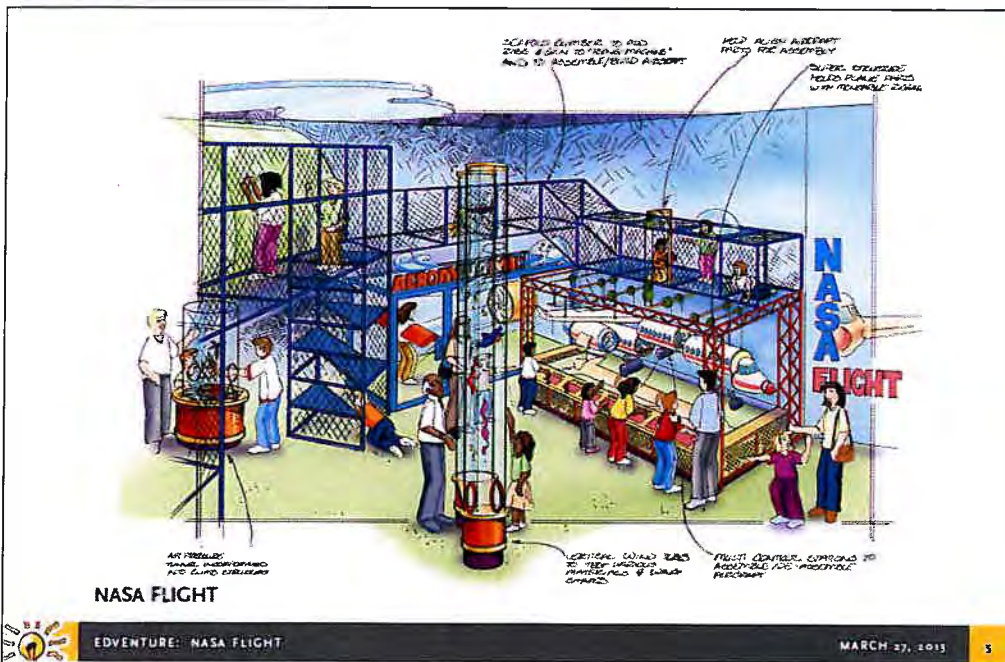
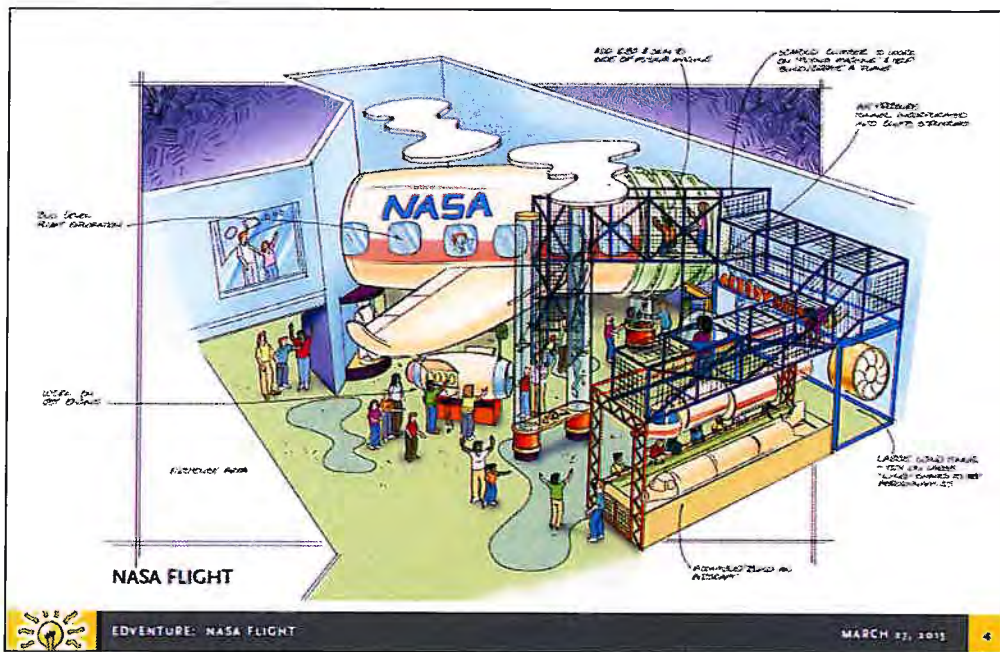


## Exhibit Information:

### Science of Flight Exhibit -

Honoring one of Columbia's hometown heroes, Charles Bolden, as well as South Carolinian Ron McNair, EdVenture intends to create an immersive environment where visitors can explore the physics behind why things fly in air and space. Visitors will be able to experiment, design and investigate why some objects have the potential to fly and other do not. Working in partnership with NASA and the Museum of Flight in Everett, Washington, EdVenture will use objects and interactive experiences to enable visitors to learn and discover space and flight through airplanes, hot air balloons and more.

Project Budget: \$900,000  
 Richland County Request: \$400,000

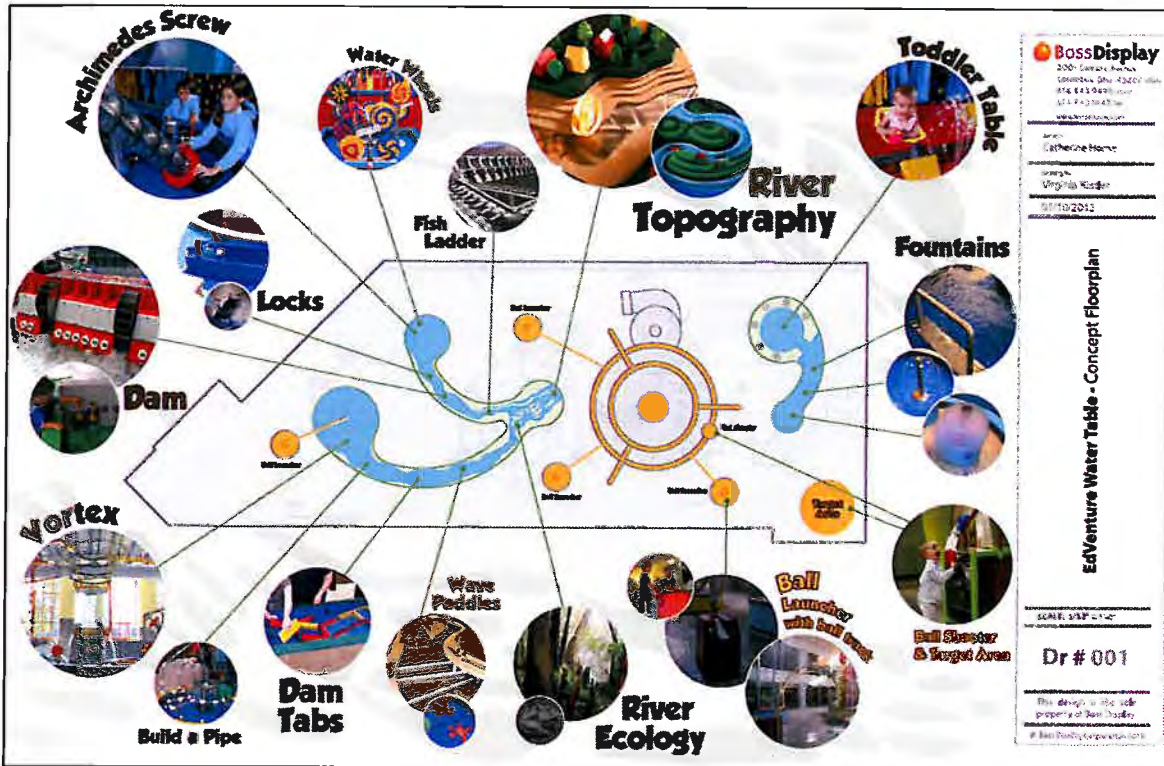




**Energy Exhibit -**

EdVenture will transform the current Great Outdoors Exhibit into a spectacular new outdoor exhibit focused on alternative energy sources such as solar, wind and hydro power. This exhibit will offer children and adults a hands-on opportunity to learn about physical and environmental sciences with nature's most intriguing elements. This two-story interactive display will feature levies, pullies, solar panels and turbines to teach visitors how the sun, water and wind can be harnessed to make power. This exhibit is in a highly visible location – just outside the museum's main entrance and will be a signature new feature of EdVenture, resembling the iconic nature of Eddie®.

Project Budget: \$500,000  
 Richland County Request: \$220,000



# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2013-2014 Transportation Tax Fund Budget to add one full time position [**PAGES 194-200**]

## **Notes**

First Reading: October 1, 2013  
Second Reading: October 15, 2013  
Third Reading:  
Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. SR-03

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014  
TRANSPORTATION TAX FUND BUDGET TO ADD ONE FULL TIME  
POSITION.

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

SECTION I. Approve the addition of one full time position. No additional funding is appropriated. Therefore, the Fiscal Year 2013-2014 Transportation Tax Annual Budget is hereby amended as follows:

TRANSPORTATION TAX - REVENUE

Revenue appropriated July 1, 2013 as amended:	\$ 65,061,018
Appropriation of unassigned fund balance:	\$ _____ 0
Total Transportation Tax Revenue as Amended:	\$ 65,061,018

TRANSPORTATION TAX - EXPENDITURES

Expenditures appropriated July 1, 2013 as amended:	\$ 65,061,018
Deputy Director:	\$ _____ 0
Total Transportation Tax Expenditures as Amended:	\$ 65,061,018

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 \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

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

**RICHLAND COUNTY, SOUTH CAROLINA  
CLASS DESCRIPTION  
2013**

**CLASS TITLE: DEPUTY DIRECTOR OF TRANSPORTATION / PRECONSTRUCTION PROJECT  
MANAGER**

**ADMINISTRATION DEPARTMENT**

**GENERAL DESCRIPTION OF CLASS**

The purpose of the class is to manage all new location, widening, intersection, and special projects within the County Penny Transportation Program at the direction of the Director of Transportation. This equates to approximately \$517 million in projects managed. This class shall also work with the Director of Transportation to execute Consultant scopes and contracts. This class has expertise and knowledge of transportation planning, engineering and design, and contract and project / program management, scheduling, cost estimating, right-of-way acquisitions, surveying, plan review and inspection; and performs related professional, administrative and supervisory work as required in support of all Transportation Penny items. This class provides in house project management from design to completion, and performs and/or supervises design work as necessary. This class plans, organizes and implements the aforementioned project types within major organizational policies. This position also serves as Director of Transportation as needed and in the Director's absence.

This position reports directly to the County Director of Transportation.

**ESSENTIAL TASKS**

The tasks listed below are those that represent the majority of the time spent working in this class. Management may assign additional tasks related to the type of work of the class as necessary.

Manages all new location, widening, intersection, and special projects within the County Penny Transportation Program, ensuring projects are completed appropriately, on time, and within budget.

Serves as the Director of Transportation as needed and in the Director's absence.

Understands DOT and County standard roadway design practices and procedures.

Understands permitting (environmental, land disturbance, etc)

Reviews consultant(s) design plans.

Administers contracts and provides in house project management from design to completion, and performs design work as necessary.

Manages and oversees the program management firm(s).

Coordinates the bidding process for projects.

Prepares scopes of work; reviews plans and specifications as submitted for compliance with established codes, ordinances and standards.

Ensures compliance with applicable federal, state and local laws and regulations, County policies and procedures, and standards of quality and safety.

Directs and provides engineering expertise in the planning, design and project management of the construction of managed projects.

Develops and designs various solutions to engineering problems; seeks alternatives to designs and submits plans for approval.

**CLASS TITLE: DEPUTY DIRECTOR OF TRANSPORTATION / PRECONSTRUCTION  
PROJECT MANAGER**

Oversees the preparation of plans, specifications and contract documents for projects; develops and implements long-range resurfacing and paving plans and financing for Transportation Projects.

Processes change orders as appropriate.

Processes contractor pay requests.

Coordinates projects with local, state and federal agencies, as well as other County and municipal departments, contractors, developers, engineers, land surveyors, architects, attorneys, environmental agencies / special interest groups, and other parties as necessary.

Supervises subordinate supervisory and support staff, if applicable. Supervisory duties include instructing; assigning, reviewing and planning work of others; maintaining standards; coordinating activities; selecting new employees; acting on employee problems; approving employee discipline and discharge.

Reviews the work of subordinates for completeness and accuracy; evaluates and makes recommendations as appropriate; offers advice and assistance as needed.

Provides for adequate staff training and development opportunities.

Manages and oversees the project budgets; ensures effective and efficient use of budgeted funds, personnel, materials, facilities and time.

Assists with the preparation of applications and implementation of received state and federal funding opportunities (grants, TIGER, etc.).

Supervises and participates in the inspection of construction work in progress and at completion for compliance with established policies, procedures, regulations, codes, contracts, and standards of quality and safety.

Meets with County officials, residents and citizen groups to discuss and resolve problems related to the Transportation Penny program.

Prepares a variety of studies, reports and related information for decision-making purposes and as required by the County and regulatory agencies.

Attends and participates in County Council and Committee meetings.

Receives and responds to inquiries, concerns, complaints and requests for assistance regarding areas of responsibility.

Performs general administrative / clerical work as required, including but not limited to preparing reports and correspondence, copying and filing documents, entering and retrieving computer data, attending and conducting meetings, etc.

Attends meetings, workshops, conferences, etc., as appropriate to maintain knowledge of current legislation, trends and technology in assigned areas of responsibility.

Prepares and updates status reports for PIO use in public education.

Staffs and/or assists Transportation Penny Advisory Committee.

**INVOLVEMENT WITH DATA, PEOPLE, AND THINGS**

**DATA INVOLVEMENT:**

Requires developing new approaches or methodologies to solve problems not previously encountered by analyzing, synthesizing or evaluating data or information using unconventional or untried methods.

**CLASS TITLE: DEPUTY DIRECTOR OF TRANSPORTATION / PRECONSTRUCTION  
PROJECT MANAGER**

**PEOPLE INVOLVEMENT:**

Requires negotiating, exchanging ideas, information, and opinions with others to formulate policy and programs or arrive jointly at decisions, conclusions, or solutions.

**INVOLVEMENT WITH THINGS:**

Requires establishing long-range plans and programs, identifying funding resources, allocating funds for and implementing long-range capital improvements, major construction projects, major equipment, rolling stock, and new technology systems which support goals and objectives of the organization.

**COGNITIVE REQUIREMENTS**

**REASONING REQUIREMENTS:**

Requires performing work involving the application of principles of logical thinking to diagnose or define problems, collect data and solve abstract problems with widespread unit or organizational impact.

**MATHEMATICAL REQUIREMENTS:**

Requires using mathematics involving the practical application of fractions, percentages, ratios and proportions; or measurements, logarithmic or geometric construction. May use algebraic solutions of equations and inequalities; descriptive statistics; deductive geometry, plane and solid, and rectangular coordinates; mathematical classifications or schemes.

**LANGUAGE REQUIREMENTS:**

Requires reading professional literature and technical manuals; speaking to groups of employees, other public and private groups; writing manuals and complex reports.

**MENTAL REQUIREMENTS:**

Requires using advanced professional-level work methods and practices in the analysis, coordination or interpretation of work of a professional, engineering, fiscal, legal, managerial or scientific nature and the ability for formulate important recommendations or make technical decisions that have an organization-wide impact. Requires sustained, intense concentration for accurate results and continuous exposure to sustained, unusual pressure.

**VOCATIONAL/EDUCATIONAL AND EXPERIENCE PREPARATION**

**VOCATIONAL/EDUCATIONAL PREPARATION:**

Requires Bachelor's degree in civil engineering, project management or a related field.

**SPECIAL CERTIFICATIONS AND LICENSES:**

Registered Professional Engineer in the State of South Carolina preferred.

Must possess a valid state driver's license.

**EXPERIENCE REQUIREMENTS:**

Requires a minimum of six years of relevant experience.

SCDOT experience preferred.

**CLASS TITLE: DEPUTY DIRECTOR OF TRANSPORTATION / PRECONSTRUCTION  
PROJECT MANAGER**

**AMERICANS WITH DISABILITIES ACT REQUIREMENTS**

**PHYSICAL AND DEXTERITY REQUIREMENTS:**

Requires light work that involves walking or standing some of the time and involves exerting up to 20 pounds of force on a recurring basis, or skill, adeptness and speed in the use of fingers, hands or limbs on repetitive operation of mechanical or electronic office or shop machines or tools within moderate tolerances or limits of accuracy.

**ENVIRONMENTAL HAZARDS:**

The job may risk exposure to bright/dim light, dusts and pollen, extreme noise levels, vibration, fumes and/or noxious odors, moving machinery, electrical shock, toxic/caustic chemicals.

**SENSORY REQUIREMENTS:**

The job requires normal visual acuity, depth perception, and field of vision, hearing and speaking abilities.

**JUDGMENTS AND DECISIONS**

**JUDGMENTS AND DECISIONS:**

Decision-making is primary to the job, affecting the organization, related organizations and major segments of the general population; works in an evolving environment with emerging knowledge and technologies, competing priorities, and changing politics. Responsible for long-range goals, planning and methodologies.

**ADA COMPLIANCE**

Richland County is an Equal Opportunity Employer. ADA requires the County to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.



# Richland County Council Request of Action

**Subject**

Proposed Comprehensive Business Approval Process Framework for Applicants [**PAGES 201-209**]

**Notes**

October 22, 2013 - A motion was unanimously approved to forward this item to Council without a recommendation.

## Richland County Council Request of Action

**Subject:** Proposed Comprehensive Business Approval Process Framework for Applicants

### A. Purpose

County Council is requested to direct the Business Center and Planning Department to create a detailed step by step process for applicants.

### B. Background / Discussion

The Clearance Form describes in general what an applicant needs to do, which includes, most often, coordination and review by the Planning and Building Departments and Fire Marshal's Office. For example, for each Clearance Form, the Planning Department reviews the zoning, landscaping and parking supply for compliance with the Richland County Land Development Code. This is described when the applicant starts the process and on the Clearance form and is sufficient for the majority of all cases.

This process yields a quick turnaround for the vast majority of the applications the County receives. In some cases, improvements need to be made to site/building prior to Planning or Building Department approval. These situations are difficult to document in a process because each can be unique to a use or site.

### C. Legislative / Chronological History

On September 17, 2013, Council approved a motion sponsored by the Honorable Julie-Ann Dixon as follows:

“Business Center and Planning Department to create a detailed step by step process for applicants.”

### D. Financial Impact

There is no financial impact associated with this request.

### E. Alternatives

1. Approve the request to direct the Business Center and Planning Department to create a detailed step by step process for applicants.
2. Do not direct approve the request to direct the Business Center and Planning Department to create a detailed step by step process for applicants.

### F. Recommendation

Recommended by: Hon. Julie-Ann Dixon

Department: County Council Date: 9/17/13

### G. Reviews

#### Finance

Reviewed by: Daniel Driggers

Date: 10/7/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval to direct staff to provide the best available easy to use step-by-step instructions

**Business Services**

Reviewed by: Pam Davis

Date: 10/15/2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Building Codes and Inspections**

Reviewed by: Donny Phipps

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Fire Marshal**

Reviewed by: Michael A. Byrd

Date: October 17, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Planning**

Reviewed by: Tracy Hegler

Date: October 17, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As stated in the background discussion above, situations may be presented to the Planning Department that make a more detailed step by step process difficult and would undermine the ability for staff to provide discretion in how best to proceed. This discretion frequently allows us to make the business-friendly decision for the citizen/applicant, often saving them cost and time. In other words, if we were to capture every possible situation in a detailed process, we would have to err on the side of more regulations, at the expense of the citizen/applicant.

**Legal**

Reviewed by: Elizabeth McLean

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The current clearance process works very well for most applicants and minimal complaints are received. As indicated by the Planning Director, making the process more detailed would eliminate staff's ability to use discretion in working with applicants to meet the requirements of the County's Land Development Code, and often result in higher costs for the citizen/applicant. This would also be in direct conflict with one of the recommendations of the Business Friendly Task Force report which Council approved:

Recommendation #11 - The City and County should create ordinances and/or policies for staff level waivers, alternatives and deferrals. Many of the jurisdictions that the Task Force researched have developed policies that while setting boundaries provide leeway

for staff to work with the applicants on alternative compliance to help solve issues and problems. Often there are logical solutions that both staff and the applicant recognize are reasonable, but there is no flexibility in the rigid ordinances.



# Richland County Business Service Center

2020 Hampton Street, Suite 1050  
 P.O. Box 192  
 Columbia, SC 29202

Phone: (803) 576-2287  
 Fax: (803) 576-2289  
[bsc@rcgov.us](mailto:bsc@rcgov.us)  
<http://www.rcgov.us/bsc>

## CLEARANCE FORM

- This form documents that a business has received all necessary approvals and met all necessary requirements to operate each type of business activity. The approvals needed depend upon the business location, type, and use.
- All approvals must be obtained and requirements met before a business license will be issued.
- **It is a business' responsibility to obtain all necessary approvals.** (Booth renters are *not* required to complete or submit this form.) Complete one form for each business activity.
- A **\$25.53** Zoning fee is required when returning each Clearance Form (with any other applicable payments). Only cash or checks are currently accepted – no credit cards are accepted at this time.
- Return the **original**, completed form to the Business Service Center. Faxes are *not* accepted.

**Step 1** – Complete all information below (including Page 1 and top of Page 2).

### Select Reason(s) for Completing Form:

- New business or  Existing, obtaining first license
- Change in physical location, Address
- Change in Business Activity/Use
- Change in Ownership

### Select Structure Type:

- Residence (Home-based business)\*
- New Commercial\*\*
- Existing Commercial

\* Home-based businesses must complete a *Home Occupation* application.

See Zoning or [http://www4.rcgov.us/BSC/\(S\(ygqhlh55wd2lkm55faorahzm\)\)/Forms/HomeOccupationForm.pdf](http://www4.rcgov.us/BSC/(S(ygqhlh55wd2lkm55faorahzm))/Forms/HomeOccupationForm.pdf)

\*\* If in a new commercial structure, a copy of the CO is needed to continue the business license application process. (A copy may be obtained from Building Inspections Department.)

### Business Information (All fields are required.)

- 1) Corporate Business Name: \_\_\_\_\_
- 2) Doing Business As (dba): \_\_\_\_\_
- 3) Business Location (suite, street, CITY, ZIP): \_\_\_\_\_
- 4) **Mailing** Address: \_\_\_\_\_
- 5) \* Tax Map #: \_\_\_\_\_ Primary Business Activity: \_\_\_\_\_  
 \* See <http://www.richlandonline.com/services/assessorsearch/assessorsearch.asp> or call 803-576-2640.
- 6) Primary 2012 NAICS Code: \_\_\_\_\_ (see <http://www.census.gov/naics/>)
- 7) Are *any other* business activities occurring at or planned for this location?  Yes\*  No  
 \* If yes, another Clearance Form must be completed for each activity occurring or being planned.
- 8) Is this an IRS 501(c) tax-exempt organization?  Yes, Section # \_\_\_\_\_  No

By initialing below, you indicate you have read and understand the definition of sexually oriented business in the Land Development Code Section 26-22, and attest to the accuracy and truthfulness of your response. (*Failure to initial will result in a denied application.*)

- 9) Is this a Sexually Oriented Business, or going to be?  Yes  No Initial: \_\_\_\_\_

**Owner/Principal Information** (*no* corporate names)  Check if this is the business' contact person  
Name: \_\_\_\_\_

10) Phone numbers: (wk) \_\_\_\_\_ (h) \_\_\_\_\_ Emergency: \_\_\_\_\_

11) E-mail address: \_\_\_\_\_

**Person Completing Form**  Check if this is the business' contact person

12) Name (Printed): \_\_\_\_\_ Signature: \_\_\_\_\_

13) Title: \_\_\_\_\_ Date: \_\_\_\_\_

14) Office phone #: \_\_\_\_\_ Cell phone #: \_\_\_\_\_

15) E-mail address: \_\_\_\_\_

## Step 2

BSC staff will indicate which requirements apply to the business. Initial your acknowledgment of these requirements. Complete these forms or requirements *only AFTER obtaining Zoning approval*. Please be advised that unique business activities may have other requirements not shown here.

<u>Requirements</u>	<u>Applicable</u>	<u>N/A</u>	<u>Customer Initials</u>
<u>County forms provided to you</u>			
1. Application for a New Business License Form	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Business Personal Property Tax filing form	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Change of Address Form	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Change of NAICS Code Form	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Hazardous Materials Certification Form	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Hospitality Tax Certification Form	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Hospitality Tax Enrollment Form	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Peddler's License Application	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Pet Breeders License Application	<input type="checkbox"/>	<input type="checkbox"/>	_____
10. Precious Metals Permit Application	<input type="checkbox"/>	<input type="checkbox"/>	_____
<u>Other documentation required from you</u>			
1. SC Dept. of Revenue Alcohol/Liquor License	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. SC Dept. of Revenue Retail License	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. SC Dept. of Revenue Wholesale License	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. SC Dept. of LLR occupational licenses	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. SC Secretary of State Articles of Org. or Inc.	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. IRS 501(c) documentation	<input type="checkbox"/>	<input type="checkbox"/>	_____

Signature of BSC employee: \_\_\_\_\_ Date: \_\_\_\_\_

## Step 3

Obtain the approvals that are indicated – in the order they appear on the following pages.

- Zoning Division      **576-2180**      1<sup>st</sup> floor, County bldg.  
Signature of employee receiving form: \_\_\_\_\_ Date: \_\_\_\_\_  
- For existing commercial: the location's prior use is:  Unknown     Same as proposed  
 Different: \_\_\_\_\_  
 Approved – Signature \_\_\_\_\_ Date: \_\_\_\_\_  
 Disapproved – Signature \_\_\_\_\_ Date: \_\_\_\_\_

If disapproved, the reason(s) is indicated below:

- The proposed use is prohibited in the zoning district - \_\_\_\_\_
- A special exception by the Board of Zoning Appeals must first be obtained.
- The development standards, required for uses permitted by special requirements, have not been met.
- The current off-street parking spaces are not adequate.
- A site plan to determine the # of off-street parking spaces was not submitted.
- The site does not have adequate driveway access.
- Other \_\_\_\_\_

Comments: \_\_\_\_\_

Please contact \_\_\_\_\_ at \_\_\_\_\_ for more information.

**Building Inspections 576-2169** 1<sup>st</sup> floor, County bldg.

Signature of employee receiving form: \_\_\_\_\_ Date: \_\_\_\_\_

Contractors' SC LLR license obtained: N/A  Yes  # \_\_\_\_\_ No  (State \_\_\_\_\_)

Approved – Signature \_\_\_\_\_ Date: \_\_\_\_\_

Disapproved – Signature \_\_\_\_\_ Date: \_\_\_\_\_

If disapproved, the reason(s) is indicated below:

Comments: \_\_\_\_\_

Please contact \_\_\_\_\_ at \_\_\_\_\_ for more information.

**Fire Marshal 576-3400** Meet onsite during inspection

Signature of employee receiving form: \_\_\_\_\_ Date: \_\_\_\_\_

Approved – Signature \_\_\_\_\_ Date: \_\_\_\_\_

Disapproved – Signature \_\_\_\_\_ Date: \_\_\_\_\_

If disapproved, the reason(s) is indicated below:

- See the Fire Marshal's report for additional information.

Comments: \_\_\_\_\_

Please contact \_\_\_\_\_ at \_\_\_\_\_ for more information.

**DHEC: Environmental Health 896-0620** 8500 Farrow Rd., Bldg. 12

Approved – Signature \_\_\_\_\_ Date: \_\_\_\_\_

Disapproved – Signature \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**DHEC: Health Licensing 545-4370** 1777 St. Julian Place, 4<sup>th</sup> Floor

Businesses needing a health license (see [www.dhec.sc.gov/health/licen/hlfaclist.htm](http://www.dhec.sc.gov/health/licen/hlfaclist.htm) for more information) must show a copy of a date-stamped health licensing application to continue the business license application process.

- DSS: License/Registration**      **898-9001**      2638 Two Notch Rd., Suite 220  
 Businesses caring for children may be required to be licensed or registered with DSS.  
 (Please see SC State Code section 63-13-10 et.seq. for more information.) Names of these  
 businesses with business licenses will be provided to DSS for confirmation of compliance.

### Step 4

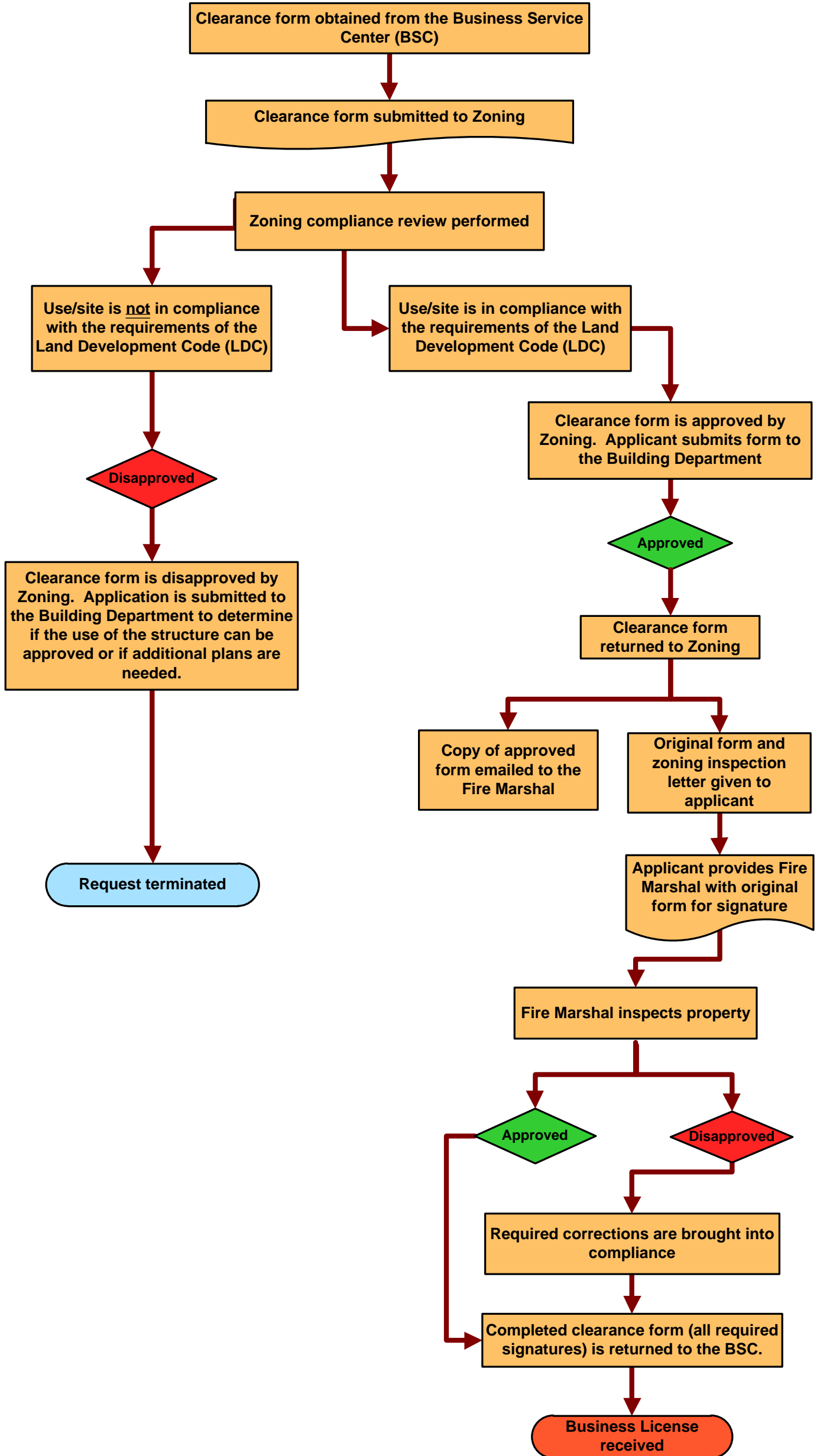
Return the original, completed Clearance Form with all necessary forms and documentation indicated in Step 2 to the Business Service Center. Be prepared to pay \$25 for the Clearance Fee plus your business license fee(s), with cash or checks only, payable to Richland County. (E-mail [bsc@rcgov.us](mailto:bsc@rcgov.us) or call 803-576-2287 to obtain the total amount due for your business in advance.)

- Business Service Center**      **576-2287**      1<sup>st</sup> floor, County bldg., Suite 1050

<u>Requirement</u>	<u>Returned</u>	or	<u>N/A</u>
<u>County forms provided to you</u>			
1. Application for a New Business License Form	<input type="checkbox"/>		<input type="checkbox"/>
2. Business Personal Property Tax filing form	<input type="checkbox"/>		<input type="checkbox"/>
3. Change of Address Form	<input type="checkbox"/>		<input type="checkbox"/>
4. Change of NAICS Code Form	<input type="checkbox"/>		<input type="checkbox"/>
5. Hazardous Materials Certification Form	<input type="checkbox"/>		<input type="checkbox"/>
6. Hospitality Tax Certification Form	<input type="checkbox"/>		<input type="checkbox"/>
7. Hospitality Tax Enrollment Form	<input type="checkbox"/>		<input type="checkbox"/>
8. Peddler's License Application	<input type="checkbox"/>		<input type="checkbox"/>
9. Pet Breeders License Application	<input type="checkbox"/>		<input type="checkbox"/>
10. Precious Metals Permit Application	<input type="checkbox"/>		<input type="checkbox"/>
11. Copy of Certificate of Occupancy (CO)	<input type="checkbox"/>		<input type="checkbox"/>
<u>Other documentation required from you</u>			
7. SC Dept. of Revenue Alcohol/Liquor License	<input type="checkbox"/>		<input type="checkbox"/>
8. SC Dept. of Revenue Retail License	<input type="checkbox"/>		<input type="checkbox"/>
9. SC Dept. of Revenue Wholesale License	<input type="checkbox"/>		<input type="checkbox"/>
10. SC Dept. of LLR occupational licenses	<input type="checkbox"/>		<input type="checkbox"/>
11. SC Secretary of State Articles of Org. or Inc.	<input type="checkbox"/>		<input type="checkbox"/>
12. IRS 501(c) documentation	<input type="checkbox"/>		<input type="checkbox"/>
<input type="checkbox"/> DHEC, Health Licensing – date-stamped application copy			
<input type="checkbox"/> Any secondary business activities (Question 7) also have completed Clearance Forms.			
<input type="checkbox"/> All spaces for initials have been signed (Steps 1 and 2).			
<input type="checkbox"/> All necessary approvals received and signed without conditions (Step 3).			
<input type="checkbox"/> For Sexually Oriented Businesses, clean background check provided.			
<input type="checkbox"/> Paid the Zoning Review Fee ( <u>no refunds</u> )			
<input type="checkbox"/> Approved – Signature _____	Date: _____		
<input type="checkbox"/> Disapproved – Signature _____	Date: _____		
Comments: _____			
_____			



# Business License Process



# Richland County Council Request of Action

## **Subject**

- a. Bagging of Yard Debris in Solid Waste Collection Service Areas 2 and 6 [**PAGES 210-226**]
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article I, In General; and Article II, Collection and Disposal; Section 12-12, Definitions, and Section 12-16, Conditions for Residential and Small Business Solid Waste Collection-Yard Trash and Other Household Articles; so as to remove reference to "Franchise" and so as to require trash to be bagged in a phased-in manner [**FIRST READING**]

## **Notes**

July 23, 2013 - The Committee unanimously approved the recommendation that Council approve alternative yard debris management protocol that reduces the burden on the citizen with the adoption of the following addendum (provided in part herein): "Special services for YARD WASTE shall be provided to any household in where no occupant is capable of containerizing and/or bagging yard waste. 'Therefore, households who for medical reasons cannot bag or containerize their yard debris may be granted a variance from bagging and bundling. Resident may also be eligible to receive a large roll cart for yard waste use if they provide a written medical excuse from a licensed South Carolina doctor stating the citizen is not physically able to bag their yard waste. The county may require reimbursement for the actual cost of the yard waste roll cart. The Contacting Officer's Representative shall make the determination if this special service is justified.' Additionally, staff was directed to identify storm drainage areas and non-storm drainage areas that currently exist in the county prior to the first Council meeting in September 2013.

September 10, 2013 - A motion was unanimously approved to defer to the September 24, 2013 D&S Committee meeting.

September 24, 2013 - A substitute motion to forward this item to Council without a recommendation failed. A motion for reconsideration was passed. A second substitute motion passed to forward this item to Council without a recommendation.

## Richland County Council Request of Action

**Subject: Bagging Yard Debris in Solid Waste Collection Service Areas 2 and 6 Update**

### **A. Purpose**

“Review the ordinance on trash bagging on yard waste. Early results from constituents are the cost of purchasing trash bags is costly and the additional physical work for some residents bagging the leaves is problematic” [JACKSON].

### **B. Background / Discussion**

- Hauler contracts for Collection Service Areas 2 and 6 were scheduled to expire December 31, 2012.
- Administration under the direction of Council negotiated new hauler contracts with the existing service providers during the summer and fall of 2012. Waste Industries has Area 2 and Advanced Disposal has Area 6.
- A portion of the negotiation related to yard debris.
- The negotiated price per household was based on yard debris being bagged.
- The new contracts came into force January 1, 2013.
- Removing the contract provision for bagging yard debris would require agreement from the haulers to renegotiate their standing contracts
- These contracts affected about 19,000 households.
- Solid Waste staff has been to numerous community meetings since the bagging requirement went into effect. The positive comments have been equal to or greater than the negative comments with regard to bagging.
- The total number of complaints for bagging that Solid Waste staff has encountered is now estimated to be 1%.
- The D&S Committee discussed this matter during their April 23<sup>rd</sup> meeting. The Committee requested that the matter be further evaluated by staff and a potential alternative be brought back to Committee.
- The D&S Committee discussed this matter again during their July 23<sup>rd</sup> meeting. According to the published minutes the Committee unanimously approved the recommendation that Council approve alternative yard debris management protocol that reduces the burden on the citizen with the adoption of the following addendum:

“Special services for YARD WASTE shall be provided to any household in where no occupant is capable of containerizing and/or bagging yard waste. ‘Therefore, households who for medical reasons cannot bag or containerize their yard debris may be granted a variance from bagging and bundling. Resident may also be eligible to receive a large roll cart for yard waste use if they provide a written medical excuse from a licensed South Carolina doctor stating the citizen is not physically able to bag their yard waste. The county may require reimbursement for the actual cost of the yard waste roll cart. The Contacting Officer’s Representative shall make the determination if this special service is justified.’

Additionally, staff was directed to identify storm drainage areas and non-storm drainage areas that currently exist in the county prior to the first Council meeting in September 2013.

On September 10, 2013, Council unanimously approved deferring and returning the item to the September 24, 2013 D&S Committee for further discussion and consideration.

### **C. Legislative / Chronological History**

- The contract for Areas 2 was executed September 5, 2012
- The contract for Area 6 was executed October 31, 2012

### **D. Financial Impact**

The financial is dependent upon:

- Whether the haulers for Areas 2 and 6 agree to renegotiate the new 5-year contracts.
- The change in the per-household rate negotiated with a new contract should the haulers agree to renegotiate. The estimated increased costs for removing the bagging provision is attached - see Exhibit A.

Implementing the alternative yard debris procedure per the recommended addendum would have no impact on the monthly household contract hauler fee.

### **E. Alternatives**

1. Leave the existing contracts in place which require bagging yard debris (containerizing is acceptable).
2. Attempt to renegotiate the 2 hauling contracts to remove the bagging of yard debris provision with the expectation that if renegotiated the curbside rate per household would increase.
3. Accept the alternative yard debris management protocol that reduces the burden on the citizen and can be accommodated within the terms of the existing hauler contracts for Service Areas 2 and 6 as defined in the proposed addendum.

### **F. Recommendation**

Based on the factors discussed herein it is recommended that we keep the bagging provision in place and approve the proposed addendum below which removes the bundling provision and provides a waiver from bagging where citizens have legitimate medical issues. The hauler contracts would not have to be renegotiated, the contractual costs to the county would remain the same, the additional level of service would remain and the favorable impact to the environment could be realized.

#### **Discussion:**

Note that approximately 19,000 households are covered by the two new hauling contracts which have a bagging provision. A very small percentage of those affected have voiced a complaint to the Solid Waste Department. Also note that the bagging provision is actually an enhanced level of service in that the hauler must pick up all the yard debris placed at curbside instead of 2 roll cart volumes as was the case under the old contracts.

Per Council's request, Solid Waste staff investigated the feasibility of providing a different level of service (no bagging) to the rural areas of the county where there are no underground stormwater management systems. County Stormwater Department and GIS staff were engaged in the discussion. We determined that we have no reasonable way to define those areas at this time. And the consensus was it would be both time consuming and expensive to delineate the county in such a manner. Those discussions also led to the conclusion that the potential adverse impact to stormwater was just as significant in the rural areas as anywhere else. Considering the aforementioned facts we would not recommend approaching yard debris management from the stormwater management perspective.

To provide more information on the potential financial impact to the Solid Waste Department budget we asked Waste Industries and Advanced Disposal to submit estimated increased contractual costs under two scenarios. Scenario 1, collect two roll cart volumes of loose yard debris per week and Scenario 2, collect all loose yard debris each week piled at curbside. Both haulers submitted estimated increased cost both Scenario 1 and Scenario 2. The data was tabulated for Council's review - See Exhibit A. The data shown for the other haulers and service areas was derived by averaging and extrapolation. The data suggests that the increased costs to the county would range from \$1.6M for Scenario 1 to \$2.6M for Scenario 2. Our conclusion is that the county cannot absorb the potential additional cost without increasing the solid waste fee in the near future.

In an effort to better meet the special needs of the citizens and to avoid renegotiating the hauler contract for Service Areas 2 & 6, Advanced Disposal, Waste Industries and the Solid Waste staff propose the following addendum to both hauler contracts:

#### ***Yard Debris Addendum***

- A. Special services for YARD DEBRIS shall be provided to any household where no occupant is capable of containerizing and/or bagging yard debris. Therefore, households who for medical reasons cannot bag or containerize their yard debris may be granted a variance from bagging. Residents may also be eligible to receive a large roll cart for yard debris use if they provide a written medical excuse from a licensed South Carolina doctor stating the citizen is not physically able to bag their yard debris. The county may require reimbursement for the actual cost of the yard debris roll cart. The Contacting Officer's Representative shall make the determination if this special service is justified.***

***The Solid Waste Collection Office shall notify in writing any Contractor of those addresses for which special services have been approved. Un-containerized or Un-bagged yard debris shall be placed curbside and collection provided on a once-a-week basis with the collection made on the regular day of collection as designated. The maximum amount of loose yard debris to be collected by the contractor is 2 hopper loads; the equivalent of 2 - large roll carts. All efforts shall be made by the Solid Waste Collection Department to limit the total***

***number of households serviced in this manner. The Solid Waste Department will track the variances granted.***

***B. The bundling provision shall be waived for all households.***

***C. Households may also make appointments for the collection of semi-annual or annual yard clean-ups. Yard debris collected during scheduled appointments does not need to be containerized and cannot be mixed with any other type materials.***

Recommended by: Rudy Curtis

Department: Solid Waste

Date: July 1, 2013

## **G. Reviews**

### **Finance**

Reviewed by: Daniel Driggers

Date: 9/19/13

Recommend Council approval

Recommend Council denial

Recommend Council discretion

Comments regarding recommendation:

This is a policy decision for Council on the level of service to be provided. Next steps associated with the two current contracts (area 2 & 6) would be determined once the desired level of service to be provided is approved. The remaining contracts would need to be addressed during future contract negotiations. Three areas (5a, 5b, 7) will end December 2013 and three areas (1, 3, 4) will end December 2014.

Based on the data provided, alternative 1, 2 or 3 could be approved and not require an increase to the Solid Waste fee for the remainder of FY14. Approval of alternative 2 or 3 would not require an increase in the fee for FY14 but may require an increase in future years as the additional incremental cost is added. The fee would be evaluated and recommendations provided during the normal annual budget process. This only relates to this service and does not include normal increases due to the hauler cost of providing the service, changes in service level or anticipated contract negotiations.

### **Legal**

Reviewed by: Elizabeth McLean

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

### **Administration**

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Staff also recommends a proposed ordinance that amends Chapter 12 of our Code of Ordinances. The ordinance amends definitions and adds a section that makes the bagging requirement consistent with what we are requiring in the current Collection Services

Agreements. Staff recommends a two year phased-in approach. For existing Service Areas 2 and 6 the ordinance will immediately go into effect upon passage. Service Areas 5A, 5B and 7 would become effective January 1, 2014. The remaining services areas 1, 3 and 4 would become effective January 1, 2015. This proposed ordinance is attached as Exhibit B.

## Exhibit A

### Yard Waste Management - Increased Cost Analysis (Estimated)

Hauler / Service Area	# Of Households Served	Rate/Household/Month (p/h/m)	Projected Increase Cost p/h/m - Loose - 2 Roll Cart Quantity	Projected Increase Cost p/h/m - Loose - Unlimited Quantity	Annual Increase Cost - 2 Roll Carts Loose	Annual Increase Cost - Unlimited Loose	5-Year Contract Increased Cost - 2 Roll Carts Loose	5-Year Increased Cost - Unlimited Loose
Allwaste - Area 1	16,240	\$16.42	\$1.81	2.55	\$313,757	\$498,944	\$1,568,784	\$2,484,720
Ascot - Back Yard	429	\$41.05	\$1.81	2.55	\$8,288	\$13,127	\$41,441	\$65,637
Waste Industries - Area 2	8,885	\$14.89	\$1.28	2.78	\$138,474	\$285,404	\$682,368	\$1,482,078
Cobblestone - Back Yard	106	\$28.09	\$1.28	2.78	\$1,628	\$3,536	\$8,141	\$17,681
Advanced - Area 3	13,883	\$16.53	\$1.94	2.31	\$323,196	\$384,837	\$1,615,981	\$1,924,184
Waste Industries - Area 4	15,883	\$16.60	\$1.28	2.78	\$243,963	\$529,857	\$1,219,814	\$2,649,284
Spring Valley - Back Yard	1,107	\$41.50	\$1.28	2.78	\$17,004	\$36,930	\$85,018	\$184,648
Woodlake - Back Yard	352	\$41.50	\$1.28	2.78	\$5,868	\$12,744	\$29,338	\$63,718
Ard - Area 5A	7,986	\$14.83	\$1.61	2.55	\$154,290	\$244,372	\$771,448	\$1,221,858
Wildewood - Back Yard	1,551	\$37.08	\$1.61	2.55	\$29,965	\$47,461	\$149,827	\$237,303
Johnson - Area 5B	1,728	\$16.38	\$1.61	2.55	\$33,385	\$52,877	\$166,925	\$284,384
Advanced - Area 6	10,597	\$14.59	\$1.94	2.31	\$246,698	\$283,749	\$1,233,491	\$1,468,744
Johnson - Area 7	6,276	\$16.38	\$1.61	2.55	\$121,252	\$192,048	\$606,262	\$960,228
	85,053			Totals	\$1,835,767	\$2,604,881	\$8,178,838	\$13,024,406
September 10, 2013								

Advanced & Waste Industry provided the per household per month (p/h/m) cost highlighted in green. The other data highlighted in green was calculated using the supplied rate p/h/m.

WI Area 2 cost data was used for WI Area 4 estimates; AD Area 6 cost data was used for AD Area 3 estimates.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 12, GARBAGE, TRASH AND REFUSE; ARTICLE I, IN GENERAL; AND ARTICLE II, COLLECTION AND DISPOSAL; SECTION 12-12, DEFINITIONS, AND SECTION 12-16, CONDITIONS FOR RESIDENTIAL AND SMALL BUSINESS SOLID WASTE COLLECTION – YARD TRASH AND OTHER HOUSEHOLD ARTICLES; SO AS REMOVE REFERENCE TO “FRANCHISE” AND SO AS TO REQUIRE TRASH TO BE BAGGED IN A PHASED-IN MANNER.

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 12, Garbage, Trash and Refuse; Article I, In General; Section 12-1, Dumping Within Rights-of-Way Prohibited; is hereby amended to read as follows:

**Sec. 12-1. Dumping within rights-of-way prohibited.**

It shall be unlawful for any person to dump, throw, drop, leave, or in any way deposit any garbage, ashes, rubbish, paper, trash, litter, refuse, building materials, glass bottles, glass or cans on any property belonging to another on or along any street, road, highway, curb, sidewalk, or public right-of-way, except as required by the authorized ~~and franchised~~ garbage collector for that district; nor shall any person throw or deposit any refuse in any stream or other body of water within the boundaries of the county.

SECTION II. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-12, Definitions; is hereby amended to delete the definition of “Garden and yard trash” and the definition of “Franchise collector” in their entireties and to include in the appropriate alphabetical order, the following definitions:

*Brush:* Bulky trimming and pruning waste generated from routine tree and shrubbery maintenance in the immediate area around a residential property or a small business. Brush does not include waste generated from the removal of a tree, as defined under Section 26-22 of Chapter 26.

*Roll cart:* ~~Garbage e~~Containers, mounted on wheels, which are issued to citizens by the county. Containers are used to store recyclables or garbage solid waste between collections by ~~franchise collectors~~ contractors.

*Trash:* Unless specifically provided to the contrary, shall include and mean household trash ~~and garden, yard debris, and~~ yard trash waste, and brush, as defined herein.

Yard debris: Grass clippings, loose leaves, loose pine straw, and/or small clippings generated from routine landscape maintenance in the immediate area around a residential property or a small business.

Yard waste: Limbs and sticks not exceeding four (4) inches in diameter or four (4) feet in length generated from routine landscape maintenance in the immediate area around a residential property or a small business, which are not easily bagged or containerized.

SECTION III. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-14, General Conditions for Granting Contracts for Residential and Small Business Solid Waste Collection; Subsection (b); Paragraph (3) is hereby amended to read as follows:

- (3) A lone bid or proposal for a specific service area shall not warrant automatic award of the ~~franchise~~ contract to the lone bidder or proposer.

SECTION IV. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-14, General Conditions for Granting Contracts for Residential and Small Business Solid Waste Collection; Subsection (b); Paragraph (7); Subparagraph b. is hereby amended to read as follows:

- b. In the event that a contractor is a partnership, corporation, or entity other than an individual, and such contractor anticipates a sale or transfer of the ownership and/or management of the business to a third party, then the county administrator shall, at his discretion, give written approval or denial of the assignment of the contractor's contract rights ~~under the contractor's franchise~~ to the third party. Written approval of the county administrator shall be obtained prior to the third party's assumption of the contractor's duties in the service area.

SECTION V. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-14, General Conditions for Granting Contracts for Residential and Small Business Solid Waste Collection; Subsection (f); is hereby amended to read as follows:

- (f) All bonds, insurance and other contractual obligations shall be adhered to by all contractors. Such contract requirements shall be reviewed and/or evaluated on a routine basis, and if, at any time, a collector is found to be in violation of any contract requirement, the collector shall be given fifteen (15) days to correct the violation. Should the collector fail to show compliance with the contract after the fifteen-day grace period, he or she shall automatically forfeit his or her ~~franchise~~ contract.

SECTION VI. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-14, General Conditions for Granting Contracts for Residential and Small Business Solid Waste Collection; Subsection (i); is hereby amended to read as follows:

- (i) Contracts ~~with the franchise~~ shall be for a period not to exceed five (5) years.

SECTION VII. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-15, Conditions for Residential and Small Business Solid Waste Collection – Garbage; Subsection (a); is hereby amended to read as follows:

- (a) ~~Garbage~~ Recyclables and solid waste shall be collected only by collectors who ~~are franchised by~~ have a contract with the county.

SECTION VIII. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-15, Conditions for Residential and Small Business Solid Waste Collection – Garbage; Subsection (b); Paragraph (2); is hereby amended to read as follows:

- (2) A small business may request up to two (2) county-issued roll-carts for use in scheduled solid waste collection by the ~~franchise collector~~ contractor. The roll carts remain the property of the county for use by the small business to which they are issued. Anyone who damages a roll cart that is issued to them shall pay for repairing the carts or purchase replacement carts from the county. Carts that are damaged through normal use as a result of being emptied by contractors will be repaired at county's expense. Collection will be suspended at any location at which a roll cart is missing or at which a roll cart is damaged to such an extent as to interfere with normal collection methods.

SECTION IX. The Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Conditions for Residential and Small Business Solid Waste Collection – Yard Trash and Other Household Articles; is hereby amended to read as follows:

**Sec. 12-16. Conditions for residential and small business solid waste collection – ~~Yard trash debris, yard waste, brush,~~ and other household articles.**

- (a) Refuse shall be collected only by contractors who ~~are franchised by the county~~ have entered into a contract with the county to perform solid waste collection.

(b) Yard ~~trash~~ debris, yard waste, brush, and other household articles shall be collected in the entire unincorporated portion of the county ~~under~~ with the following ~~conditions~~ provisions:

- (1) Yard ~~trash~~ debris, which is including all bagged or ~~boxed trash and containerized up to~~ the equivalent of two (2) roll carts ~~of loose trash,~~ and placed at curbside of the nearest public road, shall be collected once each week. ~~This article does not intend to require that yard trash be bagged, boxed or bundles; however, such practice will be encouraged. Richland County requires that all yard debris must be bagged or~~

containerized. This requirement will be phased in across Richland County as follows:

- a. Service Areas 2 and 6, as referenced in Collection Services agreements that took effect on January 1, 2013 and are on file with the Richland County Procurement Office, must bag or containerize all yard debris as of this date; and
  - b. Service Areas 5A, 5B, and 7 must bag or containerize all yard debris as of January 1, 2014; and
  - c. Service Areas 1, 3, and 4 must bag or containerize all yard debris as of January 1, 2015.
- (2) ~~Yard trash waste, which does not exceed four (4) inches in diameter, shall be cut in lengths not exceeding four (4) feet and shall be stacked in a compact pile in front of the residential property or small business, adjacent to the curb; provided that such piles shall not extend into the street. and other household/business articles not suitable for placement in a roll cart, plastic bag or trash container sack may be placed for collection as follows:~~
- a. ~~Tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets;~~
  - b. ~~Sticks, hedge clippings, small brush and leaves shall be placed in neat piles at curbside.~~
- (3) ~~Within~~ During one (1) week of each month, contractors shall remove all household/business furnishings, appliances, large yard toys and other large household/business articles, when placed in front of the residence or business at the nearest public road. All large appliances shall have doors removed prior to placement at the curb. Provided, however, pick-up of these items shall change to “by appointment only” once the phased in schedules of the service areas described in subparagraphs 1.a., b., and c., above, become effective.
- (4) Brush shall be picked-up “by appointment only” once the phased in schedules of the service areas described in subparagraphs 1.a., b., and c., above, become effective.

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

SECTION XII. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2013

\_\_\_\_\_  
Michelle Onley  
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:



## *Richland County Conservation Department*

2020 Hampton Street, Rm. 3063A  
Columbia, South Carolina 29204

### **TECHNICAL MEMORANDUM**

**TO:** Tony McDonald, RC Administrator

**FROM:** James B. Atkins, Ph.D., Director, RC Conservation Dept.

**SUBJECT:** Water Quality and Flooding Implications of Yard Waste Transport to Stormwater Conveyances and Stream Systems

**DATE:** October 10, 2013

This technical memorandum is in response to your request at the October 1, 2013 County Council meeting. Specifically, you requested I provide you information concerning the water quality implications of yard waste entering stormwater conveyances and stream systems.

### **SUMMARY**

Yard waste contains a number of potential water quality contaminants which can adversely impact receiving water quality and the health of aquatic life. These pollutants include organic matter, nutrients, metals and herbicides. When transported to streams via storm drains or ditches, each pollutant impairs water quality and aquatic life differently based on a number of interdependent physical, biological, geological and chemical factors. Bagging or containerizing yard waste reduces the transport of "loose" yard waste such as leaves, straw, small limbs, grass clippings and soil during rainfall events therefore reducing potential water quality impacts. However, the water impacts or benefits of bagging or containerizing yard waste vary significantly, both spatially and temporally, across Richland County. Therefore, the exact water quality benefit or impact cannot be easily quantified due to the complexity of the problem.

Richland County's NPDES Municipal Separate Storm System (MS4) Permit<sup>1</sup> requires the development of a Stormwater Water Management Program (SWMP). The SWMP shall include controls necessary to effectively reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP). The County is required to address potential watershed, in stream water quality concerns and water quality problems due to roadway runoff from existing paved, or unpaved roads; accomplish water quality improvements needed including but not limited to, roadway capture runoff; and specify Best Management Practices (BMPs) to be used for the design, construction and maintenance of roadways<sup>2</sup>.

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<sup>1</sup> NPDES Permit No. SCS400001

<sup>2</sup> NPDES Permit No. SCS400001, Part II., P. 20.

An internet search indicates numerous municipalities and counties require bagging or containerizing yard waste trash to protect water quality as a part of their MS4 Permit. This is a progressive approach to not only protect water quality and drinking water sources, but also to improve streams which are already impaired and do not meet the State Water Classifications and Standards, R61-68. Therefore, reducing the transport of “loose” yard waste is consistent with the County’s MS4 Permit.

Looking forward, the US Environmental Protection Agency (EPA) and the SC Department of Health and Environmental Control (SCDHEC) will issue a new MS4 Permit to the County in the near future. New MS4 Permits issued around the nation include numeric water quality criteria related to dissolved oxygen, nutrients, metals and organic compounds such as herbicides. It is likely the County’s new MS4 Permit will also contain numeric standards. Transport of yard waste into stormwater conveyances and streams may negatively affect the County’s ability to meet these numeric water quality criteria.

In addition to various environmental factors, water quality and flooding impacts are highly dependent on a number of solid waste operational considerations. These costs must be considered in any cost analysis comparing any yard waste hauling alternative and include:

- Hauling costs to the County and citizens associated with bagging v. not bagging alternatives
- Cost savings to individual citizens for the no bagging alternative (no bag purchase)
- Hauling costs comparison between bagging, no bagging and container alternatives
- Costs to the County and developers to meet the new MS4 numeric water quality standards
- Cost to the County to purchase, operate and maintain vacuum trucks and street sweepers
- Net cost savings between current disposal practices of yard waste v. composting at the RC C&D landfill
- Net cost savings between various hauling policy alternatives for “loose” yard waste which reduce hauling of leaves and grass clippings.

## **RECOMMENDATION**

I recommend County Council give serious consideration to continuing the requirement to either bag or containerize “loose” yard waste to protect and improve water quality and reduce localized flooding. Two impaired streams (watersheds) in particular – Gills Creek and Twenty-five Mile Creek – would benefit from additional “loose” yard waste not being transported into stormwater conveyance systems or roadside drainage ditches. This recommendation is based on well-established scientific and engineering principles which are provided in the Discussion Section which follows. In addition to the water quality benefits, reductions in flooding can be realized. Importantly, policies which protect water quality and reduce flooding also result in significant cost savings to Richland County and its citizens.

## DISCUSSION

### *Water Quality*

Potential yard waste pollutants which are transported to storm drains and streams include organic matter, nutrients, metals and herbicides. Each pollutant causes a different water quality impact.

Organic Matter (Carbon) – The decomposition of organic matter (leaves, sticks, etc.) by bacteria and decomposers removes oxygen from water exerting a (carbonaceous) biological oxygen demand (BOD) which lowers the dissolved oxygen concentration. Gills Creek, for example, is impaired due to low dissolved oxygen concentrations which do not meet State Water Quality Standards.

Nutrients – The two main nutrients of concern are nitrogen and phosphorus. Yard waste contains both *organic* nitrogen and phosphorus. As the organic matter in yard waste is decomposed, the organic nitrogen and phosphorus are “released” to the water via two separate processes:

The nitrogen cycle is shown in Figure 1. Bacteria and decomposers convert organic nitrogen in yard waste to ammonium ( $\text{NH}_4^+$ ), a process called ammonification or mineralization. Ammonia is toxic to aquatic life and is strictly regulated under R61-68. Ammonium is then oxidized to nitrites and eventually nitrates ( $\text{NO}_3^-$ ). Nitrate enriched water contributes to eutrophication, resulting in algal blooms. The oxidation of ammonia to nitrates in water also depletes dissolved oxygen (nitrogenous oxygen demand) which can result in hypoxic and anoxic conditions especially in lakes.

The phosphorus cycle is shown in Figure 2. Organic phosphorus in yard waste is decomposed into various forms including dissolved organic phosphorus and dissolved orthophosphate which can be used by aquatic plants and algae. Phosphorus is the limiting nutrient in freshwater systems and excess phosphorus leads to eutrophication and potentially to algal blooms. R.61-68 contains specific numeric standards for total phosphorus concentrations “to protect and maintain lakes and other waters of the State.” Further, R61-68 provides “discharges of nutrients from all sources, including point and nonpoint, to waters of the State shall be prohibited or limited if the discharge would result in or if the waters experience growths of microscopic or macroscopic vegetation such that the water quality standards would be violated or the existing or classified uses of the waters would be impaired.” As mentioned previously, Gills Creek and Twenty-five Mile Creek are impaired waters which should be afforded additional protections.

Metals – Various metals can exist in yard waste and be transported via stormwater conveyances to stream systems. In a Florida study<sup>3</sup>, 11 different metals were present in yard waste including arsenic (As), cadmium (Cd), chromium (Cr), copper (Cu), and lead (Pb) and selenium (Se). Arsenic [mass] concentrations exceeded the Florida Department of Environmental Protection’s (FDEP) residential Soil Cleanup Target Levels (SCTLs). Most of the metal concentrations were low compared with soil concentrations. However, the State Water Classifications and Standards

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<sup>3</sup> Ma, Lena and Uttam Saha, Chemical Characteristics of Yard Waste in Florida, Dept. of Soil and Water Science, Univ. of Florida, March 2009.



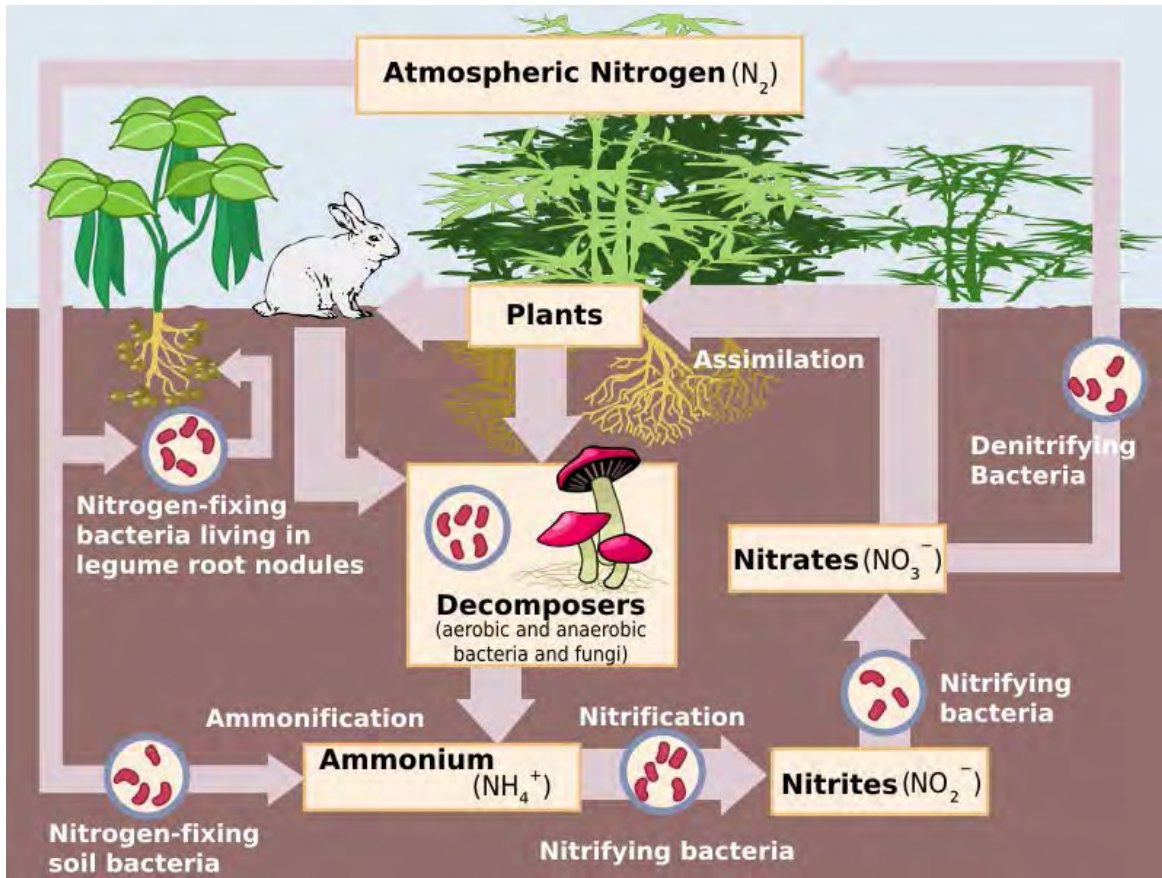


Figure 1. The nitrogen cycle.

R61-68 contain specific limits for all the above metals to protect human health and aquatic life. Further, the National Primary Drinking Water Regulations set both a maximum contaminant level (MCL) and maximum contaminant level goals (MCLG) for all the above metals to protect drinking water.

Herbicides – In the same Florida study, a total of 14 chlorinated herbicides were detected. Most of the herbicide concentrations were low compared to Florida residential SCTLs. However, as with the metals, the State Water Classifications and Standards R61-68 contain specific limits for many of the herbicides in order to protect human health and aquatic life. The National Primary Drinking Water Regulations also set both a MCL and MCLG for these herbicides to protect drinking water.

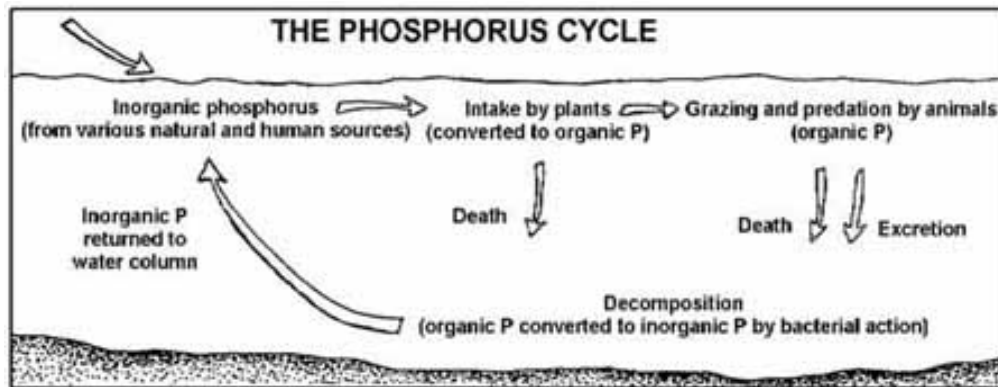


Fig 2. The phosphorus cycle.

### ***Flooding***

According to FEMA, yard waste clogs drainage systems and is a major source of flooding throughout the nation. In other states, drain surveys show yard debris (leaves and grass) were the most commonly found items in drainage systems. For example, a survey in Fair Lawn, N.J., of 951 drains found 78 percent contained leaves and 28 percent grass.

In an effort to reduce flooding due to clogged stormwater conveyances and to protect water quality under the County’s MS4 Permit, Richland County Public Works Roads & Drainage and Stormwater Division staff spend significant funds and time cleaning out ditches and drains throughout the County. This is particularly true during sustained periods of rainy weather as observed during the Summer of 2013.

From October 2012 through October 2013, staff responded to 455 One Stop complaints for drainage problems. Roads & Drainage currently has two (2) vacuum trucks which are used nearly exclusively for cleaning out drainage systems. Each vehicle costs approximately \$345,000. Currently, these trucks are used largely on a reactive basis and are operated about 75 percent of the year. Public Works is moving away from a reactive to a more proactive approach to include routine proactive inspection and cleaning schedules. A street sweeper is also being purchased for approximately \$225,000 to remove yard debris, sediment and trash from County roads. Capital expenditures for the Vacuum Trucks and Street sweeper total approximately \$1,005,000, not including staff time (typically 6 FTE staff) and annual maintenance and equipment operating costs. In summary, the County spends a considerable amount of money annually to address flooding and water quality issues associated with stormwater conveyances, roads and drainage.

# Richland County Council Request of Action

## **Subject**

- 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 Ruby, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended; and other related matters **[FIRST READING BY TITLE ONLY] [PAGE 228]**
  
- 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 Fairfield County; and other related matters **[PAGES 229-231]**

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 RUBY, PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; AND OTHER RELATED MATTERS.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_

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 FAIRFIELD COUNTY; AND OTHER RELATED MATTERS.

WHEREAS, Fairfield County, South Carolina (“Fairfield”), and Richland County, South Carolina (“Richland,” collectively, “Counties”), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (“Act”), have jointly developed the I-77 Corridor Regional Industrial Park (“Park”);

WHEREAS, the Counties entered into an agreement entitled “Master Agreement Governing the I-77 Corridor Regional Industrial Park” (“Master Agreement”), dated April 15, 2003, the provisions of which govern the operation of the Park;

WHEREAS, Fairfield has negotiated certain property tax incentives with Element TV Company, LP and Element Real Estate Holdings, LLC (collectively, “Company”) to induce the Company to locate its investment in Fairfield;

WHEREAS, to provide an additional attraction to the Company to locate its investment in Fairfield, Fairfield desires to include the property located in Fairfield on which the Company’s investment is located, as described by the tax map number and address on the attached Exhibit A (“Property”), in the Park and has authorized the inclusion of the Property in the Park by Fairfield County Ordinance No. 618;

WHEREAS, pursuant to the terms of the Master Agreement, Fairfield requests that Richland adopt this companion Ordinance to complete the expansion of the boundaries of the Park and amendment to the Master Agreement to include the Property in the Park.

NOW, THEREFORE, BE IT ORDAINED BY THE RICHLAND COUNTY COUNCIL:

**Section 1. Expansion of Park Boundaries.** There is hereby authorized an expansion of the Park boundaries to include the Property. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Master Agreement, the expansion shall be complete upon the adoption of this Ordinance by the Richland County Council.

**Section 2. Savings Clause.** If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

**Section 3. General Repealer.** Any prior ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

**Section 4. Effectiveness.** This Ordinance shall be effective after third and final reading.

RICHLAND COUNTY, SOUTH CAROLINA

---

Chairman of County Council  
Richland County, South Carolina

*(SEAL)*  
ATTEST:

---

Clerk to County Council  
Richland County, South Carolina

READINGS:

First Reading:  
Second Reading:  
Third Reading:

**EXHIBIT A**  
**DESCRIPTION OF PROPERTY**

392 U.S. Highway 321 Bypass North  
Winnsboro, SC 29180

TMS # 125-04-03-007-000

# Richland County Council Request of Action

**Subject**

Board of Assessment Appeals-1; there will be one vacancy on this board

LaShonda Outing, December 14, 2013\*

\*Eligible for reappointment



# Richland County Council Request of Action

**Subject**

Building Codes Board of Appeals-1; there will be one vacancy on this board

David A. Cook (Plumbing), December 14, 2013

# Richland County Council Request of Action

**Subject**

Employee Grievance Committee-4; there are currently three vacancies, and one upcoming vacancy on this committee

Deborah Jordan, November 16, 2013\*

Josephine McRant, May 17, 2014 (Resigned)

Staci Pritchard, November 3, 2012 (Resigned)

William T. Young, May 5, 2012

# Richland County Council Request of Action

**Subject**

Lexington/Richland Alcohol and Drug Abuse Council-2; there will be two terms expiring on this board

Rev. Gregory B. Cunningham, December 31, 2013 \*

L. L. Buddy Wilson, December 31, 2013\*

\* Eligible for reappointment

# Richland County Council Request of Action

**Subject**

Midlands Workforce Development Board-1; there is one vacancy on this board

Julia Lawson, formerly of the Wateree Community Action (Resigned)

# Richland County Council Request of Action

**Subject**

Richland Memorial Hospital Board-3; there will be three positions on this board

Bill Bradshaw, December 31, 2013

Calvin H. Elam, December 31, 2013

Dr. Jerry Odom, December 31, 2013

# Richland County Council Request of Action

**Subject**

Planning Commission-1; there is one vacancy on the commission

Howard Van Dine, III, March 15, 2015 (termination)

# Richland County Council Request of Action

**Subject**

Accommodations Tax Committee-2; [one position for hospitality, and one for lodging]; no applications have been recieved.]

# Richland County Council Request of Action

**Subject**

Building Codes Board of Appeals-1; there is one vacancy on this board for the position of architect; and one application was received for the position: **[PAGES 240-246]**

Ashley Scott, Architect





**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

Name: ASHELEY SCOTT  
Home Address: 3601 COLEMAN STREET, 29205  
Telephone: (home) 803.429.4635 (work) 803.834.4048  
Office Address: 221 PICKENS STREET, 29205  
Educational Background: see attached  
Professional Background: see attached

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: BOARD OF APPEALS (BUILDING CODE)

Reason for interest: I'M AN ARCHITECT, INTERESTED IN COLLABORATING WITH OTHER RELATED PROFESSIONALS TO FAIRLY PROVIDE HEALTHY

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: ENTHUSIASTIC, KNOWLEDGEABLE OF TOPIC, BUSINESS OWNER <sup>SAFE BUILT</sup> ENVIRON MEANS

Presently serve on any County Board/Commission/Committee? NO

Any other information you wish to give? see attached

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: as needed

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes X No \_\_\_\_\_

If so, describe: I OWN AN ARCHITECTURE FIRM WHICH SUBMITS PLANS & PROJECTS FOR REVIEW BY RICHLAND COUNTY

  
Applicant's Signature

8.6.13  
Date

Return to:  
Clerk of Council, Post Office Box 192, Columbia, SC 29202.  
For information, call 576-2060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

# ASHELEY C. SCOTT, AIA, LEED AP BD + C

3601 Coleman Street, Columbia, South Carolina 29205 | 803.429.4635 | ascott@1x1design.com

## WORK EXPERIENCE

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<b>President</b> June 2011-Present	<b>1x1 Design</b>	<b>Columbia, SC</b>
<b>Architect/Project Manager</b> February 2006-May 2011	<b>Studio 2LR Architecture + Interiors</b>	<b>Columbia, SC</b>
<b>Intern Architect</b> June 2005-February 2006	<b>Thompson, Ventulett, Stainback &amp; Associates</b>	<b>Atlanta, GA</b>
<b>Graduate Research Assistant</b> January 2005-May 2005	<b>Georgia Institute of Technology</b>	<b>Atlanta, GA</b> Professor Sabir Kahn
<b>Graduate Student Assistant</b> August 2004-December 2004	<b>Georgia Institute of Technology</b> Theory and Criticism I: Architectural Theory through 1930, Professor Mark Cottle	<b>Atlanta, GA</b>
<b>Intern Architect</b> June 2002-July 2003	<b>The Boudreaux Group</b>	<b>Columbia, SC</b>
<b>Student Intern</b> December 2001, Summer 2001, Summer 2000, December 1999, Summer 1999 (courier)	<b>The Boudreaux Group</b>	<b>Columbia, SC</b>

## EDUCATION

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<b>Master of Architecture</b> May 2005	<b>Georgia Institute of Technology</b> GPA 4.00/4.00	<b>Atlanta, GA</b>
Elective Coursework: Reinvestigating Details, 'Public' Space: Questions, Configurations and Adventures, Marketing A/E/C Services, 3D Modeling, History and Theory of the Modern City, Contemporary Architecture/Urbanism in Europe, European Modernism, Special Problems in Architectural Design: Independent Study on the Architectural Threshold		
<b>Study Abroad Program: Modern Architecture and the Modern City</b> Summer 2004	<b>Barcelona, Berlin, The Netherlands, Paris</b>	
<b>Bachelor of Arts in Design</b> May 2002	<b>Clemson University</b> GPA 3.79/4.00	<b>Clemson, SC</b>
Elective Coursework: Architectural Graphics, Advanced Color Theory/Form Z, Architectural Detailing, Contemporary Architectural Influences in Europe, International Field Studies, Public Speaking		
<b>Study Abroad Program</b> Summer 2001	<b>Universitat Politecnica de Catalunya</b>	<b>Barcelona, Spain</b>
<b>Heathwood Hall Episcopal School</b> May 1998		<b>Columbia, SC</b>

## PROFESSIONAL LICENSURE

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Registered Architect in South Carolina, 2008-present  
Registered Architect in North Carolina, 2009-present  
Registered Architect in Tennessee, 2013-present  
Registered Architect in Alabama, 2013-present  
Registered Architect in Kentucky, 2013-present  
NCARB (National Council of Architectural Registration Boards) Certified Architect, 2008-present  
LEED (Leadership in Energy and Environmental Design) Accredited Professional, 2009-present

## HONORS AND ACTIVITIES

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The State Newspaper "20 Under 40" 2011 Honoree  
Clemson Advancement Foundation, Board of Trustees Member (term 2011-2014); Secretary 2013  
AIA Columbia Board Member 2003, President-Elect 2010, President 2011, Past President 2012, 2013  
Columbia Development Corporation Board Member, 2009-2015  
Columbia Museum of Art, Contemporaries Board Member, 2010-present (term 2010-2012)  
Columbia Museum of Art, Contemporaries President Elect, 2011-2012  
Columbia Museum of Art, President 2012-2014  
Historic Columbia Foundation, Preservation Committee Member, 2010-2011  
Columbia Museum of Art, Board of Directors Marketing Sub-Committee Member, 2009-2011  
South Carolina Philharmonic Gala Planning Committee, 2011-2012  
AIA South Carolina State Conference Planning Committee, 2010  
Architectural Registration Exam Candidate Mentor, 2010-present  
Leadership Columbia, Class of 2009  
Presenter at Inaugural "Pecha Kucha Night", Columbia, 2009  
Red Cross National Exhibit Opening Gala Committee, 2008-2009  
Heathwood Hall Class of 1998 Reunion Committee, 2008  
AIA Columbia Student Mentor Volunteer, 2007, 2009  
AIA Columbia Member, 2002-2003 (board member), 2006-present  
Columbia Tip Club Member, 2007  
CANstruction Atlanta Volunteer, 2005  
AIA GA Mentor Program, 2005-2006  
John Judson Roland Fellow (Georgia Institute of Technology), 2003-2005  
Top Bachelor of Arts in Design Graduate, Clemson University, 2002  
Magna Cum Laude Graduate, Clemson University, 2002  
Clemson University Calhoun Honors College Member, 1998-2002  
President's List or Dean's List, every semester Clemson University  
Philip H. Prince Alumni Scholarship (Clemson University), 1998-2002  
LIFE Scholarship (Clemson University), 1998-2002  
Mickel Grant (Clemson University), 2001  
Member of Delta Delta Delta (Clemson University), 1998-2002  
Student Upper Court Judge (Clemson University), 1999-2002  
Golden Key National Honor Society (Clemson University), 2000-2002  
Gamma Beta Phi National Honor Fraternity (Clemson University), 2001-2002  
Tau Sigma Delta, Secretary (Clemson University), 2001-2002  
Children Cancer Center Volunteer, 1998-2002  
Habitat for Humanity Volunteer, 1998  
Star Scholarship (Clemson University), 1998  
Student Body President, Heathwood Hall Episcopal School, 1997-1998  
Bishop's Cup Award for Leadership, 1998  
Juvenile Diabetes Walk for the Cure Volunteer, 1993-2002  
St. Paul's Lutheran Church Member, present

## **Asheley C. Scott, AIA, LEED AP BD + C**

*President*

Clemson University, Bachelor of Arts in Design, 2002  
Georgia Institute of Technology, Master of Architecture, 2005

Registered Architect:

South Carolina, 2008-Present | North Carolina, 2012- Present | Tennessee, 2013- Present |  
Kentucky, 2013- Present | Alabama, 2013- Present

NCARB Certified Architect, 2008-Present

LEED BD+C Accredited Professional, 2009-Present

The State Newspaper "20 Under 40" 2011 Honoree

AIA Greater Columbia, President-Elect 2010, President 2011, Past-President 2012, 2013

Columbia Development Corporation Board Member, 2009-present

Columbia Museum of Art, Contemporaries Board Member, 2010-2012, President 2012-2014

Clemson Architectural Foundation Board of Trustees, 2011-present, Secretary 2013- 2014



Born and raised in Columbia, South Carolina, Ms. Scott is a graduate of Heathwood Hall Episcopal School and attended Clemson University for her undergraduate studies, where she graduated with a Bachelor of Arts in Design in May 2002. While at Clemson, Ms. Scott was involved in numerous campus activities and studied abroad during the inaugural year of the Barcelona study abroad program through the School of Architecture. After graduation, she took a full-time position with The Boudreaux Group in Columbia, where she had spent the previous summers serving as a summer intern.

Ms. Scott chose to attend The Georgia Institute of Technology to pursue her Masters of Architecture, graduating with that degree in May 2005. She participated in the school's "Modern Architecture and the Modern City" program in Europe during the summer of 2004.

After receiving her Masters Degree, she took a position with Thompson, Ventulett, Stainback, and Associates (now tvsdesign) as an intern architect.

Ms. Scott chose to return to Columbia in February of 2006 and took a position with Studio 2LR | Architecture + Interiors, which she held prior to starting 1x1 Design.

Ms. Scott became a registered architect in the state of South Carolina in December 2008 and a LEED Accredited Professional in June 2009.

Throughout her career, Ms. Scott has worked on a variety of projects, ranging from small retail renovations with a budget of \$70,000 to large mixed-use international developments with budgets of over \$200 million. She has a passion for communicating with clients and working together to bring an intangible idea to paper and eventually to reality.

Outside of the office, Ms. Scott is very involved in the community, something which was initiated by her selection to the Leadership Columbia Class of 2009. She served as the President for the Greater Columbia section of the American Institute of Architects (AIA) in 2011, and is currently President for the Contemporaries of the Columbia Museum of Art, and on the Board of Directors for the Columbia Development Corporation. She began serving on the Board of Trustees for the Clemson Architectural Foundation in 2011 and will continue to serve on the Board as Secretary for 2013- 2014.

In 2011, Ms. Scott was recognized as a "Top 20 Under 40" young professional for her professional and community involvement and achievements in the Midlands of South Carolina by The State Newspaper.

## Asheley C. Scott, AIA, LEED AP BD + C

President

### Past Project Experience

*This project is an example of individual experience Ms. Scott gained as an Intern Architect, Architect, and Project Manager while an employee of Studio 2LR | Architecture + Interiors from February of 2006 - May 2011.*

#### South Carolina Bank and Trust Branch Banks

Lady's Island, South Carolina (Schematic Design through Construction)  
Lexington, South Carolina (Schematic Design through Construction)  
Irmo, South Carolina (Schematic Design through Construction)  
Columbia, South Carolina (Schematic Design through Construction)

#### UCI Medical Affiliates

Doctors Care Northeast, Columbia, South Carolina (Programming through Construction)  
Doctors Care Broad River, Columbia, South Carolina (Programming through Construction)  
Doctors Care Newberry, Newberry, South Carolina (Programming through Construction)  
Doctors Care Rock Hill (Programming through Bidding)

#### South Carolina National Guard

Florence Field Maintenance Shop, Darlington, South Carolina (Schematic Design through Bidding)

#### Midlands Technical College

Interior Restroom Renovations (Existing Site Survey through Construction)  
Interior Office Renovation and Way-Finding (Existing Site Survey through Construction)

#### Broadacres Baptist Church

Campus Masterplan and Corley Building Renovations, Cayce, South Carolina (Masterplanning through Construction)

#### Gallman Personnel Services

Office Building, North Charleston, South Carolina (Programming through Construction)

#### Palmetto Health

Greystone Boulevard Administrative Services Renovation, Columbia, South Carolina (Programming through Construction)

#### Diversified Development, Inc.

1214 Pulaski Mixed-Use Renovation and New Construction (Conceptual Design, Construction Documents)

#### WG3 Restaurant Group, LLC

Zoes Kitchen, Greenville, South Carolina (Schematic Design through Construction Documents)

*The following project is an example of individual experience Ms. Scott gained as an Intern Architect while an employee of Thompson, Ventulett, Stainback, and Associates from June 2005-February 2006.*

#### Urban Development Corporation of Trinidad and Tobago, LTD. and Bouygues Batiment

International Waterfront Project, Port of Spain, Trinidad (Design Development, Construction Documents)

*The following projects are examples of individual experience Ms. Scott gained as an Intern Architect while an employee of The Boudreaux Group from June 2002-July 2003.*

#### Shandon Baptist Church

New Sanctuary and Campus Renovations, Columbia South Carolina (Schematic Design, Design Development)

#### The Boudreaux Group

Lobby Renovations, Columbia South Carolina (Schematic Design through Construction)

#### Richland School District Two

Blythewood High School, Blythewood, South Carolina (Construction Documents)

#### University of South Carolina

Strom Thurmond Wellness and Fitness Center (Construction Administration)  
South Campus Housing, Phase II (Construction Administration and Furniture Coordination)

#### Clemson United Methodist Church

Master Plan Development, Clemson, South Carolina (Masterplanning)

# Richland County Council Request of Action

**Subject**

Central Midlands Council of Governments-2; there are two appointments to be made to this board; an application was received from the following: **[PAGES 247-249]**

Anthony "Tony" Mizzell\*

\*Eligible for reappointment



**APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: ANTHONY G. MIZZELL

Home Address: 106 WEMBLEY STREET COLUMBIA 29209

Telephone: (home) 803 730 0757 (work) \_\_\_\_\_

Office Address: 1800 HUGER STREET COLUMBIA 29201

Email Address: tony.mizzell@gmail.com

Educational Background: UNIV. of SOUTH CAROLINA

Professional Background: SOLID WASTE & ENVIRONMENTAL CONSULTANT

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: CENTRAL MIDLANDS COG.

Reason for interest: to serve Richland County and its vested interests on the COG.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: To work collaboratively with County Council members & staff to represent Richland County's interests.

Presently serve on any County Committee, Board or Commission? CMCOG

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): GREG PEARCE

Hours willing to commit each month: WHATEVER IS REQUIRED

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.



Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No

If so, describe: \_\_\_\_\_

\_\_\_\_\_

  
Applicant's Signature

10-15-13  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

# Richland County Council Request of Action

**Subject**

Community Relations Council-1; there is one vacancy on this board; and one application was received from the following individual:

Dwayne Smiling

# Richland County Council Request of Action

**Subject**

Hospitality Tax Committee-2; there are two vacancies on this committee, and currently no applications have been received.

# Richland County Council Request of Action

## **Subject**

Planning Commission-2; there are currently two appointments to be made to this commission; applications were received from the following: **[PAGES 252-263]**

Marilyn Joyner  
Robert A. Lapin  
Greg L. Lehman  
Edward "Eddie" Yandle



APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Marilynn Joyner  
Home Address: 6016 Pine Valley Rd. Columbia, SC 29206  
Telephone: (home) 629-6402 (work) 744-9854  
Office Address: 807 Gervais St. Columbia, SC 29204  
Email Address: mjoyner@naivant.com  
Educational Background: Dual Bachelors Degree from USC - see resume  
Professional Background: see resume attached  
Male  Female  Age: 18-25  26-50  Over 50   
Name of Committee in which interested: Planning Commission  
Reason for interest: see attached

Your characteristics/qualifications, which would be an asset to Committee, Board or  
Commission:

see attached

Presently serve on any County Committee, Board or Commission? no  
Any other information you wish to give? see attached  
Recommended by Council Member(s): Jim Manning  
Hours willing to commit each month: 15-30 hours

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No X \_\_\_\_\_

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Maury Jay 10/24/13  
Applicant's Signature Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

Marilynn Joyner  
Application for Richland County Planning Commission

**Reason for Interest:**

Originally from Atlanta, Georgia, I first came to Columbia, South Carolina on a ballet scholarship to dance with the University of South Carolina's dance company while also receiving a bachelor's degree. After graduating from the University with a dual degree in political science and dance performance, I was one of the few from my graduating class to stay in Columbia to build my career.

Due to the strong connections I made working with the South Carolina Bankers Association while in school, I saw how big of an impact I could make as a young professional staying in Columbia rather than moving to another city. Most students who graduated with me decided to move elsewhere because they did not have the opportunity to see the strength of Columbia's business realm and experience the potential economic growth Columbia has.

I am interested in becoming a member of the Richland County Planning Commission because I see how important it is to build strong leaders in Columbia. Economically and development wise, Columbia has come so far since the Great Recession, but now is the time for Columbia to continue forward with this growth.

Richland County needs young leaders like myself who have a strong passion for Columbia and the eagerness to help the county continue to grow socially, economically and physically through the development and redevelopment of areas throughout the county. We have the opportunity to grow as a county by keeping good talent of those individuals who come to Columbia for college, bringing new businesses to Columbia, and helping with the future development and redevelopment of Columbia.

Through smart growth, strong, diverse leadership and young talent, I believe there is incredible hope for Columbia to become stronger in its business and economic sectors.

**Your characteristics/qualifications, which would be an asset to the Planning Commission:**

I would be a great asset to the Planning Commission because of the excitement I obtain and new perspectives I would bring to the team regarding the future economic growth of Columbia.

As an independent contractor with NAI Avant and a young woman in the community, I would bring diversity and new ideas to the table, due to the several leadership roles I have obtained and the vast number of experiences I have had.

If selected to become a member of the commission, I would exceed the expectation of what is expected of me as a member, and take every case with integrity, fairness, intelligence and honesty. Not only will adding me to the team help me to become more involved within Richland County, expand my knowledge regarding Columbia's growth, and increase my professional connections, but it will allow for Richland County to open their arms to build and mold young, motivated leaders like myself to become strong leaders within the community.

*Marilynn Elise Joyner*  
6016 Pine Valley Road, Columbia, SC 29206  
marilynn.joyner@gmail.com  
803-629-6402

## EDUCATION

University of South Carolina, College of Arts and Sciences  
Bachelor of Arts, Political Science and Dance Performance  
Double Major: Political Science and Dance Performance  
Awards: Dance Performance in-state tuition scholarship for four years  
Dean's list 2008-2010, Fall 2011, Spring 2012

Columbia, SC  
May 2012

Lander University  
South Carolina Bankers School  
First Year Student

Greenwood, SC  
July 2012

USAC Study Abroad Program  
Studied Political Corruption & Basque Politics  
University of Nevada· Universidad de Navarra

San Sebastian, Spain  
Summer 2011

## EXPERIENCE

NAI Avant  
Broker – Independent Contractor

Columbia, SC  
March 2013 – Present

- Serve as commercial real estate broker specializing in industrial, retail and office properties
- Research property appraisal using local comparisons and area data
- Provide financial information and analytical data about properties to the potential buyer or seller
- Travel and visit several businesses marketing properties listed
- Show several sites to potential buyers
- Discuss costs of maintaining building and possible renovations with client
- Determine best method of purchase and review financials
- Handle transactions ensuring all paperwork is property filled out
- Create relationships and network with businesses and other professionals
- Have all properties inspected thoroughly and identify possible repairs
- Act as an intermediary in negotiations between buyers and sellers over property prices and settlement details, and during the closing of sales
- Work with loan officers, attorneys, and agencies to complete purchase
- Stay involved within the community via outreach and attend networking events to continuously meet more professionals

NAI Avant  
Marketing Coordinator / Brokerage Assistant

Columbia, SC  
September 2012 – March 2013

- Create marketing materials including flyers, flyer packages and proposals
- Assist with correspondence, document preparation, telephone and email communication and greeting clients
- Maintain the disk archives
- Pull and create ring demographics and aerials
- Prepare and send property marketing e-blasts
- Plan special events, broker luncheons and annual NAI Avant reception
- Work closely with Marketing Director in designing and implementing company-wide marketing plan
- Assist Marketing Director with press releases, social media and website
- Manage electronic storage of marketing materials



*Marilynn Elise Joyner*  
6016 Pine Valley Road, Columbia, SC 29206  
marilynn.joyner@gmail.com  
803-629-6402

**SOUTH CAROLINA BANKERS ASSOCIATION**

Columbia, SC

Director of Social Media / Government Relations Part-Timer

May 2010 – September 2012

- Managed SCBA's social media sites regularly (Facebook, Twitter and LinkedIn) with webcasts, photos, updates, etc
- Helped design and build new SCBA website (*www.scbankers.org*)
- Maintained and updated material for website regularly
- Designed and sent weekly SCBA e-notification (*SCBA's Two Cents*) along with other e-notifications highlighting programs
- Met with bank CEOs to discuss marketing and social media efforts in their financial institutions
- Encouraged banks and associate members to join social media outlets and assist with their social networks
- Planned and prepared data for monthly Seminars/Conferences, Annual Convention, Legislative Reception, Washington Government Relations Summit and Bankers School
- Composed *Bank News*, *People on the Move* and *Good Deeds* spreads for each *Palmetto Banker* issue
- Attended and planned monthly SCBA board meetings, trade shows, receptions, events and conferences
- Recorded financial spreadsheets for the SCBA BankPAC and compiled SCBA Insurance Trust statements
- Handled associate membership renewal and certified credit from conferences
- Assisted government relations director with legislative data and attended State House committee meetings
- Merged letter and label formats and printed brochures for mailings to bankers, associate members, etc.

**LEADERSHIP**

Leadership Columbia Class of 2014

Founder of Alpha Delta Pi Columbia Alumnae Association

Junior League of Columbia Member

Columbia Chamber of Commerce Company Member

Columbia Opportunity Resource Member (COR)

Involved with United Way Young Leaders Society, Committee of 100, Junior Achievement of SC, Columbia Museum of Art Contemporaries, Midlands Young Real Estate Professionals Network, ICSC, ULI, USC Dance Company, Crew Midlands and Carolina Community Foundation

**VOLUNTEERING**

Carolina Children's Home, Palmetto Lifeline, American Heart Association, Eastminster Presbyterian Church Bradley Elementary Lunch Buddies Program, United Way, MRC, Toys for Tots, Run a Kid to Camp for Camp Seafarer and Camp Seagulls in Charleston, Ronald McDonald House Charities, Dance Marathon, Trick – or – Treat with the Greeks, Relay for Life, Palmetto Health Foundation, St. Lawrence Place 5k run, and Pets Inc.

**IT SKILLS**

Proficient in Microsoft Excel, Word, PowerPoint, Publisher and Outlook; Adobe In – Design, Illustrator, InCopy, Final Cut Pro and Photoshop; netForum Avectra Database; FileMaker Pro Database; Moonfruit, Wordpress, Drupal, Facebook, Twitter, Hootsuite, and LinkedIn; ReApplications; Pictometry; Esri Business Analyst Online; CoStar; LoopNet; Individual County GIS; Knowledge of AP Style and Copy Editing

**REFERENCES**

*References and transcripts are available upon request*



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Name: Robert A. Lupin
Home Address: 217 CAMDEN Chase
Telephone: (home) 803-699-5077 (work) 803-513-1578
Office Address: 807 GERARD STREET Suite Ste 301, COI, SC 29201
Educational Background: B.A. in Business @ Michigan State University
Professional Background: Director of Mkt @ Ben Arnold Beverage Past 12 yrs @ NAI AVANT
Male [X] Female [ ] Age: 18-25 [ ] 26-50 [X] Over 50 [ ]
Name of Committee in which interested: Planning Commission
Reason for interest: With my skill set I feel this is the most appropriate Commission for the industry I work in.
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: Have been involved in old & new development w/in Commercial & the Real Estate industry. Also have been involved in numerous transactions involving Real Estate.
Presently serve on any County Board/Commission/Committee? NO
Any other information you wish to give?
Recommended by Council Member(s):
Hours willing to commit each month: As much as is required. I set my own hours in my job!

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_

No ✓

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Robert T. [Signature]  
Applicant's Signature

10/22/13  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Greg L. Lehman

Home Address: 136 Wren Ridge Dr., Blythewood, SC 29016

Telephone: (home) (803) 667-9004 (work) (803) 513-3474

Office Address: Suite 150, 7 Technology Circle, Columbia, SC 29203

Email Address: glehman@nvrinc.com

Educational Background: BS degree in CE Technology & MS in Bus. Mgmt.

Professional Background: 20 years experience in engr. design and land dev.

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Planning Commission

Reason for interest: I wish to serve Richland Co. in order to help it to manage growth and development such that it meets the needs of current residents without compromising the needs of future generations.

Your characteristics/qualifications, which would be an asset to Committee, Board or

Commission: I believe that my background in engineering and land dev., my knowledge of Richland County's land development code, and my history of working with County Planning Staff would be an asset to the Planning Commission.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? I am very familiar with the geography of the county.

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: 16 to 20 hours per month

**CONFLICT OF INTEREST POLICY**

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Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No ✓

#### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes ✓ No \_\_\_\_\_

If so, describe: I am the Land Acquisition Mgr. for Ryan Homes. Although I am not aware of any project currently scheduled for review by the Planning Commission, it is possible that Ryan Homes could be involved in a future project that I would need to disclose.

Oliver G. Gehman  
Applicant's Signature

10/15/13  
Date

Return to:

Clerk of Council, Post Office Box 192, Columbia, SC 29202.  
For information, call 576-2060.

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

2



**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Eduard (Eddie) Yandle  
Home Address: 117 Beaver Ridge Dr  
Telephone: (home) 736-4193 (work) 513-5618  
Office Address: same as above  
Email Address: eddie.gao@hotmail.com  
Educational Background: High School  
Professional Background: Self employed since 1991  
Male  Female  Age: 18-25  26-50  Over 50   
Name of Committee in which interested: Planning  
Reason for interest: Want to see the vision of Richland County being developed properly done  
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:  
I have been in the construction industry for 20+ years as a sub contractor and a builder/developer  
Presently serve on any County Committee, Board or Commission? yes, if BA of Oconee Columbia  
Any other information you wish to give? \_\_\_\_\_  
Recommended by Council Member(s): \_\_\_\_\_  
Hours willing to commit each month: what is needed

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No ✓

#### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No ✓

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GAN  
Applicant's Signature

10/21/13  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

2

# Richland County Council Request of Action

**Subject**

Request that the SCAC post the Rules, Regulations, and Bylaws on the SCAC website and that each County and/or County Chair should have the opportunity to make a recommendation to the board regarding their representative when vacancies become available and that the representative should be term limited **[DICKERSON] [PAGES 264-280]**



## **SCAC Membership Benefits** *Richland County*

### **Setoff Debt and GEAR Collections Programs**

Richland County has participated in the SCAC collection programs since 1996. Since 2011, \$6,760,718 has been returned to the county.

### **S.C. Counties Workers' Compensation Trust**

Richland County has been a member of the S.C. Counties Workers' Compensation Trust since 1990. As a member of this trust, Richland County participates in a large deductible program (\$300,000), which does not require the County to maintain a reserve balance for future claim payments. The County receives specialized risk control services including services for law enforcement and detention centers. SCAC Risk Management staff members provide surveys and numerous training classes annually for county staff.

### **Legal Assistance**

The SCAC legal staff has provided assistance to Richland County staff members on the following legal and legislative topics over the last few years:

- Annexation
- Attorney General Opinions Regarding Budget Reductions for Sheriff's Department
- Capital Project Sales Tax
- Community Unification Act
- Dilapidated Homes
- FOIA
- Permits for Private Restrictive Covenants
- Records Management
- Solid Waste Flow Control

### **Educational Programs**

*Institute of Government for County Officials* - Richland County has 4 council members and 5 staff members who are graduates of Levels I and II. The County also has 6 council members and 9 staff members who are taking classes and pursuing graduation.

*Orientation for Newly Elected Council Members* - SCAC offers an orientation for newly-elected council members every other year following the November election. This program is offered free-of-charge. In 2012, two newly-elected Richland County council members attended this program.

*Teleconferences/Webcasts* - SCAC offers educational programs for county elected and appointed officials free-of-charge. Richland County elected officials and staff members have participated in the following sessions:

- 2013 Skills for Tackling Workplace Stress
- Current Planning and Zoning Issues for Urban and Rural Communities
- Tapping Into Generational Differences

- 2012 Customer Service Excellence: The Art of Working with People  
Public Service Ethics: Understanding the Law and Beyond  
Anti-Harassment: The Obvious and Not So Obvious
- 2011 Advanced Issues in Land Use Planning and Zoning  
Managing Your Time for Maximum Productivity
- 2010 Generational Differences in the Workplace  
Skills for Success as a Supervisor
- 2009 Interpersonal Communication Skills: Working Together  
Strategic Responses to a Changing Economic Environment

S.C. Local Government Attorneys' Institute – Richland County staff members have attended the SCAC sponsored S.C. Local Government Attorneys' Institute for the past three years.

### **Annual Meetings and Conferences**

Richland county council members, other elected officials, and staff members regularly attend the SCAC Annual Conferences, Mid-Year Conferences, Legislative Conferences, and County Council Coalition meetings.

### **Research Assistance**

SCAC staff has researched issues and/or provided resources to the Richland County research managers and administrative office staff on a variety of issues. Since 2010, these issues have included:

- 2011 Business License Legislation
- Administrative Policies or Directives on Phone and Email Responses
- Administrator Salaries
- Agricultural Persons Information
- Animal Care Ordinances
- Animal Care Vehicles Used by Counties
- Bailey Bill Ordinances
- Consolidation of County and City Departments
- Cost of Animal Shelter Services
- Cost Savings Programs
- Counties with Internal Audit Departments
- E-comment Systems
- Economic Development Director Job Descriptions
- Exotic Animals
- External Audits of Business License Accounts
- Fees Charged by Counties
- Gas Tax Enactment
- Homeowner Insurance as Relates to Breed of Dog
- Hospitality Tax Grants
- Jurisdictions Considering Rescinding Business License Taxes/Fees
- Jurisdictions with Bio-fuels Incentives, Green Parks, and Investment Incentives
- Local Sales Taxes
- Management Consultant RFPs for Capital Projects Sales Tax

- Millage and Millage Cap Information
- Overgrown Lot Policies
- Pending Legislation for SC Homeowners Act
- Population, Race, and Income Statistics for Local Jurisdictions in Richland County
- Reclassifications, Promotions, and Grade Change Policies
- Reporting Structure of Assessors
- Retention of Video/Audio Recording of County Council Meeting
- Reverse Auctions
- RFP for Evaluation Teams
- SCDOT Partnership Examples
- Schedule D Income Data for Richland County
- Senior Citizen Deductions
- Standing Ordinances of County Council
- Statewide Grants and Polices for Federal Funding
- Strategic Plans
- Sustainability Position Job Description
- Transparency Directives

**CONSTITUTION**

**AND**

**BYLAWS**



**SOUTH CAROLINA**

**ASSOCIATION OF COUNTIES**

**CURRENT THROUGH AUGUST 2013**

**SOUTH CAROLINA  
ASSOCIATION OF COUNTIES**

**CONSTITUTION**

**ARTICLE I**

**Section 1. Name.** This organization shall be known as the South Carolina Association of Counties.

**Section 2. Purpose.** The purpose of the organization shall be to promote more efficient county government; to study, discuss and recommend improvements in government; to investigate and provide means for the exchange of ideas and experiences between county officers; to promote and encourage education of county officials; to collect, analyze and distribute information about county government; to cooperate with other organizations and to promote legislation to effect more efficient administration of local government in the State of South Carolina.

**ARTICLE II**

**MEMBERS**

**Section 1. Members.** Membership is limited to counties and consolidated political subdivisions of the State of South Carolina, which support this Association financially, in accordance with Article X, Section 2. Members of this Association are represented by individual county officials of the member counties, both elected and appointed, who act in a representative capacity.

**Section 2. Voting.** Every county representative who is a member of the county governing body shall be entitled to one vote on each question put before the Annual Conference or special meeting of the general membership and will be referred to below as a “voting representative.” Proxy voting shall not be permitted.

Voting shall be by voice vote or by raised hand. At the discretion of the presiding officer, or upon motion from the floor and concurrence of twenty (20) voting representatives, a roll call vote shall be taken.

Should a roll call vote be ordered, the assembly shall stand at recess for fifteen minutes to permit the representatives to caucus by county. Only registered voting representatives shall vote, and their credentials shall be determined by the master conference registration list. The presiding officer shall determine the results by roll call of the counties. The voting representatives shall select a spokesperson who shall report the yeas and nays of the county’s voting representatives.

### ARTICLE III

#### MEETINGS

- Section 1. Annual Meetings.** The annual meeting of the Association shall be held between July 1 and November 1 at such time and place within the State of South Carolina as the Board of Directors shall determine.
- Section 2. Special Meetings.** Special Meetings of the Association may be called by the President, or shall be called by the Executive Director upon written request of a majority of the Board of Directors.
- Section 3. Notice of Meetings.** Notice of meetings of the Association shall be in writing and shall state the general purpose of the meeting and by whom called, and shall be mailed to the last known address of each representative on the mailing list at least ten days before such meeting.
- Section 4. Quorum.** At any regular or called meeting of the Association, a quorum shall consist of representatives from a majority of the member counties and consolidated political subdivisions, and may transact all business which may come before the meeting.
- Section 5. Order of Business.** The order of business and rules of conduct shall be such as determined by the Board of Directors. In cases not covered by such rules, Robert's Rules of Order shall govern. The President shall annually appoint a parliamentarian.
- Section 6. NACo State Caucus Meeting.** There shall be a caucus meeting of the South Carolina delegates attending the NACo Annual Conference. Voting at the caucus meeting shall be in accordance with Article XI of the NACo Bylaws utilizing the weighted vote method as provided for therein.

### ARTICLE IV

#### OFFICERS

- Section 1. Officers of the Association.** There shall be a president and three vice presidents, a secretary and a treasurer, all of whom shall be a county official from their respective government and each of whom shall be from a member county of the Association. The president and three vice presidents shall hold an elective office in their respective governments at both the time of their election as an officer of the Association and during the time of their service as such officer.
- Section 2. President.** The President shall preside at all meetings of the Association membership and at all meetings of the Association Board of Directors. The President shall appoint the chairperson and members of all standing and special committees, except as otherwise provided by this Constitution, and shall serve as an ex-officio voting member

of all committees, except the nominating committee, and shall perform such other duties as are usual or that may be requested by the Association. The President may appoint annually from the membership of the Association a county official from a member county who shall serve as Chaplain and who shall perform such duties as are normally assigned to a chaplain. Any person appointed by the President to the Nominating Committee shall be deemed to have accepted the appointment unless he/she refuses the appointment, in writing, within thirty (30) days of the date of the letter of notification.

**Section 3. Vice Presidents.** In the event there is a temporary absence of the President, each vice president beginning with the first vice president shall, according to numerical order, preside over meetings of the Association membership and meetings of the Board of Directors. In the event the President becomes disabled and cannot perform the duties of the office of president or a vacancy occurs in the office of president, then each vice president beginning with the first vice president shall, according to numerical order, assume the duties and the office of the president. In such event, the second and third vice presidents shall assume the offices of first and second vice presidents, and the office of third vice president shall remain vacant until filled by election at the next annual conference of the Association. In the event the President and the three vice presidents become disabled and cannot perform the duties of the office of president or vacancies occur in the office of president and all three vice president offices, then the Board of Directors shall appoint from the members of the Board of Directors an Acting President who shall assume the duties of the President until the office of president is filled by election at the next annual conference of the Association.

**Section 4. Secretary.** There shall be a secretary who shall be elected annually in the same manner as other officers. The Secretary shall perform the usual duties of the office and shall serve as Chairman of the Constitution, Bylaws and Resolutions Committee. In the event the Secretary becomes disabled and cannot perform the duties of the office of secretary or a vacancy occurs in the office of secretary, then the Board of Directors shall appoint from the members of the Board of Directors an Acting Secretary who shall assume the duties of Secretary until the office is filled by election at the next annual conference of the Association.

**Section 5. Treasurer.** There shall be a treasurer who shall be elected annually in the same manner as other officers. Provided, however, the treasurer shall be elected at the annual meeting of the Association for a term of one year which shall coincide with the budgetary year of the Association. The Treasurer shall furnish at the expense of the Association such bond as may be required by the Board of Directors and filed at the office of the Executive Director. In the event the Treasurer becomes disabled and cannot perform the duties of the office of treasurer or a vacancy occurs in the office of treasurer, then the Board of Directors shall appoint from among the County Treasurers whose counties are members of the Association an Acting Treasurer who shall assume the duties of Treasurer until the office is filled by election at the next annual conference of the Association.

## ARTICLE V

### BOARD OF DIRECTORS

- Section 1A.** **Composition of the Board.** The Board shall be composed of the President, the three vice presidents, the treasurer, the secretary, the immediate past president, the NACo Board member selected by the Board of Directors, the trustee chairman of the South Carolina Counties Workers Compensation Trust and the South Carolina Counties Property and Liability Trust, all of whom shall serve as members of the Board of Directors, and twenty (20) directors, all of whom shall be from counties and consolidated political subdivisions that are members of this Association.
- Section 1B.** **Directors.** The Directors shall be elected at the Annual Conference of the Association and will serve for a term of four years. The term of office of one-fourth of the twenty (20) elected directors shall expire each year. The term of office for an elected member of the Board of Directors, other than an officer or an ex officio member, shall commence on January 1 immediately following the Annual Conference of the Association and shall end on December 31 in the fourth year of the term. No more than two directors shall be from the same county. None of the twenty (20) elected directors who has served two (2) full consecutive terms shall be eligible for election until the next Annual Conference of the Association following the expiration of the term of office.
- Section 2A.** The Board of Directors shall, when the Association is not in session, have charge of the affairs of the Association and manage and control the same. It shall meet at such time and place as may be designated by the President or upon the request of any ten members, thereof, upon not less than three days notice. The Board of Directors shall determine the disability of any officer of the Association. The Executive Director shall act as secretary of the Board of Directors.
- Section 2B.** **Insurance Trusts Board of Trustees.** The Board of Directors shall appoint a Board of Trustees to govern the South Carolina Counties Workers' Compensation Trust and shall appoint a Board of Trustees to govern the South Carolina Counties Property & Liability Trust. The appointment of the Trustees shall be in accordance with the Bylaws of the Trust and Trust Agreement for each Trust. Any voting Trustee may be removed at any time by a majority vote of the Board of Directors of the South Carolina Association of Counties. The removal of a Trustee by the Board of Directors shall become effective immediately upon written notification of the removed Trustee.



## ARTICLE VI

### NOMINATIONS

**Section 1A.** **Officers and Members of the Board of Directors.** Nominations shall be made by a Nominating Committee of five county officials from member counties, who shall be chosen as follows: One shall be a member of the previous Nominating Committee, three members shall be chosen at large, and one shall be the immediate past president. Additional nominations may be made from the floor. However, the individual making an additional nomination from the floor must state which of the candidates nominated by the Nominating Committee is being contested. No two members of such Nominating Committee shall be from the same county. The report of the Nominating Committee shall be made public at least 24 hours prior to the election. No person serving on the Nominating Committee or who has been appointed and resigned from the Nominating Committee shall be eligible to be nominated for any position on the Board of Directors or as an Officer.

**Section 1B.** **Immediate Past President.** The immediate past president shall serve as chairperson of the Nominating Committee. In the event the immediate past president is no longer a county official or is precluded from serving because of illness, the most recent past president, who is eligible by virtue of maintaining his or her office as a county official, shall serve as chairperson of the Nominating Committee. The most recent past president shall not be eligible for nomination, election or appointment as a member of the Board of Directors or Officer for the year following his or her term as president by either the Nominating Committee or the Board of Directors. The most recent past president shall be a member of the Board of Directors for the year following his or her term as president. The most recent past president, who is eligible by virtue of maintaining his or her office as a county official, shall serve as a NACo Board Representative if the Association qualifies for an additional NACo Board seat pursuant to Article VI, Section D, of the NACo Bylaws.

## ARTICLE VII

### ELECTION OF OFFICERS AND BOARD OF DIRECTORS

**Section 1.** All Officers and members of the Board of Directors of the Association shall be elected at the annual meeting, and each officer and member of the Board shall hold his or her office until his or her successor is elected, or appointed as provided in Article IV herein. The term of president shall be for one year and he or she shall not be eligible to succeed his or herself, except in the case where an officer has served as president because of a vacancy existing prior to the expiration of a fixed term.

## ARTICLE VIII

### VACANCIES

- Section 1.** Vacancies, except in the offices of president and vice president, from any cause shall be filled for the unexpired term by the Board of Directors.
- Section 2.** Any officer or member of the Board of Directors, duly elected in concert with the provisions of this Constitution, who fails to attend a minimum of fifty percent of the official board meetings called within any given year shall forfeit his or her seat and his or her successor shall be designated in accordance with the provisions of Article VIII, Section 1 of the Constitution of the South Carolina Association of Counties.
- Section 3.** A vacancy shall be deemed to exist in the position of officer or member of the Board of Directors if there is a break in his or her service as a county official. The Board of Directors shall immediately declare the position vacant and the position shall be filled in accordance with the provisions of Article VII or Article VIII, Section 1, as circumstances require. A break in service is defined to mean a change in office or a 24-hour interruption in service in the county official's current office.

## ARTICLE IX

### EXECUTIVE DIRECTOR

**Section 1.** The Executive Director shall be appointed by the Board of Directors. He or she shall serve at the pleasure of the Board and shall perform such duties as specifically set forth in this Constitution and such other duties as may be prescribed by the Board of Directors.

**Section 2. Duties:**

- a. The Executive Director shall be in charge of the Columbia office of the Association and shall devote full-time to the work of the Association.
- b. The Executive Director shall report the activities of the Association to the Board of Directors and general membership through the Association publications, reports, and general mailings.
- c. The Executive Director shall act as secretary of all committees, except the Nominating Committee.
- d. The Executive Director may attend, when practicable, meetings of other groups.
- e. The Executive Director shall develop and maintain a public relations program in the interest of the Association.
- f. The Executive Director, when advisable, may hold meetings throughout the State to discuss matters affecting county government with county officials.
- g. The Executive Director, or his/her designated staff, shall act as a representative of the Association before the members or committees of the Legislature.
- h. The Executive Director, when requested by the Legislative Committee or Board of Directors, shall have drafted legislation for presentation to the Legislature.
- i. The Executive Director shall submit budget requests of expenditures and anticipated revenues for the next fiscal year to the Budget Committee no later than November 15 of each year.
- j. The Executive Director shall be responsible for the records of the Association office.
- k. The Executive Director shall direct the work of the Association's office and staff. The director shall be responsible for the employment and discharge of staff personnel.

## ARTICLE X

### FINANCES

- Section 1.** This Association shall be financed by the several counties and consolidated political subdivisions whose governing bodies have made an appropriation for that purpose. The annual budget of the Association shall be prepared and recommended by the Budget Committee. The Board of Directors shall be vested with the power to alter and amend such proposed budget and shall formally adopt such budget on or before December 15.
- Section 2.** County Quotas. The Board of Directors of the Association shall annually determine an equitable quota basis for the participating counties sufficient in the aggregate to defray the actual and necessary expenses of maintaining the Association and any of its activities, and shall notify the governing body of each such county the amount thereof at a date not later than the 1st day of April of each year. Such quotas shall be payable on the effective date of membership and shall become due on said date on an annual basis thereafter.
- Section 3.** Compensation of Officers and Employees. The Board of Directors shall annually fix the compensation of the Executive Director and of any other officers or employees.
- Section 4.** Disbursements. All disbursements of Association funds shall be made by the treasurer by check, drawn after receipt of an itemized statement approved by the Executive Director. The Board of Directors shall direct such other requirements as they may deem necessary and shall annually audit or cause to be audited all bills against the Association, in accordance with such rules and regulations as such Board of Directors may properly establish.
- Section 5.** Subject to appropriated funds, all officers and committee members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, provided a statement is submitted and approved pursuant to rules and regulations as set by the Board of Directors filed in the office of the Association. No officer or committee shall incur any other liability, except with the approval of the Board of Directors or by a resolution of the Association.

## ARTICLE XI

### SERVICES OF THE ASSOCIATION

- Section 1.** Only member counties of the Association and their representatives shall be entitled to the services of the Association.

## ARTICLE XII

### COMMITTEES

**Section 1. Standing Committees.** With the exception of the Legislative Committee, the following standing committees shall be appointed annually by the president. If not otherwise specifically provided, the president shall appoint a chairman and vice chairman of each committee.

- a. **Legislative.** The Legislative Committee shall be chaired by the first vice president and shall consist of one delegate from each of the member counties or consolidated political subdivisions who shall be the chairman of the governing body, or a county official designated by the chairman of the governing body, and the respective members of the Association's Board of Directors. If after 15 (fifteen) days from the date of the letter of appointment, the chairman of the governing body has not accepted the appointment to the legislative committee or has not designated a county official to serve for the county on the legislative committee, the President may appoint a county official from that county to serve as that county's delegate on the legislative committee.
- b. **Budget.** The Budget Committee shall consist of three members of the Board of Directors with authority to prepare and recommend a budget. The treasurer shall be one of the three members with voting power but shall not serve as chairman.
- c. **Nominating.** Pursuant to Article VI.
- d. **Constitution, Bylaws and Resolutions Committee.** The Committee on Constitution, Resolutions and Bylaws is to consist of five county officials of member counties of the Association. All proposed amendments to the Constitution and Bylaws and all resolutions shall be referred to this committee for consideration and report before final action.
- e. The president shall also appoint such other standing committees as the Board of Directors may determine.

**Section 2. Special Committees.** Special Committees shall be such as authorized by the Association, the Board of Directors or the President.

**Section 3. Executive Committee.** There is hereby established the Executive Committee of the South Carolina Association of Counties which shall be composed of the President, who shall serve as Chairperson, the three Vice Presidents, the Secretary, the Treasurer, and the Immediate Past President. The Executive Committee shall perform such duties as are assigned by the Board of Directors.

### ARTICLE XIII

#### AMENDMENTS

**Section 1.** This Constitution may be amended at any meeting of the Association by a two-thirds vote of the registered voting representatives present, provided such proposed amendment shall first have been presented in writing at such meeting and referred to the Committee on Constitution, Resolutions and Bylaws. Such vote shall not be taken until a report of the proposed amendment has been presented at a general or special session of the Association by said Committee on Constitution, Resolutions and Bylaws.

### ARTICLE XIV

**Section 1.** In the event of the dissolution of the Association, for any reasons, its assets are dedicated to the member counties. The president, treasurer and secretary shall be responsible for the distribution of assets in accordance with the instruction of the Board of Directors.

No part of the Association's net earnings shall inure to the profit of any of its directors or officers, nor to any "person" as that term is defined in Section 7701(a)(1) of the Internal Revenue Code of 1986. If the Association ceases to exist for any reason, any assets remaining after payment of all of the Association's liabilities shall be distributed to the State of South Carolina, or one or more of the State of South Carolina's political subdivisions, or an entity whose income is excludable from gross income under Section 115 of the Code.

# BYLAWS

## ARTICLE I

**Section 1.** The Association shall be responsible for the payment of expenses of the Association President and staff when attending meetings on behalf of this Association as provided in the annual budget.

## ARTICLE II

**Section 1.** The Association shall maintain contact with and shall have membership in the National Association of Counties.

## ARTICLE III

**Section 1.** These Bylaws may be altered or amended at any annual meeting by a two-thirds majority vote of all registered voting representatives present from member counties in good standing.

## ARTICLE IV

**Section 1.** This Constitution and these Bylaws shall be effective on the first day of June 1967.

**Adopted this first day of June 1967, at 3:00 p.m.**

Amended August 30, 1969, at 9:00 a.m.  
Amended August 29, 1970, at 11:00 a.m.  
Amended August 21, 1971, at 11:00 a.m.  
Amended August 12, 1972, at 11:45 a.m.  
Amended August 18, 1973, at 10:00 a.m.  
Amended August 24, 1974, at 10:00 a.m.  
Amended August 7, 1979, at 11:00 a.m.  
Amended August 15, 1980, at 11:15 a.m.  
Amended August 15, 1982, at 11:10 a.m.  
Amended August 16, 1983, at 10:30 a.m.  
Amended August 17, 1984, at 5:45 p.m.  
Amended August 7, 1986, at 12:30 p.m.

Amended August 15, 1987, at 11:00 a.m.  
Amended August 15, 1989, at 11:00 a.m.  
Amended August 11, 1990, at 11:30 a.m.  
Amended August 7, 1993, at 11:00 a.m.  
Amended August 6, 1994, at 11:00 a.m.  
Amended August 5, 1995, at 11:30 a.m.  
Amended July 27, 1996, at 11:30 a.m.  
Amended August 9, 1997, at 11:30 a.m.  
Amended August 8, 1998, at 11:30 a.m.  
Amended August 7, 1999, at 11:30 a.m.  
Amended July 28, 2001, at 10:30 a.m.  
Amended August 7, 2004, at 11:00 a.m.



## **SOUTH CAROLINA ASSOCIATION OF COUNTIES**

1919 Thurmond Mall  
Post Office Box 8207  
Columbia, South Carolina 29202-8207

Phone: (803) 252-7255  
Fax: (803) 252-0379  
Toll-Free for County Officials: 1-800-922-6081  
E-mail: [scac@scac.sc](mailto:scac@scac.sc)  
Website: [www.sccounties.org](http://www.sccounties.org)



# Richland County Council Request of Action

## **Subject**

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE:

- a. Summary of visit to the York and Charleston County Transportation Programs [**PAGES 281-284**]
- b. Committee recommended approval of Request for Proposals and its release for Program Development Team [**PAGES 285-300**]
- c. Committee recommended approval of Request for Proposals and its release for On-Call Engineering Teams [**PAGES 301-312**]
- d. Next scheduled meeting: Monday, November 18th at 2:00. Topic will be Intergovernmental Agreement (IGA) with SCDOT

## York and Charleston County Transportation Program Comparisons

QUESTION	ANSWERS	
	York County	Charleston County
1 Overview of Program: What has it accomplished?	3 different 7 year programs. \$640 million over 21 years. \$ 99 million, \$173 million, \$161 million in sales tax revenue.	\$1.3 billion over 25 years. \$847 million to transportation projects, \$220 million to greenspace, and \$230 million to CARTA.
2 Original Structure: What was the make up of County Staff vs. Consultants?	No real new staff to begin with, used consultant management firm with on-call design firms.	Internally had Jim Armstrong, Public works director, and deputy public works director. Also had consultant management firm with on-call design firms. Did study and concluded they would need 230 employees to manage life of program.
3 Current Structure: How is staffing structured now and why?	In 2008 hired six staff members completely dedicated to program. 2 project managers, 2 mid-level engineers, 1 accountant and 1 construction inspector. York no longer has a consultant management contract, but does sub out design work to consultants. They use SCDOT for R/W acquisition and CEI.	County Transportation Department now has 17 full-time staffers. They are in the process of ending the 10 year consultant management contract to assume it themselves. They sub out design work and also employ design builds on large scale projects. They agreed with the proposed Richland County plan for two program managers and one CEI manager.



QUESTION	ANSWERS	
	York County	Charleston County
4 Why is the structure different now?	Decided they could better manage it themselves during the third 7 year program after numerous coordination issues with two separate management firms. Consultant management firm got the infrastructure in place for them to take over. They also stated they are realizing a cost savings on R/W acquisition and CEI by using SCDOT instead of consultants.	The intent all along was to get a consultant management firm to get them started and then take over themselves. The consultant management firm got them off the ground, running and did a good job from a staff level perspective.
5 DBE: How successful have you been in awarding work to DBE firms?	Does not have a DBE policy specific to the program, but does use the SCDOT DBE spec on all projects developed using federal standards.	Goal is 20% for construction projects and their PM contract has hit 17% for DBE work. They also include summer internships in consultant contracts for college students.
6 Local Preference: Does the program have a local preference?	No, never has.	Yes, they do and even provided a specification they use where after bid opening a local contractor has the opportunity to undercut the apparent low bidder if he is out of county or state.
7 How successful have they been in leveraging funds and coordinating with SCDOT?	Claim good coordination, SIB awarded them \$163 million grant in first program. They also go after everything they can for matching funds.	Great coordination. They actually do \$2 million in resurfacing a year on the SCDOT secondary road system. This takes the place of payment for plan reviews, CEI, etc. They also work closely with MPO & COGS to maximize funding.



QUESTION	ANSWERS	
	York County	Charleston County
8 Mitigation Banks: How has the program handled mitigation banking for permits?	They haven't had any issues and didn't need to establish any banks. They may have mitigation credit issues on some projects for this third round of projects though.	There were already sufficient mitigation banks established to purchase from in Charleston area. Haven't had any issues.
9 Bonding: Have you bonded to get projects accelerated?	No, it's strictly pay as you go.	Yes, they have the bonded program for large scale transportation projects and non-bonded for resurfacing, dirt road paving, etc.
10 TPAC: Is there a citizen based advisory committee?	No, they did have a 6 member tax commission on the front end to identify specific projects. Once the project list is identified the commission disbands.	Had a TPAB (Transpo Advisory Board) appointed by Council. It was tasked with prioritization and transparency. Once it took place the TPAB was disbanded.



DRAFT RFP

# **RICHLAND COUNTY TRANSPORTATION PENNY REQUEST FOR PROPOSALS**

Date: October 21, 2013

Proposal ID# RTP-001

Sealed Proposals for Furnishing a **Program Development Team (PDT)** **to assist Richland County staff in the oversight and management of capital programs as directed by the County Administrator or his designee** are subject to all the conditions, etc., set forth herein. Proposals shall be received in the Richland County Administration Office, Room 4069, until 3:00 PM EST Monday, December 2nd. Proposals will be publicly opened and read during the Transportation Advisory Committee (TPAC) meeting.

## **RICHLAND COUNTY GOVERNMENT**

By: \_\_\_\_\_

Rob Perry

Director of Transportation

P.O. Box 192

Columbia, SC 29202

Email: [PerryR@rcgov.us](mailto:PerryR@rcgov.us)

Office Phone: (803) 576-1526

## **SPECIAL CONDITIONS**

A letter of interest shall accompany the proposal submittal with the above **Proposal ID#** displayed clearly on upper right hand corner of the letter. Richland County assumes no responsibility for unmarked submittals being considered for award. An authorized company representative is required to complete and sign the attached form. Proposals without this completed, signed form will be automatically rejected. Excluding signatures, proposals shall be typewritten, 12 font, in black ink. Facsimiles are not acceptable.

## **INSTRUCTIONS**

1. Submit (7) seven originals of the proposal.
2. Submit (1) one digital copy of the proposal on CD.
3. Proposal, amendments, thereto or withdrawal requests received after the time advertised for proposal opening will be void regardless of when they are mailed.
4. If specifications or description papers are submitted with proposal, enter proposer's name thereon.
5. When required, furnish samples, free of expense, prior to the opening of proposal. Label each sample with proposer's name and the item number. Should you wish sample returned at your expense, when not damaged by review, make requests for return within 10 days following opening of proposals.

### **The Proposal must contain the following:**

- i. Letter of Interest
- ii. Current Resume of Qualifications
- iii. Special Form SF 330, Part 1-Contract Specific Qualifications
- iv. A direct response to each of the selection criteria identified in this document
- v. A listing of all PDT members that meet the Richland County definition of "Minority Business" as defined in section 2-633 in the County Code of Ordinances.

*Please reference submittal requirements for more specific information.*

## CONDITIONS

1. A team will be deemed unresponsive should their proposal submittal not contain the letter of interest with proposal # included, the current resume of qualifications, Special Form SF 330 Part 1's, a direct response to each selection criteria, a listing of each Minority Business on the team, all required forms, the required quantity of proposals or the digital copy of the proposal.
2. The County reserves the right to reject any and all proposals, and to waive all technicalities. Any proposal may be withdrawn prior to the above scheduled time for opening the proposal or authorized postponement thereof. Should there be reasons why the contract cannot be awarded within the specified period; the time may be extended by mutual agreement between the owner and the proposer.
3. The right is reserved to make award as considered to be the most advantageous to the County.
4. The successful proposer shall indemnify and save harmless the County of Richland and all County officials, agents and employees from all suits or claims of any character brought by reason of infringing on any patent trademark or copyright.
5. **The successful proposer's entire team shall be ineligible to be selected for the program's anticipated on-call engineering contract.**

## **REQUEST FOR PROPOSALS CONSULTING SERVICES FOR PROGRAM DEVELOPMENT TEAM**

### **I. PURPOSE/BACKGROUND**

Richland County is seeking to hire a Program Development Team (PDT) to assist County staff in the oversight and management of the Richland County Penny Transportation Program. The goal in employing a PDT is to assist in managing and implementing major infrastructure improvement projects through the program planned to be undertaken by the County within the next twenty two (22) years. This firm may be asked to provide program

development, oversight, technical assistance, or special expertise for County staff in completing each of these projects within the program as authorized by the County Administrator or his designee and/or the Richland County Council.

**The following provides general information regarding the services that the successful PDT may be asked to fulfill. The actual scope of services to be provided by the PDT will be discussed and mutually agreed upon by both the PDT and the County Administrator or his designee, but specific tasks may vary from the information provided in this Request for Proposals (RFP).**

## **II. PROGRAM OVERVIEW**

The successful PDT will work at the direction of the County Administrator or his designee on the following categories within the overall County Penny Transportation Program.

Total Roadway Projects: \$656,020,644

Total Bike / Pedestrian / Greenway Projects: \$80,888,356

A detailed description of individual projects within these categories can be found at:

<http://rcgov.us/Government/TransportationPenny/AdditionalResources.aspx>

It is anticipated that the PDT may manage other consultants and contractors, to be employed by the County, who will provide professional services in the study, design, plan preparation, right-of-way acquisition and construction administration/inspection phases of some or all of the sales tax projects referenced above. Work of the PDT may include coordination with all parties involved, including County, City, SCDOT, consultants, citizens, property owners, etc.

## **III. SCOPE OF WORK**

The scope anticipated for the PDT may include, but is not limited to the following tasks.



**Task I: Program Development**

- A. Identify and provide Program Manager to work with County staff on program delivery. This Program Manager must have a minimum of eight (8) years of total experience in managing County Transportation sales tax programs, Department of Transportation (DOT) programs, County Transportation programs or an approved acceptable equivalence. The Program Manager must be a licensed professional engineer (P.E.) in the state of South Carolina.
- B. At the direction of County Administrator or his designee, develops and maintains comprehensive county transportation improvement program (CTIP). The CTIP shall include: overall program funding, cash flow modeling, projects ranking per category, projects per district, alternate funding sources, project schedules.
- C. Develop and maintain an executive level project and program status report with remote access capabilities for County Management and County Council. This program shall also be tablet compatible.
- D. Develop a master schedule for design, right-of-way acquisition and construction for all projects with milestone dates for submittals and reviews. This schedule should be updated as necessary.
- E. At the direction of County Administrator or his designee, prepares an organizational program establishing each design consultant's scope of schedules, work goals, constraints, priorities, standards, design criteria, responsibilities and procedures for communications.
- F. Develop and maintain a master financial plan to include expenditures and revenues. This should be used to determine the best schedule to complete projects effectively. This plan should be updated to reflect changes in revenues and expenditures as necessary.
- G. Develop and coordinate an overall public information plan. This shall include, but is not limited to: establishment and maintenance of program website, establishment and maintenance of social

media sites, program logo selection, program marketing, coordination and management of public involvement meetings.

- H. At the direction of County Administrator or his designee, secures locations for all project related public involvement meetings, advertises for the meetings, conducts the meetings, and provides written responses to comments from the meetings.
- I. Develop systems to organize and maintain project files. This includes a system for file transfers that may include, but is not limited to a program ftp site or ProjectWise.
- J. Participate in regularly scheduled progress meetings with County Management, County Council, Transportation Advisory Committee (TPAC), County staff, municipalities, local and regional transportation committees, and the general public as necessary. Prepare any presentation material as required.
- K. Investigate other sources of funding for the planned projects to include grants and matching funds.
- L. Determine if federal standards should be followed in the development of the projects should federal funding become available or be secured.
- M. At the direction of County Administrator or his designee, may coordinate with other government agencies (OGA's). This may include submittals required during project phasing and listing each subject with regulatory agencies involved.
- N. Works with the County Administrator or his designee to establish standard specifications for enhancement items County wide for continuity.

**Task II: Pre-Project Planning for Each Project**

- A. Coordinate the development of traffic studies and projections.

- B. Coordinate the gathering and development of aerial photography and mapping. Coordinate geotechnical investigations for the determination of pavement designs.
- C. Develops design criteria for individual projects, may be tasked with producing 30% plan development on large scale projects, may be tasked with developing Requests for Qualifications (RFQs) and Requests for Proposals (RFPs) for Design-Build Projects, and may be tasked with turn-key design for projects managed by the program for other entities.
- D. Coordinate the identification of existing utilities and utility relocations. Coordinate all utility correspondence concerning approvals, permits and relocations between utilities, design consultants, SCDOT and Richland County.
- E. Coordinate the development of all the necessary environmental studies, reports and public hearings including wetlands identifications and mitigation plans. This includes making all submittals to regulatory agencies and update review status, the PDT may be the consistent contact with all agencies.
- F. The PDT may be tasked with working with County Staff to identify and establish a mitigation bank necessary for construction for the entire program.

**Task III: *Quality Assurance Reviews and Coordination for Each Project***

- A. Review design consultant plans, specifications and bidding documents for compliance with SCDOT and Richland County standard specifications and in accordance with Richland County procurement requirements. Coordinate interim reviews as necessary to assure compliance with projected schedules. Notify County staff if schedules are not being met or other conflicts exist.
- B. At the direction of County Administrator or his designee, coordinate all correspondence, reviews and progress meetings with SCDOT and all other appropriate agencies, design consultants and Richland County.

- C. At the direction of County Administrator or his designee, coordinate and schedule all field reviews with design consultant, County staff and SCDOT as required.
- D. At the direction of County Administrator or his designee, coordinate the securing of all permits by appropriate regulatory agencies.
- E. Develop and maintain a checklist for the Final Design Phase review.
- F. Coordinate project progress meetings with Richland County and design firms.

**Task IV: *Right-of-Way Acquisition Services for Each Project***

- A. At the direction of County Administrator or his designee, establishes a right-of-way acquisition policy for the transportation program.
- B. Provide sub-consultant from SCDOT approved consultant right-of-way acquisition list for acquisition of all necessary right-of-way for the program and manage that consultant. The PDT should provide one point of contact for all property owner inquiries and/or concerns.
- C. Review design consultant right-of-way plans for compliance with SCDOT and Richland County standards. Coordinate interim reviews as necessary to assure compliance with projected schedules.
- D. At the direction of County Administrator or his designee, coordinate and schedule all field reviews with design consultant, County staff and SCDOT as required.
- E. At the direction of County Administrator or his designee, coordinate project progress meetings with Richland County and design firms.

- F. At the direction of County Administrator or his designee, coordinate the preparation of right-of-way documents in accordance with SCDOT and County standards.
- G. Coordinate all right-of-way staking.
- H. Coordinate the preparation of final right-of-way plans and right-of-way certification.
- I. Prepare a checklist for Right-of-Way Status (acquisition period, title search, appraisals, condemnations, etc.) to include current status and goals (include your needs from the County and utilities)

**Task V: *Proposal Preparation, Procurement and Small Local Business Enterprise Program (SLBE) Implementation***

- A. Identify and provide Procurement Officer to work with County staff on procurement. This Procurement Officer must have a minimum of eight (8) years of experience in procurement or an approved acceptable equivalence.
- B. At the direction of County Administrator or his designee, develops schedule for final construction plans submittal, project advertisement, addendums, mandatory pre-bid meetings, and bid openings.
- C. At the direction of County Administrator or his designee, develops proposals for individual project bidding and provides final engineering cost estimates prior to project advertisement.
- D. In conjunction with County Staff, conducts bid openings, analysis of bid tabulations, and makes recommendations for awards and rejections.
- E. In conjunction with County Staff, ensures program procurement adheres to Richland County procurement requirements.

- F. In conjunction with County Staff, produces standard specification for proposals defining SLBE requirements and oversees implementation for compliance.

**Task VI: Construction Services for Each Project**

- A. Identify and provide Construction Engineering Manager to work with County Staff throughout construction phases on all identified projects. This Construction Engineering Manager must have a minimum of eight (8) years of experience in transportation construction engineering on DOT and County projects.
- B. Perform constructability reviews on the final design consultant plans, specifications and bidding documents for compliance with SCDOT and Richland County standard specifications and in accordance with Richland County procurement requirements. Coordinate interim reviews as necessary during the construction phase of the project to assure compliance with the above referenced standard specifications and requirements.
- C. Provide inspection services for all managed construction projects, or coordinate and review the work of the selected construction administration consultant.
- D. Oversee the coordination of all correspondence, construction documentation, field reviews, construction progress meetings, final inspections with SCDOT and all other appropriate regulatory agencies, design consultants and Richland County during the construction phase of the project.
- E. Provide an updated status of projects with County Management on a monthly basis.
- F. Review and evaluate all value engineering proposals submitted by the contractor, subcontractor, or subconsultant.
- G. Coordinate all utility relocations and/or new installations with the corresponding municipality, regulatory agency, company, etc. to insure work done is performed in a safe and timely manner.

- H. Contact all property owners in the vicinity of the construction project to make sure they are aware of all project phases, answer any questions that they may have and provide conflict resolution. The PDT should provide one point of contact for all property owner inquiries and/or concerns.
- I. Review and approve all contractor and subconsultant (i.e. testing, exploration, etc.) invoices.
- J. Review and approve all contractor shop drawings and/or catalog cuts.
- K. Coordinate and/or complete all certifications and permits required by Richland County, SCDOT and other appropriate regulatory agencies.
- L. Develop and maintain a checklist for the Construction Services Phase review.

#### **IV. GENERAL INFORMATION**

All submittals to this Request for Proposals (RFP) must be submitted to the Richland County Administration Office, Room 4069 and addressed to:

Rob Perry, P.E.  
Director of Transportation  
Richland County Government

- A. Proposals must arrive at the above listed address no later than **3:00 PM on Monday, December 2nd**. Attendance is not required to be considered responsive. Late proposals as defined in this document will not be accepted.
- B. Seven (7) originals of the firm's proposal must be submitted. All responses will be retained as property of the County.
- C. One (1) digital copy of the proposal on CD.

- D. The proposal must contain a manual signature of an authorized representative of the responding firm.
- E. Responding firms will not be permitted to make any changes or corrections after proposals are submitted to Richland County.

**V. TERMS AND CONDITIONS**

- A. The successful firm shall not discriminate against any person in accordance with federal, state or local laws.
- B. RICHLAND COUNTY RESERVES THE RIGHT TO REJECT ANY AND/OR ALL SUBMITTALS; TO MAKE SCOPE MODIFICATIONS, TO NEGOTIATE WITH ONE OR MORE OF THE PROPOSERS, AND TO WAIVE ANY AND ALL TECHNICALITIES, ALL OF WHICH RICHLAND COUNTY DEEMS TO BE IN ITS BEST INTEREST. NEITHER THIS REQUEST FOR QUALIFICATIONS AND PROPOSALS OR ANY PROPOSAL SUBMITTED, NOR THE SELECTION OF ANY PROPOSAL, NOR ANY NEGOTIATIONS WITH ANY FIRM, WILL IMPOSE ANY OBLIGATION OR LIABILITY ON RICHLAND COUNTY GOVERNMENT.**

**VI. SUBMITTAL REQUIREMENTS**

- A. A letter of interest identifying the prime firm and subsequent team. All proposals shall be concise and summarize the firm's qualifications along with responses to questions in this RFP in no more than thirty (30) single-sided pages with no less than 12 font. The letter of interest will not be included in the total page count.
- B. Program Understanding- A description of the firm's understanding of the overall program with a detailed scope of work to accomplish the overall intent of this RFP. The scope of work should detail the proposers suggested division of work between the PDT, design firms, other consultants, and Richland County. Proposals shall outline how the PDT will interface with County staff, consultants and contractors with respect to the program.



- C. Program Approach- This section should address in specific terms the approach that will be taken to deliver the program described in the RFP. Include a proposed activity duration schedule including a projected number of man-hours and length of time services would be provided to complete the program. Include any innovative methods or concepts to start and complete projects as soon as possible under the constraints of the quarterly receipt of tax funds, bonding capacity, and priority of projects. The PDT shall include innovative initiatives or strategic plans to foster development of local and minority business in Richland County through the PDT contract. The PDT should also identify initiatives or strategic plans to involve local and minority students in the program through internships, co-ops, etc.
- D. Experience- This section should identify similar projects and programs for which the firm has provided similar consulting services. In particular, it should identify projects and programs the firm has undertaken that were with other County Sales Tax Programs, with Department of Transportations, Municipalities, or with Counties. Include the following information for each project:
1. Owner's name, address, telephone number of project or program manager.
  2. List of staff names and specific project or program roles.
- E. Mobilization- PDT should discuss current team workloads, and the ability to mobilize quickly to begin work on this program.
- F. PDT Location- PDT shall identify office locations for itself as well as all subconsultants. This scoring criterion shall reward firms located in the following order: Richland County, within 50 mile radius of 2020 Hampton Street Administration Building in Richland County, South Carolina, North Carolina, Georgia, and the United States.
- G. Percentage of work utilizing Disadvantaged Business Enterprises (DBE's) as defined by each governmental entity worked with on all contracts over the past five (5) calendar years. A Governmental Entity is defined as the United States Government, a State Government, a State Department of Transportation, a City, Town or County. This list shall include but is not limited to in tabular format: which governmental entity the contract was

with, a contact from the governmental entity, when the contract notice to proceed was issued, total contract amount, contract work for individual DBE firm, percentage of total contract work provided to the DBE firm. A summary of the final three items for the past five (5) calendar years shall be included.

- H. Projected Minority Business goal quantified as a percentage for the anticipated overall PDT contract. Section 2-634 of Richland County Code of Ordinances directs a minimum of 15% work towards Minority Business.
- I. Identification of all individuals who will be assigned by the firm to work on this program to include a detailed summary of each individual's professional credentials and relevant experience. This should also include a summary of qualifications and relevant experience of all subconsultant personnel if applicable. Special Form 330 Part-1-Contract Specific Qualifications will be utilized for this requirement and will not be included in the total page count.

## **VII. CERTIFICATE OF INSURANCE**

Once selected, the firm hired to provide the services referenced in this RFP will be required to provide proof of insurance to include professional liability, workers compensation, employer's liability, general liability and auto liability on the appropriate accord form prior to commencement of work.

## **VIII. SELECTION CRITERIA**

Selection may be based on the following criteria:

- A. Program Understanding- Proposer's suggested division of work and outline of how the PDT will interface with other consultants and County staff. (10%)
- B. Program Approach- Proposer's best approach to completing the program in a timely, effective, and efficient manner. (15%)

- C. Experience- Proposer's previous experience with other County Sales Tax Programs, with State Department of Transportation's, Cities, Towns, or Counties. (20%)
- D. Mobilization- Proposer's ability to mobilize quickly with adequate staffing to undertake the project. (10%)
- E. Location of PDT and subconsultants. (25%)
- F. Past performance in utilizing DBE's and Projected Minority Business goal to be included in PDT contract. (20%)

#### **IX. ADDITIONAL INFORMATION**

Questions about this RFP shall be submitted in writing to the Director of Transportation, Rob Perry at the address below. The deadline for submitting questions regarding this RFP is **November 18, 2013**. All responses to questions, including any significant changes and/or modifications, will be placed on the Richland County website in the form of an Addendum by **November 25, 2013**.

**Richland County reserves the right to use the above scoring criteria to short list a maximum of three firms. If short listing takes place, Richland County also reserves the right to allow the short listed firms to make individual presentations based on their RFP submittal. Final selection would be based on the scoring of the individual RFP's and subsequent presentations.**

All firms with an interest in working in Richland County on this program are encouraged to review the County's website for additional information. To ensure the integrity of the competitive process, all firms should refrain from contacting any public officials or department (s) other than the person (s) listed in this RFP either directly or indirectly.

A debriefing shall be provided at the request of any firm deemed responsive to this RFP and not selected by the County for this PDT contract. A request for debriefing must be submitted in writing to the County Director of Transportation within thirty (30) calendar days of notification of PDT selection.

Rob Perry, P.E.  
P.O. Box 192  
Columbia, SC 29202  
Email: PerryR@rcgov.us  
Office Phone: (803) 576-1526

**PROPOSAL**

In compliance with the request for proposal, and subject to all conditions thereof, the undersigned offers and agrees to furnish any or all items proposed.

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**AUTHORIZED SIGNATURE**

\_\_\_\_\_  
**COMPANY NAME**

\_\_\_\_\_  
**PRINT OR TYPE NAME ABOVE**

\_\_\_\_\_  
**COMPANY ADDRESS**

\_\_\_\_\_  
**CITY, STATE, ZIP**

\_\_\_\_\_  
**S.C. SALES TAX # (ONLY IF OUT OF STATE)**

\_\_\_\_\_  
**COMPANY TELEPHONE NUMBER**

\_\_\_\_\_  
**FEDERAL ID#**

\_\_\_\_\_  
**EMAIL ADDRESS**

DRAFT RFP

# RICHLAND COUNTY TRANSPORTATION PENNY

## REQUEST FOR PROPOSALS

Date: October 22, 2013

Proposal ID# RTP-002

Sealed Proposals for Furnishing **On-Call Engineering Teams (OET) to assist Richland County staff in providing general engineering services on an on-call basis necessary for the preparation of preliminary plans, right of way plans, and final construction plans for capital programs as directed by the County Administrator or his designee** are subject to all the conditions, etc., set forth herein. Proposals shall be received in the Richland County Administration Office, Room 4069, until 3:00 PM EST Monday, **December 16th**. Proposals will be publicly opened and read during the Transportation Advisory Committee (TPAC) meeting.

### RICHLAND COUNTY GOVERNMENT

By: \_\_\_\_\_  
Rob Perry, P.E.  
Director of Transportation  
P.O. Box 192  
Columbia, SC 29202  
Email: [PerryR@rcgov.us](mailto:PerryR@rcgov.us)  
Office Phone: (803) 576-1526

### SPECIAL CONDITIONS

A letter of interest shall accompany the proposal submittal with the above **Proposal ID#** displayed clearly on upper right hand corner of the letter. Richland County assumes no responsibility for unmarked submittals being considered for award. An authorized company representative is required to complete and sign the attached form. Proposals without this completed, signed

form will be automatically rejected. Excluding signatures, proposals shall be typewritten, 12 font, in black ink. Facsimiles are not acceptable.

### **INSTRUCTIONS**

1. Submit (7) seven originals of the proposal.
2. Submit (1) one digital copy of the proposal on CD.
3. Proposal, amendments, thereto or withdrawal requests received after the time advertised for proposal opening will be void regardless of when they are mailed.
4. If specifications or description papers are submitted with proposal, enter proposer's name thereon.
5. When required, furnish samples, free of expense, prior to the opening of proposal. Label each sample with proposer's name and the item number. Should you wish sample returned at your expense, when not damaged by review, make requests for return within 10 days following opening of proposals.

#### **The Proposal must contain the following:**

- i. Letter of Interest
- ii. Current Resume of Qualifications
- iii. Special Form SF 330, Part 1-Contract Specific Qualifications
- iv. A direct response to each of the selection criteria identified in this document
- v. A listing of all team members that meet the Richland County definition of "Minority Business" as defined in section 2-633 in the County Code of Ordinances.

*Please reference submittal requirements for more specific information.*

## CONDITIONS

1. A team will be deemed unresponsive should their proposal submittal not contain the letter of interest with proposal # included, the current resume of qualifications, Special Form SF 330 Part 1's, a direct response to each selection criteria, a listing of each Minority Business on the team, the required quantity of proposals or the digital copy of the proposal.
2. The County reserves the right to reject any and all proposals, and to waive all technicalities. Any proposal may be withdrawn prior to the above scheduled time for opening the proposal or authorized postponement thereof. Should there be reasons why the contract cannot be awarded within the specified period; the time may be extended by mutual agreement between the owner and the proposer.
3. The right is reserved to make award as considered to be the most advantageous to the County.
4. The successful proposer shall indemnify and save harmless the County of Richland and all County officials, agents and employees from all suits or claims of any character brought by reason of infringing on any patent trademark or copyright.

## **REQUEST FOR PROPOSALS ON-CALL GENERAL ENGINEERING SERVICES**

### **I. PURPOSE/BACKGROUND**

Richland County is seeking to select **OET's** to assist staff in providing general engineering services for capital programs for the Richland County Penny Transportation Program. The goal in employing **OET's** is to provide design services for major infrastructure improvement projects through the program planned to be undertaken by the County within the next twenty two (22) years.

**The following provides general information regarding the services that the successful **OET's** may be asked to fulfill. The actual scope of services to be provided by the **OET** will be discussed and mutually agreed upon by both the individual **OET** and the County Administrator or his designee,**

**but specific tasks may vary from the information provided in this Request for Proposals (RFP).**

## **II. PROGRAM OVERVIEW**

The successful **OET** will work at the direction of County Management on the following categories within the overall County Penny Transportation Program.

Total Roadway Projects: \$656,020,644

Total Bike / Pedestrian / Greenway Projects: \$80,888,356

A detailed description of individual projects within these categories can be found at:

<http://rcgov.us/Government/TransportationPenny/AdditionalResources.aspx>

## **III. SCOPE OF WORK**

The scope anticipated for the **OET's** may include, but is not limited to the following tasks.

### **Task I: Surveys**

- A. Ground Surveying
- B. Aerial photography and mapping
- C. 3D Scanning

### **Task II: Subsurface Utility Engineering**

- A. Quality Level A survey (also known as “locating”)
- B. Quality Level B Subsurface Utility Engineering (also known as “designating”)



**Task III: Geotechnical Engineering**

- A. Geotechnical Field Investigation
- B. Field Engineering
- C. Laboratory Testing
- D. Preliminary Geotechnical Engineering Reports for both roads and bridges
- E. Final Geotechnical Engineering Reports for both roads and bridges

**Task IV: Traffic Engineering Studies and Design**

- A. Traffic analysis for roadways, intersections, and interchanges
- B. Work Zone Traffic Control Plans
- C. Temporary and Permanent Signing and Marking Plans
- D. Traffic Signalization Plans
- E. Traffic Management Plans

**Task V: Hydrology/Hydraulics**

- A. Preliminary Drainage Design
- B. Stream Analysis and FEMA Studies
- C. Final Drainage Design and Stormwater Management Report
- D. NPDES Study and SCDHEC NOI

**Task VI: Roadway Design**

- A. Preliminary Roadway Design

- B. Final Right-of-Way Plans
- C. Final Road Construction Plans

**Task VII: Bridge Design**

- A. Bridge Concepts
- B. Preliminary Bridge Plans
- C. Final Bridge Plans

**Task VIII: Roadway Structures Design**

- A. Retaining Walls
- B. Noise Walls

**Task IX: Enhancement Design**

- A. Bikeways and Pedestrian Facilities Design
- B. Greenways Design
- C. Landscape Architecture Design
- D. Pedestrian and Roadway Lighting Design

**Task X: Permit Application**

- A. Preliminary and Final Permit Applications

**Task XI: Construction Phase Services**

- A. General Engineering Assistance

B. Structural Engineering Assistance

C. Geotechnical Engineering Assistance

D. Value Engineering Reviews

#### **IV. GENERAL INFORMATION**

All submittals to this Request for Proposals (RFP) must be submitted to the Richland County Administration Office, Room 4069 and addressed to:

Rob Perry, P.E.  
Director of Transportation  
Richland County

- A. Proposals must arrive at the above listed address no later than **3:00 PM on Monday, December 16th**. Attendance is not required to be considered responsive. Late proposals as defined in this document will not be accepted.
- B. Seven (7) originals of the firm's proposal must be submitted. All responses will be retained as property of the County.
- C. One (1) digital copy of the proposal on CD.
- D. The proposal must contain a manual signature of an authorized representative of the responding firm.
- E. Responding firms will not be permitted to make any changes or corrections after proposals are submitted to Richland County.

#### **V. TERMS AND CONDITIONS**

- A. The successful firm shall not discriminate against any person in accordance with federal, state or local laws.

**B. RICHLAND COUNTY RESERVES THE RIGHT TO REJECT ANY AND/OR ALL SUBMITTALS; TO MAKE SCOPE MODIFICATIONS, TO NEGOTIATE WITH ONE OR MORE OF THE PROPOSERS, AND TO WAIVE ANY AND ALL TECHNICALITIES, ALL OF WHICH RICHLAND COUNTY DEEMS TO BE IN ITS BEST INTEREST. NEITHER THIS REQUEST FOR QUALIFICATIONS AND PROPOSALS OR ANY PROPOSAL SUBMITTED, NOR THE SELECTION OF ANY PROPOSAL, NOR ANY NEGOTIATIONS WITH ANY FIRM, WILL IMPOSE ANY OBLIGATION OR LIABILITY ON RICHLAND COUNTY GOVERNMENT.**

**VI. SUBMITTAL REQUIREMENTS**

- A. A letter of interest identifying the prime firm and subsequent team. All proposals shall be concise and summarize the firm's qualifications along with responses to questions in this RFP in no more than thirty (30) single-sided pages with no less than 12 font. The letter of interest will not be included in the total page count.
- B. Program Understanding- A description of the firm's understanding of the overall program with a detailed scope of work to accomplish tasks identified in this Request for Proposal (RFP). The scope of work should detail the proposers suggested division of work between the lead firm, subconsultants, and Richland County. Proposals shall outline how the OET will interface with County staff, other consultants and contractors with respect to the program.
- C. Approach- This section should address in specific terms the approach that will be taken to deliver the projects described in the RFP. The OET shall include innovative initiatives or strategic plans to foster development of local and minority business in Richland County through the On-Call Engineering Contract. The OET should also identify initiatives or strategic plans to involve local and minority students in individual contracts through internships, co-ops, etc.
- D. Experience- This section should identify similar projects and programs for which the firm has provided similar consulting services. In particular, it should identify projects and programs the firm has undertaken that were with other County Sales Tax Programs, with

Department of Transportations, Municipalities, or with Counties.  
Include the following information for each project:

1. Owner's name, address, telephone number of project or program manager.
  2. List of staff names and specific project or program roles.
- E. Mobilization- **OET** should discuss current team workloads, and the ability to mobilize quickly to begin work on this program.
- F. **OET** Location- **OET** shall identify office locations for itself as well as all subconsultants. This scoring criterion shall reward firms located in the following order: Richland County, within 50 mile radius of 2020 Hampton Street Administration Building in Richland County, South Carolina, North Carolina, Georgia, and the United States.
- G. Percentage of work utilizing Disadvantaged Business Enterprises (DBE's) as defined by each governmental entity worked with on all contracts over the past five (5) calendar years. A Governmental Entity is defined as the United States Government, a State Government, a State Department of Transportation, a City, Town or County. This list shall include but is not limited to in tabular format: which governmental entity the contract was with, a contact from the governmental entity, when the contract notice to proceed was issued, total contract amount, contract work for individual DBE firm, percentage of total contract work provided to the DBE firm. A summary of the final three items for the past five (5) calendar years shall be included.
- H. Projected Minority Business goal quantified as a percentage for the anticipated overall PDT contract. Section 2-634 of Richland County Code of Ordinances directs a minimum of 15% work towards Minority Business.
- I. Identification of all individuals who will be assigned by the firm to work on this team to include a detailed summary of each individual's professional credentials and relevant experience. This should also include a summary of qualifications and relevant experience of all subconsultant personnel if applicable. Special Form 330 Part-1-Contract

Specific Qualifications will be utilized for this requirement and will not be included in the total page count.

## **VII. CERTIFICATE OF INSURANCE**

Once selected, the firm hired to provide the services referenced in this RFP will be required to provide proof of insurance to include professional liability, workers compensation, employer's liability, general liability and auto liability on the appropriate accord form prior to commencement of work.

## **VIII. SELECTION CRITERIA**

Selection may be based on the following criteria:

- A. Program Understanding- Proposer's suggested division of work and outline of how the OET will interface with other consultants and County staff. (10%)
- B. Program Approach- Proposer's best approach to completing assigned projects in a timely, effective, and efficient manner. (15%)
- C. Experience- Proposer's previous experience with other County Sales Tax Programs, with State Department of Transportation's, Cities, Towns, or Counties. (20%)
- D. Mobilization- Proposer's ability to mobilize quickly with adequate staffing to undertake the project. (10%)
- E. Location of OET and subconsultants. (25%)
- F. Past performance in utilizing DBE's and Projected Minority Business goal to be included in OET contract. (20%)

## **IX. ADDITIONAL INFORMATION**

Questions about this RFP shall be submitted in writing to the Director of Transportation, Rob Perry at the address below. The deadline for submitting questions regarding this RFP is **December 2, 2013**. All responses to questions, including any significant changes and/or modifications, will be placed on the Richland County website in the form of an Addendum by **December 9, 2013**.

All firms with an interest in working in Richland County on this program are encouraged to review the County's website for additional information. To ensure the integrity of the competitive process, all firms should refrain from contacting any public officials or department (s) other than the person (s) listed in this RFP either directly or indirectly.

A debriefing shall be provided at the request of any firm deemed responsive to this RFP and not selected by the County for this **OET** contract. A request for debriefing must be submitted in writing to the County Director of Transportation within thirty (30) calendar days of notification of **OET** selection.

Rob Perry, P.E.  
P.O. Box 192  
Columbia, SC 29202  
Email: [PerryR@rcgov.us](mailto:PerryR@rcgov.us)  
Office Phone: (803) 576-1526

**PROPOSAL**

In compliance with the request for proposal, and subject to all conditions thereof, the undersigned offers and agrees to furnish any or all items proposed.

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**AUTHORIZED SIGNATURE**

\_\_\_\_\_  
**COMPANY NAME**

\_\_\_\_\_  
**PRINT OR TYPE NAME ABOVE**

\_\_\_\_\_  
**COMPANY ADDRESS**

\_\_\_\_\_  
**CITY, STATE, ZIP**

\_\_\_\_\_  
**S.C. SALES TAX # (ONLY IF OUT OF STATE)**

\_\_\_\_\_  
**COMPANY TELEPHONE NUMBER**

\_\_\_\_\_  
**FEDERAL ID#**

\_\_\_\_\_  
**EMAIL ADDRESS**

DRAFT



# Richland County Council Request of Action

**Subject**

REPORT OF THE INTERNAL AUDIT WORK SESSION:

- a. Contract Approval: Build Your City, County, Country **[ACTION]** **[PAGES 314-320]**

# *Richland County Council*

County Administration Building  
2020 Hampton Street  
P.O. Box 192  
Columbia, SC 29202



Phone: (803) 576-2061  
Fax: (803) 576-2136

## **COUNCIL WORK SESSION INTERNAL AUDIT October 22, 2013 4:00 PM**

- 1. Call to Order: Chairman Kelvin E. Washington, Sr.**
- 2. Background: Tony McDonald**
  - a. May 7, 2013 Council Meeting**
    - i. Procurement**
    - ii. Public Works**
    - iii. Utilities**
    - iv. Information Technology**
    - v. Legal**
  - b. September 24, 2013 Internal Audit Committee Meeting**
    - i. Discussed proposed concept for moving forward**
  - c. October 1, 2013 Council Meeting**
    - i. Scheduled Work Session**
- 3. Build Your City, County & Country Approach vs. Traditional Internal Audit: Tony McDonald**
- 4. Presentation – Build Your City, County & Country: Derrick Robinson [PAGES 3-7]**
- 5. Discussion of Proposed Next Steps: Tony McDonald**

**6. Q&A**

**7. Adjourn**



BUILD YOUR CITY, COUNTY & COUNTRY

235 Peachtree Street, N.E. – Suite 400 – Atlanta, GA 30303 | (404) 465-3382 | info@bycprogram.org | www.bycprogram.org

July 30, 2013

Tony McDonald  
County Administrator  
Richland County  
2020 Hampton Street P.O. Box 192  
Columbia, SC 29202

Dear Tony:

- Letter of Engagement

This Letter of Engagement (“LOE”) is entered into between BYC.ORG (“BYC”) and Richland County of South Carolina (“Customer”) on this 30<sup>th</sup> day of July, 2013 (“Effective Date”) and establishes the scope, terms and conditions associated with the delivery of business consulting, analysis and advisory work (“The Services”). This LOE will govern the relationship between the parties until such a time when (i) a Services Agreement between the parties superseding this LOE is executed or (ii) the term of this LOE expires.

- Engagement Objective

Assist Richland County in identifying and defining opportunities for improving operations issues in key departments through process definition and evaluation.

- Scope of Services

BYC’s primary role is to work with Richland County to assess current state processes, envision future state processes, determine gaps and develop an action plan for addressing gaps. BYC will provide these services to the Customer for the following key departments:

1. Procurement Department
2. Public Works Department
3. Utilities Department
4. Information Technology Department
5. Legal Department

Note: As time permits, a high level prioritization framework will be applied to other non-key departments that are not the primary focus of our efforts to provide a sense of relative scale for the “key departments” that are part of the scope of this engagement.

- Key Deliverables and Timeline

As a part of The Services, BYC will deliver a series of deliverables to Customer including, but not limited to, the following:

Deliverable	Description	Estimated Duration
<b>Current State Assessment</b>	Document describing business objectives, current state process capabilities and culture.	3 Weeks
<b>Future State Vision and Gap Analysis</b>	Document describing future state process vision, current state process gaps and opportunities for process improvement.	3 Weeks
<b>Action Plan</b>	Document organizing opportunities into initiatives or strategic theme mapped to a high level milestone-based plan (roadmap).	2 Weeks

Material changes to the Deliverables set forth in this LOE may require changes to the Services Fees.

- Project Governance

BYC and Customer will conduct weekly status meetings for the duration of the engagement. During each status meeting BYC will deliver a status report to Customer detailing the progress of the Services. Each status report will include but not be limited to:

- Current Week Activities
- Next Week Planned Activities
- Project Issues
- Project Risks
- Deliverables Review
- Deliverables Approvals

- Customer Resource Requirements

Customer shall use commercially reasonable efforts to make the appropriate subject matter experts available to support the completion of the Services in a timely manner. The table below summarizes the key Customer project roles and their respective time commitments for the project. BYC estimates the project will require roughly 8 to 10 weeks of elapsed time.

Role	Full-Time Equivalency of Role During Project
<b>Department Leadership</b>	5% – 25%
<b>Subject Matter Experts</b>	25% – 50%

- BYC Resources

BYC shall staff the project with the following named resources for the following weekly commitment specified in the table below. Additional resources may be used as required. BYC estimates the project will require roughly 8 to 10 weeks of elapsed time.

Role	Resource
Engagement Manager / Sr. Business Analyst	Derrick Robinson
Sr. Business Analyst	Curtis Smith

- Fees for Services

This is a fixed bid contract for services. The total amount for services is \$79,200 (“Services Fees”).

The fees above are not inclusive of necessary travel and related expenses incurred toward the delivery of The Services. All travel and related expenses will be invoiced to Customer at the end of invoice period in which they were incurred and will comply with Richland County’s internal travel policies.

BYC shall invoice Customer for the Services Fees according to the following schedule:

- Twenty Five percent (25%) of the Services Fees will be invoiced upon execution of this LOE;
- Twenty Five percent (25%) of the Services Fees will be invoiced upon achieving 50% execution of this LOE;
- Fifty percent (50%) of the Services Fees will be invoiced upon completion and approval of the Services.

- Representations and Warranties

BYC represents and warrants to Customer that:

- BYC is duly organized, validly existing and in good standing as a non-profit corporation under the laws of the State of Georgia.
- Neither the execution, delivery nor performance of this LOE will, with or without the giving of notice, the passage of time or both, result in a violation or breach of any contract, agreement, instrument, understanding, order, judgment, decree, rule, regulation, law (in each case, whether domestic or international) or any other restriction to which BYC is a part or pursuant to which BYC or its assets are subject or otherwise bound.
- BYC shall comply with all local, state, federal and international laws and regulations in performing its obligations hereunder including, without limitation, laws and regulations tax, employment, outsourcing, privacy and marketing.
- BYC will perform all The Services in an efficient, effective, professional, workmanlike and skillful manner by qualified personnel and in accordance with practices and standards generally accepted in the accounts payable, cash management and collections consulting industry in the United States, and any other requirements set forth in subsequent agreements between the parties hereto.

- Term

The term of this LOE shall continue until the earlier to occur of (i) the parties agree that The Services under this LOE are complete, (ii) a services agreement superseding this LOE is executed or (iii) either party notifies the other of its intention to terminate this LOE (in which case Customer shall pay BYC all accrued, but unpaid fees and expenses under this LOE through the date of termination in accordance with the payment terms set

forth herein).

- Other Terms

- A. Reciprocal Obligation to Indemnify. Each party ("Indemnifying Party") shall indemnify, defend and hold the other party and its officers, directors, employees, agents, shareholders, partners, affiliates, and representatives (collectively, the "Indemnified Parties") harmless from and against any and all claims, actions, causes of action, lawsuits, damages, liabilities, obligations, costs and expenses (including court costs and reasonable attorneys' fees) (collectively, "Losses") incurred by, or imposed or asserted against, the Indemnified Parties as a result of any breach of any obligation, covenant, representation or warranty hereunder.
- B. Limitation of Liability. Except in connection with any Loss arising out of gross negligence or willful misconduct, neither party shall be liable to the other for, nor will the measure of damages include, under any theory of liability (whether legal or equitable), special, indirect, punitive, incidental or consequential damages, including, without limitation, damages for lost revenue. Nothing herein shall limit BYC's rights to the fees described in "Fee For Services" section.
- C. BYC acknowledges that as a regular part of the Services such party shall receive confidential information of Customer. BYC acknowledges the confidential and proprietary nature of the confidential information and agrees that, absent the prior express written consent of the other party, each shall comply with the terms of the Confidentiality Agreement agreed to and executed on \_\_\_\_\_ and such additional agreements as shall be executed between the parties hereto regarding privacy and protection of confidential data. The terms of the Confidentiality Agreement shall survive termination hereof.
- D. This Agreement may not be modified or amended except in writing signed by a duly authorized representative of each party.
- E. BYC is an independent contractor of Customer and nothing herein shall be deemed or construed to create a partnership, joint venture or agency between them. Neither party shall have any power whatsoever to obligate or bind the other party hereto in any manner.
- F. BYC is solely responsible for its own activities, and assumes full and sole responsibility for its own acts and the acts of its employees, officers, agents and vendors.
- G. In the event any one or more of the provisions of this LOE for any reason shall be held to be invalid, illegal or unenforceable, the remaining provisions of this LOE shall be unimpaired.
- H. This LOE may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together will constitute one and the same instrument.

Sincerely,

Barry Jones  
BYC

By the signatures below of their respective authorized representative, the parties agree, as of the Effective Date forth set forth above, to the terms and conditions of this LOE.

---

<b>BYC</b>	<b>Customer:</b>
_____ Signature	_____ Signature
_____ Printed Name	_____ Printed Name
_____ Title	_____ Title

---



# Richland County Council Request of Action

**Subject**

REPORT OF THE SEWER AD HOC COMMITTEE:

- a. Direct staff to provide Council with as much neutral information as possible with regards to the privatization of the system. This may involve engaging a consultant to obtain this information **[ACTION] [PAGES 322-324]**

# Richland County Government

County Administration Building  
2020 Hampton Street  
P.O. Box 192  
Columbia, SC 29202



Phone: (803) 576-2050  
Fax: (803) 576-2137  
TDD: (803) 748-4999

## *Office of the County Administrator*

<b>Damon Jeter</b> District 3	<b>Seth Rose</b> District 5	<b>Torrey Rush</b> District 7	<b>Kelvin E. Washington, Sr.</b> District 10	<b>Norman Jackson</b> District 11
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### **SEWER AD HOC COMMITTEE**

**OCTOBER 25, 2013**  
**9:00 AM**  
**ADMIN CONFERENCE ROOM**

- 1. Call to Order**
- 2. Status of Utilities RFP**
- 3. Discussion: Privatization vs. Selling**
- 4. Recommendations**
- 5. Adjournment**

<b>Selling Utilities System</b>	
<b>Pros</b>	<b>Cons</b>
No more operational costs or responsibility for running the system.	Lose control of growth / where infrastructure goes. (Sprawl, additional costs to County associated with growth)
Private company may have more resources to expand / update / maintain infrastructure.	Lose control of rates.
Potential one-time revenue infusion for the sale of the assets.	Tremendously complicated and complex financial implications – bonds, grants, loans all associated with current system.
Potential for economic development opportunities – if a new company comes in or if a present company expands (new employees; grows tax base; business license revenue)	RIF County employees.
All easements and costs associated with them will transfer. (ie, DOT widens road, company would have to pay for the cost of relocating lines)	Customer service issues. If citizens had complaints, they couldn't come to the County for a resolution – they'd have to go through the Public Service Commission. Private companies = profit based vs. service based.
Private companies run a business every day. This is what they do. There could be system efficiencies, new technology, etc.	Loss of assets – may impact economic development recruitment / retention efforts. Would have to work with third party for ED deals. Would also impact development in general (ie, residential, commercial, etc.)
Not a revenue generator for the county like water / electricity, etc.	EPA / DHEC permits may be harder / more stringent / more costly to obtain.
Eliminates maintenance of infrastructure.	No control over maintenance of the system / quality level.
Potential Franchise Fees.	Lose transparency.
	Prices may actually rise if the service was previously subsidized by the government.
	Privatized company may no longer operate in the public interest. While a county-owned system serves a need, the primary goal of a privately operated company is to make profit. It may make these profits at the expense of its customers without serving them properly.

<b>Privatizing Utilities System</b>	
<b>Pros</b>	<b>Cons</b>
County maintains ownership of the system, but has a private company handle day-to-day management / operations of the system.	Easements and costs associated with them stay with the County. (ie, DOT widens road, County would have to pay for the cost of relocating lines)
County maintains control of growth and rates. (This would be specified in the agreement. Any rate increases / sewer extensions must go through Council for approval.)	RIF County employees.
Private companies run a business every day. This is what they do. There could be system efficiencies, new technology, etc.	County staff must still oversee the contract (ie, ensure contract compliance).
Customer service remains within our control. If citizens have complaints, they come to the County for a resolution.	
County retains assets – assists with economic development recruitment / retention efforts, and development in general.	
County could direct, per the agreement, maintenance of the system / quality level.	
Could replace a contractor who does not perform well.	
Additional revenue for County through taxing former public sector enterprises.	
Maintains transparency.	

# Richland County Council Request of Action

## **Subject**

REPORT OF THE HOSPITALITY TAX REVIEW COMMITTEE: **[PAGES 325-341]**

- a. Adding New Ordinance Agencies: **[PAGE 327]**
  1. Township
  2. Renaissance Foundation
- b. Reviewing equity and allowances related to the Ordinance Agencies and establish a mechanism for annual or every other year review of Ordinance Agency funding **[PAGES 328-336]**
- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds, so as to clarify and revise the language therein **[FIRST READING] [PAGES 339-341]**

# RICHLAND COUNTY COUNCIL



## HOSPITALITY TAX REVIEW COMMITTEE

Damon Jeter  
District 3

Greg Pearce  
District 6

Torrey Rush  
District 7

Jim Manning  
District 8

Norman Jackson  
District 11

**Tuesday, October 28, 2013**

**12:00 PM**

**Admin Conference Room**

- 1. Call to Order**
  
- 2. Adding New Ordinance Agencies: [PAGE 2]**
  - a. Township**
  
  - b. Renaissance Foundation**
  
- 3. Reviewing equity and allowances related to the Ordinance Agencies and establish a mechanism for annual or every other year review of Ordinance Agency funding [PAGES 3-11]**
  
- 4. Other Items**
  
- 5. Adjournment**

### **\*\*Special Accommodations & Interpreter Services\*\***

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at (803) 576-2045 no later than 24 hours prior to the scheduled meeting.

**CRITERIA FOR ADDING NEW AGENCIES TO THE  
RICHLAND COUNTY HOSPITALITY TAX ORDINANCE**

From time to time, Richland County Council may amend the Hospitality Tax Ordinance in order to include new Agencies for annual appropriations. As a general policy, only Agencies that meet the following criteria, at a minimum, shall be considered for inclusion in Hospitality Tax Ordinance:

- a. The Agency shall have a record of generating significant levels of tourism in Richland County, with a special emphasis on promoting tourism in the unincorporated areas of the county;
- b. The Agency shall offer programs that will generate tourism throughout the year;
- c. The Agency shall add to, or otherwise reflect, the diversity of the citizens of Richland County;
- d. The Agency shall be recognized by the South Carolina Secretary of State and be in good standing as a non-profit organization;
- e. The Agency must be deemed eligible to receive funding from the county under all applicable state and federal laws;
- f. The Agency shall have a proven history of fundraising ability, and shall not be reliant on county funding to sustain its annual operations or capital costs;
- g. The Agency shall devote a minimum of 67% of its annual expenses toward programs and services;
- h. The Agency must not receive a significant portion of its annual budget from any other sources of county revenue, including, but not limited to: general fund sources, dedicated taxes, or fees. This requirement shall be waived if the purpose of including the Agency in the Hospitality Tax Ordinance is to replace the existing funding source with Hospitality Tax dollars; and
- i. The Agency must have the organizational capacity to meet all other requirements of the Hospitality Tax Ordinance, including detailed reporting requirements

## CHAPTER 23: TAXATION

## ARTICLE VI. LOCAL HOSPITALITY TAX (Ord. 025-03HR; 5-5-03)

## Sec. 23-65. Definitions. (Ord. 025-03HR; 5-5-03)

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined: (Ord. 040-10HR; 7-6-10)

*Local Hospitality Tax* means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county. (Ord. 025-03HR; 5-5-03) (Ord. 040-10HR; 7-6-10)

*Person* means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals. (Ord. 040-10HR; 7-6-10)

*Prepared Meals and Beverages* means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations. (Ord. 025-03HR; 5-5-03)

*Richland County* means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county. (Ord. 025-03HR; 5-5-03) (Ord. 040-10HR; 7-6-10)

## Sec. 23-66. Local Hospitality Tax.

A local hospitality tax is hereby imposed on the sales of prepared meals and beverages sold in establishments within the incorporated municipalities and the unincorporated areas of the county. The local hospitality tax shall be in an amount equal to two percent (2%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county and within the boundaries of the incorporated municipalities which have consented, by resolution adopted by their governing body, to the imposition of the local hospitality tax in the amount of two percent (2%). The local hospitality tax shall be in an amount equal to one percent (1%) of the gross proceeds of sales of prepared food and beverages sold in establishments located within the boundaries of the incorporated municipalities within the county which do not give their consent to the imposition of the local hospitality tax. Provided, however, the county shall not impose a local hospitality tax on those municipalities that have adopted a two percent (2%) local hospitality tax prior to July 1, 2003. Effective July 1, 2009 through June 30, 2011, the county shall temporarily reduce the local hospitality tax to one percent (1%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county. This temporary suspension shall not affect the hospitality tax rates within the boundaries of any incorporated municipality. (Ord. 025-03HR; 5-5-03) (Ord. 016-09HR; 3-17-09)



**Sec. 23-67. Payment of Local Hospitality Tax.**

(a) Payment of the Local Hospitality Tax established herein shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The County shall promulgate a form of return that shall be utilized by the provider of services to calculate the amount of Local Hospitality Tax collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services. (Ord. 025-03HR; 5-5-03)

(b) The tax provided for in this Article must be remitted to the County on a monthly basis when the estimated amount of average tax is more than fifty dollars (\$50.00) a month, on a quarterly basis when the estimated amount of average tax is twenty-five dollars (\$25.00) to fifty dollars (\$50.00) a month, and on an annual basis when the estimated amount of average tax is less than twenty-five dollars (\$25.00) a month. (Ord. 025-03HR; 5-5-03)

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form and/or other approved revenue documentation, and the hospitality taxes when due, to the County on the 20<sup>th</sup> of the month, or on the next business day if the 20<sup>th</sup> is not a business day. (Ord. 025-03HR; 5-5-03) (Ord. 010-08HR; 3-4-08)

**Sec. 23-68. Local Hospitality Tax Special Revenue Fund.**

An interest-bearing, segregated and restricted account to be known as the “Richland County Local Hospitality Tax Revenue Fund” is hereby established. All revenues received from the Local Hospitality Tax shall be deposited into this Fund. The principal and any accrued interest in this Fund shall be expended only as permitted by this ordinance. (Ord. 025-03HR; 5-5-03)

**Sec. 23-69. Distribution of Funds.**

(a) (1) The County shall distribute the Local Hospitality Tax collected and placed in the “Richland County Local Hospitality Tax Revenue Fund” to each of the following agencies and purposes (“Agency”) in the following amounts during fiscal year 2003-2004: (Ord. 025-03HR; 5-5-03)

Columbia Museum of Art	\$650,000
Historic Columbia	250,000
EdVenture Museum	100,000
County Promotions	200,000

(2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, and EdVenture Museum shall be paid quarterly beginning October 1, 2003. The amount distributed to organizations receiving County Promotions shall be paid to the organization as a one-time expenditure beginning in fiscal year 2008-2009. (Ord. 025-03HR; 5-5-03) (Ord. 001-08HR; 1-8-08) (Ord. 069-08HR; 12-2-08)

(3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must annually submit to the County an affirmative

marketing plan outlining how the agency will use its hospitality tax allocation for tourism promotion in the upcoming fiscal year. The plan shall include a detailed project budget which outlines the agency's proposed use of hospitality tax funds. The marketing plan shall also outline how the agency will promote access to programs and services for all citizens of Richland County, including documentation of "free" or discounted services that will be offered to Richland County residents. In addition, each Agency shall demonstrate a good faith effort to expand programs and events into the unincorporated areas of Richland County. The annual marketing plan shall be due to the County Administrator no later than March 1 of each year. If an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (f) below. (Ord. 025-03HR; 5-5-03) (Ord. 069-08HR; 12-2-08) (Ord. 059-10HR; 9-21-10)

(4) For the amounts distributed under the County Promotions program, funds will be distributed with a goal of seventy-five percent (75%) dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County and in municipal areas where Hospitality Tax revenues are collected by the county. These shall include: (Ord. 069-08HR; 12-2-08) (Ord. 077-09HR; 12-15-09)

- a. Organizations that are physically located in the areas where the county collects Hospitality tax Revenues, provided the organization also sponsors projects or events within those areas;
- b. Organizations that are not physically located in the areas where the county collects Hospitality Tax Revenues; however, the organization sponsors projects or events within those areas; and
- c. Regional marketing organizations whose primary mission is to bring tourists to the region, including the areas where the county collects Hospitality Tax revenues.

(5) In the event Local Hospitality Tax revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's share to be determined by the percentage of the total revenue it would have received had the revenues allowed for full funding as provided in subsection (a)(1) above. (Ord. 025-03HR; 5-5-03) (Ord. 069-08HR; 12-2-08)

(b) In each of fiscal years 2004-2005 and 2005-2006, the Local Hospitality Tax shall be distributed to each Agency named above in the same amounts and on the same terms and conditions, together with a three percent (3%) increase in each of fiscal year 2004-2005 and 2005-2006. (Ord. 025-03HR; 5-5-03)

(c) In fiscal year 2006-2007, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be established in the County's FY 2006-2007 Budget Ordinance. (Ord. 025-03HR; 5-5-03) (Ord. 081-06HR; 9-12-06)

(d) In fiscal years 2007-2008 and 2008-09, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the revenue growth rate as determined by trend analysis of the past three years, but in any event not more than 3%. (Ord. 069-08HR; 12-2-08)

(e) Beginning in fiscal year 2009-2010 and continuing thereafter, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the projected revenue growth rate from the previous year, but in any event not more than 3%. If projected revenues shall decrease from the previous year, the amount distributed to each Agency named above shall be decreased proportionately. In each of fiscal years 2009-2010 and 2010-2011, during which time the local hospitality tax shall be temporarily reduced in the unincorporated areas of the county, the projected growth rates referenced in this subsection shall be based on the projected revenues as if the temporary reduction was not in effect. (Ord. 081-06HR; 9-12-06) (Ord. 069-08HR; 12-2-08) (Ord. 016-09HR; 3-17-09)

(f) All Local Hospitality Tax revenue not distributed pursuant to subsections (a) through (e) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development, construction, promotion, marketing, operations, and financing (including debt service) of the State Farmer's Market (in lower Richland County), Township Auditorium, a new recreation complex (in northern Richland County), recreation capital improvements, Riverbanks Zoo, and other expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended. (Ord. 025-03HR; 5-5-03) (Ord. 081-06HR; 9-12-06) (Ord. 069-08HR; 12-2-08)

#### **Sec. 23-70. Re-distribution of the County's General Fund.**

A portion of the general fund revenue that was historically appropriated for the agencies and purposes identified in Section 23-69, subsections (a) and (d), shall in fiscal year 2004 be appropriated in an amount equivalent to one-quarter mill to each of the following entities, subject to approval of the general fund budget: 1) the Richland County Conservation Commission, and 2) the Neighborhood Redevelopment Commission. Thereafter, beginning in fiscal year 2005, an amount equivalent to one-half mill shall be appropriated to each of these two agencies, subject to approval of the general fund budget. Each such entity shall be established and accounted for as a Special Revenue Fund. There shall be no additions to the Statutory and Contractual Agencies funded through the County's General Fund Budget, except as required by state or federal law. (Ord. 025-03HR; 5-5-03)

#### **Sec. 23-71. Oversight and Accountability.**

The following organizations: the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must submit a mid-year report by January 31 and a final report by July 31 of each year to the Richland County Administrator, which includes a detailed accounting of all hospitality tax fund expenditures and the impact on tourism for the preceding fiscal year, including copies of invoices and proof of payment. The county shall not release hospitality tax funds to any agency unless that agency has submitted an acceptable final report for the previous fiscal year. If an Agency fails to comply with these requirements by the July 31 deadline, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and may be distributed as provided in Section 23-69 (f). (Ord. 001-08HR; 1-8-08) (Ord. 069-08HR; 12-2-08) (Ord. 016-09HR; 3-17-09) (Ord. 059-10; 9-21-10)

Any organization receiving County Promotions funding must comply with all requirements of this article, as well as any application guidelines and annual reporting requirements as established by council, to include a detailed reporting of all grant expenditures. (Ord. 025-03HR; 5-5-03) (Ord. 001-08HR; 1-8-08) (Ord. 069-08HR; 12-2-08) (Ord. 059-10HR; 9-21-10)

**Sec. 23-72. Inspections, Audits and Administration.** (Ord. 025-03HR; 5-5-03)

(a) For the purpose of enforcing the provisions of this article, the County Administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records. (Ord. 040-10HR; 7-6-10)

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due. (Ord. 040-10HR; 7-6-10)

(c) The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records. (Ord. 040-10HR; 7-6-10)

**Sec. 23-73. Assessments of hospitality tax.** (Ord. 010-08HR; 3-4-08)

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein. (Ord. 040-10HR; 7-6-10)

(b) Assessments of hospitality taxes and/or penalties, which are based upon records provided by businesses, shall be conveyed in writing to businesses. If a business fails to provide records as required by this Article or by the Business Service Center, the tax assessment shall be served by certified mail. Within five (5) business days after a tax assessment is mailed or otherwise conveyed in writing, any person who desires to have the assessment adjusted must make application to the Business Service Center for reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment. (Ord. 040-10HR; 7-6-10)

(c) A final assessment may be appealed to the County Council, provided that an application for reassessment was submitted within the allotted time period of five business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final. (Ord. 040-10HR; 7-6-10)

(d) Requests for waivers of penalties, as described in Sec. 23-74 (b), shall be submitted to the Business Service Center Director simultaneously with corroborating documentation relating to the validity of the appeal within five (5) business days of receipt of a tax assessment. The Director shall determine if the provided documentation confirms the circumstances permitting a waiver of penalties as described in the aforementioned section. A decision shall be provided in writing within five (5)

business days of the receipt of the request. Businesses wishing to appeal the decision of the Business Service Center Director may appeal to the Richland County Council within five (5) business days of receipt of the Director's decision. (Ord. 040-10HR; 7-6-10)

**Sec. 23-74. Violations and Penalties.** (Ord. 025-03HR; 5-5-03) (Ord. 010-08HR; 3-4-08)

(a) It shall be a violation of this Article to:

- (1) fail to collect the Local Hospitality Tax as provided in this Article,
- (2) fail to remit to the County the Local Hospitality Tax collected, pursuant to this Article,
- (3) knowingly provide false information on the form of return submitted to the County, or
- (4) fail to provide books and records to the County Administrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person. No more than six months of penalties shall be waived. (Ord. 025-03HR; 5-5-03) (Ord. 010-08HR; 3-4-08) (Ord. 040-10HR; 7-6-10)

- (1) An unexpected and unavoidable absence of the person from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the hospitality tax. (Ord. 040-10HR; 7-6-10)
- (2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality tax owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the hospitality tax. (Ord. 040-10HR; 7-6-10)
- (3) The hospitality tax was documented as paid on time, but inadvertently paid to another taxing entity. (Ord. 040-10HR; 7-6-10)
- (4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of hospitality taxes, over which the person had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of hospitality tax penalties. (Ord. 040-10HR; 7-6-10)
- (5) The delinquency was the result of clear error on the part of the Business Service Center or Treasurer's Office staff in processing or posting receipt of the person's payment(s). (Ord. 040-10HR; 7-6-10)

- (6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either of these offices, no change in the law occurred, and the person produces written documentation. (Ord. 040-10HR; 7-6-10)

(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provision of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided herein. (Ord. 010-08HR; 3-4-08)

Hospitality Tax Budget

	FY10 Approved	FY11 Approved	FY12 Approved	FY13 Approved	FY14 Approved
<b>Annual Appropriations</b>					
<i>Expenditure Detail</i>					
Columbia Museum of Art	695,002	648,437	667,890	687,926	702,372
Historic Columbia Foundation	267,309	249,399	256,881	264,587	270,143
EdVenture	106,923	99,759	102,752	105,834	108,057
County Promotions (Grant Program)	328,203	296,558	330,454	340,368	347,516
<i>Sub-total Annual Agency Commitment</i>	<u>1,397,437</u>	<u>1,294,153</u>	<u>1,357,977</u>	<u>1,398,715</u>	<u>1,428,088</u>
Township Maintenance	50,078	50,078	68,728	68,728	70,171
Cost Allocation		433,989	433,989	433,989	770,000

Other Discretionary Council Promotions:

*Note: Some amounts were in addition to Promotions award amount*

Appearance Commission - Ft. Jackson Entry	40,000				
Auntie Karen Foundation				13,030	
Benedict College			6,877		
Black Expo			16,000		
Black Pages				35,044	45,600
Blythewood BBQ Event					25,000
Broad River Fest/3 Rivers				5,000	95,725
Carolina Sunsplash					65,000
Caughman Pond Property			900,000		1,400,000
Columbia Chamber of Commerce - Friends of Our Forces					27,479
Columbia Classical Ballet				4,978	
Columbia International Festival			13,224	23,000	42,500
Columbia Metropolitan Convention & Visitor	200,000				50,000
Diamond Day					15,000
EdVenture			250,000	130,000	
Famously Hot New Year				15,000	
Fight Night					30,000
Glow in the Dark Golf Tournament					50,000
Historic Columbia Renovations			750,000	250,000	
Kingville Historic Foundation				16,018	81,000
Lake Murray Tourism	56,162			50,000	49,000
Lower Richland Sweet Potato Festival			50,000	50,044	50,000
Main St. Latin Fest					41,000
Nickelodeon			250,000		125,000
North Columbia Business Association Cornbread Fest					11,000
Office of Public Information	100,000				
Palmetto City Classic				20,000	
Parenting Solo				45,000	
Recreational Complex (From designated fund balance)			250,000		
Renaissance Foundation	200,000	100,000	100,000	100,000	100,000
SCALE, Inc.					56,000
SC HIV/AIDS Council					7,000
SC State Museum Capital Campaign	250,000	250,000	250,000	250,000	

SERCO	237,500		185,000	178,883	253,800
SERCO Subrecipients		237,500			
SIAC Tournament				25,000	
Sparkleberry Country Fair				2,883	8,800
St. Andrews BBQ Event					25,000
Township	281,448		200,000	250,000	229,829
Unallocated					
Woodcreek Classic				650	
<i>Sub-total Other Discretionary</i>	<u>1,365,110</u>	<u>587,500</u>	<u>3,221,101</u>	<u>1,464,530</u>	<u>2,883,733</u>
Sub-total	2,812,625	2,365,720	5,081,795	3,365,962	5,151,992
<u>Debt Service Capital Projects:</u>	<u>1,966,920</u>	<u>1,962,392</u>	<u>1,966,352</u>	<u>1,968,368</u>	<u>1,500,000</u>
(Township Renovations (\$12m), Farmers Market - Land (\$3.5m), Farmers Market - Land refunded w/vendor payments (\$1m), Recreation Complex Land)					
Debt Service for New Project			1,072,954	1,072,954	
Professional Services - Caughman Pond				50,000	
Reserved for Future Use				250,000	
<b>Total Expenditure</b>	<b>4,779,545</b>	<b>4,328,112</b>	<b>8,121,101</b>	<b>6,707,284</b>	<b>6,651,992</b>



**Hospitality Tax Review Committee Meeting  
October 28, 2013, Noon**

Council Attending: Jeter, Pearce, Rush, Manning, Jackson and Washington\* (via phone)

\*Not a Committee Member

Staff Attending: Salley, Ancheta, McDonald, Onley, Driggers, and Farrar

2. Adding new ordinance agencies
  - A. Township - **Recommendation:** Township should be considered for funding as a millage agency or Hospitality Tax ordinance agency as opposed to receiving Hospitality Tax funds on an annual basis. **This recommendation was approved and forwarded to Council. (Ordinance revision will be provided depending on Council vote).**
  - B. Renaissance Foundation - **No action**
  
3. Reviewing equity and allowances related to the Ordinance Agencies and establish a mechanism for annual or every other year review of Ordinance Agency funding
  - **Recommendation:** Ordinance agencies and other H-Tax funded organizations shall submit the same end reporting information (ie, check stubs / check register). **This recommendation was approved and forwarded to Council. (No ordinance change needed)**
  - To make H-Tax Ordinance agency funding amounts flexible, remove ordinance language discussing annual, automatic CPI-based increases and decreases. **Recommendation:** Allow, in the budget process, the consideration of the budget amounts that are in the Hospitality Tax Ordinance (Columbia Museum of Art, Historic Columbia Foundation, EdVenture, and County Promotions) and have them on the floor each year for discussion and recommendation. **This recommendation was approved and forwarded to Council. (Title only reading on 11/5. Ordinance language will be presented at second reading on 11/19)**
  - Forward to the FY15 budget process, "Manning 2" proposal that is based on the following amounts:

			Manning 2 - Using Approved FY14 Amounts and Reducing Just Under \$100K from CMA		
	FY13 Approved	FY14 Approved	% Breakdown FY14 Approved	Manning 2	% Breakdown Manning 2
Columbia Museum of Art	687,926	702,372	49%	605,572	42%
Historic Columbia Foundation	264,587	270,143	19%	300,000	21%
EdVenture	105,834	108,057	8%	150,000	11%

County Promotions (Grant Program)

340,368	347,516	24%	372,516	26%
<hr/>				
1,398,715	1,428,088	100%	1,428,088	100%

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-69, DISTRIBUTION OF FUNDS, SO AS TO CLARIFY AND REVISE THE LANGUAGE THEREIN.

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 23, Taxation; Article VI. Local Hospitality Tax; Section 23-69. Distribution of Funds, is hereby amended to read as follows:

Sec. 23-69. Distribution of funds.

(a) (1) The county shall distribute the Local Hospitality Tax collected and placed in the "Richland County Local Hospitality Tax Revenue Fund" to each of the following agencies and purposes ("Agency) in the following amounts during fiscal year 2003-2004:

Columbia Museum of Art	\$650,000
Historic Columbia	\$250,000
EdVenture Museum	\$100,000
County Promotions	\$200,000

(2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, and EdVenture Museum shall be paid quarterly beginning October 1, 2003. The amount distributed to organizations receiving County Promotions shall be paid to the organization as a one-time expenditure beginning in Fiscal Year 2008-09.

(3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must annually submit to the County an affirmative marketing plan outlining how the agency will use its hospitality tax allocation for tourism promotion in the upcoming fiscal year. The plan shall include a detailed project budget which outlines the agency's proposed use of hospitality tax funds. The marketing plan shall also outline how the agency will promote access to programs and services for all citizens of Richland County, including documentation of "free" or discounted services that will be offered to Richland County residents. In addition, each Agency shall demonstrate a good faith effort to expand programs and events into the unincorporated areas of Richland County. The annual marketing plan shall be due to the County Administrator no later than March 1 of each year. If an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (f) below.

(4) For the amounts distributed under the County Promotions program, funds will be distributed with a goal of seventy-five percent (75%) dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County and in municipal areas where Hospitality Tax revenues are collected by the county. These shall include:

a. Organizations that are physically located in the areas where the county collects Hospitality Tax revenues, provided the organization also sponsors projects or events within those areas;

b. Organizations that are not physically located in the areas where the county collects Hospitality Tax Revenues; however, the organization sponsors projects or events within those areas; and

c. Regional marketing organizations whose primary mission is to bring tourists to the region, including the areas where the county collects Hospitality Tax Revenues.

(5) In the event Local Hospitality Tax Revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's share to be determined by the percentage of the total revenue it would have received had the revenues allowed for full funding as provided in subsection (a)(1) above.

(b) In each of fiscal years 2004-2005 and 2005-2006, the Local Hospitality Tax shall be distributed to each Agency named above in the same amounts and on the same terms and conditions, together with a three percent (3%) increase in each of fiscal year 2004-2005 and 2005-2006.

(c) In fiscal year 2006-2007, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be established in the County's FY 2006-2007 Budget Ordinance.

(d) In fiscal years 2007-2008 and 2008-09, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the revenue growth as determined by trend analysis of the past three years, but in any event not more than 3%.

(e) Beginning in fiscal year 2009-2010 and continuing thereafter, the amount of Local Hospitality Tax to be distributed ~~annually~~ to each Agency named above shall be **as determined by County Council annually during the budget process or whenever County Council shall consider such distribution or funding.** ~~increased based on the projected revenue growth rate from the previous year, but in any event not more than 3%. If projected revenues shall decrease from the previous year, the amount distributed to each Agency named above shall be decreased proportionately. In each of the fiscal years 2009-2010 and 2010-2011, during which time the local hospitality tax shall be temporarily reduced in the unincorporated area of the county, the projected growth rates referenced in this subsection shall be based on the projected revenue as if the temporary reduction was not in effect.~~

(f) All Local Hospitality Tax revenue not distributed pursuant to subsections (a) through (e) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development, construction, promotion, marketing, operations, and financing (including debt service) of the State Farmer's Market (in lower Richland County), Township Auditorium, a new recreation complex (in northern Richland County), recreation capital improvements, Riverbanks Zoo, and other expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended.

(Ord. No. 025-03-HR, § I, 5-6-03; Ord No. 081-06HR, § I, 9-12-06; Ord. No. 001-08HR, § I, 1-8-08; Ord. No. 069-08HR, § I, 12-2-08; Ord. No. 016-09HR, § II, 7-1-09; Ord. No. 077-09HR, § I, 12-15-09; Ord. No. 059-10HR, § I, 9-21-10)

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

SECTION III. Conflicting Ordinances. 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 \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST this the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Michelle Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

**Subject**

REPORT OF THE JAIL AD HOC COMMITTEE:

- a. Management/Operational Study Contract

# Richland County Council Request of Action

**Subject**

Authorizing the use of a portion of funds to be reimbursed to the County by the Central Midlands Regional Transit Authority (CMRTA) as the local match for a study of Rural Transit Services to be conducted by the Central Midlands Council of Governments (CMCOG) **[PAGES 343-345]**

A RESOLUTION

AUTHORIZING THE USE OF A PORTION OF FUNDS TO BE REIMBURSED TO THE COUNTY BY THE CENTRAL MIDLANDS REGIONAL TRANSIT AUTHORITY (CMRTA) AS THE LOCAL MATCH FOR A STUDY OF RURAL TRANSIT SERVICES TO BE CONDUCTED BY THE CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS (CMCOG)

WHEREAS, pursuant to a Resolution adopted by Richland County Council on July 18, 2013, the County authorized the CMRTA to work with the CMCOG, the South Carolina Department of Transportation (SCDOT) and the Federal Transit Administration (FTA) on a study of rural transit services (the "Study") throughout the County, said Study to be undertaken by CMCOG; and

WHEREAS, the cost of the Study has been determined to be \$100,000, eighty percent of which will be paid by an FTA grant, leaving a local match requirement of \$20,000 (the "Match"); and

WHEREAS, beginning in the first calendar quarter of 2014, the CMRTA will begin reimbursing the County the amount of the County's contribution to the CMRTA for the months of May and June, 2013 (the "Reimbursement"); and

WHEREAS, because the source of the funds provided to the CMRTA was the County's mass transit fee, the use of a portion of the Reimbursement for the Study related to rural transit services is appropriate.

NOW, THEREFORE, BE IT RESOLVED BY RICHLAND COUNTY COUNCIL as follows:

1. The County will provide the Match in an amount not to exceed \$20,000 for the Study of rural transit services to be undertaken by the CMCOG with the source of funding for the Match to be a portion of the Reimbursement from the CMRTA.

2. The Chair of County Council, the Interim Clerk to County Council, the County Administrator, the County Attorney and any other appropriate County officials are each authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this Resolution.

3. If any section, subsection or clause of this Resolution is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.



4. To the extent this Resolution contains provisions that conflict with provisions contained in other Richland County resolutions, policies, procedures and actions, the provisions contained in this Resolution supersede all other provisions and this resolution is controlling.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Kelvin Washington, Chair  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2013:

\_\_\_\_\_  
Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

# Richland County Council Request of Action

## **Subject**

- a. Richland County will perform a County-wide disparity study **[WASHINGTON]**
- b. Richland County will develop a "Water & Sewer Authority" **[WASHINGTON]**
- c. The County will hire an expert in the field of hydrology to develop a plan and be responsible for implementation of drainage and ditch program **[WASHINGTON]**
- d. To add to the Internal Audit List the following departments: Planning and Human Resources **[DIXON]**
- e. Move that Council fund the County Sheriff's Office as needed to implement the Richland County Sheriff's Department public safety plan for the 5 Points area in coordination with the Columbia Police Department and other law enforcement agencies **[ROSE]**
- f. Move to explore other programs for at risk youth that have been successful in other jurisdictions to curb gang and/or crime affiliation by youth **[ROSE]**
- g. Resolution Acknowledging Richland County and South Carolina's Sexual Trauma Statistics **[MANNING]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda

# Richland County Council Request of Action

## **Subject**

Motion Period:

a. All entities who submit annual budget requests to Richland County and receive funding based on that request will submit an annual report prior to the budget meetings that show additional funds received that year from all other sources, including in-kind contributions. The purpose of this motion is to have every agency receiving budget funds from taxpayer monies being treated equal. **[MALINOWSKI]**