



6. a. Epworth Children's Home, Rev. John Holler

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

7. a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities, Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction
- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters

### **Approval Of Consent Items**

8. 15-11MA  
Mark & Cynthia Harrelson  
RS-HD to RU (4.04 Acres)  
4430 Old Leesburg Rd.  
25002-03-03(p) **[THIRD READING] [PAGES 27-29]**
9. 15-16MA  
Elias Dib  
OI to RM-MD (3.25 Acres)  
Summer Valley Dr.  
17216-10-24 **[THIRD READING] [PAGES 30-31]**
10. 15-17MA  
Two Notch Commercial Development  
MH/NC to GC (1.68 Acres)  
Two Notch Rd. & Aubrey St.  
22914-02-03 & 09 **[THIRD READING] [PAGES 32-34]**
11. **An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee [SECOND READING] [PAGES 35-37]**

### **Third Reading Items**

12. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26; Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map **[PAGES 38-81]**

### **Second Reading Items**

13. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction **[PAGES 82-84]**

14. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters **[PAGES 85-103]**
15. Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters **[PAGES 104-112]**

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

16. Alcohol on County Property: Palmetto Tasty Tomato Festival; Development of Process Moving Forward **[PAGES 113-126]**
17. McCrady Training Center **[PAGES 127-140]**

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

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

18. a. Planning Commission - 1

#### **2. Discussion From Rules And Appointments Committee**

##### **19. VOTING:**

- a. I move that County Council amend its rules to require roll call voting on every vote taken **[ROSE]**

1. Roll Call Voting Options

20. After discussion between the Rules Committee Chair and Clerk to Council it has been determined that the rules of Richland County Council are efficient and outline the duties and responsibilities of each council member. Therefore, it is recommended that the committee review the current policies/procedures for any additional input/changes **[PAGES 143-144]**

- a. **Allow members to electronically participate during executive session** – This item was held in committee pending a legal opinion.

##### **21. BOARD TERMS: [PAGES 145-150]**

- a. Richland County Boards, Commissions, and Committees:

1. Boards, Commissions, and Committees governed by Richland County Council
2. Boards, Commissions and Committees with specific criteria
3. Boards, Commissions and Committees that involve other governing bodies

b. Richland County Boards, Commissions and Committees that have been dissolved:

1. Youth Commission
2. Appearance Commission
3. Economic Development Committee
4. Disabilities and Special Needs Board
5. Midlands Commission on Homelessness
6. Complete Street Commission
7. Building Board of Adjustment and Appeals
8. Performing Arts Center Board
9. Transportation Study Commission

c. MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from "two, three year terms" to "three, three year terms" so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE]

## Other Items

### 22. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE: [PAGES 151-164]

- a. Riverbanks Zoo Project: Bridge Construction over Railroad -Contractor Quote
- b. Bluff Road Widening Project: Partnering Opportunity with Central Midlands Council of Governments (CMCOG) and County Transportation Committee (CTC)
- c. Federal Funding for Major Projects: CMCOG
- d. Encroachment Permit: Broad River Road Widening Project

## Citizen's Input

23. Must Pertain to Items Not on the Agenda

## Executive Session

## Motion Period

24. a. Participation in Executive Sessions of public bodies created in whole or in part by Richland County: I move that any board, committee, agency, entity or public body created in whole or in part by ordinance or act of Richland County may adopt bylaws and rules of procedure for its operation not inconsistent with the ordinances of Richland County; provided, however, that any board, committee, agency, entity or public body created in whole or in part by an ordinance or act of Richland County shall develop permit any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session such board, committee, agency, entity or public body may hold.

Should any board, committee, agency, entity or public body created in whole or in part by Richland County refuse to allow any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session described herein, such refusal shall be reported by either the Chair of County Council, or by any member thereof, at the next



meeting of County Council after such refusal, or as soon thereafter as is practical. Further, the facts and circumstances of any denial of access to an executive session as provided for herein shall be briefed by or to County Council during the annual budget process.

The purpose of this motion is not to overly burden any public body subject to this motion, or to become involved in the day-to-day operations thereof, but instead to exercise appropriate oversight of public bodies created by, funded by, or created and funded by Richland County.” [WASHINGTON]

b. Request for financial, operational and management information from entities funded in whole or in part by Richland County: I move that... “any board, committee, commission, agency, entity or public body or private organization, regardless of size or membership, funded in whole or in part by Richland County provide financial, operational and management information to Richland County, care of its Administrator or the Administrator’s designee, including, but not limited to: [list desired information here]

This information should be provided within a reasonable timeframe, but no later than \_\_\_\_\_, for the County to meaningfully consider the same during its annual budget process.

Any public body or private organization or entity that fails to timely provide the requested information, or that provides incomplete information, will be considered to have an incomplete budget request for the budget year to which the information sought pertains, and shall not be considered for County funding for the budget year to which the information sought pertains until all other organizations and entities which have completed budget submissions are considered for funding. In other words, organizations and entities with incomplete budget submissions will be considered for funding last during that budget cycle.

Any organization or entity may request a partial or full waiver to provide such information as is described herein, and if, in the opinion of the County’s governing body, there is a valid justification for the failure to provide the information sought (such as an excessive administrative burden), the County’s governing body may grant such a waiver and proceed with the budget funding request at the same point as the organization or entity may have fallen for consideration had such organization or entity filed a completed budget request.

For purposes of a “waiver” as described herein, the same are to be given only for one budget year at a time, and only on a case-by-case basis.” [WASHINGTON]

c. Ordinance clarifying Richland County’s role in providing or paying for administrative, legal or other services for public bodies not created by Richland County: “I move that Council pass an ordinance providing that: Richland County shall not provide administrative or other services, or legal representation or funding for legal representation for any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for any public body that 1) was created or established by any authority other than the governing body of Richland County and 2) whose members are appointed by any authority other than the governing body of Richland County.

For any such public body that is required by the United States of America, the State of South Carolina, or any other competent authority, to be funded by Richland County, the same in its budget request shall include requested funding amounts for all administrative, legal or other services it needs to carry out its mission and operations. In other words, if any such organization or entity anticipates the need for legal or other services, for example, that organization or entity should include a funding request for such services so the same may be paid for out of its budget.

The purpose of this motion is not to deprive any such organization or entity of services it may need, but to appropriately place the responsibility and authority for such services in the hands of the organization or entity over which Richland County has no role or responsibility other than to provide mandated funding.” [WASHINGTON]

d. Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County.

The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Robert’s Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically. [WASHINGTON]

e. In attending a meeting with small local businesses, questions came up about the county ordinance allowing franchise businesses participating in the county's SLBE program. Motion to change the SLBE ordinance not to allow franchise businesses to qualify as SLBE [WASHINGTON]

f. Richland County adopt FEMA standards [JACKSON]

## Adjournment



### Special Accommodations and Interpreter Services

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

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

# Richland County Council Request of Action

**Subject**

- a. Building Safety Month Proclamation

# Richland County Council Request of Action

**Subject**

Regular Session: May 5, 2015 [PAGES 8-21]

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MINUTES

May 5, 2015  
6:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

#### INVOCATION

The Invocation was led by the Honorable Norman Jackson

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson and Ms. Dixon presented Ms. McDaniels with an award in appreciation of her hard work on the Women’s Luncheon.

#### PRESENTATION OF RESOLUTION

**National Public Works Week Proclamation** – Mr. Rush presented Mr. Ozbek, Public Works Director, with a proclamation in honor of National Public Works Week.

**Resolution Honoring State Highway Patrolman Thomas M. White on receiving the 2014 Richland County Trooper of the Year Award [ROSE]** – Mr. Rose recognized State Highway Patrolman Thomas M. White on being awarded the 2014 Richland County Trooper of the Year Award.

#### APPROVAL OF MINUTES

**Regular Session: April 21, 2015** – Mr. Malinowski inquired if Mr. Jeter’s request for staff to follow-up with the Lower Richland citizens that felt they should have received the Lower Richland Sewer survey had been completed.

Staff is to follow-up on this request by the May 19<sup>th</sup> Council meeting.

Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as submitted. The vote in favor was unanimous.



#### Council Members Present

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

#### Others Present:

Tony McDonald  
Sparty Hammett  
Warren Harley  
Monique Walters  
Brandon Madden  
Michelle Onley  
Monique McDaniels  
Rob Perry  
Chris Gossett  
Brad Farrar  
Larry Smith  
Beverly Harris  
Amelia Linder  
Christy Swofford  
Laura Renwick  
Dwight Hanna  
Quinton Epps  
John Hixon  
Chad Fosnight  
Chanda Cooper  
Charlie Fisher  
Chris Eversmann  
Gloria Tanner  
Nancy Stone-Collum

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



**Richland County Council**  
**Regular Session**  
**Tuesday, May 5, 2015**  
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**Zoning Public Hearing: April 28, 2015** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

**Special Called Meeting: April 28, 2015** – Ms. Dickerson moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote in favor was unanimous.

### **ADOPTION OF THE AGENDA**

Mr. McDonald stated the item entitled "Pending Litigation: Hopkins and Lower Richland Citizens United, Inc., and Wendy Brawley vs. Richland County" under the Report of the Attorney for Executive Session needed to be removed from the agenda.

Mr. Malinowski inquired if the re-zoning request that was denied at the April 28<sup>th</sup> Zoning Public Hearing needed to be included on the agenda.

It was determined that the denied re-zoning request did not need to be included on the agenda.

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

### **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS**

There was no report given.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized that former Councilwoman Bernice Scott was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jeter recognized that former Councilman Tony Mizzell was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning recognized the Mayor of Eastover was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Malinowski recognized that the Auditor Paul Brawley was in the audience.

### **CITIZENS' INPUT**

***{For Items on the Agenda Not Requiring a Public Hearing}***

No one spoke.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



Richland County Council  
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### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Budget Work Session, May 7<sup>th</sup> at 4:00 PM** – Mr. McDonald reminded Council about the upcoming budget work session on Thursday, May 7<sup>th</sup> at 4:00 PM. The Administrator's recommended budget will be presented at that time.
- b. **State Infrastructure Bank Update** – Mr. McDonald stated a follow-up meeting will be held on May 18<sup>th</sup> to answer questions of the board and to restructure the application. All Council members are encouraged to attend the meeting to show their support of the application.

### REPORT OF THE CLERK OF COUNCIL

**CONNECTIONS 2015 Conference, May 13<sup>th</sup>, Darla Moore School of Business** – Ms. McDaniels reminded Council of the upcoming CONNECTIONS 2015 Conference on May 13<sup>th</sup> at the Darla Moore School of Business.

### REPORT OF THE CHAIRMAN

**Legislative Reception** – Mr. Rush thanked his colleagues for attending the Legislative Reception on behalf of the County.

### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 24, Utilities; Article II, Water and Sewer Service Generally; Section 24-7 and 24-8; and Amending Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Section 24.5-42, 24.5-43, and 24.5-44; so as to delete the references to liens as collection method for unpaid bills**

Mr. David Jackson, Ms. Lottie P. Wesley, Ms. Helen Taylor Bradley, Ms. Cynthia Wilson, Ms. Sara Prioleau, Ms. Ella McRant, Ms. Lillie Bates, and Mr. Warren Schurlock spoke against this item.

Mr. Melvin Henry, Ms. Bernice Scott, Mr. Sanders Aye, and Ms. Rehnette Green spoke in favor of the item.

- **An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Eight Hundred Thousand Dollars (\$800,000) to supplement paved road repair** – No one signed up to speak.



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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### APPROVAL OF CONSENT ITEM

- 15-11MA, Mark & Cynthia Harrelson, RS-HD to RU (4.04 Acres), 4430 Old Leesburg Rd., 25002-03-03(p) [SECOND READING]
- 15-16MA, Elias Dib, OI to RM-MD (3.25 Acres), Summer Valley Dr., 17216-10-24 [SECOND READING]
- 15-17MA, Two Notch Commercial Development, MH/NC to GC (1.68 Acres), Two Notch Rd. & Aubrey St., 22914-02-03 & 09 [SECOND READING]
- Conservation Department: Endorsement of Cabin Branch Conservation Corridor
- Removal of Lien off of Property
- Lease Agreements with Non-County Entities that are occupying and utilizing County owned property

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

### THIRD READING

**An Ordinance Amending the Richland County Code of Ordinances: Chapter 24, Utilities; Article II, Water and Sewer Service Generally; Sections 24-7 and 24-8; and Amending Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Sections 24.5-42, 24.5-43 and 24.5-44; so as to delete the references to liens as a collection method for unpaid bills -**

Mr. Livingston moved, seconded by Ms. Dixon, to approve this item.

Mr. Livingston requested the GEAR/Debt SetOff program option be incorporated into the ordinance.

Mr. Washington inquired about the outcome if this item was denied or failed.

Mr. McDonald stated the lien, as a collection method, would remain in the ordinance.

The vote in favor was unanimous.

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



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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**An Ordinance Amending the Fiscal Year 2014-2015 Road Maintenance Annual Budget to appropriate Eight Hundred Thousand Dollars (\$800,000) to supplement paved road repair** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski inquired if the community that expressed concern with their roads at a recent Council meeting were included in this item or would their concerns be addressed at a later time.

Mr. Hammett stated staff is presently working to resolve their concerns with the developer and if additional action is needed the matter would be brought back to Council in the future.

Mr. Washington inquired if staff had conducted an analysis of the bonds timing out.

Mr. Hammett stated the bonds are now tracked through the new information system.

The vote in favor of approval was unanimous.

### SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction** – Mr. Malinowski moved, seconded by Ms. Dixon, to defer this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26; Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map** – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item.

Mr. Pearce inquired if a work session on the changes has been considered.

Ms. Bolling stated the changes will be reflected in the maps, the item before Council is the text amendments to stay in compliance once the maps are adopted.

Mr. Pearce requested the changes to the maps be provided to Council.

The vote in favor of approval was unanimous.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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### FIRST READING

**An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2015 and ending June 30, 2016 [BY TITLE ONLY]** – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

**An Ordinance Authorizing the levying of ad valorem property taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2015, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2015 through June 30, 2016 [BY TITLE ONLY]** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee** – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

### REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Solid Waste Service Charge for Vacant Dwelling Units** – Ms. Dixon stated the committee recommended that Council approve the process outlined by staff and presented in the Development & Services Committee agenda packet for removing the solid waste service charge from property with a vacant dwelling unit located on it.

Mr. Malinowski stated the overall recommendations by staff members were to deny removing the service charge and making exceptions. He further pointed out that residents pay for other services that they do not receive a benefit from (i.e. school taxes, library, zoo, and transportation penny).

Mr. Livingston stated his concern is Administration having trouble keeping up with when property is vacant and when it is not.

Mr. Harley stated staff has outlined the process if someone has moved out of a home and they want to certify they are no longer using the home.

Ms. Dickerson inquired if the solid waste containers would be removed from the property.

Mr. Harley stated it is his understanding the receptacles would be removed.

# RICHLAND COUNTY COUNCIL

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Mr. Livingston pointed potential changes to the ordinance could be required and would affect multiple departments (Auditor, Treasurer, and Solid Waste).

Mr. Malinowski inquired if the County has an agreement with the utility company to inform the County when the residence's utilities are reinstated.

Mr. Harley stated to his knowledge no such agreement exists.

Mr. Manning inquired if staff has conducted a cost allocation to determine the fee increase needed to cover the costs of picking up and possibly reissuing solid waste containers utilizing this process.

**FOR**

Jackson

**AGAINST**

Dixon  
Malinowski  
Rose  
Pearce  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

The motion failed.

### **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

**Judicial Center Flooring Contract** – Mr. Pearce stated the committee expressed concern with the County's history of bidding carpet by using a particular brand name. Therefore, the recommendation for approval was not unanimous.

Mr. Jackson made a substitute motion, seconded by Mr. Malinowski, to re-bid the carpet contract and remove the brand name.

Ms. Dickerson inquired if everyone was afforded an opportunity to apply or if because of the specifics it caused companies not to apply.

Mr. McDonald stated when the bid was put out any company had an opportunity to bid; however, the bidders were instructed to either provide that brand or an equivalent in order to meet the qualifications.

The substitute motion failed.

# RICHLAND COUNTY COUNCIL

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The vote was in favor of approving the request to enter into a contract with O'Neal Flooring in the amount of \$695,863 to provide the labor needed to remove the existing flooring and to replace with new flooring materials in the Judicial Center.

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

**McCrary Training Center** – Mr. Pearce stated the committee recommended deferral of this item. The vote in favor was unanimous.

### REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski requested this item not be placed on the consent agenda.

The vote in favor was unanimous.

**Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski requested this item not be placed on the consent agenda.

Mr. Pearce inquired if it was within the County's parameters to amend the percentage rates.

Mr. Livingston stated Council has the flexibility to amend the percentages.

Mr. Pearce inquired if changing the percentages would reduce the General Fund.

Mr. McDonald stated the impact to the General Fund would be minimal.

The vote in favor was unanimous.



# RICHLAND COUNTY COUNCIL

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**A Resolution Authorizing the execution of an Intergovernmental Agreement relating to the Pineview Industrial Park between Richland County, South Carolina and the City of Columbia, South Carolina and other matters related thereto** – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired about who provides water and sewer to the Pineview Industrial Park.

Mr. Lindsay stated the City of Columbia provides water to the boundaries of the park, but not within the park.

Mr. Malinowski inquired what the dollar amount of the City of Columbia's non-annexation payment.

Mr. Lindsay stated that is an unknown at this time.

The vote in favor of approval was unanimous.

### REPORT OF RULES AND APPOINTMENTS COMMITTEE.

#### I. NOTIFICATION OF APPOINTMENTS

- a. **Airport Commission** – Mr. Malinowski stated the committee recommended appointing Mr. D. Michael Kelly. The vote in favor was unanimous.
- b. **Building Board of Code of Appeals** – Mr. Malinowski stated the committee recommended re-appointing Mr. David Cook. The vote in favor was unanimous.
- c. **Accommodations Tax** – Mr. Malinowski stated the committee recommended appointing Ms. Amber Martin. The vote in favor was unanimous.
- d. **Hospitality Tax** – Mr. Malinowski stated the committee recommended appointing Mr. Craig Parks. The vote in favor was unanimous.
- e. **Midlands Workforce Development Board** – Mr. Malinowski stated the committee recommended appointing Mr. Bobby Cunningham, Ms. Barrie B. Kirk, and Mr. Patrick Thomas. The vote in favor was unanimous.

# RICHLAND COUNTY COUNCIL

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- f. **Employee Grievance** – Mr. Malinowski stated the committee recommended appointing Mr. Joseph Scott Hallbick, Ms. Beverley Williams Leeper, and Ms. Suzie Haynes. The vote in favor was unanimous.
- g. **Planning Commission** – Mr. Malinowski stated the committee recommended re-appointing Mr. Wallace Brown, Sr., Mr. C. David Tuttle, Ms. Beverly Diane Frierson, and Mr. Patrick Palmer. The vote in favor was unanimous.

## II. COUNCIL RULES

- a. **In the event that a Standing Committee of Council (Administration & Finance, Development & Services, Economic Development, Rules & Appointments) should fail to have a quorum of its members present either at the beginning of the meeting or after the meeting has begun, any item or items that are reported on Committee Agendas deemed “time sensitive” by a committee member or County staff will be referred to the Chair of the Committee, the Chair of Council and County Administrator. A determination will be then made by this group as to whether the “time sensitive” designation is valid. This determination may require consultation with a Department Head, Procurement, Legal, et al. If a determination of time sensitivity is made in the affirmative, the Chair of Council may add the item to the next regularly scheduled Council meeting for review, debate and action [PEARCE and MANNING] – This item was held in committee.**

## REPORT OF THE DIRT ROAD AD HOC COMMITTEE

**Dirt Road Paving Team Contract** – Ms. Dixon stated the committee directs staff to have the contract routed through legal. Once legal has reviewed and approved said contract, the contract will be placed on the agenda. The recommendation is to approve the base contract amount of \$3,890,567 and to include a 10% contingency of \$389,057, which will bring the contract to \$4,279,624. The vote in favor was unanimous with Mr. Washington abstaining.

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

# RICHLAND COUNTY COUNCIL

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### REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

#### **On-Call Engineering Team – Cox and Dinkins Service Agreement #1** – Mr.

Livingston stated staff has completed the low bid negotiations with Cox and Dinkins for design service for Atlas Road Widening Project. The service agreement exceeds the approval limit for Administration; therefore, the service agreement in the amount of \$1,952,335.54 is being brought forward to Council.

Ms. Dickerson expressed concern about the percentage of DBE participation on this service agreement.

Mr. Washington inquired if these were the same firms who submitted from the beginning.

Mr. Perry stated these are the original team members from Cox and Dinkins.

The vote in favor of approval was unanimous.

Mr. Livingston moved, seconded by Mr. Rose, to reconsider this item. The motion failed.

### REPORT OF THE HOSPITALITY TAX COMMITTEE

#### **a. “Destination Facilities” Funding Options**

- 1. Recommend removal of funding for the Columbia Museum of Art in FY16-17** – Mr. Washington stated the committee recommended removal of the funding for the Columbia Museum of Art in FY16-17.

Mr. Pearce made a substitute motion, seconded by Mr. Livingston, to table this item. The vote in favor was unanimous.

- 2. Explore the Tourism Development fund collected in the unincorporated portions of Richland County as an option for funding** – Mr. Washington stated the committee recommended exploring the Tourism Development fund collected in the unincorporated portions of Richland County as an option for funding. The vote in favor was unanimous.

#### **b. Richland County Sports Arena**

- 1. Move forward with negotiations to purchase property** – Mr. Washington stated the committee recommended moving forward with negotiations with the land owner to purchase property.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



Richland County Council  
Regular Session  
Tuesday, May 5, 2015  
Page Twelve

Mr. Pearce stated he had received information regarding the appraisal and has questions.

Mr. Washington made as substitute motion, seconded by Ms. Dickerson, to refer back to committee in order to be more fully vetted. The vote in favor was unanimous.

### **CITIZENS' INPUT**

*{Must Pertain to Items Not on the Agenda}*

Mr. Billy Bolyston spoke regarding his car taxes.

Ms. Wendy Brawley presented a FOIA Memo to the Clerk's Office on behalf of the Hopkins Lower Richland Citizens United.

Ms. Bernice Scott spoke about the sewer survey.

### **MOTION PERIOD**

- a. **I move to amend County Code Section 2-261 – Geographic Information System, Item (d) 1-5 to eliminate the fees for GIS data [ROSE] – This item was referred to the A&F Committee.**
- b. **Septic tanks that are functioning properly should not be disallowed in Richland County. Direct staff to contact DHEC to determine why a septic that needs maintenance or repair is not allowed to be done if a public sewer is within 200 feet of the property. Property owners should not be forced to incur expenses that will burden them for years to come and a replacement septic system should be allowed provided it is shown the new system can function properly [MALINOWSKI] – This item was referred to the Sewer Ad Hoc Committee.**

### **ADJOURNMENT**

The meeting adjourned at approximately 8:02 PM.

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Torrey Rush, Chair



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

**Richland County Council**  
**Regular Session**  
**Tuesday, May 5, 2015**  
**Page Thirteen**



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Greg Pearce, Vice-Chair

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Joyce Dickerson

---

Julie-Ann Dixon

---

Norman Jackson

---

Damon Jeter

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Paul Livingston

---

Bill Malinowski

---

Jim Manning

---

Seth Rose

---

Kelvin E. Washington, Sr.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

# Richland County Council Request of Action

**Subject**

- a. Richland Library Lease

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

**Subject**

- a. Connect SC Award

# Richland County Council Request of Action

**Subject**

- a. Epworth Children's Home, Rev. John Holler

# Richland County Council Request of Action

## **Subject**

a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities, Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction

b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters

# Richland County Council Request of Action

## **Subject**

15-11MA  
Mark & Cynthia Harrelson  
RS-HD to RU (4.04 Acres)  
4430 Old Leesburg Rd.  
25002-03-03(p) **[THIRD READING] [PAGES 27-29]**

## **Notes**

First Reading: April 28, 2015  
Second Reading: May 5, 2015  
Third Reading:  
Public Hearing: April 28, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR A PORTION OF THE REAL PROPERTY DESCRIBED AS TMS # 25002-03-03 FROM RS-HD (RESIDENTIAL, SINGLE-FAMILY – HIGH DENSITY DISTRICT) TO RU (RURAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change a portion of the real property described as TMS # 25002-03-03 from RS-HD (Residential, Single-Family – High Density District) zoning to RU (Rural District) zoning; as further shown on Exhibit A, which is attached hereto and incorporated herein.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

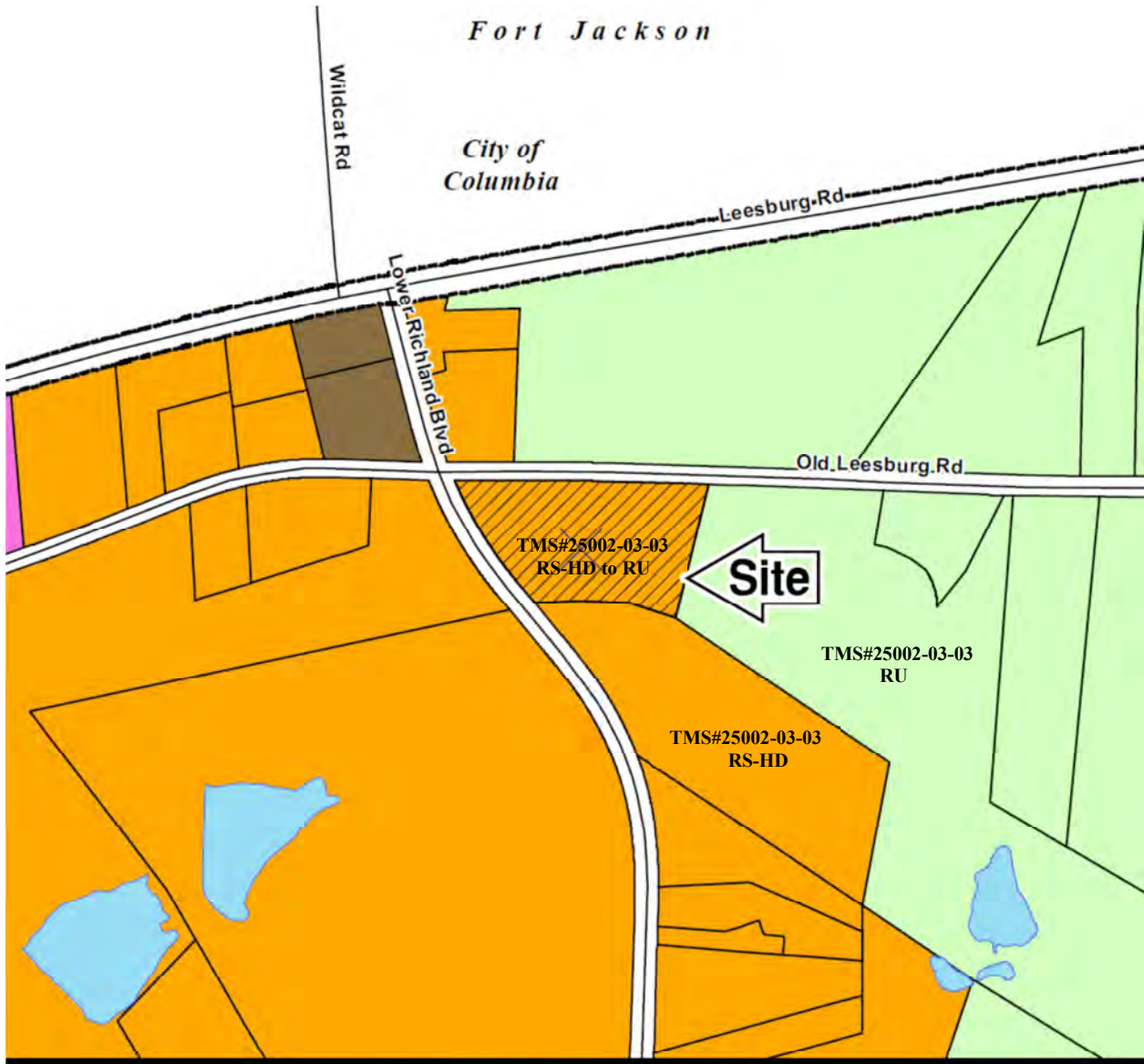
Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

Public Hearing: April 28, 2015  
First Reading: April 28, 2015  
Second Reading: May 5, 2015 (tentative)  
Third Reading:



Exhibit A



**ZONING CLASSIFICATIONS**



# Richland County Council Request of Action

## **Subject**

15-16MA  
Elias Dib  
OI to RM-MD (3.25 Acres)  
Summer Valley Dr.  
17216-10-24 [**THIRD READING**] [**PAGES 30-31**]

## **Notes**

First Reading: April 28, 2015  
Second Reading: May 5, 2015  
Third Reading:  
Public Hearing: April 28, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 17216-10-24 FROM OI (OFFICE AND INSTITUTIONAL DISTRICT) TO RM-MD (RESIDENTIAL, MULTI-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17216-10-24 from OI (Office and Institutional District) zoning to RM-MD (Residential, Multi-Family – Medium Density District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

Public Hearing: April 28, 2015  
First Reading: April 28, 2015  
Second Reading: May 5, 2015 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

15-17MA  
Two Notch Commercial Development  
MH/NC to GC (1.68 Acres)  
Two Notch Rd. & Aubrey St.  
22914-02-03 & 09 [**THIRD READING**] [**PAGES 32-34**]

## **Notes**

First Reading: April 28, 2015  
Second Reading: May 5, 2015  
Third Reading:  
Public Hearing: April 28, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 22914-02-03 FROM NC (NEIGHBORHOOD COMMERCIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT) AND TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED TMS # 22914-02-09 FROM MH (MANUFACTURED HOME DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 22914-02-03 from NC (Neighborhood Commercial) zoning to GC (General Commercial District) zoning.

Section II. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 22914-02-09 from MH (Manufactured Home District) zoning to GC (General Commercial District) zoning.

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

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

Section V. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 28, 2015  
First Reading: April 28, 2015  
Second Reading: May 5, 2015 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee **[SECOND READING]**  
**[PAGES 35-37]**

## **Notes**

First Reading: May 5, 2015

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 HOSPITALITY TAX FUND ANNUAL BUDGET TO APPROPRIATE TWO MILLION TWENTY-FIVE THOUSAND DOLLARS (\$2,025,000) OF HOSPITALITY FUND BALANCE TO PROVIDE FUNDING FOR PURCHASING PROPERTY ASSOCIATED WITH PROJECT LM AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT COMMITTEE.

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

SECTION I. That the amount of Two Million Twenty-Five Thousand Dollars (\$2,025,000) be appropriated to provide funding for purchasing property associated with Project LM. Therefore, the Fiscal Year 2014-2015 Hospitality Tax Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2014 as amended:	\$ 6,154,250
Appropriation of Hospitality Tax Fund Balance:	<u>\$ 2,025,000</u>
Total Hospitality Tax Fund Revenue as Amended:	\$ 8,179,250

EXPENDITURES

Expenditures appropriated July 1, 2014 as amended:	\$ 6,154,250
Purchasing property associated with Project LM:	<u>\$ 2,025,000</u>
Total Hospitality Tax Fund Expenditures as Amended:	\$ 8,179,250

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2015.



RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

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

OF \_\_\_\_\_, 2015

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLANDCOUNTYATTORNEY'S OFFICE

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

First Reading:            May 5, 2015 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26; Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map  
**[PAGES 38-81]**

## **Notes**

First Reading: April 28, 2015  
Second Reading: May 5, 2015  
Third Reading:  
Public Hearing: April 28, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO REMAIN IN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM UPON THE ADOPTION OF THE NEW FLOOD INSURANCE RATE MAP.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Substantial damage” is hereby amended to read as follows:

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed ~~fifty percent (50%)~~ forty percent (40%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Substantial improvement” is hereby amended to read as follows:

*Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds ~~fifty percent (50%)~~ forty percent (40%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed. Substantial improvement also means improvement on a structure on separate occasions during any ten (10) year period for which the cost of total repairs over that time exceeds forty percent (40%) of the market value of the structure.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-36, Richland County Public Works; Subsection (a), Powers and Duties Pursuant to this Chapter; is hereby amended to read as follows:

- (a) *Powers and duties pursuant to this chapter.*
  - (1) *Engineering Division/Stormwater Management Division.* The Richland County Engineering Division and the Stormwater Management Division,

under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Article VIII. of this chapter and other relevant laws and regulations pertaining to stormwater management and erosion and sediment control in Richland County:

- a. To review and approve/deny all plans for stormwater management to assure that all applicable requirements of this chapter have been satisfied.
- b. To enforce all provisions of the stormwater management and erosion and sediment control provisions of this chapter and other relevant laws and regulations relating to stormwater management. (See Sections 26-64, 26-202 and 26-203 of this chapter).
- c. To review and approve/deny all applications for land disturbance permits to assure that all applicable requirements of this chapter have been satisfied.
- d. To interpret the terms and provisions of Section 26-64 and Article VIII. of this chapter.

(2) *Flood coordinator.* The Richland County Flood Coordinator, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County:

- a. To review all applications for zoning and land disturbance permits within the FP Floodplain Overlay District to assure that all applicable requirements of this chapter have been satisfied.
- b. To advise any applicant for a zoning and/or land disturbance permit within the FP Floodplain Overlay District that additional federal or state permits may be required and require that copies of any permits or permit applications for activities on the proposed site be provided and maintained on file with the flood coordinator.
- c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina Department of Natural Resources, Land, Water and Conservation Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA.
- d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 26-106 of this chapter are met.

- e. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), to make the necessary interpretation.
- f. When base flood elevation data of floodway data have not been provided in accordance with Section 26-106 of this chapter, to obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available from a federal, state or other source at his/her discretion, in order to administer the provisions of Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- g. When a regulatory floodway has not been designated, the flood coordinator must require that no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within Zones AE and A1-30 on the community's FIRM, unless it is demonstrated by an engineer registered with the state, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community more than one (1) foot.
- h. Mail annually a notice, ~~including a copy of the application of a development permit,~~ to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property. ~~This notice shall require that owners provide this notice and a copy of the development permit to subsequent purchasers of the property.~~
- i. To serve notices of violation, issue stop work orders, revoke or suspend permits and take corrective actions for violations of Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- j. To maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- k. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-61, Review in FP Floodplain Overlay District; is hereby amended to read as follows:

**Sec. 26-61. Review in FP Floodplain Overlay District.**

- (a) *Purpose.* A floodplain development permit is required in conformance with the provisions of this chapter (particularly Section ~~26-103~~ 26-106) prior to the commencement of any development activities in the FP Overlay District. The purpose of this permit is to ensure that compliance with all regulations concerning floodplain development is achieved.
- (b) *Pre-application procedure.* No pre- application conference is required prior to applying for a floodplain development permit. Applicants are encouraged to call or visit the county's flood coordinator prior to requesting a floodplain development permit to determine what information is required for the application.
- (c) *Plan submittal.* Application for a floodplain development permit shall be made to the flood coordinator on forms furnished by the county or through the county's electronic permitting system. ~~and shall~~ The scaled plans may include, but are not limited to: the nature, location, dimensions, and elevations of the project area; existing and proposed structures; and the location of fill and compensation areas, all items required on that application. An application may be submitted by a property owner or authorized agent. The information submitted for the permit shall be certified by a land surveyor, engineer, or architect authorized by law to certify the required information and plans. Specifically the following information is required:
  - (1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by such professional. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency.
  - (2) Where When base flood elevation data is provided available, plan submittal for a development permit within the flood hazard area shall show:
    - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
    - b. If the structure will be flood-proofed in accordance with the Non-Residential Construction requirements, the elevation to which the structure will be flood-proofed.

(3) Where When base flood elevation data is not provided available, the provisions in the standards for streams without estimated base flood elevations and floodways must be met.

The information submitted for the permit shall be certified by a land surveyor, engineer, or architect authorized by law to certify the required information and plans.

- (d) *Staff review.* The county flood coordinator shall review all applications for a flood development permit and approve or deny such applications. Approval or denial of a flood development permit shall be based on all applicable provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that material may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads and bridges and public utilities and facilities such as sewer, gas, electrical and water systems; and
  - (7) The relationship of the proposed use to any comprehensive planning document for that area.
- (e) *Public notification.* No public notification is required for floodplain development permit issuance.
- (f) *Formal review.* No formal review is required for floodplain development permit review.
- (g) *Variances.* No variances are permitted from the regulations found in Section 26-106 regarding ~~on~~ floodplain development (~~Section 26-103 of this chapter~~) which are pertinent to the issuance of a floodplain development permit.
- (h) *Appeals.* The Richland County Administrator shall hear and decide appeals from determinations made by the flood coordinator. Any owner who has received a decision from the coordinator may appeal this decision to the Richland County Administrator by giving notice of appeal in writing to the flood coordinator within twenty (20) days following issuance of the decision. In the absence of an appeal, the

order of the flood coordinator shall be final. The Richland County Administrator shall hear an appeal within a reasonable time and may affirm, modify and affirm, or reverse the decision of the coordinator. Written record of the appeal decision shall be provided by the Richland County Administrator to the flood coordinator.

- (i) *Permit validity.* The effective date of a floodplain development permit shall be the date as stamped on the permit. Permits shall be valid only when signed by the flood coordinator. Any floodplain development permit issued shall become invalid if the authorized work is not commence within ~~six (6)~~ twelve (12) months after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of ~~six (6)~~ twelve (12) months after the time of commencing the work, unless an extension has been granted in writing by the flood coordinator.

- (j) *Interpretation. In the interpretation and application of Section 26-106, all provisions shall be considered as minimum requirements, liberally construed in favor of Richland County, and deemed neither to limit nor repeal any other powers granted under State law. Section 26-106 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of Section 26-106 and another provision conflict or overlap, whichever imposes the more stringent restrictions shall prevail.*

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (c), Permitted Uses, Permitted Uses with Special Requirements; is hereby amended to read as follows:

- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
  - (1) *General:* Any use permitted outright, with special requirements, or permitted as an accessory use in the general use district(s) to which the FP Overlay District is affixed to, is permitted; provided that such use complies with all applicable regulations set forth below and in the other sections of this chapter. (See however, restrictions for development in the designated floodway as set forth in subsection (d)(2)~~ih~~ below). All applications for land development permits for uses permitted in the FP Overlay District shall be reviewed by the flood coordinator in accordance with the requirements of subsection (d) below. Before the planning department may issue a land development permit, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the planning department unless otherwise appealed.
  - (2) *Permitted special exceptions.* Any use listed as a special exception in the general use district(s) to which the FP Overlay District is affixed to may be permitted by the Richland County Board of Zoning Appeals as set forth in Section 26-56 of this chapter; provided that such uses comply with all applicable regulations set forth below and in the other sections of this chapter. (See, however, restrictions for



development in the designated floodway as set forth in subsection (d)(2)~~ih~~. below). All applications for special exceptions in the FP Overlay District shall be reviewed by the flood coordinator prior to review by the board of zoning appeals in accordance with the requirements of subsection (d) below. Before the board of zoning appeals may approve a special exception, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the board of zoning appeals.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (1), General Standards; is hereby amended to read as follows:

(1) *General standards.*

- a. Before a permit is issued, the applicant shall demonstrate that encroachments onto the floodplain are minimized. New development, if permitted in the area of special flood hazard, shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway. As used in this paragraph, the term “minimize” shall mean the lowest degree of interruption (i.e. the uniformity or continuity) to the natural course of action or activity.

~~b. General reasons for disapproval of flood development permit application. New construction, substantial improvements, or other development (including fill) shall not be approved in a special flood hazard area if it does any of the following:~~

- ~~1. Adversely affects the capacity of channels or floodways of any watercourse in the floodplain area to convey the regulatory flood or any flood of more frequent occurrence.~~
- ~~2. Would measurably increase, based on FEMA approved hydrologic models, flood flows or flood heights, or increase flood damage upon off-site properties during the occurrence of the regulatory flood or any flood of more frequent occurrence.~~
- ~~3. Would individually or cumulatively, when combined with all other existing and anticipated development (assuming an equal degree of encroachment for a significant reach on both sides of the watercourse), increase flood levels or expose additional upstream, downstream, or adjacent properties to adverse flood effects due to flooding during the regulatory flood or any flood of more frequent occurrence.~~

~~4. Increases velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property upstream or downstream.~~

~~5. Does not provide compensatory storage for any measurable loss of flood storage capacity.~~

~~e. *Eneroachments that result in increase in flood levels.* Any eneroachment in special flood hazard areas, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the regulatory flood or any flood of more frequent occurrence shall be prohibited.~~

db. *Anchoring.* All new construction and/or substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structures.

ec. *Materials/methods to be used.* All new construction and/or substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage. All new construction and/or substantial improvements shall be constructed by methods and practices that minimize flood damages.

fd. *Electric, ventilation, plumbing, heating, and air conditioning equipment.* Electric, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, shall be designed and elevated two (2) feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding as specifically provided for below:

1. *When not substantial improvement.* The replacement of existing electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork) and other service facilities, that do not constitute a substantial improvement, are encouraged to be elevated at least two (2) feet above the base flood elevation, but they may be located at the original location and elevation.

2. *New construction and substantial improvement.* All electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, for new construction ~~or~~ and substantial

improvement must be elevated at least two (2) feet above the base flood elevation.

3. *Outdoor faucets.* The requirements listed above do not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc. as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

ge. *Water and sanitary sewage systems.* All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the sanitary sewage systems into flood waters.

hf. *On-site waste disposal systems.* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

ig. *Foundation systems.* Hydrodynamic pressure must be considered in the design of any foundation system when velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five (5) feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

jh. *Non-conforming buildings or uses (see also Article X. of this chapter on nonconforming uses generally).* Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this section. Provided, however, nothing in this section shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, if the bulk of the building or structure below base flood elevation in the floodway is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section. Reconstructions or replacements of existing buildings or structures shall be placed with their longitudinal axis parallel to the predicted direction of the flow of flood waters or be placed so that their longitudinal axis are on lines parallel to those of adjoining structures so as to offer the minimum resistance to the flow of floodwaters.

ki. *American with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction as outlined in

subsection (d)(2) below, as well as any applicable ADA requirements. The cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

- ~~h.~~ *Watercourse alterations and maintenance.* In addition to the notifications required for watercourse alterations per Section 26-36 (a) (2) c., a maintenance requirement will be included in Floodplain Development Permits whenever a watercourse is altered or relocated within a Special Flood Hazard Area. Such maintenance activities shall ensure that the flood-carrying capacity of the watercourse is not diminished, and shall consist of periodic inspections, and routine channel clearing and dredging, or other related functions. In addition, the permittee shall keep a written record describing all maintenance activities performed, the frequency of performance, and the name of the person(s) responsible for such maintenance and provide copies to the Flood Coordinator. The Flood Coordinator shall keep permitting records on file for FEMA inspection.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph a.; is hereby amended to read as follows:

- a. *Residential construction.* New construction ~~or~~ and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph b.; is hereby amended to read as follows:

- b. *Nonresidential construction.* New construction ~~or~~ and substantial improvement of any commercial industrial, or nonresidential structure shall have the lowest floor (including basement), or mechanical and utility equipment, elevated no lower than two (2) feet above the level of the base flood elevation or be flood-proofed to a level no lower than two (2) feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight with walls substantially

impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below. A land surveyor, engineer, or architect authorized by law to certify such information shall certify that the standards of this subsection are satisfied. Flood-proofed structures shall have an approved maintenance plan with an annual exercise as required by FEMA. The maintenance plan must be approved by the flood coordinator and notification of the annual exercise shall be provided to same.

**SECTION IX.** The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph f., Elevated Buildings; is hereby amended to read as follows:

- f. *Elevated buildings.* New construction ~~or~~ and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls and are used solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and are subject to flooding, shall be designed to preclude finished space and shall be designed to automatically equalize flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - 1. *Designs for elevated buildings.* Designs for complying with this requirement must either be certified by a land surveyor, engineer, or architect authorized by law to certify such information, or meet the following minimum criteria:
    - [a] Provide a minimum of two (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - [b] The bottom of all openings shall be no higher than one (1) foot above grade;
    - [c] Only the portions of openings that are below the base flood elevation can be counted towards the required net opening amount;
    - [ed] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they

permit the automatic flow of floodwaters in both directions, including engineered vents; and

[~~e~~] Fill placed around foundation walls shall be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

2. *Access to enclosed area.* Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standards exterior door) or entry to the living area (stairway or elevator).
3. *Interior portion of enclosed area.* The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a limited storage area. In addition, the interior portion must be void of utilities, except for essential lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation as specified in subsections (d) (2) a., b., and d., above.
4. *Construction materials.* All construction materials below the required lowest floor elevation, as specified in subsections (d) (2) a., b., and d. above, shall be of flood resistant materials.

SECTION X. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph g., Temporary Structures; is hereby deleted in its entirety; and all subsequent subparagraphs shall be re-alphabetized in correct alphabetical order.

~~g. *Temporary structures.* Certain types of temporary structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or flood-proofing criteria of subsections (d)(2)a. and b. above, respectively, provided that the following criteria are met:~~

- ~~1. *Temporary development permit procedure.* All applicants must submit to the flood coordinator, prior to the issuance of a temporary development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be~~

~~reviewed and approved in writing, and must include the following information:~~

~~[a] A specified time period that the temporary use will be permitted;~~

~~[b] The name, address, and phone number of the individual responsible for the removal of temporary structures or development;~~

~~[c] The time frame for removal of any structures in the event of a flooding event, with a minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification;~~

~~[d] Unless movable by the owner, a copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed;~~

~~[e] Designation, accompanied by documentation, of a location outside the floodplain where any temporary structure will be moved; and~~

~~[f] A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.~~

~~2. *Structure mobility.* The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.~~

~~3. *Time on property.* The structure will not remain on the property for more than one hundred and eighty (180) days.~~

SECTION XI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; new Subparagraph g., Accessory Structures; is hereby amended to read as follows:

- g. *Accessory structures.* ~~An accessory structure or garage, the cost of which is greater than \$1,000.00 must comply with the elevated structure requirements of subsection (d) (2) a. and b. above. When accessory structures of \$1,000.00 or less are to be placed in the floodplain, the following criteria shall be met: An accessory structure greater in value than ten thousand dollars (\$10,000) or a detached garage larger than a two-car garage (greater larger than 600 sq. feet).~~

must comply with the construction requirements of subsections (d) (2) a. and b., above. When an accessory structure used for limited storage or parking, (valued at less than \$10,000) and is smaller than or equal to 600 square feet, is placed in the floodplain, the following criteria shall be met:

1. *One-story.* Accessory structures shall be no higher than a single-story building.
12. *Not for habitation.* Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
23. *Flood damage potential.* Accessory structures shall be designed to have low flood damage potential;
34. *Placement.* Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
45. *Anchoring.* Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;
56. *Service facilities.* Service facilities, such as electrical and heating equipment, shall be installed in accordance with subsection (d) (1) f. above; and
67. *Openings.* Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (d) (2) f. above.

SECTION XII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; new Subparagraph i., Fill; is hereby amended to read as follows:

- i. *Fill.* Fill is ~~discouraged because storage capacity is removed from floodplains, natural drainage patterns are adversely altered and erosion problems can develop and wildlife habitat can be diminished~~ the placement of natural sands, dirt, soil, or rock above the natural grade in order to raise the elevation of the ground. Dredged material may only be used as fill upon certification of suitability by a registered professional geotechnical engineer. The use of fill shall be limited to the elevation of individual structures (including garages and garage aprons), utilities,



infrastructure, and public road crossings. Other methods of elevating structures should be considered first.

1. To allow the elevation of individual structures, the amount of fill used shall be the minimum necessary. Floodplain authorization for fill shall be based on findings by the county engineer that the minimum fill being used for raising the structure is the most feasible alternative.
2. Fill, if approved, shall meet the following conditions:
  - [a] The flood storage capacity of the floodplain shall not be affected and flood heights shall not be increased ~~by more than 0.049 feet unless compensatory storage is provided on the same parcel or within the same watershed.~~ The space occupied by the authorized fill below Base Flood Elevation for all encroachment within the special flood hazard areas within unincorporated Richland County, with the exception of the special flood hazard area adjacent to Lake Murray, shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the Base Flood Elevation. All such excavations shall be constructed to drain freely to the watercourse.
  - [b] Flooding from any source shall not be increased for neighboring properties. Neighboring and adjacent properties shall not be adversely affected in any way nor shall drainage problems be caused or aggravated as a result of fill.
  - [c] Fill shall not be placed in the floodway except for essential utilities and necessary infrastructure, and must meet the approval of the county engineer.
  - [d] Fill shall not be placed in nontidal wetlands without the required state and federal permits.
3. In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the county engineer may require submission of hydrologic and hydraulic analyses to adequately demonstrate that the effects of the proposed fill will not increase flooding on neighboring properties. Additional fill for landscaping purposes is not permitted. Landscaping mulch (tree bark or pine needles) is not considered fill and is allowed.

4. Where allowed, fill material shall meet the following additional requirements:

~~[a] Fill shall only consist of soil, rock materials, or other material approved by the county engineer. Landfills, dumps, and sanitary soil fills shall not permitted. Dredged material may be used as fill only upon certification of suitability by a registered professional engineer.~~

[ba] Fill material shall be compacted to 95% of the maximum density, obtainable with the standard proctor test method issued by The American Society For Testing And Materials (ASTM standard D-698) to provide the necessary stability and resistance to erosion, scouring or settling.

~~[c] Fill slopes shall be no steeper than one vertical to two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the county engineer.~~

[db] Fill shall be performed in such manner as to maintain or increase flood storage and conveyance capacity, and to not increase FEMA base flood elevations, nor to have an adverse impact on neighboring properties.

~~[e] Fill shall not cause an increase in the base flood elevation by more than 0.049 feet. Applicants shall further demonstrate that the cumulative effect of the proposed development, when combined with all other existing development, will not increase the base flood elevation at any point within the county by more than 0.049 feet.~~

[fc] All fill placed at or below the flood elevation in the floodplain shall be balanced with at least an equal amount of soil material removal from the same parcel(s) or from sub-watershed for all special flood hazard areas within unincorporated Richland County, with the exception of the special flood hazard area adjacent to Lake Murray. Compensatory storage required to offset floodplain fill must be created before the project begins and should be available throughout the construction period. The required volume of compensatory storage must be provided within the project boundary. ~~The applicant shall demonstrate, using a South Carolina registered professional engineer, no net loss of floodplain storage for 10, 50, and 100 year storm events.~~

[~~gd~~] Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm conditions.

[~~he~~] Fill shall be performed in a manner to maintain or increase slope stability and maintain or decrease erosive velocities. Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.

[~~if~~] Applicants must submit an as-built survey certification by a South Carolina registered professional engineer that demonstrates that the required volume of storage has been created on site in order to ensure no net loss as outlined and demonstrated per the approved plans.

~~[j]. The use of fill shall not have an adverse impact on neighboring properties.~~

5. ~~The county engineer shall inspect the fill activity. A certification sealed by a professional engineer registered in South Carolina shall be submitted prior to approval of a building permit for compliance with this section. The engineer must provide calculations and complete the county's engineering "No Impact Certification" form. Any change in the flood flow within a regulatory floodplain through fill must be submitted and approved through the FEMA "Letter of Map Revision" process in addition to review by the flood coordinator and county engineer. The county engineer shall provide a copy of the letter of approval, approved site plans, and signed "No Impact Certification" issued by FEMA to the floodplain coordinator.~~

6. A South Carolina registered professional engineer shall certify that all of the above standards and requirements within this subsection ~~26-104 (j)~~ 26-106 (i) have been met.

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (e), Standards for Streams Not Having Established Base Flood Elevations and/or Floodways; is hereby amended to read as follows:

(e) *Standards for streams not having established base flood elevations and/or floodways.* Located within the areas of special flood hazard are small streams where no base flood elevation data have been provided ~~or~~ and where no

floodways have been identified. The following provisions shall apply to these areas:

No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within one hundred (100) feet of the stream bank unless certification (with supporting technical data by a South Carolina licensed and/or registered land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such data shall be submitted to the flood coordinator.

~~(1) — *Activity within one hundred (100) feet of the stream bank.* — No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within one hundred (100) feet of the stream bank unless certification (with supporting technical data by a land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such data shall be submitted to the flood coordinator.~~

~~(2) — *Elevation.* — In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated so that the lowest floor is no less than three (3) feet above the highest adjacent grade at the building site.~~

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (f), Standards for Subdivision/Planned Development Community/Large-Scale Development Proposals; Paragraph (1), General; is hereby amended to read as follows:

- (1) *General.* ~~All subdivisions, planned development communities, and large-scale development proposals shall be consistent with the need to minimize or eliminate flood damage. Base flood elevation data provided through hydrologic and hydraulic modeling performed in accordance with FEMA standards showing that there is no rise in the base flood elevation for the community and no risk to human health and welfare shall be provided. All such developments shall be designed so as not to create or increase the level of flooding existing at the time of development. In all areas where base flood elevation data are not available, applications for subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less, shall include a hydrologic and hydraulic analysis that generates base flood elevations. In lieu of the aforementioned, the entire Zone A special flood hazard area shall be placed in a perpetual deeded open space.~~

SECTION XV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay

District; Subsection (g), Standards for Areas of Shallow Flooding (AO and AH Zones); is hereby amended to read as follows:

- (g) *Standards for areas of shallow flooding (AO and AH Zones).* Located within the areas of special flood hazard are areas designated as shallow flooding. The following provisions shall apply within such areas:
- (1) *Residential structures.* All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. ~~If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.~~
  - (2) *Nonresidential structures.* The lowest floor (including the basement) for all new construction and substantial improvements of nonresidential structures shall meet one of the following standards:
    - a. *Elevation.* The nonresidential structures(s) shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. ~~If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade;~~ or,
    - b. *Construction.* The nonresidential structure(s), together with attendant utility and sanitary facilities, must be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A land surveyor, engineer or architect authorized by law to certify such information shall submit a certification to the flood coordinator that the standards of this section are satisfied. There shall be adequate drainage paths around structures on slopes to guide floodwaters around and away from the proposed structures.
  - (3) Slopes. All structures on slopes must have drainage paths around them in order to guide water away from such structure; provided, however, such drainage paths must not adversely affect adjacent properties.

SECTION XVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (h), Standards for Levees; Paragraph (1), General Standards; is hereby amended to read as follows:

- (1) *General standards.* All levees protecting residential structures or nonresidential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps as determined by appropriate hydrologic methods. Any levee constructed or improved under this subsection shall also comply with the other applicable provisions of Section ~~26-203~~ 26-202 of this chapter.

SECTION XVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (h), Standards for Levees; Paragraph (2), Specific Standards; Subparagraph a., Design and Construction; is hereby amended to read as follows:

- a. *Design and construction.* Design and construction shall be in accordance with the latest edition of the U.S. Army Corps of Engineers' Manual EM 1110-2-1913 ~~(31 March 1978)~~ Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the latest edition of the U.S. Army Corps of Engineers' Manual EM 1110-2-1413 ~~(15 Jan 1987)~~ Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the Corps of Engineers.

SECTION XVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (2), Primary Drainage Channel Requirements; Subparagraph d., Areas of Special Flood Hazard; is hereby amended to read as follows:

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction or substantial improvement shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is used to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of non-residential structures are permitted within the floodplain if properly "flood-proofed" in compliance with Section ~~26-104(d)~~ 26-106(d) of this chapter and all applicable building code requirements.

SECTION XIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (2), Primary Drainage Channel

Requirements; Subparagraph g., Structures or Obstructions in Regulatory Floodway; Clause 1.; is hereby amended to read as follows:

1. Such proposed impediment is a permitted use pursuant to Section ~~26-104(d)(2)~~; 26-106 (d) of this chapter; or

SECTION XX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (3), Secondary Drainage Channel and Surface Requirements; Subparagraph d., Areas of Special Flood Hazard; is hereby amended to read as follows:

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction, or substantial improvement of residential structures, shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is added to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of structures are permitted within the floodplain if properly “flood-proofed” in compliance with Section ~~26-104(d)~~ 26-106 (d) of this chapter and all applicable building code requirements.

SECTION XXI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (5), Design Criteria for Improvements; Subparagraph d., Levees; Clause 1., USACE Manuals; is hereby amended to read as follows:

1. *USACE Manuals.* Design and construction shall be in accordance with the latest edition of the USACE’s Manual EM 1110-2-1913 ~~(31-March-1978)~~ Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the latest edition of the USACE’s Manual EM 1110-2-1413 ~~(15-Jan-1987)~~ Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he/she has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the corps of engineers

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

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

SECTION XXIV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

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

OF \_\_\_\_\_, 2015

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Public Hearing: July 1, 2014  
Second Public Hearing: April 28, 2015  
First Reading: April 28, 2015  
Second Reading: May 5, 2015 (tentative)  
Third Reading:



## MEMORANDUM

**TO:** Sparty Hammett, Assistant County Administrator  
**THROUGH:** Ismail Ozbek, Public Works Director  
**FROM:** Andrea Bolling  
**SUBJECT:** Updated FEMA Flood Maps  
**DATE:** May 14, 2015

In response to the comments and questions from Councilman Pearce during the May 5, 2015 County Council meeting regarding the new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), please find attached the following:

- An overall county map showing the current and preliminary delineation of the special flood hazard areas (SFHA) within the County;
- A map index and larger scale maps by Council District for additional detail; and
- A summary of the changes to the base flood elevations along the Congaree River approximately 3.5 miles upstream and 3.5 miles downstream of I-77.

The attached information provides details from the preliminary Richland County FIRMs that were released on April 30, 2015. Please note that all of this information is currently going through quality assurance and quality control with FEMA. There may be changes in the upcoming weeks.

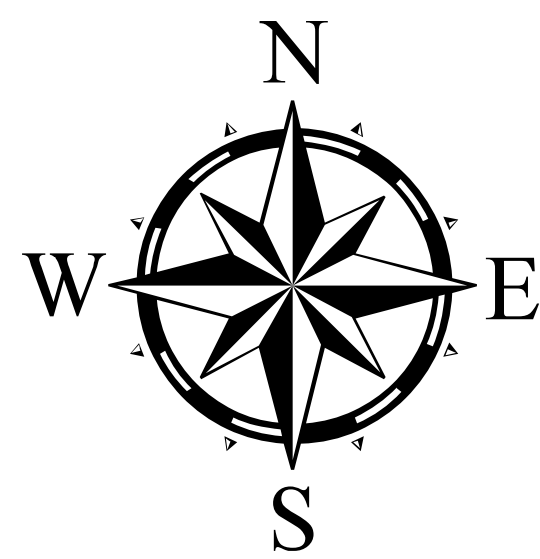
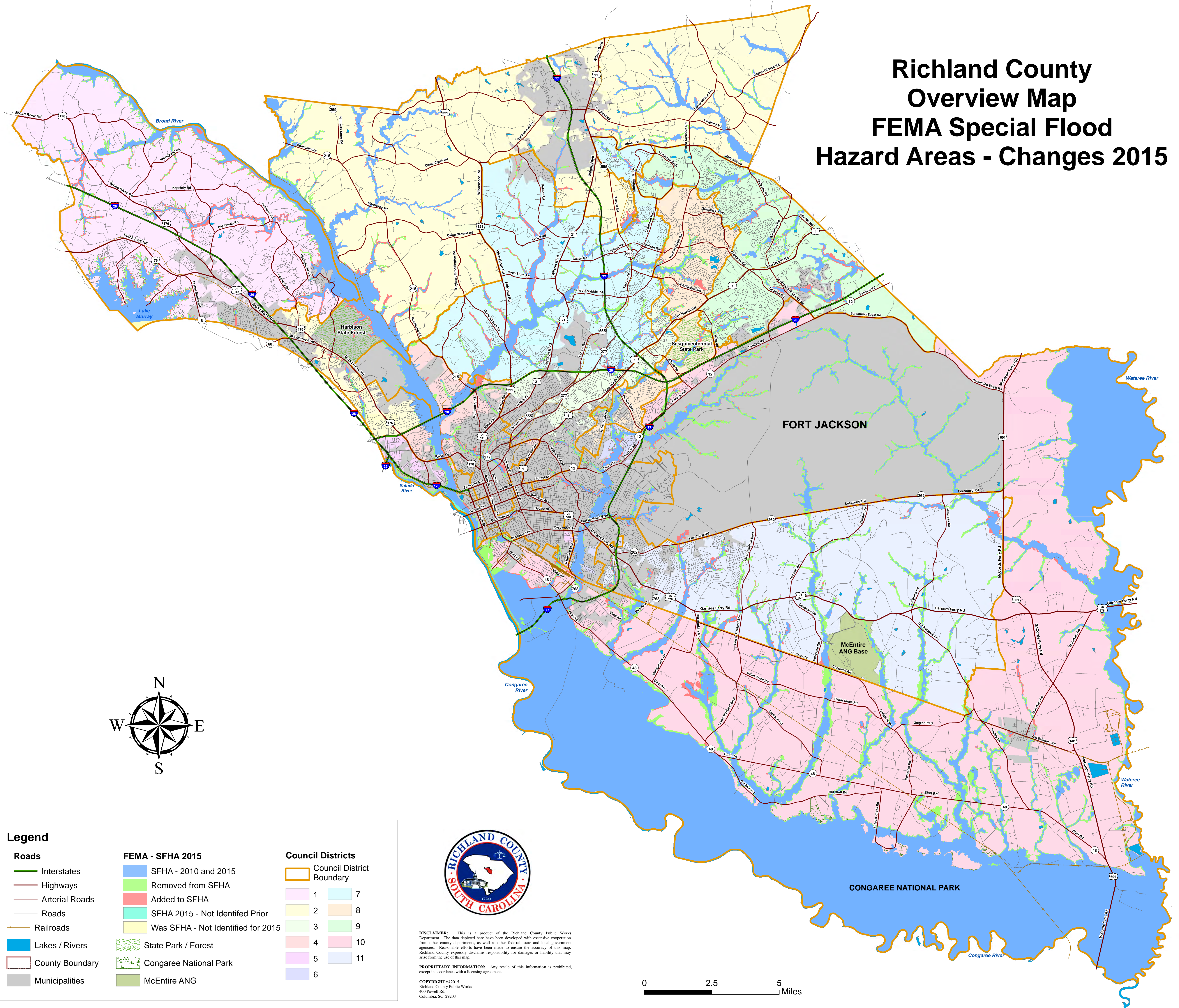
At this point in the remapping process, the preliminary maps have been released. The data is available in paper form at the County Administration Building and electronically on the FEMA website. A Preliminary DFIRM Community Coordination (PDCC) meeting is scheduled for June 24, 2015. Following the PDCC meeting, also on June 24, FEMA will host the Public Open House at 2020 Hampton Street. At the Open House, County staff will provide citizens information on their specific property. FEMA will have representative to answer questions about the data used to develop the model/map, insurance, grants, and appeals.

Once the Public Open House is completed, 2 postings in the newspaper will be done in addition to the Federal Register Publication. At which time, the 90-day appeal and comment period begin. Once any and all appeals and comments are resolved, a Letter of Final Determination is sent out and the six month compliance period begins. During the compliance period, County Council will need to adopt the FIS and maps in County floodplain ordinance. This is done by updating the date of the effective map and study in the ordinance. The Final Maps and Flood Insurance Study would then be printed and distributed by FEMA's Map Service Center.

The properties of the County currently located in the Special Flood Hazard Area (SFHA) based on the 2010 map and those being added to SFHA based on the preliminary maps will be sent the annual Flood Happens brochure that includes the information on the Public Open House date, location, and time. The Public Information Office will also provide the Public Open House information to the media and update the County website as the event approaches.



# Richland County Overview Map FEMA Special Flood Hazard Areas - Changes 2015



## Legend

<b>Roads</b>	<b>FEMA - SFHA 2015</b>	<b>Council Districts</b>
Interstates	SFHA - 2010 and 2015	Council District Boundary
Highways	Removed from SFHA	1
Arterial Roads	Added to SFHA	2
Roads	SFHA 2015 - Not Identified Prior	3
Railroads	Was SFHA - Not Identified for 2015	4
Lakes / Rivers	State Park / Forest	5
County Boundary	Congaree National Park	6
Municipalities	McEntire ANG	7
		8
		9
		10
		11



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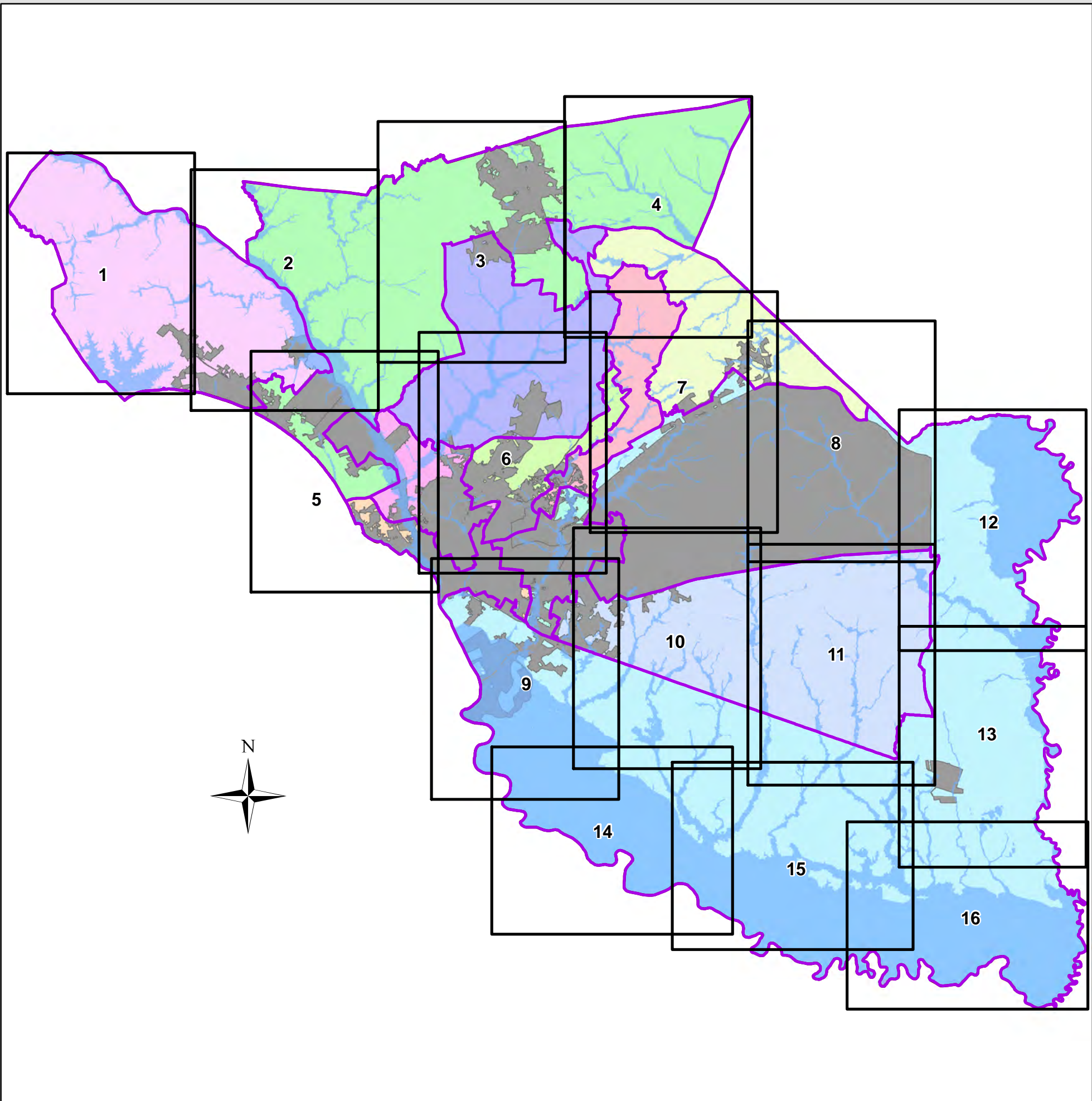
0 2.5 5 Miles



# Richland County, SC



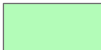

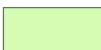


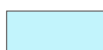


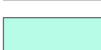

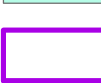
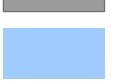
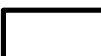
## FEMA Special Flood Hazard Areas Changes: 2015

### Council Districts and Grid Index



### Legend

#### COUNCIL DISTRICT AND CORRESPONDING MAPS

	1	Map 1, 2		7	Map 3, 4, 5, 6, 7
	2	Map 2, 3, 4, 5, 6		8	Map 4, 6, 7
	3	Map 6, 7		9	Map 4, 7, 8
	4	Map 5, 6		10	Map 7 - 16
	5	Map 5, 6, 9		11	Map 9, 10, 11
	6	Map 6, 7, 9, 10		Municipalities	
	Council District Boundary			SFHA - New 2015 Maps	
	Map Grid Boundary				



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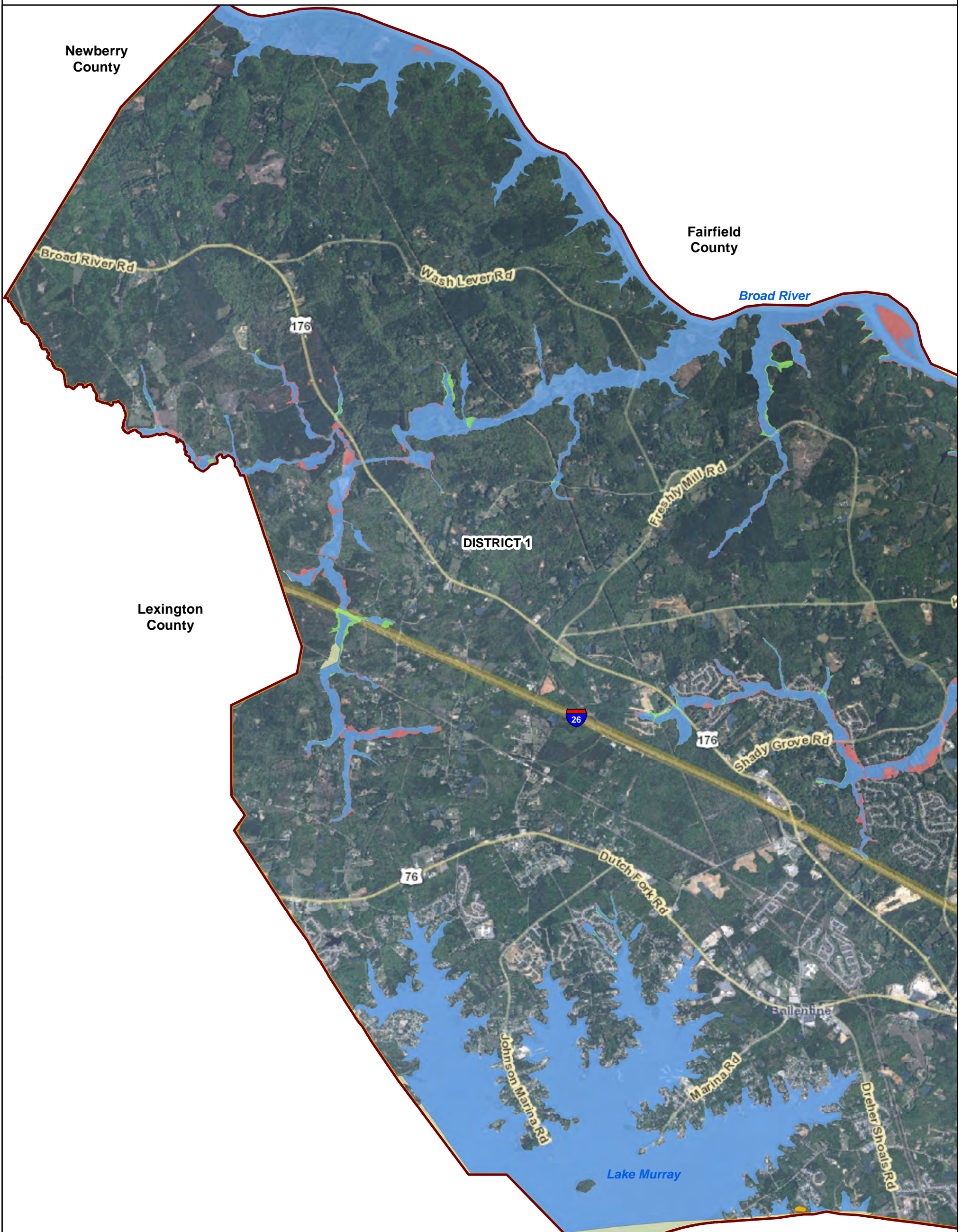
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 1



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

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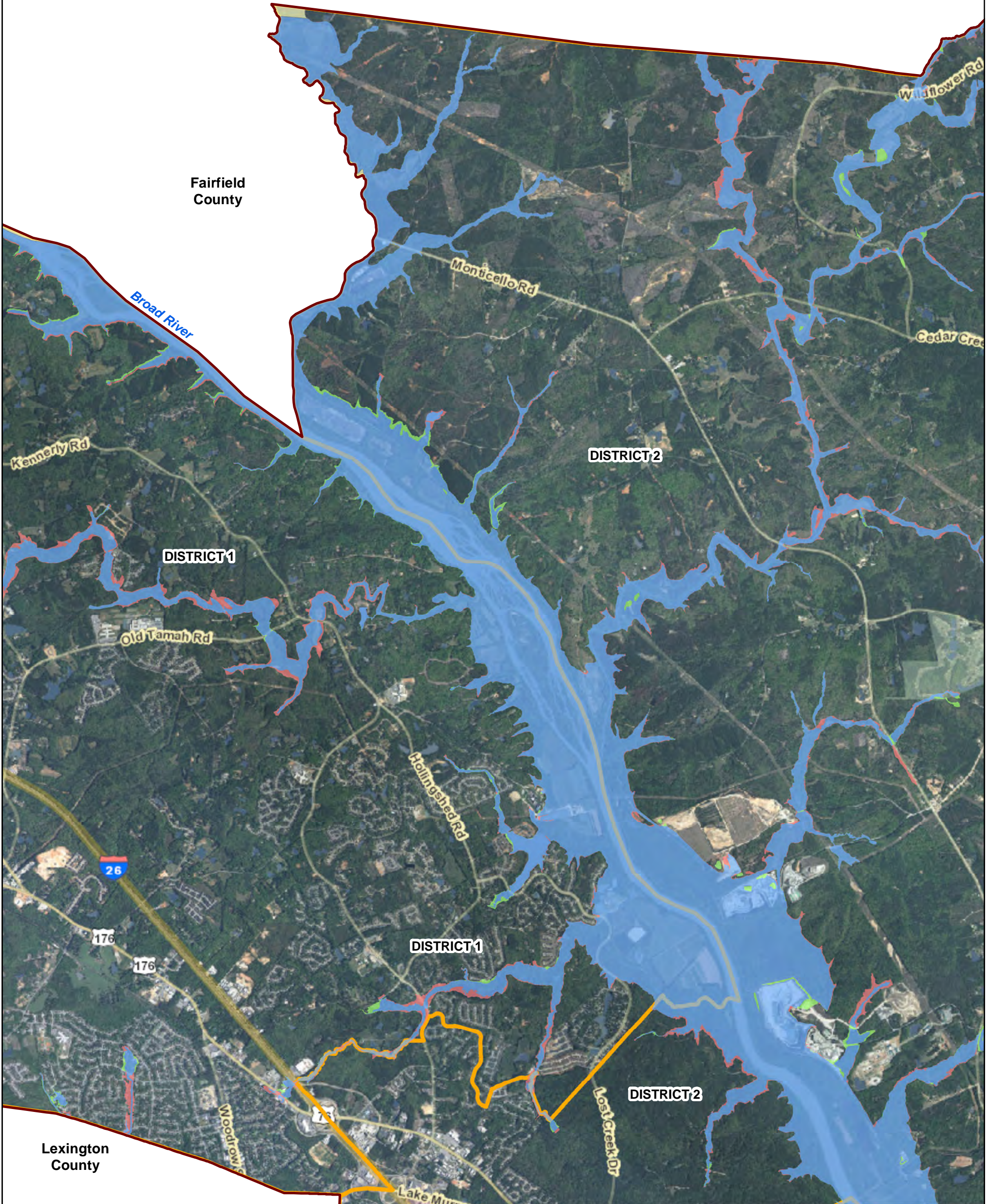
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 2



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts

0 0.25 0.5 1  
Miles



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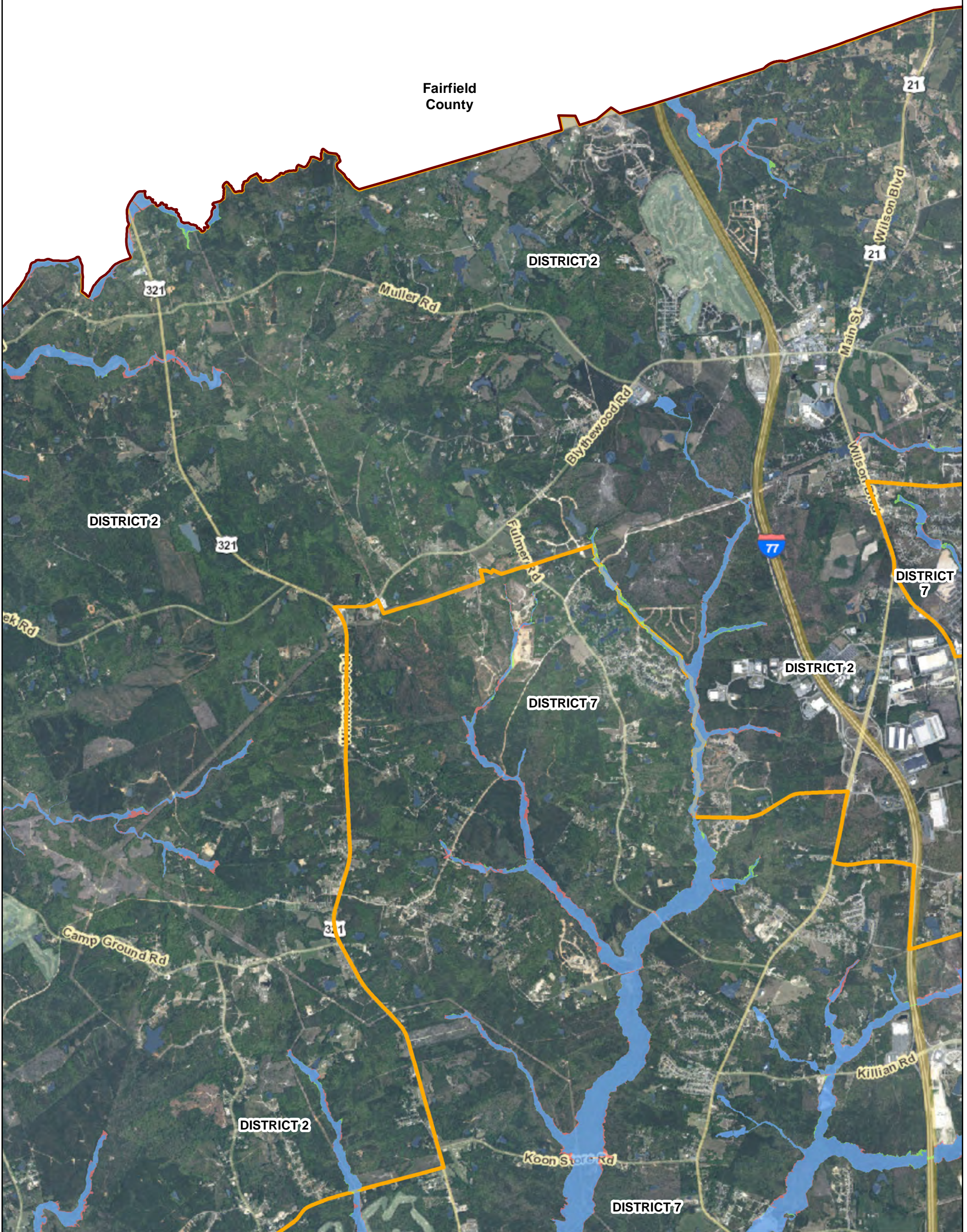
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 3



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

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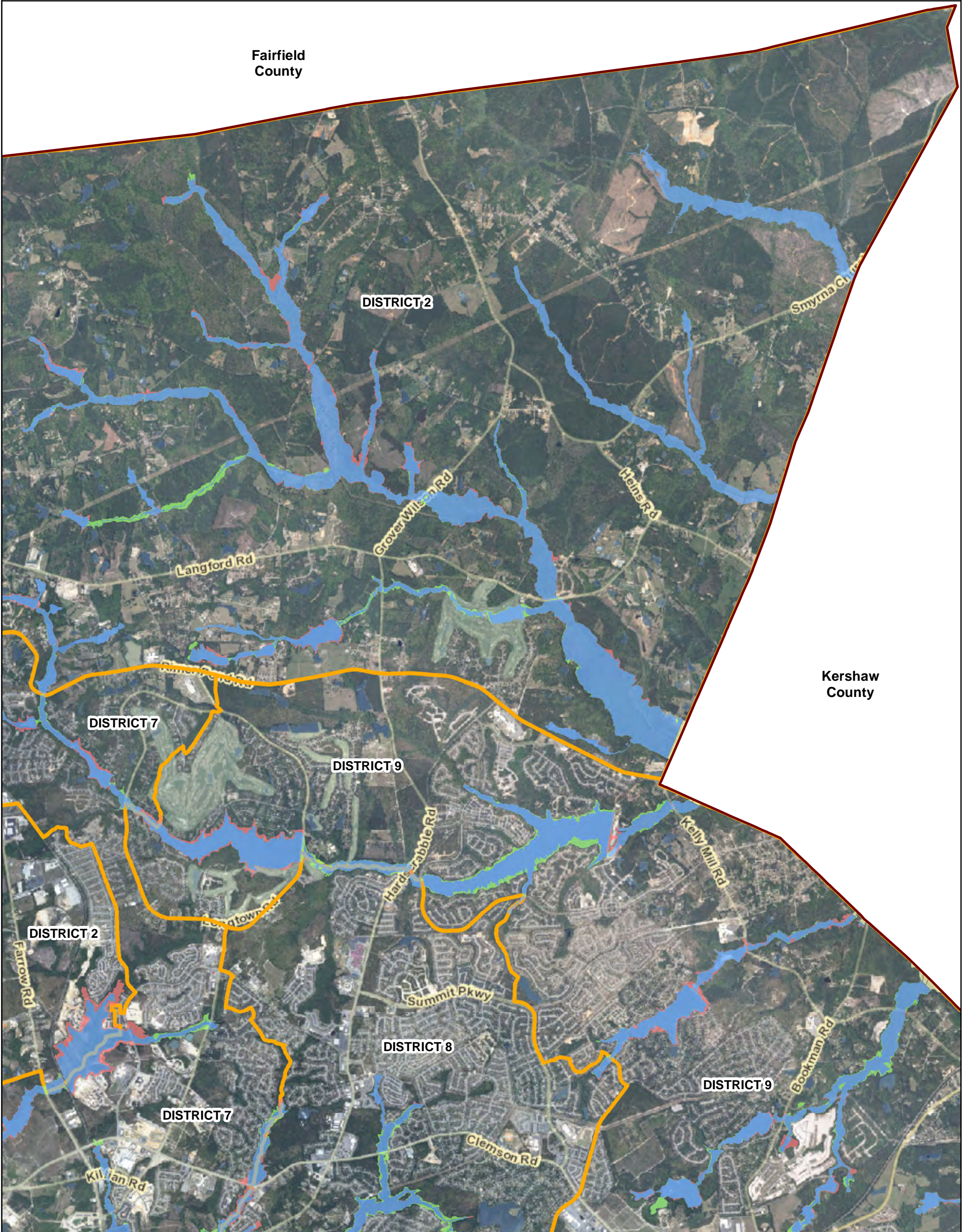
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 4

Fairfield County



Kershaw County

### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

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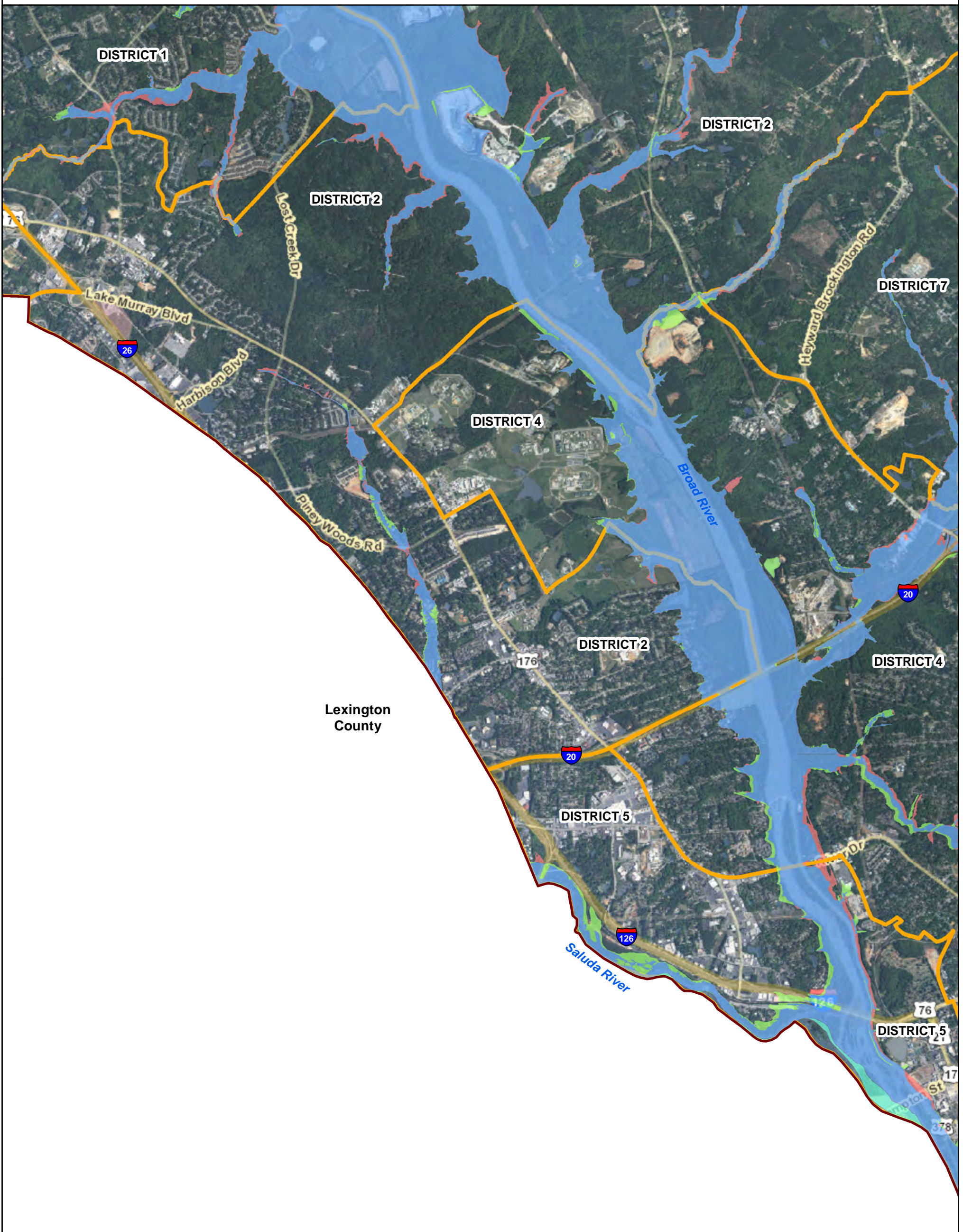
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 5



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

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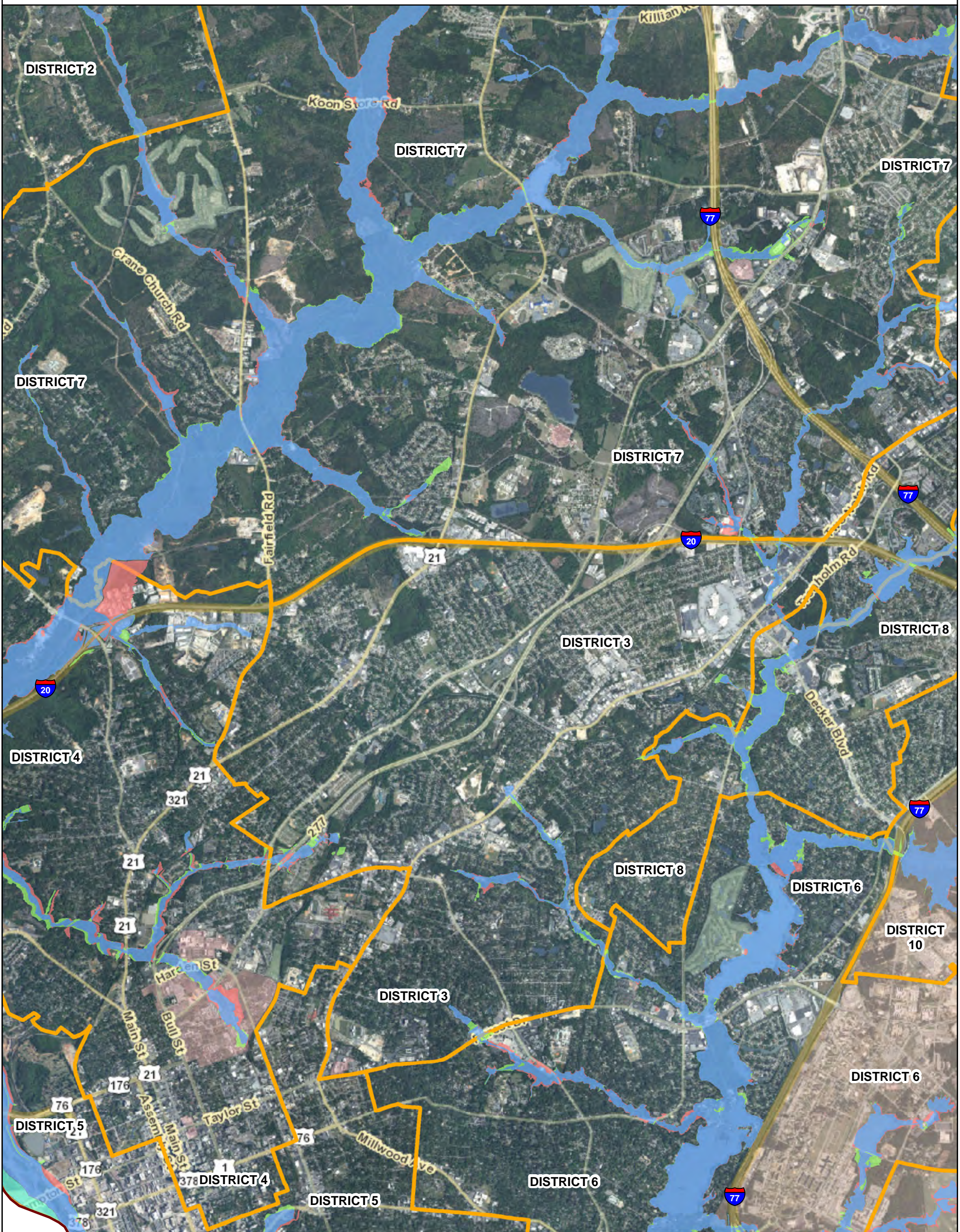
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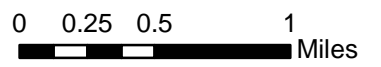
# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 6



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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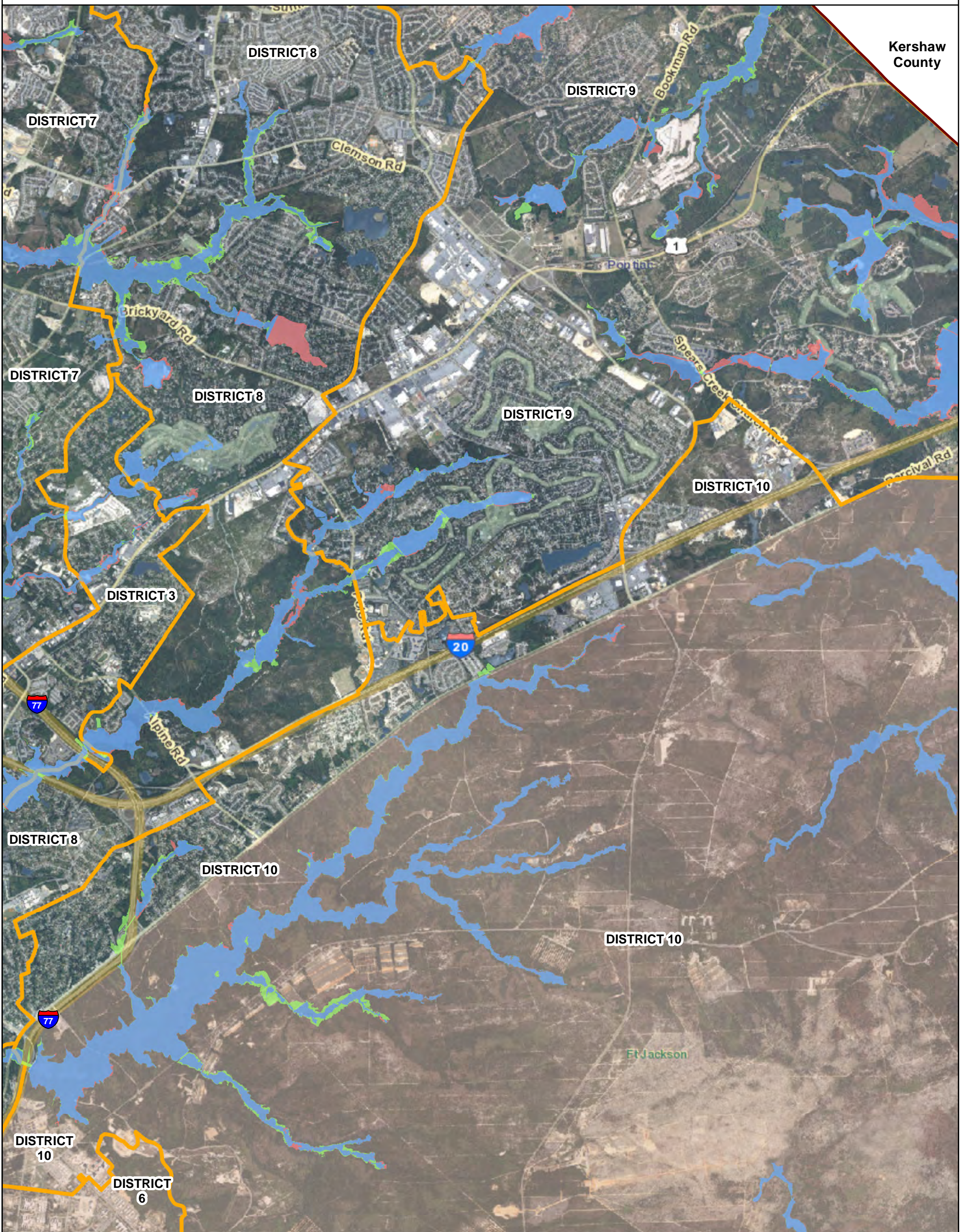
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 7



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

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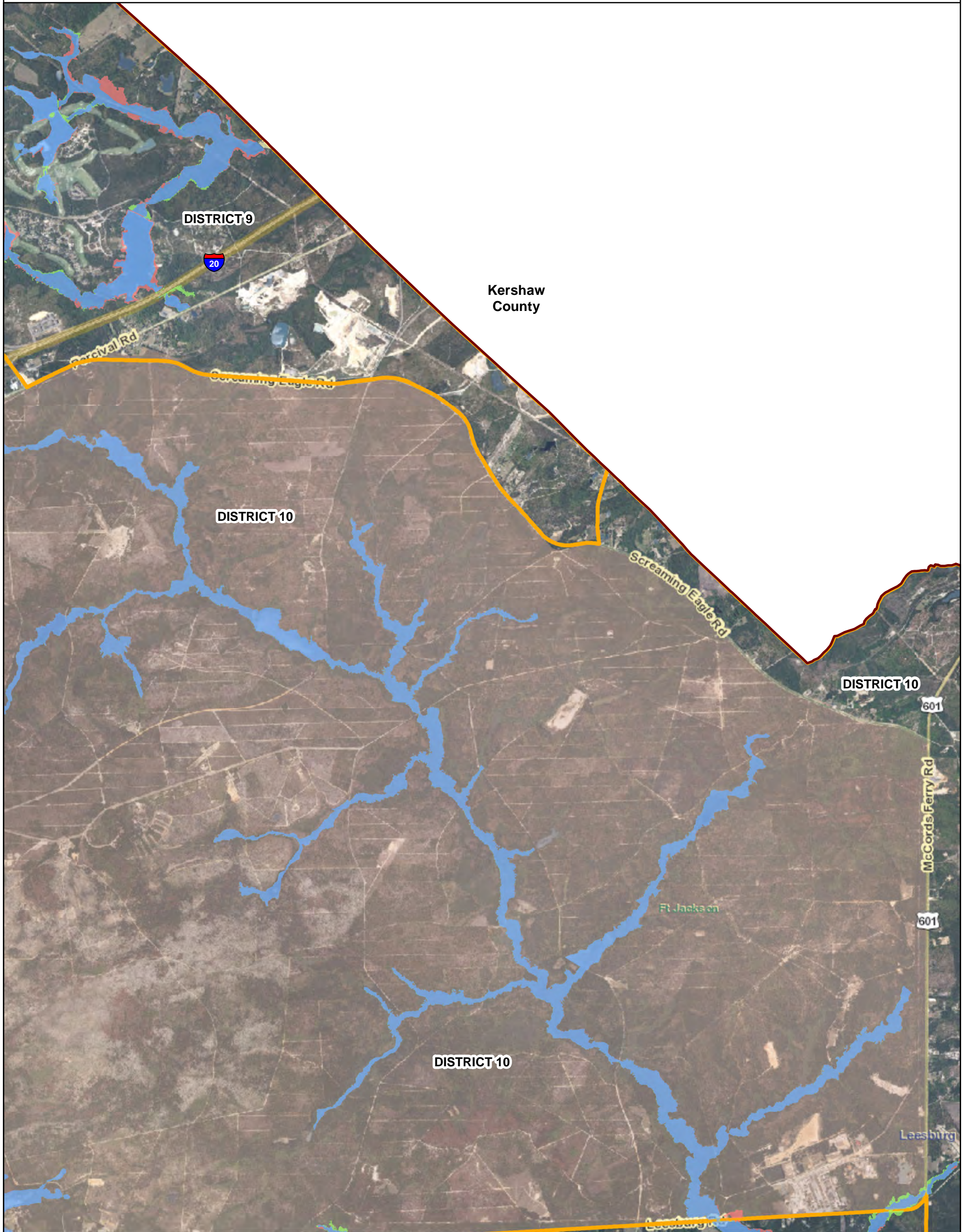
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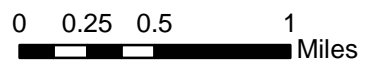
# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 8



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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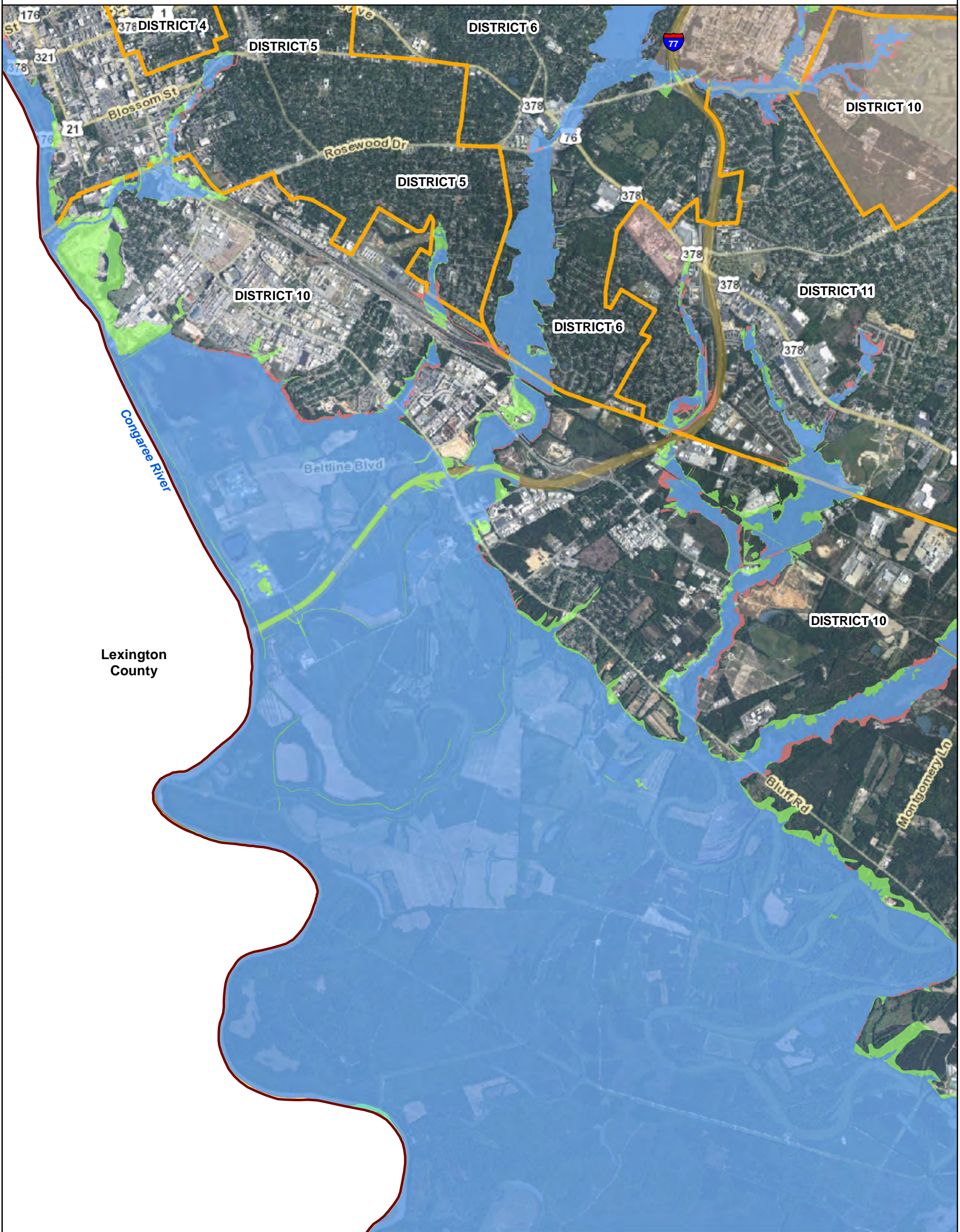
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 9



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

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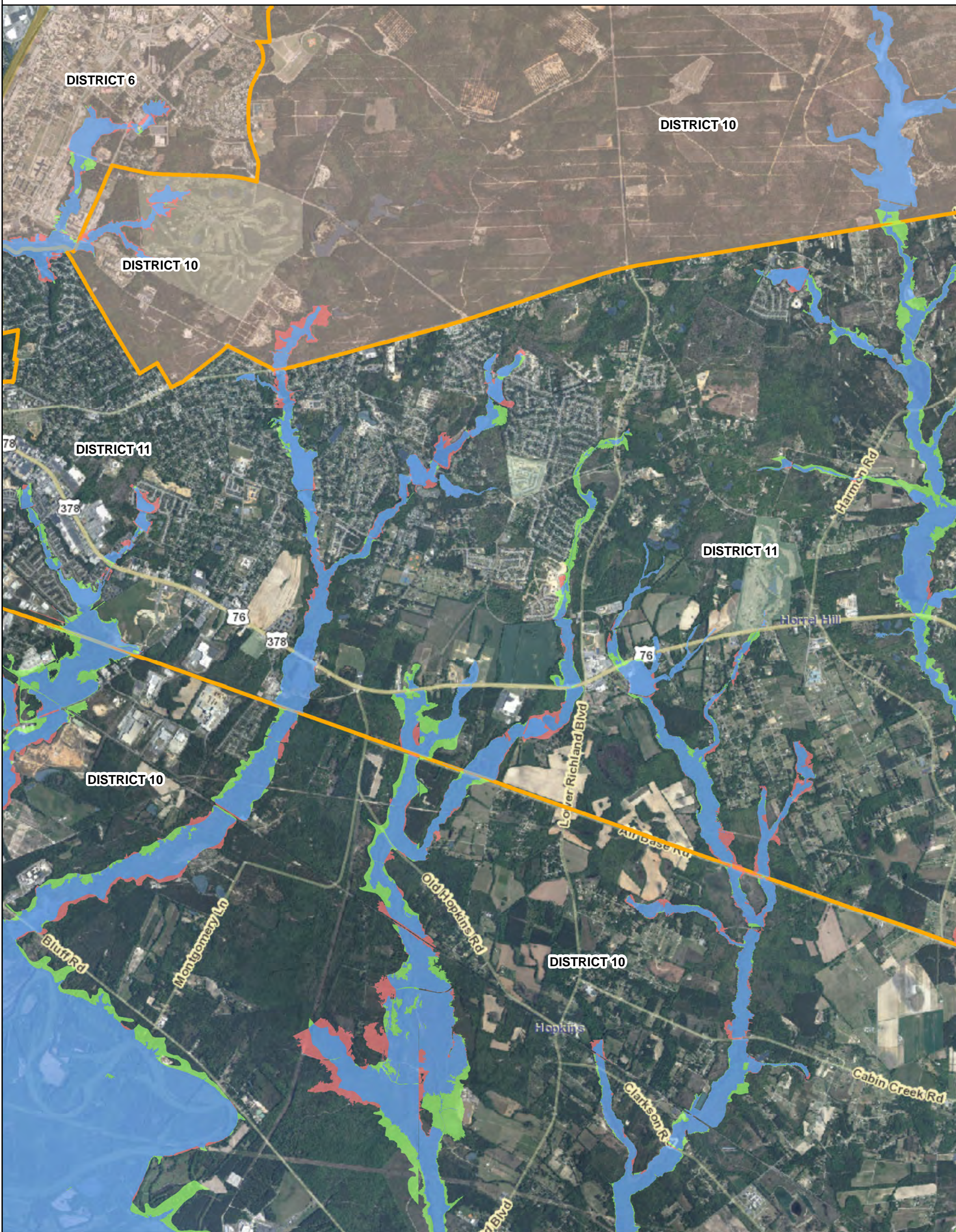
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 10



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

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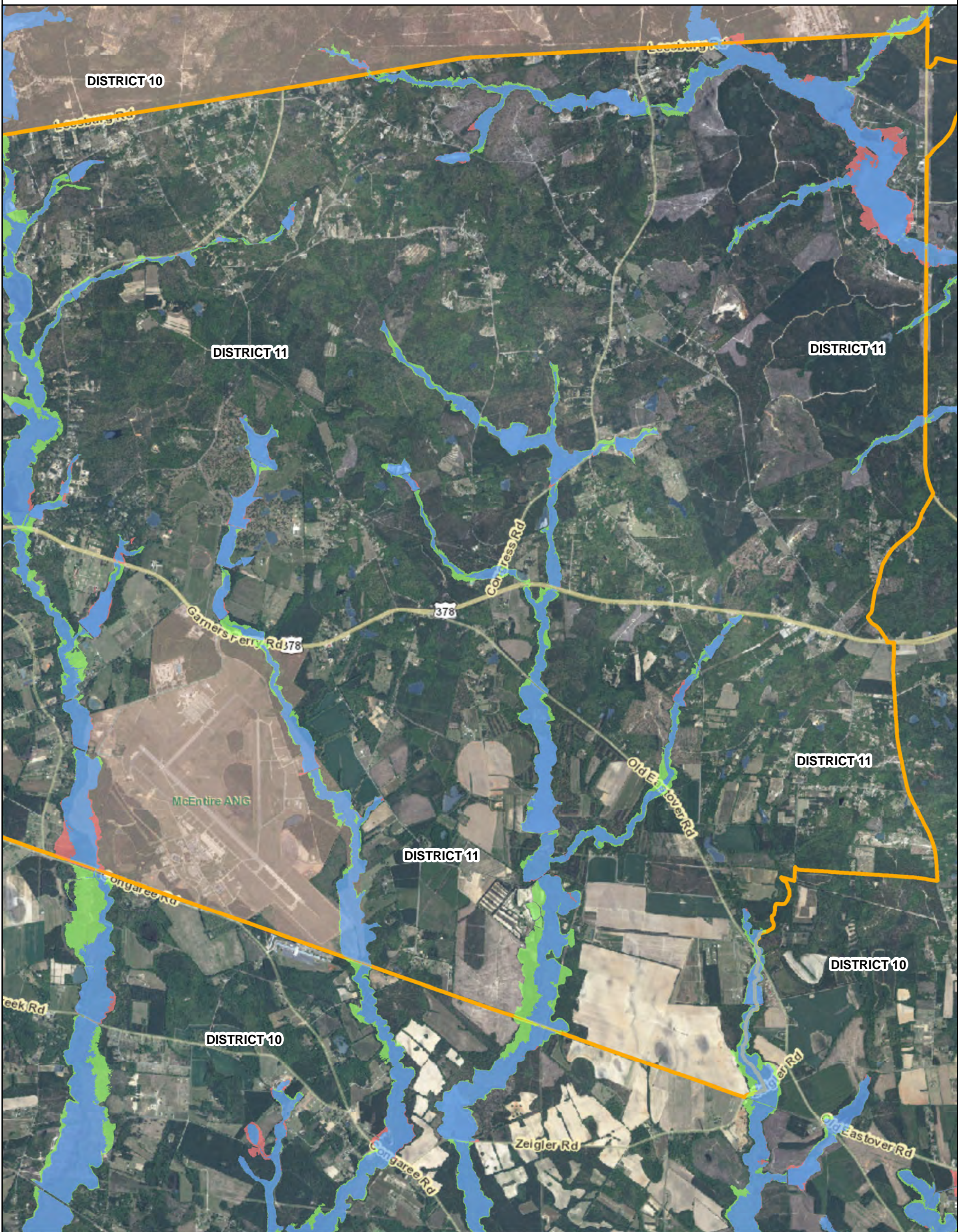
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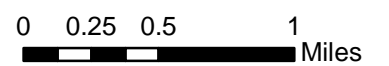
# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 11



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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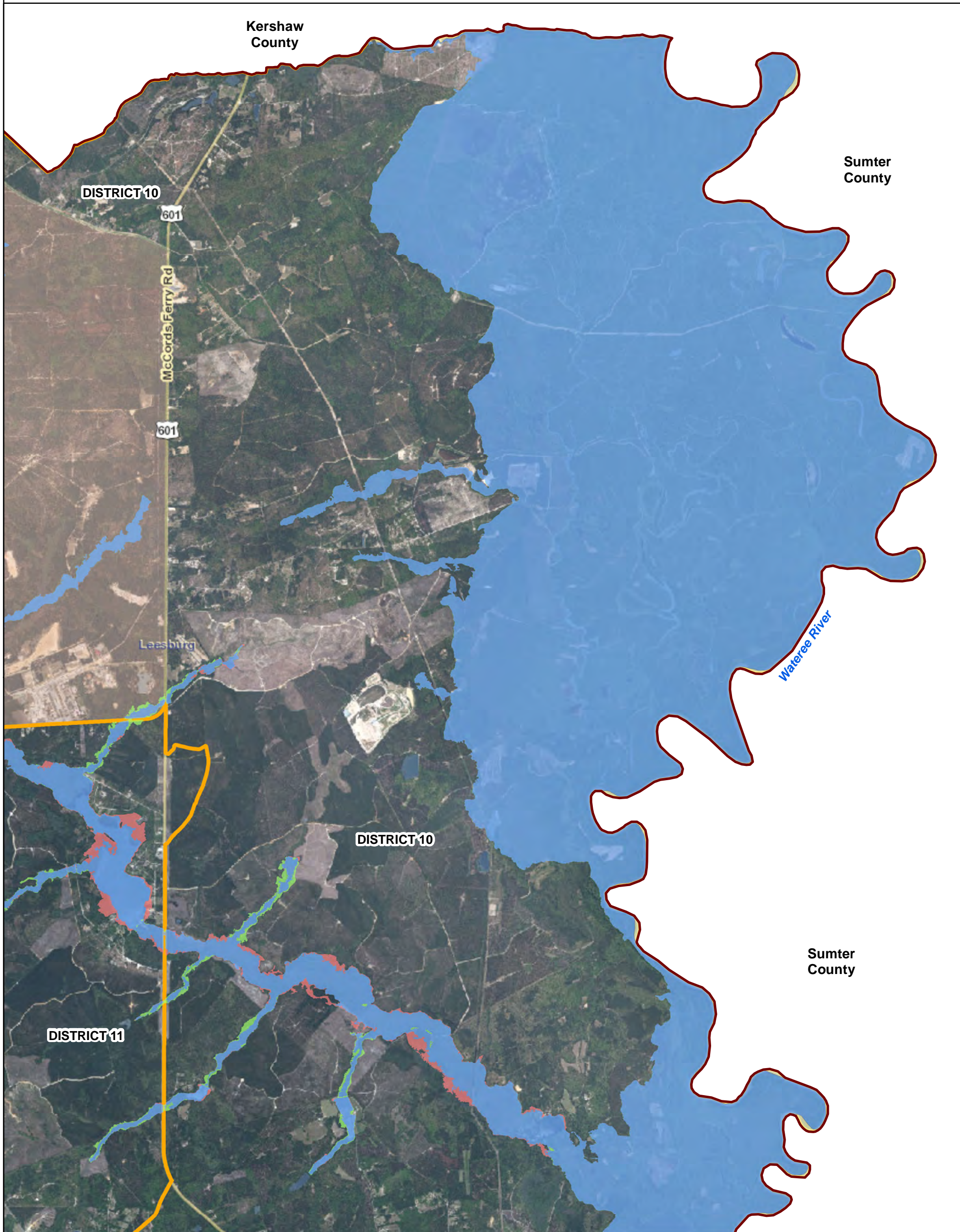
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 12



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

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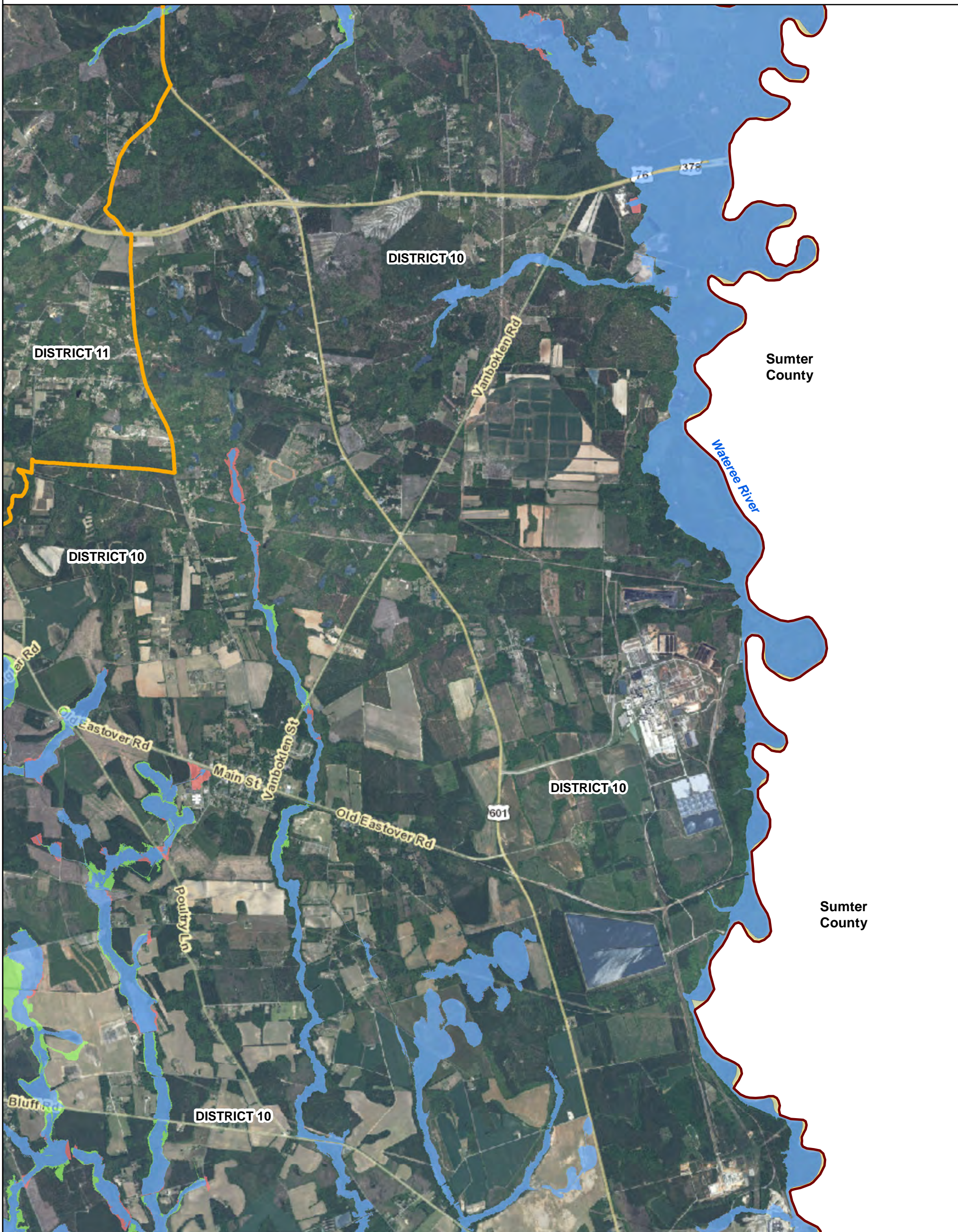
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 13



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

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# Richland County, SC FEMA Special Flood Hazard Areas Changes 2015 - MAP 14



## Legend

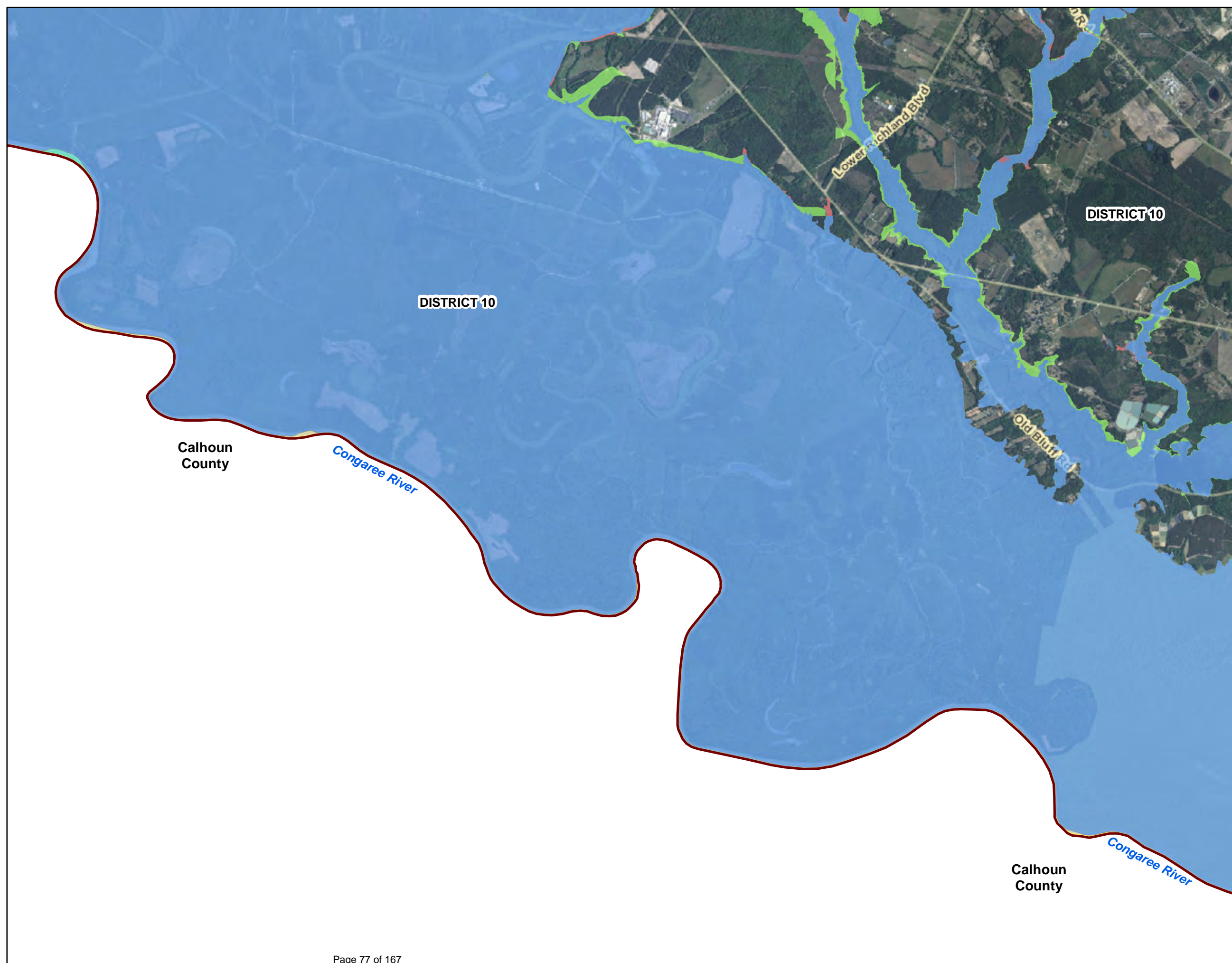
- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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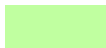
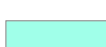






# Richland County, SC FEMA Special Flood Hazard Areas Changes 2015 - MAP 15



## Legend

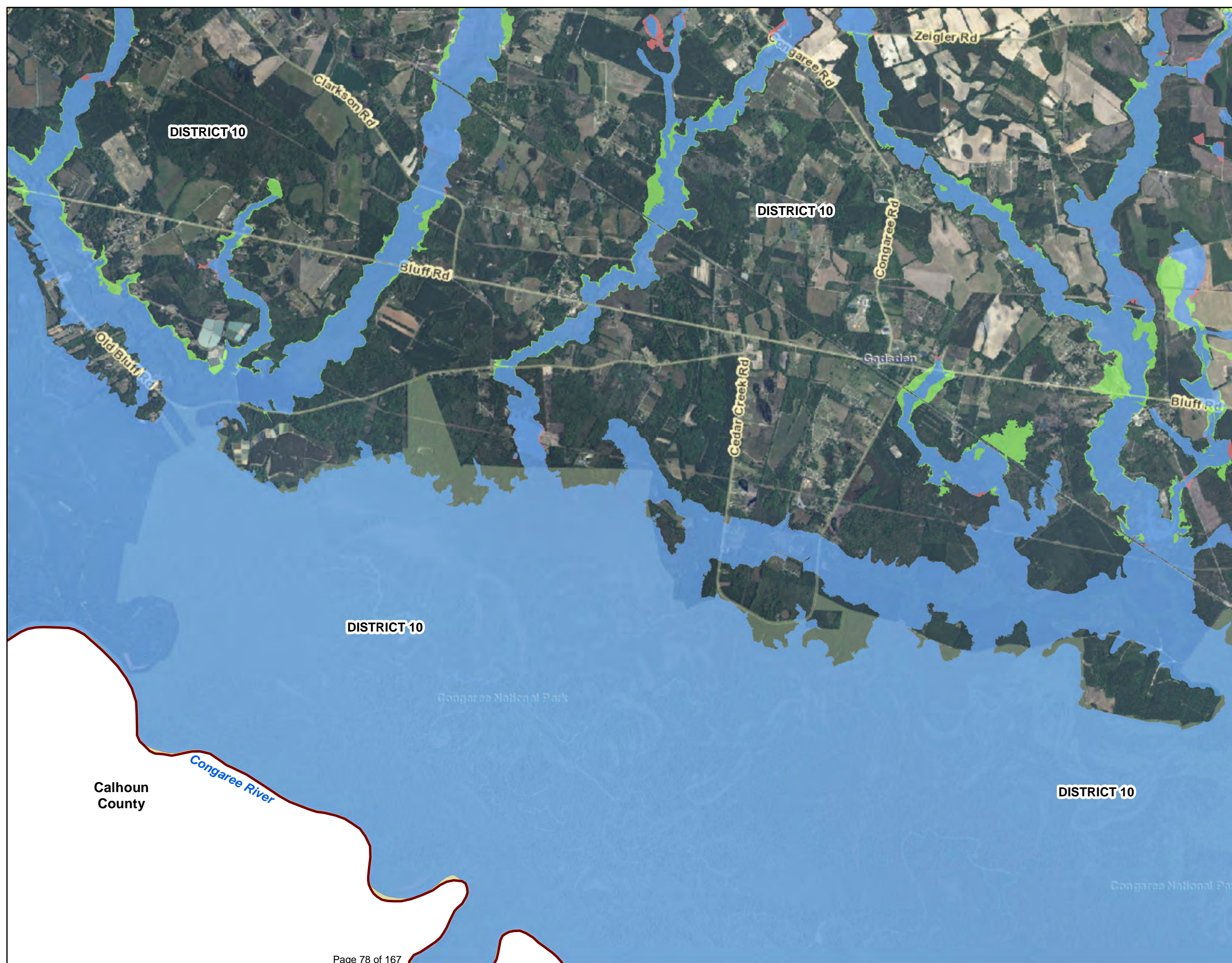
-  SFHA (ZONE A / AE)
-  ADDED TO SFHA
-  REMOVED FROM SFHA
-  2015 SFHA - NO ZONE PRIOR
-  WAS SFHA - NO ZONE 2015
-  Council Districts



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Calhoun  
County



# Richland County, SC FEMA Special Flood Hazard Areas Changes 2015 - MAP 16



## Legend

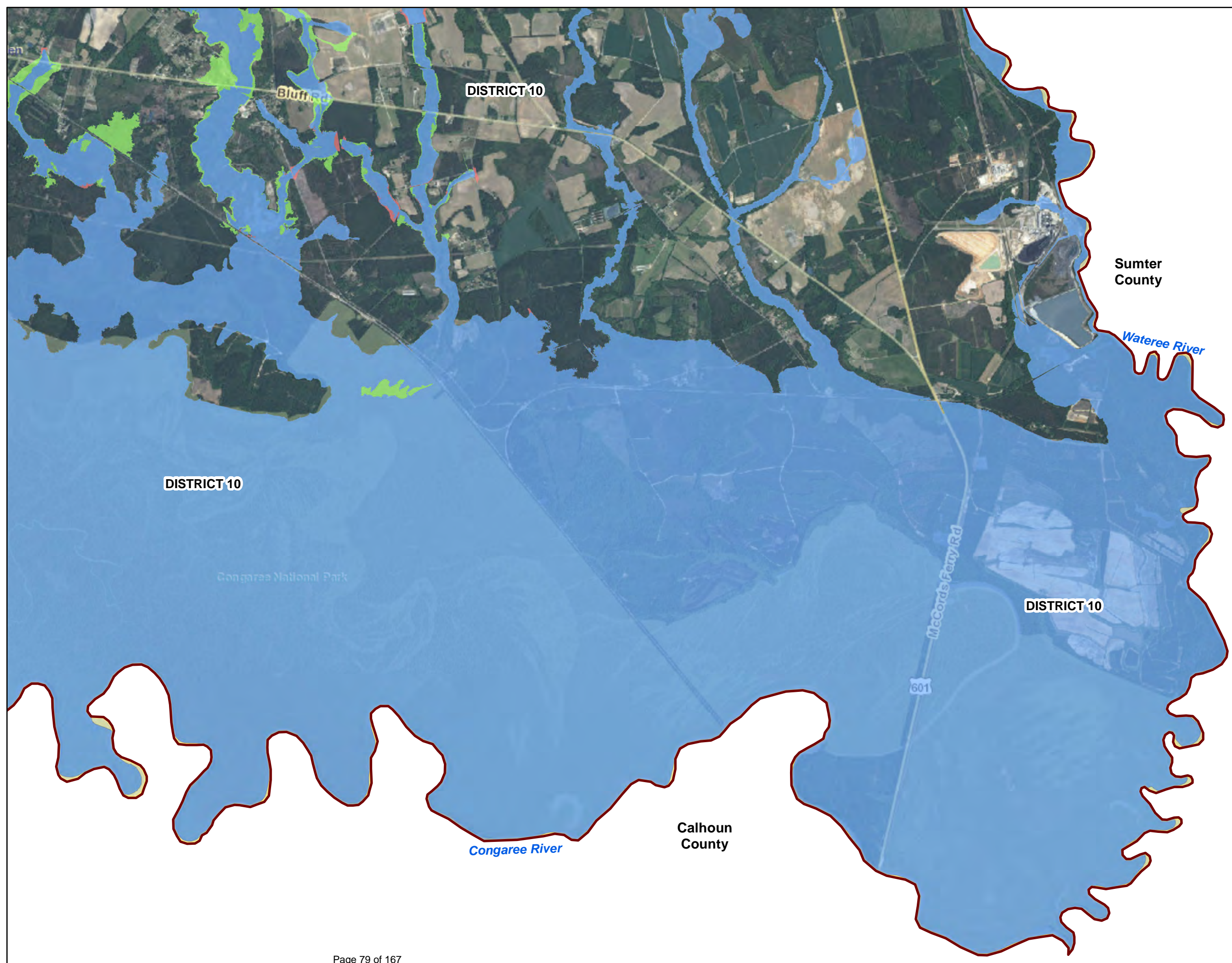
- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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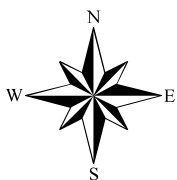
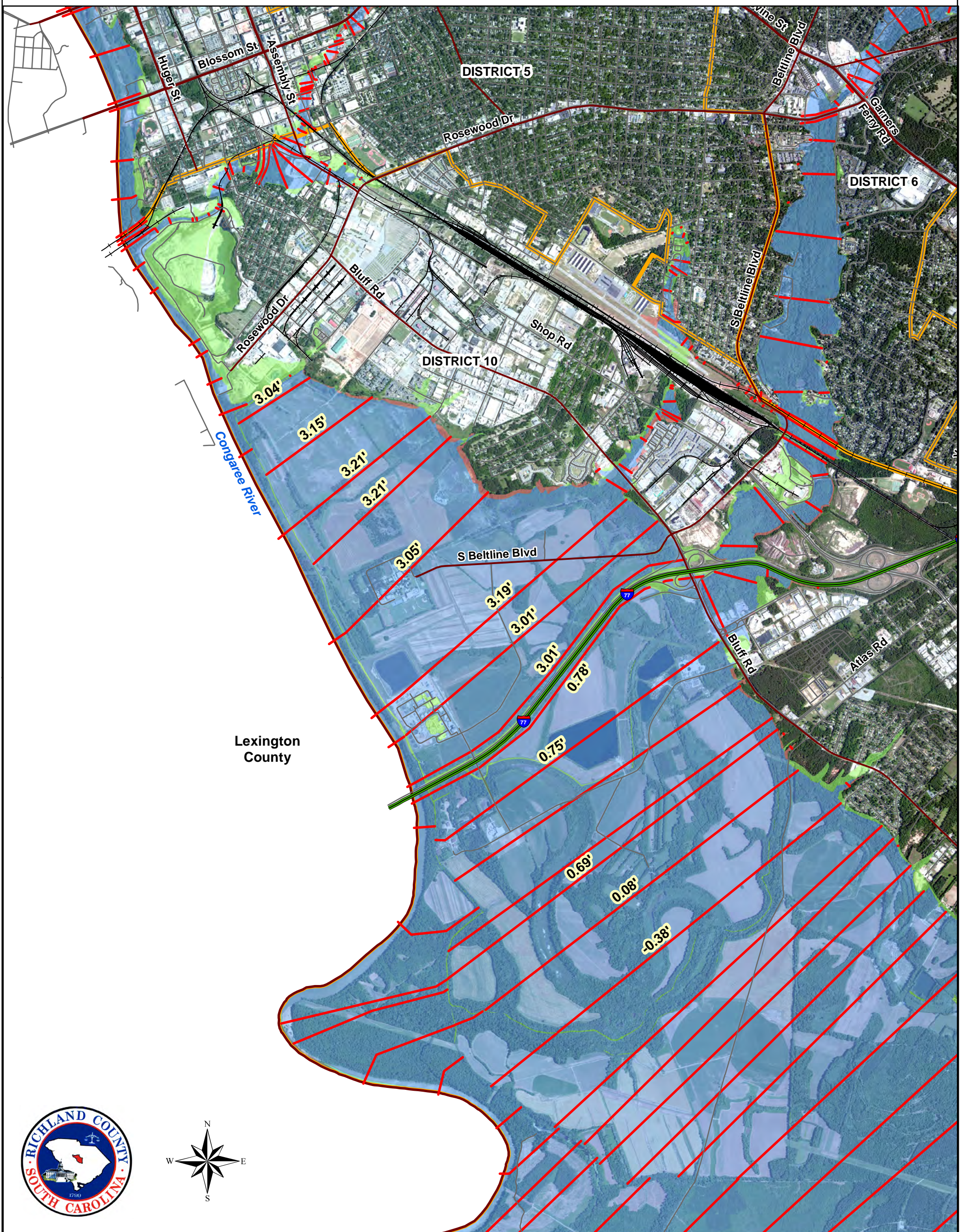
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# Richland County, SC - Congaree Area Base Flood Elevation Changes: 2015



## Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015

- BFE - Cross Sections
- Council Districts

0 0.25 0.5 1 Miles

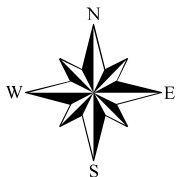
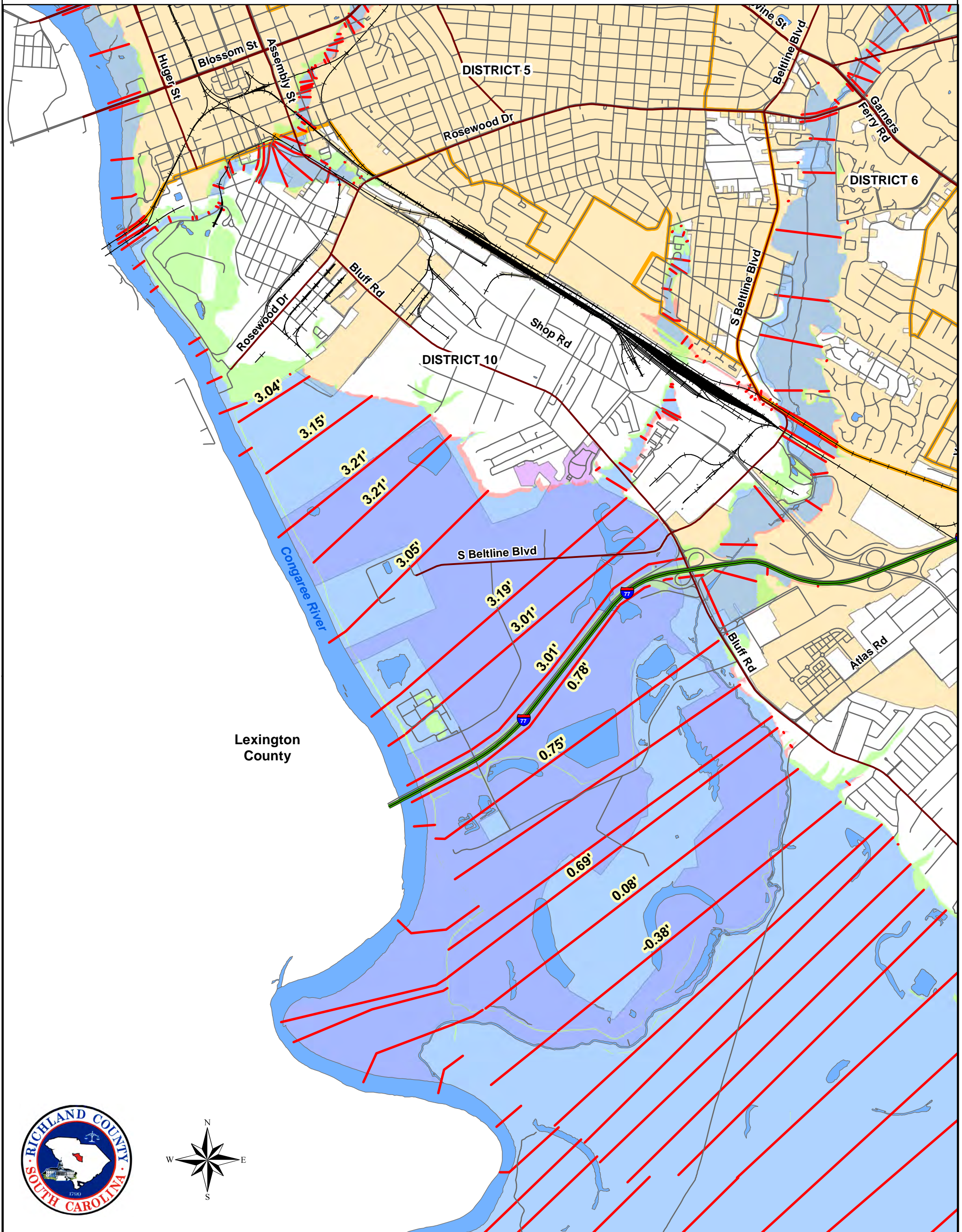
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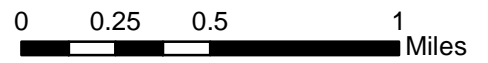


# Richland County, SC - Congaree Area Base Flood Elevation Changes: 2015



## Legend

- |                                                                                                                                                       |                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> SFHA (ZONE A / AE)        | <span style="display: inline-block; width: 20px; border-bottom: 2px dashed red;"></span> BFE - Cross Sections                         |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #FFB6C1; border: 1px solid black;"></span> ADDED TO SFHA             | <span style="display: inline-block; width: 20px; height: 10px; border: 2px solid orange;"></span> Council Districts                   |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> REMOVED FROM SFHA         | <span style="display: inline-block; width: 20px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> Waterbody |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #7FFFD4; border: 1px solid black;"></span> 2015 SFHA - NO ZONE PRIOR | <span style="display: inline-block; width: 20px; height: 10px; background-color: #FFDAB9; border: 1px solid black;"></span> Columbia  |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #FFFFE0; border: 1px solid black;"></span> WAS SFHA - NO ZONE 2015   | <span style="display: inline-block; width: 20px; height: 10px; background-color: #DDA0DD; border: 1px solid black;"></span> Cayce     |



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# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction **[PAGES 82-84]**

## **Notes**

First Reading: April 21, 2015

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 24, UTILITIES; ARTICLE IV, SEWERS AND SEWAGE DISPOSAL; DIVISION 2, USE OF PUBLIC SEWERS; SECTION 24-81, USE OF PUBLIC SEWERS REQUIRED; SO AS CLARIFY THAT THE SECTION ONLY APPLIES TO NEW CONSTRUCTION.

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

SECTION I. The Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of public sewers; is hereby amended to read as follows:

**Sec. 24-81. Use of public sewers required.**

The owner of all homes, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the county, constructed after the date of enactment of this ordinance and abutting on any street, alley, **existing sewer easement**, or right-of-way in which there shall be located a public sanitary sewer is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with provisions of this article ~~within ninety (90) days after written notice from the county to the property owner requiring such property owner to make connection thereto~~, provided that said public sewer shall be within two hundred (200) feet of the property line **and an easement would not be required to access the public sewer**. The county council may grant a variance to the requirements of this section by resolution **provided the resolution is in compliance with South Carolina Department of Health and Environmental Control (SCDHEC) regulations and any other applicable regulations and standards as amended**.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:  
Second Reading:  
Third Reading:



# Richland County Council Request of Action

## **Subject**

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters **[PAGES 85-103]**

## **Notes**

First Reading: May 5, 2015

Second Reading:

Third Reading:

Public Hearing:

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

AUTHORIZING THE EXPANSION OF THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCLUDE CERTAIN REAL PROPERTY LOCATED IN RICHLAND COUNTY; THE EXECUTION AND DELIVERY OF A CREDIT AGREEMENT TO PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS TO ICON COLUMBIA SC LLC, PREVIOUSLY IDENTIFIED AS PROJECT SANDY; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with the County; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of ad valorem property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, the County is further authorized by the Act to grant credits against such Fee Payments (“Credit”) in order to assist a company located in a multi-county industrial park in paying the cost of designing, acquiring, constructing, improving, or expanding (A) the infrastructure serving the County or the property of a company located within such multi-county industrial parks or (B) for improved or unimproved real estate and personal property used in the operation of a commercial enterprise located within such multi county industrial park in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, the County and Fairfield County, South Carolina have previously developed a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (“Park Agreement”);

WHEREAS, if plans proceed as expected, Icon Columbia SC LLC, a limited liability company organized and existing under the laws of the State of Delaware, previously identified as Project Sandy (“Company”), will make an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A, to establish a student-housing facility in the County (“Facility”);

WHEREAS, the Facility is expected to provide significant economic benefits to the County and surrounding areas, including an increase in tax base and stimulation of additional development;

WHEREAS, at the Company’s request, and in order to make the Project economically feasible, the County has offered as a reimbursement to the Company for its expenditures on Infrastructure benefitting the County and the Facility, a Credit against the Company’s Fee Payments on the Facility, the terms and conditions of which are more particularly described in the Credit Agreement between the County and the Company, the form of which is attached as Exhibit B; and

WHEREAS, to effect the Credit, the County desires to expand the boundaries of the Park and amend the Master Agreement to include the Facility in the Park.

NOW THEREFORE, THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, ORDAINS:

**Section 1. Expansion of Park Boundaries; Inclusion of Facility.** There is hereby authorized an expansion of the Park boundaries to include the Facility and an amendment to the Master Agreement. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete such expansion of the Park boundaries. Pursuant to the terms of the Master Agreement and the Act, such expansion shall be complete on the adoption of (i) a companion ordinance by the Fairfield County Council and (ii) a resolution or ordinance by the City of Columbia City Council consenting to the inclusion of the of the Facility in the Park.

**Section 2. Approval of Credit; Authorization to Execute Credit Agreement.** There is hereby authorized a Credit against the Company's Fee Payments with respect to the Facility as a reimbursement to the Company for its qualifying Infrastructure expenditures. The form and terms of the Credit as set forth in the Credit Agreement that is before this meeting are approved and all of the Credit Agreement's terms and conditions are incorporated in this Ordinance by reference as if the Credit Agreement was set out in this Ordinance in its entirety. The County Council Chair, or the Vice-Chair in the event the Chair is absent, is authorized and directed to execute the Credit Agreement, in the name of and on behalf of the County, subject to any revisions as may be approved by the Chair or the County Administrator following receipt of advice from counsel to the County and that do not materially affect the obligation and rights of the County under the Credit Agreement, and the Clerk to County Council is authorized and directed to attest the Credit Agreement.

**Section 3. Further Assurances.** The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to take whatever further actions and execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

**Section 4. Savings Clause.** The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

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

This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

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Chairman, Richland County Council

(SEAL)  
ATTEST:

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Clerk to Richland County Council

First Reading: May 5, 2015  
Second Reading: May 19, 2015  
Public Hearing: May 19, 2015  
Third Reading: June 2, 2015

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

Parcel 1:

All those certain pieces, parcels or lots of land, situate, lying and being on the western side of Main Street, in the City of Columbia, County of Richland, State of South Carolina, being shown as Parcels "A" containing 34,898 square feet (0.801 acres) and Parcel "B" containing 230 square feet (0.005 acres), as shown on a survey entitled, "Closing Survey for South Carolina Baptist Convention, prepared by Whitworth & Associates, Inc., dated September 25, 2001 and recorded in the Office of the Register of Deeds for Richland County in Record Book 571, page 1411, and having such boundaries and measurements as shown on said survey.

Parcel 2:

All that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being at the Southwest corner of the intersection of College and Main Streets in the City of Columbia, County of Richland, State of South Carolina, being shown and delineated as Parcel "A" on a plat of College Street Associates, by Polson Surveying Co., Inc., dated July 24, 1989, recoded in the Office of the Register of Deeds for Richland County in Plat Book 52, page 6836; said Parcel being bounded and measuring as follows: On the Northeast by the right of way of Main Street, whereon it fronts and measures 105.35 feet; on the Northwest by the right of way of College Street, whereon it fronts and measures 174.69 feet; on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 68.56 feet; on the Northwest again by property now or formerly of S.C. Beer Wholesalers, whereon it measures 27.59 feet; on the Southwest again by Parcel "B" below-described, whereon it measures 35.49 feet; and on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 202.68 feet. Be all measurements a little more or less.

ALSO, all right title and interest if any, in and to Parcel "B" as shown on the aforesaid plat prepared by Polson Surveying Co., Inc. dated July 24, 1989; said Parcel being bounded and measuring as follows: On the Northwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 7.20 feet on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 35.40 feet; on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 7.50 feet; and on the Northeast by the above-described Parcel "A", whereon it measures 35.49 feet; be all measurements a little more or less.

**EXHIBIT B**  
**FORM OF CREDIT AGREEMENT**

**CREDIT AGREEMENT**

**by and between**

**RICHLAND COUNTY, SOUTH CAROLINA**

**and**

**ICON COLUMBIA SC LLC**

**Effective as of \_\_\_\_\_, 2015**

## CREDIT AGREEMENT

This CREDIT AGREEMENT, effective as of \_\_\_\_\_, 2015 (“Agreement”), is by and between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (“County”), and Icon Columbia SC LLC, a limited liability company organized and existing under the laws of the State of Delaware and previously identified as Project Sandy (“Company,” with the County, “Parties,” each, a “Party”).

### WITNESSETH:

WHEREAS, the County, acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) jointly develop a multi-county industrial or business park with a county having coterminous borders with the County; and (ii) in the County’s discretion, include within the boundaries of the multi-county industrial park the property of qualifying companies, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes (“Fee Payments”) in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial park;

WHEREAS, the County is further authorized by the Act, to grant a credit (“Credit”) to a company located in a multi-county industrial park against the company’s Fee Payments as a reimbursement for qualifying expenditures made by the company for the cost of designing, acquiring, constructing, improving or expanding (i) infrastructure serving the company’s project or the County and (ii) improved and unimproved real estate used in the operation of a commercial enterprise in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, pursuant to the authority provided in the Act, the County and Fairfield County, South Carolina have previously established a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (as amended from time to time, “Park Agreement”);

WHEREAS, if plans proceed as expected, the Company will make an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A (“Site”), to establish a student-housing facility in the County (“Facility”);

WHEREAS, pursuant to the County’s Ordinance No. [REDACTED] dated [REDACTED], 2015 (“County Ordinance”), the County authorized the expansion of the boundaries of the Park and an amendment to the Park Agreement to include the Site and, as a result, the Facility in the Park;

WHEREAS, as required under the provisions of the Act, because the Facility is located in the City of Columbia, South Carolina (“City”), the City has, pursuant to Ordinance No. [REDACTED] dated [REDACTED], 2015, consented to the inclusion of the Site within the boundaries of the Park; and

WHEREAS, pursuant to the County Ordinance, the County further authorized the execution and delivery of this Agreement and agreed to provide a Credit against the Company’s Fee Payments due with respect to the Facility to reimburse the Company for its expenditures on Infrastructure, subject to the terms and conditions below.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, the County and the Company agree as follows:



**ARTICLE I  
REPRESENTATIONS**

SECTION 1.01. Representations by the County. The County makes the following representations:

(a) The County is a body politic and corporate and a political subdivision of the State of South Carolina;

(b) The County is authorized and empowered by the provisions of the Act to enter into, and carry out its obligations under, this Agreement;

(c) The County has duly approved this Agreement by adoption of the County Ordinance in accordance with the Act and any other applicable state and local law;

(d) By proper action of the County Council, the County has duly authorized the execution and delivery of this Agreement and any and all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby;

(e) The County has included the Site and, as a result, the Facility in the Park and shall maintain the Site and the Facility within the Park for the duration of this Agreement to facilitate the Company's receipt of the Credits; and

(f) The County enters into this Agreement for the purpose of promoting the economic development of the County.

SECTION 1.02. Representations by the Company. The Company makes the following representations:

(a) The Company is a limited liability company, duly organized, validly existing, and in good standing, under the laws of the State of Delaware, has power to enter into this Agreement, and by proper corporate action has authorized the officials signing this Agreement to execute and deliver it and take all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby; and

(b) The Credits provided by the County in the manner set forth in this Agreement have been instrumental in inducing the Company to establish the Facility in the County.

**ARTICLE II  
INVESTMENT AND OPERATION OF THE FACILITY**

SECTION 2.01. Investment Commitment. The Company shall invest at least \$40,000,000 in connection with the Facility ("Investment Commitment") by the Certification Date (as defined below). The Company shall certify to the County achievement of the Investment Commitment within 90 days of the issue date of the Certificate of Occupancy for the Facility ("Certification Date"), by providing documentation to the County of project development costs for the Facility sufficient to reflect such investment, in form and substance reasonably acceptable to the County. If the Company fails to achieve and certify the Investment Commitment to the County, as set forth above, then the County may terminate this Agreement and, upon any such termination, the Company shall be entitled to no further benefits hereunder. Notwithstanding anything in this Agreement to the contrary and subject to the Act, investment in connection with the Facility may, but shall not be required to, include, in the aggregate, capital expenditures and costs (including, but not limited to, expenditures and costs incurred for, or in connection

with, land acquisition, demolition, building construction, site preparation, site improvements, infrastructure construction, other real property improvements, and personal property acquisition) and soft costs (including, but not limited to, architectural fees, engineering fees, financing fees, legal fees, studies, developer and general contracting fees, insurance, permits and tap fees, impact fees, renting and marketing costs and project development costs).

SECTION 2.02. Operation of the Facility as a Private Dormitory. The Company shall operate the Facility in a manner which satisfies the requirements applicable as of the date hereof to private dormitories under Section 17-321 of the Code of Ordinances of the City of Columbia, South Carolina, as amended, a copy of which is attached hereto as Exhibit B, (“City Code”) as set forth in this Section 2.02; provided, however, that certain space in the building housing the facility shall be conveyed to the South Carolina Baptist Convention for use as part of the Baptist Collegiate Ministry, and certain other space on the ground floor may be used for retail or other commercial uses (collectively, the “Non-Housing Space”). If the Facility fails to comply with such requirements as of the issue date of a Certificate of Occupancy for the Facility, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions set forth in Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall be entitled to no further benefits hereunder. If at any time during the Credit Term (as defined below), the Facility ceases to be operated as a private dormitory or is otherwise found by the City, in its reasonable discretion, to be non-compliant with the requirements of Section 17-321 of the City Code as in effect as of the date hereof, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions set forth in Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall be entitled to no further benefits hereunder.

### **ARTICLE III CREDIT TERMS**

#### SECTION 3.01. Amount and Duration of Credit.

(a) If, for any year of the Credit Term (as defined below), the Company’s gross Fee Payment (which shall be the Fee Payment before the deduction of any Credit due hereunder) payable with respect to the Facility (excluding any portion of the gross Fee Payment allocable to the Non-Housing Space) is greater than or equal to \$1,000,000, the County shall provide a 50% Credit against the Fee Payment due with respect to the Facility for such year, as provided herein. If, for any year of the Credit Term (as defined below), the Company’s gross Fee Payment with respect to the Facility is less than \$1,000,000 for such year, then the County shall provide a Credit against the Fee Payment with respect to the Facility for such year sufficient to reduce the Company’s Net Fee Payment (as defined below) to \$500,000 (excluding any portion of the net Fee Payment allocable to the Non-Housing Space). If, for any year of the Credit Term (as defined below), the Company’s gross Fee Payment with respect to the Facility is less than \$500,000, then this Agreement shall terminate prospectively.

(b) The Company is eligible to receive a Credit, as set forth in this Agreement, for a period of 10 consecutive years, beginning with the first full year for which the Company owes a Fee Payment with respect to the Facility following the receipt by the Company of a Certificate of Occupancy for the Facility (“Credit Term”).

(c) For each year of the Credit Term, the County shall prepare and issue the annual Fee Payment bill with respect to the Facility net of the Credit set forth in Section 3.01(a) hereof (“Net Fee Payment”). Following receipt of any such Net Fee Payment bill, the Company shall timely remit such Net Fee Payment to the County in accordance with applicable law.

(d) If any portion of this Agreement is found to be invalid or unenforceable by a court of competent jurisdiction, the County agrees to provide the Company with a Credit in a maximum amount and for a maximum term that is not invalid or unenforceable under the terms of such court ruling, but in no event may the value of such revised Credit exceed the value of the Credit offered to the Company set forth in Section 3.01 of this Agreement.

(e) No breach by the County of this Agreement shall result in the imposition of any pecuniary liability upon the County or any charge upon its general credit or against its taxing power. The liability of the County under this Agreement or for any breach or default by the County of any of the foregoing shall be limited solely and exclusively to the Fee Payments received from the Company. The County shall not be required to provide the Credit set forth in this Agreement except with respect to the Fee Payments received from the Company.

SECTION 3.02. Cumulative Limit on Credit. The cumulative dollar amount expended by the Company on Infrastructure shall equal or exceed the cumulative dollar amount of the Credit received by the Company under this Agreement.

SECTION 3.03. Termination.

Unless first terminated under any other provision of this Agreement, this Agreement terminates on the expiration of the Credit Term and payment by the Company of any outstanding Net Fee Payment due on the Facility pursuant to the terms of this Agreement.

**ARTICLE IV  
DEFAULTS AND REMEDIES**

SECTION 4.01. Events of Default. If any Party fails duly and punctually to perform any material covenant, condition, agreement or provision contained in this Agreement on the part of such Party to be performed, which, except as otherwise provided in this Agreement, failure shall continue for a period of 60 days after written notice by the other Party specifying the failure and requesting that it be remedied is given to the defaulting Party, then such Party is in default under this Agreement (“Event of Default”); provided, however, that if any such failure is not, with due diligence, susceptible of cure within such 60-day period, then such defaulting Party shall have an additional period of time not to exceed 30 days from the date of such written notice by the other Party to cure such failure, unless such Parties agree in a writing signed by all Parties to an extension of such time prior to its expiration.

SECTION 4.02. Legal Proceedings by Company and County. On the happening of any Event of Default by a Party, then and in every such case the other Party, in its discretion may:

- (a) subject to the cure provisions in Section 4.01 hereof, terminate this Agreement;
- (b) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of its rights and require the defaulting Party to perform its duties under the Act and this Agreement;
- (c) bring suit upon this Agreement;
- (d) exercise any or all rights and remedies in effect in the State of South Carolina, or other applicable law; or
- (e) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of its rights.

SECTION 4.03. Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved either to the Company or County is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

SECTION 4.04. Nonwaiver. No delay or omission of the Company or County to exercise any right or power accruing upon any default or Event of Default shall impair any such right or power or shall be construed to be a waiver of any such default or Event of Default, or an acquiescence therein; and every power and remedy given by this Article IV to the Company or County may be exercised from time to time and as often as may be deemed expedient.

## **ARTICLE V MISCELLANEOUS**

SECTION 5.01. Assignment. The Company may assign this Agreement in whole or in part with the prior written consent of the County, which consent will not be unreasonably withheld, conditioned, or delayed, and may be given by resolution of County Council. Notwithstanding the foregoing, any assignment of this Agreement, in whole or in part, to an affiliated entity of the Company is hereby approved without any further action of the County Council. The County's Director of Economic Development must receive notice of any assignment to an affiliated entity of the Company.

### SECTION 5.02. Examination of Records; Confidentiality.

(a) The Company agrees that the County and its authorized agents shall have the right to request and receive copies of the Company's records of cost of the Facility and of use of the Facility sufficient to verify compliance by the Company with its obligations under this Agreement.

(b) The County, and County Council, acknowledge and understand that the Company may have and maintain at the Facility certain confidential and proprietary information, including but not limited to financial, sales or other information concerning the Company's operations ("Confidential Information") and that any disclosure of the Confidential Information would result in substantial harm to the Company and could thereby have a significant detrimental impact on the Company's employees and also upon the County. Therefore, except as required by law, the County, and County Council, agrees to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, its agents or representatives. The County, and County Council, shall not disclose and shall cause all employees, agents and representatives of the County not to disclose the Confidential Information to any person other than in accordance with the terms of this Agreement.

SECTION 5.03. Successors and Assigns. All covenants, stipulations, promises, and agreements contained in this Agreement, by or on behalf of, or for the benefit of, the County or the Company, as the case may be, shall bind or inure to the benefit of the successors of the County or the Company, as the case may be, from time to time and any officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County, shall be transferred.

SECTION 5.04. Provisions of Agreement for Sole Benefit of County and Company. Except as in this Agreement otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

SECTION 5.05. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, the illegality or invalidity shall not affect any other provision of this Agreement, and this Agreement and the Credits shall be construed and enforced as if the illegal or invalid provisions had not been contained herein or therein.

SECTION 5.06. No Liability for Personnel of County or Company. No covenant or agreement contained in this Agreement is deemed to be a covenant or agreement of any member, agent, or employee of the County or its governing body or the Company or any of its officers, employees, or agents in an individual capacity, and neither the members of the governing body of the County nor any official executing this Agreement is liable personally on the Credits or the Agreement or subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 5.07. Indemnification Covenant.

(a) Except as provided in paragraph (b) below, the Company shall indemnify and save the County, its employees, elected officials, officers and agents (each, an “Indemnified Party”) harmless against and from all claims by or on behalf of any person arising from the County’s execution of this Agreement, performance of the County’s obligations under this Agreement or the administration of its duties pursuant to this Agreement, or otherwise by virtue of the County having entered into this Agreement. If such a claim is made against any Indemnified Party, then subject to the provisions of (b) below, the Company shall defend the Indemnified Party in any action or proceeding.

(b) Notwithstanding anything herein to the contrary, the Company is not required to indemnify any Indemnified Party against any claim or liability (i) occasioned by the acts of that Indemnified Party, which are unrelated to the execution of this Agreement, performance of the County’s obligations under this Agreement, or the administration of its duties under this Agreement, or otherwise by virtue of the County having entered into this Agreement; or (ii) resulting from that Indemnified Party’s own negligence, bad faith, fraud, deceit, or willful misconduct.

(c) An Indemnified Party may not avail itself of the indemnification provided in this Section unless it provides the Company with prompt notice, reasonable under the circumstances, of the existence or threat of any claim or liability, including, without limitation, copies of any citations, orders, fines, charges, remediation requests, or other claims or threats of claims, in order to afford the Company notice, reasonable under the circumstances, within which to defend or otherwise respond to a claim.

(d) Following this notice, the Company shall resist or defend against any claim or demand, action or proceeding, at its expense, using counsel of its choice. The Company is entitled to manage and control the defense of or response to any claim, charge, lawsuit, regulatory proceeding or other action, for itself and the Indemnified Party; provided the Company is not entitled to settle any matter at the separate expense or liability of any Indemnified Party without the consent of that Indemnified Party. To the extent any Indemnified Party desires to use separate counsel for any reason, other than a conflict of interest, that Indemnified Party is responsible for its independent legal fees.

SECTION 5.08. Notices. All notices, certificates, requests, or other communications under this Agreement are sufficiently given and are deemed given, unless otherwise required by this Agreement, when (i) delivered or (ii) sent by facsimile and confirmed by United States first-class registered mail, postage prepaid, addressed as follows:

(a)	if to the County:	Richland County, South Carolina Attn: Director of Economic Development 2020 Hampton Street (29204)
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Post Office Box 192  
Columbia, South Carolina 29202

with a copy to  
(does not constitute notice):

Parker Poe Adams & Bernstein LLP  
Attn: Ray E. Jones  
1201 Main Street, Suite 1450 (29201)  
Post Office Box 1509  
Columbia, South Carolina 29202

(b) if to the Company:

Icon Columbia SC LLC  
Attn: Tom Trubiana, President  
999 South Shady Grove Road, Suite 600  
Memphis, Tennessee 38120

with a copy to  
(does not constitute notice):

Haynsworth Sinkler Boyd, P.A.  
Attn: John B. McArthur  
1201 Main Street, Suite 2200 (29201)  
Post Office Drawer 11889  
Columbia, South Carolina 29211-1889

The County and the Company may, by notice given under this Section, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

SECTION 5.09. Administrative Fees.

(a) The Company shall reimburse the County for reasonable expenses, including, reasonable attorneys' fees, related to (i) review and negotiation of this Agreement, or (ii) review and negotiation of any other documents related to the Facility, in an amount not to exceed \$5,000.

SECTION 5.10. Merger. This Agreement constitutes the entire agreement among the parties to it with respect to the matters contemplated in it, and it is understood and agreed that all undertakings, negotiations, representations, promises, inducements and agreements heretofore had among these parties are merged herein.

SECTION 5.11 Agreement to Sign Other Documents; Conversion to Fee in Lieu of Taxes.

(a) The County agrees that it will from time to time, and at the expense of the Company, execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the purpose of this Agreement; provided, however, that such instruments or actions shall never create or constitute an indebtedness of the County within the meaning of any state constitutional provision (other than the provisions of Article X, Section 14(10) of the South Carolina Constitution) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power or pledge the credit or taxing power of the State of South Carolina, or any other political subdivision of the State of South Carolina.

SECTION 5.12. Agreement's Construction. The Parties agree that each Party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to

be resolved against a drafting party does not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

SECTION 5.13. Applicable Law. South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Agreement to the laws of another jurisdiction, governs this Agreement.

SECTION 5.14. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

SECTION 5.15. Amendments. This Agreement may be amended only by written agreement of the parties hereto.

SECTION 5.16. Waiver. Either Party may waive compliance by the other Party with any term or condition of this Agreement but the waiver is valid only if it is in a writing signed by the waiving Party.

*[TWO SIGNATURE PAGES FOLLOW]  
[REMAINDER OF PAGE INTENTIONALLY BLANK]*

IN WITNESS WHEREOF, Richland County, South Carolina, has caused this Agreement to be executed by the appropriate officials of the County and its corporate seal to be hereunto affixed and attested, effective the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chair, Richland County Council

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk to Richland County Council



IN WITNESS WHEREOF, Icon Columbia SC LLC has caused this Agreement to be executed by its authorized officers, effective the day and year first above written.

ICON COLUMBIA SC LLC

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

*[REMAINDER OF PAGE INTENTIONALLY BLANK]*

**EXHIBIT A**  
**DESCRIPTION OF SITE**

Parcel 1:

All those certain pieces, parcels or lots of land, situate, lying and being on the western side of Main Street, in the City of Columbia, County of Richland, State of South Carolina, being shown as Parcels "A" containing 34,898 square feet (0.801 acres) and Parcel "B" containing 230 square feet (0.005 acres), as shown on a survey entitled, "Closing Survey for South Carolina Baptist Convention, prepared by Whitworth & Associates, Inc., dated September 25, 2001 and recorded in the Office of the Register of Deeds for Richland County in Record Book 571, page 1411, and having such boundaries and measurements as shown on said survey.

Parcel 2:

All that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being at the Southwest corner of the intersection of College and Main Streets in the City of Columbia, County of Richland, State of South Carolina, being shown and delineated as Parcel "A" on a plat of College Street Associates, by Polson Surveying Co., Inc., dated July 24, 1989, recoded in the Office of the Register of Deeds for Richland County in Plat Book 52, page 6836; said Parcel being bounded and measuring as follows: On the Northeast by the right of way of Main Street, whereon it fronts and measures 105.35 feet; on the Northwest by the right of way of College Street, whereon it fronts and measures 174.69 feet; on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 68.56 feet; on the Northwest again by property now or formerly of S.C. Beer Wholesalers, whereon it measures 27.59 feet; on the Southwest again by Parcel "B" below-described, whereon it measures 35.49 feet; and on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 202.68 feet. Be all measurements a little more or less.

ALSO, all right title and interest if any, in and to Parcel "B" as shown on the aforesaid plat prepared by Polson Surveying Co., Inc. dated July 24, 1989; said Parcel being bounded and measuring as follows: On the Northwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 7.20 feet on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 35.40 feet; on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 7.50 feet; and on the Northeast by the above-described Parcel "A", whereon it measures 35.49 feet; be all measurements a little more or less.

**EXHIBIT B**  
**CODE OF ORDINANCES**

# Richland County Council Request of Action

## **Subject**

Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters [**PAGES 104-112**]

## **Notes**

First Reading: May 5, 2015

Second Reading:

Third Reading:

Public Hearing:

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

AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCREASE THE PERCENTAGE OF THE REVENUES GENERATED BY PROPERTIES LOCATED IN RICHLAND COUNTY TO BE DEPOSITED IN THE RICHLAND COUNTY INDUSTRIAL PARK FUND FROM THREE PERCENT TO FIVE PERCENT; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with the County; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, the County and Fairfield County, South Carolina (“Fairfield”) have previously developed a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (“Park Agreement”);

WHEREAS, pursuant to the Act and Agreement, the County is authorized to specify the manner in which Fee Payments (i) received by the County from property located in Fairfield or (ii) retained by the County from property located in the County are distributed to each of the taxing entities within the County;

WHEREAS, to continue to attract investment to and encourage economic development in the County, the County desires to amend the Agreement to ratify and approve the manner in which certain Fee Payments are distributed to the taxing entities within the County;

NOW THEREFORE, THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, ORDAINS:

**Section 1. Amendment Authorized.** Council authorizes an amendment to the Agreement, as set forth more fully in the Third Amendment to Master Agreement Governing the I-77 Corridor Regional Industrial Park attached as Exhibit A (“Amendment”), to ratify and approve the internal distribution of certain Fee Payments. The County Council Chair, or the Vice Chair in the event the Chair is absent, and the Clerk to the County Council are hereby authorized to execute the Amendment. The Chair is further directed to deliver the Amendment to Fairfield.

**Section 2. Further Assurances.** The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to take whatever further actions and

execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

**Section 3. *Savings Clause.*** The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

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

This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

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Chair, Richland County Council

(SEAL)  
ATTEST:

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Clerk to Richland County Council

First Reading: [DATE]  
Second Reading: [DATE]  
Public Hearing: [DATE]  
Third Reading: [DATE]

**EXHIBIT A**  
**FORM OF AMENDMENT**



**THIRD AMENDMENT TO MASTER AGREEMENT  
GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK**

This Third Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park between Richland County, South Carolina and Fairfield County, South Carolina (“Amendment”) is effective [DATE].

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, as amended, and Title 4, Chapter 1, Section 170 of the Code of Laws of South Carolina, 1976, as amended (“Act”), Richland County, South Carolina (“County”) and Fairfield County, South Carolina (“Fairfield”) entered into the Master Agreement Governing the I-77 Corridor Regional Industrial Park between Richland County, South Carolina and Fairfield County, South Carolina (“Agreement”), a copy of which is attaches as Exhibit A;

WHEREAS, each capitalized term not defined in this Amendment has the meaning as provided in the Agreement or, if not provided in the Agreement, as provided in the Act;

WHEREAS, the County adopted an amendment to Section 3.03(a), effective April 3, 2012, which modified the internal distribution of the County’s Revenues;

WHEREAS, the County also adopted an amendment to Section 3.03(a), effective July 1, 2014, which further modified the internal distribution of the County’s Revenues;

WHEREAS, pursuant to the Act and Section 3.03(b) of the Agreement, the County wishes to further amend Section 3.03(a) to ratify and approve the internal distribution of the County’s Revenues to continue to provide for funds to attract investment in and encourage economic development in the County; and

WHEREAS, by Ordinance No. [NUMBER] the County authorized the execution and delivery of this Amendment.

NOW, THEREFORE, the County amends the Agreement as follows:

Section 1. Amendment to Internal Distribution of Revenues. As authorized by the Act and Section 3.03(b), the County amends the internal distribution of the County’s Revenues by amending Section 3.03(a) of the Agreement through the insertion of the following underlined language and deletion of the language indicated by trike-through text:

***Section 3.03. Revenue Distribution Within Each County.***

(a) in accordance with the provisions of the *Horry County School District* case, the Counties acknowledge they are required to set forth herein the scheme for distribution of Revenues received from the Park to other taxing entities within each of the Counties. Fairfield hereby elects to retain all of the Revenues from the Park. For Revenues generated by properties located in Fairfield and received by Richland pursuant to Section 3.02, Richland shall deposit all of the Revenues into the Richland County Industrial Park fund (“Fund”). For Revenues generated by properties located in Richland and retained by Richland under Section 3.02, if the property is (i) located in the Park on or after January 15, 2009 and (ii) subject to a negotiated FILOT or a special source revenue credit

incentive, then Richland shall first deposit 35% of the Revenues into the Fund. For Revenues remaining after such deposit in the Fund or generated by properties or generated by properties located in Richland and retained by Richland under Section 3.02 but not meeting the criteria of (i) and (ii) above, Richland shall retain a portion as may be necessary to reimburse it for any investments made in relation to attracting each new investment to Richland. The Richland County Council reserves the right to determine the reimbursement amount on a case by case basis. Revenues remaining after such reimbursement shall be distributed on a pro-rata basis to the entities that would otherwise, at the time the property is included in the Park, be eligible to levy tax millage on the properties located in the Richland portion of the Park, if such properties were not located in the Park. Any school districts receiving a distribution of Revenues, shall divide the Revenues on a pro-rata basis between operational and debt service expenditures in accordance with the amount of operating and debt service millage levied by such school district or collected on behalf of such school district.

Section 2. Remainder of Agreement. Except as described in this Amendment's Section 1, the Agreement remains unchanged and in full force.

Section 3. Execution. This Amendment may be executed in printed form, by electronic means, or by facsimile, and is effective on delivery of the Amendment to Fairfield.

**[SIGNATURE PAGE FOLLOW]**  
**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this Amendment to be executed in its name and on its behalf by the Chair of County Council and to be attested by the Clerk to County Council effective as of the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

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Chair, Richland County Council

*(SEAL)*  
ATTEST:

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Clerk to Richland County Council

**EXHIBIT A**  
**MASTER AGREEMENT**

# Richland County Council Request of Action

**Subject**

Alcohol on County Property: Palmetto Tasty Tomato Festival; Development of Process Moving Forward [**PAGES 113-126**]

## Richland County Council Request of Action

**Subject:** Alcohol on County Property: Palmetto Tasty Tomato Festival; Development of Process Moving Forward

### **A. Purpose**

Council is requested to approve, via Resolution, the consumption of alcohol on County property for the Palmetto Tasty Tomato Festival on July 18, 2015. Council is also requested to direct staff to develop a process by which this approval is obtained moving forward.

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

Sustainable Midlands is having its 5th Annual Tasty Tomato Festival on July 18th. The Festival is held at City Roots Farm on Airport Boulevard, and runs from 4PM to 9PM. The street in front of the farm from Jim Hamilton Blvd. to Commerce Drive is closed for the event. The City of Columbia Police Department monitors the family-friendly crowd. Last year, the event had 3,000 attendees, and it has run out of room. Sustainable Midlands would like to expand to the field behind the old hangar at Owens Field, which is County property, and allow attendees to have beer on said property. Please see attached map for current and proposed Festival expansion.

From the Palmetto Tasty Tomato Festival's website:

“Presented by Sustainable Midlands, the Palmetto Tasty Tomato Festival is a celebration of locally grown food – the people who grow it, the restaurants who place it on their menus, the markets that sell it, and the people who eat it!

Continuing its traditions of old-time festival fun, Tasty Tomato's programming includes a free heirloom tomato tasting, live music, local food and drink vendors, tomato bobbing, and the highly anticipated Tasty Tomato Contests!

Returning as well this year is the Tasty Tomato Restaurant Feast, a collaboration with local restaurants that will offer special dishes on their menus made with Midlands Grown ingredients the week before the festival, from July 11-18, 2014. [Note: Website has not yet been updated for this year's event.] Festival food will also feature local food with a tomato theme!

Sustainable Midlands, a champion of the region's sustainable food efforts and festival founder, is producing this celebration of the tomato season. The festival will be held at City Roots Urban Farm.”

Because of the quick turn-around time for this item, it is requested that Council approve the Resolution (attached) permitting the consumption of alcohol on County property for the 2015 Palmetto Tasty Tomato Festival.

Further, it is requested that Council direct staff to develop a process by which this approval (sale of alcohol and/or consumption of alcohol on County property) is obtained moving forward.

The City of Columbia requires requestors to submit an application to allow alcohol (beer and/or wine only) on City property and streets. The request and application are then submitted to

Council via Resolution to permit this use. Attached is a copy of the City application to allow alcohol (beer and/or wine only), as well as Sustainable Midlands's 2014 Resolution for the Palmetto Tasty Tomato Festival.

The County may mirror somewhat the process used by the City of Columbia for these types of requests, which may increase with the County properties currently in our system (ie, Caughman Park), or those under consideration (ie, Waterpark, Sports Complex.). Therefore, it is requested that staff be allowed time to develop a process for such approvals, and present this to Council once available.

**C. Financial Impact**

There is no financial impact associated with this request. The Palmetto Tasty Tomato Festival organizers will be responsible for any and all costs associated with the festival, and any potential costs that occur as a result of alcohol on the County's property.

**D. Alternatives**

1. Approve the request, via Resolution, to allow for the consumption of beer on County property for the Palmetto Tasty Tomato Festival. Direct staff to develop a process by which this approval (sale of alcohol and/or consumption of alcohol on County property) is obtained moving forward.
2. Do not approve the request to allow for the consumption of beer on County property for the Palmetto Tasty Tomato Festival. Direct staff to develop a process by which this approval (sale of alcohol and/or consumption of alcohol on County property) is obtained moving forward.
3. Do not approve the request to allow for the consumption of beer on County property for the Palmetto Tasty Tomato Festival. Do not direct staff to develop a process by which this approval (sale of alcohol and/or consumption of alcohol on County property) is obtained moving forward.

**E. Recommendation**

Approve the request, via Resolution, to allow for the consumption of beer on County property for the Palmetto Tasty Tomato Festival. Direct staff to develop a process by which this approval (sale of alcohol and/or consumption of alcohol on County property) is obtained moving forward.

Recommended by: Roxanne Ancheta

Department: Administration

Date: 3/11/2015

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 3/11/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is a policy decision for Council.

### **Airport**

Reviewed by: Chris Eversmann

Date: 3/12/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The Curtiss-Wright Hangar compound apron area is separate from the airfield and, therefore, this event and associated alcohol use should not impact airport security or operations. However, this request has not been presented to the Richland County Airport Commission for consideration and, in informal communications, both the Commission Chairman and Vice Chairman (who is also a neighborhood representative) have expressed concerns about this request. Until this request has been considered by the Airport Commission, I cannot recommend approval. The next scheduled meeting of the Airport Commission is on May 11<sup>th</sup>.

### **Risk Management**

Reviewed by: David Chambers

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Broader use requests and requests to waive insurance protection due to affordability are likely to follow.

### **Solid Waste**

Reviewed by: Rudy Curtis

Date: 3/12/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This would seem to be a policy decision and would have no impact on solid waste and recycling matters.

### **Support Services**

Reviewed by: John Hixon

Date: 3/12/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

It is a policy decision of Council to determine if the sell and or consumption of alcohol shall be permitted on county property, but if that is Councils direction I recommend approval of alternative #1 in order for staff to have time to define a procedure and possibly pair or utilize the procedure in conjunction with the Public Use of County Facility's Policy that was approved late 2013.

Relating to this event, all facilities related items were discussed and included in the Resolution to ensure the Sustainable Midlands will be responsible for all clean-up and any potential damage of the County's property.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/17/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. Council should be aware that opening the property to the public comes with potential liability that the County cannot completely avoid even with the use of a Hold Harmless and Indemnification Agreement.



**Administration**

Reviewed by: Sparty Hammett

Date: 3/19/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a Council policy decision.



**BE IT FURTHER RESOLVED** that Sustainable Midlands may erect a stage and tents, have educational exhibits, food vendors and place tables, chairs, trash and recycling receptacles and temporary toilet facilities on the Property, but may not locate any liquor, beer or wine vendor ~~or Festival event~~ on the Property and that all food and beverage containers shall be paper, plastic, Styrofoam or aluminum. All glass containers are strictly prohibited. No weapons of any kind shall be allowed on the Property except for those possessed by City of Columbia Police Officers or Richland County Sheriff's Deputies during the course of their law enforcement activities; and

**BE IT FURTHER RESOLVED** that Sustainable Midlands is responsible or shall make arrangements for clean-up of all trash and debris and removal of such from the Property. If Sustainable Midlands fails to remove all trash and debris from the Property and return the Property to its original condition, as much as is practicable, the costs incurred by the County for such clean-up shall be billed to and paid by Sustainable Midlands. If the Property, including any permanent fencing, is damaged, the costs incurred by the County in remediating any damage shall be billed to and paid by Sustainable Midlands; and

**BE IT FURTHER RESOLVED** that only pedestrian traffic will be allowed within the Property. All other traffic, including but not limited to, automobiles, trucks, motorcycles, mopeds, bicycles and skate boards is prohibited. All pets and animals are prohibited; and

**BE IT FURTHER RESOLVED** that Sustainable Midlands is responsible for installing a temporary fence to prohibit pedestrian traffic to the Curtiss-Wright Hangar and for locking the gate to the Property after the clean-up of the Property. All questions regarding the fence and gate security shall be directed to Chris Eversmann, Airport Director (767-1789); and

**BE IT FURTHER RESOLVED** that Sustainable Midlands shall provide the names and telephone numbers of at least two contact persons who can receive complaints during the event, including any set-up, breakdown, and clean-up. The cell phones of the contact persons shall remain on at all times during the Festival and all set-up, breakdown, and clean-up times; and

**BE IT FURTHER RESOLVED** that Sustainable Midlands is responsible for removing persons from the Property who are observed engaging in any unsafe activity or illegal activity, including but not limited to, underage use of alcohol, use of illegal drugs or possession of weapons of any kind; and

**BE IT FURTHER RESOLVED** that Sustainable Midlands will be required to obtain the requisite Special Event license from the South Carolina Department of Revenue for the sale of beer and wine (in accordance with Richland County Ordinance §18-5); to sign an Indemnification and Hold Harmless Agreement (Attachment B); and ~~for to obtain~~ing and ~~maintain~~ing an adequate general liability insurance policy for the Festival, which shall include Richland County as an additional insured, whether such policy is Sustainable Midlands's general liability insurance or a liability policy for the Festival. Proof of such insurance shall be provided to David Chambers, Richland County Risk Manager ([chambersd@rcgov.us](mailto:chambersd@rcgov.us) – 576-2064) at least fourteen (14) days prior to the event. Failure to sign the Indemnification and Hold Harmless Agreement or timely provide the required proof of insurance shall immediately nullify this Resolution.

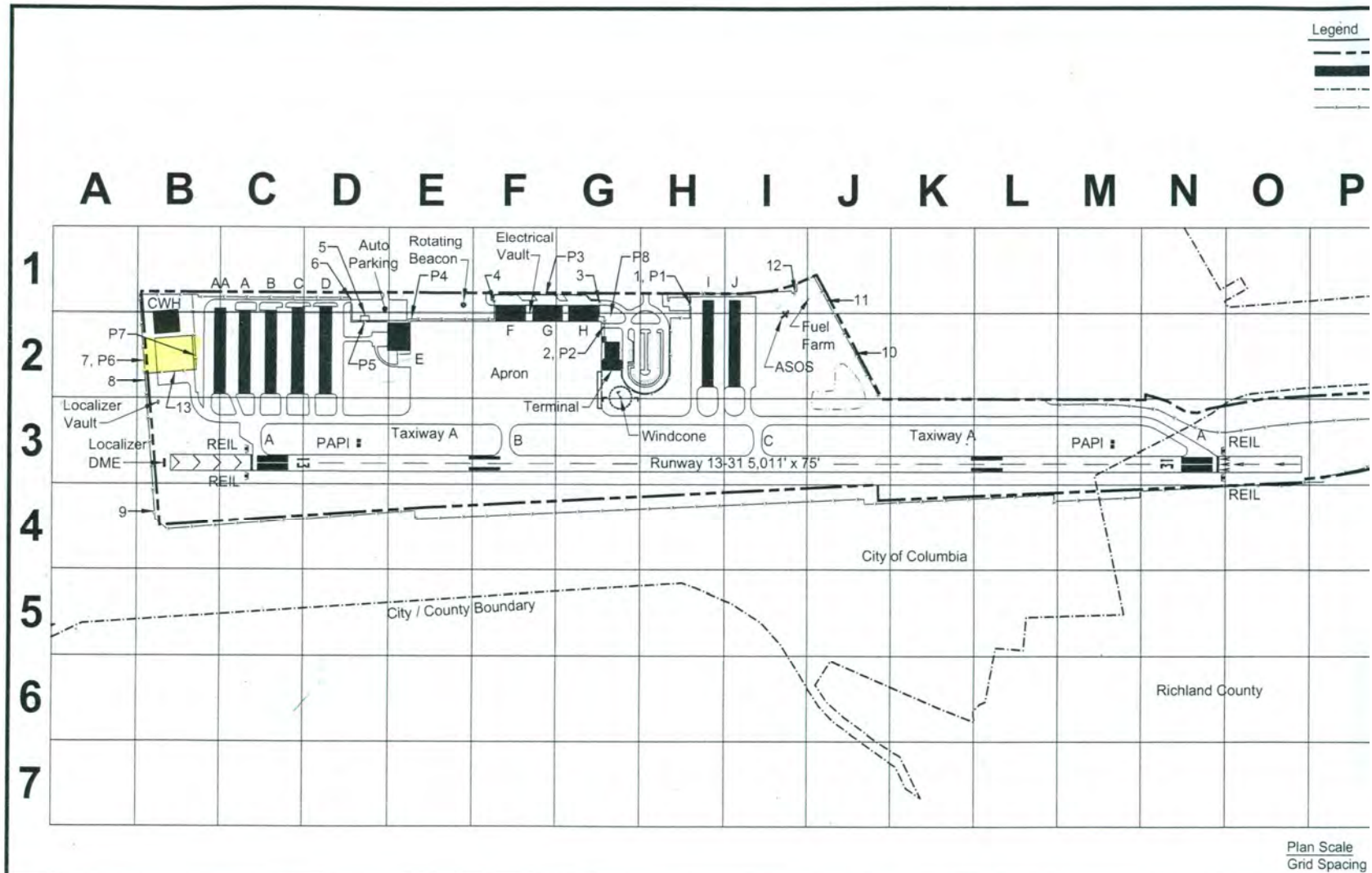
**ADOPTED THIS** \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Torrey Rush, Chair  
Richland County Council

Attest: \_\_\_\_\_  
S. Monique McDaniels

Clerk of Council

**ATTACHMENT A**



Airport Grid Map  
 Jim Hamilton - L.B. Owens Airport (CUB)  
 1400 Jim Hamilton Boulevard  
 Columbia, South Carolina 29205

**ATTACHMENT B**

**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT**

By signing the below, Sustainable Midlands, its officers, employees, agents, directors, successors, and assigns hereby agree to indemnify, defend and hold harmless Richland County, its officials, directors, employees and agents, from and against any and all claims, demands, damages of any kind, attorneys' fees, costs, actions, cause of action, or suit in law or equity of whatsoever kind or nature whether heretofore or hereafter accruing against Richland County, its officials, directors, employees and agents, as a result of the Sustainable Midlands' use of the Property pursuant to the Resolution or the exercise by Sustainable Midlands of any and all rights and privileges granted to Sustainable Midlands by the aforementioned Resolution.

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

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

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

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



DATE OF REQUEST	September 9, 2013	REQUESTOR'S NAME/CONTACT INFORMATION (E-MAIL/PHONE#/FAX#)	Sustainable Midlands Rocky Branch Watershed Alliance Ryan Nevius ryan@sustainablemidlands.org 803-381-8747
EVENT NAME/PURPOSE (i.e., St. Patrick's/Charity Fund-raiser)	Rocky Branch Bash To educate and advocate for clean water		
DATE(S) OF EVENTS:	October 20, 2013		
LOCATION OF EVENT (i.e., Amphitheater area of Finlay Park; 1300 and 1400 blocks of Main Street between Lady Street and Hampton Street)	Martin Luther King Park		
STREET(S) OR PARK AREA TO BE CLOSED (i.e., 1300 and 1400 blocks of Main Street between Lady Street and Hampton Street; Amphitheater area of Finlay Park; Boyd Plaza)	Park will not be closed, admission is free		
HOURS FOR STREET(S) OR PARK AREA TO BE CLOSED (i.e., 5:00 p.m. - 12:00 a.m.) ALLOW TIME FOR SET UP/CLEAN UP			
HOURS OF EVENT (i.e., 6:00 p.m. - 10:00 p.m.)*	noon to 6PM		
HOURS OF SERVICE OF BEER/WINE BEVERAGES ONLY (NO LIQUOR**) (Service should end one-half hour prior to end of event, i.e., event is 6-10 p.m., beer/wine service is 6-9:30 p.m.)*	noon to 6PM		

Requests should be submitted by mail, e-mail or fax at least **NINETY (90) days in advance of the event** to allow for preparation and review of the Resolution and scheduling on Council's agenda. Requests may be sent by e-mail ([slardis@columbiasc.net](mailto:slardis@columbiasc.net)), fax (803-737-4250) or mailed to City Attorney's Office, ATTN: Shari Ardis, POB 667, Columbia, SC 29202. A draft Resolution will be prepared and forwarded for review to the event organizer, as well as to the City departments for coordination of City services and requirements (i.e., Police, Solid Waste, Parks and Recreation, etc.). Approval from the adjoining business/property owners must be obtained before your request will be submitted to City Council if streets are to be closed off during business hours. The event organizer is responsible for obtaining a permit or license if required by the South Carolina Department of Revenue.

**\*Outdoor possession and consumption of beer and wine beverages only, all outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of the event to residential properties.**

**\*\*With the exception of the parks listed in Sec. 15-1 Prohibited acts in parks (8), POSSESSION OF LIQUOR IS STRICTLY PROHIBITED. VIP tents or VIP areas for possession and consumption of alcoholic beverages or alcoholic liquors within the event area are prohibited.**

NOTE: **This form should only be used for public events where beer and/or wine are to be sold and consumed on City property** (i.e., Five After Five, St. Patrick's Festival, Concerts in Finlay Park, etc.).

This form should not be used to request use of City property for private events (birthday, retirement, anniversary parties, etc.) nor for sidewalk sales or neighborhood block parties. Requests for private events at City parks should be made through the Parks and Recreation Department. Requests for sidewalk sales should be made to the City Manager. Requests for street closings for private neighborhood block parties should be made to the Police Department Special Events and Public Safety.

Fire Marshal George N. Adams, Jr., 545-3703; 413-8553; [cfdgadams@columbiasc.net](mailto:cfdgadams@columbiasc.net)  
 Legal Department - Shari Ardis; 737-4242; [slardis@columbiasc.net](mailto:slardis@columbiasc.net) - resolution preparation  
 Police Department Special Events - Officer Robert Hall; 545-3535; [rjhall@columbiasc.net](mailto:rjhall@columbiasc.net) parade permit, police  
 Parks and Recreation - Loretta Coleman; 545-3100; [lcoleman@columbiasc.net](mailto:lcoleman@columbiasc.net) park reservations  
 Police Department Community Services - Brenda Murphy; 545-3507; [bmmurphy@columbiasc.net](mailto:bmmurphy@columbiasc.net) street closing

Last revised: 2/20/2013



**RESOLUTION NO.: R-2014-052**

*Authorizing consumption of beer and wine beverages only at the Palmetto Tasty Tomato Festival*

WHEREAS, Sustainable Midlands ("Sponsor") is sponsoring the Palmetto Tasty Tomato Festival at City Roots Urban Farm in the 1000 block of Airport Boulevard between Commerce Drive and Jim Hamilton Boulevard from 4:00 p.m. until 9:30 p.m. on Saturday, July 19, 2014; and,

WHEREAS, Sponsor has requested permission for the temporary closing and use of the 1000 block of Airport Boulevard between Commerce Drive and Jim Hamilton Boulevard from 10:30 a.m. until 10:00 p.m. for set up, clean up, and staging of the event to be held from 4:00 p.m. until 9:30 p.m.; for patrons to consume beer and wine beverages only during the event hours of 4:00 p.m. until 9:00 p.m.; and for crowd control and overflow; and,

WHEREAS, it has been determined that such an event would be in the public interest; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and Council this \_\_\_ day of \_\_\_\_\_, 2014, that the sale of beer and wine beverages only is authorized between the hours of 4:00 p.m. and 9:00 p.m. on Saturday, July 19, 2014; and,

BE IT FURTHER RESOLVED that all vendors be restricted to stationary location; and,

BE IT FURTHER RESOLVED that outdoor possession and consumption of beer and wine beverages, all outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of the event to residential properties; and,

BE IT FURTHER RESOLVED that possession and consumption of alcoholic liquors or alcoholic beverages other than beer and/or wine beverages within the event area is prohibited; and,

BE IT FURTHER RESOLVED that VIP tents or VIP areas for the possession and consumption of alcoholic liquors or alcoholic beverages, other than beer or wine beverages, within the event area are prohibited; and,

BE IT FURTHER RESOLVED that organizer is responsible or shall make arrangements for the clean up of all trash and debris within the festival area and shall place same in the roll carts provided by the City. Any overflow of trash and debris shall be placed in garbage bags with the top securely closed and placed beside the City roll carts. The number of roll carts needed for the event shall be determined by organizer and the City Solid Waste Division prior to the event and placed throughout the event area to ensure that trash and debris are well contained. Roll carts and bagged trash and debris shall be returned to the collection point designated by the City in a timely manner. If the organizer has not opted to use City services to clean up the festival area, any costs incurred by the City in removing loose trash and debris within the festival area, which the organizer has failed to clean up, shall be billed to and paid by the organizer; and,

BE IT FURTHER RESOLVED that only pedestrian traffic will be allowed within the area. All other traffic, including, but not limited to, automobiles, trucks, motorcycles, mopeds, bicycles, skate boards, and horses, except police horses, is prohibited. All pets, including snakes, shall be prohibited. Coolers, glass bottles, breakable glasses and/or cups, large bags and backpacks shall be prohibited; and,

BE IT FURTHER RESOLVED that during the designated time that the closed portion of the 1000 block of Airport Boulevard between Commerce Drive and Jim Hamilton Boulevard, with the exception of the parking area and any other areas posted as to not allow alcoholic beverages, shall be declared to be a Public Park and provisions of Chapter 15, Parks and Recreation, Sec. 15-1, 15-2 and 15-3, Code of Ordinances of the City of Columbia, South Carolina are in effect. Pursuant to Chapter 14, Offenses and Miscellaneous Provisions, Article IV, Offenses Against the Public Peace and Order, Sec. 14-99, 1998 Code of Ordinances of the City of Columbia, South Carolina, the closed portion of the 1000 block of Airport Boulevard between Commerce Drive and Jim Hamilton Boulevard, with the exception of the parking area and any other areas posted as to not allow alcoholic beverages, is deemed to be the site of a public festival at which beer and wine beverages only may be consumed and the prohibition against possession or consumption of alcoholic beverages set forth in Sec. 14-99 shall not apply. Possession and consumption of beer and wine beverages shall be permitted only in plastic cups, plastic or aluminum bottles or aluminum cans provided by vendors within the areas designated.

PROVIDED, FURTHER, that the event organizer shall provide the names and cell phone numbers of a least two contact persons who can receive complaints during the event, including any set up and breakdown times. The cell phones shall remain on at all times during the event and during any set up and breakdown time.

PROVIDED, FURTHER, that failure of the event organizer to strictly comply with the time frames and other requirements and responsibilities set forth in this resolution may result in a denial of subsequent requests to allow the event.

PROVIDED, HOWEVER, that no solicitation or transactions be made in violation of Sec. 14-32, 1998 Code of Ordinances of the City of Columbia, South Carolina.

Requested by:

Sustainable Midlands

-----  
Mayor

Approved by:

ATTEST:

-----  
City Manager

Approved as to form:

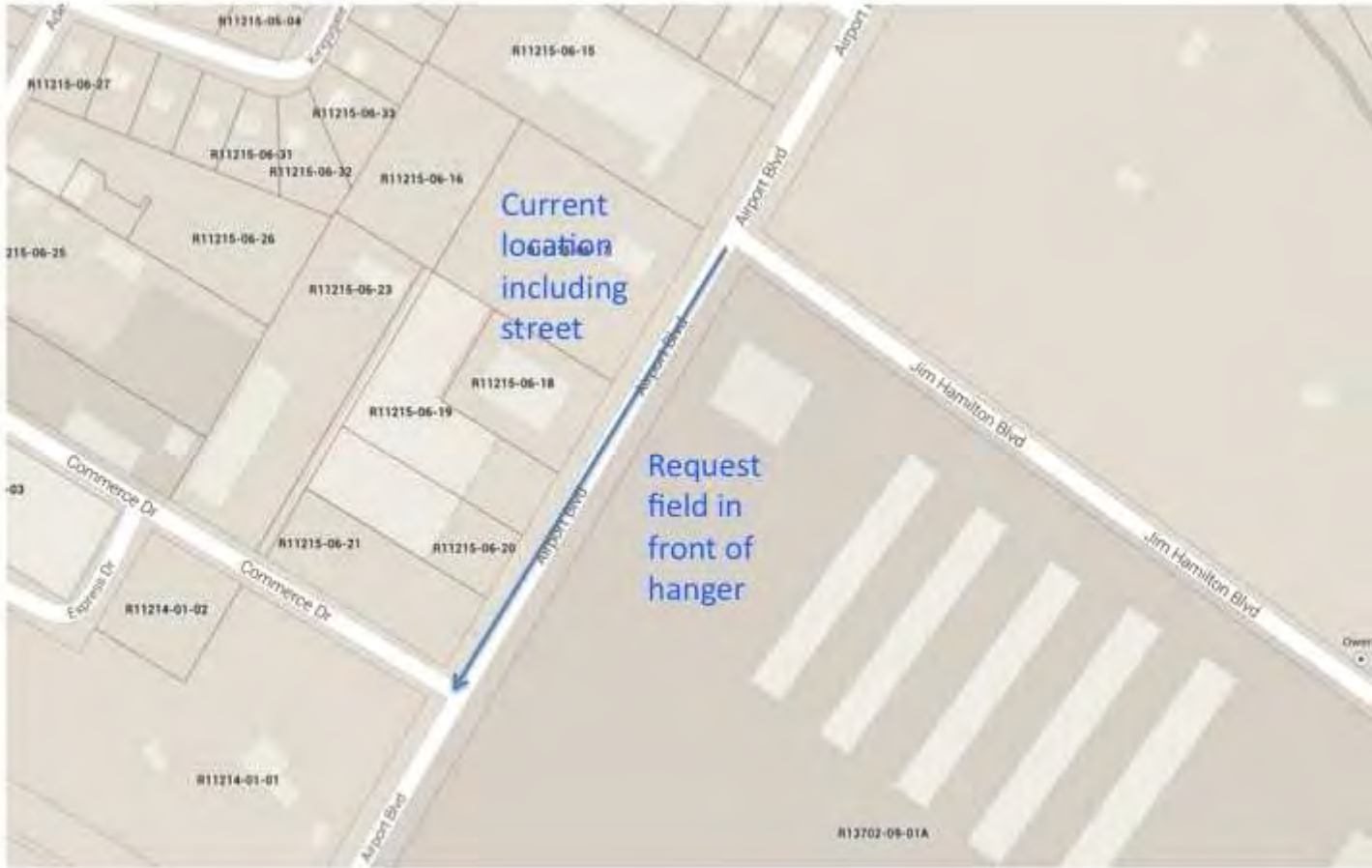
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City Clerk

-----  
City Attorney

Introduced:

Final Reading:

**Palmetto Tasty Tomato Festival Current Location / Proposed Festival Expansion onto County Property**



# Richland County Council Request of Action

**Subject**

McCrary Training Center [**PAGES 127-140**]

**Notes**

April 28, 2015 - The Committee forwarded this item to Council without a recommendation.

**Summary of Revised McCrady Proposal:**

1. Richland County Staff is recommending that County Council approve the revised Intergovernmental Agreement between Richland County and the SC Army National Guard.
2. If County Council approves the IGA, Richland County would relocate the Richland County EMS unit from the current station on 601 to the grounds of the McCrady Training facility.
3. If approved by Council, Richland County EMS will operate from the McCrady Training facility and be housed at the McCrady Fire Station. The EMS vehicles and Paramedics will be available for response to emergency calls on and off of the McCrady site.
4. The EMS call response history under the new arrangement will be monitored and adjustments may be recommended at a later date.
5. We ask that County Council approve the attached revised agreement.
6. Based on the revised agreement the projected cost will be the installation of the Station Alerting System used by our 911 Communications Center to notify first responders of a pending civilian call. This must be installed at the McCrady site. The estimated cost is \$6,000

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

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE SOUTH CAROLINA ARMY  
NATIONAL GUARD, AND RICHLAND  
COUNTY, SOUTH CAROLINA**

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, is by and between the South Carolina Army National Guard and Richland County, South Carolina.

WHEREAS, Richland County through its Emergency Services Department provides Emergency Medical Services (EMS) to Richland County citizens and visitors by having stations located throughout Richland County; and

WHEREAS, The South Carolina Army National Guard desires to provide EMS to the McCrady Training Center located on Leesburg Road;

NOW, THEREFORE, for and in consideration of the exchange of valuable consideration and the mutual covenants contained herein, the parties hereto agree as follows:

1. Richland County will base the EMS vehicle(s) and personnel that is assigned to the coverage area of Richland County that includes the McCrady Training Center, at the fire station located on the grounds of the McCrady Training Center, and;

a) Provide Paramedics and Emergency Medical Technicians to staff the Richland County EMS vehicle(s), as defined by Richland County EMS guidelines;

b) A Quick Response Vehicle (QRV) staffed with a Paramedic may be used to provide coverage as described in number one (1) above;

c) EMS vehicles and personnel may be repositioned in accordance with current Richland County EMS guidelines for county-wide EMS response;

2. The SC Army National Guard shall:

a) Cover the costs of the facility (McCrady Training Center Fire Station) to include maintenance and repair;

b) Provide, through the McCrady Training Center Fire Station, adequate space to house the Ambulance and/or Quick Response Vehicle and personnel.

c) Provide at McCrady Training Center Fire Station the required communications system for dispatching Richland County EMS.

3. Effective Date, Term, and Termination

The parties anticipate this will be a long-term agreement. Therefore, this agreement shall be effective once signed by an authorized representative of each party, and shall continue in full force and effect on a renewable year-to-year basis from the date set forth above, renewable without further action of

the parties for successive one (1) year terms unless terminated by either party by giving a 60 day notice prior to May 1<sup>st</sup> of each year.

4. Statement of Work (Emergency Medical Services)

a) Richland County, its agents, and resources will respond to emergency calls at the McCrady Training Center using on-site or off-site resources.

b) When emergency services are required, Army National Guard Staff shall notify the McCrady Training Center Fire Station per Standard Operating Procedures of the Training Site and notify Richland County EMS personnel in the station or by calling the Richland County 911 Communications Center.

c) In the event the McCrady Training Center EMS crews are on another call or assignment when a request is received, the closest available resources will be sent to McCrady Training Center.

d) Any concerns by the Army National Guard will be submitted in writing to the director of Emergency Services.

5. Title

Title to all equipment purchased under this agreement shall vest with Richland County or in the case of leased equipment, with its equipment supplier(s) for the term of this Agreement. Nothing in this Agreement will be deemed to grant, either directly or by implication, estoppel, or otherwise, any license or ownership rights under any patents, patent applications, copyrights, trademarks, trade secrets or other intellectual property of Richland County.

6. Force Majeure

Neither party will be liable for any failure to perform the terms of this Agreement when such failure is due to "force majeure," which generally shall mean any delay or default in performance due to any cause beyond the control of the party claiming force majeure and without such party's fault or negligence.

7. Miscellaneous Provisions

a) This Agreement contains the entire agreement of the parties, and no prior agreements, oral or otherwise, among the parties not embodied herein shall be of any force or effect. Any amendment to this Agreement shall not be binding upon the parties hereto unless such amendment is in writing and executed by the parties hereto. The parties agree to notify each other if they become aware that any condition will significantly delay performance.

b) This Agreement may be executed in multiple counterparts, the signature pages of which may be compiled to constitute one original Agreement.

c) This Agreement is intended to be performed in compliance with all applicable laws, ordinances, rules and regulations. The parties agree that should any provision, clause, term, paragraph or



phrase of this Agreement be rendered void or ineffective by the order of any court, then the remaining terms of the Agreement will remain in full force and effect.

d) This Agreement shall be governed and interpreted in accordance with the laws of the State of South Carolina.

e) Failure to exercise any right will not operate as a waiver of that right, power, or privilege.

f) This Agreement is not intended to subvert any superior right or duty Fort Jackson may have in providing such services. Such services in this Agreement are limited to the area known as McCrady Training Center and are not to be interpreted as a duty of Richland County to provide services within this agreement to entities not under control of the South Carolina National Guard.

9. Notices

All notices require hereunder, if required to be in writing, shall be deemed effective as of the date posted and addressed as follows:

To The Army National Guard:

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

W/ Copy to:

MG Robert Livingston  
The Army National Guard  
Office of the Adjutant General  
1 National Guard Road  
Columbia, South Carolina 29201

To Richland County:

County Administrator  
2020 Hampton St, Suite 4058  
Post Office Box 192  
Columbia, South Carolina 29202

W/ copy to:

Mr. Michael A. Byrd  
Emergency Services Director for Richland County  
Post Office Box 192  
Columbia, South Carolina 29202

IN WITNESS WHEREOF WE THE UNDERSIGNED have this \_\_\_\_ day of \_\_\_\_\_, 2015, set our hand and seal hereon.

THE ARMY NATIONAL GUARD,  
SOUTH CAROLINA:

WITNESSES:

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

\_\_\_\_\_

Its:

\_\_\_\_\_

RICHLAND COUNTY,  
SOUTH CAROLINA:

WITNESSES:

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

\_\_\_\_\_

Its:

\_\_\_\_\_

McCrary Training Center, located on the southeast side of Ft. Jackson, is licensed by the United States Army Corps of Engineers to the South Carolina Army National Guard (SCARNG) for use as a training site. The SCARNG and other DoD components habitually use the site to prepare for their federal and state missions. The center's average daily population is approximately 1,500 personnel, with a peak summer load of approximately 3,000.

The McCrary Training Center Fire Department provides support to Richland County Fire Services under a mutual aid agreement (currently pursuing an automatic aid agreement), which affords the citizens of Richland County improved fire services. Additionally, the McEntire Fire Department provides tanker support and Aircraft Rescue & Fire Fighting to Richland County fire services when requested.

SCARNG and McCrary Training Center leadership desire 24/7 EMS coverage. It is the intent of SCARNG leadership to have Advanced Life Support (ALS) capability for the site. . At a minimum, we request one paramedic and one Quick Response Vehicle be stationed at McCrary Training Center. In addition, we also request one ambulance be assigned to McCrary Training Center. We understand the ambulance will be reassigned as needed and per Richland County policy. In exchange for Richland County EMS services, the SCARNG would provide Richland County EMS personnel with housing and vehicle storage. In addition, the SCARNG will be responsible for all utilities and building maintenance. Our intent is for a true partnership between our organizations that is mutually beneficial to soldiers and citizens alike.



## Richland County Council Request of Action

**Subject:** McCrary Training Center

### **A. Purpose**

County Council is requested to approve an Intergovernmental Agreement with the South Carolina Army National Guard to provide Advanced Life Support capability for the McCrary Training Center. Council approval is subject to Legal and Staff review and amendment of the Intergovernmental Agreement with the South Carolina Army National Guard.

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

The McCrary Training Center (Center), located on the southeast side of Ft. Jackson, is licensed by the United States Army Corps of Engineers to the South Carolina Army National Guard (SCARNG) for use as a training site. The SCARNG and other DoD (U.S. Department of Defense) components habitually use the site to prepare for their federal and state missions. The Center's average daily population is approximately 1,500 personnel, with a peak summer load of approximately 3,000.

The Center's Fire Department provides support to Richland County Fire Services under a mutual aid agreement, which affords the citizens of Richland County improved fire services. Additionally, the McEntire Fire Department provides tanker support and Aircraft Rescue & Fire Fighting to the County when requested.

It is the intent of SCARNG and the Center to provide 24/7 EMS (Emergency Medical Services) coverage, and the intent of SCARNG leadership to have Advanced Life Support (ALS) capability for the training site.

Through the Intergovernmental Agreement (IGA) (see attached) with the County, SCARNG is requesting that the County provide, at a minimum, one (1) paramedic and one (1) Quick Response Vehicle, which will be stationed at the Center. In addition, SCARNG is also requesting that the County assign one (1) ambulance to the Center. Pursuant to County policy, the ambulance will be reassigned as needed.

In exchange for the County's EMS services, SCARNG will provide the County's EMS personnel with housing and vehicle storage. In addition, SCARNG will be responsible for all utilities and building maintenance.

This request is time-sensitive as SCARNG has to address a federal compliance issue involving the Center, which requires that they have vehicles and staff requested from the County located at the Center to provide EMS.

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

There is no legislative history associated with this request.

### **D. Financial Impact**

There is a possible financial impact associated with this request – please see Michael Byrd's comments in Section G of this request.

**E. Alternatives**

1. Approve an Intergovernmental Agreement with the South Carolina Army National Guard to provide Advanced Life Support capability to the McCrady Training Center. Council approval is subject to Legal and Staff review and amendment of the Intergovernmental Agreement with the South Carolina Army National Guard.
2. Do not approve an Intergovernmental Agreement with the South Carolina Army National Guard to provide Advance Life Support capability to the McCrady Training Center.

**F. Recommendation**

This is policy decision for Council.

Recommended by: Norman Jackson

Department: County Council

Date: 4/30/15

**G. Reviews**

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

**Finance**

Reviewed by: Daniel Driggers

Date: 5/1/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is a policy decision left to Council discretion. Approval would require the identification of a recurring funding source. Additionally, the total amount required will need to be determined.

**Emergency Services**

Reviewed by: Michael Byrd

Date: 5/1/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Defer to Council

As the agreement is written, The South Carolina Army National Guard is seeking the assignment of an Emergency Medical Service resource (Advanced Life Support level) to be located on the McCrady Training Center site for 24 hours a day, seven days a week (24/7) coverage. They are requesting coverage by an ambulance (with Paramedic Crew) and/or a Quick Response Vehicle (QRV) with a Paramedic. Do to the volume of emergency calls and assignments, it is impossible to keep an EMS ambulance or QRV at any of our stations without an interruption of coverage. Currently, no Emergency Medical Service station in

Richland County has guaranteed 24/7 coverage. During times of peak call volume, several station areas may be cross-covered by one vehicle. It may take several hours for the call volume to slow for all stations to be back-filled with EMS resources.

Call volumes for the stations in the Lower Richland area for 2014:

Pine View Station	6,266
Horrell Hill Station	2,250
Eastover	1,227
Gadsden	479
Highway 601	400

There will be a system-wide impact on meeting the strict 24/7 requirement. In order to comply with the 24/7 requirement, the Ambulance stationed at McCrady will be taken out of the normal call rotation and will only be dispatched to civilian calls located within a short distance of the gate. It will not be used to support other response areas. When the ambulance stationed at McCrady responds to a call, EMS will move an ambulance from another station in the Lower Richland area to McCrady until the original ambulance can return. Another option is to pay an overtime crew to insure the McCrady Center has 24/7 coverage.

There will be a financial impact initially and continuously. First, the station alerting system used by our 911 Communications Center to notify first responders of a pending civilian call, will need to be installed at the McCrady site. The estimated cost is \$6,000. Also overtime cost will be incurred to insure 24/7 uninterrupted coverage at the site. Overtime costs could be as high as \$180,000 per year.

The McCrady station sits away from the road. Off-base response times may increase between 30 seconds and 60 seconds because of the travel time to reach Leesburg Road (depending on vehicle and pedestrian traffic on the base). The times may also increase because of the restriction on the response area for the McCrady ambulance, and moving other station ambulances out of their area to cover McCrady.

### **Legal**

Reviewed by: Elizabeth McLean

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### **Administration**

Reviewed by: Warren Harley

Date: 5/1/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is a policy decision left to Council discretion.



STATE OF SOUTH CAROLINA)                    INTERGOVERNMENTAL AGREEMENT  
                                                           )                    BETWEEN THE SOUTH CAROLINA ARMY  
                                                           )                    NATIONAL GUARD, AND RICHLAND  
                                                           )                    COUNTY, SOUTH CAROLINA  
 COUNTY OF RICHLAND                    )

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, is by and between the South Carolina Army National Guard and Richland County, South Carolina.

WHEREAS, Richland County through its Emergency Services Department provides Emergency Medical Services (EMS) to Richland County citizens and visitors by having stations located throughout Richland County; and

WHEREAS, The South Carolina Army National Guard desires to provide EMS to the McCrady Training Center located on Leesburg Road;

NOW, THEREFORE, for and in consideration of the exchange of valuable consideration and the mutual covenants contained herein, the parties hereto agree as follows:

1. Richland County shall staff (on a 24/7 basis in a like manner to its other stations) EMS located at the fire station of McCrady Training Center and shall:

a) Staff the McCrady Training Center Fire Station with a full time EMS crew, as defined by Richland County policies;

b) Station a minimum of one paramedic and one Quick Response Vehicle at McCrady Training Center Fire Station

c) Assign an ambulance at McCrady Training Center Fire Station, with the ability for the ambulance to be repositioned in accordance with current Richland County practices

2. The SC Army National Guard shall:

a) Cover the costs of the facility (McCrady Training Center Fire Station) to include maintenance and repair;

b) Provide, through the McCrady Training Center Fire Station, adequate space to house the Quick Response Vehicle, Ambulance, and four personnel.

c) Provide at McCrady Training Center Fire Station the required communications system for dispatching Richland County EMS.

3. Effective Date, Term, and Termination

The parties anticipate this will be a long-term agreement. Therefore, this agreement shall be effective once signed by an authorized representative of each party, and shall continue in full force and effect on a renewable year-to-year basis from the date set forth above, renewable without further action of

the parties for successive one (1) year terms unless terminated by either party by giving notice prior to May 1<sup>st</sup> of each year.

4. Statement of Work (Emergency Medical Services)

a) Richland County or its agents shall schedule adequate staffing and resources at the McCrady Training Center Fire Station to respond to emergency calls at the McCrady Training Center.

b) When emergency services are required, Army National Guard Staff shall notify the McCrady Training Center Fire Station per Standard Operating Procedures of the Training Site.

c) In the event the McCrady Training Center EMS crews are on another call when the request is received, the closest available resources will be sent to McCrady Training Center.

d) Any concerns by the Army National Guard will be submitted in writing to the director of Emergency Services.

4. Title

Title to all equipment purchased under this agreement shall vest with Richland County or in the case of leased equipment, with its equipment supplier(s) for the term of this Agreement. Nothing in this Agreement will be deemed to grant, either directly or by implication, estoppels, or otherwise, any license or ownership rights under any patents, patent applications, copyrights, trademarks, trade secrets or other intellectual property of Richland County.

5. Force Majeure

Neither party will be liable for any failure to perform the terms of this Agreement when such failure is due to "force majeure," which generally shall mean any delay or default in performance due to any cause beyond the control of the party claiming force majeure and without such party's fault or negligence.

6. Miscellaneous Provisions

a) This Agreement contains the entire agreement of the parties, and no prior agreements, oral or otherwise, among the parties not embodied herein shall be of any force or effect. Any amendment to this Agreement shall not be binding upon the parties hereto unless such amendment is in writing and executed by the parties hereto. The parties agree to notify each other if they become aware that any condition will significantly delay performance.

b) This Agreement may be executed in multiple counterparts, the signature pages of which may be compiled to constitute one original Agreement.

c) This Agreement is intended to be performed in compliance with all applicable laws, ordinances, rules and regulations. The parties agree that should any provisions, clause, term, paragraph or phrase of this Agreement be rendered void or ineffective by the order of any court, then the remaining terms of the Agreement will remain in full force and effect.

d) This Agreement shall be governed and interpreted in accordance with the laws of the State of South Carolina.

e) Failure to exercise any right will not operate as a waiver of that right, power, or privilege.

f) This Agreement is not intended to subvert any superior right or duty Fort Jackson may have in providing such services. Such services in this Agreement are limited to the area known as McCrady Training Center and are not to be interpreted as a duty of Richland County to provide services within this agreement to entities not under control of the South Carolina National Guard.

8. Notices

All notices require hereunder, if required to be in writing, shall be deemed effective as of the date posted and addressed as follows:

To The Army National Guard:

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

W/ Copy to:

MG Robert Livingston  
The Army National Guard  
Office of the Adjutant General  
1 National Guard Road  
Columbia, South Carolina 29201

To Richland County:

County Administrator  
2020 Hampton St, Suite 4058  
Post Office Box 192  
Columbia, South Carolina 29202

W/ copy to:

Mr. Michael A. Byrd  
Emergency Services Director for Richland County  
Post Office Box 192  
Columbia, South Carolina 29202

IN WITNESS WHEREOF WE THE UNDERSIGNED have this \_\_\_\_ day of \_\_\_\_\_, 2015, set our hand and seal hereon.

THE ARMY NATIONAL GUARD,  
SOUTH CAROLINA:

WITNESSES:

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

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

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



**RICHLAND COUNTY,  
SOUTH CAROLINA:**

**WITNESSES:**

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

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

# Richland County Council Request of Action

**Subject**

- a. Planning Commission - 1

# Richland County Council Request of Action

**Subject**

**VOTING:**

- a. I move that County Council amend its rules to require roll call voting on every vote taken **[ROSE]**
  1. Roll Call Voting Options



# Richland County Council Request of Action

## **Subject**

After discussion between the Rules Committee Chair and Clerk to Council it has been determined that the rules of Richland County Council are efficient and outline the duties and responsibilities of each council member. Therefore, it is recommended that the committee review the current policies/procedures for any additional input/changes [**PAGES 143-144**]

**a. Allow members to electronically participate during executive session** – This item was held in committee pending a legal opinion.

## 1.5 Dates/Times

- a) Regular Meetings- Regular Meetings of County Council shall be held on the first and third Tuesday of each month at 6:00 p.m., unless otherwise scheduled by the Chair for good cause, with the consent of a majority of the Council members present.
- b) Special Meetings- Special Meetings may be called by the Chair or a majority of the members of Council provided that twenty-four (24) hours' notice has been given to Council members and the public. The members of Council must be informed of the subject(s) to be discussed at a special meeting. While special called meetings, absent contrary authority, may be held for any purpose Council desires, two frequent reasons necessitating a special meeting include: 1) a special called meeting that is essentially the result of the rescheduling of a meeting that had been regularly scheduled but for whatever reason needs to be moved to a different date or time (i.e., a regular meeting held at a special time not originally scheduled); and 2) a special called meeting to take up a specific matter or matters (i.e.; a "limited purpose" meeting). A special called meeting that is in essence a regular meeting that has been moved to a time not originally scheduled should follow the agenda order set forth in Rule 1.7c) of these rules. A special called meeting that is for a "limited purpose" or "limited purposes" need not follow the agenda order set forth in Rule 1.7c) of these rules, but instead may follow an agenda that is as specific or general as may be necessary for Council to be informed of the purpose(s) of the limited meeting and to carry out the purpose(s) of the limited meeting.

1) Electronic Participation- During any Special Called meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning Meeting, any Council member may participate in the meeting via electronic participation as present for the purposes of a quorum. ~~Any Council member participation electronically shall not be allowed to participate in executive session matters. Should an executive session be held, a council member participating electronically may choose to abstain from a vote on the issue discussed in executive session.~~

No less than five Council members must be physically present to schedule a Special Called Meeting.

For the purposes of this section, "electronic" participation shall mean videoconferencing or teleconferencing which allows all persons participation in the meeting to hear each other at the same time (and, if videoconferencing, to see each other as well).

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

- c) Zoning Public Hearing Meetings- Zoning public hearing meetings shall be held on the fourth Tuesday of each month at 7:00 p.m., unless otherwise scheduled by the Chair for good cause, with the consent of a majority of the Council members present.

# Richland County Council Request of Action

## **Subject**

BOARD TERMS: [**PAGES 145-150**]

- a. Richland County Boards, Commissions, and Committees:
  1. Boards, Commissions, and Committees governed by Richland County Council
  2. Boards, Commissions and Committees with specific criteria
  3. Boards, Commissions and Committees that involve other governing bodies
- b. Richland County Boards, Commissions and Committees that have been dissolved:
  1. Youth Commission
  2. Appearance Commission
  3. Economic Development Committee
  4. Disabilities and Special Needs Board
  5. Midlands Commission on Homelessness
  6. Complete Street Commission
  7. Building Board of Adjustment and Appeals
  8. Performing Arts Center Board
  9. Transportation Study Commission
- c. MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from "two, three year terms" to "three, three year terms" so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [**PEARCE**]



# Richland County Board Terms

## Current Ordinance:

- Sec. 2-327. Terms of service.
  - The members of such boards , commissions and committees shall not serve more than two (2) consecutive terms; provided, however, that upon service of two (2) consecutive terms a member may be eligible for reappointment after one day of non- service. Provided, however, that an individual serving in an executive position on a county board, commission , or committee shall be allowed to complete the term for that position when the individual's term on the board, commission expires prior to the expiration of the executive appointment. Further provided, regional boards , commissions and committees are exempt from the two (2) consecutive term limits requirement whenever the other jurisdiction(s) appointing said members do not limit the number of terms held by their appointee(s).
  - Notwithstanding any other provision of this Article, any member serving on a board, commission or committee may continue to serve until such time as an advertisement has appeared in the local newspaper and a successor has been duly appointed; provided, however, the term of an elected member (who is serving on a board, commission or committee) ends when such member is no longer serving in the capacity of an elected member.  
(Ord. No. 015-11HR, § I, 3-1-11)

## Boards, Commission and Committees governed by Richland County Council:

### **Township Auditorium:**

- **Members:** Seven (7) members residing in the county
- **Terms:** Five (5) years

### **Planning Commission:**

- **Members:** Commission shall consist of not less than five (5) or more than nine (9) members
- **Term:** Four (4) years

### **Board of Zoning Appeals:**

- **Members:** Seven (7) members
- **Term:** Three (3) year terms.

### **Library Board of Trustee:**

- **Members:** Ten (10) members
- **Term:** Four (4) year terms

### **Music Festival Commission:**

- **Members:** Six (6) members
- **Terms:** Four (4) year terms

## **Boards, Commission and Committees that involve other governing bodies:**

### **Board of Assessment Appeals:**

- **Members:** Seven (7) members to be appointed as follows: One by the city council of the City of Columbia, who shall reside within the corporate limits of Columbia; three (3) by a majority of the county council; one by the board of trustees of School District No. 1 of the county, who shall be a resident of School District No. 1; one by the board of trustees of School District No. 2 of the county, who shall be a resident of School District No. 2; and one by the board of trustees of School District No. 6 of the county, who shall be a resident of the county, residing in School District No. 6. One of the members appointed by the county council shall be a person actively engaged in the real estate business.
- **Term:** Three (3) years or until their successors are appointed.

### **Richland-Lexington Riverbanks Parks Commission:**

- **Members:** Two (2) members
- **Term:** Six (6) years

### **Central Midlands Council of Government:**

- **Members:** Six (6) elected officials and five (5) citizens appointed by Council.
- **Term:** Three (3) year term.

### **Historic Columbia Foundation:**

- **Members:** Two (2) members
- **Term:** Four (4) year term

### **Lexington/Richland Alcohol & Drug Abuse Council:**

- **Members:** Six (6) members and the Lexington County Council appoints six members.
- **Term:** Three (3) year term.

### **Community Relations Council:**

- **Members:** One-third (10) of the thirty members are appointed by Richland County Council; one-third by the Columbia City Council; and, one-third by the Columbia Chamber of Commerce.
- **Term:** Three (3) year term.

### **Convention Center Commission:**

- **Members:** Fourteen (14) members to be appointed as follows: three (3) members shall be appointed by the Richland County Council; three (3) members shall be appointed by the Columbia City Council and five (5) members shall be appointed by the nine members so appointed, from a slate to be prepared by the Greater Columbia Chamber of Commerce and the Columbia metropolitan Convention and Visitor's Bureau.
- **Term:** Three (3) years in which event initial terms shall be staggered.

### **East Richland Public Service District:**

- **Members:** Five (5) members appointed by the governor upon the recommendation of the county council
- **Terms:** Five (5) year terms.

## **Boards, Commission and Committees with specific criteria:**

### **Airport Commission:**

- **Members:** Nine (9) commissioners to be appointed by the county council; provided, however, that at least two (2) of the appointees shall reside in either the Rosewood, Shandon, or Hollywood-Rose Hill-Wales Garden area.
- **Terms:** The term of office of each commissioner shall be for a period of four (4) years or until his successor is appointed and qualified. The initial appointment shall be made in staggered terms. The four (4) commission candidates receiving the most votes shall initially be appointed for four (4) years and the three candidates receiving the next higher votes shall initially be appointed for two (2) years.

### **Richland Memorial Hospital:**

- **Members:** Fourteen (14) members and the chief and vice chief of staff shall serve ex officio.
- **Terms:** Four (4) years, or until his or her successor is appointed. Provided, however, the terms of all current board members shall expire on December 31st of the last year of their current term. Thereafter, each term of office shall begin on January 1st of the first year, and expire on December 31st of the fourth year.

### **Conservation Commission:**

- **Members:** Eleven (11) members. Each member of Richland County Council shall appoint one person to represent their respective Council district,
- **Term:** Commissioner shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his/her term.

### **Hospitality Tax Advisory Committee:**

- **Members:** Five (5) members who shall be appointed by majority vote of the Council. All members must be interested citizens residing in the County, and at least two members must be representative of the restaurant industry.
- **Term:** Two (2) years or until his or her successor is appointed.

### **Building Codes Board of Appeals:**

- **Members:** Seven (7) members. Such board shall consist of one (1) architect, one (1) engineer, one (1) contractor, one (1) alternate member from each of the building, electrical, gas and plumbing industries, and three (3) alternate members from the fire protection industry.
- **Terms:** Three (3) year terms.

### **Building Codes Board of Appeals**

- **Members:** Seven (7) members; one (1) architect, one (1) engineer, one (1) contractor, one (1) alternate member from each of the building , electrical, gas and plumbing industries, and three (3) alternate members from the fire protection industry. All members shall be residents of the county. All members shall be appointed by the council and serve without compensation. Based on the nature of the pending appeal(s), the Building Official shall select four (4) of the alternate members to serve on the board for any scheduled meeting and shall take into consideration the expertise offered by said member in making such selections.
- **Term:** All appointments shall be for three (3) year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

### **Accommodation Tax Committee:**

- **Members:** Seven (7) members, the majority of which must be from the hospitality industry, two members must be from the lodging industry and one member must represent the cultural organizations.
- **Term:** Two (2) year terms



**Business Service Center Appeals Board:**

- **Members:** Five (5) members who shall be appointed by majority vote of the Council. The five-member board shall be comprised of three Certified Public Accountants, one member of the S.C. Bar Association, and one other business person. Not more than one member of the Appeals Board may be an employee of the County.
- **Term:** Four (4) years. However, in making the initial appointments, two members shall be appointed for an initial term of four years, two members for an initial term of three years, and one member shall be appointed for an initial term of two years. Thereafter, their successors shall be appointed for terms of four years, or for the balance of any unexpired term. Members may be reappointed for a consecutive, second term, for four years. After this second term, a member may be reappointed for a third term, but only after two years has elapsed from the last day of the last term served. The County Council may terminate for just cause any Board members' terms of office.

**Internal Audit Committee:**

- **Members:** Five (5) members of Council (the Council Chair, the A&F Committee Chair, the D&S Committee Chair, the Economic Development Committee Chair, and the Rules and Appointment Committee Chair), two citizens appointed by a majority vote of the Council at large, and an employee appointed by the County Administrator.
- **Term:** One (1) year in length, with up to three term renewals permitted.

**Employee Grievance Committee:**

- **Members:** Seven (7) members (County employees)
- **Term:** Three (3) term.

**Procurement Review Panel:**

- **Members:** Five (5) members
- **Term:** No term limit noted
- Applicants must be from the service industry

**Transportation Penny Advisory Committee:**

- **Members:** Fifteen (15) Richland County citizens representing Arcadia Lakes, Blythewood, Columbia, Eastover, Forest Acres, Irmo, and unincorporated areas of Richland County.
- **Term:** Terms of service range from three (3) to five (5) year terms.

## **Richland County Boards, Commissions and Committees that have been dissolved**

### **Appearance Commission:**

- **Members:** Eleven (11) members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at-large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.
- **Term:** Two (2) years or until his or her successor is appointed.

### **Transportation Study Commission:**

- **Members:** Thirty-nine (39) members who shall be appointed as follows: 11 members, 1 from each member of County Council; 7 members, 1 from each member of Columbia City Council; 4 members, of which 1 shall be appointed by Lexington County Council, 1 shall be appointed by West Columbia City Council, 1 shall be appointed by Cayce City Council, and 1 shall be appointed by the Springdale Town Council; and 17 members, as recommended by the Richland County Rules and Appointments and approved by a majority vote of Richland County Council. No elected officials shall be appointed to this Commission.
- **Term:** Two (2) year term

### **Economic Development Committee:**

- **Members:** Twelve (12) members, of which three (3) shall be appointed by the council
- **Term:** Three (3) years

### **Youth Commission:**

- **Members:** Thirteen (13) members, all of whom shall be residents of the county; at least one (1) member to be appointed from the clergy; at least one (1) member to be a representative of the South Carolina Department of Youth Services, upon recommendation of the commissioner; at least one (1) member from the Richland County Sheriff's Department, upon recommendation by the Richland County Sheriff; at least one (1) member who is a resident of Richland County School District One; at least one (1) member who is a resident of Richland County School District Two; two (2) members attending high school (grades 9-12) in Richland County; and the remaining six (6) members at large.
- **Term:** The term of office of each commissioner shall be for a period of four (4) years, or until his successor is appointed and qualified; however, the initial appointment shall be made in staggered terms. The six candidates receiving the most votes shall be appointed for four (4) years, and the five (5) remaining candidates shall be appointed for two (2) years.

### **Complete Streets Commission:**

- **Term:** Initially, three (3) members shall be appointed for a one year term; three (3) members for a two year term; and three (3) members for a three year term. Thereafter, all appointments shall be for a three year term. The initial appointments shall be as follows:

### **Building Board of Adjustment and Appeal:**

- **Members:** Seven (7) members appointed; one member must come from each of the following industries: Architecture, Engineering, Contracting, Building, Electrical, Plumbing, and Gas.
- **Term:** Three (3) year terms

### **Performing Arts Center Board:**

- **Members:** Eleven (11) members. The City of Columbia and the Richland County Council each appoints three members. The President of the University, or his designee, shall serve as Chairman and the University shall appoint an additional five members.
- **Term:** Four (4) year term

# Richland County Council Request of Action

## **Subject**

### **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE: [PAGES 151-164]**

- a. Riverbanks Zoo Project: Bridge Construction over Railroad -Contractor Quote
- b. Bluff Road Widening Project: Partnering Opportunity with Central Midlands Council of Governments (CMCOG) and County Transportation Committee (CTC)
- c. Federal Funding for Major Projects: CMCOG
- d. Encroachment Permit: Broad River Road Widening Project





## 2. Riverbanks Zoo Project: Bridge construction over railroad- Contractor quote

### Discussion Points:

Included in the transportation program is \$4.0 million in the special projects category to improve access to the Riverbanks Zoo. Staff has worked with the Zoo over the past year to develop this project. Based on project development the overall project was broken into two phases in the CTIP with the first phase being improvement of pedestrian access across the railroad into the Zoo. This is an evident safety issue in getting patrons in and out of the Zoo. The second phase would be to do some traffic flow improvements to the ramps which may include a traffic signal. The Zoo has funded the design of a pedestrian bridge over the railroad, and recently gained the much coveted R.R. approval for this pedestrian bridge to be constructed.

Currently Riverbanks Zoo is managing approximately \$34 million in improvements to include a new entrance and new exhibits. The new entrance aligns with one side of the planned, pedestrian bridge and falls within the Contractor's work zone. With this in mind, Riverbanks Zoo has approached the County with the request to ask the Contractor currently constructing the other improvements for a price to construct the pedestrian bridge too. The expectation would be to get a better price for construction, and to eliminate conflicts that could arise in having two separate contractors working in the same area at the same time.

Staff supports this idea, but additionally recommends having our Procurement Office and OSBO staff included to assist the prime contractor in identifying SLBE subcontractors that could work on construction of the pedestrian bridge.

If the Council ultimately approved this recommendation, staff would:

- a) Work with Riverbanks Zoo and the Contractor to identify SLBE participation
- b) Ask the Contractor for a price to construct the pedestrian bridge
- c) If the price was within tolerable limits of the Engineer's Estimate bring it before Council for approval, and reimburse Riverbanks Zoo for construction of the bridge

### Questions to be answered:

Does the Committee support this recommended path forward?



### **3. Bluff Road Widening Project: Partnering opportunity with Central Midlands Council of Governments (CMCOG) and the County Transportation Committee (CTC)**

#### Discussion Points:

CMCOG and the CTC collectively designated \$1.8 million to construct a sidewalk along Bluff Road and Rosewood Drive. CMCOG has approved \$1.0 million for the project, and the CTC \$800,000. This sidewalk was designed on Bluff Road from George Rogers Boulevard to Rosewood Drive, and on Rosewood Drive from Bluff Road to the entrance to the State Fairgrounds. SCDOT designed the project, bid it for construction unsuccessfully twice, and have now approached Richland County with the request to include these improvements within our Bluff Road Widening Project. The CTIP authorizes project design in 2015, right of way in 2016, and construction in 2017.

By extending our project 800' we can incorporate the SCDOT designed project, and add \$1.8 million in project funding. Staff supports this addition, but would additionally recommend presenting it to TPAC based on their approved rules and responsibilities.

#### Questions to be answered:

Does the Committee support this recommended path forward?

### **4. Federal funding for major projects: CMCOG**

#### Discussion Point:

In the past staff has discussed the need to develop some major projects to federal standards to ensure the opportunity to apply for federal funding such as TIGER grants or other Federal Match Programs as they become available. With this in mind, staff recommends formally asking CMCOG to designate federal funding on several of our major projects so that we can develop them to federal standards.

#### Questions to be answered:

What action does the Committee recommend?



## 5. Encroachment Permit: Broad River Road Widening Project

### Discussion Point:

Recently SCDOT asked staff to meet with them to discuss an encroachment permit they approved for the construction of a Burger King on Broad River Road. This new Burger King will be located within the existing project limits of the Broad River Road Widening Project included in the County Transportation Improvement Program. Those limits are from Royal Tower Road to the Peak Interchange on I-26. The approved CTIP authorizes design in 2016, right of way acquisition in 2018 with construction outside of 2019. The encroachment permit directs the owner to construct turn lanes on Broad River Road to access the Burger King. In these discussions staff has been asked whether the County could fund the turn lanes since they would be roadway improvements within the limits of the County project. Enclosed in your agenda are plans for the turn lanes as well as a cost estimate.

Staff provided SCDOT and the owner a copy of the CTIP, pointed out design of the widening project has not yet begun, and without a design it's unclear whether the new turn lanes required by SCDOT would have been required in the County project. Additionally funding these turn lanes could set a precedent where any developer within the limits of one of the 14 County widening projects could also ask the County to fund improvements required of them by SCDOT to acquire an encroachment permit.

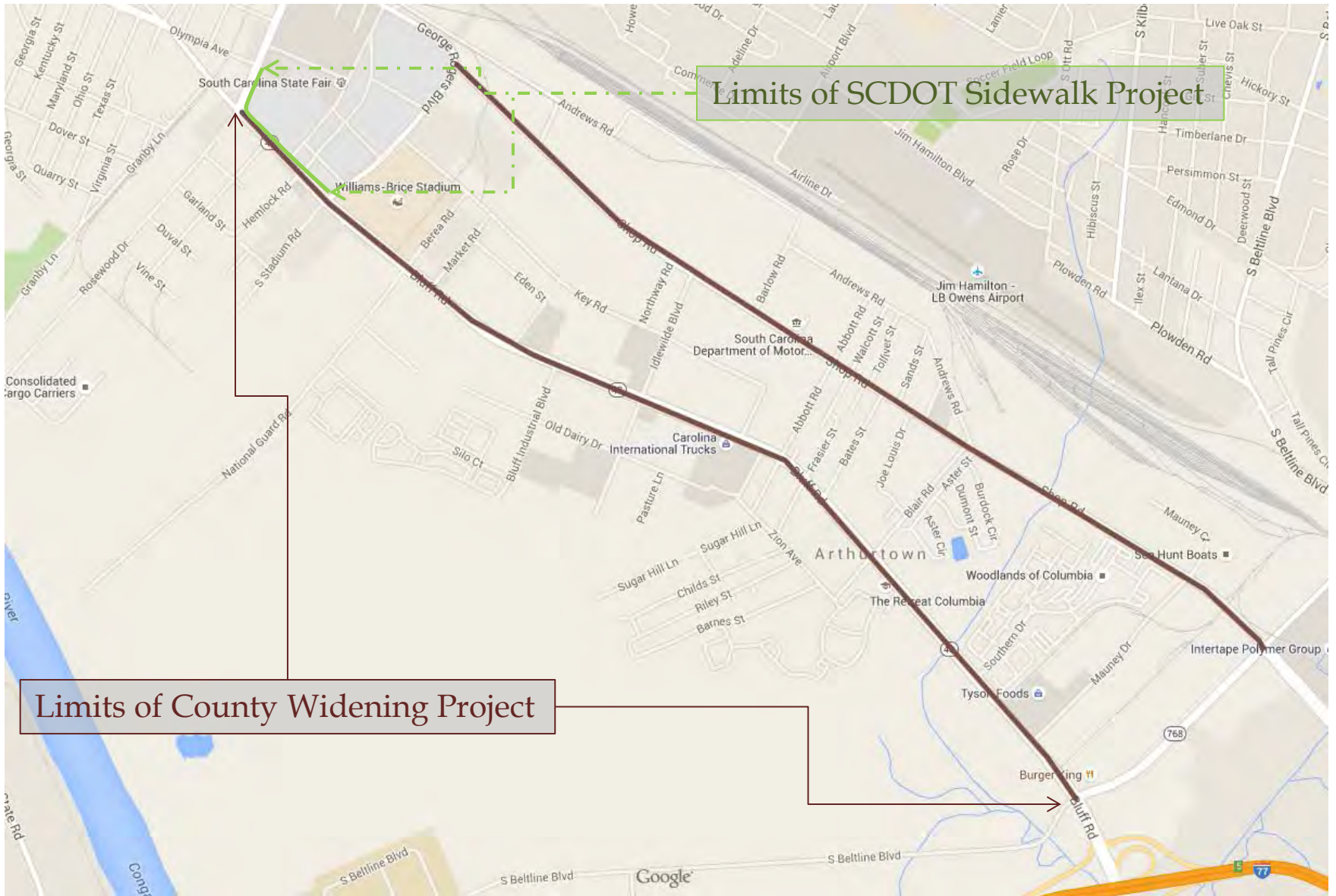
The owner, Bob Brandi, still contends the County should fund the construction of these turn lanes.

### Questions to be answered:

What action does the Committee recommend?



# Bluff Road Widening Project





# Encroachment Permit-Broad River Road Widening Project Location Map





# Broad River Road Widening Project Project Limits



















Robert Brandi <rbrandi@brandicompanies.com>

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**FW: Burger King Road Widening - Broad River and Broadstone**

4 messages

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**Tom Britt** <tombritthb@gmail.com>  
To: Bob Brandi <rbrandi@brandicompanies.com>

Mon, May 11, 2015 at 11:19 AM

Bob:

See the cost breakdown in the email below from Coogler Construction.

Tom Britt  
HB Engineering  
720 Old Cherokee Road  
Lexington, SC 29072  
803-957-7027

**From:** James Huggins [mailto:james@cooglerconstruction.com]  
**Sent:** Friday, May 8, 2015 2:37 PM  
**To:** Tom Britt  
**Cc:** Joey Coogler  
**Subject:** Re: Burger King Road Widening - Broad River and Broadstone

Good afternoon Tom.

The cost breakdown for the Burger King road widening is as follows:

Approximately \$255,202 for Broad River Road

Approximately \$94,254 for Broad Stone Road



Please pass along to those interested in knowing the breakdown.

Thanks,

James Huggins

Sent from my iPhone

On May 4, 2015, at 9:25 AM, Tom Britt <tombritthb@gmail.com> wrote:

James:

I have attached the acad file and pdfs. Some erosion control features were added. Let me know if you have any questions or need anything else.

Tom Britt  
HB Engineering  
720 Old Cherokee Road  
Lexington, SC 29072  
803-957-7027

<!BK-PeakExit.05-04-15.dwg>

<BurgerKingRoadWideningPlans.05-04-15.pdf>

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**Robert Brandi** <rbrandi@brandicompanies.com>  
To: Tom Britt <tombritthb@gmail.com>

Mon, May 11, 2015 at 11:55 AM

Thanks

[Quoted text hidden]

Robert (Bob) Brandi  
279 Cedarcrest Drive  
Lexington, S.C. 29072

803-957-7367 ext # 1010

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**Robert Brandi** <rbrandi@brandicompanies.com>  
To: Rob Perry <perryr@rcgov.us>

Mon, May 11, 2015 at 11:57 AM

Rob, here is the break down, if you need my numbers are 803-553-1801 cell 803-957-7367 ext 1010

Thanks

[Quoted text hidden]

# Richland County Council Request of Action

## **Subject**

a. Participation in Executive Sessions of public bodies created in whole or in part by Richland County: I move that any board, committee, agency, entity or public body created in whole or in part by ordinance or act of Richland County may adopt bylaws and rules of procedure for its operation not inconsistent with the ordinances of Richland County; provided, however, that any board, committee, agency, entity or public body created in whole or in part by an ordinance or act of Richland County shall develop permit any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session such board, committee, agency, entity or public body may hold.

Should any board, committee, agency, entity or public body created in whole or in part by Richland County refuse to allow any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session described herein, such refusal shall be reported by either the Chair of County Council, or by any member thereof, at the next meeting of County Council after such refusal, or as soon thereafter as is practical. Further, the facts and circumstances of any denial of access to an executive session as provided for herein shall be briefed by or to County Council during the annual budget process.

The purpose of this motion is not to overly burden any public body subject to this motion, or to become involved in the day-to-day operations thereof, but instead to exercise appropriate oversight of public bodies created by, funded by, or created and funded by Richland County." **[WASHINGTON]**

b. Request for financial, operational and management information from entities funded in whole or in part by Richland County: I move that..."any board, committee, commission, agency, entity or public body or private organization, regardless of size or membership, funded in whole or in part by Richland County provide financial, operational and management information to Richland County, care of its Administrator or the Administrator's designee, including, but not limited to: [list desired information here]

This information should be provided within a reasonable timeframe, but no later than \_\_\_\_\_, for the County to meaningfully consider the same during its annual budget process.

Any public body or private organization or entity that fails to timely provide the requested information, or that provides incomplete information, will be considered to have an incomplete budget request for the budget year to which the information sought pertains, and shall not be considered for County funding for the budget year to which the information sought pertains until all other organizations and entities which have completed budget submissions are considered for funding. In other words, organizations and entities with incomplete budget submissions will be considered for funding last during that budget cycle.

Any organization or entity may request a partial or full waiver to provide such information as is described herein, and if, in the opinion of the County's governing body, there is a valid justification for the failure to provide the information sought (such as an excessive administrative burden), the County's governing body may grant such a waiver and proceed with the budget funding request at the same point as the organization or entity may have fallen for consideration had such organization or entity filed a completed budget request.

For purposes of a "waiver" as described herein, the same are to be given only for one budget year at a time, and only on a case-by-case basis." **[WASHINGTON]**

c. Ordinance clarifying Richland County's role in providing or paying for administrative, legal or other services for public bodies not created by Richland County: "I move that Council pass an ordinance providing that: Richland County shall not provide administrative or other services, or legal representation or funding for legal representation for any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for any public body that 1) was created or established by any authority other than the governing body of Richland County and 2) whose members are appointed by any authority other than the governing body of Richland County.

For any such public body that is required by the United States of America, the State of South Carolina, or any other competent authority, to be funded by Richland County, the same in its budget request shall include requested funding amounts for all administrative, legal or other services it needs to carry out its mission and operations. In other words, if any such organization or entity anticipates the need for legal or other services, for example, that organization or entity should include a funding request for such services so the same may be paid for out of its budget.

The purpose of this motion is not to deprive any such organization or entity of services it may need, but to appropriately place the responsibility and authority for such services in the hands of the organization or entity over which Richland County has no role or responsibility other than to provide mandated funding.” **[WASHINGTON]**

d. Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County.

The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Robert’s Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically. **[WASHINGTON]**

e. In attending a meeting with small local businesses, questions came up about the county ordinance allowing franchise businesses participating in the county's SLBE program. Motion to change the SLBE ordinance not to allow franchise businesses to qualify as SLBE **[WASHINGTON]**

f. Richland County adopt FEMA standards **[JACKSON]**



# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda