



# **RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA**

**APRIL 7, 2009  
6:00 PM**

**CALL TO ORDER**

**HONORABLE PAUL LIVINGSTON, CHAIR**

**INVOCATION**

**HONORABLE L. GREGORY PEARCE, JR.**

**PLEDGE OF ALLEGIANCE**

**HONORABLE L. GREGORY PEARCE, JR.**

## **Presentations**

1. DHEC Recycling Award Presentation
2. Project Hope (Community Initiative)

## **Citizen's Input**

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

## **Approval Of Minutes**

4. Regular Session: March 17, 2009 [PAGES 13-22]
5. Zoning Public Hearing: March 24, 2009 [PAGES 24-29]

## **Adoption Of The Agenda**

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

6.
  - Waste Management Contract Amendment
  - HBA vs. Richland County
  - Vineyard vs. Lott

## **Report Of The County Administrator**

7.
  - Rowing Club MOU
  - Comprehensive Plan Public Input Meetings Reminder (2 remaining)
  - Update on American Dream Conference
  - Update on Animal Shelter Grand Opening
  - Waste Management Public Information Session Reminder: April 15th, 5:30 p.m., Council Chambers
  - Stimulus Update/Mr. Livingston's Stimulus Ad Hoc Committee
  - FY10 Budget Update/Calendar
  - Economic Development Strategic Plan Work Session: Schedule
  - RCRC Project Status Update to Council at April 21st Meeting
  - Palmetto Utilities Update
  - Project Pet Status Update
  - Stormwater Update: Online Resources

## Report Of The Clerk Of Council

## Report Of The Chairman

8.
  - NHA Conference

## Open/Close Public Hearings

9.
  - 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
  - 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
  - An Ordinance amending the FY 2008-2009 Richland County Industrial Park budget to increase the budget seventy-five thousand dollars (\$75,000)
  - 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"
  - 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

## Approval Of Consent Items

10. 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 [**THIRD READING**][**PAGES 35-37**]
11. 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**] [**PAGES 39-41**]
12. 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 [**PAGES 43-46**]

13. Request to approve the early renewal of a municipal solid waste contract with Waste Management, Inc. [**PAGES 48-53**]
14. Request to consider a petition filed in circuit court to close a portion of Blaine Street and Dunston Street [**PAGES 55-69**]
15. 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) [**PAGE 71**]
16. A Resolution to allocate \$54,100.30 in Military Forest Funds [**PAGES 73-74**]
17. 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*] [**PAGES 76-79**]
18. Request to develop a working plan for establishing public-private partnerships for county projects and initiatives [**PAGES 81-83**]
19. Request to approve an intermediate contract with Lowcountry Billing Services [**PAGES 85-86**]
20. A Resolution affirming Richland County's commitment to fair housing [**PAGE 88**]

### **Third Reading Items**

21. 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 [**PAGES 90-94**]
22. An Ordinance amending the Fiscal Year 2008-09 Richland County Industrial Park budget to increase the budget seventy-five thousand dollars (\$75,000) [**PAGES 96-97**]
23. 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 [**PAGES 99-104**]



## **Second Reading Items**

24. 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" [**PAGES 106-107**]

## **First Reading Items**

25. 09-02MA, Lawrence Owen, RS-MD to OI (1 Acre), 06205-02-02, 1204 Piney Grove Road [**PAGE 109**]

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

26. Development & Services Committee Recommendations [NO ACTION REQUIRED] [**PAGE 111**]

## **Report Of Administration And Finance Committee**

27. Administration & Finance Committee Recommendations [NO ACTION REQUIRED] [**PAGE 113**]

## **Report Of Economic Development Committee**

28. 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., its lender and Richland County and matters thereto related [**PAGES 115-119**]

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

### **1. NOTIFICATION OF VACANCIES**

- 29. Accommodations Tax Committee-2
- 30. Historic Columbia Foundation-1
- 31. Hospitality Tax Committee-1
- 32. Internal Audit Committee-1

### **2. Notification Of Appointments**

- 33. Employee Grievance Committee-1 [PAGES 125-126]
- 34. Historic Columbia Foundation-1 [PAGES 128-129]
- 35. Hospitality Tax Committee-1

### **3. Rule Changes**

- 36. Electronic Participation (Rule Clarification) [PAGE 132]

### **4. Items Requiring Action**

- 37. Review Composition of County Committees, Boards and Commissions
- 38. Council Individual Discretionary Accounts

Revised Application Form

39.

**Other Items**

40. CDV Equipment Grant (\$2,250 match, no personnel) [PAGES 134-136]

41. Rowing Club MOU [PAGES 138-144]

**Citizen's Input**

42. Must Pertain to Items Not on the Agenda

**Executive Session**

**Motion Period**

- 43.
- Placement of Comprehensive Plan on April 21st Agenda [LIVINGSTON]
  - Guidelines for presentations by agencies receiving funding from the County during the budgeting process [LIVINGSTON]
  - Composition of Discretionary Grant Committee [MANNING/JETER]

**Adjournment**



# Richland County Council Request of Action

**Subject**

DHEC Recycling Award Presentation

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

Project Hope (Community Initiative)

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

# Richland County Council Request of Action

**Subject**

Regular Session: March 17, 2009 [PAGES 13-22]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No



# 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.*

---

### 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 17, 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 2<sup>nd</sup>, 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** – 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** – 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

# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: March 24, 2009 [PAGES 24-29]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MARCH 24, 2009 7:00 p.m.

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

---

---

#### **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	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin E. Washington, Sr.

Absent      Jim Manning

**OTHERS PRESENT:** Joseph Kocy, Anna Almeida, Amelia Linder, Suzie Haynes, Jennie Sherry-Linder, Brandon Hooker, Milton Pope, Sparty Hammett, Larry Smith, Jennifer Dowden, Stephany Snowden, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 7:00 p.m.

### ADDITIONS/DELETIONS TO AGENDA

Ms. Almeida stated that on p. 17, paragraph 3 it should read: "...weekend directional sign' as being a temporary off premise sign..."

### MAP AMENDMENTS

**09-02MA, Lawrence Owen, RS-MD to OI (1 acre), 06205-02-02, 1204 Piney Grove Rd. –**

Mr. Livingston opened the floor to the public hearing.

Mr. Gerald Steele spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer First Reading of this item until the April 7<sup>th</sup> Council meeting. The vote in favor was unanimous.

### TEXT AMENDMENTS

**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**

Mr. Livingston opened the floor to the public hearing.

Mr. Bill Groff, Mr. Marvin Davis, Ms. Ryan Nevius, Ms. Paulette Kindler, Ms. Susan Heyward, and Ms. L. S. Alexander spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to give First Reading approval with the following amendment: that signs will be held for 10 business days prior to them being disposed of. 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 26-180, Signs; so as to create a new section that would allow weekend directional signs under certain conditions**

Mr. Livingston opened the floor to the public hearing.

Mr. Bruce Siron, Mr. David Tuttle, Mr. Steve Corboy, Mr. Kinzie Bryant, Mr. James Derrick, Mr. Bill Ammermann, and Mr. George Jameson spoke in favor of this item.

Mr. Jim Lawrence, Ms. Paulette Kindler, Mr. Bill Groff, Mr. Robert O'Brien, Mr. Marvin Davis, Ms. Ryan Nevius, Ms. Heidi Johnson, Ms. Carol Kososki, Mr. Doug Currier, Ms. Susan Heyward, Mr. Robert Broadwell, and Ms. L. S. Alexander, spoke against this item.

The floor to the public hearing was closed.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to deny this item. A discussion took place.

Mr. Washington made a substitute motion, seconded by Ms. Dickerson, to defer this item until the April Zoning Public Hearing.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Jeter	Malinowski
Livingston	Hutchinson
Dickerson	Kennedy
Washington	Smith

The substitute motion failed.

Ms. Dickerson made a 2<sup>nd</sup> substitute motion, seconded by Mr. Washington, to table this item.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Jeter	Malinowski
Livingston	Hutchinson
Dickerson	Kennedy
Washington	Smith

The 2<sup>nd</sup> substitute motion failed.

<u>For</u>	<u>Against</u>
Pearce	Jackson
Malinowski	Jeter
Hutchinson	Livingston
Dickerson	Washington
Kennedy	
Smith	

The vote for denial was in favor.

Ms. Smith moved, seconded by Mr. Malinowski, to reconsider this item. The motion to reconsider failed.

**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 create a new section that would allow temporary off-premises signs under certain conditions**

Mr. Livingston opened the floor to the public hearing.

Mr. Robin White, Mr. Jim Lawrence, Ms. Paulette Kindler, Mr. Bill Groff, Ms. Jackie Prueitt, Ms. Ryan Nevius, Ms. Susan Heyward, Ms. Billie Jones, Ms. Leslie Hoover, and Ms. L. S. Alexander spoke against this item.

Mr. David Tuttle and Mr. James Derrick spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to deny this item. A discussion took place.

Mr. Washington made a substitute motion, seconded by Ms. Dickerson, to defer this item until the April Zoning Public Hearing.

<b><u>For</u></b>	<b><u>Against</u></b>
Jackson	Pearce
Jeter	Malinowski
Livingston	Hutchinson
Dickerson	Kennedy
Washington	Smith

The substitute motion failed.

Mr. Malinowski withdrew the motion to deny this item. A discussion took place.

Ms. Smith moved, seconded by Mr. Washington, to give First Reading approval to this item.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Jeter	Malinowski
Washington	Hutchinson
	Livingston
	Dickerson
	Kennedy
	Smith

The vote for denial was in favor.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to reconsider this item.

<u>For</u>	<u>Against</u>
Washington	Pearce
	Malinowski
	Hutchinson
	Jeter
	Livingston
	Dickerson
	Kennedy
	Smith

The motion to reconsider failed.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; "Residential Uses" of Table 26-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to limit multi-family use in the GC General Commercial District**

Mr. Livingston opened the floor to the public hearing.

Mr. Tom Milliken, Mr. Mark James, Mr. Bill Theus, and Mr. Ben Arnold spoke against this item.

The floor to the public hearing was closed.

Mr. Pearce moved, seconded by Mr. Jeter, to deny this item. A discussion took place.

The vote was in favor.



**ADJOURNMENT**

The meeting adjourned at approximately 9:12 p.m.

Submitted respectfully by,

Paul Livingston  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

- Waste Management Contract Amendment
- HBA vs. Richland County
- Vineyard vs. Lott

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No



# Richland County Council Request of Action

**Subject**

- NHA Conference

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No





# Richland County Council Request of Action

**Subject:** Township Auditorium Funding

**A. Purpose**

County Council is requested to approve a budget amendment to the Hospitality Tax Fund for the Township Auditorium in the amount of \$40,000.00 for the purpose of providing operating capital.

**B. Background / Discussion**

In looking ahead to the end of the fiscal year, our event schedule is very light with only one national touring show contracted at this time. While we have our usual schedule of local shows they do not make the same profit margins as our national shows do and therefore we are very concerned about the Township being able to meet our financial obligations over the next few months. In times of economic downturn, the first items that are cut from people's expenses are discretionary dollars for entertainment and that is reflected in ticket sales and the number of events that are touring. Due to high gas costs and lower margins of profit, the smaller shows that would normally play the Township Auditorium are not touring this year.

The Township Auditorium due to its age and current physical shortcomings has been passed over by certain national shows. On numerous occasions staff has been told that a performer will not return until the renovations are complete. While performers like the intimacy of the Township, the physical limitations of the backstage area and dressing rooms make show promoters and production managers hesitant to use the facility. The renovations currently under design and development will answer these needs and put the Township on a more competitive playing field with other venues.

Because the Township Auditorium receives no funding on a yearly basis of any kind, we are solely responsible for all of our operational costs from payroll (including benefits) to utilities to insurance all through rental and concession income. We are totally dependant on promoters to bring us shows and take all the risk on the success of a show. When economic times make profits slim more often than not promoters will pass the Township by. Unlike other similar venues (Riverbanks Zoo, Columbia Museum of Art, and Historic Columbia) that are a part of the County Budget, we must meet all of our financial responsibilities on our own and during tight economic times we have no reserve funding to fall back on.

**C. Financial Impact**

Without this funding, based on our current projections, we would not be able to meet our financial obligations and would need to lay-off employees.

**D. Alternatives**

1. Approve the request to fund the Township through additional Hospitality Tax funds
2. Do not approve and the Township Auditorium, based on current projections, would be forced to lay-off employees until such time as our event schedule increases.

**E. Recommendation**

*It is recommended that Council approve the request to fund the Township Auditorium in the amount of \$40,000.00 from Hospitality Tax Funds.*

Recommended by: Sally G. Roach, Executive Director Department: Township Auditorium  
Date: October 23, 2008

**F. Reviews**

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

**Finance**

Reviewed by (Finance Director):

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Reviewed by (Budget Director):

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Procurement**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Grants**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Legal**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Administration**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial



# TOWNSHIP AUDITORIUM

1703 Taylor St.

Columbia, SC 29201

803-576-2350

March 18, 2009

Mr. J. Milton Pope  
County Administrator  
2020 Hampton St.  
Columbia, SC 29202

Dear Milton,

As discussed at the Township Auditorium's Board of Trustees meeting on Wednesday, March 11, 2009, the Township is formally requesting operational funding from Hospitality Tax Funds in the amount of \$40,000.00 (per the attached request).

The Townships usually strong February revenues were not realized this year due to a change in the shows we had and the lack of ticket sales.

Thank you for your continued support of the Township and if there is any other information you need, please let me know.

Sincerely,

Sally G. Roach  
Executive Director  
Township Auditorium

Cc: Township Board of Trustees



# DRAFT

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-09HR

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.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; Subsection (e), Prohibited Signs; is hereby amended to read as follows:

- (e) *Prohibited signs.* The following signs are prohibited in the unincorporated areas of Richland County:
  - (1) *Off-premises signs.* All off-premises signs, unless specifically allowed elsewhere in this chapter.
  - (2) *Roof signs.* Roof signs; provided, however, that signs on the surfaces of a mansard roof or on parapets shall not be prohibited if the signs do not extend above the mansard roof or parapet to which they are attached.
  - (3) *Animated/flushing signs and signs of illusion.* Signs displaying blinking, flashing, or intermittent lights, or animation, moving parts, or signs giving the illusion of movement.
  - (4) *Signs resembling traffic signals.* Signs that approximate official highway signs, warning signs, or regulatory devices.
  - (5) *Signs on roadside appurtenances.* Signs attached to or painted on utility poles, trees, parking meters, bridges, overpasses, rocks, other signs, benches, refuse containers, etc., unless specifically allowed elsewhere in this chapter.
  - (6) *Abandoned signs and sign structures.* Signs that advertise an activity or business that is no longer conducted on the property on which the sign is located. Such signs or sign structures must be removed by the property owner within thirty (30) days of becoming an abandoned sign or sign structure.

# DRAFT

- (7) *Pennants, streamers, balloons, etc.* Signs containing or consisting of pennants, ribbons, streamers, balloons, or spinners.
- (8) *Signs obstructing access.* Signs that obstruct free ingress or egress from a road, driveway, or a required door, window, fire escape, or other required exitway.
- (9) *Signs located in the right-of-way.*
- (10) *Inflatable signs or balloons.*
- (11) *Signs posted on public property.* Public property includes rights-of way, the tree lawn areas between detached sidewalks and streets, roadway median strips, parkways, bridges, alleys, utility poles and boxes, as well as street signs and sign poles.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended by the creation of a new subsection, to read as follows:

- (p) *Enforcement.* Notwithstanding the enforcement provisions of Section 26-273, signs found in violation of this Section shall be subject to the following procedures:
  - (1) *Signs on public property subject to removal without notice.* County employees shall have the authority to remove without notice to the owners thereof, signs placed within any street or highway right-of-way; signs attached to trees, fence posts, telephones and utility poles, or other natural features; abandoned signs; signs placed on public property; and signs erected without permit. Such signs shall be impounded for a period of ten (10) business days, and if not claimed within that period of time, the sign shall be discarded. The person(s) responsible for causing the unlawful sign to be on any public property may be held responsible for the cost of removal. The persons liable shall include, but are not limited to, any individual or business whose advertisement, message or information appears on or is contained in any sign or notice unlawfully placed on public property.
  - (2) *Prohibited signs on private property.* When an authorized county official finds a prohibited sign located on private property, the county employee shall notify the owner of the sign and the record owner of the property on which the sign is located. Such notice of violation shall be in writing and sent by certified or registered mail or delivered by personal service. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time. If the violator fails to take prompt corrective

# DRAFT

action in the prescribed time, then the county may pursue the penalties and remedies set forth in Section 26-272.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2009.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

Public Hearing: March 24, 2009  
First Reading: March 24, 2009  
Second Reading: April 7, 2009 (tentative)  
Third Reading:



RESOLUTION OF THE RICHLAND COUNTY COUNCIL 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.

Whereas, recycling in South Carolina protects the environment, conserves natural resources, promotes energy efficiency and supports economic development; and

Whereas, the significant energy benefits of recycling provide greater diversity and reliability to the South Carolina energy grid while protecting our natural resources. Manufacturing recycled products requires, on average, 17 times less energy than manufacturing the same products from virgin materials. In 2007, the energy saved from recycling reached 900 trillion Btu's nationwide, or the amount of energy used by nine million American households. As such, in addition to the traditionally understood benefits of recycling as a conservation and waste management tool, recycling is becoming known as an energy source to help combat the Nation's growing energy crisis; and

Whereas, by reducing the amount of energy used by industry, recycling also reduces greenhouse gas emissions. In 2007, recycling in South Carolina reduced greenhouse gas emissions equivalent to eliminating electricity usage by more than 1.7 million households for one year, preserving 110,658 acres of forest from deforestation, or conserving more than 1.5 billion gallons of gasoline; and

Whereas, reprocessing used materials to make new products and packaging reduces the consumption of natural resources. For example, for every ton of steel recycled in South Carolina, 2,500 pounds of iron ore, 1,400 pounds of coal and 120 pounds of limestone are conserved. By recycling over 4,000 tons of steel in 2006, South Carolina residents saved over 11 million pounds of iron ore, 6.3 million pounds of coal and 530 thousand pounds of limestone; and

Whereas, by converting waste into valuable products, recycling creates jobs, contributes feedstock to manufacturing and adds significant value to the South Carolina economy. In South Carolina, the recycling industry is directly responsible for more than 15,000 jobs, \$1.5 billion in annual personal income and \$69 million in tax revenue each year; and

Whereas, the upgrading and processing of recycled materials adds \$6.5 billion annually to the State's economy. In addition, South Carolina's recycling industry will grow approximately 12 percent annually during the next five years, with an economic impact of more than \$11 billion; and

Whereas, recycling reduces the amount of waste deposited in our landfills. In 2007, South Carolina recycled over 1.5 million tons of municipal solid waste, and Richland County recycled 35,010 tons of municipal solid waste. Richland County's existing landfills have an average remaining life span of just over 7.1 years based on the permitted disposal rate. The average cost to close a landfill is over \$250,000 per acre. In addition to the closing costs, there are post-

closure costs which will continue for decades. As a result, South Carolinians will incur exorbitant costs if we fail to provide greater incentives for recycling at every level; and

Whereas, through the recognition and promotion of the economic, energy and environmental benefits of recycling, South Carolina's recycling industry will grow, thereby creating efficient market-based solutions to the growing energy crisis and ensuring a clean, safe, abundant and stable energy supply to the citizens of this State for years to come.

Now, Therefore, Be it resolved by the Richland County Council:

on behalf of the citizens and businesses of Richland County, by this resolution, we encourage the Richland Legislative Delegation and the South Carolina General Assembly to recognize the benefits of recycling to our environment and our economy and enact incentives to promote the recycling industry.



## IMPACTS OF RECYCLING IN SOUTH CAROLINA

Recycling in South Carolina conserves natural resources, promotes energy efficiency, protects the environment, and supports economic development.

By converting waste into valuable products, recycling creates jobs, contributes feedstock to manufacturing, and adds significant value to the South Carolina economy. In South Carolina, the recycling industry is directly responsible for more than 15,000 jobs, \$1.5 billion in annual personal income and \$69 million in tax revenue each year. Overall, \$6.5 billion in value is added annually to the state's economy through the upgrading or processing of recycled materials. In addition, the recycling industry within South Carolina will grow about 12 percent annually during the next five years, with an economic impact of more than \$11 billion. *(Frank Hefner and Calvin Blackwell, The Economic Impact of the Recycling Industry in South Carolina, June 23, 2006)*

Recycling produces significant energy benefits, including greater diversity and reliability to South Carolina's energy grid due in part to the fact that manufacturing recycled products requires, on average, 17 times less energy than manufacturing the same products from virgin materials. *(University of Massachusetts Amherst, Environmental Benefits of Recycling)*

Last year, the energy saved from recycling reached 900 trillion Btu's nationwide, or the amount of energy used by nine million American households. As such, in addition to the traditionally understood benefits of recycling as a conservation and waste management tool, recycling is becoming increasingly understood as an energy source available to combat the Nation's growing energy crisis. *(United States EPA)*

By reducing the amount of energy used by industry, recycling also reduces greenhouse gas emissions and helps prevent global climate change. In 2007, recycling in South Carolina reduced greenhouse gas emissions and resulted in an environmental impact equivalent to eliminating electricity usage by more than 1,733,032 households for one year, preserving 110,658 acres of forest from deforestation, or conserving more than 1,537,622,535 gallons of gasoline. *(South Carolina DHEC)*

Reprocessing used materials to make new products and packaging reduces the consumption of natural resources. For example, for every ton of steel recycled in South Carolina, 2,500 pounds of iron ore, 1,400 pounds of coal and 120 pounds of limestone are conserved. By recycling over 4,000 tons of steel in 2006, South Carolina residents saved over 11 million pounds of iron ore, 6.3 million pounds of coal, and 530 thousand pounds of limestone. *(Christine Von Kolnitz & Karyn Kaplan, University of Oregon and Medical University of South Carolina, Recycling and Beyond at 101 (2004))*

An additional benefit of recycling is the reduction of waste deposited into our landfills. The costs associated with closing a landfill are significant. In 2007, South Carolina recycled over 1.5 million tons of municipal solid waste. Our existing landfills have an average remaining life span

of just over 12 years. Our State is looking at exorbitant costs if we fail to promote recycling at every level to help prolong the life of these landfills. The average cost to close a landfill is over \$250,000 per acre. In addition to the closing costs, there are post-closure costs which will continue for decades. As a result, South Carolinians will incur exorbitant costs if we fail to provide greater incentives for recycling at every level. (*South Carolina DHEC*)

Through the recognition and promotion of the economic, energy and environmental benefits of recycling, South Carolina's recycling industry will grow, thereby creating efficient market-based solutions to the growing energy crisis and ensuring a clean, safe, abundant and stable energy supply to the citizens of this State for years to come.



## Richland County Council Request of Action

**Subject:** Waste Management Contract Renewal

### **A. Purpose**

The purpose of this report is to request the County Council's consideration of renewing the County's contract for solid waste disposal one year earlier than the established contract terms prescribe.

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

In 1995, Richland County entered into an agreement with Chambers Waste Systems of South Carolina (now operating as Waste Management, Inc.) for disposal of municipal solid waste (MSW) in Richland County. The disposal agreement was for an initial term of five years, with options to renew for up to four additional five year periods. The total potential term of the agreement, therefore, is twenty-five years. Assuming the agreement is renewed to the fullest extent possible, the agreement will expire in 2020.

Exercising its options under the terms of the agreement, the County renewed the agreement in 2000 and 2005. The next renewal date would be 2010, one year from now. However, Waste Management officials have approached County Administration with a proposal to renew for the next five year period one year earlier than is prescribed. Under this proposal, the agreement would be renewed, beginning immediately, through 2015.

In return for the early renewal, Waste Management will increase the host fee it pays to the County by 50 percent. The host fee is currently \$1 per ton of waste accepted by Waste Management that is generated outside of Richland County. Waste Management is proposing to increase the host fee to \$1.50 per ton. In fiscal year 2008, the County received host fee revenue from Waste Management in the amount of approximately \$510,000. That amount would increase to \$765,000 under the new proposal, a \$255,000 increase.

Waste Management's proposal also provides that the company will implement a single stream recycling program at the County Administration Building at no cost to the County.

### **C. Financial Impact**

As indicated above, the host fee paid to the County by Waste Management would increase by 50 percent, which would generate approximately \$255,000 more in revenue per year.

### **D. Alternatives**

The following alternatives exist with respect to this request:

1. Approve the proposed early renewal of the agreement with Waste Management for MSW disposal.



2. Do not approve the proposed early renewal and wait for the prescribed renewal date of 2010.
3. Do not renew the agreement with Waste Management and bid out the County's future MSW disposal services.

#### E. Recommendation

Recommend approval of the early renewal of the agreement with Waste Management.

**Recommended by:** Tony McDonald    **Department:** Administration    **Date:** 3/2/09

#### F. Reviews

##### Finance

Reviewed by: Daniel Driggers

Date: 3/13/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: Recommend that approval be contingent upon evaluation of contract terms and compliance by Procurement and Legal Departments in order to reduce the County's exposure and ensure the most favorable contract terms are provided to the County.

##### Procurement

Reviewed by: Rodolfo Callwood

Date: 3/13/09

Recommend Approval

Recommend Denial

No Recommendation

Comments:

##### Legal

Reviewed by: Larry Smith

Date: 3/16/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: Approval contingent upon the Council voting to renew rather than procure the services thru a bid process as well as the County's ability to negotiate a contract with them is consistent with the Council's goals and objectives in this area.

##### Administration

Reviewed by: Tony McDonald

Date: 3/16/09

Recommend Approval

Recommend Denial

No Recommendation

Comments:

STATE OF SOUTH CAROLINA )  
 )  
 )  
 )  
 RICHLAND COUNTY )     **ADDENDUM TO HOST COMMUNITY  
 AGREEMENT FOR DISPOSAL OF  
 MUNICIPAL SOLID WASTE IN A  
 “SUBTITLE D” LANDFILL FACILITY**

**WHEREAS**, the COUNTY OF RICHLAND, SOUTH CAROLINA, a political subdivision of the State of South Carolina, acting through its County Council (hereinafter referred to as the “County”), and WASTE MANAGEMENT OF SOUTH CAROLINA, INC. (formerly, Chambers Waste Systems of South Carolina, Inc.), a corporation duly organized and existing under the laws of South Carolina (hereinafter referred to as the “Contractor”) entered into a certain Host Community Agreement for Disposal of Municipal Solid Waste in a “Subtitle D” Landfill Facility dated September 25, 1995, and which now provides for the disposal of municipal solid waste from within the boundaries of the County in the landfill facility operated by Contractor in Richland County, South Carolina (“Landfill Facility”) (hereinafter referred to as the “Agreement”); and

**WHEREAS**, the Agreement provides for the payment of a host fee to the County equal to one dollar per ton of municipal solid waste received at the Landfill Facility from outside the county; and

**WHEREAS**, the Agreement further provides options for the County to extend the term of the Agreement through June 30, 2020; and

**WHEREAS**, the County has determined that it is in the best interest of the County to modify the Agreement in exercise the County’s option to extend the term of the Agreement through June 30, 2015 in consideration of an increase in the host fee for such waste to one and one-half dollars per ton.

**NOW THEREFORE**, in consideration of the mutual promises contained herein and other good and valuable consideration, the sufficiency of which are hereby acknowledged, the parties hereto, each intending to be legally bound do agree to the terms and conditions below which shall be an addendum to the Agreement:

1. All defined terms not otherwise defined herein shall have the same meaning herein as ascribed to them in the Agreement.
2. Paragraph 2, **Term of Agreement**, is amended to read as follows:

“The term of this Agreement shall commence on or before October 2, 1995 and shall continue through June 30, 2015. County shall have the right, but not the obligation to renew this Agreement for one additional five year period under the same terms and conditions, and the County shall provide written notice of its desire to not renew not less than twelve months prior to the expiration of the initial term or any extension hereof.”

3. Paragraph 4, **Host Community Assessments**, is amended to read as follows.

“The County shall be entitled to received a host fee of one dollar (\$1.00) per ton based on the total amount of non-County (i.e., all MSW other than that generated inside Richland County) MSW disposed of at Contractor’s Facility. Effective January 1, 2009, such host fee shall increase to one and one-half dollars (\$1.50) per ton. The host fees shall be earned and paid on a quarterly basis. The host assessment tonnage calculations shall be based upon the billing format and detail as herein elsewhere provided.”

3. All other terms and conditions of the Contract not inconsistent with this Addendum shall remain in effect. “

4. This Addendum may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused their authorized representatives to execute this Agreement to be effective as of January 1, 2009.

**(SIGNATURE PAGES TO FOLLOW)**



<p><b>RICHLAND COUNTY, SOUTH CAROLINA</b></p> <p>By: _____ Paul Livingston Title: Chairman of County Council</p> <p>WITNESS:</p> <p>By: _____ Title: Clerk to County Council</p>	<p><b>WASTE MANAGEMENT OF SOUTH CAROLINA, INC.</b></p> <p>By: _____ Title: _____</p> <p>WITNESS:</p> <p>By: _____ Title: _____</p>
--	--

# Richland County Council Request of Action

**Subject**

Request to consider a petition filed in circuit court to close a portion of Blaine Street and Dunston Street [PAGES 55-69]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Property Partners, LLC,

Plaintiff,

-vs-

South Carolina Department of  
Transportation, Richland County  
Department of Public Works and City of  
Columbia,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action. No.: 2009-CP-40-00504

**ACCEPTANCE OF SERVICE**

Due and legal service of a copy of the Amended Summons and Amended Complaint in the above-captioned action is hereby acknowledged and accepted on behalf of Richland County Department of Public Works by \_\_\_\_\_, as \_\_\_\_\_ for Richland County Department of Public Works this \_\_\_\_ day of \_\_\_\_\_, 2009.

Pursuant to Circuit Court Rule 53 of the South Carolina Rules of Civil Procedure, the undersigned does hereby stipulate that the issues in this action may be referred to the Master in Equity for Richland County, to take testimony arising under the pleadings and to make his findings of fact and conclusions of law, with authority to enter a final judgment in the cause, and with appeal, if any, being to the South Carolina Supreme Court.

The undersigned, on behalf of the Defendant, Richland County Department of Public Works, does hereby consent to an Order referring the above-entitled matter in accordance with said stipulation.

Richland County Department of Public Works

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

SWORN to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2009

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

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND )

South Carolina Property Partners, LLC,  
Plaintiff(s) )

CIVIL ACTION COVERSHEET

2009 - CP - 40 20504

vs. )

South Carolina Department of Transportation,  
Richland County Department of Public Works  
and City of Columbia, )

Defendant(s) )

(Please Print)  
Submitted By: Charles J. Webb  
Address: 1900 Barnwell Street  
Columbia, SC 29201

SC Bar #: 73757  
Telephone #: (803) 771-4400  
Fax #: (803) 779-0011  
Other:  
E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement is not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One Box Below)

- |  |   |   |  |
|--|---|---|--|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> Employment (120)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Other (199)</li> </ul>   | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li><input type="checkbox"/> Notice/Pile Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>  | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Slander/Libel (300)</li> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Other (399)</li> </ul> | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input checked="" type="checkbox"/> Other (499)<br/><u>    Road Closing    </u></li> </ul>   |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>   | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Driver's License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture (840)</li> <li><input type="checkbox"/> Other (899)</li> </ul>  | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Administrative Law Judge (980)</li> <li><input type="checkbox"/> Public Service Commission (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
| <p><b>Special/Complex/Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of-State Depositions (650)</li> </ul> |   |   |  |

Submitting Party Signature:     CJ Webb    

Date:     02/13/2009    

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Property Partners, LLC,

Plaintiff,

-vs-

South Carolina Department of  
Transportation, Richland County  
Department of Public Works and City of  
Columbia,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2009-CP-4000504

**A M E N D E D  
S U M M O N S**

JEANETTE W. McBRIDE  
C.C.P. & G.S.


2009 FEB 13 PM 3:45

RICHLAND COUNTY  
**FILED**

**TO THE DEFENDANTS ABOVE NAMED:**

You are hereby summoned and required to answer the Amended Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Amended Complaint upon the Plaintiff at 1900 Barnwell Street, Columbia, South Carolina, within thirty (30) days from the service hereof, exclusive of the day of such service; in the event that you fail to answer the Amended Complaint within the time aforesaid, Plaintiff will apply to the Court for the relief demanded in the Amended Complaint and judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

RICHARDSON, PLOWDEN & ROBINSON, P.A.



Frank E. Robinson, II  
Charles J. Webb  
1900 Barnwell St.  
P.O. Drawer 7788  
Columbia, SC 29202

February 13, 2009  
Columbia, South Carolina

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND	C.A. No.: 2009-CP-4000504
South Carolina Property Partners, LLC,	
Plaintiff,	
-vs-	
South Carolina Department of Transportation, Richland County Department of Public Works and City of Columbia,	
Defendants.	

2009 FEB 13 PM 5:46  
 JEANETTE W. M. BRIDE  
 C.C.P. & G.S.  
 RICHLAND COUNTY  
 FILED

Plaintiff would respectfully show unto this Court that:

1. Plaintiff South Carolina Property Partners, LLC ("Plaintiff") is a South Carolina limited liability company doing business in Richland County, South Carolina.
2. Defendant South Carolina Department of Transportation is an administrative division of the State of South Carolina and is subject to the jurisdiction of this Court.
3. Defendant Richland County Department of Public Works is an administrative division of the County of Richland and is subject to the jurisdiction of this Court.
4. Defendant City of Columbia is a municipality in the State of South Carolina and is subject to the jurisdiction of this Court.
5. Plaintiff owns all of the property abutting the eastern and western boundaries of the portion of Blaine Street that is the subject of this action. The portion of Blaine Street that Plaintiff is seeking to close is the portion running from the intersection



of Blaine Street with the northern boundary of an unopened road known as Whitlock Street and ending at property now or formerly referred to as the Atlantic Coast Line Railroad owned now or formerly by The Atlantic Land and Improvement Company in the County of Richland, near the City of Columbia, State of South Carolina, as shown on that certain subdivision plat prepared for "Allied Corporation" by L.W. Pollard, Civil Engineer dated July 6, 1946 and filed with the Richland County Register of Deeds in Plat Book L at Pages 3 and 4; said plat is attached hereto and incorporated herein by reference as Exhibit "A." Said portion of Blaine Street is further shown on an exhibit prepared for South Carolina Property Partners, LLC by Cox and Dinkins, Inc. dated January 27, 2009; ~~said exhibit is attached hereto and incorporated herein by reference as Exhibit "B."~~

6. Plaintiff owns all of the property abutting the eastern and western boundaries of the portion of Dunston Street that is the subject of this action. The portion of Dunston Street that Plaintiff is seeking to close is the portion running from the intersection of Dunston Street with the northern boundary of an unopened road known as Whitlock Street and ending at property owned by South Carolina Property Partners, LLC as shown on Exhibit "B."

8. Upon information and belief of Defendant South Carolina Department of Transportation maintains or maintained the subject portions of Blaine Street and Dunston Street as part of their road system.

9. Upon information and belief, the subject portions of Blaine Street and Dunston Street are within the County of Richland and Defendant Richland County Department of Public Works maintains or maintained the subject portions of Blaine Street and Dunston Street as part of their road system.

10. Upon information and belief, the subject portions of Blaine Street and Dunston Street are within the City of Columbia and the City of Columbia maintains or maintained the subject portions of Blaine Street and Dunston Street as part of their road system.

11. Plaintiff owns all of the property abutting and adjoining space in between Blaine Street and Dunston Street, which are sought to be abandoned and closed.

12. The portions of Blaine Street and Dunston Street that Plaintiff is seeking to close do not provide access to any properties other than Plaintiff's property.

13. Plaintiff is informed and believes that the general public will in no way be adversely affected by the closing of the subject portions of Blaine Street and Dunston Street.

14. Plaintiff seeks the abandonment and closing of the above said portions of Blaine Street and Dunston Street as described above as an interested party under Section 57-9-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended.

14. Pursuant to Section 57-9-10, *et seq.* of the Code of Laws of South Carolina 1976, as amended, Plaintiff has caused a notice of intention to file this Petition to be published in the *Columbia Star*, a newspaper published in Richland County, once a week for three (3) consecutive weeks, a copy of the notice is attached hereto as Exhibit "C" In addition, Plaintiff has provided notice of its intention to file this Petition to close to any and all parties who are named as Defendants.

14. Plaintiff is informed and believes that upon the abandonment and closing of the subject portions of Blaine Street and Dunston Street, hereinabove described, the Court should confirm that South Carolina Property Partners, LLC, hold fee simple title



to the respective parcels abutting their property running from the northern boundary of an unopened road, Whitlock Street, and ending at property now or formerly referred to as the Atlantic Coast Line Railroad and now or formerly owned by The Atlantic Land and Improvement Company, unencumbered by the rights of the public to use the subject portions of Blaine Street and Dunston Street.

WHEREFORE, the Plaintiff prays as follows:

A. That the subject portions of Blaine Street and Dunston Street being more fully hereinabove described, be forever legally abandoned and closed, unencumbered by the rights of the public to use the subject portions of Blaine Street and Dunston Street;

---

B. That any and all rights which the Defendants or general public might have in and to the subject portions of Blaine Street and Dunston Street be forever barred;

C. That South Carolina Property Partners, LLC, and its successors and assigns be confirmed to hold fee simple title to the subject portions of Blaine Street and Dunston Street unencumbered by the rights of the public to use said subject portions.

D. For such other and further relief as the Court deem just and proper.

RICHARDSON, PLOWDEN & ROBINSON, P.A.

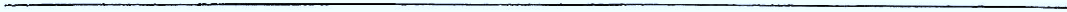
*CF J Webb*

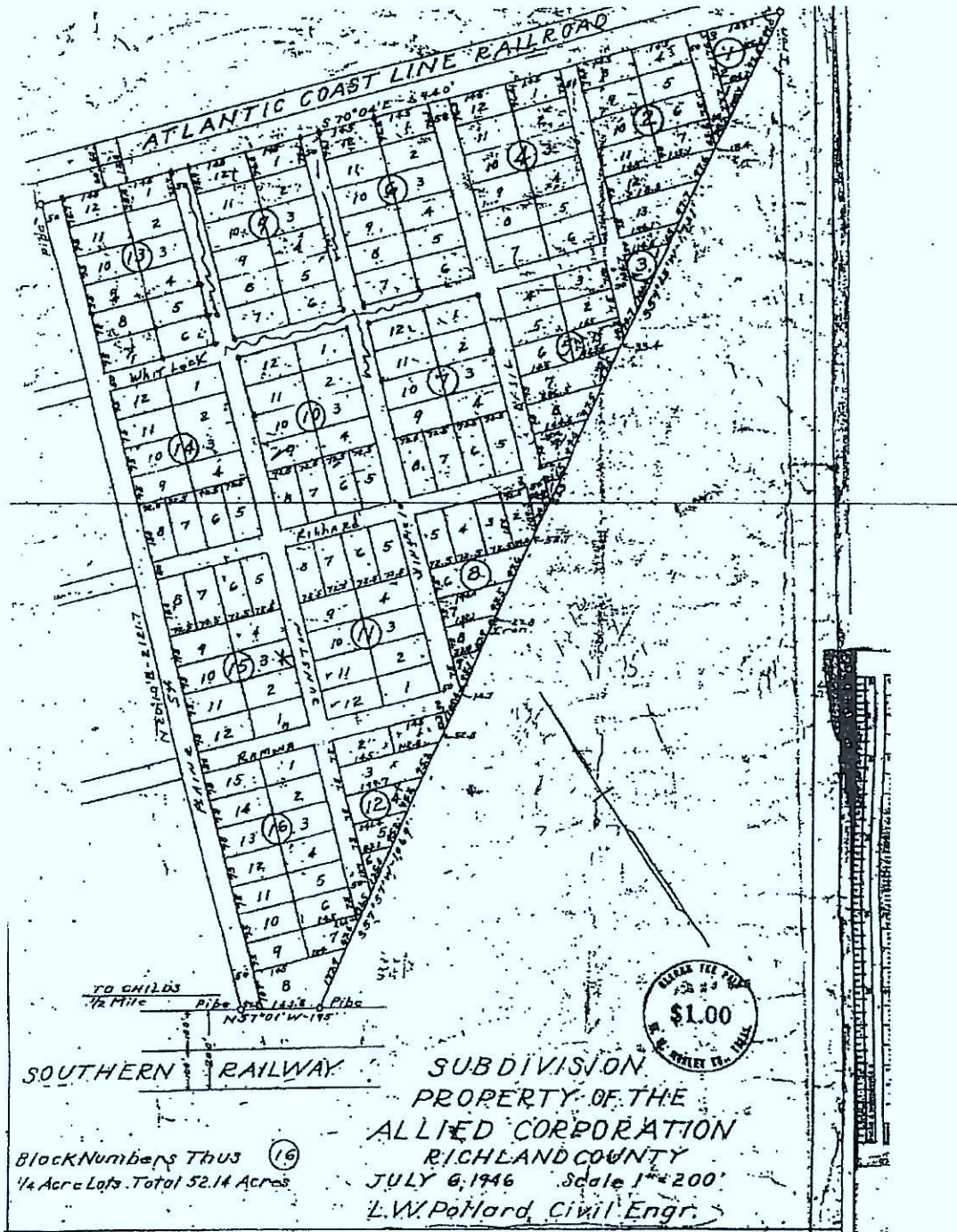
---

Frank E. Robinson, II  
Charles J. Webb  
1900 Barnwell St.  
P.O. Drawer 7788  
Columbia, South Carolina 29202  
Attorneys for Plaintiff (803)771-4400

February 13, 2009  
Columbia, South Carolina

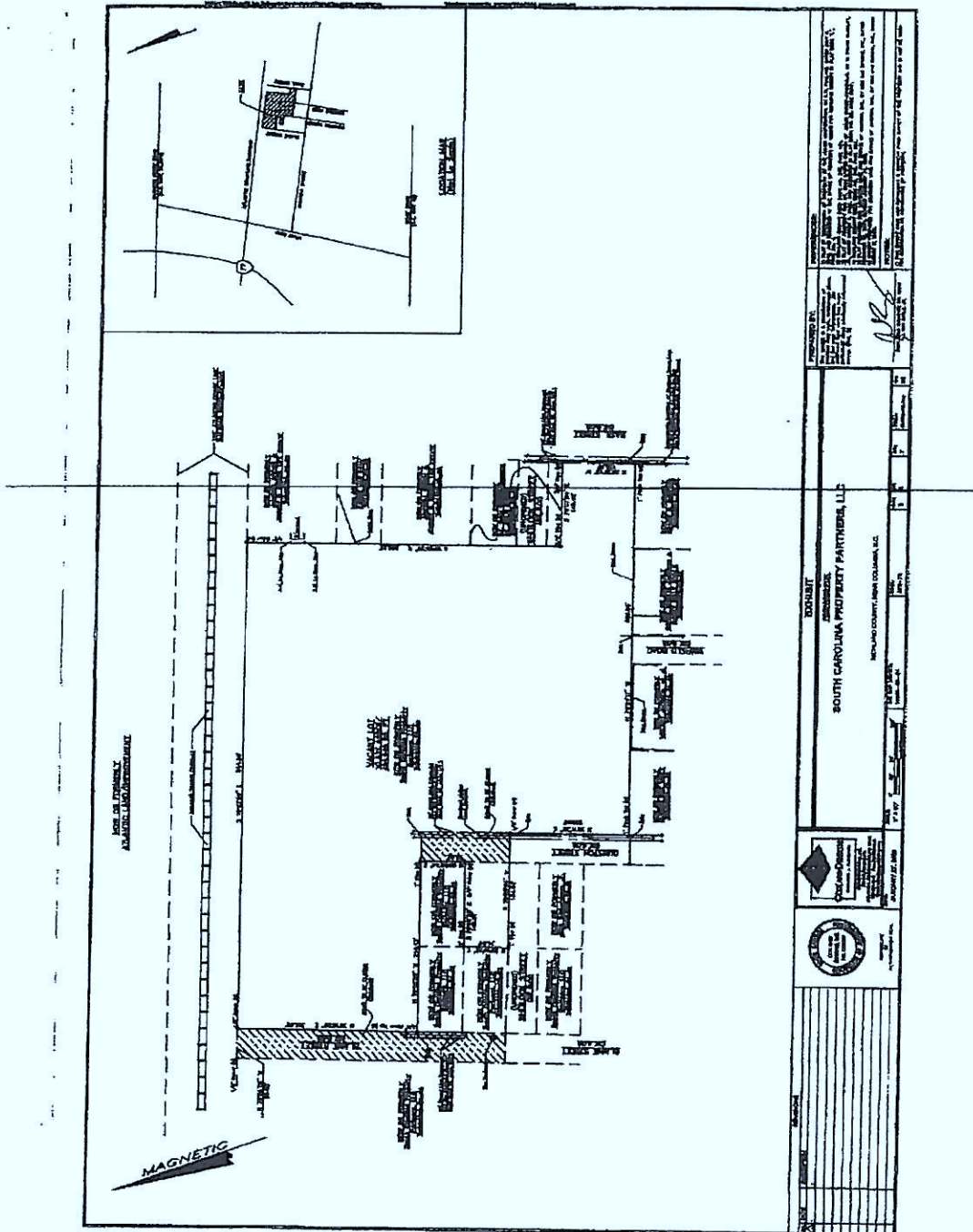
**Exhibit "A"**





**Exhibit "B"**

---



SOUTH CAROLINA PROPERTY PARTNERS, LLC 10100 COUNTY ROAD 102, LENOIR, NC 28752	
PROJECT NO. 10100	SHEET NO. 10100-01
DATE: 10/15/10	SCALE: AS SHOWN
DRAWN BY: J. B. [Signature]	CHECKED BY: [Signature]
APPROVED BY: [Signature]	TITLE: [Signature]
SOUTH CAROLINA PROPERTY PARTNERS, LLC 10100 COUNTY ROAD 102, LENOIR, NC 28752	SOUTH CAROLINA PROPERTY PARTNERS, LLC 10100 COUNTY ROAD 102, LENOIR, NC 28752

Exhibit "C"

---



**NOTICE OF INTENTION TO FILE A PETITION TO CLOSE A PORTION OF DUNSTON STREET AND BLAINE STREET NEAR COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA**

TO ALL INTERESTED PARTIES:

NOTICE that the undersigned intends to file a Petition in the Circuit Court of Richland County, South Carolina, to close a portion of Dunston Street and a portion of Blaine Street, said streets being located about four and one-half (4 1/2) miles north of the City of Columbia, County of Richland, State of South Carolina, as shown on the plat entitled "Blaine Street Property of The Allen Corporation," made by L. W. Palmer, Civil Engineer, July 8, 1964, and recorded in the Office of the Register of Deeds for Richland County in Plat Book "17", Page 4, and as amended.

The portion of Dunston Street sought to be closed is the unimproved portion between "Whitlock Street" and the "Richmond Tractor" known now as "Forsner" by an Atlantic Great Line Railroad in section 27 and 28. The portion of Blaine Street sought to be closed is the unimproved open portion that runs between Whitlock Street and the "Richmond Tractor" known now as "Forsner" by an Atlantic Great Line Railroad as shown on said plat. The said streets and property owned by South Carolina Property Partners, LLC and property owned now or formerly by John Richardson, Jr. A copy of said plat is available for inspection at the office of the Register of Deeds for Richland County or a copy of said plat and additional plat notes are available at the office of the undersigned.

Charles J. Walsh, Attorney  
 Richardson, Fierley & Robinson, P.A.  
 1509 Brevard Street  
 Columbia, SC 29201  
 (803) 771-6400  
 Attorneys for South Carolina Property Partners, LLC  
 December 18, 2009

# THE COLUMBIA STAR

## COLUMBIA, SOUTH CAROLINA

State of South Carolina  
 County of Richland

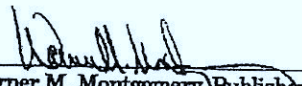
Personally appeared before me,  
**WARNER M. MONTGOMERY,**  
 PUBLISHER OF THE COLUMBIA STAR,  
 who makes oath that the advertisement

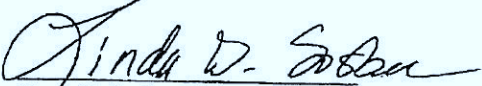
**NOTICE OF INTENTION TO FILE A PETITION TO CLOSE A PORTION OF DUNSTON STREET AND BLAINE STREET NEAR COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA**

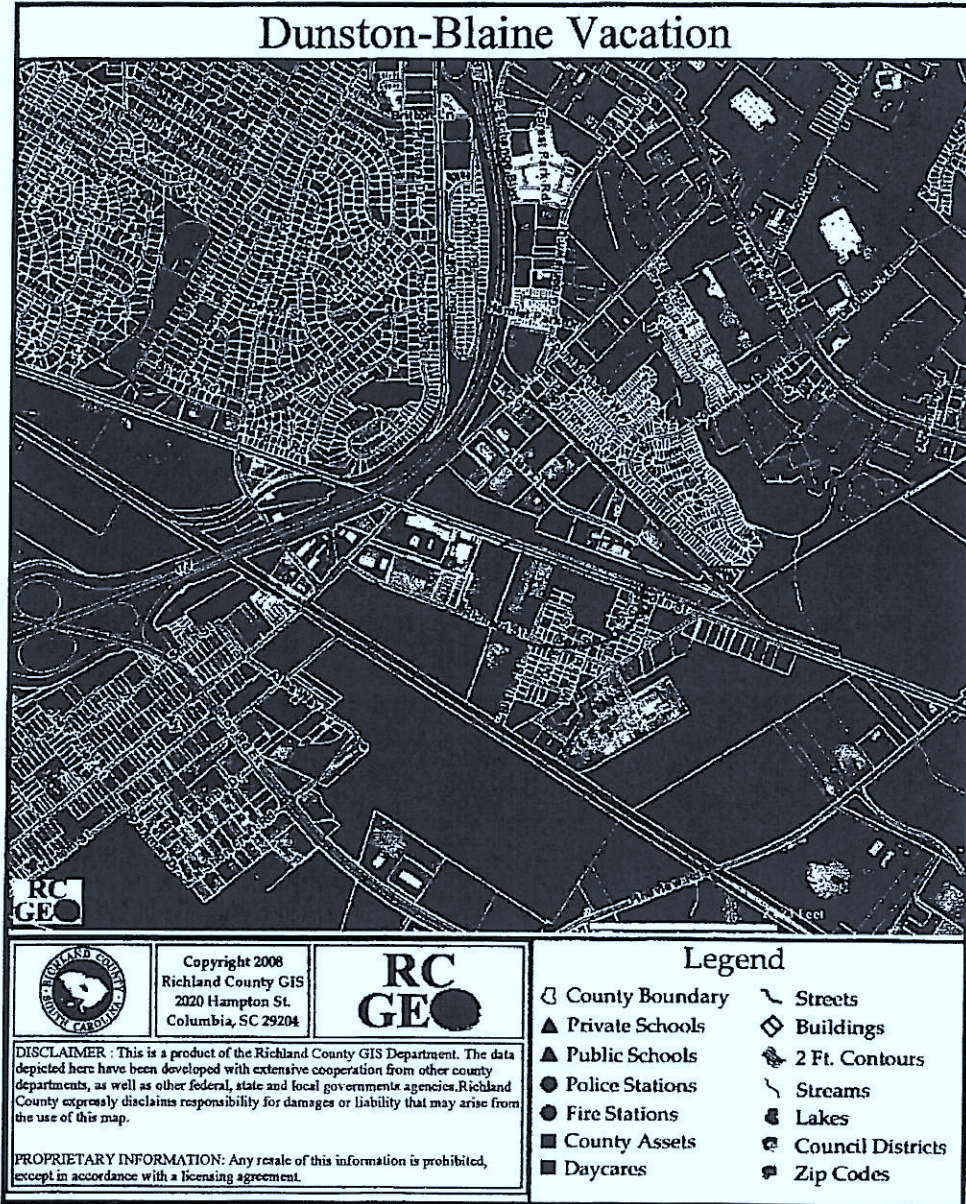
SC Property Partners, LLC

a clipping of which is attached hereto, was printed in **THE COLUMBIA STAR**, a weekly newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issues of

December 26, 2008, January 2, and 9, 2009

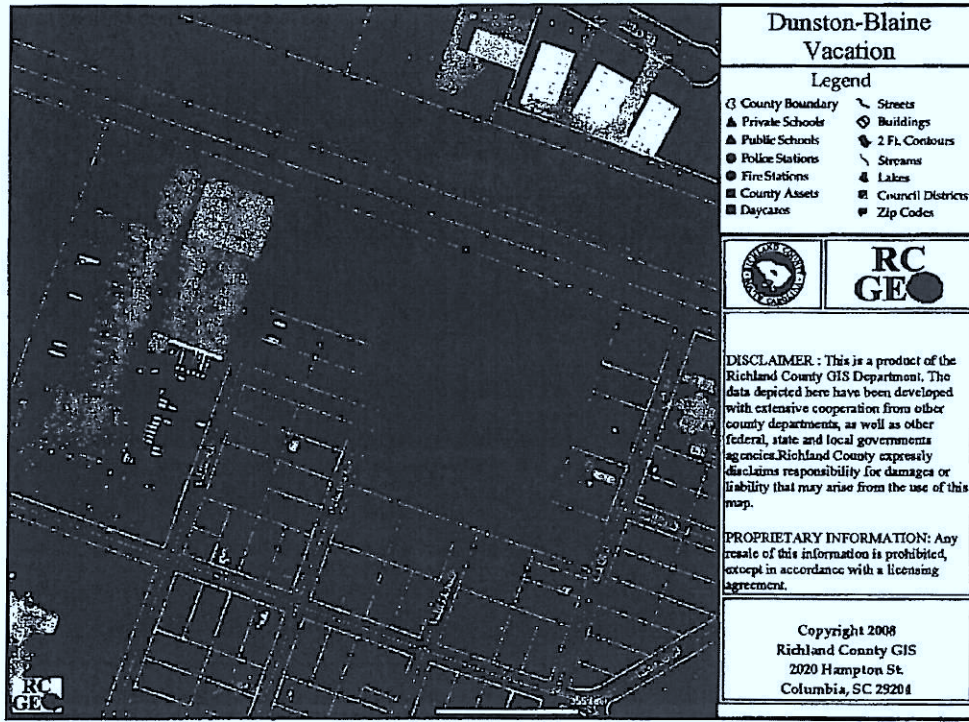
  
 Warner M. Montgomery, Publisher  
 Sworn to before me on this  
 9th day of January, 2009.

  
 Linda G. Sosbee, Notary Public  
 My commission expires January 29, 2011



[http://www3.richlandmaps.com/ARCIMS/ims?ServiceName=rc\\_ims\\_mxd&ClientVersion...](http://www3.richlandmaps.com/ARCIMS/ims?ServiceName=rc_ims_mxd&ClientVersion...) 2/23/2009





[http://www3.richlandmaps.com/ARCIMS/ims?ServiceName=rc\\_ims\\_mxd&ClientVersion...](http://www3.richlandmaps.com/ARCIMS/ims?ServiceName=rc_ims_mxd&ClientVersion...) 2/23/2009

# Richland County Council Request of Action

**Subject**

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) **[PAGE 71]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

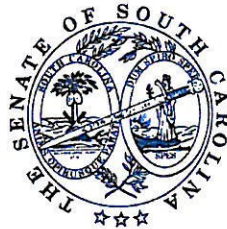
**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

JOEL LOURIE  
SENATOR, RICHLAND AND KERSHAW COUNTIES  
SENATORIAL DISTRICT NO 22

COLUMBIA ADDRESS  
P O BOX 142  
601 GRESSETTE SENATE OFFICE BLDG  
COLUMBIA, SC 29202  
PHONE (803) 212-8116  
FAX (803) 212-8119  
EMAIL JBL@SCSENATE.ORG



COMMITTEES  
JUDICIARY  
AGRICULTURE AND NATURAL RESOURCES  
CORRECTIONS AND PENOLOGY  
GENERAL

HOME ADDRESS  
P O BOX 6212  
COLUMBIA SC 29260

November 5, 2008

Mr. J. Milton Pope  
Richland County Administrator  
P. O. Box 192  
2020 Hampton Street  
Columbia, SC 29202

Dear Milton,

Enclosed please find a \$28,000 check from the Competitive Grants Program to support the Gills Creek Watershed Restoration Project.

I am sure these funds will assist with the long term plans for cleaning up the watershed, as this is such an important asset to our community. Prior to spending this grant, please review the Competitive Community Grants guidelines at [www.bcb.sc.gov](http://www.bcb.sc.gov).

Feel free to call me with any questions you may have. I look forward to seeing you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Lourie".

Joel Lourie  
JL/mn

CC: Ms. Carol Kososki  
Mr. Elliott Powell

**Richland County Council Request of Action**

**Subject**

A Resolution to allocate \$54,100.30 in Military Forest Funds **[PAGES 73-74]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )      **A RESOLUTION OF THE  
 RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO ALLOCATE MILITARY FOREST FUNDS**

WHEREAS, the State of South Carolina receives forty percent (40%) of the net proceeds from the sale of forest products on land owned or leased by a military department; and

WHEREAS, the Office of the State Treasurer issues a check to Richland County annually, representing a share of federal monies generated at Ft. Jackson and at other military installations located within the County; and

WHEREAS, the Richland County Treasurer currently has a total of \$54,100.30 in Military Forest Fund monies, which was received from the Office of the State Treasurer; and

WHEREAS, pursuant to 10 U.S.C. §2665(e)(2), "the amount paid to a State pursuant to paragraph (1) shall be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the military installation or facility is situated"; and

WHEREAS, the South Carolina Legislature has not enacted, to date, any law prescribing how these funds are to be allocated, so that allocation must be determined for the benefit of both the public schools and public roads of Richland County;

NOW, THEREFORE, BE IT RESOLVED that the Richland County Council does hereby allocate the Military Forest Funds of \$54,100.30 as follows:

50% to Richland School District One, Richland School District Two, and Richland/Lexington School District Five, to be apportioned according to the respective student population of each school district; and

50% to be transferred to the General Fund of Richland County, to be used for the construction and/or improvement of public roads within the County.

ADOPTED THIS the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
 Paul Livingston, Chair  
 Richland County Council

Attest: \_\_\_\_\_  
 Michielle R. Cannon-Finch  
 Clerk of Council

COUNTY OF RICHLAND  
OFFICE OF COUNTY TREASURER

DAVID A. ADAMS  
COUNTY TREASURER



P.O. BOX 11947  
Columbia, SC 29211  
(803) 576-2275  
TDD (803) 748-4999

**3 March 2009**

To: Tony McDonald, Assistant County Administrator  
From: David A. Adams, Richland County Treasurer  
RE: Distribution of Federal Forestry Funds

Please note that the Treasury has received checks for Federal Forestry Funds in the amount of \$54,100.30. These are not funds received annually.

According to Title 10, Section 2665 (E) the United States Code of Laws, these funds may only be used for County public roads and schools.

I believe that these funds were last allocated by resolution of Richland County Council in 2007.

Please contact me with any questions or clarifications.

# Richland County Council Request of Action

**Subject**

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] [PAGES 76-79]***

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No



## 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.

**WHEREAS**, the South Carolina Jobs-Economic Development Authority (the "**Authority**") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "**Act**"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

**WHEREAS**, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

**WHEREAS**, the Authority and Lexington-Richland Alcohol and Drug Abuse Council, Inc., a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 (the "**Borrower**"), entered into an Inducement Agreement dated July 16, 2008 (the "**Inducement Agreement**"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes, subject to such approval of the State Budget and Control Board of South Carolina, Richland County, and Lexington County as may be required by law, to issue not exceeding \$4,500,000 aggregate principal amount of its Economic Development Revenue Bonds (Lexington-Richland Alcohol and Drug Abuse Council, Inc. Project) Series 2009, which may be issued in one or more series (the "**Bonds**"), under and pursuant to Section 41-43-110 of the Act. A portion of the proceeds of the Bonds will be used by the Borrower to finance the acquisition of land and the construction and equipping of (a) an approximately 60,000 square foot building located at 2711 Colonial Drive, Columbia, Richland County, South Carolina, on five acres of land housing a 16-bed detox unit, adult and adolescent treatment programs, prevention department, and administrative offices (facility now located on Harden Street with additional office space at St. Julian Place), the new location immediately adjacent to the Columbia Area Mental Health campus and Palmetto Richland Hospital (the "**Richland Project**"); (b) to fund a debt service reserve fund if deemed necessary or advisable by the Authority or the Borrower; and (c) to pay other fees and expenses incurred in connection with the acquisition, construction and financing thereof. The remaining portion of the Bonds will be used to construct an approximately 10,000 square foot facility to be located in Lexington County (the



*“Lexington Project”*). The Richland Project and the Lexington Project will be owned and operated by the Borrower; and

**WHEREAS**, the Borrower is projecting that the assistance of the Authority by the issuance of the Bonds will result in the creation or maintenance of employment of those engaged in the construction or operation of the Richland Project by maintaining existing employment for 150 people and by providing additional employment for approximately two people within 12 months and a total of four people within 24 months when the Richland Project is placed in full operation, and the Richland Project will stimulate the economy of Richland County and surrounding areas by increased payrolls, capital investment and tax revenues; and

**WHEREAS**, the County Council of Richland County and the Authority have on this date jointly held a public hearing, duly noticed by publication in newspapers having general circulation in Richland County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

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

**SECTION 1.** It is hereby found, determined and declared that (a) the Richland Project will subserve the purposes of the Act, (b) the Richland Project is anticipated to benefit the general public welfare of Richland County by providing services, employment, recreation or other public benefits not otherwise provided locally, (c) the Richland Project will give rise to no pecuniary liability of Richland County or a charge against its general credit or taxing power, (d) the amount of bonds required to finance the Richland Project is approximately \$3,300,000; and (e) the documents to be delivered by the Borrower and the Authority with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Richland Project (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Richland Project and carry all proper insurance with respect thereto.

**SECTION 2.** The County Council of Richland County supports the Authority in its determination to issue the Bonds to defray the costs related to the Richland Project.

**SECTION 3.** All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this 21<sup>st</sup> day of April, 2009.

**RICHLAND COUNTY, SOUTH CAROLINA**

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

ATTEST:

By: \_\_\_\_\_  
Clerk to County Council

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held by the South Carolina Jobs-Economic Development Authority (the "Authority") and the County Council of Richland County, South Carolina, on Tuesday, April 21, 2009, at 6:00 p.m., in Council Chambers located at 2020 Hampton Street, 2<sup>nd</sup> Floor, Columbia, South Carolina, in connection with the issuance by the Authority of its Economic Development Revenue Bonds (Lexington-Richland Alcohol and Drug Abuse Council, Inc. Project) Series 2009 (the "Bonds"), in an aggregate principal amount not to exceed \$4,500,000. The proceeds of the Bonds will be made available to Lexington-Richland Alcohol and Drug Abuse Council, Inc. (the "Borrower") by way of a loan, with approximately \$3,300,000 of such proceeds being used to (i) finance the acquisition of land and the construction and equipping of an approximately 60,000 square foot building located at 2711 Colonial Drive, Columbia, Richland County, South Carolina, on five acres of land housing a 16-bed detox unit, adult and adolescent treatment programs, prevention department, and administrative offices (facility now located on Harden Street with additional office space at St. Julian Place), the new location immediately adjacent to the Columbia Area Mental Health campus and Palmetto Richland Hospital (the "Richland Project"); (ii) to fund a debt service reserve fund if deemed necessary or advisable by the Authority or the Borrower; and (iii) to pay certain costs of issuance of the Bonds. The remaining portion of the Bonds will be used to construct an approximately 10,000 square foot facility in Lexington County to house treatment, prevention and administrative offices (the "Lexington Project"). The Borrower will unconditionally covenant to make payments sufficient to pay the principal and interest on the Bonds. The Bonds will be payable solely and exclusively out of payments to be made by the Borrower.

The Bonds do not represent a general obligation of the State of South Carolina, the Authority, Richland County, Lexington County, or any other such political subdivision or agency of the State of South Carolina within the meaning of any state constitutional provision or statutory limitation or constitute or give rise to any pecuniary liability of the State or any political subdivision or agency thereof or a charge against its general credit or taxing powers.

The public is invited to attend the hearing at the address set forth above and/or submit written comments on the issuance of the Bonds and the financing of the above Richland Project to the South Carolina Jobs-Economic Development Authority at 1201 Main Street, Suite 1600, Columbia, South Carolina 29201, and the County Council of Richland County at Post Office Box 192, Columbia, South Carolina 29202.

SOUTH CAROLINA JOBS-ECONOMIC  
DEVELOPMENT AUTHORITY  
s/Harry A. Huntley, Executive Vice President and COO

COUNTY COUNCIL OF RICHLAND COUNTY  
s/Michelle R. Cannon-Finch, Clerk of Council

# Richland County Council Request of Action

**Subject**

Request to develop a working plan for establishing public-private partnerships for county projects and initiatives  
**[PAGES 81-83]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                      No

**On Agenda For Public Hearing**                      No



## Richland County Council Request of Action

**Subject:** Public-Private Partnerships for County Projects

### **A. Purpose**

Council is requested to consider a motion made by Councilman Norman Jackson regarding a plan for public-private partnerships for various county projects.

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

At the February 17, 2009 Council Meeting, Councilman Norman Jackson made a motion to develop a working plan for establishing public-private partnership for county projects such as the “Northeast Sports Complex, a Southeast Golf Park Complex, Decker Boulevard Revitalization and Southwest Park Complex.” This item was referred to the A&F Committee for consideration.

Of the four projects mentioned in Mr. Jackson’s motion, only two (Northeast Sports Complex and Decker Boulevard Revitalization) are existing county projects.

**Northeast Recreation Complex:** Given the cost of the Northeast Recreation Complex and the limited bonding capacity of the county’s hospitality tax fund, a public-private partnership has been previously discussed for developing and funding this project. Two teams submitted responses to the RFP for the development and operations of this facility. These two teams have most recently submitted cost proposals for the project. Procurement is currently reviewing the cost submittals, and will forward that information to the evaluation team within the next week or two. The evaluation team will review the information, and will then make a recommendation to Council regarding the most advantageous team. At that time, Council must decide the next steps for this project.

**Decker Revitalization Project:** The county has taken major steps in setting the foundation for the Decker Revitalization Project. To date, a master plan for the Decker Corridor has been approved, and overlay districts for the commercial corridor and surrounding neighborhood have also been approved by council, putting in place various tools for developers to use in revitalization efforts. The Planning Department is currently pursuing additional funding sources, such as federal grants, for projects such as streetscaping on Decker Boulevard. According to the county’s neighborhood planner, Tiaa Rutherford, there are opportunities for projects in the Decker area where public-private partnerships may be beneficial, such as the rehabilitation of vacant “big box” retail buildings and the restoration of Jackson Creek.

**Other Projects:** The county does not currently have a Southeast Golf Park Complex or a Southwest Park Complex. Council is currently considering a motion to purchase land in Lower Richland with hospitality tax funds for tourism-related activities; however the scope and use of this property has not been discussed or identified by council at this time. It is

possible that opportunities may exist for the county to pursue public-private partnerships in order to purchase and/or develop such facilities in the future.

**C. Financial Impact**

No financial information was provided at the time the motion.

**D. Alternatives**

1. Proceed with developing a plan for public-private partnerships on all items referenced in Mr. Jackson's motion.
2. Proceed with developing a plan for public-private partnerships on existing county projects, such as the Northeast Recreation Complex and Decker Boulevard Revitalization Project, with other projects to be added as they are approved by county council.
3. Do not proceed with this request at this time.

**E. Recommendation**

This request is at council's discretion.

**Recommended by:** Norman Jackson      **Department:** Council Motion      **Date:** 01/22/2009

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/13/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: There is no recommendation made to provide comment. We would recommend that any approval from Council to consider and evaluate potential public-private partnership projects be done as a study of feasibility inclusive of financial and community impact without further commitment until findings are reviewed.

**Legal**

Reviewed by: Larry Smith

Date: 3/13/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: Each proposed agreement would need to be evaluated on a case by case basis to determine if the agreement meets the County's goals and objectives.

## Administration

Reviewed by: Roxanne Matthews

Date: 3/13/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: This is a policy decision of Council. It should be noted, however, that a public-private partnership is a proposed method to fund the development and operations for the Northeast Recreation Complex, and the RFP was written as such (ie, to encourage and foster a public-private partnership). The evaluation team is currently reviewing the cost proposals from the teams that responded to the RFP, and afterwards, a recommendation regarding the most advantageous team will be brought to Council. At that time, Council must decide the next steps for this project.

# Richland County Council Request of Action

**Subject**

Request to approve an intermediate contract with Lowcountry Billing Services **[PAGES 85-86]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                          No

**On Agenda For Public Hearing**                          No



## Richland County Council Request of Action

**Subject:** Intermediate Contract with Lowcountry Billing Services

### **A. Purpose**

Council is requested to direct staff to negotiate an intermediate contract with Lowcountry Billing Services as the selected vendor, EMS Management and Consultants, Inc., assumes all billing and collections services for the County.

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

Council approved the EMS billing and collections contract award to EMS Management and Consultants, Inc. (EMSMC) at the October 28, 2009 Special Called Council Meeting.

The contract with EMSMC begins July 1, 2009. Richland County is currently using Lowcountry Billing Services (LBS) for its billing and collections. There will be an overlap in these services between EMSMC and LBS through June 30, 2010.

LBS will bill for services through June 30, 2009. There are patient accounts LBS is working from previous years doing business with the County. Accounts for which the patient has not responded in previous years, through June 30, 2009, will be sent to the SC Department of Revenue for tax garnishment by LBS. This process occurs annually through the South Carolina Association of Counties. EMSMC will manage all patient accounts (including the SC DOR Programs) effective July 1, 2009.

The County will facilitate meetings between LBS and EMSMC to insure all data held by LBS regarding Richland County EMS accounts is transferred to EMSMC by June 30, 2010. Both vendors are to work in concert with each other to insure patients do not receive conflicting correspondence.

### **C. Financial Impact**

LBS will receive a 6.5% commission on dollars collected on accounts on and prior to June 30, 2009 through June 30, 2010. We do not anticipate a negative financial impact from this action. We anticipate a revenue stream from LBS as they collect from patient accounts and the SC DOR Debt Setoff and GEAR programs.

### **D. Alternatives**

1. Direct staff to negotiate the intermediate contract with Lowcountry Billing Services.
2. Do not direct staff to negotiate an intermediate contract with Lowcountry Billing Services.

**E. Recommendation**

It is recommended that Council direct staff to negotiate the intermediate contract with Lowcountry Billing Services.

**Recommended by:** Roxanne Matthews **Department:** Administration **Date:** 3/11/2009

**F. Reviews**

**Emergency Services**

Reviewed by: Michael Byrd

Date: 03/13/2009

Recommend Approval

Recommend Denial

No Recommendation

Comments:

**Finance**

Reviewed by: Daniel Driggers

Date: 03/13/2009

Recommend Approval

Recommend Denial

No Recommendation

Comments:

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 03/20/2009

Recommend Approval

Recommend Denial

No Recommendation

Comments:

**Legal**

Reviewed by: Larry Smith

Date: 03/20/2009

Recommend Approval

Recommend Denial

No Recommendation

Comments:

**Administration**

Reviewed by: Roxanne Matthews

Date: March 20, 2009

Recommend Approval

Recommend Denial

No Recommendation

Comments:

# Richland County Council Request of Action

**Subject**

A Resolution affirming Richland County's commitment to fair housing **[PAGE 88]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                      No

**On Agenda For Public Hearing**                      No

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**FAIR HOUSING RESOLUTION**

**A RESOLUTION AFFIRMING RICHLAND COUNTY'S  
COMMITMENT TO FAIR HOUSING**

**WHEREAS**, the Richland County Council commemorates the enactment of the Title VIII Civil Rights Act of 1968 as amended (Fair Housing Act); and

**WHEREAS**, the Richland County Council recognizes April as National Fair Housing Month and the County will observe the theme "FAIR HOUSING...IT'S NOT AN OPTION...IT'S THE LAW"; and

**WHEREAS**, the Richland County Council desires that its citizens be afforded the opportunity to obtain Fair Housing Choice without the occurrence of discrimination; and

**WHEREAS**, the Richland County Council rejects discrimination in the provision of housing on the basis of race, religion, color, sex, national origin, familial status, or disability; and

**WHEREAS**, the Richland County Council recognizes the County Administrator as the Fair Housing Administrator for Richland County; and

**WHEREAS**, The Fair Housing Administrator recognizes the Community Development Department as the official coordinator of all Fair Housing initiatives on behalf of Richland County; and

**WHEREAS**, the Richland County Council encourages positive action toward the elimination of discriminatory practices in the sale, rental, financing and all other housing transactions;

**NOW, THEREFORE, BE IT RESOLVED**, that Richland County Council reaffirms its commitment to fair housing as one of the nations most cherished and fundamental values.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2009, having been duly adopted by the Richland County Council on the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Paul Livingston, Chair  
Richland County Council

ATTEST this \_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

# Richland County Council Request of Action

**Subject**

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 [**PAGES 90-94**]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                                      No

**On Agenda For Public Hearing**                                      No



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, 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.; ~~AND SECTION 16-2, DEFINITIONS, SO AS TO REVISE THE DEFINITION OF GROSS INCOME; AND ADJUST DECLINING RATES FOR INTERSTATE COMMERCE REVENUE.~~

Pursuant to the authority 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 Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions, subsection (9), Gross Income, is hereby amended as follows:~~

- ~~(9) “Gross income” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting there from business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County. Gross income shall not include amounts received or provided as a trade-in allowance.~~

~~Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.~~

**SECTION I.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-5, Classification and Rates, Business License Fee Schedule, is hereby amended to read as follows:

<u>Rate</u>	<u>NAICS #</u>	<u>Business Type</u>
8.07	4411-4412	<u>Automobile &amp; Motor Vehicle Dealers, Farm Machinery Dealers, Boat Dealers Retail</u>
		First \$2,000 Gross Income <span style="float: right;">\$35.00</span>
		Each additional \$1,000 <span style="float: right;">\$1.50/thousand</span>

One sales lot not more than 400 feet from main showroom may be operated under this license provided that proceeds from sales there are included in gross receipts at main office when both are operated under the same name and ownership.

Gross income shall include full sales price without deduction for trade-ins.

**SECTION II.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification, is hereby amended to read as follows:

**Section 16-7. Deductions, Exemptions, Charitable Organizations, and Determination of Classification**

(1) (a) Businesses whose business activity(ies) are described by the North American Industry Classification System (NAICS) with codes beginning with 4411 or 4412, which includes the following:

- New and Used Automobile Dealers (441110 and 441120)
- Recreational Vehicle Dealers (441210)
- Motorcycle, ATV, and Personal Watercraft Dealers (441221)
- Boat Dealers (441222)
- All Other Motor Vehicle Dealers (441229)

shall be authorized to deduct the amounts paid to customers in exchange for motor vehicle trade-ins as part of sales transactions.

**SECTION III.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Appeals, is hereby amended as follows:

**Section 16-19. Appeals.**

(1) Any person aggrieved by the following actions or decisions made by the License Official may bring an appeal to the Business License Service Center Appeals Board:

aggrieved by:

- a. a final assessment pursuant to Section 16-12;
- b. charge backs or other adjustment to the business license fee as determined by an audit conducted pursuant to Section 16-11;
- c. a revocation or a denial of a business license pursuant to Section 16-15 or Section 16-18;
- d. imposition of a **civil business license** penalty; or
- e. a decision or determination made by the License Official concerning the proper classification of a business or the proper calculation of business license fees. This ground for appeal shall not be construed to authorize appeals based on objections to the business license fee structure established by Richland County Council.

(2) Those wishing to appeal must first file a written appeal with the License Official for decision by the Business Service Center Appeals Board. The Business Service Center Appeals Board, or its designee, is authorized to reject an appeal for failure to comply with the requirements of this subsection. The following requirements for submission of an appeal must be strictly complied with:

- a. The appeal must be in writing and state the reasons for the appeal.
- b. The appeal shall be filed with the License Official within fifteen (15) business ~~ten calendar~~ (10) days after the payment of all applicable fees and penalties, including assessments or charge-backs of an audit, and ~~or~~ within twenty (20) business ~~ten calendar~~ days after receipt of the License Official's ~~date of written and certified mailed~~ notification of an assessment, charge-backs of an audit, or notice of denial or revocation ~~is received~~.
- c. The written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of all applicable fees and penalties, an assessment, or audit charge backs shall be a condition precedent to appeal.

The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.

~~(2)~~(3) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, or as soon as reasonably possible, after receipt of a request for appeal or service of notice of suspension or intent to revoke. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel and to present testimony and evidence. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

(4) In the event of an appeal of civil business license penalties paid, the Appeals Board may waive a civil business license penalty paid only if any of the following circumstances of reasonable cause are proven by the appellant:

- a. An unexpected and unavoidable absence of the appellant from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the business license fee.
- b. A delay caused by death or serious, incapacitating illness of the appellant, the appellant's immediate family, or the appellant's accountant or other third party professional charged with determining the business license fee owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the business license fee.
- c. The business license fee was documented as paid on time, but inadvertently paid to another taxing entity.
- d. The delinquency was caused by the unavailability of necessary records directly relating to calculation of business license fees, over which the appellant had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of civil business license penalties.
- e. The delinquency was the result of clear error on the part of the License Official or Business Service Center staff in processing or posting receipt of appellant's payment.
- f. Delay or failure caused by good faith reliance on erroneous guidance provided by the License Official or other staff, so long as complete and accurate information was given to the Business License Service Center, no change in the law occurred, and the appellant produces written documentation.

(5) The Appeals Board shall, by majority vote of members present, render (or cause to have rendered) a written decision as to whether the decision or action listed in subsection (1) above was affected by material error based upon findings of fact and the application of the standards herein. The decision of the Appeals Board ~~which~~ shall be served upon all parties or their representatives within fifteen (15) calendar days, or as soon as reasonably possible, after the hearing. The decision of the Board shall be final unless appealed to County Council within ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of the County Council's decision.



**SECTION IV.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-22, Penalties, is hereby amended as follows:

**Section 16-22. Criminal and Civil Penalties, Injunctive Relief.**

- a. Criminal Penalty. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.
- b. Civil Penalty. For non-payment of all or any part of the business license fee, the License Official shall levy and collect a penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived except in accordance with circumstances of reasonable cause set forth in Section 16-19 of this article as determined by the Business Service Center Appeals Board.
- c. Injunctive Relief. The County may seek injunctive relief in a court of competent jurisdiction as a means of enforcing the provisions of this article.

~~SECTION IV. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Business License Fee Schedule, is hereby amended as follows:~~

~~(4) Interstate Commerce Declining Rates~~

~~These declining rates apply in all classes for gross revenues generated by interstate commerce, i.e., the sale of goods across South Carolina state lines, for which a business license was not paid for and obtained in another jurisdiction outside South Carolina.~~

<u>Interstate Commerce Revenue</u> <u>(in millions)</u>	<u>Discount on the Business</u> <u>License Fee</u>
<del>1.00—4.99</del>	<del>5%</del>
<del>5.00—9.99</del>	<del>10%</del>
<del>10.00—14.99</del>	<del>20%</del>
<del>20.00—24.99</del>	<del>25%</del>
<del>25.00—29.99</del>	<del>30%</del>
<del>30.00—34.99</del>	<del>35%</del>
<del>35.00—39.99</del>	<del>40%</del>
<del>40.00—44.99</del>	<del>45%</del>
<del>45.00—49.99</del>	<del>50%</del>
<del>50.00 or greater</del>	<del>100%</del>

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

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

**SECTION VII. Effective Date.** All sections of this ordinance, excepting Sections 1 and 2, shall be effective on and after March 17, 2009. Sections 1 and 2 of this ordinance shall be effective on and after January 1, 2010.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: Feb. 17, 2009  
Second Reading: March 3, 2009  
Public Hearing: (March 17, 2009)  
Third Reading: (March 17, 2009)

# Richland County Council Request of Action

**Subject**

An Ordinance amending the Fiscal Year 2008-09 Richland County Industrial Park budget to increase the budget seventy-five thousand dollars (\$75,000) [**PAGES 96-97**]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_-09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 RICHLAND COUNTY INDUSTRIAL PARK BUDGET TO INCREASE THE BUDGET ~~FIFTY THOUSAND DOLLARS (\$50,000)~~ SEVENTY FIVE THOUSAND DOLLARS (\$75,000).

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

SECTION I. That the amount of ~~fifty thousand dollars (\$50,000)~~ seventy five thousand dollars be appropriated to the Richland County Industrial Park Budget. Therefore, the Fiscal Year 2008-2009 Richland County Industrial Park Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 257,000
Appropriation of Richland County Industrial Park undesignated fund balance:	<u>75,000</u>
Total Richland County Industrial Park Fund Revenue as Amended:	\$ 332,000

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 257,000
Increase to Richland County Industrial Park Budget:	<u>75,000</u>
Total Richland County Industrial Park Fund Expenditures as Amended:	\$ 332,000

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 3, 2009  
Second Reading: March 17, 2009  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

**Subject**

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 [**PAGES 99-104**]

**Purpose**

**Committee Recommendation**

COMMITTEE RECOMMENDED APPROVAL

**Council Action (First Reading)**

THIS ITEM RECEIVED FIRST READING ON OCTOBER 7, 2008

**Council Action (Second Reading)**

THIS ITEM RECEIVED SECOND READING ON DECEMBER 6, 2008

**Public Hearing**

THIS ITEM RECEIVED A PUBLIC HEARING ON FEBRUARY 3, 2009

**On Agenda As A Consent Item**                      Yes

**On Agenda For Public Hearing**                      No

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

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 HOUSHOLD ARTICLES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16; is hereby amended to read as follows:

**Sec. 12-16. Same – Yard trash and other household/business articles.**

(a) Refuse shall be collected only by collectors who are franchised by the county.

(b) Yard trash and other household articles shall be collected in the entire unincorporated portion of the county under the following conditions:

(1) Yard trash, including all bagged or boxed trash and the equivalent of two (2) roll carts of loose trash, placed at curbside of the nearest public road, shall be collected once each week. ~~This article does not intend to require that yard trash be bagged, boxed or bundled; however, such practice will be encouraged.~~

(2) Yard trash and other household articles not suitable for placement in a roll cart, plastic bag or trash container sack may be placed for collection as follows:

a. Tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets;

b. Sticks, hedge clippings, and small brush ~~and leaves~~ shall be placed in neat piles at curbside.

c. Leaves shall be bagged and placed at curbside.

(3) Within one (1) week of each month, contractors shall remove all household furnishings, appliances, large yard toys and other large household articles, when placed in front of the residence at the nearest public road. All large appliances shall have doors removed prior to placement at the curb.

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 \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           October 7, 2008 (tentative)  
Second Reading:       October 21, 2008 (tentative)  
Public Hearing:  
Third Reading:



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-09HR

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 HOUSHOLD ARTICLES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16; is hereby amended to read as follows:

**Sec. 12-16. Same – Yard trash and other household/business articles.**

(a) Refuse shall be collected only by collectors who are franchised by the county.

(b) Yard trash and other household articles shall be collected in the entire unincorporated portion of the county under the following conditions:

- (1) Yard trash, including all bagged or boxed trash and the equivalent of two (2) roll carts of loose trash, placed at curbside of the nearest public road, shall be collected once each week. ~~This article does not intend to require that yard trash be bagged, boxed or bundled; however, such practice will be encouraged.~~
- (2) Yard trash and other household articles not suitable for placement in a roll cart, plastic bag or trash container sack may be placed for collection as follows:
  - a. Tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets;
  - b. Sticks, hedge clippings, and small brush ~~and leaves~~ shall be placed in neat piles at curbside.
  - c. Leaves shall be bagged placed in thirty (30) to fifty (50)-gallon brown compostable paper bags or in thirty (30)-gallon unlined garbage cans that are clearly marked “YARD WASTE” and placed at curbside.
- (3) Within one (1) week of each month, contractors shall remove all household furnishings, appliances, large yard toys and other large household articles, when placed in front of the residence at the nearest public road. All large appliances shall have doors removed prior to placement at the curb.

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 \_\_\_\_\_, 2009.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
\_\_\_\_\_, Chair

ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           October 7, 2008  
Second Reading:       December 16, 2008 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-09HR

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 HOUSHOLD ARTICLES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16; is hereby amended to read as follows:

**Sec. 12-16. Same – Yard trash and other household/business articles.**

(a) Refuse shall be collected only by collectors who are franchised by the county.

(b) Yard trash and other household articles shall be collected in the entire unincorporated portion of the county under the following conditions:

- (1) Yard trash, including all bagged or boxed trash and the equivalent of two (2) roll carts of loose trash, placed at curbside of the nearest public road, shall be collected once each week. ~~This article does not intend to require that yard trash be bagged, boxed or bundled; however, such practice will be encouraged.~~
- (2) Yard trash and other household articles not suitable for placement in a roll cart, plastic bag or trash container sack may be placed for collection as follows:
  - a. Tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets;
  - b. Sticks, hedge clippings, small brush, and leaves shall be placed in neat piles at curbside; provided, however, for properties in residentially zoned districts with one (1) acre or less, leaves shall be placed in thirty (30) to fifty (50)-gallon biodegradable bags or in thirty (30)-gallon unlined garbage cans that are clearly marked “YARD WASTE” and placed at curbside. The bags or cans shall be procured by the residents at their own cost.
- (3) Within one (1) week of each month, contractors shall remove all household furnishings, appliances, large yard toys and other large household articles, when placed in front of the residence at the nearest public road. All large appliances shall have doors removed prior to placement at the curb.

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 [August 3, 2009](#).

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2009

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           October 7, 2008  
Second Reading:       December 16, 2008  
Public Hearing:          February 3, 2009 (tentative)  
Third Reading:         February 3, 2009 (tentative)

# Richland County Council Request of Action

**Subject**

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" **[PAGES 106-107]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-09HR

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” AND REQUIRING THE ADOPTION OF AN EMPLOYEE HANDBOOK.

WHEREAS, Richland County Council would like to provide for the more efficient administration of the County’s personnel policies and procedures; and

WHEREAS, in order to achieve its goals, the Richland County Council desires to repeal the County’s ordinances relating to personnel policies and procedures and adopt an Employee Handbook for all future regulation of the County’s personnel policies; and

WHEREAS, in order to allow for more efficient approvals of future revisions, additions, or deletions to policies and to respond more quickly to changing circumstances, Council has determined that the adoption of policies by resolution rather than ordinance is preferable;

WHEREAS, the Richland County Council wants to provide the County Administrator the authority to administer guidelines consistent with the policies of the County. These guidelines will be called Human Resource Guidelines. The Richland County Council authorizes the County Administrator to develop, publish, amend, add, and/or delete guidelines as he deems appropriate in the Human Resource Guidelines.

NOW, THEREFORE, 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 Richland County Code of Ordinances; Chapter 2, Administration; Article VIII, Personnel Regulations; is hereby repealed in its entirety, and is reserved for future use.

SECTION II. The Richland County Council shall adopt by Resolution the Richland County Employee Handbook and the Richland County Human Resources Guidelines, which shall replace the herein deleted ordinances and constitute the Richland County personnel policies and guidelines.

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

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

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

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST this the \_\_\_\_ day of  
\_\_\_\_\_, 2009.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

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

# Richland County Council Request of Action

**Subject**

09-02MA, Lawrence Owen, RS-MD to OI (1 Acre), 06205-02-02, 1204 Piney Grove Road **[PAGE 109]**

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                      No

**On Agenda For Public Hearing**                      No



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-09HR

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 # 06205-02-02 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 06205-02-02 from RS-MD (Residential, Single-Family, Medium Density District) zoning to OI (Office and Institutional District) zoning.

Section II. 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. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section IV. This ordinance shall be effective from and after \_\_\_\_\_, 2009.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2009.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

Public Hearing:        March 24, 2009  
First Reading:        April 7, 2009 (tentative)  
Second Reading:  
Third Reading:

# Richland County Council Request of Action

**Subject**

Development & Services Committee Recommendations [NO ACTION REQUIRED] [**PAGE 111**]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                      No

**On Agenda For Public Hearing**                      No



# RICHLAND COUNTY COUNCIL

## DEVELOPMENT AND SERVICES COMMITTEE

Gwendolyn Kennedy  
District 7

Damon Jeter  
District 3

Norman Jackson, Chair  
District 11

Jim Manning  
District 8

Bill Malinowski  
District 1

*Tuesday, March 24, 2009*  
*5:00 PM*

### Recommendations

#### Items for Action

- Consent** 1. 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 – The committee recommended that the resolution be amended to note the firm that provided all statistics and information included in the resolution. The committee then recommended that council adopt the resolution as amended. The vote in favor was unanimous.
- Consent** 2. Request to approve the early renewal of a municipal solid waste contract with Waste Management, Inc. – The committee recommended that council approve the early renewal of the contract with Waste Management, Inc. The vote in favor was unanimous.
- Consent** 3. Request to consider a petition filed in circuit court to close a portion of Blaine Street and Dunston Street – The committee recommended that council approve the petitioner's request and direct Legal to answer the suit accordingly. The vote in favor was unanimous.
- Consent** 4. 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) – The committee recommended that council approve the grant. The vote in favor was unanimous.

Staffed by Joe Cronin





# RICHLAND COUNTY COUNCIL

## ADMINISTRATION AND FINANCE COMMITTEE

Kelvin Washington  
District 10

Greg Pearce  
District 6

Joyce Dickerson, Chair  
District 2

Kit Smith  
District 5

Val Hutchinson  
District 9

*Tuesday, March 24, 2009*  
*6:00 PM*

### Recommendations

#### Items for Action

- Consent** 1. A resolution to allocate \$54,100.30 in Military Forest Funds – The committee recommended that council approve the resolution, with 50% of funds dedicated to schools, and 50% dedicated to public roads. The vote in favor was unanimous.
- Consent** 2. 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] – The committee recommended that council hold a public hearing on April 21<sup>st</sup>, and recommended approval of the resolution upon completion of the public hearing. The vote in favor was unanimous.
- Consent** 3. Request to develop a working plan for establishing public-private partnerships for county projects and initiatives – The committee recommended that council encourage public-private partnerships on a case-by-case basis for county projects and initiatives. The vote in favor was unanimous.
- Consent** 4. Request to approve an intermediate contract with Lowcountry Billing Services – The committee recommended that council approve the intermediate contract with Lowcountry Billing Services. The vote in favor was unanimous.
- Consent** 5. A resolution affirming Richland County's commitment to fair housing – The committee recommended that council approve the resolution. The vote in favor was unanimous.

Staffed by Joe Cronin

Item# 27

Attachment number 1  
Page 1 of 1



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

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., ITS LENDER AND RICHLAND COUNTY AND MATTERS THERETO RELATED.

WHEREAS, Richland County, South Carolina ("County") and Holo (SC) QRS 16-91, Inc. (the "Company") are parties to a fee-in-lieu of taxes ("FILOT") arrangement under Title 4, Chapter 12, Code of Laws of South Carolina 1976, as amended (the "Small Fee Act"), in connection with which a March 14, 2007 Amended and Restated Lease Agreement and related Inducement and Millage Rate Agreement (collectively, the "Existing Lease") was entered into concerning certain real and personal property (the "Leased Facilities");

WHEREAS, the County and the Company are also parties to a FILOT arrangement under Title 12, Chapter 44, Code of Laws of South Carolina 1976, as amended (the "Simple Fee Act") in connection with which the County and the Company entered into a March 14, 2007, Fee Agreement, as amended (the "Existing Fee Agreement") concerning certain additional real and personal property (the "Fee Facilities" and together with the Leased Facilities are collectively the "Facilities");

WHEREAS, the Company desires to and is entering into a certain sale transaction (the "Sale Transaction") with TRC Propco, Inc. (the "Purchasing Entity"), pursuant to which the Company is transferring to the Purchasing Entity all interests in real property and improvements, and certain personal property (collectively, the "Transferred Property"), comprising the Facilities;

WHEREAS, pursuant to the Sale Transaction and a certain agreement (the "Assignment Agreement"), the Company is transferring all of the rights, title, interests and obligations in, to and under the Existing Fee Agreement and the Existing Lease to the full extent of the Company's interest in the Transferred Property (including without limitation any and all reconveyance rights under the Existing Lease in and to the Transferred Property); and

WHEREAS, after the transactions described above, it is the intention of the Purchasing Entity, the Company and the County that the Purchasing Entity would be the

Company's sole successor as lessee under the Existing Lease and sole successor under the Existing Fee Agreement, in each case with respect to the Transferred Property; and

WHEREAS, in connection with the Sale Transaction, the Purchasing Entity is entering into a financing transaction with its lender and/or one of its affiliates (collectively "Lender"), and Lender requires that the County enter into a certain Consent and Subordination Agreement (the "Subordination Agreement") in connection with such financing transaction and the County has agreed to enter into the Subordination Agreement.

NOW, THEREFORE, BE IT ORDAINED by Richland County Council:

Section 1. The County hereby expressly consents to, ratifies and approves the transfers and assignments described above and to such other transfers and assignments as the Purchasing Entity or the Company may determine to be necessary or appropriate in connection with the Sale Transaction.

Section 2. Each of the Chair and Vice-Chair of County Council and the County Administrator be, and each is hereby authorized and directed, in the name and on behalf of the County, to execute documents evidencing the County's consent to the transfers and assignments of the Company's interests in the Existing Lease and the Existing Fee Agreement, said documents to be in substantially the form presented to this County Council together with such changes or amendments thereto and related documents as may be approved by the County Attorney, and the Clerk to County Council is hereby authorized and directed to affix thereto the seal of the County and to attest all such documents.

Section 3. Each of the Chair and Vice-Chair of County Council and the County Administrator be, and each is hereby authorized and directed, in the name and on behalf of the County, to execute and deliver the amended and restated Existing Lease Agreement and the amended and restated Existing Fee Agreement and the Subordination Agreement, said documents to be in substantially the form presented to this County Council together with such changes or amendments thereto and all other related documents as may be approved by the County Attorney, to execute and deliver such other documents as may be necessary or appropriate in connection with this Ordinance, such other documents to be subject to review and approval by the County Attorney, and to effect the performance of all obligations of the County thereunder; and the Clerk to County Council is hereby further authorized and directed to affix thereto the seal of the County and to attest all such documents.

Section 4. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 5. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of these sections, phrases and provisions hereunder.



Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

[Remainder of page intentionally left blank.]

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Paul Livingston, Chairman of County Council  
Richland County, South Carolina

*(SEAL)*

ATTEST:

\_\_\_\_\_  
Michielle Cannon-Finch, Clerk to County Council  
Richland County, South Carolina

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved as to Legal Form Only  
No Opinion Rendered as to Content

First Reading:       April 7, 2009  
Second Reading:     April 21, 2009  
Public Hearing:       May 5, 2009  
Third Reading:       May 5, 2009

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

I, the undersigned, being the duly qualified and acting Clerk to the County Council ("County Council") of Richland County, South Carolina ("County"), do hereby certify that attached hereto is a copy of the ordinance ("Ordinance") of the County entitled: 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., ITS LENDER AND RICHLAND COUNTY AND MATTERS THERETO RELATED," which Ordinance was adopted by the Council at meetings duly called and held on \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, at which meetings a quorum was present and acting throughout, which Ordinance has been compared by me with the original thereof, that such copy is a true, correct and complete copy of the Ordinance, and that the Ordinance has been duly adopted and has not been modified, amended or repealed and is in full force and effect on and as of the date hereof in the form attached hereto.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Richland County Council, South Carolina, as of this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Michelle Cannon-Finch, Clerk to County Council  
Richland County, South Carolina

(SEAL)

# Richland County Council Request of Action

**Subject**

Accommodations Tax Committee-2

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

Historic Columbia Foundation-1

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

Hospitality Tax Committee-1

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

Internal Audit Committee-1

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

Employee Grievance Committee-1 [PAGES 125-126]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No





**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

Name: Nelda T. Smyrl

Home Address: 2841 St. Ives Rd.

Telephone: (home) (803) 788-1300 (work) (803) 576-1885

Office Address: 1701 Main St. Room 408

Email Address: smyrln@rcgov.us

Educational Background: JD Degree

Professional Background: Attorney

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Employee Grievance Committee

Reason for interest: To have the opportunity to give a fair hearing to employee's complaints and the position asserted by the employer.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: Legal background. Involved daily with cases and with reviewing and assessing 2 sides of a problem. Discerning relevant from irrelevant issues and applying to rules and statutes.

Presently serve on any County Board/Commission/Committee? Employee Grievance Comm.

Any other information you wish to give? I like to write and have written some of the reports.

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: 3 to 6, depending on regular court responsibilities

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No NO \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nelda T. Smyrl  
Applicant's Signature

March 16, 2009  
Date

**Return to:  
Clerk of Council, Post Office Box 192, Columbia, SC 29202.  
For information, call 576-2060.**

**One form must be submitted for each committee on which you wish to serve.  
Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

# Richland County Council Request of Action

**Subject**

Historic Columbia Foundation-1 [PAGES 128-129]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Patricia D. Williams
Home Address: 11628 Congress Road
Telephone: (home) (803) 783-9766 (work) (803) 269-1514
Office Address:
Email Address: derrchan007@aol.com
Educational Background: College graduate
Professional Background: Registered Nurse
Male [ ] Female [x] Age: 18-25 [ ] 26-50 [x] Over 50 [ ]

Name of Committee in which interested: Historic Committee
Reason for interest: I have lived in South Carolina most of my life and I would like to be a part of preserving its history.
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: I want to assist the committee in any way possible to continue to enlighten others about South Carolina's rich history.
Presently serve on any County Board/Commission/Committee? No history.
Any other information you wish to give? No
Recommended by Council Member(s): N/A
Hours willing to commit each month: any required

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, and the County Council, by majority vote of the council, shall elect.

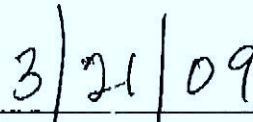
**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No  \_\_\_\_\_

If so, describe: \_\_\_\_\_

  
Applicant's Signature

  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



# Richland County Council Request of Action

**Subject**

Hospitality Tax Committee-1

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

Electronic Participation (Rule Clarification) [PAGE 132]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item** No

**On Agenda For Public Hearing** No

## **PROPOSED AMENDMENT TO COUNCIL RULES**

Rule 1.6 (Quorum); 5.21 (Voting) Electronic Participation

During any Special Called Meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning Meeting or Regular Session Council meeting any Council member may participate in the meeting via electronic participation and be counted as present for the purposes of a quorum. However, five Council members must be physically present to hold ~~schedule~~ a Special Called Meeting.

Any Council member participating electronically shall not be allowed to participate in executive session matters. Should an executive session be held, a council member participating electronically may choose to abstain from a vote on the issue discussed in executive session.

For the purposes of this section, “electronic” participation shall mean videoconferencing or teleconferencing which allows all persons participating in the meeting to hear and/or see each other at the same time.

Electronic participation shall only be allowed in a Special Called meeting of Council.



# Richland County Council Request of Action

**Subject**

CDV Equipment Grant (\$2,250 match, no personnel) [**PAGES 134-136**]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                                  No

**On Agenda For Public Hearing**                                  No

## Richland County Council Request of Action

**Subject:** CDV Equipment/ No Personnel/ \$2,250 Match

### A. Purpose

*County Council is being requested to approve a grant proposal with new personnel for FY 2008-2009.*

### B. Background / Discussion

The Richland County Sheriff's Department has applied for a grant for funds to provide computer equipment for each patrol region to assist with transmission of photographic evidence in Criminal Domestic Violence cases.

### C. Financial Impact

Grant Program	Costs	Match
CDV Equipment	\$6,670	\$2,250
<b>Total Grant Budget Request</b>	<b>\$6,670</b>	<b>\$2,250</b>

### D. Alternatives

1. Approve the request to fund this program to provide upgraded computer equipment to each patrol region for evidence transmission.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

### E. Recommendation

It is recommended that Council approve the request to approve grant for computer equipment to enhance photographic evidence transmission for CDV cases.

Recommended by: \_\_\_\_\_ Department: \_\_\_\_\_ Date: \_\_\_\_\_  
*Chief Deputy Dan Johnson, Richland County Sheriff's Depart. January 5, 2009*

### F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

#### Finance

Reviewed by (Finance Director): \_\_\_\_\_

Date: \_\_\_\_\_

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: \_\_\_\_\_

Item# 37

Attachment number 1  
Page 1 of 3

Reviewed by (Budget Director):

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Procurement**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Grants**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Legal**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Administration**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Richland County**  
**Grant Application Request**  
**Fiscal Year 2009 (July 2008 – June 2009)**

Complete a separate form for each grant application you intend to submit.

**Section A: Basic Information**

1.) Department: RCSD		2.) Dept. Contact: Traci Dove	
3.) Grant Title of Project: CDV Equipment Enhancement			
4.) Grant Program: STOP Violence Against Women Act			
5.) Grantor: SCDPS		6.) Fund Source: <input checked="" type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other (check one)	
7.) Grant Period: From 3/15/09 To 4/30/09		8.) Application Due Date: January 8, 2009	
9.) Status: <input checked="" type="checkbox"/> Application sent – date 1/5/09 <input type="checkbox"/> To be submitted – date		10.) Anticipated Award Date: March 2009	
11.) <input checked="" type="checkbox"/> New Grant? or <input type="checkbox"/> Continuation Grant? (check one)		12.) If continuation grant, what is previous grant #?	
13. a.) Amount of grant funds requested: \$6,750	13. b.) Percentage of total request: 75%	14. a.) Amount of matching funds requested: \$2,250	14. b.) Percentage of total request: 25%
15.) Total Project Cost: (Grant funds requested + matching funds requested) \$9,000 = 100%			

**Section B: Project Description**

16.) Provide a general statement of the purpose of the grant. Provides computer equipment to assist with the transmission of photographs from the patrol regions into evidence.

**Section C: Financial Impact**

17.) Does grant allow administrative (indirect) costs? No If yes, what percentage? \_\_\_\_\_  
 When applying for the grant, be sure to include this amount in your budget to assist with the County's and your Department's indirect costs of managing the grant.

**Grant Personnel**

For new grants:

18. a.) How many new, full-time positions will be created by this grant? 0  
 Please complete and attach a **Grant Funded New Position Funding Request** form for each new position type (mandatory)

For continuation grants:

18. b.) How many full-time positions will be continuing with this grant?

For all:

19.) Does the grant require positions to be maintained following conclusion of the grant?

20.) If yes, for how long? (i.e., one local fiscal year, 12 months, etc.) .

# Richland County Council Request of Action

**Subject**

Rowing Club MOU [**PAGES 138-144**]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No



STATE OF SOUTH CAROLINA        )  
  )       **OPERATING AGREEMENT**  
COUNTY OF RICHLAND             )

This Operating Agreement (the “Agreement”) is entered into on this \_\_\_\_ day of \_\_\_\_\_ 2008 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.
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.
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.

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: \_\_\_\_\_

**COLUMBIA ROWING CLUB**

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

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





# Richland County Rowing Center

## Permitted

- Picnicking
- River Viewing
- Hiking (Trails Underdeveloped)
- Rowing
- Leashed Pets

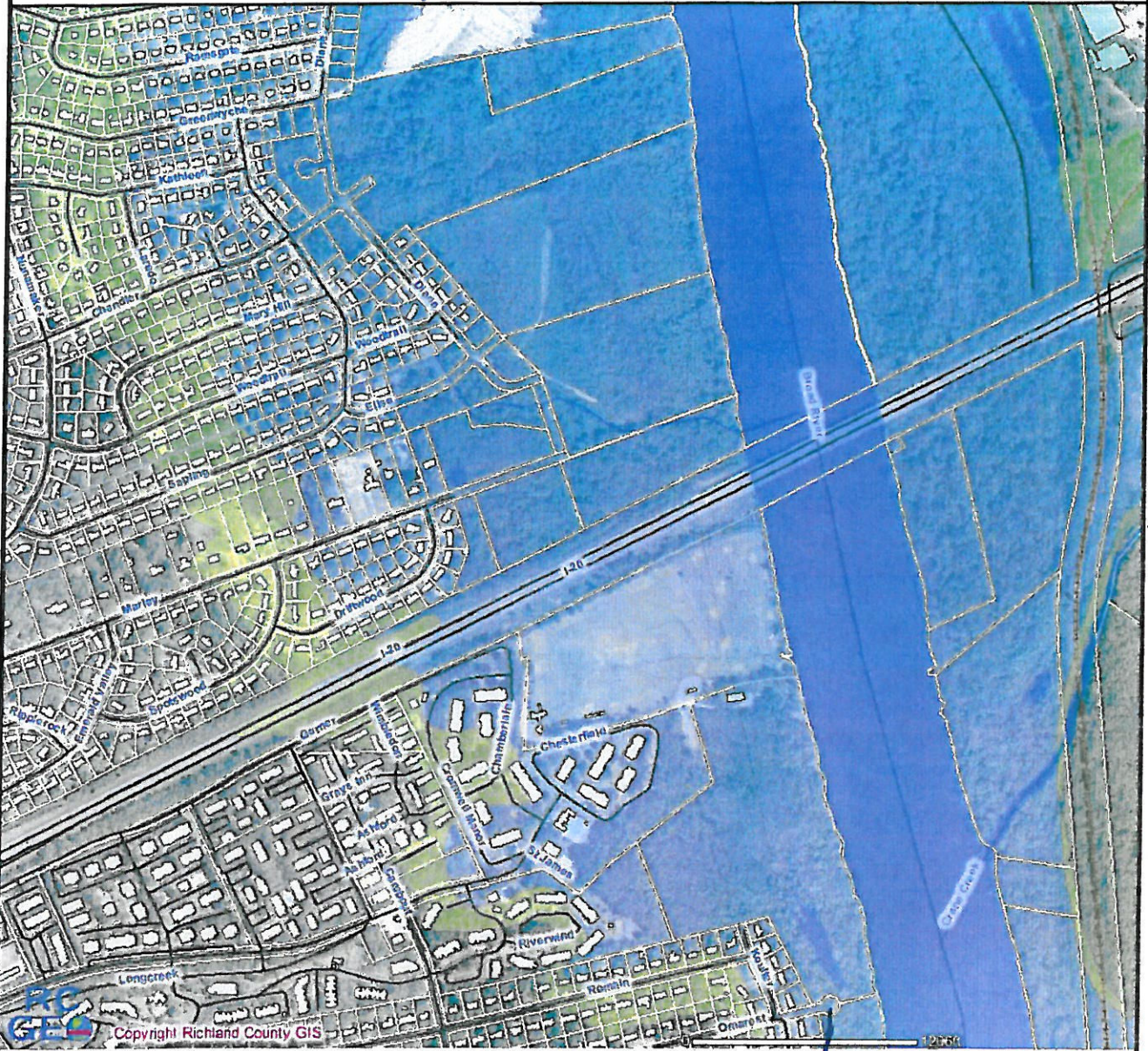
## Prohibited

- Overnight Camping
- Open Fires
- Firearms Use
- Hunting
- Fishing from Dock
- Littering
- Swimming
- Alcoholic Beverages
- Loud Noise, Music
- Canoe Launching

To Report Maintenance Concerns, Please Call Richland County Department of Public Works (803) 576-2450



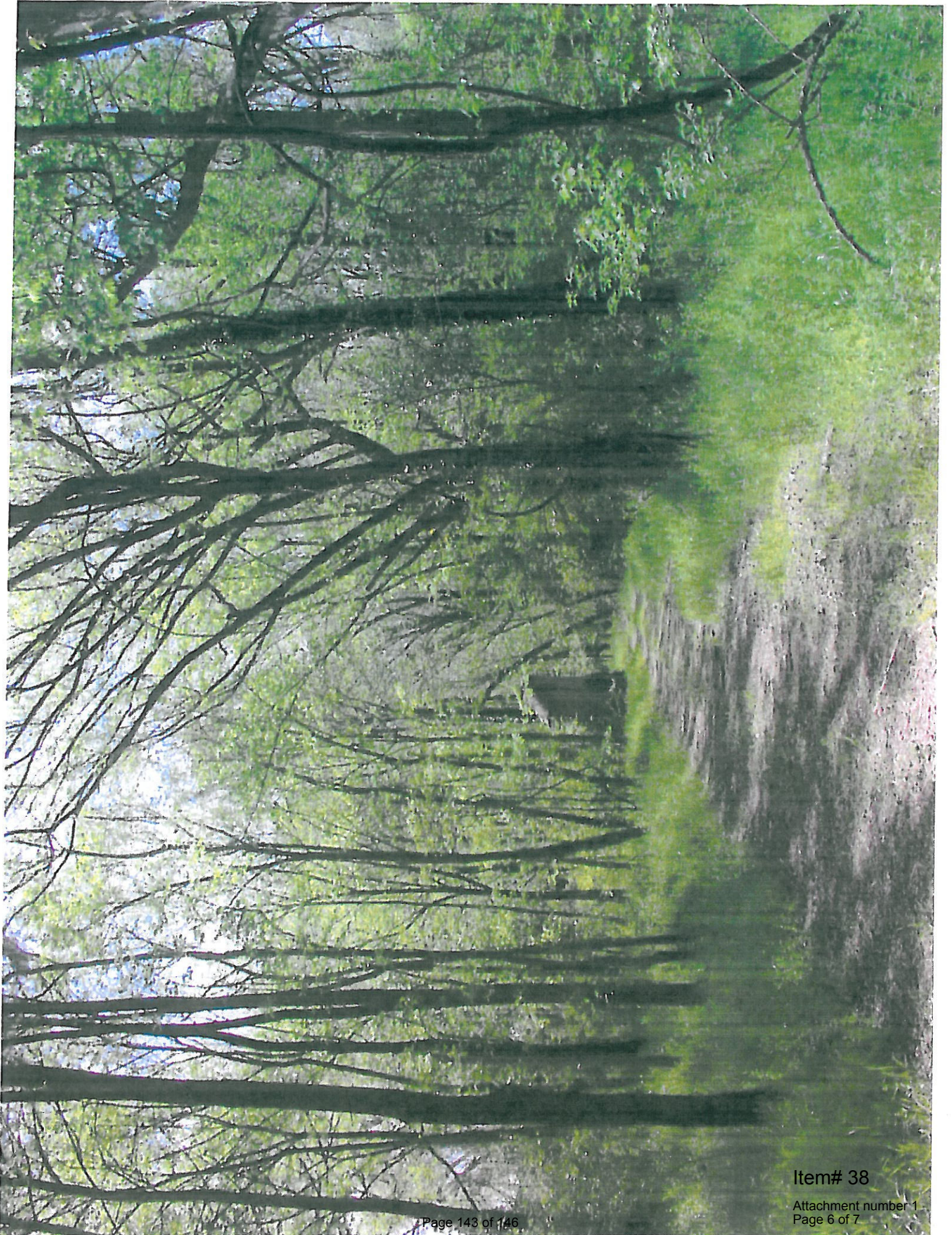
# 100 yr Flood Zone -All



	<p>Copyright 2005 Richland County GIS 2020 Hampton St. Columbia, SC 29204</p>		<h3>Legend</h3> <ul style="list-style-type: none"> <li> County Boundary</li> <li> Private Schools</li> <li> Public Schools</li> <li> Police Stations</li> <li> Fire Stations</li> <li> County Assets</li> <li> Daycares</li> <li> Streets</li> <li> Buildings</li> <li> 2 Ft. Contours</li> <li> Streams</li> <li> Lakes</li> <li> Council Districts</li> <li> Zip Codes</li> </ul>
<p><b>DISCLAIMER :</b> This is a product of the Richland County GIS Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.</p> <p><b>PROPRIETARY INFORMATION:</b> Any resale of this information is prohibited, except in accordance with a licensing agreement.</p>			

\* Access Point \* Omarest





Item# 38

Attachment number 1  
Page 6 of 7





# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**

No

**On Agenda For Public Hearing**

No

# Richland County Council Request of Action

**Subject**

- Placement of Comprehensive Plan on April 21st Agenda [LIVINGSTON]
- Guidelines for presentations by agencies receiving funding from the County during the budgeting process [LIVINGSTON]
- Composition of Discretionary Grant Committee [MANNING/JETER]

**Purpose**

**Committee Recommendation**

**Council Action (First Reading)**

**Council Action (Second Reading)**

**Public Hearing**

**On Agenda As A Consent Item**                      No

**On Agenda For Public Hearing**                      No