

RICHLAND COUNTY
DEVELOPMENT & SERVICES
COMMITTEE AGENDA



Thursday, NOVEMBER 19, 2020

5:00 PM

ZOOM MEETING

The Honorable Allison Terracio, Chair

County Council District 5

The Honorable Gwen Kennedy

County Council District 7

The Honorable Jim Manning

County Council District 8

The Honorable Chakisse Newton

County Council District 11

RICHLAND COUNTY COUNCIL 2020



Bill Malinowski
District 1
2018-2022



Joyce Dickerson
District 2
2016-2020



Yvonne McBride
District 3
2016-2020



Paul Livingston
District 4
2018-2022



Allison Terracio
District 5
2018-2022



Joe Walker, III
District 6
2018-2022



Gwendolyn Kennedy
District 7
2016-2020



Jim Manning
District 8
2016-2020



Calvin "Chip" Jackson
District 9
2016-2020



Dalhi Myers
District 10
2016-2020



Chakisse Newton
District 11
2018-2022





Richland County Development & Services Committee

November 19, 2020 - 5:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Allison Terracio

2. **APPROVAL OF MINUTES** The Honorable Allison Terracio
 - a. Regular Session: October 27, 2020 [PAGES 7-14]

3. **ADOPTION OF AGENDA** The Honorable Allison Terracio

4. **ITEMS FOR ACTION** The Honorable Allison Terracio
 - a. Move to engage a third-party consultant to undertake work on Richland Renaissance, which was approved 11-0 by this Council in early 2019. Staff has chosen to postpone this Council-approved project, which would alleviate serious facility constraints and result in savings over time, as the County would not spend money on short-term repairs, but on long-term needed facilities planning and construction [MYERS]

 - b. Move that Richland County proceed with completing the plan to move the EOC/EMS out of the windowless basement of the parking garage to the old junkyard property brought years ago for that purpose at the corner of Two Notch Rd and Cushman Drive [MANNING] [PAGES 15-17]

 - c. Move that Richland County discontinue its practice of demolishing private property in the unincorporated areas of Richland County where that property is not on a public road without that property owner's consent and opportunity to be heard by Richland County council, and I further move that any and all such involuntary demolitions be incurred at the County's expense and not the property owner's expense. [MYERS] [PAGES 18-23]

5. ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

- a.** I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO]

- b.** I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON]

6. ADJOURNMENT



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council

Development & Service
October 27, 2020 -5:00 PM
Zoom Meeting

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair, Jim Manning, Gwendolyn Kennedy and Chakisse Newton

OTHERS PRESENT: Paul Livingston, Bill Malinowski, Dalhi Myers, Michelle Onley, Leonardo Brown, Tamar Black, Angela Weathersby, Kyle Holsclaw, Michael Maloney, Ashiya Myers, Mike Zaprzalka, Clayton Viognier, Ashley Powell, Sandra Haynes, Stephen Staley, Stacey Hamm, Dale Welch, Brad Farrar, Michael Niermeier, John Thompson, Brian Crooks, Geo Price, Michael Byrd, Dwight Hanna, Allison Steele, Bill Davis, and Brittney Hoyle-Terry

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 5:01 PM.
2. **APPROVAL OF MINUTES** – Mr. Manning moved to approve, seconded by Ms. Newton to approve the minutes as distributed.

In Favor: Terracio, Manning, Newton

The vote in favor was approved.
3. **ADOPTION OF AGENDA** – Mr. Manning moved to approve, seconded by Ms. Newton to adopt the agenda as published.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
 - a. **Town of Irmo – Intergovernmental Agreement – Engineering & Infrastructure Maintenance** – Ms. Newton moved, seconded by Ms. Kennedy, to forward to Council with a recommendation to approve the updated Intergovernmental Agreement (IGA) between Richland County, Lexington County and the Town of Irmo for Engineering Services and Infrastructure Maintenance.

Mr. Malinowski noted at the June A&F Committee he inquired about the fact that the insurance was removed. At that time, the Administrator stated it may have been an oversight and he would review it because he would not remove required insurance information. The documentation in front of us on p 37 states the updated IGA includes removal of the insurance provision found in a specific section. He inquired if we are removing the insurance, and if so, why should we not keep the insurance?

**Development & Service Committee
October 27, 2020**

-1-

Mr. Viognier responded the insurance provision was removed from the updated IGA. He is not aware why the insurance provision was excluded, and he will defer to Legal to address Mr. Malinowski's question.

Mr. Farrar stated Legal recommended insurance, indemnification and hold harmless protections be included in the agreement, which is unfiltered attorney client privilege advice that somehow made its way into the agenda packet.

Mr. Malinowski noted that it indicates that the county can request that the town of Irmo maintain appropriate insurance to help pay claims made against the County, but nowhere does it show that it was put in.

Mr. Farrar responded he did not know if it was requested or who negotiated the IGA.

Mr. Brown requested that the Town of Irmo maintain the appropriate insurance, consistent with Legal's recommendation.

Ms. Terracio stated, for clarification, we are amending the original motion to include insurance and indemnification.

Mr. Brown responded in the affirmative.

Mr. Farrar stated this is not a unilateral agreement, and has to be discussed with the Town of Irmo and have them agree to the terms.

Ms. Newton amended her previous motion to accept staff and legal recommendations to forward this to full council with recommendation to approve with the addition of requiring insurance and indemnification. Mr. Manning supported the amended motion.

Ms. Newton inquired if this motion will be sent to full Council before it would be sent to Irmo for approval.

Mr. Brown responded, it would be his recommendation that we take the amended IGA back to the Town of Irmo, and request that Irmo agree to the terms before it is forwarded to Council. If Irmo responds negatively, then we will be in a different negotiation stance.

Mr. Terracio stated she agrees the other party should see every turn of the document, as it comes, so that we can make adjustments as we go.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

- b. "I propose the change of the Animal Care Officer's official title to that of "Animal Services Officer" within our county's ordinances." Animal Care Officer "tends to be a bit confusing for those in the public who do not fully understand what they do, and "Animal Control Officer" tends to have a derogatory connotation. The field of animal welfare/care has dramatically changed within recent years. The title of "Animal Services Officer" offers a broader understanding of what their duties entail." [Malinowski] – Mr. Malinowski requested to withdraw his motion, based on negative

**Development & Service Committee
October 27, 2020**

-2-

feedback he received from staff regarding the motion.

Ms. Newton moved to table the motion because we may not be able to withdraw it at this point.

Mr. Farrar responded withdrawing or tabling the motion indefinitely would be the most expeditious way to deal with this motion.

Mr. Manning moved to send it to the Renaissance Committee.

That motion died for lack of a second.

Mr. Manning moved, seconded by Ms. Kennedy, to table the motion indefinitely.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

- c. Road Closure Petition - Sloan Street -- Ms. Terracio stated she has had conversations with the City Council Member, the State House Representatives, and neighbors on the street, which are all in support of the closure. It is her understanding, the intention is to install bike and pedestrian infrastructures, so that people can still cut through the area without having to go completely around.

Ms. Newton inquired why this matter is before Council, when this area is located in the City of Columbia.

Ms. Terracio responded, since the County was named in the legal petition, the County has to consent to the petition, in order for it to work its way through the court system.

Mr. Farrar stated, for clarification, since the County was named, the County goes through the process of allowing all the departments to weigh in that might have an interest. Then, Council either consents or contests the road closing petition. The road is within the geographic Richland County, even though not the territorial jurisdiction of the County.

Ms. Terracio noted the petition was received in August and we had a 30 days to respond. She inquired if we were in the timeframe to respond to this petition.

Mr. Farrar responded, when the lawsuit comes in, you have 30 days to answer. When he answers, he states, "We will go through the ordinance and statutory process, and amend our answer, if needed." If it is not objected, there is nothing further to do.

Ms. Terracio moved, seconded by Ms. Newton, to forward to Council with a recommendation to consent to the petition.

In favor: Terracio, Kennedy, Newton.

Opposed: Manning

The vote was in favor.

- d. Transfer of Ownership of Water Lines from the City of Columbia to PRISMA Health – Dr. Thompson stated PRISMA approached Richland County about acquiring waterlines from the City of Columbia. The issue dates back to the 2015 Flood when there was an interruption in the water service at Richland Memorial Hospital. Due to that, conversations were held between PRISMA, f/k/a Palmetto Health Alliance, the City of Columbia and South Carolina Health Department of Environmental Control. The idea was to move forward with building a well at the PRISMA Health campus. As part of that, the agreement, between the City of Columbia and PRISMA Health, is for PRISMA Health to acquire some of the waterlines from the City of Columbia. PRISMA is approaching us because Richland County has the deed to the property on which PRISMA Health is located.

Mr. Tom Freshwater, Director of Engineering – PRISMA Health, indicated they have constructed the well, and is essentially ready to operate. The last piece is executing the agreement necessary for them to obtain ownership of the piping. They have provided a hold harmless agreement, which is included in the agenda packet, which states PRISMA Health is fully responsible for the ownership and operation of the piping.

Mr. Malinowski inquired about the cost for building the well.

Mr. Freshwater responded it was approximately \$800,000.

Mr. Malinowski noted PRISMA Health has already built the well, and negotiated a transfer agreement with the City of Columbia. Therefore, it is a done deal, and, they are requesting permission to approve the agreement, after the fact.

Mr. Freshwater responded they did not realize the County would be affected or involved. Until the City brought it to their attention, several months ago, it was not a consideration.

Mr. Malinowski inquired if any parking was removed to build this well.

Mr. Freshwater responded there was no parking removed.

Mr. Malinowski inquired if there were any easements that were obtained or affected by the building of this well.

Mr. Freshwater responded there were two (2) areas. The City of Columbia is undoing some of the easements on the piping that belonged to them, which will now belong to PRISMA. They also had to obtain an easement from Dominion Power to work in that area.

Mr. Malinowski stated there are areas that address those specific items. Permissions were supposed to be obtained from County, if easements or parking were being affected. Also there should have been some surety bonds provided to the landlord, Richland County. In the future, you need to review the lease to ensure there are not any technical violations. Lastly, while there is a hold harmless agreement, he noted amendments throughout the agreement that addressed other buildings on the grounds. He inquired, if we need to go back and put an amendment into the overall lease structure, and not just a hold harmless agreement.

Mr. Farrar responded that is something we want to look at, before it goes to Council, to make sure the multiple amendments do not swallow up the whole intent.

Ms. Myers inquired, since Richland County owns the facility, how would this work. For clarification, they are essentially building a well to connect to pipes, which will service the County's building. She

**Development & Service Committee
October 27, 2020**

-4-

inquired as to who ultimately owns it. She is not certain this should have gone forward this way because, as the building owner, if you are building something that substantial, which impacts a facility that is owned by someone else, there should have been consent and discussion prior to the building of it. She is not opposed to it, but she does not know that we have thought out the long term legal impact. She inquired if Mr. Farrar has looked at what is being done, as well as the agreement, our ownership, and what this might do to the value of our asset, if there are issues down the road.

Mr. Farrar responded he did not review this particular agreement. He inquired if this item is time-sensitive.

Mr. Freshwater noted he believes Richland County owns the land only. All of the buildings and infrastructure is owned by PRISMA Health.

Mr. Farrar noted the land lease is approximately 100 pages long, and these type of questions should have been addressed before we got to this stage.

Mr. Freshwater responded it is only time-sensitive in the sense that they would like to have the facility available in case of an emergency.

Ms. Myers inquired as to whose property the well was built on.

Mr. Brown responded this was brought to our attention, when the City of Columbia brought it to Mr. Freshwater's attention. This information was brought to Administration in the format in which the committee is receiving it now, not prior to any work being done.

Ms. Farrar noted, unless something bad is going to happen if this does not go to Council, this item is not ready for consideration.

Mr. Brown responded, from Administration staff's standpoint, there is no time sensitivity to this issue. As Mr. Freshwater said, this is them building a back-up plan for any concerns, they may have related to water connectivity. This is their specific request, and not a request initiated by Richland County, or its staff.

Ms. Myers inquired if the well was built on Richland County property.

Mr. Brown responded, it is his understanding, the well was constructed on the County's property, which is why they brought it to us. He believes this information was sent early on to Mr. Smith.

Dr. Thompson stated this information was received in August. As soon as we received the information, he developed a briefing document, and circulated it to the various departments, including Legal.

Mrs. Myers inquired as to when construction was first permitted, and who permitted construction on County property, without coming through Council.

Mr. Manning stated he is still unclear where the well is located.

Mr. Freshwater indicated the well appears to be located on Richland County property, based on GIS, as notated on p. 85 (Exhibit A) of the agenda packet.

**Development & Service Committee
October 27, 2020**

Mr. Malinowski stated, on p. 78 of the agenda packet, Mr. Smith indicated he has no legal concern with the proposed indemnity and release agreement. It does not look like Legal reviewed the lease. While PRISMA is saying this is time-sensitive, it appears they have been planning and working on the well since 2015. In order to make sure everyone is on solid legal ground, he would suggest obtaining the answers before moving forward.

Ms. Myers inquired if the PRISMA Council liaison was aware of this, and if this was brought to the Board for a vote.

Mr. Manning responded, as the Council liaison, this is the first time he has heard of about this. He stated he is still unclear where the well is located.

Mr. Freshwater responded it was built near the intersection of the old abandoned section of Sunset Drive and Broad Street.

Mr. Manning moved, seconded by Ms. Newton, to defer this item until the next committee meeting.

In Favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

- e. Comprehensive Transportation Improvement Plan (CTIP) with Capital Improvement Project (CIP) budgets and proposed Projects for FY21 -- Mr. Brown noted this item does not involve the Transportation Penny. These project are specific to Public Works.

Mr. Maloney stated on May 4th they provided a council work session. They have taken it to the next step, which identifies specific projects for FY21: by name, by length and by cost, so we know that we are working within our budget. Public Works' budget is based on the Road Maintenance Fund, which is something they can rely on and the County has control over. Their plan is to gain Council approval on projects, which are contained in the CTIP, at the November meeting. Then, we can take these projects to the County Transportation meeting in December for approval, and gain Council approval in February with a refreshed Road Maintenance Fund budget of approximately \$2.5M. With this budget, they will take on new projects: sidewalk project recommendations, additional road maintenance projects, and potentially, a challenging dirty road project. We have included in your agenda packet, a lot of information regarding the operation of the department, as it relates to roadwork; the function of the department; and the road maintenance, and how they interface with Engineering and Special Services. We did reach out to the Transportation Departments and requested a list of their upcoming FY21 road resurfacing projects, dirt road paving projects, and sidewalk construction. They outlined the different funding resources they have available, their divisional goals and what we are trying to accomplish for the year, as well as, the importance of their annual budget. Their goal is to obtain \$5M in funding per year, which will depend on if they can put CTIP funds into the mix. In this request, they are asking for \$2.3M. Of the \$2.3M, we have pavement preservation, with a budget of \$850,000, which looks at roads they found in the past pavement evaluation that were in condition good enough to preserve. Once roads fail, to a certain level, the only type of maintenance is road resurfacing or, even worse, road reconstruction. For those that can fall within road resurfacing, they are looking at \$1.45M. On the road resurfacing and repairs, they have listed the subdivisions, linear feet and Council districts for those projects, as well as, the pavement preservation projects. Over a 5-yearr period, they want to ensure they equitably hit all of Council districts, per pro rata. They reached out to the Penny to determine what road resurfacings they were doings, so we could start to fill those holes, where specific districts may

**Development & Service Committee
October 27, 2020**

need additional attention. They are using the data from the CPI pavement indexes to pick out those roads. They show a planned budget of \$350,000, which could grow with more CTIP funds, if they are available.

Ms. Newton stated, what we talked about today, and what you have presented here, is that these roads preservations and road resurfacings are based on the ordinance, and the pro rata for each district. She inquired as to what we are going to do, from a proactive perspective, as we look at dirt roads, moving forward, with the understanding they are expensive and difficult. Right now, every single Richland County resident is paying into the road maintenance fund, whereas these funds are only divided among paved roads. So, if you happened to live in an area where you have a lot of unpaved roads, you are continuing to pay for the benefit of something you are not necessarily receiving. As we look at how we are going to address our roads proactively, moving forward, we take that into consideration. She inquired about the criteria they will be using to make the sidewalk recommendations.

Mr. Maloney responded the sidewalk policy is based on the lengths to schools and parks, the volume of use, and the demand. Their plan is, if there are projects they cannot afford to do now, to keep them on a list, and as CTC funding become available address them.

Mr. Manning inquired about the source of the Road Maintenance Fund.

Mr. Maloney responded the source of the funds is the \$20 annual vehicle registration fee. Therefore, if you do not register a car, you would not be required to pay the fee. CTC funding comes from the gas tax.

Ms. Myers stated she is troubled by the way we are apportioning the funds. She understands the statutory formula, but what it means is if you are driving your car over more dirt road, to get to a paved road, you are paying to upkeep the paved roads, and you are getting a lesser benefit, even though you are paying the same amount. She requested Dr. Thompson and Mr. Brown to determine if the statute needs to be amended, so we are looking at all the roads, and not just the paved road. This does seem to disadvantage and disproportionately taxes those who live in rural areas.

Mr. Maloney responded there is approximately 215 miles of unpaved roads in the County, and they allocate about \$3 million dollars per year to maintain those roads. He would love to have them all paved, and focus on one operation.

Ms. Myers noted people do not want dirt roads; they want them paved.

Mr. Manning moved, seconded by Ms. Kennedy, to forward to Council with a recommendation to approve the CTIP, the proposed budgets, and the proposed projects for FY21.

In favor: Terracio, Kennedy, Manning, Newton

The vote in favor was unanimous.

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be "affordable" when 30% or less of one's income is spent on housing and utilities. In Richland County,

**Development & Service Committee
October 27, 2020**

-7-

nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] – No action was taken.

- b. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON] – No action was taken.
- c. Move to engage a third-party consultant to undertake work on Richland Renaissance, which was approved 11- 0 by this Council in early 2019. Staff has chosen to postpone this Council-approved project, which would alleviate serious facility constraints and result in savings over time, as the County would not spend money on short-term repairs, but on long-term needed facilities planning and construction [MYERS] – Ms. Terracio inquired why this item is in D&S, and what kind of action is this committee considering.

Mr. Brown responded the item was forwarded to committee by the Chair. In order for staff to engage a third-party contractor, it would involve a procurement process.

Mr. Manning inquired if the third-party contractor was conducting the analysis.

Mr. Brown responded, at this time, the third-party contractor has not been procured to conduct the analysis.

Ms. Myers stated, as the maker of the motion, this should be under “Action Item” for the body to vote on whether or not to forward this to Council. Then, it should be sent to Procurement.

No action was taken.

- 6. **ADJOURNMENT** – The meeting adjourned at approximately 5:03 PM.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

| | | | |
|------------------------------------|--|-----------------------------------|-------------------|
| Prepared by: | Michael A. Byrd | Title: | Director |
| Department: | Emergency Services | Division: | |
| Date Prepared: | November 02, 2020 | Meeting Date: | November 17, 2020 |
| Legal Review | Elizabeth McLean via email | Date: | November 06, 2020 |
| Budget Review | James Hayes via email | Date: | November 05, 2020 |
| Finance Review | Stacey Hamm via email | Date: | November 05, 2020 |
| Approved for consideration: | Assistant County Administrator | John M. Thompson, Ph.D., MBA, CPM | |
| Committee | Development & Services | | |
| Subject: | Construction of a new Emergency Services EOC and facilities. | | |

STAFF’S RECOMMENDED ACTION:

It is recommended Council authorize Administration to move forward with construction of Emergency Services Headquarters, EOC and EMS facilities on property previously purchased for the project and return to Council with a funding strategy.

Request for Council Reconsideration: Yes

FIDUCIARY:

| | | | | |
|---|-------------------------------------|-----|-------------------------------------|----|
| Are funds allocated in the department’s current fiscal year budget? | | Yes | <input checked="" type="checkbox"/> | No |
| If no, is a budget amendment necessary? | <input checked="" type="checkbox"/> | Yes | | No |

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Issuing a bond to fund the project is recommended.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

REGULATORY COMPLIANCE:

MOTION OF ORIGIN:

Move that Richland County proceed with completing the plan to move the EOC/EMS out of the windowless basement of the parking garage to the old junkyard property brought years ago for that purpose at the corner of Two Notch Rd and Cushman Drive

| | |
|-----------------------|-------------------------|
| Council Member | Jim Manning, District 6 |
| Meeting | Regular Session |
| Date | October 20, 2020 |

STRATEGIC & GENERATIVE DISCUSSION:

The purpose of this report is to obtain Council's approval to move forward with construction of the Emergency Services Headquarters, EOC and EMS facilities so that ESD has the necessary space to address the issues of emergencies and disasters. Not addressing the space needs of the Emergency Services Department will have a negative impact on providing essential services during emergencies and disasters. The site for the project has been secured. The next steps in the project are:

1. Identify a funding source.
2. Select an architect for the design.
3. Bid the project to select the construction company.
4. Complete construction.

Currently, the Emergency Services Department operates from the basement of the parking garage at 2020 Hampton Street. This includes emergency management planners, the Emergency Operations Center (EOC), Emergency Medical Service, Communications, Fire Marshals, Hazardous Materials Permitting, Logistics - equipment & supplies, and all support services. The Emergency Services Department moved into the pre-existing space in January 1994 because the old hospital building where ESD was located, was torn down to make room for the new Administration and Health Department buildings that currently occupy the site. The space under the parking garage was grossly inadequate at the time to accommodate the divisions of the Emergency Services Department and has only gotten worse. The existing space will soon require extensive repairs and improvements. ESD has received notice in several federal evaluations of having inadequate space in the EOC during exercises. Working in the EOC during actual and prolonged events has proven to be very difficult. Inadequate parking for ESD is also a problem that impacts other 2020 employees and visitors coming to the administration building. Moving ESD away from the 2020 complex will free up parking space.

Emergency Services provides essential services to the residents and visitors of Richland County. In addition, the state capital, numerous federal buildings, Fort Jackson, McEntire Base, the University of South Carolina, Benedict College, Midlands Technical College, Allen University, three major Interstates, railways and other critical infrastructure are part of the Richland County threat assessment and may present planning and response challenges.. Over the last five years, we have mitigated the effects of hurricanes, winter storms, tornados, hazardous material incidents and the 2015 flood. Including the 2015 flood, we had 14 major events or declared disasters in Richland County requiring the EOC to open.

It has been a struggle to properly manage the problems associated with events and disasters in the current EOC. The Pandemic of 2020 has also exacerbated the problems and issues with the inadequate facility.

New facilities are needed In order to properly address the challenges presented by emergencies and disasters. In 2013, Council recognized the issues and began planning for a new Emergency Services Headquarters, EOC and EMS facility. In 2013, property was purchased on Two Notch Road at Cushman Drive. An environmental study was performed on the site prior to purchase. The 14-acre site will house the Headquarters/EOC, EMS facility and logistics. Council also appropriated \$6 million dollars to start the design and site work for the facility. In 2016, Architects Design Group located in Winter Park, Florida conducted a space study. The space study addressed the need for adequate space for reliable and redundant systems to properly prepare, plan, respond and recover from emergency and disaster

threats. It includes features that will help with “social distancing’ recommendations. It also addresses space for EMS and logistics and includes a new 911 communications center that has since been taken out of the project. The estimated cost for the entire project was \$27.8 million and was based on building the facilities to withstand a category three hurricane. There are opportunities to identify cost savings in the project.

When the renaissance project began, the funding initially allocated by Council for the ESD project was diverted and used to help fund the purchase of renaissance properties.

Just as the current ESD space is used on a daily basis, all space designed into the new facilities will be utilized before, during and after a disaster or major emergency. The space will not sit idle.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None

ATTACHMENTS:

None



Agenda Briefing

| | | | |
|------------------------------------|--|------------------------------------|----------------------|
| Prepared by: | Clayton Voignier | Title: | Director |
| Department: | Community Planning & Development | Division: | Building Inspections |
| Date Prepared: | November 2, 2020 | Meeting Date: | November 19, 2020 |
| Legal Review | Elizabeth McLean via email | Date: | November 06, 2020 |
| Budget Review | James Hayes via email | Date: | November 05, 2020 |
| Finance Review | Stacey Hamm via email | Date: | November 05, 2020 |
| Approved for consideration: | Assistant County Administrator | Ashley M. Powell, Assoc. AIA, AICP | |
| Committee | Development & Services Committee | | |
| Subject: | Proposed Changes to Procedures for Demolishing Unsafe Structures | | |

STAFF’S RECOMMENDED ACTION:

Staff recommends continuing the current implementation and enforcement procedures that comply with the International Property Maintenance Code (IMPC) and adopted by the County Council under County Code of Ordinances, Chapter 6, Article X, Sec. 6-182 in its entirety as relates to the demolition of unsafe structures throughout unincorporated Richland County.

Request for Council Reconsideration: Yes

FIDUCIARY:

| | | | | |
|---|-------------------------------------|-----|-------------------------------------|----|
| Are funds allocated in the department’s current fiscal year budget? | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| If no, is a budget amendment necessary? | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

To make the change requested in the motion, the County would likely need to rescind the adoption of the International Property Maintenance Code and adopt some other mechanism for enforcing unsafe housing, or readopt only specific portions of the International property maintenance code. Additionally, we would need to be very careful about violation Equal Protection and the prohibition against spending public funds on private property.

REGULATORY COMPLIANCE:

The motion as written does not comply with the current adopted County Code of Ordinances, Chapter 6, Article X, Sec. 6-182.

Motion of Origin:

Move that Richland County discontinue its practice of demolishing private property in the unincorporated areas of Richland County where that property is not on a public road without that property owner's consent and opportunity to be heard by Richland County council, and I further move that any and all such involuntary demolitions be incurred at the County's expense and not the property owner's expense [MYERS].

| | |
|----------------|--------------------------|
| Council Member | Dalhi Myers, District 10 |
| Meeting | Regular Session Council |
| Date | October 20, 2020 |

STRATEGIC & GENERATIVE DISCUSSION:

The Richland County Property Maintenance (PM) program addresses unsafe structures on premises. The term premise is defined in the code as “a lot, plot or parcel of land, easement or public way, including any structure thereon.” Proper notification is provided to the registered owners who are afforded the opportunity to abate violations on their structure as directed by the International Property Maintenance Code (IPMC) prior to proceeding with demolition of any structures.

The County’s procedures for demolishing unsafe structures comply with the International Property Maintenance Code (IPMC). IPMC is a South Carolina Department of Labor, Licensing and Regulation Building Commission permissive code adopted in its entirety by Richland County Council under Chapter 6, Article X, and Sec. 6-182 of the County’s Code of Ordinances. All structures identified for demolition within the unincorporated areas of Richland County fall within the prescriptive measures outlined in the IPMC and are enforced as such.

In general, County Council adopts ordinances pursuant to state law. Richland County Code of Ordinances 6-182 adopted the IPMC in its entirety, making it an enforceable code by Richland County. The Code Official, through the PM program, follows the IPMC in its entirety as a legally enforceable document for managing all structures to ensure public health, safety, and welfare. The State of South Carolina Building Codes Council has mandated building codes referenced in S.C. Code Ann. §6-9-50 (1976, as amended) to be enforced by all municipalities and counties in South Carolina. The mandated codes are the eight (8) primary building codes. Although the IPMC is not one of the mandated codes, it is a permissive code and jurisdictions have the option to adopt it or not. Richland County Council has opted to adopt the code under Chapter 6, Article X, and Sec. 6-182 of the County’s Ordinance. The County Council does not have the authority to change the content in the IPMC. As such, the County Code of Ordinances would have to be amended to facilitate the intent of the proposed motion.

There are options available to the County Council when adopting permissive building codes as the enforceable document for the ordinance. International Code Council Codes (I-Codes) can be adopted as the stand-alone code or as the basis of laws and regulations within the jurisdiction. To facilitate the proposed motion, the County Code of Ordinances would need to be amended. The amended ordinance would need to specify which portions of the IPMC would not be enforced followed by three (3) readings

and a public hearing for adoption. The items below demonstrate options the County Council can take when adopting the IPMC:

1. Amend the County Code of Ordinances to rescind the adoption of the IPMC in its entirety and add the desired procedures under Chapter 6, Article X pertaining to Property Maintenance.
2. Amend the County Code of Ordinances to adopt the IPMC code in part with the exception of the administrative and enforcement sections (Sections 103-112) and add the desired administrative and enforcement procedures to be used in conjunction with the remainder of the adopted IPMC.

ADDITIONAL COMMENTS FOR CONSIDERATION:

The Property Maintenance Program promotes and protects public health, safety, and general welfare of Richland County citizens through the removal of unsafe structures. The program operates under the scope and intent of the IMPC outlined in Chapter 1.

[A] 101.2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing *premises* and constitute minimum requirements and standards for *premises*, structures, equipment and facilities for light, *ventilation*, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of *owners*, an owner's authorized agent, *operators* and *occupants*; the *occupancy* of existing structures and *premises*, and for administration, enforcement and penalties.

[A] 101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

The Property Maintenance (PM) program operates throughout the unincorporated County to identify those structures that are unsafe and dangerous to the community's overall health and life safety. These factors are outlined in the IMPC, Sec 108.

108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation.

Authority to Enforce Code

The code authorizes and directs the Code Official to enforce the provisions of the code. Likewise, the State of South Carolina requires the Code Official to be registered or licensed to execute the provisions of the code. The Code Official has the responsibility to identify and proceed with the prescriptive measures in the condemning and demolition of such structures. This authority cannot be delegated outside the licensed Code Official and is outlined in Sec. 104 and 108 of the IPMC and SC Code of Laws Section 6-8-60.

[A] 104.1 General. The *code official* is hereby authorized and directed to enforce the provisions of this code. The *code official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

110.1 General. The *code official* shall order the *owner* or *owner's* authorized agent of any *premises* upon which is located any structure, which in the *code official's* or *owner's* authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure;

Code of Laws/Section 6-8-60. Application for registration; special and general registration.

(A) A person seeking registration as required by this chapter shall apply on a form prescribed by the council.

(B) An applicant shall furnish satisfactory proof to the council of valid certification by a recognized code organization or testing agency in the general or special construction trade discipline for which he is employed to perform an inspection. A special registration authorizes the registrant to practice in the named construction discipline only. A general registration authorizes a registrant to practice in all construction trade disciplines for which certification has been obtained. The council or its designated representatives shall review the guidelines employed by the code organization or testing agency in order to determine their continued compatibility with the requirements considered by the council to be consistent with this chapter.

Evaluation and Demolition Procedures

The PM program follows a lengthy and outlined process when identifying a structure for demolition. The process starts with identifying unsafe structures throughout the County as defined in section 108.1 of the IPMC.

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards

to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

All structures are evaluated for structural stability and safety, then placed on a County Demolition List by the number assigned to the structure based on the rating it received. The higher the number rating, the higher on the list the structure will be assigned. The highest numbers are demolished first. The property owner is notified and allowed to abate the unsafe structure violation. The citizen or property owner is asked to provide their abatement plan and timeline for the structure's rehabilitation. No structure is demolished if the property owner has established an abatement plan with the PM program. The PM program regularly sends out Notice of Violation letters to the listed owner, which allows the owner multiple opportunities to establish an abatement plan and prevent the structure from being demolished. When the property owner does not respond to the notification letters or fails to present an abatement plan, the PM program proceeds with bidding the property out for demolition. Once demolition is completed, a lien is placed on the property. The IMPC directs the cost of demolition and removal be charged against the real estate where the structure is located. The IMPC does not allow for the County to incur those costs. The owner may choose to demolish their structure at their own expense to avoid the lien. If the structure has been designated as a historic property, PM program facilitates communication between the owner and the appropriate agency to provide needed assistance to restore the property. If at any time throughout the process the owner feels the intent of the IPMC or rules legally adopted have been incorrectly interpreted, the provisions of the IPMC do not apply, or requirements of the IPMC are adequately satisfied by other means, they have the right to appeal to the Board of Building Code Appeals. The various steps in this process are addressed in the IPMC sections below.

108.6 Abatement methods. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

107.1 Notice to person responsible. Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall comply with Section 108.3.

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* or *owner's* authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

110.3 Failure to comply. If the *owner* of a *premises* or owner's authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Attachments

None