## **RICHLAND COUNTY**

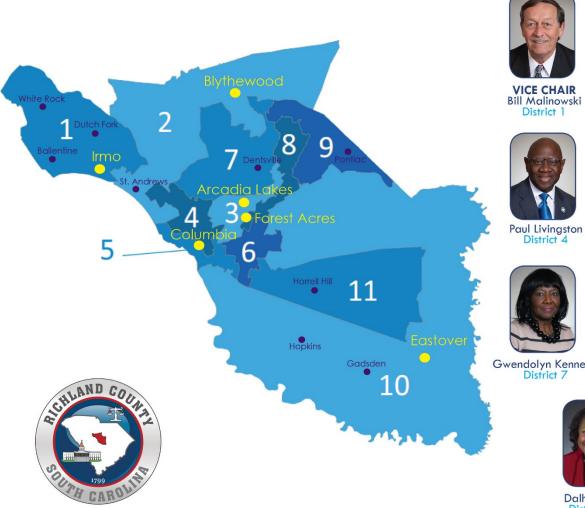
## DEVELOPMENT & SERVICES COMMITTEE AGENDA



# TUESDAY, JANUARY 9, 2018 5 P.M. COUNCIL CHAMBERS 2020 HAMPTON STREET COLUMBIA, SC 29204

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## RICHLAND COUNTY COUNCIL 2017-2018









Joyce Dickerson District 2





Greg Pearce District 6

Yvonne McBride

District 3



Gwendolyn Kennedy District 7

Dalhi Myers District 10







Norman Jackson District 11





#### **Richland County Development & Services Committee** January 9, 2017 - 5:00 PM **Council Chambers** 2020 Hampton Street Columbia, SC 29204 Yvonne McBride Gwen Kennedy Seth Rose (Chair) Chip Jackson Dalhi Myers District 3 District 7 District 5 District 9 District 10 1. CALL TO ORDER The Honorable Seth Rose, Chair, Development & Services Committee 2. APPROVAL OF MINUTES The Honorable Seth Rose Development & Services Committee Meeting: December 19, 2017 a. [Pages 6-10] 3. ADOPTION OF AGENDA The Honorable Seth Rose 4. **ITEMS FOR ACTION** The Honorable Seth Rose Intergovernmental Agreement with the City of Columbia: Devil's a. Ditch [Pages 11-19] Quit Claim Portion of Pear Tree Road to Adjoining Property b. Owners [Pages 20-24] Council Motion: Revisit the 2002 Richland County Water Plan, c. and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project [Malinowski and Myers] [Pages 25-29] d. South East Sewer Service Project [Pages 30-33] Council Motion: If an employee is in need of sick leave, any e. employee can donate that leave to a specific person and not just a sharing pool [Malinowski] [Pages 34-45] f. Council Motion: I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY16-17 budget produced a surplus, to EMS [Manning] [Pages 46-47] Council Motion: In future housing development or construction, g. houses built must be at a safe distance to prevent the transfer of being affected by fire. Fire retardant materials must be used or a

Note: Pursuant to Council Rules, Council will record non-electronic roll call voting for all votes that are not unanimous for second and third reading or one time votes; and which are not merely procedural in nature.

safe distance must be developed separating the houses [N. Jackson] [Pages 48-50]

h. Council Motion: Move to review the existing "cat" ordinance and remove the last sentence of the ordinance. [Pages 51-66]

#### 5. ITEMS PENDING ANALYSIS – PAGE 67

- a. Council Motion: If Developers, Builders, etc. cause any hardship on any community due to poor workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. Jackson]
- b. Council Motion: HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. Jackson]
- c. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/ completed and provided to the Planning Commission no later than their June meeting [Malinowski] [Page]
- d. Council Motion: That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can't be built on anyway, so no credit should be given for these items [Malinowski] [Page]

#### 6. ADJOURN



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### **Richland County Council**

#### DEVELOPMENT AND SERVICES COMMITTEE December 19, 2017 – 5:00 PM Council Chambers 2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Yvonne McBride, Gwen Kennedy, Chip Jackson, and Dalhi Myers

OTHERS PRESENT: Joyce Dickerson, Bill Malinowski, Greg Pearce, Norman Jackson, Brandon Madden, Michelle Onley, Shahid Khan, Ismail Ozbek, Tracy Hegler, Jamelle Ellis, Shane Kitchens, Kim Williams-Roberts, Tim Nielsen, Dale Welch, and Larry Smith

1. **CALL TO ORDER** – Ms. Kennedy called the meeting to order at approximately 5:00 PM.

#### 2. APPROVAL OF MINUTES

- a. <u>November 16, 2017</u> Mr. C. Jackson moved, seconded by Ms. Myers, to approve the minutes as distributed. The vote in favor was unanimous.
- 3. <u>ADOPTION OF AGENDA</u> Mr. C. Jackson moved, seconded by Ms. Myers, to adopt the agenda as published. The vote in favor was unanimous.

#### 4. **ITEMS FOR ACTION**

a. <u>Petition to Close Portion of Old Percival Rd./Spears Creek Rd.</u> – Mr. Madden stated this item is a petition to close a portion of Old Percival Road and Spears Creek Road. The petitioner petitioned the court to close the road. The petitioner received no complaints from the adjoining property owners along that road. The Legal Department is seeking direction of Council to either approve the request to close the road and direct legal to answer the suit or not to move forward with legal answering the suit.

Mr. Smith stated, under the County's ordinance, if there is a petition filed to close to a portion of a County road that requires us to go through a process where we touch base with Emergency Services, the Sheriff's Department, and other County departments that may provide services to that area to see if the closure of the portion of the road would disrupt or interfere with the services they have to provide. We reached out EMS, the Sheriff's Dept. and Public Works and none of them had any objections to the request to close this portion of Old Percival Road.

Ms. Myers inquired if this portion of the road was used before the flood.

Mr. Smith responded that he did not know the answer to the question in terms of its use prior to this petition being filed.

Ms. Myers stated she would be interested to know if this is one of the roads that has not been repaired post-flood; therefore, would have been used but for lack of repair or money to repair.

Mr. Smith stated is the committee wants to forward this to Council without a recommendation he could have that answer before it comes to full Council.

Mr. Malinowski inquired as to who owns that portion of the road.

Mr. Smith stated it is a Count-owned road.

Mr. Malinowski inquired if the road is going to be assigned to one property owner as additional property.

Mr. Smith stated he does not know if the road is going to be deeded over or transferred, in terms of title, to anybody. It will just be closed, so there will not be any traffic that goes through that portion of the road.

Ms. Myers stated the petitioner would be petitioning to have it closed so it could be deeded to them. Is that not how it generally works?

Mr. Smith stated sometimes they would make that request. He did not see that in the write-up. He will also check on that.

Mr. Malinowski stated for clarification. In the write-up it says, "Petitioners contend this portion of Old Percival Rd/Spears Creek Rd has not been used in decades and is currently impassable by any vehicular or pedestrian traffic."

Ms. Myers moved, seconded by Mr. C. Jackson, to forward to Council without a recommendation.

Opposed: C. Jackson, Myers, Kennedy, and McBride.

The motion failed. The item will be retained in committee.

b. <u>Deed to the City of Columbia for water lines serving the Ballentine Branch Library</u> – Mr. Madden stated earlier this year the library constructed the Ballentine Branch. Prior to opening, they requested to deed over the utility lines. In the interim, they requested temporary service to the City. At this time, we are bringing this back so that the water lines can be deeded over to the City for the library's services.

Mr. Malinowski stated the first line of the deed states "FOR VALUE RECEIVED" but no value is given.

Mr. Smith stated the way this usually works is we construct the line and then we deed over the line to the City because they are the only entity that provides water.

Mr. Malinowski stated they are the only entity that provides water to this location. He further stated on p. 1 of the Declaration of Covenant (p. 26 in the agenda packet) it states, "WHERAS, Declarant is the owner of real property which is described on 'Exhibit A'" There was not an Exhibit A included in the agenda packet. He requested a copy of the exhibit when it comes to full Council.

Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the ordinance deeding water lines to the City of Columbia servicing the Ballentine Library Branch.

In Favor: C. Jackson, Myers, Kennedy and McBride

The vote in favor was unanimous.

c. <u>Transfer Deed for Hollywood Hills Sewer Lines to City of Columbia Utilities</u> – Mr. Madden stated this is a public infrastructure improvement project that took place in Hollywood Hills in District 7. We are requesting to transfer over the deed, by ordinance, to the City to provide sewer service to the community.

Mr. Malinowski inquired as to why we are deeding over sewer to the City if this is in the County.

Mr. Madden stated it is the actual lines that are being deeded over.

Mr. Khan stated the County does not have the sewer service in this area at this time. All of the sewer that is connectible for this project is owned, operated and maintained by the City.

Mr. Malinowski inquired if we establish sewer service in this area would this come back to us.

Mr. Khan stated he has not seen that in the past.

Ms. Hegler stated the County has an executed IGA with the City for this transfer to occur. The project was funded through Community Development. The IGA would have to be changed to make an amendment.

Mr. Malinowski inquired if the citizens will be charged the same rate as the citizens in the City and not two or three times like they do the water.

Mr. Khan stated the City of Columbia has a tariff, which varies within the City limits to outside the City limits and would apply in all cases of water and sewer.

Ms. Myers stated the County has some IGAs where they have asked to have those lines revert back to us at a certain point. In the IGA we are looking at now, there is no such standard language. Is that the way we are going to be doing it going forward or is this an old version?

Ms. Hegler stated this IGA pre-dates her, but anytime one is brought before Council in the future they could negotiate the terms.

Ms. Myers inquired if it would cause a slowdown in service for that to be added to our standard IGA. The County is going out building the infrastructure, paying to have all the pipes put in and then we deed them over essentially for free to the City of Columbia. Then the constituents in the unincorporated areas are charge 2 and 3 times what the citizens in the incorporated areas are charge for the same service.

Mr. Smith stated he believes the County can do that going forward. There probably needs to be some discussion and consideration regarding that because whoever has these that also requires you to maintain them, which comes at a cost. If Council, as a matter of policy, decides that it is in the County's best interest in those instances for us to retain that responsibility, as well as the maintenance responsibility, then we can see going forward if we can do that.

Mr. C. Jackson inquired as to whom the deed transfer came from.

Development and Services December 19, 2017 -3Ms. Hegler stated the County initiated the project with the City. It was a mutual community development project.

Mr. Khan stated the City of Columbia has a defined covenant, which requires a transfer of infrastructure to them at no cost should they be the service provider in the area. They would not provide sewer service until the deed is transferred.

Mr. C. Jackson inquired if the service is currently being provided.

Mr. Khan stated it is new infrastructure and has not been connected. Until the infrastructure is transferred, the City will not provide the service.

Ms. Dickerson inquired if the water service is provided by the City of Columbia.

Mr. Khan responded in the affirmative.

Ms. Dickerson inquired if there are septic tanks in this area.

Mr. Khan stated that is an old area. Some are on the septic system and others are new development.

Ms. Myers moved, seconded by Ms. McBride, to forward to Council with a recommendation to approve the deed transfer for the Hollywood Hills Sewer Project to the City.

In Favor: Kennedy, Myers, and McBride

Opposed: C. Jackson

The vote was in favor.

d. <u>Council Motion: Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project [MALINOWSKI and MYERS] – Mr. Madden stated the briefing document before the committee addresses the Lower Richland Sewer Project portion. Another briefing document will be coming in the next committee meeting addressing the additional portion of the motion. Staff is requesting action on moving forward with the soliciting a designing or engineering firm to design the Southeast Sanitary Sewer Program.</u>

**POINT OF ORDER** – Mr. Malinowski stated the motion is about reviewing a water plan and updates for providing water service to unincorporated areas of Richland County and providing water service, in conjunction with, the future Lower Richland Sewer Project. It is not about sewer. He sees this as a backhanded way for staff to come in here because all of the recommendations have to do with sewer, but the motion is about water. We should not be discussing sewer or moving anything forward with sewer. If the information on water is not available, then it should stay in committee until we get it. The reason for "in conjunction with the Lower Richland Sewer Project" was if you are going to be putting the sewer in then maybe you can put both lines in at the same time. It was not to try to get the sewer passed or not passed. He believes if it is something to do with sewer it should be taken up separately.

Ms. Myers requested Mr. Madden to explain staff's intent in regards to this item.

Mr. Madden stated staff's intent was not to try to move forward or separate the motion out where we are not considering the entire piece. It was an effort to keep the motion moving.

Development and Services December 19, 2017 -4Mr. Malinowski stated the motion has nothing to do with sewer. The motion is about water.

Mr. Livingston inquired if Mr. Malinowski is making a motion to defer it in committee.

Mr. Malinowski stated he is not on the committee. He is requesting the committee to hold it in committee.

Mr. C. Jackson moved, seconded by Ms. McBride, to hold this item in committee until all of the information is gathered to clarify the concerns raised by Mr. Malinowski.

The vote was in favor.

e. <u>Council Motion: If Developers, Builders, etc. cause any hardship on any community due to poor</u> workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. JACKSON] – Mr. Madden stated this is a motion brought forward regarding the County's current ordinance. Staff is requesting direction from Council on whether to amend the ordinance or to proceed with the current ordinance.

Mr. C. Jackson moved, seconded by Ms. Myers, to forward to Council with a recommendation to approve the motion, but to amend the language to state, "the builder will not be allowed to continue until the problem has been solved" instead of pulling all of their building permits.

Ms. Myers inquired if there are any time limits attached to the amended language. For example, if a developer builds a retention pond and it lives its full life out and fails. At some point the homeowners' association should have taken that over but it fails. According to the motion, if the HOA has not taken it over then the developer could be on 15 new projects down the road. We pull all of their permits associated with anything and mandate they come back and fix that one, which may or may not be their responsibility anymore.

Mr. Smith stated, at this point, if you have a developer, for whatever reason, that is not following the County's guidelines, from a permit perspective, he thinks we can issue citations and give them a corrective plan, as it relates to that particular project. We have the ability to halt that project until such time as they have met the corrective plan. Now the question that is really being asked is, what about other projects and do we have the ability to halt other projects if they have not resolved the situation related to the citations on one particular site. He stated at this point the County's ordinance does not speak to that issue.

Ms. Hegler stated she believes it is temporal and spatial. We do have enforcement, which has been added to the agenda since the last meeting. We have 3 different ways to enforce: Building Inspections, Land Development and Stormwater & Engineering. We do not currently, nor does she read it as saying they can, restrict permits from a developer or person on other projects that are by all other accounts in compliance. We are allowed to deal with a noncompliant site. What we are wondering about with this motion is the intent to broad it to other sites by the same developer. She does not know if that is standard practice anywhere.

Mr. C. Jackson stated his intent was to ensure that other projects being developed in accordance with the code and with no violation and restrictions are not prohibited from continuing while the one in question is being challenged.

Mr. Livingston stated staff's recommendation is at Council's discretion. That is true and obvious, but in issues like this he still wants to know what the professional staff thinks about the motion the

Councilmember puts before us so he can make his decision based on a professional opinion. It would be helpful for him, before he takes action on this, for staff to say what they think will fix this or an alternative to look at.

Ms. Hegler stated she believes we have protocol that is standard and routine for dealing with noncompliant sites.

Mr. C. Jackson withdrew his motion.

Mr. N. Jackson stated you have good apples and bad apples. His motion was based on the developer who puts in infrastructure without approval from the County. When someone purchases a home they expect everything is working. They should not have to go back and spend more money out of their pocket or the County has to come and fix something that was not approved. When you have a developer for 10 years saying it is already there and he is not going to fix it and the taxpayers have to spend money to fix his mistake. Knowing what he did was wrong, he should not be able to build anything in the County until he clears up that problem. It is not fair for the citizens. For example, you purchase a house and then you are having flooding problems. The developer says it's the County's fault because they did not check me before and he got away with so he's not paying to do anything. However, he wants to build a 100 more houses next to property, but he has not paid for the mistakes he has made. Suspend all building permits from that developer until he does the right thing. We do it in other type businesses, so why should it be different in the development community. He stated they met for over 2 ½ hours in Legal with staff discussing the same thing. The developer did not have a permit to do what he did. Also, he built an entrance that was not supposed to be there and the Department of Transportation cannot close it.

Ms. Myers inquired if the remedy there is not a lawsuit. If the developer did not come to us to get the permit and we know nothing about it so our Planning Department cannot enjoin them from doing stuff, because we do not know about it, and there is some fault in it and the purchasers discover the fault, is not the remedy in the courts rather than the County. It is not something over which we had jurisdiction.

Mr. N. Jackson stated they came to the County and presented their development plan. The next thing you know it was executed. They built a storm drainage system and we did not approve it. We have no documentation that it was ever approved. He understands that the community could have a suit, but at the end of the day they are looking at us because they thought Richland County did their due diligence to make sure the developers did the right them. The citizens trusted us and went out and purchased the house and now there is a flooding problem because these guys played games and cheated the system.

Ms. Myers stated her response to that is the Planning Department did not approve it. Therefore, she would be nervous about taking that on because they essentially did something illegal and now we are the insurer of all acts across the County that touch or concern any building. That is so broad, we might get the County in trouble. There is a remedy for them through the courts.

Mr. N. Jackson stated whenever there is a problem with anything in the County our constituents, who we decided to represent, they are looking at the members of County Council to resolve the problems. They are not going to the court and asking the court what to do. They are telling us and we have a responsibility because we are the agency who approves these developments. If something slipped through the cracks, they are saying, "Well you are the elected official, what can you do about it?" Take their permits until they fix the problem. Your constituents will call you. That is why we are here to take the tough job and make the tough decisions.

Development and Services December 19, 2017 -6Ms. McBride inquired if staff is familiar with a motion like this that is in place at this time.

Ms. Hegler stated she is sure this conversation occurs frequently because there is a legitimate frustration over the "bad apple". There are mistakes that get made and staff makes them as well. This was a time where maybe we missed the situation. Mr. N. Jackson is correct we cannot produce a permit for this project. However, in subsequent reviews it seems to meet our requirements. She believes the conversation happens in other jurisdictions.

Ms. McBride inquired if there were other counties that have such an ordinance.

Ms. Hegler responded she is not aware of any. She has seen places where they may grade their development community and have different processes.

Ms. McBride stated Mr. N. Jackson is saying the citizens are being punished and the builders have very limited repercussions from it.

Mr. C. Jackson stated he is not opposed to what Mr. N. Jackson has expressed in terms of citizens being taken advantage of. The reason he withdrew his motion is because it is his understanding Ms. Hegler outlined specific steps that are now in place that are different as a result of this problem that occurred in the past. He requested Ms. Hegler to reiterate what is different now about the process to try to ensure this kind of problem does not occur again and penalty and consequences for those builders.

Ms. Hegler stated she does not know if these requirements were in place at the time of the project that Mr. N. Jackson referenced. All she can hope is that we do not make the same mistakes again. We are not talking about a lot of these. Maybe they do not happen. In terms of a current, active project the temporal piece is important. She feels confident in the regulations we have for current, active projects. Our inspectors are out there weekly on an active project. When we catch a noncompliant situation, we have the protocol in place to deal with that. If the motion is based on a past project that has some concerns and has had some documentation issues that we cannot address, I think that is a different response and she does not know the answer to that other than potentially a lawsuit or some other policy direction Council wants to give in terms of past problems that may arise.

Mr. C. Jackson inquired if we are willing as an organization, if that type of issue is brought to our attention, regardless of the timeline, that the County would take the lead, as opposed to the citizens in terms of being the litigate in this process to address those issues. If for nothing more than to investigate the legitimacy of the complaint.

Ms. Hegler stated she believes that process is in place. If by all reviews, that we produce, we believe something is past and no longer in compliance, we can address that as well.

Mr. N. Jackson stated this is a subdivision that was designed and developed. Because of the consequences, we may have to spend \$300,000 to partially correct the problem because the developer said he was not going to pay for it.

Mr. C. Jackson stated he would hope that the SC Builders' Association would join in with the County when this type of investigation takes place and add additional pressure to those builders, as their professional organization and affiliation to say that, if in fact it has been validated as blatant disregard for the process, they would indicate in very strong terms to those builders and not simply leave it up to the County. Because them being a part of that and placing the builders on notice, as any other professional organization does with its members, would go a long way in terms of making

Development and Services December 19, 2017 -7sure they know and comply with the community and the County. But also comply with their moral code of ethics represented by that organization.

Ms. Hegler stated she has had those conversations with the SC Builders' Association, but we can make that more formalized.

Mr. C. Jackson moved, seconded by Ms. Myers, to table this until Ms. Hegler comes back with some specifics because he feels very strongly about the builders' association piece coming back and becoming more formalized and a part of this process.

The vote was in favor.

f. Council Motion: HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. JACKSON] - Mr. N. Jackson stated this motion is in regards to the same subdivision referenced in the previous motion. From his understanding, when you have a developer to build a subdivision they usually maintain control of the subdivision until all of the lots are sold. However, if they can hold on to one lot they can control the HOA. He believes that needs to be changed. The problem is when the developer controls the homeowner's association and the residents are paying into the association, but the developer or his manager is not doing what they are supposed to do to maintain the property and the detention pond. There are trees growing in the pond and when it rains it floods the community. The residents cannot get any relief, but they have to pay or be threatened with being taken to court and potentially losing their property. At the same time, the management company owned by the developer is not doing anything. The residents are calling and complaining that it is not right. He stated he needs some guidance from the Planning Department on what we can do.

Mr. Livingston stated for clarification the homeowners are not members or part of the HOA. It is totally governed and run by the developer.

Mr. N. Jackson stated until it is 100% sold.

Mr. Livingston stated the homeowners have no influence at all. All the decisions are made solely by the developer.

Mr. N. Jackson stated when you purchase the property you sign an agreement; however, they promise certain things they will do with the fee they are charging but it is totally by the developer. The homeowner take it over when it is 100% built out.

Mr. Livingston inquired of Mr. N. Jackson if he is worried about what happens before it is 100% built out.

Mr. N. Jackson stated that is correct because they can wait 10, 20 years and be forced to pay. The residents can pay, but the developer is not doing what they are supposed to do and the residents have no recourse. The developer threatens to take the homeowners to court and sell your property for what you owe.

Ms. Hegler stated if a HOA is violating any of our ordinances we do have protocol for citing the HOA. So if it is a situation where they are not maintaining the pond and we are regularly inspecting them as we should. We do have recourse against the HOA, as the entity responsible for that code compliance. If the motion is based on the idea that they are not performing some other duties that the County does not necessarily oversee with the homeowners, she stated that is usually treated as a private matter between the HOA and the homeowners. She further stated she does not know if it is 100%. The State regulates what the percentage is to turn over, but she does know it is high. If it is a question of poor management, which does not necessarily fall under the County's purview for review and inspection, it would be a policy direction Council would need to take to get involved.

Mr. Livingston would like to receive feedback from staff regarding HOAs.

Ms. McBride moved, seconded by Ms. Myers, to hold this item in committee for additional information.

In favor: C. Jackson, Myers, McBride and Kennedy

The vote in favor was unanimous.

g. To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions i.e. impassible bridges, roads, etc. Working with recreation centers, schools districts, churches and other civic centers to qualify and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process. NOTE: Shelters to include overnight stay, storage and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. JACKSON] – Mr. Malinowski stated on p. 117 in the agenda packet the staff recommendation is as follows: "Council discretion, however, staff will continue to enforce current ordinances." He stated he is not sure if that is the correct recommendation for this item since the exact same recommendation is listed on p. 44 in the agenda packet. He inquired if there is another recommendation or is it just a duplicate.

Mr. Madden stated it is a staff error. Staff is currently working with the City of Columbia to identify what is being termed as a "calamity shelter". If it is the will of the committee, staff would request to allow us to continue the conversation with the City and incorporate the specifics in Mr. N. Jackson's motion and bring it back to committee.

Ms. Myers moved, seconded by Ms. McBride, to allow staff to continue the collaborative effort and bring back a report.

Mr. N. Jackson stated the reason for his motion is the last time the County had a significant weather event there was a list of emergency shelters. When we had the flood, Lower Richland High School was used as a shelter until the children had to go back to school. This time it was not available. The motion was to have staff talk to the school districts, Sheriff's Dept., etc. so the locations are certified, determine what certification means, What they need there, so they have something if there is an emergency. These shelters are certified and people know what they are getting and what they are doing prior to the emergency situation.

In favor: C. Jackson, Kennedy, Myers, and McBride

The vote in favor was unanimous.

 h. <u>Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the</u> <u>future it will require environmental studies and not allow any runoff that exceeds the current runoff</u> Development and Services December 19, 2017 -9from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [MALINOWSKI] – Mr. N. Jackson inquired if NPDES regulates this.

Ms. Hegler responded in the affirmative. Current standards and regulations required that the post construction runoff is not greater or exceed pre-construction.

Mr. Malinowski stated the last line of the "Background" states, "Staff plans to vet those standards with stakeholders starting in 2018, before submitting text amendments to County Council." He stated stakeholders are important, but the most important stakeholders here are the residents that are inundated with water coming from development. If that is the case, they are the ones we need to listen to and not someone that says everything is going fine when they are not living there. He further stated he believes if we are going to have a meeting we need to allow the public an opportunity to appear at the meeting.

Mr. C. Jackson moved, seconded by Ms. Myers, to hold the remaining items in committee.

In favor: C. Jackson, Kennedy, Myers and McBride

The vote in favor was unanimous.

No action was taken on this item.

- i. <u>Council Motion: I move that we re-allocate some of the funding we used to increase the general</u> <u>fund balance farther above the minimum policy amount that it already was, and given that the FY16-</u> <u>17 budget produced a surplus, to EMS [MANNING]</u> – This item was not taken up.
- j. <u>Council Motion: In future housing development or construction, houses built must be at a safe</u> <u>distance to prevent the transfer or being affected by fire. Fire retardant materials must be used or a</u> <u>safe distance must be developed separating the houses [N. JACKSON]</u> – This item was not taken up.

#### 5. ITEMS PENDING ANALYSIS

- a. <u>Council Motion: Direct Legal to research what is required to enact a parking ordinance in</u> <u>communities/subdivisions [McBRIDE]</u> – No action was taken.
- b. <u>Council Motion: If an employee is in need of sick leave, any employee can donate that leave to a</u> <u>specific person and not just a sharing pool [MALINOWSKI]</u> – No action was taken.
- c. <u>Council Motion: Move to review the existing "cat" ordinance and remove the last sentence of the</u> <u>ordinance [PEARCE]</u> – No action was taken.
- 6. **ADJOURNMENT** The meeting adjourned at approximately 6:00 PM.

Development and Services December 19, 2017 -10-





#### Development & Services Committee Meeting January 9, 2018 Briefing Document

#### Agenda Item

Devil's Ditch Maintenance Project

#### Background

The purpose of the Devil's Ditch project is to perform maintenance repairs of a capital nature to Devil's Ditch. Devil's Ditch is located in the Gills Creek Watershed in Richland County Council District 5. Maintenance includes the removal of overgrown vegetation, accumulated sediment and debris, and the instillation of appropriate bank and bed stabilization to prevent future erosion and scouring. The project limits extend from the upper two branches of the ditch near the intersection of Live Oak Street and South Ott Road down to Plowden Road.

The City of Columbia and Richland County have worked together since 2012 on an engineering study of the maintenance needs for the Devil's Ditch Maintenance Project. Construction costs for the maintenance project have been set aside in both the City's and County's Capital Projects accounts. A cost share agreement between the City of Columbia and Richland County for construction of this project is attached to this briefing document.

#### Issues

The Devil's Ditch maintenance project has been on the Stormwater Management Division's Capital Improvement Projects (CIP) list for several years. The project was previously delayed due to the inability to obtain all easements along the project area. All easements have now been obtained that are needed to complete the project except for one property (TMS#13707-22-04). This property is approximately .27 acres of vacant land located along the south side of Hickory Street within unincorporated Richland County. Taxes were not paid on the property and it is currently owned by the Richland County Forfeited Land Commission. The location of this property provides an unobstructed access to Devil's Ditch and could serve as a staging area for future maintenance needs. It is recommended the County take ownership of this parcel to make future maintenance of Devil's Ditch more efficient.

#### **Fiscal Impact**

The estimated cost of this project is \$406,073.80. Of the total cost, 67% will be covered by Richland County and 33% by the City of Columbia. The cost split is based on the percentage of the project located within the City of Columbia and unincorporated Richland County. Richland County's portion of \$272,069.44 is available in the Department of Public Works Stormwater Management Division's Capital Drainage Projects account.

#### Past Legislative Actions

February 2010 – County Council approved a grant agreement from the City of Columbia for the amount of \$80,000 for the design of the Devil's Ditch Project maintenance plans.

July 2013 – County Council approved the right-of-way acquisition to acquire unclaimed land within the undeveloped right-of-way.

#### Alternatives

Council is requested to take two actions:

1. Approve the agreement with the City of Columbia to share the costs for the Devil's Ditch Maintenance Project at a cost of \$272,069.44 from the Stormwater Management Division's Capital Drainage Projects account, and approve accepting TMS#13707-22-04 from the Forfeited Land Commission to ease future maintenance of the project.

2. Disapprove the agreement with the City of Columbia to cost share the costs of the Devil's Ditch Maintenance project and deny the use of funds for the project, and disapprove accepting TMS# 13707-22-04 from the Forfeited Land Commission.

#### **Staff Recommendation**

Staff recommends County Council approve the agreement with the City of Columbia to cost share at the amount of \$272,069.44 and accept parcel TMS#13707-22-04 from the Forfeited Land Commission.

Submitted by: Department of Public Works (SH2O) Date: December 29, 2017

#### **PROJECT AGREEMENT**

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between Richland County, South Carolina (the "County") and the City of Columbia, South Carolina (the "City").

#### WITNESSETH THAT:

WHEREAS, the Devils Ditch waterway ("Devils Ditch") is located within the areas served by and under the jurisdiction of the City and areas that are under the jurisdiction of the County; and

WHEREAS, the City and the County, and all those served by these entities, have a mutual interest in the maintenance of Devils Ditch; and

WHEREAS, the City and the County coordinated to have an evaluation conducted, as well as a project plans and specifications (the "Project Plans") and a project estimate (the "Project Estimate") prepared for Devils Ditch by Dennis Corporation, as illustrated in Attachment A; and

WHEREAS, the parties have agreed to collaborate on the maintenance project, in accordance with the Project Plans, and procure one contractor to execute the maintenance project in order to reduce costs; and

WHEREAS, the parties wish to authorize the maintenance activities specified in the aforesaid Project in accordance with the Project Plans and within the Project Budget;

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants herein set forth, the County and the City agree as follows:

1. The parties agree that each party will secure, at their own cost, any necessary property rights -e.g., easements, licenses, etc. - to perform work located in their own jurisdiction and which property rights will provide for access and maintenance activities performed by either party. Each party will provide to the other party copies of all filed and recorded easements obtained by the party for work under this Agreement.

2. The Project Plans will be bid through the City's procurement process. Once the bidding process is completed, no further action or approvals are needed with the exception of final approvals from City and County Council for construction. Parties agree that as of the date of this agreement the Project Budget should be sufficient to complete the Project Plans.

3. The City and County consent to the maintenance activities specified in the Project within both the City corporate limits and the County unincorporated areas in accordance with the Project Plans and within the Project Budget. The foregoing consent shall be the sole approval necessary from the County for the City to complete the Project under the Project Plans and within the Project Budget.

4. The County and City will provide up to \$272,069.44 toward the cost of the Project from the budget sources detailed in Attachment B. If maintenance activity costs as reflected in the low bid are over budget, the City will work with the County to revise the Project Plans as necessary to bring the cost within the funds currently allocated for the project. Until the Project Plans have been revised such that the executed contract is within the funds currently allocated for the project, a Notice to Proceed will not be issued.

5. If, after contractor award or during maintenance activities, circumstances arise or conditions are discovered which cause the Project Budget to be insufficient to complete the Project, neither party shall be responsible for obtaining or providing additional funding. In such case, the City will cooperate with the County in revising the Project Plans as necessary to complete the Project within the Project Budget. In no event will the City or County be required to provide any funds in excess of the amount reflected in the Project Budget; however, the County or the City may provide funds if approved through an appropriate change order.

6. The City may, in its sole discretion, authorize change orders that it deems necessary to complete the Project so long as such change orders are within the scope of the Project Plans and the Project Budget after Notice of Proceed is issued.

7. Upon completion of the Project, and inspection of the Project proving the maintenance activities have been completed in accordance with Project Plans, all future maintenance activities will remain the responsibility of the entity which had maintenance responsibility prior to the Project.

9. If any provision of this Agreement or any obligation or agreement contained herein is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect any other provision, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein.

10. This Agreement may be executed in several counterparts, all or any of such shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

11. This Agreement represents the entire agreement between the County and the City and supersedes and replaces all terms and conditions of any prior agreements, arrangements, negotiations, or representations, written or oral, with respect to the Project.

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

#### RICHLAND COUNTY, SOUTH CAROLINA

By:\_\_\_

Printed Name: Gerald Seals Title: County Administrator

City of Columbia, South Carolina

By:

Printed Name: Teresa Wilson Title: City Manager





### Development & Services Committee Meeting January 9, 2018 Briefing Document

#### Agenda Item

Quit Claim Portion of Pear Tree Road to Adjoining Property Owners

#### Background

When Quail Creek Phase II-B was planned, it was intended for Pear Tree Road to provide through-street access to another phase of Quail Creek. The plans changed, and another subdivision called Surrey Place was established behind Quail Creek Phase II-B instead.

With the establishment of this new subdivision, the extension of Pear Tree Road was no longer needed. What was left was an undeveloped stub out of a road leading nowhere. There is currently a curb cut and a paved apron, but the rest of the Right-of-Way is undeveloped.

#### Issues

On August 18, 2017, the property owner at 2600 S Partridge Circle requested that this 50' Right-of-Way, which can now never be extended, be quit claimed to the adjoining property owners.

The quit claim process is prescribed in *Richland County Code of Ordinances*, Section 21-14(c), which allows the property to be evenly divided (25' by the length of the Right-of-Way), with one half deeded to the property owner to the north, and one half deeded to the property owner to the south.

**Fiscal Impact** 

None

Past Legislative Actions None

#### Alternatives

- 1. Approve the request to quit claim the 50' Right-of-Way to the adjoining property owners.
- 2. Do not approve the request to quit claim 50' Right-of-Way to the adjoining property owners.

#### **Staff Recommendation**

Approve the request to quit claim the 50' Right-of-Way to the adjoining property owners.

Submitted by: Department of Public Works

Date: December 7, 2017

August 18,2017

#### Marcos A. Perez-Delgado

Ivonne T. Perez

2600 South Partridge Circle Hopkins, sc Quali creek SUBDIVISION ,Tax Map #21911-06-01.

Mr. Randy Byrd County Public Works Administrator

Columbia, SC

This letter is in request to obtain the right of way of Pear Tree street dead end property to be divided between my neighbor Ms. Annette Sumter,{2516 South Partridge Circle} and 2600 South Partridge Circle my self Marcos A Perez-Delgado. It is our interest as neighbors that each be granted one half of the lot and obtain a deed of ownership to it, we are willing to comply with any requirements stipulated by city and county administration.

Hope you will consider our petition.

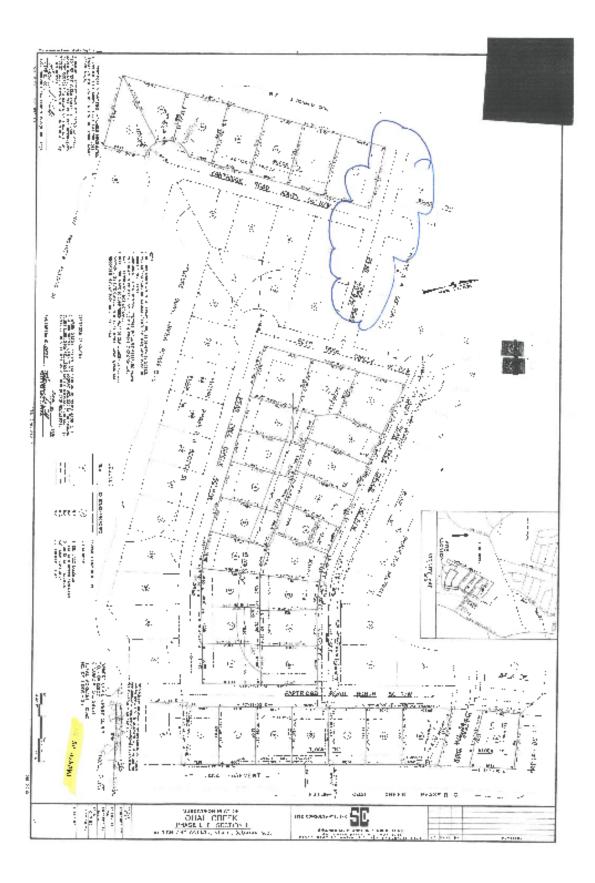
Thank you very much.

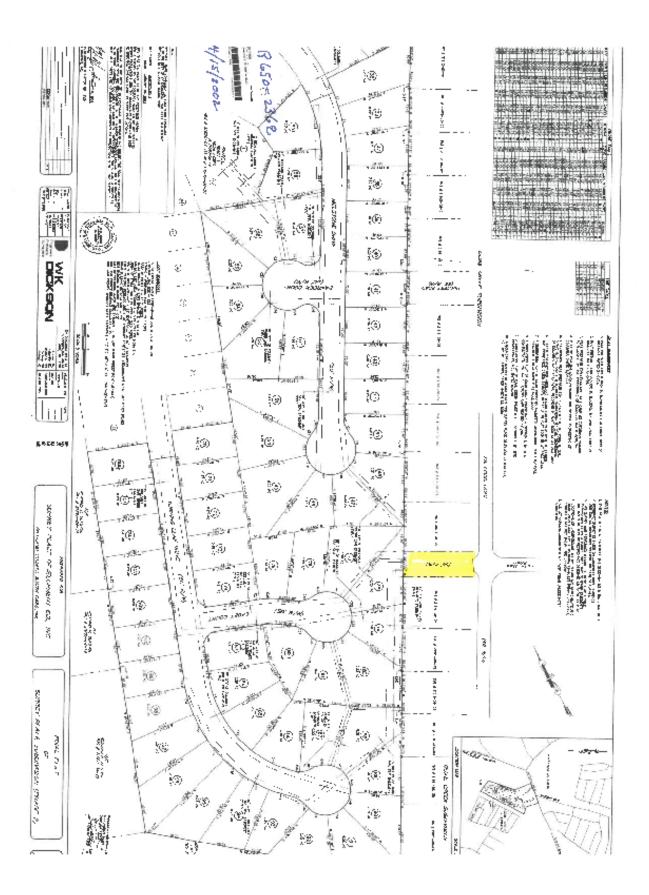
Marcar A. Pinz-Del Marcos A. Perez-Delgado

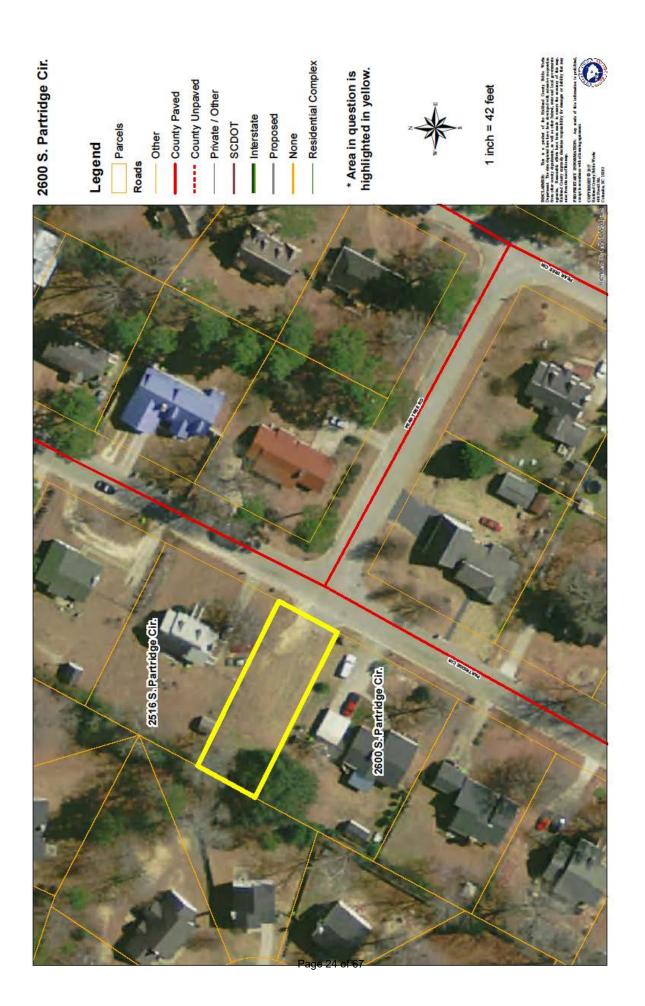
803-240-3711 Same 7. / 213 Ivonne T. Perez (wite)

anneth Sumtre

Annette Sumter 803-331-9673









### RICHLAND COUNTY GOVERNMENT Office of the County Administrator

### Development & Services Committee Meeting January 9, 2018 Briefing Document

#### Agenda Item

Council Motion Dated Nov 07, 2017:

Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County *and in conjunction with the future Lower Richland Sewer Project* [MALINOWSKI and MYERS] – This item was referred to the D&S Committee

Council Motion Dated Nov 14, 2017:

Richland County develop a water distribution system for the unincorporated area. Staff develop a Master plan and report to Council on the feasibility. [N. JACKSON] – This item was referred to the D&S Committee.

And

#### **Background / Discussion:**

Located in the area known as the Midlands in the State of South Carolina, Richland County encompasses a land area of 757.07 square miles and a population of 407,051 residents, as of July 1, 2015. Population growth projections indicate that the Midlands region will have a population of one million by 2035. As the population increases, so will demand for services including utility services.

In 1978 a voter referendum was held and approved for the County of Richland to provide water and sewer services to unincorporated areas of Richland County. Since that time sewer systems have been constructed in the Northwest part of the County served by the Broad River Sewer System and in the Southeast portion of the County the Lower Richland Sewer System serves the Eastover area in the Town and one industry. Over these years Richland County has been recognized as major regional sewer service provider inline with the jurisdictional boundaries and guidelines established by CMCOG 208 plan.

Building on the success story of, and in line with desire and directions of Richland County Council a Water Service Master Plan was developed by Burk hold Planning and Management December 2002. At its completion, study identified several projects / potential areas of service including the mechanism of funding etc. However none of those, could take off except Hopkins Community Water System which was completed to serve primarily town of Hopkins and schools in the area. While at this point it is difficult, to find the causes of inability to expand the water system implementing the study as desired by Richland County Council, it is recognized that principles identified in 2002 water Master plan, remain valid for the most part.

The City of Columbia has two water treatment plants, one on the Columbia Canal rated at 84 MGD and one on Lake Murray with an ultimate capacity of 100 MGD. Based on the data available to us, it became apparent that City of Columbia, has approximately 50% of above noted capacity unused, which remains available for future expansions and demands. It would be desirous for the City to deploy maximum available capacity by either expanding its service area or by other potential means of selling water serving their best interests. The City of Columbia currently charges all unincorporated county customer almost twice as much in the city limits (see rate table attached).

The review of 2002 study in conjunction with recent updates, reveals that Richland County is well positioned to establish a Water Distribution network in unincorporated areas as delineated on the map attached (see map1 attached), subject to the Will of the Council, Availability of funds and most importantly "Designation of Water Service Area". The absence of designation of Water/Sewer service area will enable other providers to creep in to the area shown in the map pushing the starting point way deep into less dense districts and making the initiation of the project more and more challenging. The newly established water system will not only provide cost effective services to its costumers but will also enable the Richland County to serve it's

constituents together with steering the direction of growth and development inline with the County Council's vision.

#### **Fiscal Impact**

Contingent upon Council action regarding this matter. However, any procurement related actions will proceed pursuant to the County's established procurement procedures.

#### **Past Legislative Actions**

None.

#### Alternatives

- 1. Consider the motion and proceed accordingly.
- 2. Consider the motion and do not proceed accordingly.

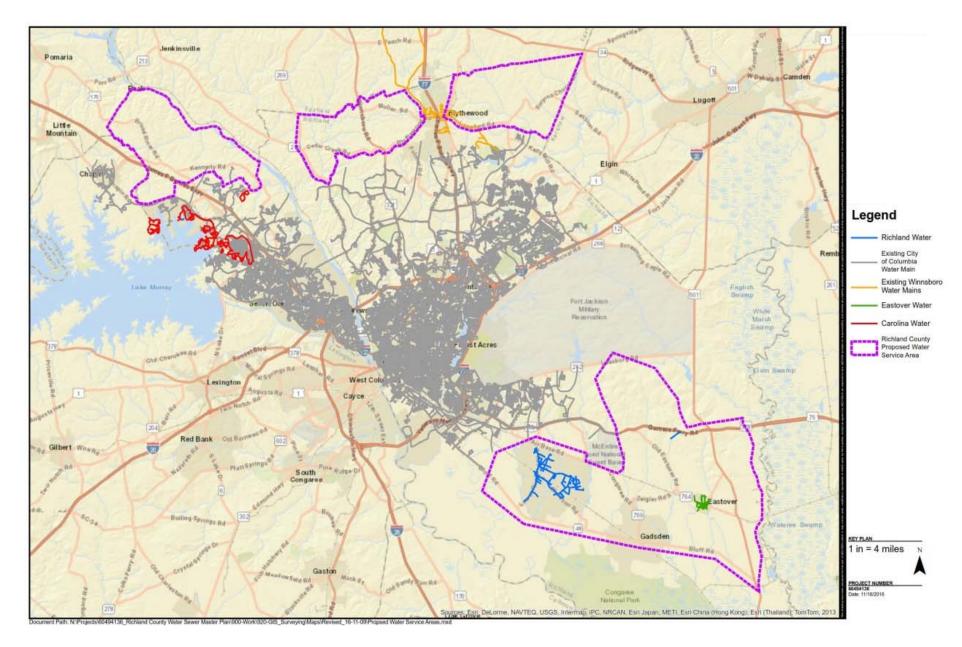
#### **Staff Recommendation:**

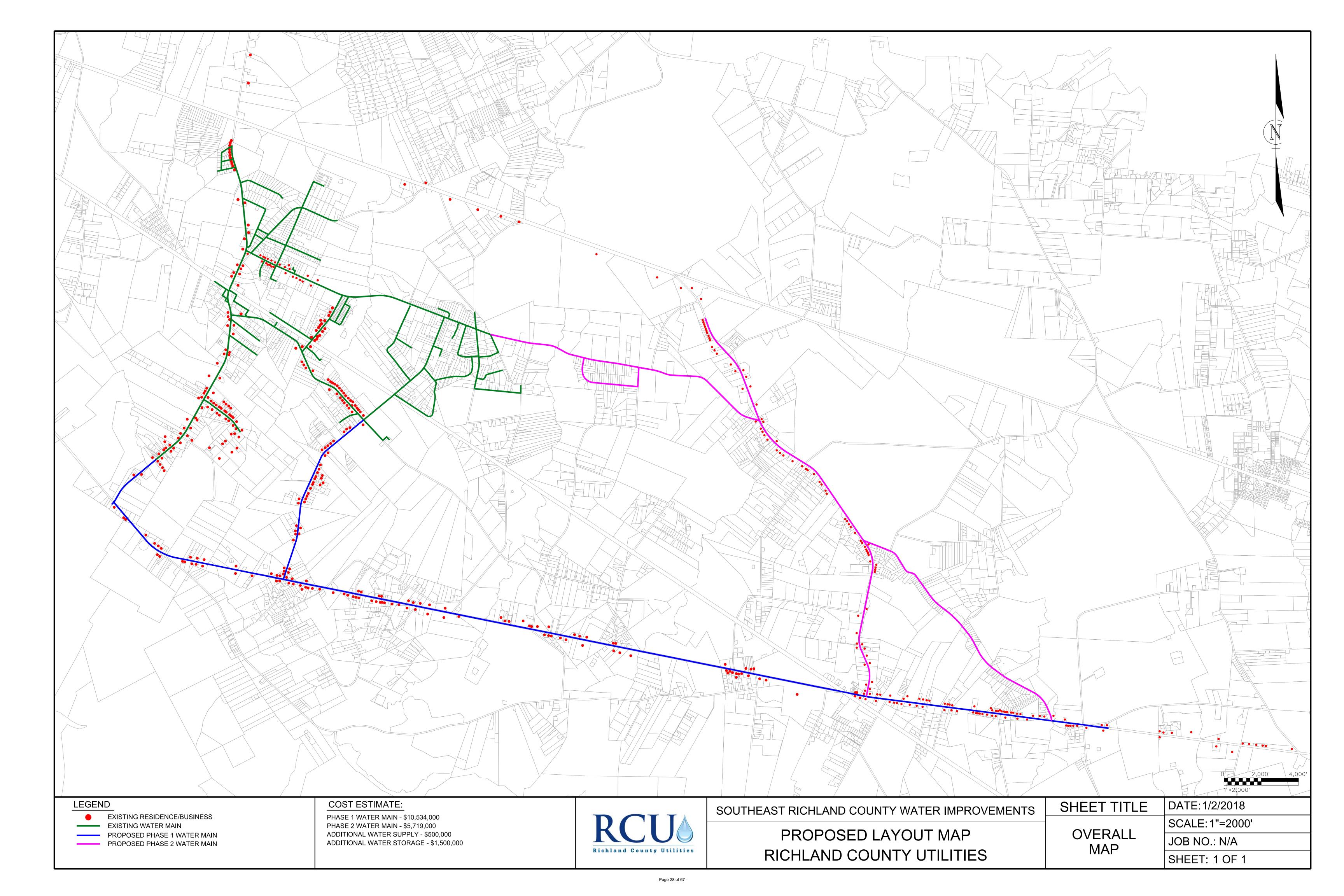
The following is the recommended path way, which will enable Richland County to supply water in Lower Area and other parts of unincorporated Richland County as needed:

- Designation of area. County Council designates all unincorporated areas of Richland County, as the RCU water/sewer service areas (per map1 attached) except the areas which currently have established Water and Sewer Service by other Utilities. County Council at its discretion, can negotiate and agree the terms of service with another service provider in the designate area, should that become necessary and unavoidable.
- *Feasibility Study:* Authorize Richland County to procure a feasibility study for Water Supply network (per map 2 attached) to be constructed in conjunction with Lower Richland Sewer Project

Proposed by: Vice-Chairman Malinowski & Councilman N. Jackson Date: November 7 & 14, 2017

## **RCU** Designated Water Service Area





July 1, 2017 Residential		In City Rate							Out of City Rate								
		Water per 100 \$2.48				Sewer per 100 \$3.59				Water per 100 \$4.22			Sewer per 100 \$6.11				
					Summer Max on Sewer April - October							Summer Max on Sewer April - October					
		Base Fee			Base Fee			Base Fee			Base Fee						
CuFt	Gals	5/8"	1"	1.5"	2"	6.91 5/8"	6.91	6.91 1.5"	11.06	5/8"	1"	1.5"	2"	11.75 5/8"	11.75	11.75 1.5"	18.80
100	750	6.91	11.54	17.28	27.65	10.50	10.50	10.50	14.65	11.75	19.62	29.38	47.01	17.86	17.86	17.86	24.91
200	1500	6.91	11.54	17.28	27.65	14.09	14.09	14.09	18.24	11.75	19.62	29.38	47.01	23.97	23.97	23.97	31.02
300 400	2250 3000	6.91 9.39	11.54 14.02	17.28	27.65 30.13	17.68	17.68	17.68	21.83	11.75	19.62	29.38	47.01	30.08	30.08	30.08	37.13
500	3750	11.87	16.50	22.24	32.61	24.86	24.86	21.27	29.01	15.97 20.19	23.84 28.06	33.60	51.23 55.45	36.19	36.19 42.30	36.19	43.24 49.35
600	4500	14.35	18.98	24.72	35.09	28.45	28.45	28.45	32.60	24.41	32.28	42.04	59.67	48.41	48.41	48.41	55.46
700	5250	16.83	21.46	27.20	37.57	32.04	32.04	32.04	36.19	28.63	36.50	46.26	63.89	54.52	54.52	54.52	61.57
800 900	6000 6750	19.31 21.79	23.94	29.68	40.05 42.53	35.63 39.22	35.63 39.22	35.63 39.22	39.78 43.37	32.85 37.07	40.72	50.48 54.70	68.11 72.33	60.63 66.74	60.63 66.74	60.63 66.74	67.68 73.79
1000	7500	24.27	28.90	34.64	45.01	42.81	42.81	42.81	46.96	41.29	49.16	58.92	76.55	72.85	72.85	72.85	79.90
1100	8250	26.75	31.38	37.12	47.49	46.40	46.40	46.40	50.55	45.51	53.38	63.14	80.77	78.96	78.96	78.96	86.01
1200 1300	9000 9750	29.23 31.71	<b>33.86</b> <b>36.34</b>	<b>39.60</b> 42.08	49.97 52.45	49.99	49.99	49.99	54.14	49.73	57.60	67.36	84.99	85.07	85.07	85.07	92.12
1400	10500	34.19	38.82	42.08	54.93	53.58 57.17	53.58 57.17	53.58 57.17	57.73 61.32	53.95 58.17	61.82 66.04	71.58	89.21 93.43	91.18 97.29	91.18 97.29	91.18 97.29	98.23 104.34
1500	11250	36.67	41.30	47.04	57.41	60.76	60.76	60.76	64.91	62.39	70.26	80.02	97.65	103.40	103.40	103.40	1104.54
1600	12000	39.15	43.78	49.52	59.89	64.35	64.35	64.35	68.50	66.61	74.48	84.24	101.87	109.51	109.51	109.51	116.56
1700 1800	12750 13500	41.63 44.11	46.26	52.00 54.48	62.37 64.85	67.94 71.53	67.94	67.94	72.09	70.83	78.70	88.46	106.09	115.62	115.62	115.62	122.67
1900	14250	46.59	51.22	56.96	67.33	75.12	71.53 75.12	71.53 75.12	75.68	75.05	82.92 87.14	92.68 96.90	110.31 114.53	121.73 127.84	121.73 127.84	121.73 127.84	128.78
2000	15000	49.07	53.70	59.44	69.81	78.71	78.71	78.71	82.86	83.49	91.36	101.12	118.75	133.95	133.95	133.95	141.00
2100	15750	51.55	56.18	61.92	72.29	82.30	82.30	82.30	86.45	87.71	95.58	105.34	122.97	140.06	140.06	140.06	147.11
2200 2300	16500 17250	54.03 56.51	58.66 61.14	64.40 66.88	74.77	85.89	85.89	85.89	90.04	91.93	99.80	109.56	127.19	146.17	146.17	146.17	153.22
2300	17250	58.99	63.62	69.36	77.25 79.73	89.48 93.07	89.48 93.07	89.48 93.07	93.63 97.22	96.15 100.37	104.02	113.78 118.00	131.41 135.63	152.28 158.39	152.28 158.39	152.28 158.39	159.33 165.44
2500	18750	61.47	66.10	71.84	82.21	96.66	96.66	96.66	100.81	104.59	112.46	122.22	139.85	164.50	164.50	164.50	171.55
2600	19500	63.95	68.58	74.32	84.69	100.25	100.25	100.25	104.40		116.68	126.44	144.07	170.61	170.61	170.61	177.66
2700 2800	20250 21000	66.43 68.91	71.06 73.54	76.80	87.17	103.84	103.84	103.84	107.99	113.03		130.66	148.29	176.72	176.72	176.72	183.77
2900	21000	71.39	76.02	79.28 81.76	89.65 92.13	107.43 111.02	107.43 111.02	107.43	111.58 115.17	117.25 121.47		134.88 139.10	152.51 156.73	182.83 188.94	182.83 188.94	182.83 188.94	189.88 195.99
3000	22500	73.87	78.50	84.24	94.61	114.61	114.61	114.61	118.76	125.69	Contraction of Contraction	143.32	160.95	195.05	195.05	195.05	202.10
3100	23250	76.35	80.98	86.72	97.09	118.20	118.20	118.20	122.35	129.91	a second s	147.54	165.17	201.16	201.16	201.16	208.21
3200 3300	24000 24750	78.83	83.46 85.94	89.20 91.68	99.57 102.05	121.79	121.79	121.79	125.94	134.13	142.00	151.76	169.39	207.27	207.27	207.27	214.32
3400	25500	83.79	88.42	94.16	102.05	125.38 128.97	125.38 128.97	125.38 128.97	129.53 133.12	138.35	146.22	155.98	173.61	213.38	213.38	213.38	220.43 226.54
3500	26250	86.27	90.90	96.64		132.56	132.56	132.56	136.71	146.79	154.66	164.42	182.05	225.60	225.60		
3600	27000	88.75	93.38	99.12	109.49	136.15	136.15	136.15	140.30	151.01	158.88	168.64	186.27	231.71	231.71	231.71	238.76
3700 3800	27750 28500	91.23 93.71	95.86 98.34		<b>111.97</b> <b>114.45</b>	139.74	139.74	139.74	143.89	155.23	163.10	172.86	190.49	237.82	237.82		
3900	29250	96.19	100.82		116.93	145.55	145.55	145.55	147.48	163.67	171.54	181 30	194.71	243.93	243.93		250.98 257.09
4000	30000	98.67	103.30	109.04	119.41	150.51	150.51	150.51	154.66	167.89	175.76	185.52				The second s	263.20
4100	30750			111.52					158.25			189.74	207.37	262.26			269.31
4200 4300	31500 32250	103.63	108.26	114.00 116.48			157.69	157.69	161.84 165.43	176.33	184.20	193.96	211.59	268.37			275.42
4400	33000	CALIFORNIA CONTRACTOR	113.22	the second s		164.87	164.87	164.87	165.43	180.55		198.18			274.48 280.59		281.53 287.64
4500		111.07	115.70	121.44	131.81	168.46	168.46	168.46	172.61	188.99	196.86	206.62	224.25		286.70		293.75
4600	34500				134.29	172.05	172.05	172.05	176.20	193.21	201.08	210.84	228.47	292.81	292.81	292.81	299.86
4700 4800	35250 36000	116.03 118.51	the second s	126.40 128.88	136.77	175.64	175.64	175.64	179.79 183.38	197.43	205.30	215.06	232.69	298.92	298.92		305.97
4900	36750				141.73	182.82	182.82	179.23	186.97	201.65	209.52	219.28	236.91	305.03	305.03	305.03 311.14	312.08 318.19
5000	37500	123.47	128.10	133.84	144.21	186.41	186.41	186.41	190.56	210.09	217.96	227.72	245.35	317.25	317.25	317.25	324.30
5100	38250	125.95		136.32		190.00	190.00	190.00	194.15	214.31	222.18	231.94	249.57	323.36	323.36		330.41
5200 5300	39000 39750			138.80			193.59	193.59	<b>197.74</b> 201.33	218.53	226.40	236.16	253.79	329.47	329.47		336.52
5400	40500	133.39	138.02	141.20	154.13	200.77	200.77	200.77	201.33	226.97	230.62	240.38	258.01		335.58 341.69	and the second se	342.63 348.74
5500	41250	135.87	140.50	146.24	156.61	204.36	204.36	204.36	208.51	231.19	239.06	248.82	266.45	347.80			354.85
5600	42000	138.35	142.98	148.72	159.09	207.95	207.95	207.95	212.10	235.41	243.28	253.04	270.67	353.91	353.91	353.91	360.96
5700 5800	42750 43500	140.83 143.31	145.46	151.20	161.57	211.54	211.54	211.54	215.69	239.63	247.50	257.26	274.89	360.02			367.07
5900	43500		150.42	155.08	166.53	215.13	215.13	215.13	219.28 222.87	243.85				366.13 372.24	305.13	306.13	373.18
6000		148.27	152.90	158.64	169.01	222.31	222.31	222.31	226.46	252.29	260.16	269.92	287.55	378.35	378.35	378.35	385.40



### RICHLAND COUNTY GOVERNMENT Office of the County Administrator

### Development & Services Committee Meeting January 9, 2018 Briefing Document

Agenda Item

South East Sewer Service Project

#### Background

Located in the area known as the Midlands in the State of South Carolina, Richland County encompasses a land area of 757.07 square miles and a population of 407,051 residents, as of July 1, 2015. Population growth projections indicate that the Midlands region will have a population of one million by 2035. As the population increases, so will demand for services including utility services.

In the interest of the constituents and per direction from Richland County Council, staff has been working on Lower Richland Sewer Project which once completed was intended to become a back bone of the sewer service to the South East Richland County.

Records indicate that during a community meeting in Hopkins, beginning in October 2005, concerns were discussed regarding the need for utility services to the South East portion of the County. Those discussions began to involve other community stakeholders, including the government of Richland County, resulting in County Council voting to proceed with the development and implementation of a wastewater treatment plan for Lower Richland during its October 5, 2010 meeting deliberations. Subsequently, the following actions occurred:

- Commissioned an engineering study to CDM Smith Consulting, which recommended the viability and a concept design for the Southeast Richland Sewer Project. The consultant completed the study on August 20, 2012.
- CDM Smith, the Consultant of the Record performed engineering analysis and financial analysis of multiple scenarios, working closely with the staff and county leadership. The recommended a project layout was approved and slated for funding through multiple federal and state agencies, including USDA loans, Rural Infrastructure grants, and State Revolving Fund. The design included installation of multiple lift stations & sewer lines of varying sizes and capacities. All lift stations were intended to be installed on private properties, requiring easements from property owners for the stations and some sewer lines as well.
- Based on project layout and engineering study completed by CDM Smith, USDA issued a Letter of Conditions for financing the project as defined by CDM PER. County Council adopted USDA Letter of Conditions in February 2013.
- On March 20, 2014, the County solicited and commissioned consultancy services for detail engineering of the "Project Approved Layout." The County awarded the contract to Joel Wood and Associates, who is the Engineer of Record for final construction plans and documents.

- Since March 2014 to date there had been several protests, blockades and resistance to the project which resulted in stoppage of work and permits reviews delaying the Procurement of Contracting services and commencement of construction.
- On May 13, 2016, DHEC issued "Permit to construct" authorizing the commencement of Construction of the project.
- However, within the 2 weeks of issuance of "Permit to Construct", DHEC's decision was challenged at DHEC Board and afterwards in Administrative Law Court (ALC), putting the project on hold.
- In November 2016, the ALC issued a judgment upholding the issuance of the permit and allowing the commencement of construction per DHEC approval.
- However, controversies on the project increased, requiring Richland County and Council's review of the project in a "holistic" manner.

#### Issues

The project as permitted requires several Lift Stations to be constructed on sites requiring acquisition of private properties in residential neighborhoods and most of which are concentrated in Hopkins area.

The project, as approved, had divided opinions amongst residents in Lower Richland since its inception such as extreme levels of resistance including, challenging the project's existence and permit to construct, and law suits. As such, this project has experienced delays, effectively halting the project.

The key to the success of this project remains completely dependent on the costumers and residents intended to benefit from the project and their acceptance of the project. Proceeding with project "as is" without regaining public trust and establishing good relationships with the community retains the probability of serious consequential impacts in the long run.

Being mindful of the aforementioned information, in order to address the public discontent, political divide, and, most importantly, the public trust and project success, staff revisited the original project design and its viability. This re-examination of the original project approach included a more "intentional" focus on the public relations need in order to mitigate the concerns of the residents in the Lower Richland community in addition to log term success of the program. With that said, Staff is recommending to redesign the LRSP to Southeast Sanitary Sewer Program (SESSP).

Subject to Council's approval, the SESSP will align the Sanitary Sewer Master Plan for Southeast Richland County and will be completed in two phases (see attached map for Phase 1 & 2):

- 1. Phase 1 to commence Engineering Design during the first quarter in 2018.
- 2. Phase 2 would begin in October 2022.

#### **Fiscal Impact**

The estimated cost for Phase 1 will be \$17 million and anticipated cost for Phase 2 of the project will be \$12 million. The financing packet would include bonds, and Federal or public funding sources and possible cost sharing of beneficiaries such as School District One and McEntire Joint National Guard Base.

#### **Past Legislative Actions**

Noted in the Background section.

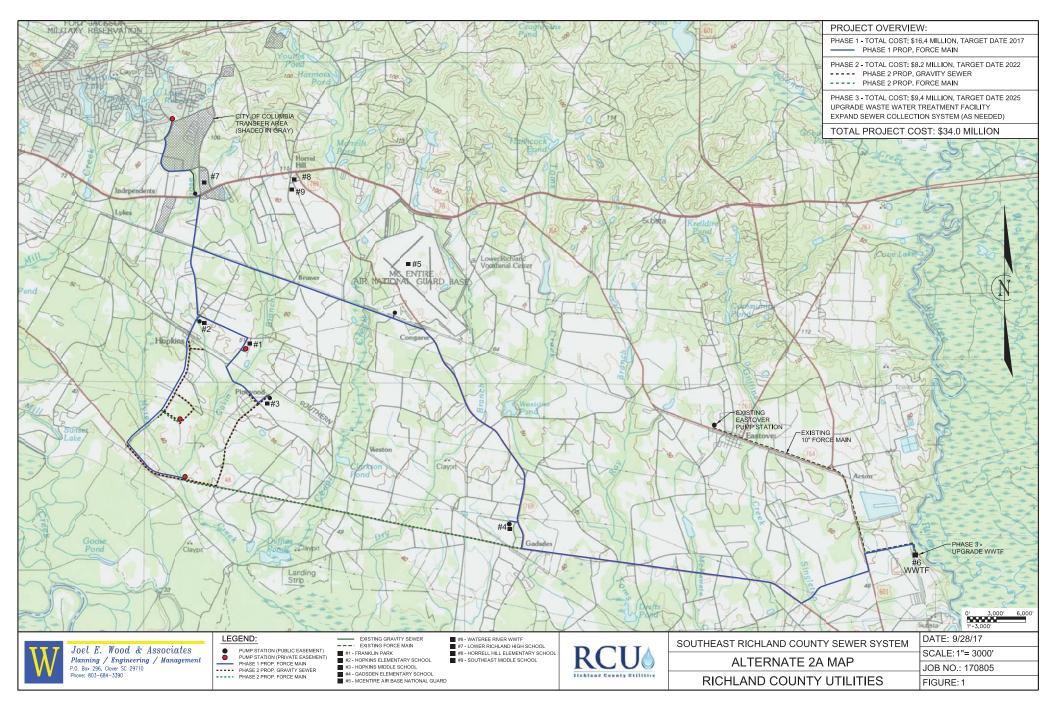
#### Alternatives

- 1. Consider the motion and proceed accordingly
- 2. Consider the motion and do not proceed accordingly

#### **Staff Recommendation**

- Staff recommends approval to proceed with Southeast Sanitary Sewer Program (SESSP).
- Solicit Engineering Design for the project.
- Finalize negotiations with City of Columbia the takeover of unincorporated service area near the intersection of Garners Ferry and Lower Richland Blvd via an agreement which will be presented to Council for its review.

Submitted by: Utilities Department – Shahid Khan Date: \_11/5/17\_\_\_



## CATASTROPHIC LEAVE POOL DESIGNATED BY EMPLOYEE RECOMMENDATIONS:

# The Human Resources Department (HRD) has been requested to evaluate the issue of whether or not Catastrophic Leave Pool (CLP) should be allowed to be designated for donations by individual instead of to a leave pool.

It is Human Resources Department objective to ensure leave policies are applied on a consistent basis, and to ensure compliance with Federal and State Family and Medical Leave regulations. Therefore, if the Council deems appropriate to permit direct donations from one employee to another, HRD recommends the current criteria still apply. In addition, each respective Department Director, Elected Official, or Appointed Official would have the discretion to review Catastrophic Leave Pool requests and make an approval or denial recommendation based on relevant factors as determined by the respective department head. If the department head recommends denial, such recommendation along with reasons should be reported to the employee by the respective department head.

The County has developed the following guidelines and associated forms for administration of Catastrophic Leave Pool. These guidelines are to be used in conjunction with the appropriate County policy in an attempt to maintain consistent application of the Catastrophic Leave Pool benefit.

The purpose of the Family and Medical Leave Act (FMLA) is to allow employees to balance their work and family life by taking reasonable unpaid leave for an eligible employee's serious health condition, in compliance with Federal law. The serious health condition of the employee's child, spouse, same- or opposite-sex domestic partner, or parent, or to bond with the employee's newborn, adopted or foster care child in accordance with State and Federal law in effect at the time the leave is granted.

Currently County employees already have access to substantial leave benefits – including sick leave, annual leave, advanced sick leave, catastrophic leave pool, and leave without pay.

## HRD does not recommend that we move from a Leave Pool process to an individualized donation pool for the following reasons:

- Currently, the CLP is distributed based on qualifiers that the County has designated and based on whether or not there is any leave available in the leave pool. If we move to an individual donation process, the following instances are likely to occur:
  - People will only designate leave to their friends
  - Employees who have more friends will have leave donated directly to them.
  - This will turn the program from a County-wide benefit, to a popularity contest.
- If we allow employees to donate to individuals, we lose the concept of a County-wide benefit as we are now allowing friends to donate to their individual friends.
- Individual donations would cause extra accounting processes for the Finance (Payroll) Department.
- Similar jurisdictions, in our current evaluation group, have the following programs in place:

	CLP	Individualized	No Leave Pool
		Leave Pool	
State of SC	X	X	
Greenville County		X	
Lexington County			X
Charleston County			X
York County	X		
City of Columbia			X

In response to Specific Council Member questions/comments from the July D&S Committee, HRD has the following responses:

- Changing the rules would only require a sentence or two change to the policy, but would require a re-vamp of the guideline and the procedures and much more administrative work.
- FMLA rules are governed by the federal government and HRD abides by those rules. Eligible employees are allowed up to 12 weeks in a rolling calendar year period.
- Do statements under final recommendations belong to HRD Yes
- There are no known tax consequences associated for the leave other than the leave is considered paid wages and the employee has to pay taxes on wages.

In response to Specific Council Member questions/comments from October meeting:

1. Has the state experienced any problems with their direct donation policy?

HRD gathered the following response from a member of the State HR Department:

The direct leave donation was enacted into law in 2015, while I was at the County. I called the State Division of Human Resources, Assistant Director and polled five (5) agency HR Directors to get some further insight of any issues. There has been very little used of the direct leave donation. There have not been any issues.

When the leave donation was enacted into law, there were agencies that had concerns but there has been no problems that have come up.

2. Has Lexington County experience any problems with their direction donation policy?

Lexington County does not have a direct donation policy.

However, HRD gathered the following response from a member of the Greenville HR Department:

We occasionally have issues, but they're not insurmountable. It's always up to the department head whether or not to grant the donations. What helps in keeping it "honest" is that the employees have to be on an approved FMLA or extended medical leave. Probably the most aggravating issue is employees who "solicit" sick time from other employees, especially people who have run out of sick time because of continual or overuse of their accruals. So when they have a more urgent need, they want others to donate. But for its intended purpose (i.e. critical situations), it is very well received on both ends.

# **CURRENT COUNTY LEAVE POLICIES**

# Holidays

The County observes the following holidays:

New Year's Day	January 1
Martin Luther King, Jr., Day	3 <sup>rd</sup> Monday in January
Presidents' Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Veterans' Day	November 11
Thanksgiving Holiday	4th Thursday and following Friday in November
Christmas Holiday	Christmas Eve, Christmas Day, and the day after Christmas
Floating Holiday	Scheduled in advance on any regular workday, subject to supervisory approval

Only employees working in Regular, full-time positions are eligible for Observed Holiday Pay.

Holidays which fall on Saturday are generally observed the preceding Friday. Holidays which fall on Sunday are generally observed the following Monday.

County Council may declare additional days as holidays.

An eligible employee must be in active pay status on his/her normal or scheduled workday before and after the observed holiday to receive holiday pay.

Exempt employees who are required to work on a holiday may request administrative leave with pay (not to exceed 7.5 hours per pay period) as their schedules allow and Department Heads authorize. The administrative time off may or may not fall in the same pay period as the holiday and does not necessarily equal or exceed the time worked on the holiday.

At the discretion of the supervisor, non-exempt employees who are scheduled to work on a holiday receive an additional day's pay or are provided with an alternate day off to be scheduled by the supervisor.

# Annual Leave

The County strives to support the wellbeing of eligible employees by providing the opportunity to accrue and take accrued annual leave. The County encourages all employees with accrued annual leave to take approved vacation annually. Annual leave is a benefit, not a right, that must be accrued.

75- hour Work Schedule	Hours Accrued Per Pay Period	Hours Accrued Per Year
0 - 5 years	2.89	75
6 - 10 years	4.33	112.5
11 or more years	5.77	150

Regular full-time employees accrue annual leave as follows:

85-hour Work Schedule	Hours Accrued Per Pay Period	Hours Accrued Per Year
0 - 5 years	3.27	85
6 - 10 years	4.90	127.5
11 or more years	6.54	170

An employee must request and receive prior approval from his/her supervisor or Department Head in order to utilize accrued annual leave. Annual leave may not be used during new hire probationary period unless approved (in writing) by the Department Head.

Under normal circumstances, annual leave should be requested by the employee in writing well in advance of the date that the leave is scheduled, or as prescribed by Department procedures. Annual leaves will be scheduled as much as practical in accordance with employee requests. The County's workload demands, however, are paramount.

When more employees request particular days off than can be accommodated, supervisors will make annual leave assignments taking into account the date the requests were made, special needs for particular annual leave dates, and the employees' lengths of service.

The maximum number of annual leave days that can be accumulated and carried over from year to year is 45.

An employee who has completed his/her new hire probationary period and who is terminated shall be compensated in a lump sum for the balance remaining of his/her accrued annual leave at the time his/her final check is cut, unless the reason for termination is gross misconduct or resigning or retiring to avoid termination. This lump sum will be minus any funds the employee has authorized in writing for the County to deduct and will not exceed forty-five (45) days. No employee on annual leave at the time of termination of employment shall accrue any leave credit after the last day of work.

# Sick Leave

The County strives to support the wellbeing of eligible employees by providing the opportunity to accrue and take accrued sick leave. Sick leave is a privilege granted by the County, not a right. The County strives to provide employees with sufficient paid sick leave. Sick leave may be approved for the following reasons:

- Illness, injury, or disability of the employee.
- Obtaining professional services from a health practitioner for treatments for which arrangements cannot reasonably be scheduled outside of working hours.
- Illness, injury, or disability of an employee's immediate family member (up to a maximum of six (6) days of sick leave per year).

Employees may be required to submit a physician's statement before being eligible for sick leave payment. A physician's statement will be required if the employee is absent from work for 3 or more consecutive days and/or where the employee has previously been counseled or disciplined for excessive use or abuse of sick leave. In some circumstances, employees may be required to provide certification from their physician that they are able return to work before being allowed to return to work. Abuse of leave or failure to call in as required may result in denial of paid sick leave.

Only Regular, full-time employees accrue sick leave, and they may carry over a maximum number of hours as follows:

Work Schedule	Hours Accrued Per Pay Period	Hours Accrued Per Year	Maximum Accrual Limitation
75-hour work schedule	3.46	90	675
85-hour work schedule	3.93	102	765

Employees are required to contact their supervisor as soon as possible prior to the start of work, (no later than two [2] hours after the start of the work shift) when requesting an absence unless other arrangements have been made with the supervisor.

An employee who has accrued at least 150 or more sick leave hours (170 for 85-hour/14-day work schedules) and who resigns or retires voluntarily, will, at the time of his/her separation (providing employee gives and works a two-week notice and is terminated without cause), be paid for 1/4 of his/her accrued, but unused, sick leave hours (up to the maximum number of allowed hours).

# **Advanced Sick Leave**

The County provides the opportunity for Regular, full-time employees with a serious medical condition who have used all of their accrued sick and annual leave the opportunity to borrow sick leave. Sick leave may be advanced up to twenty-four (24) work days upon Department Head, the Human Resource Department, and County Administrator approval in order to help support the recovery of employees who are seriously ill, injured, or disabled.

Upon returning to work, an employee who has been granted advanced sick leave will have deducted from his/her accruals all accrued sick leave to be applied to the existing deficit, until such time as the deficit in the employee's sick leave account no longer exists.

If an employee who has been advanced sick leave has his/her employment with the County terminated for any reason prior to accruing sick leave equivalent to the amount advanced, the Finance Department will cause an appropriate amount of money (equal to the employee's daily rate of pay times the number of unrepaid sick hours) to be deducted from the employee's final paycheck, and/or the employee may be billed for the amount of outstanding monies due to the County.

Employees should notify their supervisor immediately of request and reason for advanced sick leave request.

## Administrative Leave with Pay

To provide for leave with pay under circumstances that do not fall under the guidelines of any other paid leave procedure, in unusual or emergency circumstances, Regular full-time employees may be granted administrative leave with pay; but only by the County Administrator.

No employee has any right or entitlement to administrative leave with pay, regardless of the circumstances of his/her absence. Among those unusual situations to which administrative leave with pay <u>may</u> apply:

- Absences due to a County-ordered fitness-for-duty examination.
- Absences due to pending investigations or reviews of alleged improper conduct.
- Absences due to any other unusual or emergency circumstance that the County Administrator determines warrants a leave with pay.

Employees should notify their supervisor of dates and reason a leave with pay is being requested if leave is voluntary.

# **Catastrophic Leave**

The Catastrophic Leave Program is a voluntary program that allows eligible employees to donate a portion of their accrued annual leave and sick leave to assist other eligible employees who are experiencing a catastrophic illness and/or injury. The Catastrophic Leave Program provides eligible Regular, full-time employees the opportunity to receive 67% of their gross pay and continue in pay status for up to thirty (30) days (225 hours for 37.5-hour/7-day period employees, and 255 hours for 85-hour/14-day period employees) in a rolling twelve-month period.

Donations and Requests will be processed in the order in which they are received. If time is available within ninety (90) days, it will be allocated accordingly. If time is not available, requests will be kept for ninety (90) days. During that time frame, if time becomes available and if the employee still qualifies, time will be distributed. If time does not become available, requests will be considered void and requesting employee and Department Head notified.

Donors may not donate directly to an individual employee. Donations must be made in hour increments after an initial 37.5-hour donation. An employee may donate his/her accrued annual or sick leave to the catastrophic leave program only if the employee has at least seventy-five (75) total hours of accrued sick and/or accrued annual leave remaining after the donation. A donor may not donate accrued leave that exceeds the maximum annual carry-over limitation for the respective type of leave (leave that would be lost due to maximum accrual limitations). Once the donation is approved, the donor may not revoke the donation.

To be eligible for catastrophic leave, an employee must be a Regular, full-time employee and must not have been the subject of disciplinary action due to attendance in the preceding two (2) years. The recipient must have had a minimum of seventy-five (75) hours of combined sick and annual leave time available at the beginning of the illness or injury. Recipients must exhaust all annual and sick leave; and they must request, be approved for, and use advanced sick leave before participating in the catastrophic leave program. The recipient employee may not compensate the donor employee for time donated. The maximum request for leave from the catastrophic leave program may not be more than thirty (30) days requested in a rolling twelve-month period. In any pay period, recipients may use donated hours only up to 67% of their normal scheduled work hours.

# Military Leave

Employees are entitled to such leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of such laws change from time to time, and for that reason no effort is made to set forth the law in this policy.

# **Jury Duty**

Employees who work in Regular, full-time positions are entitled to a paid leave of absence for their regular rate of pay on all work days during which they are required to appear in any court to serve as jurors.

An employee receiving notice of a call for jury duty should immediately notify his/her supervisor. The employee must provide the supervisor with all pertinent information, including a copy of the official notification of selection for duty.

If jury duty extends for less than half the daily scheduled work period, the employee is required to report for work at the conclusion of jury duty, unless departmental directives specify otherwise. If jury duty is required for more than half the scheduled daily work period, the employee is not required to report for work on that day.

To receive paid jury duty leave, the employee must turn in to the Finance Department any compensation received for serving on a jury (excluding mileage). That is, an employee eligible for paid jury duty leave may receive either his/her regular rate of pay for days served on jury duty or the juror fees/allowances paid by the court for his/her jury service, but not both.

# **Bereavement Leave**

An employee working in a Regular, full-time position will be paid for time actually lost from straight-time scheduled work up to 3 days of funeral leave due to attendance at the funeral of a member of his/her immediate family, which is defined as spouse, parent, child, grandparent, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, or sister-in-law. The immediate family will be considered to include step-parents, step-children, and step-brothers and step-sisters only when the employee and the deceased had lived together regularly in the same household at or prior to the time of death. The County requires proof of relationship and attendance at the funeral by requiring an obituary or documentation from the funeral home that states the relationship of the deceased to the employee.

Employees may be excused from work to attend the funerals of other family members and, upon request, may be paid for such absences from accrued annual leave balances.

# **Disability and Personal Leave**

## Leave for Employees Employed Less Than 12 Months; for Employees Who Have Worked Fewer Than 1250 Hours In Preceding 12 Months; and for Employees Whose Reasons for Leave Are Not Covered by the Family and Medical Leave Act

An employee who has completed his/her initial probation (and any extension thereof) may request a leave of absence for up to 6 months when unable to work because of sickness, pregnancy, or injury on or off the job. Such an employee may also apply for leave of absence for personal reasons. Personal leaves are granted only at the discretion of the County Administrator upon recommendation by the employee's Department Head and/or the Human Resources Department.

Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.

Disability leave begins on the first day of absence.

After the employee has exhausted any annual and/or sick leave, as a general rule, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits. Certain exceptions may be established by law.

Employees on leave of absence may not engage in other employment.

Employees desiring to return to work from an unpaid leave of absence should notify their supervisor in writing at least 5 days prior to their desired return date. If the County finds that the employee is fit to resume his/her duties, the employee may be recalled to his/her former job if a vacancy exists which is to be filled. If no such vacancy exists, the employee may be recalled to any job in which there is a vacancy and for which he/she is qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence may be continued. Any employee who has not been reinstated within six (6) months following the commencement of a leave of absence is terminated. This action does not affect the employee's eligibility to be considered for hire as a new employee at some future time.

# **Disability and Personal Leave**

## Family & Medical Leave Act – (Applies Only to Employees Who Have Been Employed 12 Months Or Longer and Who Have Worked 1250 Hours or More in the Preceding 12 Months— Both Prior to Commencement of Leave)

Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must <u>request</u> leaves of absence under this law and policy; but in appropriate situations, employees may be placed on leave status without application.

## **Reason for Leave of Absence**

An eligible employee will be granted a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his/her job; if the employee's spouse, child, or parent has a serious health condition and the employee must be absent from work in order to care for that relative; or to care for a natural child, adopted child, or formally placed foster child, <u>provided</u> that entitlement to leave to care for a child who is newly born or newly received into the employee's household will end 12 months after a natural child is born or 12 months after an adopted or foster child is received into the employee's household. **Proof of need for leave of absence may be required.** 

## Length of Leave

An eligible employee is entitled to the equivalent of a total of 12 work weeks of leave during any 12 consecutive months. The County uses a "rolling" twelve months for determining leave availability. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent may be taken intermittently or by means of a modified work schedule when necessary.

## Effect of Leave on Paid Time Off

An employee who must be absent due to his/her own serious health condition or that of a parent, spouse, or child will be paid for time lost from work first from accrued sick leave balances and then from accrued annual leave balances and similar balances. An employee who takes leave for any other reason will be paid for time lost from work from his/her annual leave balance. Leave taken under this policy counts towards the employee's 12 weeks of leave regardless of whether all or part of the employee's leave is paid.

FMLA time will run concurrently with the employee's accrued sick and/or annual leave, as well as any advanced sick leave or any leave pool time paid to the employee during the FMLA leave.

## **Effect of Leave on Accrual of Fringe Benefits**

Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employees' wages.

Unpaid time lost from work due to leave granted under this policy is <u>not</u> considered time worked for the purpose of accrual of paid time off.

## **Employee Responsibility**

Employees who request leave under this policy must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances.

Employees may not engage in other employment while on leave of absence.

## **Modified Light Duty**

Employees who accept a modified light duty assignment because of a condition which qualifies them for FMLA leave have a right to restoration to their regular positions for only 12 weeks counting both FMLA leave and time spent on modified light duty.

## **Termination of Leave of Absence**

A leave of absence under this policy ends when the need for the leave of absence ends or when the maximum leave described above has been taken, whichever occurs sooner.

## Reinstatement

At or before the conclusion of the FMLA leave of absence (or 12-week combination of leave of absence and time spent on light duty), the employee is entitled to reinstatement to his/her former position or to a position equivalent to his/her former position. The employee must demonstrate that s/he is fit for duty and must give reasonable notice of intent to return to work. Key Employees as defined by the FMLA (salaried employee in highest paid 10% of all employees) may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

## **Extension of Leave Without Benefits**

Employees who have exhausted their FMLA leave under other circumstances, but who continue to require leave which would qualify for FMLA leave if such leave had not been exhausted, may apply for a Leave of Absence without Pay. Such extended leaves are granted only at the discretion of the County Administrator upon recommendation of the employee's Department Head.

## **Automatic Termination of Employment**

Employment automatically terminates if an employee does not return to full active employment status at the conclusion of his/her leave of absence or extended leave of absence.

## **Special Situations**

When both spouses are employed by Richland County, their <u>combined</u> right to a leave of absence to care for a child or parent is 12 weeks in a 12-month period.



# Development & Services Committee Meeting January 9, 2018 Briefing Document

# **Agenda Item**

Re-allocate funding used to increase the General Fund balance farther above the minimum policy

## Background

During its October 17, 2017 meeting deliberations, Councilman Manning brought forth the following motion:

"I move that we re-allocate some of the funding we used to increase the General Fund balance farther above the minimum policy amount than it already was, and given that the FY16-17 budget produced a surplus, to EMS"

One of the initiatives of Biennium Budget I was the restoration of the County's General Fund balance. According to County policy, the General Fund balance should not fall below 20% nor exceed 35% of the total General Fund expenditures for the previous fiscal year.

Presently, the County is meeting the minimum standard for its policy. Biennium Budget I fund balance goal is 24% by the end of fiscal year 2017-2018 and 26% by the end of fiscal year 2018-2019.

An accurate figure for the County's General Fund balance will be available upon the completion of the fiscal year 2017 CAFR (Comprehensive Annual Financial Report). This report is expected to be available in January – February 2018.

## County's Financial Policy vis-à-vis the General Fund:

General Fund: The minimum undesignated General Fund balance should be maintained at a level sufficient to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures. As a financial goal, the General Fund balance for Governmental Accounting Standards Board (GASB) #34 reporting purposes should equal a minimum of 20% and maximum of 35% of the total audited General Fund expenditures for the previous fiscal year.

The cash portion of the reported General Fund balance should equal at least 4 months operating expenditures. These funds are needed in the County's general operating cash account for the purpose of funding the County's operations throughout the fiscal year. Any General Fund balance determined to be in excess of the financial goals for fund balance and for investment strategies may be available for expenditure, but only under specific qualifications. These qualifications include uses for one-time capital and special project costs and should never be used to fund operating costs. One-time capital and special projects should be carefully considered to insure that they add to the efficiency, development or cost effectiveness of the County. Unpredicted, one-time expenditures directly caused by and related to natural or manmade disasters may be considered necessary for prudent use of excess fund balance.

## **Issues**

None.

# **Fiscal Impact**

Contingent upon Council action taken regarding the motion. Any funds re-allocated from the County's General Fund shall require a budget amendment.

# **Past Legislative Action**

June 8, 2017 – Council approved Biennium Budget I; FY2017-18 July 13, 2017 – Council approved Biennium Budget I; FY2018-19

# Alternatives

- 1. Consider the motion and proceed accordingly.
- 2. Consider the motion and do not proceed.

## **Staff Recommendation**

None as this is a Council motion. Staff will proceed as directed by Council.

## Proposed by: <u>Councilman Jim Manning</u> Date Proposed: October 18, 2017





# Development & Services Committee Meeting January 9, 2018 Briefing Document

Agenda Item: Residential structure separation

## Background:

On Tuesday, November 14, 2017, The Honorable Councilman Norman Jackson made the following motion.

"In future housing development or construction, houses built must be at a safe distance to prevent the transfer of being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses"

Currently all construction has to meet the requirements of the 2015 South Carolina Residential Building Code, which was adopted by County Council in 2016. Residential structures are required to be set back at least 5' from the property line; yielding a minimum separation of 10' between structures. Different requirements exist for commercial construction. Duplexes or zero lot line structures must share a fire-resistance wall with a minimum one-hour rating.

Please see requirements below.

## SECTION R302

## FIRE-RESISTANT CONSTRUCTION

**R302.1 Exterior walls.** Construction, projections, openings and penetrations of *exterior walls* of *dwellings* and accessory buildings shall comply with Table R302.1 (1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1 (2).

#### Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.

2. Walls of *dwellings* and *accessory structures* located on the same *lot*.

3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the *lot*. Projections beyond the *exterior wall* shall not extend over the *lot line*.

4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).

5. Foundation vents installed in compliance with this code are permitted.

6. Fire Separation Distance.

#### Exception:

a. The minimum fire separation distance for improvement constructed on a lot shown on: (i) a recorded bonded or final subdivision plat, or (ii) a sketch plan, site plan, plan of phased development or preliminary plat approved by the local governing authority which was recorded or approved prior to the implementation of the 2012

- b. IRC which shows or describes lesser setbacks than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setbacks, but in no event less than 3 feet.
- c. The minimum fire separation distance for improvements constructed on a lot where the local governing authority has prior to the implementation of the 2012 IRC: (i) accepted exactions or issued conditions, (ii) granted a special exception, (iii) entered into a development agreement, (iv) approved a variance, (v) approved a planned development district, or (vi) otherwise approved a specific development plan which contemplated or provided for setbacks less than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setback, but in no event less than 3 feet.

TABLE R302.1(	1)
TABLE R302.1 EXTERIOR WAL	LŚ

EXTERIO	OR WALL ELEMENT	MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	$\geq$ 5 feet
	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside <sup>a, b</sup>	$\geq$ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	$\geq$ 5 feet
	Not allowed	N/A	< 3 feet
Openings in walls	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations All	A 11	Comply with Section R302.4	< 3 feet
	All	None required	3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

a. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

b. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

#### **Issues:**

Greater setback requirements would result in lower housing densities and could lead to sprawling development.

#### **Fiscal Impact:**

No direct cost to the County for amending this building requirement.

#### **Past Legislative Actions;**

On July 1, 2016 County Council adopted the 2015 South Carolina Residential Building Codes (ordinance attached).

#### **Alternatives:**

- 1. Consider the motion and proceed accordingly.
- 2. Consider the motion and do not proceed.

### **Staff Recommendation:**

Council discretion, however, staff will continue to enforce current ordinances.

Submitted by: <u>Councilman Norman Jackson, District 11</u> Date: <u>November 14, 2017</u>





# Development & Services Committee Meeting January 9, 2018 Briefing Document

Agenda Item

Move to review the existing "cat" ordinance and remove the last sentence of the ordinance

## **Background / Discussion:**

During its December 12, 2017 meeting deliberations, Councilman Pearce brought forth a motion to review the County's Community Cat ordinance and remove the last sentence of the ordinance.

Attached is the County's Community Cat ordinance.

**Fiscal Impact** None at this time.

Past Legislative Actions None related to this motion.

## Alternatives

- 1. Consider the motion and proceed accordingly.
- 2. Consider the motion and do not proceed.

#### **Staff Recommendation:**

None as this matter is a Council motion. Staff will proceed as directed.

Proposed by: \_Councilman Gregory Pearce\_\_\_ Date: \_December 12, 2017

## STATE OF SOUTH CAROLINA COUNTY COUNCIL FOR RICHLAND COUNTY ORDINANCE NO. \_\_\_\_-16HR

# AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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:

<u>SECTION I</u>. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

## **CHAPTER 5: ANIMALS AND FOWL**

## Sec. 5-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon* shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

*Abuse* shall mean the act of any person who deprives any animal of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any animal, or causes these things to be done.

*Animal* shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal Care Officer shall mean any person employed by the county to enforce the animal care program.

*Animal Care Facility* shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of animals held under authority of this chapter.

*At large* shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device, or an animal on its owner's premises but not under restraint. A dog properly within the enclosed boundaries of a dog park shall not be considered at large. For the purposes of this definition, a dog park shall mean an enclosed area, owned and/or operated by the county, any municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners.

*Community Cat*, also call "free roaming cat", shall mean a domestic cat that lives outdoors fulltime, has little or no human contact, is not well socialized to humans, and has no known owner. Pets, house cats which are outside periodically, and stray cats (lost or abandoned house pets) are specifically excluded from this definition.

Dangerous or vicious animal shall mean:

(1) Any animal, which the owner knows or reasonably should know, has the propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any animal which attacks a human being or domestic animal one or more times without provocation, whether or not such attack occurs on the premises of the animal's owner; or

(3) Any animal, which is not under restraint, and which commits unprovoked acts and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being or domestic animal; or

(4) An animal owned, kept or harbored primarily, or in part, for the purpose of animal fighting or an animal which has been trained for animal fighting.

*Domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

*Non-domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.

*Nuisance* shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property or public property.

Owner shall mean any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her.

Pet shall mean a domestic dog (canis familiaris) and/or a domestic cat (felis catus domesticus).

*Provocation* shall mean any act done towards an animal that a reasonable person would expect to enrage such an animal to the extent that the animal would be likely to bite or attack, including, but not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. Where an animal is attacked on its owner's property by another animal off its owner's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense or defense of others.

*Shelter* shall mean any structure appropriately sized for the pet to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for the entry and exit and a floor so as to protect the pet from the elements of weather.

*Under restraint* shall mean an animal that is on the premises of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or an animal that is off the premises of its owner or keeper but is accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

*Wild or feral animal* shall mean any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so.

# Sec. 5-2. Differential county and commercial pet breeder licenses; license fees; rabies vaccination tags.

(a) It shall be unlawful for the owner of any pet to fail to obtain for any pet over four (4) months of age, a current county pet license. The owner of any pet over four (4) months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) business days in which to obtain the license.

(b) The annual license fees for fertile and sterilized pets shall be established and approved by the county council. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times.

(d) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder license. The requirements for such a license are as follows:

(1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must obtain a separate business license through the County's Business Service Center.

(2) Applicants must have all pets that have reached the age of four (4) months, currently licensed with a county pet license, before applying for the commercial pet breeder license.

(3) The Animal Care Department, through its Animal Care Officers, shall conduct an inspection of the property for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section.

(4) During an inspection, an Animal Care Officer will be looking for the following:

a) The enclosure where the pets are being kept should be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.

b) The location of all pet enclosures should be in such a position so that they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud and debris.

c) Every pet on the premises should have constant access to a clean and fresh water supply. All pets must also have an adequate amount of appropriate food to maintain each pet's normal condition of health.

d) The premises must be set up in such a manner as to not allow pets to stray beyond their enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.

e) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.

(5) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five(5) years of the date of application.

(6) License application should be made prior to any litter being delivered.

(7) A commercial pet breeder license is not transferrable to another person or location.

(8) The annual inspection fee for a county commercial pet breeder license shall be established and approved by county council. The license shall expire one (1) year after the date of issue.

(9) Any violations found under the provisions of this Chapter shall be grounds for the suspension of the commercial pet breeder license, if deemed necessary by the Animal Care Department. Re-instatement of such license shall be determined on a case by case basis. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.

(10) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections(a) and (b) of this section, so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four(4) months and is still in the commercial pet breeder's custody.

## Sec. 5-3. Exemptions from differential licensing fees.

(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet and will pay the same license fee as required for sterilized pets:

(1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;

(2) Any owner of one or more purebred pets who can furnish proof of participation in a nationally recognized conformation or performance event within the past twelve months;

(3) Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.

(b) Any owner of a dog which is trained to be an assistance/service dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.

(c) The county Animal Care Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this chapter and shall keep the same on file in the offices of the department for the purpose of identification.

## Sec. 5-4. Community Cat Diversion Program

(a) *Purpose*. It is the intent of this section to create a Community Cat Diversion Program ("Program") within Richland County in order to reduce cat overpopulation in an effective and humane way by using the Trap, Neuter, and Return (TNR) method.

(b) *Scope*. This section shall apply only to healthy free roaming and Community Cats. Well socialized, friendly, or abandoned house pets do not qualify for the Program as they depend on humans for survival. The Superintendent of Animal Services, or his/her designee, shall make the decision as to whether a cat qualifies for the Program.

(c) Procedures.

(1) Any Community Cat either trapped or seized by an animal care officer or turned into the animal care facility by a citizen shall be:

- i. Assessed by a veterinarian to determine the condition of health;
- ii. Spayed or neutered, as needed;
- iii. Vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia; and;
- iv. Ear-tipped for identification.

(2) All cats entering the animal care facility shall be immediately assessed for Program qualification; those unqualified shall be processed in accordance with this chapter.

(3) Any Community Cat entering the Program shall be returned on the third day after spay/neutering or as soon as practicable thereafter to the area where it was trapped or seized. Any Community Cat which meets all the requirements in section (c)(1), above, that is trapped, seized, or brought to the animal care facility may be immediately returned to the same community, unless the property owner or caretaker requests the cat not be returned to that location.

- (4) The county shall have no liability for cats in the Program.
- (5) Community Cats are exempt from licensing and related fees.

## Sec. 5-5. Running at large – restraint.

(a) All animals must be kept under restraint or confinement. Any animal not so restrained or confined will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered or those cats in the Community Cat Diversion Program.

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large."

(c) In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises unrestrained and presents an immediate threat of bodily harm to public safety such as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.

## Sec. 5-6. Removal of excrement.

The owner of every animal shall be responsible for the removal of any excretions deposited by his or her animal on public walks and ways, recreation areas, or private property other than that of the owner.

## Sec. 5-7. Injured or diseased animals.

Anyone striking a domestic animal with a motor vehicle or bicycle shall notify the county Animal Care Department who will then take action necessary to make proper disposition of the animal. Any domestic animal received by the animal care facility in critical condition from wounds,

injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the animal is contacted. Every effort possible shall be made to contact the owner or veterinarian of the animal via information obtained from its tag or microchip. Any such animal in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian of the animal cannot be contacted within two (2) hours. If the animal is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.

## Sec. 5-8. Nuisance animals.

(a) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5;

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;

(3) Failure to maintain a dangerous animal in a manner other than that which is described as lawful in Section 5-416(c);

(4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety;

(5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property;

(6) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;

(7) Maintaining an animal that is diseased and dangerous to the public health;

(8) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(b) An animal that has been determined to be a nuisance by the Animal Care Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(c) Every female animal in heat shall be kept confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other animals.

## Sec. 5-9. Animal care, generally.

(a) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county.

(d) It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.

## Sec. 5-10. Sale of animals.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any animal, on any roadside, public right- of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival. Licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this subsection (a).

(b) No person shall offer an animal as an inducement to purchase a product, commodity or service.

(c) No person shall sell, offer for sale or give away any pet under eight (8) weeks of age, except as surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.

## Sec. 5-11. Care of animals during transport.

During transportation, an animal must be provided adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

# Sec. 5-12. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.

(a) If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. If an Animal

Care Officer witnesses an animal in distress and in need of immediate medical attention, the officer may exercise the authority to enter onto private property (yard only) and/or into an enclosed fenced yard to seize the animal. If the animal is not in need of immediate medical care, then a search warrant must be executed in order to enter onto private property (yard only) and/or into an enclosed fenced yard. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.

(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after the initial seizure of the animal.

## Sec. 5-13. Impounding; surrender.

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals which are not positively identifiable and not redeemed within five (5) business days. Except as provided in subsection (f), below, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the

facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(b) When a person arrested is, at the time of the arrest, in charge of an animal, the county Animal Care Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.

(c) The county may transfer title of all animals held at its animal care facility after the legal detention period has expired and its owner has not claimed the animal.

(d) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag pursuant to Section 5-2; or traceable number, tattoo or microchip pursuant to S.C. Code § 47-3-510 (Supp.1999).

The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) business days from the date of mailing to redeem the animal from the animal care facility. Redemption costs will include the cost of mailing, plus any established costs, fines, fees or other charges. If the owner does not redeem the animal within fourteen (14) business days of the date of the mailing, the animal will be deemed abandoned and become the property of the animal care facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S. C. Code § 47-3-540 (Supp. 1999).

Notwithstanding the above and except as provided in subsection (f), below, positively identifiable animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed at any time.

(e) Any animal found "at large" may be impounded by the Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county Animal Care Department, with assurance from the owner that proper care and custody will be maintained.

(f) Any animal that has been determined by the Animal Care Department to be a dangerous or vicious animal, and is not properly confined as described in Section 5-16(c), below, or is otherwise in violation of this chapter, may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal care facility and has completed and signed a surrender form or until a final uniform ordinance summons proceeding (criminal proceeding) is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized.

If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.

Nothing in this subsection (f) shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after impoundment of the animal.

(g) Any animal surrendered to the animal care facility may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

(h) It shall be unlawful for any person to furnish false information on the animal surrender form.

## Sec. 5-14. Redemption.

(a) The owner or keeper of any animal that has been impounded under the provisions of this chapter, and which has not been determined by the Animal Care Department to be dangerous or vicious, shall have the right to redeem such pet at any time within the legal detention period

outlined in Section 5-13 upon payment of all fees established and required by the Animal Care Facility. No pet will be released without proof of inoculation and without an implanted microchip.

(b) No fertile pet shall be redeemed unless one of the exceptions Section 5-3(a) has been met. The requirement that a pet must be spayed or neutered before being redeemed shall not be waived pursuant to the exceptions in Section 5-3 (a) if the animal has been impounded more than once for a violation of this chapter. In such instances, the pet shall be spayed or neutered by the animal care facility and the costs of such shall be added to all other required redemption fees.

(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

## Sec. 5-15. Adoption.

(a) Any animal impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) Any pet surrendered to the Animal Care Department or animal care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

## Sec. 5-16. Prohibited; exceptions.

(a) Except as provided in subsection 5-16 (d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:

1. Nondomestic member of the family felidae;

- 2. Wolf-dog hybrid containing any percentage of wolf;
- 3. Badger, wolverine, weasel, skunk and mink;
- 4. Raccoon;
- 5. Bear;

6. Nonhuman primate to include ape, monkey, baboon, macaque, lemur, marmoset, tamarin and other species of the order primates;

7. Bat;

8. Alligator, crocodile and caiman;

9. Scorpion;

10. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;

11. Venomous reptile;

12. Any snake or other animal where the animal's behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the safety and welfare of citizens in the immediate surrounding area;

13. Any lizard over two feet which is a member of the family varanidae;

14. Any non-domesticated member of the order Carnivora;

15. Any wild or feral animal; or

16. Any animal of mixed domestication and feral lineage.

(b) It shall be lawful for any person to own, keep, harbor, act as custodian of any snake not listed in subsection 5-16(a); provided, however, it shall be unlawful to expose such snake to public view or contact, or exhibit either gratuitously or for a fee, within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).

(c) It shall be unlawful for a person owning or harboring or having the care or the custody of a dangerous or vicious animal to permit the animal to go unconfined. A dangerous or vicious animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this subsection shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.

(d) The prohibition contained in subsections (a), and (b) above, shall not apply in the following circumstances:

(1) The keeping of such animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study;

(2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law;

(3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment;

(4) The keeping of such animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.

## Sec. 5-17. Interference with animal care officers.

It shall be unlawful for any person to interfere with, hinder, or molest an Animal Care Officer in the performance of his or her duty or seek to release any animal in the custody of an Animal Care Officer without such officer's consent.

## Sec. 5-18. Complainant's identification to remain confidential.

The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential unless the complainant authorizes the release of his or her identity.

## Sec. 5-19. Penalties.

(a) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

(b) The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.

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

<u>SECTION III</u>. <u>Conflicting Ordinances</u>. 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 \_\_\_\_\_, 2017.

## RICHLAND COUNTY COUNCIL

BY: \_\_\_\_

Joyce Dickerson, Chair

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

OF\_\_\_\_\_, 2017.

Michelle Onley Deputy Clerk of Council

## RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:	April 4, 2017
Second Reading:	April 18, 2017
Public Hearing:	May 2, 2017
Third Reading:	May 2, 2017



RICHLAND COUNTY GOVERNMENT Office of the County Administrator

## Development & Services Committee Meeting January 9, 2018 Items Pending Analysis – Status Updates

a. Council Motion: If Developers, Builders, etc. cause any hardship on any community due to poor workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. Jackson]

**Status Update**: This motion was brought forth by Councilman Jackson during Council's May 16, 2017 meeting deliberations. This item was considered by the Committee during its December 19, 2017 meeting and held in committee for further information. Information requested and direction provided to staff at the December 19, 2017 D&S Committee meeting is under development and will be presented to Council at a future committee meeting when complete.

b. Council Motion: HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. Jackson]

**Status Update**: This motion was brought forth by Councilman Jackson during Council's May 16, 2017 meeting deliberations. This item was considered by the Committee during its December 19, 2017 meeting and held in committee for further information. Information requested and direction provided to staff at the December 19, 2017 D&S Committee meeting is under development and will be presented to Council at a future committee meeting when complete.

c. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [Malinowski]

**Status Update**: This motion was brought forth by Vice-Chairman Malinowski during Council's May 16, 2017 meeting deliberations. This item was considered by the Committee during its December 19, 2017 meeting and held in committee for further information. Information requested and direction provided to staff at the December 19, 2017 D&S Committee meeting is under development and will be presented to Council at a future committee meeting when complete

d. Council Motion: That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can't be built on anyway, so no credit should be given for these items [Malinowski]

**Status Update**: This motion was brought forth by Vice-Chairman Malinowski during Council's November 14, 2017 meeting deliberations. Staff is researching this motion and will present a briefing document for the Committee's consideration pursuant to the completion of its research.