

Report Of The County Administrator

8. a. Quarterly Smoking Ban Report [**PAGE 25**]
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Report Of The Clerk Of Council

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9. An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant

Approval Of Consent Items

10. 11-20MA
Columbia Agape Presbyterian Church
Claire Baxter
RU to OI (.41 Acres)
251 Rabon Rd.
17115-01-07 [**PAGES 27-28**] [**SECOND READING**]
11. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards and Article VI, Supplemental Use Standards; so as to properly reference Section 26-186 rather than "Section 26-184" wherever applicable and/or deleting reference to Section 26-184 (as Section 26-184 is currently "Reserved") [**PAGES 29-31**] [**SECOND READING**]
12. Achieve SC Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste [**PAGES 32-35**]{*Forwarded from the D&S Committee*}
13. Calculation of Salary for Retirement Purposes [**PAGES 36-38**] [**TO TABLE**] {*Forwarded from the D&S Committee*}
14. Transfer of CMRTA to City of Columbia [**PAGES 39-44**]{*Forwarded from the D&S Committee*}
15. Valhalla Micro Surfacing Project [**PAGES 45-47**] {*Forwarded from the D&S Committee*}
16. Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the "Building Code Board of Adjustments." [**FIRST READING**] [**PAGES 48-52**] {*Forwarded from the D&S Committee*}
- 17.

City of Forest Acres Animal Care Intergovernmental Agreement [**PAGES 53-58**] *{Forwarded from the D&S Committee}*

18. Quit Claim of Unnamed Road [**PAGES 59-69**]*{Forwarded from the D&S Committee}*
19. Richland County Shady Wood Lane Improvements Contract [**PAGES 70-75**] *{Forwarded from the D&S Committee}*
20. Medical and Health Care Offices in the RU rural zoning district [**FIRST READING**] [**PAGES 76-87**] *{Forwarded from the D&S Committee}*
21. Pursuant to a request from Gary Watts, the Richland County Coroner, I move that the County Administrator and/or his designee along with the County Attorney meet with the Coroner and Probate Judge Amy McCullough to determine whether a county ordinance could be developed that would assist in the recovery of costs associated with the disposition of unclaimed decedents. This would only apply to those individuals whose estates are determined to have financial resources available. Explanation: According to the Coroner, the number of families declining custody of their deceased relatives is rising annually with the County having to bear the cost of preparation and burial of these individuals. In many cases, the Coroner and Probate Judge have determined that the decedent's estates have sufficient assets to cover these costs; however, they currently have no means to recover the costs associated with these expenses. [**PAGES 88-89**] [**TO TABLE**] *{Forwarded from the A&F Committee}*
22. Motion requesting that County Attorney establish a list of qualified bond attorneys [**PAGES 90-92**] *{Forwarded from the A&F Committee}*
23. Status Offender Intervention Project/One Full-time position/10% match [**PAGES 93-96**] *{Forwarded from the A&F Committee}*
24. Broad River Administration Building-Loan Payment [**PAGES 97-99**] *{Forwarded from the A&F Committee}*
25. Landfill Office Building Replacement [**PAGES 100-103**] *{Forwarded from the A&F Committee}*
26. Approval to Participate in Emergency Medicine Fellowship Program [**PAGES 104-112**] *{Forwarded from the A&F Committee}*

Third Reading Items

27. An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant [**PAGES 113-115**]

Report Of Development And Services Committee

28. Animal Care Ordinance Revisions [**PAGES 116-131**]

Report Of Economic Development Committee

29. Approval of Mars Petcare Utility Tax Credit Grant [**PAGES 132-135**]

Report Of Rules And Appointments Committee

1. Notification Of Vacancies

30. Richland Memorial Hospital Board-2; applicants James "Ward" Bradley and Boyd Summers withdrew their applications

2. Notification Of Appointments

31. Lexington/Richland Alcohol and Drug Abuse Council-1; one application was received from Marilyn M. Mattheus* [PAGES 137-139]

* Signifies incumbent

32. Township Auditorium Board-1; no applications were received

3. Discussion From Rules And Appointments Committee

33. Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [HUTCHINSON, JACKSON, ROSE]

34. Request for an opinion from the Ethics Commission

Other Items

35. CMRTA Route Cuts [NO ACTION REQUIRED]
36. Council Meeting Schedule [PAGES 144-146]
37. Hospitality Tax County Promotions Grant Program Changes [PAGES 147-152] [*Reconsidered at December 6, 2011 Council Mtg.*]
38. Proposed Amendment to Settlement Agreement with Northeast Landfill [PAGES 153-157]

Citizen's Input

39. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

40.
 - a. Motion to have property maps, assessors records, deeds all put on the County's website. Additionally, this motion requests that all three be hyper-linked so you can jump from one to the other for easy records searching. Rationale: When a company is doing their own research where to locate it benefits our County to make this process as easy as possible so that we do not lose business to neighboring Counties. Our neighbors have streamlined the process of searching these

records on their website by hyper-linking them and have an advantage in recruiting business a result. This motion requests that the above described process be done in Richland County in a timely fashion. [ROSE]

b. Motion for a resolution from the County recognizing EdVenture for being named one of five museums nationally to receive the National Medal for Museum Service for 2011. This award recognizes all types of museums for their exceptional service to their local communities and their leadership to the field of museums nationally. This is the highest award that a museum can earn. Our service and leadership in health education and obesity prevention were a major reason we have been recognized. [ROSE, WASHINGTON, DICKERSON, JETER, PEARCE AND MANNING]

Adjournment



Richland County Council Request of Action

Subject

ELECTION OF CHAIR

Notes

2.6 ELECTION OF THE CHAIR: The Chair shall be elected at the first regular meeting of the Council in January, or as soon as practical, by the members of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.

Richland County Council Request of Action

Subject

ELECTION OF VICE-CHAIR

Notes

2.7 ELECTION OF VICE-CHAIR: The Vice-Chair shall be elected either at the first regular Council meeting in January or as soon thereafter as may be practical. The Vice-Chair shall preside in the absence of the Chair. In the absence of the Chair, the Vice-Chair or the senior member of Council shall preside.

Richland County Council Request of Action

Subject

Regular Session: December 13, 2011 **[PAGES 8-18]**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 13, 2011 6:00 p.m.

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

MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Member	Kelvin Washington

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, John Hixson, Nelson Lindsay, Sara Salley, Larry Smith, Daniel Driggers, Hayden Davis, Pam Davis, Andy Metts, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at 6:05 p.m.

INVOCATION

The Invocation was given by the Honorable Jim Manning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

POINT OF PERSONAL PRIVILEGE

Mr. Manning introduced the 2012 One Columbia, One Book, "Saints at the River" and stated that each Council member has a copy at their desk.

PRESENTATION OF RESOLUTION

Resolution honoring the Recreation Commission's re-accreditation by CAPRA – Mr. Washington, Ms. Dickerson, Mr. Jackson, and Ms. Kennedy presented a resolution to the Recreation Commission honoring their re-accreditation by CAPRA.

APPROVAL OF MINUTES

Regular Session: December 6, 2011 – Mr. Malinowski stated that the vote on the Report of the Clerk's Office Organization Ad Hoc Committee needed to be corrected.

Mr. Jackson moved, seconded by Ms. Hutchinson, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Washington moved, seconded by Mr. Jackson, to add "Approval of Project Rocky Set-A-Side Grant Award" to the agenda as Item #19.b. the vote in favor was unanimous.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. Finch vs. Richland County
- b. FN Manufacturing, LLC
- c. McEntire Produce, Inc.
- d. Fire Contract

OUTSIDE COUNSEL EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 6:17 p.m. and came out at approximately 6:43 p.m.
=====

- a. **FN Manufacturing, LLC** – Ms. Hutchinson moved, seconded by Mr. Jackson, to direct staff to resolve this matter as directed in Executive Session. The vote was in favor.
- b. **McEntire Produce, Inc.** – Ms. Hutchinson moved, seconded by Mr. Jackson, to direct staff to resolve this matter as directed in Executive Session. The vote was in favor.

CITIZENS' INPUT

Mr. Washington moved, seconded by Mr. Manning, to waive the rules to allow Ms. Alfie Baker Mincy to speak. The vote in favor was unanimous.

Ms. Mincy and Mr. Kenneth Elliott thanked Council for their support of the Labor of Love Back to School Bash.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Legislative Delegation Update** – Mr. Pope stated that the Legislative Delegation meeting was held Thursday, December 8th. Per the direction of Council, Counsel for the Delegation has drafted legislation regarding the Assessor. Senator Jackson and Representative Rutherford will be sponsoring the legislation and will be pre-filed. Co-sponsors are also being sought. Council will be updated on this item.
- b. **Business Friendly Task Force Update** – Mr. Pope stated that the Task Force met on Monday, December 12th. The members are looking at peer communities, and have reviewed two surveys (1) for the development community and (2) for the business license community. A SWOT analysis regarding our community is to be performed. The next meeting is to be held January 9, 2012 at the Chamber of Commerce.
- c. **Northeast Landfill Work Session** – Mr. Pope reminded Council of the work session that will be held December 20th immediately following the Zoning Public Hearing.

REPORT OF THE CLERK OF COUNCIL

- a. **Council Retreat Location** – Ms. Onley outlined the results of the search for an alternate location for the Council Retreat.

Mr. Malinowski moved, seconded Ms. Hutchinson, to proceed with the original location of Clemson Sandhills Research & Education Center.

Ms. Kennedy made a substitute motion, seconded by Ms. Dickerson, to not move forward with the location.

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

The substitute motion failed.

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

The vote was in favor of the motion to proceed with the original location.

REPORT OF THE CHAIRMAN

No report was given.

PRESENTATIONS

Palmetto Utilities – Mr. Stan Jones, President, updated Council on the company's request to amend the 208 Plan. The matter will be presented to Council in January and could potentially be a Retreat topic.

Recreation Commission—CAPRA – Kenya Bryant, Assistant Executive Director, briefed Council on their CAPRA re-accreditation.

PUBLIC HEARINGS

- An Ordinance Amending the Richland Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commission and Committees; Section 2-332, Boards, Commissions and Committees Created; Subsection (Q), Internal Audit Committee; so as to add members thereto – No one signed up to speak.
- Authorizing the execution and delivery of a fee agreement by and between Richland County, South Carolina and Project Rocky I and Project Rocky II, as sponsors, to provide for fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-332, Boards, Commissions and Committees Created; Subsection (Q), Internal Audit Committee; so as to add members thereto [THIRD READING]
- An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the "County") and FedEx Ground Package System, Inc., acting for itself and for one or more affiliates or other project sponsors (the "Company"), in connection with the establishment of certain facilities in the County (the "Project"); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Project; (3) the benefits of a multi-county park to be made available to the Company and the Project; and (4) other matters relating thereto
- An Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina and Bottling Group, LLC and matters relating thereto
- An Ordinance Authorizing the execution and delivery of an amended fee in lieu of tax agreement between Richland County, South Carolina, and Spirax

Sarco, Inc.; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes

- **An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement between Richland County, South Carolina (the "County") and Westinghouse Electric Company, LLC, acting for itself and for one or more affiliates or other project sponsors (the "Company"), in connection with the establishment of certain facilities in the County (the "Project"); (2) the County to covenant in such agreement to accept certain negotiated fees in lieu of ad valorem taxes with respect to the Project ("FILOT Payments"); (3) the Company to claim certain special source credits against such FILOT Payments; (4) the benefits of a multi-county park to be made available to the Company and the Project; and (5) other matters relating thereto**
- **An Ordinance Authorizing the execution and delivery of an infrastructure credit agreement by and between Richland County and Koyo Corporation of U.S.A., so as to provide, among other things, special source revenue credits for a project; and to provide for other matters related thereto**
- **An Ordinance Authorizing the first amendment of that certain fee agreement by and between Richland County, South Carolina and Koyo Corporation of U.S.A., relating to, without limitation, the payment to Richland County of a fee in lieu of taxes, an extension of the investment period to allow for continuing and further investment in the project, and the extension of the term of the project**

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

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (a)(4); so as to increase the amount of funding dedicated to organizations and projects that generate tourism in those areas where Richland County collects Hospitality Taxes – Mr. Washington moved, seconded by Mr. Jackson, to defer this item until the January 17th meeting. The vote was in favor

Authorizing the Execution and Delivery of a fee agreement by and between Richland County, South Carolina and Project Rocky I and Project Rocky II, as sponsors, to provide for fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters

– Mr. Washington stated that the ordinance title needed to be amended to the following: “Authorizing the Execution and Delivery of a fee agreement by and between Richland County, South Carolina and Mars Petcare US, Inc., as sponsor, to provide fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters”

Mr. Washington moved, seconded by Mr. Jackson, to approve this item as amended. A discussion took place. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Inducement Resolution for Project Dinner – Mr. Washington stated that the committee recommended approval of this item. A discussion took place.

Mr. Malinowski moved, seconded by Ms. Kennedy, to forward this item to Executive Session. The vote in favor was unanimous.

Approval of Project Rocky Set-A-Side Grant Award – Mr. Washington stated that the committee recommended approval of this item. The vote in favor was unanimous.

OTHER ITEMS

Caughman Creek Property – Mr. Malinowski moved to direct the Administrator to inform the landowner that Council does not proceed with the current contract, but would like to proceed with an offer that excludes the dam acreage. The motion died for lack of a second.

Mr. Livingston moved, seconded by Mr. Rose, to not move forward with the current agreement.

Mr. Jackson made a substitute motion, seconded Mr. Malinowski, to direct the Administrator to notify the seller immediately to complete the survey of 44 acres excluding the dam and close immediately after the survey is complete.

Mr. Jackson withdrew his substitute motion.

Mr. Jackson offered a friendly amendment to renegotiate a contract to exclude the dam and dam infrastructure from the contract.

Mr. Livingston accepted Mr. Jackson's friendly amendment.

A discussion took place.

Mr. Livingston moved, seconded by Mr. Pearce, to call for the question. The vote in favor was unanimous.

The vote in favor was unanimous to not move forward with the current agreement and to renegotiate a contract to exclude the dam and dam infrastructure.

Report of the Fire Ad Hoc Committee – This item was taken up during Executive Session.

CITIZENS INPUT

No signed up to speak.

Mr. Washington moved, seconded by Mr. Pearce, to reconsider all Third Reading Economic Development items. The motion failed.

Mr. Malinowski moved, seconded by Mr. Pearce, to reconsider the following Executive Session Items: FN Manufacturing, LLC and McEntire Produce, Inc. The motion failed.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 8:16 p.m. and came out at approximately 8:58 p.m.
=====

- a. **Inducement Resolution for Project Dinner** – Mr. Washington moved, seconded by Ms. Hutchinson, to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Fire Contract** – Mr. Pearce moved, seconded by Mr. Malinowski, to accept the recommendation of the Fire Ad Hoc Committee, as amended, and to proceed with negotiations with the City of Columbia. The vote in favor was unanimous.

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

- c. **Finch vs. Richland County** – Mr. Pearce moved, seconded by Mr. Manning, to direct the County Attorney to enter into mediation and to report back to Council.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to offer the original.

<u>For</u>	<u>Against</u>
Jackson	Pearce
Kennedy	Malinowski
Washington	Hutchinson
	Jeter
	Livingston
	Manning
	Rose

The substitute motion failed.

<u>For</u>	<u>Against</u>
Pearce	Jackson
Malinowski	Kennedy
Hutchinson	Washington
Jeter	
Livingston	
Manning	
Rose	

The vote was in favor of directing the County Attorney to enter into mediation and report back to Council.

MOTION PERIOD

There were no motions.

ADJOURNMENT

The meeting adjourned at approximately 9:01 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Seth Rose

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Zoning Public Hearing: December 20, 2011 [**PAGES 19-21**]

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, DECEMBER 20, 2011 7:00 p.m.

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

MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Absent	Kelvin E. Washington, Sr.

OTHERS PRESENT: Amelia Linder, Geo Price, Sparty Hammett, Brian Cook, Milton Pope, Tony McDonald, Buddy Atkins, Monique Walter, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:03 p.m.

ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions.

MAP AMENDMENT

11-20MA, Columbia Agape Presbyterian Church, Claire Baxter, RU to OI (.41 Acres), 251 Rabon Rd., 17115-01-07

Mr. Livingston opened the floor to the public hearing.

The citizen chose not to speak at this time.

The floor to the public hearing was closed.

Ms. Kennedy moved, seconded by Mr. Manning, to give First Reading approval to this item. The vote in favor was unanimous.

TEXT AMENDMENT

An Ordinance Amending the Richland County Code of Ordinances, so as to properly reference Section 26-186 rather than "Section 26-184" wherever applicable and/or deleting reference to Section 26-184 (as Section 26-184 is currently "reserved")

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Ms. Kennedy, to give First Reading approval to this item.

The vote was in favor.

ADJOURNMENT

The meeting adjourned at approximately 7:05 p.m.

Submitted respectfully by,

Paul Livingston
Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- a. Finch vs. Richland County

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. Quarterly Smoking Ban Report [**PAGE 25**]
- b. Eastover Wastewater Treatment Plant Update
- c. SCE&G Settlement Update
- d. NACo Prescription Card
- e. Council Retreat Update



Richland County Business Service Center

2020 Hampton Street, Suite 1050
P.O. Box 192
Columbia, SC 29202

Phone: (803) 576-2287
Fax: (803) 576-2289
bsc@rcgov.us
<http://www.rcgov.us/bsc>

MEMORANDUM

TO: J. Milton Pope, County Administrator; County Council

FROM: Pam Davis

DATE: 12/28/2011

SUBJECT: Smoking Ban Report – for 4th quarter of 2011

- Number of Complaints Received: 1
- Number of Businesses referenced in complaints: 1
- Business Type(s) referenced in complaints: Adult nightclub

- Number of Notifications: 1
- Number of Inspections: 0
- Tickets Issued: 0

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant

Richland County Council Request of Action

Subject

11-20MA
Columbia Agape Presbyterian Church
Claire Baxter
RU to OI (.41 Acres)
251 Rabon Rd.
17115-01-07 **[PAGES 27-28] [SECOND READING]**

Notes

First Reading: December 20, 2011
Second Reading:
Third Reading:
Public Hearing: December 20, 2011

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-12HR

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 # 17115-01-07 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17115-01-07 from RU (Rural District) zoning to OI (Office and Institutional 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 _____, 2012.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2012.

Michelle M. Onley
Clerk of Council

Public Hearing: December 20, 2011
First Reading: December 20, 2011
Second Reading: January 10, 2012 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards and Article VI, Supplemental Use Standards; so as to properly reference Section 26-186 rather than "Section 26-184" wherever applicable and/or deleting reference to Section 26-184 (as Section 26-184 is currently "Reserved") **[PAGES 29-31] [SECOND READING]**

Notes

First Reading: December 20, 2011

Second Reading:

Third Reading:

Public Hearing: December 20, 2011

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SO AS TO PROPERLY REFERENCE SECTION 26-186 RATHER THAN “SECTION 26-184” WHEREVER APPLICABLE AND/OR DELETING REFERENCE TO SECTION 26-184 (AS SECTION 26-184 IS CURRENTLY “RESERVED”).

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 V, Zoning Districts and District Standards; Section 26-105, C Conservation Overlay District; Subsection (d), Development Standards; Paragraph (6); is hereby amended to read as follows:

- (6) *Recreational/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the provisions established in Section ~~26-184~~ 26-186 of this chapter.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-109, CRD Corridor Redevelopment Overlay District; Subsection (d), Development Standards; Paragraph (7), (the introductory paragraph only); is hereby amended to read as follows:

- (7) *Recreation/Open Space Standards:* All CRD developments that include residential units shall be required to dedicate open space. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix below. Unless otherwise specified below, the requirements of Section ~~26-184~~ 26-186 of this chapter shall apply.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (44), Manufactured Home Parks; Subparagraph k.; is hereby amended to read as follows:

- k. ~~Common area open space (meeting the requirements set forth in Sections 26-184(b)(2)&(3) of this chapter) shall be provided for each manufactured home park.~~ A minimum of twenty percent (20%) of the total development area shall be reserved for open space. However, in no event shall the required open space within a manufactured home development be less than three hundred (300) square feet. In order to expand an existing manufactured home park development, the minimum open space requirements must be met.

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

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

SECTION VI. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: December 20, 2011
First Reading: December 20, 2011
Second Reading: January 10, 2012 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

Achieve SC Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste
[PAGES 32-35]{*Forwarded from the D&S Committee*}

Notes

December 20, 2011 - The committee recommended that Council take no action on zero waste until all haulers contracts have been renewed and that Council direct staff to maintain the current program direction and activities. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Achieve SC State Solid Waste Diversion rate of 35% within five years
And develop a long range goal for Zero Waste

A. Purpose

"County Council is requested to consider the Motion that Council and Council Staff develop and implement a plan that will enable Richland County to achieve the SC State goal of 35% solid waste diversion rate within the next 5 years and to develop a long term plan to reach the goal of "zero waste".

B. Background / Discussion

- The S.C. Solid Waste Policy and Management Act of 1991, was amended in 2000 to change the original waste reduction and recycling goals. The recycling goal was changed to 35 percent of the MSW stream with a target date of June 30, 2005. The waste reduction goal was changed to a per-capita disposal goal of 3.5 pounds per person per day with a target date of June 30, 2005. The Act has not been amended to change the target dates or goals. The state's current recycling rate is 25.5 percent.
- The Act's original recycling goal was 25 percent of the total waste stream by weight and waste reduction goal (reducing the amount of waste going to landfills and incinerators) was 30 percent of the total waste stream. Again, both goals were measured by weight and included all solid waste - not just MSW. The goals, which used fiscal year 1993 as a baseline, were met in FY 1997.
- These types of goals are normally accomplished by developing and implementing various public education programs, waste minimization programs and recycling programs. The County Solid Waste office is currently very active in providing these programs to the residents of Richland County and has received back to back awards for our public education and recycling programs the past two years.
- Currently the County Solid Waste Department has achieved a rate of 21% diversion of the solid waste stream and is on target to surpass the state goal of 35% by 2015 and it is estimated that by 2020 Richland County will reach a diversion rate of 45%.
- Several items to consider are some collection contracts are approaching expiration as these contracts are renewed or rebid the curbside program can be enhanced with programs that will increase our recycling rate.
- Adding a 96 gallon roll cart for recycling to the curbside collection program will boost our recycling and diversion rate anywhere from 10 to 15 % once it's been done County wide. This could be done with little or no extra cost to the County if it was included in the curbside collection contract negotiations.

- The Solid Waste department is currently focusing on reusable goods and multi-Family recycling as well as voluntary commercial recycling programs which will increase our diversion rates another 7 to 12 %.
- Implementing a full zero waste program will mean increasing solid waste fees to support programs associated with zero waste as well as mandating ordinances to both the residential and commercial communities. Some zero waste ordinances may require amendments to contracts such as the Landfill and Recycling processors contracts.

• **Financial Impact**

Maintaining the current direction of the County recycling program will only incur minor cost increases in the next few years.

There will be some significant financial impact associated with zero waste and the cost can only be determined based on the level of the programs implemented.

C. Alternatives

List the alternatives to the situation. There will always be at least two alternatives:

1. Direct staff to maintain current program direction and activities.
2. Direct staff to develop a goal to reach zero waste.

D. Recommendation

State which alternative you recommend. Be sure to include your name, department, and date. For example:

Staff recommends no action be taken on zero waste until all haulers contracts have been renewed and that staff be directed to maintain current program direction and activities.

Recommended by:	Department:	Date:
Paul F. Alcantar	Solid Waste	10/11/2011

F. Reviews

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

Finance

Reviewed by: <u>Daniel Driggers</u>	Date: 10/11/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
<input type="checkbox"/> Council Discretion (please explain if checked)	
Comments regarding recommendation: Supports the recommendation of Solid Waste Director.	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date: 10/11/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Council Discretion (please explain if checked)
Comments regarding recommendation:

Grants

Reviewed by: Sara Salley Date: 10/12/11
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommend approval of staff's recommendation.

Administration

Reviewed by: Tony McDonald Date: 10/12/11
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Concur with the Solid Waste Director's assessment of the County's current recycling efforts and with the recommendations for expanding those efforts in the future.

Richland County Council Request of Action

Subject

Calculation of Salary for Retirement Purposes **[PAGES 36-38] [TO TABLE]** *{Forwarded from the D&S Committee}*

Notes

December 20, 2011 - The committee recommended that Council table this item. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Calculation of Salary for Retirement Purposes

A. Purpose

The purpose of this item is to request the County Council's consideration of a motion made at the September 6, 2011, Council Meeting regarding the calculation of salary for retirement purposes.

B. Background / Discussion

At the September 6, 2011, Council Meeting, Council Member Norman Jackson introduced the following motion:

“Overtime compensation shall not be calculated towards retirement salary.”

Under this motion, employees who receive overtime compensation would not have that part of their compensation included in their annual salary for calculation of retirement benefits.

However, Richland County employees are members of the South Carolina Retirement System (SCRS), and it is the SCRS that governs what portion of an employee's salary will and will not be included in the total compensation used for calculation of retirement benefits. And in all cases, the SCRS requires that overtime compensation must be included when determining retirement benefits. The County, therefore, does not have the authority to change this requirement; it can be changed only by State legislation.

C. Financial Impact

Because the County does not have the ability to affect the change that is called for in the motion, there is no financial impact.

D. Alternatives

1. Abandon the concept of excluding overtime compensation for calculation of retirement benefits.
2. Seek an amendment to State law that would change how retirement benefits are calculated.

E. Recommendation

By: Motion by Council Member Norman Jackson

Date: September 6, 2011 Council Meeting

F. Reviews

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

Human Resources

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Human Resources supports compliance with the applicable SCRS regulations, unless and until they are revised.

Finance

Reviewed by: Daniel Driggers

Date: 9/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Agree with HR Director

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is my understanding that the SCRS as well as the Fair Labor Standards Act regulates what earned income will be calculated as it relates to county employees for retirement purposes.

Administration

Reviewed by: Tony McDonald

Date: 9/13/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend denial as it is the SCRS rather than individual local governments that establish the rules for the calculation of salary for retirement purposes.

After further discussion with Council Member Jackson on 11/15/11, it has been determined that the issue Mr. Jackson was intending to address in his motion can be more adequately addressed through the new City/County Fire Service Agreement.

Richland County Council Request of Action

Subject

Transfer of CMRTA to City of Columbia [PAGES 39-44]{Forwarded from the D&S Committee}

Notes

December 20, 2011 - The committee recommended that Council pursue the procedures process to dissolve the CMRTA as it is currently known and transfer all operational, administrative and managerial ownership to the City of Columbia; whereby the public transportation system will be known as the City of Columbia Metropolitan Transit Authority and that Richland County be allowed to purchase services based on the needs of the unincorporated area. The committee also recommended that Council direct staff to research the financial impact of what it would cost the County to dissolve the CMRTA as it is currently known and transfer ownership to the City of Columbia. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Transfer of CMRTA to the City of Columbia

A. Purpose

Council is requested to consider the motion made at the October 18, 2011 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the October 18, 2011 Council Meeting by Councilwoman Dickerson:

I would like to make a motion base the historical, recent agreements and amendments regarding Richland County’s participation with Central Midlands Regional Transit Authority (CMRTA) as well as the City of Columbia of which I am including for your review to pursue the procedures process to dissolve the CMRTA as it is currently known and transfer all operational, administrative and managerial ownership to the City of Columbia; whereby the public transportation system will be known as the City of Columbia Metropolitan Transit Authority. And that, Richland County be allowed to purchase services based on the needs of the unincorporated area.

The document referenced in the motion is attached below for your convenience.

The CMRTA is currently being funded temporarily by Richland County, the City of Columbia, and Lexington County (in a limited capacity).

CMRTA Board members represent all three aforementioned jurisdictions, as well as Blythewood, Forest Acres, the Richland County Legislative Delegation, and non-voting members from West Columbia and Chapin.

It is at this time that direction from Council is requested regarding this motion.

C. Financial Impact

The financial impact of this motion is not known at this time. Direction from Council is requested. Upon direction of Council, a financial impact can be determined.

D. Alternatives

1. Approve the motion. Provide direction to staff.

2. Do not approve the motion at this time.

E. Recommendation

By: Motion by Councilwoman Dickerson, October 18, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 10/27/11

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

This is an item for Council discretion and is much larger than just a funding decision. However based on the ROA the potential financial implications are not provided or known at this time, therefore I would recommend that any approval include a contingency for a financial review and identification of a source for any required funding.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision of Council and is within Councils legal authority to decide. However, before making such a decision the Council may want to evaluate the pros and cons of the current proposed arrangement versus a purely contractual arrangement for services.

Administration

Reviewed by: J. Milton Pope

Date: 11-14-11

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

INTRODUCTION AND BACKGROUND

The Central Midlands Regional Transit Authority (CMRTA) assumed ownership and responsibility for public transit services in the greater Columbia, South Carolina metropolitan area on October 16, 2002. Prior to that date, the greater Columbia, South Carolina metropolitan area was the last area in the United States where the local private utility company (South Carolina Electric and Gas Company) was the owner and operator of mass transit (fixed route bus and paratransit) services.

The CMRTA was created under the State of South Carolina Code of Laws and is made up of representatives of 15 (fifteen) local jurisdictions. Membership on the CMRTA Board of Directors is distributed based on population, with Richland County having 8 members, the City of Columbia and Lexington County each having 5 members, and all small jurisdictions each having one member. In addition to the local government appointees, and in accordance with the State of South Carolina Code of Laws, each of the County Legislative Delegations is eligible to appoint a Delegation member to the CMRTA Board of Directors.

The CMRTA operating losses for the first few years were funded primarily from the temporary funding source known as the "transit-trust fund" established as a part of the original transition agreement. The "transit fund" received 4 equal installments over the first twelve months of operation, totaling \$15,000,000.00. The balances of the operating losses were funded with Federal and SCDOT-State Mass Transit dollars. Beginning in October 2003, the RTA started receiving annual contributions, for a seven (7) year period, from South Carolina Electric and Gas Company, with the final contribution from SCE&G scheduled for October 2009. Additionally, in October 2003, the City of Columbia began the provision of \$1,000,000.00 to the CMRTA for use in funding the system's operational and capital needs. The current agreement between the City and the CMRTA provides for the continued provision of \$1,000,000.00 annually until a long term dedicated local source of funding is secured. Those contributions are combined with available Federal and State funding to cover current and future operating and capital expenses. It should be noted that the City of Columbia discontinued payment of the \$90,000.00 annual contribution, provided for in the agreement between the City and the CMRTA for support of downtown trolley shuttle services, due to the discontinuation of the shuttle services in October 2005.

In November 2006, the Richland County Council voted to temporarily increase the County Road Maintenance Fee and to use up to \$2.8 million of the FY 2007 proceeds from the increase to help fund CMRTA public transit operations in Richland County. Richland County funding

support for the CMRTA began in February 2007. During the County's FY 2009 budgeting process, County Council approved the

provision of up to \$3,229,640.00 to support the CMRTA during the period July 1, 2008 – June 30, 2009.

In addition, in 2006, County Council directed a portion of the proceeds from the County Road Maintenance Fee (approximately \$500,000.) toward a comprehensive study of the overall transit/transportation and green space needs of the county. The Richland County Transportation Study was completed and presented to County Council in May 2008. The study completion schedule provided Richland County Council with approximately 75 days (until the August 15, 2008 filing deadline) to determine whether a comprehensive transportation ballot question would be included in the November 2008 general election. At the July 22, 2008 meeting, Richland County Council voted, on third reading, NOT to include a transportation funding question on the November 2008 general election ballot.

During the fall of 2008, the City of Columbia and Richland County formed an Ad-Hoc Interim Transit Funding Committee to work together to formulate a plan for interim funding to support the CMRTA until a decision can be made by the County to include a transportation funding question on the November 2010 general election ballot. At the January 2009 meeting of the Ad-Hoc Committee, Richland County presented an interim funding proposal that could sustain the CMRTA, at its present level, until July 1, 2011.

In early spring 2009, a Temporary Funding Intergovernmental Agreement (IGA) was reached between Richland County, the City of Columbia, and the CMRTA. Under the 2009 IGA, Richland County committed \$5,654,000.00 in local funding and the City of Columbia committed \$2,000,000.00 in local funding to support the operating and capital needs of the CMRTA during the period July 1, 2009 – June 30, 2011. In order to receive the above funding, several undertakings were required of the CMRTA. Those activities included: 1.) Increase the cost of bulk/agency discount passes from \$1.00 to a minimum of \$1.25, and ten-ride passes from \$10.00 to a minimum of \$12.00, no later than October 1, 2009; 2.) Continue to pursue financial participation from Lexington County and its municipalities in order to continue and/or expand regional service beyond September 30, 2010; 3.) Complete an independent study and analyses of the transit system, including, a Comprehensive Operations Analysis (COA) to study, at a minimum: ridership information, route and service location, fare structure, marketing, system operations, and operating costs, a Park-and-Ride Feasibility Study to identify and evaluate the feasibility of park-and-ride locations in various parts of the county, including:

Northeast Richland County, North Central Richland County (Blythewood, North Columbia), Northwest Richland County (Irmo, Ballentine, Chapin), and Southeast Richland County (Eastover, Hopkins), and an independent Management Performance Audit of the current system operator, Veolia Transportation. The 3 study/planning efforts had a completion deadline of February 1, 2010.

In addition, the CMRTA was required to undertake an organizational restructuring that included the following: amendments to the existing RTA Agreement and/or CMRTA Bylaws so as to limit voting membership on the CMRTA Board of Directors to jurisdictions that provide an appropriate level of funding based on the cost of providing service within those jurisdictions. Non-contributing jurisdictions may continue their membership in the CMRTA as non-voting members, and appointees from such jurisdictions may continue to serve on the CMRTA Board in an advisory capacity. The CMRTA agreed to secure the above amendments no later than September 30, 2009.

The CMRTA successfully completed all but one (1) of the requirements of the Temporary Funding Intergovernmental Agreement (IGA) within the required deadline schedule. The one (1) remaining item, the pursuit of financial participation from Lexington County and its municipalities in order to continue and/or expand regional service beyond September 30, 2010 is still underway and an Amendment to the Temporary Funding Intergovernmental Agreement (IGA) is currently being developed by legal counsel for the CMRTA, Lexington County, and Richland County. Recently (November 2010), Lexington County Council voted to provide funding to support the CMRTA services in Lexington County for the period October 1, 2010 – June 30, 2011.

In early summer, 2010, the Richland County Council voted to place a 1-cent sales tax referendum question on the ballot for the November 2010 General Election. The referendum, if successful, would provide long term funding for a comprehensive transportation system addressing local funding support needs for the CMRTA public transit system, improvements to the roadway and bridge network, and enhancements to the County's pedestrian and bicycling facilities.

Unfortunately, the 1-cent sales tax referendum failed, albeit, by a very small margin of approximately 2,200 votes, resulting in the CMRTA once again facing a local funding crisis.

Since the inception of the CMRTA, and transfer of the ownership and responsibility for the provision of public transit services, in 2002, the local elected officials, the business community and the public at large have been repeatedly made aware that a long-term dedicated source of funding is essential to sustaining the public transit system and any hope of future improvement and growth.

Richland County Council Request of Action

Subject

Valhalla Micro Surfacing Project [**PAGES 45-47**] *{Forwarded from the D&S Committee}*

Notes

December 20, 2011 - The committee recommended that Council approve the change order for Roadway Management Inc. for the Valhalla Micro surface project not to exceed \$86,000. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Valhalla Micro Surfacing Project RC-CN-505-1112

A. Purpose

County Council is requested to approve an anticipated change order not to exceed \$86,000 for the Valhalla Micro Surface Project. This change order is for the additional full depth base repairs and new speed hump markings that were needed for the micro surfacing of Valhalla Drive.

B. Background / Discussion

Valhalla Drive was originally part of the FY2007 resurfacing project as Additive #7. The FY2007 resurfacing project was funded by the CTC for \$1.4 million dollars. When the FY2007 resurfacing project was bid, there was not enough funding to resurface all of the additives and Valhalla Drive was taken out of the contract to be a stand alone project due to insufficient funding from the CTC at that time.

The CTC now has a positive balance and has allocated \$246,205.45 dollars in funding for this project. The project bid from Roadway Management, Inc. is in the amount of \$219,856.24. This leaves a contingency of \$26,349.21 that can be used for any change orders or overruns.

Before the microsurfacing started, base repairs were made on Valhalla Drive using Full Depth Patching. Richland County staff identified the areas in need of Full Depth Patching for this project in the summer of 2011, but did not mark the commercial area between Two Notch Road and Graces Way. Due to the nature of the repairs made with the milling machine and the area that was not marked, there was an overrun of approximately 1,921 square yards of full depth patching. The unit price for Full Depth Patching is \$40/square yard per the contract with Roadway Management. This totals approximately \$76,840 in over runs for the full depth patching and an additional \$3,300 to mark the speed humps with MUTCD approved markings. There will also be some minor adjustments to the overall final quantities. The total change order will not exceed \$86,000. Since a contingency was already set up for this project, only an additional \$60,000 was requested and approved by the CTC, bringing the total funding for this project to \$306,205.45. The total contract price plus the anticipated change order will not exceed \$305,349.21.

C. Financial Impact

The CTC has approved the requested additional funding in the amount of \$60,000 to cover this change order.

D. Alternatives

Since the work has been completed and the funding approved by the CTC, there is only one (1) alternative for this ROA

- 1) Approve the Change Order for Roadway Management Inc. for the Valhalla Microsurface project not to exceed \$86,000, which brings the contract amount to \$305,349.21.

E. Recommendation

It is recommended that Council approve the anticipated Change Order for Roadway Management Inc. not to exceed \$86,000.

Recommended by: David Hoops, P.E. Department: Public Works Date: December 5, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 12/6/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommendation is based on the fact that funding is available

Procurement

Reviewed by: Rodolfo Callwood Date: 12/6/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett Date: 12/12/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommend Council approval of the Change Order for Roadway Management Inc. for the Valhalla Microsurface project not to exceed \$86,000.

Richland County Council Request of Action

Subject

Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the "Building Code Board of Adjustments." **[FIRST READING] [PAGES 48-52]** *{Forwarded from the D&S Committee}*

Notes

December 20, 2011 - The committee recommended that Council approve an ordinance to amend Chapter 6, Building and Building Regulations; so as to correct the improper reference to the "Building Code Board of Adjustments" wherever applicable in the chapter. The vote in favor was unanimous.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO PROPERLY REFERENCE THE BUILDING CODES BOARD OF APPEALS RATHER THAN THE “BUILDING CODES BOARD OF ADJUSTMENT” WHEREVER APPLICABLE.

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 6, Buildings and Building Regulations; Article II, Administration; Division 1. Generally; Section 6-18, Conflicts of Interest; is hereby amended to read as follows:

Sec. 6-18. Conflicts of interest.

No employee of the building codes and inspections department, except one whose only connection is as a member of the building codes board of ~~adjustment~~ appeals established by this chapter, shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore unless he/she is the owner of such building. No such employee shall engage in any work that is inconsistent with his/her duties or with the interests of the building codes and inspections department.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 1. Generally; Section 6-19, Liability; is hereby amended to read as follows:

Sec. 6-19. Liability.

Any officer or employee of the building codes and inspections department, or member of the building codes board of ~~adjustment~~ appeals, charged with the enforcement of this chapter, acting for the council in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee because of such act performed by him/her in the enforcement of any provision of this chapter shall be defended by the county attorney until the final termination of the proceedings.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (d), Determination of Requirements Not Covered by Chapter; is hereby amended to read as follows:

(d) *Determination of requirements not covered by chapter.* Any requirement necessary for the safety, strength, or stability of an existing or proposed building, structure, or installation, or for the safety of the occupants of a building, or structure, not specifically covered by this chapter, shall be determined by the building official, subject to appeal to the building codes board of [adjustment appeals](#).

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-33, Appeals From Decisions; Subsection (a), General; is hereby amended to read as follows:

(a) *General.* Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used, or when the holder of the permit claims that the provisions of this chapter do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter or any of the regulations thereunder were misconstrued or wrongly interpreted, the owner of such building or structure, or his/her duly authorized agent, may appeal the decision of the building official to the building codes board of [adjustment appeals](#). Pending the decision of the building codes board of [adjustment appeals](#), the building official's decision shall be considered binding.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3. Permits, Inspection and Certificate of Approval; Section 6-45, Examination of Application, Approval or Disapproval, Appeal From Disapproval; Subsection (c); is hereby amended to read as follows:

(c) The applicant may appeal the decision of the building official to the building codes board of [adjustment appeals](#) as provided herein.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3. Permits, Inspection and Certificate of Approval; Section 6-46, Conditions of Issuance; Subsection (c); is hereby amended to read as follows:

(c) All building permits shall include a completion date in which construction shall be completed. Any permit issued shall become invalid unless the work authorized by it was commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each, may be allowed in writing by the building official. Any structure that has not been completed and has had no permitted/approved/inspected work for a period of one (1) year and has allowed the structure to get in a state of disrepair due to neglect and abandonment, shall be declared debris and abated by demolition. A lien shall be placed on the property and possible legal action taken against the owner for a violation of this Article and for any costs incurred for abatement. Decisions of the Building Official may be appealed to the Building Board of ~~Adjustments and~~ Appeals.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4. Licensing and Bonding of Builders,

Contractors and Craftsmen; Section 6-66, Craftsmen Qualification Cards; Subsection (b); is hereby amended to read as follows:

(b) Any person wishing to qualify permanently for qualification cards shall satisfy the building official of his/her competence by satisfactorily completing a written test of competence approved by the building codes board of adjustment appeals.

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4. Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-67, Illegal Work, Revocation of License; is hereby amended to read as follows:

Sec. 6-67. Illegal work; revocation of license.

Any person engaged in the plumbing, electrical, mechanical (HVAC), or gas installation business, whose work does not conform to the rules and regulations set out in this chapter, or whose workmanship or materials are of inferior quality, shall on notice from the building official make necessary changes or correction at once so as to conform to this chapter; if work has not been so changed after ten (10) days' notice from the building official, the building official shall then refuse to issue any more permits to that person until such work has fully complied with the rules and regulations of this chapter. The building official may appear before the building codes board of adjustment appeals and request that all licenses be revoked because of continued violations. Any license issued under this chapter, upon recommendation of the building codes board of adjustment appeals, may be revoked by the county council. When the revocation of any such license is to be considered and voted upon by the council at any meeting, the person to whom the license has been issued shall have at least three (3) days' notice in writing of the time and place of such meeting together with a statement of the grounds upon which it is proposed to revoke such license.

SECTION IX. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; is hereby amended to read as follows:

DIVISION 5. BUILDING CODES BOARD OF ADJUSTMENT APPEALS

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

SECTION XII. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2012

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: January 10, 2012 (tentative)
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

City of Forest Acres Animal Care Intergovernmental Agreement [**PAGES 53-58**] *{Forwarded from the D&S Committee}*

Notes

December 20, 2011 - The committee recommended that Council approve the Intergovernmental Agreement with the City of Forest Acres regarding animal care. The committee also recommended that Council set a goal of January 30, 2012 for having an Intergovernmental Agreement with the Town of Eastover regarding animal care. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: The City of Forest Acres Animal Care Intergovernmental Agreement

A. Purpose

Council is requested to approve the attached Intergovernmental Agreement (IGA) between Richland County and the City of Forest Acres regarding Animal Care.

B. Background / Discussion

Currently, the Richland County Animal Care Department provides animal care services for the City of Forest Acres, as it does for all other Richland County jurisdictions other than the City of Columbia.

It is recommended that Richland County and the City of Forest Acres have a current Animal Care IGA, which will continue to allow the Richland County Animal Care Department to provide specific services as requested by the citizens of Forest Acres and the Forest Acres Police Department.

The proposed IGA is attached for your convenience. The City of Forest Acres has already reviewed and approved the IGA.

The only other outstanding County municipality without a current Animal Care IGA is the Town of Eastover. Staff has contacted Eastover's legal counsel, Mayor, and Town Clerk on numerous occasions since September of this year, but has yet to receive a response. Staff will continue to pursue an IGA with the Town of Eastover. If an IGA is not approved, Council may choose to not perform animal care services within the Town limits of Eastover.

C. Financial Impact

There is no additional cost for the approval of this request, as the Richland County Animal Care Department currently provides animal care services to the City of Forest Acres.

D. Alternatives

1. Approve the Intergovernmental Agreement with the City of Forest Acres.
2. Do not approve the Intergovernmental Agreement with the City of Forest Acres.

E. Recommendation

Approve the Intergovernmental Agreement with the City of Forest Acres.

By: Roxanne M. Ancheta Department: Administration Date: 11-17-11

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 11/22/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Roxanne Ancheta

Date: December 14, 2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the Intergovernmental Agreement with the City of Forest Acres.



Frank J Brunson
MAYOR

COUNCIL
Ginger P Dukes
Charles W Fetner
Curtis L Rye Jr.
W Shell Suber Jr.

C Lee Holloway Jr.
CITY ATTORNEY

Mark Williams
CITY ADMINISTRATOR

October 13, 2011

Ms. Roxanne Matthews Ancheta
Assistant to the County Administrator
Richland County Government
P.O. Box 192
Columbia, SC 29202

Dear Roxanne:

Thank you for your assistance in updating the Animal Control services Intergovernmental Agreement between Richland County and the City of Forest Acres. Enclosed are two signed originals; if you will return one to us upon execution by the county I will be most grateful.

Sincerely,

Mark M. Williams
City Administrator

STATE OF SOUTH CAROLINA)
)
 RICHLAND COUNTY) INTERGOVERNMENTAL AGREEMENT
 (Animal Care)

THIS AGREEMENT entered into this 11th day of October, 2011, is by and between Richland County (hereinafter the "County") and the City of Forest Acres (hereinafter the "City").

RECITALS

WHEREAS, the City desires to utilize the services of the County Animal Care Department for limited animal care services in the those portions of the City within Richland County; and

WHEREAS, the County is willing to provide the City said animal care services.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. The Animal Care Department of the County shall provide such limited animal control services as are specifically requested by the citizens of the City and the Forest Acres Police Department (hereinafter "FAPD"), such services being limited to the following:

- a) Setting animal traps when requested by a citizen of the City.
- b) Receiving owner released pets when surrendered by a citizen of the City.
- c) When requested by the FAPD, picking up animals running at large, vicious animals and animals ready for transport to the animal shelter.

2. All terms in this Agreement related to animal care services by the County shall have the definitions as stated in Chapter 5 of the Richland County Code of Ordinances, as amended.

3. This Agreement shall have a term of ten (10) years from the date of execution or until sooner terminated by either party upon such party giving six months written notice to the other party of its intent to terminate this agreement, and may be extended upon written agreement between the County Council for Richland County and the City Council for the City of Forest Acres.

4. This Agreement may be amended, modified or changed only upon the written agreement between the County Council for Richland County and the City Council for the City of Forest Acres.

5. The County shall continue to assess, levy, and collect property taxes from the

residents of the City of Forest Acres for the above services. Such assessment and levy shall not exceed that which is assessed and levied on property in the unincorporated areas of Richland County. The taxes generated by such assessment and levy shall be designated as an offset to the costs of providing these services and shall constitute the compensation to the County for the undertaking of these services.

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

WITNESSES:

RICHLAND COUNTY

By: Paul Livingston, Richland
County Council Chairperson

Laura Boatright

[Signature]

CITY OF FOREST ACRES

Andy W. [Signature]
By: City Administrator

Richland County Council Request of Action

Subject

Quit Claim of Unnamed Road **[PAGES 59-69]**{*Forwarded from the D&S Committee*}

Notes

December 20, 2011 - The committee recommended that Council approve the Quit Claim to Ms. Bettye Gaither Byrd. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Quit Claim of Unnamed Road As Shown on Plat X-9275 as 50' Road (Plat Attached)

A. Purpose

County Council is requested to approve an ordinance quit claiming a 50' road as shown on Plat X-9275.

B. Background / Discussion

On April 23, 1977 a plat was prepared for the Property of The Estate of Beverly Garrick. This property is located on St. Marks Road, being 1.2 miles South of Gadsden, SC.

The property was cut into three parcels plus a 50' road. This 50' road was to give access to the property in the back, being parcel 2. There are no houses on any of the three properties, and the road was never cut out, it was just shown on the plat mentioned above. Parcels 1 and 3 have road frontage on St Marks Road.

When the new GIS maps were created, this 50' road was included into the road system. (GIS map attached)

On August 17, One Stop Service Request #261729 was generated by Ms. Lucille Gaither, owner of parcel 1. (Service Request Attached) She was requesting the road shown on Plat X-9275 be cut out as shown on the GIS map. After doing some research, it was found that this road should not have been placed into the road system, as it was a private road, never deeded to Richland County and never was cleared as a road.

Ms Gaither, along with the owners of parcels 2 and 3 have requested the road be given back to them. It was explained that a Quit Claim would have to be prepared to make this happen. By county policy, when a quit claim is generated, the property is divided between the adjoining property owners. However, in this case, Ms. Gaither, owner of Parcel 3 and Kenneth W. Gaither, owner of Parcel 1 wish to have the entire road quit claimed to Ms. Bettye Gaither Byrd, owner of Parcel 2. This would give all three road frontage on St. Marks Road. Attached are letters from Ms. Lucille Gaither and Mr. Kenneth W. Gaither making their wishes known.

C. Financial Impact

There will no additional financial impact to Richland County. In fact this will be one less road that Richland County will have to maintain and the road will go back on the county tax rolls.

D. Alternatives

1. Approve the Quit Claim to Ms Bettye Gaither Byrd
2. Disapprove the Quit Claim. If option two is followed, in the future Richland County will have to make some decision as what to do with this road, either clear the road or quit claim it back to the adjoining property owner.

E. Recommendation

It is recommended that County Council approve this quit claim deed and turn this unnamed road over to Ms. Bettye Gaither Byrd.

Recommended By: David Hoops, Public Works Director

December 5, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 12/8/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date: 12/14/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of the quit claim to Ms. Bettye Gaither Byrd.

[THE PURPOSE OF THIS QUITCLAIM DEED IS TO CONVEY AND RELEASE TO THE GRANTEE ANY INTEREST IN AN UNAMED ROAD AS SHOWN ON THE PLAT REFERENCED BELOW}

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 20____ by Richland County, (hereinafter "Grantor"), to Bettye Garrick Byrd (hereinafter "Grantee"). (Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

All that certain piece, parcel, lot of land in the County of Richland, State of South Carolina, approximately 1.2 miles from Gadsden, S. C. as shown on a plat prepared by Hugh F. Longshore, Jr., R. L. S. for Estate of Beverly Garrick, recorded in the Office of the R. M. C. for Richland County, in Plat Book X-9275 and shown as a 50' Road. Said road contains such metes and bounds as shown on said plat.

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this _____ day of _____ in the _____ year of our lord.

WITNESSES: GRANTOR

_____ By _____

(Witness #1)

Its: Paul Livingston
Chairman, Richland County Council

(Witness #2/Notary)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

**PROBATE
(Grantor)**

Personally appeared before me _____ and
(Name of Witness #1)
made oath that (s)he saw the within named _____

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

_____ witnessed the execution thereof
(Name of Witness #2/Notary

Signature of Witness #1

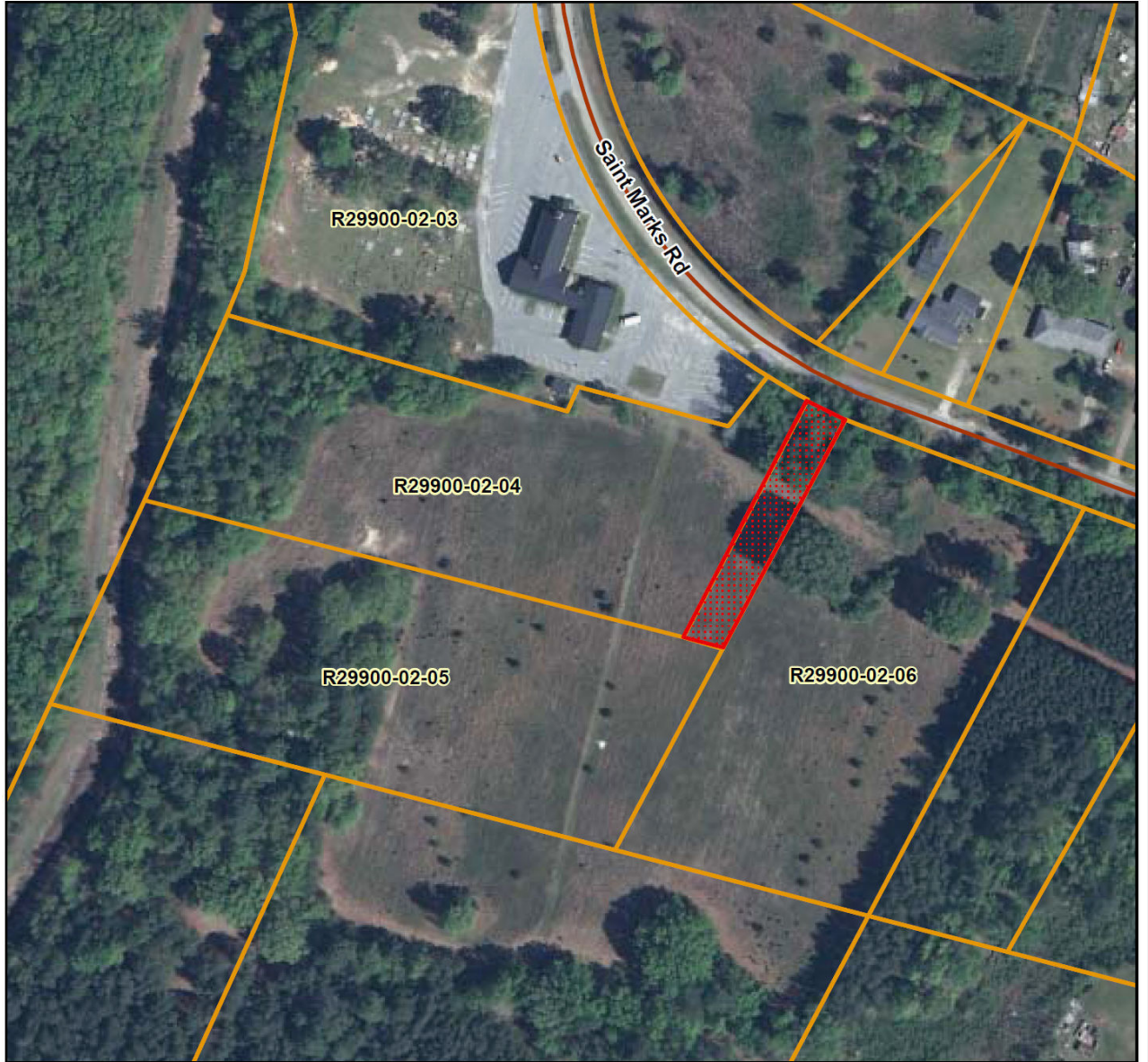
Sworn to before me this _____

day of _____, 20__

Notary Public for South Carolina

MCE _____

Quit Claim: Unnamed Right of Way off of St Marks Rd Property to be joined to TMS R29900-02-05



Legend

-  Roads
-  Parcels
-  Property - quit claim



0 50 100 200 Feet



DISCLAIMER: This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local government agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a licensing agreement.

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Richland County Public Works
400 Powell Rd.
Columbia, SC 29203



October 4, 2011
1900 Pennsylvania Ave.
Columbia, SC 29204

Randy Byrd
Right-O-Way Agent
Department of Public Works
400 Powell Road
Columbia, SC 29203

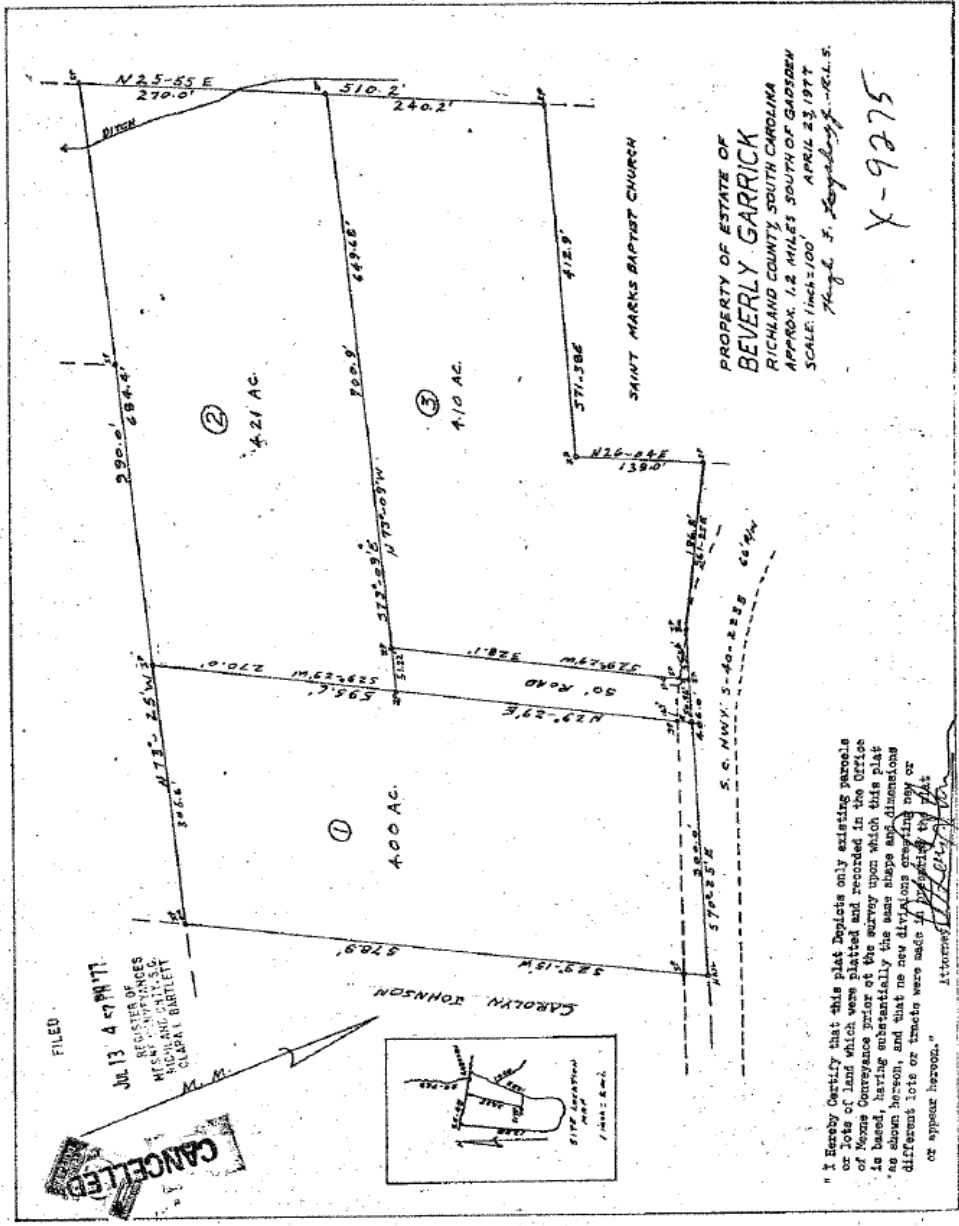
Re: Track of land between TMC R29900-02-06 and R29900-02-04

Since Richland County Public Works will not build the road and has decided to Quit Claim the 50 foot track of land designated for a road on Plat Book "X", page 9275, I Lucille Garrick Gaither grant any portion of this track due to me to be Quit Claimed to Bettye Garrick Byrd (owner of TMC R29900-02-05).

Sincerely,

A handwritten signature in cursive script that reads "Lucille Garrick Gaither".

Lucille Garrick Gaither

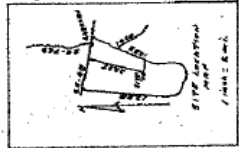


PROPERTY OF ESTATE OF
BEVERLY GARRICK
 RICHLAND COUNTY SOUTH CAROLINA
 APPROX. 1.2 MILES SOUTH OF GARDSDEN
 SCALE: 1 inch = 100' APRIL 23, 1977
King, F. King & Associates, P.A.

X-9275

FILED
 JUL 13 4 47 PM '77
 REGISTER OFFICE
 RICHLAND COUNTY, S.C.
 MICHAEL D. BERTLETT
 CLERK

CANCELLED



"I Herby Certify that this plat depicts only existing parcels or lots of land which were platted and recorded in the Office of Home Conveyance prior to the survey upon which this plat is based, having substantially the same shape and dimensions shown hereon, and that no new divisions creating new or different lots or tracts were made in the surveying or plat or appear hereon."
 Attorney: *[Signature]*

October 4, 2011
1900 Pennsylvania Ave.
Columbia, SC 29204

Randy Byrd
Right-Of-Way Agent
Department of Public Works
400 Powell Road
Columbia, SC 29203

Re: Track of land between TMC R29900-02-06 and R29900-02-04

Since Richland County Public Works will not build the road and has decided to Quit Claim the 50 foot track of land designated for a road on Plat Book "X", page 9275, I Kenneth W. Garrick grant any portion of this track due to me to be Quit Claimed to Bettye Garrick Byrd (owner of TMC R29900-02-05).

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Garrick', with a long horizontal flourish extending to the right.

Kenneth W. Garrick

Service Request Summary

Service Request Number	Assigned Department	Assign To	Status	Date Reported	Due Date	Description
261729	Roads and Drainage	Randy Byrd	Closed	8/17/2011 2:23:42PM	09/14/2011	RD General Concern/Request

Gadsden, SC 29052

Service Request Location: Saint Marks Rd

Proximity:

Caller's Name(s): Lucille Gaither
 9220 Bradford Forest Drive
 DayTime: (973)951-0266
 Evening:
 Alternate: (704)454-5121
 EMail:

Description/Comments: *****Entered: 8/17/2011 2:25:10PM By: CunninghamK*****

Ms. Gaither indicated she owns the property at tms#29900-02-04 and her brother's son owns the property at 29900-02-06. She stated there is a strip of land between the two properties which allows access to her sister's property at 29900-02-05. Ms. Gaither indicated the strip of land was a road (without a name) and has grown up and they are requesting assistance having it cut to have access to her sister's property. She stated the road in question was cut by the County. 73FD4

*****Entered: 8/17/2011 3:09:54PM By: blizzarda*****

Assigned to Mr. Byrd to determine maintenance responsibility.

*****Entered: 8/24/2011 9:14:39AM By: MYERSA*****

Ms. Gaither called to check on the status of her concern. She was reminded of the 10 to 20 working day response time and informed of the comments in the database.

*****Entered: 8/26/2011 2:53:18PM By: BYRDR*****

I went to this site at approximately 12:00 this date. As so happened, Ms. Gaither and her sister were at the site. The service request states that "the road in question was cut by the county". This is incorrect as the road was never cut as evidenced by large trees where the road is suppose to be. I told Ms. Gaither that the county could not cut this road for them as they would have to get a private contractor to do this work. She understood and thanked me. No county action.

Citizen Comments:

Richland County Council Request of Action

Subject

Richland County Shady Wood Lane Improvements Contract **[PAGES 70-75]** *{Forwarded from the D&S Committee}*

Notes

December 20, 2011 - The committee recommended that Council award the contract to Cherokee Inc. in the amount of \$360,797, which includes a 10% contingency. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Richland County Shady Wood Lane Improvements Contract RC-501-CN-1011

A. Purpose

County Council is requested to approve the award of the Shady Wood Lane Improvements contract to Cherokee, Inc. for the paving and storm drainage improvements of Shady Wood Lane leading into the Richland County Utilities Waste Water Treatment Plant. Shady Wood Lane is an existing County owned dirt road.

B. Background / Discussion

Shady Wood Lane is a County owned and maintained dirt road. It is approximately 2,000 linear feet long and leads into the newly constructed Richland County Utilities Broad River Road Waste Water Treatment Plant (WWTP). There are five (5) residential properties that have primary access to their residence from Shady Wood Lane and twenty (20) residential lots, that back up to Shady Wood Lane. Along with the paving of Shady Wood Lane, valley gutters and a closed storm drain system with water quality and quantity features to meet SCDHEC requirements will be constructed to route the stormwater down to the end of the road at the entrance of the WWTP. Engineering Services for the Shady Wood Lane project were awarded to Genesis Consulting Group for \$36,503. The engineering services consisted of design, permitting and construction inspections. The construction project was advertised and bid on March 1, 2011. The Engineers estimate for this project was \$364,326. At this time, Cherokee, Inc. was determined to be the lowest, responsible, responsive bidder for the project with a bid of \$319,862.80. Listed below are the bid amounts from all bidders:

- Cherokee, Inc. - \$319,862.80
- McClam and Assoc. – \$337,364.95
- Walter Hunter Const. – \$365,304.00
- LAD Corp. - \$383,294.50
- C.R. Jackson, Inc. - \$411,380.00
- Sloan Construction Co. - \$414,164.40
- Plowden Const. Co - \$428,732.00
- Boggs Paving, Inc. - \$461,274.00
- Richardson Const. Co. - \$635,032.00

The ROA for the award of this contract was forwarded to Council for approval on March 2, 2011, with funding coming from Roads and Drainage's budget, but was never acted upon.

Richland County Public Works and County Council discussed paving this road since CTC funding for conventional paving in District 1 has become available. Public Works contacted the contractor to see if he would still honor his bid prices and contacted the CTC to inquire about reallocating funding from the District 1 Pin number to this project. The contractor has agreed to hold all of his bid prices. The Asphalt prices are tied to the Asphalt index and would be adjusted depending on when the project was actually paved. As of now the increase in asphalt is approximately \$8,134.50. The CTC has agreed to fund the project with the money allocated

to District 1 Paving (\$665,755.93), formerly Sease Road. The current Bid price with the adjustment for asphalt at this time is \$327,997.30.

Richland County Public Works recommends an approximate ten (10%) contingency to this bid amount for any changes that arise during construction. This would make the total for the contract \$360,797.00

C. Financial Impact

The funding for this project will come from the District 1 Paving Pin#36712. This pin currently has \$665,755.93 that is allocated to dirt road paving in District 1 and would leave a balance of \$304,958.93.

D. Alternatives

There two (2) alternatives for this project and they are as follows:

1. Approve the request to award this construction contract to Cherokee Inc. in the amount of \$360,797.00, which includes a 10% contingency.
2. Do not approve the request to award this construction contract to Cherokee Inc. in the amount of \$360,797.00, which includes a 10% contingency.

E. Recommendation

It is recommended that County Council award this contract to Cherokee, Inc. in the amount of \$360,797.00 for the Shady Wood Lane Improvements.

Recommended by: David Hoops, PE, Director Public Works
Department: Public Works Date: 12/2//2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 12/6/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 6/8/2011
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend that Council award this contract to Cherokee, Inc. in the amount of \$360,797.00 for the Shady Wood Lane Improvements.

Stacy Culbreath

From: JAMES BROWN
Sent: Thursday, December 01, 2011 4:09 PM
To: Stacy Culbreath
Cc: DONALD CHAMBLEE; David Hoops; DAVID CABLE; 'Barker, Julie P.'; KIM LITTLE
Subject: RE: Shady Wood Lane - CTC

Stacy, your request is granted.

Richland County Public Works have permission to move forward to pave Shady Wood Lane from River Bottom Road to the entrance of the new Wastewater Treatment plant, utilizing portion of funding from the reallocated, now defunct Sease Road Project, which was reverted back to Richland County Council District 1 "C" Funds paving, already established, under pin # 36712. This is in accordance and understanding, with the increased amount of \$8,134.50 and the 10% contingency for a total of \$327,997.30, based on the bid acceptance.

Keep me inform as you proceed along with this request and on the balance of the available funding under pin # 36712.

James C. Brown
Chairman, Richland County Transportation Committee
1701 Main Street, P.O. Box 192
Columbia, SC, 29202
(803) 576-1906

From: Stacy Culbreath
Sent: Thursday, December 01, 2011 11:14 AM
To: JAMES BROWN
Cc: DONALD CHAMBLEE; David Hoops; DAVID CABLE
Subject: Shady Wood Lane - CTC

Mr. Brown, as per our conversation today, I am sending you an email about Shady Wood Lane Paving. Below is a brief history and our request.

Public Works decided to pave Shady Wood Lane from River Bottom Road to the entrance of the new Wastewater Treatment Plant. This road is in District 1 of Richland County. We bid this project on March 1, 2011 and Cherokee, Inc won the bid with a bid of \$319,862.80. At this time, County Council decided not to proceed with this project. Also, at this time, County Council decided not to proceed with the Sease Road paving Project as set up with Pin# 36712 (\$665,755.93). This Pin # was renamed to District 1 Paving. Recently, County Council has decided to proceed with the paving of Shady Wood lane and contacted the original bidder. Cherokee, Inc is holding all of the bid prices except for the asphalt and asked for an increase of \$8,134.50 for the new price of asphalt. This brings the total bid to \$327,997.30.

Richland County would like to proceed with the contract and is asking that we use a portion of the funds in Pin#36712 (District 1 Paving). We would set the contract up with a 10% contingency for a total contract amount of \$360,797.00. This would leave \$304,958.93 remaining in Pin #36712 to be used for the paving of other dirt roads in District 1.

If you could send us something in writing letting us know that this is acceptable, we will prepare the necessary documentation for Council's approval.

Thanks.

Stacy

12/2/2011

J. Stacy Culbreath, P.E.; LEED AP
Assistant County Engineer
Richland County Public Works
400 Powell Road
Columbia, SC 29203
(p) 803-576-2409
(f) 803-576-2499
culbreaths@rcgov.us

12/2/2011

Richland County Council Request of Action

Subject

Medical and Health Care Offices in the RU rural zoning district **[FIRST READING] [PAGES 76-87]** {Forwarded from the D&S Committee}

Notes

December 20, 2011 - The committee recommended that Council approve the ordinance as drafted, and send it to the Planning Commission for their recommendation. The vote in favor was unanimous.

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “BUSINESS, PROFESSIONAL AND PERSONAL SERVICES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT MEDICAL AND HEALTH CARE OFFICES IN THE RU RURAL DISTRICT WITH SPECIAL REQUIREMENTS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Business, Professional and Personal Services” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

DRAFT

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
<u>Business, Professional and Personal Services</u>																	
Accounting, Tax Preparation, Bookkeeping, and Payroll Services											P	P	P	P	P	P	
Advertising, Public Relations, and Related Agencies											P	P	P	P			
Automatic Teller Machines											P	P	P	P	P	P	P
Automobile Parking (Commercial)											P	P	P	P	P	P	P
Automobile Rental or Leasing																	
Automobile Towing, Not Including Storage													P	P	P	P	P
Automobile Towing, Including Storage Services															P	P	P
Banks, Finance, and Insurance Offices											P	SR	SR	P	P	P	
Barber Shops, Beauty Salons, and Related Services		SR							SR	SR	P	P	P	P	P	P	
Bed and Breakfast Homes/Inns		SR	SR						SR	SR	SR	SR	SR	SR			
Body Piercing Facilities														SR			
Building Maintenance Services, Not Otherwise Listed														P	P	P	P
Car and Light Truck Washes (See also Truck Washes)													SR	P	P	P	P
Carpet and Upholstery Cleaning Services															P	P	P
Computer Systems Design and Related Services											P	P	P	P	P	P	P
Clothing Alterations/Repairs; Footwear Repairs											P	P	P	P	P		
Construction, Building, General Contracting, with Outside Storage															SR	SR	P

DRAFT

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Construction, Building, General Contracting, without Outside Storage											P	P	P	P	P	P	P
Construction, Heavy, with Outside Storage															SR	SR	P
Construction, Heavy, without Outside Storage															P	P	P
Construction, Special Trades, with Outside Storage															SR	SR	P
Construction, Special Trades, without Outside Storage											P	P	P	P	P	P	P
Employment Services											P	P	P	P	P	P	
Engineering, Architectural, and Related Services											P	P	P	P	P	P	
Exterminating and Pest Control Services													P	P	P	P	
Funeral Homes and Services											P	P	P	P	P	P	
Furniture Repair Shops and Upholstery													P	P	P	P	P
Hotels and Motels													P	P	P	P	
Janitorial Services													P	P	P	P	P
Kennels		SR									SR		SR	SR	SR	SR	
Landscape and Horticultural Services		P												P	P	P	
Laundromats, Coin Operated												P	P	P	P	P	
Laundry and Dry Cleaning Services, Non-Coin Operated											P	P	P	P	P	P	P
Legal Services (Law Offices, Etc.)											P	P	P	P	P	P	
Linen and Uniform Supply														P	P	P	P
Locksmith Shops												P	P	P	P	P	
Management, Scientific, and Technical Consulting Services											P	P	P	P	P	P	
Massage Therapists											P	P	P	P	P	P	
Medical/Health Care Offices		SR									P	P	P	P	P	P	

DRAFT

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Medical, Dental, or Related Laboratories											P	P	P	P	P	P	
Motion Picture Production/Sound Recording														P	P	P	
Office Administrative and Support Services, Not Otherwise Listed											P	P	P	P	P	P	
Packaging and Labeling Services											P	P	P	P	P	P	P
Pet Care Services (Excluding Veterinary Offices and Kennels)											P	SR	SR	P	P	P	
Photocopying and Duplicating Services											P	P	P	P	P	P	P
Photofinishing Laboratories											P	P	P	P	P	P	
Photography Studios											P	P	P	P	P	P	
Picture Framing Shops											P	P	P	P	P	P	
Professional, Scientific, and Technical Services, Not Otherwise Listed											P	P	P	P	P	P	
Publishing Industries														P	P	P	P
Real Estate and Leasing Offices											P	P	P	P	P	P	
Recreational Vehicle Parks and Recreation Camps		SR															
Rental Centers, with Outside Storage														SR	P	P	P
Rental Centers, without Outside Storage													P	P	P	P	P
Repair and Maintenance Services, Appliance and Electronics													SR	SR	SR	SR	P
Repair and Maintenance Services, Automobile, Major															P	P	P
Repair and Maintenance Services, Automobile, Minor													P	P	P	P	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large															P		P
Repair and Maintenance Services, Boat and Commercial Trucks, Small															P	P	P

DRAFT

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Repair and Maintenance Services, Commercial and Industrial Equipment															P	P	P
Repair and Maintenance Services, Home and Garden Equipment														P	P	P	
Repair and Maintenance Services, Personal and Household Goods												P	P	P	P	P	
Repair and Maintenance Services, Television, Radio, or Other Consumer Electronics												P	P	P	P	P	
Research and Development Services											SR			P	P	P	P
Security and Related Services														P	P	P	
Septic Tank Services													P		P		P
Tanning Salons													P	P	P		
Tattoo Facilities														P			
Taxidermists													P	P	P	P	
Theaters, Live Performances														P	P		
Theaters, Motion Picture, Other Than Drive-Ins												SE	P	P	P	P	
Theaters, Motion Picture, Drive-Ins													SE	SE	P	SE	
Tire Recapping															P		P
Travel Agencies (without Tour Buses or Other Vehicles)											P	P	P	P	P		
Traveler Accommodations, Not Otherwise Listed													P	P	P		
Truck (Medium and Heavy) Washes														P	P	P	P
Vending Machine Operators															P	P	P
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)											SR	SR	P	P	P	P	
Watch and Jewelry Repair Shops											P	P	P	P	P		

DRAFT

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Weight Reducing Centers											P	P	P	P	P		

DRAFT

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; is hereby amended to read as follows:

- (1) Accessory Dwellings - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, M-1)
- (2) Amusement or Water Parks, Fairgrounds - (GC, M-1, LI)
- (3) Animal Shelters - (GC, M-1, LI)
- (4) Antennas - (All Districts)
- (5) Athletic Fields - (TROS, NC, RC)
- (6) Banks, Finance, and Insurance Offices – (NC, RC)
- (7) Barber Shops, Beauty Salons, and Related Services - (RU, RM-MD, RM-HD)
- (8) Bars and other Drinking Places - (RC, GC, M-1, LI)
- (9) Batting Cages - (GC, M-1, LI)
- (10) Bed and Breakfast Homes/Inns - (RU, RR, RM-MD, RM-HD, OI, NC, RC, GC)
- (11) Beer/Wine/Distilled Alcoholic Beverages – (GC)
- (12) Body Piercing Facilities – (GC)
- (13) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, OI, GC)
- (14) Bus Shelters/Bus Benches - (All Districts)
- (15) Car and Light Truck Washes- (RC)
- (16) Cemeteries and Mausoleums - (RU, OI, NC, RC, GC, M-1, LI, HI)
- (17) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- (18) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- (19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)

DRAFT

- (20) Construction, Special Trades, with Outside Storage - (M-1, LI)
- (21) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (22) Day Care, Adult, Home Occupation (5 or fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (23) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)
- (24) Day Care, Child, Family Day Care, Home Occupation (5 or fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (25) Day Care Centers, Child, Licensed Centers - (RU, OI, NC, RC, GC, M-1)
- (26) Drugs and Druggists' Sundries – (GC)
- (27) Durable Goods, Not Otherwise Listed – (GC)
- (28) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (29) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (30) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (31) Electrical Goods – (GC)
- (32) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (33) Furniture and Home Furnishings – (GC)
- (34) Golf Courses - (TROS, GC, M-1, LI)
- (35) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (36) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (37) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (38) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (39) Kennels - (RU, OI, RC, GC, M-1, LI)

DRAFT

- (40) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (41) Lumber and Other Construction Materials – (GC)
- (42) Machinery, Equipment and Supplies – (GC)
- (43) Manufactured Home Sales – (GC, M-1)
- (44) Manufactured Home Parks – (MH, M-1)
- (45) Market Showrooms - (GC)
- (46) Medial/Health Care Offices – (RU)
- 4647) Motor Vehicles, New Parts and Supplies – (GC)
- 4748) Motor Vehicles, Tires and Tubes – (GC)
- 4849) Nondurable Goods, Not Otherwise Listed – (GC)
- 4950) Paints and Varnishes – (GC)
- 5051) Pet Care Services – (NC, RC)
- 5152) Petroleum and Coal Products Manufacturing - (HI)
- 5253) Petroleum and Petroleum Products - (M-1, HI)
- 5354) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- 5455) Plumbing and Heating Equipment and Supplies – (GC)
- 5556) Poultry Farms – (RU)
- 5657) Produce Stands – (RU)
- 5758) Public or Private Parks- (All Districts)
- 5859) Public Recreation Facilities- (All Districts)
- 5960) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- 6061) Recreational Vehicle Parks and Recreation Camps – (RU)

DRAFT

- (~~6162~~) Rental Centers, With Outside Storage – (GC)
- (~~6263~~) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)
- (~~6364~~) Research and Development Services – (OI)
- (~~6465~~) Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~6566~~) Sexually Oriented Businesses - (GC, HI)
- (~~6667~~) Sporting Firearms and Ammunition – (GC)
- (~~6768~~) Swim and Tennis Clubs – (TROS)
- (~~6869~~) Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~6970~~) Tobacco and Tobacco Products – (GC)
- (~~7071~~) Utility Substations - (All Districts)
- (~~7172~~) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (~~7273~~) Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)
- (~~7374~~) Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (~~7475~~) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~7576~~) Zoos and Botanical Gardens – (GC, M-1)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (46) is hereby amended so as to add “Medical/Health Care Offices”, and the appropriate renumbering of all subsequent Paragraphs, beginning with Paragraph (47) as “Motor Vehicles, New Parts and Supplies”:

DRAFT

(46) ~~Motor Vehicles, New Parts and Supplies.~~ *Medical/Health Care Offices.*

- a. Use districts: Rural.
- b. The medical/health care office must be located on the campus of a public school, or a private school having a curriculum similar to those given in public schools.
- c. The medical/health care office shall only be open for business Monday through Friday, and between the hours of 7:00 a.m. and 6:00 p.m.
- d. All other federal, state, and local laws shall be met.

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

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2012

Michelle M. Onley
Clerk of Council

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

Richland County Council Request of Action

Subject

Pursuant to a request from Gary Watts, the Richland County Coroner, I move that the County Administrator and/or his designee along with the County Attorney meet with the Coroner and Probate Judge Amy McCullough to determine whether a county ordinance could be developed that would assist in the recovery of costs associated with the disposition of unclaimed decedents. This would only apply to those individuals whose estates are determined to have financial resources available. Explanation: According to the Coroner, the number of families declining custody of their deceased relatives is rising annually with the County having to bear the cost of preparation and burial of these individuals. In many cases, the Coroner and Probate Judge have determined that the decedent's estates have sufficient assets to cover these costs; however, they currently have no means to recover the costs associated with these expenses. **[PAGES 88-89] [TO TABLE]** *{Forwarded from the A&F Committee}*

Notes

December 20, 2011 - The committee recommended that Council table this item. The vote in favor was unanimous.

The Coroner has indicated that he will address this matter on the State level.

Richland County Council Request of Action

Subject

Motion requesting that County Attorney establish a list of qualified bond attorneys [PAGES 90-92] {Forwarded from the A&F Committee}

Notes

December 20, 2011 - The committee recommended that Council, in an attempt to give qualified law firms an opportunity to participate in the County's bond work, direct the County Attorney to establish a list of qualified firms and the list would be used to rotate the County's bond function. In addition, the County would encourage these firms to ensure that there is minority partnership in the process. Also, the committee recommended that Council establish a policy of including a separate role as disclosure counsel for bond issues in the amount of \$5,000,000 or more with the County Attorney to establish a process for selecting disclosure counsel from qualified law firms. There will be no change in the County's current bond counsel in partnership with a minority law firm. Additionally, the committee recommended that Council direct the County Attorney to consult with each of the attorneys/law firms currently working with the County to encourage minority participation, partnerships, and mentoring. Finally, the committee recommended that Council direct the County Attorney to engage the services of an outside firm to advise the County on modifications of the County's procurement code to increase minority and local participation in all procurement matters. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Motion requesting that County Attorney establish a list of qualified bond attorneys

A. Purpose

Council is requested to consider the motion made at the November 15, 2011 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the November 15, 2011, Council Meeting by Councilmember's Jeter and Washington:

“In an attempt to give qualified law firms an opportunity to participate in the counties bond work. We would request that the County Attorney establish a list of qualified firms and the list would be used to rotate the counties bond function. In addition, the County would encourage these firms to ensure that there is minority partnership in the process.”

It is at this time that staff is requesting direction from Council with regards to this motion.

C. Financial Impact

There is no known financial impact associated with this request at this time.

D. Alternatives

1. Approve the motion and direct staff as appropriate.

2. Do not approve the motion.

E. Recommendation

Council discretion.

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 12/12/11

- Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)

Comments regarding recommendation:

The ROA is requesting staff direction and is a policy decision for council discretion.

While it is possible and does seem prudent for the county to maintain an on-going list of qualified firms to handle our bond work and is a good business practice for the county to encourage minority participation from our vendors, Council should also consider the impact of lost efficiencies from a required rotation.

The County bond work is an on-going process that needs continuity over a period of time in order to gain an advantage of economies of scale in the rapidly changing bond market. Additionally, many times the project work for any given bond issue is not developed at any specific point in time but can be the culmination of several months or years of development.

Procurement

Reviewed by: Rodolfo Callwood Date: 12-12-11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
✓ Council Discretion (please explain if checked)
Comments regarding recommendation: The rotation of bond council is within Council's discretion and would be a way to achieve broader participation in the counties bond work if the Council determines that that is a policy that they want to implement to achieve that goal.

Administration

Reviewed by: J. Milton Pope Date: 12-13-11
 Recommend Council approval Recommend Council denial
✓ Council Discretion (please explain if checked)
Comments regarding recommendation:

Richland County Council Request of Action

Subject

Status Offender Intervention Project/One Full-time position/10% match **[PAGES 93-96]** {Forwarded from the A&F Committee}

Notes

December 20, 2011 - The committee recommended that Council approve the request for the Status Offender Intervention Project utilizing funds that are currently available in the County match account from grants that were not received. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Status Offender Intervention Project/One Full-time Position/10% Match

A. Purpose

County Council is being requested to approve a grant proposal that was not included in the Grant Budget Request for 2011-2012.

B. Background / Discussion

The Richland County Sheriff's Department has applied for a grant from the Juvenile Accountability Block Grant Program, administered by the South Carolina Department of Public Safety. This project will employ one full-time Program Coordinator to administer a family education and behavioral program for juvenile status offenders in Richland County. Richland County has one of the highest rates in the state for committing juveniles to the Department of Juvenile Justice for evaluation. In the case of status offenders, meaning juveniles that commit an offense (i.e. running away, incorrigibility, truancy, alcohol violations) that would not be considered a criminal offense if committed by an adult, these offenses are primarily a result of family dysfunction.

Status offenders are a serious issue in Richland County and account for a significant drain on law enforcement resources. In 2010, the Richland County Sheriff's Department received 757 reports of runaways and/or incorrigibility and thus far in 2011, there have been 654 reports. This project would provide status offenders and their families with a proven education and behavior program in order to address identified needs and to prevent the juvenile from committing more serious criminal acts. This grant allows for a possible three year project period, renewable each year. While there is no specific requirement that the project be continued after funding ends, the grantor agency does take the issue of program continuation into account when making decisions for future funding.

C. Financial Impact

Status Offender Intervention Total Project Cost: \$77,715

Grantor Portion (90%): \$69,943

Match (10%): \$ 7,772

D. Alternatives

1. Approve the request to fund this program to provide an intervention program for status offenders.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

E. Recommendation

1. It is recommended that Council approve the request for the Status Offender Intervention Project.

Recommended by: *Deputy Chief Stephen Birnie* Department: *Richland County Sheriff's Dept.* Date: *January 6, 2012*

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 12/6/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommendation is to support the program however funds would need to be identified for the \$6,821 County match. One option for funding is to utilize funds that are currently available in the County match account from grants that were planned but not received.

Human Resources

Reviewed by: Dwight Hanna Date:
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Based on justification submitted in ROA.

Grants

Reviewed by: Sara Salley Date: 12/12/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett Date: 12/14/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval utilizing funds that are currently available in the County match account from grants that were not received.

Richland County Council Request of Action

Subject

Broad River Administration Building-Loan Payment **[PAGES 97-99]** *{Forwarded from the A&F Committee}*

Notes

December 20, 2011 - The committee recommended that Council, via budget amendment, approve staff's request to appropriate and redirect a portion of the interest earned on the outstanding Broad River Sewer Bond to pay the internal loan back to the County's General fund for the Broad River Administration Building. The vote in favor was unanimous.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-12HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 UTILITIES
FUND BUDGET TO APPROPRIATE \$508,000 OF UTILITES FUND BALANCE
TO REPAY A LOAN FROM THE GENERAL FUND.

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 five hundred eight thousand (\$508,000) be appropriated in the Utilities Fund. Therefore, the Fiscal Year 2011-2012 Utilities Budget is hereby amended as follows:

UTILITIES FUND - REVENUE

Revenue appropriated July 1, 2011 as amended:	\$ 7,909,365
Appropriation of undesignated fund balance:	<u>508,000</u>
Total Utilities Fund Revenue as Amended:	\$ 8,417,365

UTILITIES FUND - EXPENDITURES

Expenditures appropriated July 1, 2011 as amended:	\$ 7,909,365
Loan Repayment to General Fund:	<u>508,000</u>
Total Utilities Fund Expenditures as Amended:	\$ 8,417,365

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 _____, 2010.

RICHLAND COUNTY COUNCIL

BY: _____

Paul Livingston, Chair

ATTEST THIS THE ____ DAY
OF _____, 2012

Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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

Richland County Council Request of Action

Subject

Landfill Office Building Replacement [**PAGES 100-103**] *{Forwarded from the A&F Committee}*

Notes

December 20, 2011 - The committee recommended that Council authorize Procurement to award the contract to Construction Dynamics in the amount of \$798,985.50 for the construction of the Richland County Landfill Office building. This amount includes the construction cost of \$694,770 along with a 15% contingency cost of \$104,215.50. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Landfill Office Building Replacement

Purpose

Council is requested to authorize the spending of approved funds for the Department of Solid Waste to construct a new office building at the Richland County Landfill on Caughman Rd. to centralize the department into one primary facility.

Council is also requested to authorize the Procurement Director to award a contract with the recommended lowest responsive and responsible bidder whose bid complies materially with the specifications and requirements as publicized.

Background / Discussion

Currently, the Department of Solid Waste is housed in two separate facilities, one at a converted garage at the County Landfill and in temporary office trailers at Powell Road. The current structure at the landfill is rusted, leaking, energy inefficient, over thirty seven (37) years old, was not intended for office use, and does not meet federal ADA and other requirements. The office trailers at Powell Rd. are intended for temporary use only, thus do not serve the Department's current needs, much less their future needs. These trailers were only intended as a temporary solution and do not address the needs for a permanent solution. Constructing a new facility for the Department of Solid Waste that additionally houses the Roll Cart, Recycling Container, and Storage Operations will aid in resolving storage and parking space inadequacies at the 400 Powell Road Complex by allowing the removal of the office trailer and relocating all processes mentioned above.

The current facility at the landfill will be demolished and a new office building will be built in its place. This new facility will house all personnel from the current landfill operation along with all personnel housed in the temporary trailer at Powell Rd. This new facility will be more energy efficient, more responsive to the needs of the department, allow for future growth through smart design, reduce travel between facilities, consolidate support equipment and meet federal ADA and other requirements. Furthermore, by eliminating the need of the temporary trailer, the County will eliminate the \$1,000 per month lease cost associated with this trailer.

The design work for this project was designed and completed by a professional architectural firm. The design meets not only the department's needs and Landfill clients, but also the public needs for interacting with the Solid Waste Department. The Department of Support Services, along with the architect, will oversee the project to ensure the County's interests are protected.

Richland County received bids on 12/6/11, the same day the information has to be submitted to Administration for review. There were a total of 9 contractors who submitted bids. At this time, the **apparent** responsive, low bidder is Construction Dynamics Inc., however, the Architect Firm will review all the bids and documents and will make their official

recommendation along with all the required documentation by no later than the close of business of Monday, December 12th, 2011. Once received, this information will be forwarded to Administration at that time. Approving this request will allow the project to move forward in a timely manner, thus minimizing potential conflicts with the bid acceptance period.

This project was advertised to meet the Councils original calendar, but with the holiday changes to the published calendar and expiration timelines of the bids submitted this has become a time sensitive item creating the need to reaffirm the recommendations at the committee meeting.

Financial Impact

Council had previously approved the allocation of \$500,000 for this project through the 2010-2011 budget process. An additional \$ 298,985.50 has been identified from existing funds within the Solid Wastes current budget for this project that will not negatively impact the Solid Waste budget. Council is requested to authorize the spending of \$ 798,985.50 for the construction of the Richland County Landfill Office building, which includes the construction cost of \$694,770.00, along with a 15% contingency cost of \$ 104,215.50.

There are no additional funds requested for this project. The project's funding has already been identified.

Alternatives

1. Authorize Procurement to award the contract to Construction Dynamics Inc., the lowest responsive and responsible bidder whose bid complies materially with the specification and requirements as publicized utilizing the funding that is identified and available within the Department of Solid Waste's budget.
2. Direct staff to award the bid to one of the alternate bid responders
3. Do not approve the request to award the contract at this time and leave the Department of Solid Waste in their current locations utilizing the existing facilities. This option will require the county to incur the \$1,000.00 per month trailer lease cost. Also, it restricts the Public's access at the landfill building due to ADA non-compliance. Furthermore, the ongoing cost of maintaining the existing landfill building will only increase due its age and deteriorating state.

Recommendation

It is recommended that Council authorize alternative 1.

Recommended by: Paul Alcantar Department: Solid Waste Date: 12/06/11.

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 12/7/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation is based on availability of funding. \$868k is available in the landfill budget for the project.

Support Services

Reviewed by: John Hixon

Date:

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation is based on the need to improve the conditions, efficiency, and current regulatory compliance (ADA) of the current facilities, remove the leased temporary office space currently in use, and improve the operating efficiency by consolidating the department staff and support equipment.

Procurement

Reviewed by: Rodolfo Callwood

Date: 12/8/2011

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 12/15/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The construction of the landfill office building is a planned capital project within the Solid Waste Enterprise Fund, and funds have been appropriated for the project. Approval, therefore, is recommended.

Richland County Council Request of Action

Subject

Approval to Participate in Emergency Medicine Fellowship Program **[PAGES 104-112]** *[Forwarded from the A&F Committee]*

Notes

December 20, 2011 - The committee recommended that Council allow Emergency Services to participate in the Palmetto Health Emergency Medicine Fellowship Program. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Approval To Participate In Emergency Medicine Fellowship Program

A. Purpose

County Council is requested to approve the Emergency Services Department's participation in the Emergency Medicine / EMS Fellowship Program. All costs will be paid through a grant. No county funds will be needed.

B. Background / Discussion

Palmetto Health's Emergency Medicine Department is starting an Emergency Medicine / EMS Fellowship Program. The program selects one doctor for a one year fellowship. After the fellowship year ends, another candidate is selected for the next year, repeating the cycle. Palmetto Health's Emergency Medicine Department is requesting Richland County Emergency Services Department's participation. The Fellow candidate will complete approximately 50% of the program in the pre-hospital setting. These hours will be spent learning about the administration of the EMS system including budgeting, communications, emergency management, in-service education, emergency response and other topics. The candidate will become a part-time medical control employee for EMS. Richland County's costs will be paid for by a grant to the Emergency Services Department. Palmetto Health's Emergency Medicine Department is seeking a commitment from Richland County Emergency Services so they can proceed with the start-up of the Fellowship Program. Council is being asked to approve the Emergency Services Department's participation in the Fellowship Program. The actual grant will be included in the budget request for year 2012 / 2013. The program will start on July 1, 2012. The following is a description of the program:

EMS Fellowship Proposal

Academic Year 2012-2013

Department of Emergency Medicine
Palmetto Health Richland

Richland County Emergency Services



Date: December 4, 2011

William C. Gerard, MD MMM FACEP EMT-P
Director of Professional Services & Education
Department of Emergency Medicine – PHR
Clinical Associate Professor of Internal Medicine, USC School of Medicine
Medical Director, Richland County EMS
Medical Director, LifeNet SC Helicopters

EMS Fellowship Background and Overview

What is an EMS subspecialty?

Emergency Medical Services is a clinical specialty that includes: (1) the care of patients in all environments outside of traditional medical care facilities including clinics, offices, and hospitals until arrival to a definitive medical care facility, and (2) the evaluation and treatment of acute injury and illness in all age groups, planning and prevention, monitoring and team oversight.

The declaration last year of EMS as an officially recognized medical subspecialty—so decreed by the American Board of Emergency Medicine (ABEM), one of 24 medical specialty boards under the American Board of Medical Specialties (ABMS)—was met with overwhelming excitement for the leaders in Prehospital Care in the country, but also came the realization of the challenges ahead. Among the ramifications of the long-sought decision, EMS fellowship programs now must organize to meet new requirements for accreditation by the Accreditation Council for Graduate Medical Education (ACGME).

ABMS' member boards represent 145 recognized medical specialties and subspecialties. Under ABEM, EMS joins medical toxicology, pediatric emergency medicine, sports medicine, undersea/hyperbaric medicine, and hospice/palliative medicine. ABEM will develop and administer the certification exam for graduates of accredited fellowship programs, which is expected to be ready in 2013. In the meantime, leaders of the EMS subspecialty effort have been working out exactly what those fellows will learn. EMS already had a fellowship curriculum and supporting core content, but that was developed in 1994 and thus outdated.

Currently, both components are being revamped to be more clinical and current. This work is being done by subject matter experts that make up the ABEM EMS Subspecialty Examination Committee. The Committee has recently submitted the Blueprint and Core Content for publication and this will be presented to the ABMS. I am currently a member/examination writer for the EMS Subspecialty Examination Committee.

EMS Fellowship Goals

An EMS fellowship program must

- Provide experience in clinical practice of EMS for all age groups
- Prepare physicians as practitioners, educators, researchers, and administrators capable of practicing EMS in academic and clinical settings
- Provide physicians with proficiency in managing the breadth of clinical conditions, involving patients of all age ranges with the broadest possible spectrum of emergency illnesses and injuries encountered by EMS systems in non-traditional health care settings
- Emphasis is placed on initial identification and treatment of emergency conditions with limited resources in uncontrolled circumstances
- Must teach the basic skills and knowledge of EMS practice
- Must provide progressive responsibility for and experience in the management of clinical problems

Fellowship Curriculum Format

Intentionally mirrors the four volumes of the NAEMSP text Emergency Medical Services: Clinical Practice and System Oversight.

Clinical Aspects of Prehospital Medicine

- Time/Life Critical Events
- Injury
- Medical Emergencies
- Special Clinical Considerations

Medical Oversight of EMS

- Medical Oversight
- EMS Systems
- EMS Personnel
- System Management

Quality Management and Research

- Research

Special Operations

- Mass Casualty Management
- Chemical/Biological/Nuclear/Explosive(CBRNE)
- Mass Gathering
- Disaster Management

EMS Special Operations

Sample Curriculum Element

1.1 Time/Life Critical Events

Goals and Objectives:

At the completion of fellowship training, the EMS physician will be competent to:

1. Recognize patients in the prehospital environment with time/life critical events
2. Perform procedures necessary for patient stabilization and treatment in the prehospital environment
3. Assess and manage the airway in the prehospital environment
4. Assess and manage breathing through physical examination, measurement of oxygen saturation and end-tidal CO₂ monitoring
5. Assess and manage circulation and delivery of medication
6. Assess and manage the differential diagnosis to find and treat reversible causes of time/life critical events

Evaluation and Assessment Methods:

1. Direct observation of patient assessment and treatment skills in the prehospital setting by program director or faculty supervisor
2. Structured patient simulations
3. 360° feedback from faculty, allied health personnel, patient
4. Retrospective chart review

Expected Outcome of EMS Fellowship

Fellows will develop a satisfactory level of clinical maturity, judgment, and technical skill that will, on completion of the program, allow them to pursue independent practice in EMS.

The purpose of an EMS Specialty as described by ABEM:

“The purpose of the proposed subspecialty certification in EMS is to standardize physician training and qualifications for EMS practice, to improve patient safety and enhance the quality of emergency medical care provided to patients in the prehospital environment, and to facilitate further integration of prehospital patient treatment into the continuum of patient care.”

Applicant Qualifications

Graduate of an ACGME accredited residency program in Emergency Medicine
Eligible for licensure to practice medicine in the State of South Carolina
Familiarity and experience with EMS is preferred, but not required

EMS Fellowship Institution

- Palmetto Health Richland will be the sponsoring institution and assume ultimate responsibility for the program
- The program structure includes the participation of the University of South Carolina School of Medicine
- Palmetto Health Richland is a hospital which serves as a base station hospital with regular communications with EMS providers
- Majority of didactic and clinical experiences should take place at Palmetto Health Richland
- The Program will have affiliations with primarily Richland County Emergency Services and secondarily with LifeNet SC/Air Methods, South Carolina Law Enforcement Division, Richland County Sheriff's Department, and the National Park Service. These affiliations will provide for all clinical experiences necessary to satisfy the objectives of the EMS Fellowship.

EMS Fellowship Director

The Director will be William C. Gerard. Dr. Gerard has the requisite specialty expertise and documented educational and administrative experience. He is currently certified by ABEM.

EMS Fellowship Resources

- An emergency service for both adult and pediatric patients, adult and pediatric inpatient facilities, and adult and pediatric intensive care facilities
- Disaster planning and response programs
- Two-way radio communications between the primary hospital and surrounding medical transportation services for the purpose of provision of online medical direction
- Equipment and means of transportation for the fellow to provide prehospital patient care
- Educational experiences in a variety of EMS systems including freestanding, fire-based, governmental, and for-profit services.
- Experience in air medical evacuation and interfacility transportation service
- Experiences in administrative components of an EMS system to determine functioning, designs, and processes to ensure quality of patient care in the prehospital setting

Selection Process

- Applicants will be required to submit three letters of recommendation, one from the applicant's residency director
- Interviews will be conducted with the Program Director, Richland County Emergency Service's Director, and by select faculty in the Department of Emergency Medicine at Palmetto Health Richland.

Assessment of Fellow

- Minimum of 12 months of clinical experience as the primary or consulting physician responsible for providing direct patient evaluation and management in prehospital setting as well as supervision of care provided by all allied health providers in prehospital setting
- Direct experience in evaluating and managing patients in prehospital setting with acutely ill and injured patients of both adult and pediatric ages
- Provide online medical direction of patient care by EMS personnel
- Experience in an emergency communications center and a public safety answering point utilizing emergency medical dispatching guidelines
- Provide online medical direction for aeromedical services
- Experience with regional and state offices of EMS and other regulatory bodies that impact the care of patients in the prehospital setting

- ACGME Competencies
 - Patient care
 - Medical knowledge
 - Practice-based learning and improvement
 - Interpersonal and communication skills
 - Professionalism

Compensation

- Funded through Carolina Care, PA and an educational grant from the Carolina Care Foundation to Richland County.
- Fellow’s compensation will model current EM Ultrasound Fellow Program

Challenges

Immediate preparation for ACGME accreditation once final standards and timelines are published. Program Director will need to sit for first Board Certification Examination in 2013.

C. Financial Impact

There is no financial impact. The grant, which will not require a match, will be included in the budget for year 2012/13.

D. Alternatives

1. Approve Emergency Services to participate in the Fellowship Program.
2. Do not approve participating in the program.

E. Recommendation

It is recommended that Council approve the Emergency Services Department’s participation in the Palmetto Health Emergency Medicine Department’s Fellowship Program.

Recommended by: Michael A. Byrd Department: Emergency Services Date: 12/06/11

F. Reviews

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

FinanceReviewed by: Daniel Driggers

Date: 12/7/11

 Recommend Council approval Recommend Council denial Council Discretion (please explain if checked)

Comments regarding recommendation: Based on internal discussions, the request is for approval to make the application and program conceptually. The grant would still need to be requested and approved during the FY13 budget process. Therefore recommendation is based on no financial or long-term commitment.

ProcurementReviewed by: Rodolfo Callwood

Date: 12/9/11

 Recommend Council approval Recommend Council denial Council Discretion (please explain if checked)

Comments regarding recommendation:

GrantsReviewed by: Sara Salley

Date: 12/9/11

 Recommend Council approval Recommend Council denial Council Discretion (please explain if checked)

Comments regarding recommendation:

LegalReviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation of approval is subject to the county and the hospital mutually agreeing on some proposed language related to liability of the employee whenever they are not under the direction and supervision of EMS.

AdministrationReviewed by: Tony McDonald

Date: 12/13/11

 Recommend Council approval Recommend Council denial Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval. As indicated, there is no financial obligation on the part of the County to participate in the program.

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant **[PAGES 113-115]**

Notes

First Reading: December 6, 2011

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-11HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 HOSPITALITY TAX BUDGET TO APPROPRIATE \$25,000 OF HOSPITALITY TAX UNDESIGNATED FUND BALANCE FOR A GRANT TO THE MISS S.C. PAGEANT.

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 twenty-five thousand dollars (\$25,000) be appropriated in the Hospitality Tax Fund. Therefore, the Fiscal Year 2011-2012 Hospitality Tax Annual Budget is hereby amended as follows:

HOSPITALITY TAX - REVENUE

Revenue appropriated July 1, 2011 as amended:	\$ 8,325,267
Appropriation of undesignated fund balance:	<u>25,000</u>
Total Hospitality Tax Revenue as Amended:	\$ 8,350,267

HOSPITALITY TAX - EXPENDITURES

Expenditures appropriated July 1, 2011 as amended:	\$ 8,325,267
Grant Award:	<u>25,000</u>
Total Hospitality Tax Expenditures as Amended:	\$ 8,350,267

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 _____, 2010.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011

Michelle Onley
Interim Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Animal Care Ordinance Revisions [**PAGES 116-131**]

Notes

December 20, 2011 - The committee recommended that Council approve the ordinance revisions (highlighted in yellow in the draft ordinance) related to Animal Care for consistency, improved enforcement efforts, and other related matters. The remaining revisions (other than those clarifying definitions and scrivener revisions) are policy decisions of Council. The vote was in favor.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. _____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 5, ANIMALS AND FOWL, SO AS TO CLARIFY SECTIONS DEALING WITH AUTHORITY OF OFFICERS, CONDITIONS OF IMPOUNDMENT, REDEMPTION OF ANIMALS AND OWNER RESPONSIBILITIES.

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. Definitions

Section 5-1, Definitions; is hereby amended to read as follows:

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

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

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

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

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

Animal ~~shelter~~ Care Facility shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this chapter.

At large shall mean a ~~pet dog~~ running on or off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device. A cat is not considered at large unless it is running off of the premises of the owner or keeper and not under the physical control of the owner or keeper.

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

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

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

Owner shall mean any person who:

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

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

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

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

SECTION II. Differential county license fees; rabies vaccination tags

Section 5-2, Differential county license fees; rabies vaccination tags, is amended to read as follows:

~~Sec. 5-2. Differential county license fees; rabies vaccination tags~~

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

(a) It shall be unlawful for the owner of any pet to fail to provide any pet over ~~six (6) four~~ months of age with a current county license tag. The owner of any pet over ~~six (6) four (4)~~ months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

(b) The county license fee for fertile pets shall be twenty dollars (\$20.00) per year. The county license fee for sterilized pets shall be four dollars (\$4.00) per year. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The ~~animal care department~~ Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets numbered from one (1) upwards on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times. Any pet owner who has their animal tattooed may register the tattoo number with the ~~animal care department~~ Animal Care Department in addition to obtaining a tag.

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

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

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

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

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

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

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

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

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

- e.) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.
- (5) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within (5) years of the date of application.
- (6) License registration should be made prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties.
- (7) A commercial pet breeder license is not transferrable to another person or location.
- (8) The inspection fee for a county commercial pet breeder license shall be one hundred (\$100.00) dollars annually. The license shall expire one year after the date of issue.
- (9) Any violations found under the provisions of this Chapter shall be grounds for the suspension of the commercial pet breeder license if deemed necessary by the Animal Care Department. Re-instatement shall be determined on a case by case basis.
- i. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.
- (10) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section; so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in their custody.

SECTION III. Exemptions from differential licensing

Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

- (a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet but will pay only a fee of four dollars (\$4.00) for each license and will not be required to have the pet spayed/neutered:
1. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;

2. Any owner of one or more purebred pets who can furnish proof of participation in at least three nationally recognized conformation or performance events within the past twelve months.
 3. ~~Any owner of a dog that is currently being used for hunting purposes and is properly registered with South Carolina Wildlife Department and whose owner has a valid South Carolina Hunting license. Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.~~
- (b) Any ~~individual who is handicapped and who owns a dog which is used for seeing, hearing, or other such assistance purposes~~ owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.
- (c) The county ~~animal care department~~ Animal Care Department shall ~~obtain~~ maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

SECTION IV. 5-4, Dangerous or vicious animals,

Section 5-4, Dangerous or vicious animals, is hereby amended to read as follows:

- (a) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined as the term is used in this section if the animal is ~~not~~ not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.
- (b) For the purposes of this section a dangerous or vicious animal shall be defined to be any one of the following:
 - (1) Any animal with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or

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

(3) An animal owned or harbored primarily or in part for the purpose of animal fighting or an animal trained for animal fighting.

(c) Any animal that has been determined to be a dangerous or vicious animal may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal ~~shelter-care facility~~ and has completed and signed a surrender form or until a hearing is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized. However, if the magistrate has determined that the owner may redeem the animal, the Animal Care Department shall release the animal upon receipt of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the ~~animal shelter~~ Animal Care Department and may be euthanized.

SECTION V. Running at large

Section 5-5, Running at large – restraint, is hereby amended to read as follows:

(a) All domestic animals must be kept under restraint or confinement. Any domestic animal not so restrained will be deemed unlawfully running at large in the unincorporated area of the county. ~~Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered. This subsection shall not require domestic cats to be kept under restraint or confinement by means of a restraining device. Provided, however, this subsection shall deem a domestic cat unlawfully at large if it leaves the owner's premises unaccompanied by its owner or custodian.~~

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

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

SECTION VI. Injured or diseased pets

5-7, Injured or diseased pets, is hereby amended to read as follows:

Anyone striking a pet with a motor vehicle or bicycle shall notify the county ~~animal care department~~ Animal Care Department who will then take action necessary to make proper disposition of the pet. Any pet received by the animal ~~shelter care facility~~ in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Every effort possible shall be made to contact the owner or veterinarian of the pet via information obtained from its tag or microchip. Any such pet in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian cannot be contacted within ~~five (5)~~ two (2) hours. If the pet is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.

SECTION VII. Nuisance animals

Section 5-8, Nuisance animals, is hereby amended to read as follows:

- (a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- (b) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:
 - (1) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5.
 - (2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
 - (3) Failure to maintain a dangerous animal in a manner other than that which is described in section 5-4.
 - (4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.
 - (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property
 - (6) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a

manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

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

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

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

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

SECTION VIII. Sale of pets

Section 5-10, Sale of pets, is hereby amended to read as follows:

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.

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

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

(d) Licensed pet shops, commercial kennels, municipal and/or county animal ~~shelters care facilities~~, and licensed pet rescue organizations are exempt from the requirements of this section.

SECTION IX. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals

Section 5-12, Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals, is hereby amended to read as follows:

(a) If the owner does not give permission, the ~~animal control officer~~ Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises. The ~~animal control officer~~ Animal Care Officer shall thereafter petition the appropriate

magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The ~~animal control officer~~ Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the ~~animal control officer~~ Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the ~~animal shelter~~ Animal Care Department until such matter is heard before the magistrate. The magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the ~~animal shelter~~ Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. If the magistrate orders the return of the animal to its owner, the ~~animal control officer~~ care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the ~~animal control shelter~~ Animal Care Department and may be placed for adoption or euthanized. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

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

SECTION X. Impounding

Section 5-13, Impounding, is hereby amended to read as follows:

- (a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The ~~animal care department~~ Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals not redeemed within five (5) days. Animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.
- (b) When a person arrested is, at the time of the arrest, in charge of an animal, the county ~~animal care department~~ Animal Care Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal ~~shelter~~ care facility.

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

~~(d) Immediately after impounding a pet that is wearing a abies tag, a county license tag, or another identification tag, or a pet has an implanted identification microchip or an obvious identification tattoo, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the county reflection its disposition.~~

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

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

Notwithstanding the above, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death may be humanely destroyed.

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

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

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

SECTION XI. Redemption

Section 5-14, Redemption, is hereby amended to read as follows:

(a) The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within ~~five (5) days~~ the legal detention period outlined in 5-13 upon payment of a fee as follows:

- (1) For a pet that has been properly inoculated, ~~liceneed~~licensed, microchipped, and neutered or spayed, the fee shall be \$10.00.
- (2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation, the cost of microchipping the pet, and the cost of spaying or neutering the pet. No fertile pet shall be redeemed or adopted unless one of the criteria under the exceptions provisions in subsections 5-3(a)(1) - (3) has been met. No pet will be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 5-3 (a) (1) – (3) when the animal has been impounded a second time for any violations of sections 5-4; 5-5; 5-6; 5-8; 5-9; 5-10; 5-11; 5-12 or 5-13.

(b) In addition to the redemption fee, an impound fee of \$20.00 and a board fee of \$~~76~~76.00 per day per pet shall be paid by the owner or keeper when a pet is redeemed.

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

SECTION XII Adoption

Section 5-15, Adoption, is hereby amended to read as follows:

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

(b) All adult pets adopted from the animal shelter shall be spayed or neutered, and inoculated against rabies. Any pet surrendered to the Animal Care Department or Animal Care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

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

(d) Fees for the adopted pets will be the same as those established for the redemption of impounded pets, together with the cost of microchipping.

SECTION XIII. Sec. 5-16, is hereby re-titled and amended to read as follows:

Section 5-16. Prohibited; exceptions

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

- (1) a. Nondomestic member of the family felidae;
- b. Wolf-dog hybrid containing any percentage of wolf;
- c. Badger, wolverine, weasel, skunk and mink;
- d. Raccoon;
- e. Bear;
- f. Nonhuman primate to include ape, monkey, baboon, macaque, lemur;
- g. Marmoset, tamarin and other species of the order primates;
- h. Bat;
- i. Alligator, crocodile and caiman;
- j. Scorpion;
- k. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;
- l. Venomous reptile; or
- m. Lizard over two feet which are members of the family varanidae.

(b) It shall be unlawful for any person to own, keep, harbor, act as custodian of, expose to public view or contact, exhibit either gratuitously or for a fee, any wild or feral animals identified in this subsection, or any animal of mixed domestication and feral lineage within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).

(c) Wild or feral animal means:

(1) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;

(2) Any non-domesticated member of the order Carnivora;

(3) The following animals which shall be deemed to be wild or feral animals per se:

- a. All nondomestic members of the family felidae;
- b. Wolves, wolf-dog hybrids containing any percentage of wolf, coyotes and foxes;
- c. Badgers, wolverines, weasels, skunks and mink;
- d. Raccoons;
- e. Bears;
- f. Nonhuman primates to include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins and other species of the order primates;
- g. Bats;
- h. Alligators, crocodiles and caimans;
- i. Scorpions;
- j. Any snakes or venomous reptile; or
- k. Lizards over two feet which are members of the family varanidae;

(d) The prohibition contained in subsections (a), (b) and (c) above, shall not apply to the keeping of wild or feral animals in the following circumstances:

- (1) The keeping of wild or feral animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
- (2) The keeping of wild or feral animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law.
- (3) The keeping of wild or feral animals in a bona fide, licensed veterinary hospital for treatment.
- (4) The keeping of wild or feral animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.

SECTION XIV. Interference with animal care officers

Sec. 5-17, is hereby re-titled and amended to read as follows:

Section 5-17. Interference with ~~animal care officers~~ Animal Care Officers.

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

SECTION XV. Complainant's identification to remain confidential.

Section 5-18, is hereby re-titled and amended to read as follows:

Section 5-18. Complainant's identification to remain confidential.

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

SECTION XVI. Penalties

Section 5-19, is hereby added and adapted from the previous version to read as follows:

Sec. 5-19. Penalties.

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

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

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

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

SECTION XIX. Effective Date. This ordinance shall be effective from and after _____.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011.

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Approval of Mars Petcare Utility Tax Credit Grant [**PAGES 132-135**]



MEMORANDUM

To: Economic Development Committee
From: Nelson Lindsay, Director of Economic Development
Date: December 21, 2011
Re: Mars Petcare Utility Tax Credit Grant

Richland County has received a \$180,000 Utility Tax Credit grant from SCANA for infrastructure improvements for the Mars Petcare expansion. This grant will help pay for a proposed traffic signal at the intersection of Pineview Rd and American Italian Way as well as any required road improvements associated with the signal. There are no matching funds required for this grant.

The County is currently conducting the traffic signal warranty study and traffic impact study associated with the project.

The EDC's recommendation for approval of these grants is requested. The item will be forwarded to the January 10, 2012 Council Agenda for Council action.

Cc: Sara Salley



Richard (Rich) M. Fletcher
Community / Economic Development &
Local Government Representative

December 9, 2011

Mr. Nelson Lindsay
Director of Economic Development
Richland County
2020 Hampton Street
Columbia, SC 29202

Dear Nelson,

I am pleased that Project Rocky is considering expanding its Richland County operations. It is a testament to the company's success and the business environment in Richland County that the company is considering this expansion.

In recognition of Project Rocky's capital investment of \$127,000,000 and the creation of 277 new jobs, SCANA Corporation will provide a Community/Economic Development Grant to Richland County in the amount of \$180,000. The grant is to be used for qualified off-site road infrastructure improvements as outlined under the Credit Against License Tax for Utilities (Section 12-20-105) and is to be administered by Richland County.

Hopefully, this grant will help facilitate a decision by Project Rocky to expand its Richland County facility. We appreciate the opportunity to partner with Richland County in an effort to win this project.

Sincerely,

Rich Fletcher

100 SCANA Parkway Cayce, SC • P (803) 217-5716 • F (803) 933-8224 • richard.fletcher@scana.com
Mailing Address 220 Operation Way • MC D132 • Cayce, SC • 29033-3701

Richland County Economic Development Office
PO Box 192 • 2020 Hampton St, Suite 4069 • Columbia, SC 29202
Phone: (803) 576-2043 • Fax: (803) 576-2137 • www.richlandonline.com

Richland County Council Request of Action

Subject

Richland Memorial Hospital Board-2; applicants James "Ward" Bradley and Boyd Summers withdrew their applications

Richland County Council Request of Action

Subject

Lexington/Richland Alcohol and Drug Abuse Council-1; one application was received from Marilyn M. Mattheus*
[PAGES 137-139]

* Signifies incumbent



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

Applicant must reside in Richland County.

Name: Marilyn M. Matheus

Home Address: 3703 Maybank Street

Telephone: (home) 803-754-6340 (work) 803-898-7858

Office Address: 1535 Confederate Ave.

Email Address: mackmina@aol.com

Educational Background: BA Telecommunications Kent State University, Kent Ohio &
MFA candidate, Counseling, South University, Columbia, SC

Professional Background: 24 years experience with SC DSS, Public Affairs & Constituent
Services

Male xxFemale Age: 18-25 xx26-50 Over 50

Name of Committee in which interested: LRADAC

Reason for interest: I'd like to continue my support of this incredible organization and assist
them in helping the many individuals and families in Lexington and Richland County become
healthy and productive citizens.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
I will soon be certified counselor. I have witnessed the work of this organization on many levels.
I have a wealth of experience in human services and at-risk behavior. My commitment to
helping families out of crisis is proven and respected statewide.

Presently serve on any County Board/Commission/Committee? LRADAC

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: 5-20 hours or whenever necessary

CONFLICT OF INTEREST POLICY

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

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

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

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

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No _____

If so, describe: _____

Marilyn M. Matheus 11/30/11
Applicant's Signature Date

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

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

Applications are current for one year.

2	Staff Use Only	
	Date Received: _____	Received by: _____
	Date Sent to Council: _____	Page 139 of 159

Richland County Council Request of Action

Subject

Township Auditorium Board-1; no applications were received

Richland County Council Request of Action

Subject

Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [**HUTCHINSON, JACKSON, ROSE**]

Richland County Council Request of Action

Subject

Request for an opinion from the Ethics Commission

Richland County Council Request of Action

Subject

CMRTA Route Cuts [**NO ACTION REQUIRED**]

Richland County Council Request of Action

Subject

Council Meeting Schedule [**PAGES 144-146**]

CURRENT

2012

January

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1	2	3	4	5	6	7
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■ = County Holidays □ = Election Day
— = Regular Session Council Meetings (1st & 3rd Tue)
■ = Committee Meetings @ 1 P.M. (4th Tue)

Proposed

2012

January

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= County Holidays

= Regular Session Council Meetings

= Committee Meetings & 1-P.H.

= Election Day

Richland County Council Request of Action

Subject

Hospitality Tax County Promotions Grant Program Changes [**PAGES 147-152**] [*Reconsidered at December 6, 2011 Council Mtg.*]

Notes

October 25, 2011 - The committee recommended that Council approve the recommendations presented by the Hospitality Tax Committee; however, in line with the County Attorney's recommendation and in order to make the organizations more accountable for funds that are not spent consistently with State law, Council should require each organization that accepts H-Tax funding to enter into an agreement that incorporates the guidelines and State law. In addition, the agreement would include various remedies that the County may pursue if the funds are not spent appropriately. If Council also concurs, staff will develop such an agreement for all future H-Tax awards. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Hospitality Tax County Promotions Grant Program Changes

A. Purpose

County Council is requested to approve the following recommendations to the Hospitality Tax County Promotions grant program. These recommendations were made by the Hospitality Tax Committee.

B. Background / Discussion

The following motion was made by Council member Malinowski at the June 7, 2011 Council Meeting:

There are many issues with the Hospitality Tax use with the current program Richland County has in place. Based on that fact, I move that the Hospitality Tax Committee and Richland County Council review this grant program so that it can be re-vamped with an emphasis on funding projects and programs that bring in true tourists, not community events that pull the majority of their attendees from Richland County residents.

On September 8, 2011, the Hospitality Tax Committee met along with Council members Malinowski and Kennedy to discuss this motion and the state of the Hospitality Tax Grant program. The recommendations were made in an effort to strengthen the program, increase accountability and stretch the dollars received so that organizations use Hospitality Tax grant funds for tourism purposes.

1. Reduce Out of Cycle Funding Requests - Funding organizations that do not go through the grant process is not fair to the organizations that put in the time and effort to apply each cycle. Many organizations do not receive funding because there are not enough funds to go around in the Round 1 grant cycle.

- a) No applications/requests will be reviewed between grant periods – Mrs. Kennedy will present a Friendly Amendment to the rule that was voted on in May 2011 stemming from the motion made by Mrs. Kennedy and Mr. Jeter regarding late and incomplete applications.
- b) County Council continue to be allotted discretionary H-Tax funds during the budget process that can be used during the year for special funding requests that come up outside of the grant process. In FY 12, this amount was \$25,000. Organizations receiving these funds must be eligible H-Tax organizations, submit a budget and submit a marketing plan that demonstrates how their program/project will draw tourists into the County. Organizations receiving these funds cannot be H-Tax grantees coming back to the table for additional funding in the same fiscal year.

2. Request Additional Information to Determine Tourism Impact, Health of Organization and Capacity of the Organization – The following questions will be added to the H-Tax application and final report forms. Staff will edit application and guidelines to streamline information so that it is not too overwhelming for applicants. The Committee stressed that they do not want to discourage organizations from applying for funds. All adopted changes will be incorporated in to mandatory grant workshops that will be held in January 2012.

- a) *Indicate how you will use income generated from this program, if any?*
- b) *How does your project impact Richland County as a whole as well as the community where the program will take place?*
- c) *Provide program income and expense totals for the past two years for the program/project in which you are requesting H-Tax funds. If the event is new, please provide evidence of success for similar programs or projects.*

3. Maximize the Amount of County Promotion Funds - County Promotion Funds are very competitive. Below are recommendations for ways to stretch these funds so that they are used to promote true tourism.

- a) Establish **one** application deadline per year like the A-Tax and Discretionary grant programs. For FY12, the County received 40 applications in Round 1 and 9 applications in Round 2. Three of the FY12 Round 2 applications were pushed there from Round 1 due to lack of funding. Organizations receive an unfair advantage for funding in Round 2. The committee has to estimate Round 2 funding from the Round 1 budget amount without knowing how many applications to expect.
- b) Restrict applications to events and programs that take place only in areas where Richland County collects H-Tax (unincorporated areas, Eastover, and Richland portion of Irmo) as well as regional marketing

organizations. Edit grant guidelines to read that *Richland County no longer funds projects that take place in areas where Richland County does not collect Hospitality taxes because the City of Columbia and other municipalities with their own Hospitality Tax benefit from the tourism dollars generated, not the County.* Unless the municipalities wish to give the County a portion of their H-Tax revenue, County H-Tax funds should not be allocated in areas that do not give the County a return on investment. Organizations conducting projects outside of the City limits are not allowed to apply for City of Columbia H-Tax funds. This recommendation will require a change to the H-Tax Ordinance Chapter 23, section 69 (a)(4). Regional marketing organizations such as the Columbia Convention and Visitors Bureau and Lake Murray Capital City Tourism would be eligible for H-Tax dollars as they market entire regions for tourism promotion.

- c) Determine a maximum percentage given to any group making recommendations fair. Percentages will be based on the scores each valid application receives in the evaluation process.
- d) All applicants should be required to provide 50% match in cash or in-kind products/services for their project. Organizations need to show that they are not 100% reliant on County funds.
- e) Restrict the types of eligible expense allowed. By restricting expense types, there will be more money to go around. In the past, the County has allowed marketing as well as event operating expenses. The purpose of the H-Tax program is to draw tourists. According to SC State Law, Section 6-1-730, uses of Hospitality Tax revenue must be used exclusively for the following purposes:
 - (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
 - (2) tourism-related cultural, recreational, or historic facilities;
 - (3) beach access and re-nourishment;
 - (4) highways, roads, streets, and bridges providing access to tourist destinations;
 - (5) advertisements and promotions related to tourism development; or
 - (6) water and sewer infrastructure to serve tourism-related demand.

In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

Over the years, expenses have become too program-heavy. The Committee recommends that at least 70% of marketing expenses must be paid to advertise outside of the County and that entertainment is no more than 50% of the total requested amount of the grant. It is recommended that the following language is added to the grant guidelines:

*Expenditures must be consistent with the application budget. Only goods and services that comply with the Hospitality Tax Guidelines and State Law are reimbursable. Project or event vendors will not be paid directly by Richland County. **Eligible expenditures are:***

- Advertising/Promotions/Marketing (including designing, printing, postage for items mailed to attract tourist)
- Security/Emergency Services
- Entertainment/Speakers/Guest Artist Instructor

***Some of the expenditures not eligible are:** Rent or venue fees, items given to tourists once they are here (tee shirts, cups, trophies...etc.), insurance or licenses, invoices outside the funding year, salaries (other than previously mentioned), transportation or accommodations, food or beverages, decorations, staging or fencing.*

4. Strengthen Measures to Ensure that Organizations are Held Responsible for Spending County Tax Funds -

To ensure that County funds are used appropriately, especially since Richland County allocates funds “up-front” and not on a reimbursement basis, it is recommended that the following statement should be added to the guidelines and award letter. Penalties for organizations that do not follow the rules should be created and approved by Legal and County Council. Staff audits all grant paperwork to ensure compliance. The suggested language below adds compliance measures to the application ensuring that the applicant understands rules and regulations for accepting County funds before they are awarded an allocation.

a) *Use of funds for expenses not included in the grant application will require the grantee to re-pay the County for any non-identified expense. If approved expenses are less than the funds received, the grantee must reimburse the County upon receipt of a County invoice for the difference.*

b) Add a Statement of Assurances to the H-Tax application:

Upon grant application acceptance and funding award, applicant agrees that financial records, support documents, statistical records and all other records pertinent to Hospitality Tax funding shall be retained for a period of three years. All procurement transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open free competition. The funding recipient shall establish safeguards to prohibit employees from using their positions for a purpose that has the appearance of being motivated by a desire for private gain for themselves and others. All expenditures must have adequate documentation. All accounting records and supporting documentation shall be available for inspection by Richland County upon request. No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of or be otherwise subjected to discrimination under the program or activity funding in whole or in part by Hospitality Tax funds. Employment made by or resulting from Hospitality Tax funding shall not discriminate against any employee or applicant on the basis of handicap, age, race, color, religion, sex, or national origin. None of the funds, materials, property, or services provided directly or indirectly under Hospitality Tax funding shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office. The applicant hereby certifies that the information submitted as part of this application is accurate and reliable. Any change and/or variation must be reported immediately, otherwise, funding may be withheld.

5. Edit the Scoring Matrix – Updating the matrix used to score applications will help the H-Tax Committee prepare stronger recommendations for tourism projects and help lessen community based events. The recommended evaluation criteria is attached.

a) Reallocate point maximums to reflect the County’s priorities (impact on tourism)

b) Incorporate items such as budget, hospitality business partnerships, number of tourists expected vs. the amount requested and marketing plan into the matrix to help measure the application’s tourism impact and anticipated use of County funds.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the recommendations presented by the Hospitality Tax Committee.
2. Do not approve the recommendations.

E. Recommendation

It is recommended that Council approve the motions presented by the Hospitality Tax Committee.

Recommended by: Hospitality Tax Committee Date: 10/3/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 10/19/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Grants

Reviewed by: Sara Salley

Date: 10/19/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (*please explain if checked*)

Comments regarding recommendation: However, in order to make the organizations more accountable for funds that are not spent consistently with the guidelines and state law, I would recommend that the Council require each organization that accepts H – Tax funding to enter into an agreement that incorporates the guidelines and state law. In addition, the agreement would include various remedies that the county may pursue if the funds are not spent appropriately. Each organization as a condition of receiving the funding would be required to enter into such an agreement.

Administration

Reviewed by: Tony McDonald

Date: 10/20/11

Recommend Council approval

Recommend Council denial

Council Discretion (*please explain if checked*)

Comments regarding recommendation: Concur with the County Attorney’s recommendation that an agreement should accompany all H-Tax awards. If the Council also concurs, staff will develop such an agreement for all future H-Tax awards.

Hospitality Tax County Promotions Evaluation Criteria

Project Design and Benefit to Community:

55 points maximum

Benefit to Tourism (20) - Does the project promote tourism in the areas of the County in which Richland County H-Taxes are collected? Will it promote a positive image for the County? Will it attract visitors, build new audiences and encourage tourism expansion in the areas of the County in which Richland County H-Taxes are collected? Will it increase awareness of the County's amenities, history, facilities, and natural environment in the areas of the County in which Richland County H-Taxes are collected?

Reliable Tracking Mechanism and Marketing Plan (15) – How will visitors and tourists would be tracked? (Surveys, License Plates, etc.) Are these methods viable? Does the marketing plan describe how the organization will reach tourists? Are at least 70% of the ads or other marketing expenses targeted outside the Columbia/Richland County area? Is the expected number of tourists in line with the organization's marketing plan?

Benefit to Community (10) - How will this project benefit the citizens of Richland County? Will the project benefit unincorporated Richland County? Who will attend the event? How many visitors will the event serve? A visitor is defined by someone who travels at least 50 miles to attend the event.

Community Support and Partnerships (10) - Does the project have broad-based community appeal or support? What is the evidence of need for this project in the County? What kind and degree of partnership does the project exhibit? Does it exhibit volunteer involvement or inter-jurisdictional, corporate, business, and/or civic support?

Economic Impact and Accountability

45 points maximum

Budget (5) – Are all expenses that are to be paid with H-Tax funds eligible expenses? Did the budget and justification provide enough detail to show how funds will be spent? Does the applicant provide 50% in cash or in-kind match?

Expected H-Tax Revenue Generated (15) - What are the projected direct and indirect dollar expenditures by visitors/tourists? What is the estimated number of meals consumed? Are any overnight stays anticipated? Will this program drive business to those businesses that pay collect and remit Richland County H-Tax in the unincorporated areas of the County as well as Eastover and Richland portions of Irmo?

Reasonable Cost/Benefit Ratio (15) - Does the benefit of the project (i.e. number of tourists estimated; expected revenue generated) exceed the cost of the project? Is this project "worth" its cost?

Management Capability (10) - Does the applicant organization demonstrate an ability to successfully complete the project through effective business practices in the areas of finance, administration, marketing, and production? If this organization has received County Hospitality Tax funding previously, was the project successful?

All language in yellow is new. The Committee recommended that the Thoroughness of Proposal points be allocated elsewhere because no incomplete or late applications will be evaluated.

The current FY12 evaluation matrix point allocations are below.

<i>Thoroughness of Proposal</i>	<i>5</i>
<i>Benefit to Tourism</i>	<i>15</i>
<i>Benefit to Community</i>	<i>10</i>
<i>Innovation</i>	<i>10</i>
<i>Community Support</i>	<i>10</i>
<i>Evidence of Partnership</i>	<i>10</i>
<i>Management Capability</i>	<i>10</i>
<i>Reliable Tracking Mechanism</i>	<i>10</i>
<i>Expected Revenue Generated</i>	<i>10</i>
<i>Reasonable Cost/Benefit Ratio</i>	<i>10</i>

Richland County Council Request of Action

Subject

Proposed Amendment to Settlement Agreement with Northeast Landfill [**PAGES 153-157**]

Notes

November 22, 2011 - The committee recommended that Council conduct a work session prior to December 30, 2011. Participants in the work session should include: County Council, representatives from Republic Services, County Staff, and the Conservation Commission. The vote was in favor.



ATTORNEYS AT LAW

Reply To
WESTON ADAMS, III
Direct Dial: (803) 227-2322
wadams@mgclaw.com
COLUMBIA

December 22, 2011

Via hand-delivery and via email
Milton Pope
Richland County Administrator
2020 Hampton Street
Columbia, South Carolina 29202

RE: Northeast Landfill, LLC
Our File No.: 20587.11016

Dear Milton:

As I promised you and Tony McDonald, I am writing to confirm the revised offer my client Northeast Landfill, LLC is making to the County in regards to extending its operating life beyond the current 10 year limit. NEL's offer to the County, as outlined in my letter of September 26, 2011, remains in place except for one revision that is favorable to the County. That change is an increase in the host fee that NEL would pay to the County on in-county waste, which would increase from the currently proposed 50 cents per ton to \$1.00 per ton. Below I outline all aspects of NEL's current offer, including the revision as to the increased host fee on in-county waste.¹

As for the host fees to be paid to the County, my client proposes the following. The County currently receives \$1 per ton on out-of-county waste only, and receives no payment on in-county waste. NEL proposes to continue to pay the County that \$1 per ton on out-of county waste until January 1, 2019. My client further proposes that, on January 1, 2019, it would increase the out-of county host fee payable to the County from the current \$1 per ton to \$1.50 per ton. Further, as to in-county waste, NEL offers the County \$1 per ton on in-county waste, which would start immediately upon the operative date of an amendment to the Settlement Agreement between NEL and the County, and would run for the extended life of the landfill beyond the current 7 year life. (The 10-year limit imposed in 2007 has roughly 7 years remaining at this point in time.) NEL estimates that the extended life of the landfill would be an additional 23 years on top of the remaining 7 years of landfill life.

¹ Note that the separate negotiations with the Old McGraw Community Development Corporation have resulted in a Settlement Agreement with OMCDC. The key terms of that agreement with OMCDC are described in our September 26, 2011 letter to you, and therefore are not repeated here.

NEL's proposal would result in significant revenue increases to the County prior to January 1, 2019. Last year's aggregate yearly host fee payment to the County was roughly \$50,000.00. This amount was based on the fact that, out of the total 175,000 tons disposed of at NEL in 2010, NEL accepted only around 50,000 tons of out-of-county waste. NEL expects the current disposal rates of 175,000 tons per year, out of which 50,000 tons per year will be out-of-county waste, to remain roughly the same for the foreseeable future. If those rates remain constant and no extension of landfill life is granted to NEL, then NEL would pay the County around a total of \$350,000.00 over the remaining 7 year life of the landfill before NEL closes and the current Settlement Agreement ends. (7 years at \$50,000.00 per year = \$350,000.00 in total payments.) In contrast, assuming current rates of disposal remain constant, if the 10-year landfill life is lifted, and over the next 7 years NEL pays the County \$1 on out-of-county and \$1 on in-county waste, then NEL would pay the County \$175,000.00 per year for the next 7 years:

- 125,000 tons of in-county waste at \$1 cents per ton generates \$125,000.00 per year;
- 50,000 tons of out-of-county waste at \$1 per ton generates \$50,000.00 per year;
- \$125,000.00 per year for in-county + \$50,000.00 for out-of-county = \$175,000.00 per year;
- \$175,000.00 per year would mean approximately \$1,225,000.00 to the County over the next 7 years alone,

This is an increase of \$875,000.00 over the \$350,000.00 that the County is currently set to receive over that 7 year period.

More importantly, NEL's increased payments would result in even greater revenue increases after January 1, 2019. If the 7 year life limit is lifted, NEL estimates that it would have an estimated additional 23 years of life to fill its permitted envelope, for a total of 30 years. Again, assuming the present rate of disposal of 175,000 tons per year remains current over the extended life of the landfill, the yearly payment to the County would be \$200,000.00 per year for the added 23 years of landfill life:

- 125,000 tons of in-county waste at \$1 cents per ton generates \$125,000.00 per year;
- 50,000 tons of out-of-county waste at \$1.50 per ton generates \$75,000.00 per year;
- \$125,000.00 per year for in-county + \$75,000.00 for out-of-county = \$200,000.00 per year;
- \$200,000.00 per year for 23 years would mean \$4,600,000.00 to the County over that added 23 year period.

Add the \$1,225,000.00 that NEL would pay the County for the 7 years preceding January 1, 2019, to the \$4,600,000.00 that NEL would pay the County in the 23 years following January 1, 2019, and the total payment to the County would be \$5,825,000.00 over the 30 year life of the landfill. Compare that total payment of \$5,825,000.00 to the County over the estimated total 30

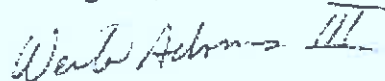
Milton Pope
December 22, 2011
Page 3

years to the \$350,000.00 that NEL is set to pay the County if the facility closes in 7 years, and the added value to the County of extending the landfill's life is \$5,475,000.00. Also, note that NEL's annual permitted rate of disposal (set by DHEC) is 529,600 tons per year. As such, the annual payment to the County over the 30 year window could go significantly higher in any given year if the disposal rate ends up being higher than the currently predicted rate of 175,000 tons per year.

Aside from the host fees, the other substantive provision of NEL's offer to the County is a contractual promise to not expand the landfill any further, as I explained in my September 26, 2011 letter to you. This no-expansion offer still stands.

Please let me know if you have any questions in regards to the above draft offer. We look forward to discussing this matter with you in the near future.

Best regards,



Weston Adams, III

WA/lhs

Cc: Tony McDonald, Assistant County Administrator
Larry Smith, Esq., County Attorney

NORTHEAST LANDFILL SETTLEMENT AGREEMENT

CURRENT AGREEMENT

	Total Tons	Out-of-County	In-County	Host Fee per Ton for Out-of-County	Host Fee per Ton for In-County	Total Annual Revenue	Total Revenue over Remaining Life of Original Agreement - 7 Years (Thru 2018)
County	175,000	50,000	125,000	\$ 1.00	\$ -	\$ 50,000.00	\$ 350,000.00
Community	0	0	0	\$ -	\$ -	\$ -	\$ -

PROPOSED AMENDMENT - Part 1

	Total Tons	Out-of-County	In-County	Host Fee per Ton for Out-of-County	Host Fee per Ton for In-County	Total Annual Revenue	Total Revenue over Remaining Life of Original Agreement - 7 Years (Thru 2018)	
County	175,000	50,000	125,000	\$ 1.00	\$ 1.00	\$ 175,000.00	\$ 1,225,000.00	
Community	175,000	50,000	125,000	\$ 0.50	\$ 0.50	\$ 87,500.00	\$ 612,500.00	
Additional County Revenue (Over Amt. from Original Settlement Agreement)							\$ 125,000.00	\$ 875,000.00

PROPOSED AMENDMENT - Part 2

	Total Tons	Out-of-County	In-County	Host Fee per Ton for Out-of-County	Host Fee per Ton for In-County	Total Annual Revenue	Total Revenue over Life of Extended Agreement - 23 Years (2019 thru 2041)	
County	175,000	50,000	125,000	\$ 1.50	\$ 1.00	\$ 200,000.00	\$ 4,600,000.00	
Community	175,000	50,000	125,000	\$ 0.50	\$ 0.50	\$ 87,500.00	\$ 2,012,500.00	
Additional County Revenue (Over Amt. from Original Settlement Agreement)							\$ 325,000.00	\$ 5,475,000.00
Total County Revenue							\$ 375,000.00	\$ 5,825,000.00

Richland County Council Request of Action

Subject

a. Motion to have property maps, assessors records, deeds all put on the County's website. Additionally, this motion requests that all three be hyper-linked so you can jump from one to the other for easy records searching. Rationale: When a company is doing their own research where to locate it benefits our County to make this process as easy as possible so that we do not lose business to neighboring Counties. Our neighbors have streamlined the process of searching these records on their website by hyper-linking them and have an advantage in recruiting business as a result. This motion requests that the above described process be done in Richland County in a timely fashion. [ROSE]

b. Motion for a resolution from the County recognizing EdVenture for being named one of five museums nationally to receive the National Medal for Museum Service for 2011. This award recognizes all types of museums for their exceptional service to their local communities and their leadership to the field of museums nationally. This is the highest award that a museum can earn. Our service and leadership in health education and obesity prevention were a major reason we have been recognized. [ROSE, WASHINGTON, DICKERSON, JETER, PEARCE AND MANNING]

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda