

**RICHLAND COUNTY**  
**COUNTY COUNCIL AGENDA**



**Tuesday, APRIL 07, 2020**

**6:00 PM**

**COUNCIL CHAMBERS**

# RICHLAND COUNTY COUNCIL 2020



Bill Malinowski  
District 1  
2018-2022



Joyce Dickerson  
District 2  
2016-2020



Yvonne McBride  
District 3  
2016-2020



Paul Livingston  
District 4  
2018-2022



Allison Terracio  
District 5  
2018-2022



Joe Walker, III  
District 6  
2018-2022



Gwendolyn Kennedy  
District 7  
2016-2020



Jim Manning  
District 8  
2016-2020



Calvin "Chip" Jackson  
District 9  
2016-2020



Dalhi Myers  
District 10  
2016-2020



Chakisse Newton  
District 11  
2018-2022





Richland County Council

Regular Session  
April 07, 2020 - 6:00 PM  
Council Chambers  
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER**

The Honorable Paul Livingston,  
Chair Richland County Council

  - a. ROLL CALL
2. **INVOCATION**

The Honorable Allison Terracio
3. **PLEDGE OF ALLEGIANCE**

The Honorable Allison Terracio
4. **PRESENTATION OF RESOLUTIONS**

The Honorable Paul Livingston

  - a. 2020 Census Proclamation [PAGE 9]
5. **APPROVAL OF MINUTES**

The Honorable Paul Livingston

  - a. Regular Session: March 17, 2020 [PAGES 10-18]
  - b. Special Called Meeting: March 31, 2020 [PAGES 19-41]
6. **ADOPTION OF AGENDA**

The Honorable Paul Livingston
7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

Larry Smith,  
County Attorney

  - a. Richland County vs. SC Dept. of Revenue Update
8. **CITIZEN'S INPUT**

The Honorable Paul Livingston

  - a. For Items on the Agenda Not Requiring a Public Hearing
9. **CITIZEN'S INPUT**

The Honorable Paul Livingston

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at time.)

**10. REPORT OF THE COUNTY ADMINISTRATOR**

Leonardo Brown,  
County Administrator

- a. Coronavirus Update

**11. REPORT OF THE CLERK OF COUNCIL**

Kimberly Williams-Roberts,  
Clerk to Council

**12. REPORT OF THE CHAIR**

The Honorable Paul Livingston

- a. Contractual Matter

**13. OPEN / CLOSE PUBLIC HEARINGS**

The Honorable Paul Livingston

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to codify the 2018 Editions of the International Residential Code, the International Building Code, the International Fire Code, the International Plumbing Code, the International Fuel Gas Code, the International Mechanical Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2009 South Carolina Energy Conservation Code, and the 2017 National Electric Code (NFPA 70)

**14. APPROVAL OF CONSENT ITEMS**

The Honorable Paul Livingston

- a. 20-002MA  
Tommy Wood  
RS-MD to GC (1.46 Acres)  
7220 Frost Avenue  
TMS # R09402-02-01(p) [THIRD READING] [PAGES 42-43]
- b. 20-004MA, Deborah Stratton, RU to NC (2.17 acres),  
4133 Clemson Road, TMS# R20281-01-27 [THIRD READING] [PAGES 44-45]
- c. 20-005 MA, Angie Dodson, NC to GC (1.46 acres), 1526  
Leesburg Road, TMS# R16415-07-04 [THIRD READING] [PAGES 46-47]

**15. SECOND READING ITEMS**

The Honorable Paul Livingston



- a. Approving the sale of certain property located on Farrow Road; and other related matters [PAGES 48-50]

**16. REPORT OF DEVELOPMENT & SERVICES COMMITTEE**

The Honorable Allison Terracio

**17. REPORT OF ADMINISTRATION & FINANCE COMMITTEE**

The Honorable Joyce Dickerson

**18. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

The Honorable Calvin Jackson

- a. A Resolution Authorizing the Administration by the County of certain grant funds from the South Carolina Department of Commerce [PAGES 51-53]
- b. A Resolution Authorizing the extension of an Option Agreement between Richland County, South Carolina and Garners Ferry Development Company and other matters related thereto [PAGES 54-56]
- c. Consenting to the partial assignment and assumption of a fee in lieu of tax and incentive agreement from PPT Real Estate Enterprises, L.P. to Stag Industrial Holdings, LLC; and other related matters [PAGES 57-79]
- d. Authorizing, approving, ratifying and consenting to the partial assignment and assumption of an infrastructure credit and incentive agreement from Pure Power Technologies, Inc. to PPT Real Estate Enterprises, L.P.; authorizing, approving, ratifying and consenting to the partial assignment and assumption of an infrastructure credit and incentive agreement from PPT Real Estate Enterprises, L.P. to Stag Industrial Holdings, LLC; and other related matters [PAGES 80-102]

**19. REPORT OF THE DETENTION CENTER AD HOC COMMITTEE**

**20. REPORT OF THE CORONAVIRUS AD HOC COMMITTEE**

**21. OTHER ITEMS**

The Honorable Paul Livingston

- a. Mitigation Bank Credit Sales- City of Sumter, Shot Pouch Greenway [ACTION] [PAGES 103-159]
- b. Richland County Sheriff's Department - Forensic Laboratory Information Management System (LIMS) Grant [PAGES 160-162]

- c. Resolution requesting PrismaHealth to provide information to the public regarding the impending acquisition of Providence Hospital, Providence Hospital -Northeast, Kershaw Health and Providence Health -Fairfield Emergency Room
- d. A Resolution to appoint and commission Jason Michael Jensen as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County [ACTION] [PAGE 163]
- e. A Resolution to appoint and commission Jameela Darcell Bryant as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County [ACTION] [PAGE 164]
- f. Constituent Update - Using Tele-Town Hall Meeting
- g. FY21 Budget Amendment Calendar [ACTION] [PAGES 165-170]
- h. Richland County and Columbia Rowing Club 5 –year Operating Agreement Renewal [ACTION] [PAGES 171-373]
- i. Change Orders for CDBG-DR Rehabilitation Projects [ACTION] [PAGES 374-408]
- j. Coronavirus (COVID-19) Hospitality Tax Relief Amendment [FIRST READING] [PAGES 409-410]
- k. Coronavirus (COVID-19) Emergency Ordinance and Resolutions [ACTION]
  1. A Resolution of the Richland County Council calling upon Governor Henry McMaster to issue a mandatory stay at home order for the State of South Carolina for a minimum fourteen day period or for such further period of time as may be deemed necessary and appropriate by the South Carolina Department of Health and Environmental Control [MANNING] [PAGES 411-412]
  2. A Resolution affirming Federal and State guidance in response to the Coronavirus Disease (COVID-19) and encouraging the citizens of Richland County to continue to thrive in their resilience and vigilant observance of practical measures to preserve public health [WALKER] [PAGES 413-416]
  3. An Emergency Ordinance implementing the guidance and recommendations of the United States Government, the Government of the State of South Carolina, and public health professionals in response to the Coronavirus (COVID-19) Pandemic for the protection of individuals in Richland County, and implementing social

distancing measures to achieve the intent thereof [FIRST  
READING] [PAGES 417-427]

**22. EXECUTIVE SESSION**

Larry Smith,  
County Attorney

**23. MOTION PERIOD**

**24. 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.

SOUTH CAROLINA     )  
  )  
COUNTY OF RICHLAND    )

**A PROCLAMATION**

**A PROCLAMATION FOR THE 2020 CENSUS PARTNERSHIP**

**WHEREAS**, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

**WHEREAS**, Richland County is committed to ensuring every resident is counted; and

**WHEREAS**, federal and state funding are allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; and

**WHEREAS**, census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts; and

**WHEREAS**, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment; and

**WHEREAS**, the information collected by the census is confidential and protected by law; and

**WHEREAS**, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our citizens; and

**NOW, THEREFORE, BE IT PROCLAIMED** that Richland County is committed to a partnership with the U.S. Census Bureau and the State of South Carolina and will:

1. Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information.
2. Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.
3. Provide Census advocates to speak to County and Community Organizations.
4. Support census takers as they help our County complete an accurate count.
5. Strive to achieve a complete and accurate count of all persons within our borders

Adopted in **RICHLAND COUNTY** South Carolina this **7th** day of **APRIL 2020**.

  
\_\_\_\_\_  
Paul Livingston – Chair

\_\_\_\_\_  
Kim W. Roberts – Clerk to Council





## Richland County Council

REGULAR SESSION

March 17, 2020

Council Chambers

2020 Hampton Street, Columbia, SC 29204

**COUNCIL MEMBERS PRESENT:** Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Calvin “Chip” Jackson, Gwen Kennedy, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio and Joe Walker

**OTHERS PRESENT:** Michelle Onley, Kimberly Williams-Roberts, Ashiya Myers, Ashley Powell, Angela Weathersby, , Stacey Hamm, Beverly Harris, Leonardo Brown, Larry Smith, Dwight Hanna, Ronaldo Myers, and Quinton Epps

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.

Mr. Livingston stated Council is very concerned and cautious about their efforts to protect our community. After this meeting, this body will decide how it will conduct future meetings, and the public will be informed of those efforts. There was a press conference earlier today, and additional information is available on the County’s website.

2. **INVOCATION** – The Invocation was led by the Honorable Gwen Kennedy

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Gwen Kennedy

Ms. Myers stated, on behalf of Mr. Livingston and her colleagues, she wanted to note, earlier this afternoon we held a press conference to make the community aware of the measures the County was taking to protect the health and safety of the citizens of Richland County. Among those, the emergency measure that has been undertaken, allows us to hold this meeting in a very different way than what the public, and all of us, are used to. That is why people are allowed to call in this evening, and we are allowed to accept their votes for a regularly scheduled meetings. Between the time of the press conference and now, Governor McMaster has changed the SC State protocol from no more than 10 people in a room to no more than 50. We are still relying on our good sense, and adherence to CDC guidelines to make sure we protect the health and safety of everyone. We are operating under emergency procedures so things will look a little bit more relaxed, in terms of how we conduct the meeting.

Mr. Walker stated he would like for those participating by phone be allowed to participate in Executive Session, as well.

Mr. Malinowski stated, in his opinion, we are within the City of Columbia confines, and the City of Columbia has set certain guidelines, which we are not following. He does not believe we are following the CDC regulations, nor the Presidential guidelines.

Mr. Livingston stated, after meeting with the Administrator, there were some crucial issues we need to move forward.

4. **APPROVAL OF THE MINUTES**

- a. Regular Session: February 18, 2020 – Ms. Kennedy moved, seconded by Ms. Dickerson, to approve the February 18<sup>th</sup> and March 3<sup>rd</sup> minutes as distributed.

Mr. Malinowski made a substitute motion to deny the approval of the March 3<sup>rd</sup> minutes because we are not following Council Rules, yet we are approving minutes that go against Council Rules. He specifically referred to Rule 5.21 – Voting. There were 15 items voted on at the last meeting. Of those 15 items, there were 21 “Present but Not Voting” and 5 “Abstaining”, which were not covered according to the rules.

Mr. Walker moved, seconded by Mr. Malinowski, to divide the question.

In Favor: Terracio, Malinowski, Kennedy, Walker and Livingston

Opposed: Myers, Dickerson and McBride

The vote was in favor to divide the question.

Mr. Walker moved, seconded by Ms. Terracio, to approve the minutes as distributed.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Walker, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

- b. Regular Session: March 3, 2020 – Mr. Malinowski moved, seconded by Mr. Walker, to deny approval of the minutes until there is conformity with Council Rules.

In Favor: Terracio, Malinowski and Walker

Opposed: Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The motion failed.

Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as distributed, and request those Council members abstaining provide their reason for abstaining to the Clerk’s Office by the close of business this week.

In Favor: Terracio, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Opposed: Malinowski and Walker

Present but Not Voting: Manning

The vote was in favor.

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5. **ADOPTION OF THE AGENDA** – Ms. Myers moved, seconded by Ms. Kennedy, to remove Items 15(a): “Approving the sale of certain property located on Farrow Road, and other related matters” and 17(a): “Mitigation Bank Credit Sales – City of Sumter, Shot Pouch Greenway”.

Ms. Terracio moved, seconded by Mr. Malinowski, to defer the Public Hearings and Third Reading Items until the April 7<sup>th</sup> Council meeting.

Mr. Livingston responded, it is his understanding, those items are time-sensitive.

Ms. Terracio stated Item 14(b): “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to Washington & Assembly, LLC; and other related matters “ is on the City of Columbia’s agenda for First Reading. She is not sure deferring this item for 2 weeks will put them behind.

Ms. Dickerson stated we do not know if we will be here in 2 weeks, and if the Administrator and Chair deemed these 2 items were time-sensitive, then that is what she is relying on. She further stated she is not a follower of the City.

In Favor: Terracio, Malinowski, Myers, Newton and Walker

Opposed: Jackson, Manning, Kennedy, Dickerson, Livingston and McBride

The motion to defer the Public Hearings and Third Reading Items failed.

Mr. Manning moved, seconded by Ms. McBride, to defer Item 17(c): “Resolution requesting PrismaHealth to provide information to the public regarding the impending acquisition of Providence Hospital, Providence Hospital -Northeast, Kershaw Health and Providence Health -Fairfield Emergency Room”.

Mr. Manning withdrew his motion.

Ms. Myers moved, seconded by Ms. McBride, to move Executive Session up in the agenda to take it up immediately following Adoption of the Agenda.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Kennedy, Dickerson, Livingston and McBride

Present but Not Voting: Manning

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. McBride, to adopt the agenda as amended.

In Favor: Jackson, Myers, Kennedy Walker, Dickerson, Livingston and McBride

Opposed: Terracio and Malinowski

Present but Not Voting: Newton and Manning

The vote was in favor.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

Mr. Livingston stated tonight’s meeting is a regularly scheduled meeting; thus Council Rules need to be overridden to allow Council members to call in. Per the emergency powers bestowed him, as Chair, he is waiving the rule and Council members will be allowed to participate via telephone. Additionally, Council Rules do not allow Council members to participate in Executive Sessions via telephone. Based upon the powers invested in me by the Emergency Declaration, he will waive the rules tonight for any Council member who will take the following oath, and have it electronically recorded by the Clerk of Council. The oath is as follows: “I do solemnly swear, and affirm, that I will only participate in Executive Session portion of the meeting by telephone in solidarity and privacy. To totally ensure that no person, other than myself, and hear any portion of the conversation. Both what I say, and what would possibly be heard on my end of the telephone line.”

Unfortunately, this is a Council Rule because there a lot of legal/propriety information, and we have no way of knowing who else is on the other line. Mr. Livingston believes these are different circumstances, and we have important agenda items for Executive Session. He requested Council to consider his proposal, so we can allow those Council members to participate.

Mr. Malinowski stated anyone who has the number the Council members called in on can call into, and we would not know they are there as long as they are quiet. Therefore, anyone on the phone line can be listening in on what is discussed.

Ms. Powell stated it is true the phone line cannot be moderated, so someone could be listening in.

Mr. Malinowski stated, for security purposes, he would not like to have the Council members on the phone to participate in Executive Session.

Ms. Dickerson inquired if IT could have given Council members a private number to call into.

Ms. Powell stated we could initiate a 3-way call and it would be secure, unless someone is seated with a Council member.

a. **Richland County vs. SC Dept. of Revenue Update**

Ms. Dickerson moved, seconded by Ms. Myers to go into Executive Session.

In Favor: Terracio, Newton, Jackson, Myers, Manning, Dickerson, Livingston and McBride

Opposed: Malinowski, Kennedy and Walker

The vote was in favor of going into Executive Session.

***Council went into Executive Session at approximately 6:36 PM and came out at approximately 7:21 PM***

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Kennedy, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous to come out of Executive Session.

a. **Richland County vs. SC Dept. of Revenue Update** – Ms. Myers moved to approve and instruct staff to resolve these issues fully, and finally, as outlined in the agreement.

Mr. Smith stated he believes there was a small amendment made by Ms. Terracio, which needs to be added to the motion.

Ms. Myers moved, seconded by Ms. Terracio, to approve the settlement agreement, as outlined and discussed in Executive Session, including the amendments suggested by Ms. Terracio.

In Favor: Terracio, Newton, Myers, Kennedy and Walker

Opposed: Malinowski, Jackson, Manning, Dickerson, Livingston and McBride

The motion failed.

Ms. Myers inquired what we are to instruct staff to do since this motion failed.

Mr. Livingston suggested staff go back and state where we are, and see if we can engage in mitigation or arbitration.

Ms. Terracio stated her colleagues are mostly concerned about #7 in the settlement agreement.

Ms. Terracio moved to reconsider this item and remove #7 in the settlement agreement for renegotiation.

Mr. Livingston stated according to Council Rules you have to be on the prevailing side.

Mr. Jackson moved, seconded by Mr. Manning, to reconsider this item.

In Favor: Terracio, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski

Present but Not Voting: Kennedy

The vote was in favor of reconsidering this item.

Mr. Smith stated it would be appropriate for Council to go back into Executive Session to explain the effect of the motion to delete #7 from the settlement agreement.

Ms. Dickerson stated those things may not affect some of the Council members, but it will have a devastating effect on her.

Ms. Kennedy moved, seconded by Ms. Terracio, to go into Executive Session.

In Favor: Terracio, Jackson, Newton, Kennedy, Manning, Dickerson, Livingston and McBride

Opposed: Malinowski, Myers and Walker

The vote was in favor to go into Executive Session.

***Council went into Executive Session at approximately 7:34 PM and came out at approximately 8:19 PM***

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Ms. Dickerson stated when we are in Executive Session we cannot take notes; however, it appeared one of her colleagues was recording Executive Session. She wants to verify if that did or did not happen.

Mr. Livingston stated he will follow up on that matter.

Ms. Terracio moved, seconded by Ms. Dickerson, to present the proposal, with the removal of #7 from the settlement agreement, to the Department of Revenue, and instruct the County Attorney to enter into conversation with them regarding the concerns of Council members, as shared in Executive Session.

Mr. Malinowski made a substitute motion, seconded by Mr. Livingston, to direct Legal to look into mediation to potentially resolve this matter.

Ms. Myers stated mediation is always available; therefore, she would like additional information on what we are directing Legal to do. In essence, are we directing them not to return the settlement agreement?

Mr. Malinowski responded in the affirmative, and enter into mediation regarding the dollar amounts and terms of concern discussed in Executive Session.

In Favor: Malinowski, Kennedy, Manning, Dickerson, Livingston and McBride

Opposed: Terracio, Jackson, Newton, Myers and Walker

The vote was in favor of the substitute motion.

7. **CITIZENS' INPUT**

- a. For Items on the Agenda Not Requiring a Public Hearing – Ms. Maria Walrath expressed her concern regarding Item 14(b): “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to 604 Huger, LLC; and other related matters”.

8. **CITIZENS' INPUT**

- a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time.) – Ms. Sue Kanipe expressed her concern for affordable housing in Richland County.

9. **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Coronavirus Update – Mr. Brown stated just before coming to tonight’s meeting, he was made aware there is a confirmed COVID-19 case in Richland County. Based on the County’s plan that triggers a different step. At this point, he cannot sit before Council and recommend the County remain open. His suggestion would be to limit only those employees that are essential, and essential services to remain operational.

In addition, the City of Columbia has enacted a curfew to begin on Wednesday, March 18<sup>th</sup> that will restrict travel and public gatherings from 11:00 PM until 6:00 AM, with the exception of persons

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traveling to and from work, or healthcare. The following persons are exempted and free to travel or carry out their duties: police officers, firefighters, active duty military, healthcare providers, public works and utility works employed by any public utility.

Ms. Myers suggested, any definition Mr. Brown is drafting, of essential staff be drafted to include staff connected to senior feeding, so the Senior Resources offices that provide the meals would not be deemed non-essential. Secondly, the Sheriff has communicated that he is not in favor of a curfew for unincorporated Richland County.

Ms. McBride recommended Mr. Brown draft a letter to DHEC because they should have notified the County about the confirmed COVID-19 case in the County, and would appreciate being notified in the future.

Mr. Malinowski moved, seconded by Ms. McBride, to adjourn the meeting.

Ms. Dickerson stated she gets irritated every time we are following the City. When the City is notified, the County should be notified.

In Favor: Terracio, Malinowski, Jackson, Kennedy and McBride

Opposed: Myers, Newton, Dickerson and Livingston

The vote was in favor of adjourning the meeting.

10. **REPORT OF THE CLERK OF COUNCIL**

- a. Virtual Transportation Program Community Meeting, March 19, 6:00 – 7:30 PM, Council Chambers – This item was not taken up.

11. **REPORT OF THE CHAIR** – No report was given.

12. **OPEN/CLOSE PUBLIC HEARINGS**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to Washington & Assembly, LLC; and other related matters – This item was not taken up.
- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to 604 Huger, LLC; and other related matters – This item was not taken up.

13. **APPROVAL OF CONSENT ITEMS**

- a. 20-002MA, Tommy Wood, RS-MD to GC (1.46 Acres), 7220 Frost Avenue, TMS # R09402-02-01(p) [THIRD READING] – This item was not taken up.
- b. 20-004MA, Deborah Stratton, RU to NC (2.17 Acres), 4133 Clemson Road, TMS # R20281-01-27 [THIRD READING] – This item was not taken up.

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- c. 20-005MA, Angie Dodson, NC to GC (1.46 Acres), 1526 Leesburg Road, TMS # R16415-07-04 [SECOND READING] – This item was not taken up.
14. **THIRD READING ITEM**
- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of a Public Infrastructure Credit Agreement to provide for Public Infrastructure Credits to 604 Huger, LLC; and other related matters – This item was not taken up.
15. **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**
- a. A Resolution Authorizing the Administration by the County of certain grant funds from the South Carolina Department of Commerce – This item was not taken up.
16. **OTHER ITEMS**
- a. Richland County Sheriff’s Department – Forensic Laboratory Information Management System (LIMS) Grant – This item was not taken up.
  - b. Resolution requesting PrismaHealth to provide information to the public regarding the impending acquisition of Providence Hospital, Providence Hospital – Northeast, Kershaw Health and Providence Health – Fairfield Emergency Room – This item was not taken up.
  - c. A Resolution to appoint and commission Jason Michael Jensen as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – This item was not taken up.
  - d. A Resolution to appoint and commission Jameela Darcell Bryant as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – This item was not taken up.
17. **MOTION PERIOD**
- a. 2020 Census Partnership Resolution [LIVINGSTON] – – This item was not taken up.
18. **ADJOURNMENT** – The meeting adjourned at approximately 8:44 PM.



## Richland County Council

SPECIAL CALLED MEETING  
March 31, 2020  
Council Chambers  
2020 Hampton Street, Columbia, SC 29204

**COUNCIL MEMBERS PRESENT:** Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Calvin “Chip” Jackson, Gwen Kennedy, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio and Joe Walker

**OTHERS PRESENT:** Michelle Onley, Kim Williams-Roberts, Ashley Powell, James Hayes, Leonardo Brown and Brad Farrar

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.

**POINT OF PERSONAL PRIVILEGE** - Mr. Livingston stated since the Coronavirus continues to impose unprecedented health, economic and personal challenges, we want the citizens to know that Council and staff are committed to the ongoing necessary work to support Richland County Council and to continue to provide essential services. We will continue to render public safety, garbage collections, public information, maintenance work, bond hearings, etc. We will continue to monitor circumstances to ensure that we are providing a safe and healthy environment for our County. Let us support each other as we continue to take steps to minimize the impact on the community. Now is our chance to show how much we care about each, and demonstrate by social distancing, washing our hands regularly, only leaving our homes when necessary, and creating a safe working environment for all. We are an exceptional community. We have persevered through man trying time in the past (i.e. tornadoes, floods). We will do all we can do to work together. Please understand this is the first attempt by Richland County to reach you via the Zoom connection. We understand and ask for your patience as we work through this. In addition, he thanked his colleagues for their efforts during these trying times.

2. **ADOPTION OF THE AGENDA** – Ms. Terracio moved, seconded by Ms. Myers, to adopt the agenda as published.

In Favor: Malinowski, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The vote in favor was unanimous.

Ms. Roberts stated Mr. Livingston suggested adding the following items to the agenda: Invocation by Councilman Jackson, Citizens’ Input, and Cancellation of Planning Commission Meeting. In addition, Item 4(c)(3) should be “Garbage Service Contract”.

Mr. Manning moved, seconded by Ms. Terracio, to reconsider the agenda to accept the changes outlined by Ms. Roberts.

In Favor: Livingston, Terracio, Kennedy, Jackson, Myers and Newton

Opposed: Malinowski, Walker and McBride

The vote was in favor of reconsidering the agenda.

Mr. Manning moved, seconded by Mr. Jackson, to adopt the agenda as amended.

In Favor: McBride, Livingston, Terracio, Kennedy, Jackson, Myers and Newton

Opposed: Malinowski and Walker

The vote was in favor of adopting the agenda as amended.

The invocation was presented by Mr. Jackson.

**CITIZENS' INPUT:** Rev. David Ragsdale, Ms. Doris Jackson, Mr. William Wilson, Ms. Lynn Bradley, Mr. Charles Calhoun, Ms. Mallory Calhoun, Ms. Carol Jackson, Ms. Stephanie Seiple, and Mr. James Douse spoke regarding shelter in place order.

- COVID-19 UPDATE** – Mr. Byrd stated they began the distribution the 2<sup>nd</sup> allotment of supplies from the Strategic National Stockpile today. They expect to receive the 3<sup>rd</sup> allotment within the next week. EOC remains at OPCON 2, with no status change. All the ESFs that were activated remain activated. EMS has reported an above average number of respiratory flu calls in the last 24 hours. A triage officer has been added to assist with handling potential virus cases. The triage officer will talk directly to the caller, or patient, to obtain additional information with the objective of streamlining the patient/paramedic contact. In some cases, a member of the County's Community Paramedic Program will be dispatched to the patient to provide additional options. While several EMS employees have cleared the isolation protocol, unfortunately, others have entered the protocol. There are currently 10 EMS employees in isolation that are pending test results. They are currently tracking 28 supply requests that have been passed on to the SC Emergency Management Division for processing. According to the County's daily update from DHEC, there are 13 new cases for a total of 148.

Mr. Brown stated he received a message from DHEC regarding related to "unknown" zips on their report stating those were instances where no zip codes was listed on the original document, and the regional epidemiologist have yet to determine the appropriate zip code; therefore, the hope is for the data to improve moving forward. In response to request by Council members for a public health expert to address Council, Dr. Elizabeth Smith, a professor at George Washington University in Washington, DC, was invited to tonight's meeting to give an overview of the coronavirus and answer any questions.

Dr. Smith stated COVID-19 is spread primarily from person-to-person, which is why staying away from people is the only tool we have in the toolkit to prevent the spread. Touching things that sick people have touched or coughed on is not the primary way the virus is spread. It is not spread in tiny particles in the air. The incubation time for the virus is 1 – 14 days. Approximately 97% of people will show symptoms within the first 11 days. Unlike other viruses, you can spread it in the days before you have symptoms. In general, people are spreading it for 2 – 3 weeks, when they become infected, which is the reason that if you have 1 case today, in 3 days you will have 2 -3 cases, and in 30 days you will have over 400 people infected from that one person. If you reduce interactions by 75%, that one person will have only infected 2.5 people.

Ms. Terracio stated, at 4 PM, the SC Governor stated that non-essential businesses would be closed statewide for the next 2 weeks. She stated we take for granted certain rates of infection. She requested Dr. Smith to detail how the virus behaves, and how we can address that. How people can behave, in terms of



social distancing. The rates of spread, rates of hospitalization and rates of ICU anticipated, in a certain population.

Dr. Smith stated what they are taught in Epidemiology 101 about infectious disease is, how fast a virus spread depends both on biology and behavior. The biology piece is about the virus, and how it is behaving, as well as the people in the population (older, younger, healthy or sick). In China, a big factor has been the population smokes a lot, so there have been lung complications. The big piece of behavior on this virus, because it is a person-to-person virus, is the number of people you are coming into contact with. The studies have said, if we do nothing 40 – 60% of the adult US population would become infected with COVID-19, and 80% of those cases would be mild to moderate, which means you would not need to be hospitalized. A moderate case of COVID-19 still means you have pneumonia for 2 – 3 weeks, which is pretty severe for most people. In Italy, among people that are over 80, about 20% have died. Overall in the US, we have seen about 1 – 2% of diagnosed cases have resulted in death. In cities where everyone stays home, they are seeing transmission disappearing.

Ms. Newton stated, as we look at the United States, and areas that are taking efforts to reduce the spread of COVID-19, is there a municipality or area that researchers are holding up as a gold standard, in terms of how they are reducing the spread.

Dr. Smith stated, she believes, you will see that Seattle responded pretty quickly. Although, we did not know until the outbreak in the nursing home that it has been quietly spreading because of the incubation period.

Ms. Newton stated, looking at the situation in SC, Ms. Terracio has shared with you that the governor has requested that non-essential businesses close. There is also an Executive Order asking people to work remotely, stay at home, when possible, as well as not congregating in groups larger than 3 persons. One of the neighboring municipalities, the City of Columbia, has taken more actions to encourage people to stay home, and closed more businesses than the State Order. She inquired what additional steps would help to decrease the spread of COVID.

Dr. Smith stated all of this is weighing risks and benefits. Every additional contact a person has is an additional risk, and ever death from COVID is something we do not want. We have this to balance against other interests like economic business, human rights and personal liberties. From her experience, the stronger stance governments take, the more likely people are to reduce and follow them guidelines. She believes Council's role is to go as far as they can to help enforce social distancing.

Ms. Newton stated one of the things she is struggling with is we are operating in a lot of uncertainty, and when you are trying to look to data, in a perfect world, you would have a standard. The health standard would say, if you do this, then this is what happens. Therefore, this is when you know you can ease back on the social distancing or more stringent restrictions. She inquired if there are any standards, where one could say you use these rules when infection level is here, and when it move to the next level you change them.

Dr. Smith stated, right now, people are trying to make models to predict this. Her opinion, because of the timeline of the virus, is that 4 weeks is the time to wait. So, once you put in the most stringent thing you are going to put in, you wait 4 weeks to see if you have done enough to bring the new cases down to zero. The good thing for SC is that you are in the early stages of this, so you still have the opportunity to make a change now that limits the number of people who become sick, and potentially die. Although, without a vaccine we will not return to full, normal life in the coming months.

Ms. McBride stated, she believes, Richland County has the highest number of cases in the State. She is not sure statistically how much they are increasing each day. She inquired if there is a model or projection the County can look at currently to determine how fast the virus may spread.

Dr. Smith responded schools approximately 2 weeks ago, which had some benefit to slowing the spread. Then, you have had some other reductions. She is guessing the spread has slowed down, but for those 148 cases, you can imagine that all of those people infected a handful of other people, and we will not know about those cases for another few weeks. Once you limit people's mobility, you have to wait a few weeks until we feel the benefits of it.

Ms. McBride stated the County needs to take a serious look at this because the numbers are not going down, but are going up.

Dr. Smith stated, even when you decide to take action, it is still going to grow for a while. The virus rapidly multiplies. The tricky thing politically is making a choice before it seems bad to prevent it from becoming really bad, one a case is found.

Mr. Manning stated, earlier Dr. Birx addressed the nation, and she stated that for this to be dealt with it needed to be done at the community level. He inquired if Dr. Smith agreed with that statement.

Dr. Smith stated for individual people it can be hard to make these choices, so the stronger the statement the better. The more uniformed the decision, the better. The difficult thing for you is there is nothing to prevent someone from New York, Louisiana, etc. to drive in and see their family. We tend to think of right now because transportation is easy, and the borders are not real borders.

Mr. Manning stated, at the end of last week, the Governor said it was not necessary to have a stay-at-home order because the citizens of South Carolina were following all the guidelines and doing a good job of that. Then, Monday morning, he did an Order because the SCDNR found there were a number of places on lakes and rivers where people were gathering, and had to be broken up. Therefore, he did restrict those people's constitutional rights by not allowing public access to lakes or rivers. At the press conference today, he said, "South Carolinians were doing quite good..."

Dr. Smith stated this is a good demonstration that people want to do the right thing, but it is hard for individual people to draw the line about what that means. She believes that everyone want to do the right thing to help this virus to go away, but when it comes to making an individual decision about your life, and whether you can go to the lake or take a walk, it is hard for people to weigh those decisions against what they are hearing. She is involved in a project ([www.covid-101.org](http://www.covid-101.org)) where scientists and doctors answer questions about what is acceptable behavior. She tends to favor more formal and detailed statements from governing bodies because it helps people to do what we want them to do without stress.

Ms. Kennedy thanked the Sheriff's Department for policing the various areas. She stated it is not as quiet as you may think. You have a lot of people who think this time off is time for them to get together.

#### 4. **REPORT OF THE CORONAVIRUS AD HOC COMMITTEE**

##### A. Relief Efforts

1. Economic (Businesses) – Mr. Livingston stated the committee recommended the Administrator move forward regarding small businesses, and to review the CARES Program, to identify small businesses that may not benefit from the Federal program, and, therefore, could potentially fall through the cracks, and to develop a criteria for those small businesses. He stated he was not sure if there was a dollar amount associated with the committee's recommendation.

Mr. Brown stated there was a particular dollar amount associated. We talked about a general amount. But, as Mr. Walker appropriately identified, some of the areas businesses would

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benefit from the CARES Act. Staff was going to bring back a recommendation, to committee, regarding the criteria for small businesses, to determine a suitable amount.

Ms. Dickerson inquired if the list has been completed, or if it can be added to.

Mr. Livingston stated the list has not be compiled.

Mr. Malinowski stated, for clarification, we are going to be given a list of criteria, and then Council will develop a number the County could to afford in assistance.

Mr. Livingston responded in the affirmative.

Mr. Malinowski stated he has not received a hard copy of the agenda, and requested it was provided to him.

Ms. Myers inquired if we can put a timeline on the motion, in order to get the parameters and provide help to the businesses that need it.

Mr. Brown estimated they should be able to get the information to Council by the end of the week. He stated we are trying to streamline our application and criteria to match some of the community partners.

Mr. Livingston stated, if that is the case, the Coronavirus Ad Hoc Committee may need to meet prior to the next Council meeting.

Ms. McBride stated she thought the committee recommended \$500,000.

Mr. Brown stated originally we did discuss the \$500,000. During the conversation, we were notified of some information that we did not have at our disposal, at that time. Mr. Walker made a motion for us to go back and review the CARES Act and come back with criteria and administration for that type of program. The \$500,000 was discussed, but was modified based on the information shared by Mr. Walker.

Ms. McBride stated, her understanding, was that we set aside \$500,000 and, then, to move forward to set criteria. We recommended an appropriation so that full Council could vote on it, but we did ask Mr. Brown to develop some criteria.

Mr. Livingston stated we did have a discussion about the original amount of \$500,000, but we did not state an amount.

Ms. Myers stated her recollection was consistent with Ms. McBride, but she was willing to yield to the minutes.

Ms. Roberts stated, after listening to the recording several times, the final motion that was stated did not have a dollar amount. The bulk of the discussion did center around \$500,000, but the final motion did not have a dollar amount attached to it.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The vote in favor was unanimous.

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2. Public Safety – Mr. Livingston stated the committee recommended approval of the Phase I allocation of \$500,000 for procurement, as well as, simultaneously approve the projected amount of Phase II, which will allow EMS to procurement all necessary PPEs, and to encourage the Administrator to all sources for reimbursement

Mr. Brown stated the information in the briefing document is a combination of personal protective equipment needed, projected overtime, and other disinfecting and cleaning materials needed by these agencies. Staff requested Council to initially appropriate funding from the \$1.9M on hand for disaster recovery to immediately allow PPEs to be purchased, as soon as it is available, so we would not miss out on purchase order opportunities. Additionally, we recognize there is going to be other budgetary measures we are going to have to take to make sure we deal with projected overtime costs. The committee approved the overall process of acquiring PPEs, as needed, and paying for projected overtime cost, as needed. The initial \$500,000 allocated will allow for the immediate purchase of the PPEs for the related First Responder departments.

Mr. Malinowski and Ms. Dickerson expressed difficulty with accessing the backup documentation related to the meeting.

Mr. Brown stated the projected PPE cost was \$1.7M, projected overtime cost was \$850,000, and the cleaning materials is approximately \$79,000. These numbers are not static. There may be additional requests from the various departments that come in. He stated they are not asking for the full amount, and they may not need all of the funding. These initial steps, in Phase I, will allow us to begin to address the needs of our First Responders.

Mr. Livingston apologized to his colleagues, but with things moving quickly, things were not necessarily laid out or provided, in the usual manner.

Mr. Walker stated, it has been brought to his attention, that since the committee met the agencies for whom we approved these additional expenditures have, in some cases, already begun to incur the expenses and expenditures as they try to adapt to protocol, as they operate in this new operating environment. If amenable, he would suggest authorizing the Administrator to pay what may be retro costs going back to the start of the COVID-19 epidemic.

Mr. Manning inquired about who is on the Zoom meeting website from the Clerk's Office.

Ms. Roberts stated herself, Ms. Onley and an IT employee, who is onsite monitoring and giving assistance, are utilizing the "Clerk's Office" login(s).

Mr. Manning inquired at to what date we will be using as "the start of the epidemic" (i.e. when the 1<sup>st</sup> case was reported, etc.). The amount we have allocated, particularly for overtime...everything keeps moving. He inquired if we were thinking the overtime would go through the 15 days of us washing our hands. Then, there was some talk out of Washington that we would all be in church on Easter, but that was aspirational. He inquired if the people we have allocated this money to know this is until forever, or is it based on one of the aspirational dates that have come and gone. He reiterated he was not clear as to the start, and the sense of how long this allocated money for overtime is for.

Mr. Brown stated he believes the first declaration, related to COVID-19, was on January 20, 2020.

Ms. Myers inquired if we can take up the motion before us with the caveat that at the next Coronavirus Ad Hoc Committee meeting we take up the issue of incurred overtime expenditures.

Mr. Walker stated he thought it would be appropriate to associate these additional, and abnormal expenses, with any operations occurring under a State of Emergency.

Ms. Terracio inquired if this allocation represent any CDBG funds, or is that addressed in another item.

Mr. Brown stated the funds are from the disaster recovery funds, and separate from CDBG funds.

Mr. Jackson inquired, if this is a one-time allocation, and is there any projection as to how long, if things continue as they have been occurring, the allocation would hold out.

Mr. Livingston stated that is why we talked about a Phase II.

Mr. Brown stated one of the things discussed was that this is an initial attempt to address immediate needs. We recognize this may continue longer than we can account for, right now. Phase II would have the committee, and Council, look at other ways we would need to provide funding, separate and apart from the initial funds we have identified. Staff does not have a specific timeline that shows how long these funds will last, but do recognize that we do not currently have enough funds, with the initial allotment, to cover everything now and into the future.

Mr. Jackson inquired if that is being stated in the allocation to the agencies that is a part of the anticipated action, and the possibility of when that would be considered. Unfortunately, we do not have a blank check, and if people know what was going to happen, and when, they may be a little more judicious in their expenditure of funds.

Mr. Malinowski inquired, if there are going to be some requirements set forth to the agencies incurring this overtime, and will the agencies be given a particular amount for their overtime.

Ms. Newton inquired, for clarification, if Mr. Malinowski was asking if there were going to be standards we were going to use so these agencies could get funds, or was he asking a different question.

Mr. Malinowski stated he is requesting that standards be given to the agencies, that may need overtime, so any overtime given to them falls under those standards. And, we may want to consider a specific amount of overtime for each agency.

Ms. Dickerson stated, from past experience, we have seen overtime being abused; therefore, she concurs there should be some stipulations on how it is done.

Mr. Livingston restated the committee's recommendation and agreed to incorporate overtime standards for the agencies.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson and Newton

Opposed: Manning

The vote was in favor.

Mr. Manning moved, seconded by Ms. Terracio, to reconsider this item.

In Favor: Malinowski

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson and Newton

The motion for reconsideration failed.

3. Food Services – Mr. Livingston stated the committee recommended approving an allocation of \$500,000 for this area. The funding will be broken out to allocated \$250,000 for Senior Resources, and \$250,000 for Low/Moderate Income Program. Staff will present recommendations on entities to provide the food services (i.e. United Way).

Ms. Myers stated she thought we would allow for community-based and religious organizations to request through a process that staff would set up, so the resources would be closer to the people.

Ms. McBride stated she believes the recommendation falls under “Other Assistive Initiatives”.

Mr. Brown stated the general allocation allowed for all persons, who could provide these services, and was not restricted to one group or another.

Ms. Myers wanted to be clear we were not setting up a set of circumstances where the United Way, or some other agency, would be the clearinghouse. She thought this was to be structured more like the Allen-Benedict Court team.

Mr. Livingston responded that is why he said staff is to present recommendations on those entities.

Ms. Myers inquired as to how staff is to make a recommendation on the entities until there is a set of guidelines for the entities to apply.

Mr. Livingston responded staff has to do the guidelines first.

Ms. Myers stated, for clarification, staff will present some guidelines so that entities interested in providing these services would know.

Mr. Malinowski inquired if the guidelines are in place, or are we giving the money away and putting the guidelines in place later.

Mr. Livingston responded the guidelines will be in place before they are given the money.

Mr. Malinowski requested Mr. Livingston to restate who is currently getting the money.

Mr. Livingston stated \$250,000 will be used for Senior Resources, and the remaining \$250,000 will be used for other agencies.

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Mr. Manning inquired if there is going to be an application process. He is unclear as to who is going to figure out, based on what is submitted, which entities receive the remaining \$250,000.

Mr. Livingston responded, it is his understanding, there would be an application process.

Mr. Hayes stated what was set up last year, when Council approved the disbursement for the Allen-Benedict Court situation, was a modification of our discretionary grant agreement. He stated it be an offshoot of the established discretionary grant guidelines. There will be an application and vetting process tailored toward community-based services.

Mr. Manning inquired if the applications will go to the Discretionary Grant Committee for vetting.

Mr. Hayes responded that is not his understanding. It will be using the same parameters, but it will not be vetted by the Discretionary Grand Committee. We will use a similar process, in terms of scoring as the discretionary grants.

Mr. Manning stated, for clarification, the recommendations will go back to the ad hoc committee for approval.

Mr. Hayes responded in the affirmative.

Mr. Jackson stated he has a lot of confidence and faith in the work of the ad hoc committee, and he believes they are going to make sure the process is simple, and simplified, particularly for those small businesses that are going to be adversely affected.

Ms. McBride reiterated it is going to be a user-friendly process and not like the discretionary grant process. She stated we have made allocations for each of these areas, as Mr. Jackson said, in our economic development/business area, these are small businesses and we cannot afford to wait for allocations.

In Favor: Dickerson, McBride, Livingston, Terracio, Walker, Jackson, Myers and Newton

Opposed: Malinowski

The vote was in favor.

4. Other Assistive Initiatives (Rent, Utilities, etc.) – Mr. Brown stated this item came up as a general item at the ad hoc committee meeting. He believes that Ms. Newton was attempting to address other areas of concern that citizens may have. For example, rent assistance. This particular item did not have a specific recommendation, but staff noted we have \$250,000 in unallocated funds that could potentially be utilized in that area.

Mr. Livingston inquired if this is something we could take back to the ad hoc committee.

Mr. Walker stated, if we are going to take it back to committee, it probably would be appropriate to take it back with some type of guidance for staff to provide a list of vetted Third-Party administrators, who are staffed to provide the type of essential services outlined in other assistive initiatives, to distribute the funding.

Ms. Terracio inquired if there is a Coronavirus Ad Hoc Committee currently scheduled.

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Mr. Livingston responded there is not a meeting currently scheduled, but it is his intention to hold a meeting prior to the next Council meeting.

Ms. McBride stated she does not know why we have to take this back to the committee, when it is already on the agenda, and the need for it was discussed at the ad hoc committee meeting. If we keep going back and forth in meeting, it is wasting a lot of time. These people are in need of services now.

Ms. Newton stated she believes there was direction on this. If you recall, there was an attempt to combine the motion to allocate these funds with Senior Resources, and then we separated them to keep it clean. She understood the request would be to allocate those funds for other essential services that happen anytime a "disaster" happens. Staff was going to come back with criteria and standards that would allow us to vet how we allocated those funds.

Mr. Malinowski inquired, if there was not a recommendation, then how did this item get on the agenda.

Mr. Livingston responded because it was an item discussed at the ad hoc committee meeting.

Ms. Newton moved, seconded by Ms. McBride, to allocate \$250,000 for other essential services needed to respond to COVID-19, and direct staff to develop standards and guidelines for the disbursement of those funds.

In Favor: Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

Opposed: Malinowski

Mr. Jackson stated he is sure with all of these motions the necessity of moving things along quickly trumps some of the traditional protocol that we put into place (i.e. developing guidelines, vetting by the committee, etc.). He is operating on the assumption that his vote means the committee understands all those things we normally do will get done.

The vote was in favor.

Ms. Dickerson moved, seconded by Ms. McBride, to reconsider this item.

In Favor: Malinowski

Opposed: Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The motion for reconsideration failed.

Mr. Manning inquired if we have any timeframes for the motions Council is passing. He stated there is not clarity on who is going to say "yes" to the various entities. He is concerned about not hearing a timeframe for when there would be a determination for whoever is going to provide food services.

Mr. Livingston responded we did not set a specific timeframe, but he believes Administration understands it is immediate.

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Ms. Myers requested staff to provide the committee the backup information needed by the next ad hoc committee meeting, and move forward, with a recommendation, at next week's Council meeting.

Ms. Newton stated she wants to be sure, with all of the guidelines we are talking about having created, we are realistic in terms of how much work needs to be done, and what standards need to be created. She wants to move expeditiously, but realistically, from a materials perspective.

Ms. Myers noted that some of this staff has already provided in the briefing documents.

Ms. McBride reiterated that a lot of work has already been done, and we are not just pulling numbers out of the top of their heads, and no research has gone into to developing these programs.

## B. Legal Guidance

1. Stay-At-Home Ordinance – Mr. Farrar stated the Governor McMaster did an additional Executive Order relative to certain businesses, as far as close contact (i.e. athletic businesses, entertainment, etc.) He stated we discussed this matter in committee, but he is going to focus on the legal issues. The first issue is whether anybody can do a stay-at-home/social distancing order. If you get past that threshold, at what level can such an order be issued? The Attorney General has issued an opinion about the fact that the Governor has those powers, and the local authorities do not, under his reading. The question becomes can a County, or local government, pass an ordinance directing someone to stay at home, or keep social distancing. Procedurally, and technically, you have the authority to pass ordinances related to health, keeping order, convenience, and welfare in the County. That being said, those things have to not be inconsistent with the constitution or law of the State. If you passed an ordinance, which you could do, it would be presumed to be valid until someone challenged it. For example, a local government could pass that ordinance saying that no one in the County could have a firearm, and that would be the law of the County until someone challenged it. Then, it comes to a practical issue. Would anyone challenge it? If you put in place a short-term type of measure for 15 days, you have some practical outs. First, can you find a lawyer whose office is open, so you can go talk to him? Secondly, are you going to find a courtroom that is open? Therefore, someone might be willing to not challenge it for short-term, but the longer such an order were in place, the greater the chance of a challenge. He also noted, the Attorney General has come out on the record to say he has no intention to sue any local government that takes a measure that is intended, in good faith, to save lives. What he did not say, is somebody else might challenge it. There are two categories: the person that challenges something just because and those that are financially impacted by being told they are not an essential service.

Mr. Manning inquired if the Governor has the ability to do a stay-at-home Executive Order.

Mr. Farrar responded he does not know that anybody has challenged those. This is an interesting time to be alive because what you are seeing is the intersection of security and liberty. For example, people want to be secure, so they are willing to have their liberty constrained a little bit more than usual. In answer to Mr. Manning's question, he believes the Governor can pass such a measure. The more restrictive it is the greater chance it would be challenged. He stated, if you tell somebody they have to stay 6 ft. away from a person, he is not aware of any legal basis to tell someone they cannot get close to a human being other than a restraining order. We are talking about uncharted territory, which would be an immediate case

heard by the Supreme Court. Bottom line, he believes the Governor does in the short-term. Long-term it would likely be challenged.

Mr. Manning stated, for clarification, 30 governors in the country have already done this, and to the best of Mr. Farrar's knowledge, the Governor of South Carolina would have the ability to do such a thing.

Mr. Farrar responded in the affirmative. The governor would not be encountering the types of constitutional challenges that a local government would. The constitution is riddled with places that talk about only the General Assembly being able to do certain things. This raises the question, if the General Assembly has authority over the Governor. The Attorney General has opined that the Governor has emergency powers.

Ms. Terracio stated she cannot help but think about consistency in geographic region when we are thinking about these kinds of things. If we have the City of Columbia, it is not a circle, so she thinks about the fact this virus does not have boundaries, and people often live across the street from unincorporated Richland County, but may not even realize it until they look at their recycling bin. With what the Governor has offered, what kind of gaps are there that might be filled in with local measures.

Mr. Farrar stated Dr. Smith mentioned earlier the policy implications involved, and why this is such a tough issue. The legal issues are nested within the public health concern. In addition, to the County, the municipalities are woven in and out, Lexington County bumps up against Richland County. He is purely analyzing the constitutional and statutory authority of the government to do certain things, but from a public health perspective, Dr. Smith spoke about the uniformity. If the Council's intent was to encourage people and give information, you could do that with a resolution. If the intent is to say we are going to pass an ordinance that has consequences, which are typically misdemeanor criminal consequences, then you have to go to your public safety personnel to find out if it is enforceable. You have to listen to the public health providers, and say, yeah, I understand there are legal concerns, but what is the best recommendation from a health standpoint. He does not know that we have a public health recommendation for a stay-at-home order.

Ms. Terracio inquired about exposure, or liability, if a lawsuit were to be brought forward.

Mr. Farrar stated, one of the things that could happen, if a business owner says they lost income because of an action the government took, they might challenge the legality of the ordinance, as well as, bring a claim regarding the loss revenue. The counter to that is, well nobody is going to your business anyway because they are obeying the recommendation. There is all kinds of claims that people could make. You have to make a nexus to "I lost money because of the government action" and then there would government defenses. You could say, we have a right to pass whatever.

Ms. Newton stated we have a situation in South Carolina where we are supposed to be obeying social distancing. Where we have businesses that are closed. By and large, we have people that are abiding by these regulations, but she has concerns about reports she is receiving from constituents wherein there are large gatherings. She inquired about the tools that we have in our power to reduce gatherings and help people abide by the recommendations that are going to keep us safe.

Mr. Manning inquired if it would be in the ability of a County Council, in South Carolina, to pass a resolution calling for the Governor to do a stay-at-home directive.

Mr. Farrar responded you can ask anything you want of the Governor. You can pass a resolution listing all the things already being done by the County. The only issue you get into, when you get to the ordinance stage, is the enforcement of it.

Mr. Manning stated he sent out a draft resolution to members of Council, the County Attorney, and the County Administrator, which he could like to move to approve, at this time. He requested the Clerk to read the draft resolution into the record.

The motion died for a lack of a second.

Mr. Walker moved, seconded by Mr. Malinowski, to issue a proclamation endorsing the policies, as put out by the Governor, we applaud the actions of our constituents, and that we strongly encourage the continued adherence to the policies put out by the CDC.

Ms. McBride inquired if anyone has the information the Governor gave today, and how those rulings differ from the ordinance passed by Greenville, Charleston and the City of Columbia.

Mr. Farrar stated the ordinances have potential criminal consequences. Whereas, a resolution/proclamation is an expression of Council, in a written form.

Ms. McBride clarified her question was how the Governor's orders differed from those in the City of Columbia ordinance.

Mr. Farrar responded at the Governor's briefing there were three (3) categories: Entertainment, Athletic and Close Contact, which he deemed non-essential. It was not an across the board encouragement like Mr. Walker mentioned.

Ms. Myers stated it seemed like the Governor's actions today targeted business activity. What we are discussing targets personal activity (i.e. can I leave my home), rather than is the business open. The City of Columbia's actions targeted personal activity. She is torn on this one. She was one of the people saying, "Do you really want to be in the business of telling people to stay at home, when they are already staying at home?", but she would agree with what was said earlier about people not staying home. She understood what Mr. Farrar said, but the Supreme Court has looked at the issues of personal freedom, and if there is a health and safety articulable need there is more flexibility in what laws are passed. In this context, we are talking about life and death. She cannot imagine the Supreme Court's strict scrutiny standards would not give way to protecting people from dying. What we need to look at is, if we want to go as far as what the City of Columbia has done. She would say, given our geography, the County has some concerns they do not have, but looking at some middle ground, she likes what Mr. Walker has suggested.

Ms. McBride stated we said we would look at it from a law enforcement perspective, a legal perspective and a public health perspective. From the public health perspective, Richland County has the highest number of cases. Social distancing is the most important thing to help to minimize the spread of the virus. She is concerned, from a public health perspective, in terms of saving lives. She believes if we can save even one life, then it is worth having to go to court. She would invite her colleagues to take a serious look at the public health perspective, for 2 weeks, to see if we are able to minimize the spread of the virus. She is concerned about not working in

union with the City of Columbia in trying to keep this virus from spreading. She thinks we are going to have to make a hard decision, and think about how much we value our lives.

Mr. Livingston stated he is concerned about the lives we are losing in Richland County. He is also concerned about some kind of consistency within our County, and the City. He wants to try to be prepared for what might get worse later. He is going to move forward with a motion to request the Legal Department to draft a stay-at-home ordinance for discussion at the next Council meeting.

Mr. Livingston made a substitute motion, seconded by Ms. McBride, to direct Legal to draft a stay-at-home ordinance for consideration at the April 7<sup>th</sup> Council meeting.

Ms. Myers stated, if it is as urgent as we say it is, what is the timing we are looking at?

Mr. Livingston stated there is not an ordinance before us to vote on is why he made the substitute motion.

Ms. Myers stated every day makes a huge difference, so if this matters to people there ought to be a way for us to figure a way to handle more efficiently.

Mr. Malinowski stated, since we have already been told what the State law says counties can and cannot do, if we decide to go against State law, be in violation of what the State law says, and pass a stay-at-home ordinance, is the Sheriff's Department allowed to enforce ordinances that are against the law.

Mr. Farrar stated Council has the right to pass an ordinance. The ordinance is going to be presumed valid unless, or until, it is challenged. If it is challenged, there is significant grounds on which to do that, based on constitutional law. If you lost the challenge, it is not the end of the world, but you would likely have to pay some attorney's fees and claims.

Chief Cowan stated they do not want to criminalize the situation, and they do not want to go against what is already working in Richland County. The question is whether or not you are asking us to go around and make arrests on a stay-at-home ordinance, and that is not operationally smart on their end.

Ms. Kennedy stated we are talking about an ordinance, and we do not even know if the Sheriff has the manpower to do it. We are going by something the City has done. We need to be looking at all angles of this before we decide to put something in law that cannot be fully enforced.

Ms. Newton stated we are talking about different things all at once. There are health, legal and enforcement issues we are trying to solve for. From her perspective, we are using the word "ordinance" but there is not actually an ordinance before us. So, as we look at the remedies we are going to choose, we do not know what is actually on the table yet because it has not yet been drafted. We will have opportunities to shape anything we wanted to do from a County perspective. She thinks it is crucial to look at all of the levers that are at our disposal, so we can encourage the citizens to stay home.

Mr. Jackson stated the issue for him is to make sure we do everything in power to help the citizens feel we are proactively trying to improve their health and safety, as the health officials get their arms around this pandemic. To debate whether or not it is lawful and enforceable is

secondary to us trying to figure out a way we can let our citizens know we take this very seriously. He has confidence in the business owners in the area that would be able to monitor and ensure the distancing going on in their establishment would happen. He is experiencing that now, as he has to go out on occasions to certain businesses. The bottom line, to him, is that we do not get into politicizing this process, when the critical issue is making sure the citizens are aware, and we make that process as simple and quickly. He is not opposed to taking the resolutions proposed by Mr. Walker and Mr. Manning, and tweaking them. He wants to make sure people are aware that we take the process of trying to establish further social distancing and ensure people are not out unnecessarily seriously.

Ms. Myers stated there is no definitive ruling that it is against State law. There is an AG opinion, and he has clearly said that is his opinion. He could be wrong in court too. She noted there is a long history of Supreme Court cases, where lives are at stake, which they recognize you have to take extraordinary measures. She further noted, while Sheriff Lott has said this is not what he would like from a law enforcement, he has said unequivocally, he was enforce ordinances, as passed by Council. She does not want it said that the Sheriff is not going to enforce validly passed ordinance, which are presumed legal because we passed it.

Mr. Livingston withdrew his substitute motion.

Ms. Dickerson requested this to be forwarded in the most expeditiously way to prevent anymore loss of life.

Mr. Livingston moved, seconded by Ms. Dickerson, to bring all three options to Council for consideration.

Mr. Walker stated he would entertain any amendments to the motion he originally made that would make it more acceptable to the body. He is willing to acknowledge the reality that we as a municipal body cannot effect the proximal affection that needs to occur here. We cannot control a big enough geographic area to put our arms around this pandemic in a meaningful way, which is why he deferred back to the State and National level governments. One of the things he has not heard is, if there is a recommendation from Legal. Does Legal have an affirmative recommendation for Council, considering what we are currently facing?

Mr. Farrar stated you can have someone who expresses a concern for public health, and also a concern for fundamental rights. Just because a person expresses a concern for fundamental rights does not mean they are indifferent to public health. He believes there is no question that Council could pass an ordinance. It would be presumed valid. Eventually, if it was challenged, we would lose that case, based upon State law and the constitution provisions. The constitutional provisions he has cited have to do with the General Assembly's authority to suspend laws, which local governments cannot do; to declare martial law; to affect life, liberty, property interest. From a purely legal side, he would not recommend it. From a public health side, it is a completely separate discussion Council has to have.

Mr. Walker restated his motion was to put forward a proclamation endorsing the policies and parameters put forward by the Governor, acknowledging the effort and applauding our constituents that are adhering to the guidance provided thus far, and encouraging, and further endorsing, the implementation of all guidelines, as recommended by the CDC.

Mr. Livingston restated his substitute motion was to look at Mr. Manning's resolution, Mr. Walker's proclamation, and direct staff to draft an ordinance for Council's review.

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Mr. Jackson made a second substitute motion, seconded by Mr. Manning, to take the two (2) documents already developed, merge them into one document that reflects the views and thoughts of those documents, and present it back to Council.

Ms. Myers, Ms. Dickerson, Ms. Newton and Mr. Malinowski stated they have not seen any documents.

Mr. Walker stated, for clarification, while he understands the spirit of the Mr. Jackson's motion, he wants to be clear there is no document associated with the motion he made.

Mr. Jackson withdrew his second substitute motion.

Mr. Malinowski stated, for clarification, Mr. Livingston withdrew his motion.

Mr. Livingston stated he did withdraw his substitute motion, but made a new motion for Council to review Mr. Manning's proposed resolution, Mr. Walker's proposed proclamation, and the draft ordinance to decide which one they wish to proceed with.

In Favor: Dickerson, McBride, Livingston, Terracio, Kennedy, Manning, Myers and Newton

Opposed: Malinowski, Walker and Jackson

The vote was in favor of the substitute motion.

2. Hospitality Tax – Mr. Farrar stated the Hospitality Tax is a mixture of State law and County ordinance. State law allows is a permissive situation. The governing body, by ordinance impose a hospitality tax, not to exceed 2%, on prepared meals and beverages. Interestingly, State law does not say who pays that tax. It just says it may be imposed. You have to go to the County ordinance to see who actually pays it. The County ordinance says, "Payment of the hospitality tax shall be the liability of the customer of services." This means, the business collects the tax, and remit it. They are sort of a pass through. If you suspend the tax, it is not going to be a direct benefit to the business because they do not pay the tax. So, what can we do for the hospitality tax, since it is permissive? You do not have to have the tax, so you could eliminate it. You could suspend the tax, and not impose it for a certain period of time. What you cannot do is allow the business to retain the tax for their own operating purposes. The tax itself has specific tourism-related purposes. The other option was to extend the time for the remittance of the tax, which is kind of murky area. If you do not collect the tax, there is nothing to remit, but if you collect the tax and extend the time to remit it, it does not really help the business. It only delays when they have to send the money in because they cannot keep the money.

Mr. Jackson stated, for clarification, if no customers are coming into a business and buying anything because the business is now closed, so no taxes are being collected, what are we actually discussing, if there are no funds or revenues coming in because we are at a voluntary/mandatory stay-at-home?

Mr. Farrar stated that would be an easy process because they would not have to remit anything.

Mr. Jackson inquired if this is a retroactive collection. For instance, is the taxes being remitted from a previous quarter, or is it current.

Mr. Farrar stated it is a monthly remittance.

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Mr. Jackson stated, for clarification, the last one we collected was for the end of February.

Mr. Farrar stated we are closing out March now, so February would have likely been the last month collected.

Mr. Malinowski inquired if the only tax we are discussing is hospitality tax, or is there another tax we are discussing.

Mr. Farrar stated there is accommodations tax, and other taxes, but hospitality tax is the only one on the table.

Mr. Malinowski stated, for clarification that is not going to help businesses no matter what we do with it.

Mr. Farrar stated it theoretically could help a business. For example, if he goes to a business and purchase a coke for a dollar. There is a 2% tax on that, so the actual total price is \$1.02. If we suspended the tax, the business owner could say, "well my customer is used to paying \$1.02", so they could charge the same amount, and keep the \$.02, but cutting the tax will not reduce their tax liability because they do not have a hospitality tax liability. They have a remittance role. He could envision a scenario where it might have a marginal impact on their ability to keep their prices steady. Again, it is not a tax they pay, it is a tax they collect.

Mr. Livingston stated the committee recommended extending the remittance of the H-Tax until June 20<sup>th</sup>.

Mr. Malinowski inquired how extending the remittance help anyone, since it is more or less a pass through.

Mr. Farrar stated he does not know the intent, but because a lot of these businesses are closed, it might be a relief not to have to do the paperwork to send it in right now.

Mr. Jackson inquired, if by extending the remittance to June, the intent is to have all of the preceding months due in June also.

Mr. Livingston responded he does not know about the payment of those taxes, but he thinks June is the time when the payment occurs. He inquired if Mr. Walker knows when those taxes are paid.

Mr. Walker stated the H-Tax remittance occurs on the 20<sup>th</sup> day of the month following the month of collection by the business entity. Therefore, as Mr. Farrar articulated, the taxes collected by the business in February would be remitted March 20<sup>th</sup>. What the committee's intent, and spirit, was to create a scenario for the next 60 days, whereby businesses were afforded whatever immediate cash flow relief the County had at its disposal. The only real lever we have to pull is the suspension of the H-Tax remittance. Then, we wanted to come back to the whole of committee with a more long-term solution, which justified the non-remittance and/or brought back from Legal another scenario whereby we could create more substantial financial relief. We were looking for the fastest lever to pull to provide some immediate cash flow softening to our small businesses. Understanding those that have already closed, this is not of any real magnitude to them. What this may do is help that business that is currently limping

along, to continue to limp along until more substantial aid is available. In other words, this is a bridge mechanism.

Mr. Jackson stated he is very comfortable making sure that we do not simply kick the ball down the field. If we come back in June, and decide, based upon the time we have had, there is an even better solution than imposing it all at once, he is in favor of that.

Ms. Myers stated, for the record, Mr. Walker did not put this suggestion forward, as he made clear in the committee that he might stand to benefit from it. It came from her and other committee members. He acknowledged the potential conflict and abstained from the vote in committee, and only spoke here because he was directly asked.

Mr. Manning stated, for clarification, if we do this bridge, and he has a business limping along, which he is not able to sustain, but he has not been remitting the 2% he has been collecting. If he closes and he does not have the money to remit, is there a penalty that would hit him, as the business owner.

Mr. Farrar stated you have to be very clear about what you can use the H-Tax money for, and it cannot be used for operating expenses of the business. The H-Tax money has to be remitted to the governing body for tourism-related purposes. If the intent is to provide some relief, if you suspended the tax that would possibly give an opportunity for the business owner to collect more on their actual sales, and not have to remit a tax, because they did not collect a tax. It would also help the customers, but there may not be as many since the businesses are shut down. He does not want to give the impression that you can do something with a H-Tax that would buy a business time to use money for a purpose other than tourism-related purposes, at the governmental level.

Mr. Walker noted, as we contemplate this being a bridge mechanism, he wholeheartedly endorse and understand what Legal is telling us. From an operator, from a cash flow perspective, any pennies and cents that can be left in the operator's hands in the next 60 – 90 days will be critical to allow marginal, or borderline, businesses to remain open, and to keep their employees on their payroll. As we have already seen through the passage of Phase I of the CARE Act, it may just what they need to keep their employees paid until the Federal funds flow through and get into their hands, which allows us to maintain tenancy, and occupancy in Richland County that otherwise would have gone dark, shuttered, and created a larger unemployment issue than we are already going to face.

Mr. Manning restated his question, as follows: "If he has a business and he is limping along. If he collects, but he does not remit the 2%. In 6 weeks from now, he is no longer limping, and he goes under. Whatever Federal would be helpful later, if he was still limping, would not be available because he went under. Does it say what happens to him, when he collected, and did not remit the money that he collected because he could not cash flow and keep going?"

Mr. Farrar stated the County ordinance, Section 23-73, talks about violation and penalties. There is a 5% penalty, per month, and it is also a misdemeanor if you do not remit the funds. How a person runs his or her business is not really the County's concern, so long as they pay the H-Tax.

Ms. Newton stated, when we initially discussed this, in one of our meetings, the original motion was to suspend the collection of H-Tax. She feels, at that time, we were told suspending the H-Tax was not an option. At this point, we are being told that it would be an option not to impose



the tax. For clarification, she inquired if we do have an option not to require the tax for a certain period of time.

Mr. Farrar stated there are a lot of terms here and they get interchanged sometimes. There is suspension, collection and remittance. Suspension means it is not a tax. Remittance simply means you collect it and send it in. What he saw from the March 20<sup>th</sup> discussion, it was to suspend the tax, and allow the businesses to keep that to assist them in their losses. You cannot use the H-Tax for your operations. When you talk about suspending the tax that would be not imposing it for a certain period, which you could do. You could eliminate the tax, suspend it for a period, or delay remittance, but that does not do anything for anybody unless you are going to use that money in the way you cannot do.

Mr. Manning inquired as to how Richland County can procedurally suspend the Hospitality Tax.

Mr. Farrar said you could do it by First by Title Only. Basically, you go into the Hospitality Tax Ordinance and note how long you want to suspend the tax. It would have to be done by ordinance because the tax was imposed by ordinance.

Mr. Manning stated, for clarification, which would entail Three Readings and a Public Hearing.

Mr. Farrar responded in the affirmative.

Mr. Livingston stated the goal was to try to help the business. He does not understand how suspending the tax will help the business.

Ms. Myers stated, she believes, the issue is how we resolve the back office end of it. She thinks the questions on the table are to ensure that we are not doing more harm than good on the backend. If we are suspending the remittance that is giving them the breathing room that Mr. Walker has stated is valuable. While we are doing this, we need to work out the homework that allows us to put in place what we are trying to do, and make sure we have covered all the bases. At a later date, we can ratify an action that we have taken that will make sure that we do not harm the businesses.

Ms. McBride inquired about the financial implications for the County, if we suspend the Hospitality Tax.

Mr. Hayes stated because Hospitality Tax is the one County fund that supports the General Fund, if you suspend it, or eliminate it, it will have an impact on the General Fund. The second aspect is, we would be able to sustain some stuff going into FY21 because there is a fund balance, but long-term it would have an impact on the General Fund.

Ms. McBride stated she is not sure if there is another way to assist the small businesses, rather than impacting the General Fund. She does not have enough financial information to make a decision.

Ms. Myers stated this is a fund that is going to be down anyway. What we are doing is extending a lifeline to these businesses.

Ms. Dickerson inquired if we are talking about a 60 – 90 day extension.

Mr. Brown responded in the affirmative.

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Ms. Dickerson stated she is getting a lot of calls from businesses who are struggling. Whatever we can do to assist them, then she would fully support that.

Ms. McBride noted that she fully supports the small businesses, but she did not understand the timeframe. She wanted to ensure that we are helping them, but not harming the County, if there was another way to do it.

Ms. Newton called for the question, seconded by Ms. Terracio.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The vote in favor was unanimous to call for the question.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Kennedy, Jackson, Myers and Newton

Abstain: Walker

The vote in favor was unanimous, with Mr. Walker abstaining for reasons of direct financial involvement with the matter.

C. Updates

1. Health Cooperatives – Mr. Livingston stated he received a letter from Dr. Stuart Hamilton, which was forwarded to Council members. The health cooperatives deal with primary care for about 47% of Richland County citizens that are uninsured or underinsured. Dr. Hamilton is having some difficulty as a result of the coronavirus, and having to layoff individuals. He has requested some support from the County. The request is for the indigent care funds the County receives from PRISMA Health. Those funds are traditionally budgeted for something else; therefore, Mr. Hayes was asked to provide a recommendation regarding their availability.

Mr. Hayes responded we normally budget approximately \$890,000 in the Medical Indigent Fund, and those funds receive from the SC Dept. of Health and Human Services for the Healthy Connections Medicaid Program. Over the last few years, the County has had approximately \$100,000 left over in the fund, and the County has disbursed their funding for this year; therefore, there are currently resources available in the fund.

Mr. Livingston stated the question is whether we want to provide the \$100,000 to the Health Cooperative.

Ms. Myers inquired as to the current balance in the fund.

Mr. Hayes stated there is approximately \$134,000 remaining in the fund.

Ms. Myers stated, for clarification, year over year there has been \$100,000 left.

Mr. Hayes stated he averaged the numbers from 2017 – 2020.

Ms. Myers inquired if the funding is cumulative.

Mr. Hayes stated the remaining funds would have go back to the fund balance. They do not remain in the fund.

Ms. Dickerson inquired if that would interfere with any of the other funds.

Mr. Livingston responded the reason he looked at these funds is because these funds are designated for indigent care, and that is what the Health Cooperative does.

Ms. McBride inquired if this is a facility, or a group of health providers.

Mr. Livingston responded it is several facilities.

Ms. McBride requested additional information.

Mr. Livingston stated the Health Cooperative is an entity that provides primary care services to the underinsured and uninsured individuals in our community.

Ms. Dickerson stated there is another facility on Gervais Street.

Mr. Livingston responded that is one of their facilities.

Ms. Dickerson stated there are three (3) locations, and she wanted to verify that they all come under the same umbrella.

Mr. Livingston stated we are talking about the Richland County citizens they serve.

Ms. Dickerson inquired if any other facilities have requested funds from this fund.

Mr. Livingston responded that he is not aware of any other requests.

Mr. Livingston moved, seconded by Ms. McBride, to provide \$100,000 to the Health Cooperatives.

Mr. Malinowski stated Richland County is doing quite a bit in the way of reaching into funds, even in funds that we may not have at this time. Other individuals throughout the County, and throughout the United States, are offering assistance to alleviate financial problems people are having. He inquired if anyone has asked them if they could contribute something out of what they are providing instead of coming forward and requesting more money.

Mr. Livingston responded that he did not understand the question.

Mr. Malinowski stated, for clarification, can they provide the services at a lesser or a gratis cost.

Mr. Livingston stated they submitted a letter regarding the number of layoffs they had, and what they were trying to do to mitigate costs.

Ms. Newton inquired about what normally happens if there is a surplus in this budget line.

Mr. Hayes stated the funds go back to the General Fund Fund Balance.

Ms. Newton made a substitute motion, Ms. Dickerson, to refer this item to committee for additional information.

Mr. Livingston withdrew his motion, and joined Ms. Newton's motion.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Kennedy, Manning, Jackson, Myers and Newton

The vote in favor was unanimous.

Ms. Myers requested staff to let the committee know if this expenditure would be reimbursable from the Federal government.

2. United Way Collaboration – Mr. Brown stated he has been in conversations with Sara Fawcett, United Way's President. She wanted the County to know that whatever way they could help partner with the County, whether through collaboration, administration, etc. Their intent it to help our community spread dollars as far as they could.
3. Garbage Service Contract – Mr. Brown stated there were some community concerns that came out of the initial conversations we had about potential changes about yard waste collections. The bottom line, the information has been updated. Service schedules are running as normal, and citizens have been informed of that through media releases, the County's website and the Ombudsman's Office. We have received positive feedback from those changes.
4. State & Federal Legislative Assistance – Mr. Brown stated Council members expressed concern, or feedback on opportunities for us to utilize resources on hand, to address services that were acceptable to counties for funding. We have reached out to our current provider and we are awaiting feedback from that provider on whether they can assist the County in finding sources of funds, and helping to allocate those funds in areas of recovery. Procurement is also looking at other options, as well.
5. Planning Commission Postponement – Mr. Livingston stated he received a letter from the Chair of the Planning Commission requesting the March 30<sup>th</sup> Planning Commission meeting be postponed. He also spoke with Mr. Geo Price, and he agreed there was nothing significant enough to be concerned about; therefore, the meeting could be postponed.

Mr. Walker moved, seconded by Ms. Dickerson, to postpone the March Planning Commission meeting.

Mr. Manning inquired if the Planning Commission plans to explore holding online meetings.

Ms. Newton stated public input is critical when it comes to zoning meetings. She does not know the best way for us to have citizens participate, but she wanted to emphasize the importance of these zoning matters.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The vote in favor was unanimous.

**POINT OF ORDER:** Mr. Walker requested the record to reflect there was a vote taken on sending funds to Health Cooperatives, and he was not available during that vote.

5. **ADJOURNMENT** – Ms. Dickerson moved, seconded by Ms. Kennedy, to adjourn the meeting.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 9:33 PM

## Richland County Council Request for Action

**Subject:**

20-002MA  
Tommy Wood  
RS-MD to GC (1.46 Acres)  
7220 Frost Avenue  
TMS # R09402-02-01(p)

**Notes:**

First Reading: February 25, 2020  
Second Reading: March 3, 2020  
Third Reading: March 17, 2020 {Tentative}  
Public Hearing: February 25, 2020

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-20HR

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 TMS # R09402-02-01 (P) FROM RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT (RS-MD) TO GENERAL COMMERCIAL DISTRICT (GC); 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 TMS # R09402-02-01 (P) from Residential Single-Family Medium Density District (RS-MD) to General Commercial District (GC).

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 \_\_\_\_\_, 2020.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 25, 2020  
First Reading: February 25, 2020  
Second Reading: March 3, 2020  
Third Reading: March 17, 2020

## Richland County Council Request for Action

**Subject:**

20-004MA, Deborah Stratton, RU to NC (2.17 acres), 4133 Clemson Road, TMS# R20281-01-27

**Notes:**

First Reading: February 25, 2020

Second Reading: March 3, 2020

Third Reading: March 17, 2020 {Tentative}

Public Hearing: February 25, 2020



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-20HR

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 TMS # R20281-01-27 FROM RURAL DISTRICT (RU) TO NEIGHBORHOOD COMMERCIAL DISTRICT (NC); 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 TMS # R20281-01-27 from Rural District (RU) to Neighborhood Commercial District (NC).

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 \_\_\_\_\_, 2020.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 25, 2020  
First Reading: February 25, 2020  
Second Reading: March 3, 2020  
Third Reading: March 17, 2020

## Richland County Council Request for Action

**Subject:**

20-005 MA, Angie Dodson, NC to GC (1.46 acres), 1526 Leesburg Road, TMS# R16415-07-04

**Notes:**

First Reading: February 25, 2020  
Second Reading: March 3, 2020  
Third Reading: March 17, 2020 {Tentative}  
Public Hearing: February 25, 2020

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-20HR

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 TMS # R16415-07-04 FROM NEIGHBORHOOD COMMERCIAL DISTRICT (NC) TO GENERAL COMMERCIAL DISTRICT (GC); 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 TMS # R16415-07-04 from Neighborhood Commercial District (NC) to General Commercial District (GC).

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 \_\_\_\_\_, 2020.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 25, 2020  
First Reading: February 25, 2020  
Second Reading: March 3, 2020  
Third Reading: March 17, 2020

# Richland County Council Request for Action

**Subject:**

Approving the sale of certain property located on Farrow Road; and other related matters

**Notes:**

First Reading: March 3, 2020

Second Reading: March 17, 2020 {Tentative}

Third Reading: April 7, 2020 {Tentative}

Public Hearing: April 7, 2020 {Tentative}

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

**APPROVING THE SALE OF CERTAIN PROPERTY LOCATED ON FARROW ROAD; AND OTHER RELATED HERETO.**

WHEREAS, pursuant to Title 4, Chapter 9 of the Code of Laws of South Carolina, 1976, as amended, Richland County, South Carolina (“County”), acting by and through its County Council, (“County Council”), is authorized to enter into contracts and to sell its real property;

WHEREAS, the County owns approximately 206.63 acres on Farrow Road more particularly identified by TMS Nos. 17300-02-033 and 17300-02-10 (“Property”) and has identified the Property as property the County desires to sell;

WHEREAS, the County desires to enter into a purchase agreement (“Agreement”) with a purchaser of the Property to set forth the terms and conditions of the sale of the Property by the County to the Purchaser.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL:

**Section 1. Findings.** County Council determines that the sale of the Property is a proper governmental and public purposes and is anticipated to benefit the general public welfare of the County.

**Section 2. Approval of Sale of Property.** County Council approves the sale of the Property by the County and authorizes the County Council Chair, the County Administrator, and the Director of Economic Development, as appropriate, to execute and deliver those documents that may be reasonably necessary to accomplish the sale of the Property. Any actions taken in the name of the County prior to the effective date of this Ordinance with respect to the purchase of the Property are expressly ratified and confirmed.

**Section 3. Approval of Agreement.** County Council approves and ratifies the negotiation, preparation, execution and delivery of the Agreement, the form, terms and provisions of which shall be finally approved by the County Council Chair, the County Administrator or the Director of Economic Development, as appropriate, following receipt of advice from counsel to the County.

**Section 4. Further Acts.** County Council authorizes the County Council Chair, the County Administrator, or the Director of Economic Development, as appropriate, following receipt of advice from counsel to the County, to take such further acts and negotiate, approve and execute whatever further instruments on behalf of the County as deemed necessary, desirable or appropriate to effect the transactions described in this Ordinance.

**Section 5. General Repealer.** Any ordinance, resolution, or other order of County Council, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

**Section 6. Effectiveness.** This Ordinance is effective after third reading and a public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

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Chairman of County Council

(SEAL)  
ATTEST:

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Clerk to County Council

READINGS:

First Reading:     March 3, 2020  
Second Reading:   March 17, 2020  
Public Hearing:  
Third Reading:

## Richland County Council Request for Action

**Subject:**

A Resolution Authorizing the Administration by the County of certain grant funds from the South Carolina Department of Commerce

**Notes:**

This resolution authorizes the County to administer certain grants that have been given by the Coordinating Council/Department of Commerce for Project Virgo and Call4Health. The approval of this resolution allows the grants to move forward and the companies to begin their expansions/improvements and seek reimbursement for the expenditures from the available grant funds.

**A RESOLUTION AUTHORIZING THE ADMINISTRATION BY THE COUNTY OF CERTAIN GRANT FUNDS FROM THE SOUTH CAROLINA DEPARTMENT OF COMMERCE**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 9, Code of Laws of South Carolina, 1976, as amended, to make and execute contracts;

WHEREAS, Call4Health (“Call4Health”), a company providing call center operations for healthcare facilities through the United States, desires to locate certain of its operations in the County and anticipates that it will create approximately 275 new jobs in connection with the location of its operations in the County;

WHEREAS, a technology consulting company known to the County at this time as Project Virgo (together with Call4Health, “Companies,” each a “Company”) desires to expand its operations in the County and anticipates that it will create 150 new jobs in connection with the expansion of its operations in the County;

WHEREAS, Call4Health and Project Virgo each applied to the South Carolina Department of Commerce or the Coordinating Council for Economic Development, which is administered by the South Carolina Department of Commerce (collectively, “Commerce”) for grant funds (“Funds”) to pay for certain of the respective capital improvement the Companies will make in connection with the respective location and expansion of their operations in the County;

WHEREAS, based on the information provided by the Companies in their respective applications, Commerce has determined to make a grant to each Company;

WHEREAS, Commerce requires the County to administer the Funds on Commerce’s behalf and has requested the County enter into one or more agreements (“Agreements”) with Commerce and each Company setting forth the terms and conditions of the disbursement of the Funds to each Company; and

WHEREAS, to promote the economic development of the County and the creation of job opportunities in the County, the County desires to enter into the Agreements for the purpose of administering the Funds to the Companies on behalf of Commerce.

NOW, THEREFORE, BE IT RESOLVED BY COUNTY COUNCIL:

**Section 1. *Grant Administration; Execution of Agreements.*** The County is authorized to execute and deliver the Agreements and perform its obligations thereunder, including, specifically, disbursing the Funds on behalf of Commerce pursuant to the terms of the Agreements. The Chairman of County Council (“Chair”), the County Administrator and the Director of Economic Development, or their designees (each an “Authorized Official”), are each authorized to execute and deliver on behalf of and in the name of the County the Agreements and such further documents as may be necessary to administer and disburse the Funds.

**Section 2. *Ratification of Prior Acts; Further Assurances.*** Any action of any Authorized Official taken on behalf of or in the name of the County in connection with the application for or receipt or administration of the Funds prior to the date of this Resolution are confirmed, ratified and approved. County Council further authorizes the Authorized Officials and various other County officials and staff, acting at the direction of an Authorized Official, as appropriate, to take whatever further action and to draft, execute, deliver and post whatever further documents as may be appropriate to effect the intent of this Resolution.

**Section 3. *Savings Clause.*** If any portion of this Resolution is deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

**Section 4. *General Repealer.*** Any prior resolution or order, the terms of which are in conflict with this Resolution, is, only to the extent of such conflict, hereby repealed.

**Section 5. *Effectiveness.*** This Resolution is effective after its approval by County Council.



Adopted the \_\_\_\_\_ day of April, 2020.

RICHLAND COUNTY, SOUTH CAROLINA

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Chairman of County Council  
Richland County, South Carolina

*(SEAL)*  
ATTEST:

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Clerk to County Council  
Richland County, South Carolina

## Richland County Council Request for Action

**Subject:**

A Resolution Authorizing the extension of an Option Agreement between Richland County, South Carolina and Garners Ferry Development Company and other matters related thereto

**Notes:**

This resolution authorizes the extension of an option that the County has on certain real property located in the County. The option is expiring and the extension needs to be approved to maintain the County's position. The approval of the resolution allows the County to enter into the Modification of the Option Agreement which memorializes the extension.

**A RESOLUTION AUTHORIZING THE EXTENSION OF AN  
OPTION AGREEMENT BETWEEN RICHLAND COUNTY,  
SOUTH CAROLINA AND GARNERS FERRY DEVELOPMENT  
COMPANY AND OTHER MATTERS RELATED THERETO**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 9, Code of Laws of South Carolina, 1976, as amended, to make and execute contracts and to acquire interests in property;

WHEREAS, the County previously executed an option agreement (“Agreement”) with Garners Ferry Development Company (“Company”), pursuant to which the County purchased an option (“Option”) to acquire certain property located in the County and owned by the Company and more particularly identified with tax map numbers 18900-01-01 and a portion of 18900-02-001; and

WHEREAS, the County and the Company desire to extend the term of the Option through April 13, 2022; and

WHEREAS, the County and the Company have prepared a Modification of Option Agreement (“Modification”) to reflect the extension of the term of the Option;

NOW, THEREFORE, BE IT RESOLVED by the County Council in meeting duly assembled:

1. The extension of the term of the Option is approved and the County is authorized to enter into the Modification. The Administrator (“Administrator”) or the Chairman of County Council (“Chair”) are authorized and directed to execute the Modification in the name of and on behalf of the County.
2. The Chair and the Administrator are each authorized to take all further action as may be reasonably necessary to effect the extension of the Option and the terms of the Modification and to make a proper record thereof in the real property records of the County.
3. All resolutions, and parts thereof in conflict with this Resolution are, to the extent of such conflict, hereby repealed.
4. Should any part, provision, or term of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Resolution or any part, provision or term thereof, all of which is hereby deemed separable.

DONE AND PASSED this 7<sup>th</sup> day of April, 2020.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Chairman, Richland County Council

ATTEST:

\_\_\_\_\_  
Clerk, Richland County Council

## Richland County Council Request for Action

**Subject:**

Consenting to the partial assignment and assumption of a fee in lieu of tax and incentive agreement from PPT Real Estate Enterprises, L.P. to Stag Industrial Holdings, LLC; and other related matters

**Notes:**

Provides the County's consent to the partial assignment of the Fee Agreement and Infrastructure Credit Agreement the County has with Pure Power. The real property portion of the project that is covered by these incentive agreements is to be transferred to a third party. To maintain the incentives on the real property, the County must consent to the assignment. The completion of the underlying business transaction is halted until the County provides its consent. The terms of the incentive agreements and the statute permit the County to provide the requested consent.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
RESOLUTION NO. \_\_\_\_\_

**CONSENTING TO THE PARTIAL ASSIGNMENT AND ASSUMPTION  
OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT FROM PPT  
REAL ESTATE ENTERPRISES, L.P. TO STAG INDUSTRIAL  
HOLDINGS, LLC; AND OTHER RELATED MATTERS.**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“FILOT Act”), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”), with respect to economic development property, as defined in the FILOT Act;

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, “MCIP Act”), the County is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County’s discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park with Fairfield County, South Carolina more particularly known as the I-77 Corridor Regional Industrial Park (“Park”);

WHEREAS, pursuant to the FILOT and MCIP Acts, the County and Pure Power Technologies, Inc. (as successor in interest to Pure Power Technologies, LLC, as consented to by the County pursuant to a resolution adopted by the County dated June 21, 2016, a copy of which is attached hereto as Exhibit A) (“PPT Inc.”) negotiated a Fee in Lieu of Tax and Incentive Agreement dated as of October 30, 2011 (as amended, restated, supplemented, modified and assigned, the “FILOT Agreement”), pursuant to which PPT Inc. committed to the acquisition, construction, and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute an industrial development project in the County (collectively, the “Project”);

WHEREAS, PPT Inc. conveyed a portion of the Project comprised solely of the land and buildings located at the Project to PPT Real Estate Enterprises, L.P. (as partial successor in interest to PPT Inc.) (the “Company”) effective April 11, 2019, and the Company became successor-in-interest to PPT Inc. under the FILOT Agreement solely with respect to such conveyed property pursuant to a Partial Assignment and Assumption of Fee in Lieu of Tax and Incentive Agreement between PPT Inc. and the Company, a copy of which is attached hereto as Exhibit B (the “2019 Assignment”);

WHEREAS, the Company has contracted to convey to STAG Industrial Holdings, LLC (or to one or more Affiliates, as defined below) (the “Transferee”) the land and buildings owned by the Company comprising the Project (the “Transferred Property”), subject to the FILOT Agreement;

WHEREAS, the Company, the Transferee and the County with the signed acknowledgment of PPT Inc. desire to enter into that certain Partial Assignment and Assumption of FILOT Agreement (the “Assignment”), the form of which is attached as Exhibit C (the “2020 Assignment”), wherein and whereby the Company will assign all of its right, title, interest and obligations under the FILOT Agreement to the Transferee (or to one or more Affiliates, as defined below), as they relate to the Transferred Property, and the Transferee (or one or more Affiliates) will assume such right, title, interest and obligations under the

FILOT Agreement from the Company, subject to the terms of such Assignment, as they relate to the Transferred Property;

WHEREAS, the Company and the Transferee have requested that the County authorize, approve, and consent to such conveyance of the Transferred Property and the 2020 Assignment in accordance with the provisions of the FILOT Agreement and Section 12-44-120 of the Code, including the transfer of the Transferred Property to Transferee (or to one or more Affiliates).

NOW THEREFORE, BE IT RESOLVED, by the County Council as follows:

**Section 1. *Definitions.*** For purposes of this Resolution, the term “Affiliate(s)” shall mean, with respect to any entity, an entity that is controlled by, owned directly or indirectly and in whole or in part by, or under common control with, such entity.

**Section 2. *Statutory Findings.*** Based on information supplied to the County by the Company, County Council evaluated the Project based on relevant criteria including, the purposes the Project is to accomplish, and the anticipated costs and benefits to the County, and hereby finds:

(a) The Project is anticipated to continue to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) The Project continues to give rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; and

(c) The purposes to be accomplished by the Project continue to be proper governmental and public purposes and the benefits of the Project are greater than the costs.

**Section 3. *Approval of the Assignment; Authorization to Execute and Deliver the Assignment; Ratification of FILOT Agreement.*** The form, terms and provisions of the 2020 Assignment that is before this meeting are approved and all of the Assignment’s terms and conditions are incorporated in this resolution (“Resolution”) by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the Assignment in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Assignment and to deliver the Assignment to the Company and the Transferee. To the best knowledge of the County, based solely on information provided by the Company and the Transferee and without independent investigation, the County acknowledges and agrees that, as of the time immediately prior to the effectiveness of the 2020 Assignment, the FILOT Agreement is in full force and effect, there are no existing defaults under the FILOT Agreement, and the FILOT Agreement is hereby ratified by the County in all respects.

**Section 4. *Further Assurances.*** The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Resolution and the Assignment.

**Section 5. *Savings Clause.*** The provisions of this Resolution are separable. If any part of this Resolution is, for any reason, unenforceable then the validity of the remainder of this Resolution is unaffected.

**Section 6. *General Repealer.*** Any prior ordinance, resolution, or order, the terms of which are in conflict with this Resolution, is, only to the extent of that conflict, repealed.

**Section 7. *Effectiveness.*** This Resolution is effective immediately upon approval by the Council following reading before Council.

Executed this [7<sup>th</sup>] day of April, 2020.

RICHLAND COUNTY, SOUTH CAROLINA

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Chair, Richland County Council

(SEAL)  
ATTEST:

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Clerk of Council, Richland County Council



**Exhibit A**

**Resolution of County Council – June 21, 2016**

**See attached**

**A RESOLUTION CONSENTING TO AND RATIFYING THE ASSIGNMENT BY NAVISTAR, INC. AND NAVISTAR COMPONENT HOLDINGS, LLC TO PURE POWER TECHNOLOGIES, INC. OF CERTAIN PROPERTY TAX INCENTIVE AGREEMENTS AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, pursuant to Title 4, Chapters 1 and 12 and Title 4, Chapter 29, Section 68, Code of Laws of South Carolina, 1976, as amended, Richland County, South Carolina (“County”) entered into an Infrastructure Credit and Incentive Agreement, dated as of July 1, 2010 (“Credit Agreement”), with Navistar, Inc. (“Navistar”) and Pure Power Technologies, LLC, now known as Navistar Component Holdings, LLC (“Component Holdings,” together with Navistar, “Assignor”);

**WHEREAS**, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, the County and Component Holdings entered into a Fee in Lieu of Tax and Incentive Agreement dated as of October 30, 2011 (“Fee Agreement” together with the Credit Agreement, “Agreements”);

**WHEREAS**, pursuant to the Agreements, Assignor may assign or otherwise transfer the Project, as defined in the Agreements, and any or all of Assignor’s rights and interests in and obligations under the Agreements with the consent of or ratification by the County of any such assignment;

**WHEREAS**, on or about January 29, 2016, Assignor sold substantially all of its assets, including the Project, to Pure Power Technologies, Inc. (“Assignee”) and assigned Assignor’s rights and interests in and obligations under the Agreements to Assignee;

**WHEREAS**, Assignor and Assignee desire to obtain the County’s (i) acknowledgement of receipt of notice of the sale of the Project, and (ii) consent and ratification of the assignment of the Agreements by Assignor to Assignee.

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Richland County, South Carolina (the “County Council”), as follows:

**SECTION 1.** The County Council hereby acknowledges receipt of notice of the sale of the Project from Assignor to Assignee.

**SECTION 2.** For purposes of complying with the provisions of the Agreements relating to ratification of the assignment of the Agreements only, County Council consents to and ratifies Assignor’s assignment in and to the Agreements to Assignee as of January 29, 2016. This consent and ratification shall not be construed as a (i) warrant or guaranty of receipt by Assignee of any benefits under the Agreements, (ii) waiver of default, if any, or (iii) release of Assignor or Assignee from any payment obligations arising and outstanding under the Agreements.

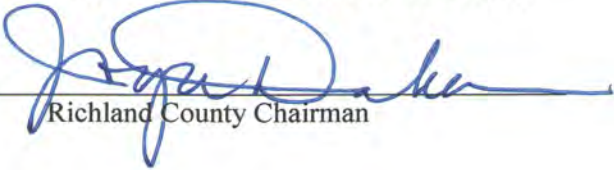
**SECTION 3.** The County Administrator or the County’s Director of Economic Development, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary or appropriate in connection with this Resolution to evidence the County’s acknowledgement, the consent and ratification as described in this Resolution.

**SECTION 4.** Any resolution or other order of County Council, the terms of which are in conflict with this Resolution, is, only to the extent of that conflict, repealed.

**SECTION 5.** This Resolution is effective on adoption by County Council.

DONE in a meeting duly assembled this 21<sup>st</sup> day of June, 2016.

**RICHLAND COUNTY, SOUTH CAROLINA**

By:   
Richland County Chairman

Attest:

  
Asst. Clerk to County Council  
Richland County, South Carolina

**Exhibit B**  
**2019 Assignment**

**See attached**

**PARTIAL ASSIGNMENT AND ASSUMPTION  
OF FILOT AGREEMENT**

THIS PARTIAL ASSIGNMENT AND ASSUMPTION OF FILOT AGREEMENT (this “Assignment Agreement”) is made and entered into as of the 11<sup>th</sup> day of April, 2019 (the “Effective Date”), by and between Pure Power Technologies, Inc., a Delaware corporation (“Assignor”), and PPT Real Estate Enterprises, L.P., a Delaware limited partnership (“Assignee”).

**WITNESSETH:**

WHEREAS, Pure Power Technologies, LLC, a Delaware limited liability company (“PPT LLC”), and Richland County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina (the “County”), entered into that certain Fee in Lieu of Tax and Incentive Agreement dated as of October 30, 2011 (as amended, restated, supplemented, modified and assigned, the “FILOT Agreement”), a true and correct copy of which is attached as Exhibit A hereto and incorporated herein by reference; and

WHEREAS, PPT LLC’s right, title and interest in the FILOT Agreement were assigned to Assignor in connection with the sale of substantially all of PPT LLC’s assets to Assignor, which assignment was ratified by the County by a Resolution of County Council dated June 21, 2016; and

WHEREAS, Assignor has conveyed a portion of the Project (as defined in the FILOT Agreement) consisting of the land and buildings located at the Project to Assignee (collectively, the “**Transferred Property**”) pursuant to that certain Purchase and Sale Agreement by and between Assignor and Assignee, dated April 11, 2019 (such purchase and sale transaction, the “**Sale-Lease Back Transaction**”); and

WHEREAS, pursuant to Section 6.01 of the FILOT Agreement, the County has consented to the transfer of the rights, title, interest and obligations of Assignor under the FILOT Agreement to Assignee in connection with the Sale-Lease Back Transaction as set forth herein; and

WHEREAS, Assignor desires to assign to Assignee all of its obligations, rights, title and interest in and to the FILOT Agreement with respect to the Transferred Property, and Assignee desires to assume all obligations, rights, title and interest of Assignor thereunder, with respect to the Transferred Property.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignment and Assumption of FILOT Agreement. Assignor does hereby sell, assign, transfer and set over to Assignee all of Assignor’s right, title, interest and obligations under the FILOT Agreement, solely with respect to the Transferred Property, and Assignee hereby accepts such assignment and assumes all of Assignor’s duties and obligations under the FILOT Agreement, solely with respect to the Transferred Property (“**Assignment and Assumption of FILOT Agreement**”).

2. Notices. From and after the Effective Date, all notices delivered pursuant to the FILOT Agreement shall also be delivered to Assignee at the following addresses:

PPT Real Estate Enterprises, L.P.  
76 Okeechobee West  
Santa Rosa Beach, FL 32459  
Attention: Julian Ameler  
Telephone: +44 20 3955 7403

3. Amendment. This Assignment Agreement may be amended, modified or supplemented, and any provision hereof may be waived, only by written agreement of the parties hereto.

4. Governing Law. This Assignment Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of South Carolina.

5. Successors and Assigns. This Assignment Agreement shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors and assigns. This Assignment Agreement is not intended and shall not be deemed to confer upon or give any person except the parties hereto and their respective successors and permitted assigns any remedy, claim, liability, reimbursement, cause of action or other right under or by reason of this Assignment Agreement.

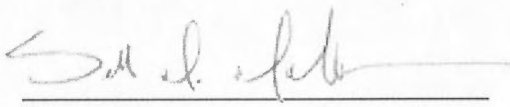
6. Counterparts. This Assignment Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and shall become binding when one or more of the counterparts have been signed by each of the parties and delivered to the other party.

**[SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment Agreement to be executed as of the Effective Date.

**ASSIGNOR:**

PURE POWER TECHNOLOGIES, INC., a  
Delaware corporation

By: 

Name: Seth H. Hollander

Title: Director

**ASSIGNEE:**

PPT REAL ESTATE ENTERPRISES, L.P., a  
Delaware limited partnership

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment Agreement to be executed as of the Effective Date.


**ASSIGNOR:**

PURE POWER TECHNOLOGIES, INC., a  
Delaware corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSIGNEE:**

PPT REAL ESTATE ENTERPRISES, L.P., a  
Delaware limited partnership

By:  \_\_\_\_\_  
Name: Julian Ameler  
Title: Director



**Exhibit A to Partial Assignment and Assumption of FILOT Agreement**

**Copy of FILOT Agreement**

[to be attached]

**Exhibit C**  
**Form of 2020 Assignment**

**See attached**

NPGVL1:1860632.1-DRFT-(JWARREN) 059575-00011

**PARTIAL ASSIGNMENT AND ASSUMPTION  
OF FILOT AGREEMENT**

**THIS PARTIAL ASSIGNMENT AND ASSUMPTION OF FILOT AGREEMENT** (this “**Assignment Agreement**”) is made and entered into as of the \_\_\_ day of April, 2020 (the “**Effective Date**”), by and among PPT Real Estate Enterprises, L.P., a Delaware limited partnership (“**Assignor**”), STAG Industrial Holdings, LLC, a Delaware limited liability company (“**Assignee**”) and Richland County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina (the “**County**”).

**WITNESSETH:**

WHEREAS, Pure Power Technologies, LLC, a Delaware limited liability company (“**PPT LLC**”), and the County entered into that certain Fee in Lieu of Tax and Incentive Agreement dated as of October 30, 2011 (as amended, restated, supplemented, modified and assigned, the “**FILOT Agreement**”), a true and correct copy of which is attached as Exhibit A hereto and incorporated herein by reference; and

WHEREAS, PPT LLC’s right, title and interest in the FILOT Agreement were assigned to Pure Power Technologies, Inc. (“**PPT Inc.**”) in connection with the sale of substantially all of PPT LLC’s assets to PPT Inc., which assignment was ratified by the County by a Resolution of County Council dated June 21, 2016, a true and correct copy of which is attached as Exhibit B; and

WHEREAS, PPT Inc.’s right title and interest in the FILOT Agreement solely with respect to the land and buildings located at the Project (as defined in the FILOT Agreement) were assigned to Assignor effective April 11, 2019, which assignment was approved, consented to and ratified by the County pursuant to a resolution adopted by County Council on April \_\_\_, 2020, a true and correct copy of which is attached hereto as Exhibit C; and

WHEREAS, Assignor has previously contracted to convey a portion of the Project (as defined in the FILOT Agreement) consisting of the land and buildings located at the Project (collectively, the “**Transferred Property**”) to Assignee; and

WHEREAS, Assignor desires to assign to Assignee all of its obligations, rights, title and interest in and to the FILOT Agreement with respect to the Transferred Property, and Assignee desires to assume all obligations, rights, title and interest of Assignor thereunder, with respect to the Transferred Property; and

WHEREAS, the County has also authorized, approved and consented to this Assignment Agreement via the Resolution.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignment and Assumption of FILOT Agreement. Assignor does hereby sell, assign, transfer and set over to Assignee all of Assignor’s right, title, interest and obligations under the FILOT Agreement, solely with respect to the Transferred Property, and Assignee hereby accepts such assignment and assumes all of Assignor’s duties and obligations under the FILOT Agreement, solely with respect to the Transferred Property (“**Assignment and Assumption of FILOT Agreement**”).

2. Mutual Indemnities. Assignor agrees to indemnify, defend and hold Assignee, its affiliates, successors and assigns, harmless from and against any and all claims, actions, charges, fees and expenses (including, without limitation, reasonable attorneys' fees and court costs) and liabilities (collectively,

“Claims”) that result directly from the failure of Assignor to perform its obligations under, or to observe the covenants and conditions in, the FILOT Agreement (as such relate to the Transferred Property), provided that any such obligation accrued and that such failure occurred prior to the Effective Date, regardless of when the same are discovered or asserted. Assignee agrees to indemnify, defend and hold Assignor, its affiliates, successors and assigns, harmless from and against any and all Claims that (a) result directly from the failure of Assignee to perform its obligations under, or to observe the covenants and conditions in, the FILOT Agreement (as such relate to the Transferred Property), provided that any such obligation accrued and that such failure occurred on or after the Effective Date; or (b) arise from any modification or amendment to the FILOT Agreement on or after the Effective Date (in each case, as such relate to the Transferred Property).

3. Representations and Warranties by Assignor and County.

- (a) Assignor hereby represents and warrants to Assignee that neither the Assignor nor the Transferred Property is in default under the FILOT Agreement and that all requirements of Assignor under the FILOT Agreement (including any requirements to make and maintain investment at the Project) have been satisfied as of the Effective Date.
- (b) Assignor hereby represents and warrants to Assignee that, to the best of Assignor’s knowledge, PPT Inc. is not in default under the FILOT Agreement and that, to the best of Assignor’s knowledge, all requirements of PPT Inc. under the FILOT Agreement (including any requirements to make and maintain investment at the Project) have been satisfied as of the Effective Date.
- (c) The County hereby represents that, to the best of the County’s knowledge based solely on information Assignor and Assignee have provided to the County without further independent investigation, neither Assignor nor the Transferred Property is in default under the FILOT Agreement.

4. Release. The County hereby releases Assignor from any breach by Assignee of Assignee's duties, obligations, and liabilities under the FILOT Agreement with respect to the Transferred Property, accruing on or after 12:00 a.m. on the Effective Date, except with respect to the payment of Negotiated FILOT payments (as defined in the FILOT Agreement), payments in lieu of taxes *ad valorem* taxes or other amounts due with respect to the Transferred Property (collectively “**Amounts**”), which the County specifically does not release Assignor from the obligation for the payment thereof until the County has received such Amounts due through the Effective Date or for the property tax year in which the Assignment and Assumption of FILOT Agreement occurs. Nothing contained in this Section 5 shall release Assignor from any other duties, obligations, or liabilities under the FILOT Agreement.

5. Notices. From and after the Effective Date, all notices delivered pursuant to the FILOT Agreement shall also be delivered to Assignee at the following addresses:

STAG Industrial Holdings, LLC  
One Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110  
Attention: General Counsel

6. Amendment. This Assignment Agreement may be amended, modified or supplemented, and any provision hereof may be waived, only by written agreement of the parties hereto.

7. Governing Law. This Assignment Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of South Carolina.

8. Successors and Assigns. This Assignment Agreement shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors and assigns. This Assignment Agreement is not intended and shall not be deemed to confer upon or give any person except the parties hereto and their respective successors and permitted assigns any remedy, claim, liability, reimbursement, cause of action or other right under or by reason of this Assignment Agreement.

9. Counterparts. This Assignment Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and shall become binding when one or more of the counterparts have been signed by each of the parties and delivered to the other party.

**[SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment Agreement to be executed as of the Effective Date.

**ASSIGNOR:**

PPT REAL ESTATE ENTERPRISES, L.P., a  
Delaware limited partnership

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSIGNEE:**

STAG INDUSTRIAL HOLDINGS, LLC, a  
Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, the County has consented to the partial assignment and assumption of FILOT Agreement as contemplated by this Assignment Agreement and has approved and authorized this Assignment Agreement by the signature of its authorized representative below.

**RICHLAND COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, PPT Inc. acknowledges the foregoing Assignment and Assumption of FILOT Agreement.

PURE POWER TECHNOLOGIES, INC., a  
Delaware corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**Exhibit A to Partial Assignment and Assumption of FILOT Agreement**

**Copy of FILOT Agreement**

See attached

**Exhibit B to Partial Assignment and Assumption of FILOT Agreement**

**Copy of County Resolution dated June 21, 2016 re: Consent to Assignment and Assumption of FILOT Agreement between PPT LLC, as Assignor, and PPT Inc., as Assignee**

See attached

**Exhibit C to Partial Assignment and Assumption of FILOT Agreement**

**Copy of County Resolution dated April \_\_\_\_, 2020**

See attached

## Richland County Council Request for Action

**Subject:**

Authorizing, approving, ratifying and consenting to the partial assignment and assumption of an infrastructure credit and incentive agreement from Pure Power Technologies, Inc. to PPT Real Estate Enterprises, L.P.; authorizing, approving, ratifying and consenting to the partial assignment and assumption of an infrastructure credit and incentive agreement from PPT Real Estate Enterprises, L.P. to Stag Industrial Holdings, LLC; and other related matters

**Notes:**

Provides the County's consent to the partial assignment of the Fee Agreement and Infrastructure Credit Agreement the County has with Pure Power. The real property portion of the project that is covered by these incentive agreements is to be transferred to a third party. To maintain the incentives on the real property, the County must consent to the assignment. The completion of the underlying business transaction is halted until the County provides its consent. The terms of the incentive agreements and the statute permit the County to provide the requested consent.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
RESOLUTION NO. \_\_\_\_\_

**AUTHORIZING, APPROVING, RATIFYING AND CONSENTING TO THE PARTIAL ASSIGNMENT AND ASSUMPTION OF AN INFRASTRUCTURE CREDIT AND INCENTIVE AGREEMENT FROM PURE POWER TECHNOLOGIES, INC. TO PPT REAL ESTATE ENTERPRISES, L.P.; AUTHORIZING, APPROVING, RATIFYING AND CONSENTING TO THE PARTIAL ASSIGNMENT AND ASSUMPTION OF AN INFRASTRUCTURE CREDIT AND INCENTIVE AGREEMENT FROM PPT REAL ESTATE ENTERPRISES, L.P. TO STAG INDUSTRIAL HOLDINGS, LLC; AND OTHER RELATED MATTERS.**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 4, Chapter 1, Code of Laws of South Carolina, 1976, as amended (“Act”), to provide special source revenue credits for the purpose of defraying certain costs, including, without limitation, the cost of designing, acquiring, constructing, improving or expanding the infrastructure serving the County or the project and for improved and unimproved real estate used in the operation of a manufacturing facility or commercial enterprise to enhance the economic development of the County;

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, “MCIP Act”), the County is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County’s discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park with Fairfield County, South Carolina more particularly known as the I-77 Corridor Regional Industrial Park (“Park”);

WHEREAS, pursuant to the Act and MCIP Act, the County and Pure Power Technologies, Inc. (as successor in interest to Pure Power Technologies, LLC and Navistar, Inc., as consented to by the County pursuant to a resolution dated June 21, 2016, a copy of which is attached hereto as Exhibit A (“PPT Inc.”) are parties to that certain Infrastructure Credit and Incentive Agreement effective as of July 1, 2010 (as amended, restated, supplemented, modified and assigned, the “Infrastructure Credit Agreement”), pursuant to which PPT Inc. committed to the acquisition, construction, and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute an industrial development project in the County (collectively, the “Project”);

WHEREAS, PPT Inc. conveyed a portion of the Project comprised solely of the land and buildings located at the Project to PPT Real Estate Enterprises, L.P. (the “Company”) effective April 11, 2019, and the Company became successor-in-interest to PPT Inc. under the Infrastructure Credit Agreement solely with respect to such conveyed property pursuant to a Partial Assignment and Assumption of Infrastructure Credit and Incentive Agreement effective April 11, 2019 between PPT Inc. and the Company, a copy of which is attached hereto as Exhibit B (the “2019 Assignment”);

WHEREAS, the Company has contracted to convey to STAG Industrial Holdings, LLC (or to one or more Affiliates, as defined below) (the “Transferee”) the land and buildings owned by the Company comprising the Project (the “Transferred Property”) and the Transferred Property is subject to the Infrastructure Credit Agreement (the “Transferred Property”);

WHEREAS, the Company, the Transferee and the County desire to enter into that certain Partial Assignment and Assumption of Infrastructure Credit and Incentive Agreement in the form attached hereto

as Exhibit C (the “2020 Assignment”), wherein and whereby the Company shall assign all of its right, title, interest and obligations under the Infrastructure Credit Agreement to the Transferee (or to one or more Affiliates, as defined below), as they relate to the Transferred Property, and the Transferee (or one or more Affiliates) shall assume such right, title, interest and obligations under the Infrastructure Credit Agreement from the Company, subject to the terms of such Assignment, as they relate to the Transferred Property;

WHEREAS, the Company and the Transferee have requested that the County: (i) authorize, approve, ratify and consent to the April 2019 conveyance of the Transferred Property to the Company and the 2019 Assignment; and (ii) authorize, approve, ratify and consent to the conveyance of the Transferred Property to the Transferee (or to one or more Affiliates) and the 2020 Assignment, each in accordance with the provisions of the Infrastructure Credit Agreement.

NOW THEREFORE, BE IT RESOLVED, by the County Council as follows:

**Section 1. Definitions.** For purposes of this Resolution, the term “Affiliate(s)” shall mean, with respect to any entity, an entity that is controlled by, owned directly or indirectly and in whole or in part by, or under common control with, such entity.

**Section 2. Statutory Findings.** Based on information supplied to the County by the Company, County Council evaluated the Project based on relevant criteria including, the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment and the anticipated costs and benefits to the County, and hereby finds:

(a) The Project is anticipated to continue to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) The Project continues to give rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; and

(c) The purposes to be accomplished by the Project continue to be proper governmental and public purposes and the benefits of the Project are greater than the costs.

**Section 3. Approval of the Assignments; Authorization to Execute and Deliver the Assignments; Ratification of Infrastructure Credit Agreement.** The form, terms and provisions of the 2019 Assignment and 2020 Assignment that are before this meeting are approved and all of the 2019 Assignment’s and 2020 Assignment’s terms and conditions are incorporated in this resolution (“Resolution”) by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the 2019 Assignment and 2020 Assignment in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the 2019 Assignment and 2020 Assignment and to deliver each of the 2019 Assignment and 2020 Assignment to the respective parties thereto. The County acknowledges and agrees that, as of the time immediately prior to the effectiveness of the 2020 Assignment, the Infrastructure Credit Agreement is in full force and effect, there are no existing defaults under the Infrastructure Credit Agreement, and the Infrastructure Credit Agreement is hereby ratified by the County in all respects.

**Section 4. Further Assurances.** The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to

negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Resolution, the 2019 Assignment and the 2020 Assignment.

**Section 5. *Savings Clause.*** The provisions of this Resolution are separable. If any part of this Resolution is, for any reason, unenforceable then the validity of the remainder of this Resolution is unaffected.

**Section 6. *General Repealer.*** Any prior ordinance, resolution, or order, the terms of which are in conflict with this Resolution, is, only to the extent of that conflict, repealed.

**Section 7. *Effectiveness.*** This Resolution is effective immediately upon approval by the Council following reading before Council.

Executed this [7<sup>th</sup>] day of April, 2020.

RICHLAND COUNTY, SOUTH CAROLINA

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Chair, Richland County Council

(SEAL)  
ATTEST:

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Clerk of Council, Richland County Council

**Exhibit A**

**Copy of County Resolution approving Assignment of Infrastructure Credit Agreement by  
and between Pure Power Technologies, LLC and Navistar, Inc., collectively as Assignor,  
and Pure Power Technologies, Inc., as Assignee**

See attached



**A RESOLUTION CONSENTING TO AND RATIFYING THE ASSIGNMENT BY NAVISTAR, INC. AND NAVISTAR COMPONENT HOLDINGS, LLC TO PURE POWER TECHNOLOGIES, INC. OF CERTAIN PROPERTY TAX INCENTIVE AGREEMENTS AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, pursuant to Title 4, Chapters 1 and 12 and Title 4, Chapter 29, Section 68, Code of Laws of South Carolina, 1976, as amended, Richland County, South Carolina (“County”) entered into an Infrastructure Credit and Incentive Agreement, dated as of July 1, 2010 (“Credit Agreement”), with Navistar, Inc. (“Navistar”) and Pure Power Technologies, LLC, now known as Navistar Component Holdings, LLC (“Component Holdings,” together with Navistar, “Assignor”);

**WHEREAS**, pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, the County and Component Holdings entered into a Fee in Lieu of Tax and Incentive Agreement dated as of October 30, 2011 (“Fee Agreement” together with the Credit Agreement, “Agreements”);

**WHEREAS**, pursuant to the Agreements, Assignor may assign or otherwise transfer the Project, as defined in the Agreements, and any or all of Assignor’s rights and interests in and obligations under the Agreements with the consent of or ratification by the County of any such assignment;

**WHEREAS**, on or about January 29, 2016, Assignor sold substantially all of its assets, including the Project, to Pure Power Technologies, Inc. (“Assignee”) and assigned Assignor’s rights and interests in and obligations under the Agreements to Assignee;

**WHEREAS**, Assignor and Assignee desire to obtain the County’s (i) acknowledgement of receipt of notice of the sale of the Project, and (ii) consent and ratification of the assignment of the Agreements by Assignor to Assignee.

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of Richland County, South Carolina (the “County Council”), as follows:

**SECTION 1.** The County Council hereby acknowledges receipt of notice of the sale of the Project from Assignor to Assignee.

**SECTION 2.** For purposes of complying with the provisions of the Agreements relating to ratification of the assignment of the Agreements only, County Council consents to and ratifies Assignor’s assignment in and to the Agreements to Assignee as of January 29, 2016. This consent and ratification shall not be construed as a (i) warrant or guaranty of receipt by Assignee of any benefits under the Agreements, (ii) waiver of default, if any, or (iii) release of Assignor or Assignee from any payment obligations arising and outstanding under the Agreements.

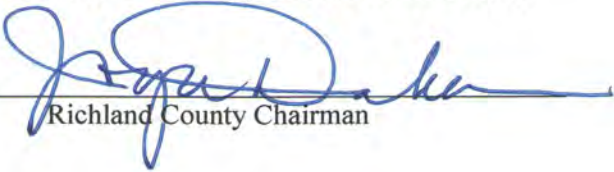
**SECTION 3.** The County Administrator or the County’s Director of Economic Development, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary or appropriate in connection with this Resolution to evidence the County’s acknowledgement, the consent and ratification as described in this Resolution.

**SECTION 4.** Any resolution or other order of County Council, the terms of which are in conflict with this Resolution, is, only to the extent of that conflict, repealed.

**SECTION 5.** This Resolution is effective on adoption by County Council.

DONE in a meeting duly assembled this 21<sup>st</sup> day of June, 2016.

**RICHLAND COUNTY, SOUTH CAROLINA**

By:   
Richland County Chairman

Attest:

  
Asst. Clerk to County Council  
Richland County, South Carolina

**Exhibit B**

**2019 Partial Assignment of Infrastructure Credit Agreement by and between Pure Power Technologies, Inc., as Assignor, and PPT Real Estate Enterprises, L.P., as Assignee**

See attached

**PARTIAL ASSIGNMENT AND ASSUMPTION  
OF INFRASTRUCTURE CREDIT AND INCENTIVE AGREEMENT**

**THIS PARTIAL ASSIGNMENT AND ASSUMPTION OF INFRASTRUCTURE CREDIT AND INCENTIVE AGREEMENT** (this “**Assignment Agreement**”) is made and entered into as of the 11<sup>th</sup> day of April, 2019 (the “**Effective Date**”), by and between Pure Power Technologies, Inc., a Delaware corporation (“**Assignor**”), and PPT Real Estate Enterprises, L.P., a Delaware limited partnership (“**Assignee**”).

**WITNESSETH:**

WHEREAS, Pure Power Technologies, LLC, a Delaware limited liability company (“**PPT LLC**”), and Richland County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina (the “**County**”), entered into that certain Infrastructure Credit and Incentive Agreement by and among PPT LLC, Navistar, Inc. and the County, dated as of July 1, 2010 (as amended, restated, supplemented, modified and assigned, the “**Infrastructure Credit Agreement**”), a true and correct copy of which is attached as Exhibit A hereto and incorporated herein by reference; and

WHEREAS, PPT LLC’s right, title and interest in the Infrastructure Credit Agreement were assigned to Assignor in connection with the sale of substantially all of PPT LLC’s assets to Assignor, which assignment was ratified by the County by a Resolution of County Council dated June 21, 2016; and

WHEREAS, Assignor has conveyed a portion of the Project (as defined in the Infrastructure Credit Agreement) consisting of land and buildings located at the Project to Assignee (collectively, the “**Transferred Property**”) pursuant to that certain Purchase and Sale Agreement by and between Assignor and Assignee, dated April 11, 2019 (such purchase and sale transaction, the “**Sale-Lease Back Transaction**”); and

WHEREAS, Assignor desires to assign to Assignee all of its obligations, rights, title and interest in and to the Infrastructure Credit Agreement with respect to the Transferred Property, and Assignee desires to assume all obligations, rights, title and interest of Assignor thereunder, with respect to the Transferred Property.

WHEREAS, the County has authorized, approved and consented to (or will authorize, approve and consent to) the assignment of the Infrastructure Credit Agreement via Resolution of its County Council.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignment and Assumption of Infrastructure Credit Agreement. Assignor does hereby sell, assign, transfer and set over to Assignee all of Assignor’s right, title, interest and obligations under the Infrastructure Credit Agreement, solely with respect to the Transferred Property, and Assignee hereby accepts such assignment and assumes all of Assignor’s duties and obligations under the Infrastructure Credit Agreement, solely with respect to the Transferred Property (“**Assignment and Assumption of Infrastructure Credit Agreement**”).

2. Notices. From and after the Effective Date, all notices delivered pursuant to the Infrastructure Credit Agreement shall also be delivered to Assignee at the following addresses:

PPT Real Estate Enterprises, L.P.  
76 Okeechobee West  
Santa Rosa Beach, FL 32459  
Attention: Julian Ameler  
Telephone: +44 20 3955 7403

3. Amendment. This Assignment Agreement may be amended, modified or supplemented, and any provision hereof may be waived, only by written agreement of the parties hereto.

4. Governing Law. This Assignment Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of South Carolina.

5. Successors and Assigns. This Assignment Agreement shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors and assigns. This Assignment Agreement is not intended and shall not be deemed to confer upon or give any person except the parties hereto and their respective successors and permitted assigns any remedy, claim, liability, reimbursement, cause of action or other right under or by reason of this Assignment Agreement.

6. Counterparts. This Assignment Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and shall become binding when one or more of the counterparts have been signed by each of the parties and delivered to the other party.

**[SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment Agreement to be executed as of the Effective Date.

**ASSIGNOR:**

PURE POWER TECHNOLOGIES, INC., a  
Delaware corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSIGNEE:**

PPT REAL ESTATE ENTERPRISES, L.P., a  
Delaware limited partnership

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Exhibit A to Partial Assignment and Assumption of Infrastructure Credit Agreement**

**Copy of Infrastructure Credit Agreement**

[to be attached]

**Exhibit C**

**Form of 2020 Partial Assignment of Infrastructure Credit Agreement by and between PPT  
Real Estate Enterprises, L.P., as Assignor, and STAG Industrial Holdings, LLC, as  
Assignee**

**See attached**



**PARTIAL ASSIGNMENT AND ASSUMPTION  
OF INFRASTRUCTURE CREDIT AND INCENTIVE AGREEMENT**

**THIS PARTIAL ASSIGNMENT AND ASSUMPTION OF INFRASTRUCTURE CREDIT AND INCENTIVE AGREEMENT** (this “**Assignment Agreement**”) is made and entered into as of the \_\_\_ day of April, 2020 (the “**Effective Date**”), by and among PPT Real Estate Enterprises, L.P., a Delaware limited partnership (“**Assignor**”), STAG Industrial Holdings, LLC, a Delaware limited liability company (“**Assignee**”) and Richland County, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina (the “**County**”).

**WITNESSETH:**

WHEREAS, Pure Power Technologies, LLC, a Delaware limited liability company (“**PPT LLC**”), Navistar, Inc. (“**Navistar**”) and the County entered into that certain Infrastructure Credit and Incentive Agreement dated as of July 1, 2010 (as amended, restated, supplemented, modified and assigned, the “**Infrastructure Credit Agreement**”), a true and correct copy of which is attached as Exhibit A hereto and incorporated herein by reference; and

WHEREAS, PPT LLC’s and Navistar’s right, title and interest in the Infrastructure Credit Agreement were assigned to Pure Power Technologies, Inc. (“**PPT Inc.**”) in connection with the sale of substantially all of PPT LLC’s assets to PPT Inc., which assignment was ratified by the County by a Resolution of County Council dated June 21, 2016, a true and correct copy of which is attached as Exhibit B; and

WHEREAS, PPT Inc.’s right title and interest in the Infrastructure Credit Agreement solely with respect to the land and buildings located at the Project (as defined in the Infrastructure Credit Agreement) were assigned to Assignor effective April 11, 2019, which assignment was approved, consented to and ratified by the County pursuant to the certain resolution adopted by the County Council on April \_\_\_\_, 2020, a true and correct copy of which is attached as Exhibit C (the “**Resolution**”) in accordance with terms of the Infrastructure Credit Agreement; and

WHEREAS, Assignor has previously contracted to convey a portion of the Project (as defined in the Infrastructure Credit Agreement) consisting of land and buildings located at the Project (collectively, the “**Transferred Property**”) to Assignee; and

WHEREAS, Assignor desires to assign to Assignee all of its obligations, rights, title and interest in and to the Infrastructure Credit Agreement, with respect to the Transferred Property, and Assignee desires to assume all obligations, rights, title and interest of Assignor thereunder, with respect to the Transferred Property; and

WHEREAS, the County has also authorized, approved and consented to this Assignment Agreement via the Resolution.

NOW, THEREFORE, in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Assignment and Assumption of Infrastructure Credit Agreement. Assignor does hereby sell, assign, transfer and set over to Assignee all of Assignor’s right, title, interest and obligations under the Infrastructure Credit Agreement, solely with respect to the Transferred Property, and Assignee hereby accepts such assignment and assumes all of Assignor’s duties and obligations under the Infrastructure Credit

Agreement, solely with respect to the Transferred Property (“**Assignment and Assumption of Infrastructure Credit Agreement**”).

2. Mutual Indemnities. Assignor agrees to indemnify, defend and hold Assignee, its affiliates, successors and assigns, harmless from and against any and all claims, actions, charges, fees and expenses (including, without limitation, reasonable attorneys' fees and court costs) and liabilities (collectively, “Claims”) that result directly from the failure of Assignor to perform its obligations under, or to observe the covenants and conditions in, the Infrastructure Credit Agreement (as such relate to the Transferred Property), provided that any such obligation accrued and that such failure occurred prior to the Effective Date, regardless of when the same are discovered or asserted. Assignee agrees to indemnify, defend and hold Assignor, its affiliates, successors and assigns, harmless from and against any and all Claims that: (a) result directly from the failure of Assignee to perform its obligations under, or to observe the covenants and conditions in, the Infrastructure Credit Agreement as such related solely to the Transferred Property, provided that any such obligation accrued and that such failure occurred on or after the Effective Date; or (b) arise from any modification or amendment to the Infrastructure Credit Agreement on or after the Effective Date (in each case, as such relate to the Transferred Property).

3. Representations and Warranties by Assignor and County.

- (a) Assignor hereby represents and warrants to Assignee that neither the Assignor nor the Transferred Property is in default under the Infrastructure Credit Agreement and that all requirements of Assignor under the Infrastructure Credit Agreement (including any requirements to make and maintain investment and employment at the Project) have been satisfied as of the Effective Date.
- (b) Assignor hereby represents and warrants to Assignee that, to the best of Assignor’s knowledge, PPT Inc. is not in default under the Infrastructure Credit Agreement, and that, to best of Assignor’s knowledge, all requirements of PPT Inc. under the Infrastructure Credit Agreement (including the requirements to make and maintain investment and employment at the Project) have been satisfied as of the Effective Date.
- (c) The County hereby represents that, to the best of the County’s knowledge based solely on information Assignor and Assignee have provided to the County without further independent investigation, neither Assignor nor the Transferred Property is in default under the Infrastructure Credit Agreement.
- (d) The County hereby represents that PPT Inc. and the Assignor were recently in default under the Infrastructure Credit Agreement for failure to satisfy the Minimum Employment Requirement (as such term is defined in the Infrastructure Credit Agreement ) and of the Minimum Investment Requirement (as such term is defined in the Infrastructure Credit Agreement) and that the default was cured by PPT Inc. making a Reimbursement Payment (as such term is defined in the Infrastructure Credit Agreement) to the County in the amount of \$39,877.00 (the “**Reimbursement Payment Cure Amount**”) to cure such default in full settlement of all monies owed to the County under the Infrastructure Credit Agreement prior to the Effective Date. The County hereby acknowledges that prior to the Effective Date the County has received payment in full of the Reimbursement Payment Cure Amount from PPT Inc. The resolution and full settlement of this default is evidenced by a letter agreement between PPT Inc. and the County dated \_\_\_\_\_, 2020, a copy of which is attached hereto as Exhibit E, and the County represents that the Infrastructure Credit Agreement is in full force and effect.

4. Release. The County hereby releases Assignor from any breach by Assignee of Assignee's duties, obligations, and liabilities under the Infrastructure Credit Agreement with respect to the Transferred Property, accruing on or after 12:00 a.m. on the Effective Date, except with respect to the payment of Richland Fee Payments (as defined in the Infrastructure Credit Agreement), payments in lieu of taxes, *ad valorem* taxes or other amounts due with respect to the Transferred Property (collectively, "**Amounts**"), which the County specifically does not release Assignor from the obligation for the payment thereof until the County has received such Amounts due through the Effective Date or for the property tax year in which the Assignment and Assumption of Infrastructure Credit Agreement occurs. Nothing contained in this Section 5 shall release Assignor from any other duties, obligations, or liabilities under the Infrastructure Credit Agreement.

5. Notices. From and after the Effective Date, all notices delivered pursuant to the Infrastructure Credit Agreement shall also be delivered to Assignee at the following addresses:

STAG Industrial Holdings, LLC  
One Federal Street, 23<sup>rd</sup> Floor  
Boston, MA 02110  
Attention: General Counsel

6. Amendment. This Assignment Agreement may be amended, modified or supplemented, and any provision hereof may be waived, only by written agreement of the parties hereto.

7. Governing Law. This Assignment Agreement shall be construed and enforced in accordance with, and the rights of the parties shall be governed by, the laws of the State of South Carolina.

8. Successors and Assigns. This Assignment Agreement shall be binding upon and inure to the benefit of Assignor and Assignee and their respective successors and assigns. This Assignment Agreement is not intended and shall not be deemed to confer upon or give any person except the parties hereto and their respective successors and permitted assigns any remedy, claim, liability, reimbursement, cause of action or other right under or by reason of this Assignment Agreement.

9. Counterparts. This Assignment Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument and shall become binding when one or more of the counterparts have been signed by each of the parties and delivered to the other party.

**[SIGNATURE PAGE TO FOLLOW]**

IN WITNESS WHEREOF, Assignor and Assignee have caused this Assignment Agreement to be executed as of the Effective Date.

**ASSIGNOR:**

PPT REAL ESTATE ENTERPRISES, L.P., a  
Delaware limited partnership

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ASSIGNEE:**

STAG INDUSTRIAL HOLDINGS, LLC, a  
Delaware limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, the County has consented to the partial assignment and assumption of Infrastructure Credit Agreement as contemplated by this Assignment Agreement and has approved and authorized this Assignment Agreement by the signature of its authorized representative below.

**RICHLAND COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Name:  
Title:

ATTEST:

\_\_\_\_\_  
Name:  
Title:

IN WITNESS WHEREOF, PPT Inc. acknowledges the foregoing Assignment and Assumption of Infrastructure Credit Agreement.

PURE POWER TECHNOLOGIES, INC., a  
Delaware corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Exhibit A to Partial Assignment and Assumption of Infrastructure Credit Agreement**

**Copy of Infrastructure Credit Agreement**

See attached

**Exhibit B to Partial Assignment and Assumption of Infrastructure Credit Agreement**

**Copy of County Resolution adopted June 21, 2016**

See attached



**Exhibit C to Partial Assignment and Assumption of Infrastructure Credit Agreement**

**Copy of County Resolution adopted April \_\_, 2020**

See attached

**Exhibit D to Partial Assignment and Assumption of Infrastructure Credit Agreement**  
**Copy of Letter Agreement between County and PPT Inc. re: Settlement of Reimbursement**  
**Payment**

See attached

NPGVL1:1860274.1



Agenda Briefing

**To:** Chair of the Committee and the Honorable Members of the Committee  
**Prepared by:** Michael Niermeier  
**Department:** Transportation Department  
**Date Prepared:** January 23, 2020 **Meeting Date:** Feb. 25, 2020

<b>Legal Review</b>		<b>Date:</b>	
<b>Budget Review</b>		<b>Date:</b>	
<b>Finance Review</b>		<b>Date:</b>	
<b>Other Review:</b>		<b>Date:</b>	
<b>Approved for Council consideration:</b>		Assistant County Administrator	
<b>Committee</b>	Transportation Ad Hoc Committee		
<b>Subject:</b>	Mitigation Credit Sales		

**Recommended Action:**

Staff respectfully requests the Committee concur with these credit sales and forward to full Council for consideration.

**Motion Requested:**

Approval of the requested mitigation credit sales.

**Request for Council Reconsideration:**  Yes

**Fiscal Impact:**

This mitigation credit sale will generate \$122,658.82, which will be credited to the Transportation Penny Program.

**Motion of Origin:**

Staff recommendation.

<b>Council Member</b>	
<b>Meeting</b>	
<b>Date</b>	

**Discussion:**

Staff requests approval for the sale of mitigation bank credits from the Mill Creek Mitigation Bank to the City of Sumter for an Army Corps of Engineers (ACE) 404 Permit for the construction of the Shot Pouch Greenway as described in the attachments. This bank was established with Transportation Program funding in order to provide mitigation credits necessary to acquire construction permits for transportation projects. The contract the County holds with mitigation bankers also allows the County to sell surplus credits, and retain 92% of the sale value. Funding from previous credit sales has been credited back to the Transportation Program as the Program wholly funded this mitigation bank.

Project Name: Shot Pouch Greenway

Richland County Share: \$122,658.82

**Attachments:**

- 1) ACE 404 Permit Application City of Sumter\_Shot Pouch Greenway
- 2) Surplus Credit Sale Checklist City of Sumter\_Shot Pouch Greenway 12.16.19
- 3) Credit Sales Contract\_City Manager Signed\_20 Dec 19

<b>Joint Federal and State Application Form For Activities Affecting Waters of the United States Or Critical Areas of the State of South Carolina</b>		<b>This Space for Official Use Only</b>	
		Application No.	
		Date Received	
		Project Manager	
		Watershed #	
<p><i>Authorities:</i> 33 USC 401, 33 USC 403, 33 USC 407, 33 USC 408, 33 USC 1341, 33 USC 1344, 33 USC 1413 and Section 48-39-10 et. Seq of the South Carolina Code of Laws. These laws require permits for activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. The Corps of Engineers and the State of South Carolina have established a joint application process for activities requiring both Federal and State review or approval. Under this joint process, you may use this form, together with the required drawings and supporting information, to apply for both the Federal and/or State permit(s).</p> <p><i>Drawings and Supplemental Information Requirements:</i> In addition to the information on this form, you must submit a set of drawings and, in some cases, additional information. A completed application form together with all required drawings and supplemental information is required before an application can be considered complete. See the attached instruction sheets for details regarding these requirements. You may attach additional sheets if necessary to provide complete information.</p>			
1. Applicant Last Name: <b>Repsch</b>		11. Agent Last Name (agent is not required): <b>Clarey</b>	
2. Applicant First Name: <b>Mike</b>		12. Agent First Name: <b>Ryan</b>	
3. Applicant Company Name: <b>Agent for The City of Sumter</b>		13. Agent Company Name: <b>Newkirk Environmental, Inc.</b>	
4. Applicant Mailing Address: <b>111 E. Chapel Hill St., Suite 100</b>		14. Agent Mailing Address: <b>PO Box 746</b>	
5. Applicant City: <b>Durham</b>		15. Agent City: <b>Mt. Pleasant</b>	
6. Applicant State: <b>NC</b>	7. Applicant Zip: <b>27701</b>	16. Agent State: <b>SC</b>	17. Agent Zip: <b>29465</b>
8. Applicant Area Code and Phone No.: <b>919-484-8448</b>		18. Agent Area Code and Phone No.: <b>(843) 388-6585</b>	
9. Applicant Fax No.:		19. Agent Fax No.: <b>(843) 388-6580</b>	
10. Applicant E-mail: <b>mikerepsch@ataplanning.com</b>		20. Agent E-mail: <b>ryan@newkirkenv.com</b>	
21. Project Name: <b>Shot Pouch Greenway</b>		22. Project Street Address: <b>Holiday Drive</b>	
23. Project City: <b>Sumter</b>	24. Project County: <b>Sumter</b>	25. Project Zip Code: <b>29483</b>	26. Nearest Waterbody: <b>Shot Pouch Branch</b>
27. Tax Parcel ID: <b>Multiple IDs within linear project</b>		28. Property Size (acres): <b>40.35</b>	
29. Latitude: <b>33.95333333°</b>		30. Longitude: <b>80.35805556°</b>	
31. Directions to Project Site (Include Street Numbers, Street Names, and Landmarks and attach additional sheet if necessary): <b>See Supporting Document Section 1.1</b>			
32. Description of the Overall Project and of Each Activity in or Affecting U.S. Waters or State Critical Areas (attach additional sheets if needed): <b>See Supporting Document Section 4.0</b>			
33. Overall Project Purpose and the Basic Purpose of Each Activity In or Affecting U.S. Waters (attach additional sheets if needed): <b>See Supporting Document Section 3.0</b>			
34. Type and Quantity of materials to be Discharged		35. Type and Quantity of Impacts to U.S. Waters (including wetlands).	
Dirt/Topsoil:	cy	Filling:	<b>0.66</b> <input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input checked="" type="checkbox"/> cy
Clean Sand:	cy	Backfill/Bedding:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input type="checkbox"/> cy
Mud:	cy	Landclearing:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input type="checkbox"/> cy
Clay:	cy	Dredging:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input type="checkbox"/> cy
Gravel/Rock/Stone:	cy	Flooding:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input type="checkbox"/> cy
Concrete:	cy	Draining/Excavation:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input type="checkbox"/> cy
Other (describe)	cy	Shading:	<input type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input type="checkbox"/> cy
TOTAL:	cy	TOTAL:	<b>0.66</b> <input checked="" type="checkbox"/> acres <input type="checkbox"/> ft <sup>2</sup> <input checked="" type="checkbox"/> cy

36. Individually list wetland impacts including mechanized clearing, fill, excavation, flooding, draining, shading, etc. and attach a site map with location of each impact (attach additional sheets if needed).

Impact No.	Wetland Type	Distance to Receiving Water body (LF)	Purpose of Impact (road crossing, impoundment, flooding, etc)	Impact Size (acres)
Wetland Fill C	Freshwater JD wetland	+/-100	Multi-use path	0.01
Wetland Fill D	Freshwater JD wetland	+/-0	Multi-use path	0.39
Wetland Fill E	Freshwater JD wetland	+/-0	Multi-use path	0.26
Total Wetland Impacts (acres)				0.66

37. Individually list all seasonal and perennial stream impacts and attach a site map with location of each impact (attach additional sheets )

Impact No.	Seasonal or Perennial Flow	Average Stream Width (LF)	Impact Type (road crossing, impoundment, flooding, etc)	Impact Length (LF)
Total Stream Impacts (Linear Feet)				

38. Have you commenced work on the project site? YES NO If yes, describe all work that has occurred and provide dates.  
No

39. Describe measures taken to avoid and minimize impacts to Waters of the United States:  
See Supporting Document Section 6.0

40. Provide a brief description of the proposed mitigation plan to compensate for impacts to aquatic resources or provide justification as to why mitigation should not be required (Attach a copy of the proposed mitigation plan for review):  
See Supporting Document Section 3.0

41. See the attached sheet to list the names and addresses of adjacent property owners.  
See Attached Forms

42. List all Corps Permit Authorizations and other Federal , State, or Local Certifications, Approvals, Denials received for work described in this application:  
JD currently Pending submitted 5/20/17. Request attached as Appendix C.

43. Authorization of Agent. I hereby authorize the agent whose name is given on page one of this application to act in my behalf in the processing of this application and to furnish supplemental information in support of this application. <sup>1</sup>

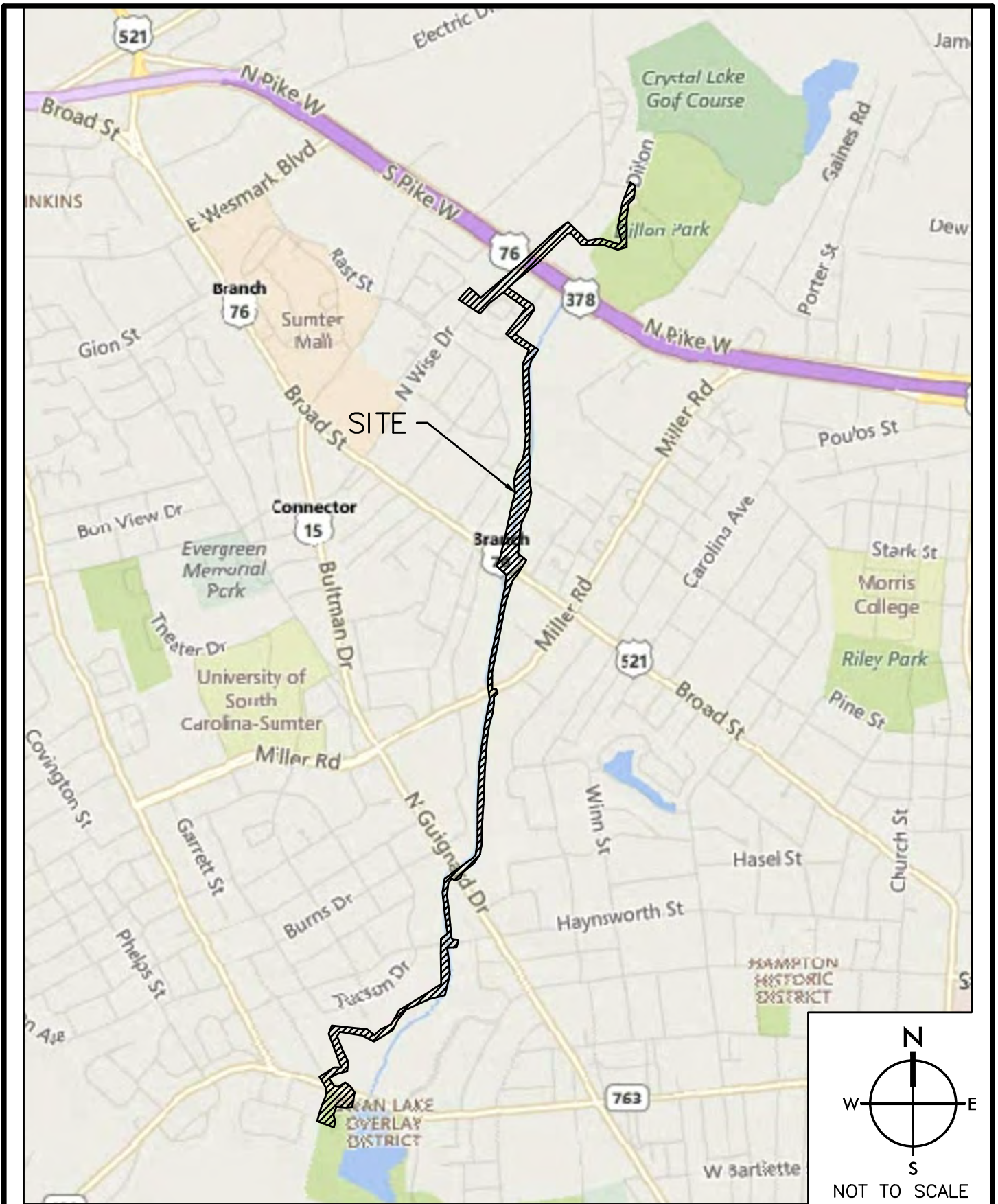
*Michael S. Repert*      12/14/18  
Applicant's Signature      Date

44. Certification. Application is hereby made for a permit or permits to authorize the work and uses of the work as described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent for the applicant. <sup>1</sup>

*Michael S. Repert*      12/14/18      *Ryler*      12/14/18  
Applicant's Signature      Date      Agent's Signature      Date

<sup>1</sup> The application must be signed by the person who desires to undertake the proposed activity or it may be signed by a duly authorized agent if the authorization statement in blocks 11 and 43 have been completed and signed. 18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.





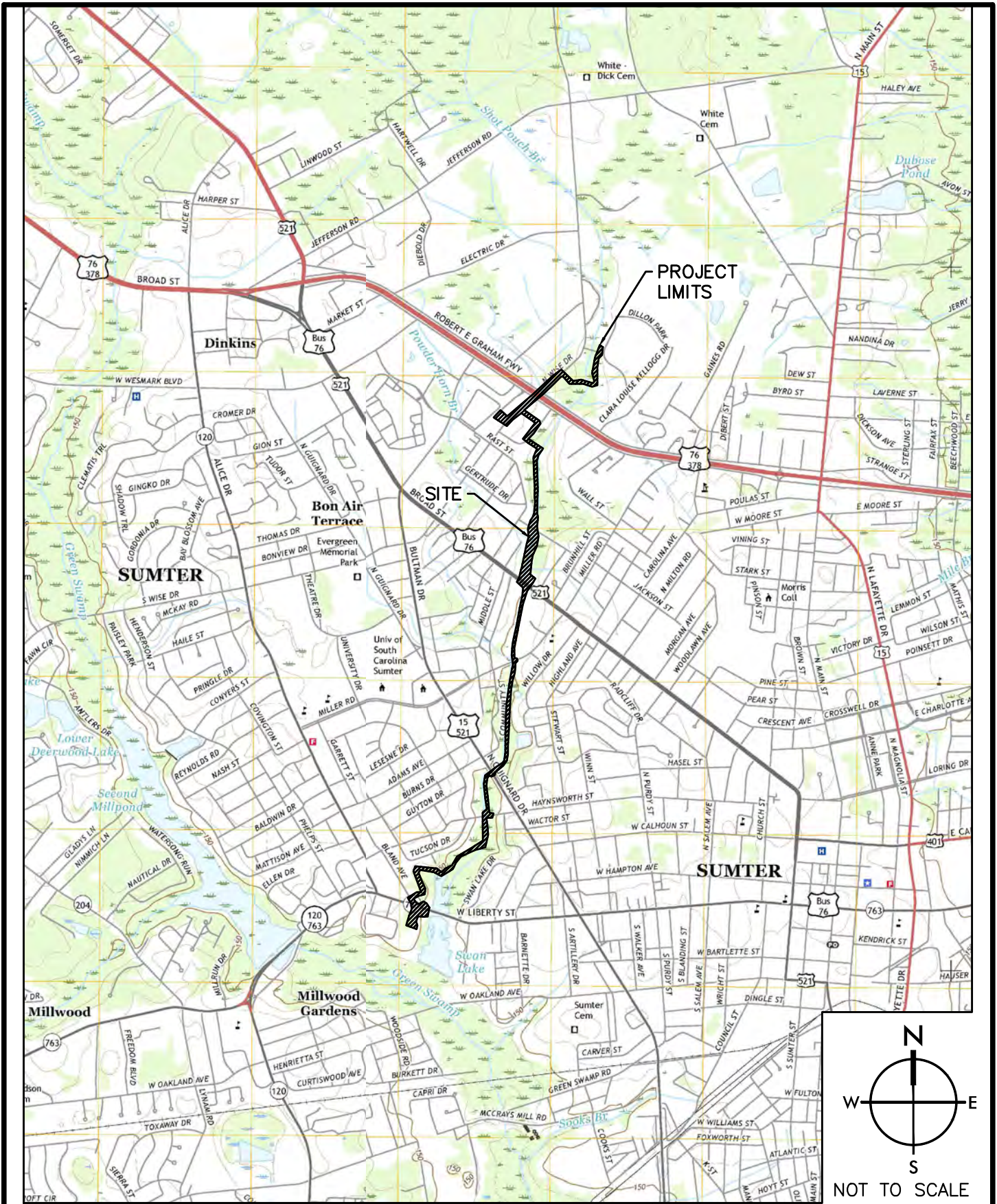
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Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

# SITE LOCATION





LATITUDE: 33.57°11.96" N LONGITUDE: 80.21°29.22" W



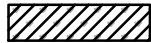

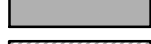

Activity:  
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Project:  
SHOT POUCH BRANCH GREENWAY

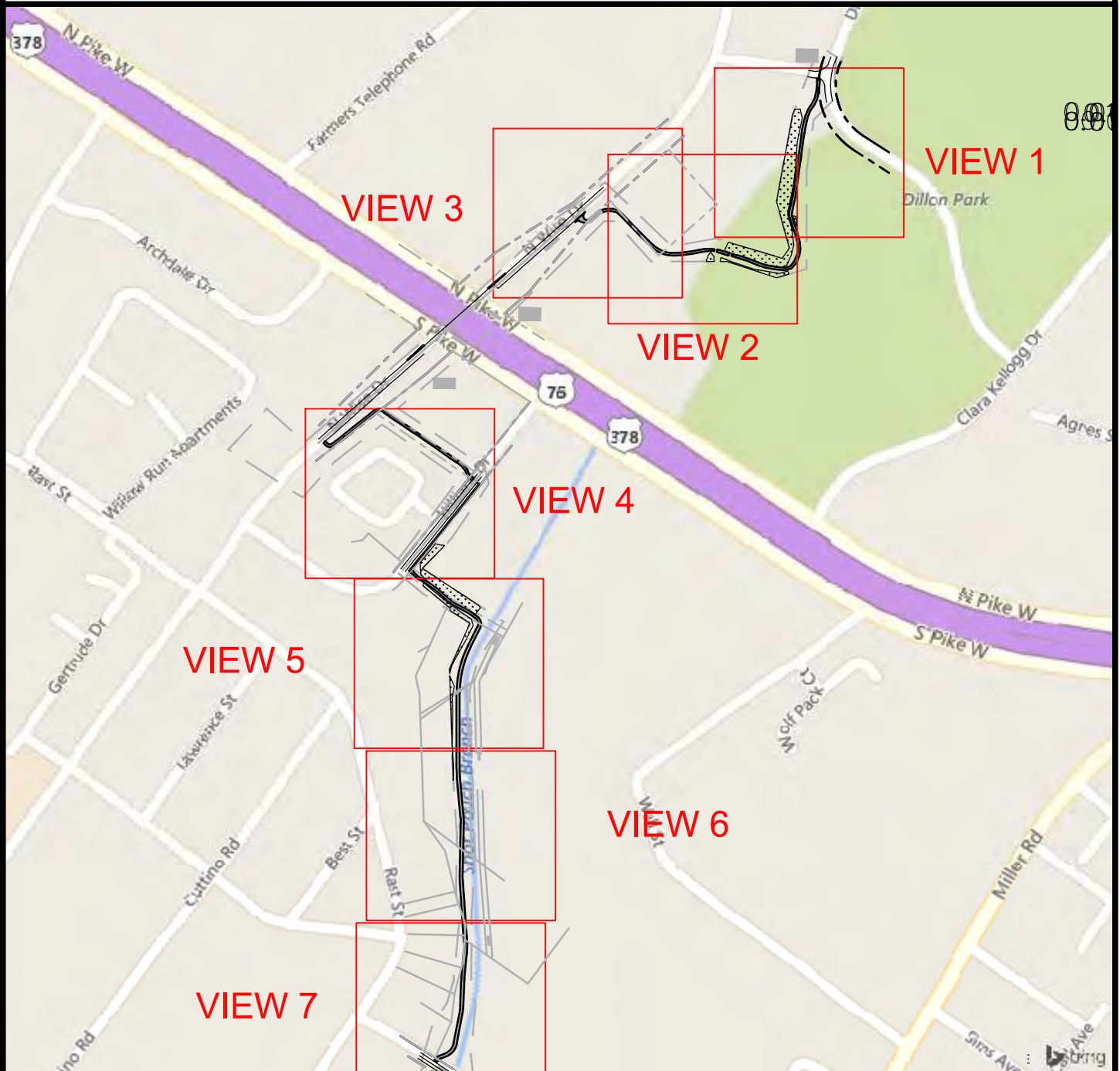
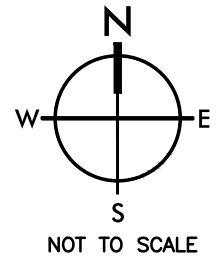
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**USGS MAP**  
Sheet 2 of 30 Date: December 11, 2018



**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  WETLAND TO REMAIN
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE PAVED/RE-PAVED



Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY







Location:  
SUMTER, SC

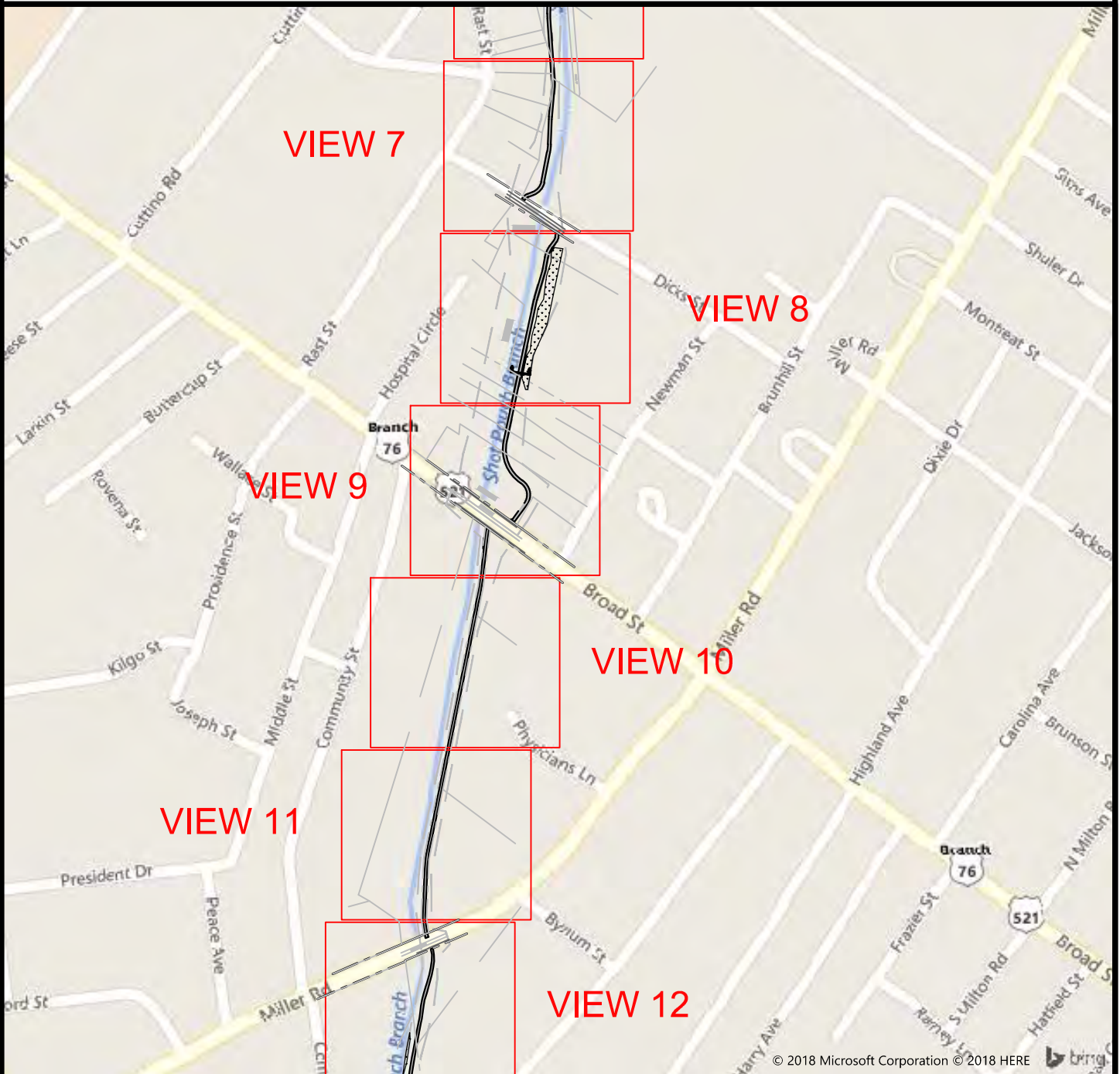
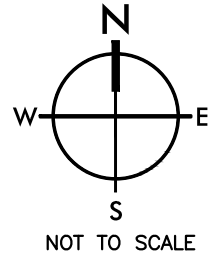
Applicant:  
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**KEY MAP 1**

Sheet 3 of 30      Revised: NA  
Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  WETLAND TO REMAIN
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE PAVED/RE-PAVED







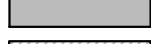

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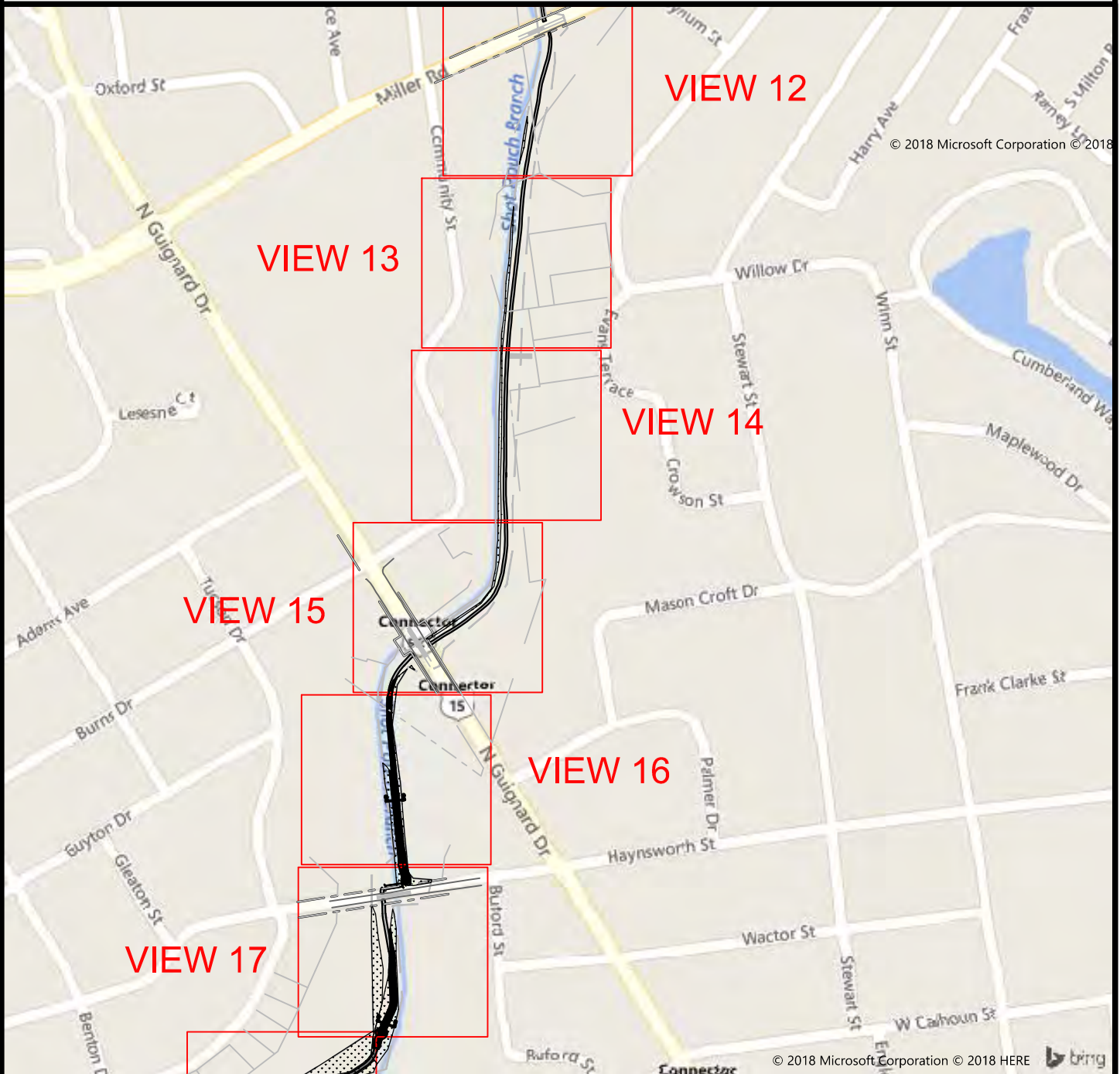
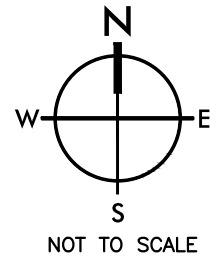
Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
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DURHAM, NC 27701  
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**KEY MAP 2**  
Sheet 4 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  WETLAND TO REMAIN
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE PAVED/RE-PAVED



Activity:  
MULTI-USE PATH CONSTRUCTION

Project:  
SHOT POUCH BRANCH GREENWAY

Location:  
SUMTER, SC





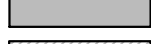

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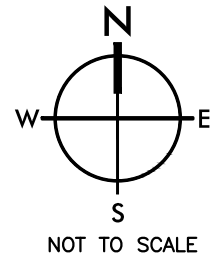
**KEY MAP 3**

Sheet 5 of 30    Date: December 11, 2018



**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  WETLAND TO REMAIN
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE PAVED/RE-PAVED









Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY

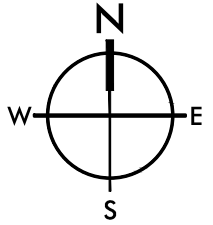
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SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
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DURHAM, NC 27701  
PHONE: (919) 484-8448

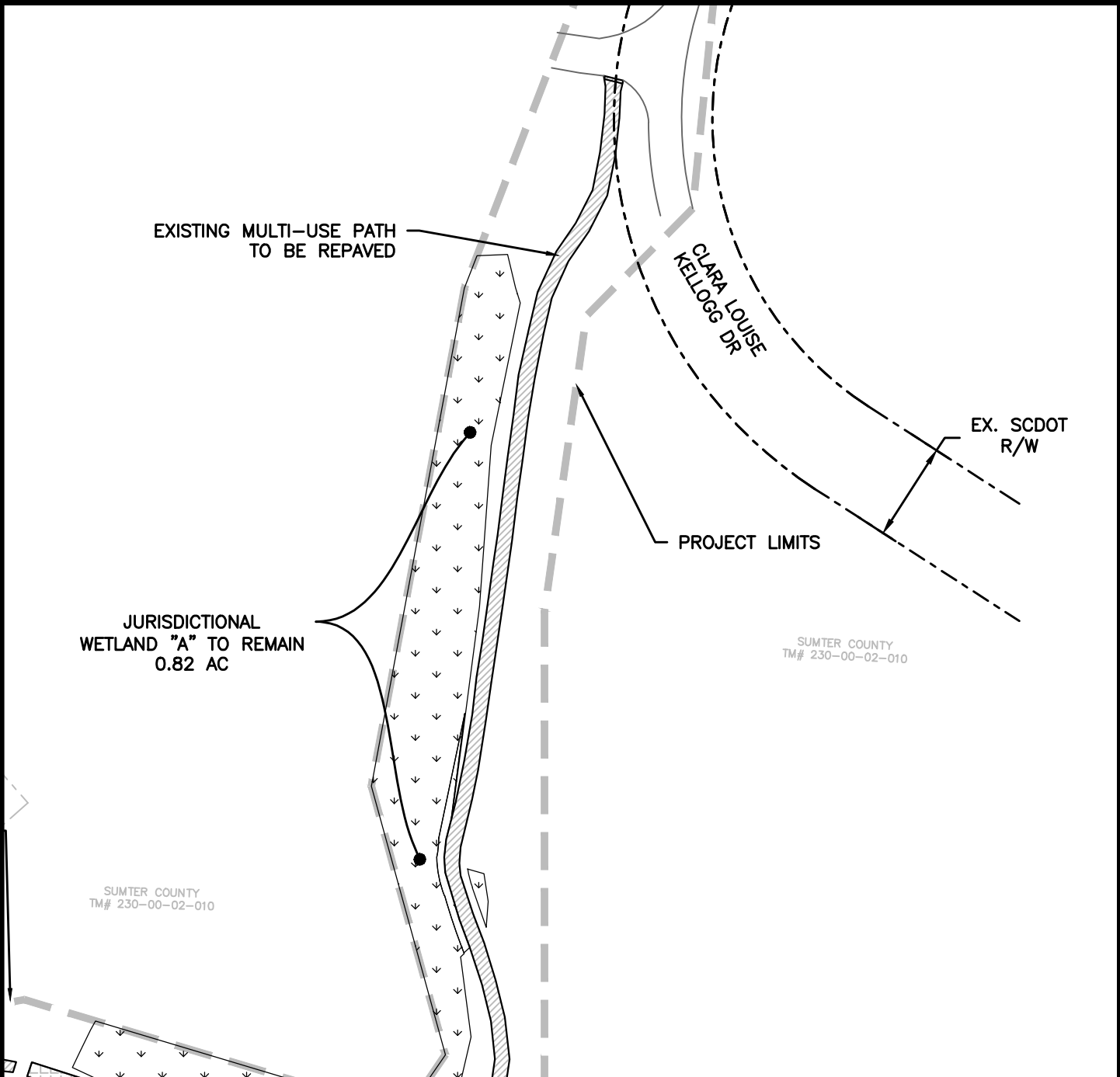
**KEY MAP 4**

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE REPAVED
-  WETLAND TO REMAIN



SCALE: 1" = 100'



Activity:  
MULTI-USE PATH CONSTRUCTION

Project:  
SHOT POUCH BRANCH GREENWAY







Location:  
SUMTER, SC

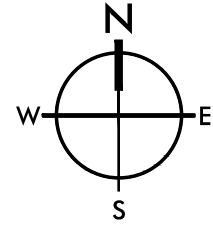
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ALTA PLANNING & DESIGN, INC.  
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PHONE: (919) 484-8448

*VIEW 1*

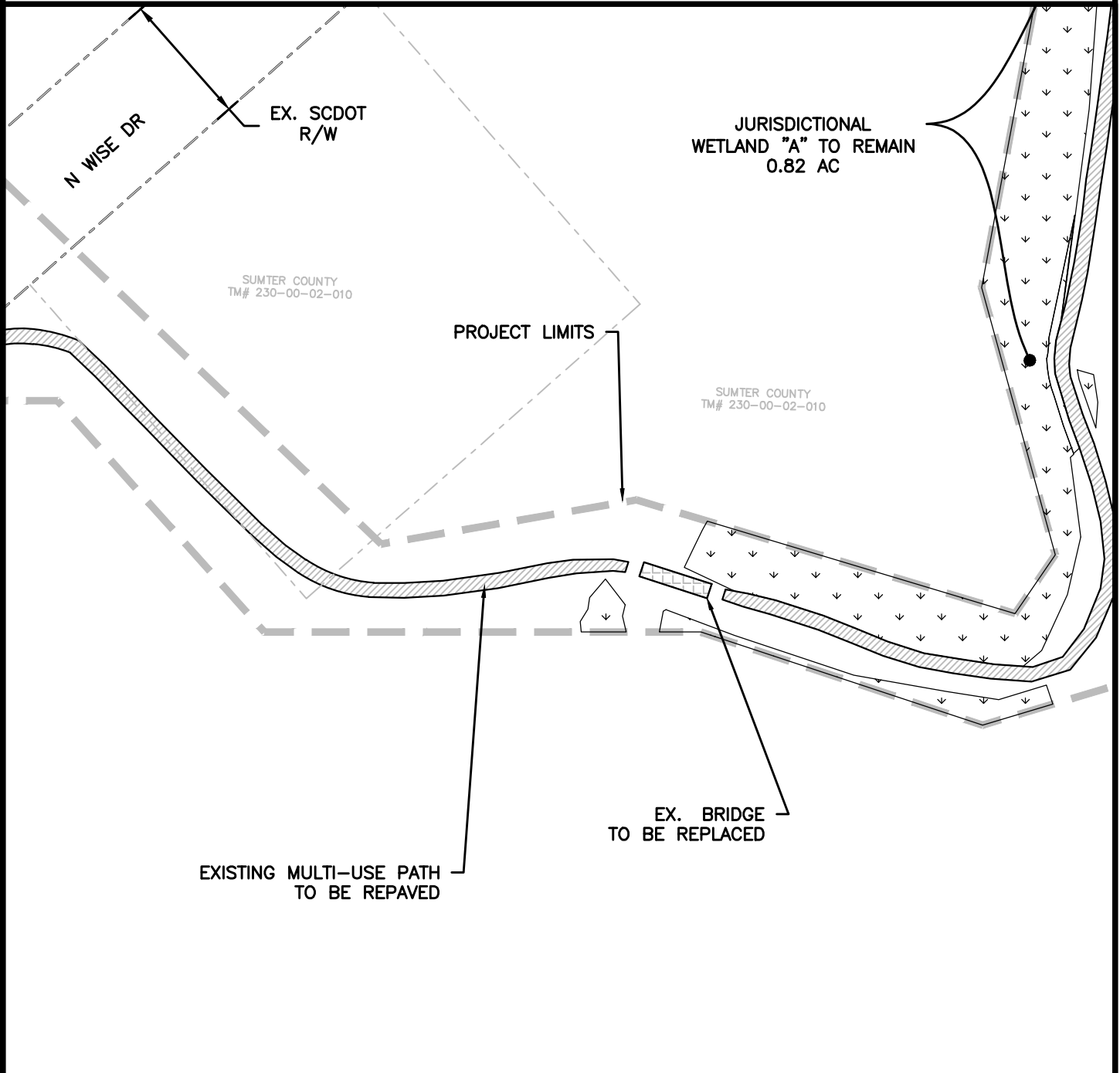
Sheet 7 of 30    Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN
-  EXISTING MULTI-USE PATH TO BE REPAVED



SCALE: 1" = 100'







Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

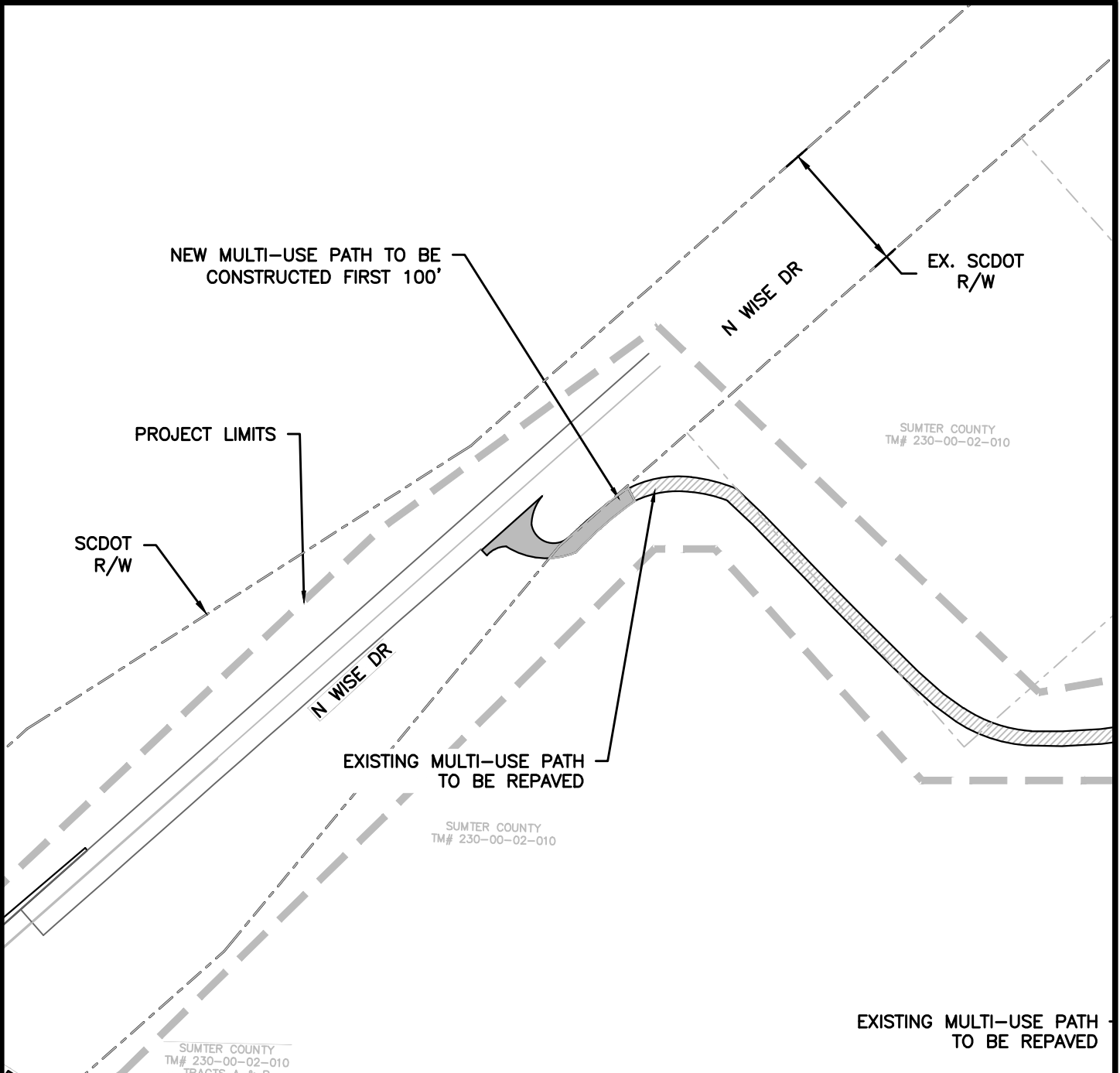
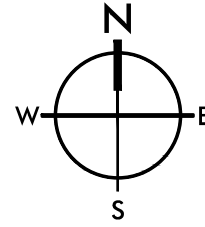
Applicant:  
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DURHAM, NC 27701  
PHONE: (919) 484-8448

**VIEW 2**  
Sheet 8 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE PAVED

SCALE: 1" = 100'





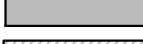



Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

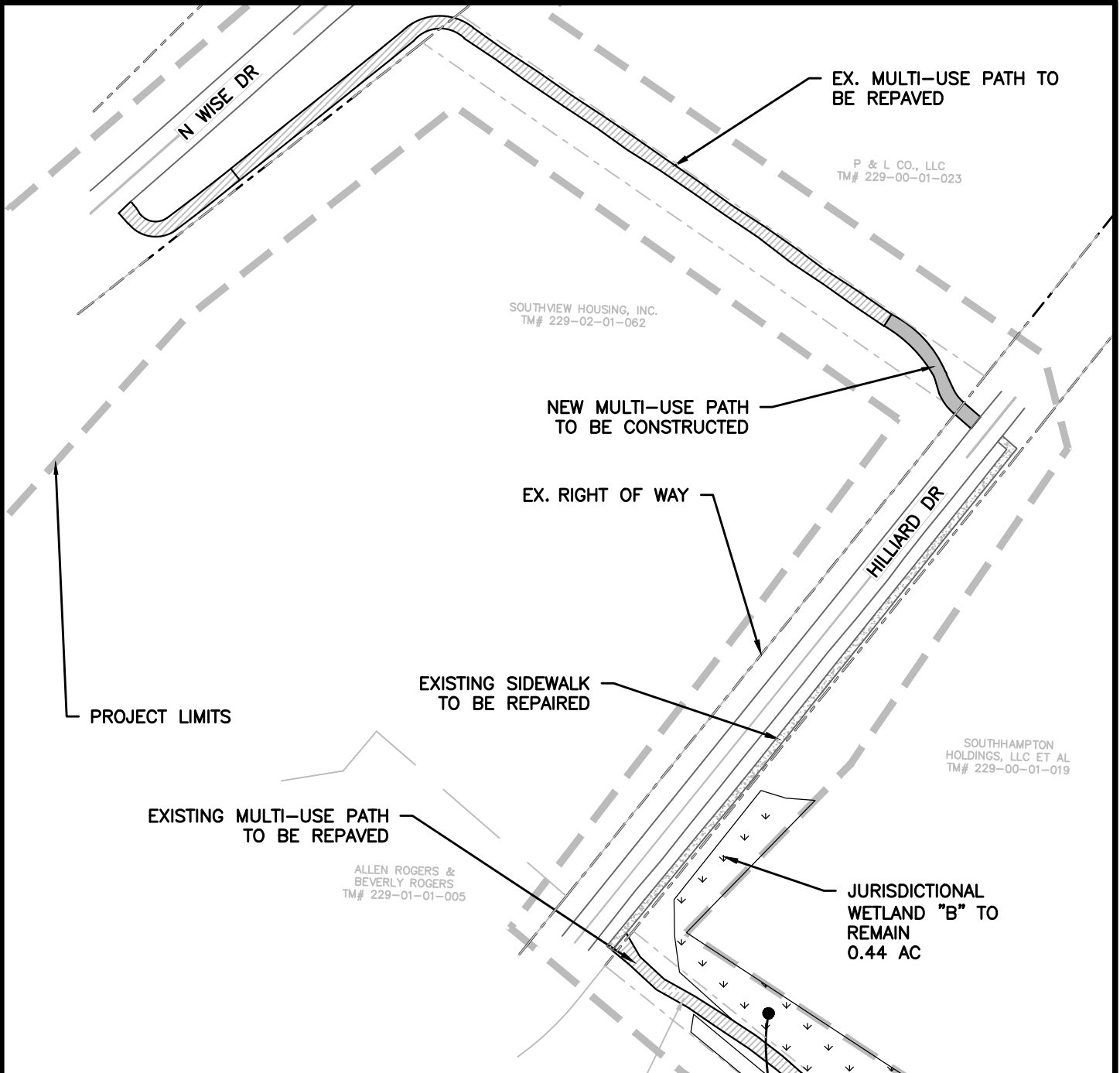
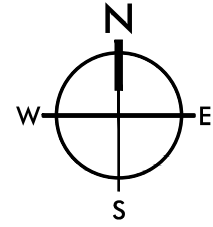
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**VIEW 3**  
Sheet 9 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  WETLAND TO REMAIN
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE REPAVED

SCALE: 1" = 100'





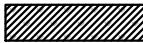



Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

Applicant:  
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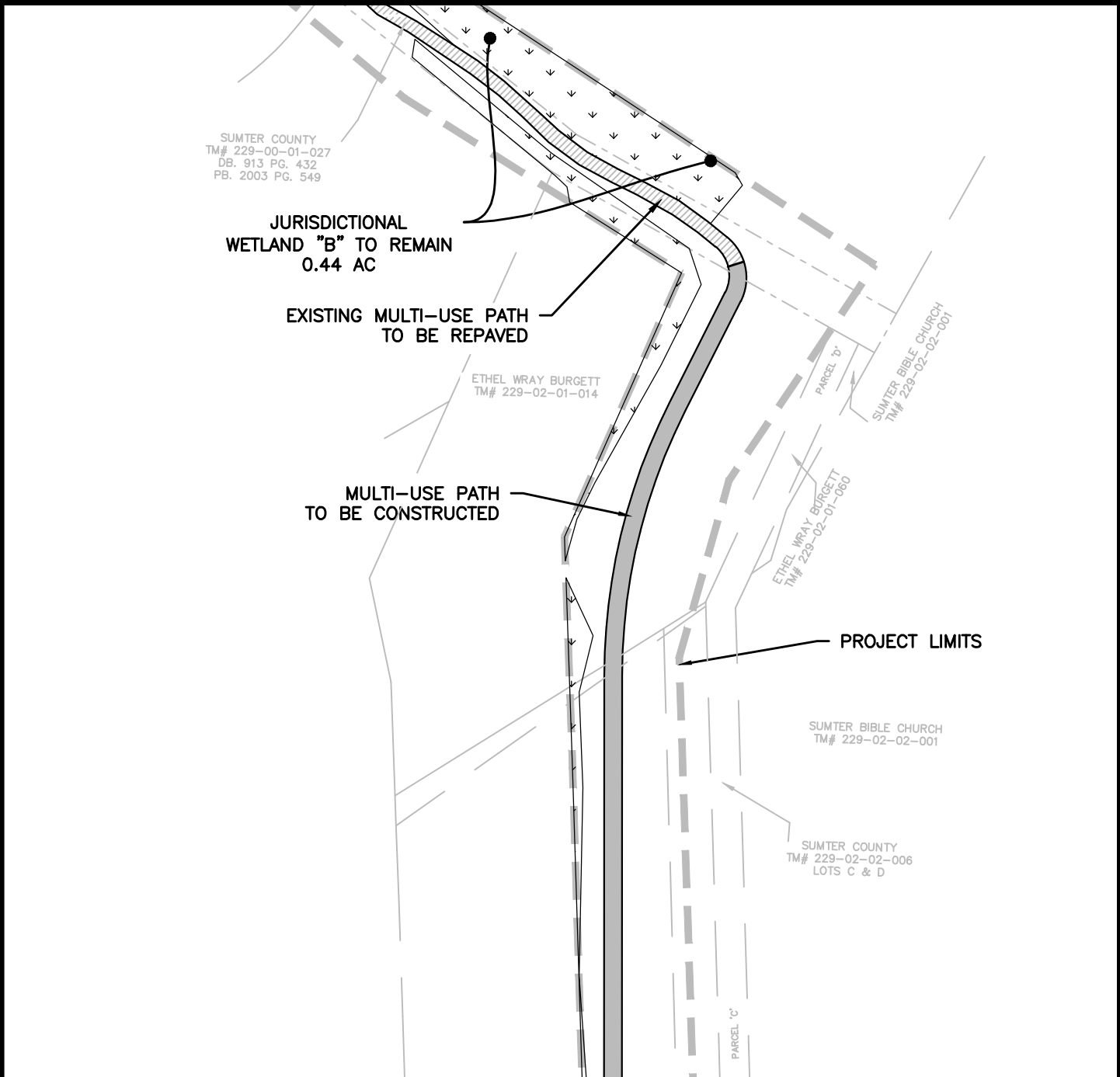
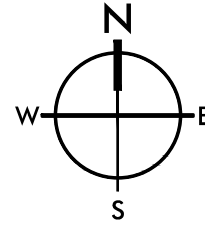
**VIEW 4**  
Sheet 10 of 30 Date: December 11, 2018



**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN
-  EXISTING MULTI-USE PATH TO BE REPAVED

SCALE: 1" = 100'



Activity:  
MULTI-USE PATH CONSTRUCTION

Project:  
SHOT POUCH BRANCH GREENWAY





Location:  
SUMTER, SC

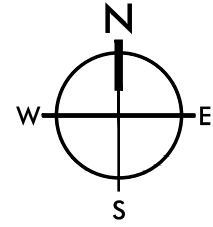
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PHONE: (919) 484-8448

**VIEW 5**

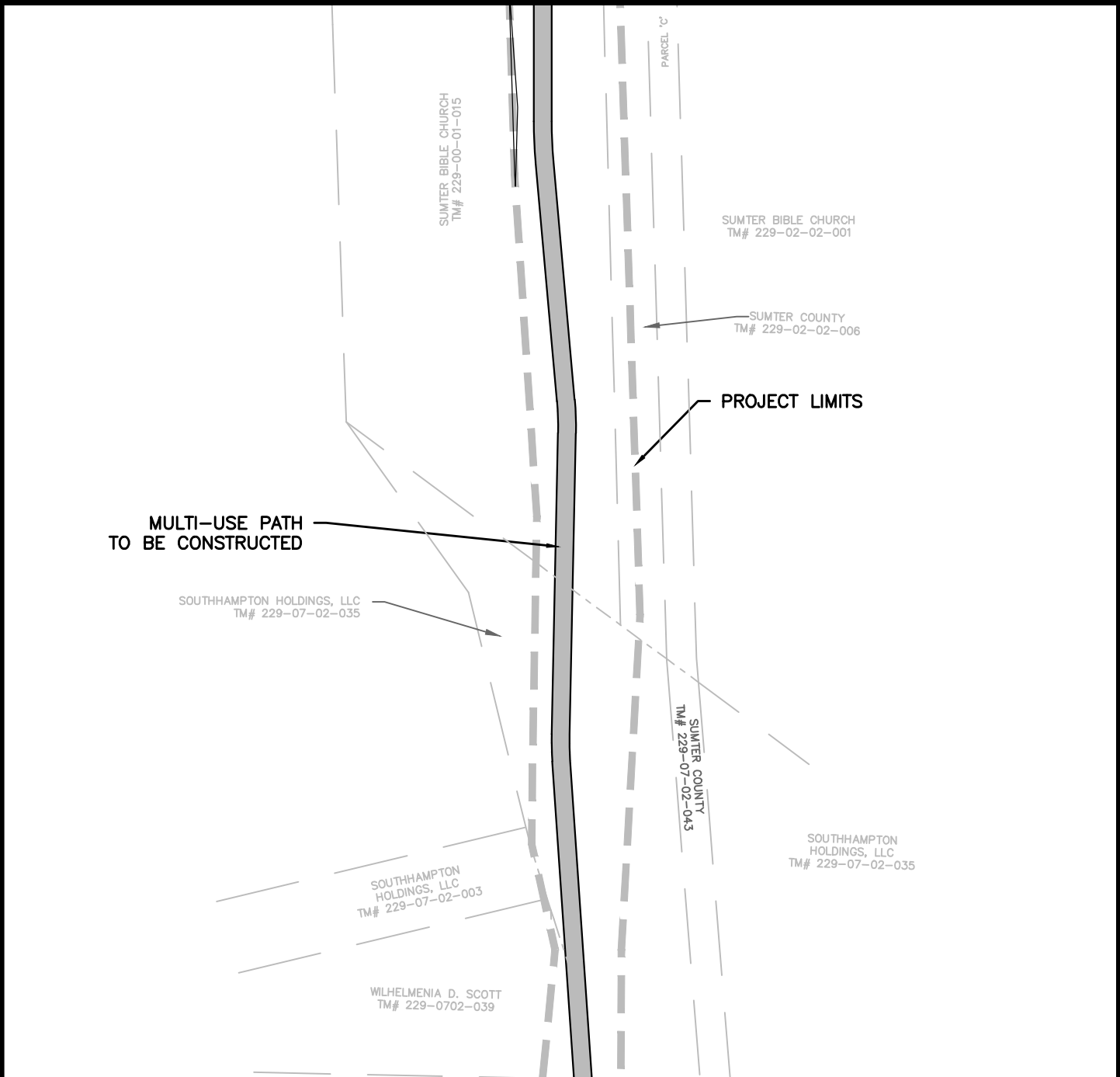
Sheet 11 of 30    Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN



SCALE: 1" = 100'






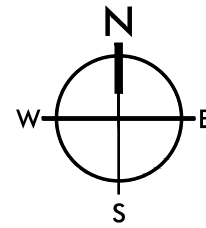
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MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

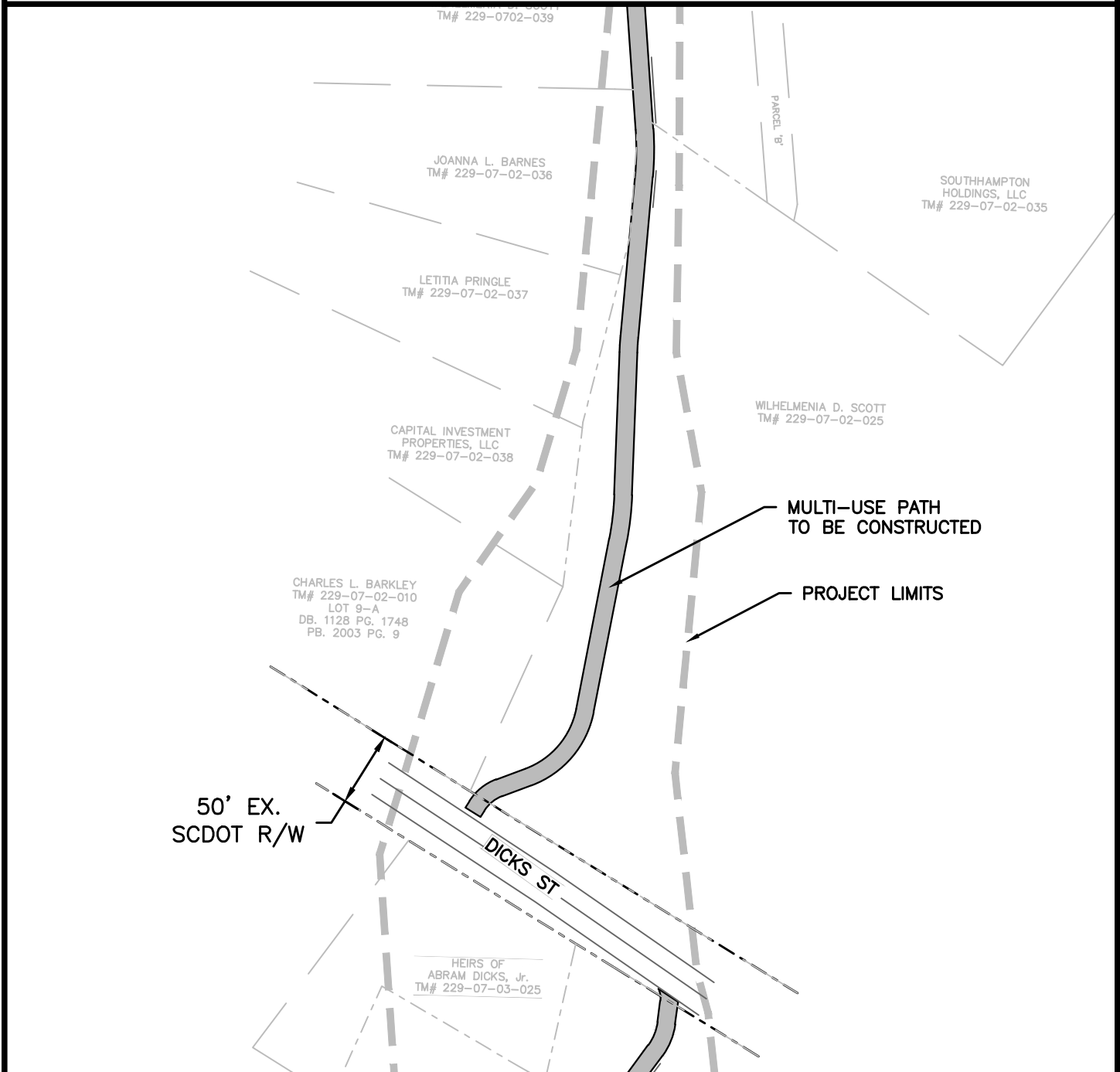
**VIEW 6**  
Sheet 12 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  MULTI-USE PATH TO BE CONSTRUCTED



SCALE: 1" = 100'







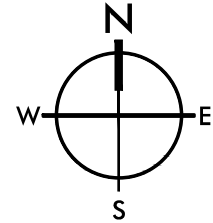
Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

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PHONE: (919) 484-8448

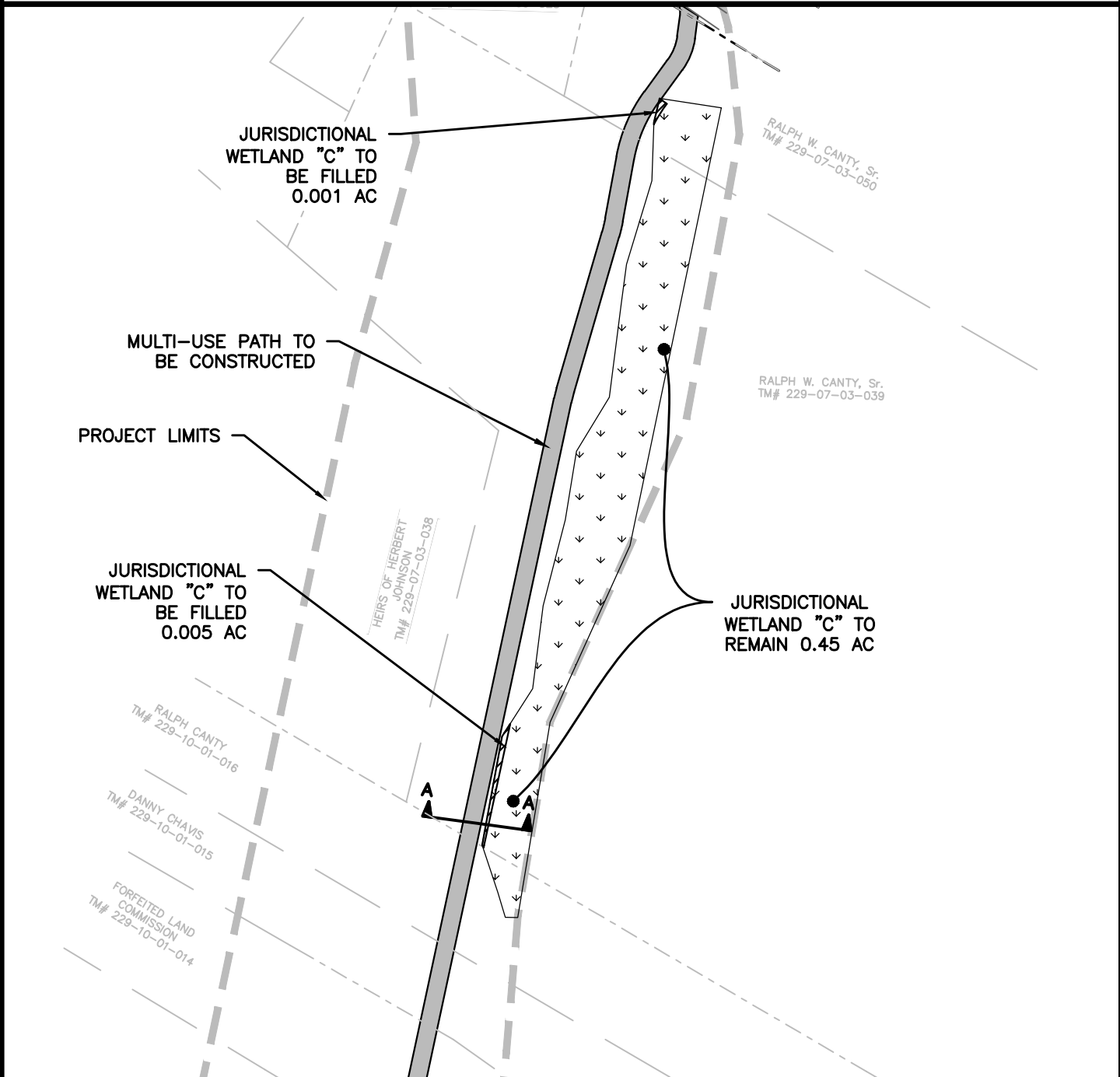
**VIEW 7**  
Sheet 13 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN



SCALE: 1" = 100'



Activity:  
MULTI-USE PATH CONSTRUCTION

Project:  
SHOT POUCH BRANCH GREENWAY






Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
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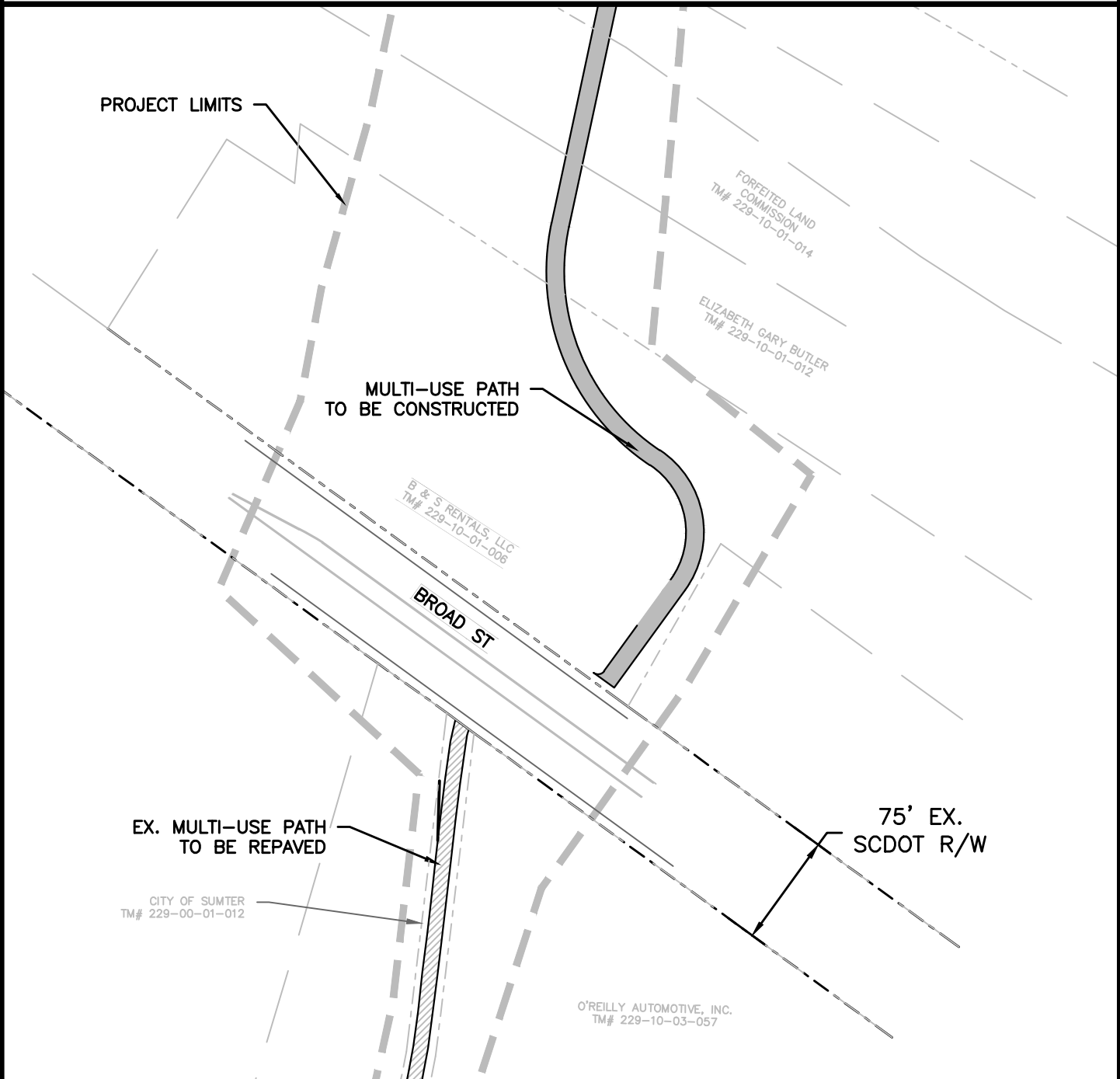
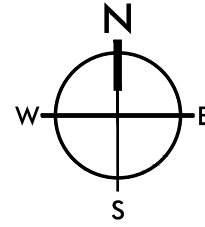
**VIEW 8**

Sheet 14 of 30    Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  EXISTING MULTI-USE PATH
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE REPAVED

SCALE: 1" = 100'






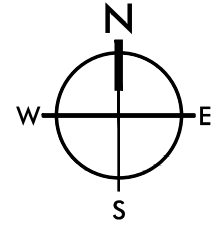
Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

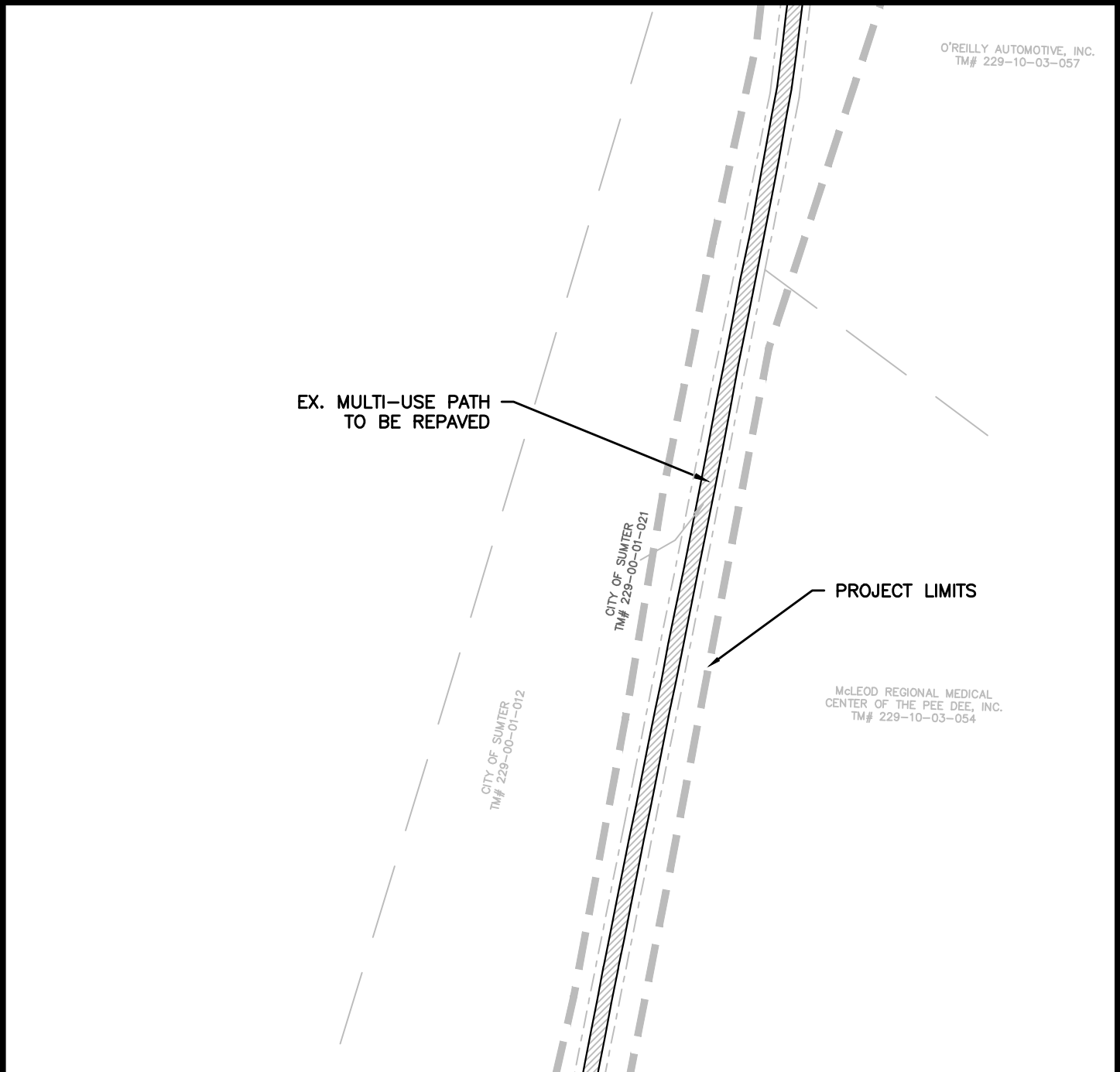
**VIEW 9**  
Sheet 15 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  EXISTING MULTI-USE PATH TO BE REPAVED



SCALE: 1" = 100'






Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY

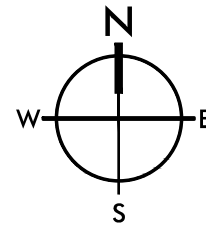
Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

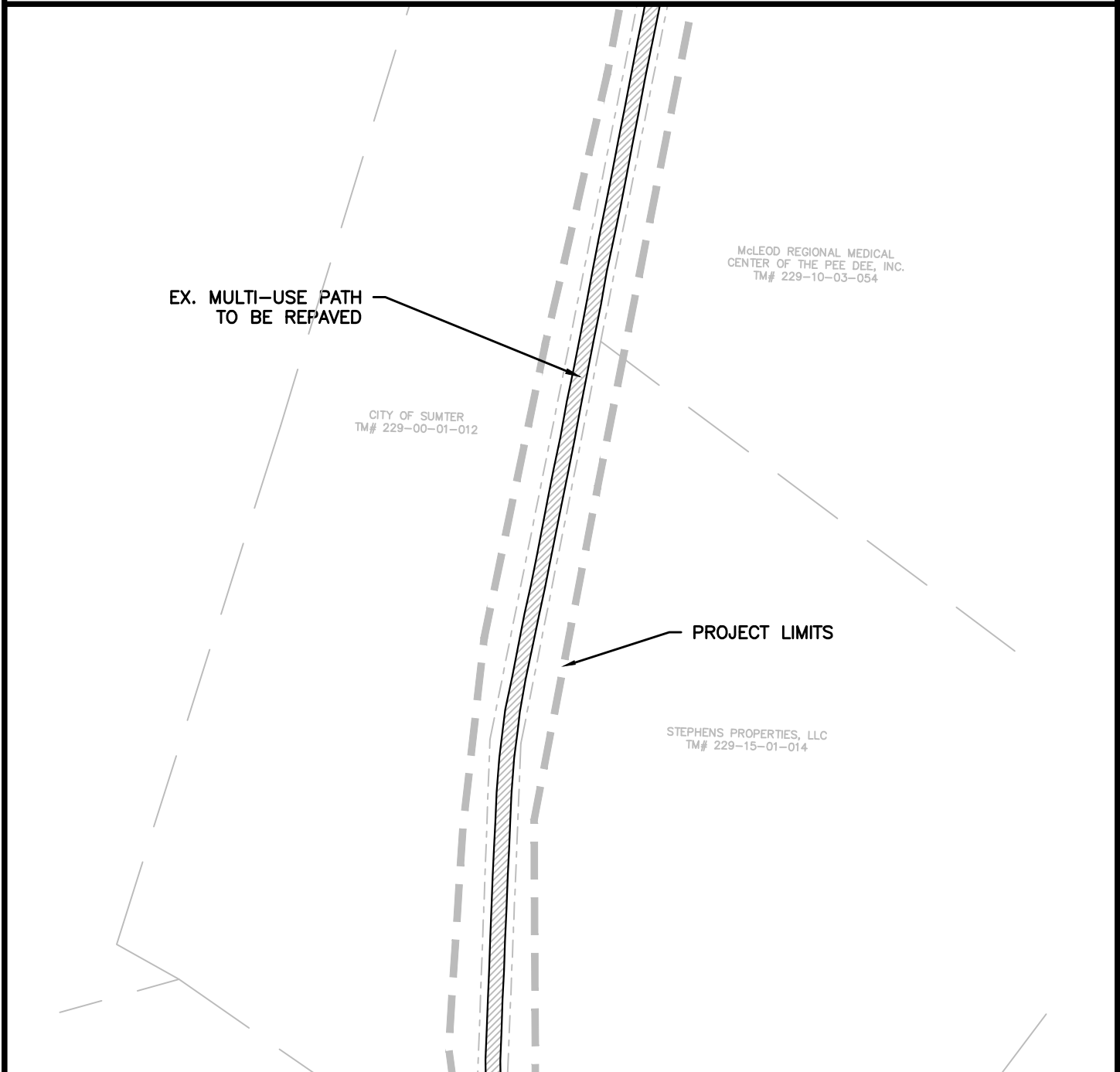
*VIEW 10*

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  EXISTING MULTI-USE PATH TO BE REPAVED



SCALE: 1" = 100'







Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

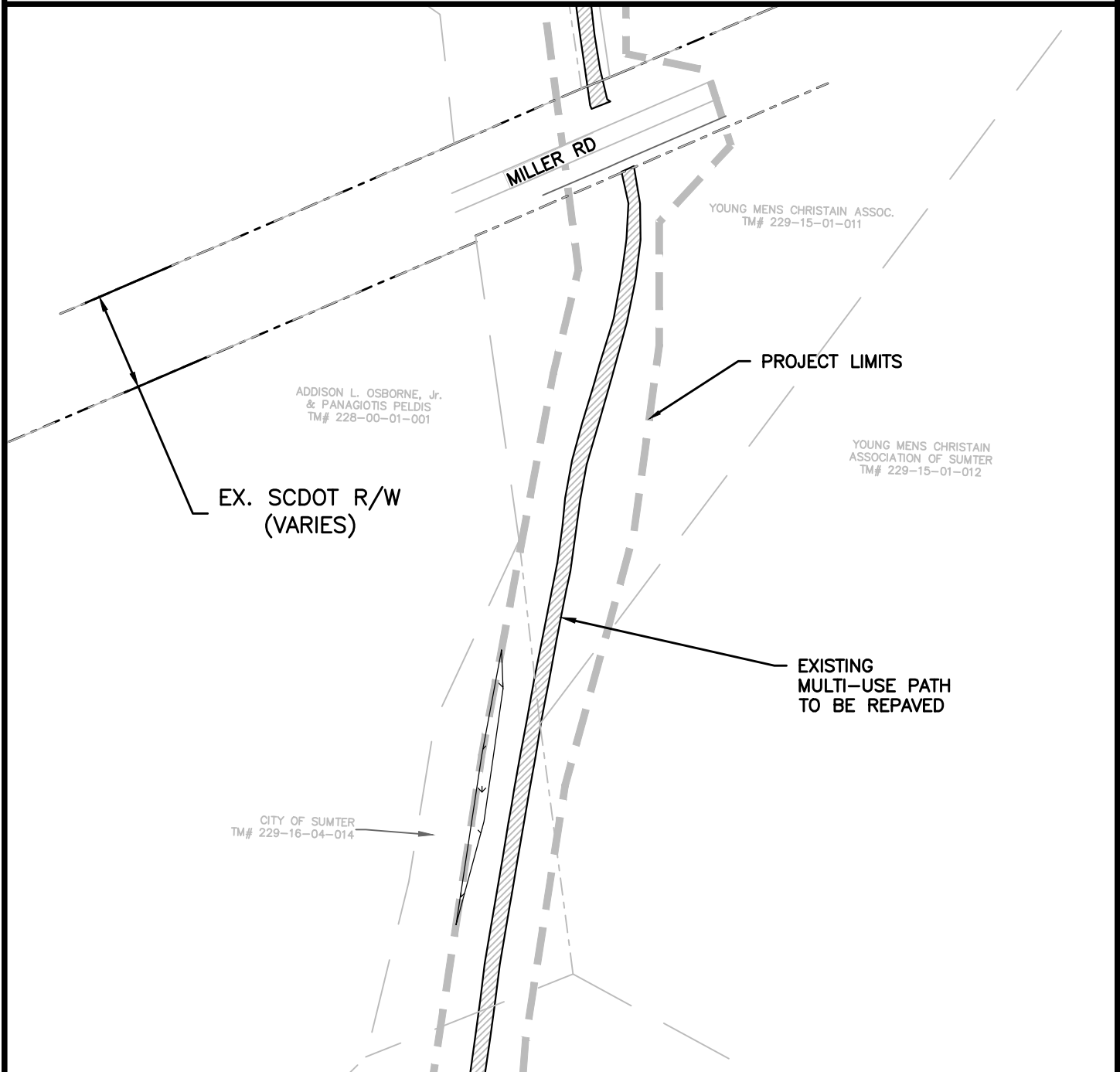
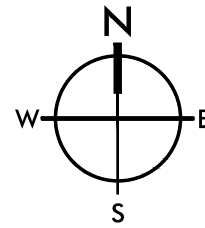
Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

*VIEW 11*

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  EXISTING MULTI-USE PATH TO BE REPAVED
-  WETLAND TO REMAIN

SCALE: 1" = 100'







Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

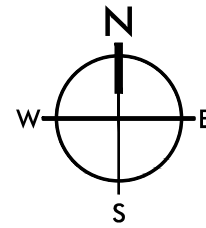
Applicant:  
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DURHAM, NC 27701  
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**VIEW 12**  
Sheet 18 of 30 Date: December 11, 2018

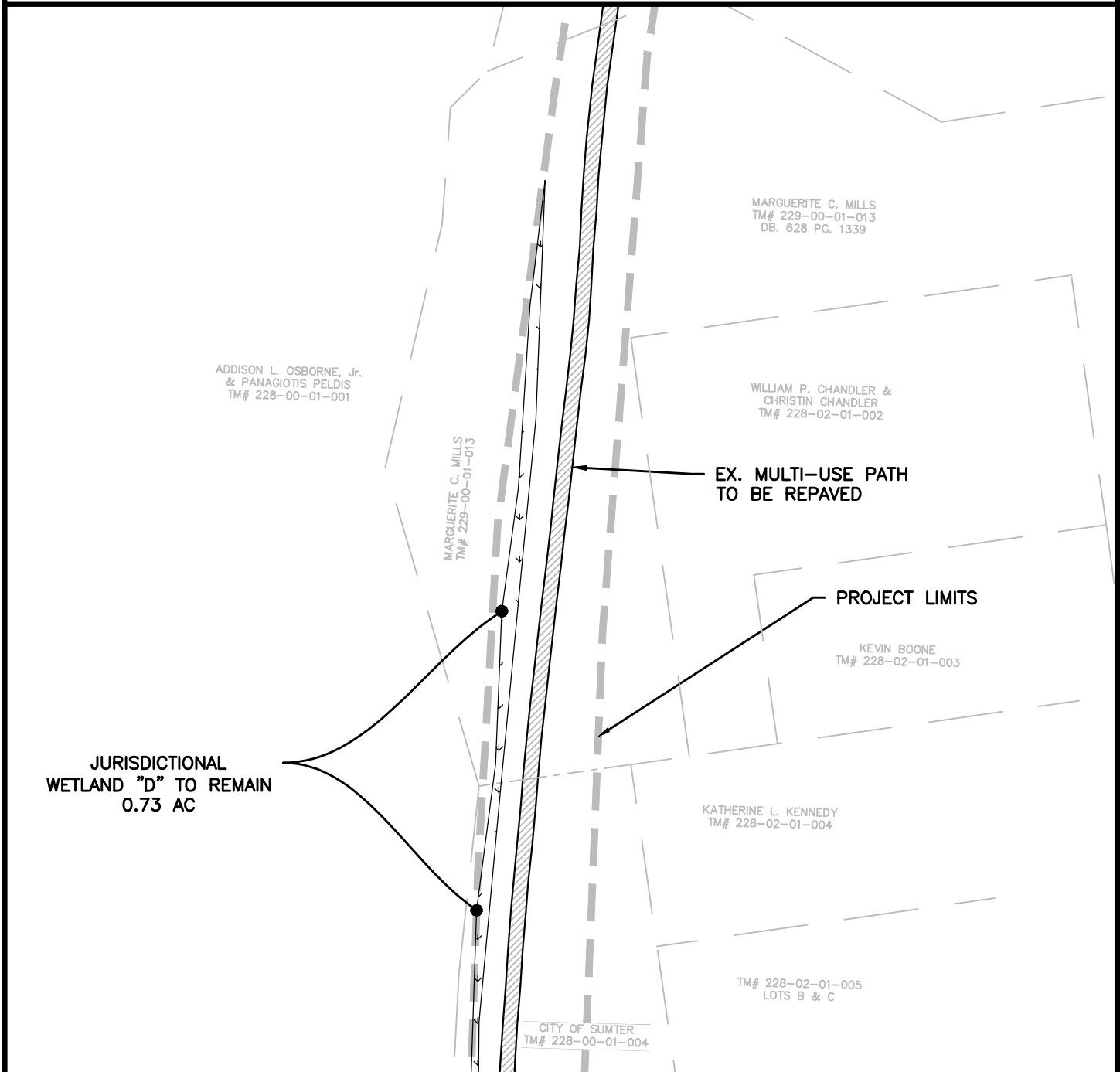


**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  EXISTING MULTI-USE PATH TO BE REPAVED
-  WETLAND TO REMAIN



SCALE: 1" = 100'







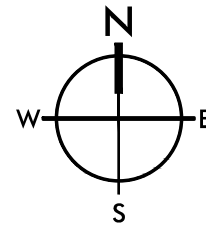
Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
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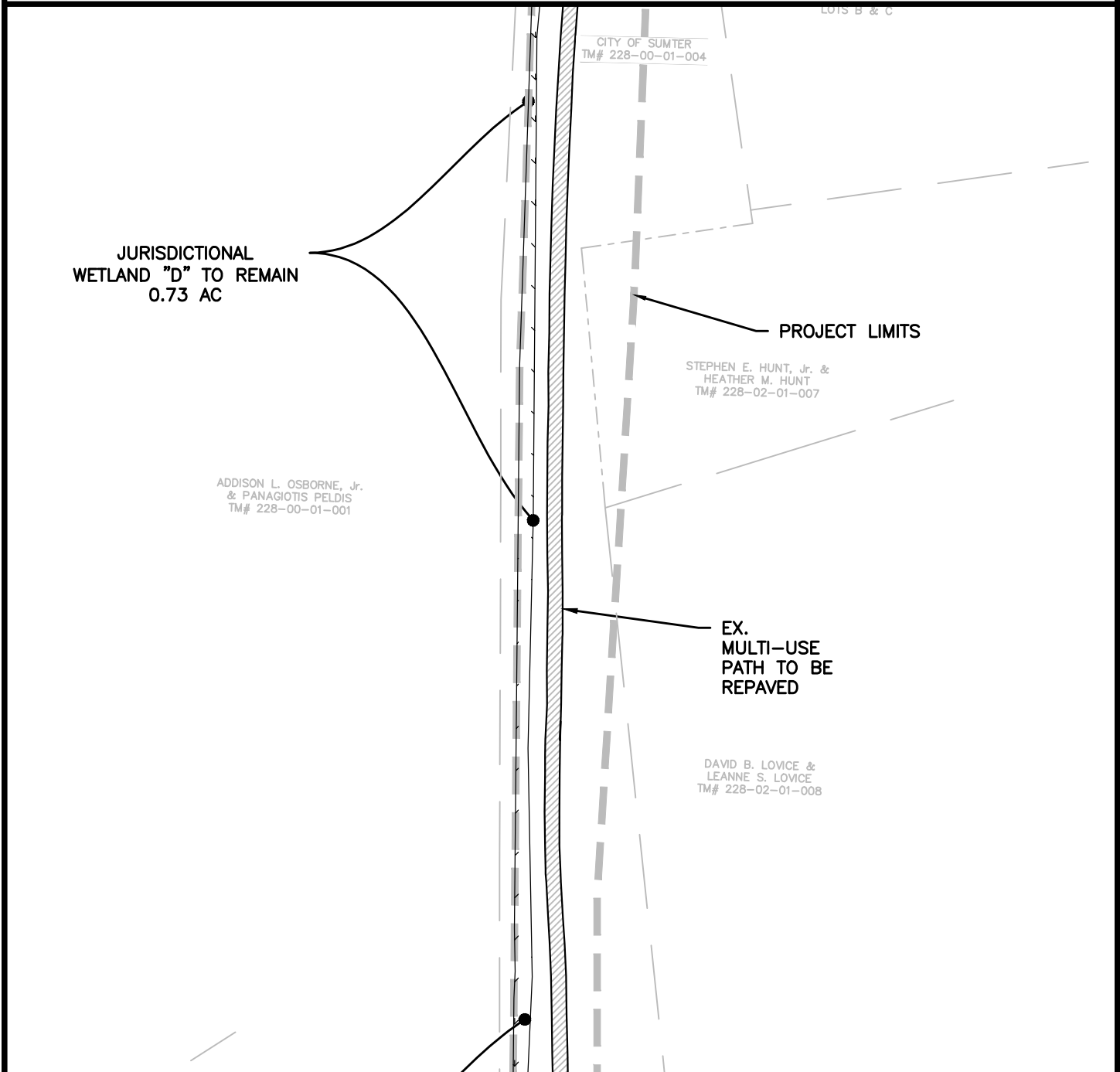
**VIEW 13**  
Sheet 19 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  EXISTING MULTI-USE PATH
-  WETLAND TO REMAIN



SCALE: 1" = 100'



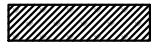





Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

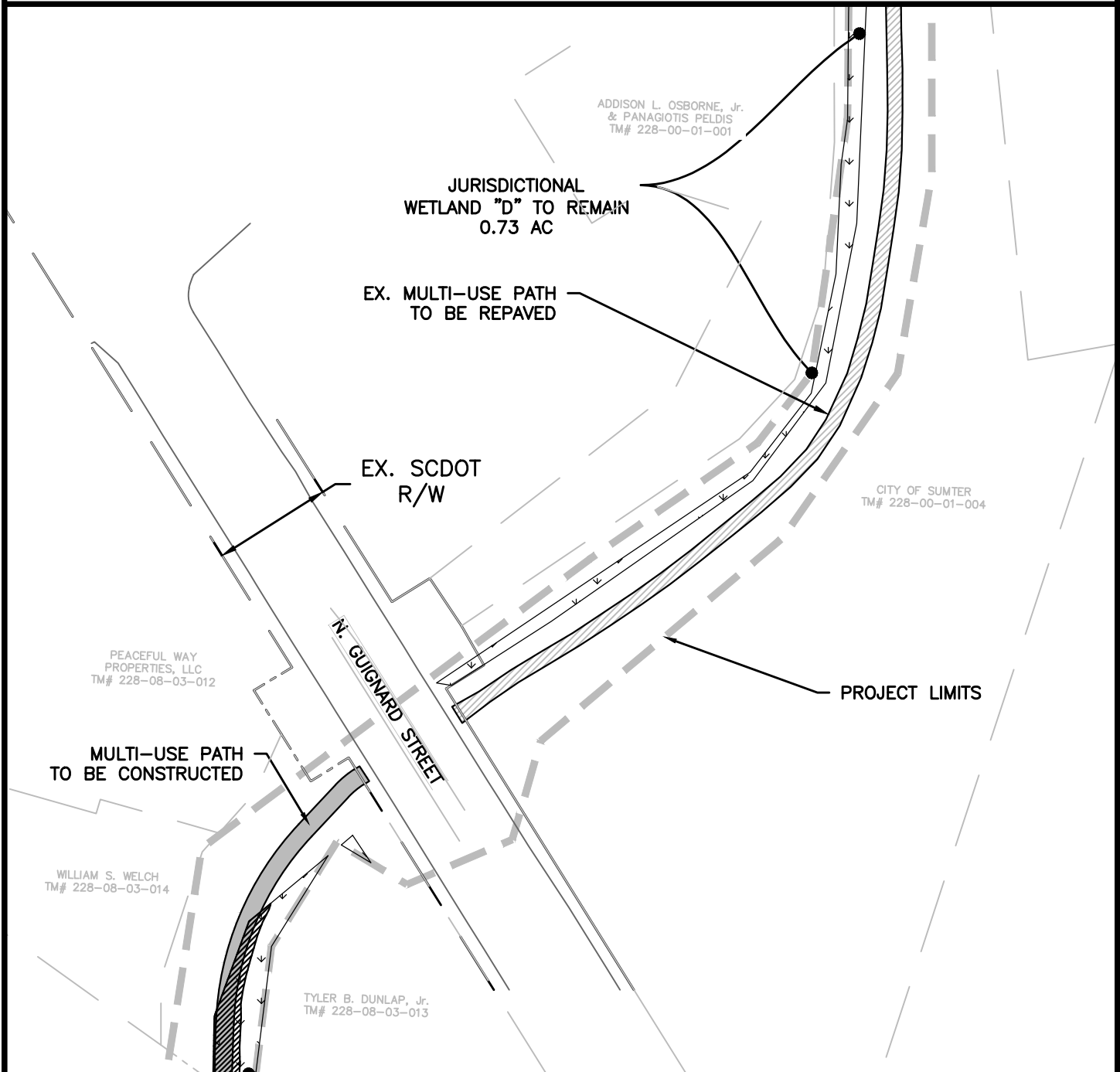
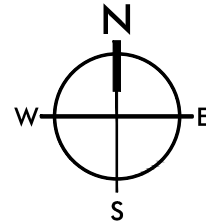
Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

*VIEW 14*

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  EXISTING MULTI-USE PATH
-  WETLAND TO REMAIN
-  MULTI-USE PATH TO BE CONSTRUCTED

SCALE: 1" = 100'



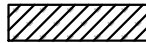




Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

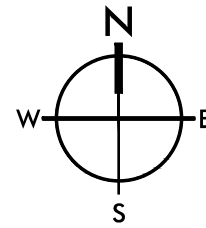
Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

**VIEW 15**  
Sheet 21 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN

SCALE: 1" = 100'



TYLER B. DUNLAP, Jr.  
TM# 228-08-03-013

JURISDICTIONAL  
WETLAND "D" TO  
BE FILLED  
0.39 AC

JURISDICTIONAL  
WETLAND "D" TO REMAIN  
0.73 AC

CITY OF SUMTER  
TM# 228-08-03-011

CITY OF SUMTER  
TM# 228-08-03-011

PROJECT LIMITS









Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

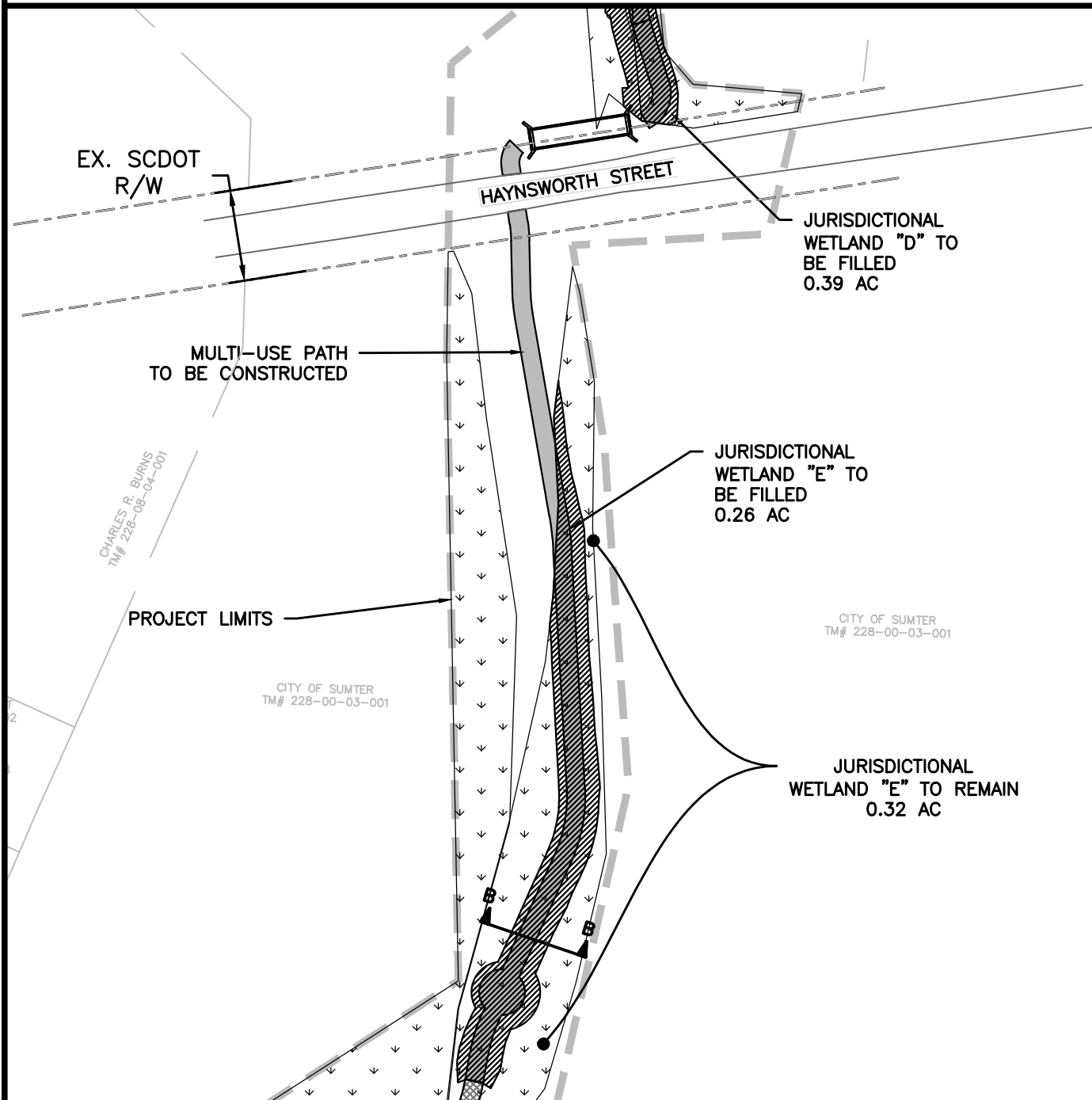
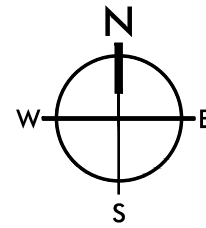
Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

*VIEW 16*

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN
-  BOARDWALK TO BE CONSTRUCTED

SCALE: 1" = 100'



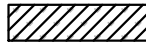





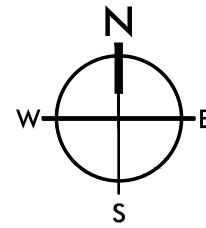
Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

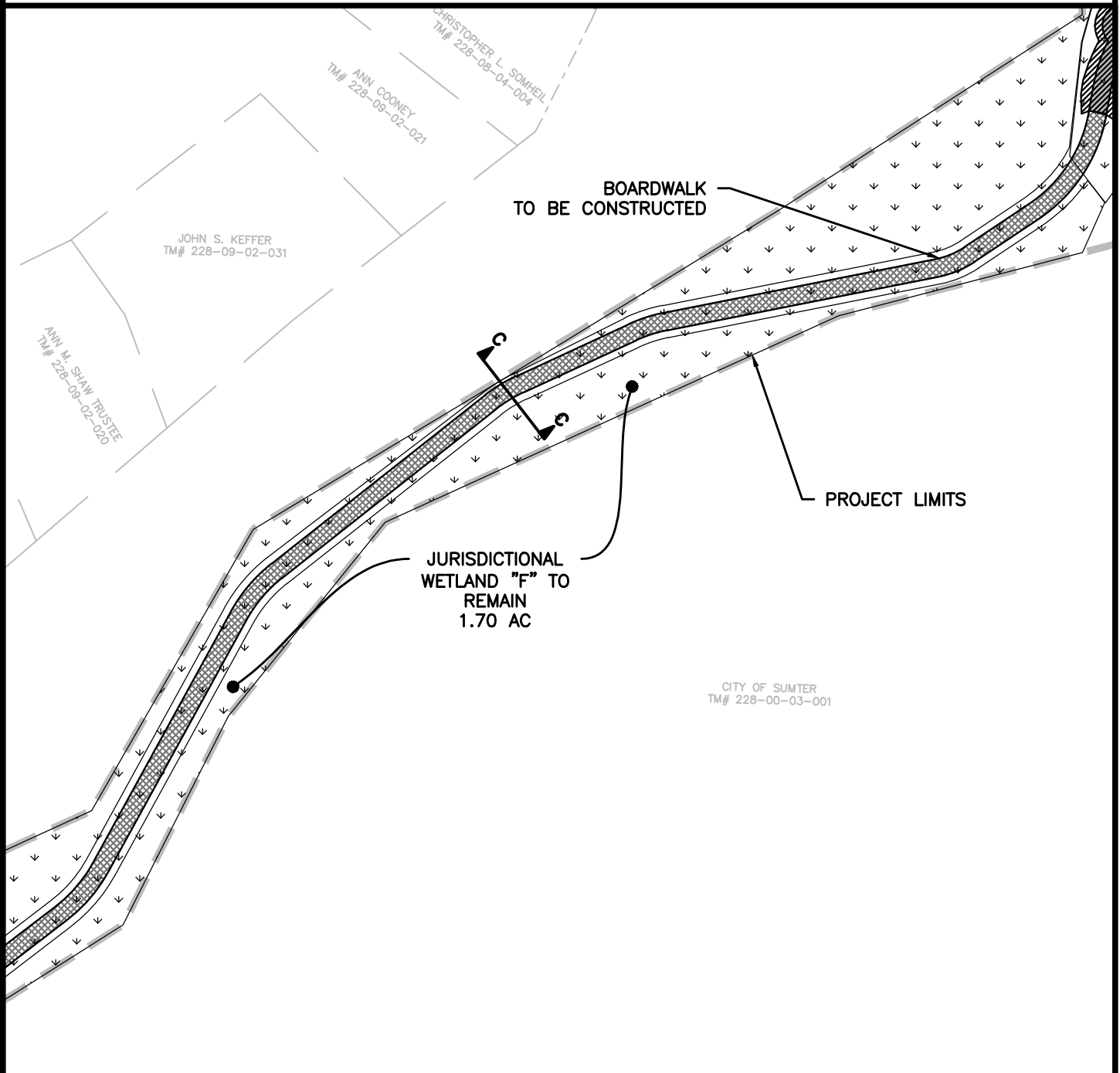
**VIEW 17**  
Sheet 23 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN
-  BOARDWALK TO BE CONSTRUCTED



SCALE: 1" = 100'


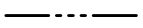






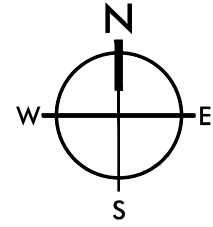
Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

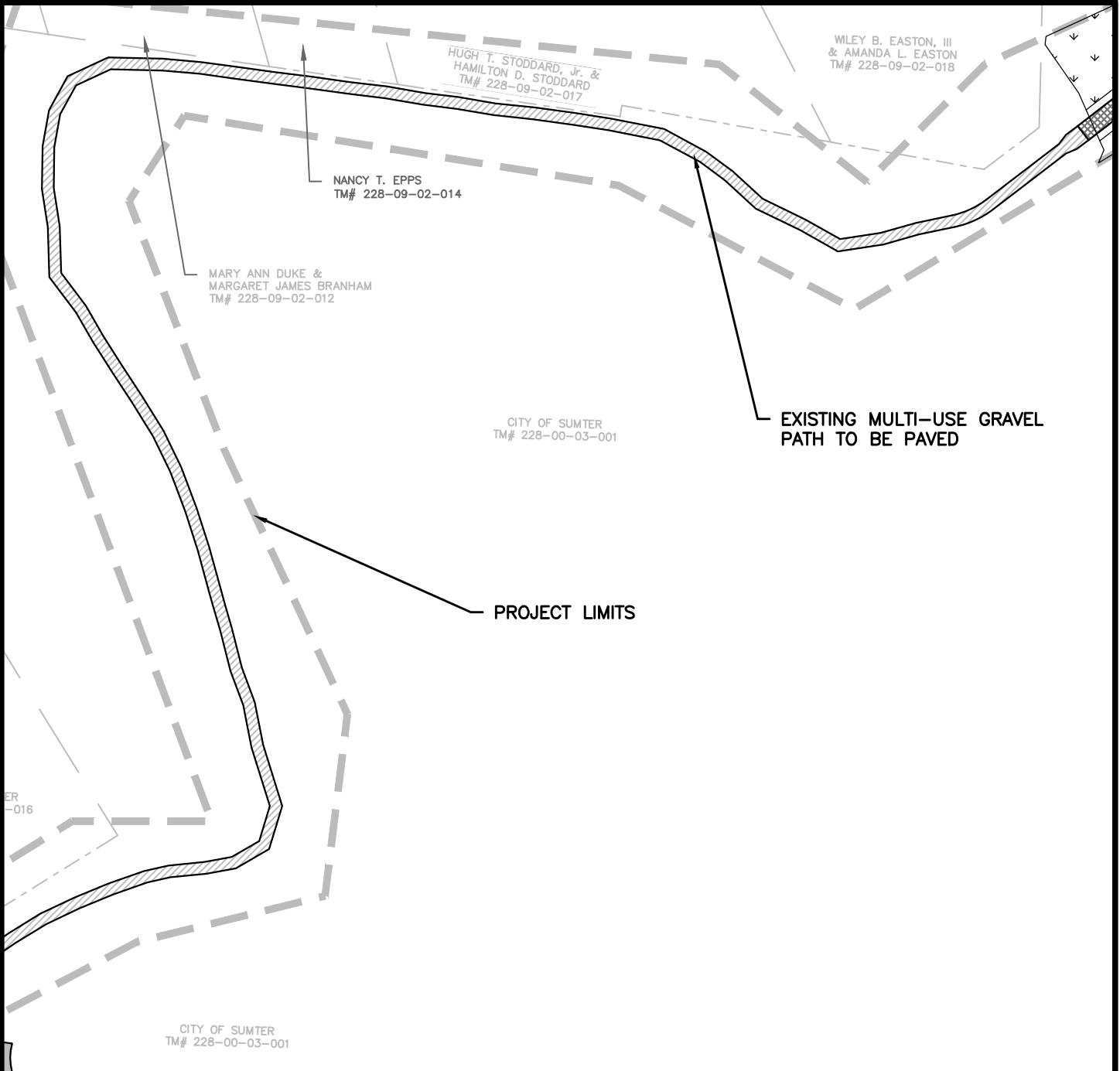
*VIEW 18*

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  WETLAND FILL AREA
-  MULTI-USE PATH TO BE CONSTRUCTED
-  WETLAND TO REMAIN
-  EXISTING MULTI-USE PATH TO BE PAVED



SCALE: 1" = 100'



Activity:  
MULTI-USE PATH CONSTRUCTION

Project:  
SHOT POUCH BRANCH GREENWAY





Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

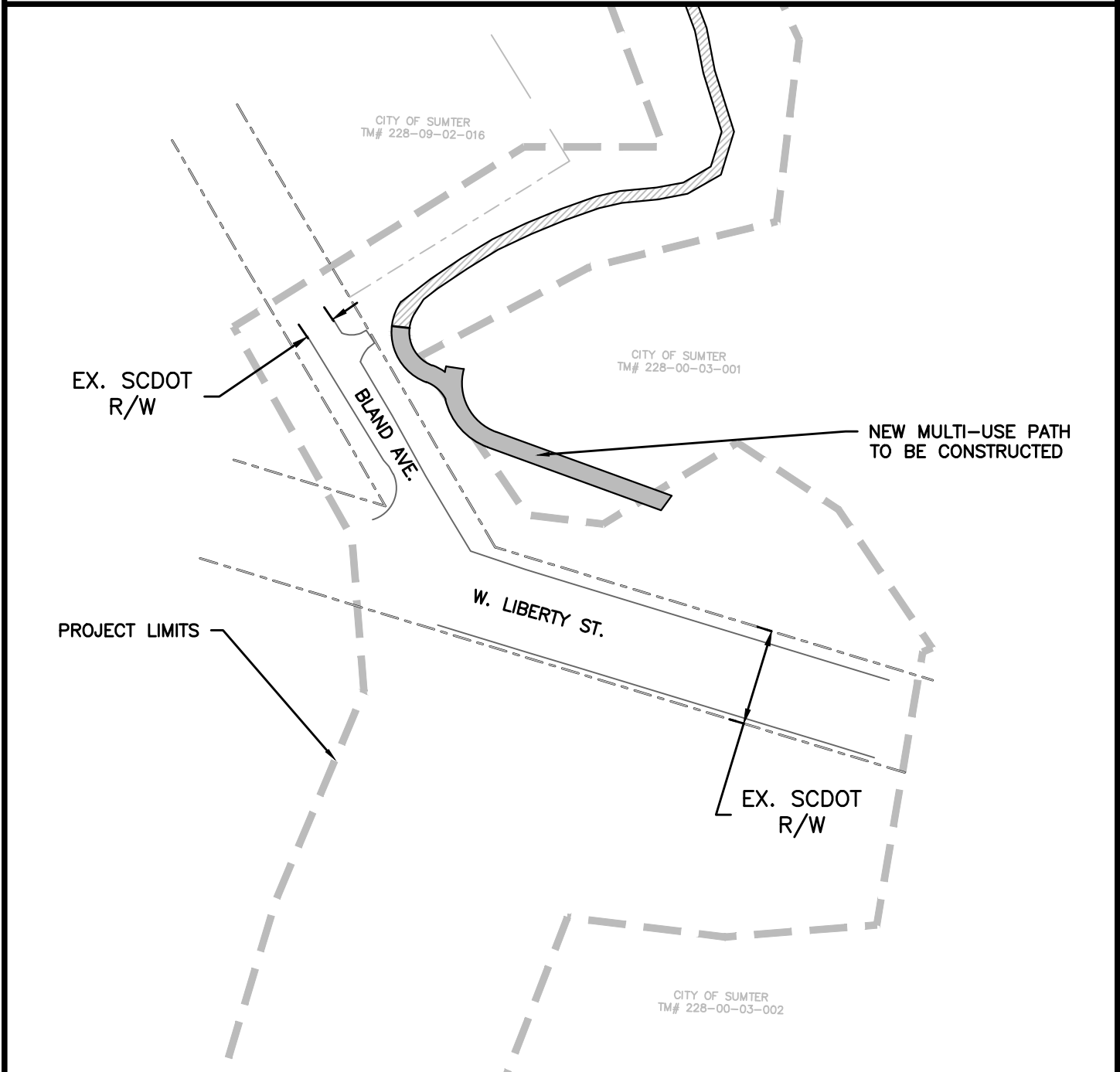
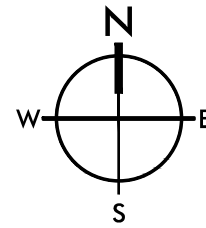
**VIEW 19**

Sheet 25 of 30 Date: December 11, 2018

**WETLAND LEGEND**

-  PROJECT BOUNDARY
-  EXISTING RIGHT-OF-WAY
-  MULTI-USE PATH TO BE CONSTRUCTED
-  EXISTING MULTI-USE PATH TO BE PAVED

SCALE: 1" = 100'



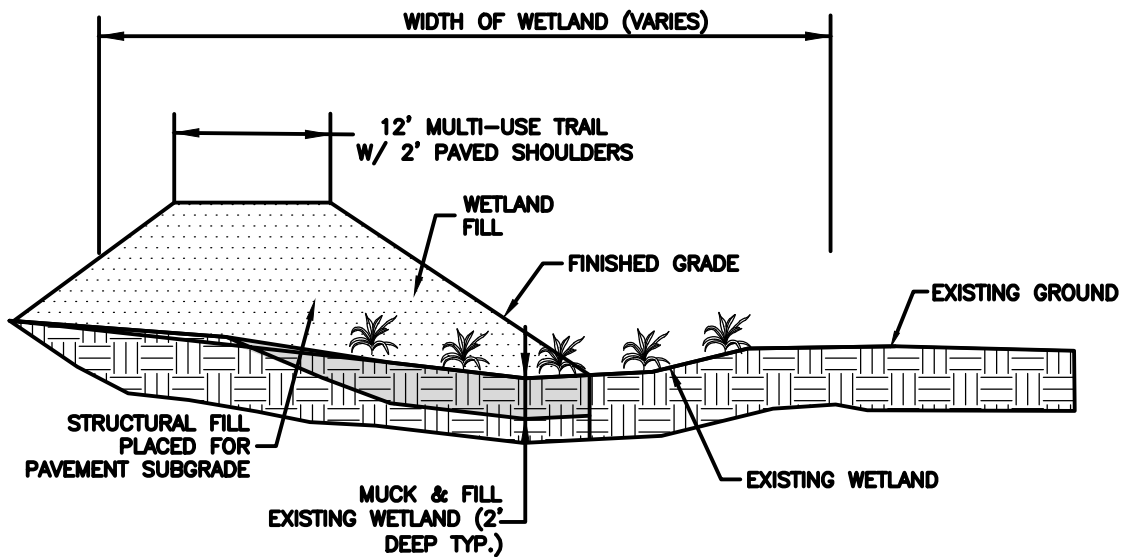
Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY

Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

*VIEW 20*





## TYPICAL ADJACENT WETLAND FILL DETAIL

SECTION "A-A"

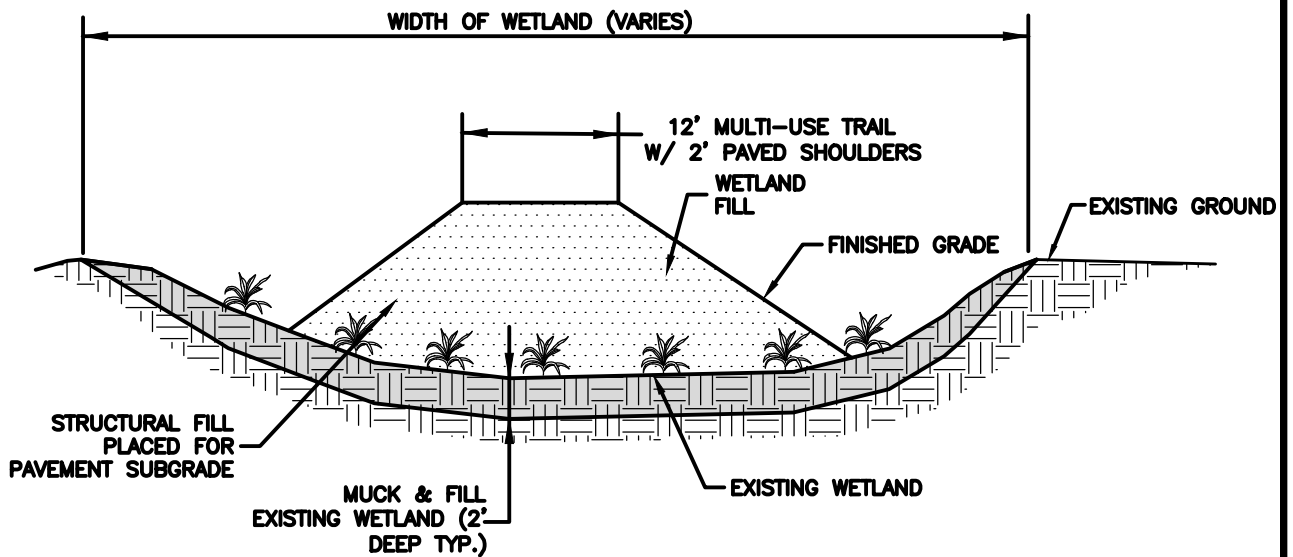
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Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY

Location:  
SUMTER, SC

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DURHAM, NC 27701  
PHONE: (919) 484-8448

**WETLAND  
FILL DETAIL**



## TYPICAL WETLAND FILL DETAIL

### SECTION "B-B"

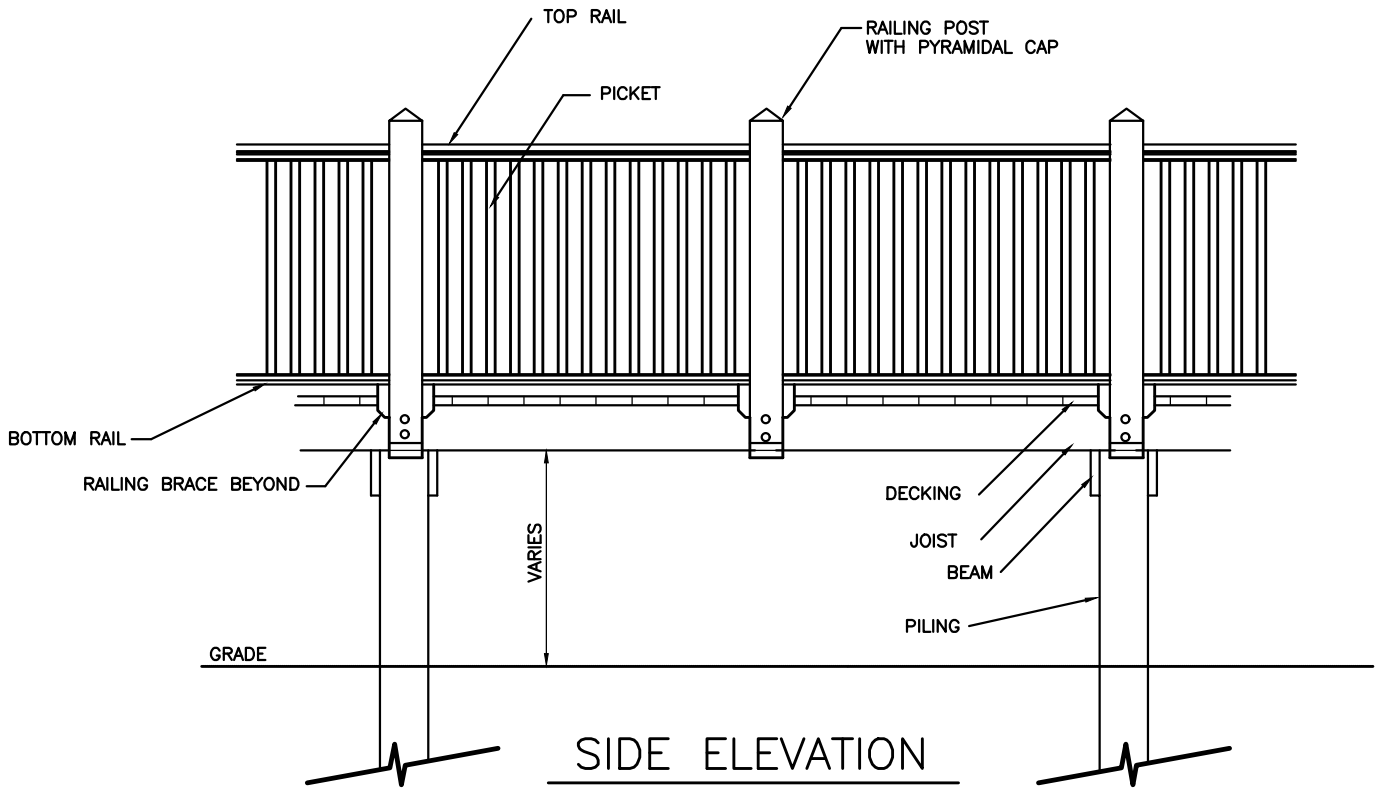
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Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY

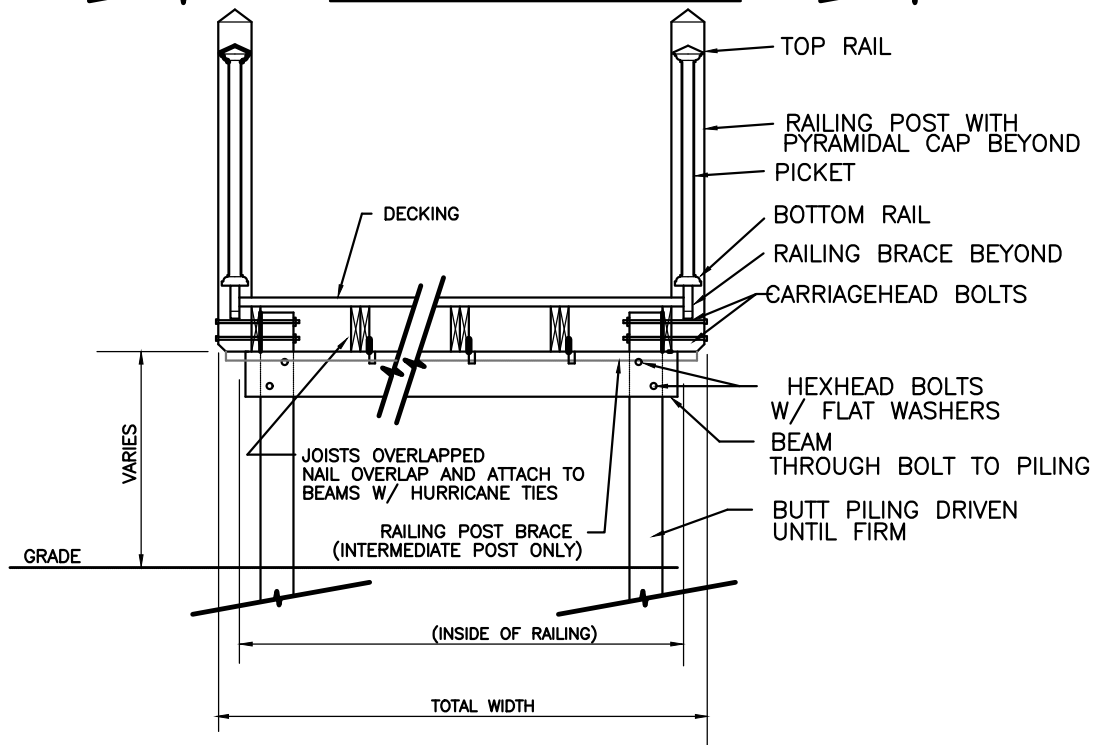
Location:  
SUMTER, SC

Applicant:  
ALTA PLANNING & DESIGN, INC.  
111 E. CHAPEL HILL ST., SUITE 100  
DURHAM, NC 27701  
PHONE: (919) 484-8448

**WETLAND  
FILL DETAIL**



SIDE ELEVATION



SECTION THRU  
TYPICAL BOARDWALK DETAIL  
SECTION "C-C"

Activity:  
MULTI-USE PATH CONSTRUCTION  
Project:  
SHOT POUCH BRANCH GREENWAY

Location:  
SUMTER, SC

Applicant:  
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DURHAM, NC 27701  
PHONE: (919) 484-8448

**BOARDWALK  
DETAIL**

SHOT POUCH GREENWAY

TOTAL SITE = 40.35 Ac.  
TOTAL WETLANDS = 16.02 Ac.

JURISDICTIONAL WETLANDS

TOTAL JURISDICTIONAL WETLANDS = 16.02 Ac.

IMPACTS

INFRASTRUCTURE FILL

WETLAND FILL A = 0.00 Ac.  
WETLAND FILL B = 0.00 Ac.  
WETLAND FILL C = 0.01 Ac.  
WETLAND FILL D = 0.39  
WETLAND FILL E = 0.26  
WETLAND FILL F = 0.00 Ac.

TOTAL = 0.66 Ac.

Activity:  
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Project:  
SHOT POUCH BRANCH GREENWAY  
Location:  
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DURHAM, NC 27701  
PHONE: (919) 484-8448

*SUMMARY*

# **Shot Pouch Greenway**

**Sumter County, South Carolina**

**Document in Support of  
Application for  
Federal & State Permits**

**December 2018**

**Prepared By:**

**Newkirk Environmental, Inc.**

## **1.0 Introduction**

### **1.1 Site Location**

The proposed project area, as depicted in the conceptual application drawings, runs north/south along Shot Pouch Branch from Dillon Park to Swan Lake in the City of Sumter, Sumter County, South Carolina. It intersects several neighborhoods and commercial areas along its path as well as several main city roads including Hwy. 76, Broad Street, Miller Road, and Guignard Dr. before it terminates north of Liberty St.

### **1.2 Site Description**

The project area subject to the accompanying Individual Permit application currently contains existing unconnected on-grade trails, paved paths and boardwalks through the Shot Pouch Branch floodplain. The proposed greenway includes cleared upland areas as well as forested uplands and wetlands. These wetlands, including forested swamp, open water, streams and emergent wetlands have been delineated and submitted to the USACE in a jurisdictional request dated May 30, 2017 from McCormick Taylor (Appendix C).

In all, the project area consists of 40.35 acres, comprised of 16.02 acres of freshwater aquatic resources, including wetlands and 24.33 acres of high ground.

## **2.0 Project Need**

As the population of The City of Sumter grows, so too does the demand for greenspace that integrates outdoor recreational opportunities with pedestrian travel and biking as an alternative to conventional modes of transportation. According to *Sumter Connectivity & Greenways Master Plan for Shot Pouch Creek* (Appendix A), the county and city planners and residents anticipate a project that will serve as

....a viable community amenity, designed to connect neighborhoods, encourage recreational walking and biking, and as a catalyst for new niche neighborhood commercial development. In essence, this plan sees a linear park serving as a “spine” for greater connectivity in Sumter.... The Shot Pouch Greenway will be a sustainable central

artery for the community- one that does not require the use of a car! Dozens of Sumter's neighborhoods lie in close proximity and could be easily connected to the greenway. (pg. 5)

### **3.0 Project Purpose**

For clarity purposes, the project purpose statement has been divided into "basic project purpose" and "overall project purpose". This approach is consistent with the evaluation of alternatives required by the 404(b) (1) Guidelines and USACE guidance and may assist the US Army Corps of Engineers (USACE) in conducting its analysis of alternatives.

#### **3.1 Basic Purpose**

The basic purpose of the proposed project is to discharge fill material in freshwater wetlands to facilitate access and connectivity to existing amenities along the Shot Pouch Greenway within the City of Sumter South Carolina.

#### **3.2 Overall Purpose**

The overall purpose of the proposed project is to construct and complete an economically viable, long-term and sustainable public amenity within the existing Shot Pouch Greenway corridor that will provide access and connectivity to existing and future city parks, neighborhoods, businesses and institutions through alternative, low-impact modes of travel such as walking and biking.

### **4.0 Project Description**

The proposed project is a master-planned greenway within the identified project area that will include construction of a raised multi-use, paved path, incorporation of existing paths and construction of a boardwalk as depicted in the submitted permit application drawings for which this narrative supports. A total of 0.66 acres of jurisdictional aquatic resources will be permanently filled in order to complete the Shot Pouch Greenway path. Specifically, The City of Sumter proposes a fill impact to 0.01 acres designated as Wetland Fill C, 0.39 acres designated as Wetland Fill D and 0.26 acres designated as Wetland Fill E. These fill sections (illustrated on Sheets 27 and 28 of the application drawings) will consist of a raised 12' paved surface with 2' of slopes on either side of the path and will be properly culverted, where

applicable, so as to maintain hydrology and ecology exchange within the impacted wetland. The fill impacts will provide connectivity to existing paths in uplands that will be re-surfaced as part of the overall project. In addition, the city intends to construct a 925' x 20' wide boardwalk south of Haynsworth Street over the largest expanse of Shot Pouch Branch in the project area.

While The City of Sumter intends to complete the proposed project as soon as possible, there are a number of factors tied to the public funding mechanisms that will ultimately pay for the greenway. These factors would include, but not be limited to, unexpected emergency projects, other unanticipated and unknown city expenditures, the construction work bidding and awards process or natural disasters that could temporarily affect the greenway. Therefore, in order to provide ample time to complete the greenway, the applicant requests that the USACE and SCDHEC consider this application for a 15 year permit.

## **5.0 Alternatives**

### **5.1 No-action**

In a no action alternative, The City of Sumter would not place 0.66 acres of fill material in waters of the U.S. in order to complete the greenway as proposed. Subsequently, the planned project would not go forward as designed and the applicant's overall purpose and the need for the project would fail to be met. The current trail system would degrade over time and without the proposed connectivity, there would no clear use or purpose for the greenway that would be supported by the population.

### **5.2 Action**

The City of Sumter, in light of the stated project need, wishes to implement the proposed project towards meeting the previously stated purpose and goal of the Shot Pouch Greenway. As the greenway includes large swaths of wetlands associated with Shot Pouch Branch, it will be necessary to cross these wetlands to provide continuity and connectivity along the length of the greenway from Dillon Park to Swan Lake. As this proposed project is specific to the geographical area of the existing Shot Pouch Greenway, there are no alternative sites that would meet the stated purpose and need of



the proposed project. If one were to consider alternative sites for the proposed project, then this would inevitably result in a no action alternative for the Shot Pouch Greenway, which, as explained in the previous section, is not a viable alternative to meeting the stated purpose and goals of the project.

As it relates to a linear pathway through wetlands, there are really only three alternative design methods that can be employed. These methods include an on-grade trail, a raised impervious pathway or a boardwalk/bridge. For the size and scope of a project of this nature that intends to draw a significant number of users daily, an on-grade trail is not a practical alternative due to safety concerns, ADA requirements, maintenance requirements and loss of use during or after heavy rain events. Therefore, the only practicable action alternatives for this project include the use of a raised pathway section complete with paved surfaces, appropriate side slopes and culverts or boardwalks/bridges.

While boardwalks/bridges do not require a discharge of fill material into wetlands and therefore by default are considered the least impactful alternative, they are relatively expensive to construct and relatively expensive to maintain. In contrast, raised paved paths require a fill foot print but are significantly less costly to initially construct and maintain over time. As this project is funded with public money raised through Sumter County's Penny for Progress Capital Sales Tax Referendum, the Shot Pouch Greenway shares its funding with numerous other public need projects throughout the county (P4P). Therefore, the city and the county have the fiduciary duty to the tax payers to balance the goals, functions and overall cost to develop a worthwhile project with limited public funds. The result of this balance, in the opinion of The City of Sumter and Sumter County, is the proposed plan subject to the current 404/401 Individual Permit.

The Shot Pouch Greenway currently contains existing paved trails throughout portions of the project area's upland acreage. As part of the overall project, these paths will be reused and repaved to lessen the overall impact to the greenway with impervious surfaces. To connect these existing trails and provide the desired connectivity from Dillon Park to Swan Lake, the city will connect these paths through wetlands utilizing both paved paths

and boardwalks where financially feasible. There are three areas of proposed paved path through wetlands. Wetland Fill C has already been minimized to 0.01 acres total. Proposed Wetland Fill D is 0.39 acres and proposed Wetland Fill E is 0.26 acres. Below is a table illustrating the additional costs of a boardwalk/bridge alternative at each proposed fill section along with why the city ultimately rejected the alternative.

**Table of Costs/Savings per Boardwalk Alternative**

<b>Impact</b>	<b>Additional Cost</b>	<b>Reason for rejection by applicant</b>
Wetland Fill C (0.01 Ac.)	\$13,500	The proposed impact is less than 0.1 acres (considered by the regulatory agencies as minimal without need for mitigation). The cost of the alternative (boardwalk/bridge) to the public is not practicable for such a minor impact.
Wetland Fill D (0.39 Ac.)	\$504,000	This cost represents almost 13% of the entire cost for the proposed project. This is not a practicable alternative to filling Wetland D when considering the cost to the tax payer.
Wetland Fill E (0.26 Ac.)	\$352,000	This cost represents almost 9% of the entire cost for the proposed project. This is not a practicable alternative to filling Wetland D when considering the cost to the tax payer.

**6.0 Avoidance/Minimization**

During the planning and design process, the city attempted to minimize wetland impacts to the maximum extent while still accomplishing the project with a duty to the public to save costs where appropriate. This minimization is evident in the incorporation of the configurations and

layouts of the existing paths within the greenway as well as the proposed minimal impacts associated with Wetland Fill B and Wetland Fill C. In addition, the applicant allocated enough funds to span the approximately 925 linear feet of wetlands associated with Shot Pouch Branch between Haynsworth Street and Swan Lake without a permanent fill impact. This minimization of overall wetland impact represents approximately 16% of the total buildout cost of the project.

### **7.0 Compensatory Mitigation**

The applicant proposes to mitigate for proposed impacts in accordance with the USACE Charleston District Compensatory Mitigation Guidelines dated October 7, 2010. When applied to the proposed project, The Charleston District Mitigation Worksheets define a requirement of 6.7 mitigation credits to compensate for the proposed impacts to aquatic resources. These worksheets are included as Appendix B.

At the time of this application, there is currently not a mitigation bank that services the proposed project; however, the applicant anticipates that a bank will be approved in this area during the course of the permit application review period.

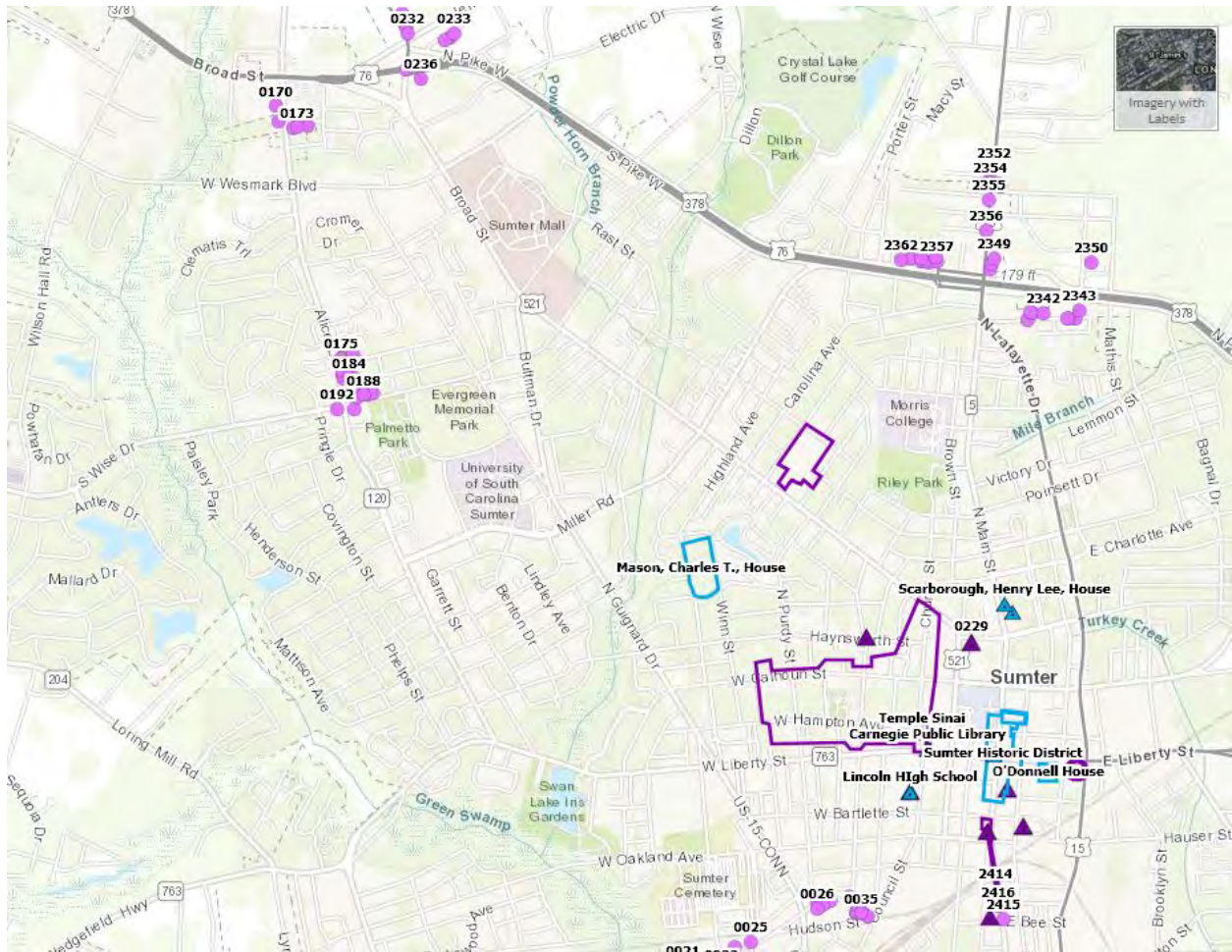
### **8.0 Stormwater**

As required by SCDHEC's NPDES program for all developments prior to construction, there will be an adequate SCDHEC approved stormwater management plan incorporating BMPs and that is capable of meeting the needs of the proposed project. As these plans are not generally designed prior to obtaining a 404 Individual Permit and 401 Certification, the exact locations of such structures and support structures are not known at this point in time. The project engineer has been made aware of and intends to employ accepted stormwater management techniques, where practical, as part of the final stormwater plan to prevent runoff from having adverse impacts to adjacent aquatic features. The location of the implementation of such techniques and structures will be included in the comprehensive stormwater management plan submitted to SCDHEC or local MS4 for approval under the NPDES program.

## 9.0 Archaeological and Cultural Resources

A review of available data from SCIAA and SCDAH (Figure 1) does not indicate that the project site is located adjacent to any site(s) listed on the National Register of Historic Places or that any significant or potentially significant historic resources exist on the project site.

**Figure 1: SC ArcSite Public Web Map**



## 10.0 Threatened and Endangered Species

On 18 October 2018, Newkirk Environmental, Inc. solicited an Official Species List for the project site through the USFWS IPaC system. The request was assigned consultation tracking number 04ES1000-2019-SLI-0061 and a response from USFWS was received the same day. A copy of the Official Species List is attached to this report as Appendix D.

Based on the linear nature of the proposed impacts, the scope of the overall project and the intended use of the project, it is Newkirk Environmental, Inc.'s opinion that the proposed project will not likely jeopardize the continued existence of any listed threatened or endangered species or a species proposed for such designation. In addition, at the time of this application, the USFWS IPaC system did not indicate any designated critical habitat within or near the project site.

## **11.0 References**

Sumter Connectivity & Greenways Master Plan for Shot Pouch Creek (2014, February).

Retrieved from <http://www.sumtersc.gov/>

About P4P (2018, October).

Retrieved from [http://www.sumtercountysc.org/penny\\_for\\_progress/about\\_p4p/index.php](http://www.sumtercountysc.org/penny_for_progress/about_p4p/index.php)

## Appendix B: Mitigation Calculation Worksheets

**Shot Pouch Greenway  
December 2018  
Revised May 2019**

**REQUIRED WETLAND MITIGATION WORKSHEET**

*Determination of Wetland Credits (Last Revised, October 7, 2010)*

Factors	Options					
Lost Type	Type C 0.2	Type B 2.0			Type A 3.0	
Priority Category	Tertiary 0.5	Secondary 1.5			Primary 2.0	
Existing Condition	Very Impaired 0.1	Impaired 1.0	Partially Impaired 2.0	Fully Functional 2.5		
Duration	0 to 1 year 0.2	1 to 3 years 0.5	3 to 5 years 1.0	5 to 10 years 1.5	Over 10 years 2.0	
Dominant Impact	Shade 0.2	Clear 1.0	Drain 2.0	Dredge 2.5	Impound/Flood 2.5	Fill 3.0
Cumulative Impact	<0.25 Acre 0.1	0.25-0.99 Acres 0.2	1.0-2.99 Acres 0.5	3.0-9.99 Acres 1.0	≥10.0 Acres 2.0	

**Note:** The cumulative impact factor for the overall project should be included in the sum of factors for each impacted area on the Required Wetland Mitigation Credit Worksheet.

**Required Wetland Mitigation Credit Worksheet**

Factor	Impact C	Impact D	Impact E		
Lost Type*	<b>3.0</b>	<b>3.0</b>	<b>0.2</b>		
Priority Category	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>		
Existing Condition*	<b>2.0</b>	<b>2.5</b>	<b>2.0</b>		
Duration	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>		
Dominant Impact	<b>3.0</b>	<b>3.0</b>	<b>3.0</b>		
Cumulative Impact	<b>0.2</b>	<b>0.2</b>	<b>0.2</b>		
Sum of m Factors	R <sub>1</sub> = <b>10.7</b>	R <sub>2</sub> = <b>11.2</b>	R <sub>3</sub> = <b>7.9</b>	R <sub>4</sub> =	R <sub>5</sub> =
Impacted Area	A <sub>1</sub> = <b>0.01</b>	A <sub>2</sub> = <b>0.39</b>	A <sub>3</sub> = <b>0.26</b>	A <sub>4</sub> =	A <sub>5</sub> =
R x AA =	<b>0.107</b>	<b>4.368</b>	<b>2.054</b>		

Required Wetland Mitigation Credits =  $\sum (R \times A) =$

<b>6.5</b>
------------

\* “Lost Type” and “Existing Condition” determined from wetland descriptions in McCormick Taylor Jurisdictional Determination Request dated 5/30/17, included as Appendix C.

**Shot Pouch Greenway  
December 2018  
Revised May 2019**

**WETLAND MITIGATION SUMMARY WORKSHEET**

**Mitigation Summary Worksheet For Permit Application # \_\_\_\_\_**

<b>I. Required Mitigation</b>	<b>Credits</b>	<b>Acres</b>
A. Required Mitigation Credits	<b>6.5</b>	
B. The permittee may be eligible for a 25% reduction in Required Mitigation Credits (A x 0.25).		
C. Total Required Mitigation Credits = A - B	<b>6.5</b>	

<b>II. Third Party Mitigation Credit Summary</b>	<b>Credits</b>	<b>Acres</b>
D. Restoration and/or Enhancement	<b>3.3</b>	<b>To Be Determined by Bank</b>
E. Preservation	<b>3.2</b>	<b>To Be Determined by Bank</b>
F. Total Third Party Mitigation = D+E	<b>6.5</b>	<b>To Be Determined by Bank</b>

<b>III. Permittee-Responsible Mitigation Credit Summary</b>	<b>Credits</b>	<b>Acres</b>
G. Restoration and/or Enhancement		
H. Preservation		
I. Total Permittee-Responsible Mitigation = G + H		

<b>IV. Proposed Mitigation Summary</b>	<b>Credits</b>	<b>Acres</b>
J. Total Restoration and/or Enhancement = D + G	<b>3.3</b>	<b>To Be Determined by Bank</b>
K. Total Preservation = E + H	<b>3.2</b>	<b>To Be Determined by Bank</b>
L. Total Proposed Mitigation = F + I	<b>6.5</b>	<b>To Be Determined by Bank</b>

<b>V. Local Compensatory Mitigation Goals</b>	<b>Yes</b>	<b>No</b>
$PMC \geq RMC$ Are the Credits in Row L greater than or equal to Row C? C?	<b>X</b>	
$PMC \geq \frac{1}{2} RMC$ Are the Credits in Row J greater than or equal to 50% of Row C?	<b>X</b>	



**Shot Pouch Greenway  
December 2018  
Revised May 2019**

**WETLAND MITIGATION SUMMARY WORKSHEET**

**Mitigation Summary Worksheet For Permit Application # \_\_\_\_\_**

<b>I. Required Mitigation</b>	<b>Credits</b>	<b>Acres</b>
A. Required Mitigation Credits	<b>6.5</b>	
B. The permittee may be eligible for a 25% reduction in Required Mitigation Credits (A x 0.25).		
C. Total Required Mitigation Credits = A - B	<b>6.5</b>	

<b>II. Third Party Mitigation Credit Summary</b>	<b>Credits</b>	<b>Acres</b>
D. Restoration and/or Enhancement	<b>3.3</b>	<b>To Be Determined by Bank</b>
E. Preservation	<b>3.2</b>	<b>To Be Determined by Bank</b>
F. Total Third Party Mitigation = D+E	<b>6.5</b>	<b>To Be Determined by Bank</b>

<b>III. Permittee-Responsible Mitigation Credit Summary</b>	<b>Credits</b>	<b>Acres</b>
G. Restoration and/or Enhancement		
H. Preservation		
I. Total Permittee-Responsible Mitigation = G + H		

<b>IV. Proposed Mitigation Summary</b>	<b>Credits</b>	<b>Acres</b>
J. Total Restoration and/or Enhancement = D + G	<b>3.3</b>	<b>To Be Determined by Bank</b>
K. Total Preservation = E + H	<b>3.2</b>	<b>To Be Determined by Bank</b>
L. Total Proposed Mitigation = F + I	<b>6.5</b>	<b>To Be Determined by Bank</b>

<b>V. Local Compensatory Mitigation Goals</b>	<b>Yes</b>	<b>No</b>
$PMC \geq RMC$ Are the Credits in Row L greater than or equal to Row C? C?	<b>X</b>	
$PMC \geq \frac{1}{2} RMC$ Are the Credits in Row J greater than or equal to 50% of Row C?	<b>X</b>	

AGREEMENT FOR PURCHASE AND SALE OF STREAM  
AND/OR WETLAND MITIGATION CREDITS

THIS AGREEMENT FOR PURCHASE AND SALE OF STREAM AND/OR WETLAND CREDITS (this "Agreement") is dated this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between MILL CREEK MITIGATION HOLDINGS LLC, a Delaware limited liability company, and the owner and operator of a stream and wetland mitigation bank commonly known as the Mill Creek Mitigation Bank ("Seller"), and City of Sumter, South Carolina (Purchaser").

RECITALS

A. The Mill Creek Mitigation Bank (the "Bank") was approved and is being operated pursuant to that certain Final Mitigation Banking Instrument: Mill Creek Mitigation Bank, dated December 22, 2015, United States Army Corps of Engineers - Charleston District (the "Corps") permit number SAC-2014-00222 (the "MBI");

B. Pursuant to the MBI, the Bank may offer wetland and stream credits for sale as compensation for unavoidable adverse impacts to, or for the loss of, among other things, jurisdictional waters of the United States, including wetlands and streams, and other natural habitats and ecosystems, located inside, and under certain circumstances, outside that certain geographical service area more particularly depicted on the attached Exhibit A (the "Service Area");

C. Pursuant to applicable Corps policies, to the extent that Bank credits are sold as compensation for unavoidable adverse impacts to jurisdictional waters located outside the Service Area and outside the 8-digit Hydrological Unit Code watershed in which the Bank is located (the "Bank's Watershed"), Seller is required by the Corps to commit incremental acres of wetlands per wetland mitigation credit, and incremental linear feet of stream per stream mitigation credit, in excess of that required if such wetland mitigation credits and stream mitigation credits, as applicable, were sold inside the Service Area and inside the Bank's Watershed;

D. Purchaser may purchase wetland and stream mitigation credits from the Bank as compensation for unavoidable adverse impacts to jurisdictional waters of the United States for Purchaser's projects located outside the Service Area and outside the Bank's Watershed upon Purchaser receiving Corps approval;

E. Purchaser desires to procure compensatory mitigation in connection with the project known as "Shot Pouch Greenway" pursuant to USACE Charleston District permit SAC-

2017-00887 (the "Permitted Project"), which is located outside the Service Area and outside the Bank's Watershed;

F. Purchaser desires to purchase from Seller, and Seller desires to sell to Purchaser, wetland and/or stream mitigation credits pursuant to the terms and conditions set forth herein.

#### AGREEMENT

In consideration of the foregoing and the mutual promises, covenants, agreements and obligations of the parties contained in this Agreement, the adequacy and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, Seller and Purchaser agree as follows:

**1. Recitals.** The recitals to this Agreement are herein incorporated by reference and made an integral part hereof.

**2. Sale of Credits.** Seller hereby sells to Purchaser, and Purchaser hereby purchases from Seller (a) ZERO and 00/100 (0.00) stream mitigation credits (the "Stream Credits") and (b) THREE and 30/100 (3.30) freshwater wetland enhancement/restoration mitigation credit and THREE and 20/100 (3.20) freshwater wetland preservation mitigation credits (the "Wetland Credits", and together with the Stream Credits, the "Credits") from the Bank based on the terms and conditions contained herein.

Upon execution of this Agreement, Seller shall provide Purchaser with an invoice for the Purchase Price (as defined in Section 4 below) and Purchaser shall remit payment within 14 days of receipt of such invoice. Upon receipt of such payment, Seller will file the documentation with the Corps necessary to transfer the Credits to Purchaser in accordance with Corps policies and procedures and the terms of this Agreement.

**3. Fee for Out of Primary Service Area Credit Sales.** Purchaser agrees to pay a fee (the "Out-of-Basin Fee") to compensate Seller for the incremental wetland acreage and stream linear footage that must be deducted from the Bank's ledger to compensate for use of the Bank's credits to compensate for the Permitted Project's unavoidable adverse impacts occurring outside the Service Area and outside the Bank's Watershed. The Out-of-Basin-Fee shall be calculated as the sum of (a) 0.7647 Wetland Credit, which represents the functional acres of wetlands deducted from the Bank's ledger due to the Permitted Project's location outside the Bank's Watershed, multiplied by the per-wetland-credit price defined in Section 4 below, and (b) 0.0000 Stream Credit, which represents the functional linear feet of stream deducted from the

Bank's ledger due to the Permitted Project's location outside the Bank's Watershed, multiplied by the per-stream-credit price defined in Section 4 below.

**4. Purchase Price.** The purchase price for the (a) Stream Credits shall be ZERO and 00/100 Dollars (\$0.00) for each Stream Credit, for a total purchase price for the Stream Credits of ZERO and 00/100 (\$0.00); (b) Wetland Credits shall be TWENTY THOUSAND and 00/100 Dollars (\$20,000.00) for each Wetland Credit, for a total purchase price for the Wetland Credits of ONE HUNDRED THIRTY THOUSAND and 00/100 (\$130,000.00); and, (c) Out-of-Basin Fee of FIFTEEN THOUSAND TWO HUNDRED NINETY-FOUR AND 12/100 (\$15,294.12), for a grand total purchase price for the Stream Credits and the Wetland Credits of ONE HUNDRED FORTY-FIVE THOUSAND TWO HUNDRED NINETY-FOUR and 12/100 (\$145,294.12) (the "Purchase Price"). Upon payment of the Purchase Price in full, neither Purchaser, nor its successors, assignees or designees shall be liable for the payment to Seller of any other consideration or fee in connection with the sale of the Credits.

**5. Delivery of Credits.** Upon receipt of the Purchase Price, Seller shall:

- (a) notify the Corps of the completion of the sale using such documentation as required by the Corps, with a copy delivered to Purchaser; and
- (b) deliver to Purchaser a bill of sale for the Credits in substantially the same form as Exhibit B attached hereto.

**6. Representations, Warranties and Covenants.** Seller hereby warrants and represents to, and covenants with, Purchaser as follows:

- (c) Seller expressly represents, warrants, and covenants the matters set forth as Recitals A and B.
- (d) Seller has a sufficient number of credits in the Bank to consummate the transactions contemplated herein.
- (e) Seller has full power and authority to convey the Credits to Purchaser and to consummate the transactions contemplated herein.
- (f) Seller shall deliver the Credits to Purchaser free and clear of any liens, security interests or other encumbrances.
- (g) There is no pending or threatened action or proceeding affecting Seller before any court, governmental agency, or arbitrator that would adversely affect Seller's ability to comply with its obligations hereunder.

(h) Seller hereby covenants and agrees with Purchaser that Seller shall not sell any number of credits in the Bank that would prevent the consummation of the transactions contemplated herein.

(i) Seller shall be solely responsible, at its sole cost and expense, for compliance with the requirements of this Agreement and with all statutes, regulations, and other requirements applicable to the operation, management, and maintenance of the Bank.

(j) That the execution and delivery of this Agreement on behalf of Seller has been duly authorized and such execution and delivery shall constitute the valid and binding agreement of Seller and is enforceable in accordance with its terms.

(k) All of Seller's representations, warranties, and covenants herein shall survive the termination of this Agreement and the delivery of the bill or bills of sale pursuant to this Agreement.

**7. Miscellaneous**

(a) Notices. Any notice, demand or request which is required or permitted hereunder shall be deemed effective when hand delivered, sent by a receipted overnight delivery service, or mailed, via certified mail, to the following addresses:

**Seller:** Mill Creek Mitigation Holdings LLC  
3414 Peachtree Road NE, STE 990  
Atlanta, Georgia 30326

**With a copy to:**

The Lyme Timber Company LP  
General Counsel  
23 South Main Street, 3<sup>rd</sup> Floor  
Hanover, NH 03755

**Purchaser:** City of Sumter  
Attention: Jason Stoddard  
12 West Liberty Street  
Sumter, SC 29150

**With a copy to:**

City of Sumter  
Attention: Planning Director, Mr. McGregor  
P.O. Box 1449  
Sumter, SC 29151

The parties may change the address for notices by delivery of a change of address to the other party in accordance with the requirements set forth above.

(b) **Brokerage Commission.** Seller and Purchaser each warrant to the other that no broker, agent, salesman or similar person is entitled to a commission or other fee in connection with this transaction. In the event any claims arise for commissions, fees, or other compensation in connection with this transaction, the party causing such claims or through whom such claims are made shall indemnify, defend, and hold harmless the other party for any loss or damage incurred by such party because of such claim. The foregoing indemnification shall survive the cancellation, termination or consummation of this Agreement.

(c) **Entire Agreement; Modification.** This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and neither Party shall be bound by representations except as set forth in this Agreement. There are no other agreements or understandings, written or oral, between the parties with regard to the subject matter of this Agreement. This Agreement shall not be modified or amended except by a written document executed by both parties.

(d) **Governing Law.** The validity, interpretation, and performance of this Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina, with the proper venue being Richland County, except to the extent that any applicable federal law or regulation shall supersede South Carolina law in relation to the matters set forth in this Agreement.

(e) **Compliance with Applicable Laws.** Both parties shall comply with all applicable federal, state, and local laws, rules, regulations, and orders in the conduct of their obligations hereunder.

(f) **Severability.** The provisions of this Agreement shall be deemed severable and, if any term herein shall be held invalid, illegal, or unenforceable, the remainder of this Agreement shall continue to be effective and binding on the parties.

(g) **Additional Assurances.** Both of the parties agree to execute and deliver any other document or documents that may be requested from time to time by the other party necessary to perform such party's obligations under this Agreement.

(h) **Attorney's Fees.** If legal action is commenced by either party to enforce its rights under this Agreement, the substantially prevailing party in such action shall be entitled to

recover reasonable costs incurred by it, including, but not limited to, reasonable attorneys' fees and costs, in addition to any other relief granted.

(i) Nature of Credits. The sale and conveyance of the Credits pursuant to this Agreement shall not constitute the conveyance or transfer of any right, interest, or ownership of real property or the Bank, nor shall such conveyance impose upon Purchaser any obligation, duty, or liability arising from or incident to ownership of an interest in real property.

(k) Assignability. Neither party hereto may assign its rights and obligations hereunder to any third party entity without the prior written consent of the other, which may be withheld in the other party's sole discretion.

(l) Counterparts. This Agreement may be executed in counterparts, each of which shall constitute an original, and all of which shall together constitute one and the same Agreement. Signed signature pages may be transmitted by facsimile or email and any such signature or electronic signature shall have the same legal effect as an original.

(m) Confidentiality. Purchaser and Seller agree to maintain, in strictest confidence, the terms of this Agreement and any and all communications between the parties. This Section shall not apply to any information which: (i) was known to receiving party prior to it being disclosed to such party hereunder and can be so demonstrated by written documentation; (ii) was in the public domain by publication when received by receiving party or later came into the public domain by publication through no fault of receiving party; (iii) was disclosed to receiving party, free of confidentiality obligations, by a third party who (to the knowledge of receiving party) is not under obligations of secrecy concerning the information and/or materials; or (iv) was independently developed by receiving party without reference to the information. In the event legal process requires or requests disclosure by receiving party, its agents, representatives and/or employees of any of the information, if legally permissible to do so, receiving party shall give prompt notice of such process immediately to the other party so that the other party may either seek an appropriate protective order and/or waive compliance by receiving party with the provisions of this Section.

WITNESS the following authorized signatures:

SELLER: MILL CREEK MITIGATION HOLDINGS LLC

By: \_\_\_\_\_

Printed:

Its:

PURCHASER: CITY OF SUMTER

By:  \_\_\_\_\_

Printed:

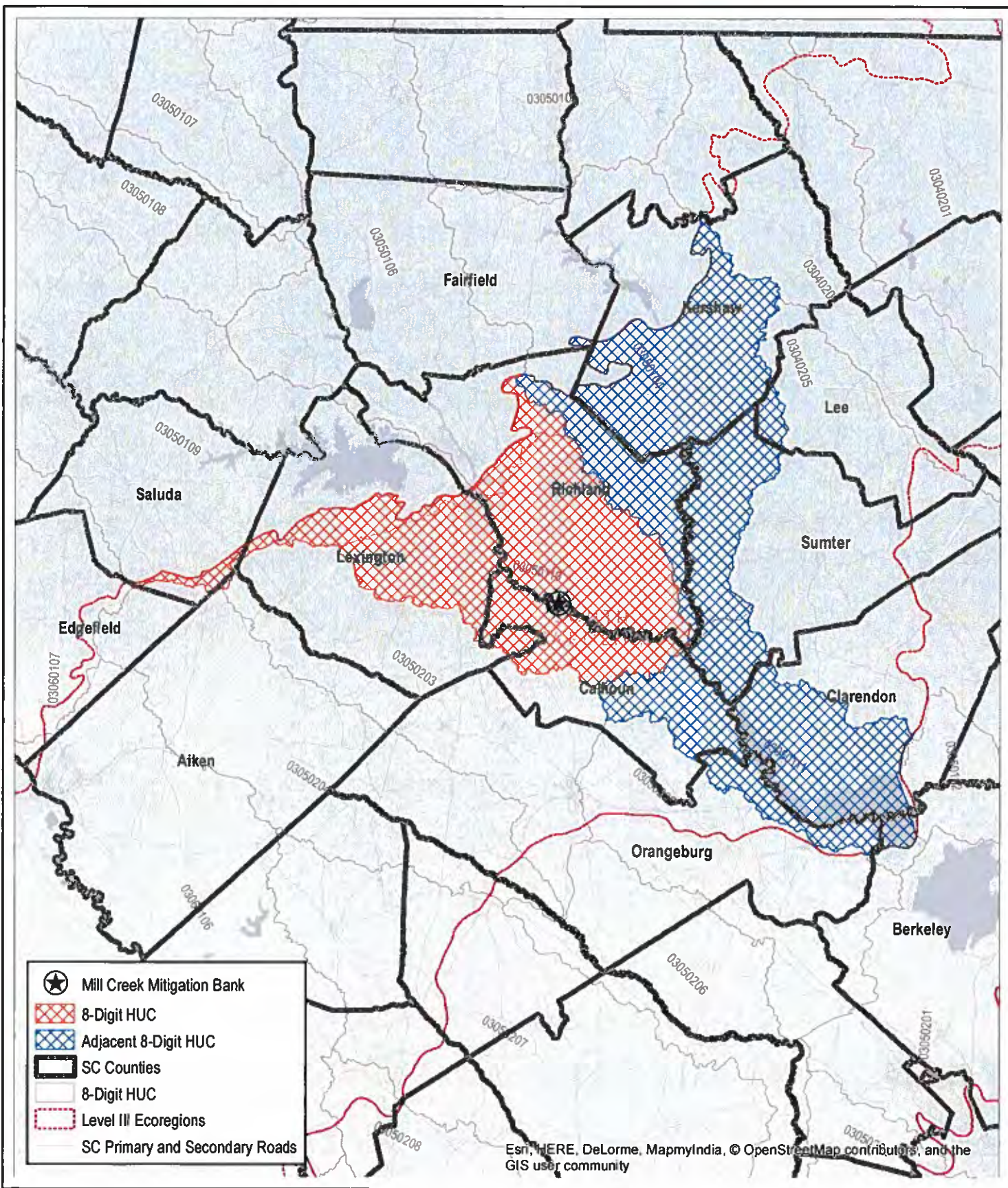
Its:

DERON L. MCCORMICK  
CITY MANAGER



**EXHIBIT A**

[Attach map of Service Area]



**TIDEWATER**

A **JMT** Division

952 Houston Northwest Blvd., Suite 100  
 Mount Pleasant, SC 29464  
 Ph: (843) 556-2624 Fx: (843) 556-4329  
 www.JMT.com

**Figure 16: Service Area Map**  
 Mill Creek Mitigation Bank  
 Richland County, South Carolina  
 Source: ESRI, USGS, EPA  
 Date: July 2016

1 inch = 15 miles



EXHIBIT B

BILL OF SALE

THIS BILL OF SALE is made as of the \_\_\_\_ day of \_\_\_\_\_, 2016, by MILL CREEK MITIGATION HOLDINGS LLC, a Delaware limited liability company ("Seller"), and \_\_\_\_\_, a \_\_\_\_\_ ("Purchaser").

Seller and Purchaser have entered into that certain Agreement for Purchase and Sale of Stream and Wetland Mitigation Credits dated \_\_\_\_\_, 2016 (the "Agreement"), the terms of which are incorporated herein by reference and made a part hereof, with respect to the sale by Seller and the purchase by Purchaser of Stream Credits and Wetland Credits (each as defined in the Agreement) held in Seller's Mill Creek Mitigation Bank, Richland County, South Carolina.

In consideration of the Purchase Price (as defined in the Agreement) and other good and valuable consideration, the receipt and sufficiency of which are mutually acknowledged, Seller hereby sells, transfers, assigns, conveys, delivers, and sets over to Purchaser, its successors, or assigns, \_\_\_\_\_ and \_\_\_/100 Stream Credits and \_\_\_\_\_ and \_\_\_/100 Wetland Credits, to have and hold all such Stream Credits and Wetland Credits, forever. Witness the following authorized signature:

Mill Creek Mitigation Holdings LLC

By: \_\_\_\_\_

Printed:

Its:



**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



Agenda Briefing

**To:** Chair Paul Livingston and Members of the Council  
**Prepared by:** Deputy Chief Chris Cowan and Traci Dove, Grants Coordinator  
**Department:** Sheriff's Department  
**Date Prepared:** March 03, 2020      **Meeting Date:** March 17, 2020

<b>Legal Review</b>	Elizabeth McLean via email	<b>Date:</b>	March 03, 2020
<b>Budget Review</b>	James Hayes via email	<b>Date:</b>	March 12, 2020
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 10, 2020
<b>Approved for consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Subject:</b>	Forensic Laboratory Information Management System (LIMS) Grant		

**Recommended Action:**

The Sheriff's Department recommends approval of the purchase of the Laboratory Information Management System (LIMS) from Justice Trax at no cost to the County.

**Motion Requested:**

1. Move to approve the Sheriff Department's recommendation; or,
2. Move to deny.

Request for Council Reconsideration: Yes

**Fiscal Impact:**

None. This purchase is 100% grant funded through grant 4836400, which was accepted and approved by Council in FY20 budget readings.

**Motion of Origin:**

There is no associated Council motion of origin.

Council Member	
Meeting	
Date	

### Discussion:




The Sheriff's Department is requesting approval to purchase, from non-matching grant funds, a Laboratory Information Management System (LIMS) from Justice Trax for \$250,000. The LIMS will allow for a comprehensive case management system that will integrate evidence tracking, provide analytical results and lab management information. A LIMS is considered a basic 'must have' to any modern forensic laboratory. A comprehensive LIMS system will efficiently manage increasing casework and accreditation demands and improve the quality and timeliness of forensic science services.

JusticeTrax was built specifically for the law enforcement community with a hands-on customer care approach that is lauded by the over 100 forensic laboratory systems and property and evidence units around the world using their software. Additionally, the US Government Services Administration has fully vetted and accepted JusticeTrax supporting the fact that JusticeTrax provides the best value with the lowest overall cost. This purchase will be made using the GSA contract for JusticeTrax.

This purchase will be made from grant funds awarded by the National Institute of Justice grant program named the Paul Coverdell Forensic Science Improvement Program. RCSD Grants Coordinator Traci Dove has been working closely with Richland County Procurement Manager Jennifer Wladischkin during this process and this purchase will meet all Procurement guidelines.

### Attachments:

1. Copy of the grant award document

 <p>U.S. Department of Justice Office of Justice Programs <b>National Institute of Justice</b></p>		<b>Grant</b>		PAGE 1 OF 17																
<p>1. RECIPIENT NAME AND ADDRESS (Including Zip Code)</p> <p>Richland County 2020 Hampton Street Columbia, SC 29204</p>		<p>4. AWARD NUMBER: 2019-CD-BX-0064</p>																		
		<p>5. PROJECT PERIOD: FROM 01/01/2020 TO 12/31/2020 BUDGET PERIOD: FROM 01/01/2020 TO 12/31/2020</p>																		
<p>2a. GRANTEE IRS/VENDOR NO. 576000399</p>		<p>6. AWARD DATE 09/12/2019</p>	<p>7. ACTION Initial</p>																	
<p>2b. GRANTEE DUNS NO. 884742610</p>		<p>8. SUPPLEMENT NUMBER 00</p>																		
		<p>9. PREVIOUS AWARD AMOUNT \$ 0</p>																		
<p>3. PROJECT TITLE Richland County Sheriff's Department Forensic Laboratory Information Management System</p>		<p>10. AMOUNT OF THIS AWARD \$ 250,000</p>																		
		<p>11. TOTAL AWARD \$ 250,000</p>																		
<p>12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).</p>																				
<p>13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY19(NIJ - Coverdell Forensic Science Improvement) 34 USC 10561-10566; 28 USC 530C</p>																				
<p>14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.742 - Paul Coverdell Forensic Sciences Improvement Grant Program</p>																				
<p>15. METHOD OF PAYMENT GPRS</p>																				
AGENCY APPROVAL		GRANTEE ACCEPTANCE																		
<p>16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General</p>		<p>18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Leonardo Brown County Administrator</p>																		
<p>17. SIGNATURE OF APPROVING OFFICIAL </p>		<p>19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL </p>	<p>19A. DATE 9/19/19</p>																	
AGENCY USE ONLY																				
<p>20. ACCOUNTING CLASSIFICATION CODES</p> <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>DIV. REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>CD</td> <td>60</td> <td>00</td> <td>00</td> <td></td> <td>250000</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT	X	B	CD	60	00	00		250000	<p>21. UCDSGT0212</p>		
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	DIV. REG.	SUB.	POMS	AMOUNT													
X	B	CD	60	00	00		250000													

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

*LAB*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION JASON MICHAEL JENSEN  
AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY,  
GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.**

**WHEREAS**, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

**WHEREAS**, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

**NOW, THEREFORE, BE IT RESOLVED THAT** Jason Michael Jensen is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this County, including the enforcement of the County’s animal control regulations, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, Jason Michael Jensen shall not perform any custodial arrests in the exercise of his duties as a code enforcement officer. This appointment shall remain in effect only until such time as Jason Michael Jensen is no longer employed by Richland County to enforce the County’s animal control regulations.

**ADOPTED THIS THE 17th DAY OF MARCH, 2020.**

\_\_\_\_\_  
Paul Livingston, Chair  
Richland County Council

Attest: \_\_\_\_\_  
Michelle Onley  
Clerk of Council

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION JAMEELA DARCELL BRYANT AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.**

**WHEREAS**, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

**WHEREAS**, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

**NOW, THEREFORE, BE IT RESOLVED THAT** Jameela Darcell Bryant is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon her by the governing body of this County, including the enforcement of the County’s animal control regulations, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, Jameela Darcell Bryant shall not perform any custodial arrests in the exercise of her duties as a code enforcement officer. This appointment shall remain in effect only until such time as Jameela Darcell Bryant is no longer employed by Richland County to enforce the County’s animal control regulations.

**ADOPTED THIS THE 17th DAY OF MARCH, 2020.**

\_\_\_\_\_  
Paul Livingston, Chair  
Richland County Council

Attest: \_\_\_\_\_  
Michelle Onley  
Clerk of Council



**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



Agenda Briefing

**To:** Chairman Paul Livingston and Members of Council  
**Prepared by:** James E. Hayes, Director  
**Department:** Office of Budget and Grants Management  
**Date Prepared:** April 01, 2020 **Meeting Date:** April 07, 2020

<b>Legal Review</b>		<b>Date:</b>	
<b>Approved for Consideration:</b>	County Administrator	Leonardo Brown, MBA, CPM	
<b>Subject:</b>	FY21 Budget Amendment Calendar		

**Recommended Action:**

Staff will proceed in accordance to the will of the Council. Staff's intent is to provide the Council a tentative budget calendar for review and approval and/or to amend as deemed necessary.

**Motion Requested:**

There is no requested motion.

**Request for Council Reconsideration:** Yes

**Fiscal Impact:**

Council has approved the FY21 budget for all funds with the exception of those for the millage agencies and those for grants. The County Administrator may recommend adjustments to other fund budgets.

**Motion of Origin:**

There is no associated Council motion of origin.

<b>Council Member</b>	
<b>Meeting</b>	
<b>Date</b>	

## Discussion

Richland County Council approved the FY21 budget on July 18, 2019 as part of the Biennium Budget II process. All funds were budgeted with the exception of millage agencies and grants. Historically, after Council approves the biennium budget, it then approves those budget items which are one-year in nature (i.e. millage agencies and grants) the following year. The Council may also amend any other fund budget based upon recommendations from the County Administrator.

Due to the COVID-19 pandemic, there are a number of uncertainties, to include FY20 revenue as a result of the expected decline in General Fund revenues, Accommodations Tax revenue, and Hospitality Tax revenue. The pandemic has impacted the budget calendar, so staff seeks direction on the will of the Council to meet. Typically, Council holds work sessions in addition to the required three readings and a public hearing.

Some millage agencies have contacted staff regarding their inability to meet the deadline for submission of their budget requests as a result of the ongoing public health crisis and/or pending FY21 budget information from the State of South Carolina. While we understand that the data will be incomplete, the County Attorney's office advises that the mileage agencies be required to turn in a budget with the best information available at this time, with the knowledge that it will likely change, so as to give Council some information to base their decision on.

Millage agencies and grants require some type of Council action prior to June 30, 2020, even if that action is to temporarily approve funding at FY20 amounts. Council could use those funding levels as a "placeholder" before amending the budgets after July 01, 2020 but prior to October when the millage is set by the Auditor and tax bills are distributed. Grant funding must be acted upon by the Council prior to June 30, 2020.

## Attachments:

1. Tentative budget calendar
2. Email correspondence
  - a. Richland School District One
  - b. Richland School District Two

**RICHLAND COUNTY GOVERNMENT  
ADMINISTRATION**

2020 Hampton Street, Suite 4069, Columbia, SC 29204  
P 803-576-2050 | F 803-576-2137 | TDD 803-576-2045  
richlandcountysc.gov

Attachment 1



- February 5, 2020 Discretionary, Hospitality, Accommodation and Contractual & Statutory Grant requests due to Budget Office. Application Period closes
- March 13, 2020** Departmental Requests for FY21 changes due to Budget Office
- TBD** Grants Committee meets
- March 27, 2020 Grant Committee Recommendations Due
- April 24, 2020 Recommended Budget Presentation, Administration Review
- May 1, 2020 Recommended Budget Amendment Finalized and Recommended Budget II Book provided to County Council
- May 4, 2020** Millage Agency Budget Requests are due to RC Budget Office
- May 5, 2020** First Reading of FY21 Budget Amendment and Millage ordinances (title only)
- May 7, 2020** Council Budget Work Session 4-6 pm (General Fund and Grants)
- May 14, 2020** Council Budget Work Session 4-6 PM(Millage and any other Fund adjustments)
- May 21, 2020** Special Called Meeting – 2nd reading of FY21 Budget Amendment (FY 2020 and FY 2021 concurrently) and Millage Ordinance (Grants and Non Grant items) – 3 pm
- May 28, 2020** Public Hearing for Fiscal Year 2021 – 6 pm
- June 4, 2020** Special Called Meeting – 3rd reading of FY21 Budget Amendment Ordinance 6 pm

**ASHIYA MYERS**

---

**From:** Carlon, Edward J <edward.carlon@richlandone.org>  
**Sent:** Monday, March 30, 2020 11:33 AM  
**To:** JAMES HAYES; 'Harry Miley (hmiley@richland2.org)'  
**Cc:** ALLEN BROWN; Paul Brawley; Liz McDonald; LEONARDO BROWN; Witherspoon, Craig  
**Subject:** RE: [External] Tentative Budget Calendar FY21

Thanks James.

I do not know when we will be ready or when the state will finalize their budget. But I can tell you it will be later than last year. It may not be until late May or early June before we can have a draft to submit to the County.

Thanks for the info, hope all is well at the County and with your families.

Edward J. Carlon, CPA, CGMA  
 Chief Operations Officer / Budget  
 Richland County School District One  
 201 Park St.  
 Columbia, SC 29201  
 803.231.7008

---

**From:** JAMES HAYES <HAYES.JAMES@richlandcountysc.gov>  
**Sent:** Monday, March 30, 2020 10:42 AM  
**To:** Carlon, Edward J <edward.carlon@richlandone.org>; 'Harry Miley (hmiley@richland2.org)' <hmiley@richland2.org>; 'Breta Rheney (brheney@riverbanks.org)' <brheney@riverbanks.org>; 'Brandy James' <Brandy@rccr.state.sc.us>; 'Lakita Watson' <Lakita@rccr.state.sc.us>; 'sallen@richland2.org' <sallen@richland2.org>; 'Sullivan, Sarah (SSullivan@RichlandLibrary.com)' <SSullivan@RichlandLibrary.com>; 'Sheila Smith' <smithsw@midlandstech.edu>; 'stephen.hattrich@scdmh.org' <stephen.hattrich@scdmh.org>  
**Cc:** ALLEN BROWN <BROWN.ALLEN@richlandcountysc.gov>; Paul Brawley <Brawley.Paul@richlandcountysc.gov>; Liz McDonald <McDonald.Liz@richlandcountysc.gov>; LEONARDO BROWN <BROWN.LEONARDO@richlandcountysc.gov>  
**Subject:** [External] Tentative Budget Calendar FY21

Good Morning All

I pray all of you are safe and healthy in the midst of this COVID-19 crisis; I am attaching a tentative Budget Calendar that was sketched out before the Crisis; it has not been finalized by RC Council and the dates are subject to change especially in light of all that is going on; The County Auditor and his staff are working on providing Budget Projections for FY21 as quickly as possible and I will share those with you as soon as they are available. I know many of you have to have your Board's approve your Budget Request and that timeline maybe impacted by all of this; please let me and the County Administrator who is copied know of any timing issues as quickly as possible. Also, please refer back to last year's Budget Process when some members of Council expressed concerns about some of the Budget requests that were submitted; they are looking for more detailed information on the requested budgets from the millage agencies so please keep that in mind.

Please email or call me with any questions or concerns; I am working remotely so my cell is 803-413-5164.

Thanks

James Hayes, CGFO  
Director of Budget and Grants Management  
Richland County Administration  
2020 Hampton Street  
Columbia SC 29201  
803-576-2095(W)  
803-576-2138(F)

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**ASHIYA MYERS**

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**From:** Harry Miley <hmiley@richland2.org>  
**Sent:** Monday, March 30, 2020 12:55 PM  
**To:** Carlon, Edward J  
**Cc:** JAMES HAYES; ALLEN BROWN; Paul Brawley; Liz McDonald; LEONARDO BROWN; Witherspoon, Craig; Shelley Allen; Leigh Powell; Baron Davis  
**Subject:** Re: [-EXTERNAL-] RE: [External] Tentative Budget Calendar FY21

Thanks James..

we are in the same boat as Ed is in... who knows what and when the state will do anything. the Senate has passed 2 of the 3 readings needed to do a Continuing Resolution if nothing else is done...

But I don't think they will have done anything by May 4th.

But bottom line I doubt we will be able to get you our budget by May 4.

Stay tuned and will we update you with whatever we hear.

Thanks

And stay safe.

Harry

On Mon, Mar 30, 2020 at 11:33 AM Carlon, Edward J <[edward.carlon@richlandone.org](mailto:edward.carlon@richlandone.org)> wrote:

Thanks James.

I do not know when we will be ready or when the state will finalize their budget. But I can tell you it will be later than last year. It may not be until late May or early June before we can have a draft to submit to the County.

Thanks for the info, hope all is well at the County and with your families.

Edward J. Carlon, CPA, CGMA

Chief Operations Officer / Budget

**RICHLAND COUNTY  
ADMINISTRATION**

2020 Hampton Street, Suite 4069  
Columbia, SC 29204  
803-576-2050



**Agenda Briefing**

**To:** Committee Chair Joyce Dickerson and Members of the Committee  
**Prepared by:** Clayton Voignier, Director  
**Department:** Community Planning and Development Department  
**Date Prepared:** March 9, 2020 **Meeting Date:** March 24, 2020

<b>Legal Review</b>	Elizabeth McLean via email	<b>Date:</b>	March 20, 2020
<b>Budget Review</b>	James Hayes via email	<b>Date:</b>	March 20, 2020
<b>Finance Review</b>	Stacey Hamm via email	<b>Date:</b>	March 20, 2020
<b>Approved for Consideration:</b>	Assistant County Administrator	Ashley M. Powell, Assoc. AIA, AICP	
<b>Committee</b>	Administration & Finance Committee		
<b>Subject:</b>	Richland County and Columbia Rowing Club 5 –year Operating Agreement Renewal		

**Recommended Action:**

The Richland County Conservation Commission (RCCC) approved the renewal of the Operating Agreement at its February 10, 2020 meeting and recommends the approval of the Richland County and Columbia Rowing Club 5 –year Operating Agreement Renewal.

**Motion Requested:**

I move to approve the Richland County and Columbia Rowing Club 5-year Operating Agreement renewal.

**Request for Council Reconsideration:**  Yes

**Fiscal Impact:**

Facilities maintenance budget GL-1100317000.522800 already accounts for the \$2,750 annual cost, no expected increases over the next 5 years.

**Motion of Origin:**

There is no associated Council motion of origin. This item has been moved to Council for consideration at the request of the Richland County Conservation Commission.

<b>Council Member</b>	
<b>Meeting</b>	
<b>Date</b>	

## Discussion:

Since 1999, the Columbia Rowing Club, a 501(c) 3 charitable organization, has been operating on 27 acres owned by Richland County located where 1-20 crosses the Broad River, providing rowing opportunity and facilities to the public. April 21, 2009, Richland County and the Columbia Rowing Club initiated a formal Operating Agreement expiring April 21, 2014. On July 10, 2014 Council extended the Operating Agreement for one (1) year expiring July 10, 2015. On April 7, 2015 another 5-year extension of the agreement was approved expiring April 7, 2020. At this time, it is recommended that Council approve the renewal of the Operating Agreement with Columbia Rowing Club for five (5) years.

In December 2014, Richland County Council approved a short-term proposal for the site which opened up the site for greater public access. This involved opening the gate at Omarest Drive to change the entry point of the property, constructing a new gate closer to the boat house, adding road pull-offs, parking and turnaround, waste cans, and signage regarding rules of operation. This work was completed in March 2015.

During the October 2015 flood the dock was damaged beyond repair. In January 2016 a dock valued at \$60,000 was donated to the county by EZ Dock, in March 2016 the County approved installation for the new dock which took in April 2017.

Between 2003 and 2014 the Club had an annual economic impact as calculated by the Columbia Regional Sports Council from \$42,000 to \$403,200. After the 2015 flood the annual economic impact is slowly increasing from \$39,200 in 2015 to \$71,036 in 2018 and is projected to continue to rise due to the new dock and the excellent conditions provided at the county's Broad River property.

The rain storms during the week of February 5, 2020 across the State created flooding conditions in the Broad River which caused extensive damage to the Broad River Road property including flooding approximately 6 to 7 feet deep in the boat house, debris and mud inside the boat house, damaged boats and equipment, roads blocked by large trees, limbs and other debris, the loss of the EZ Loading Dock and pilings, damaged dock ramp, railings, fence, and concrete ramp foundation. Please see the attached pictures.

The President (Charlotte Sarkar) and Senior Adviser (Dr. John Worrell) of the Columbia Rowing Club want to move forward with repairing the recent damage, cleaning out the boat house, and the renewal of the Operating Agreement.

The RCCC approved renewing this agreement at their February 10, 2020 meeting.

Please see below for a timeline summary:

- 1999 Richland County Legislative Delegation authorized SCDNR to provide \$25,000 from the Richland County Water Recreation Funds for the dock at the Broad River Rowing Center (information taken from Richland County Request of Action submitted for the Renewal of Operating Agreement between Richland County and Columbia Rowing Club)
- 1999 – 2009 (information taken from Richland County Request of Action submitted for the Renewal of Operating Agreement between Richland County and Columbia Rowing Club – not



clear what type of agreement existing before the first Operating Agreement was signed on April 21, 2009)

- February 1, 2000, Development and Services (D&S) Committee – Approval of expenditure to continue the engineering and design of the Broad River Rowing Facility – Mr. Meetze moved seconded by Mr. Pearce, to approve proceeding with engineering and architectural planning for the next phase of development on the subject site. The vote in favor was unanimous.
- February 1, 2000, Richland County Council Regular Session, Approval of expenditure to continue the engineering and design of the Broad River Rowing Facility.
- January 23, 2001, D&S Committee, Presentation on Plan for the Broad River Rowing Center – Mr. Jim Prater gave a brief report. The outline of the masterplan has been finalized and it did not cost Richland County a dime. This is a project that the City of Columbia has a part in. It was cleared from surveys and interviews conducted with the residents of the City of Columbia that a rowing center was one of the two identified special purpose recreation facility that the residents wished to see. He stated with the Council's endorsement, they are ready to move this forward and make it become a reality. A discussion took place. NOT SURE WHAT THIS IS
- March 17, 2009, Regular Session County Council, Report of the County Administrator – Rowing Club MOU – This item was on the agenda for action as reported by the County Administrator.
- March 17, 2009, Regular Session County Council, Other Items - Rowing Club MOU - Ms. Smith moved, seconded by Ms. Hutchinson, to defer until the April 7, meeting. The vote in favor was unanimous.
- April 7, 2009, Regular Session County Council, Report of the County Administrator – Rowing Club MOU – This item was on the agenda for action as reported by the County Administrator.
- April 7, 2009, Regular Session County Council, Other Items – Rowing Club MOU – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.
- April 21, 2009 – first Operating Agreement was signed for a period of 5-years.
- July 10, 2014, 1-year extension to Operating Agreement signed (no council actions located)
- December 2, 2014, Regular Session County Council, Executive Session – Broad River Rowing Site: Short-Term Proposal – Mr. Livingston moved, seconded by Mr. Rush, to approve this item. The vote in favor was unanimous.
- March 24, 2015, Administration and Finance Committee (A&F), Items for Action - Renewal of Operating Agreement between Richland County and Columbia Rowing Club (Request of Action) – Mr. Livingston moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request to renew the Operating Agreement for five (5) years with the Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years. The vote in favor was unanimous.
- April 7, 2015, Regular Session County Council, Approval of Consent Item - Renewal of Operating Agreement between Richland County and Columbia Rowing
- April 7, 2015, 5-yr extension to Operating Agreement signed
- October 2015 – Major flood completely destroyed existing dock
- February 23, 2016, A&F Committee - Mr. Manning moved, seconded by Mr. Washington, to forward to Council with a recommendation to accept the generous donation of supplying and installing a floating dock at the Richland County Rowing Center allowing the facility to have access to the waterfront, permitting Columbia Rowing Club to host events, and allow EZ Dock,

Inc. to proceed with the permitting and installation process. After some discussion the vote in favor was unanimous.

- March 1, 2016, Regular Session Meeting – Report of A&F Committee – Approve the Dock Donation From EZ Dock, Inc. For Use at the Richland County Rowing Center – Mr. Manning moved, seconded by Ms. Dickerson, to defer this item until the March 15<sup>th</sup> Council meeting. The vote in favor was unanimous.
- March 15, 2016, Regular Session Meeting – Report of A&F Committee - Approve the Dock Donation From EZ Dock, Inc. For Use at the Richland County Rowing Center – After some discussion the vote in favor was unanimous.
- March 21, 2017, Regular Session Council Meeting - Motion Period - Based on the mission of the Conservation Commission, I move that the Rowing Club and Historic Columbia be placed under management of the Conservation Commission (N. JACKSON and MALINOWSKI) – This item was referred to the A&F Committee.
- April 2017 – dock replaced
- May 23, 2017, A&F Committee - Council Motion: Based on the mission of the Conservation Commission, I move that the Rowing Club and Historic Columbia be placed under management of the Conservation Commission (N. JACKSON and MALINOWSKI) – After much discussion Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to direct staff to provide the specifics on how the property is being used, by whom and when it is being used, and if there are any incomes being obtained from the use of the property. The information is to be provided to the committee. The vote in favor was unanimous.
- June 27, 2017, A&F Committee – Council Motion: Based on the mission of the Conservation Commission, I move that the Rowing Club and Historic Columbia be placed under management of the Conservation Commission (N. JACKSON and MALINOWSKI) – Mr. Pearce moved to divide the question. After much discussion Mr. Malinowski made a substitute motion, seconded by Mr. Manning, to forward this item to Council with a recommendation to approve the movement of the Columbia Rowing Center property management under the Richland County Conservation Commission. The vote in favor of the substitute motion was unanimous.
- July 11, 2017 Regular Session County Council Meeting, Report of the A&F Committee – Council Motion: To direct staff to look at the properties that the County owns and manages that fall under the natural, historical, and cultural designation and report back to Council which ones might be similarly situated as the Rowing Club and Pinewood Lake and may need County oversight. In addition, to move forward with place the Rowing Club property under the management of the Conservation Commission. Mr. N. Jackson seconded the second substitute motion. The vote in favor was unanimous.
- March 27, 2018 Development and Services (D&S) Committee, Conservation Commission manage County-owned historic and conservation properties (N. Jackson) – Mr. Pearce stated he thought this item had come up previously. He inquired about the history of the item. After much discussion Mr. Rose moved, seconded by Mr. Manning, to defer this item until the April committee meeting and get a recommendation from Mr. Seals. The vote in favor was unanimous.
- April 24, 2018 D&S Committee, Conservation Commission manage County-owned historic and conservation properties (N. Jackson) – Mr. Rose moved, seconded by Mr. C. Jackson, to table this item. The vote was in favor.

- 2018 – University of South Carolina Crew program began relying on the Club boathouse and boats
- 2020 – Two crews have contacted the Club about using the site for Spring Break practices
- Week of Feb 5, 2020 – rain storms across the State create flooding in the Broad River damaging property and destroying the dock at the site
- February 10, 2020 RCCC meeting – RCCC approved agreement renewal

#### Attachments:

- 1) DRAFT Columbia Rowing Club Operating Agreement Addendum
- 2) Columbia Rowing Club Site Map
- 3) Original five-year formal Operating Agreement dated April 21, 2009
- 4) One-year Extension for Operating Agreement dated July 10, 2014
- 5) Five-year Extension for Operating Agreement dated April 7, 2015
- 6) Background Information on the Columbia Rowing Club
- 7) Economic impact Breakdown for Columbia Rowing Club by the Columbia Regional Sports Council
- 8) Pictures of damage caused by recent flooding of Broad River Rd property
- 9) March 24, 2015 - Richland County Request of Action for A&F Committee – 20150324af ROA
- 10) February 1, 2000 - D&S Committee minutes – ds20000201
- 11) February 1, 200 - Regular Session County Council minutes – Co\_min\_20100
- 12) January 1, 2001 - D&S Committee minutes – ds20010123a
- 13) March 17, 2009 - Regular Session County Council minutes – CC20090317
- 14) April 7, 2009 Regular Session County Council minutes – CC20090407
- 15) December 2, 2014 - Regular Session County Council minutes – CCRReg 12.02.14
- 16) March 24, 2015 - A&F Committee – 03.24.15 AF
- 17) April 7, 2015 – Regular Session County Council – CCRReg 04.07.15
- 18) February 23, 2016 – A&F Committee – 02.23.16 AF
- 19) March 1, Regular Session Meeting – CCRReg 03.01.16
- 20) March 15, Regular Session Meeting – CCRReg 03.15.16
- 21) March 21, Regular Session Meeting – CCRReg 03.21.17
- 22) May 23, 2015 - A&F Committee – 05.23.17 AF
- 23) June 27, 2015 - A&F Committee – 06.27.17 AF
- 24) July 11, 2017 – Regular Session County Council – CCRReg 07.11.17
- 25) March 27, 2018 - D&S Committee minutes – DS\_03\_27\_18
- 26) April 24, 2018 - D&S Committee minutes – DS\_04\_24\_18
- 27) February 10, 2020 – Richland County Conservation Commission minutes – minutes not available

STATE OF SOUTH CAROLINA )  
 ) Second Addendum to Operating Agreement  
COUNTY OF RICHLAND ) (Extension)

This ADDENDUM entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between RICHLAND COUNTY (hereafter referred to as "County"), and COLUMBIA ROWING CLUB (hereafter referred to as "the Club").

WHEREAS, the parties entered into an Operating Agreement (hereinafter the "Agreement"), dated April 21, 2009 and extended such Agreement by an Addendum to Operating Agreement (Extension), dated July 10, 2014 and April 7, 2015; and

WHEREAS, the parties now wish to again extend the term of said Agreement.

NOW, THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties agree as follows:

1. The parties mutually agree that the Term of the Agreement shall be extended and shall terminate automatically five (5) years from the date of execution of this Addendum.
2. In all other aspects, the Agreement shall remain in full force and effect.
3. This Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.
4. This Addendum and all amendments or additions hereto shall be binding upon and fully enforceable against the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

COLUMBIA ROWING CLUB

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

Its: \_\_\_\_\_

Rowing Center



<http://www3.richlandmaps.com/rcgeoportal/defaultPrint.htm>







STATE OF SOUTH CAROLINA            )  
   )  
 COUNTY OF RICHLAND                    )       **OPERATING AGREEMENT**

This Operating Agreement (the "Agreement") is entered into on this 21<sup>st</sup> day of APRIL 2009 between **RICHLAND COUNTY**, South Carolina, (the "County"), and **COLUMBIA ROWING CLUB**, (the "Club").

**WHEREAS**, the County owns and operates the Richland County Rowing Center (the "Site"), located on the west bank of the Broad River; and

**WHEREAS**, the County and the Club wish to enter into an agreement for the Club's access and use of the Site;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the County and the Club agree as follows:

1.    **Access Guidelines.** The Club agrees to use the Site only for official Club activities and purposes. It shall be the responsibility of the Club to ensure that the gate, when not open and in use for Club activities, shall be locked when the last Club member departs the Site. Keys to the gate may be issued to Club members, officers of the Carolina Crew, and select helpers in the Club Youth Rowing Program. The Club shall be responsible for maintaining an accurate list of all persons who are issued gate keys. Such list shall be made available to the County at the County's request. The Club will use due care in the operation of vehicles on the Site for Club purposes. All unauthorized vehicles are subject to the jurisdiction of the Richland County Sheriff's Department. If additional or "over-flow" parking is needed for any activity on the Site, it shall be the responsibility of the Club to provide such parking. Open fires, open flames, grilling, barbequing, alcoholic beverages, and activities related to the use of alcoholic beverages are hereby expressly prohibited on the Site. The hours of operation shall be from sunrise to sunset.
  
2.    **Insurance.** At all times during the duration of this Agreement, the Club shall maintain liability insurance in an amount sufficient to cover all Club activities on or related to the use of the Site. The Club shall provide a certificate of insurance to the County indicating the amount of coverage. It shall be in the sole discretion of the County to determine if the coverage amount is sufficient to meet the requirements of this section. Once the County has approved the coverage amount in the certificate of insurance, such amount shall not be reduced during the term of this Agreement.
  
3.    **Indemnification.** The Club shall hold harmless and shall fully and completely indemnify County from any and all claims, demands or actions brought against the Club or County by

any person, natural or corporate, arising from any act or omission on the part of the Club and related to any activity contemplated by this Agreement. Additionally, all Club members shall sign an indemnification agreement indemnifying the County and the Club from any liability arising from any Club related activities at or related to the Site.

4. **Club Safety Guidelines.** The Club agrees to establish a set of Membership Rules and Guidelines (the Guideline) concerning safety and behavior at the Site and while on the River. The Club agrees to the following specific safety training and procedures found in the Guideline related to rowing activities at or related to the Site:
  1. All Club members will be required to pass a swimming test before being allowed to row from the Site.
  2. All Club members will pass training concerning the proper procedures to be used in the event that a boat capsizes.
  3. No member will row more than 500 meters downstream of the dock toward the dam if rowing alone AND water is going over the dam as indicated by the water level indicator at the dock.
  4. No member will row downstream of the dam warning buoys under any circumstances.
  5. No Club member will be allowed to row on the River under unsafe weather or water level conditions.
  6. No alcoholic beverages will be allowed at the Site.
  7. No loud or disruptive activities will be allowed at the Site.
5. **Approval of Club Activities.** Normal day-to-day and weekly activities will be governed by this Agreement. Additional activities such as regattas to which other clubs are invited, new programs that involve a substantial increase in activity, and special events to which the public is invited will require prior approval by the Richland County Administrator. The Club shall give notice of any such activities in a reasonable time to allow the County to properly research and respond. It is understood that certain small events may offer opportunities which will call upon an acceleration of the approval process.
6. **Site Maintenance.** General day-to-day Site maintenance including trash removal will be the responsibility of the Club. Any remaining repairs will be the responsibility of the County.
7. **Term and Termination.** This Agreement shall remain in effect for a period of five (5) years from the date of execution. Either party may terminate the Agreement by giving 90 days written notice to the other party.
8. **Assignment.** Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Club without prior written consent of the County.



9. **Amendment of the Agreement.** Any amendment to this Agreement shall not be binding upon all of the parties unless such amendment is in writing and executed by all parties hereto.

10. **Notice.** All correspondence shall be sent as follows:

**Columbia Rowing Club:**

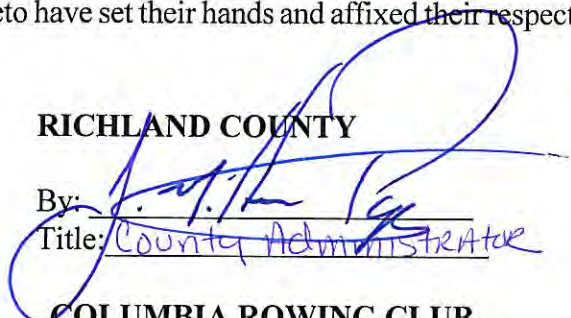
Columbia Rowing Club  
George Park, President  
720 Vintage Lane  
Columbia, SC 29210

**Richland County:**

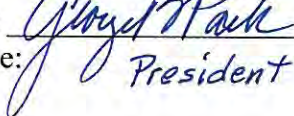
Richland County  
Attn: County Administrator  
PO Box 192  
Columbia, SC 29202

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

**RICHLAND COUNTY**

By:   
Title: County Administrator

**COLUMBIA ROWING CLUB**

By:   
Title: President

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

Addendum to Operating Agreement  
(Extension)

THIS ADDENDUM entered into this 10<sup>th</sup> day of July, 2014, by and between RICHLAND COUNTY (hereinafter referred to as "County"), and COLUMBIA ROWING CLUB (hereinafter referred to as "the Club").

WHEREAS, the parties entered into an Operating Agreement (hereinafter the "Agreement"), dated April 21, 2009; and

WHEREAS, the parties now wish to extend the term of said Agreement.

NOW, THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties agree as follows:

1. The parties mutually agree that the Term of the Agreement shall be extended and shall terminate automatically one (1) year from the date of execution of this Addendum.
2. In all other respects, the Agreement shall remain in full force and effect.
3. This Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.
4. This Addendum and all amendments or additions hereto shall be binding upon and fully enforceable against the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

Ashujia A. Myers  
Nexanne Ancheita

By: Tony McDonald  
Its: Richland County Administrator

COLUMBIA ROWING CLUB

Rosa J. King  
Gregg Stahl

By: John A. Wines  
Its: President, Columbia Rowing Club

STATE OF SOUTH CAROLINA     )  
   )  
 COUNTY OF RICHLAND            )            Second Addendum to Operating Agreement  
   )            (Extension)

THIS ADDENDUM entered into this 7 day of April, 2015, by and between RICHLAND COUNTY (hereinafter referred to as "County"), and COLUMBIA ROWING CLUB (hereinafter referred to as "the Club").

WHEREAS, the parties entered into an Operating Agreement (hereinafter the "Agreement"), dated April 21, 2009 and extended such Agreement by an Addendum to Operating Agreement (Extension), dated July 10, 2014; and

WHEREAS, the parties now wish to again extend the term of said Agreement.

NOW, THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties agree as follows:

1. The parties mutually agree that the Term of the Agreement shall be extended and shall terminate automatically five (5) years from the date of execution of this Addendum.
2. In all other respects, the Agreement shall remain in full force and effect.
3. This Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.
4. This Addendum and all amendments or additions hereto shall be binding upon and fully enforceable against the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

Michelle Oley  
 \_\_\_\_\_

By: [Signature]  
 Its: Council Chair

COLUMBIA ROWING CLUB

Sail Temple  
 \_\_\_\_\_

By: [Signature]  
 Its: CRS president

## Background Information on the Columbia Rowing Club

The purpose of Columbia Rowing Club is to educate the public on the benefits of the sport of rowing as a healthful means of recreation and physical fitness at all levels by providing instruction, competition, and access to equipment and facilities in the Columbia, S.C. area.

Since its inception, Columbia Rowing Club has offered free and/or low cost rowing lessons to the public and, during that time, has introduced the sport of rowing to hundreds of Midlands residents. The club is open to the public, has maintained a low membership fee, and waives the membership fee for anyone who cannot afford it. The reason for a membership fee is to pay for insurance required by the agreement with the County and to purchase and maintain rowing equipment which is accessible to all members. The club currently has 63 active members. Membership costs range from \$0 to \$165, depending on income eligibility. No one has been or will be turned away for the inability to pay.

During its 14 years operating at the Richland County Rowing Center, Columbia Rowing Club has provided a safe environment for rowing without any negative incidents.

The beautiful water, the warm climate, and the facility provided for rowing by Richland County have been recognized nationally in the rowing community by Rower's Almanac, which named Columbia the 5th best city in the United States to retire and row.

Three of the club's programs are especially important and deserve elaboration:

1. Youth Rowing
2. Visiting Crews
3. University of South Carolina – Carolina Crew

Youth Rowing is a program open to all youth in the Midlands from age 13 - 18. The youth are provided instruction in the sport of rowing and coaching to prepare them for competition. The program provides an important alternative to more traditional organized sports. It is a low impact, whole-body exercise that requires no special athletic skill. Through the program, young people learn important life-lessons such as teamwork, individual and team responsibility, punctuality, the rewards of hard work, along with learning a sport they can enjoy for a lifetime. All of the equipment for the team has been purchased by the club. Coaching is provided by volunteers from the club, and no child has been denied the opportunity due to financial hardship. At least one participant in the program has received a waiver of fees by the club in almost every season Youth Rowing has operated. (The cost to participate is \$0 - \$200 per youth.) The program has males and females, varies from season to season in minority representation (as high as 60% one season), has had youth from virtually every high school in the Midlands, and from every socio-economic class. The youth practice 3-4 days per week and participate in competitions in SC, GA, and TN against crews from throughout the Southeast and parts of the Midwest. Four young people from the Youth program have received rowing scholarships for college.

Visiting Crews: Every year, Columbia Rowing Club hosts visiting crews from colleges and high schools in northern states for winter and spring training. Some of the schools that have trained in Columbia at the Richland County Rowing Center are: Georgetown University (10 years), Bucknell University, Hobart and William Smith Colleges, University of Vermont, University of Michigan, University of William and Mary, Bryn Mawr College, Colgate University, Old Dominion, Carnegie-Mellon, Vassar, Vanderbilt University,

Syracuse University, University of Dayton, St. Mark's Academy, Tabor Academy, and St. Ignatius High School. These crews come to Columbia because of the unique nature of the rowing center, the warm climate of Columbia, which provides ideal training opportunities while their waters are still frozen, and the hospitality of Columbia Rowing Club and the Regional Sports Council. Each crew stays for about a week, bringing up to 75 rowers, plus coaches and support personnel. According to the Regional Sports Council, the direct economic impact of visiting crews to the economy of the Midlands from 2003 – 2013 is \$1,764,500, with a total economic impact of \$5,293,500.

The University of South Carolina reinstated the Carolina Crew club program in 2018. Any USC student is welcome to join the crew team and can be taught how to row. The Carolina Crew practice at the rowing site and use the Columbia Rowing Clubs boats. The cost to participate is \$80 per semester and goes to help pay for boat insurance and US Rowing dues. Carolina Crew practices 3-4 days a week and participates in regattas around the region. On average Carolina Crew has 12-18 members each semester.



**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2003 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Carnegie Mellon University	1/3/2003	1/9/2003	Studio One	60	36	1	
<b>Total</b>				<b>60</b>	<b>36</b>	<b>1</b>	<b>\$42,000</b>

**2004 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/2/2004	1/11/2004	Embassy Suites	102	66	4	
Carnegie Mellon University	1/2/2004	1/8/2004	Best Inn - Garner Lane	60	36	1	
<b>Total</b>				<b>162</b>	<b>102</b>	<b>5</b>	<b>\$113,400</b>

**2005 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/2/2005	1/8/2005	Embassy Suites &	92	54	4	
	1/8/2005	1/11/2005	Comfort Suites-Downtown	48			
Carnegie Mellon University	1/2/2005	1/7/2005	Best Inn - Garner Lane	40	30	1	
US Rowing Clinic	2/18/2005	2/20/2005	Holiday Inn-City Centre	21		15	
William & Mary Rowing	3/5/2005	3/12/2005	StudioPLUS	98	54	2	
Bryn Mawr Rowing	3/6/2005	3/12/2005	StudioPLUS	31	25	1	
Old Dominion Rowing	3/5/2005	3/12/2005	Homewood Suites	28	12	2	
Tabor Academy Crew	3/12/2005	3/19/2005	Suite One - Harbison	84	34	5	
<b>Total</b>				<b>442</b>	<b>209</b>	<b>30</b>	<b>\$309,400</b>

**2006 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/3/2006	1/10/2006	Embassy Suites	77	40	2	
University of Michigan	2/25/2006	3/4/2006	Best Inn - Garner Lane	128	60	3	
Old Dominion Rowing	3/4/2006	3/10/2006	Homewood Suites	12	18	2	
Tabor Academy Crew	3/11/2006	3/17/2006	Suite One - Harbison	98	35	5	
University of Vermont	3/18/2006	3/25/2006	Ramada Limited I-20	112	50	3	
<b>Total</b>				<b>427</b>	<b>203</b>	<b>15</b>	<b>\$298,900</b>

**2007 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/3/2007	1/8/2007	Embassy Suites	132	60	2	
University of Michigan	2/24/2007	3/3/2007	American Inn - Garner Lane	129	60	3	
Syracuse University	3/10/2007	3/17/2007	Embassy Suites	97	60	2	
Tabor Academy Crew	3/18/2007	3/25/2007	Fairfield Inn by Marriott	98	32	4	
<b>Total</b>				<b>456</b>	<b>212</b>	<b>11</b>	<b>\$319,200</b>

**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2008 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/2/2008	1/8/2008	Embassy Suites	132	48	4	
Syracuse University	3/9/2008	3/16/2008	Embassy Suites	97	60	2	
Colgate University	3/14/2008	3/22/2008	Royal Inn	120	35	3	
St. Mark's School	3/14/2008	3/21/2008	Holiday Inn Express	56	20	2	
Tabor Academy Crew	3/14/2008	3/21/2008	Fairfield Inn by Marriott	84	32	4	
<b>Total</b>				<b>489</b>	<b>195</b>	<b>15</b>	<b>\$342,300</b>

**2009 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	12/30/2008	1/6/2009	Embassy Suites	70	37	3	
Bucknell University	1/5/2009	1/12/2009	Radisson	77	34	4	
Syracuse University	3/7/2009	3/15/2009	Embassy Suites	153	60	2	
Bucknell University	3/7/2009	3/15/2009	Radisson	128	34	4	
St. Mark's School	3/16/2009	3/23/2009	Wingate Harbison	35	25	2	
Tabor Academy Crew	3/14/2009	3/21/2009	Fairfield Inn by Marriott	96	32	4	
<b>Total</b>				<b>559</b>	<b>222</b>	<b>19</b>	<b>\$391,300</b>

**2010 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/4/2010	1/11/2010	Embassy Suites	80	40	3	
Bucknell University	1/11/2010	1/18/2010	Radisson	90	40	4	
Vanderbilt	3/6/2010	3/12/2010	Ramada Limited	90	32	2	
Syracuse University	3/13/2010	3/21/2010	Embassy Suites	153	60	2	
Bucknell University	3/13/2010	3/20/2010	Radisson	128	48	4	
St. Mark's School	3/15/2010	3/22/2010	Wingate Harbison	35	25	2	
<b>Total</b>				<b>576</b>	<b>245</b>	<b>17</b>	<b>\$403,200</b>

**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown  
2011 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/2/2011	1/11/2011	Embassy Suites	90	40	3	
Bucknell University	1/10/2011	1/17/2011	Staybridge Suites	72	40	4	
Vanderbilt University	3/3/2011	3/11/2011	Wingate Harbison	60	32	2	
Vassar College	3/11/2011	3/18/2011	Staybridge Suites	66	35	2	
Bucknell University	3/12/2011	3/19/2011	Radisson	70	40	4	
<b>Total</b>				<b>358</b>	<b>187</b>	<b>15</b>	<b>\$250,600</b>

**2012 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/2/2012	1/9/2012	Embassy Suites	90	50	3	
Dayton University	1/9/2012	1/15/2012	InTown Suites	12	6	2	
Bucknell University	3/10/2012	3/16/2012	DoubleTree	60	36	2	
Vassar College	3/11/2012	3/18/2012	Staybridge Suites	91	45	2	
Hobart & William Smith Colleges	3/17/2012	3/24/2012	DoubleTree	138	68	5	
St. Ignatius (OH) High School	4/9/2012	4/13/2012	Ramada Limited I-20	92	85	15	
<b>Total</b>				<b>483</b>	<b>290</b>	<b>29</b>	<b>\$338,100</b>

**2013 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	1/1/2013	1/8/2013	Embassy Suites	77	57	3	
Bucknell University	3/9/2013	3/16/2013	Hotel Zimalcrest	54	37	2	
Vassar College	3/16/2013	3/23/2013	Staybridge Suites	66	29	2	
Hobart & William Smith Colleges	3/16/2013	3/23/2013	Hotel Zimalcrest	77	45	4	
St. Ignatius (OH) High School	4/1/2013	4/7/2013	Ramada Limited I-20 & Embassy	145	80	10	
<b>Total</b>				<b>419</b>	<b>248</b>	<b>21</b>	<b>\$293,300</b>



**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown  
2014 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
Georgetown University	12/30/2013	1/6/2014	Embassy Suites	70	40	3	
University of Pennsylvania	1/8/2014	1/12/2014	Embassy Suites	68	60	10	
Vassar College	3/16/2014	3/22/2014	Staybridge Suites	66	36	2	
Stony Brook	3/15/2014	3/22/2014	Staybridge Suites	35	25	1	
<b>Total</b>				<b>239</b>	<b>161</b>	<b>16</b>	<b>\$167,300</b>

**2015 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
U of Rhode Island men	3/14/2015	3/22/2015	Staybridge Suites	56	26	2	
<b>Total</b>				<b>56</b>	<b>26</b>	<b>2</b>	<b>\$39,200</b>

**2017 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
U of Rhode Island men	3/10/2017	3/18/2017	Staybridge Suites	99	50	2	
<b>Total</b>				<b>99</b>	<b>50</b>	<b>2</b>	<b>\$71,036</b>

**2018 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>
U of Rhode Island men	3/9/2018	3/17/2018	Staybridge Suites	96	43	2	
<b>Total</b>				<b>96</b>	<b>43</b>	<b>2</b>	<b>\$71,036</b>

<b>TOTAL IMPACT OF THE RICHLAND COUNTY ROWING CENTER SINCE 2003</b>				<b>4,921</b>	<b>2,429</b>	<b>200</b>	<b>\$3,450,272</b>
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# Richland County Council Request of Action

**Subject**

Renewal of Operating Agreement between Richland County and Columbia Rowing Club [**PAGES 134 - 151**]

**Reviews**

## Richland County Council Request of Action

**Subject:** Renewal of Operating Agreement between Richland County and Columbia Rowing Club

### **A. Purpose**

County Council is requested to renew the Operating Agreement between Richland County and the Columbia Rowing Club for the Richland County Rowing Center.

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

In 1999, the Richland County Legislative Delegation authorized the SC Department of Natural Resources to provide \$25,000 from the Richland County Water Recreation Funds for the dock at the Broad River Rowing Center. The Rowing Center sits on 27 acres owned by Richland County. (Please see attached maps.)

Since 1999, the Columbia Rowing Club, a 501(c)3 charitable organization, has been operating at the Richland County Rowing Center (which resides on 27 acres of County-owned property) to provide the opportunity and facilities for rowing to the public. Background information on the purpose of the Columbia Rowing Club, including the activities and services they provide, are attached for your convenience.

Richland County and the Columbia Rowing Club entered into a formal Operating Agreement on April 21, 2009, for a period of 5 years (expired April 21, 2014). Council extended the Operating Agreement for one (1) year with the Columbia Rowing Club on July 10, 2014 (expires July 10, 2015). At this time, it is recommended that Council approve the renewal of the Operating Agreement (attached) with Columbia Rowing Club for five (5) years. The proposed renewal of the Operating Agreement, Addendum to the original Operating Agreement and the original Agreement, are attached for your convenience.

As this is county-owned property, Richland County provides support for the facility by cutting the grass 3 – 4 times per year, maintaining the road into the facility, clearing fallen trees as well as removing dead and/or damaged trees, repairing flood erosion, and making infrequent repairs to the dock and boat house. The cost associated with these activities averages \$2,500 annually and is paid from the Support Services (Facilities and Grounds Division) maintenance budget. If the agreement with Columbia Rowing Club is renewed, it is projected that there would continue to be this annual cost associated with the Rowing Center and/or the property itself.

In December 2014, Richland County Council approved a short-term proposal for the site which opens up the site for greater public access. This involved opening the gate at Omarest, constructing a new gate closer to the boat house (this gate will remain locked), adding road pull-offs, parking and turnaround, adding waste cans, and signage regarding rules of operation. This work was completed in March 2015.

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

- In 1999, the Richland County Legislative Delegation authorized the SC Department of Natural Resources to provide \$25,000 from the Richland County Water Recreation Funds for the dock at the Broad River Rowing Center.

- 1999 - 2009. Verbal operating agreement between Richland County and Columbia Rowing Club.
- April 21, 2009. Original five-year formal Operating Agreement between Richland County and Columbia Rowing Club enacted.
- July 10, 2014 – One year extension for Operating Agreement.

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

The Financial Impact for the requested five-year extension is the same as it has been for years – meaning, no increase.

As this is county-owned property, Richland County provides support for the facility by cutting the grass 3 – 4 times per year, maintaining the road into the facility, clearing fallen trees, as well as removing dead and/or damaged trees, repairing flood erosion, and making infrequent repairs to the dock and boat house. The cost associated with these activities averages \$2,500 annually, and is paid from the Facilities maintenance budget. If the agreement is renewed, it is projected that there would continue to be this annual cost associated with the rowing center and/or property itself.

Per the agreement, Columbia Rowing Club “maintain[s] liability insurance sufficient to cover all Club activities on or related to the use of the site.” (Per the Club, they pay approximately \$1,425 per year to be an affiliated member of US Rowing, which includes the liability insurance.) Per the Club, they also handle day-to-day site maintenance, including trash removal. They also pay approximately \$1,825, depending on the value of the boats and equipment, to insure the club boats and equipment used for Youth Rowing and free-learn-to-row for the public.

Further, per the Club, they have spent a substantial amount of money to support Youth Rowing, Learn to Row, and to provide equipment that is available for members to use:

- 2010 - \$14,000: Trailer for transporting boats and equipment to competition. Has been used exclusively for Youth Rowing
- \$29,000: Four boats used almost exclusively for Youth Rowing, but available for use by smaller club members
- \$13,000: Three boats used equally for Youth Rowing, Learn to Row, and by adult members of the club

Funds for these equipment purchases came from dues, private boat storage fees, donations and fund raising by members and Youth Rowers.

The Club also pays \$65 per month for a Port-a-John to be at the site at all times. It is available for use by anyone who goes to the site for walking, running, fishing, etc.

#### **E. Alternatives**

1. Approve the request to renew the Operating Agreement for five (5) years with the Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years.
2. Approve the request to renew the Operating Agreement with the Columbia Rowing Club for a different length of time.

3. Do not approve the request to renew the Operating Agreement with Columbia Rowing Club at all. A decision would have to be made by Council with regards to the future of the site. The Richland County Recreation Commission (RCRC) was contacted by the County on at least two occasions regarding the operations / maintenance of this site. We were told both times that the RCRC did not have any interest in operating / maintaining the site.

**F. Recommendation**

Approve the request to extend the Operating Agreement for five (5) years with Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years.

Recommended by: Roxanne Ancheta

Department: Administration

Date: 3-2-15

**G. Reviews**

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

**Finance**

Reviewed by: Daniel Driggers

Date: 3/10/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval of the agreement but considering the length of the agreement (5 years) and the County’s current budget constraints, I would encourage the County to consider assessing some nominal fee to cover the identified County direct cost. Additionally, in previous ROA discussions, there was some indication of a pending request for capital improvements to the site. If that is still being considered, I would recommend the fee(s) be set at a level to cover the cost of investment.

**Support Services**

Reviewed by: John Hixon

Date: 3/10/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

There are benefits to having the Rowing Club on site. The Rowing Club encourages their members to be on site much of the time through many activities. This group reports any maintenance concerns to the Support Services, Facilities Maintenance Division. Both the Rowing Club and Support Services encourages reporting of possible maintenance needs, especially with the dock and all infrastructure, before



they become more problematic, potentially increasing the repair time and cost as well as reducing county's liability exposure.

Although I do not disagree with the concept of the finance Directors fee recommendation, now that the facility is opened to the public, Facilities Maintenance must perform housekeeping and maintenance duties at the site on a regular basis. We must service all waste containers, remove hazards from dead or dying trees or tree limbs, ensure the road remains in good condition and keep the grass cut more frequently than in previous years due to expanded use, regardless of the Rowing Clubs activities. As the site is open to the public our maintenance responsibilities are defined to ensure we maintain the facility in an aesthetically pleasing and safe condition at all times.

### **Risk Management**

Reviewed by: David Chambers

Date: 03/10/2015

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**This is a discretionary matter for County Council.**

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/11/15

Recommend Council approval

Recommend Council denial

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

### **Administration**

Reviewed by: Roxanne Ancheta

Date: 3-11-15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the request to extend the Operating Agreement for five (5) years with Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years.

The annual cost to maintain the site, approximately \$2,500, is not expected to materially increase over the next five years unless major improvements, which would have to be approved by Council, occur at the site. If major improvements are approved, additional funding would be addressed at that time.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

Second Addendum to Operating Agreement  
(Extension)

THIS ADDENDUM entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between RICHLAND COUNTY (hereinafter referred to as "County"), and COLUMBIA ROWING CLUB (hereinafter referred to as "the Club").

WHEREAS, the parties entered into an Operating Agreement (hereinafter the "Agreement"), dated April 21, 2009 and extended such Agreement by an Addendum to Operating Agreement (Extension), dated July 10, 2014; and

WHEREAS, the parties now wish to again extend the term of said Agreement.

NOW, THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties agree as follows:

1. The parties mutually agree that the Term of the Agreement shall be extended and shall terminate automatically five (5) years from the date of execution of this Addendum.
2. In all other respects, the Agreement shall remain in full force and effect.
3. This Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.
4. This Addendum and all amendments or additions hereto shall be binding upon and fully enforceable against the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

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

By: \_\_\_\_\_  
Its: \_\_\_\_\_

COLUMBIA ROWING CLUB

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

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND ) Addendum to Operating Agreement  
 (Extension)

THIS ADDENDUM entered into this 10<sup>th</sup> day of July, 2014, by and between RICHLAND COUNTY (hereinafter referred to as "County"), and COLUMBIA ROWING CLUB (hereinafter referred to as "the Club").

WHEREAS, the parties entered into an Operating Agreement (hereinafter the "Agreement"), dated April 21, 2009; and

WHEREAS, the parties now wish to extend the term of said Agreement.

NOW, THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties agree as follows:

1. The parties mutually agree that the Term of the Agreement shall be extended and shall terminate automatically one (1) year from the date of execution of this Addendum.
2. In all other respects, the Agreement shall remain in full force and effect.
3. This Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.
4. This Addendum and all amendments or additions hereto shall be binding upon and fully enforceable against the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

Ashley A. Myers  
Nexanne Amador

By: Tony McDonald  
Its: Richland County Administrator

COLUMBIA ROWING CLUB

Rosa Jones  
George Clark

By: John Q. Wmell  
Its: President, Columbia Rowing Club

1

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



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND ) OPERATING AGREEMENT

This Operating Agreement (the "Agreement") is entered into on this 21<sup>st</sup> day of April 2009 between **RICHLAND COUNTY**, South Carolina, (the "County"), and **COLUMBIA ROWING CLUB**, (the "Club").

**WHEREAS**, the County owns and operates the Richland County Rowing Center (the "Site"), located on the west bank of the Broad River; and

**WHEREAS**, the County and the Club wish to enter into an agreement for the Club's access and use of the Site;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the County and the Club agree as follows:

1. **Access Guidelines.** The Club agrees to use the Site only for official Club activities and purposes. It shall be the responsibility of the Club to ensure that the gate, when not open and in use for Club activities, shall be locked when the last Club member departs the Site. Keys to the gate may be issued to Club members, officers of the Carolina Crew, and select helpers in the Club Youth Rowing Program. The Club shall be responsible for maintaining an accurate list of all persons who are issued gate keys. Such list shall be made available to the County at the County's request. The Club will use due care in the operation of vehicles on the Site for Club purposes. All unauthorized vehicles are subject to the jurisdiction of the Richland County Sheriff's Department. If additional or "over-flow" parking is needed for any activity on the Site, it shall be the responsibility of the Club to provide such parking. Open fires, open flames, grilling, barbequing, alcoholic beverages, and activities related to the use of alcoholic beverages are hereby expressly prohibited on the Site. The hours of operation shall be from sunrise to sunset.
2. **Insurance.** At all times during the duration of this Agreement, the Club shall maintain liability insurance in an amount sufficient to cover all Club activities on or related to the use of the Site. The Club shall provide a certificate of insurance to the County indicating the amount of coverage. It shall be in the sole discretion of the County to determine if the coverage amount is sufficient to meet the requirements of this section. Once the County has approved the coverage amount in the certificate of insurance, such amount shall not be reduced during the term of this Agreement.
3. **Indemnification.** The Club shall hold harmless and shall fully and completely indemnify County from any and all claims, demands or actions brought against the Club or County by

any person, natural or corporate, arising from any act or omission on the part of the Club and related to any activity contemplated by this Agreement. Additionally, all Club members shall sign an indemnification agreement indemnifying the County and the Club from any liability arising from any Club related activities at or related to the Site.

4. **Club Safety Guidelines.** The Club agrees to establish a set of Membership Rules and Guidelines (the Guideline) concerning safety and behavior at the Site and while on the River. The Club agrees to the following specific safety training and procedures found in the Guideline related to rowing activities at or related to the Site:
  1. All Club members will be required to pass a swimming test before being allowed to row from the Site.
  2. All Club members will pass training concerning the proper procedures to be used in the event that a boat capsizes.
  3. No member will row more than 500 meters downstream of the dock toward the dam if rowing alone AND water is going over the dam as indicated by the water level indicator at the dock.
  4. No member will row downstream of the dam warning buoys under any circumstances.
  5. No Club member will be allowed to row on the River under unsafe weather or water level conditions.
  6. No alcoholic beverages will be allowed at the Site.
  7. No loud or disruptive activities will be allowed at the Site.
5. **Approval of Club Activities.** Normal day-to-day and weekly activities will be governed by this Agreement. Additional activities such as regattas to which other clubs are invited, new programs that involve a substantial increase in activity, and special events to which the public is invited will require prior approval by the Richland County Administrator. The Club shall give notice of any such activities in a reasonable time to allow the County to properly research and respond. It is understood that certain small events may offer opportunities which will call upon an acceleration of the approval process.
6. **Site Maintenance.** General day-to-day Site maintenance including trash removal will be the responsibility of the Club. Any remaining repairs will be the responsibility of the County.
7. **Term and Termination.** This Agreement shall remain in effect for a period of five (5) years from the date of execution. Either party may terminate the Agreement by giving 90 days written notice to the other party.
8. **Assignment.** Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Club without prior written consent of the County.

9. **Amendment of the Agreement.** Any amendment to this Agreement shall not be binding upon all of the parties unless such amendment is in writing and executed by all parties hereto.
10. **Notice.** All correspondence shall be sent as follows:

**Columbia Rowing Club:**

Columbia Rowing Club  
George Park, President  
720 Vintage Lane  
Columbia, SC 29210

**Richland County:**

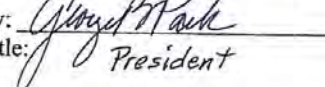
Richland County  
Attn: County Administrator  
PO Box 192  
Columbia, SC 29202

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

**RICHLAND COUNTY**

By:   
Title: County Administrator

**COLUMBIA ROWING CLUB**

By:   
Title: President





Item# 14

Attachment number 1  
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## **Background Information on the Columbia Rowing Club**

The purpose of Columbia Rowing Club is to educate the public on the benefits of the sport of rowing as a healthful means of recreation and physical fitness at all levels by providing instruction, competition, and access to equipment and facilities in the Columbia, S.C. area. Since its inception, Columbia Rowing Club has offered free and/or low cost rowing lessons to the public and, during that time, has introduced the sport of rowing to hundreds of Midlands residents. The club is open to the public, has maintained a low membership fee, and waives the membership fee for anyone who cannot afford it. The reason for a membership fee is to pay for insurance required by the agreement with the County and to purchase and maintain rowing equipment which is accessible to all members. The club currently has 63 active members. Membership costs range from \$0 to \$165, depending on income eligibility. No one has been or will be turned away for the inability to pay.

During its 14 years operating at the Richland County Rowing Center, Columbia Rowing Club has provided a safe environment for rowing without any negative incidents.

The beautiful water, the warm climate, and the facility provided for rowing by Richland County have been recognized nationally in the rowing community by Rower's Almanac, which named Columbia the 5<sup>th</sup> best city in the United States to retire and row.

Two of the club's programs are especially important and deserve elaboration:

1. Youth Rowing
2. Visiting Crews

Youth Rowing is a program open to all youth in the Midlands from age 13 - 18. The youth are provided instruction in the sport of rowing and coaching to prepare them for competition. The program provides an important alternative to more traditional organized sports. It is a low impact, whole-body exercise that requires no special athletic skill. Through the program, young people learn important life-lessons such as teamwork, individual and team responsibility, punctuality, the rewards of hard work, along with learning a sport they can enjoy for a lifetime. All of the equipment for the team has been purchased by the club. Coaching is provided by volunteers from the club, and no child has been denied the opportunity due to financial hardship. At least one participant in the program has received a waiver of fees by the club in almost every season Youth Rowing has operated. (The cost to participate is \$0 - \$420 per youth.) The program has males and females, varies from season to season in minority representation (as high as 60% one season), has had youth from virtually every high school in the Midlands, and from every socio-economic class. The youth practice 3-4 days per week and participate in competitions in SC, GA, and TN against crews from throughout the Southeast and parts of the Midwest. Four young people from the Youth program have received rowing scholarships for college.

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Visiting Crews: Every year, Columbia Rowing Club hosts visiting crews from colleges and high schools in northern states for winter and spring training. Some of the schools that have trained in Columbia at the Richland County Rowing Center are: Georgetown University (10 years), Bucknell University, Hobart and William Smith Colleges, University of Vermont, University of Michigan, University of William and Mary, Bryn Mawr College, Colgate University, Old Dominion, Carnegie-Mellon, Vassar, Vanderbilt University, Syracuse University, University of Dayton, St. Mark's Academy, Tabor Academy, and St. Ignatius High School. These crews come to Columbia because of the unique nature of the rowing center, the warm climate of Columbia, which provides ideal training opportunities while their waters are still frozen, and the hospitality of Columbia Rowing Club and the Regional Sports Council. Each crew stays for about a week, bringing up to 75 rowers, plus coaches and support personnel. According to the Regional Sports Council, the direct economic impact of visiting crews to the economy of the Midlands from 2003 – 2013 is \$1,764,500, with a total economic impact of \$5,293,500.

**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2003 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Carnegie Mellon University	1/3/2003	1/9/2003	Studio One	60	36	1		
<b>Total</b>				<b>60</b>	<b>36</b>	<b>1</b>	<b>\$30,000</b>	<b>\$90,000</b>

**2004 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2004	1/11/2004	Embassy Suites	102	66	4		
Carnegie Mellon University	1/2/2004	1/8/2004	Best Inn - Garner Lane	60	36	1		
<b>Total</b>				<b>162</b>	<b>102</b>	<b>5</b>	<b>\$81,000</b>	<b>\$243,000</b>

**2005 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2005	1/8/2005	Embassy Suites &	92	54	4		
	1/8/2005	1/11/2005	Comfort Suites-Downtown	48				
Carnegie Mellon University	1/2/2005	1/7/2005	Best Inn - Garner Lane	40	30	1		
US Rowing Clinic	2/18/2005	2/20/2005	Holiday Inn-City Centre	21		15		
William & Mary Rowing	3/5/2005	3/12/2005	StudioPLUS	98	54	2		
Bryn Mawr Rowing	3/6/2005	3/12/2005	StudioPLUS	31	25	1		
Old Dominion Rowing	3/5/2005	3/12/2005	Homewood Suites	28	12	2		
Tabor Academy Crew	3/12/2005	3/19/2005	Suite One - Harbison	84	34	5		
<b>Total</b>				<b>442</b>	<b>209</b>	<b>30</b>	<b>\$221,000</b>	<b>\$663,000</b>

**2006 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/3/2006	1/10/2006	Embassy Suites	77	40	2		
University of Michigan	2/25/2006	3/4/2006	Best Inn - Garner Lane	128	60	3		
Old Dominion Rowing	3/4/2006	3/10/2006	Homewood Suites	12	18	2		
Tabor Academy Crew	3/11/2006	3/17/2006	Suite One - Harbison	98	35	5		
University of Vermont	3/18/2006	3/25/2006	Ramada Limited I-20	112	50	3		
<b>Total</b>				<b>427</b>	<b>203</b>	<b>15</b>	<b>\$213,500</b>	<b>\$640,500</b>

**2007 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/3/2007	1/8/2007	Embassy Suites	132	60	2		
University of Michigan	2/24/2007	3/3/2007	American Inn - Garner Lane	129	60	3		
Syracuse University	3/10/2007	3/17/2007	Embassy Suites	97	60	2		
Tabor Academy Crew	3/18/2007	3/25/2007	Fairfield Inn by Marriott	98	32	4		
<b>Total</b>				<b>456</b>	<b>212</b>	<b>11</b>	<b>\$228,000</b>	<b>\$684,000</b>

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**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2008 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2008	1/8/2008	Embassy Suites	132	48	4		
Syracuse University	3/9/2008	3/16/2008	Embassy Suites	97	60	2		
Colgate University	3/14/2008	3/22/2008	Royal Inn	120	35	3		
St. Mark's School	3/14/2008	3/21/2008	Holiday Inn Express	56	20	2		
Tabor Academy Crew	3/14/2008	3/21/2008	Fairfield Inn by Marriott	84	32	4		
<b>Total</b>				<b>489</b>	<b>195</b>	<b>15</b>	<b>\$244,500</b>	<b>\$733,500</b>

**2009 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	12/30/2008	1/6/2009	Embassy Suites	70	37	3		
Bucknell University	1/5/2009	1/12/2009	Radisson	77	34	4		
Syracuse University	3/7/2009	3/15/2009	Embassy Suites	153	60	2		
Bucknell University	3/7/2009	3/15/2009	Radisson	128	34	4		
St. Mark's School	3/16/2009	3/23/2009	Wingate Harbison	35	25	2		
Tabor Academy Crew	3/14/2009	3/21/2009	Fairfield Inn by Marriott	96	32	4		
<b>Total</b>				<b>559</b>	<b>222</b>	<b>19</b>	<b>\$279,500</b>	<b>\$838,500</b>

**2010 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/4/2010	1/11/2010	Embassy Suites	80	40	3		
Bucknell University	1/11/2010	1/18/2010	Radisson	90	40	4		
Vanderbilt	3/6/2010	3/12/2010	Ramada Limited	90	32	2		
Syracuse University	3/13/2010	3/21/2010	Embassy Suites	153	60	2		
Bucknell University	3/13/2010	3/20/2010	Radisson	128	48	4		
St. Mark's School	3/15/2010	3/22/2010	Wingate Harbison	35	25	2		
<b>Total</b>				<b>576</b>	<b>245</b>	<b>17</b>	<b>\$288,000</b>	<b>\$864,000</b>

**2011 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2011	1/11/2011	Embassy Suites	90	40	3		
Bucknell University	1/10/2011	1/17/2011	Staybridge Suites	72	40	4		
Vanderbilt University	3/3/2011	3/11/2011	Wingate Harbison	60	32	2		
Vassar College	3/11/2011	3/18/2011	Staybridge Suites	66	35	2		
Bucknell University	3/12/2011	3/19/2011	Radisson	70	40	4		
<b>Total</b>				<b>358</b>	<b>187</b>	<b>15</b>	<b>\$179,000</b>	<b>\$537,000</b>

Item# 14

**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2012 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2012	1/9/2012	Embassy Suites	90	50	3		
Dayton University	1/9/2012	1/15/2012	InTown Suites	12	6	2		
Bucknell University	3/10/2012	3/16/2012	DoubleTree	60	36	2		
Vassar College	3/11/2012	3/18/2012	Staybridge Suites	91	45	2		
Hobart & William Smith Colleges	3/17/2012	3/24/2012	DoubleTree	138	68	5		
St. Ignatius (OH) High School	4/9/2012	4/13/2012	Ramada Limited I-20	92	85	15		
<b>Total</b>				<b>483</b>	<b>290</b>	<b>29</b>	<b>\$241,500</b>	<b>\$724,500</b>

**2013 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/1/2013	1/8/2013	Embassy Suites	77	57	3		
Bucknell University	3/9/2013	3/16/2013	Hotel Zimacrest	54	37	2		
Vassar College	3/16/2013	3/23/2013	Staybridge Suites	66	29	2		
Hobart & William Smith Colleges	3/16/2013	3/23/2013	Hotel Zimacrest	77	45	4		
St. Ignatius (OH) High School	4/1/2013	4/7/2013	Ramada Limited I-20 & Embassy	145	80	10		
<b>Total</b>				<b>419</b>	<b>248</b>	<b>21</b>	<b>\$209,500</b>	<b>\$628,500</b>

<b>TOTAL IMPACT OF THE RICHLAND COUNTY ROWING CENTER SINCE 200:</b>	<b>3,529</b>	<b>1,611</b>	<b>128</b>	<b>\$1,764,500</b>	<b>\$5,293,500</b>
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Direct Economic Impact is defined as: total room nights X persons per room X \$125 spending per day.  
Total Economic Impact is defined as: Direct Economic Impact X a "Regional Multiplier" of 3.0 to include indirect and induced effects of direct spending.





**RICHLAND COUNTY COUNCIL  
DEVELOPMENT AND SERVICES COMMITTEE  
FEBRUARY 1, 2000  
4:00 P.M.**

**PRESENT:** Susan Brill, Buddy Meetze, Gregory Pearce, Bernice Scott, Thelma Tillis

**OTHERS PRESENT:** Kit Smith, James Tuten, Joseph McEachern, Paul Livingston, Bernice Scott, Tony Mizzell, Michelle Cannon-Finch, Marsheika Martin, T. Cary McSwain, Tonya Dunham, Ash Miller, Sack Edge, Tony McDonald, Richard Flowe, Lisa Collins, Mullen Taylor, Larry Smith, Milton Pope, Pam Davis, Sherry Wright, Monique Walters, Janet Claggett

**CALL TO ORDER**

The meeting was called to order at approximately 4:04 P.M.

**APPROVAL OF MINUTES**

**November 23, 1999: Development and Services Meeting**

Mr. Pearce moved, seconded by Mr. Meetze, to approve the minutes. The vote in favor was unanimous.

**Point of Personal Privilege**

Mr. Meetze recognized Mr. Jim Warren, Chief and Editor of the Washington Bureau for the Chicago Tribune, to the Council Meeting.

**ADOPTION OF AGENDA**

Ms. Smith passed out a revised format of the Committee agenda.

Mr. Pearce requested to add the new format of the agenda as item G.

Mr. Meetze requested to move item-D up on the agenda.

Mr. Pearce moved, seconded by Mr. Meetze, to adopt the agenda as amended. The vote in favor was unanimous.

**Conveyance of sewer lines to the City of Columbia for Phase I of the Haskell Heights Sewer Project**

Mr. Meetze moved, seconded by Mr. Pearce, to approve the conveyance of sewer lines, constructed in Phase I of the Haskell Heights Community Sewer Project, to the City of Columbia for the purpose of ownership and maintenance. The vote in favor was unanimous.

**Approval of expenditure to continue the engineering and design of the Broad River Rowing Facility**

Mr. Meetze moved, seconded by Mr. Pearce, to approve proceed with engineering and architectural planning for the next phase of development on the subject site. The vote in favor was unanimous.

**Richland County Council  
Development and Services Committee  
February 1, 2000  
Page Two**

**Purchase of two Ford F350's for the Solid Waste Collection Division**

Mr. Meetze moved, seconded by Ms. Tillis, to approve the purchase of two (2) trucks for the Collection Division. The vote in favor was unanimous.

**Ordinance amendment to the zoning code (deletion of special exception for commercial uses in rural zones)**

A concerned citizen spoke regarding the special exception.

A discussion took place.

Mr. Meetze moved, seconded by Ms. Brill, to approve deletion of Section 26-61.4(2) of the Richland County Zoning Code of Ordinances and recommended for anything constituting a zoning change to go before Planning Commission and Council.

A discussion took place.

Mr. Meetze withdrew his motion.

Mr. Meetze moved, seconded by Ms. Brill, to approve deletion of Section 26-61.4(2) of the Richland County Zoning Code of Ordinances and directed the Planning Director to go back and review the other amendments to the ordinance. The vote in favor was unanimous.

**Quit claim deed to relinquish Richland County's interest in Robertson Creek Road**

A discussion took place.

Mr. Frank Barron spoke in opposition of closing this particular road. He stated the issue should be settled in Court.

Mrs. Lovera Robertson spoke in favor of the County relinquishing interest in Robertson Creek Road.

Mr. Ralph Pearson stated that according to the County Atlas the County has maintained this particular road for 25 years.

A discussion took place.

Mr. McSwain recommended referring this item to a Regular Session Meeting after more research is done.

Ms. Scott requested for Mr. McSwain to direct the County Attorney to obtain the subpoena received by Mr. Ralph Pearson.

Ms. Scott moved, seconded by Ms. Tillis, to approve a quit-claim deed relinquishing all County interest in Robertson Creek Road as soon as possible.



**Richland County Council  
Development and Services Committee  
February 1, 2000  
Page Three**

A discussion took place.

After discussion, the vote in favor was unanimous. (Mr. Pearce abstained.)

**Point of Personal Privilege**

Ms. Brill welcomed the Honorable Frannie Heizer to the meeting.

**Discussion of ordinance regulating setup standards for single family residential dwellings**

Ms. Smith stated that this item is not fully staffed.

Mr. Morris requested for information to be sent to Council as soon as it is received and requested receiving the residential code of manufactured housing.

**Revised Agenda Format**

Mr. Pearce moved, seconded by Mr. Meetze, to approve the revised Committee agenda format. The vote in favor was unanimous. Ms Scott was away during the vote.

**Election of the Chair**

Ms. Brill opened the floor for nominations for the Development and Services Chairperson.

Ms. Tillis moved, seconded by Ms. Scott, to nominate Ms. Bernice Scott.

Mr. Pearce moved, and it was seconded, to nominate Ms. Scott by acclamation. The vote in favor was unanimous

Ms. Scott was elected as Chair of the Development and Services Committee.

**ADJOURNMENT**

The meeting adjourned at approximately 4:55 p.m.

Respectfully submitted by,

Susan Brill  
Chair

Marsheika G. Martin transcribed the minutes

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
FEBURARY 1, 2000  
6:00 P.M.**

**PRESENT:**

**OTHERS PRESENT:**

**CALL TO ORDER**

**INVOCATION**

**CITIZEN'S INPUT**

**APPROVAL OF MINUTES**

**January 18, 2000: Regular Session**

**ADOPTION OF AGENDA**

**EMPLOYEE SERVICE CERTIFICATES**

**REPORT OF COUNTY ADMINISTRATOR**

**REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION  
MATTERS**

**THIRD READING ITEM**

**99-047MA, Gerald Steele, From RU to C-3, Dutch Fork Road, TMS 02500-09-01**

**REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**Conveyance of sewer lines to the City of Columbia for Phase I of the Haskell Heights Sewer Project**

**Approval of expenditure to continue the engineering and design of the Broad River Rowing Facility**

**Purchase of two Ford F350's for the Solid Waste Collection Division**

**Ordinance amendment to the zoning code (deletion of special exception for commercial uses in rural zones)**

**Quit claim deed to relinquish Richland County's interest in Robertson Creek Road**

**Discussion of ordinance regulating setup standards for single family residential dwellings**

**REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Contract for collection of elevation data and aerial imagery**

**Purchase of 4 Chevy Impalas for Sheriff's Department (Investigations)**

**Purchase of 4 Chevy Impalas for Sheriff's Department (Patrol)**

**Computer enhancements for the Treasurer's Office**

**General Obligation Bonds for Midlands Technical College**

**Amendment to the Recreation Commission's Bond Ordinance**

**Proclamation honoring Eagle Scout Andrew D. Woodham, III**

**Discretionary Grant Fund Program**

**REPORT OF RULES AND APPOINTMENT COMMITTEE NOTIFICATION  
OF OPENINGS**

**Accommodations Tax Advisory Committee-6**

**Grievance Committee-1**

**Historic Columbia Foundation-1**

**Planning Commission-1**

**CITIZEN'S INPUT**

**MOTION PERIOD**

**ADJOURNMENT**

**RICHLAND COUNTY COUNCIL  
DEVELOPMENT & SERVICES COMMITTEE  
JANUARY 23, 2001  
5:00 P.M.**

**PRESENT:** Bernice G. Scott, Chair; Buddy Meetze; Greg Pearce; Susan Brill; Thelma Tillis

**OTHER PRESENT:** Joan Brady, Kit Smith, Paul Livingston, Joseph McEachern, James Tuten, Darren Gore, T. Cary McSwain, Larry Smith, Randy Jorgenson, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Mullen Taylor, Ash Miller, Marsheika Martin, Pam Davis, Amelia Linder, Ralph Pearson, Joseph Bochenek, Jim Prater

**CALL TO ORDER**

The meeting was called to order at approximately 5:07 p.m.

**APPROVAL OF MINUTES – December 12, 2000: Regular Session Meeting**

Ms. Tillis moved, seconded by Mr. Pearce, to approve the minutes. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Ms. Brill moved to adopt the agenda.

Mr. Pearce stated Election of the Chair need to be placed on the agenda.

Ms. Brill withdrew her motion.

Mr. Pearce moved, seconded by Ms. Brill, to add Election of the Chair to the agenda. The vote in favor was unanimous.

Ms. Scott requested item-B (Amendment to the Richland County Code: Storm Water Management) to be deferred. A discussion took place. The item remained on the agenda for discussion.

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

**ELECTION OF CHAIR**

Ms. Tillis moved, seconded by Ms. Brill, to nominate Bernice G. Scott as Chair.

Mr. Pearce moved, and it was seconded, for nominations to be closed. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Tillis, to nominate Ms. Scott by acclamation. The vote in favor was unanimous.

## ITEMS FOR ACTION

### **A. Purchase: track loader for the Road Maintenance Division of Public Works**

Mr. Pearce moved, seconded by Ms. Brill, to approve a purchase in the amount of \$137,974.00 from Blanchard Machinery for a truck loader for the Public Works Department. The vote in favor was unanimous.

### **B. Change Order in Solid Waste Collector's Contracts**

Mr. T. Cary McSwain, County Administrator, stated a lengthy meeting was held with all but one of the contractors who did not attend the meeting. He stated the initial request was a 25% increase, and if that is the case, he requests a rebid. Contractors were asked to go back and evaluate the basis upon which the bid was submitted. The reason for the increase is because of the increase in energy costs. Because Mr. Cloud has over half of the total County in terms of the residents that he collects and he has requested the largest increase, staff informed him of a 5% increase in each of the areas: 1, 4, 5 and 7 which would also be appropriate to the other two contractors as well.

Mr. McSwain also recommended in this coming year's budget that the backyard collections begin to pay for themselves and add \$2-3.00 increase to the per unit cost which would be about an \$36.00 a year increase or about \$0.75 a week.

Additionally, Mr. McSwain recommended that the County set up a process authorizing the administrator to index these things through Procurement. For example, for every \$0.10 increase in diesel costs reflect a 1% increase in the contract. He stated it would be evaluated on an average every six months.

A discussion took place.

Mr. Pearce requested for information to be sent to citizens informing them of the rate increase and requested exact projected rate changes.

Mr. Pearce moved, seconded by Ms. Brill, to forward to full Council for consideration pending additional financial information and discussing it with the other vendors for their approval. The vote in favor was unanimous.

### **C. Resolution to Rescind a Resolution Relinquishing County's interest in Robertson Creek Road**

Ms. Smith briefed the Committee on why this issue is before them and presented copies of documents (see attachment to minutes).

A discussion took place.

Mr. Pearce moved, seconded by Ms. Brill, to move to full Council without a recommendation. The vote was as follows:

<u>In favor</u>	<u>Oppose</u>
Pearce	Scott
Brill	
Tillis	

The motion passed.

Ms. Scott wanted the record to reflect "this is a private matter and the County has no concern into this road at all. It should be worked out between two private partners.

### **ITEMS PENDING ANALYSIS**

#### **A. Greenleaf Drainage Project**

Mr. McSwain stated staff mailed out notification letters to all residents. He stated action might be taken at the next committee meeting.

Ms. Brady added that she would like to have an opportunity to speak to the parties involved one more time to see if there is any compromise that can be met on the matter.

Mr. McSwain stated this item will remain pending.

#### **B. Amendment to the Richland County Code: Storm Water Management (Pending Legal Opinion)**

Ms. Pearce moved, seconded by Ms. Tillis, to forward this item to a work session at which point it will be decided whether the item will go back to Committee or to County Council. The vote in favor was unanimous.

Staff will set up a date for the worksession.

### **ITEMS FOR INFORMATION/DISCUSSION**

#### **A. Presentation on Plan for the Broad River Rowing Center**

Mr. Jim Prater gave a brief report. The outline of the masterplan has been finalized and it did not cost Richland County a dime. This is a project that the City of Columbia has a part in. It was cleared from surveys and interviews conducted with the residents of the City of Columbia that a rowing center was one of the two identified special purpose recreation facility that the residents wished to see. He stated with the Council's endorsement, they are ready to move this forward and make it become a reality.

A discussion took place.

**B. Report on Proposed Kahn Clemson Road Development**

Mr. McSwain reported staff has been working on the potential of a development agreement. Council members received an executive summary of the proposed agreement in order for decisions to be made for further input. Mr. McSwain stated this needed to be considered separately from the zoning matter. He further stated it requires two public hearings; one for the ordinance and one because it is a development agreement.

A discussion took place.

Mr. Pearce moved, seconded by Ms. Brill, to forward to full Council with a recommendation to engage in the development agreement. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 6:16 p.m.

Submitted by,

Bernice G. Scott  
Chair

The minutes were transcribed by Marsheika G. Martin

## MINUTES OF



### RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 17, 2009 6:00 p.m.

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

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#### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Joseph Kocy, Anna Almeida, Amelia Linder, Srinivas Valavala, David Hoops, Lashedra Toole, Stacy Pritchard, Connellus Morgan, Dan Dole, Trenia Bowers, Dan Kim, David Adams, Kyle Holsclaw, Ronaldo Myers, Latausha Hooper, Paul Alcatar, Lt. Robbie Watson, Pam Davis, Daniel Driggers, Michelle Onley

#### CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

#### INVOCATION

The Invocation was given by the Honorable Norman Jackson



## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce announced the birth of his granddaughter.

## PRESENTATION OF RESOLUTION

**Spring Valley Baptist Church Resolution** – Ms. Hutchinson presented a resolution to Ronaldo Myers, Lt. Robbie Watson and Rick McCollum from Spring Valley Baptist Church for their service to the ASGDC inmates' families.

## PRESENTATIONS

**Miriam Atria, President/CEO, Capital City Lake Murray Country** – Ms. Miriam Atria gave a brief presentation regarding the services that Capital City Lake Murray Country provides.

**Palmetto Health Annual Report** – Mr. Chuck Beaman and Dr. James Reynolds gave a brief update on Palmetto Health's status.

## CITIZENS' INPUT

No one signed up to speak.

**POINT OF PERSONAL PRIVILEGE** – Ms. Smith recognized former Councilmember Bernice Scott.

## APPROVAL OF MINUTES

**Regular Session: March 3, 2009** – Mr. Manning moved, seconded by Ms. Dickerson, to approve the minutes as corrected.

## ADOPTION OF AGENDA

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

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **CMRTA Intergovernmental Agreement**
- b. **Employee Grievance**
- c. **Lower Richland Property Purchase**

## REPORT OF THE COUNTY ADMINISTRATOR

**Rowing Club MOU** – This item was on the agenda for action.

**CMRTA Intergovernmental Agreement** – This item was to be taken up during Executive Session.

**Comprehensive Plan Meeting Update** – Mr. Sparty Hammett stated that the Planning Commission will be presented a draft of the Comprehensive Plan at their April 6<sup>th</sup> meeting, 1<sup>st</sup> Reading by title only will be April 21<sup>st</sup>, 2<sup>nd</sup> Reading and a public hearing will be held on April 28<sup>th</sup>, the proposed draft will then go back to the Planning Commission on May 5<sup>th</sup> to approve any changes made at the public hearing and 3<sup>rd</sup> Reading will tentatively take place on May 6<sup>th</sup>.

**American Dream Conference Reminder: Saturday, March 21<sup>st</sup>, 9 a.m.-2 p.m.** – Mr. Pope reminded Council of the American Dream Conference on March 21<sup>st</sup> at 9 a.m-2 p.m. at Richland Northeast High School.

**State Budget Cuts Update** – Mr. Pope stated that the projected reduction to the local government fund revenues for Richland County would be \$3,328,584.

**CASA Quarterbacks Event: Mac's on Main, April 2nd, 5-7 p.m.; CEO of National CASA will be present** – Mr. Pope stated that the CEO of National CASA will be present at the CASA Quarterback Event to recruit males for this program. The event will be at Mac's on Main on April 2<sup>nd</sup> from 5-7 p.m.

**DHEC Recycling Awards held on March 3<sup>rd</sup>** – Ms. Snowden recognized the Solid Waste Department on receiving an award from DHEC for their solid waste and recycling outreach efforts.

**Employee Grievance** – This item was taken up during Executive Session.

**Animal Shelter Opening** – Mr. Pope stated that the animal shelter grand opening will be April 3<sup>rd</sup> at 11:30 a.m.

**Yard Debris Ordinance** – Mr. McDonald gave an update and sought guidance regarding this ordinance. Council requested that the white papers be made available to them, the neighborhood associations and posted on the County website.

**Waste Management of South Carolina** – Mr. McDonald stated that Waste Management has applied to DHEC for a lateral expansion. A public input session has been scheduled for April 15<sup>th</sup> at 5:30 p.m. in Council Chambers.

**Stormwater Update** – Mr. Pope outlined the amendments to the Stormwater Ordinance. The 2<sup>nd</sup> Reading version will go to the Planning Commission on April 6<sup>th</sup> for review and recommendation back to Council. Staff has is recommending to extend extend the review period from June 1, 2009 until October 2009 and to maintain the existing

Development Round Table and create a parallel process to accept comments and concerns. The amended draft of the ordinance will be placed on the County website this week. All the comments will be collected and forwarded to the Development Round Table by May 19, 2009.

#### REPORT OF THE CLERK OF COUNCIL

**Columbia Area Mental Health Orientation for New Council Members** – Ms. Finch stated that Dr. Sheila Arnold, Director of Public Affairs and Community Liaison Division, has invited Council members to an orientation at the Columbia Area Mental Health on either April 9<sup>th</sup> or April 23<sup>rd</sup>.

**Richland Memorial Hospital Board Orientation for New Council Members, March 18<sup>th</sup>, 11 a.m.-1 p.m., Palmetto Richland Hospital—Bagnal Room** – Ms. Finch reminded Council of the Richland Memorial Hospital Board Orientation on March 18<sup>th</sup> at the Palmetto Richland Hospital in the Bagnal Room, Suite 200 from 11 a.m.-1 p.m.

#### REPORT OF THE CHAIRMAN

**Washington, D. C. Update** – Mr. Livingston stated that several of the Council members were able to meet with Congressman Clyburn, Congressman Wilson, Senator DeMint and Senator Graham regarding the use of the stimulus money and concerns of the County.

Ms. Dickerson also stated that she meet with several representatives and would be forwarding her report to Council as well.

#### PUBLIC HEARING ITEMS

Mr. Livingston opened the floor to the following public hearings:

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County** – No one signed up to speak.
- **An Ordinance Amending the FY 2008-2009 Road Maintenance and Mass Transit Budget Ordinance, so as to reinstate the Mass Transit portion of the Road Maintenance fee and appropriate such increase in funds for Mass Transit**

Mr. Bob Liming, Mr. Doug Bridges, Ms. Olivette Akers, Mr. Ike McLeese, Mr. Bill Leidinger, Ms. Vanessa Brown, Mr. Mac Bennet, Mr. Mike Steward, Mr. Charles Austin, Jr., and Mr. Robin White spoke in favor of this item.

Mr. David Oberly, II spoke against this item.

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 5 and Section 7 to authorize motor vehicle trade-ins as an allowable deduction; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process and to allow the waiver of penalties in certain limited circumstances – No one signed up to speak.**

The public hearings were closed.

### APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-171, General; so as to protect buffers, common areas, open space, recreation areas, and planted and/or vegetative areas on all approved plans [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2008-2009 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty eight dollars (\$92,558) to provide funding for operational expenses [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2008-09 Hopkins Utility System budget to appropriate thirteen thousand dollars (\$13,000) for operational costs through the end of the fiscal year [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2008-2009 General Fund Budget to appropriate one hundred fifteen thousand dollars (\$115,000) to the facilities & grounds Owens Field Budget to fund the initial cost associated with FAA Grant Award [SECOND READING]**

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

### THIRD READING ITEMS

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 5 and Section 7 to authorize motor vehicle trade-ins as an allowable deduction; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process and to allow the waiver of penalties in certain limited circumstances – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item.**

A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Smith, to defer this item until a legal opinion on the County's liability for the separate and distinct transactions is received. The vote was in favor.

**An Ordinance Amending the Fiscal Year 2008-2009 Road Maintenance and Mass Transit Budget Ordinance, so as to reinstate the Mass Transit portion of the Road Maintenance fee and appropriate such increase in funds for Mass Transit (This item was reconsidered during the April 7, 2009 Council meeting)** – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item contingent upon the City of Columbia approving the amended proposed Intergovernmental Agreement. A discussion took place.

The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County (This item was reconsidered during the April 7, 2009 Council meeting)** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

Ms. Smith moved, seconded by Mr. Pearce, move to reconsider this item. The motion to reconsider failed.

## SECOND READING ITEMS

**An Ordinance Amending the Fiscal Year 2008-09 Industrial Park budget to appropriate seventy-five thousand dollars (\$75,000) for expenses related to economic stimulus projects** – Mr. Pearce moved, seconded by Mr. Washington, to amend the amount from \$50,000 to \$75,000 and approve this item as amended. The vote in favor was unanimous.

**An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled “Personnel Regulations,” of Chapter 2, entitled “Administration”** – Mr. Jeter moved, seconded by Ms. Hutchinson, to defer this item. The vote in favor was unanimous.

## REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Request to purchase property in Lower Richland with \$2.8 million dollars (\$2,800,000) from the Hospitality Tax fund balance for tourism-related activities** – Mr. Jackson moved, seconded Mr. Washington, to purchase the property in Lower Richland for \$2.8 million from the Hospitality Tax fund defined as: “all parcel or tract of land containing 128.77 acres, more or less, located east of Lower Richland Boulevard, southeast of the intersection of Hwy. 378, Sumter Hwy., and west of the other lands of Richland County, more particularly shown on and described on certain bonded survey prepared by Lower Richland Investors, LLC, Civil Engineering of Columbia, dated December 12, 2007, and recorded in the ROD for Richland County, December 19, 2007, in Plat Book 1385, Page 3138.” A discussion took place.

**POINT OF ORDER** – Ms. Smith stated that there was nothing included in the Council agenda identifying the land and inquired if this was taken up during the D&S Committee meeting.

Mr. Livingston ruled that Mr. Jackson’s motion would be amending the D&S Committee’s recommendation.

Mr. Washington made a substitute motion, seconded by Ms. Dickerson, to refer this item back to committee and clarify which property is to be purchased, the amount that is to be paid for the property and exactly what is going to be done with the land. A discussion took place.

Ms. Hutchinson made a second substitute motion, seconded by Ms. Smith, to consider Alternative #2, to “direct staff to pursue the purchase of property in Lower Richland for tourism-related activities after undertaking a comprehensive assessment to determine the need for the property, and its stated use(s).” A discussion took place.

Ms. Smith requested the following amendment to Ms. Hutchinson’s motion: to give first priority to the property identified in Mr. Jackson’s motion.

Ms. Hutchinson accepted the amendment.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Livingston
Hutchinson	Dickerson
Jeter	Manning
Smith	Kennedy
	Washington

The second substitute motion failed.

Mr. Washington restated his motion as follows: to send this item back to committee, take the two existing studies and come up with a usage for the identified property.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Hutchinson
Jeter	Manning
Livingston	
Dickerson	
Kennedy	
Washington	
Smith	

The substitute motion passed.

## REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

**Economic Development Strategic Plan Work Session** – Mr. Pearce stated that an Economic Development Strategic Plan Work Session will be scheduled in the next several weeks to review the report presented by Genesis Consulting.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- b. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- c. **Hospitality Tax Committee—3** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Stephen P. Leidinger and Mr. Herbert W. Sims and to re-advertise for the remaining vacancy.

### II. Review Composition of County Committees, Boards and Commissions

– The committee recommended holding this item in committee. The vote in favor was unanimous.

### III. Council Individual Discretionary Accounts

– The committee recommended holding this item in committee. The vote in favor was unanimous.

### IV. Revised Application Form

– The committee recommended holding this item in committee. The vote in favor was unanimous.

## OTHER ITEMS

**Rowing Club MOU** – Ms. Smith moved, seconded by Ms. Hutchinson, to defer until the April 7<sup>th</sup> meeting. The vote in favor was unanimous.

## CITIZENS' INPUT

The citizens who signed up were not present.

**EXECUTIVE SESSION ITEMS**

=====  
**Council went into Executive Session at approximately 8:55 p.m. and came out at approximately 9:16 p.m.**  
=====

- a. **Employee Grievance** – Mr. Malinowski moved, seconded by Ms. Kennedy, to uphold the Administrator’s recommendation. The vote in favor was unanimous.

**MOTION PERIOD**

**Establishment of Legislative Ad Hoc Committee** – Mr. Jeter moved, seconded by Ms. Dickerson, to have the Chair appoint a Stimulus Ad Hoc Committee. The vote in favor was unanimous.

**Resolution honoring First NE Baptist Church on their contributions to the community and to celebrate their 20<sup>th</sup> Anniversary** – Ms. Hutchinson moved, seconded by Mr. Jeter, to adopt a resolution for First Northeast Baptist Church. The vote in favor was unanimous.

**Establishment of NE Regional Recreation Complex Steering Committee** – Ms. Hutchinson referred this item to the D&S Committee. The vote in favor was unanimous.

**Resolution honoring Columbia High School for being awarded the Palmetto Gold and Silver Award** – Ms. Dickerson moved, seconded by Mr. Malinowski, to adopt a resolution for Columbia High School. The vote in favor was unanimous.

**Resolution honoring the Lower Richland Girls Basketball Team for their 4<sup>th</sup> All-State Championship** – Mr. Jackson moved, seconded by , to adopt a resolution for the Lower Richland Girls Basketball Team. The vote in favor was unanimous.

**Request to return the fountain in front of the Township Auditorium to the Earlewood Neighborhood** – Ms. Smith moved, seconded by Mr. Malinowski, to return the fountain in front of the Township Auditorium be returned to the Earlewood Neighborhood. The vote in favor was unanimous.

**Extension of Stormwater Review** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to adopt staff’s recommendation for an extension of review time for the stormwater ordinance. The vote in favor was unanimous.

**Infrastructure expenses incurred during development in incorporated areas of Richland County** – Mr. Malinowski referred to the D&S Committee a motion that any expenses incurred by the County for infrastructure due to development in incorporated areas will be billed to and paid for by the incorporated area creating the expense.



**Resolution honoring the Spring Valley Girls Basketball Team for their State AAAA Championship** – Mr. Hutchinson moved, seconded by Mr. Malinowski, to adopt a resolution for the Spring Valley Girls Basketball Team. The vote in favor was unanimous.

**Columbia Area Mental Health Orientation** – Mr. Pearce stated that he would contact Dr. Sheila Arnold and let her know that Mr. Washington and Mr. Manning would be joining him at the next board meeting.

**ADJOURNMENT**

The meeting adjourned at approximately 9:28 p.m.

\_\_\_\_\_  
Paul Livingston, Chair

\_\_\_\_\_  
Damon Jeter, Vice-Chair

\_\_\_\_\_  
Gwendolyn Davis Kennedy

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Valerie Hutchinson

\_\_\_\_\_  
Norman Jackson

\_\_\_\_\_  
Bill Malinowski

\_\_\_\_\_  
Jim Manning

\_\_\_\_\_  
L. Gregory Pearce, Jr.

\_\_\_\_\_  
Kit Smith

\_\_\_\_\_  
Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

## MINUTES OF



### RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, APRIL 7, 2009 6:00 p.m.

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

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#### **MEMBERS PRESENT:**

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

**OTHERS PRESENT** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Joseph Kocy, Anna Almeida, Amelia Linder, Brandon Hooker, Valeria Jackson, Jocelyn Jennings, Paul Alcatar, Pam Davis, Daniel Driggers, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 6:02 p.m.

#### **INVOCATION**

The Invocation was given by the Honorable L. Gregory Pearce, Jr.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable L. Gregory Pearce, Jr.

## PRESENTATIONS

**DHEC Recycling Award Presentation** – This presentation was deferred until the April 21<sup>st</sup> Council meeting.

**Project Hope (Community Initiative)** – Mr. Earl McLeod, Mr. Dennis Torbett, Vice President for Workforce Training and Employment for Home Builders Institute, and Mr. Marco Williams, Project Director for Project Hope, gave a brief presentation regarding this program.

## CITIZENS' INPUT

No one signed up to speak.

## APPROVAL OF MINUTES

**Regular Session: March 17, 2009** – Ms. Dickerson moved, seconded by Mr. Pearce, to reconsider the portion of the minutes regarding the Mass Transit Fee Ordinance and CMRTA Intergovernmental Agreement. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Manning, to approve the minutes as amended. The vote in favor was unanimous.

**Zoning Public Hearing: March 24, 2009** – Mr. Pearce moved, seconded by Ms. Smith, to approve the minutes as corrected. The vote in favor was unanimous.

## ADOPTION OF AGENDA

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

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Waste Management Contract Amendment**
- b. **HBA vs. Richland County**
- c. **Vineyard vs. Lott**
- d. **Columbia Venture**
- e. **CMRTA Intergovernmental Agreement**

## REPORT OF THE COUNTY ADMINISTRATOR

**Rowing Club MOU** – This item was on the agenda for action.

**Comprehensive Plan Public Input Meetings Reminder (3 Remaining)** – Mr. Kocy stated that the three remaining meetings are April 9<sup>th</sup> at the Lower Richland Community Center in Eastover, April 14<sup>th</sup> at the Adult Activity Center on Parklane Road, and April 15<sup>th</sup> at the St. Andrews Branch of the Richland County Public Library. The Zoning Public Hearing has been scheduled for April 28<sup>th</sup>.

**Update on American Dream Conference** – Ms. Stephany Snowden gave a brief update regarding this item.

**Update on Animal Shelter Grand Opening** – Ms. Roxanne Matthews stated that Joint City-County Animal Shelter Grand Opening took place on April 3<sup>rd</sup>. A press conference was held and Chairman Livingston represented the County. The new wing is operational and Council members who wish to tour facility may do so by contacting Ms. Matthews.

**Project Pet Status Update** – Ms. Matthews stated that the space programming and building layout has been verified and the project is now in the design phase, which should be completed by the end of the month. The bidding, negotiations and award should be completed by mid-October. The expected construction completion date is August 2010.

**Economic Development Strategic Plan Work Session: Schedule** – Ms. Matthews stated the project is drawing to a close. A Special Called Economic Development Committee meeting is proposed for April 21<sup>st</sup> from 4-5 p.m. with a full Council work session immediately following from 5-6 p.m. to present the final plan.

**Stimulus Update/Mr. Livingston's Stimulus Ad Hoc Committee** – Mr. Pope stated that the first meeting of the Stimulus Ad Hoc Committee has met. Information was provided to the committee on what staff is working on and a work plan is being developed. [The members of the committee are Mr. Livingston, Mr. Jeter, Mr. Jackson, Ms. Dickerson and Mr. Pearce.]

**RCRC Project Status Update to Council at April 21<sup>st</sup> Meeting** – Mr. Pope stated that the a representative of the Recreation Commission will be invited to the April 21<sup>st</sup> meeting to give a status update on the \$50 million recreation bond projects.

**Lawnmower Exchange** – Mr. Pope stated that the lawnmower exchange will take place on April 18<sup>th</sup> from 9 a.m.-noon at the Colonial Life Arena.

**Stormwater Update: Online Resources** – Mr. Pope outlined the online resources on the County website for the public input on the Stormwater Ordinance and Yard Debris Ordinance.

**FY10 Budget Update/Calendar** – Mr. Pope stated that the budget process is underway and a reminder copy of the budget calendar was distributed to Council.

#### REPORT OF THE CLERK OF COUNCIL

**Benedict Broadband Conference** – Ms. Finch stated that the conference is scheduled for April 16<sup>th</sup>. The cost of the conference is \$75.00.

**Sweet Potato Festival** – Ms. Finch stated that the festival will be held on April 25<sup>th</sup> from 11 a.m-5 p.m. at Hopkins Park. The parade is scheduled to begin at 11 a.m.

**“Sally the Salamander” Interactive Walking Tour** – Ms. Finch stated that the walking tour will be held on April 21<sup>st</sup> at 10 a.m. at the Columbia Metropolitan Convention Center.

**SCAC Forms** – Ms. Finch requested that all SCAC forms be returned to her by the conclusion of the meeting.

#### REPORT OF THE CHAIRMAN

**NHA Conference** – Mr. Livingston stated that the conference was a huge success with approximately 2700 participants. Richland County was a sponsor of this event which included 400 students, 40 science teachers and 150 volunteers.

**Stimulus Ad Hoc Committee** – Mr. Livingston stated that the committee had met with the consultant and will continue to meet regularly to further discuss potential stimulus funding opportunities.

#### PUBLIC HEARING ITEMS

Mr. Livingston opened the floor to the following public hearings:

- **An Ordinance Amending the FY 2008-2009 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty-eight dollars (\$92,558) to provide funding for operational expenses** – No one signed up to speak.
- **An Ordinance Amending the FY 2008-2009 Hopkins Utility System budget to appropriate thirteen thousand dollars (\$13,000) for operational costs through the end of the fiscal year** – No one signed up to speak.
- **An Ordinance Amending the FY 2008-2009 Richland County Industrial Park budget to increase the budget seventy-five thousand dollars (\$75,000)** – No one signed up to speak.
- **An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled “Personnel Regulations,” of Chapter 2 entitled “Administration”** – No one signed up to speak.

- **An Ordinance Amending the FY 2008-2009 budget to appropriate one hundred fifteen thousand dollars (\$115,000) for design and engineering expenses related to the runway rehabilitation project at Hamilton-Owens Airport – No one signed up to speak.**

The public hearings were closed.

#### **APPROVAL OF CONSENT ITEMS**

- **An Ordinance Amending the Fiscal Year 2008-2009 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty eight dollars (\$92,558) to provide funding for operational expenses [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2008-09 Hopkins Utility System budget to appropriate thirteen thousand dollars (\$13,000) for operational costs through the end of the fiscal year [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to appropriate one hundred fifteen thousand dollars (\$115,000) to the facilities and grounds Owens Field Budget to fund the initial cost associated with FAA Grant Award [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; so as to amend Subsection (E), Prohibited Signs, and to create a new subsection for the purpose of enforcement [SECOND READING]**
- **A Resolution requesting that the South Carolina General Assembly continue to support meaningful incentives for recyclers in recognition of the energy and environmental benefits of recycling to our county, the state, and the nation**
- **Request to approve the early renewal of a municipal solid waste contract with Waste Management, Inc.**
- **Request to consider a petition filed in circuit court to close a portion of Blaine Street and Dunston Street**
- **Request to approve a grant in the amount of \$28,000 from the South Carolina Competitive Grants Program to support the Gills Creek Watershed Restoration Project (No Personnel)**
- **A Resolution to allocate \$54,100.30 in Military Forest Funds**
- **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Lexington-Richland Alcohol and Drug Abuse Council, Inc. Project) Series 2009, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$4,500,000 [Request to authorize a public hearing on April 21, 2009.]**

- **Request to approve an intermediate contract with Lowcountry Billing Services**
- **A Resolution affirming Richland County's commitment to fair housing**

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

### **THIRD READING ITEMS**

**Request to approve a budget amendment to the Hospitality Tax Fund in the amount of \$40,000 to provide operating capital for the Township Auditorium** – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Mr. Malinowski moved to deny this item. The motion died for lack of a second.

The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 5 and Section 7 to authorize motor vehicle trade-ins as an allowable deduction; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process and to allow the waiver of penalties in certain limited circumstances** – Mr. Malinowski moved, seconded by Mr. Washington, to defer this item. The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2008-2009 Industrial Park budget to increase the budget seventy-five thousand dollars (\$75,000)** – Mr. Washington moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and other Household Articles** – Ms. Smith moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

### **SECOND READING ITEM**

**An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled "Personnel Regulations," of Chapter 2, entitled "Administration"** – Mr. Malinowski moved, seconded Ms. Smith, to defer this item. The vote in favor was unanimous.

## FIRST READING ITEM

**09-02MA, Lawrence Owen, RS-MD to OI (1 Acre), 06205-02-02, 1204 Piney Grove Road** – Ms. Dickerson moved, seconded by Mr. Malinowski, to deny this re-zoning request. The vote in favor was unanimous.

## REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

**Request to develop a working plan for establishing public-private partnerships for county projects and initiatives** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

## REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

**An Ordinance consenting to an assignment to TRC Propco, Inc. of all rights and obligations of HOLO (SC) QRS 16-91, Inc. relative to all interests in real property and improvements, and all personal property, under a lease agreement, an inducement and millage rate agreement and a fee agreement with Richland County and approving related amendments and restatements of the terms and conditions of the existing lease agreement and fee agreement between HOLO (SC) QRS 16-91, Inc. and Richland County to reflect the assignment of such terms and conditions and approving the terms and conditions of a consent and subordination agreement to be entered into among TRC Propco, Inc., and its lender and Richland County and matters thereto related** – Mr. Pearce moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

- I. **NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**
  - a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
  - b. **Historic Columbia Foundation—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
  - c. **Hospitality Tax Committee—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.



- d. **Internal Audit Committee—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- e. **Employee Grievance—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- f. **Building Board of Adjustment and Appeal—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous

**II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- a. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Nelda Smyrl. The vote in favor was unanimous.
- b. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended appoint Ms. Patricia D. Williams. The vote in favor was unanimous.
- c. **Hospitality Tax Committee—1** – Mr. Malinowski stated that there were no applications and recommending re-advertising for this vacancy. The vote in favor was unanimous.

**III. Electronic Participation (Rule Clarification)** – Mr. Malinowski stated that the committee recommended approval of this item. A discussion took place.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item to the April 21<sup>st</sup> meeting. The vote in favor was unanimous.

**IV. Review Composition of County Committees, Boards and Commissions** – The committee recommended holding this item in committee. The vote in favor was unanimous.

**V. Council Individual Discretionary Accounts** – The committee recommended holding this item in committee. The vote in favor was unanimous.

**VI. Revised Application Form** – The committee recommended holding this item in committee. The vote in favor was unanimous.

**OTHER ITEMS**

**CDV Equipment Grant (\$2,250 match, no personnel)** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

**Rowing Club MOU** – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.

**CITIZENS' INPUT**

Ms. Karen Yip and Ms. Donna Butler spoke regarding the weekend directional sign ordinance.

**EXECUTIVE SESSION ITEMS**

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**Council went into Executive Session at approximately 7:24 p.m. and came out at approximately 8:32 p.m.**  
=====

- a. **CMRTA Intergovernmental Agreement** – Mr. Jeter moved, seconded by Ms. Smith, to direct staff to continue negotiations as directed in Executive Session.

**Reconsideration of Third Reading of Mass Transit Ordinance** – After Executive Session, the Third Reading of the Mass Transit Ordinance and the CMRTA Intergovernmental Agreement were deferred to the April 21<sup>st</sup> Council meeting.

**MOTION PERIOD**

**Placement of Comprehensive Plan on April 21<sup>st</sup> Agenda** – Mr. Jeter moved, seconded by Ms. Dickerson, to have the Chair appoint a Stimulus Ad Hoc Committee. The vote in favor was unanimous.

**Guidelines for presentations by agencies receiving funding from the County during the budget process** – Mr. Livingston referred this item to the Rules and Appointments Committee.

**Composition of Discretionary Grant Committee** – Mr. Jeter referred this item to the Rules and Appointments Committee.

**ZETA State Conference Resolution** – Mr. Jackson moved, seconded by Mr. Jeter, to adopt a resolution for the Zeta Phi Beta Organization. The vote in favor was unanimous.

**Repairs to Hampton-Preston Mansion** – Mr. Pearce referred this item to the A&F Committee.

**Economic Development Strategic Plan** – The Special Called Economic Development Committee meeting on April 21<sup>st</sup> from 4-5 p.m. and a Council work session immediately following from 5-6 p.m.

**Any information necessary to have council act on a matter during a council meeting must be provided to council members no later than Friday at 5:00 p.m. If the information is not received by then the matter before council will automatically be postponed until the next regularly scheduled council meeting** – Mr. Malinowski referred this item to the Rules and Appointments Committee.

**Any special called meeting will only conduct business the meeting was specifically called for. No additional county business will be conducted at that meeting** – Mr. Malinowski referred this item to the Rules and Appointments Committee.

#### ADJOURNMENT

The meeting adjourned at approximately 8:38 p.m.

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Paul Livingston, Chair

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Damon Jeter, Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Kit Smith

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MINUTES

December 2, 2014  
6:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Mr. Jackson called the meeting to order at approximately 6:01 PM

#### INVOCATION

The Invocation was given by the Honorable Norman Jackson

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

#### APPROVAL OF MINUTES

**Regular Session: November 18, 2014** – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as submitted. The vote in favor was unanimous.

**Zoning Public Hearing: November 25, 2014** – Mr. Washington moved, seconded by Ms. Dixon, to approve the minutes as submitted. The vote in favor was unanimous.

#### ADOPTION OF THE AGENDA

Mr. Smith stated the Richland Library Lease and Intergovernmental Agreement needs to be added under the Report of the Attorney for Executive Session.

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

#### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated that the following items were potential Executive Session Items:

- a. **Contractual Matter: Waterpark Contract** – This item was deferred in the Economic Development Committee.



#### Council Members Present

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

#### Others Present:

Tony McDonald  
Sparty Hammett  
Roxanne Ancheta  
Warren Harley  
Laura Renwick  
John Hixon  
Monique Walters  
Brandon Madden  
Beverly Harris  
Quinton Epps  
Michelle Onley  
Larry Smith  
Cheryl Patrick  
Tracy Hegler  
Amelia Linder  
Monique McDaniels  
Nelson Lindsay  
Bill Peters  
Sandra Haynes  
Sara Salley  
Ismail Ozbek  
Valeria Jackson  
Will Simon  
Geo Price  
Chris Eversmann  
Brad Farrar

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



Richland County Council  
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Tuesday, December 2, 2014  
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### b. Richland Public Library Lease and IGA

#### CITIZENS' INPUT

No one signed up to speak.

#### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Staff Recognition: Valeria Jackson** – Mr. McDonald stated that Ms. Jackson has been nominated to serve on the board for the National Community Development Association.
- b. **Introduction of Stormwater Manager** – Mr. McDonald introduced Ms. Synithia Williams to Council.
- c. **SB Connect Sponsorship Opportunity with DESA, Inc.** – Mr. McDonald stated that Administration received a sponsorship request for DESA's SB Connect. The request is for \$5,000.

Mr. Washington moved, seconded by Ms. Dixon, to direct the Administrator to fund the sponsorship out of his budget. A discussion took place.

Mr. Washington clarified his motion to direct the Administrator to identify a funding source to fund the sponsorship.

Mr. Jeter made a substitute motion, seconded by Mr. Washington, to fund the event at \$4,000 out of Council Services. A discussion took place.

Mr. Rush requested to amend Mr. Jeter's motion to fund the event at \$3,600. The motion died for lack of a second.

Mr. Jeter withdrew his substitute motion for \$4,000.

Ms. Dickerson made a substitute motion, seconded by Mr. Jackson, to fund the event at \$5,000 out of staff's budget.

Mr. Pearce made a second substitute motion, seconded by Mr. Jackson, to fund the event at \$5,000 out of the Transportation Penny.

Mr. Rose stated that he could not support this motion; therefore, he would be voting against this item.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



Richland County Council  
Regular Session  
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Mr. Livingston requested that staff report back to Council regarding who attended the training and the outcome of the event.

Ms. Dickerson withdrew her substitute motion.

Mr. Pearce's substitute motion was approved with Mr. Malinowski and Mr. Rose vote against the motion.

### REPORT OF THE CLERK OF COUNCIL

- a. **100 Black Men of Greater Columbia Evening of Elegance, December 5<sup>th</sup>, 7:00-10:00 PM, Marriott Hotel, 1200 Main Street** – Ms. McDaniels reminded Council of the 100 Black Men of Greater Columbia Evening of Elegance event.
- b. **SLBE Public Outreach Meeting, December 8<sup>th</sup>, 6:00-8:00 PM, Council Chambers** – Ms. McDaniels reminded Council of the SLBE Public Outreach meeting for all small businesses in Richland County to learn how to be certified and do business with the County.

### REPORT OF THE CHAIRMAN

No report was given.

### OPEN/CLOSE PUBLIC HEARINGS

- **Authorizing the execution and delivery of an amendment to the Fee Agreement between Richland County, South Carolina, and Arum Composites, LLC its affiliates and assigns, to provide a new effective date and millage rate; and other matters** – No one signed up to speak.

### APPROVAL OF CONSENT ITEMS

- **14-25MA, John May, RU to RC (.22 Acres), 10461 Wilson Blvd., 15000-02-08 [THIRD READING]**
- **14-26MA, Eddie Roberts, M-1 to GC (.36 Acres), 10203 Two Notch Rd., 22909-01-01 [THIRD READING]**
- **14-28MA, Thomas Crowther, RM-HD to GC (11.90 Acres), 3533 Broad River Rd., 06110-04-05(p) [THIRD READING]**



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



Richland County Council  
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- 14-30MA, Ray O'Neal, RU to GC (.66 Acres), 8505 Garners Ferry Rd., 21800-05-06 [THIRD READING]
- 14-31MA, Bill Dixon, PDD to PDD (65.94 Acres), Greenhill Parkway & Two Notch Rd., 25800-03-40 [THIRD READING]
- An Ordinance Authorizing Deed to the South Carolina Department of Transportation for a portion of TMS # 19011-02-10 for the Mill Creek Bridge Replacement Project [SECOND READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction; Definitions; and Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; Subsection (f), Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; so as to permit non-hazardous sludge in the HI (Heavy Industrial District) with Special Requirements [SECOND READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto [FIRST READING]

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

### THIRD READING ITEM

**Authorizing the execution and delivery of an amendment to the Fee Agreement between Richland County, South Carolina and Arum Composites, LLC its affiliates and assigns, to provide for a new effective date and millage rate; and other matters** – Mr. Washington moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

### SECOND READING ITEMS

**An Ordinance Amending the Fiscal Year 2014-2015 General Fund Annual Budget to appropriate \$167,583.00 of General Fund Balance to cover cost of grant match funds** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



Richland County Council  
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**An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to delete historical disbursement reference** – Mr. Malinowski moved, seconded by Mr. Pearce, to delete Paragraph 5 from the ordinance. The vote in favor was unanimous.

**Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to 3130 Bluff Road, LLC; and other related matters** – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; so as to add a provision to allow for a 5% local vendor preference** – Ms. Dickerson moved, seconded by Mr. Rush, to approve this item.

Mr. Malinowski made a substitute motion to approve this as a one-year pilot program to and to review the revenues lost during that time. The motion died for lack of a second.

Mr. Pearce made a substitute motion, seconded by Mr. Livingston, to approve this item and to review the program after one year. The vote in favor was unanimous.

### REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

**Military Order of the Purple Heart Road Signs** – Mr. McDonald stated for the record the citizen requesting the Purple Heart Road signs is Retired Sgt. Major Carl Lopez. Mr. Lopez is the Commander of the Charles P. Murray Memorial Chapter 402 of the Military Order of the Purple Heart in Columbia.

Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item.

### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Stormwater Division of Department of Public Works Purchase of a High Side Dumping Municipal Street Sweeper** – Mr. Malinowski moved, seconded by Mr. Washington, to defer this item to allow Ms. Patrick, the Procurement Director, time to review the information he gathered regarding the possibility of purchasing the requested piece of equipment at a reduced rate.

**Animal Care – Intergovernmental Governmental Agreement with Town of Arcadia Lakes** – Mr. Pearce stated the committee recommended approval of the amended IGA. The vote in favor was unanimous.



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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**Professional Services/Airport Work Authorizations 6 & 7** – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

**Professional Services/Airport Work Authorizations 5 (Amendment 1) & 8** – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

**Construction Contract Award/Airport Stream and Wetland Mitigation project** – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

**Professional Services/Stormwater Management Work Authorization 9** – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

**Blythewood IGA** – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

**Broad River Rowing Site: Short-Term Proposal** – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. A discussion took place regarding the County's liability.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until after Executive Session in order to receive legal advice. The vote was in favor.

### REPORT OF RULES AND APPOINTMENTS

Mr. Malinowski stated that the committee is in the process of interviewing applicants and will report out at the December 9<sup>th</sup> Council meeting.

### CITIZENS' INPUT

Ms. Cameo Green spoke regarding the Lower Richland Sewer Project.

### EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:08 p.m.  
and came out at approximately 7:32 p.m.*

- a. **Broad River Rowing Site: Short-Term Proposal** – Mr. Livingston moved, seconded by Mr. Rush, to approve this item. The vote in favor was unanimous.

# RICHLAND COUNTY COUNCIL

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Mr. Jeter made a friendly amendment to request the Legislative lobbying team to explore the possibility of funding for the facility through the Waterpark Fund.

Mr. Livingston accepted the amendment.

### MOTION PERIOD

- a. **Motion to direct staff to extend full family benefits to gay employees who have valid marriage licenses from any state or the District of Columbia [ROSE]** – Mr. Rose withdrew his motion.
- b. **Council consider a formula for compensation increases to stay current with such indexes as CPI, population growth, County Council averages, etc. for the sake of transparency and fairness [MANNING]** – This item was referred to the A&F Committee.

### ADJOURNMENT

The meeting adjourned at approximately 7:34 PM.

\_\_\_\_\_  
Norman Jackson, Chair

\_\_\_\_\_  
Joyce Dickerson, Vice-Chair

\_\_\_\_\_  
Julie-Ann Dixon

\_\_\_\_\_  
Damon Jeter

\_\_\_\_\_  
Paul Livingston

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Bill Malinowski

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Jim Manning

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Greg Pearce

\_\_\_\_\_  
Seth Rose

# RICHLAND COUNTY COUNCIL

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**Richland County Council**  
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Torrey Rush

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Kelvin E. Washington, Sr.

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

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### ADMINISTRATION AND FINANCE COMMITTEE

March 24, 2015  
6:00 PM  
Council Chambers

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

#### CALL TO ORDER

Mr. Pearce reconvened the February A&F Committee meeting at approximately 6:00 PM.

#### APPROVAL OF MINUTES

**February 24, 2015** – Mr. Livingston moved, seconded by Mr. Washington, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

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

Mr. Malinowski inquired if the approval of the minutes were properly before the committee.

Mr. Smith stated the minutes were properly before the committee as they reflected the actions of the committee up until there was no longer a quorum present.

#### ITEMS FOR ACTION

**Extension of EMS Billing Contract** – Mr. Manning moved, seconded by Mr. Washington, to forward this item to Council with a recommendation to approve the request to extend the Emergency Medical Services billing contract with EMS Management & Consultants, Inc. through June 30, 2019 with a contract effective date of July 1, 2015. The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning inquired if the purchase of a fire truck was on the agenda tonight.

Mr. Pearce stated it on the agenda, but is currently not an action item.

**PPACA (Patient Protection and Affordable Care Act) Compliance: Part Time and Temporary Employees, Determination Periods, and Development of a Second**



#### Committee Members Present

Greg Pearce, Chair  
District Six

Paul Livingston  
District Four

Jim Manning  
District Eight

Kelvin E. Washington, Sr.  
District Ten

#### Others Present:

Bill Malinowski  
Torrey Rush  
Damon Jeter  
Julie-Ann Dixon  
Norman Jackson  
Seth Rose  
Tony McDonald  
Sparty Hammett  
Warren Harley  
Brandon Madden  
Larry Smith  
Monique Walters  
Daniel Driggers  
Tracy Hegler  
Michelle Onley  
Monique McDaniels  
Nancy Stone-Collum  
Ismail Ozbek  
Amelia Linder  
Cheryl Patrick  
Dwight Hanna



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



**Administration and Finance Committee**  
**Tuesday, March 24, 2015**  
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**Health Plan with Lower Benefits** – Mr. Hanna stated the Human Resource Department is attempting to comply with Healthcare Reform and to manage the liability, as it relates to providing health insurance.

Mr. Malinowski inquired if the County will be required to provide a second healthcare plan with lower benefits for part time and temporary/seasonal employees.

Mr. Hanna stated it is not required by Healthcare Reform, but is just an option if a part time employee exceeded 25 hours a week.

Mr. Livingston moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve County policy revisions related to the work hours of part-time County employees and the length of temporary/seasonal County jobs, and staff recommendations regarding compliance with the PPACA.

Approval supports the following directives:

- Limit the work hours of part-time employees to no more than an average of 25 hours per week.
- Limit the length of temporary and seasonal County jobs to no more than 3 months or 90 consecutive days.
- Provide the County Administrator with the authority to designate determination periods for the PPACA.
- Grant staff permission to develop a second health plan with lower benefits that would be used primarily for part-time and temporary/seasonal employees, if needed, for Council review and action.

The vote was in favor.

**Financial Contribution to SC Slave Dwelling Survey** – Mr. Livingston moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request by RCCC to expend \$5,000 in FY15 funds to assist with the grant match for the SC Slave Dwelling Survey. The County will be provided with architect-prepared condition assessments of the extant slave dwellings in the County.

Ms. Stone-Collum stated an architect will be taking measurements of each of the slave dwellings, a photographer/videographer will be documenting the dwelling and a survey cards will be completed for the Department of Archives.

Mr. Washington inquired as to what historical nature the RCCC is pursuing.

Ms. Stone-Collum stated the RCCC interest is so that as many of the slave dwellings in Richland County can be documented, but at this time RCCC has not identified how they will proceed with the information obtained.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



**Administration and Finance Committee**  
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The vote was in favor.

**Budget Amendment – Paved Road Repair** – Mr. Hammett stated the Arthurtown Roads are included in the list in the agenda packet and the addition of Sunny Acres Subdivision is recommended.

Mr. Washington moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve a budget amendment in the amount of \$800,000 to fund the repair of 27 paved roads that are in the process of being added to the County's road maintenance system. The vote was in favor.

**Distribution of Mulch and Compost** – Mr. Livingston moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the proposed rate structure for the distribution of excess mulch and compost generated by the Solid Waste & Recycling Department's Wood Grinding/Compost Facility. The vote in favor was unanimous.

**Neighborhood Improvement Program Property Purchase – Candlewood** – Mr. McDonald stated the request is to negotiate a property purchase in the Candlewood Subdivision. The purchase would provide property for a neighborhood park, which is a part of the neighborhood master plan for the community. The Neighborhood Improvement Program funds would be utilized to purchase the property.

Mr. Washington inquired if there is an agreement with the Richland County Recreation Commission.

Mr. Rush recommended a formal agreement be secured if the County is partnering with the Recreation Commission.

Ms. Hegler stated the MOU could be presented to Council prior to any offer.

Mr. Washington moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve staff negotiating with the property owner, up to the appraised value of \$73,000, the purchase of subject property for implementation of the Candlewood Master Plan Project-Catalyst 3, Neighborhood Park. The vote in favor was unanimous.

**Wateree Community Actions, Inc. Funding Request** – Mr. Washington moved to forward to Council with a recommendation to approve the request to fund Wateree Community Action, Inc. at \$225,000. The motion died for lack of a second.

Mr. Manning moved to forward to Council with a recommendation to approve the request to fund Wateree Community Action, Inc. at \$100,000.

Mr. Manning withdrew his motion.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



### Administration and Finance Committee Tuesday, March 24, 2015 Page Four

Mr. Washington moved, seconded by Mr. Manning, to forward Wateree Community Actions, Inc.'s request to be considered during the upcoming budget process to the Budget Ad Hoc Committee.

Mr. Manning made a substitute motion to table this item.

Mr. Pearce stated the committee is accepting Wateree Community Action Inc.'s withdrawal of their original request and requesting Wateree Community Action Inc. to submit a request for future funding to the County Administrator. The request will then be considered during the upcoming budget process.

The committee unanimously approved the withdrawal of the request.

**Alcohol on County Property: Palmetto Tasty Tomato Festival: Development of Process Moving Forward** – Mr. McDonald stated the Palmetto Tasty Tomato Festival is presently held across the street from the Curtiss-Wright Hangar property and the event has outgrown the venue and Sustainable Midlands has requested the use of the County's property. An obstacle to their request is there is a County ordinance that prohibits the consumption of alcohol on County or public property and alcohol is served at the event. The request before the committee is does the County want to allow an exemption for this event and/or develop a policy for these kinds of events in the future similar to the City of Columbia.

Mr. Manning cautioned using the term "selling of alcohol" on County property and to insure that the date and time of the event is reflected in the resolution.

Mr. Washington inquired if the Airport Commission has been contacted about Sustainable Midlands request and the process for the use of airport facilities.

Mr. Manning moved, seconded by Mr. Livingston, to approve the request, via resolution, to allow for the consumption of beer on County property for the Palmetto Tasty Tomato Festival. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Livingston, to direct staff to develop a process by which approval is obtained for the consumption of alcohol on County property. The vote in favor was unanimous.

### **Audit of Intergovernmental Fire Agreement (IGA) with the City of Columbia**

Mr. Pearce stated the implementation of the inventory system has just been completed and it would seem to be premature to issue an audit.

Mr. Washington stated the intent of his motion to examine the previous audit.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



### Administration and Finance Committee Tuesday, March 24, 2015 Page Five

Mr. Washington moved, seconded by Mr. Livingston, to move forward with a forensic audit of the fire contract.

Mr. Livingston requested the scope of the audit before this item goes to Council.

Mr. Livingston made a substitute motion, seconded by Mr. Manning, to forward this item to Council without a recommendation. The vote in favor was unanimous.

#### **Motion to amend certain Council Districts to At-Large Districts instead of Single Member Districts**

Mr. Smith stated the election of Council districts is governed by SC Code Section 4-9-10(a), which allows for Counties to either elect single member or at-large.

Mr. Manning moved, seconded by Mr. Livingston, to forward to Council with a recommendation for denial. The vote in favor was unanimous.

**County Council Implementing an Electronic Voting System** – Mr. Manning moved, seconded by Mr. Livingston, to defer this item to the April Committee meeting. The vote in favor was unanimous.

**Employee Benefits Comparison** – Mr. Livingston moved, seconded by Mr. Manning, to forward the information to the budget process. The vote in favor was unanimous.

**Renewal of Operating Agreement between Richland County and Columbia Rowing Club** – Mr. Livingston moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request to renew the Operating Agreement for five (5) years with the Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years. The vote in favor was unanimous.

### ITEMS PENDING ANALYSIS

**Establish a Budget Committee** – The Budget Committee has been established.

**Emergency Services Department – Fire Truck Purchase** – Mr. Manning moved, seconded by Mr. Livingston, to waive the rules and move this item to an “Item for Action”. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Livingston, to forward this item to Council without a recommendation. The vote in favor was unanimous.

### ADJOURNMENT

The meeting adjourned at approximately 6:00 p.m.



# RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MINUTES

April 7, 2015  
6:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

#### INVOCATION

The Invocation was led by the Honorable Jim Manning.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning.

#### PRESENTATION OF RESOLUTION

**Fair Housing Proclamation** – Mr. Rush presented the Fair Housing Proclamation on behalf of County Council.

**Resolution Honoring Anne Kelly, Chief Deputy Clerk of Court [JETER and DIXON]** – Mr. Jeter and Ms. Dixon presented the resolution to Ms. Kelly's family, friends and co-workers on behalf of County Council.

**Proclamation Honoring Kenny Mullis on being named South Carolina's Commissioner of the Year by the SC Association of Conservation Districts [DICKERSON]** – Ms. Dickerson moved, seconded by Mr. Livingston, to defer this item until the April 21<sup>st</sup> Council meeting. The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning recognized Ms. Leslie Richardson, one of his constituents, who is presently working toward her doctorate degree in Nursing at USC. Ms. Richardson will be shadowing Mr. Manning as a requirement for her Health Policy class.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning recognized April as Sexual Trauma Services Month.



#### Council Members Present

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

#### Others Present:

Tony McDonald  
Sparty Hammett  
Warren Harley  
Monique Walters  
Brandon Madden  
Michelle Onley  
Monique McDaniels  
Rob Perry  
Larry Smith  
Tracy Hegler  
Beverly Harris  
Amelia Linder  
Cheryl Patrick  
Valeria Jackson  
Jocelyn Jennings  
Rudy Curtis  
Laura Renwick  
Dwight Hanna  
Ronaldo Myers  
George Rice  
Michael Byrd  
Quinton Epps  
Stacy Culbreath  
Nancy Stone-Collum

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



Richland County Council  
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### APPROVAL OF MINUTES

**Regular Session: March 17, 2015** – Ms. Dickerson moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

**Zoning Public Hearing: March 24, 2015** – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minute as submitted. The vote in favor was unanimous.

### ADOPTION OF THE AGENDA

Mr. Pearce moved, seconded by Ms. Dickerson, to adopt the agenda as published.

Mr. Smith stated the following items under the Report of the Attorney for Executive Session Items need to be removed: (1) Contractual Matter: Conservation Commission and (2) Project LM.

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

### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated that the following item was a potential Executive Session Item:

- a. **Pending Litigation: Hopkins and Lower Richland Citizens United, Inc., and Wendy Brawley vs. Richland County**
- b. **Pending Litigation: SC Property Partners**
- c. **Library Lease**
- d. **Pending Litigation: Greene vs. Richland County and CCS**

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized the Clerk of Court, Jeannette McBride, was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jeter recognized former House of Representative, Frank McBride, was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Malinowski recognized his son-in-law from West Virginia was in the audience.

*The meeting was recessed at approximately 6:19 p.m. and reconvened at 6:21 p.m.*

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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### CITIZENS' INPUT

Ms. Helen Taylor Bradley, Ms. Kate McInnis, Mr. Noah Adams, Mr. Arron Robertson, Ms. Delaney LeRoy, Mr. Tom Mancke, Mr. Aidan Gruner, and Ms. Jennifer Mancke spoke in opposition of the Lower Richland Sewer Project.

**POINT OF PERSONAL PRIVILEGE** – Mr. Washington requested the Planning Director, Tracy Hegler, to speak to the initiative she put forth regarding the rural character of the Lower Richland area.

Mr. Rush ruled the “Point of Personal Privilege” out of order.

Mr. Washington stated Ms. Hegler has helped to insure the area has remained rural. Furthermore, Mr. Washington thanked the Planning Department for putting forth the initiatives to retain the rural character of area.

### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Richland 101 Graduation** – Mr. McDonald stated the Richland 101 Graduation took place on April 6<sup>th</sup>. There were 16 graduates from this year’s Richland 101

Ms. Harris thanked Mr. Rush, Mr. Pearce and Mr. Manning for attending the Richland 101 sessions and addressing questions from the class.

Two of the class attendees, Ms. Eddie Morgan and Mr. Armond Turner, gave brief speeches regarding their experiences in the Richland 101 classes.

- b. **State Infrastructure Bank Update** – Mr. McDonald stated a presentation by Lexington County, City of Columbia, and Richland County staff and Council members was made to the State Infrastructure Bank in September 2014. The joint application was for approximately \$450 Million for three projects: (1) the Airport Connector, (2) Assembly Street improvements, and (3) Greene/Lincoln Street project.

The State Infrastructure Bank will be meeting on April 20<sup>th</sup> at 2:00 PM and the joint application is on the agenda.

Mr. Jeter requested that Mr. McDonald share the names of the State Infrastructure Bank members with Council.

- c. **Scope for Disparity Study** – Mr. McDonald stated the scope for the disparity study was included in the agenda packet and no action is being requested at this time.



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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Mr. Washington suggested having Franklin Lee review the scope to insure what is needed is included in the document.

Mr. McDonald stated the next step, once Council is comfortable with the scope, would be to solicit responses. There is the issue of funding for the study, which could cost up to \$500,000. Discussions have taken place with the City of Columbia and USC to conduct a joint disparity study, but presently there have not shown any interest in participating.

Mr. Malinowski inquired if any minority individuals have expressed they were not able to participate or receive contracts with Richland County.

Mr. McDonald stated he was not aware of any feedback regarding matter. Before the County is able to identify a goal of what percentage of contracts should be awarded to minority and/or disadvantaged businesses, a baseline of businesses that meet the criteria have to be established.

Ms. Dickerson inquired of Ms. Patrick which resources were used in drafting the disparity study scope.

Ms. Patrick stated she utilized studies from the City of Columbia, the City of Orangeburg and one from the State of Maryland.

Mr. McDonald stated he had no problem with having Mr. Lee review the draft scope, but he was not aware of Mr. Lee preparing a scope for a disparity study. Mr. Lee did recommend conducting a disparity study after the SLBE program had been up and running for a year.

Mr. Washington requested that Ms. Tanner explain the purpose of the disparity study.

Ms. Tanner stated the purpose of a disparity study is to identify firms that are ready and able in specific areas to provide services. Without the basis of a disparity study the County will be open to challenges to the program.

Mr. Jackson stated that several people at the TPAC Committee meetings have expressed concern with minorities not being treated fairly by Richland County Procurement Department in the past.

Mr. Jeter stated the City of Columbia's disparity study, which Franklin Lee consulted on, was utilized by the Procurement Director draft the scope for the County's disparity study. In addition, Ms. Tanner was a sub-consultant of Mr. Lee's. Mr. Jeter further stated he felt the County was moving in the right

# RICHLAND COUNTY COUNCIL

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**Richland County Council**  
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direction and it was unnecessary to have Mr. Lee review the scope, but to move forward with the disparity study.

Mr. Pearce inquired as to why it would be a problem to have Mr. Lee to vet the RFP prior to it going public.

Mr. Jeter stated the problem is the additional costs, redundancy and holding up the process.

Mr. Malinowski inquired if the concerns expressed during the TPAC Committee meeting were reported to staff.

Mr. McDonald stated that he has not heard directly from TPAC members, but Mr. Perry may have more direct knowledge since he is the staff person for the TPAC Committee.

Mr. Pearce inquired as to what the County's contractual relationship is with Mr. Lee.

Mr. McDonald stated the scope of Mr. Lee's original contract has been completed and Mr. Lee has been compensated. There are no outstanding tasks at this point.

Mr. Pearce inquired as to what funding source would be utilized to pay for the disparity study.

Mr. McDonald stated there are two sources it could be taken from: (1) Transportation Penny Program, or (2) Fund Balance.

Mr. Livingston suggested having the County Administrator receive feedback from whomever necessary (i.e. County staff, Franklin Lee, etc.) and come back with recommendations, so the County can move forward with the disparity study.

Mr. Manning moved, seconded by Mr. Livingston, to accept the Administrator's report.

- d. **Cook's Mountain Update** – Mr. Epps stated the Sierra Club appeal delayed the permitting and transfer of property to DNR. The appeals were resolved and DNR will take title to the property in late April. DNR will hire staff to develop a MOA. The Conservation Commission will work with DNR on the MOA.

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- e. **OSBO/SLBE Update** – Mr. McDonald stated that Ms. Gloria Tanner has been retained as a consultant to assist with refocusing the SLBE program. Ms. Tanner was a sub-contractor with Mr. Franklin Lee.

Ms. Dickerson inquired if Ms. Tanner reports to Ms. Patrick or Mr. McDonald.

Mr. McDonald stated that Ms. Tanner will be working with Ms. Patrick.

### REPORT OF THE CLERK OF COUNCIL

- a. **“Walk A Mile In A Child’s Shoes”, April 10<sup>th</sup>, 9:00 AM – 2:00 PM, 3220 Two Notch Road {Sponsored by CASA and DSS}** – Ms. McDaniels reminded Council of the “Walk A Mile In A Child’s Shoes” event on Friday, April 10<sup>th</sup> at 9:00 AM.

### REPORT OF THE CHAIRMAN

- a. **Personnel Matter** – This matter was taken up in Executive Session.

### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Nine Hundred Thousand Dollars (\$900,000) to supplement the low volume paving program** – No one signed up to speak.

### APPROVAL OF CONSENT ITEM

- **2014 Dust Suppression Contract Increase**
- **Intergovernmental Agreement between Richland County and the City of Columbia for the proposed Olympia Neighborhood Master Plan**
- **Interstate Interchange Lighting Project**
- **Extension of EMS Billing Contract**
- **Distribution of Mulch and Compost**
- **Neighborhood Improvement Program Property Purchase – Candlewood**
- **Motion to amend certain Council Districts to At-Large Districts instead of Single Member Districts**

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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- **Renewal of Operating Agreement between Richland County and Columbia Rowing**
- **15-03MA, John Cooper, RU to RS-MD (7.03 Acres), Riding Grove Rd., 28900-01-30 [SECOND READING]**

Mr. Malinowski moved, seconded by Mr. Livingston, to approve the consent items. The vote in favor was unanimous.

### THIRD READING

**An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Nine Hundred Thousand Dollars (\$900,000) to supplement the low volume paving program** – Mr. Washington moved, seconded by Mr. Pearce, to approve this item.

Mr. Washington requested a copy of the list of roads included in the paving program. Mr. Ozbek will forward the list to full Council.

The vote was in favor.

### REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 24, Utilities; Article II, Water and Sewer Service Generally; Sections 24-7 and 24-8; and Amending Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Sections 24.5-42, 24.5-43 and 24.5-44; so as to delete the references to liens as a collection method for unpaid bills [FIRST READING]** – Ms. Dixon stated the committee recommended approval of this item.

Mr. Malinowski inquired as to how much revenue is received from sewer fees.

Mr. McDonald stated he would forward that information to Mr. Malinowski.

Mr. Malinowski inquired to what presently happens if a resident does not pay their sewer bill.

Mr. Hammett stated there are penalties assessed and after approximately two months service will be disconnected.

Mr. Smith stated when staff reviewed the most effective way to collect unpaid bills, it was recommended to utilize the Debt Setoff Program.



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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Mr. Hammett stated counties can place liens on property for overgrown lots, but not for sewer bills.

Mr. Malinowski stated he is not debating which method (i.e. liens or Debt Setoff) is more successful, but he wants to keep as many options open as possible.

Mr. Livingston made a substitute motion, seconded by Mr. Malinowski, to direct staff to bring back the option of GEAR/Debt Setoff policy before removing the lien option.

Mr. Livingston withdrew his substitution motion.

The vote was in favor of the committee's recommendation.

### **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Alcohol on County Property: Palmetto Tasty Tomato Festival: Development of Process Moving Forward** – Mr. Pearce moved, seconded by Mr. Manning, to refer this item back to the Administration & Finance Committee. The vote in favor was unanimous.

**PPACA (Patient Protection and Affordable Care Act) Compliance: Part Time and Temporary Employees, Determination Periods, and Development of a Second Health Plan with Lower Benefits** – Mr. Pearce stated the committee recommended approval of item.

Ms. Dixon inquired about the number of hours currently worked by part-time employees.

Mr. Hanna stated part-time employees work approximately 20-25 hours per week.

Ms. Dixon inquired about the length of time worked by seasonal/temporary employees.

Mr. Hanna stated there is currently not a policy on temporary employees.

The vote in favor was unanimous of the committee's recommendation.

**Financial Contribution to SC Slave Dwelling Survey** – Mr. Pearce stated the committee recommended approval of this item. The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Eight Hundred Thousand Dollars (\$800,000) to supplement paved road repair [FIRST READING]** – Mr. Pearce stated the committee recommended approval of this item.

# RICHLAND COUNTY COUNCIL

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Mr. Malinowski inquired if these were the roads Council agreed to accept on a one-time basis because developers did not complete the roads.

Mr. Hammett stated the roads were accepted at the February 5, 2013 Council meeting.

Mr. Malinowski inquired if the County had implemented a policy that would preclude these developers from receiving future County contracts.

Mr. Hammett stated the bulk of these developers or LLCs that are out of business.

Mr. Washington inquired if there was a policy that required the developers to provide a bond for roads.

Mr. Hammett stated there is a policy, but there was a period of time when the bonds were not monitored and some of the bonds lapsed.

Ms. Dixon inquired as what needs to be done to implement a "black list" for developers who may have gone out of business and/or changed their company name to prevent them from received future contracts with the County.

The vote was in favor of the committee's recommendation.

**Audit of Intergovernmental Fire Agreement (IGA) with the City of Columbia** – Mr. Pearce stated the committee forwarded this item to Council without a recommendation.

Mr. Washington moved, seconded by Mr. Jackson, to approve this item.

Mr. Washington inquired about the length of the current contract and how far into the contract is the County presently.

Mr. Harley stated the County is currently into the third year of the five year contract. The time/attendance portion was implemented on July 1, 2014 and the inventory control portion was recently implemented.

Mr. Washington inquired if the items identified in the first audit have been addressed.

Mr. Harley stated the City of Columbia has been implementing the items identified in the audit, although there were some delays. The issue of overtime is being tracked with the new time/attendance system. A report regarding the time/attendance portion will be available after June 30, 2015. The inventory control data will not be available until later in the year since it has just been implemented.

Mr. Washington inquired if the linkage between the software and the County's system has been completed.

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Mr. Byrd stated the two systems do not cross; therefore, the data will be provided by the City of Columbia.

Mr. Washington made a substitute motion, seconded by Mr. Livingston, to table this item.

Mr. Pearce made a second substitute motion, seconded by Ms. Dixon, to refer this item to the Fire Ad Hoc Committee. The vote was in favor.

**Emergency Services Department – Fire Truck Purchase** – Mr. Pearce stated the committee forwarded this item to Council without a recommendation.

Mr. Washington moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski inquired about Smeal's failure to comply.

Mr. Byrd stated their failure was significant. When Smeal was challenged by Procurement, they withdrew their bid.

The vote in favor was unanimous.

### REPORT OF RULES AND APPOINTMENTS COMMITTEE.

#### I. COUNCIL RULES

- a. **After discussion between the Rules Committee Chair and Clerk to Council it has been determined that the rules of Richland County Council are effective and outline the duties and responsibilities of each Council member. Therefore, it is recommended that the committee review the current policies/procedures for any additional input/changes.**
  1. **Allow members to electronically participate in standing committee meetings** – This item was held in committee.
  2. **Allow members to electronically participate during Executive Session** – This item was held in committee.
- b. **Re-activate the Richland County Youth Commission. The youth commission has been inactive since 1998 and there are currently no existing or active members. This commission identifies youth-related problems or potential problems; implement programs to increase the awareness of the general population and elect officials of the needs and problems facing youth and their**

# RICHLAND COUNTY COUNCIL

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families; and they seek and administer federal, state and private funding for commission operations and for projects proposed by the commission pursuant to the powers enumerated herein [ROSE] – This item was held in committee.

- c. **Richland County Government also reviews the election of the Chair's rule which states that the chair should be elected yearly, with two-thirds of its members. In conjunction with Councilman Jackson and Manning previous motions to having meaningful representation that the citizens have the opportunity to elect the chair like the citizens in Horry County. This will remove the responsibility of council members. If the Legislative Delegation would support the election of the chair by the citizens. Our current process is apparently flawed and personal; therefore, the people of Richland County deserve to have an adequate transparent representation [DICKERSON]** – Mr. Malinowski stated the committee recommended denial of this item. The vote in favor was unanimous.
- d. **In the event that a Standing Committee of Council (Administration & Finance, Development & Services, Economic Development, Rules & Appointments) should fail to have a quorum of its members present either at the beginning of the meeting or after the meeting has begun, any item or items that are reported on Committee Agendas deemed "time sensitive" by a committee member or County staff will be referred to the Chair of the Committee, the Chair of Council and County Administrator. A determination will be then made by this group as to whether the "time sensitive" designation is valid. This determination may require consultation with a Department Head, Procurement, Legal, et al. If a determination of time sensitivity is made in the affirmative, the Chair of Council may add the item to the next regularly scheduled Council meeting for review, debate and action [PEARCE and MANNING]** – This item was held in committee.
- e. **Review the terms of days missed per annum to continue to serve on the Planning Commission. Reason: With a nine member Commission and the importance of the body, as applications are time sensitive, there should not be any reason the Planning Commission cannot meet a quorum [JACKSON and MALINOWSKI]** – This item was held in committee.



# RICHLAND COUNTY COUNCIL

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### CITIZENS' INPUT

Ms. Wendy Brawley spoke regarding voting on record.

Tom Mancke spoke regarding the Rules of Order and Rural vs. Urban mindsets.

### EXECUTIVE SESSION

*Council went into Executive Session at approximately 8:10 p.m.  
and came out at approximately 9:56 p.m.*

- a. **Pending Litigation: Hopkins and Lower Richland Citizens United, Inc., and Wendy Brawley vs. Richland County** – No action was taken.
- b. **Pending Litigation: SC Property Partners** – Mr. Pearce moved, seconded by Mr. Livingston, to direct the County Attorney to proceed as discussed in Executive Session. The vote in favor was unanimous.
- c. **Library Lease** – No action was taken.
- d. **Pending Litigation: Greene vs. Richland County and CCS** – Mr. Washington moved, seconded by Ms. Dixon, to direct staff to move forward with the settlement as discussed in Executive Session.
- e. **Personnel Matter** – No action was taken.

### MOTION PERIOD

- a. **Move for a resolution to honor State Highway Patrolman Thomas M. White for receiving the 2014 Richland County Trooper of the Year award [JACKSON AND ROSE]** – Mr. Washington moved, seconded by Ms. Dixon, to adopt the resolution honoring State Highway Patrolman Thomas M. White. The vote in favor was unanimous.
- b. **A Resolution supporting State efforts to find solutions to the funding needs for State maintained and operated roads and bridges without transferring the burden to Local Governments and opposing any actions taken by the General Assembly that through lack of State funding will lead to increased taxes on the citizens of Richland County [PEARCE]** – Mr. Pearce moved, seconded by Mr. Livingston, to adopt the resolution. The vote in favor was unanimous.
- c. **To have Richland County remove the lien off of the property located at 2045 Smith St., (Parcel # R13516-03-21) contingent on the property**

# RICHLAND COUNTY COUNCIL

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**owner donating the land to the Atlas Road Community Organization [WASHINGTON]** – This item was referred to the D&S Committee.

- d. **Prescribed Fire Council Resolution [PEARCE]** – Mr. Manning moved, seconded by Ms. Dixon, to adopt the resolution. The vote in favor was unanimous.
- e. **Pawmetto Lifeline has requested that Council consider a revision to their existing contract that would significantly move Richland and Lexington Counties toward becoming “No Kill” communities and reduce the cost managing the counties stray dog and cat population. The plan is contingent upon the City of Columbia and Lexington County permitting Pawmetto Lifeline management authority of their respective animal shelters. In addition, several policy changes in the Richland County contract with Pawmetto Lifeline would be required. This Motion requests that the D&S Committee evaluate the details of Pawmetto Lifeline’s request and make a recommendation to Council [PEARCE]** – This item was referred to the D&S Committee.

### ADJOURNMENT

The meeting adjourned at approximately 10:00 PM.

\_\_\_\_\_  
Torrey Rush, Chair

\_\_\_\_\_  
Greg Pearce, Vice-Chair

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Julie-Ann Dixon

\_\_\_\_\_  
Norman Jackson

\_\_\_\_\_  
Damon Jeter

\_\_\_\_\_  
Paul Livingston

\_\_\_\_\_  
Bill Malinowski

\_\_\_\_\_  
Jim Manning

# RICHLAND COUNTY COUNCIL

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Seth Rose

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Kelvin E. Washington, Sr.

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

# RICHLAND COUNTY COUNCIL SOUTH CAROLINA

## ADMINISTRATION & FINANCE COMMITTEE

February 23, 2016  
6:00 PM  
County Council Chambers

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

### CALL TO ORDER

Mr. Pearce called the meeting to order at approximately 6:01 PM

### ELECTION OF CHAIR

Ms. Dickerson moved, seconded by Mr. Livingston, to nominate Mr. Pearce for the position of Chair.

Ms. Dickerson moved, seconded by Mr. Livingston, to close the floor to nominations. The vote in favor was unanimous.

Mr. Pearce was unanimously elected Chair.

### APPROVAL OF MINUTES

**Regular Session: January 12, 2016** – Ms. Dickerson moved, seconded by Mr. Livingston, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF AGENDA

The agenda was adopted unanimously.

### ITEMS FOR ACTION

**Board of Voter Registration & Elections Budget Amendment** – Mr. McDonald stated this item is a request from the Voter Registration and Elections' Director.

Mr. Selph and his staff began having discussions with the Administrator and the Finance Director at the end of the calendar year about an anticipated need for additional funding because of the number of upcoming elections. Mr. Driggers and Mr. McDonald discussed with Mr. Selph reassessing the budget after the first of the year.

At the February 16<sup>th</sup> Council meeting Mr. Washington made a motion to fund Voter Registration and Elections at an additional \$1.2 million, which is the amount originally requested from the Director. However, an alternative funding plan has been proposed



### Council Members Present

Greg Pearce, Chair  
District Six

Joyce Dickerson  
District Two

Paul Livingston  
District Four

Jim Manning  
District Eight

Kelvin E. Washington, Sr.  
District Ten

### Others Present:

- Bill Malinowski
- Norman Jackson
- Torrey Rush
- Tony McDonald
- Kevin Bronson
- Warren Harley
- Brandon Madden
- Michelle Onley
- Larry Smith
- Roxanne Ancheta
- Daniel Driggers
- Monique McDaniels
- Kim Roberts
- Dwight Hanna
- Brad Farrar
- Ronaldo Myers
- Chad Fosnight
- Cathy Rawls
- Hayden Davis
- Bill Peters
- Jamelle Ellis
- Lillian McBride
- Samuel Selph
- John Hixon
- Chris Eversmann



## **Administration & Finance Committee**

**Tuesday, February 23, 2016**

**Page Two**

for the committee's consideration, as follows: to utilize funding reimbursed to the County for individual elections (i.e. City of Columbia, State, and Presidential Preference), which would avoid the use of Fund Balance.

Mr. Rush inquired about the typical reimbursement process.

Mr. McDonald stated an amount is budgeted that is expected to fund the office for a year. Within the budget there are reimbursements that are scheduled to come to the department. The reimbursements typically are put into the General Fund revenue stream because the operations of the department have been funded.

Mr. Rush inquired what is different this year than in other years that have caused this overrun in the budget.

Mr. McDonald stated it is due to the additional elections occurring this year. (i.e. Presidential Preference).

Mr. Rush inquired if a trend comparison was conducted to determine if there were cost overruns in previous years as well.

Mr. McDonald stated the current funding level for the office goes back 2 to 3 years when State legislation merged the offices. The legislation has since been deemed unconstitutional and repealed, but in the legislation there was a formula for funding the merged office. The formula took the average of Greenville and Charleston over a 2-year period to set the level of funding for Richland County.

Mr. Rush inquired if the amount of funds they have today is more than it would have been in similar times.

Mr. McDonald stated he does not believe the amount of funding has ever exceeded the current budget.

Mr. Pearce inquired when the formula was applied to the merged offices, if the majority of the funding went toward salaries and not operations.

Mr. McDonald stated it set the budget for the entire operations, but a large part of it went toward salaries.

Mr. Washington inquired if the ROA and his motion were very similar.

Mr. McDonald replied in the affirmative.

Mr. Washington stated his motion was for \$1,207,274 minus the reimbursements to cover the costs of motherboard batteries, repairing voting equipment, purchase of phones for call center, purchase of 4 printers, Machine Technician I, and legal fees. He inquired if these items were on the ROA submitted by the Elections Director.

Mr. Selph stated most of those items were on the original ROA, but as the situation progressed and the department saw they were coming up short in some of the categories and expenses were added.

Mr. Selph stated his department is required to put out enough machines and have enough poll workers to carry out the election as if everybody on Richland County rolls is coming out to vote. There are 263,000 in Richland County and when Richland County's budget is compared to comparable counties the budget is \$750,000 - \$800,000 short. To run the City of Columbia, Blythewood, Irmo, Arcadia and the Democrat and Republican Presidential Preference elections they were given a budget of \$160,481 for poll workers' salaries. The motherboard batteries necessary for the machines are \$95.00 each.

Mr. Washington inquired about the sources of revenue for the department, besides reimbursements.

Mr. Selph responded the majority of the funding comes from reimbursements.

Mr. Washington further inquired if they have to prepare for 263,000 even if 263,000 voters are not anticipated to vote during the election.

Mr. Selph responded in the affirmative.

Mr. Selph stated the machines are provided by the State of South Carolina and must be serviced by the manufacturer at a cost of \$106,000 per year.

The reimbursements are as follows: City of Columbia - \$147,460; Town of Irmo - \$4,313; Town of Blythewood - \$1,348.

Mr. Livingston moved, seconded by Mr. Manning, to forward this item to Council without a recommendation.

Mr. Livingston stated he wants to be clear on the exact dollar amount of the reimbursements, any possible unspent funding that could be utilized, and a copy of the current budget.

Mr. Selph stated the State will reimburse the County approximately \$185,000 for the each Presidential Preference Primary, which Elections budgeted \$360,000 for.

Mr. Malinowski inquired what the current budget is for the department.

Mr. McDonald stated it is approximately \$1.2 million.

Mr. Malinowski inquired of Mr. Smith what State law dictates regarding reimbursement to the County Elections Commission from municipalities.

Mr. Smith stated he is not aware of a specific statute that sets out what items are reimbursable. The agreements are negotiated between the Election Commission and the municipalities.

Mr. Selph stated he has contracts with the municipalities, but the contracts do not have dollar amounts listed since the municipality pays per cost. The cost does not include the salaries for Elections/Voter Registration staff.

Mr. Driggers stated he could meet with Mr. Selph to determine the true cost for the elections.

Mr. Selph stated the department has not been fully funded and not appropriated the amount they request during the budget process.

Mr. Washington inquired if Mr. Selph worked with Administration on the recommended proposal and will the funding cover the hard costs.

Mr. Selph stated the proposal will not adequately cover the costs.

Mr. Washington made a substitute motion to fund the office at \$1,207,274 minus any reimbursements. The motion died for lack of a second.

Mr. Manning stated he agrees the true costs of the elections need to be charged to the municipalities. He also inquired why we do not know how much the Statement reimbursement will be.

Mr. Selph stated the State has a formula. In addition, the costs fluctuate.

Mr. Manning requested a copy of the formula and why it is nebulous as it is. Since this seems like an unfunded mandate, the State should inform the County how much they are going to give the County for the Presidential Preference Primary. Then Elections could figure out how to conduct the election for that amount.

Mr. Selph stated the City of Columbia reimburses the County for the amount invoiced.

The vote in favor vor.

**Finance Department: Departments Projected to be over budget for FY16** – Mr. Dickerson moved, seconded by Mr. Washington, to defer this item. The vote was in favor.

**Dawson Pond [Executive Session]** – Ms. Dickerson moved, seconded by Mr. Washington, to forward to Council without a recommendation. The vote was in favor.

**Approve The Dock Donation Form EZ Dock, Inc. For Use At the Richland County Rowing Center** – Mr. Manning moved, seconded by Mr. Washington, to forward to Council with a recommendation to accept the generous donation of supplying and installing a floating dock at the Richland County Rowing Center allowing the facility to have access to the waterfront, permitting Columbia Rowing Club to host events, and to allow EZ Dock, Inc. to proceed with the permitting and installation process.

Mr. Washington inquired if there were any restrictions on the donation.

Mr. Madden responded he was not aware of any restrictions, but would consult with Mr. Hixon to insure that is correct before Council approval.

Mr. Malinowski inquired if there was any insurance on the property damaged and/or lost, if not, is this something that could be reimbursed by FEMA.

Mr. Hixon will follow-up with Mr. Malinowski prior to Council approval.

The vote was in favor.

Mr. Washington moved, seconded by Mr. Manning, to reconsider this item. The vote in favor was unanimous.

Mr. Washington moved, seconded by Mr. Manning, to add a hold harmless clause to this item. The vote in favor was unanimous.

**Changes to Policy on Requiring Employees to Sign Documents** – Ms. Dickerson moved, seconded by Mr. Washington, to defer this item to allow the Administrator to work out a suitable recommendation with the Council members that brought this matter forward. The vote was in favor.

**Professional Services/Airport Work Authorization 6, Amendment 1** – Mr. Eversmann stated this item is for the construction inspection, the surveying, the geotechnical testing and other professional services needed to go on concurrent with construction.

Mr. Manning moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to approve the request to authorize executing Work Authorization 6, Amendment 1 for the professional services described herein and further described in detail in the enclosure to this document. This will permit the enhancement airport safety and compliance with FAA-recommended design standards and the completion of an underway project. The vote in favor was unanimous.

**Coroner's Facility Change Order #1** – Mr. Fosnight stated this item is a reallocation of funding from the project contingency into the general contractor's contract. The \$53,870 will be deducted from the project contingency and moved into the contractor's contract.

Mr. Washington moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request to reallocate contingency funds to Solid Structure's contract which will allow the required changes to move forward.

Mr. Malinowski inquired if there was a contingency in the original funding.

Mr. Fosnight stated there was a contingency in the project, but there was not a contingency set up in the contractor's contract. Staff is not able to transfer money from the overall project into the contractor's contract.

Mr. Malinowski inquired about the need for the 4 flagpoles.

Mr. Fosnight stated there will be US Flag, the State Flag, the County Flag, and Children's Flag.

Ms. Dickerson made a substitute motion to erect 1 flagpole.

Mr. Manning inquired about how many flagpoles were at other County facilities.

Mr. Fosnight stated there is 1 flagpole slated for the Decker Center. There are 3 flagpoles at the Hamilton-Owens Airport.

Mr. Manning made a substitute motion, seconded by Mr. Pearce, to approve the placement of 3 flagpoles at the Coroner's Facility. The motion failed.

***The committee recessed at approximately 7:01 p.m. and reconvened at approximately 7:27 p.m.***

Ms. Dickerson moved, seconded by Mr. Washington, to forward this item to Council without a recommendation. The vote was in favor.

**Purchase of Property Insurance: Property Insurance Broker One Year Renewal** – Mr. Manning moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to approve the purchase of property insurance for FY17 with Arthur J. Gallagher Risk Management serving as the insurance broker through Travelers Indemnity Company. The vote in favor was unanimous.

**Renewal of the Liability Claims Administrator** – Ms. Dickerson moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve a one year extension to Hewitt Coleman as the County's liability claims administrator. The vote in favor was unanimous.

**Sponsorship Request: 2016 Army Ball and the Official 100<sup>th</sup> Anniversary Kick-Off event** – Mr. Malinowski pointed out the request was originated with a request from constituent, Bill Dukes. While Mr. Dukes does a

wonderful things for military personnel; however, if every constituent were to make requests Council would be inundated with them.

Ms. Dickerson inquired if all of the funds were spent out of the Hospitality Tax Fund.

Mr. Malinowski inquired if this item is properly before the committee.

Mr. Pearce requested Mr. McDonald to address Mr. Malinowski's question.

Mr. McDonald stated he is not sure of the timeline of this item being placed on the agenda, but it is staff's recommendation not to approve the item due to there being no funds left in the Hospitality Tax Fund.

Mr. Pearce requested the Parliamentarian to advise the Chair if this item is properly before the committee.

Mr. Smith stated items can be placed on the agenda by: (1) Referred from Regular Council via a motion to the appropriate committee; or (2) In exceptional circumstances, where the Chairman believes an item is time sensitive the item can be added to the agenda.

Mr. Smith read into the record Council's rule regarding this matter: "In exceptional circumstances, time-sensitive items received after the deadline may be added to a committee's agenda at the discretion of the committee's Chairperson, provided the addition is made before agendas are printed and distributed."

Mr. Manning moved, seconded by Ms. Dickerson, to forward to Council with a recommend to deny the request.

Ms. Dickerson requested that all information be shared with committee members prior to the meeting.

The vote in favor was unanimous.

**One Year Extension of the City of Columbia-Richland Communication Center Agreement** – Mr. McDonald stated the reason this agreement is only being renewed for a year is there have been discussions/suggestions for improvements and changes. After discussions with Emergency Services, the Sheriff's Department, as well as, the City it was concluded to renew the agreement for one year. This will allow time to evaluate the suggestions and bring back a more definitive recommendation.

Mr. Manning moved, seconded by Ms. Dickerson, to forward to Council with a recommendation to approve the request to extend the CRC 911 IGA for one year. If approved, the extension will be effective July 1, 2016 and will expire on June 30, 2017.

Mr. Malinowski requested dates be included on signed documents. He also inquired as to why the Town of Irmo is not included in list of cities/municipalities that can utilize this system.

Mr. McDonald stated the Town of Irmo and City of Forest Acres have their own 911 service.

Mr. Manning inquired how long the current agreement has been in place.

Mr. McDonald stated this is the second one-year extension on a five-year agreement.

The vote was in favor.

**ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

**Motion to Limit the Use of Fiscal Agents** – This item was held in committee.

**Motion to Expand Staff Recruitment Efforts** – This item was held in committee.

**Motion Regarding the State's Restrictions on How Hospitality Tax Revenue Can Be Used** – This item was held in committee.

**Motion Regarding Organizations Receiving One-Time Funding** – This item was held in committee.

**ADJOURNMENT**

The meeting adjourned at approximately 7:48 PM.

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

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

March 1, 2016  
6:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:03 PM

#### INVOCATION

The Invocation was led by the Honorable Norman Jackson

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

#### APPROVAL OF MINUTES

- a. **Regular Session: February 16, 2016** – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.
- b. **Zoning Public Hearing: February 23, 2016** – Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Mr. Pearce, to adopt the agenda as published.

Mr. Malinowski requested to add the appointment to the Lexington Richland Alcohol and Drug Abuse Council under the Report of the Rules and Appointments Committee.

Mr. Pearce moved, seconded by Mr. Manning, to adopt the agenda as amended. The vote in favor was unanimous.

#### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

Mr. Smith stated the following items were potential Executive Session Items:

- a. **Department of Revenue Update**
- b. **Dawson's Pond**



#### Committee Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Damon Jeter  
Paul Livingston  
Bill Malinowski  
Jim Manning  
Seth Rose

#### Others Present:

Tony McDonald  
Warren Harley  
Monique McDaniels  
Kimberly Roberts  
Daniel Driggers  
Kevin Bronson  
Larry Smith  
Brandon Madden  
Rob Perry  
Quinton Epps  
Geo Price  
Brad Farrar  
Dwight Hanna  
Ismail Ozbek  
Donny Phipps  
Chad Fosnight  
Tracy Hegler  
Jeff Ruble  
Michelle Onley  
Chris Gossett  
Charlie Fisher  
Kecia Lara  
John Hixon  
Chanda Cooper  
Lillian McBride  
Ashley Powell

- c. **Employee Grievance**
- d. **Personnel Matter**

**CITIZENS' INPUT**  
**(For Items on the Agenda Not Requiring a Public Hearing)**

Ms. Margaret Sumpter spoke regarding Item # 39 – “An Ordinance Amending the Fiscal Year 2015-2016 Hospitality Tax Fund Annual Budget to appropriate \$4,500,000 of Hospitality Fund Balance to provide funding for Phase II of Pinewood Lake Project”.

Ms. Janet Jordan spoke regarding the Transportation Penny Tax issue.

Mr. Vince Osborne, Ms. Rachel Larratt, Ms. Sabrina Todd, and Ms. Patrice Gibson spoke regarding the Blue Ribbon Advisory Committee recommendations.

Ms. Wendy Brawley spoke regarding Item # 32 – “Board of Voter Registration & Elections Budget Amendment”.

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. **Employee Grievance (1)** – This item was taken up in Executive Session.
- b. **2015 Outstanding Conservation District Award/Richland Soil and Water Conservation District** – Ms. Dixon recognized the Richland Soil and Water Conservation District on being named SC Outstanding Conservation District by the SC Association of Conservation Districts.
- c. **2015 South Carolina Conservation Contest Winners** – Mr. Manning presented an award to the 2015 SC Conservation poster contest winner from Council District Eight.
- d. **Flood Update: CDBG-DR Funding Plan** – Mr. McDonald stated Richland County received \$23.5 million through HUD funding for flood recovery.
- e. **Introduction of New Employee** – Mr. Harley introduced to Council the new Utilities Director, Shahid Khan.

**POINT OF PERSONAL PRIVILEGE** – Mr. Rush thanked staff for their hard work to secure the CDBG-DR funding.

**REPORT OF THE CLERK OF COUNCIL**

- a. **Richland County Legislative Reception, March 2<sup>nd</sup>, 5:30-7:30 p.m., Columbia Metropolitan Convention Center** – Ms. McDaniels reminded Council of the upcoming Richland County Legislative Reception on March 2nd at Columbia Metropolitan Convention Center.

**REPORT OF THE CHAIR**

- a. **Personnel Matter** – This item was taken up in Executive Session.



### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing Quit Claim Deeds to Shelby King and William Short for parcels of land located in Richland County; known as the Olympia Alleyways, and abutting TMS # 11203-12-17 and 11203-12-13 No one signed up to speak.**
- **An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and “Volunteer Organization Active in Disaster” (VOAD’s), and allowing for the temporary waiver of business license fees for contractors and “Volunteer Organization Active in Disaster” (VOAD’s) – No one signed up to speak.**
- **An Ordinance Authorizing the First Amendment of that certain Inducement and Millage Rate Agreement and Lease Agreement by and between Richland County, South Carolina and Koyo Bearings North America, LLC (f/k/a Koyo Bearings, USA, LLC), relating to, without limitation, the extension of the term of the project – No one signed up to speak.**

### APPROVAL OF CONSENT ITEMS

- **An Ordinance Authorizing Quit Claim Deeds to Shelby King and William Short for parcels of land located in Richland County, known as the Olympia Alleyways, and abutting TMS # 11203-12-17 and 11203-12-13 [THIRD READING]**
- **15-47MA, Keith Moore, GC to LI (2.58 Acres), Leesburg Road and Pepper Street, 16407-08-04 & 09 [SECOND READING]**
- **15-49MA, David Powlen, PDD to PDD (amended PDD) (8.11 Acres), Hardscrabble Rd. & Summit Parkway, 05200-03-12 [SECOND READING]**
- **16-04MA, Chuck Munn, RU to RS-LD (41.44 Acres), Longtown Rd. & Rimer Pond Rd., 20500-04-01 [SECOND READING]**
- **Department of Public Works: 2015 Flood Engineering Services Project**
- **Depart of Public Works: 2015 Flood Repairs Project**
- **Department of Public Works: ADA Ramp Improvements Project**
- **Building Inspections – Authorization to Increase Purchase Orders over \$100,000**
- **Approval of the updated Richland County Neighborhood Improvement Program Five-Year Project Plan**
- **Request to Rename the Jury Assembly Room of the Richland County Judicial Center**
- **Professional Services/Airport Work Authorization 6, Amendment 1**
- **Purchase of Property Insurance; Property Insurance Broker One Year Renewal**

■ **Renewal of the Liability Claims Administrator**

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

**THIRD READING**

**15-35MA, Cynthia Weatherford, RS-HD to LI (1.27 Acres), 2610 Harlem St., 16204-08-01** – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item. The vote in favor was unanimous.

**An Ordinance Authorizing the First Amendment of that certain Inducement and Millage Rate Agreement and Lease Agreement by and between Richland County, South Carolina and Koyo Bearings North America, LLC (f/k/a Koyo Bearings, USA, LLC), relating to, without limitation, the extension of the term of the project** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

**FOR**                      **AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

The vote in favor was unanimous.

**An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and "Volunteer Organizations Active in Disaster" (VOAD's), and allowing for the temporary waiver of business license fees for contractors and "Volunteer Organizations Active in Disaster" (VOAD's)** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item.

Mr. Pearce stated in response to those individuals that spoke regarding the flood event, this ordinance should expedite the recovery process.

<u>FOR</u>	<u>AGAINST</u>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	
Jeter	

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Manning, to reconsider this item. The motion failed.

### SECOND READING

**16-03MA, D. R. Horton-Crown, LL.C, RU to RS-MD (25.34 Acres), Hollingshed Rd. & Kennerly Rd., 05200-01-13 & 18** – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item. The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances: Chapter 26, Land Development: Article VII, General Development, Site and Performance Standards; Section 26-172, Density and Dimensional Standards; Subsection (B), Required Setbacks; Paragraph (5), Projections into Required Yards; Subparagraph C., Screening and Retaining Walls and Fences; so as to allow fences and walls not over seven (7) feet in height in side and rear yards** – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item.

<u>FOR</u>	<u>AGAINST</u>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	
Jeter	

The vote in favor was unanimous.

### FIRST READING

**A Second Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Revenue Bonds, Taxable Series 2015, or such other appropriate series**

**designation, in the principal amount of not exceeding \$13,500,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [BY TITLE ONLY]** – This item was held in the Economic Development Committee.

### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Approve the Dock Donation From EZ Dock, Inc. For Use at the Richland County Rowing Center** – Mr. McDonald requested this item be deferred until the hold harmless agreement is completed by the Legal Department.

Mr. Manning moved, seconded by Ms. Dickerson, to defer this item until the March 15<sup>th</sup> Council meeting. The vote in favor was unanimous.

**Sponsorship Request: 2016 Army Ball and the Official 100<sup>th</sup> Anniversary Kick-Off event [DENIAL]** – Mr. Pearce was forward from committee with a recommendation for denial. The denial was based upon the fact there is no funds left in the Hospitality Tax account.

Mr. Pearce stated he strongly supports the County's participation in the Kick-Off event for Fort Jackson's 100<sup>th</sup> Anniversary.

Mr. Pearce moved, seconded by Mr. Malinowski, to approve \$5,000 from the Community account during the budget process.

Mr. Manning made a substitute motion, seconded by Mr. Livingston, to approve \$5,000 from the General Fund.

Ms. Dickerson made a second substitute motion, seconded by Ms. Dixon, to approve \$10,000 from the General Fund.

Mr. Malinowski inquired if the request was for \$5,000 from the City of Columbia and \$5,000 from the County or \$10,000 from each entity.

A response to Mr. Malinowski's inquiry will be provided before Third Reading of the budget amendment.

Mr. Pearce withdrew his motion.

The vote in favor was unanimous for the second substitute motion for \$10,000 from the General Fund.

**Board of Voter Registration & Elections Budget Amendment** – Mr. Pearce stated this item was forwarded to Council without a recommendation. The County Administrator has sent Council additional information requested by the committee.

Mr. McDonald stated he has had further discussion with Voter Registration and Elections staff regarding their request. Mr. Selph has indicated he does not expect to receive as much in reimbursements as he had anticipated; therefore, he does not feel the amount of reimbursements will make the department whole. The department is requesting \$400,000 plus reimbursements to equal approximately \$1.2 million.

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Regular Session Meeting  
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Mr. Jeter inquired if entering into a contractual relationship with the municipalities had been explored and if not to research that alternative for the future.

Mr. McDonald stated another question that has been raised is if all of the costs of the elections are being charged to the municipalities.

Mr. Jeter pointed out the purchase of Motherboard Batteries, Phones, Printers, Repairing Voting Machines, Purchasing Related Equipment, and Maintenance and License fees are not recurring expenditures.

Mr. Jeter inquired if the Election Machine Technician funding is a part of the request.

Mr. McDonald stated he believes the intent is to request funding for the position in the future.

Mr. Malinowski requested more detailed information related to the purchase of the equipment, batteries, phones, etc.

Mr. Malinowski inquired about Greenville and Charleston's budget

Mr. McDonald stated Greenville is budgeted at \$2 million for a 2-year budget period and Charleston's budget is approximately \$1.9 million per year.

Ms. Dickerson stated she supports Voter Registration having the equipment, personnel, etc. to run the office efficiently, but she would like to see a spreadsheet showing how and where the figures came from in the agenda packet.

Mr. Selph stated the budget amendment will be reduced to \$400,000.

Mr. Selph further stated the department was given \$160,481 to run the City of Columbia, the two Presidential Preference and the upcoming June primary elections.

Richland County has 265,000 voters; Greenville County has approximately 290,000 voters and Charleston County has a few less voters than Richland County.

Mr. Livingston moved, seconded by Mr. Jeter, to approve the Administrator's recommendation to utilize the reimbursements and to give first reading to a budget amendment in the amount of \$106,739.00. Prior to second reading Mr. Livingston would like to receive more detailed information.

Mr. Livingston stated the Administrator mentioned a budget amendment in the amount of \$400,000, but was not sure what that amount was referring to.

Mr. McDonald stated the \$400,000 is the number that is the approximate difference between \$1.2 million request and the estimated reimbursement of \$750,000 - \$800,000.

Mr. Jackson inquired if the Elections Department is submitting a partial or full budget request every year.

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Mr. McDonald stated the Elections department, as well as other departments, traditionally request more funding than they receive. The \$1.2 million funding foundation is the amount calculated when the Voter Registration and Elections departments merged and the formula was to be set based upon an average of Greenville and Charleston for a 2-year period.

Mr. Jackson expressed concern that Elections is the only department that comes back to Council for budget amendments annually.

Mr. Rush stated at the committee meeting a request was made to see a comparison of Greenville County and Charleston County's budgets. He further requested clarification if the \$2 million for Greenville County is an annual appropriation or for 2-years.

Mr. McDonald stated it is his understanding that the \$2 million is for a 2-year period.

Mr. Rush inquired about the amount of legal fees for the Elections department.

Mr. McDonald stated the legal fees are not a part of this request.

Mr. Pearce stated he takes issue with the fact that there are other departments that come back for budget amendments besides the Elections Department. He further stated you cannot adequately compare Greenville and Charleston with Richland County unless you look at their revenue base.

Mr. Pearce expressed his concern with funding capital costs at this point in the year.

Mr. Selph and Mr. McDonald discussed charging the municipalities for the Elections employees.

Mr. Selph stated because Greenville County has a larger tax base and Charleston County is a richer county does not negate the fact that Richland County has to run elections for 265,000 registered voters. The Elections Department has to be prepared for when elections take place.

Mr. Pearce stated he does not debate the fact the elections have to be run, but where to find the money to support this request.

Mr. Malinowski stated funding the department is one thing and how the funds are handled by the department is another.

Mr. Jeter stated approving Mr. Livingston's motion would equate to approving \$122,687 out of the General Fund.

Mr. Selph stated the figures for the reimbursements may have changed. The State Election Commission has a formula for reimbursing the County Elections Department and Mr. Selph is not aware of how much that is.

Mr. McDonald stated if Council agrees to the reimbursement, there will still be a need for a budget amendment. The budget amendment will not take funds from fund balance, but simply appropriate what the expected reimbursement amount is.

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Mr. Manning stated the staff's salaries associated with the elections need to be itemized and the political parties that chose to run an election should be responsible for payment to the County of those expenses.

Mr. Livingston stated he is more concerned with what is required to have an effective election in Richland County than the comparison between Greenville and Charleston.

Mr. Jackson stated it is unfortunate the County is bound by Federal and State law and the legislators continue to cut the Local Government Fund, but his main concern is that the Elections Department is properly funded.

Mr. Rose stated his concern goes back to the 2011 State law that binds this Council, which mandates the County must fund the Elections Department. The law does not allow any oversight of the finances and increased the budget from \$795,000 to \$1.2 million.

Ms. Dickerson stated she is going to support Mr. Livingston's motion, but would like a spreadsheet to outline how the requested amount was arrived at.

Mr. Livingston stated to enter \$0 amount for reimbursement for first reading and bring back a dollar amount at second reading.

Ms. Dickerson stated she wants to receive the requested information in enough time to allow her to address any questions she may have prior to the Council meeting.

Mr. Malinowski requested a comparison of Greenville and Charleston's budgets vs. Richland County.

<u>FOR</u>	<u>AGAINST</u>
Malinowski	Rose
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	

The vote was in favor.

**Dawson's Pond** – This item was taken up in Executive Session.

**Coroner's Facility Change Order #1** – Mr. Pearce stated the committee forwarded this item without a recommendation.

Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski inquired why there are differences in prices on the post/concrete items.

Mr. Fosnight stated the concrete pad is for the Coroner's sign and 4 flagpoles.

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Mr. Malinowski inquired what is meant by 10% contingency for overhead noted throughout the documentation.

Mr. Fosnight stated “overhead” is the cost of doing business (i.e. office supplies, equipment, etc.).

Mr. Malinowski inquired about the fire-rated wood door.

Mr. Fosnight stated there is a treatment on the door that will allow it to burn before it becomes an issue.

Mr. Malinowski made a substitute motion, seconded by Mr. Manning, to amend the change order to install 3 flagpoles instead of 4 flagpoles.

Mr. Fosnight stated the 4<sup>th</sup> flagpole is for “Child Advocacy”. If a child is to pass away a red flag is flown on this flagpole; on other days a blue flag is flown.

Mr. Jackson inquired about the cost of the flagpole.

Mr. Fosnight stated the cost would be approximately \$1,000.

Mr. Jackson he would be willing to pay for the flagpole with his discretionary account.

<u>FOR</u>	<u>AGAINST</u>
Rose	Dixon
Malinowski	Jackson
Pearce	Livingston
Rush	Dickerson
Manning	

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Malinowski, to reconsider this item. The motion failed.

**One Year Extension of the City of Columbia-Richland Communications Center Agreement** – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

## **RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF VACANCIES**

- a. Township Auditorium Board – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- b. Board of Zoning Appeals – 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- c. Board of Assessment Appeals – 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.



- d. **Accommodations Tax – 1 [Applicant must have a background in Lodging]** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.

**II. NOTIFICATION OF APPOINTMENTS**

- a. **Employee Grievance Committee – 1** – Mr. Malinowski stated the committee recommended appointing Mr. Elmer C. Brown, Jr. The vote in favor was unanimous.
- b. **Lexington Richland Alcohol and Drug Abuse Council – 1** – Mr. Malinowski stated there was a mistake made in the creation of the agenda and there was only 1 vacancy instead of 2.

Mr. Rose, Mr. Malinowski, Ms. Dixon, Mr. Pearce, Ms. Dickerson, and Mr. Manning voted in favor of Mr. L. Levern (Buddy) Wilson, Jr.

Mr. L. Levern (Buddy) Wilson, Jr. was appointed to the Lexington Richland Alcohol and Drug Abuse Council.

**REPORT OF THE HEALTH INSURANCE AD HOC COMMITTEE**

- a. **County Employee Health Insurance Provider Recommendation for FY16-17** – Mr. Pearce stated the committee met and evaluated putting out an RFP vs. remaining with the current provider. The committee recommended continuing to work with the current provider and bring back alternatives during the budget process on how to address the increasing insurance costs. According to the report given at the Council Retreat, it will cost approximately \$4 million more for insurance coverage in the coming year.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	

The vote in favor was unanimous.

**REPORT OF THE PINWOOD LAKE AD HOC COMMITTEE**

- a. **An Ordinance Amending the Fiscal Year 2015-2016 Hospitality Tax Fund Annual Budget to appropriate \$4,500,000 of Hospitality Fund Balance to provide funding for Phase II of Pinewood Lake Project [FIRST READING]** – Mr. Jackson stated the committee met to discuss the release of the

approved funds to complete the Pinewood Lake project. The committee forwarded the item to Council without a recommendation.

Mr. Jackson moved, seconded by Ms. Dixon, to approve this item.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Dixon	Rose
Jackson	Malinowski
Dickerson	Pearce
Manning	Rush
	Livingston

The motion failed.

#### **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. **Bluff Road Phase I Widening Project Utility Relocation Recommendation** – Mr. Livingston stated staff recommended undergrounding of the utilities. The committee recommended approval of this item. The vote in favor was unanimous.
- b. **Committee recommended path forward for TPAC** – Mr. Livingston stated the committee met and reviewed the TPAC’s recommendations for amending their roles/responsibilities. The committee’s recommendation was to schedule a Council work session with the aid of a facilitator to outline the revision of the role.

Mr. Manning moved, seconded by Ms. Dickerson, to table this item until after Executive Session. The vote in favor was unanimous.

#### **REPORT OF THE BLUE RIBBON ADVISORY COMMITTEE**

- a. **Blue Ribbon Committee Recommendations** – Mr. Rush stated the committee met on February 18<sup>th</sup> to review and discussed the following 2016 Council Retreat Directives: 1) Consider demobilization of the Lower Richland County Operations Center [LROC]; 2) Consider demobilization of the County Donated Goods Relief Supply Warehouse transferring that function to the Long Term Recovery Group [LTRG]; 3) Hire a Community Recovery Specialist; 4) Continue to work with the Council of Governments [COG] to update the Richland County portion of the Hazard Mitigation Plan [HMP] before the existing plan expires in August 2016; and 5) Be prepared to quickly approve the updated HMP once it is completed.

The day after the meeting, staff was notified the County is eligible for an additional Community Recovery Specialist.

Mr. Rush stated the committee unanimously recommended Council approve the 2016 Council Retreat Directives with the addition of the 2<sup>nd</sup> Community Recovery Specialist to be paid for by FEMA.

Mr. Malinowski stated the persons taking the Community Recovery Specialist positions need to be informed upfront that these are temporary positions and will not be absorbed by the County.

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The vote in favor was unanimous.

Mr. Rush stated the committee recommended approval of the projects outlined on pp. 287-292 of the agenda. The committee further recommended adding the following items: 1) Strengthen the water retention ability of the Spring Lake Dam [project application to be submitted by Gills Creek Watershed Association.]; 2) Strengthen the water retention ability of the Carrie Lake Dam [project application to be submitted by Gills Creek Watershed Association]. The committee was informed County Council has not approved any project or undertaken privately owned dams, which the County would have future responsibility in anyway. If approved by County Council the projects on the list will be developed into pre-applications and submitted to the SC Emergency Management Division for consideration under the State Hazard Mitigation Grant Program. These applications are due by April 4, 2016.

Mr. Bronson stated the projects before Council for consideration are the projects developed using the criteria approved by Council at the previous Council meeting. The two (2) dam projects were not submitted by staff. The Blue Ribbon Committee added those projects.

Mr. Malinowski inquired how Council can approve putting something on a list of projects for Richland County where Richland County has no jurisdiction (i.e. dams).

Mr. Bronson stated at the committee meeting a discussion took place wherein it was relayed that Council was not inclined to do any work on privately owned dams where the County would have current or future maintenance liability. The County would have to make the application, but the Gills Creek Watershed would actually execute the agreement. A legal opinion would have to be received before the dam projects would move forward.

Mr. Jackson inquired if Pinewood Lake dam was included in this list.

Mr. Bronson stated Spring Lake Dam and Carrie Lake Dam were the only two dams recommended by the committee.

The vote in favor was unanimous to pursue the projects outlined on pp. 287-292 of the agenda.

Mr. Rush stated the committee recommended affirming the three (3) options to fund the 25% local match for voluntary residential property acquisition. The options are as follows: 1) State appropriation, 2) CDBG-DR Grant, and 3) Property Owner Pays the required match.

Mr. Bronson stated all of the options outlined will be utilized to assist with the buyouts.

The vote in favor of the three funding options was unanimous.

Mr. Rush stated the committee discussed a resolution requesting the General Assembly to appropriate funding in the amount that is commensurate with the level of damage the County incurred as a result of the flooding. Currently the Ways & Means Committee has \$72 million appropriated for the 25% local match for State and Local agencies receiving FEMA funds.

The committee unanimously recommended approval of the resolution. The vote in favor of the resolution was unanimous.

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

Ms. Helen Taylor Bradley spoke regarding the Lower Richland Sewer Project and requested answers to the questions she proposed at the Council Retreat.

Mr. Charles Lee spoke regarding the traffic on Kennerly Road.

Dr. Marie Assaad Faltas spoke about the response she received to her FOIA request related to Austin Woods Apartments.

Ms. Carol Goodson stated she was following up on having the name "Hopkins" painted on the water tower.

**EXECUTIVE SESSION**

*Council went into Executive Session*

- a. **Department of Revenue Update** – Mr. Livingston moved, seconded by Mr. Manning, to proceed as discussed in Executive Session. The vote was in favor.
- b. **Dawson's Pond** – Mr. Pearce moved, seconded by Mr. Jackson, to request the Legal Department to obtain an Attorney General's opinion prior to any future action on this item. The vote was in favor.
- c. **Employee Grievances – 1** – Mr. Malinowski moved, seconded by Mr. Jackson, to reinstate the employee to their former position, remove the disciplinary action from their personnel file and include back pay. The vote was in favor.
- d. **Personnel Matter** – Mr. Manning moved, seconded by Mr. Malinowski, to reorganize the Clerk's Office to include rewriting the position descriptions to be staffed with two employees.

Mr. Jackson made a substitute motion, seconded by Ms. Dickerson, to advertise the position and staff the office with 3 employees.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Dixon	Rose
Jackson	Malinowski
Rush	Pearce
Livingston	Manning
Dickerson	

The vote was in favor of the substitute motion.

- e. **Committee recommended path forward for TPAC** – Mr. Livingston stated the committee’s recommendation was to schedule a Council work session with the aid of a facilitator to outline the revisions of the TPAC’s role/responsibilities.

<u>FOR</u>	<u>AGAINST</u>
Malinowski	Rose
Pearce	Dixon
Rush	Jackson
Livingston	Dickerson
Manning	

The vote was in favor.

### MOTION PERIOD

- a. **Resolution in support of “Sierra’s Law” Bill [DIXON]** – Mr. Manning moved, seconded by Ms. Dixon, to adopt a resolution in support of “Sierra’s Law” Bill. The vote in favor was unanimous.
- b. **I move that the Richland County Neighborhood Improvement Program develop a set of criteria for determining the necessity of future Neighborhood Master Plans in unincorporated Richland County and that staff begin their analysis with District 9 no later than the end of the calendar year [December 31, 2016] [DIXON]** – This item was referred to the D&S Committee.
- c. **I move that the concept of utilizing a “Special Purpose Tax District” for the purpose of providing funding for the repair and replacement of privately owned dams in Richland County be presented to the full County Council for consideration. Further, that the Chair of Council determine how this information can best be presented to the full body [PEARCE]** – This item was referred to the A&F Committee.
- d. **I move that Richland County Council do an immediate assessment of the PDT contract, the role and placement of the SLBE office, the role and placement of the OSBO office, and the role of the TPAC, as well as, a thirty day hold on any transaction/payment to the Transportation Penny Program. Note: I have concerns and have no idea how the taxpayer dollars are being spent. Staff is not giving adequate information and jobs performed were to be done by the OSBO/SLBE department. That department was to be fully staffed is totally ignored by Council’s directive. [JACKSON]** – This item was referred to the Transportation Ad Hoc Committee.
- e. **A Resolution recognizing the Columbia Classical Ballet Company and Columbia City Ballet’s joint event featuring Washington Ballet, and Richland County native, Brooklyn Mack and American Ballet Theatre’s Misty Copeland [MANNING]** – Mr. Manning moved, seconded by Ms. Dixon, to adopt a resolution recognizing the Columbia Classical Ballet Company and Columbia City Ballet’s joint event featuring Brooklyn Mack and Misty Copeland. The vote in favor was unanimous.

### ADJOURNMENT

The meeting adjourned at approximately 10:39 PM.

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Torrey Rush, Chair

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Greg Pearce, 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

---

Jim Manning

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Seth Rose

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Kelvin E. Washington, Sr.

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

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

March 15, 2016  
6:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

#### INVOCATION

The Invocation was led by the Honorable Greg Pearce

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Greg Pearce

#### PRESENTATION OF RESOLUTION/PROCLAMATIONS

- a. **A Resolution honoring the Honorable Chief Justice Jean Hoefler Toal for her dedicated service to the State of South Carolina [MANNING, JACKSON, LIVINGSTON, ROSE, PEARCE, and DICKERSON]** – Council presented Chief Justice Jean Hoefler Toal with a resolution on behalf of her retirement for her dedicated service to the State of South Carolina.
- b. **Proclamation recognizing Coach Ronnie Robinson [RUSH]** – Mr. Rush presented a proclamation to Coach Ronnie Robinson recognizing his accomplishments with the Lancaster High School Girls Basketball Team.
- c. **Purchasing Professionals Month Proclamation [RUSH]** – Mr. Rush presented a proclamation to the Procurement staff in honor of Purchasing Professionals Month.

#### APPROVAL OF MINUTES

- a. **Regular Session: March 1, 2016** – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as distributed.

Mr. Malinowski brought to the Clerk's Office attention a scrivener's error on p. 13 of the minutes and requested it be corrected prior to the minutes being placed on the County's website.



#### Committee Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Damon Jeter  
Paul Livingston  
Bill Malinowski  
Jim Manning  
Seth Rose

#### Others Present:

Tony McDonald  
Warren Harley  
Kimberly Roberts  
Daniel Driggers  
Kevin Bronson  
Larry Smith  
Brandon Madden  
Rob Perry  
Quinton Epps  
Brad Farrar  
Dwight Hanna  
Ismail Ozbek  
Donny Phipps  
Chad Fosnight  
Tracy Hegler  
Michelle Onley  
Lillian McBride  
Stephany Snowden  
Beverly Harris  
Samuel Selph  
Jennifer Wladischkin  
Christy Swofford  
Roxanne Ancheta  
Bill Peters  
Hayden Davis  
Brenda Parnell  
Kristen Shealy  
Valeria Jackson

Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as amended. The vote was in favor unanimous.

### **ADOPTION OF AGENDA**

Mr. Rush requested a Personnel Matter be added to the agenda under the Report of the Chair.

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

### **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

Mr. Smith stated the following items were potential Executive Session Items:

- a. **Department of Revenue Update**
- b. **North Main Street Widening Project: Right of Way Acquisition**
- c. **Personnel Matter**

### **EXECUTIVE SESSION**

*Council went into Executive Session at approximately 6:20 p.m.  
and came out at approximately 6:23 p.m.*

### **CITIZENS' INPUT**

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

Mr. Pearce moved, seconded by Mr. Rose, to waive the rules and give the citizens an opportunity to speak regarding the item(s) that will have a public hearing at a future meeting. Those citizens will not be allowed to speak when the public hearing for this item is held.

Ms. Marjorie Johnson, Mr. Jim Reid and Ms. Nancy Barksdale spoke regarding the Voter Registration and Elections Department budget amendment.

### **REPORT OF THE COUNTY ADMINISTRATOR**

No report was given.

### **REPORT OF THE CLERK OF COUNCIL**

- a. **2<sup>nd</sup> Annual Distinguished Women's Luncheon, March 24<sup>th</sup>, 11:30 a.m. - 2:30 p.m., 4<sup>th</sup> Floor Conference Room** – Ms. Onley reminded Council of the upcoming Distinguished Women's Luncheon on March 24<sup>th</sup> in the 4<sup>th</sup> Floor Conference Room.



**REPORT OF THE CHAIR**

- a. **Personnel Matter** – This item was taken up in Executive Session.

**APPROVAL OF CONSENT ITEMS**

- 15-47MA, Keith Moore, GC to LI (2.58 Acres), Leesburg Road and Pepper Street, 16407-08-04 & 09 [THIRD READING]
- 15-49MA, David Powlen, PDD to PDD (amended PDD) (8.11 Acres), Hardscrabble Rd. & Summit Parkway, 05200-03-12 [THIRD READING]

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

**THIRD READING**

**15-35MA, Cynthia Weatherford, RS-HD to LI (1.27 Acres), 2610 Harlem St., 16204-08-01** – Mr. Jeter moved, seconded by Mr. Manning, to approve this item.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	
Jeter	

The vote in favor was unanimous.

**16-03MA, D. R. Horton-Crown, LLC, RU to RS-MD (25.34 Acres), Hollingshed Rd. & Kennerly Rd., 05200-01-13 & 18** – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-172, Density and Dimensional Standards; Subsection (B), Required Setbacks; Allowable Encroachment into Required Setbacks; Paragraph (5), Projections into Required Yards; Subparagraph C., Screening and Retaining Walls and Fences; so as to allow fences and walls not over seven (7) feet in height in side and rear yards**  
– Ms. Dixon moved, seconded by Ms. Dickerson, to approve this item.

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Ms. Dickerson inquired how this ordinance will be addressed when the HOA does not allow fences to be seven (7) feet in height.

Ms. Hegler stated the HOA's covenants would supersede the requirements and would be privately managed through those covenants.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	Manning
Malinowski	Jeter
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	

The vote was in favor.

**SECOND READING**

**An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate \$10,000.00 of General Fund Unassigned Balance to be used for expenses generated for the 2016 Army Ball and the Official 100<sup>th</sup> Anniversary Kick-Off Event** – Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski inquired if this item was being forwarded to the budget process.

Mr. Pearce stated the original motion was to “front” them the money and pay it back in the upcoming budget process, but that motion failed. A subsequent motion was made to fully fund the event.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	
Jeter	

The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2015-2016 General Fund Annual Budget to appropriate General Fund Balance to be used for Board of Voter Registration & Elections Department operation, equipment and staffing** – Mr. Jeter moved, seconded by Mr. Jackson, to approve this item.

Mr. McDonald there is revisions to the numbers that were previously presented. There were adjustments to the reimbursements and actual numbers. Included in the agenda packet are detailed budget documents regarding their budget request. Unfortunately, the amount the department requested was not appropriated due to budget constraints and budget cuts had to be made during the budget process.

Mr. Selph or his staff would be better able to address the need for the items the department has requested.

Mr. Jeter inquired if Voter Registration and Elections is included in the County's CAFR.

Mr. McDonald stated all departments, even those that are not direct report departments, are included in the audit if County funds are made available to them.

Mr. Rush inquired as to what the audit looks at.

Mr. McDonald stated the annual audit is a financial audit that looks at the County's own preparation of its own financial statements and makes a determination as to whether those statements/numbers are reported correctly. It does not make a judgment with respect to operations.

Mr. Pearce stated he does not understand how Greenville County conducts an election with more voters more efficiently. He also inquired how to conduct an election properly.

Mr. Selph stated the South Carolina State Election Commission conducts classes that teach election directors and election workers how to conduct elections. Mr. Selph stated he received his certification as an Election Director in October 2015.

Mr. Pearce stated all the County has is a financial audit; therefore, how can the elections department assure the County the funding is being spent correctly without a program audit.

Mr. Selph stated when Greenville County is reimbursed from the municipality the funding is placed in a separate line item. When they are reimbursed from the State Election Commission it is put in a separate line item. They use the revolving fund to pay their poll workers.

Mr. Pearce stated Council appropriated a certain amount of money for the department and this far into the fiscal year the department is requesting almost as much as was appropriated for the whole year.

Mr. Selph stated a number of the voting machines are not operational because they do not have functioning motherboard batteries. The call center to report problems on the day of the election needs phones. The printers are 10 years old and need to be replaced in order to print absentee ballots and voter registration cards. The curbside signage is needed in case the polling site is not operational and to inform the voters where the polling site has been moved to.

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Every election that is conducted the results have to be sent to the State Election Commission. The Election Commission reports back to the County Elections Office that every vote has been counted. Since Mr. Selph has been with the department the audits have been clean.

Ms. Dickerson inquired how much funding is reimbursed from the State and will it offset the costs.

Mr. McDonald stated the estimated reimbursement from the State is \$702,000.00.

Mr. Selph stated his department needs \$229,208, the projected reimbursement from the State Election Commission and the amount received from the City of Columbia.

Ms. Dickerson inquired if the numbers have been professionally audited.

Mr. Selph stated the Finance Department has reviewed the numbers, but there has not been a professional audit.

Mr. Livingston inquired if the reimbursements have traditionally been placed in the General Fund.

Mr. McDonald responded in the affirmative.

Mr. Selph stated he has requested that henceforth to establish line items and have the reimbursements come directly to the department. This would negate the need for them to come to Council for funding.

Mr. Livingston inquired about the estimated total amount of reimbursements.

Mr. McDonald stated the estimated amount this year is \$855,203.00, but the amount will vary depending on the number of elections that are held.

Mr. Pearce made a substitute motion, seconded by Mr. Malinowski, to not fund the request and direct the County Administrator to expedite a program audit.

Mr. Jeter stated it was his understanding the department did not have adequate funding to conduct a program audit. In addition, is this to be a program and financial audit?

Mr. Pearce stated the audit would be paid for out of the General Fund and the program audit should determine the answer to Council's questions.

Mr. Malinowski inquired if Voter Registration and the Elections Department were funded at \$750,000 prior to being combined. When the two were joined they were funded at \$1.2 million.

Mr. McDonald stated those amounts seem to be what he recalls.

Mr. Malinowski inquired why it took over 9 months to request the replacement printers.

Mr. Selph stated the request for replacement printers were contained in last year's budget proposal.

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Mr. Malinowski inquired if the funding to run the elections for the municipalities is included in the department's budget at the beginning of the fiscal year.

Mr. McDonald stated the budget at the beginning of the budget year operates the department, and its services, including the elections. Any reimbursements have historically gone to the General Fund General Revenue stream to support the County's revenue and operations.

Mr. Livingston expressed his concern with the substitute motion since it may not address the non-recurring capital needs.

Ms. Dixon inquired how long the audit will take and the cost of the audit. Additionally, she inquired of Mr. Selph how often the equipment is serviced, the life of the motherboard batteries and how often the licensing fee has to be paid.

Mr. Selph responded the equipment is serviced after every election. The motherboard batteries last approximately 5 years. The licensing fee must be paid annually.

Mr. McDonald stated he would estimate that it would take 2-3 months to conduct the audit and based on other similar audit he would approximate the cost to be \$15,000 - \$20,000.

Ms. Dickerson suggested moving forward with the capital expenditures to prevent the issues experienced during the 2012 election, but to also move forward with the financial and program audit.

Mr. McDonald stated there is an additional request for \$25,000 to cover attorney's fees.

Mr. Rush inquired if the Election Commission had approached the legislature regarding the attorneys' fees, as well as, the capital needs expenses.

Mr. Selph stated the legislature has been approached and they referred him back to County Council.

Mr. Livingston made a second substitute motion, seconded by Ms. Dickerson, to move forward with a budget amendment in the amount of \$229,208.90 to cover the non-recurring capital costs, maintenance and licensing fees and to direct staff to move forward with a program and financial audit of the department.

Mr. Selph stated he is researching if he can charge the costs for the office personnel back to the municipalities when they are assisting with an election.

Mr. Manning inquired if the Parties Presidential Primaries are fully reimbursed.

Mr. Selph stated they are not fully reimbursed. The State has a formula for reimbursement and the County election offices have to abide by that formula. He believes the percentage that is reimbursable is approximately 85%.

**FOR**

Dixon

Jackson

Livingston

Dickerson

Manning

Jeter

**AGAINST**

Rose

Malinowski

Pearce

Rush

The vote was in favor of the second substitute motion.

Mr. Pearce moved, seconded by Mr. Livingston, to reconsider this item. The motion failed.

**REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Approve the Dock Donation from EZ Dock, Inc. For Use At The Richland County Rowing Center** – Mr. Pearce stated EZ Dock, Inc. is wishing to donate a \$60,000 dock to the Rowing Center to replace the dock that was destroyed in the flood. The item was deferred to in order to draft a hold harmless agreement to be executed between the County and EZ Dock. The dock company does not wish to execute a hold harmless agreement.

Mr. Smith stated the hold harmless is not required, but was suggested by the Legal Department because the County had no involvement in the design, installation or construction of the dock.

Mr. Pearce stated if the dock is not accepted without the hold harmless agreement, the dock will not be constructed. The County does not have the funding to replace the dock; therefore, there will be no rowing at the Rowing Center until there is funding available.

Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski inquired if the dock was submitted for reimbursement.

Mr. McDonald stated the FEMA packet for reimbursement has not been completed for all of the damages incurred. The dock could be submitted to see if there are any FEMA dollars available for reimbursement when the packet is submitted.

Mr. Livingston inquired if staff has reviewed the design and approved it.

Mr. McDonald stated staff has reviewed the design and approved it.

Ms. Dickerson inquired if there is any liability attached to acceptance of the dock.

Mr. Smith stated if the County were to be sued if someone were injured or property was damaged due to the construction of the dock, the hold harmless agreement would allow the County to be held harmless because the County did not construct/install the dock.

Mr. Livingston stated the County will be held liable if they construct the dock; therefore, the County should approve the donation since the County could be sued either way.

Mr. Jeter inquired about who has access to the dock.

Mr. McDonald stated the Rowing Club has been the primary user, but recently public access has been granted during daylight hours.

Ms. Ancheta stated the gate is open unless there is maintenance being conducted or there are flooding/safety issues to the public.

<b><u>FOR</u></b>	<b><u>AGAINST</u></b>
Rose	
Malinowski	
Dixon	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Manning	
Jeter	

The vote in favor was unanimous.

### **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

**A Second Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Revenue Bonds, Taxable Series 2015, or such other appropriate series designation, in the principal amount of not exceeding \$13,500,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired about what the funding is to be used for.

Mr. McDonald stated the intended use for the funding is for the water park.

Mr. Jackson stated there were no details about the intended use of the funds; therefore, he cannot support this item. In the future, if the Economic Development Committee discusses a project at least attach a “false” name to it until the project can be publicly announced.

Ms. Dixon inquired about how many projects is a part of the bond. She stated that Kelly Mill Park was recently opened up, but the remaining phase has not been completed due to lack of funding.

Mr. McDonald responded it was his understanding the funding is intended for only the water park.

Mr. Livingston moved, seconded by Ms. Dickerson, to defer this item until the April 5<sup>th</sup> Council meeting. The vote was in favor.

## RULES AND APPOINTMENTS COMMITTEE

### I. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS:

- a. **Terms of Service** – Mr. Malinowski stated this item was held in committee.
- b. **Determine if an act that amended Section 27-2-105, Code of Laws of South Carolina, 1976, approved in June 2014, is a violation of Home Rule.**

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

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

**Currently the Richland County/Lexington County line is being looked into for change and neither county has requested this change or disputed the lines.** – Mr. Malinowski stated this item was held in committee.

- c. **Membership Requirements for Business Service Center Appeals Board** – Mr. Malinowski stated this item was held in committee.
- d. **Add to Council Rules – All Regular and Special Called meetings will be broadcast** – Mr. Malinowski stated the committee recommended approval of this item. The vote in favor was unanimous.

## REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **Bluff Road Widening Phase I: Supplemental IGA with SCDOT** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
- b. **North Main Street Widening Project**
  - 1. **Four Party Railroad Agreement** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
  - 2. **Supplemental IGA with SCDOT** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
  - 3. **IGA with City of Columbia** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.



- 4. Right of Way Acquisition [EXECUTIVE SESSION]** – Mr. Livingston stated the recommendation is to move forward as discussed in Executive Session. The vote in favor was unanimous.
- c. County Transportation Improvement Program (CTIP)** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.
- d. FY 2016 TIGER Discretionary Grant Program: Potential Candidates** – Mr. Livingston stated staff recommends submitting two (2) grant applications: Decker Boulevard Neighborhood Improvement Project and the Broad River Corridor Neighborhood Project. The committee’s recommendation is for approval. The vote in favor was unanimous.

### **REPORT OF THE BLUE RIBBON ADVISORY COMMITTEE**

- a. A Resolution requesting the State of South Carolina to appropriate funding to Richland County in an amount that is commensurate with the level of damage Richland County incurred as a result of the 2015 Historic Flood Event** – Mr. Rush stated this resolution will be forwarded to all members of the Legislative Delegation. The committee’s recommendation is for approval. The vote in favor was unanimous.
- b. Blue Ribbon Recommendations from March 10<sup>th</sup> Meeting** – Mr. Rush stated the Intermediate Implementation Plan was presented to the committee. The plan is an internal County plan on how the County departments will conduct intermediate recovery operations within the State’s recovery timeline. It is designed to be a part of the SC Intermediate Recovery Implementation Plan and the Richland County Long-Term Recovery Plan. It outlines the County’s strategy for implementation and support of the intermediate recovery operation.

The committee’s recommendation is to approve the adoption of the Richland County Intermediate Implementation Plan and plan mission.

Mr. Malinowski stated one of the goals is to provide safe housing for all residents, but the majority of the funding is directed toward low-moderate income residents. Therefore, if the residents are not low-moderate income residents will they be excluded?

Mr. Bronson stated the plan will be amended to replace “low-moderate” to “all residents”.

Mr. Malinowski inquired if the locations for the public meetings chosen due to those areas incurring flood damage. He further stated there was not a public meeting location in the Northwest.

Mr. Bronson stated the meeting locations were developed by staff to address the areas that were most impacted by the flooding event. The Blue Ribbon Committee added three (3) additional locations.

Mr. Malinowski requested, if needed, a public meeting in the Northwest. (i.e. Dutch Fork Middle or High School).

Mr. Malinowski inquired why the school districts are not addressed in the listed tasks.

Mr. Bronson stated the school districts will be included in the County's assessment.

Mr. Jackson inquired if the locations were chosen based on claims or report of damages by the flood.

Mr. Bronson stated the starting point was the areas that had the greatest concentration. Then meetings were held with community leaders to determine the best locations to hold the meetings. Staff is currently working with the community leaders to determine the dates to hold the meetings.

The vote was in favor of adopting the Richland County Intermediate Implementation Plan and plan mission.

Mr. Rush stated the committee discussed a project entitled "Richland Restores". It is a pilot program developed by County staff and local non-profit organizations to utilize current Richland County CDBG funds for owner occupied housing rehabilitation. Up to 5 homes in unincorporated areas of Richland County will be selected for rehabilitation. The homes must be owner occupied and adversely impacted by the October floods. Work through Richland Restores would be completed through St. Bernard's Project. All work must be completed and all funds must be spent prior to July 31, 2016. The \$300,000 in funding for this pilot program will come from re-programmed CDBG funding and not CDBG-DR funding. The project may be expanded and funded by disaster recovery funds, such as the CDBG-DR Program.

The committee recommended approval of this pilot program.

Mr. Malinowski stated Council approved Item 22(b), which is outlined on pp. 241-305; therefore, he does not believe anything additional needs to be taken up.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsider the items forwarded from the Blue Ribbon Advisory Committee. The motion failed.

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

Mr. Toney Forrester spoke regarding problems with drug dealers in his neighborhood and their abuse of his dog.

Ms. Helen Taylor Bradley spoke regarding the Lower Richland Sewer Project.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 8:20 p.m.  
and came out at approximately 8:35 p.m.*

- a. **Department of Revenue Update** – No action was taken.
- b. **Personnel Matter** – No action was taken.

**ADJOURNMENT**

The meeting adjourned at approximately 8:39 PM.

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Torrey Rush, Chair

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Greg Pearce, 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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Kelvin E. Washington, Sr.

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

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

March 21, 2017  
6:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Ms. Dickerson called the meeting to order at approximately 6:00 PM

#### INVOCATION

The Invocation was led by the Honorable Jim Manning.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop 8 from the Lutheran Incarnation Church on Devine Street.

#### APPROVAL OF MINUTES

**Regular Session: March 7, 2017** – Mr. Livingston moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

Mr. Seals stated there are no changes, but will indicate that the Matrix organization that conducted the Recreation Commission audit has requested an opportunity to improve its document. They have stated the document will be finalized on March 24<sup>th</sup>.

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

#### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

Mr. Smith stated the following items were potential Executive Session Items:

- a. **Contractual Matter: PDT Contract** – Mr. Livingston moved, seconded by Ms. Myers, to defer this item to the April 4, 2017 Council meeting in order to receive additional information.



#### Committee Members Present

Joyce Dickerson, Chair  
Bill Malinowski, Vice Chair  
Calvin "Chip" Jackson  
Norman Jackson  
Gwendolyn Davis Kennedy  
Paul Livingston  
Jim Manning  
Yvonne McBride  
Dalhi Myers  
Greg Pearce  
Seth Rose

#### Others Present:

Gerald Seals  
Kimberly Roberts  
Michelle Onley  
Brandon Madden  
Larry Smith  
Ismail Ozbek  
Beverly Harris  
Laura Renwick  
Janelle Ellis  
Kevin Bronson  
Tracy Hegler  
Sandra Yudice  
Shahid Khan  
Daniel Driggers  
Dwight Hanna  
Michael King  
Rob Perry  
Arthur Braswell

- b. Jones vs. Richland County**
- c. Contractual Matter: Project DT**

### **EXECUTIVE SESSION**

*Council went into Executive Session at approximately 6:07 p.m.  
and came out at approximately 6:27 p.m.*

- a. Jones vs. Richland County** – Mr. Pearce moved, seconded by N. Jackson, to direct staff to proceed as discussed in Executive Session. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. N. Jackson, to reconsider this item. The motion failed.

### **CITIZENS' INPUT (For Items on the Agenda Not Requiring a Public Hearing)**

No one signed up to speak.

### **REPORT OF THE COUNTY ADMINISTRATOR**

- a. Richland County Recreation Commission Audit Update** – Mr. Seals stated he was scheduled to provide a brief report concerning the Recreation Commission audit. Workshops were held wherein Council was been provided a copy of the report and debriefed on the content of the report. Typically, there is a wrap-up discussion about the quality and content of the report. There were some quality issues with the report that were communicated to the President of the consultant company. The President has requested an opportunity to correct the deficiencies.

Mr. Livingston requested any changes to the report be clearly identified.

Ms. Myers inquired if the changes to the audit will be material changes and therefore, Council should wait to make decisions.

Mr. Seals stated he does not believe it will change the substance of the audit. In the debriefing, the principal mentioned there was dysfunction in the Recreation Commission as it is currently operating; however, in the document there was an effort to sanitize the statement. It was pointed out to the consultant you cannot say one thing to Council and then have a document that uses language that is confusing.

Mr. Manning moved to release the money based on his reading of the document and attendance at the debriefing.

Mr. N. Jackson stated the funding has been withheld from the Recreation Commission and his understanding of the motion was that as soon as Council received the audit the funds were to be

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released. The fees are going up and the kids are threatened with not having afterschool programs because the money is being withheld.

Mr. Manning moved, seconded by Mr. N. Jackson, to release the funding the Council withheld pending the outcome of the audit for the Richland County Recreation Commission.

Mr. Malinowski requested the parliamentarian indicate if the motion is properly before Council. If it is properly before Council, should it be taken up under the Report of the Administrator or elsewhere on the agenda?

Mr. Smith stated normally the Report of the County Administrator is a report and Council does not traditionally does not take action. Council will need to take action consistent with the motion that was previously made in order to release the funds. It's unclear from the budget motion Mr. Manning referred to when Council intended to take action or how Council planned to release the funds, which is part of the problem with the motion. Therefore, it is not properly before Council at this point on the agenda.

Mr. N. Jackson inquired at what point or when would the motion be appropriate because the motion to freeze funds is as follows: "immediately as the audit is presented to Council the funds should be released." There are no conditions. He does not want to wait another 2 weeks to a month and the children are suffering because we are not sure when to release the funds.

Mr. Smith stated as he understands the motion that was made when the funds were frozen, Council was going to revisit the issue once the audit was completed. Based upon what Mr. Seals has said, I'm not sure that has occurred since there is a revision forthcoming.

Mr. N. Jackson stated he is going by the motion made on June 9, 2016. It did not say anything about a continuation. It says as long as the audit is presented to Council, the funds will be released. Was the audit incomplete or was the audit complete, but changes need to be made to the audit?

Mr. Seals stated the audit was submitted as final. Staff has not asked for changes. The consultant has said they need to make changes; therefore, staff has inquired when the changes would be made. The date provided to staff was March 24<sup>th</sup>.

Staff has attempted to convey what happened, which is a final document was submitted. The auditor has requested an opportunity to correct the document. That action normally suffices as it's not complete. Council will make the final call.

Mr. N. Jackson stated Council received a final document and had workshops based upon that document. He has a problem with the auditor wanting to make changes to the final document. The funds have been withheld now for 9 months and the children are suffering.

Mr. Seals does not feel it is appropriate for staff to weigh in on the debate in terms of a policy decision for the distribution of these funds. Staff is sharing what has happened with the audit

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document. The auditor has indicated the document is flawed and the corrected report will be available on March 24<sup>th</sup>.

Mr. Livingston suggested an intergovernmental agreement based on the funds beyond the 5 mills.

Mr. Pearce stated to release the funds without attempting to implement some of the audit recommendations seems to be premature. It seems to him that releasing the funds would require a budget amendment since the 5 mills were passed during the budget process.

Mr. Smith stated it would be his opinion to go pass the 5 mills would require a budget amendment.

Mr. Driggers stated he would defer to the County Administrator, but as he reflects on what was approved at budget, the dollar value that was approved was the total value. If the number of mills being provided to them is more, it is certainly appropriate to do a budget amendment.

Mr. C. Jackson stated he did not interpret the workshop he attended to represent a final audit that could not be changed. He interpreted his attendance at the workshop as receiving a report and therefore, giving his feedback. Then based up the feedback, whatever appropriate modifications would be made.

In addition, Mr. C. Jackson is not certain what legal authority Council has with regards to the findings and the recommendations included in the audit. Council does not have the authority to implement many of the findings, but will be deferred to other agencies for implementation. Nothing he read would require holding up funds, at this point, for students who are participating particularly in the afterschool program. Therefore, he hopes Council will consider making a contingency motion or recommendation, while awaiting the final audit report, which will allow the continuation of the programs. Once the audit is received, there are bigger issues to be addressed if Council wants to pursue authority or oversight of the Recreation Commission.

Mr. Manning stated he would like to make a substitute motion or remove his initial motion. Based on the discussion, there is merit to drafting a MOU or IGA; there is the issue of the report being substantially completed due to grammatical/spelling errors and the tone of the language contained in the report. His clear understanding was that the budget was passed, but a portion was held. It is his belief it should not require a budget amendment and public hearing to release the funds that were held.

Mr. Manning made a substitute motion, seconded by Mr. N. Jackson, to hold a Special Called meeting on March 28<sup>th</sup> immediately following the Zoning Public Hearing. Council will have the final document at that time and Administration can begin drafting a MOU/IGA based upon the audit report.

**POINT OF ORDER** – Mr. Malinowski stated the parliamentarian said motions were not appropriate at this point and time.

Mr. Smith stated Council members can direct the Administrator to bring items back to Council as a result of his report. (i.e. Council members can direct the Administrator to bring back to Council a MOU based upon the discussion.)

Mr. N. Jackson agrees with Mr. Manning. The budget was approved. The motion was to freeze any amount of money above the 5 mills until Council received an audit report. It did not say Council would take action based upon the report. As long as the report said the funds were used for its purpose, the funds were to be released.

Mr. Rose stated personally he would like to see some of the things addressed in the audit report to be included in the MOU. He would also like to see the funds released, but he does not want the findings of the audit to be ignored.

Ms. Dickerson scheduled a Special Called meeting on March 28<sup>th</sup> immediately following the Zoning Public Hearing. The completed document, as well as, a MOU should be available for Council's review.

### **REPORT OF THE CLERK OF COUNCIL**

- a. **Reminder: "Move to Excellence" Richland County Legislative Night Out, March 22, 2017, 5:30 – 7:30 PM, Convention Center** – Ms. Onley reminded Council about the upcoming Richland County Legislative Night Out.
- b. **Reminder: Economic Development Overview, March 29, 2017, 12:00 noon, 4<sup>th</sup> Floor Conference Room** – Ms. Onley reminded Council of the upcoming Economic Development Overview hosted by the Economic Development Department.

### **REPORT OF THE CHAIR**

- a. **CASA Conference Update** – Ms. Dickerson stated Mr. C. Jackson, Mr. Manning and herself participated in the CASA National Convention. She was overwhelmed with the number of children Richland County CASA has been able to assist. At the next Council meeting, she plans to honor the organization.
- b. **Council Workshop Update** – Ms. Dickerson thanked Mr. Seals and staff for their assistance on the Council workshop.

### **OPEN/CLOSE PUBLIC HEARINGS**

- **An Ordinance authorizing deed to the Columbia Automotive Company, LLC for .4312 Acres previously a portion of Terramont Drive, a public road, which was closed by order of the court** – No one signed up to speak.

### **APPROVAL OF CONSENT ITEMS**

- **16-041MA, Robert R. Fuller, RU to OI (10.38 Acres), Clemson Road, R20200-03-45 [THIRD READING]** – Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item.



**FOR**

**AGAINST**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Manning  
Myers  
McBride

The vote in favor was unanimous.

**■ 16-045MA, Johnathan L. Yates, PDD to PDD (40.01 Acres), 200 Summit Parkway, R23011-01-01 [THIRD READING]**

**FOR**

**AGAINST**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Manning  
Myers  
McBride

The vote in favor was unanimous.

**THIRD READING**

**16-036MA, Jeff Stallings, PDD to GC (20 Acres), 8000 Wilson Boulevard, 14400-01-03 & 14402-03-01** – Ms. Kennedy moved, seconded by Mr. Malinowski, to defer this item until the April 4<sup>th</sup> Council meeting. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County** – Ms. Myers moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski inquired about the following language in **Sec. 2-100. Settlement of Claims**: *"The county attorney shall have the sole discretion to decide whether to file an appeal or to waive the filing of same..."*

Previously there was an amount notated, but it has been struck through in the amended ordinance. It is his belief an amount should still be included and anything over a certain amount should be brought back to Council.

In addition, Mr. Malinowski inquired about the following language in **Section 2-138 (5) Emergency 911 Communications (b)(2) E911 Service fee, billing and collection**: *"A monthly charge shall be levied upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the 911 service and/or system..."*

Mr. Malinowski stated with the onset of cell phones there are many homes that do not have landlines that fees can be accessed on. He receives call from individuals that reside in the area, but have out of town area codes. Is there a way to implement a fee on all residences since there is typically a means of communication accessible at each residence?

Mr. Livingston stated he feels there are still too many direct reports to the County Administrator.

Mr. Smith stated the paragraph proceeding Mr. Malinowski's comments includes the following language: *"The county attorney shall have the authority to settle and approve payment of lawsuits, up to an amount approved by County Council in the annual budget..."* Council will set the amount on an annual basis, as to what level of authority the county attorney can approve claims and settlements. The specific amount was taken out of the section to allow Council to give direction on an annual basis. If the number were to change then there would have to be three (3) readings and public hearing each time the amount changed. On the issue of filing an appeal, Council can indicate, at any point and time, if they want the county attorney to appeal or not appeal a specific situation.

Mr. Malinowski stated Council would not necessarily know if there is an opportunity to file an appeal if the county attorney settles a claim, or not settled a claim, with someone based on the dollar figure given. Therefore, language should be included in the ordinance that addresses that matter.

Mr. Seals addressed Mr. Malinowski's comments regarding the 911 Communications fee. Staff is working on this matter and will be taken up during budget discussions.

Ms. Myers stated the educational standards requested for all of the director level reports is still at the discretion of the Administrator. She will work with the Administrator's Office regarding this matter.

Mr. Manning moved, seconded by Mr. Malinowski, to defer this item until the April 4<sup>th</sup> Council meeting.

**Richland County Council  
Regular Session Meeting  
Tuesday, March 21, 2017  
Page Eight**

**FOR**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Kennedy  
Manning  
McBride

**AGAINST**

Livingston  
Myers

The vote was in favor.

Mr. Rose stated according to the chart in the agenda packet, it is recommended CASA remain under the Administrator. He inquired if the CASA attorneys are County employees.

Mr. Smith stated the 4 or 5 attorneys primarily represent the children.

Mr. Rose stated any attorney that works for Richland County should report to the county attorney. His suggestion would be to move the CASA attorneys under the county attorney's office.

Mr. C. Jackson finds it troubling that Council members are unable to attend workshops and then attempt to make last minute changes. He requested a companion document that outlines the changes.

**SECOND READING**

**An Ordinance authorizing deed to the Columbia Automotive Company, LLC for .4312 Acres previously a portion of Terramont Drive, a public road, which was closed by order of the court – Ms. Myers moved, seconded by Mr. Manning, to approve this item for Second Reading. The vote in favor was unanimous.**

**An Ordinance amending the Fiscal Year 2016-2017 Hospitality Tax Fund Annual Budget to appropriate \$200,000 of Hospitality Fund Balance to the SC Military Support Foundation to assist in funding for advertisement and promotion of the 2017 South Carolina Guard Air & Ground Expo – Ms. Myers moved, seconded by Mr. Rose, to approve this item for Second Reading.**

Mr. Malinowski requested a friendly amendment to amend the language as follows: *"Hospitality Tax Fund Annual Budget to appropriate up to \$200,000"*.

Ms. Myers accepted the friendly amendment.

Mr. Livingston inquired if the County will receive a report on this event like any other Hospitality Tax funded programs.

Mr. Seals stated the County will receive a report.

The vote in favor was unanimous.

**An Ordinance authorizing a deed to Vulcan Lands, Inc. for 72± Acres on Caughman Road North, in Richland County, which is a portion of TMS # 06500-01-01** – Mr. Malinowski moved, seconded by Ms. Myers, to defer this item until the April 4<sup>th</sup> Council meeting to receive additional information.

Ms. Dickerson stated a discussion took place in the Horizon meeting regarding the additional information requested. A decision was made that if the information was not received prior to the meeting, the item would be deferred. Information cannot be received at the meeting and Council be expected to make an educated decision.

Mr. Manning feels that when information is requested and is not received then there should be an explanation given as to why the information was not provided.

The vote in favor was unanimous.

### **REPORT OF THE BLUE RIBBON AD HOC COMMITTEE**

Mr. Pearce stated there has been some transitioning taking place in the committee. Mr. Bronson was staffing the committee and did a wonderful job. Under the reorganization, Ms. Hegler has taken over staffing of the committee and the transition has been seamless.

- a. HMGP Hurricane Matthew Project Priorities** – Mr. Pearce stated the committee received an update on the priorities and projects with the HMGP Program. The funding has not been released to date. The Federal government has complimented the county on their response and in fact has adopted some of the procedures as best practices in other areas of the country.
- b. Proposed Richland County HMGP Hurricane Matthew Projects** – Mr. Pearce stated there was additional HMGP Grant Program funding made available due to the 2016 Hurricane Matthew event. Staff felt applying for the additional funding could not hurt the County.

The committee forwarded a recommendation to approve six (6) priority projects. The projects are listed in the agenda packet.

Mr. Malinowski inquired if there are six (6) or seven (7) project categories.

Ms. Hegler stated there were seven (7) recommendations to the committee, but the committee removed one of the recommendations.

The vote in favor was unanimous.

- c. Continuation of Recovery Consultancy Services** – Mr. Pearce stated the committee was presented a request for the continuation of the recovery consultancy services of Tetra Tech through December 31, 2017.

The committee forwarded a recommendation to approve the continuation of the services of Tetra Tech through December 31, 2017.

Mr. Malinowski inquired if the County will be reimbursed any of the costs of Tetra Tech's services.

Ms. Hegler stated HMGP will not reimburse the County.

Mr. N. Jackson inquired how much additional funds are being requested.

Ms. Hegler stated the cost will be \$250,000 to assist in administering the HMGP funds.

Mr. N. Jackson inquired if this is the company that was paid \$1.5 million to assist with cleanup.

Ms. Hegler stated Tetra Tech has been assisting the County, but she is not sure of the total amount.

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Malinowski, to reconsider this item. The motion failed.

### **THE TRANSPORTATION AD HOC COMMITTEE**

- a. **Broad River Road Widening Project** – Mr. Manning stated the Transportation Ad Hoc Committee and TPAC concurred with staff's recommendation to move forward with Alternate C typical and reduce the project limits. The revised limits would be from Royal Tower Road to the intersection of Broad River Road and Dutch Fork Road. The revisions are based upon public comment and current project cost estimates. Should the SCDOT, Central Midlands Council of Governments or another funding source be secured for the project then those funds would extend the project along Dutch Fork Road.

Ms. Myers stated the notes section is confusing because on p. 150 of the agenda the cost is cited as \$29 million, and then on p. 151 the estimated cost is cited as \$37.6 million with the proposed reduction of the project limits.

Mr. Perry stated the original referendum presented to voters in 2012 had cost estimates for all 14 widenings. The original referendum had \$29 million, so even with reducing the project the updated cost estimate is \$37 million. There is a total of \$276 million for all 14 widenings.

Ms. Myers stated Mr. Perry's response raises another question, does this mean funding is being shaved from other projects to cover the costs. Therefore, there may not be available funding for the other projects.

Mr. Perry stated that could happen, which is why the County continues to look for TIGER Grant and COG funds.

Ms. Myers inquired if at some point the County is going to look at rationalizing what projects are important.

Mr. Perry stated the way he has discussed this matter in other settings is we can cost constrain bikeway projects or greenway projects, but when you get to the widening projects or intersection improvements you have to deal with what is found.

Mr. Malinowski inquired if the dirt road paving funding separate from the widening projects.

Mr. Perry answered in the affirmative.

Mr. N. Jackson inquired if the funds will be reimbursed or additional funds will be allocated to the programs related to the STIP.

Mr. Perry stated if they are Federal funds it would be through reimbursement, but if CTC funds are acquired they are not.

Mr. C. Jackson inquired if he is tracking projects that have been completed to see if they exceeded the estimates or came in under budget, and by how much.

Mr. Perry stated there was a 2-3 page summary that was included in the Administrator's Report and was presented to TPAC members a few weeks ago. Once the County Transportation Improvement Program (CTIP) has been updated, it should be presented to Council either through the Transportation Ad Hoc Committee or a Council work session.

Ms. Myers requested to meet with the Administrator and Mr. Perry in the next week to discuss this further.

Mr. Manning stated a major part of the Transportation Penny was getting bonds. He then inquired if the County had gotten all the bonds and maximized on those bonds to pay for the projects.

Mr. Perry responded the County had not gotten all the bonds. The County issued a \$50 million bond anticipation note (BAN) in 2013. The second question on the referendum allowed the County to bond up to \$450 million. The intent is to get ahead of construction inflation.

The vote in favor was unanimous.

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

Mr. Toney Forrester continued his "story" from the previous Council meetings.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 7:48 p.m.  
and came out at approximately 7:59 p.m.*

- a. **Contractual Matter: Project DT** – Mr. Livingston moved, seconded by Mr. Malinowski, to accept this item as information. The vote in favor was unanimous.

### **MOTION PERIOD**

- a. **Based on the mission of the Conservation Commission, I move that the Rowing Club and Historic Columbia be placed under management of the Conservation Commission [N. JACKSON and MALINOWSKI]** – This item was referred to the A&F Committee.
- b. **As the audit is completed, I move that the funds withheld by Richland County be released immediately to the Recreation Commission. We are in the ninth month, three quarters of the way through the budget cycle, and programs are being delayed or may soon be cancelled. The citizens and children need the programs to continue without interruption [N. JACKSON]** – This item was referred to the March 28<sup>th</sup> Special Called Meeting.
- c. **Due to the many unfunded mandates imposed on Richland County by the state and the additional amounts to be imposed due to the state’s improper handling of the pension system I am making the following motion: Have the Chair instruct the Consolidation and Privatization Committee to meet immediately in an effort to determine where savings can possibly be obtained through use of privatization [MALINOWSKI]** – This item was referred to the Consolidation and Privatization Ad Hoc Committee.
- d. **Resolution honoring Kendra Dove’s contribution to the CASA organization [DICKERSON]** – Mr. Livingston moved, seconded by Ms. Myers, to adopt a resolution honoring Ms. Kendra Dove. The vote in favor was unanimous.
- e. **Explore City of Columbia parking meter options for County Council members [DICKERSON]** – This item was referred to the A&F Committee.

(The County Administrator stated he could assist the Clerk’s Office with obtaining cards for Councilmembers.)

- f. **Move for a resolution requesting the legislature and legislative delegation turn over legal authority of the Richland County Recreation Commission and the Richland County Election Commission to County Council and local government [ROSE and MYERS]** – Mr. Rose moved, seconded by Mr. Malinowski, to adopt a resolution requesting the legislature and legislative delegation turn over legal authority of the Richland County Recreation Commission and Richland County Election Commission to County Council. The vote in favor was unanimous.

### **ADJOURNMENT**

The meeting adjourned at approximately 8:05 PM.

**Richland County Council  
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Joyce Dickerson, Chair

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Bill Malinowski, Vice-Chair

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Calvin "Chip" Jackson

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Norman Jackson

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Gwendolyn Kennedy

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Paul Livingston

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Jim Manning

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Yvonne McBride

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Dahli Myers

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Greg Pearce

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Seth Rose

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





## Richland County Council

### ADMINISTRATION AND FINANCE COMMITTEE

May 23, 2017 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29201

**COMMITTEE MEMBERS PRESENT:** Greg Pearce, Chair; Bill Malinowski, Paul Livingston, Jim Manning, and Norman Jackson

**OTHERS PRESENT:** Seth Rose, Gwen Kennedy, Kim Roberts, Tracy Hegler, Kevin Bronson, Brandon Madden, Gerald Seals, Larry Smith, Ismail Ozbek, Chris Eversmann, Michelle Onley, Brad Farrar, Chad Fosnight, and Shahid Khan

**CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 6:00 PM.

#### **APPROVAL MINUTES**

- a. April 25, 2017 – Mr. Livingston moved, seconded by Mr. N. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF AGENDA** – Mr. Livingston moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

#### **ITEMS FOR ACTION**

- a. Council Motion: Hangar Leases: In November of last year I made a motion for the County Legal Department to review the standard Hamilton-Owens Airport hangar lease. Legal has now completed its review, and it is now appropriate for Council to move toward finalizing any revisions or changes to the model agreement. As such, I move that this matter be forwarded to the appropriate committee of Council (A&F) and then on to full Council to consider the standard lease – Mr. Manning requested clarification on the wording of the motion.

Mr. Manning moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation to approve the revisions or to the standard hangar lease.

Mr. Malinowski stated that throughout the agreement it does not specify if it is calendar or business days. In addition, he inquired if the hangar fees are the same for each hangar. If not, it does not seem fair the late payment fee of \$25 would be the same for all. He recommended a percentage of the hangar fee.

Mr. Eversmann stated the review and update of the hangar leases started with the previous 1999 agreement. The assessment is actually made by the FBO and Eagle Aviation who administers the hangar leases on behalf of Hamilton-Owens Airport. Eagle Aviation therefore would be the beneficiary if the late fees were modified.

Mr. Malinowski also stated there should be a physical address available for the lessees.

The vote in favor was unanimous.

- b. Award of the Broad River Wastewater Treatment Facility UV Disinfection System 2017 Project – Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request to award the Broad River Wastewater Treatment Facility UV Disinfection System 2017 Project to Republic Contracting Corporation in the amount of \$867,000.

Mr. Livingston inquired as to why the funding is coming from the capital budget instead of the Enterprise Fund.

Mr. Khan stated the funding was approved by Council last year.

The vote in favor was unanimous.

*The Committee went into Executive Session at approximately 6:09 PM and came out at approximately 6:35 PM.*

- c. Sale of County Property – Mr. Manning moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to direct County Administration to move forward as discussed in Executive Session. The vote in favor was unanimous.
- d. Agreement Negotiations Update – This item was received as information.
- e. Potential Property Purchase – Mr. N. Jackson moved, seconded by Mr. Livingston, to retain this item in committee and have staff explore any viable use of the property. The recommendation should come back to Committee. The vote in favor was unanimous.
- f. Council Motion: Based on the mission of the Conservation Commission, I move that the Rowing Club and Historic Columbia be placed under management of the Conservation Commission – Mr. Pearce stated the Rowing Club is a private entity that does not have any affiliation with the County other than its use of County property. The Historic Columbia is an independent 501(c)3.

Mr. N. Jackson stated the Rowing Club is also a 501(c)3 and they are using County property. He compared them with Pinewood Lake and Historic Columbia wherein the County owns the property, but a 501(c)3 organization operates on that property.

Mr. Pearce stated the County does not pay the Rowing Club anything.

Mr. N. Jackson stated although the County does not pay the Rowing Club anything, they do collect money from the use of the County's property.

Mr. Pearce stated this item was not staffed; therefore, he does not know what the relationship is.

Mr. Livingston stated the Rowing Club is not funded by the County.

Mr. Pearce requested Mr. N. Jackson to clarify his motion.

Mr. N. Jackson stated the County owns a piece of property that a 501(c)3 operates the property, but there is no report or accountability to the County (i.e. revenue received).

Mr. N. Jackson moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to place the Rowing Club and Historic Columbia under the management of the Conservation Commission.

Mr. Malinowski requested additional information before this item goes to Council.

Mr. N. Jackson inquired as to who is responsible for the agenda items for committee.

Mr. Bronson stated staff takes what Council directs to committee and we then begin developing the ROAs. He apologized the ROA was not completed for this item.

Mr. N. Jackson inquired as to who is responsible for providing the items that will be placed on the committee agenda (i.e. the Clerk's Office, etc.)

Mr. Seals stated staff reacts and put items together, but the agenda preparation comes through Council through its Clerk. He further stated that staff endeavors to work together.

Mr. Malinowski stated Council has zero accountability for County property. He believes staff and Council should be aware when the property is being used and by whom.

Mr. Livingston moved to table this item until there is additional information available.

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to direct staff to provide the information to the committee at the June D&S Committee meeting

Mr. Pearce stated he was temporarily passing the gavel to Mr. Livingston.

**POINT OF ORDER** – Mr. N. Jackson stated the Chair does not have to pass the gavel to second a motion.

Mr. Pearce inquired of Mr. Smith if the Chair can second a motion.

Mr. Smith stated the Chair can either make or second a motion.

Mr. N. Jackson stated Mr. Livingston made a motion, which died for lack of a second, because Mr. Malinowski spoke.

Mr. Pearce thought that Mr. Malinowski was making a comment, but he ruled that Mr. Livingston's motion died for lack of a second.

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to direct staff to provide the specifics on how the property is being used, by whom and when it is being used, and if there are any incomes being obtained from the use of the property. The information is to be provided to the committee.

The vote in favor was unanimous.

**ADJOURNMENT** – The meeting adjourned at approximately 6:52 PM.



## Richland County Council

### ADMINISTRATION AND FINANCE COMMITTEE

June 27, 2017 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29201

**COMMITTEE MEMBERS PRESENT:** Greg Pearce, Chair; Bill Malinowski, Paul Livingston, Jim Manning, and Norman Jackson

**OTHERS PRESENT:** Kim Roberts, Tracy Hegler, Kevin Bronson, Brandon Madden, Gerald Seals, Ismail Ozbek, Michelle Onley, Brad Farrar, Quinton Epps, Sandra Yudice, Janelle Ellis, and Michael Byrd

**CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 6:03 PM.

#### **APPROVAL MINUTES**

- a. May 23, 2017 – Mr. Manning moved, seconded by Mr. Livingston, to approve the minutes as corrected. The vote in favor was unanimous.

**ADOPTION OF AGENDA** – Mr. Manning moved, seconded by Mr. Malinowski, to adopt the agenda as published. The vote in favor was unanimous.

#### **ITEMS FOR ACTION**

- a. Council Motion: Based on the mission of the Conservation Commission, I move that the Rowing Club and Historic Columbia be placed under the management of the Conservation Commission [N. JACKSON]  
– Mr. Pearce moved to divide the question.

Mr. N. Jackson stated based on the motion he does not believe you can split the question. A motion can be made at the end of discussion on how to move forward with it.

Mr. Pearce stated they are entirely different. The Rowing Club is actually the Rowing Club property that is addressed. Whereas Historic Columbia is a 501(c)(3) organization funded entirely separately.

Mr. N. Jackson inquired if the Rowing Club owned the property.

Mr. Pearce responded the Rowing Club does not own the property, but operate the property under an agreement with the County.

Mr. Pearce's motion to divide the question died for lack of a second.

Mr. N. Jackson stated the intent of the motion is to have each organization report to the Conservation Commission instead of Administration, but not to change the structure or current contract(s). The Conservation Commission recently received approval to hire a Coordinator to manage or oversee all properties the County owns. At the end of the fiscal year, a report should be given to the Conservation Commission because their mission is in line with what these organizations are doing. The Conservation Commission's mission is to promote tourism and protect conservation and historic properties. Historic

Columbia manages the Woodrow Wilson House and some other properties. The Rowing Club operates County-owned property.

Mr. Pearce requested Mr. N. Jackson to clarify the intent of the motion.

Mr. N. Jackson stated his motion was to move Historic Columbia and the Rowing Club to report to the Conservation Commission, which will have a Coordinator that will address any problems that arise. He further stated, the County is not interested in hiring people or going into park management.

Mr. Malinowski seconded Mr. N. Jackson's motion for discussion.

Mr. Livingston stated he did not have the mission of the Conservation Commission before him, but he cautioned the committee on moving forward with this item if the reason for the motion is because it's County-owned property. He stated he can name other County-owned properties. He inquired if the Conservation Commission would be managing those properties as well.

Mr. Livingston further stated the Rowing Club is very different from Pinewood Lake in the sense that the County does not fund them. The organization actually benefits the County by generating opportunities for Hospitality and Accommodations Taxes. Therefore, his recommendation would be to not move forward with the motion and develop a process.

Mr. Manning inquired if the Rowing Club reports to Mr. Seals.

Mr. Livingston stated the Rowing Club reports to their non-profit board.

Mr. Manning further inquired if Historic Club reports to Mr. Seals.

Mr. Seals responded in the negative.

Mr. Manning stated he cannot support the motion to move the organizations when they organizations are not currently reporting to the County.

Mr. Pearce stated the Rowing Club is at the end of a very large tract of property. He would like to see someone managing that property for the benefit of the citizens. Presently Public Works maintains the property, but no one is assigned to manage the property. Therefore, he sees no problem with the Conservation Commission having a more active role and making recommendation on needed improvements. The Historic Columbia Foundation, on the other hand, follows all the guidelines of Hospitality Tax and reports through the Hospitality Tax accountability system.

Mr. Malinowski inquired what other entities, other than Historic Columbia, the County owns the property that is under their jurisdiction.

Mr. Seals stated the Township Auditorium and a couple more, but he cannot name them off the top of his head at present.

Mr. Malinowski inquired if the other entities are required to report back to Administration (i.e. spending, activities, etc.).

Mr. Seals stated that do not report back to Administration, although they are subject to reporting to the County.

Mr. Malinowski inquired if Historic Columbia has the same requirement.

Mr. Seals stated it is different in that the reporting is through the Hospitality Tax process.

Mr. Malinowski inquired if the only funding Historic Columbia receives from the County is Hospitality Tax unless they make a special request.

Mr. Seals responded in the affirmative.

Mr. Malinowski made a substitute motion, seconded by Mr. Manning, to forward this item to Council with a recommendation to approve the movement of the Columbia Rowing Center property management under the Richland County Conservation Commission.

Mr. N. Jackson stated Pinewood Lake Park Foundation reports Hospitality Tax to the grants committee. Council approved placing them under the Conservation Commission because it meets the mission. Historic Columbia meets that mission also. Each entity has a 4-year renewal contract, which is renewed annually. Historic Columbia could lose their contract next week if the County gave them a 30-day notice that they no longer wanted to use them and use another organization. They do not have a permanent contract to say they will do it in perpetuity. Mr. N. Jackson further stated the Conservation Commission could not hire people to run Pinewood Lake Park. The Coordinator will help develop eco-tourism and assist with troubleshooting at the park.

Mr. N. Jackson is concerned the Rowing Club does not report to anyone even though the property is owned by the County.

Mr. Livingston moved, seconded by Mr. Malinowski, to call for the question. The vote in favor was unanimous.

The vote in favor of the substitute motion was unanimous.

- b. Council Motion: The City of Columbia announced that they will be targeting Hospitality Tax businesses in the unincorporated area for annexation to take HTax funds. The City receives more than \$10 million annually while the unincorporated area receives over \$5 million annually. The County spends more than half its funds in the City while the City spends its funds in the City only. I move unless the City develops an IGA or MOU with the County not to take target and take the County HTax funds that Richland County then there should some discussion to reevaluate collection of the HTax funds [N. JACKSON] – Mr. N. Jackson stated there was an article that stated the City of Columbia is trying to expand. The City is targeting areas in the unincorporated area to annex that generates Hospitality Tax. The City receives \$10 million and the County receives \$5 million annually in Hospitality Tax, yet the County spends the majority of the funds in the City.

Mr. N. Jackson's recommendation was to draft a MOU or IGA with the City regarding this matter.

Mr. Manning moved, seconded by Mr. Livingston, to add this item to the D&S work session scheduled for July 18<sup>th</sup>.

Ms. Kennedy stated the City is currently trying to annex four areas in her district.

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to direct staff to move forward with discussions with the City of Columbia regarding an IGA or MOU, which would state the City would not take the Hospitality Tax from the entities they annex. This item should be placed on the July 11<sup>th</sup> Council meeting agenda.

Ms. Kennedy requested that everything be in writing as she has been lied to about annexation in her district.

Ms. Myers stated the issue annexation and Hospitality Tax revenue matters are coming from the policy makers and not staff. Therefore, this may need to be addressed at that level instead of with meetings amongst City and County staff.

FOR  
Malinowski  
Livingston  
Manning

AGAINST  
Pearce

The vote was in favor.

Mr. C. Jackson stated there seems to be a growing list of things that are contentious between City staff, County staff, the two administrations and the two policy bodies. He stated, he believes it is appropriate for Council to consider a formalized conversation and discussion with the appropriate City personnel (policy level and administrative level) to talk about the issues.

Ms. Dickerson stated there are plans to hold an informal discussion with the City and County to address these type of issues, so agreement can be reached on where we are and how to move forward.

Mr. Seals stated there was a recent meeting at which there was an agreement to work with County Council to hold a meeting in September for the purpose of socializing, as well as, addressing issues that are of mutual concern to the two policy bodies.

Mr. Livingston requested a copy of all the City ordinances that relate to annexation. County Council should then start looking at what they think about the different policies the City has regarding annexation and how we could make them work better for everyone.

Mr. C. Jackson stated he believes the discussion needs to be bigger than annexation. The other issues that have come up (i.e. Fire Service) won't get addressed if the discussions are limited to annexation. This needs to be a formal discussion with an agenda and all of the issues identified by Council and staff need to be placed on this agenda.

- c. Intergovernmental Agreement to Appoint Judge Caroline Streater to the position of City of Forest Acres Judge – Mr. Livingston moved, seconded by Mr. Malinowski, to forward to Council with a recommendation to approve the agreement.

Mr. Malinowski inquired why the City does not pay Judge Streater directly and not involve the County.

Judge Simons responded to Mr. Malinowski's inquiry.

Mr. Malinowski inquired if Judge Streater had an accident while travel to and from her employment is there a possibility she can enter into a legal suit against her employer, which would be the City of County depending on where she is traveling.

Mr. Farrar stated it would get fact specific; therefore, it would be handled on a case by case basis.

The vote in favor was unanimous.

**ADJOURNMENT** – The meeting adjourned at approximately 6:35 PM.



**Richland County Council**  
**SPECIAL CALLED MEETING**  
**July 11, 2017 – 6:00 PM**  
**Council Chambers**

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson; Gwendolyn Davis-Kennedy; Paul Livingston; Jim Manning; Yvonne McBride; Dalhi Myers; Greg Pearce; and Seth Rose

OTHERS PRESENT: Gerald Seals, Brandon Madden, Jamelle Ellis, Tracy Hegler, Beverly Harris, Sandra Yudice, Tony Edwards, Stacey Hamm, Shane Kitchens, Michelle Onley, Geo Price, Larry Smith, Jeff Ruble, Roger Sears, David Browser, James Hayes and Kimberly Williams-Roberts

**CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

**INVOCATION** – The invocation was led by the Honorable Gwen Kennedy

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Gwen Kennedy.

**APPROVAL OF MINUTES**

- a. Regular Session: June 20, 2017 – Mr. Pearce moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.
- b. Special Called Meeting: June 27, 2017 – Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
McBride	

The vote in favor was unanimous.

- c. Zoning Public Hearing: June 27, 2017 – Ms. Myers moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.



FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

AGAINST

The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Mr. Smith stated Items # 14(a) and 14(b): "Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax and incentive agreement by and between Richland County, South Carolina and (Project Red River) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters" and "An Ordinance Authorizing the conveyance of certain real property by the County in connection with Project Aegis; and matters relating thereto" should also be listed under the Report of the Attorney for Executive Session. In addition, Item 21(c): "Intergovernmental Agreement between Richland County and City of Columbia for Fire Service" should also be listed under the Report of the Attorney for Executive Session.

Mr. Seals requested the following item be added under the Report of the County Administrator: "Eclipse Participation by the County".

Mr. Pearce moved, seconded by Mr. Malinowski, to adopt the agenda as amended.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

AGAINST

The vote in favor was unanimous.

**REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS**

- a. Palmetto Health Affiliation Agreement
- b. Employee Grievance - 1
- c. Hunter's Run Subdivision Update

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- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax and incentive agreement by and between Richland County, South Carolina and (Project Red River) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters
- e. An Ordinance Authorizing the conveyance of certain real property by the County in connection with Project Aegis; and matters relating thereto
- f. Intergovernmental Agreement between Richland County and City of Columbia for Fire Service

*Council went into Executive Session at approximately 6:04 PM and came out at approximately 6:24 PM.*

**CITIZENS INPUT: For Items on the Agenda Not Requiring a Public Hearing** – Ms. Shaneka Oliver and Mr. Mike Quinn spoke regarding Item # 16(b) on the agenda: “Approve an agreement with Cascata Development, LLC and Rivers Station, LLC to complete the construction of the roads in Rivers Station Subdivision and Blythecreek Subdivision”.

Mr. Charles Sharp spoke against County ordinance 26-181(4)(c) – Road Standards, which requires subdivisions to place green space in each cul de sac.

Mr. Bob Nerban, Ms. Brittany Hochstein, Mr. J. P. Miller, Mr. Matthew Perkins and Mr. C. D. Rose spoke regarding Item # 21(a): “To establish and create a Special Tax District within Richland County, South Carolina, to be known as the “Lake Dogwood Special Tax District”; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which shall be imposed solely within the Special Tax District; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto”.

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. Introduction of Interim Detention Center Director – Mr. Seals introduced Mr. Shane Kitchens as the Interim Detention Center Director.
- b. Introduction of Finance Director – Mr. Seals introduced Ms. Stacey Hamm as the new Finance Director.
- c. Introduction of Budget Director – Mr. Seals introduced Mr. James Hayes as the new Budget Director.
- d. Sale of Sandhills – Mr. Seals stated this item was not ready to go forward.
- e. Employee Grievance – 1 – This item was taken up in Executive Session.
- f. Eclipse Participation by County – Ms. Harris stated the eclipse will occur on Monday, August 21<sup>st</sup>. Richland County is expected to draw approximately 600,000 people because it has been deemed one of the best viewing spot in the country. Richland County Emergency Services is planning to have additional staff on hand.

There are several opportunities for Council and Richland County Government to be involved. There is an all-day event at the State Museum that Council may want to attend. The cost associated with the event at the museum is \$150.00 per person. In addition, there is an opportunity for Richland County to be designated as a distribution site for the glasses. The costs for the special eclipse glasses so people can safely view parts of the eclipse, which will be branded with the County’s logo, is \$15,000 for approximately 25,000 pairs of glasses.

Ms. McBride inquired if the glasses would be free to those individuals who cannot afford to purchase them.

Ms. Harris stated the glasses will be available to the public for free.

Mr. C. Jackson and Mr. Rose expressed concerns regarding safety issues with the influx of so many people on the County's roadways and requested additional information from the Sheriff's Department's regarding this matter.

Ms. Dickerson stated this item will be placed on the July 25<sup>th</sup> Special Called Meeting agenda for action.

#### **REPORT OF THE CLERK OF COUNCIL**

a. July 25<sup>th</sup> Meeting Schedule:

1. Council Work Session with External Auditors
2. Committees – Development and Services (5:00 PM); Administration & Finance (6:00 PM)
3. Zoning Public Hearing – Cancelled
4. Special Called Wrap-Up Meeting – Immediately following Administration & Finance

Ms. Onley reminded Council of the July 25<sup>th</sup> schedule.

- b. BUDGET REMINDER: Third Reading of Second Year of Biennium Budget I: FY 2019 Budget Ordinance, July 13, 6:00 PM – Ms. Onley reminded Council that 3<sup>rd</sup> Reading of the Second Year of Biennium Budget I will be held on July 13<sup>th</sup> at 6:00 PM.
- c. Institute of Government and SC Association of Counties Annual Conference: July 30 – August 2 – Ms. Onley reminded Council of the upcoming Institute of Government classes and SC Association of Counties Annual Conference.

#### **REPORT OF THE CHAIR**

No report was given.

#### **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance Authorizing deed to the City of Columbia for certain water lines to serve the Ballentine Branch Library, Dutch Fork Road; Richland County TMS # 03303-01-06 & 02 (portion) – No one signed up to speak.
- b. An Ordinance Authorizing the lease of certain property from the County of Richland to Frank's Express Car Wash of N. E., Inc. pursuant to S. C. Code Ann. 4-9-30(2) – No one signed up to speak.
- c. An Ordinance Authorizing the execution and delivery of a fee-in-lieu of taxes and Special Source Revenue Credit Agreement between Richland County, South Carolina and Project Aegis (the "Company") in connection with the Company's project in Richland County (the "Project"); the execution and delivery of one or more grant agreements relating to the Project; the provisions by the County of certain infrastructure in support of the Project; and matters relating thereto – No one signed up to speak.

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- d. An Ordinance Authorizing the conveyance of certain real property by the County in connection with Project Aegis; and matters relating thereto – No one signed up to speak.

**APPROVAL OF CONSENT ITEMS**

- a. An Ordinance authorizing deed to the City of Columbia for certain water lines to serve the Ballentine Branch Library, Dutch Fork Road; Richland County TMS # 03303-01-06 & 02 (portion) [THIRD READING] – Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
McBride	

The vote in favor was unanimous.

- b. 17-011MA, Bill Hampton, RU to OI (0.53 Acres), 1654 Dutch Fork Road, R02412-01-07 [SECOND READING]
- c. 17-014MA, Carolyn B. Adkins & Joyce Gantt, RM-HD to GC (1 Acre), 1564 Daulton Drive, R17012-02-09 [SECOND READING]
- d. 17-015MA, Jacob Crowder, RU to GC (1.2 Acres), 10612 Two Notch Road, R25808-03-04 [SECOND READING]

Mr. Livingston moved, seconded by Mr. Malinowski, to approve the remaining consent items.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
McBride	

The vote in favor was unanimous.

**ORDINANCES – THIRD READING**

- a. An Ordinance Authorizing the lease of certain property from the County of Richland to Frank’s Express Car Wash of N. E., Inc. pursuant to S. C. Code Ann. 4-9-30(2) – Mr. Manning moved, seconded by Mr. Livingston, to approve this item.

**FOR**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

**AGAINST**

The vote in favor was unanimous.

Mr. Manning, moved, seconded by Mr. Pearce, to reconsider this item.

The motion for reconsideration failed.

**ORDINANCES – SECOND READING**

- a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax and incentive agreement by and between Richland County, South Carolina and (Project Red River) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters – Mr. Livingston moved, seconded by Mr. Manning, to approve this item.

**FOR**

Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

**AGAINST**

Malinowski

The vote was in favor.

- b. An Ordinance Authorizing the conveyance of certain real property by the County in connection with Project Aegis; and matters relating thereto – Mr. Livingston moved, seconded by Mr. Manning, to approve this item.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

AGAINST  
Malinowski

The vote was in favor.

- c. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to 209 Stoneridge, LLC; and other related matters – Mr. Livingston moved, seconded by Mr. Manning, to approve this item.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

AGAINST  
Malinowski

The vote was in favor.

#### **ORDINANCES – FIRST READING**

- a. An Ordinance Amending the Fiscal Year 2017-2018 General Fund Annual Budget to appropriate Four Hundred Thirty Three Thousand Nine Hundred Eighty Eight Dollars (\$433,988) to increase funding to the Board of Voter Registration & Elections Department – Mr. C. Jackson inquired if staff had been able to confirm the amount reimbursed the Board of Voter Registration and Elections Department by the State.

Mr. Seals stated that information had been provided to Council via a memorandum.

Mr. C. Jackson inquired if the amount the budget amendment had been adjusted once the information had been received.

Mr. Seals stated the amount had not been adjusted.

Mr. C. Jackson inquired if an adjustment needed to be made.

Mr. Seals stated that is the prerogative of Council.

Mr. C. Jackson stated the original number was based upon a lack of information. If in fact that information has been provided and there needs to be an adjustment based upon the information, he requested that be done prior to 2<sup>nd</sup> Reading.

Mr. Malinowski inquired if regular elections that the Voter Registration & Elections office knows are coming up are a part of their overall regular budget.

Mr. Seals responded in the affirmative.

Mr. Malinowski stated if there is a special election and they need additional funds, they make a request of the County. The County provides the funding and the State reimburses a portion of the funding back to the County. Therefore, if Council had already provided the Voter Registration & Elections Office \$126,600 in advance, why would you not take that amount and subtract it from the approximately \$434,000 reimbursed to the County by the State.

Mr. Seals stated it has been the custom and practice of the County in the past to take from the General Fund and recharge a line item. Almost every time it has done this it has registered a statement in the management audit letter. Therefore, what staff chose to do was to be consistent, in terms of the fiscal year, with the current custom and practice and to correct the staff error of reporting the agency was not managing its funds appropriately.

Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

Ms. Myers requested clarification. She inquired if making the Voter Registration and Elections whole includes or does not include adding the \$133,000 to their budget.

Mr. Seals stated it's his belief that adding the \$434,000, which is consistent with the County's practice at the time, makes the agency whole. However, the argument being made has to do with the reimbursement that comes from the State and if the County is required to actually show that. And the answer is no. Therefore, you can back that out and it will still be appropriate.

Mr. Manning inquired if this budget amendment is for FY17-18.

Mr. Seals responded in the affirmative.

Mr. Manning stated he did not see the urgency in taking action on this item tonight.

Mr. Manning made a substitute motion, seconded by Mr. Malinowski, to defer this item until the next meeting.

FOR  
Pearce  
Rose  
C. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST  
N. Jackson

The vote was in favor of deferral.

**REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. Contract Extension for NPDES Services for Public Works Stormwater Management Division – Mr. Rose stated the committee recommended approval of this item.

Mr. Malinowski stated in reviewing the backup documentation the RFP was published in May 2014 and the initial contract in FY16 was for \$85,000 and FY17 was for \$87,000. The current fiscal year contract almost doubles to \$159,000. He inquired as to why another request was not published to try to reduce the costs.

Ms. Wladischkin, Acting Procurement Director, stated the Stormwater Services Division has been working with the contractor/consultant for the last 2 years. Therefore, they are familiar with the NPDES program and felt it would be prohibitive to reissue a solicitation and possibly have another consultant come in and have to be briefed on what had already been done. In addition, this is a different scope of work.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning

AGAINST  
Malinowski

The vote was in favor.

- b. Approve an agreement with Cascata Development, LLC and Rivers Station, LLC to complete the construction of the roads in Rivers Station Subdivision and Blythecreek Subdivision – Mr. Rose stated the committee recommended approval of this item.

Mr. Malinowski stated his notes from the committee meeting indicated that this item was to be held in committee.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers

AGAINST  
Manning

The vote was in favor.



## **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. Council Motion: Based on the mission of the Conservation Commission, I move that the Rowing Club and Historic Columbia be placed under management of the Conservation Commission – Mr. Pearce stated the committee recommended Council approve placing the management of the Rowing Club property under the Conservation Commission.

Mr. N. Jackson made a substitute motion, seconded by Ms. Kennedy, to have all properties owned by Richland County to report to the Conservation Commission.

Mr. N. Jackson stated the mission of the Conservation Commission is to promote the protection of the County's natural, historical, and cultural resources and promoting nature-based recreation, eco- and heritage tourism. The commission does this by negotiating voluntary protection strategies with landowners through conservation easements and land acquisition, and through grant programs and special projects.

Mr. N. Jackson stated every organization that receives grants reports to the grant committee. If the County owns property and an organization manages and/or operates the property, they are still accountable to the County for what they do with the property. There should be a department/agency in Richland County they give an account to. To say one organization should, but another should not is setting a bad precedence. All organizations should be treated equally and fairly.

Ms. Myers inquired if Mr. N. Jackson was referring to all property that had natural, historical or cultural features because some properties do not fall under the category.

Mr. N. Jackson responded in the affirmative. The three specifically are the Rowing Club property, Historic Columbia, and Pinewood Lake Park.

Mr. Malinowski inquired if the organizations will be required to provide any funding above and beyond what the County gives them.

Mr. N. Jackson responded in the affirmative. He further stated that if the organization rents the property then anything they do with the property should be reported to the County. For example, the County was informed the Woodrow Wilson House's steps had separated so badly that the County had to pay \$350,000 to repair the steps. The County spent an additional \$6 million to renovate the Woodrow Wilson House. If the County had the authority to manage the property or review an annual report the County would know what is going on there.

Mr. Malinowski stated he would be able to support the motion if he received additional information from Administration regarding which departments the organizations would be reporting to, if there are going to be any costs incurred and if the County would benefit financially.

Mr. Pearce stated in respect to Mr. N. Jackson's remarks regarding the Woodrow Wilson House, it was the Hampton-Preston that required the steps to be repaired. He further stated, this item was discussed in committee and the differences between the Rowing Center and Historic Columbia were discussed at that time. Mr. N. Jackson has made a motion that does not relate to what came out of committee. The motion adds a new level of bureaucracy for the Conservation Commission to manage. In addition, he does not understand the Historic Columbia reporting to the Conservation Commission when they report to a Board of Directors. Richland County appoints members to the Board; therefore, they are being monitored by the County.

Mr. Livingston stated his concern is how you decide what properties to include. Also, keep in mind these organizations are not fully by Richland County. A large portion of their funding comes from other sources. Some of them as much as 80%. It would be his recommendation that Council move forward with the committee's recommendation and request additional information regarding the Historic Columbia and other relative properties.

Mr. N. Jackson stated all non-profit organizations have boards and have the ability to get additional grants and funding. He further stated, some of his colleagues created a position for the Conservation Commission to manage property the County owns. If the County owns property, any non-profit organizations that wish to manage the property should report to the Conservation Commission.

Ms. McBride inquired if there were any organizations under management of the Conservation Commission that are similar to Historic Columbia.

Mr. N. Jackson responded in the affirmative.

Ms. McBride then inquired as to why some organizations were under Conservation Commission and some were not.

An answer to her inquiry was not provided.

Mr. Pearce stated this involves more than Historic Columbia. How about Township Auditorium, it's a historic building? He further stated he does not feel Council has enough information, nor does he understand what Mr. N. Jackson wants in regards to his motion.

**POINT OF ORDER** – Mr. N. Jackson stated that Mr. Pearce says this motion has nothing to do with it. A committee can make a motion, but that does not tell Council members that they cannot make a substitute motion.

Ms. Myers made a second substitute motion, seconded by N. Jackson, to direct staff to look at the properties the County manages and bring back to Council an analysis of which ones may be similarly situated to Pinewood Lake and which ones may need oversight by the County.

Mr. Manning requested clarification on Ms. Myers' motion. He inquired if her motion incorporated the original motion to place the Rowing Center under the Conservation Commission.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning stated a statement was made Council provided \$144,000 for a person to run the park. He does not believe that is accurate, but does not want to get into that. He made the following statement to his constituents: if he in any way voted for \$144,000 for a person to run the park, he apologizes.

Ms. Myers withdrew her second substitute motion and replaced it with the following second substitute motion: To direct staff to look at the properties that the County owns and manages that fall under the natural, historical, and cultural designation and report back to Council which ones might be similarly situated as the Rowing Club and Pinewood Lake and may need County oversight. In addition, to move forward with place the Rowing Club property under the management of the Conservation Commission. Mr. N. Jackson seconded the second substitute motion.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

- b. Intergovernmental Agreement to Appoint Judge Caroline Streater to the position of City of Forest Acres Judge – Mr. Pearce stated the committee recommended approval of this item.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Manning, to reconsider this item.

The motion for reconsideration failed.

#### **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. A Resolution Authorizing the execution and delivery of a memorandum of understanding by and between Richland County, South Carolina and a company known as Project Aegis and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

AGAINST

The vote in favor was unanimous.

- b. Committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Red River; identifying the Project; and other matters related thereto – Mr. Livingston stated the committee recommended approval of this item.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST  
Malinowski

The vote was in favor.

- c. An Ordinance Authorizing the execution and delivery of a fee-in-lieu of tax agreement by and between Richland County and Project Flag (the "Company") and the extension of the term of an existing fee-in-lieu of tax agreement between Richland County and the Company; the execution and delivery of such documents as may be necessary to effect the intent of this ordinance; and other matters related thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the committee recommended approval.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

AGAINST  
Manning

**REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

**I. NOTIFICATION OF APPOINTMENTS**

- a. Hospitality Tax Advisory Committee – 3 (Two Applicants must be from the Restaurant Industry; the other is an at-large seat) – Mr. Malinowski stated the committee recommended appointing Mr. Keith Tolen and re-advertising for the other vacancies.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

- b. Richland Memorial Hospital Board of Trustees – 1 – Mr. Malinowski stated the committee was unable to make a recommendation since all 3 applicants were duly qualified; therefore, Council will need to vote on each applicant individually.

Woods: N. Jackson, Dickerson, Livingston, Kennedy, Myers, and McBride  
Mustain: Pearce, Rose, C. Jackson, Malinowski, and Manning  
Wassermann: No Votes

Ms. Helen B. Wood was appointed to the Richland Memorial Board of Trustees.

**II. RULES AND APPOINTMENTS: ITEMS FOR ACTION**

- a. Move to direct staff to abide by Council rules and have motion items on the proper committee agenda at the proper time with backup materials and impartial opinion. If staff is unable to carry out the necessary tasks/duties then Council should consider hiring additional staff. In addition, the old practice of listing items on standing committees that have not been completed once again be listed as “Items Pending Action.” This will hopefully prevent items from “disappearing” that have not had complete action taken by staff/Council. [N. JACKSON/MALINOWSKI] – Mr. Malinowski stated the committee recommended approving the following language: “Pursuant to Council Rules motions forwarded to a committee will appear on the committee agenda. Items not completed will be listed at the end of succeeding agendas as ‘Items Pending Action’ and the reason they are still on the committee list as pending.”

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
McBride

AGAINST  
Manning

**REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. Transportation Improvement Contract Award – Mr. Manning moved, seconded by Mr. Livingston, to approve the recommendation to award the contract to the lowest responsive and responsible bidder, Palmetto Corporation, in the amount of \$5,717,285.75. In addition, to approve the 10% construction contingency of \$571,728.59 and the relocation contingency of \$44,290.83 for a total cost of \$6,333,305.16.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

- b. Decker Boulevard Neighborhood Improvement Project: Executive Summary – Mr. Manning stated this item was before Council at the June 20<sup>th</sup> Council meeting. There were several questions raised during the meeting. The answers to those questions were provided in the Administrator’s Report.

Mr. Manning further stated it is the committee’s recommendation to move forward with the Decker Neighborhood Improvement Project as presented.

Mr. Malinowski stated on p. 183 of the agenda is the following statement: “As the design is progressed, the viability of one or more of the recommended improvements listed above may alter and/or the improvement cost may increase or decrease. Therefore, the following studies and improvements are recommended to be progressed into the design phase, resulting in potential changes to the recommendations.” This statement is in reference to 4 major items that are to be researched; therefore, he does not know why the County is moving forward when all of the answers have not been provided. Although there is a current estimate as to what each particular neighborhood improvement project will cost, on the following page it states, “These projects are considered ‘cost-constrained,’ meaning the Neighborhood Improvements category will not exceed the allocated \$63 million.” That does not mean that you cannot get halfway through these projects

and have used the \$63 million and the other half do not get anything. In moving forward, as is recommended, we need to stipulate that each particular project does not exceed the current estimate.

Mr. Manning accepted Mr. Malinowski's friendly amendment to stipulate that each project not exceed the current estimate.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous.

**REPORT OF THE BLUE RIBBON AD HOC COMMITTEE**

- a. Approval for submitting full applications for HMGP 4286-DR funding, with the 25% local match – Mr. Pearce stated the committee recommended approval of the full application submission and the local funding match recommendations.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous.

Mr. Pearce moved, seconded by N. Jackson, to reconsider this item. The motion for reconsideration failed.

- b. Approval for the CDBG-DR Action Plan update and revision – Mr. Pearce stated the committee recommended approval of the update and revision of the County's CDBG-DR Action Plan.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. N. Jackson, to reconsider this item. The motion for reconsideration failed.

#### **OTHER ITEMS**

- a. To establish and create a Special Tax District within Richland County, South Carolina, to be known as the "Lake Dogwood Special Tax District"; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which shall be imposed solely within the Special Tax District; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto – Mr. N. Jackson moved, seconded by Mr. Malinowski, to approve this item.

Mr. Pearce inquired if the referendum has already been held.

Mr. N. Jackson responded in the affirmative.

Mr. Pearce inquired if Council is now required to establish the tax district.

Mr. Smith stated as Council recalls they passed an ordinance authorizing these communities to conduct a referendum to establish these special tax districts. Procedurally it has to come to County Council for the referendum results to be ratified.

Mr. Pearce stated the concerns they expressed would have to be directed to the HOA.

Ms. Myers inquired if there were any guidelines established for the vote of the HOA and the manner in which it has to be taken. She stated some of the concerns voiced tonight were a little disturbing and she wanted to ensure the process that was followed by the HOA gave all of the interested parties the right, the opportunity and the notice to be heard.

Mr. Smith stated he was not familiar with this particular tax district, so he cannot speak to what was done in this case. The attorney for the HOA is present and may be able to address these questions.

Mr. C. D. Rose with the law firm of Pope Flynn. The referendum was properly noticed in accordance with State law. It was held and the vote was overwhelming in favor of the creation of the tax district. He further pointed out there were two things before Council. The first is a resolution that certifies the



results of the referendum. The other item is an ordinance for First Reading that establishes the tax district. The public hearing will be held at Second Reading of the ordinance.

Mr. Malinowski stated the resolution was not listed on the agenda. In addition, Council cannot certify elections that would be the Election Commission. He further stated, there are numerous corrections that need to be made to the backup documentation.

Mr. C. Jackson stated he certainly hoped given the comments made tonight that there will be an attempt by the HOA to reach back out to the citizens in the community before Second Reading.

Mr. C. D. Rose stated there has already been a dialogue started and discussions with Mr. N. Jackson. In response to who certifies the elections, in this particular statute the HOA is required to come back to County Council for a final certification of the results of the referendum.

Mr. N. Jackson inquired if the language in the agenda is what was placed on the ballot for the referendum.

Mr. C. D. Rose responded in the affirmative.

Ms. Myers requested notice since a large portion is in her district.

Mr. N. Jackson stated he wants to ensure the price for repairs are not exorbitant and the bids are specific to what needs to be repaired.

Mr. Malinowski inquired if Mr. Smith would recommend adding the word "resolution" to the ordinance language to address the approval of the resolution included in the agenda packet.

<u>FOR</u>	<u>AGAINST</u>
Pearce	Myers
Rose	Manning
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	

The vote was in favor.

- b. FY18 District 6 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Mr. Manning, to approve this item.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

- c. Inter-Governmental Agreement between Richland County and City of Columbia for Fire Service – This item was taken up in Executive Session.

**CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – Mr. Roger Leaks and Ms. Barbara Roach spoke regarding the repealing of County ordinances regarding the height of grass and parking of vehicles in front yards.

Mr. Manning made a substitute motion, seconded by Mr. Pearce, to go into Executive Session and take up the Palmetto Health Affiliation Agreement and come back out before taking up the remaining Executive Session items.

FOR  
Pearce  
Rose  
Livingston  
Manning  
McBride

AGAINST  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Kennedy  
Myers

The motion failed.

*Council went into Executive Session at approximately 8:08 PM and came out at approximately 10:04 PM.*

**EXECUTIVE SESSION**

- a. Palmetto Health Affiliation Agreement – Mr. Pearce moved, seconded by Mr. Livingston, to approve and adopt a resolution consenting to the entry of Palmetto Health into an affiliation transaction with the Greenville Health System resulting in the creation of a new health company and providing for other matters relating thereto. With the addition that the document have the provision that the Richland County representative on the new board be required to provide a report to Richland County Council as to the various activities of that organization on a quarterly basis.

Ms. Myers stated this is difficult for her because she wants to enthusiastically support this. She does personally support it, but she is a bit surprised Council is racing through this with many of the Council members still asking for concessions on behalf of the residents of Richland County. She further stated she represents the one district where it can take up to 55 minutes to get to a hospital in an emergency. And this has been the case for years. It is not too much to ask for a board representative to keep pushing, so that those citizens actually make it to the hospital in time to get care. As a lawyer and a person who consumes healthcare, this is the right thing. It is not the right way. She was deeply saddened that she had to vote the way she had to vote because we cannot be convinced to ask for the small concessions that would make it a little better for the people who do not have access to healthcare in Richland County and who own the asset Council is voting on. The people that she represents deserves for her to put their concerns on this record and to ask that you remember the poor people in Richland County who are not just entitled to emergency care when they make it to the hospital, but who are entitled to be able to access a hospital. She does not think we are paying attention closely enough to those needs. It's the right train to get on, at the right moment. However, she is concerned that when we lose local access to the ultimate board that controls the hospital that the little people, in the small rural areas of Richland County, are even more forgotten and they may have a more difficult time getting the healthcare they need.

Ms. Dickerson stated she would like to ditto everything Ms. Myers said. She stated she thinks it is a slap in the face that all she is going to get is a quarterly report. She further stated she is having to make a decision on something she has only had 30 days to digest when Palmetto Health has had over a year to negotiate.

Mr. N. Jackson stated from what he is hearing this is the perfect opportunity and if we do not take advantage of this we may not be able to get the same deal in the future. He is not sure where the future of healthcare is going.

Mr. C. Jackson stated that representative government is a beautiful thing because it allows all of us to represent the needs of those who elected us. Therefore, he respects his colleagues' views and thoughts as it relates to healthcare. The future of healthcare is more critical to him and his family than it was just a few years ago. He further stated he can personally speak to the benefit of joining these two healthcare systems.

Ms. Kennedy expressed her displeasure with not having more local representation on the board.

Mr. Manning thanked the Chair and Mr. Pearce, the Palmetto Health Council liaison, for their leadership in relations to the series of meetings that were held. He further thanked the Palmetto Health personnel who have been available to meet with Council, as needed. After being here for more than 8 years, he believes everyone on the Palmetto Health Board he has been a part of appointing have been eager and desirous of serving well. The Board has studied this matter and voted unanimously in favor of the joining of the systems.

Ms. Myers requested a friendly amendment to include the language: "...or the Board Chair."

Mr. Pearce accepted the friendly amendment.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Manning  
McBride

AGAINST  
Myers

The vote was in favor.

Mr. Rose moved, seconded by Mr. Pearce, to reconsider this item. The motion for reconsideration failed.

- b. Employee Grievance – 1 – Mr. Malinowski moved, seconded by N. Jackson, to give the grievant a written counseling notice as a final penalty in this matter.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

- c. Hunter’s Run Subdivision Update – Mr. N. Jackson moved, seconded by Ms. Myers, to move forward as discussed in Executive Session.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers  
Manning  
McBride

AGAINST

The vote in favor was unanimous.

- d. Inter-Governmental Agreement between Richland County and City of Columbia for Fire Service – Mr. Malinowski moved, seconded by Mr. Rose, to defer this item.

FOR  
Pearce  
Rose  
C. Jackson  
N. Jackson  
Malinowski  
Dickerson  
Livingston  
Kennedy  
Myers

AGAINST  
Manning

The vote was in favor.

**MOTION PERIOD**

- a. Explore bringing the “Turning Leaf Program” to Richland County Detention Center [ROSE] – This item was referred to the Jail Ad Hoc Committee.
- b. Explore additional options on supplemental insurance for employees. Note: There are new products available. Staff should talk to existing and additional agencies to provide better or additional options for employees [N. JACKSON] – This item was referred to the A&F Committee.

**ADJOURNMENT** – The meeting was adjourned at approximately 10:22 PM.

X

Joyce Dickerson  
Chairwoman

X

Bill Malinowski  
Vice Chair

Regular Session  
July 11, 2017  
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X

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Calvin "Chip" Jackson  
District Nine

X

---

Norman Jackson  
District Eleven

X

---

Gwendolyn Kennedy  
District Seven

X

---

Paul Livingston  
District Four

X

---

Jim Manning  
District Eight

X

---

Yvonne McBride  
District Three

X

---

Dalhi Myers  
District Ten

X

---

Greg Pearce  
District Six

X

---

Seth Rose  
District Five

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



## Richland County Council

### DEVELOPMENT AND SERVICES COMMITTEE

March 27, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Greg Pearce, Chair; Jim Manning, Gwen Kennedy, Chip Jackson, and Seth Rose

OTHERS PRESENT: Yvonne McBride, Norman Jackson, Bill Malinowski, Paul Livingston, Dalhi Myers, Joyce Dickerson, Brandon Madden, Michelle Onley, Tracy Hegler, Jamelle Ellis, Kim Williams-Roberts, Dale Welch, Brad Farrar, Trena Bowers, Larry Smith, Quinton Epps, Tim Nielsen, and Nancy Stone-Collum

1. **CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 5:00 PM.
  
2. **APPROVAL OF MINUTES**
  - a. February 27, 2018 – Mr. C. Jackson moved, seconded by Mr. Manning, to approve the minutes as distributed.  
  
In Favor: C. Jackson, Pearce, Manning, and Rose  
  
The vote in favor was unanimous.
  
3. **ADOPTION OF AGENDA** – Mr. Manning moved, seconded by Mr. C. Jackson, to adopt the agenda as published.  
  
In Favor: C. Jackson, Pearce, and Rose  
  
The vote in favor was unanimous.
  
4. **ITEMS FOR ACTION**
  - a. Conservation Commission manage County-owned historic and conservation properties [N. JACKSON] – Mr. Pearce stated he thought this item had come up previously. He inquired about the history of the item.

Ms. Hegler stated it came up in a related manner in June/July, as a result the Rowing Center was put under the Conservation Commission's management. This was also following a prior motion by Council to put the management of Pinewood Lake Park under the Conservation Commission. That was the action taken previously from a motion that was more in line with this one. The motion was more encompassing, but the action of Council was to just put those 2 entities into the Conservation Commission. The item is here before you again. In the report the committee will see where staff

tried to identify the properties that may fit within the context of the Conservation Commission's mission.

Mr. Pearce stated staff has inventoried all of the properties. The 2 alternatives recommended by staff are (1) to approve the motion for Richland County Conservation Commission to manage all County-owned historic and conservation properties or (2) to consider motion and make no changes to the current management structure for County-owned properties.

Mr. N. Jackson stated when the motion was made to put Pinewood Lake Park, a historic property/value, under the Conservation Commission....it fits the mission of the Conservation Commission managing historic properties. That is why he said all historic properties that fits that mission should be under the Conservation Commission. We should put all or none. They shouldn't put one and leave the rest out there. To be fair put all of them that fits the Conservation Commission mission under the Conservation Commission.

Mr. Pearce expressed that he did not know what to do with this item.

Mr. C. Jackson requested Ms. Hegler to explain the logic or rationale behind grouping the properties the way they did on the chart located on p. 13 of the agenda.

Ms. Hegler stated this is just staff's "stab" at the properties the County currently owns. They classified them as Historical & Cultural, Natural/Recreational in use or those that are unused at the moment and totally natural. They also in the report noted if there was a board or a body that was managing them already. For example, if you look under Historical & Cultural there is the Township Auditorium, Hampton-Preston, Woodrow Wilson, John CB Smith House and Hopkins Elementary. That is staff's impression of those being historic structures and staff noted who they are managed by. Of those that are Natural/Recreational in nature: Pinewood Lake Park and the Rowing Club, which are already managed by the Conservation Commission. Operational Services works with RCRC on a boat ramp out at the Rowing Center. Operational Services works on Bonuck Road on Lake Murray. Neighborhood Improvement has a potential park at property in the Spring Hill area. The County also has property on Decker Boulevard at the former Zorba's. The remaining are mitigation tracts, which are not utilized in real manner. These tracts are natural in nature.

Mr. C. Jackson inquired if asked someone from the Conservation Commission, under the Historical & Cultural grouping, if they are involved with these, although they may not be managing them, what would there answer be.

Mr. Epps stated they have very little involvement with those properties. They do, at times, give grants and work with Historic Columbia and advise them on various things. One of the Commissioners did advise them on certain displays they have and helped them to get those displays done better.

Mr. C. Jackson stated, for clarification, but there is no management responsibility or roles.



Mr. Epps responded Historic Columbia manages those properties. It is his understanding they are funded through H-Tax funds.

Mr. Pearce stated the County appoints board members to the Historic Columbia Foundation Board. The Columbia Historic Foundation used to be the Richland County Historic Commission. The Richland County Historic Commission deeded over their control to the Columbia Historic Foundation. They manage those properties on behalf of the County. The Township Auditorium operates as an Enterprise Fund and has a Board, which the County appoints to.

Ms. Hegler stated the County has a conservation easement on 3.2 acres on Blue Ridge Terrace.

Ms. Stone-Collum stated the Blue Ridge Terrace property is a conservation property that was acquired years ago through the Forfeited Land Commission. It is a small parcel with a conservation overlay.

Ms. Kennedy requested the address for the Blue Ridge Terrace property.

Mr. Malinowski stated on p. 11 of the agenda under "Issues" it says, "The main issue is the County's capacity to manage properties already effectively handled by non-profit boards, such as Historic Columbia Foundation (HCF) and the Township Board of Directors." He inquired as to why we should reinvent the wheel on the ones that are being effectively managed already and begin incurring costs for management.

Mr. N. Jackson inquired as to what the mission of the Conservation Commission is.

Ms. Hegler stated it is to oversee and further conservation, preservation, historical and cultural assets of the County.

Mr. N. Jackson stated all the properties owned by the County was managed by non-profit organizations through H-Tax funding from the County. One was singled out and sent to the Conservation Commission for management. The Conservation Commission did not have the staff or the means to manage it. That is not what they do. That is not their mission. His point was that if you are going to single out one property and say that property should go under the Conservation Commission, but by the mission of the Conservation Commission, if you are putting one, you should put all. You should not single one property out and say we just want this property under the Conservation Commission, but we won't consider the rest. If they were managed by a non-profit organization, similar to the others, he thinks they should all be treated the same way. That is why he made the motion. You cannot just have one and not talk about the others. That is off the table. He stated it seems unfair. There is an uproar in the community about what took place and what is happening. The Conservation Commission was not designed to manage and operate properties. They usually give grants and assist those organizations to manage the properties.

Mr. C. Jackson stated where he was going with his line of questions was he was trying to determine, of the ones not listed here as already being managed by the Conservation Commission, who they were being managed by, what their purposes were and whether the Conservation Commission had

any involvement with them, so the technical definition of being managed by them would be answered in his mind. That is why he only asked about the first 5 because the next group, all of them, except for a couple, are managed the Conservation Commission. The bottom group are managed by the Conservation Commission. He was trying to ascertain whether or not managed by, but involved with and participating in, etc. by the Conservation Commission was more than was being indicated on the list in order to understand Mr. N. Jackson's motion. He stated he believes he heard Mr. Epps and others say that under the first grouping, they are involved but they are not managed by. In his mind, the only one that is a question is #5 - Hopkins Elementary, Old Hopkins Presbyterian Church. The others are functioning, operating, and being managed by organizations that have expertise in those areas. Historic Columbia clearly would have expertise in an area of managing the Hampton-Preston and Woodrow Wilson. The Township Board would have expertise in doing its work. Just like the Library would or any others. He does not have any heartburn with those. The only one he has a question about would the Hopkins Elementary, Old Hopkins Presbyterian Church.

Mr. Pearce inquired what a portion means.

Ms. Hegler stated it is a part of a parcel, not the whole parcel.

Mr. Pearce stated, as he recalls, the John CB Smith House is over on the Palmetto Health property. He inquired as to what they use that for.

Ms. Hegler stated staff was going through and finding County-owned property that they felt like fell into this motion.

Mr. Pearce stated that Palmetto Health manages the John CB Smith House, so that is another one. He inquired at the Hopkins Elementary, Old Hopkins Presbyterian Church.

Ms. Stone-Collum stated she was surprised to find this property. The parcel the school is on is owned by the County. On the property is the small Old Hopkins Presbyterian Church. It is a historic building and not used as a church. The school contracts with a private individual to mow and take care of it.

Mr. Pearce stated you could say Richland School District I is managing that property.

Mr. C. Jackson inquired if there is any information regarding how well or not well the management of Pinewood Lake has been going, as it relates to the supervision by the Conservation Commission. He inquired if it has been a problem. Is it working? Is it not working? Is it too early to tell? Is there any feedback on it?

Mr. N. Jackson stated it was managed well when it was under the non-profit organization. Since it is under the Conservation Commission it has not been managed well. As a fact, on April 10<sup>th</sup> some of the seniors who play bingo have invited the County Administrator and Council members out to the park to see what is going on. The foundation that was handling has been handling it for approximately 4 years. He understands they hired a staff person, but the staff person is really for the large tracts for the eco-tourism piece. The Commission itself had made a motion to allow the

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Foundation to manage certain and the County manage certain parts. There is some misunderstanding with the staff and who should manage it. Staff said the Conservation Commission did not want to manage it, but the Conservation Commission said that is not true. They would like to keep the Foundation doing the daily operations and the commission handle repairs, cleaning the property, etc. Some people came and spoke about it and there are some more that want to come speak because they are not satisfied with the Conservation Commission's handling it.

Mr. C. Jackson inquired if we could consider doing a joint or dual role of management, as apparently is being done in other instances here under the Historical & Cultural group. Unfortunately, he had only been on Council approximately 3 months when this happened; therefore, he did not know enough at the time the decision was made. He stated his concern is that Pinewood Lake Park get off the ground and functioning in a manner which will make all of proud. If it needs some more direct management assistance by someone other than the Conservation Commission, but we think the Conservation Commission makes a good neutral third-party to manage it, would we not be willing to consider having a joint oversight between the two groups.

Mr. N. Jackson stated that is what the Conservation Commission recommended. Not the staff, but the commission.

Mr. Malinowski stated, for clarification, he understood Mr. Epps to say Richland County does not have any management responsibilities for the entities under the Historical & Cultural heading.

Ms. Hegler stated that is correct. Those are all done though H-Tax.

Mr. Malinowski stated he would like to hear from the Conservation Commission and/or staff on their viewpoint on how well or poorly Pinewood Lake is being managed.

Mr. C. Jackson stated when he referred to joint management he did not mean joint management with the Conservation Commission. He stated #4 on the list is joint management between Palmetto Health and the Ronald McDonald Charities. He meant joint in that sense.

Mr. Rose stated he would like to see how the meeting between staff and the seniors at Pinewood Lake Park goes and see what the Administrator's recommendations are after the meeting. He recommended moving this item to the next committee meeting and ask Mr. Seals to update us as to how the meeting went. In addition, to ask for staff's input.

Mr. Rose moved, seconded by Mr. Manning, to defer this item until the April committee meeting and get a recommendation from Mr. Seals.

In Favor: C. Jackson, Pearce, Kennedy, Manning, and Rose

The vote in favor was unanimous.

- b. I move to declare "bump stock" "bump fire stocks" "trigger crank" and "gat crank" trigger devices illegal in Richland County. NOTE: In 2010 the US Bureau of Alcohol, Tobacco, Firearms, and

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Explosives declared a “bump stock” is a firearm part is not regulated as a firearm under the US Gun Control Act or the National Firearms Act [MANNING] – Mr. Pearce inquired if Mr. Smith had any comments regarding this item. This item would require an ordinance.

Mr. Smith stated what is being posed from Mr. Manning’s motion is that the County adopt the same ordinance, which the City of Columbia has adopted.

Mr. Pearce stated the proposed ordinance will ban, in a technical sense, these particular items.

Mr. Smith stated, in effect, it bans possession of any item which has the ability to increase the fire power of a firearm. In effect, if it enhances the ability to shoot faster then that’s what this attempts to prohibit someone from having possession of.

Mr. Rose moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve this item.

In Favor: C. Jackson, Pearce, Kennedy, Manning, and Rose

The vote in favor was unanimous.

- c. Develop an overlay for Garners Ferry Road and Sumter Highway Corridor eastward, for setbacks, signage, borders, shrubbery, and other appearances to keep the rural character [N. JACKSON] – Mr. N. Jackson stated the citizens of the Lower Richland community have always advocated to keep the rural character of the area. They did not want it to be another Two Notch Road. They wanted it to be different. For example, as you travel to Hilton Head Island, the signage, the setbacks and everything is slightly different. The signage is low. The color scheme is similar to natural colors. If you create an overlay similar to that for that corridor it will be tune in keeping the rural character.

Mr. Pearce inquired where Mr. N. Jackson wanted to start this on Garners Ferry Road.

Mr. N. Jackson stated he wanted it to start from Lower Richland Boulevard toward Sumter.

Mr. Pearce inquired of Ms. Hegler if this is something the County does.

Ms. Hegler stated the County has a number of overlays. She was glad to hear where Mr. N. Jackson wants to start from. As you can see in the report, a lot of that is already zoned rural. She reminded the committee the County is updating the Code and we could do it at that time.

Mr. Pearce inquired if it is something that can be taken care of with the Code.

Ms. Hegler stated we could do it as an overlay, which sets a separate set of requirements on top of the underlying zoning district or we could handle it through the zoning regulations themselves. Council could reconsider how they do signs everywhere.

Mr. Rose moved, seconded by Ms. Kennedy, to consider this item during the Code rewrite.

In Favor: C. Jackson, Pearce, Kennedy, Manning, and Rose

The vote in favor was unanimous.

- 5. **ADJOURNMENT** – The meeting adjourned at approximately 5:29 PM.

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## Richland County Council

### DEVELOPMENT AND SERVICES COMMITTEE

April 24, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Greg Pearce, Chair; Gwen Kennedy, Chip Jackson, Jim Manning and Seth Rose

OTHERS PRESENT: Brandon Madden, Michelle Onley, Kim Williams-Roberts, Brad Farrar, Trena Bowers, Quinton Epps, Tim Nielsen, Ismail Ozbek, Chris Eversmann, Sandra Yudice, Stacey Hamm, and Nancy Stone-Collum

1. **CALL TO ORDER** – Mr. Pearce called the meeting to order at approximately 5:00 PM.
  
2. **APPROVAL OF MINUTES**
  - a. March 27, 2018 – Mr. C. Jackson moved, seconded by Mr. Rose, to approve the minutes as distributed.
 

In Favor: C. Jackson, Pearce, Kennedy, and Rose

The vote in favor was unanimous.
  
3. **ADOPTION OF AGENDA** – Mr. Pearce stated Item #4(k): “Little Jackson Creek (LJC) Mitigation Project Close Out” on the Administration and Finance Committee agenda was supposed to be on the Development and Services Committee agenda. This is a FAA Grant that was given to the Owens-Hamilton Airport and needs to be closed out.
 

Mr. Pearce inquired since this was an error does a motion need to be made to officially transfer the item from the A&F agenda to the D&S agenda.

Mr. Farrar stated he would add the item to the D&S agenda prior to adoption. Whatever the committee does with the item should also be reported at the A&F meeting, so that if anyone shows up for the later meeting will know what action was taken.

Mr. Rose moved, seconded by Mr. C. Jackson, to amend the agenda to add the “Little Jackson Creek (LJC) Mitigation Project Close Out” that was erroneously placed on the A&F Committee agenda.

In Favor: C. Jackson, Pearce, Kennedy, and Rose

Opposed: Manning

Mr. C. Jackson moved, seconded by Mr. Rose, to adopt the agenda as amended.

In Favor: C. Jackson, Pearce, Kennedy, and Rose

Opposed: Manning

The vote was in favor.

4. **ITEMS FOR ACTION**

- a. Conservation Commission manage County-owned historic and conservation properties [N. JACKSON]  
– Mr. Rose moved, seconded by Mr. C. Jackson, to table this item.

In Favor: C. Jackson, Pearce, Kennedy, and Rose

Opposed: Manning

The vote was in favor.

- b. Little Jackson Creek (LJC) Mitigation Project Close Out – Mr. Eversmann stated this is an unusual project, in that, most of their projects are on airport property and are directly related to the airport and its operation. However, another project on airport property impacted wetlands and a stream, so we needed to mitigate those impacts. The project is in the Gills Creek Watershed. It is a portion of area between Two Notch Road and Spring Valley Subdivision. The project is nearing completion, and in order to close out the project, we need approval of 2 change orders. One change order is deductive and the other is additive with a net result of a \$24,440.00 increase in the cost of the project, which represents 2.7% of the original contract costs. The additional money will be 90% Federal, 5% State and 5% Local funded. Unlike other types of projects in which there is a 5 – 7% contingency built-in, the FAA does not permit contingencies in their grants. That is why we have to cut a purchase order and sign a contract for the exact amount even though it will probably vary because it is a unit priced contract.

Mr. Pearce stated the net costs to Richland County will be \$1,222.04, which would permit us to complete this project and close out the Federal grant.

Mr. Malinowski requested Mr. Eversmann have someone review the figures.

Mr. Rose moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to approve the final project quantities as reflected in the Change Orders and the subsequent additional payment of \$24,440.90 to Shamrock Environmental Corporation.

In Favor: C. Jackson, Pearce, and Rose

Opposed: Manning

The vote was in favor.

**ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. Council Motion: Move forward with the feasibility of placing a hospital/emergency care facility in the Lower Richland Community. NOTE: It is mentioned in the Renaissance Plan but no solid documentation has been presented. This motion will start the process of working with the healthcare community of developing a plan and placing a facility in the Lower Richland community [N. JACKSON] – No action was taken.

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5. **ADJOURNMENT** – The meeting adjourned at approximately 5:09 PM.

# Richland County Council Request of Action

**Subject**

Renewal of Operating Agreement between Richland County and Columbia Rowing Club [**PAGES 134 - 151**]

**Reviews**



## Richland County Council Request of Action

**Subject:** Renewal of Operating Agreement between Richland County and Columbia Rowing Club

### **A. Purpose**

County Council is requested to renew the Operating Agreement between Richland County and the Columbia Rowing Club for the Richland County Rowing Center.

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

In 1999, the Richland County Legislative Delegation authorized the SC Department of Natural Resources to provide \$25,000 from the Richland County Water Recreation Funds for the dock at the Broad River Rowing Center. The Rowing Center sits on 27 acres owned by Richland County. (Please see attached maps.)

Since 1999, the Columbia Rowing Club, a 501(c)3 charitable organization, has been operating at the Richland County Rowing Center (which resides on 27 acres of County-owned property) to provide the opportunity and facilities for rowing to the public. Background information on the purpose of the Columbia Rowing Club, including the activities and services they provide, are attached for your convenience.

Richland County and the Columbia Rowing Club entered into a formal Operating Agreement on April 21, 2009, for a period of 5 years (expired April 21, 2014). Council extended the Operating Agreement for one (1) year with the Columbia Rowing Club on July 10, 2014 (expires July 10, 2015). At this time, it is recommended that Council approve the renewal of the Operating Agreement (attached) with Columbia Rowing Club for five (5) years. The proposed renewal of the Operating Agreement, Addendum to the original Operating Agreement and the original Agreement, are attached for your convenience.

As this is county-owned property, Richland County provides support for the facility by cutting the grass 3 – 4 times per year, maintaining the road into the facility, clearing fallen trees as well as removing dead and/or damaged trees, repairing flood erosion, and making infrequent repairs to the dock and boat house. The cost associated with these activities averages \$2,500 annually and is paid from the Support Services (Facilities and Grounds Division) maintenance budget. If the agreement with Columbia Rowing Club is renewed, it is projected that there would continue to be this annual cost associated with the Rowing Center and/or the property itself.

In December 2014, Richland County Council approved a short-term proposal for the site which opens up the site for greater public access. This involved opening the gate at Omarest, constructing a new gate closer to the boat house (this gate will remain locked), adding road pull-offs, parking and turnaround, adding waste cans, and signage regarding rules of operation. This work was completed in March 2015.

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

- In 1999, the Richland County Legislative Delegation authorized the SC Department of Natural Resources to provide \$25,000 from the Richland County Water Recreation Funds for the dock at the Broad River Rowing Center.

- 1999 - 2009. Verbal operating agreement between Richland County and Columbia Rowing Club.
- April 21, 2009. Original five-year formal Operating Agreement between Richland County and Columbia Rowing Club enacted.
- July 10, 2014 – One year extension for Operating Agreement.

**D. Financial Impact**

The Financial Impact for the requested five-year extension is the same as it has been for years – meaning, no increase.

As this is county-owned property, Richland County provides support for the facility by cutting the grass 3 – 4 times per year, maintaining the road into the facility, clearing fallen trees, as well as removing dead and/or damaged trees, repairing flood erosion, and making infrequent repairs to the dock and boat house. The cost associated with these activities averages \$2,500 annually, and is paid from the Facilities maintenance budget. If the agreement is renewed, it is projected that there would continue to be this annual cost associated with the rowing center and/or property itself.

Per the agreement, Columbia Rowing Club “maintain[s] liability insurance sufficient to cover all Club activities on or related to the use of the site.” (Per the Club, they pay approximately \$1,425 per year to be an affiliated member of US Rowing, which includes the liability insurance.) Per the Club, they also handle day-to-day site maintenance, including trash removal. They also pay approximately \$1,825, depending on the value of the boats and equipment, to insure the club boats and equipment used for Youth Rowing and free-learn-to-row for the public.

Further, per the Club, they have spent a substantial amount of money to support Youth Rowing, Learn to Row, and to provide equipment that is available for members to use:

- 2010 - \$14,000: Trailer for transporting boats and equipment to competition. Has been used exclusively for Youth Rowing
- \$29,000: Four boats used almost exclusively for Youth Rowing, but available for use by smaller club members
- \$13,000: Three boats used equally for Youth Rowing, Learn to Row, and by adult members of the club

Funds for these equipment purchases came from dues, private boat storage fees, donations and fund raising by members and Youth Rowers.

The Club also pays \$65 per month for a Port-a-John to be at the site at all times. It is available for use by anyone who goes to the site for walking, running, fishing, etc.

**E. Alternatives**

1. Approve the request to renew the Operating Agreement for five (5) years with the Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years.
2. Approve the request to renew the Operating Agreement with the Columbia Rowing Club for a different length of time.

3. Do not approve the request to renew the Operating Agreement with Columbia Rowing Club at all. A decision would have to be made by Council with regards to the future of the site. The Richland County Recreation Commission (RCRC) was contacted by the County on at least two occasions regarding the operations / maintenance of this site. We were told both times that the RCRC did not have any interest in operating / maintaining the site.

**F. Recommendation**

Approve the request to extend the Operating Agreement for five (5) years with Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years.

Recommended by: Roxanne Ancheta

Department: Administration

Date: 3-2-15

**G. Reviews**

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

**Finance**

Reviewed by: Daniel Driggers

Date: 3/10/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval of the agreement but considering the length of the agreement (5 years) and the County’s current budget constraints, I would encourage the County to consider assessing some nominal fee to cover the identified County direct cost. Additionally, in previous ROA discussions, there was some indication of a pending request for capital improvements to the site. If that is still being considered, I would recommend the fee(s) be set at a level to cover the cost of investment.

**Support Services**

Reviewed by: John Hixon

Date: 3/10/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

There are benefits to having the Rowing Club on site. The Rowing Club encourages their members to be on site much of the time through many activities. This group reports any maintenance concerns to the Support Services, Facilities Maintenance Division. Both the Rowing Club and Support Services encourages reporting of possible maintenance needs, especially with the dock and all infrastructure, before

they become more problematic, potentially increasing the repair time and cost as well as reducing county's liability exposure.

Although I do not disagree with the concept of the finance Directors fee recommendation, now that the facility is opened to the public, Facilities Maintenance must perform housekeeping and maintenance duties at the site on a regular basis. We must service all waste containers, remove hazards from dead or dying trees or tree limbs, ensure the road remains in good condition and keep the grass cut more frequently than in previous years due to expanded use, regardless of the Rowing Clubs activities. As the site is open to the public our maintenance responsibilities are defined to ensure we maintain the facility in an aesthetically pleasing and safe condition at all times.

### **Risk Management**

Reviewed by: David Chambers

Date: 03/10/2015

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**This is a discretionary matter for County Council.**

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/11/15

Recommend Council approval

Recommend Council denial

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

### **Administration**

Reviewed by: Roxanne Ancheta

Date: 3-11-15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the request to extend the Operating Agreement for five (5) years with Columbia Rowing Club, allowing them to continue to operate as they have for the last 15 years.

The annual cost to maintain the site, approximately \$2,500, is not expected to materially increase over the next five years unless major improvements, which would have to be approved by Council, occur at the site. If major improvements are approved, additional funding would be addressed at that time.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

Second Addendum to Operating Agreement  
(Extension)

THIS ADDENDUM entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between RICHLAND COUNTY (hereinafter referred to as "County"), and COLUMBIA ROWING CLUB (hereinafter referred to as "the Club").

WHEREAS, the parties entered into an Operating Agreement (hereinafter the "Agreement"), dated April 21, 2009 and extended such Agreement by an Addendum to Operating Agreement (Extension), dated July 10, 2014; and

WHEREAS, the parties now wish to again extend the term of said Agreement.

NOW, THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties agree as follows:

1. The parties mutually agree that the Term of the Agreement shall be extended and shall terminate automatically five (5) years from the date of execution of this Addendum.
2. In all other respects, the Agreement shall remain in full force and effect.
3. This Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.
4. This Addendum and all amendments or additions hereto shall be binding upon and fully enforceable against the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

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

By: \_\_\_\_\_  
Its: \_\_\_\_\_

COLUMBIA ROWING CLUB

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

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND ) Addendum to Operating Agreement  
 (Extension)

THIS ADDENDUM entered into this 10<sup>th</sup> day of July, 2014, by and between RICHLAND COUNTY (hereinafter referred to as "County"), and COLUMBIA ROWING CLUB (hereinafter referred to as "the Club").

WHEREAS, the parties entered into an Operating Agreement (hereinafter the "Agreement"), dated April 21, 2009; and

WHEREAS, the parties now wish to extend the term of said Agreement.

NOW, THEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties agree as follows:

1. The parties mutually agree that the Term of the Agreement shall be extended and shall terminate automatically one (1) year from the date of execution of this Addendum.
2. In all other respects, the Agreement shall remain in full force and effect.
3. This Addendum may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.
4. This Addendum and all amendments or additions hereto shall be binding upon and fully enforceable against the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

Ashley A. Myers  
Nexanne Amherst

By: Tony McDonald  
Its: Richland County Administrator

COLUMBIA ROWING CLUB

Rosa Jones  
George Clark

By: John Q. Wmell  
Its: President, Columbia Rowing Club

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

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STATE OF SOUTH CAROLINA        )  
  )        **OPERATING AGREEMENT**  
COUNTY OF RICHLAND            )

This Operating Agreement (the "Agreement") is entered into on this 21<sup>st</sup> day of APRIL 2009 between **RICHLAND COUNTY**, South Carolina, (the "County"), and **COLUMBIA ROWING CLUB**, (the "Club").

**WHEREAS**, the County owns and operates the Richland County Rowing Center (the "Site"), located on the west bank of the Broad River; and

**WHEREAS**, the County and the Club wish to enter into an agreement for the Club's access and use of the Site;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the County and the Club agree as follows:

1. **Access Guidelines.** The Club agrees to use the Site only for official Club activities and purposes. It shall be the responsibility of the Club to ensure that the gate, when not open and in use for Club activities, shall be locked when the last Club member departs the Site. Keys to the gate may be issued to Club members, officers of the Carolina Crew, and select helpers in the Club Youth Rowing Program. The Club shall be responsible for maintaining an accurate list of all persons who are issued gate keys. Such list shall be made available to the County at the County's request. The Club will use due care in the operation of vehicles on the Site for Club purposes. All unauthorized vehicles are subject to the jurisdiction of the Richland County Sheriff's Department. If additional or "over-flow" parking is needed for any activity on the Site, it shall be the responsibility of the Club to provide such parking. Open fires, open flames, grilling, barbequing, alcoholic beverages, and activities related to the use of alcoholic beverages are hereby expressly prohibited on the Site. The hours of operation shall be from sunrise to sunset.
2. **Insurance.** At all times during the duration of this Agreement, the Club shall maintain liability insurance in an amount sufficient to cover all Club activities on or related to the use of the Site. The Club shall provide a certificate of insurance to the County indicating the amount of coverage. It shall be in the sole discretion of the County to determine if the coverage amount is sufficient to meet the requirements of this section. Once the County has approved the coverage amount in the certificate of insurance, such amount shall not be reduced during the term of this Agreement.
3. **Indemnification.** The Club shall hold harmless and shall fully and completely indemnify County from any and all claims, demands or actions brought against the Club or County by



any person, natural or corporate, arising from any act or omission on the part of the Club and related to any activity contemplated by this Agreement. Additionally, all Club members shall sign an indemnification agreement indemnifying the County and the Club from any liability arising from any Club related activities at or related to the Site.

4. **Club Safety Guidelines.** The Club agrees to establish a set of Membership Rules and Guidelines (the Guideline) concerning safety and behavior at the Site and while on the River. The Club agrees to the following specific safety training and procedures found in the Guideline related to rowing activities at or related to the Site:
  1. All Club members will be required to pass a swimming test before being allowed to row from the Site.
  2. All Club members will pass training concerning the proper procedures to be used in the event that a boat capsizes.
  3. No member will row more than 500 meters downstream of the dock toward the dam if rowing alone AND water is going over the dam as indicated by the water level indicator at the dock.
  4. No member will row downstream of the dam warning buoys under any circumstances.
  5. No Club member will be allowed to row on the River under unsafe weather or water level conditions.
  6. No alcoholic beverages will be allowed at the Site.
  7. No loud or disruptive activities will be allowed at the Site.
5. **Approval of Club Activities.** Normal day-to-day and weekly activities will be governed by this Agreement. Additional activities such as regattas to which other clubs are invited, new programs that involve a substantial increase in activity, and special events to which the public is invited will require prior approval by the Richland County Administrator. The Club shall give notice of any such activities in a reasonable time to allow the County to properly research and respond. It is understood that certain small events may offer opportunities which will call upon an acceleration of the approval process.
6. **Site Maintenance.** General day-to-day Site maintenance including trash removal will be the responsibility of the Club. Any remaining repairs will be the responsibility of the County.
7. **Term and Termination.** This Agreement shall remain in effect for a period of five (5) years from the date of execution. Either party may terminate the Agreement by giving 90 days written notice to the other party.
8. **Assignment.** Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Club without prior written consent of the County.

9. **Amendment of the Agreement.** Any amendment to this Agreement shall not be binding upon all of the parties unless such amendment is in writing and executed by all parties hereto.
10. **Notice.** All correspondence shall be sent as follows:

**Columbia Rowing Club:**

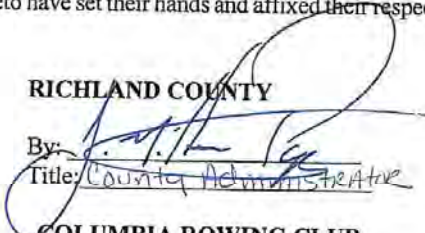
Columbia Rowing Club  
George Park, President  
720 Vintage Lane  
Columbia, SC 29210

**Richland County:**

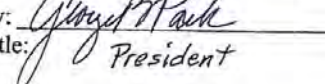
Richland County  
Attn: County Administrator  
PO Box 192  
Columbia, SC 29202

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

**RICHLAND COUNTY**

By:   
Title: County Administrator

**COLUMBIA ROWING CLUB**

By:   
Title: President



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## **Background Information on the Columbia Rowing Club**

The purpose of Columbia Rowing Club is to educate the public on the benefits of the sport of rowing as a healthful means of recreation and physical fitness at all levels by providing instruction, competition, and access to equipment and facilities in the Columbia, S.C. area. Since its inception, Columbia Rowing Club has offered free and/or low cost rowing lessons to the public and, during that time, has introduced the sport of rowing to hundreds of Midlands residents. The club is open to the public, has maintained a low membership fee, and waives the membership fee for anyone who cannot afford it. The reason for a membership fee is to pay for insurance required by the agreement with the County and to purchase and maintain rowing equipment which is accessible to all members. The club currently has 63 active members. Membership costs range from \$0 to \$165, depending on income eligibility. No one has been or will be turned away for the inability to pay.

During its 14 years operating at the Richland County Rowing Center, Columbia Rowing Club has provided a safe environment for rowing without any negative incidents.

The beautiful water, the warm climate, and the facility provided for rowing by Richland County have been recognized nationally in the rowing community by Rower's Almanac, which named Columbia the 5<sup>th</sup> best city in the United States to retire and row.

Two of the club's programs are especially important and deserve elaboration:

1. Youth Rowing
2. Visiting Crews

Youth Rowing is a program open to all youth in the Midlands from age 13 - 18. The youth are provided instruction in the sport of rowing and coaching to prepare them for competition. The program provides an important alternative to more traditional organized sports. It is a low impact, whole-body exercise that requires no special athletic skill. Through the program, young people learn important life-lessons such as teamwork, individual and team responsibility, punctuality, the rewards of hard work, along with learning a sport they can enjoy for a lifetime. All of the equipment for the team has been purchased by the club. Coaching is provided by volunteers from the club, and no child has been denied the opportunity due to financial hardship. At least one participant in the program has received a waiver of fees by the club in almost every season Youth Rowing has operated. (The cost to participate is \$0 - \$420 per youth.) The program has males and females, varies from season to season in minority representation (as high as 60% one season), has had youth from virtually every high school in the Midlands, and from every socio-economic class. The youth practice 3-4 days per week and participate in competitions in SC, GA, and TN against crews from throughout the Southeast and parts of the Midwest. Four young people from the Youth program have received rowing scholarships for college.

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Visiting Crews: Every year, Columbia Rowing Club hosts visiting crews from colleges and high schools in northern states for winter and spring training. Some of the schools that have trained in Columbia at the Richland County Rowing Center are: Georgetown University (10 years), Bucknell University, Hobart and William Smith Colleges, University of Vermont, University of Michigan, University of William and Mary, Bryn Mawr College, Colgate University, Old Dominion, Carnegie-Mellon, Vassar, Vanderbilt University, Syracuse University, University of Dayton, St. Mark's Academy, Tabor Academy, and St. Ignatius High School. These crews come to Columbia because of the unique nature of the rowing center, the warm climate of Columbia, which provides ideal training opportunities while their waters are still frozen, and the hospitality of Columbia Rowing Club and the Regional Sports Council. Each crew stays for about a week, bringing up to 75 rowers, plus coaches and support personnel. According to the Regional Sports Council, the direct economic impact of visiting crews to the economy of the Midlands from 2003 – 2013 is \$1,764,500, with a total economic impact of \$5,293,500.

**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2003 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Carnegie Mellon University	1/3/2003	1/9/2003	Studio One	60	36	1		
<b>Total</b>				<b>60</b>	<b>36</b>	<b>1</b>	<b>\$30,000</b>	<b>\$90,000</b>

**2004 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2004	1/11/2004	Embassy Suites	102	66	4		
Carnegie Mellon University	1/2/2004	1/8/2004	Best Inn - Garner Lane	60	36	1		
<b>Total</b>				<b>162</b>	<b>102</b>	<b>5</b>	<b>\$81,000</b>	<b>\$243,000</b>

**2005 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2005	1/8/2005	Embassy Suites &	92	54	4		
	1/8/2005	1/11/2005	Comfort Suites-Downtown	48				
Carnegie Mellon University	1/2/2005	1/7/2005	Best Inn - Garner Lane	40	30	1		
US Rowing Clinic	2/18/2005	2/20/2005	Holiday Inn-City Centre	21		15		
William & Mary Rowing	3/5/2005	3/12/2005	StudioPLUS	98	54	2		
Bryn Mawr Rowing	3/6/2005	3/12/2005	StudioPLUS	31	25	1		
Old Dominion Rowing	3/5/2005	3/12/2005	Homewood Suites	28	12	2		
Tabor Academy Crew	3/12/2005	3/19/2005	Suite One - Harbison	84	34	5		
<b>Total</b>				<b>442</b>	<b>209</b>	<b>30</b>	<b>\$221,000</b>	<b>\$663,000</b>

**2006 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/3/2006	1/10/2006	Embassy Suites	77	40	2		
University of Michigan	2/25/2006	3/4/2006	Best Inn - Garner Lane	128	60	3		
Old Dominion Rowing	3/4/2006	3/10/2006	Homewood Suites	12	18	2		
Tabor Academy Crew	3/11/2006	3/17/2006	Suite One - Harbison	98	35	5		
University of Vermont	3/18/2006	3/25/2006	Ramada Limited I-20	112	50	3		
<b>Total</b>				<b>427</b>	<b>203</b>	<b>15</b>	<b>\$213,500</b>	<b>\$640,500</b>

**2007 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/3/2007	1/8/2007	Embassy Suites	132	60	2		
University of Michigan	2/24/2007	3/3/2007	American Inn - Garner Lane	129	60	3		
Syracuse University	3/10/2007	3/17/2007	Embassy Suites	97	60	2		
Tabor Academy Crew	3/18/2007	3/25/2007	Fairfield Inn by Marriott	98	32	4		
<b>Total</b>				<b>456</b>	<b>212</b>	<b>11</b>	<b>\$228,000</b>	<b>\$684,000</b>

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**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2008 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2008	1/8/2008	Embassy Suites	132	48	4		
Syracuse University	3/9/2008	3/16/2008	Embassy Suites	97	60	2		
Colgate University	3/14/2008	3/22/2008	Royal Inn	120	35	3		
St. Mark's School	3/14/2008	3/21/2008	Holiday Inn Express	56	20	2		
Tabor Academy Crew	3/14/2008	3/21/2008	Fairfield Inn by Marriott	84	32	4		
<b>Total</b>				<b>489</b>	<b>195</b>	<b>15</b>	<b>\$244,500</b>	<b>\$733,500</b>

**2009 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	12/30/2008	1/6/2009	Embassy Suites	70	37	3		
Bucknell University	1/5/2009	1/12/2009	Radisson	77	34	4		
Syracuse University	3/7/2009	3/15/2009	Embassy Suites	153	60	2		
Bucknell University	3/7/2009	3/15/2009	Radisson	128	34	4		
St. Mark's School	3/16/2009	3/23/2009	Wingate Harbison	35	25	2		
Tabor Academy Crew	3/14/2009	3/21/2009	Fairfield Inn by Marriott	96	32	4		
<b>Total</b>				<b>559</b>	<b>222</b>	<b>19</b>	<b>\$279,500</b>	<b>\$838,500</b>

**2010 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/4/2010	1/11/2010	Embassy Suites	80	40	3		
Bucknell University	1/11/2010	1/18/2010	Radisson	90	40	4		
Vanderbilt	3/6/2010	3/12/2010	Ramada Limited	90	32	2		
Syracuse University	3/13/2010	3/21/2010	Embassy Suites	153	60	2		
Bucknell University	3/13/2010	3/20/2010	Radisson	128	48	4		
St. Mark's School	3/15/2010	3/22/2010	Wingate Harbison	35	25	2		
<b>Total</b>				<b>576</b>	<b>245</b>	<b>17</b>	<b>\$288,000</b>	<b>\$864,000</b>

**2011 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2011	1/11/2011	Embassy Suites	90	40	3		
Bucknell University	1/10/2011	1/17/2011	Staybridge Suites	72	40	4		
Vanderbilt University	3/3/2011	3/11/2011	Wingate Harbison	60	32	2		
Vassar College	3/11/2011	3/18/2011	Staybridge Suites	66	35	2		
Bucknell University	3/12/2011	3/19/2011	Radisson	70	40	4		
<b>Total</b>				<b>358</b>	<b>187</b>	<b>15</b>	<b>\$179,000</b>	<b>\$537,000</b>

Item# 14

**COLUMBIA REGIONAL SPORTS COUNCIL / COLUMBIA ROWING CLUB  
Richland County Rowing Center Economic Impact Breakdown**

**2012 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/2/2012	1/9/2012	Embassy Suites	90	50	3		
Dayton University	1/9/2012	1/15/2012	InTown Suites	12	6	2		
Bucknell University	3/10/2012	3/16/2012	DoubleTree	60	36	2		
Vassar College	3/11/2012	3/18/2012	Staybridge Suites	91	45	2		
Hobart & William Smith Colleges	3/17/2012	3/24/2012	DoubleTree	138	68	5		
St. Ignatius (OH) High School	4/9/2012	4/13/2012	Ramada Limited I-20	92	85	15		
<b>Total</b>				<b>483</b>	<b>290</b>	<b>29</b>	<b>\$241,500</b>	<b>\$724,500</b>

**2013 WINTER/SPRING TRAINING**

<u>CREW</u>	<u>CHECK-IN</u>	<u>CHECK-OUT</u>	<u>HOTEL</u>	<u>TOTAL ROOM NIGHTS</u>	<u># OF ATHLETES</u>	<u># OF COACHES</u>	<u>DIRECT ECONOMIC IMPACT</u>	<u>TOTAL ECONOMIC IMPACT</u>
Georgetown University	1/1/2013	1/8/2013	Embassy Suites	77	57	3		
Bucknell University	3/9/2013	3/16/2013	Hotel Zimacrest	54	37	2		
Vassar College	3/16/2013	3/23/2013	Staybridge Suites	66	29	2		
Hobart & William Smith Colleges	3/16/2013	3/23/2013	Hotel Zimacrest	77	45	4		
St. Ignatius (OH) High School	4/1/2013	4/7/2013	Ramada Limited I-20 & Embassy	145	80	10		
<b>Total</b>				<b>419</b>	<b>248</b>	<b>21</b>	<b>\$209,500</b>	<b>\$628,500</b>

<b>TOTAL IMPACT OF THE RICHLAND COUNTY ROWING CENTER SINCE 200:</b>	<b>3,529</b>	<b>1,611</b>	<b>128</b>	<b>\$1,764,500</b>	<b>\$5,293,500</b>
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Direct Economic Impact is defined as: total room nights X persons per room X \$125 spending per day.  
Total Economic Impact is defined as: Direct Economic Impact X a "Regional Multiplier" of 3.0 to include indirect and induced effects of direct spending.





<http://www3.richlandmaps.com/rcgeoportal/defaultPrint.htm>

11/20/2013

Item# 14

Attachment number 1  
Page 17 of 17



### Discussion:

All change orders greater than 25% must be reviewed and approved by Council for CDBG-DR funds.

#### Change Order #1

- Contractor: SBP
- Property Address: 237 Chartwell Rd. Columbia, SC 29229
- Original Contract Amount Awarded: \$4,915.25
- Change Order Amount Requested: \$8,691.62
- Percent of Change Order Amount Requested: 177%
- Purpose of Change Order: Replace duct work due to water damage caused by water runoff from the back yard. Correction will require digging a trench in the crawl space, lifting the duct work off of the ground and adding brick work around vents.

#### Change Order #2

- Contractor: Prominent Homes
- Property Address: 216 Raintree Dr. Irmo, SC 29063
- Original Contract Amount Awarded: \$21,551.81
- Change Order Amount Requested: \$39,446.12
- Percent of Change Order Amount Requested: 183%
- Purpose of Change Order: Replace wooden joints and seals under the house that are rotted out due to a leaking pipe in the wall. Kitchen remodel is required to replace rot and water damage. Additional stabilization to existing floors is also required.

### Attachments:

1. Change Order and Supporting Documentation for 237 Chartwell Rd.
2. Change Order and Supporting Documentation for 216 Raintree Dr.

REQUEST FOR CHANGE ORDER FORM - CHANGE ORDER # 01

Property # SFR0042 Property Owner Nicola Felder

Property Address 237 Chartwell Rd Columbia, SC 29229

GC SBP Inspector Charles Jordan

Date Initiated 01-16-2020 Current Project Completion Date ON HOLD

Initiator: GC  Homeowner  Inspector

Description of Change Order and Reason Why: \_\_\_\_\_ Original Cost of Project \$4,915.25

- \*Replace duct work due to water damage. This duct work is not that old but the way the back yard is water runs into the crawlspace through the vents and access.
- \* Dig a trench in crawlspace to get the duct work off the ground due to lack of space.
- \* Add rows to the bricks work around the vents

Inspector/Cost Estimator's Evaluation \_\_\_\_\_ X Alma Goodwin 1/23/2020  
GC Sign Date

Meets HQS: Yes  No  \_\_\_\_\_ 01-22-2020  
Inspector Sign Date

Homeowner(s) Consent to Change Order \_\_\_\_\_ X \_\_\_\_\_ 1-22-2020  
Homeowner Sign Date

Scope of Work Attached Yes  No

Cost of Change Order \$8,691.62 Additional Time for Change Order 10  
Days

Special Case Panel's Decision

Approved  Disapproved  Date: 28 May 2020  
Clayton J. Brown

Notes: 1762

Total Cost of Project \$13,606.87 New Project Completion Date 24 days total

Over 25% Yes  Submit directly to Council for approval per BRC decision of 11/5/18  
No  SCP May Approve





# Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

Insured: Nicola Felder  
Property: 237 Chartwell Road  
Columbia , SC 29229

Home: (803) 479-1962

Claim Rep.: Charles P Jordan III  
Position: Program Inspector  
Company: Tetra Tech | Complex World, Clear Solutions  
Business: 2020 Hampton st suite 1022  
columbia, SC

Business: (803) 576-2044  
E-mail: charles.jordan@tetrattech.com

Estimator: Charles P Jordan III  
Position: Program Inspector  
Company: Tetra Tech | Complex World, Clear Solutions  
Business: 2020 Hampton st suite 1022  
columbia, SC

Business: (803) 576-2044  
E-mail: charles.jordan@tetrattech.com

**Claim Number:** SFR0042                      **Policy Number:**                      **Type of Loss:** Flood

Date Contacted: 3/15/2018 2:18 PM  
Date of Loss: 10/1/2015 12:00 PM                      Date Received: 3/15/2018 2:18 PM  
Date Inspected: 3/19/2018 12:00 PM                      Date Entered: 3/19/2018 2:13 PM

Price List: SCCO8X\_OCT18  
Restoration/Service/Remodel  
Estimate: SFR0042\_FELDER-1-1-1

\*\*\*Where hazardous materials are present, abatement project design, removal, monitoring, clearance and disposal of asbestos, lead-based paints, and other hazardous materials need to follow State of South Carolina (SC DHEC) and U.S. Environmental Protection Agency (EPA) regulations and requirements. Please prepare bid accordingly. The contractor is responsible for pulling all proper permits and getting all inspections for work performed. This scope is an estimate of work to be performed. If there are any change orders based off items not seen or detected during the inspection or site walk those need to be submitted to Richland County CBDG-DR Program Manager for approval. Change orders for work not performed as well as added work must follow this process also. Richland County's change order process must be followed at all times. Prior to starting work the general contractor will be responsible for submitted a clear CL-100 letter. If determined the home has termites contractor must inform Richland County CBDG-DR Program Manager and request change order form before starting any work. The HUD Green Building Retrofit Checklist (GBR Checklist) is a Federal construction standard requiring that work performed when receiving Federal funds must meet certain energy efficiency and indoor air quality standards. The HUD Green Building Retrofit Checklist (GBR Checklist) must be followed in this program when performing work that meets this standard. The job site must be cleaned every day and all trash either hauled off or put in its proper place. Trash may not be left beside the road or in front yard or around house overnight. All hazards must be clearly marked with safety tape or cones. All OSHA safety regulation must be followed on the job site at all times. Per Richland County CBDG-DR office a lock box is required on all jobs to store the keys in. The combination must be turned over to Richland County CBDG-DR office / inspector. The house must be secured at the end of each day or when left with no workers on site. \*\*\*



# Richland County Flood Recovery Office

Richland County Flood Recovery Office  
 2020 Hampton Street, Suite 1022, Columbia SC 29204

## SFR0042\_FELDER-1-1-1

### Main Level

#### Main Level

DESCRIPTION	QTY	UNIT PRICE	TOTAL
1. MASONRY	1.00 EA @	325.00 =	325.00
Build up around the vents. There is 1 in particular on the side near the back corner that has no build-up around it at all and it is at ground level. The ones along the backside could use another layer or 2 of brick to beef them up a bit more.			

### Crawlspace

#### Crawlspace1

Height: 3'

DESCRIPTION	QTY	UNIT PRICE	TOTAL
2. R&R Ductwork system - hot or cold air - 1600 to 2199 SF home	1.00 EA @	5,236.98 =	5,236.98
At the owner request SBP checked the duct work. The duct work is wet and will need to be replaced.			
3. LABOR ONLY	1.00 EA @	850.00 =	850.00
To dig out the main trunk line, raise it up with hangers.			

### Grand Total Areas:

5,167.66 SF Walls	3,152.17 SF Ceiling	8,319.84 SF Walls and Ceiling
3,152.17 SF Floor	350.24 SY Flooring	747.83 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	774.00 LF Ceil. Perimeter
3,152.17 Floor Area	3,340.26 Total Area	5,167.66 Interior Wall Area
2,527.77 Exterior Wall Area	344.64 Exterior Perimeter of Walls	
2,413.55 Surface Area	24.14 Number of Squares	0.00 Total Perimeter Length
70.88 Total Ridge Length	0.00 Total Hip Length	



## Richland County Flood Recovery Office

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Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

### Summary for Dwelling

Line Item Total	6,411.98
Material Sales Tax	160.13
Subtotal	6,572.11
Overhead	985.82
Profit	1,133.69
<b>Replacement Cost Value</b>	<b>\$8,691.62</b>
<b>Net Claim</b>	<b>\$8,691.62</b>

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Charles P Jordan III  
Program Inspector



## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

### Recap of Taxes, Overhead and Profit

	Overhead (15%)	Profit (15%)	Material Sales Tax (8%)	Laundry & D/C Tax (8%)	Manuf. Home Tax (2%)	Storage Rental Tax (8%)	Local Food Tax (2%)
<b>Line Items</b>	985.82	1,133.69	160.13	0.00	0.00	0.00	0.00
<b>Total</b>	<b>985.82</b>	<b>1,133.69</b>	<b>160.13</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>





## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

### Recap by Room

Estimate: SFR0042\_FELDER-1-1-1

Area: Main Level	325.00	5.07%
<hr/>		
Area Subtotal: Main Level	325.00	5.07%
Area: Crawlspace		
Crawlspace1	6,086.98	94.93%
<hr/>		
Area Subtotal: Crawlspace	6,086.98	94.93%
<hr/>		
Subtotal of Areas	6,411.98	100.00%
<hr/>		
Total	6,411.98	100.00%



## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

### Recap by Category

<b>O&amp;P Items</b>	<b>Total</b>	<b>%</b>
GENERAL DEMOLITION	351.40	4.04%
HEAT, VENT & AIR CONDITIONING	4,885.58	56.21%
LABOR ONLY	850.00	9.78%
MASONRY	325.00	3.74%
<b>O&amp;P Items Subtotal</b>	<b>6,411.98</b>	<b>73.77%</b>
Material Sales Tax	160.13	1.84%
Overhead	985.82	11.34%
Profit	1,133.69	13.04%
<b>Total</b>	<b>8,691.62</b>	<b>100.00%</b>



# Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

1



2



3



4



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6



7



8





## Richland County Flood Recovery Office

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Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

9



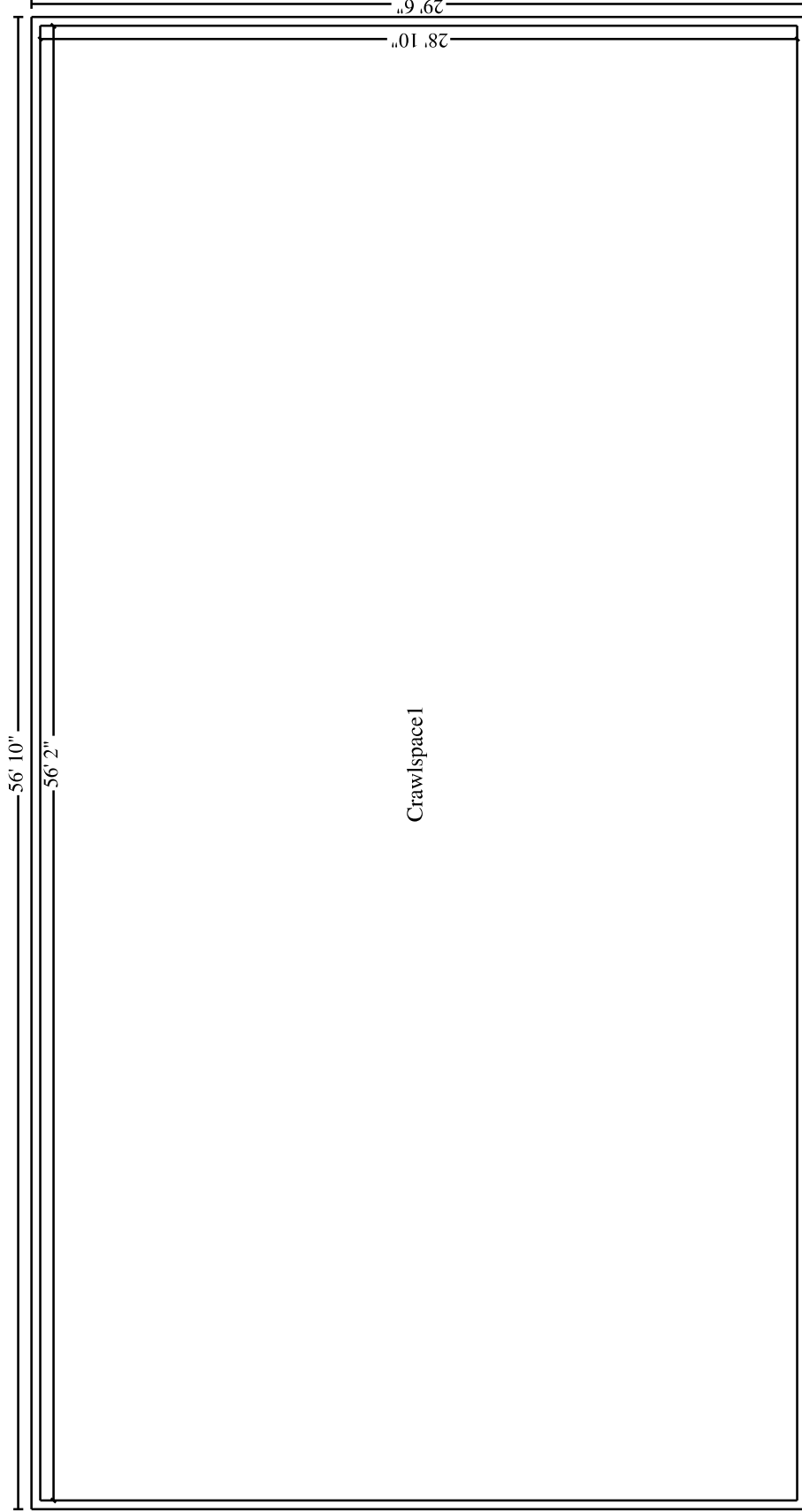


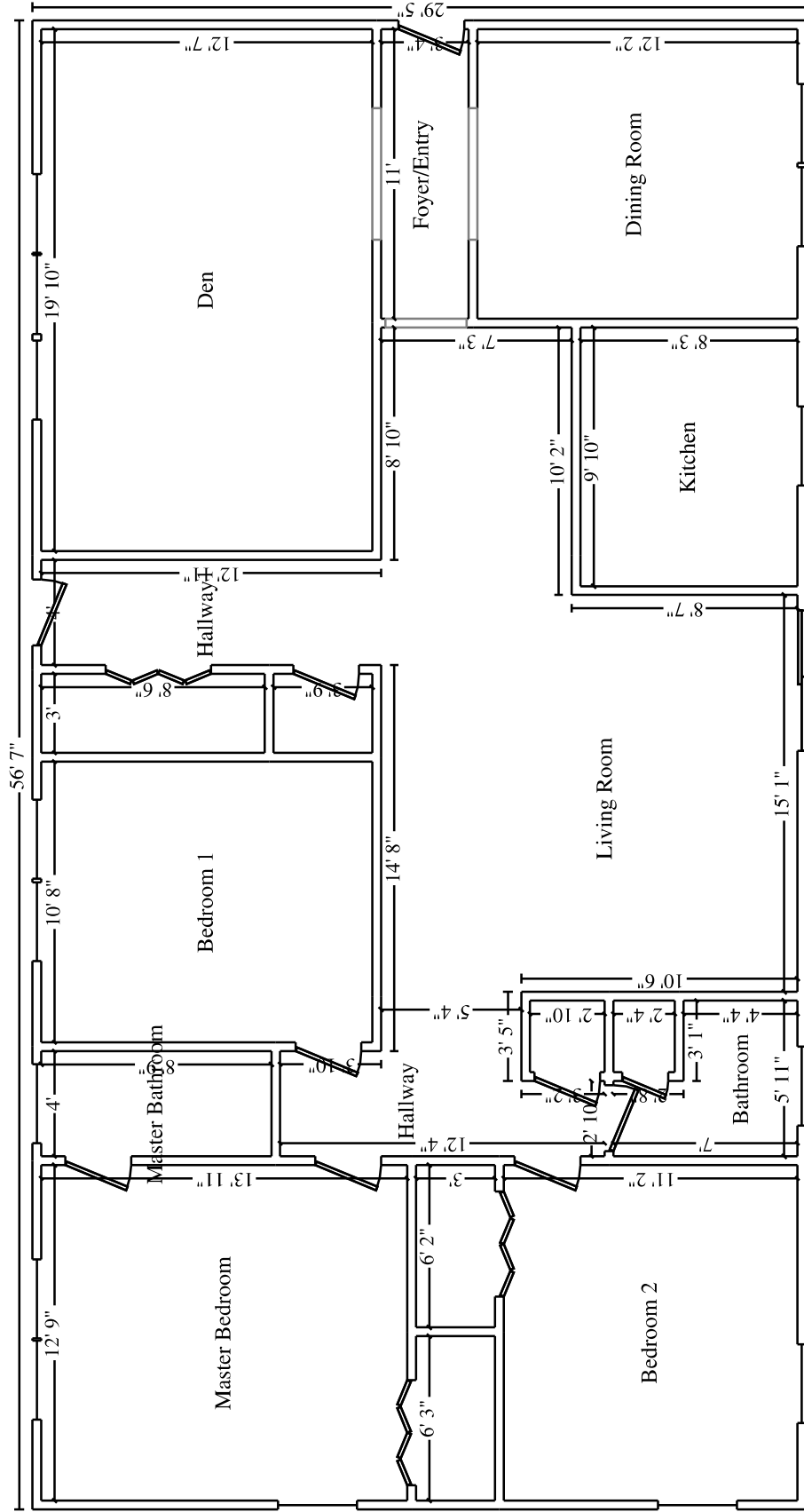
## Richland County Flood Recovery Office

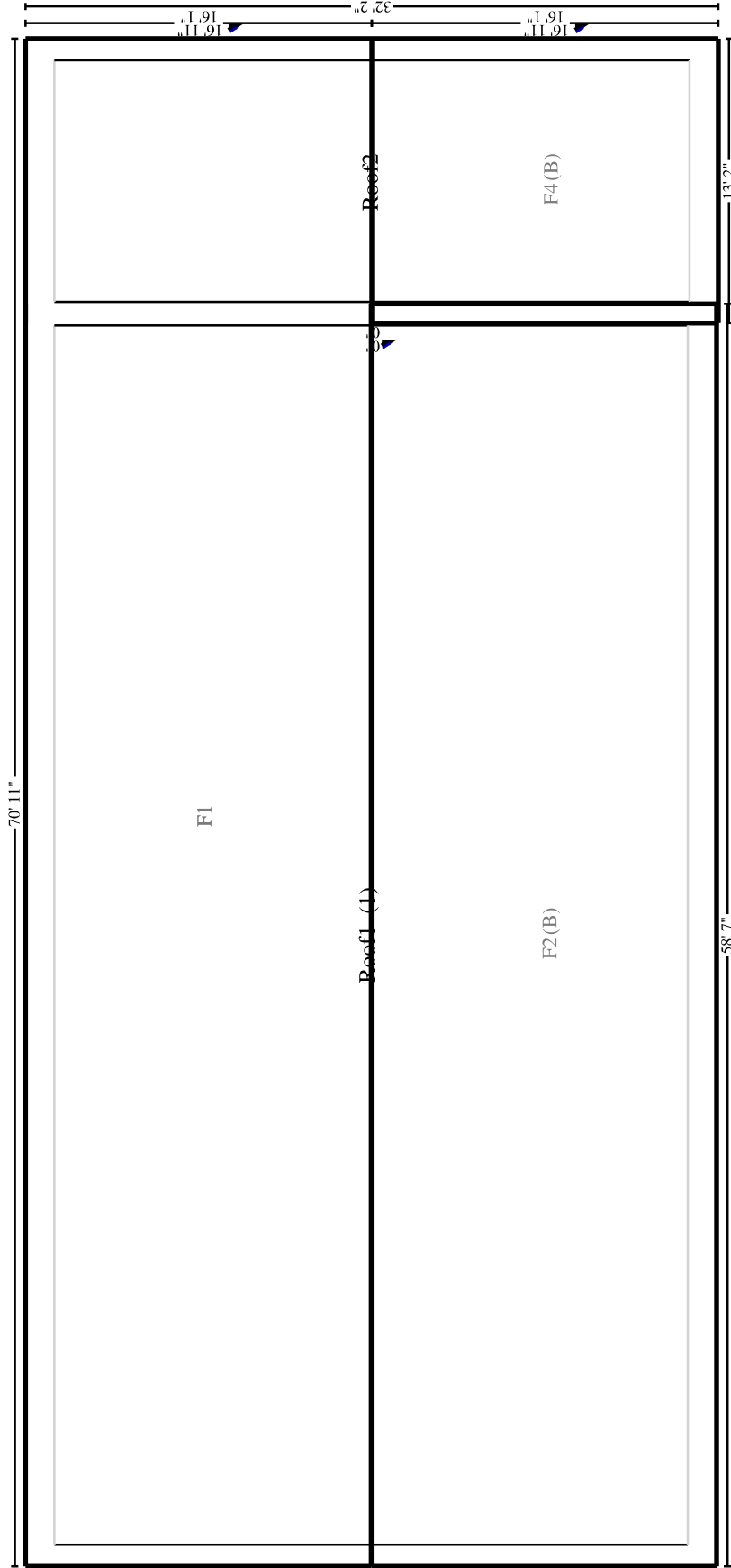
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Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

Image Detail			
Image No.	Type	Date Taken	Taken By
1	15-20180319_113655	3/19/2018	
2	3-20180319_113436	3/19/2018	
3	4-20180319_113458	3/19/2018	
4	5-20180319_113500	3/19/2018	
5	6-20180319_113523	3/19/2018	
6	7-20180319_113526	3/19/2018	
7	8-20180319_113534	3/19/2018	
8	9-20180319_113536	3/19/2018	
9	10-20180319_113548	3/19/2018	









Property # SFR0464 Property Owner Solomon, Sandra

Property Address 216 Raintree Dr, Irmo, SC 29063

GC Prominent Homes Inspector Lee Harley

Date Initiated 3-3-2020 Current Project Completion Date 3-31-2020

Initiator: GC  Homeowner  Inspector

Description of Change Order and Reason Why: \_\_\_\_\_ Original Cost of Project \$21551.81

Upon the contractor removing the original floor in the kitchen to replace it they discovered the wooden joist and seals under the house was completely rotted out due to a leaking pipe in the wall. This is going to require the joist and seals to be replaced and the kitchen to be gutted from where the rot has moved into the walls. The cabinets are pulling away from the walls due to where the floor and wall settled from the rot and water damage. This has also caused the upstairs bathroom to settle and the walls and floor to crack. The repairs include stabilization of the down staires floors which will stabilize the upstairs bathroom floor.

Inspector/Cost Estimator's Evaluation

Meets HQS: Yes  No

*[Handwritten Signatures and Dates]*  
 GC Sign \_\_\_\_\_ Date 3/4/2020  
 Inspector Sign \_\_\_\_\_ Date 3/4/2020  
 Homeowner Sign \_\_\_\_\_ Date 3/4/2020

Homeowner(s) Consent to Change Order

Scope of Work Attached Yes  No

Cost of Change Order \$39,446.12 Additional Time for Change Order 60 days from approval  
 Days

Special Case Panel's Decision

Approved  Disapproved  Date: \_\_\_\_\_

Notes:

Total Cost of Project \$60997.93 New Project Completion Date 60 days from approval

Over 25% Yes  Submit directly to Council for approval per BRC decision of 11/5/18

No  SCP May Approve 54% of Estimate





## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

Insured: Soloman, Sandra  
Property: 216 Raintree Dr.  
Irmo, SC 29063

Claim Rep.: Lee Harley  
Position: Cost Estimator  
Company: Tetra Tech  
Business: 2020 Hampton Street, Suite 1022, Columbia SC  
29204  
Columbia, SC 29204

Business: (803) 722-3514  
E-mail: lee.harley@tetratech.com

Estimator: None

**Claim Number:** SFR0464-CO-01

**Policy Number:** SFR0464-CO-01

**Type of Loss:** Flood

Date Contacted: 3/3/2020

Date of Loss: 10/1/2015 12:00 AM

Date Inspected: 3/3/2020

Date Received: 3/3/2020

Date Entered: 3/3/2020

Price List: SCCO8X\_MAR20  
Restoration/Service/Remodel

Estimate: SFR0464-CO-01

**Inspection Report 3-3-2020**, Change order CO-01. Upon the contractor removing the original floor in the kitchen to replace it they discovered the wooden joist and seals under the house was completely rotted out due to a leaking pipe in the wall. This is going to require the joist and seals to be replaced and the kitchen to be gutted from where the rot has moved into the walls. The cabinets are pulling away from the walls due to where the floor and wall settled from the rot and water damage. This has also cause the upstairs bathroom to settle and the walls and floor to crack. The repairs include stabilization of the down stares floors which will stabilize the upstairs bathroom floor.



**Richland County Flood Recovery Office**

Richland County Flood Recovery Office  
 2020 Hampton Street, Suite 1022, Columbia SC 29204

**SFR0464-CO-01**  
**Main Level**

**Main Level**

DESCRIPTION	QTY	UNIT PRICE	TOTAL
1. Floor stabilization and pier set. To stabilize the kitchen floor, laundry room floor and bathroom floor from under the house and set piers as needed to include the seals. Includes labor materiel.	1.00 EA @	6,500.00 =	6,500.00

**Kitchen**

**Height: 8'**

Missing Wall - Goes to Floor 4' X 6' 8" Opens into LIVING\_ROOM  
 Missing Wall - Goes to Floor 4' 4" X 6' 8" Opens into DEN

DESCRIPTION	QTY	UNIT PRICE	TOTAL
2. R&R Joist - floor or ceiling - 2x10 - w/blocking - 16" oc	166.75 SF @	7.60 =	1,267.30
3. Timber Framing - General Laborer - per hour	20.00 HR @	30.02 =	600.40
4. Underlayment - 1/2" BC plywood	166.75 SF @	1.77 =	295.15
5. R&R Sheathing - OSB - 5/8"	360.44 SF @	1.97 =	710.07
6. Underlayment - 1/4" 5 ply	166.75 SF @	1.92 =	320.16
7. R&R Batt insulation - 6" - R19 - paper / foil faced	166.75 SF @	1.09 =	181.76
8. R&R Baseboard - 3 1/4"	43.67 LF @	2.93 =	127.95
9. R&R Quarter round - 3/4"	43.67 LF @	1.48 =	64.63
10. Drywall Repair - Minimum Charge - Labor and Material	1.00 EA @	366.80 =	366.80
11. Seal/prime then paint the walls and ceiling twice (3 coats)	527.19 SF @	1.00 =	527.19
12. Mask and prep for paint - plastic, paper, tape (per LF)	43.67 LF @	1.08 =	47.16
13. Floor protection - heavy paper and tape	166.75 SF @	0.41 =	68.37
14. Cooktop - Detach & reset	1.00 EA @	109.00 =	109.00
15. Dishwasher - Detach	1.00 EA @	48.55 =	48.55
16. Refrigerator - Remove & reset	1.00 EA @	29.63 =	29.63
17. R&R Cabinetry - upper (wall) units - Standard grade	12.00 LF @	102.33 =	1,227.96
18. R&R Cabinetry - lower (base) units - Standard grade	12.00 LF @	129.85 =	1,558.20
19. R&R Sink - double - Standard grade	1.00 EA @	294.90 =	294.90
20. R&R P-trap assembly - ABS (plastic)	1.00 EA @	60.25 =	60.25
21. Plumbing - Labor Minimum	1.00 EA @	275.01 =	275.01
22. R&R Cabinet knob or pull - Standard grade	20.00 EA @	6.45 =	129.00
23. R&R Countertop - flat laid plastic laminate - Standard grade	16.00 LF @	31.15 =	498.40
24. R&R 4" backsplash for flat laid countertop	16.00 LF @	7.95 =	127.20
25. Electrical - Labor Minimum	1.00 EA @	187.78 =	187.78
26. Remove Vinyl floor covering (sheet goods) - Standard grade	166.75 SF @	0.66 =	110.06
27. Vinyl floor covering (sheet goods) - Standard grade	192.58 SF @	2.16 =	415.97
28. Seal & paint trim - two coats	0.12 LF @	1.07 =	0.13



**Richland County Flood Recovery Office**

Richland County Flood Recovery Office  
 2020 Hampton Street, Suite 1022, Columbia SC 29204

**CONTINUED - Kitchen**

DESCRIPTION	QTY	UNIT PRICE	TOTAL
29. Paint baseboard - two coats	43.67 LF @	1.09 =	47.60

**Bathroom**

**Height: 8'**

DESCRIPTION	QTY	UNIT PRICE	TOTAL
30. R&R Joist - floor or ceiling - 2x10 - w/blocking - 16" oc	17.25 SF @	7.60 =	131.10
31. Timber Framing - General Laborer - per hour	20.00 HR @	30.02 =	600.40
32. Underlayment - 1/2" BC plywood	17.25 SF @	1.77 =	30.53
33. R&R Sheathing - OSB - 5/8"	140.00 SF @	1.97 =	275.80
34. Underlayment - 1/4" 5 ply	17.25 SF @	1.92 =	33.12
35. R&R Batt insulation - 6" - R19 - paper / foil faced	17.25 SF @	1.09 =	18.80
36. R&R Baseboard - 3 1/4"	17.50 LF @	2.93 =	51.28
37. R&R Quarter round - 3/4"	17.50 LF @	1.48 =	25.90
38. Drywall Repair - Minimum Charge - Labor and Material	1.00 EA @	366.80 =	366.80
39. Seal/prime then paint the walls and ceiling twice (3 coats)	157.25 SF @	1.00 =	157.25
40. Mask and prep for paint - plastic, paper, tape (per LF)	17.50 LF @	1.08 =	18.90
41. Floor protection - heavy paper and tape	17.25 SF @	0.41 =	7.07
42. Plumbing - Labor Minimum	1.00 EA @	275.01 =	275.01
43. Electrical - Labor Minimum	1.00 EA @	187.78 =	187.78
44. Remove Vinyl floor covering (sheet goods) - Standard grade	17.25 SF @	0.66 =	11.39
45. Vinyl floor covering (sheet goods) - Standard grade	48.08 SF @	2.16 =	103.85
46. Seal & paint trim - two coats	17.50 LF @	1.07 =	18.73
47. Paint baseboard - two coats	17.50 LF @	1.09 =	19.08
48. R&R Toilet - Standard grade	1.00 EA @	388.76 =	388.76
49. R&R Sink - single - Standard grade	1.00 EA @	186.12 =	186.12
50. R&R Sink faucet - Bathroom - Standard grade	1.00 EA @	170.17 =	170.17
51. R&R P-trap assembly - ABS (plastic)	1.00 EA @	60.25 =	60.25
52. R&R Vanity - Standard grade	2.00 LF @	125.69 =	251.38
Replace with like vanity.			
53. R&R 4" backsplash for flat laid countertop	2.00 LF @	7.95 =	15.90
54. R&R Countertop - flat laid plastic laminate - Standard grade	2.00 LF @	31.15 =	62.30
55. R&R Medicine cabinet - Standard grade	1.00 EA @	114.14 =	114.14



## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

### Laundry Room

Height: 8'

DESCRIPTION	QTY	UNIT PRICE	TOTAL
56. R&R Joist - floor or ceiling - 2x10 - w/blocking - 16" oc	46.96 SF @	7.60 =	356.89
57. Timber Framing - General Laborer - per hour	20.00 HR @	30.02 =	600.40
58. Underlayment - 1/2" BC plywood	46.96 SF @	1.77 =	83.12
59. R&R Sheathing - OSB - 5/8"	222.67 SF @	1.97 =	438.66
60. Underlayment - 1/4" 5 ply	46.96 SF @	1.92 =	90.16
61. R&R Batt insulation - 6" - R19 - paper / foil faced	46.96 SF @	1.09 =	51.18
62. R&R Baseboard - 3 1/4"	27.83 LF @	2.93 =	81.54
63. R&R Quarter round - 3/4"	27.83 LF @	1.48 =	41.19
64. Drywall Repair - Minimum Charge - Labor and Material	1.00 EA @	366.80 =	366.80
65. Seal/prime then paint the walls and ceiling twice (3 coats)	269.63 SF @	1.00 =	269.63
66. Mask and prep for paint - plastic, paper, tape (per LF)	27.83 LF @	1.08 =	30.06
67. Floor protection - heavy paper and tape	46.96 SF @	0.41 =	19.25
68. Plumbing - Labor Minimum	1.00 EA @	275.01 =	275.01
69. Electrical - Labor Minimum	1.00 EA @	187.78 =	187.78
70. Remove Vinyl floor covering (sheet goods) - Standard grade	46.96 SF @	0.66 =	30.99
71. Vinyl floor covering (sheet goods) - Standard grade	65.92 SF @	2.16 =	142.39
72. Seal & paint trim - two coats	27.83 LF @	1.07 =	29.78
73. Paint baseboard - two coats	27.83 LF @	1.09 =	30.33
74. Dryer - Remove & reset	1.00 EA @	22.23 =	22.23
75. Washing machine - Remove & reset	1.00 EA @	24.68 =	24.68

### Level 2

### Bathroom

Height: 8'

DESCRIPTION	QTY	UNIT PRICE	TOTAL
76. R&R Joist - floor or ceiling - 2x10 - w/blocking - 16" oc	50.82 SF @	7.60 =	386.23
77. Timber Framing - General Laborer - per hour	20.00 HR @	30.02 =	600.40
78. Underlayment - 1/2" BC plywood	50.82 SF @	1.77 =	89.95
79. R&R Sheathing - OSB - 5/8"	242.61 SF @	1.97 =	477.94
80. Underlayment - 1/4" 5 ply	50.82 SF @	1.92 =	97.57
81. R&R Baseboard - 3 1/4"	30.33 LF @	2.93 =	88.87
82. R&R Quarter round - 3/4"	30.33 LF @	1.48 =	44.89
83. Drywall Repair - Minimum Charge - Labor and Material	1.00 EA @	366.80 =	366.80
84. Seal/prime then paint the walls and ceiling twice (3 coats)	293.43 SF @	1.00 =	293.43
85. Mask and prep for paint - plastic, paper, tape (per LF)	30.33 LF @	1.08 =	32.76
86. Floor protection - heavy paper and tape	50.82 SF @	0.41 =	20.84
87. Plumbing - Labor Minimum	1.00 EA @	275.01 =	275.01
88. Electrical - Labor Minimum	1.00 EA @	187.78 =	187.78
89. Seal & paint trim - two coats	30.33 LF @	1.07 =	32.45

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3/3/2020

Page: 4



**Richland County Flood Recovery Office**

Richland County Flood Recovery Office  
 2020 Hampton Street, Suite 1022, Columbia SC 29204

**CONTINUED - Bathroom**

DESCRIPTION	QTY	UNIT PRICE	TOTAL
90. Paint baseboard - two coats	30.33 LF @	1.09 =	33.06
91. R&R Toilet - Standard grade	1.00 EA @	388.76 =	388.76
92. R&R Sink - single - Standard grade	1.00 EA @	186.12 =	186.12
93. R&R Sink faucet - Bathroom - Standard grade	1.00 EA @	170.17 =	170.17
94. R&R P-trap assembly - ABS (plastic)	1.00 EA @	60.25 =	60.25
95. R&R Vanity - Standard grade	3.00 LF @	125.69 =	377.07
Replace with like vanity.			
96. R&R 4" backsplash for flat laid countertop	3.00 LF @	7.95 =	23.85
97. R&R Countertop - flat laid plastic laminate - Standard grade	3.00 LF @	31.15 =	93.45
98. R&R Medicine cabinet - Standard grade	1.00 EA @	114.14 =	114.14
99. Remove Slate tile - Standard grade	101.63 SF @	1.27 =	129.07
Remove two layers of tile and concrete base.			
100. R&R Fiberglass tub & shower combination - Standard grade	1.00 EA @	977.15 =	977.15
101. R&R Tub/shower faucet - Standard grade	1.00 EA @	260.94 =	260.94
102. R&R Light fixture - Standard grade	2.00 EA @	49.33 =	98.66
103. R&R Switch	2.00 EA @	15.01 =	30.02
104. R&R 1/2" water rock - hung, taped, floated, ready for paint	242.61 SF @	2.40 =	582.26
105. R&R Ground fault interrupter (GFI) outlet	2.00 EA @	29.41 =	58.82
106. R&R Exhaust fan - Standard grade	1.00 EA @	130.96 =	130.96

**Labor Minimums Applied**

DESCRIPTION	QTY	UNIT PRICE	TOTAL
107. Insulation labor minimum	1.00 EA @	12.97 =	12.97
108. Water extract/remediation labor minimum	1.00 EA @	64.26 =	64.26
109. Tile / marble labor minimum	1.00 EA @	97.81 =	97.81



## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

### Grand Total Areas:

4,023.84 SF Walls	1,485.54 SF Ceiling	5,509.38 SF Walls and Ceiling
1,485.54 SF Floor	165.06 SY Flooring	495.97 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	538.05 LF Ceil. Perimeter
1,485.54 Floor Area	1,614.87 Total Area	4,023.84 Interior Wall Area
2,234.99 Exterior Wall Area	230.57 Exterior Perimeter of Walls	
1,422.19 Surface Area	14.22 Number of Squares	0.00 Total Perimeter Length
29.18 Total Ridge Length	69.85 Total Hip Length	





**Richland County Flood Recovery Office**

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

**Summary for Dwelling**

Line Item Total	29,835.17
Material Sales Tax	507.91
Subtotal	30,343.08
Overhead	4,551.52
Profit	4,551.52
<b>Replacement Cost Value</b>	<b>\$39,446.12</b>
<b>Net Claim</b>	<b>\$39,446.12</b>

None



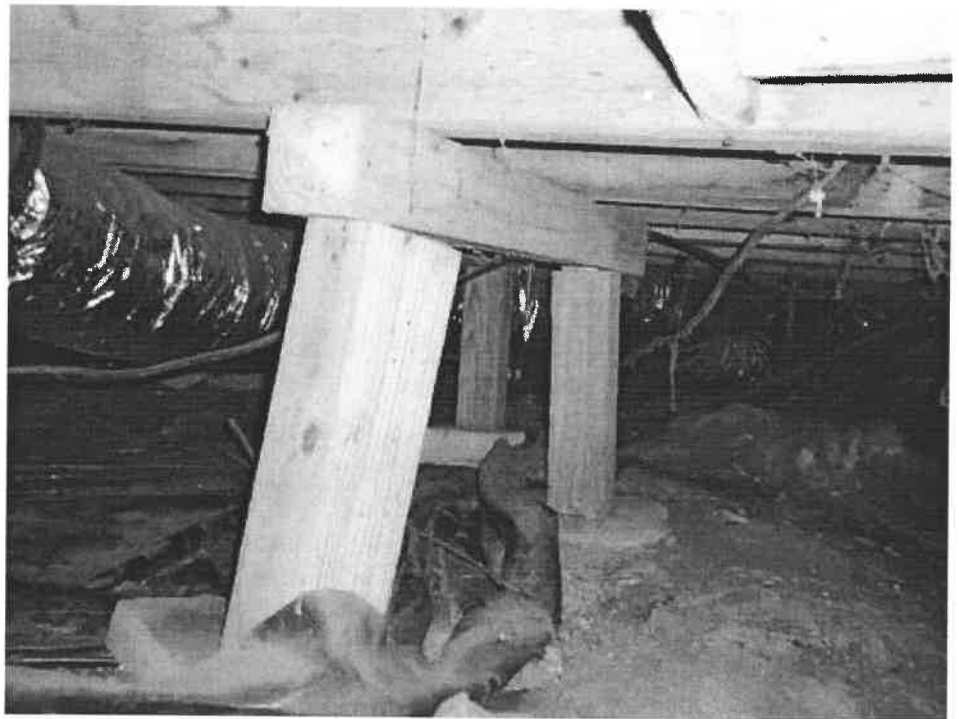
## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

- 1 1-DSC04716  
Date Taken: 3/3/2020



- 2 2-DSC04717  
Date Taken: 3/3/2020





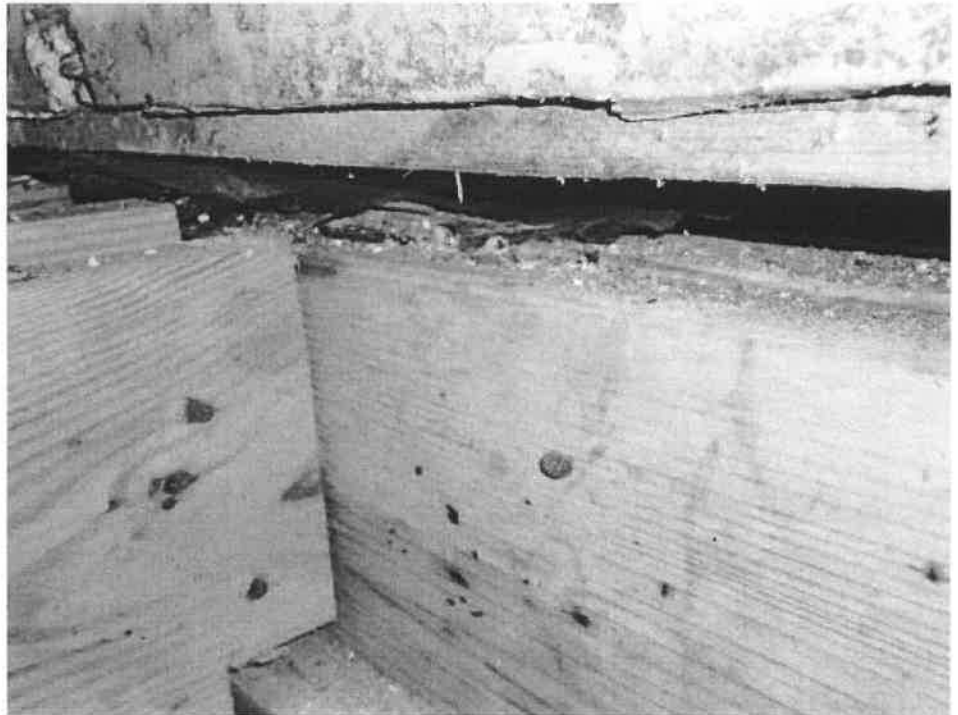
## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

- 3 3-DSC04718  
Date Taken: 3/3/2020



- 4 4-DSC04719  
Date Taken: 3/3/2020





## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

5 5-DSC04720

Date Taken: 3/3/2020



6 6-DSC04721

Date Taken: 3/3/2020





**Richland County Flood Recovery Office**

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

7 7-DSC04722  
Date Taken: 3/3/2020



8 8-DSC04723  
Date Taken: 3/3/2020





## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

9 9-DSC04724  
Date Taken: 3/3/2020



10 10-DSC04725  
Date Taken: 3/3/2020





**Richland County Flood Recovery Office**

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

11 11-DSC04726  
Date Taken: 3/3/2020



12 12-DSC04727  
Date Taken: 3/3/2020







## Richland County Flood Recovery Office

Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

13 13-DSC04728  
Date Taken: 3/3/2020



14 14-DSC04729  
Date Taken: 3/3/2020





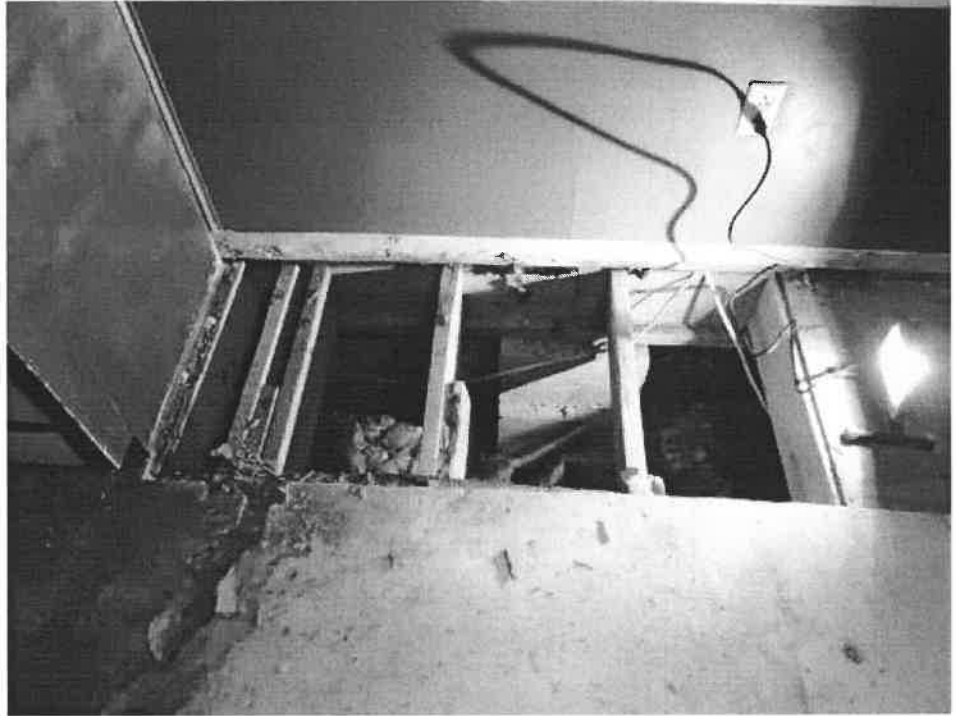


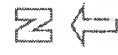
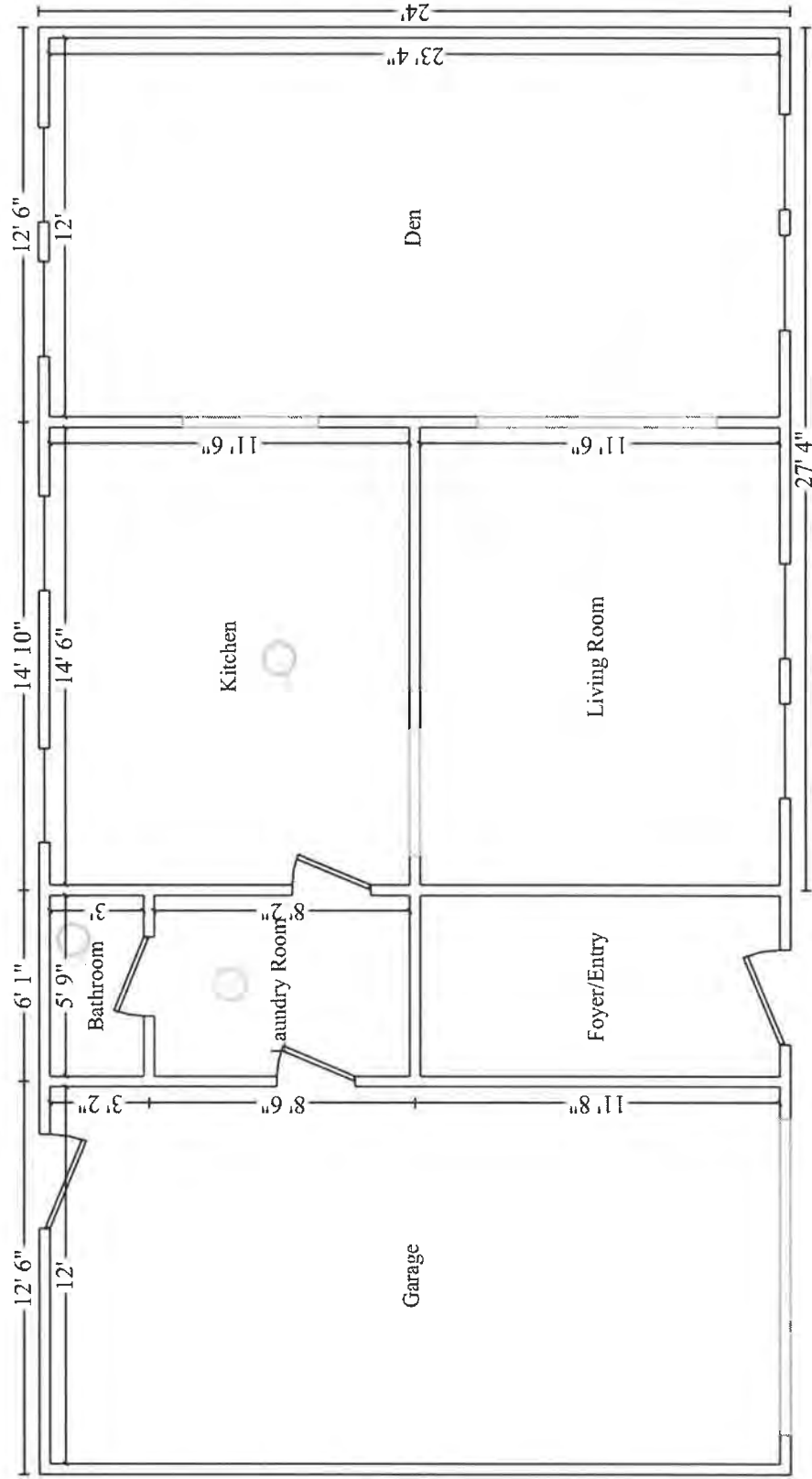
## Richland County Flood Recovery Office

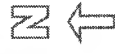
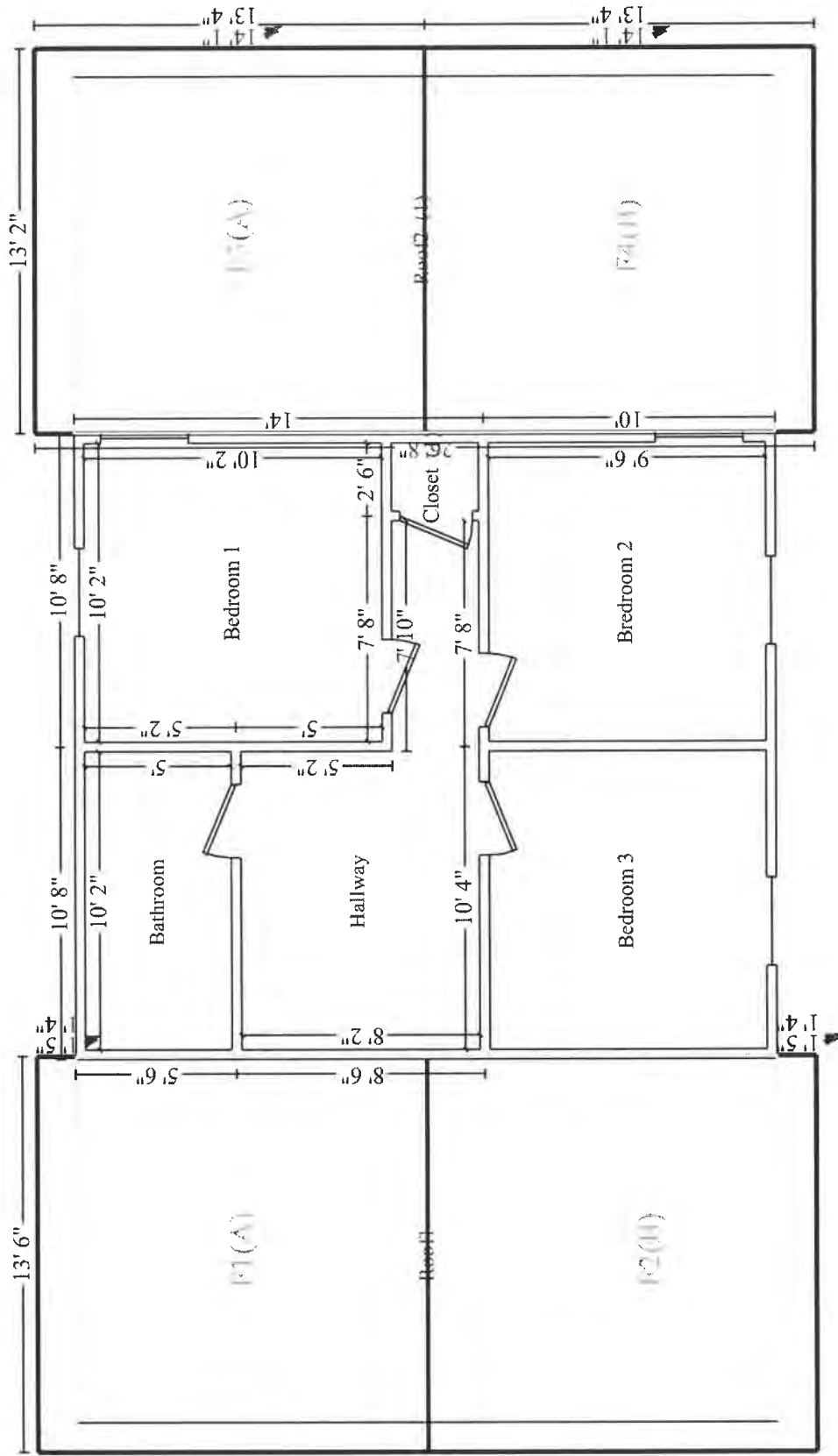
Richland County Flood Recovery Office  
2020 Hampton Street, Suite 1022, Columbia SC 29204

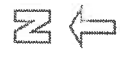
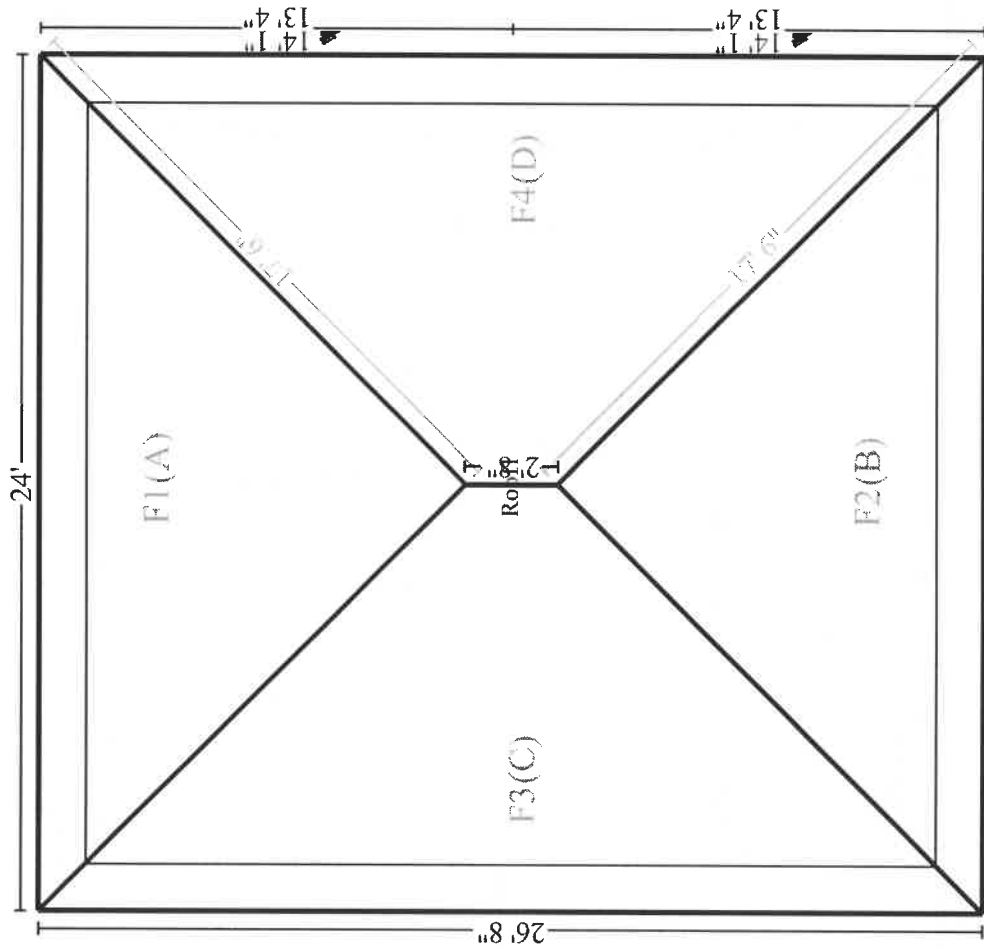
15 15-DSC04730

Date Taken: 3/3/2020









Roof

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-20HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX, SECTION 23-67, "PAYMENT OF LOCAL HOSPITALITY TAX," BY THE ADDITION OF LANGUAGE TO SUBSECTION (b) THEREOF SO AS TO EXTEND THE DEADLINE FOR REMITTING OUTSTANDING HOSPITALITY TAXES UNTIL JUNE 20, 2020.

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.

**WHEREAS**, the Coronavirus (COVID-19) constitutes a public health emergency as a disease with no known cure that has resulted in widespread illness and many deaths, disruption of the world economy, and indefinitely altering the day-to-day activities of millions of people as nations search for a cure or a way to prevent its spread; and

**WHEREAS**, on March 13, 2020, the President of the United States declared that the Coronavirus (COVID-19) outbreak in the United States constitutes a national emergency; and

**WHEREAS**, since March 11, 2020, the Governor of South Carolina has issued eleven (11) Executive Orders in response to COVID-19, including one on March 31, 2020, directing "Closure of Non-Essential Businesses, Venues, Facilities, Services, and Activities for Public Use to prepare for and respond to the actual, ongoing, and evolving public health threat posed by COVID-19 and to mitigate the significant impacts associated with the same"; and

**WHEREAS**, on March 27, 2020, the President of the United States declared that a major disaster exists in the State of South Carolina and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, businesses and business owners in Richland County have been and will continue to be especially hard hit by mandatory closings, "stay at home" or "shelter in place" orders or directives, and social distancing which, while beneficial from the standpoint of public health, are devastating to the conduct of business and the provision of services in Richland County;

**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 COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION II. This Amendment shall be known as the Coronavirus (COVID-19) Hospitality Tax Relief Amendment.

SECTION III. The Richland County Code of Ordinances; Chapter 23, Taxation, Article VI, Local Hospitality Tax, Section 23-67, "Payment of Local Hospitality Tax," is amended by the addition of language to subsection (b) thereof so as to extend the deadline for remitting outstanding hospitality taxes until June 20, 2020, to read as follows:

**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.

(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; **provided, however, that notwithstanding any other provision of this article, the deadline for required collectors of local hospitality taxes to remit the tax provided for in this article that are outstanding at the time of the adoption of the Coronavirus (COVID-19) Hospitality Tax Relief Amendment shall be extended until June 20, 2020. Thereafter, the deadline for hospitality tax remittance to the county shall be and shall return to the regular monthly remittance schedule as provided for in this section.**

(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 20th of the month, or on the next business day if the 20th is not a business day.

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

SECTION VI. Effective Date. This ordinance shall be effective from and after April \_\_\_\_, 2020.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF APRIL, 2020.

\_\_\_\_\_  
Kimberly Williams-Roberts  
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:

**A RESOLUTION OF THE RICHLAND COUNTY COUNCIL CALLING UPON  
GOVERNOR HENRY MCMASTER TO ISSUE A MANDATORY STAY AT HOME  
ORDER FOR THE STATE OF SOUTH CAROLINA FOR A MINIMUM FOURTEEN  
DAY PERIOD OR FOR SUCH FURTHER PERIOD OF TIME AS MAY BE DEEMED  
NECESSARY AND APPROPRIATE BY THE SOUTH CAROLINA DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL CONTROL**

**Whereas**, on March 13, 2020, President Donald J. Trump declared a national state of emergency to assist with combating the spread of the novel coronavirus (COVID-19); and

**Whereas**, on March 13, 2020, Governor Henry D. McMaster declared a state of emergency in South Carolina to take all necessary and appropriate actions in proactively preparing for and promptly responding to the threat posed by COVID-19; and

**Whereas**, Covid-19 is now aggressively spreading across the State with the South Carolina Department of Health and Environmental Control ("SCDHEC") confirming the localized person-to-person spread of COVID-19 in South Carolina, which indicates a significantly increasing risk of exposure and infection to residents of the population of the State of South Carolina, and an extreme public health risk; and

**Whereas**, as of March 31, 2020, the total number of cases in the United States is well over (Current #) with at least (Current #) cases in the State of South Carolina; and

**Whereas**, local governments around the State are taking actions in an effort to protect the local population, but these actions are non-uniform and cannot address the spread of COVID-19 in areas outside of the locality; and

**Whereas**, public health officials have been uniform in their advice that the spread of COVID-19 is impeded by stay at home policies, but that such policies must be uniform and far reaching to be effective; and

**Whereas**, S. C. Code Ann. § 25-1-440 (Supp. 2019), declares that the Governor of South Carolina, “. . . when an emergency has been declared, as the elected Chief Executive of the State, is responsible for the safety, security, and welfare of the State. . .”; and

**Whereas**, under S. C. Code Ann. § 25-1-440 (Supp. 2019), the Governor is empowered to “issue emergency proclamations and regulations and amend or rescind them”; and

**Whereas**, emergency proclamations and regulations issued by the Governor “. . . have the force and effect of law”; and

**Whereas**, it is imperative that the population of the State of South Carolina shelter at home, unless providing or requiring an essential service, and otherwise follow all directives from public health officials; and

**Whereas**, taking measures such as this to control outbreaks has been shown to minimize the risk to the public, maintain the health and safety of the people of South Carolina, and limit the spread of infection in our communities and within the health care delivery system; and

**Whereas**, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the Richland County Council formally requests that Governor Henry D. McMaster issue an order requiring that all persons within the State of South Carolina to stay at home for a minimum period of Fourteen (14) Days, unless providing or requiring an essential service, or such other period as may be determined to be appropriate by the South Carolina Department of Health and Environmental Control, as a necessary and immediate step to try and protect the population of the State of South Carolina from a continued and increased risk of exposure,

**NOW, THEREFORE, BE IT RESOLVED**, the Richland County Council calls upon Governor Henry D. McMaster to immediately undertake and coordinate all necessary and reasonable activities for this emergency response to include the issuance of a mandatory stay at home order for individuals, unless they are providing or requiring an essential service, for the State of South Carolina for a minimum period of Fourteen (14) Days, or such other period as may be determined to be appropriate by the South Carolina Department of Health and Environmental Control and deemed necessary to protect the public health, safety and welfare of the population of the State of South Carolina.

Respectfully submitted this 31st day of March 2020.





**WHEREAS**, as of March 31, 2020, at least thirty (30) states, Washington, D.C., the City of Columbia, South Carolina, and numerous other local governments in South Carolina have issued stay-at-home orders, bringing the national total population of those under such orders to 225 million people; and

**WHEREAS**, as of April 1, 2020, the South Carolina Department of Health and Environmental Control (DHEC) reported that there were 200 cases of COVID-19 and \_\_\_ deaths from this disease in Richland County; and

**WHEREAS**, illnesses, diseases, epidemics and pandemics are not unprecedented and have been known to humankind since its inception; and

**WHEREAS**, this particular disease is one of those and is to be taken seriously; and

**WHEREAS**, the Centers for Disease Control (“CDC”) is a federal agency whose mission is “24/7 to protect Americans from domestic and foreign threats to health, safety and security. Whether diseases start at home or abroad, are chronic or acute, curable or preventable, due to human error or deliberate attack, CDC fights disease and supports communities and citizens to do the same”; and

**WHEREAS**, the consistent message, guidance and recommendations from the government of the United States, including its President and the lead federal agency (LFA) for this public health emergency, the Centers for Disease Control, and the government of the State of South Carolina, including its Governor and the South Carolina Department of Health and Environmental Control, and the consistent message guidance and recommendations from scientific, medical and public health professionals, is that staying at home to the greatest extent possible and practicing social distancing are among the most effective approaches to reducing the community transmission of COVID-19;

**WHEREAS**, from the outset of this public health emergency, the CDC has published guidelines and recommended actions to prevent the spread of Coronavirus Disease 2019 in addition to staying at home and maintain safe distancing, including such basic precautions as performing hand hygiene frequently, washing often with soap and water for at least twenty seconds or using an alcohol-based hand sanitizer, avoiding touching one’s eyes, nose, and mouth with unwashed hands, wearing a facemask and gloves as needed, using a household cleaning spray on “high-touch” surfaces such as counters, tabletops, doorknobs, bathroom fixtures, toilets, phones, keyboards, tablets, and bedside tables, and washing laundry thoroughly, among other precautions; and

**WHEREAS**, each of these guidelines and recommended actions is easy to understand and to follow, and each involves the application of common sense; and

**WHEREAS**, the universal recommendations for everyone to stay home and maintain safe distancing from others have been made since the inception of the COVID-19 outbreak, and are daily reinforced by every nation, every level of government, every public health official and every form of media in the United States; and

**WHEREAS**, the citizens of Richland County have on their own followed such common sense guidelines and recommended actions for the last several weeks as the Coronavirus has spread, and have shown no need to be compelled by government action to undertake measures they already have voluntarily undertaken and continue to take freely, and the Richland County Council encourages every Richland County citizen and resident to continue to do so; and

**WHEREAS**, the Richland County Council encourages the following actions in response to the Covid-19 pandemic with Richland County: staying at home unless absolutely necessary, engaging in social distancing of at least 6-feet from others, and following all published guidelines provided by the CDC, including the admonitions to wash hands with soap and water for at least twenty (20) seconds or use hand sanitizer frequently, or after contact with potentially-infected surfaces, to the greatest extent feasible; covering coughs or sneezes, preferably with a tissue immediately disposed of, or into the sleeve or elbow, not hands; regularly cleaning high-touch surfaces; and refraining from person-to-person contact as possible; and

**WHEREAS**, to date neither the South Carolina General Assembly nor the Governor has issued a “stay at home” or “shelter in place” order in response to COVID-19; and

**WHEREAS**, the Richland County Council will observe and monitor the Governor’s directives; and

**WHEREAS**, Richland County residents have within the last Century fought in World War I, endured the Great Depression, the attack on Pearl Harbor, fought in World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, survived Hurricane Hugo, Hurricane Matthew and countless other damaging storms, the terrorist attack on September 11, 2001, and the October 2015 thousand year flood that was declared a Presidential and FEMA Major Disaster; and

**WHEREAS**, in each occasion, the citizens of Richland County acquitted themselves with great honor, courage and resiliency that has prepared them for the unusual but not unprecedented public health emergency presented by COVID-19, with a spirit of hopeful expectation rather than fearful resignation, aware but not wary, concerned but not cowering, diligent and not daunted, capable rather than helpless, and regarding themselves not as victims but as survivors; and

**WHEREAS**, the Richland County government has since March \_\_\_\_, 2020, conducted regular situational updates for County Council, staff and the public, accessible by conference call, and has posted on [www.richlandcountysc.gov](http://www.richlandcountysc.gov) information, resources available and links to other sources of guidance on the Coronavirus, and will continue to update all of those sources of information and guidance throughout this public health emergency; and

**WHEREAS**, Richland County has sought all available funds and sources of relief for those impacted by COVID-19, to date securing \$500,000 earmarked to provide food for seniors and moderate to low-income households, and also small businesses in Richland County, and an additional \$500,000 for personal protective equipment (PPE) for the Richland County Sheriff’s Department and other first responders, and will continue to pursue all resources to provide assistance and relief to those impacted by COVID-19;

**NOW, THEREFORE, BE IT RESOLVED** that Richland County recognizes and is grateful its citizens' diligent adherence to the sound advice of public health officials, which is contributing greatly to the collective response to this emergency, encourages the citizens and residents of the County to continue their diligent adherence to the basic guidelines and recommendations offered by the CDC, and the governments of the United States and the State of South Carolina, reserving travel for essential purposes such as work, keeping medical appointments, going to stores, pharmacies or similar establishments for food and other necessities, getting proper amounts of exercise and enjoying the benefits of recreation, maintaining appropriate social distancing when traveling about the County and elsewhere, and taking part in the physical and economic recovery of the community as we emerge from this difficult time.

**RESOLVED THIS** \_\_\_\_ day of April, 2020.

---

Paul Livingston, Chair  
Richland County Council

ATTEST this \_\_\_\_ day of April, 2020.

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Kimberly Williams-Roberts  
Clerk of Council

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-20HR

AN EMERGENCY ORDINANCE IMPLEMENTING THE GUIDANCE AND RECOMMENDATIONS OF THE UNITED STATES GOVERNMENT, THE GOVERNMENT OF THE STATE OF SOUTH CAROLINA, AND PUBLIC HEALTH PROFESSIONALS IN RESPONSE TO THE CORONAVIRUS (COVID-19) PANDEMIC FOR THE PROTECTION OF INDIVIDUALS IN RICHLAND COUNTY, AND IMPLEMENTING SOCIAL DISTANCING MEASURES TO ACHIEVE THE INTENT THEREOF.

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.

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020, further declaring the COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 (“Stafford Act”); and

**WHEREAS**, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), retroactive to March 1, 2020; and

**WHEREAS**, on March 16, 2020, based on information and recommendations from the Centers for Disease Control and Prevention (“CDC”), the President of the United States and the White House Coronavirus Task Force issued new guidance—titled, “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread of Coronavirus (COVID-19)”— to help protect Americans during the global COVID-19 outbreak; and

**WHEREAS**, the President’s Coronavirus Guidelines for America recommend that the American people “[w]ork or engage in schooling from home whenever possible”; “[a]void social gatherings in groups of more than 10 people”; “[a]void eating or drinking at bars, restaurants, and food courts—use drive-thru, pickup, or delivery options”; and “[a]void discretionary travel, shopping trips, and social visits”; and

**WHEREAS**, since March 11, 2020, the Governor of South Carolina has issued eleven (11) Executive Orders in response to COVID-19, including:

- a) On March 11, 2020, Executive Order No. 2020-07, suspending certain transportation-related rules and regulations for commercial vehicles and operators of commercial vehicles providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19;
- b) On March 13, 2020, Executive Order No. 2020-08, declaring a State of Emergency based on a determination that the 2019 Novel Coronavirus (“COVID-19”) poses an actual or imminent public health emergency for the State of South Carolina, placing certain units of the South Carolina National Guard on State Active Duty, and directing the closure of public schools in those counties where the South Carolina Department of Health and Environmental Control (“DHEC”), in consultation with the Centers for Disease Control and Prevention (“CDC”), identified instances of COVID-19 transmission via “community spread”;
- c) On March 15, 2020, Executive Order No. 2020-09, directing the closure of all public schools in the State of South Carolina for students and non-essential employees beginning Monday, March 16, 2020, and through Tuesday, March 31, 2020, and the postponement or rescheduling of any election scheduled to be held in this State on or before May 1, 2020, as well as urging that indoor and outdoor public gatherings be cancelled, postponed, or rescheduled, to the extent possible, or limited so as not to exceed one hundred (100) people;
- d) On March 17, 2020, based on updated information and recommendations from the CDC, the President of the United States, and the White House Coronavirus Task Force, Executive Order No. 2020-10, directing additional emergency measures in response to the threat posed by COVID-19, to include temporarily prohibiting restaurants from providing certain food services for on-premises consumption and prohibiting events at government facilities that would convene fifty (50) or more people in a single room, area, or other confined indoor or outdoor space; and
- e) On March 19, 2020, Executive Order No. 2020-11, initiating further emergency measures and suspending certain regulations to ensure the proper function and continuity of state government operations and the uninterrupted performance and provision of emergency, essential, or otherwise mission-critical state government services, while simultaneously undertaking additional measures to safeguard the health and safety of state employees, mitigate significant economic impacts and burdens on affected individuals and employers, and provide regulatory relief to expedite emergency response initiatives and enhance the availability of critical healthcare services;
- f) On March 21, 2020, Executive Order No. 2020-12, initiating additional actions to provide regulatory relief to facilitate “social distancing” practices and to mitigate the significant economic impacts of COVID-19 on individuals and businesses throughout the State, particularly restaurants and other food-service establishments;

- g) On March 23, 2020, Executive Order No. 2020-13, authorizing and directing law enforcement officers of the State, or any political subdivision thereof to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health;
- h) On March 27, 2020, Executive Order No. 2020-14, directing that individuals who enter the State of South Carolina from an area with substantial community spread of COVID-19 shall be required to isolate or self-quarantine for a period of fourteen (14) days from the time of entry into the State of South Carolina or the duration of the individual's presence in South Carolina, whichever period is shorter;
- i) On March 28, 2020, Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID-19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina;
- j) On March 30, 2020, Executive Order No. 2020-16, directing that any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings that provide public access to the public waters of this State shall be closed to public access for recreational purposes for the duration of the State of Emergency; and
- k) On March 31, 2020, Executive Order No. 2020-17, directing "Closure of Non-Essential Businesses, Venues, Facilities, Services, and Activities for Public Use to prepare for and respond to the actual, ongoing, and evolving public health threat posed by COVID-19 and to mitigate the significant impacts associated with the same"; and

**WHEREAS**, on March 24, 2020, the Governor of the State of South Carolina requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act; and

**WHEREAS**, on March 27, 2020, the President of the United States granted the Governor's request and declared that a major disaster exists in the State of South Carolina and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

**WHEREAS**, on March 29, 2020, the President of the United States extended the provisions of his Coronavirus Guidelines for America until April 30, 2020, based on the ongoing nature and evolving scope of the global COVID-19 pandemic; and

**WHEREAS**, on March 31, 2020, in public comments about the White House Coronavirus guidelines, the Surgeon General of the United States said that, "My advice to America would be that these guidelines are a national stay-at-home order," and that, "We want, nationally, people to understand the importance of social distancing"; and

**WHEREAS**, as of March 31, 2020, at least thirty (30) states, Washington, D.C., the City of Columbia, South Carolina, and numerous other local governments in South Carolina have issued stay-at-home orders, bringing the national total population of those under such orders to 225 million people; and

**WHEREAS**, as of April 1, 2020, local governments, The Center for Systems Science and Engineering at Johns Hopkins University, the National Health Commission of the People's Republic of China, World Health Organization and other public health reporting bodies report that there are 946,234 cases of COVID-19 and 47,858 deaths from this disease worldwide, the Centers for Disease Control reports that there are 214,461 cases of COVID-19 and 4,841 deaths from this disease in the United States, the South Carolina Department of Health and Environmental Control reports that there are 1,554 cases of COVID-19 and 31 deaths from this disease in South Carolina, and 200 cases of COVID-19 and \_\_\_\_ deaths from this disease in Richland County; and

**WHEREAS**, South Carolina Code of Laws Annotated Section 4-9-25 provides that:

All counties of the State, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them. The powers of a county must be liberally construed in favor of the county and the specific mention of particular powers may not be construed as limiting in any manner the general powers of counties.

**WHEREAS**, South Carolina Code of Laws Annotated Section 4-9-130 provides that:

To meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment; and

**WHEREAS**, Richland County Code of Ordinances; Chapter 2, Administration, Article II, County Council, Division 2, Ordinances, Section 2-31 provides:



(a) An emergency ordinance may be enacted only to meet public emergencies affecting life, health, safety, or the property of the people. Such an ordinance may not levy taxes, grant, renew or extend a franchise nor may it impose or change a service rate;

(b) Each emergency ordinance shall contain a declaration that an emergency exists, defining the emergency, and shall be entitled an "Emergency Ordinance";

(c) Emergency ordinances require no readings or prior publications before adoption by county council;

(d) Emergency ordinances require a two-thirds (2/3) affirmative vote of members present for adoption;

(e) An emergency ordinance is effective immediately on the date of adoption and shall expire automatically on the sixty-first day following the date of enactment; and.

(f) The clerk of council shall be responsible for indexing and providing for compilation of the emergency ordinance adopted and shall, with the county attorney's assistance, cause a copy of the emergency ordinance to be filed in the office of the clerk of court;

**NOW, THEREFORE**, by virtue of the authority vested in the governing body of Richland County pursuant to Home Rule, S.C.Code Ann. Sections 4-9-25 and 4-9-130, and in accordance with the requirements of S.C.Code Ann. Section 4-9-130 and Richland County Code of Ordinances, Chapter 2, Administration, Article II, County Council, Division 2, Ordinances, Section 2-31, the governing body of Richland County declares that an emergency exists with respect to the presence of and the spread of the Coronavirus (COVID-19), and pursuant to the above authorities, and incorporating the federal and state emergency declarations, orders, measures, guidance and recommendations set forth in the prefatory clauses hereinabove, adopts this EMERGENCY ORDINANCE effective at \_\_\_\_\_ on April \_\_\_\_, 2020, and expiring at \_\_\_\_\_, on April \_\_\_\_, 2020, as follows:

## SECTION II.

- A. Purpose. This ordinance is adopted based on the rapid increase in the number of confirmed cases of COVID-19 within Richland County. The consistent message, guidance and recommendations from the government of the United States, including its President and the lead federal agency (LFA) for this public health emergency, the Centers for Disease Control, and the government of the State of South Carolina, including its Governor and the South Carolina Department of Health and Environmental Control, and the consistent message guidance and recommendations from scientific, medical and public health professionals, is that staying at home to the greatest extent possible and practicing social distancing are among the most effective approaches to reducing the community transmission of COVID-19. The age and health of a significant portion of the population of Richland County places thousands of residents at risk for serious health complications, including death, from COVID-19.

Due to the growing spread and the increase in the rate of confirmed cases of this disease, for which there is no known vaccine or cure, the compelling need to protect all citizens and residents of Richland County, including the most vulnerable to suffering prolonged illness or death from the virus, this Emergency Ordinance requires all individuals anywhere in Richland County to stay at home except to perform essential activities, engage in exempted business, provide or obtain essential government services, or engage in permitted recreational activities as described herein.

B. Intent. The intent of this Emergency Ordinance is:

- 1) for as many people in Richland County to stay at home to the greatest extent as is feasible in order to protect themselves and others, to preserve public health;
- 2) to slow the spread of COVID-19 to the greatest extent possible by implementing and observing the consistent federal, State and professional medical guidance and recommendations to combat this public health emergency;
- 3) to reduce COVID-19 infections, illness and death caused by this disease and its complications; and
- 4) to put in place conditions to enable essential activities, business and government services and recreational activities to operate and be delivered in the current operational environment.

C. Definitions. Words and terms not defined herein shall have their commonly understood usage and meaning. For purposes of this Emergency Ordinance, the following terms shall mean:

1. “*Permitted Recreational Activities*” means outdoor activity that complies with the Social Distancing Requirements set forth in this Emergency Ordinance, and includes the sanitizing of any equipment used both before and after the activity.

Examples: Walking, hiking, running, dog-walking, biking, rollerblading, skateboarding, playing tennis, golf, gardening, and other activities where all participants comply with Social Distancing Requirements and there is no person-to-person contact.

2. “*Essential Activities*” means:

a) engaging in any activity or performing a task essential to an individual’s health or safety, or to the health or safety of the individual’s family or household members, including pets.

Examples: Obtaining medical supplies or medication, visiting a health care professional, going to the store to obtain food, supplies needed to work from home or other essentials relative to one’s health and safety, or the health and safety of one’s family or household members, including pets.

b) Obtaining services or supplies for an individual or the individual’s family or household members; or delivering those services or supplies to others that are necessary to maintain the safety, sanitation, and operation of residences.

c) Performing work providing essential products and services at “Permitted Businesses and Business Activities” or otherwise carrying out activities specifically permitted in this Emergency Ordinance.

d) Caring for a family member or pet in another household or serving as a caregiver providing essential services to another.

e) Providing or obtaining services at “Health Care Facilities,” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other health care facilities, health care suppliers, home health care and assisted living services, mental health providers, or any related or ancillary health care services, and veterinary care and all health care services provided to animals. This provision shall be liberally construed to avoid any negative impact to the delivery of health care, broadly defined. “Health Care Facilities” does not include gyms, fitness facilities, spas, massage parlors, or other similar facilities.

f. Providing any services or performing any work necessary to the operations and maintenance of essential infrastructure, including critical or emergency public works or utilities construction, construction, solid waste collection and removal by private and public entities and telecommunications services. Those engaged in the provision of these services shall observe the Social Distancing Requirements set forth herein to the extent possible.

3. “*Permitted Businesses and Business Activities*” are those defined in Attachment A to this Emergency Ordinance.

4. “*Essential Government Services*” includes all of those services deemed by the government of Richland County to be necessary for the continuity of operations and the provision of services during the COVID-19 public health emergency.

5. “*Essential Travel*” means:

a. Travel related to the provision of, or access to, “Permitted Recreational Activities,” “Essential Activities,” “Permitted Businesses and Business Activities,” “Essential Government Services,” or “Essential Travel” permitted herein.

b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons;

c. Travel required to visit a house of worship;

- d. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
  - e. Travel to return to a place of residence from outside of Richland County, or travel required for nonresidents to return to their place of residence outside of Richland County; and
  - f. Travel required by law enforcement or court order.
  - g. “Home” includes homes and apartments, hotels, motels, shared rental units, and similar facilities. “Residence” shall have the same meaning as “Home.”
6. The “Social Distancing Requirement” set forth herein means maintaining at least \_\_\_\_\_ ( )-feet social distancing from other individuals;

Guidance and Recommendations

In addition to the Stay at Home and Social Distancing Requirements, the governing body of Richland County incorporates and affirms the Guidance and Recommendations offered by the federal and State governments, and medical professionals and public health officials to:

- i. Wash hands with soap and water for at least twenty (20) seconds or use hand sanitizer frequently, or after contact with potentially-infected surfaces, to the greatest extent feasible;
- ii. Cover coughs or sneezes, preferably with a tissue immediately disposed of, or into the sleeve or elbow, not hands;
- iii. Regularly cleaning high-touch surfaces; and
- iv. Refrain from person-to-person contact as possible.

D. Stay at Home. All individuals living in Richland County shall stay at their home or place of residence, except to engage in the “Permitted Recreational Activities,” “Essential Activities,” “Permitted Businesses and Business Activities, ” “Essential Government Services,” or “Essential Travel” specified in this Emergency Ordinance.

Individuals experiencing homelessness are exempt from the provisions of this section, and are encouraged to seek shelter, and public and private entities are encouraged to assist homeless individuals to obtain shelter as soon as possible and to the extent feasible, using the COVID-19 guidance and recommendations described herein.

E. Social Distancing Requirement. Individuals in Richland County shall maintain at least \_\_\_\_\_ ( )-feet social distancing from other individuals. Everyone in Richland County is

further encouraged to observe and practice the Guidance and Recommendations offered by the federal and State governments, and medical professionals and public health officials to:

- i. Wash hands with soap and water for at least twenty (20) seconds or use hand sanitizer frequently, or after contact with potentially-infected surfaces, to the greatest extent feasible;
- ii. Cover coughs or sneezes, preferably with a tissue immediately disposed of, or into the sleeve or elbow, not hands;
- iii. Regularly cleaning high-touch surfaces; and
- iv. Refrain from person-to-person contact as possible.

F. Enforcement. Any individual who violates this ordinance shall be subject to a citation for civil infraction in an amount of \_\_\_\_\_, for each violation, enforceable by any Richland County commissioned law enforcement or peace officer.

**[NOTE: If enforced as a misdemeanor, use this language:**

Anyone who violates the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) and imprisonment not exceeding thirty (30) days. Court costs are not included in any fine imposed by the court.

Each day any violation of this ordinance continues shall constitute a separate offense.]

SECTION III. Severability. If any section, subsection, or clause of this Emergency 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 Emergency Ordinance shall be effective beginning at \_\_\_\_\_ on April \_\_\_\_, 2020 and will continue to be in effect through \_\_\_\_\_, 2020.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE 5<sup>th</sup> DAY  
OF APRIL, 2020.

\_\_\_\_\_  
Kimberly Williams-Roberts  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

## **ATTACHMENT A**

### **Permitted Businesses and Business Activities**

The following businesses and business activities are exempt from the Stay at Home provisions of this Emergency Ordinance: