



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION AGENDA**

**JUNE 5, 2012  
6:00 PM**

**CALL TO ORDER                    HONORABLE KELVIN E. WASHINGTON, SR., CHAIR**

**INVOCATION                        THE HONORABLE GWENDOLYN DAVIS KENNEDY**

**PLEDGE OF ALLEGIANCE    THE HONORABLE GWENDOLYN DAVIS KENNEDY**

**Approval Of Minutes**

1. Regular Session: May 15, 2012 [PAGES 7-15]
2. Zoning Public Hearing: May 22, 2012 [PAGES 16-19]

**Adoption Of The Agenda**

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

3. a. Fire Contract
- b. Solid Waste Contracts
- c. Internet Sweepstakes

**Citizen's Input**

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

**Report Of The County Administrator**

5. a. Assessor Legislation
- b. Joint Transportation Committee Update
- c. Fire Contract

- d. Internet Sweepstakes [**ACTION**]

### **Report Of The Clerk Of Council**

- 6. a. Community Relations Council Luncheon, Wednesday, June 27, 2012, 12:30-2:00 p.m.,  
Columbia Metropolitan Convention Center

### **Report Of The Chairman**

- 7. a. Joint Transportation Committee: Council Work Session, June 12 and/or June 19 [**ACTION**]
- b. Administrator's Transition
- c. Personnel Matter
- d. Waste Management Recycle Bank Program

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

- 8. a. An Ordinance Amending the Fiscal Year 2011-2012 Lower Richland Utilities Fund Budget to appropriate \$25,000 of User Fee Revenue for additional operational and maintenance costs for the Hopkins Community Water System
- b. An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Balance for Workers' Compensation claims

### **Approval Of Consent Items**

- 9. An Ordinance Amending the Fiscal Year 2011-2012 Lower Richland Utilities Fund Budget to appropriate \$25,000 of User Fee Revenue for additional operational and maintenance costs of the Hopkins Community Water System [**THIRD READING**] [**PAGES 26-28**]
- 10. An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Undesignated Fund Balance for Workers' Compensation claims [**THIRD READING**] [**PAGES 29-32**]
- 11. An Ordinance Authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina and McEntire Produce, Inc., a corporation organized and existing under the laws of the State of South Carolina, and certain affiliates of McEntire Produce, Inc., including R. C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and existing under the laws of the State of South Carolina pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000 [**THIRD READING**] [**PAGES 33-60**]
- 12. 12-20MA  
Jacqueline Bush Reese  
RU to RC (2 Acres)  
Bluff Rd.  
27300-07-05 [**SECOND READING**] [**PAGES 61-62**]

13. 12-21MA  
Ismail Ozbek (0.83 Acres)  
Lexington County Health Services District, Inc.  
PDD to PDD  
Summit Parkway & Summit Centre Dr.  
23011-01-02 [**SECOND READING**] [**PAGES 63-66**]
14. 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, Permitted Uses with Special Requirements, and Special Exceptions; "Residential Uses" of Table 26-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit "Radio, Television, and Other Similar Transmitting Towers" in the M-1 (Light Industrial District), as a special exception rather than with special requirements [**SECOND READING**] [**PAGES 67-72**]
15. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (C), Processes; Paragraph (2), Minor Subdivision Review; so as to remove the requirement of sketch plan submittal [**FIRST READING**] [**Forwarded from D&S Committee**] [**PAGES 73-78**]
16. Tree Canopy Ordinance and Inventory Motion [**Forwarded from D&S Committee**] [**PAGES 79-80**]
17. Broad River Rowing Center [**Forwarded from D&S Committee**] [**PAGES 81-87**]
18. Review the process of the Development Review Team [**Forwarded from D&S Committee**] [**PAGES 88-89**]
19. Expansion of boundaries for the proposed Spring Hills Master Plan Area [**Forwarded from D&S Committee**] [**PAGES 90-93**]
20. Purchase of Asphalt Paver [**Forwarded from D&S Committee**] [**PAGES 94-97**]
21. Purchase of Motorgrader [**Forwarded from D&S Committee**] [**PAGES 98-101**]
22. Purchase of Vactor Vacuum Jet Rodding Truck [**Forwarded from D&S Committee**] [**PAGES 102-105**]
23. Airport Consultant for the Jim Hamilton-LB Owens Airport [**Forwarded from A&F Committee**] [**PAGES 106-109**]
24. Emergency Services Purchase Orders for 2012-2013 [**Forwarded from A&F Committee**] [**PAGES 110-112**]
25. Employees Eligible to Retire and Possible Leave Payout Cost [**Forwarded from A&F Committee**] [**PAGES 113-116**]
26. Hopkins Community Water System Project Expansion [**Forwarded from A&F Committee**]

[PAGES 117-122]

27. JEDA Bond Issue for The Lutheran Homes of SC, Inc. [Forwarded from A&F Committee]  
[PAGES 123-130]
28. Motion that County Council be treated like all County wide elected officials [Forwarded from  
A&F Committee] [PAGES 131-134]
29. Resolution to Distribute \$7,400 in Federal Forestry Funds [Forwarded from A&F Committee]  
[PAGES 135-139]
30. Retention Schedule for Finance Department Records [Forwarded from A&F Committee]  
[PAGES 140-147]
31. Retention Schedules for the Public Works Department [Forwarded from A&F Committee]  
[PAGES 148-178]
32. Special Duty Budget: Off-Duty Security Work Sheriff Deputies [Forwarded from A&F  
Committee] [PAGES 179-181]
33. Workers Compensation Information [Forwarded from A&F Committee] [PAGES 182-192]

### **Second Reading Items**

34. 12-04MA  
Richland County  
GC to RM-MD (.64 Acres)  
5225, 5229, 5235 & 5239 Ridgeway St.  
09309-03-07(p)/08(p)/09(p)/10(p) [PAGES 193-195]
35. 12-14MA  
Marion Bouknight  
Lee Blythe  
RU to RS-MD  
Old Tamah Rd. & Shady Grove Rd.  
03500-04-08(p)/24 [PAGES 196-198]

### **First Reading Items**

36. An Ordinance to levy and impose a one percent (1%) (**preliminary, subject to change**) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto [**FIRST READING BY TITLE ONLY**] [PAGES 199-200]



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

- 37. Utilities Crossing Conservation Easements in Richland County [PAGES 201-202]
- 38. Bidding of Solid Waste Collection Services in Council District 11 [PAGES 203-206]

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

- 39. 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; Permitted Uses with Special Requirements, and Special Exceptions; "Residential Uses" of Table 26-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit "Group Homes (10 to 15)" in the RU (Rural District), with special requirements [FIRST READING] [PAGES 207-214]
- 40. Resolution on Water/Sewer Rates for Non-City Residents [PAGES 215-218]

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

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

- 41. Board of Assessment Control-1; there is one vacancy on this board; Lisa McCloud, March 3, 2012\*

\* Eligible for reappointment

- 42. Community Relations Council-1; there is one vacancy on this council for an unexpired term; Seneca Brewton Henry, April 5, 2014-Resigned [PAGES 220-221]

- 43. East Richland Public Service Commission-1; there will be one vacancy on this commission; Catherine Cook, June 19, 2012

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

- 44. Accommodations Tax Committee-4 (2 persons employed or have worked in Hospitality, 1 person employed or have worked in Lodging, and 1 person from a cultural industry); no applications were received

- 45. Appearance Commission-2 (1 licensed horticulturalist and 1 landscaper is needed)

- 46. Board of Assessment Control-1; one application was received from for the one position from Fred C. Meetze, Jr. [PAGES 225-227]

- 47. Business Service Center Appeals Board-1 (a CPA is needed); no applications were received

- 48. Employee Grievance Committee-1; one application was received for the one position from Betty A. Etheredge [PAGES 229-231]

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

49. Council Member Individual Discretionary Account Motions [**PAGES 232-234**]
50. Add to Section 4.1 of Council Rules: "No standing committees of Council shall be scheduled at the same time." [**LIVINGSTON**]
51. That all items currently listed at the end of the A&F and D&S Committee agendas as "Items Pending Analysis" be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now [**MALINOWSKI**]
52. All committee items being sent to full council will not automatically be placed on the consent agenda but be listed as first reading items. The rationale is that only three persons could be present for the quorum and if all voted for the item it goes on the consent and this is only about 27% of council. [**MALINOWSKI**]
53. Reviewing Committee Qualifications [**PAGES 238-244**]

### **Other Items**

54. Richland County/City of Columbia Intergovernmental Fire Agreement [**PAGES 245-263**]
55. Report of the Regional Recreation Complex Ad Hoc Committee:
  - a. \$22M Option [**ACTION**] [**PAGES 264-285**]

### **Citizen's Input**

56. Must Pertain to Items Not on the Agenda

### **Executive Session**

### **Motion Period**

### **Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: May 15, 2012 **[PAGES 7-15]**

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 1, 2012 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.*

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### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, John Hixon, Tracy Hegler, Geo Price, Andy Metts, Brad Farrar, OJetta O'Bryant, Holland Ledger, David Hoops, Jeannette McBride, Jocelyn Jennings, Valeria Jackson, Connellus Morgan, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:08 p.m.

### INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized that Ms. Jakeniqua Manning, Miss Livingstone 2011-2012, and Ms. Jeannette McBride, Clerk of Court, was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Washington recognized that former Councilwoman Bernice G. Scott was in the audience.

Mr. Washington also thanked his colleagues and staff for their support following his children's auto accident.

### **PRESENTATION OF RESOLUTION**

**Resolution Honoring Gail McFall** – Mr. Rose presented a resolution to Gail McFall's parents honoring her service to the Richland County Clerk of Court's Office.

### **APPROVAL OF MINUTES**

**Regular Session: May 15, 2012** – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer approval of the portion of the minutes regarding the "Solid Waste Negotiations Update". The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Hutchinson, to approve the minutes excluding the portion regarding the "Solid Waste Negotiations Update". The vote in favor was unanimous.

### **ADOPTION OF THE AGENDA**

Mr. Washington stated that the Public Works Proclamation needed to be added under the Report of the Chairman.

Ms. Dickerson 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**

The following were potential Executive Session Items:

#### **a. Motion to Rescind**

### **CITIZENS' INPUT**

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**Fire Contract Update** – Mr. Pope stated that the Fire Committee met Monday, May 14, and recommended forwarding the fire contract to the June 5<sup>th</sup> Council meeting for action. The fire contract will be forwarded to full Council for review prior to the Council meeting.

**Fire and EMS** – Mr. Pope stated that the agreement has been forwarded to the City of Columbia's for signature.

**Community Development HOME and NSP Update** – Ms. Valeria Jackson gave a brief update on these programs.

**Broadcast Update** – Ms. Snowden stated that since the inception of the broadcasting of Regular Session Council meetings on May 15, the broadcasts have been viewed 1,065 times.

**Millage Information and Budget Motions List** – Mr. Pope stated that the millage information was distributed to Council by the Clerk's Office and that the preliminary budget motions list to Council immediately following tonight's Council meeting.

**Staff Presentation** – Ms. Snowden recognized Ms. Tamara King for her years of service to the Richland County Public Information Office.

## REPORT OF THE CLERK OF COUNCIL

No report was given.

## REPORT OF THE CHAIRMAN

**Public Works Proclamation** – Mr. David Hoops presented a proclamation in honor of Public Works Week and invited Council to participate in the Public Works Week events.

## OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$5,000 of General Fund Undesignated Fund Balance for International Legislative Delegation** – No one signed up to speak.
- **An Ordinance Authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina and McEntire Produce, Inc., a corporation organized and existing under the laws of the State of South Carolina, and certain affiliates of McEntire Produce, Inc., including R. C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and existing under the laws of the State of South Carolina pursuant to Title 12, Chapter**

**44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

- **12-17MA, Richland County, City of Columbia, RU to GC (.086 Acres), Garners Ferry Rd., 21800-01-09 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-179, Pedestrian, Bicycle, and Transit Amenities; Subsection (A), Sidewalks and Other Pedestrian Amenities; Paragraph (4), Exemptions; so as to add the Public Works Department as an entity that can deny sidewalks within their right-of-way [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-99, M-1 Light Industrial District; Subsection (C), Development Standards; Paragraph (7), Parking/Loading Standards; so as to allow parking within the required setbacks [THIRD READING]**
- **An Ordinance Amending 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; the requirement of a fence as this requirement is already addressed under the International Building Code [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-177, Lighting Standards; Subsection (B), Standards; Paragraph (1), Requirements for all Zoning Categories and Applications; Subparagraph (H); so as to allow black poles [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Undesignated Fund Balance for Workers' Compensation claims [SECOND READING]**
- **An Ordinance Authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina and McEntire Produce, Inc., a corporation organized and existing under the laws of the State of South Carolina, and certain affiliates of McEntire Produce, Inc., including R. C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and**

**existing under the laws of the State of South Carolina pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000 [SECOND READING]**

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

**THIRD READING**

**An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$5,000 of General Fund Undesignated Fund Balance for International Legislative Delegation** – Ms. Dickerson moved, seconded by Mr. Washington, to give Third Reading approval to this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Hutchinson, to deny this item. A discussion took place.

Ms. Dickerson moved, seconded by Mr. Malinowski, to call for the question. The vote in favor was unanimous.

**For**

Malinowski  
Hutchinson  
Pearce

**Against**

Rose  
Jackson  
Washington  
Livingston  
Dickerson  
Kennedy  
Jeter

The substitute motion failed.

The vote was in favor of approving this item.

**SECOND READING**

**12-04MA, Richland County, GC to RM-MD (.64 Acres), 5225, 5229, 5235, & 5239 Ridgeway St., 09309-03-07(p)/08(p)/09(p)/10(p)** – Mr. Livingston moved, seconded by Mr. Malinowski, to defer this item until the June 5<sup>th</sup> Council meeting. The vote in favor was unanimous.

**CITIZEN'S INPUT**

No one signed up to speak.



## MOTION PERIOD

**Add to Sec. 4.1 of Council Rules: “No standing committees of Council shall be scheduled at the same time [LIVINGSTON] – This item was referred to the Rules & Appointments Committee.**

**Many residents connected to City of Columbia Water are charged the same flat rate for sewer as those who have well water. Some families consist of 4 or more while others are only one person. This in itself will create a huge disparity in sewer use. In an effort to work toward a more fair pricing of utilities the following motion is being made: Determine per gallon usage rates for sewer in counties of comparable size to Richland County and then through liaison obtain water usage rates from Columbia in order to charge a more accurate sewer usage rate for those who have water meters. Those without meters will continue to pay a standard rate as determined by Richland County [MALINOWSKI] – This item was referred to the D&S Committee.**

**Due to the continued misunderstanding between both staff of the County and City and some Council members from both sides, I move that all members of both the City and the County Council meet to resolve the Fire Contract. (We can meet anywhere.) Reason: Staff members of both sides seem to be negotiating and adding things to the contract that both Councils did not agree to and only certain Council members are privy to. Taking one year to negotiate a contract and now seems to be running out of time is unacceptable. For this to drag out this long and each side blaming the other shows poor leadership. At the end of the day if we do not resolve this contract agreement, it will be the public who suffer. The public who we swear to protect. I made this motion some time ago and I am not sure what is happening. It is time for both Councils to meet and get it over with. Staff tried and now both Councils need to show leadership and get it done. [JACKSON] – This item was referred to the D&S Committee.**

**A Resolution to the Richland County Legislative Delegation to promote local governments’ ability to locate community residential care facilities, group homes, boarding houses, halfway house and similar uses consistent with State and Federal Law and the interests and character of single-family residential districts [KENNEDY] – This item was referred to the D&S Committee.**

**I make a motion to rescind the action taken by this Council on May 1, 2012, which approved the solid waste collection contracts for service areas 2 and 6 as negotiated by County Administration and as presented in Executive Session [WASHINGTON] – Mr. Washington moved, seconded by Mr. Malinowski, to rescind the action taken on the solid waste collection contracts for service areas 2 and 6. A discussion took place.**

Mr. Jackson moved to suspend the motion period. The motion was approved unanimously.

Ms. Dickerson moved, seconded by Ms. Kennedy, to rescind the action taken by this Council on May 1, 2012, which approved the solid waste collection contracts for service areas 2 and 6 as

negotiated by County Administration and as presented in Executive Session. A discussion took place.

Ms. Dickerson moved, seconded by Mr. Malinowski, to call for the question.

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

The vote to call for the question failed.

The vote was in favor of rescinding the action taken on the solid waste contracts for service areas 2 and 6.

Mr. Malinowski moved, seconded by Mr. Manning, to defer action on this item until after the May D&S Committee meeting.

Mr. Washington made a substitute motion, seconded by Mr. Manning, to approve service area 2 and defer action on service area 6. A discussion took place.

#### EXECUTIVE SESSION

=====  
**Council went into Executive Session at approximately 7:25 p.m. and came out at approximately 8:06 p.m.**  
=====

Mr. Washington made a second substitute motion, seconded by Ms. Dickerson, to defer approval of solid waste collection contracts for areas 2 and 6, receive information regarding area 6 from the D&S Committee and take action at the June 5<sup>th</sup> Council meeting.

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

The vote was in favor of the second substitute motion.

**I move that Council approve by unanimous consent a resolution proclaiming May as Teen Pregnancy Prevent Month in Richland County. The resolution affirms Council's dedication to the future success of its young people and the prevention of teen pregnancy [MANNING & WASHINGTON]** – Mr. Livingston moved, seconded by Mr. Jackson, to approve a resolution proclaiming May as Teen Pregnancy Prevention Month in Richland County. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve the action of the rescission for the remaining minutes. The vote in favor was unanimous.

### ADJOURNMENT

The meeting adjourned at approximately 8:10 p.m.

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Kelvin E. Washington, Sr., Chair

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L. Gregory Pearce, Jr., Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Damon Jeter

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Bill Malinowski

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Jim Manning

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Paul Livingston

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Seth Rose

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: May 22, 2012 [**PAGES 16-19**]

## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MAY 22, 2012 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.*

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#### **MEMBERS PRESENT:**

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

**OTHERS PRESENT:** Amelia Linder, Tracy Hegler, Tommy DeLage, Geo Price, Holland Leger, Suzie Haynes, Stephany Snowden, Sparty Hammett, Brian Cook, Milton Pope, Monique Walter, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 7:07 p.m.

#### **ADDITIONS/DELETIONS TO AGENDA**

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

## MAP AMENDMENT

### **12-15MA, Tanya Boyd, RS-LD to GC (0.34 Acres), 2400 Alpine Rd., 19901-02-28**

Mr. Manning moved, seconded by Mr. Livingston, to defer this item until the June Zoning Public Hearing. The vote in favor was unanimous.

### **12-14MA, Marion Bouknight, Lee Blythe, RU to RS-MD, Old Tamah Rd., & Shady Grove Rd., 03500-04-08(p)/24(p)**

Mr. Malinowski moved, seconded by Mr. Livingston, to give First Reading approval to this item. The vote was in favor.

### **12-20MA, Jacqueline Bush Reese, RU to RC (2 Acres), Bluff Rd., 27300-07-05**

Mr. Washington opened the floor to the public hearing.

The citizens chose not to speak at this time.

The floor to the public hearing was closed.

Mr. Washington moved, seconded by Mr. Jackson, to give First Reading approval to this item. The vote in favor was unanimous.

### **12-21MA, Ismail Ozbek, (0.83 Acres), Lexington County Health Services District, Inc., PDD to PDD, Summit Parkway & Summit Centre Dr., 23011-01-02**

Mr. Washington opened the floor to the public hearing.

Mr. Jay Jones and Mr. Ismail Ozbek spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Mr. Livingston, to give First Reading approval to this item. The vote was in favor was unanimous with Ms. Hutchinson recusing herself from voting due to a conflict of interest.

## TEXT AMENDMENT

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; so as to permit "Radio, Television, and Other Similar Transmitting Towers" in the M-1 (Light Industrial District), as a special exception rather than with special requirements**

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. Jackson, to give First Reading approval to this item. The vote in favor was unanimous.

### **ADJOURNMENT**

The meeting adjourned at approximately 7:17 p.m.

Submitted respectfully by,

Kelvin E. Washington, Sr.  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

- a. Fire Contract
- b. Solid Waste Contracts
- c. Internet Sweepstakes



# 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. Assessor Legislation
- b. Joint Transportation Committee Update
- c. Fire Contract
- d. Internet Sweepstakes **[ACTION]**

# Richland County Council Request of Action

**Subject**

a. Community Relations Council Luncheon, Wednesday, June 27, 2012, 12:30-2:00 p.m., Columbia Metropolitan Convention Center

# Richland County Council Request of Action

**Subject**

- a. Joint Transportation Committee: Council Work Session, June 12 and/or June 19 **[ACTION]**
- b. Administrator's Transition
- c. Personnel Matter
- d. Waste Management Recycle Bank Program

# Richland County Council Request of Action

## **Subject**

- a. An Ordinance Amending the Fiscal Year 2011-2012 Lower Richland Utilities Fund Budget to appropriate \$25,000 of User Fee Revenue for additional operational and maintenance costs for the Hopkins Community Water System
- b. An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Balance for Workers' Compensation claims

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2011-2012 Lower Richland Utilities Fund Budget to appropriate \$25,000 of User Fee Revenue for additional operational and maintenance costs of the Hopkins Community Water System  
**[THIRD READING] [PAGES 26-28]**

## **Notes**

March 27, 2012 - The committee recommended that Council approve a budget amendment in the amount of \$25,000 to cover the additional operation and maintenance cost of the expanded Hopkins Community Water System. The vote in favor was unanimous.

First Reading: April 17, 2012  
Second Reading: May 1, 2012  
Third Reading:  
Public Hearing:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 LOWER RICHLAND UTILITIES FUND BUDGET TO APPROPRIATE \$25,000 OF USER FEE REVENUE FOR ADDITIONAL OPERATIONAL AND MAINTENANCE COSTS OF THE HOPKINS COMMUNITY WATER SYSTEM.

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 (\$25,000) be appropriated in the Lower Richland Utilities Fund. Therefore, the Fiscal Year 2011-2012 Lower Richland Utilities Budget is hereby amended as follows:

LOWER RICHLAND UTILITIES FUND - REVENUE

Revenue appropriated July 1, 2011 as amended:	\$ 311,187
Appropriation of user fee revenue:	<u>25,000</u>
Total Lower Richland Utilities Fund Revenue as Amended:	\$ 336,187

LOWER RICHLAND UTILITIES FUND - EXPENDITURES

Expenditures appropriated July 1, 2011 as amended:	\$ 311,187
Additional funds for operational and maintenance costs:	<u>25,000</u>
Total Lower Richland Utilities Fund Expenditures as Amended:	\$ 336,187

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: \_\_\_\_\_  
Kelvin Washington, 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**

An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$600,000 of General Fund Undesignated Fund Balance for Workers' Compensation claims [**THIRD READING**] [**PAGES 29-32**]

## **Notes**

April 24, 2012 - The committee recommended that Council approve the request in the amount of \$600,000 to cover liability claims for the remainder of the fiscal year with funding to be appropriated from the fund balance of the general fund. The vote in favor was unanimous.

First Reading: May 1, 2012  
Second Reading: May 15, 2012  
Third Reading:  
Public Hearing:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2011-2012 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$600,000 OF GENERAL FUND UNDESIGNATED FUND BALANCE FOR WORKERS' COMPENSATION CLAIMS.

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 six hundred thousand (\$600,000) of undesignated general fund balance be appropriated for Workers' Compensation Claims. Therefore, the Fiscal Year 2011-2012 General Fund budget is hereby amended as follows:

GENERAL FUND

REVENUE

Revenue appropriated July 1, 2011 as amended:	\$ 142,092,698
Appropriation of General Fund undesignated fund balance	<u>600,000</u>
Total General Fund Revenue as Amended:	\$ 142,692,698

EXPENDITURES

Expenditures appropriated July 1, 2011 as amended:	\$ 142,092,698
Increase to Risk Management:	<u>600,000</u>
Total General Fund Expenditures as Amended:	\$ 142,692,698

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin Washington, 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 GOVERNMENT  
WORKERS COMP EXPENDITURES SUMMARY BY FUND  
FOR THE LAST FIVE YEARS

FUND	6/30/2008	6/30/2009	6/30/2010	6/30/2011	3/31/2012
Total by FY	\$ 2,435,506	\$ 3,519,437	\$ 6,417,743	\$ 3,784,942	\$ 2,831,526

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina and McEntire Produce, Inc., a corporation organized and existing under the laws of the State of South Carolina, and certain affiliates of McEntire Produce, Inc., including R. C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and existing under the laws of the State of South Carolina pursuant to Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended, for a project involving an investment of not less than \$5,000,000 **[THIRD READING] [PAGES 33-60]**

## **Notes**

First Reading: May 1, 2012

Second Reading: May 15, 2012

Third Reading:

Public Hearing: May 15, 2012



WHEREAS, the Project involves an anticipated investment by the Company of at least \$5,000,000; and,

WHEREAS, the Project involves the possible creation of at least 47 new jobs in the County; and,

WHEREAS, the County, by proper corporate action committed to provide certain economic development incentives by proper resolution of the County Council setting forth the commitment to and the general terms of the Inducement Agreement (the “Inducement Agreement”) with the Company concerning the Project; and,

WHEREAS, in connection with the economic development incentives hereby authorized, the County and the Company are prepared to enter into a fee agreement as set forth in the Act (the “Fee Agreement”) pursuant to which the property comprising the Project will be exempted from property tax and the Company shall make certain payments to the County in lieu of property taxes (“FILOT Payments”), as committed to in the Inducement Agreement; and,

WHEREAS, the County has reviewed the Fee Agreement, the form of which is attached to this ordinance and incorporated herein, and determined that the same is appropriate in form and substance for execution by the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Findings and Determinations. It is hereby declared that the facts set forth in the recitals to this Ordinance are true and correct in all respects. It further is found, determined, and declared by the County Council, as follows:

(a) the Project will constitute a “project” as defined in the Act, and the County’s actions with respect to the Project will subserve the purposes of and conform to the Act;

(b) the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(c) the Project gives rise to no pecuniary liability of the County or incorporated municipality or results in a charge against its general credit or taxing power;

(d) the purposes to be accomplished by the Project, including, without limitation, economic development, jobs creation, and expansion of the County’s tax base, are proper governmental and public purposes and the benefits of the Project are greater than the costs;

(e) the County is expected to derive substantial direct economic benefits and numerous indirect benefits, such as indirect employment, indirect payroll income generated through direct, indirect, and induced income, and indirect investment (all as determined under generally accepted economic impact methodology);

(f) the inducement of the Project within South Carolina by means of the economic development incentives authorized herein is of paramount importance;

(g) the Project will serve the purposes of the Act by promoting industrial development in the County and in the State; and

Section 2. Approval of Fee Agreement. The Fee Agreement is approved as follows:

(a) The form, terms, and provisions of the Fee Agreement presented to this meeting and filed with the Clerk are approved and all of the terms, provisions, and conditions of the Fee Agreement are incorporated by reference. The Chairman of the County Council and the Clerk are authorized, empowered, and directed to execute, acknowledge, and deliver the Fee Agreement in the name of the County. The Chairman and the Clerk are further authorized, empowered, and directed to cause the Fee Agreement to be delivered to the Company.

(b) The Fee Agreement to be executed on behalf of the County shall be in substantially the form now before the County Council, and shall include only changes that are approved by the County officials executing the Fee Agreement. The County officials shall consult the County's legal counsel with respect to any changes to the Fee Agreement. The execution of the Fee Agreement by County officials shall constitute conclusive evidence that they have approved all changes to or revisions of the Fee Agreement now before this meeting.

(c) If, under the Fee Agreement or the Act, any future actions of the Company (including, without limitation, the supplementation of the Exhibits and/or any assignments of the Project) require the approval of the County, then such approval can be given on behalf of the County by the County officials executing the Fee Agreement or their successors in office upon adoption of an affirmative resolution of the County Council. The County officials shall consult the County's legal counsel with respect to such approval. The execution of a written approval by County officials shall constitute conclusive evidence that the County has approved the respective actions of the Company.

Section 3. Execution of Document. The Chairman, the County Administrator, the Clerk, and the County Attorney are each authorized and directed to do all things necessary to effect the execution and delivery of the Fee Agreement and the County's performance of its obligations under the Fee Agreement.

Section 4. Severability. The provisions of this Ordinance are declared to be separable. If any section, phrase, or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining sections, phrases, and provisions of the Ordinance shall remain valid.

Section 5. Repeal of Conflicting Ordinances. All orders, resolutions, and other ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Ordinance Modification. This Ordinance shall not be amended, rescinded or modified except with the prior written consent of the Company.

Section 7. Effective Date of Ordinance. This Ordinance shall take effect immediately upon third reading of the County Council and shall supersede any inconsistent ordinances.



First Reading: May 1, 2012  
Second Reading: May 15, 2012  
Public Hearing: May 15, 2012  
Third Reading: June 5, 2012

**AND IT IS SO ORDAINED, ENACTED AND ORDERED.**

Dated this \_\_\_ day of \_\_\_\_\_, 2012.

**RICHLAND COUNTY COUNCIL**

\_\_\_\_\_  
Kelvin E. Washington, Sr., Chairman

**ATTEST**

\_\_\_\_\_  
Michelle Onley, Clerk to Council

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

**CERTIFIED COPY OF ORDINANCE**

I, the undersigned, hereby certify that I am the duly appointed and acting Clerk to County Council of Richland County, South Carolina (the “County”), and as such official I further certify that attached hereto is a true and correct copy of Ordinance No. \_\_\_\_\_ authorizing the execution and delivery of a Fee Agreement by and between the County and McEntire Produce, Inc. and affiliates of McEntire Produce, Inc., including R.C. McEntire Trucking, Inc. and McEntire Limited Partnership, which Ordinance has been compared by me with the original thereof, and that such copy is a true, correct and complete copy thereof, and that such Ordinance has been duly adopted and has not been modified, amended or repealed and is in full force and effect on and as of the date hereof in the form attached hereto.

Witness my official signature and seal this \_\_\_\_ day of \_\_\_\_\_, 2012.

[Seal]

\_\_\_\_\_  
Michelle Onley, Clerk to County Council,  
Richland County, South Carolina

**FEE AGREEMENT  
BY AND AMONG  
RICHLAND COUNTY, SOUTH CAROLINA  
AND  
MCENTIRE PRODUCE, INC.,  
R.C. MCENTIRE TRUCKING, INC.,  
AND  
MCENTIRE LIMITED PARTNERSHIP**

**Effective as of \_\_\_\_\_, 2012**

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MCENTIRE PRODUCE, INC.,  
R.C. MCENTIRE TRUCKING, INC.,  
AND  
MCENTIRE LIMITED PARTNERSHIP  
AND  
RICHLAND COUNTY, SOUTH CAROLINA**

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**FEE AGREEMENT  
BY AND AMONG**

**RICHLAND COUNTY, SOUTH CAROLINA**

**AND**

**MCENTIRE PRODUCE, INC.,  
R.C. MCENTIRE TRUCKING, INC.,  
AND  
MCENTIRE LIMITED PARTNERSHIP**

THIS FEE AGREEMENT (the “Fee Agreement”) is made and entered into effective as of the Commencement Date (as defined hereinafter) by and among RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina (the “County”), and MCENTIRE PRODUCE, INC., a corporation organized and existing under the laws of the State of South Carolina, and affiliates of MCENTIRE PRODUCE, INC., including, but not limited to, R.C. MCENTIRE TRUCKING, INC., a corporation organized and existing under the laws of the State of South Carolina, and MCENTIRE LIMITED PARTNERSHIP, a limited partnership organized and existing under the laws of the State of South Carolina (collectively, the “Company”). County and Company are sometimes jointly referred to in this Fee Agreement as the “parties”, or severally referred to as a “party”.

**WITNESSETH:**

WHEREAS, the Act, as defined herein, empowers the several counties of the State to enter into a fee agreement with an industry as an optional method of providing fee in lieu of property tax benefits for a project; and

WHEREAS, the County has committed to entering into this Fee Agreement by passage of a resolution dated March 6, 2012, and an ordinance dated June 5, 2012, and entering into an Inducement Agreement that summarize the fee in lieu of property tax provisions to be incorporated in a fee agreement between the Company and the County; and

WHEREAS, the Company desires to expand its existing manufacturing facility located within the County (the “Facility”), through expenditures for the, including but not limited to, expansion, construction and equipping of a manufacturing facility for the production of finished produce products and the distribution of such products and other lawful purposes (the “Project”), and has requested the County to commit to provide certain inducements to the Company by entering into this Fee Agreement; and

WHEREAS, subject always to the Act, the parties desire to define the terms under which the Project will qualify for fee in lieu of property tax treatment.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained and the mutual benefits to be derived by the parties, the receipt and adequacy of which are acknowledged by the parties, the County and the Company agree as follows:

## 1. DEFINITIONS

### 1.1. *Specific Definitions*

In addition to the words and terms elsewhere defined in this Fee Agreement, the following words and terms as used herein shall have the following meanings unless the context or use indicates a different meaning or intent.

“*Act*” means the Fee in Lieu of Tax Simplification Act of 1997, S.C. Code § 12-44-10, *et seq.*, as amended.

“*Additional Payments*” shall have the meaning set forth in Section 4.3 of this Fee Agreement.

“*Administrative Expenses*” means the reasonable and necessary expenses incurred by the County in reviewing, implementing or amending this Fee Agreement and the Related Documents, including, without limitation, legal fees and expenses incurred by the County, but excluding the salaries and overhead of County personnel. Prior to an Event of Default, no expense shall be considered an Administrative Expense until the County has furnished to the Company a statement in writing indicating in reasonable detail the amount of such expense and the reason it has been or will be incurred. Expenses incurred in connection solely with a general taxpayer challenge to the validity of the Act shall not be deemed an Administrative Expense unless the Company requests the County to defend the suit on Company’s behalf.

“*Authorized Company Representative*” means any person or persons at the time authorized to act on behalf of the Company including, without limitation, the president, any vice president, the secretary, the treasurer, or any general partner of the Company.

“*Commencement Date*” means the last day of the property tax year during which the Project or a portion of the Project is placed in service, as defined in the Act, expected to be December 31, 2012, except that this date must not be later than the last day of the property tax year that which is three years from the year in which the Company and the County entered into this Fee Agreement.

“*Company*” means McEntire Produce, Inc., a corporation organized and existing under the laws of the State, R.C. McEntire Trucking, Inc. a corporation organized and existing under the laws of the State, and McEntire Limited Partnership a limited partnership organized and existing under the laws of the State as affiliates thereof, any surviving, resulting or transferee limited liability company, corporation, partnership or other business entity in any merger, consolidation or transfer of assets permitted under this Fee Agreement.

“*Completion Date*” means December 31, 2017, or such earlier date as may be specified by the Company pursuant to Section 3.2 hereof, or such later date, if any, that the County approves in its discretion pursuant to the extension provisions of Section 12-44-30(13) or other applicable provisions of the Act.

“*Cost*” or “*Cost of the Project*” means the cost to the Company of acquiring the Project, by construction, purchase, or lease, and shall be deemed to include, whether incurred prior to or after the Commencement Date: (a) costs incurred for architects, engineers, designers, landscape architects, attorneys, estimators, and other Project consultants; (b) costs incurred for labor, materials and other expenses to contractors, builders and suppliers in connection with the acquisition, construction and installation of the Project; (c) Project financing costs, (d) the cost of contract bonds and insurance of all kinds that may be required or necessary during the course of acquisition, construction and installation of the Project; (e) the expenses of the Company for tests, borings, surveys, test and pilot operations, estimates, plans and specifications and preliminary investigations therefore, and for supervising construction, as well as for the performance of all other duties required by or reasonably necessary in connection with the acquisition, construction and installation of the Project; (f) other costs that the Company shall be required to pay under the terms of any contract or contracts for the acquisition, construction and installation of the Project; (g) costs incurred by the Company for the acquisition and insuring of any interest in the land upon which the Project is located; (h) costs incurred for the Project by third parties on behalf of the Company; and (i) any sums required to reimburse the Company for advances made by it for any of the above items, or for any other work done and costs incurred by the Company which are for the acquisition of property of a character subject to the allowance for depreciation provided for under Section 167 of the Internal Revenue Code of 1986, as amended, and included in the Project, all whether or not reimbursed by the County or by third parties, all as reflected on the Company’s property tax return Form PT-300, with all attachments and schedules thereto, as filed with the Department of Revenue.

“*County*” means Richland County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina, and its successors and assigns.

“*County Council*” means the governing body of the County and its successors.

“*County Reporting Requirements*” means those requirements as set forth on *Exhibit A* attached hereto and made a part hereof.

“*Department of Revenue*” means the South Carolina Department of Revenue or its successor agency.

“*Equipment*” means all equipment, machinery, furnishings, and other personal property of Company that are made part of the Project by placing it in service in the County during the Investment Period, including all Replacement Property that is personal property of the Company.

“*Event of Default*” means any of those events set forth in Article 7 of this Fee Agreement.



“*Facility*” shall have the meaning set forth in the Recitals hereto.

“*Fair Market Value*” shall have the meaning set forth in Section 5.1(B) of this Fee Agreement.

“*Fee Agreement*” means this Fee Agreement as originally executed and from time to time supplemented or amended as permitted herein.

“*FILOT Payments*” shall have the meaning set forth in Section 5.1 of this Fee Agreement.

“*Inducement Agreement*” means the Inducement Agreement by and between the County and Company, executed by the County March 6, 2012, and by the Company \_\_\_\_\_.

“*Identification Resolution*” means the identification resolution passed by County Council on March 6, 2012, in which the County identified the Project and agreed to consider offering the economic development incentives provided for in this Fee Agreement.

“*Investment Period*” means the 5 year period beginning with the Commencement Date.

“*Ordinance*” means the ordinance of the County Council, dated May 5, 2012, that authorizes execution and delivery of this Fee Agreement and other applicable Related Documents by the County.

“*Project*” shall have the meaning set forth in the recitals hereof, as further defined herein, and shall specifically mean the Real Property and the Equipment.

“*Real Property*” means the real property, if any, made part of the Project during the Investment Period, including any leasehold improvements or other capital expenditures of the Company that qualify as economic development property under the Act, and all Replacement Property that is real property.

“*Related Documents*” means this Fee Agreement, the Ordinance, and any documents to which the County and/or the Company are parties that are reasonably required for the consummation of the transactions contemplated hereby or thereby.

“*Replacement Property*” means all property that is placed in service as a replacement for a portion of the Project, to the maximum extent permitted by the Act.

“*State*” means the State of South Carolina.

“*Term*” means the duration of this Fee Agreement.

## **1.2. References to Fee Agreement**

The words “hereof,” “herein,” “hereunder” and other words of similar import refer to this Fee Agreement.

## **2. REPRESENTATIONS AND WARRANTIES**

### **2.1. *Representations and Warranties by the County***

The County warrants that:

(A) The County is a body politic and corporate and a political subdivision of the State of South Carolina and is authorized and empowered by the provisions of the Act to enter into the transactions contemplated by this Fee Agreement and to carry out the County’s obligations hereunder. Based on representations of the Company, the Project constitutes or will constitute a “project” within the meaning of the Act. By proper action by County Council, the County has been duly authorized to execute and deliver this Fee Agreement;

(B) Prior to the delivery of this Fee Agreement, the County has adopted the Identification Resolution and enacted the Ordinance;

(C) The execution and delivery of this Fee Agreement and compliance by the County with the terms and conditions thereof will not constitute a material breach of, or a material default under any existing law, regulation, decree, or order, or any material agreement, mortgage, lease or other instrument to which the County is subject or by which it is bound; and

(D) To the best of its knowledge, no actions, suits, proceedings, inquiries or investigations are pending or threatened against or affecting the County in any court or before any governmental authority or arbitration board or tribunal that would materially adversely affect the validity or enforceability of the Related Documents.

### **2.2. *Representations and Warranties by Company***

The Company represents and warrants that:

(A) McEntire Produce, Inc. and R.C. McEntire Trucking, Inc. are corporations organized and in good standing under the laws of the State and have power to enter into this Fee Agreement, and, by proper action, have been duly authorized to execute and deliver the Related Documents.

(B) McEntire Limited Partnership is a Limited Partnership formed under the laws of the State and pursuant to the McEntire Limited Partnership Agreement either of its General Partners is duly authorized to enter into this Fee Agreement on its behalf and to execute and deliver the Related Documents.

(C) The execution and delivery of this Fee Agreement and compliance by the Company with the terms and conditions hereof will not constitute a material breach of, or a material default under, (i) any existing law, regulation, decree, or order, or (ii) any material term,

condition, or provision of any corporate restriction or any agreement or instrument to which the Company is now a party or by which it is bound; and will not result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of the Company that would materially restrict the Company's ability to make any payments hereunder, other than as may be permitted by this Fee Agreement;

(D) No event has occurred and no condition exists with respect to the Company that would constitute an "Event of Default" as described in Section 7.1 hereof;

(E) The Company intends to operate the Project for the purposes permitted by this Fee Agreement or the Act or other purposes expressly agreed upon in writing by the parties;

(F) The execution of this Fee Agreement by the County and the Company has been instrumental in inducing the Company to expand its Facility in the County and in the State;

(G) To the best of its knowledge, no actions, suits, proceedings, inquiries or investigations are pending or threatened against or affecting the Company in any court or before any governmental authority or arbitration board or tribunal that would materially and adversely affect the validity or enforceability of this Fee Agreement; and

(H) The Project constitutes or will constitute a "project" within the meaning of the Act.

(I) The Company shall comply with the County Reporting Requirements.

### **3. CONSTRUCTION, ACQUISITION, AND PURCHASE OF PROJECT**

#### ***3.1. Construction and Acquisition of Project***

The Company shall construct and acquire the Project and shall do all other things deemed necessary by the Company in connection with the Project. The Company shall identify in writing, to the extent required by the Department of Revenue, any portion of the Project placed in service that is not then already adequately described in this Fee Agreement or supplements thereto as a portion of the Project. The Company shall maintain such records in connection with the construction or acquisition of the Project as are reasonably necessary to (i) permit ready identification thereof and (ii) confirm the date(s) on which the Project or portions of the Project were placed in service.

#### ***3.2. Completion Date***

The Completion Date(s) shall be evidenced to the County by a written statement by an Authorized Company Representative certifying the Completion Date and stating that, to the best of his knowledge and information, the acquisition or construction of the Project, or a phase thereof, has been completed and placed in service as of the stated Completion Date and shall state the total cost as of the Completion Date. The certificate of completion may state that it is

given without prejudice to any rights against third parties that exist at the date of such certificate or which may subsequently come into being.

### **3.3. *Completion of the Project***

The Company shall cause the Project to be completed and shall pay or cause to be paid all of the Cost of the Project, provided that this shall not be deemed to preclude financing of some or all of the Cost of the Project on such terms as the Company shall determine.

### **3.4. *[Intentionally left blank]***

### **3.5. *Minimum Investment and Minimum Jobs Commitment***

Before the Completion Date, the Company will invest at least Five Million Dollars (\$5,000,000) in taxable property constituting part of the Project (the “Minimum Investment Threshold”) and hire at least 47 new employees at the Project (the “Minimum Jobs Threshold”).

### **3.6. *Licenses and Permits; Assistance in Obtaining***

To the extent permitted by law, and with the express understanding that no costs shall be borne by the County, the County will use its reasonable best efforts to expedite all building and construction permit applications and will use its reasonable best efforts to assist the Company in securing all other state, county and local construction, environmental and other permits, approvals and consents which may be necessary or desirable in connection with the Project on a timely basis.

If any application is made to a governmental or other agency by the Company or the County for any permit, license, or approval to do or to perform certain things reasonably necessary for the proper performance of this Fee Agreement, the Company and the County shall execute, upon the request of the other party, such applications as may reasonably be requested or required. Notwithstanding the foregoing sentence, the County may seek review and advice from its legal counsel, and may, if so advised by the County’s legal counsel, decline to execute any such application.

## **4. TERM, FEES AND ADDITIONAL PAYMENTS**

### **4.1. *Term***

Subject to the provisions herein, this Fee Agreement shall be and remain in full force and effect for a term (the “Term”) commencing on the Commencement Date, and, unless earlier terminated in accordance with this Fee Agreement, ending at midnight on December 31 of the 20<sup>th</sup> year after the last year during which any portion of the Project is placed in service or the last FILOT Payment hereunder, whichever is later.

### **4.2. *FILOT Payments***

The Company shall pay to the County all amounts due and payable as FILOT Payments pursuant to Section 5.1 hereof. Unless otherwise expressly provided in the Act, returns for the FILOT Payments shall be filed and FILOT Payments shall be payable at the same time, and subject to the same penalty assessments, that *ad valorem* property tax returns and tax payments for the Project would otherwise be due and payable under applicable State law and regulations in the absence of this Fee Agreement.

#### **4.3. Additional Payments**

In addition to the Fee Payments and other amounts payable under Section 5.1, the Company shall pay, as “Additional Payments,” to or on behalf of the County any Administrative Expenses and any other amounts payable by the Company under this Agreement. Such Additional Payments shall be payable by the Company within 45 calendar days of receipt by the Company from the County of a statement in writing indicating in reasonable detail the amount of such Additional Payments and the reason they have been incurred. Fees and other expenses for review of the Related Documents by County’s outside counsel will not exceed \$7,500.

#### **4.4. Failure to Pay in a Timely Manner**

If the Company fails to make in a timely manner any of the payments required in this Article 4, the item or installment so in default shall continue as an obligation of the Company until the amount in default shall have been fully paid, together with interest and penalties for which the Company is liable under applicable law thereon, along with Administrative Expenses, from the date the payment was due, at the rate per annum which is equal to the Wall Street Journal Prime Rate or, in the case of the FILOT Payments, an amount equal to any interest required by law for late payment of comparable *ad valorem* property taxes. In the event of any failure on the part of the Company to pay any such amounts, liabilities or obligations, the County shall have all rights, powers and remedies provided for herein, by law, equity or otherwise, including without limitation with respect to non-payment of FILOT Payments hereunder the imposition and enforcement of a lien against the Project for tax purposes, as provided in Section 12-44-90 of the Act.

### **5. FILOT PAYMENTS AND TAX CREDITS**

#### **5.1. FILOT Payments; Calculation and Timing**

(A) The parties acknowledge that during the Term of this Fee Agreement, the Project is exempt from *ad valorem* property taxes. However, in lieu of *ad valorem* property taxes, the Company shall make 20 annual FILOT Payments for each portion of the Project placed in service each year during the Investment Period.

(B) The amount of FILOT Payments due and payable shall be that which would be due in *ad valorem* property taxes if the Project were subject to *ad valorem* property taxes, but using (i) an assessment ratio of seven (7%) percent, which shall be reduced to six (6%) percent if an investment of Ten Million Dollars (\$10,000,000) is made (such rate to be effective for the property tax year and later years in which the aggregate amount of assets “placed in service”

equals or exceeds Ten Million Dollars (\$10,000,000)) (ii) a millage rate of 413.6 mills (which millage rate shall remain applicable and fixed throughout the Term of this Fee Agreement), and (iii) a fair market value of the Project to be determined according to the Act (the “Fair Market Value”).

(C) Pursuant to Section 12-44-60 of the Act, the Company may elect to include Replacement Property as part of the Project to the maximum extent permitted by the Act.

(D) Any part of the Project subject to the fee payment may be disposed of, and the Fair Market Value of the Project used to calculate FILOT Payments shall be reduced by the Fair Market Value of the disposed property.

(E) If the Act, any portion of the Act, and/or the FILOT Payments are declared invalid or unenforceable, in whole or in part, for any reason, the Company and the County intend that this Fee Agreement be reformed so as to afford the Company with a benefit that is commensurate with the benefit provided under this Fee Agreement. If the Project is not eligible for FILOT Payments, the Company shall, as permitted by law, be entitled to receive (i) the five-year exemption from *ad valorem* taxes (or fees in lieu of taxes) provided by South Carolina Constitution Article X, Section 3, and any other exemption allowed by law from time to time; (ii) all allowable depreciation, allowances and adjustments to Fair Market Value; and (iii) such other credits, abatements and exemptions from *ad valorem* taxes, as are allowed by law.

(F) If the Company does not meet the Minimum Investment Threshold and the Minimum Jobs Threshold as of the Completion Date, the Company prospectively loses the benefit of this Fee Agreement and the Project reverts to normal *ad valorem* taxation and the Company shall repay the County the full amount of the difference between the FILOT Payments and the amount of *ad valorem* property taxes that would have otherwise been due and payable by the Company if the Project were subject to *ad valorem* property taxes since the Commencement Date. The Company shall make any such repayment no later than 90 days after the Completion Date.

## **5.2. Tax Deductions, Credits and Exemptions**

Unless otherwise precluded by the Act, applicable law or judicial decision, the Company shall be entitled to all applicable federal, state and local investment tax credits, exemptions, allowances and deductions for depreciation and diminution in value, and other similar tax relief provisions relating to the Project. At the request of the Company, the County shall do all things as are reasonably necessary or proper to confirm and receive those benefits, provided the Company shall pay the expenses incurred in that undertaking.

## **5.3. Abating FILOT Payments**

If the Project is damaged or destroyed, the subject of condemnation proceedings, or otherwise adversely impacted by theft, casualty, or other cause, and the damage, destruction, condemnation, or adverse impact reduces the Project’s fair market value, the FILOT Payments

shall be abated in the same manner as *ad valorem* property taxes would be abated if the Project were subject to *ad valorem* property taxes to the fullest extent allowed by the Act.

## **6. OTHER COVENANTS**

### **6.1. *Use of Project***

The Company shall have the right during the Term of this Fee Agreement to use the Project, as a project, for any lawful purpose authorized by the Act. At the time of entering into this Fee Agreement, however, it is the intent of the Company to use the Project for the production of finished produce products and the distribution of such products

### **6.2. *Limitation of County's Liability***

Anything herein to the contrary notwithstanding, any obligation the County may incur hereunder, including an obligation for the payment of money, shall not be deemed to constitute a debt or general obligation of the County but shall be payable solely and exclusively from the revenues and receipts derived by the County from this Fee Agreement, and the Project gives rise to no pecuniary liability of the County or a charge against its general credit or taxing power.

### **6.3. *No Liability of County Personnel***

All covenants, agreements and obligations of the County contained herein shall be deemed to be covenants, agreements and obligations of the County and not of any member of the County Council or any officer, agent, servant or employee of the County in his individual capacity.

### **6.4. *Transfer of Project; Financing***

To the extent permitted by Section 12-44-120(A) of the Act, (a) an interest in this Fee Agreement and the Project, or (b) an equity interest or other interest in an entity with an interest in this Fee Agreement or the Project, or both, may be transferred to another entity at any time; provided that the Company shall not be released from its obligations without the County's prior written consent. Whenever consent of the County is required under the Act or this Fee Agreement for any of the foregoing transactions, such consent shall not be unreasonably withheld.

### **6.5. *Financing***

Financing, lending, security, sale-leaseback, assignments, leases, subleases, or similar arrangements are permitted in accordance with Sections 12-44-120(B) and (C) of the Act. The Company shall cause the County and the Department of Revenue to be notified of a financing-related transfer of the Fee Agreement or the Project within 60 days of such transfer. Such notice shall be in writing and shall include the identity of each transferee and any other information required by the Department of Revenue with any appropriate returns.

## **6.6. Leasing of Project**

The Company may at any time lease or sublease the Project or portions of the Project on such terms as the Company may determine in its sole discretion, provided that such terms are not inconsistent with this Fee Agreement. No lease or sublease shall reduce any of the obligations of the Company hereunder unless expressly approved in writing by the County.

## **6.7. Filing of Annual Report of Investment in Project**

The Company shall provide to the County a documents sufficient to meet the County Reporting Requirements as set forth on Exhibit A and a copy of the annual return submitted to the Department of Revenue or equivalent showing the investment of the Company in the Project (currently, Form PT-300S). The County shall accord this information the same degree of confidentiality as is required for the Department of Revenue. The Company shall also make all other filings required from time to time by Section 12-44-90 of the Act.

## **6.8 Waiver of Statutorily Required Recapitulation**

Pursuant to Section 12-44-55(B) of the Act, the County and the Company and any Sponsors waive any and all compliance with any and all of the provisions, items, or requirements of Section 12-44-55.

## **6.9 Indemnification**

(a) Company shall and agrees to indemnify and save the County, its County Council members, officers, employees or agents, present and future, and past County employees or agents who have worked on the Project and any documents or matters related to the Project (each, an “Indemnified Party”), harmless against and from all claims by or on behalf of any person, firm, or corporation arising from the conduct or management of, or from any work or thing done on the Project, and, Company further releases each Indemnified Party from and shall indemnify and save each Indemnified Party harmless against and from all claims arising from (i) any condition of the Project, (ii) any breach or default on the part of Company in the performance of any of its obligations under this Fee Agreement, (iii) any act of negligence of Company or any of its agents, contractors, servants, employees, or licensees, (iv) any act of negligence of any assignee or sublessee of Company, or of any agents, contractors, servants, employees, or licensees of any assignee or sublessee of Company, (v) any environmental violation, condition, or effect, or (vi) the administration by any Indemnified Party of this Fee Agreement or the performance by any Indemnified Party of the County’s obligations hereunder. Company shall indemnify and save each Indemnified Party harmless from and against all reasonable costs and expenses incurred in or in connection with any such claim arising as aforesaid or in connection with any action or proceeding brought thereon, and upon notice from the County or any other Indemnified Party, Company shall defend it in any such action, prosecution, or proceeding.

(b) Notwithstanding the fact that it is the intention of the parties that each Indemnified Party shall not incur pecuniary liability by reason of the terms of this Fee Agreement, or the



undertakings required of the County hereunder, by reason of the performance of any act requested of it by the Company, or by reason of the operation of the Project by the Company, including all claims, liabilities, or losses arising in connection with the violation of any statutes or regulations pertaining to the foregoing, nevertheless, if an Indemnified Party should incur any such pecuniary liability, then in such event the Company shall indemnify and hold that Indemnified Party harmless against all claims by or on behalf of any person, firm, or corporation, arising out of the same, and all costs and expenses incurred in connection with any such claim or in connection with any action or proceeding brought thereon, and upon notice, the Company shall defend them in any such action or proceeding.

These indemnification covenants shall be considered included in and incorporated by reference in subsequent documents after the closing which the County is requested to sign, and any other indemnification covenants in any subsequent documents shall not be construed to reduce or limit the above indemnification covenants.

## **7. EVENTS OF DEFAULT AND REMEDIES**

### **7.1. *Events of Default by Company***

Any one or more of the following events shall constitute an “Event of Default” by Company:

(A) if default shall occur in the due and punctual payment of any Additional Payments to the County, which default shall not have been cured within 30 days following receipt of written notice thereof from the County;

(B) if FILOT Payments, together with any interest or penalties thereon, shall not have been paid within the maximum time that would be permitted by law if the Project were subject to *ad valorem* property taxes;

(C) if the Company shall fail to perform or comply with any other terms of this Fee Agreement, other than those referred to in the foregoing Subsections (A) or (B), and such default shall (i) continue for 30 calendar days after the County has given the Company written notice of such default, or (ii) in the case of any such default that can be cured, but cannot be cured with due diligence within such 30 day period, if the Company shall fail to proceed promptly and with due diligence to cure the same within such additional period as may be necessary to complete the curing of the same;

(D) if the Company shall file a voluntary petition seeking an order for relief in bankruptcy; or shall be adjudicated insolvent; or shall file any petition or answer or commence a case seeking reorganization, composition, readjustment, liquidation or similar order for relief for itself under any present or future statute, law or regulation; or shall seek or consent to or acquiesce in the appointment of any trustee, receiver or liquidator of the Company or of the Project; or shall make any general assignment for the benefit of creditors; or shall admit in writing its inability to pay its debts generally as they become due;

(E) if a petition shall be filed or a case shall be commenced against the Company seeking an order for relief in bankruptcy or any reorganization, composition, readjustment, liquidation or similar relief under any present or future statute, law or regulation, and shall remain undismissed or unstayed for an aggregate of 90 days (whether or not consecutive); or if any trustee, receiver or liquidator of the Company or of all or any substantial part of its properties or of the Project shall be appointed without the consent or acquiescence of the Company and such appointment shall remain unvacated or unstayed for an aggregate of ninety (90) days (whether or not consecutive); or

(F) if any material representation or warranty made by the Company herein proves untrue in any material and adverse respect as of the date of making the representation or warranty.

## **7.2. Remedies on Event of Default by Company**

Upon the occurrence of any Event of Default, the County, may, at its option, take any one or more of the following actions: (i) terminate this Fee Agreement by 60 days notice in writing specifying the termination date; (ii) take whatever action at law or in equity as may appear necessary or desirable to collect the sums under Article 4 then due and thereafter to become due. In all events, if the Company fails to make Fee Payments due under Section 5.1, the County shall have the same enforcement, lien, and collection rights and remedies as it would have had for the non-payment of *ad valorem* taxes.

## **7.3. Default by County**

Upon the failure of the County to perform any obligation it may have under this Fee Agreement or the Related Documents in a timely manner, or if no time for performance is specified, then within 60 days following written notice thereof from the Company to the County, the Company may pursue any remedy permitted by this Fee Agreement or available by law or in equity, including, but not limited to, specific performance or suit for *mandamus*.

## **8. MISCELLANEOUS**

### **8.1. Rights and Remedies Cumulative**

Each right, power and remedy of the County or of the Company provided for in this Fee Agreement shall be cumulative and concurrent and shall be in addition to every other right, power or remedy provided for in this Fee Agreement or now or hereafter existing at law or in equity, in any jurisdiction where such rights, powers and remedies are sought to be enforced, and the exercise by the County or by the Company of any one or more of the rights, powers or remedies provided for in this Fee Agreement or now or hereafter existing at law or in equity or by statute or otherwise shall not preclude the simultaneous or later exercise by the County or by the Company of any or all such other rights, powers or remedies.

### **8.2. Successors and Assigns**

The terms and provisions of this Fee Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

**8.3. Notices; Demands; Requests**

All notices, demands and requests to be given or made hereunder to or by the County or the Company shall be in writing and shall be deemed to be properly given or made if (a) personally delivered by any entity which provides written evidence of such delivery, or (b) sent by United States first class mail, postage prepaid (in which event notice shall be deemed to occur 2 calendar days after the date postmarked), or (c) sent by United States registered or certified mail, return receipt requested, postage prepaid (in which event notice shall be deemed to occur on the date on which delivery was accepted or rejected by the recipient). Notices, demands and requests shall be addressed as follows or to such other places as may be designated in writing by such party by proper notice to the other party.

(a) As to the County:

Richland County  
P.O. Box 192  
Columbia, South Carolina 29202  
Attention: County Administrator  
Telephone: (803) 576-2054  
Facsimile: (803) 576-2137

With a Copy to:

Parker Poe Adams & Berstein LLP  
1201 Main Street, Suite 1450  
Columbia, South Carolina 29201  
Attn: Ray E. Jones  
Telephone: 803.255.8000  
Facsimile: 803.255.8017

(b) As to the Company:

McEntire Produce, Inc.  
PO Box 5817  
Columbia, South Carolina 29250  
Attention: Carter H. McEntire  
Telephone: (803) 799-3388  
Facsimile: (803) 254-3540

With a Copy to:

McNair Law Firm, P.A.

Post Office Box 1431  
Charleston, South Carolina 29402  
Attention: Rion D. Foley  
Telephone: (843) 723-7831  
Fax: (843) 722-3227

**8.4. *Next Succeeding Business Day***

Unless otherwise expressly provided by applicable law, in any case in which the last date for action by or notice to a party falls on a Saturday, Sunday or date that is an official state or federal holiday in the place in which the address is located, then the action required or notice to be given may be made or given on the next succeeding business day with the same effect as if given as required by this Fee Agreement.

**8.5. *Applicable Law; Entire Understanding***

Except as otherwise provided by the Home Rule Act, the Act, and other applicable law, this Fee Agreement shall be governed exclusively by the provisions hereof and by the applicable laws of the State. This Fee Agreement expresses the entire understanding and all agreements of the parties hereto with each other and neither party hereto has made or shall be bound by any agreement or any representation to the other party which is not expressly set forth in this Fee Agreement or in certificates delivered in connection with the execution and delivery hereof.

**8.6. *Severability***

If any material provision of this Fee Agreement shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not affect any of the remaining provisions hereof unless the effect thereof would render enforcement of the remaining provisions unconscionable.

**8.7. *Headings and Table of Contents; References***

The headings of the Fee Agreement and any Table of Contents or Index annexed hereto are for convenience of reference only and shall not define or limit the provisions hereof or affect the meaning or interpretation hereof. Unless otherwise clearly indicated by the context, all references in this Fee Agreement to particular Articles, Sections or Subsections are references to the designated Articles, Sections or Subsections of this Fee Agreement.

**8.8. *Multiple Counterparts***

This Fee Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

**8.9. *Amendments***

This Fee Agreement may be amended only by a writing signed by all parties hereto.

#### **8.10. Waiver**

Any party hereunder may waive compliance by the other party with any term or condition of this Fee Agreement only in a writing signed by the waiving party.

#### **8.11. Non-Disclosure Of Company Information**

The County, and County Council, acknowledges and understands that the Company utilizes confidential and proprietary “state-of-the-art” manufacturing processes and techniques and that any disclosure of any information relating to such processes and techniques and the economics thereof would result in substantial harm to the Company and could thereby have a significant detrimental impact on Company and its employees. Consequently, to the extent permitted by law, the County agrees to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the nature, description and type of the machinery, equipment, processes and techniques, and financial information relating thereto (“Confidential Information”), which may be obtained from the Company, its agents or representatives, except as may otherwise expressly be required by applicable law. The County, and County Council, shall not disclose and shall cause all employees, agents and representatives of the County not to disclose such Confidential Information to any person or entity other than in accordance with the terms of the Fee Agreement and as required by law.

**IN WITNESS WHEREOF**, the parties have executed this Fee Agreement effective as of the Commencement Date.

**RICHLAND COUNTY COUNCIL**

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

*(SEAL)*

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle Onley  
Clerk of Council

**[TO BE EXECUTED IN COUNTERPARTS]**

**WITNESSES:**

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

**MCENTIRE PRODUCE, INC.**

By: \_\_\_\_\_  
Name: Carter H. McEntire  
Title: \_\_\_\_\_

**WITNESSES:**

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

**R.C. MCENTIRE TRUCKING, INC.**

By: \_\_\_\_\_  
Name: Carter H. McEntire  
Title: \_\_\_\_\_

**WITNESSES:**

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

**MCENTIRE LIMITED PARTNERSHIP**

**By: MCENTIRE GP #2, LLC, ITS GENERAL PARTNER**

By: \_\_\_\_\_  
Name: Carter H. McEntire  
Its: Sole Member

**EXHIBIT A**  
**COUNTY REPORTING REQUIREMENTS**

I. Annually, throughout the length of the incentives, beginning with the property tax year in which the Fee Agreement takes effect, the Company shall submit, on or before January 31 of each year, to the Richland County Administrator's Office at the following address:

Richland County Administrator  
Attn: Economic Development  
Post Office Box 192  
Columbia, South Carolina 29202

the following information:

- a. Name of company;
- b. Cumulative capital investment (less any removed investment) to date as a result of the project;
- c. Cumulative ad valorem taxes (if any) and fee in lieu payments made in connection with the facility;
- d. Cumulative number of new jobs created to date as a result of the project;
- e. List of all employees for reporting year by residential zip code only;
- f. Community service involvement, including Zip Codes of assisted organizations, which shall include a description of the Company's financial and in-kind donations made to organizations in the County during the preceding year, as well as such other information as the Company desires to share regarding its community activities.

II. The Richland County Administrator, or the Administrator's designee, is entitled to require the submission of additional information regarding the project or any of the items in section I, above, from the Company, which the Company shall submit in no more than 30 days after notification of the request.

III. To the extent any of the above-referenced information is included in the Form PT-300S filed with the County, that Form shall be acceptable to the County for verification of the Company's compliance with the commitments made herein.

If the Company fails to provide any part of the information outlined in Items No. I and II, above, within 30 days of receipt of written request for the same from the County, then the Company shall return all incentives, or a dollar amount equal to the incentives, to the County. The Company is required to make any return or repayment to the County no more than 60 days after the date on which the Company should have provided the information outlined in Items No. I and II to the County.



# Richland County Council Request of Action

## **Subject**

12-20MA  
Jacqueline Bush Reese  
RU to RC (2 Acres)  
Bluff Rd.  
27300-07-05 [**SECOND READING**] [**PAGES 61-62**]

## **Notes**

First Reading: May 22, 2012  
Second Reading:  
Third Reading:  
Public Hearing: May 22, 2012

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 # 27300-07-05 FROM RU (RURAL DISTRICT) TO RC (RURAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 27300-07-05 from RU (Rural District) zoning to RC (Rural Commercial 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: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing: May 22, 2012  
First Reading: May 22, 2012  
Second Reading: June 5, 2012 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

12-21MA  
Ismail Ozbek (0.83 Acres)  
Lexington County Health Services District, Inc.  
PDD to PDD  
Summit Parkway & Summit Centre Dr.  
23011-01-02 [**SECOND READING**] [**PAGES 63-66**]

## **Notes**

First Reading: May 22, 2012  
Second Reading:  
Third Reading:  
Public Hearing: May 22, 2012

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 # 23011-01-02 FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO AN AMENDED PDD (PLANNED DEVELOPMENT 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 property described as TMS # 23011-01-02 from PDD (Planned Development District) zoning to an amended PDD (Planned Development District) zoning, as described herein.

Section II. PDD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The applicant shall comply with the PUD-2 Descriptive Statement (dated November 15, 1998) (Ordinance No. 1792-88HR), and the revised land use as described in Exhibit A, which is attached hereto; and
- b) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- c) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

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

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

Section V. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

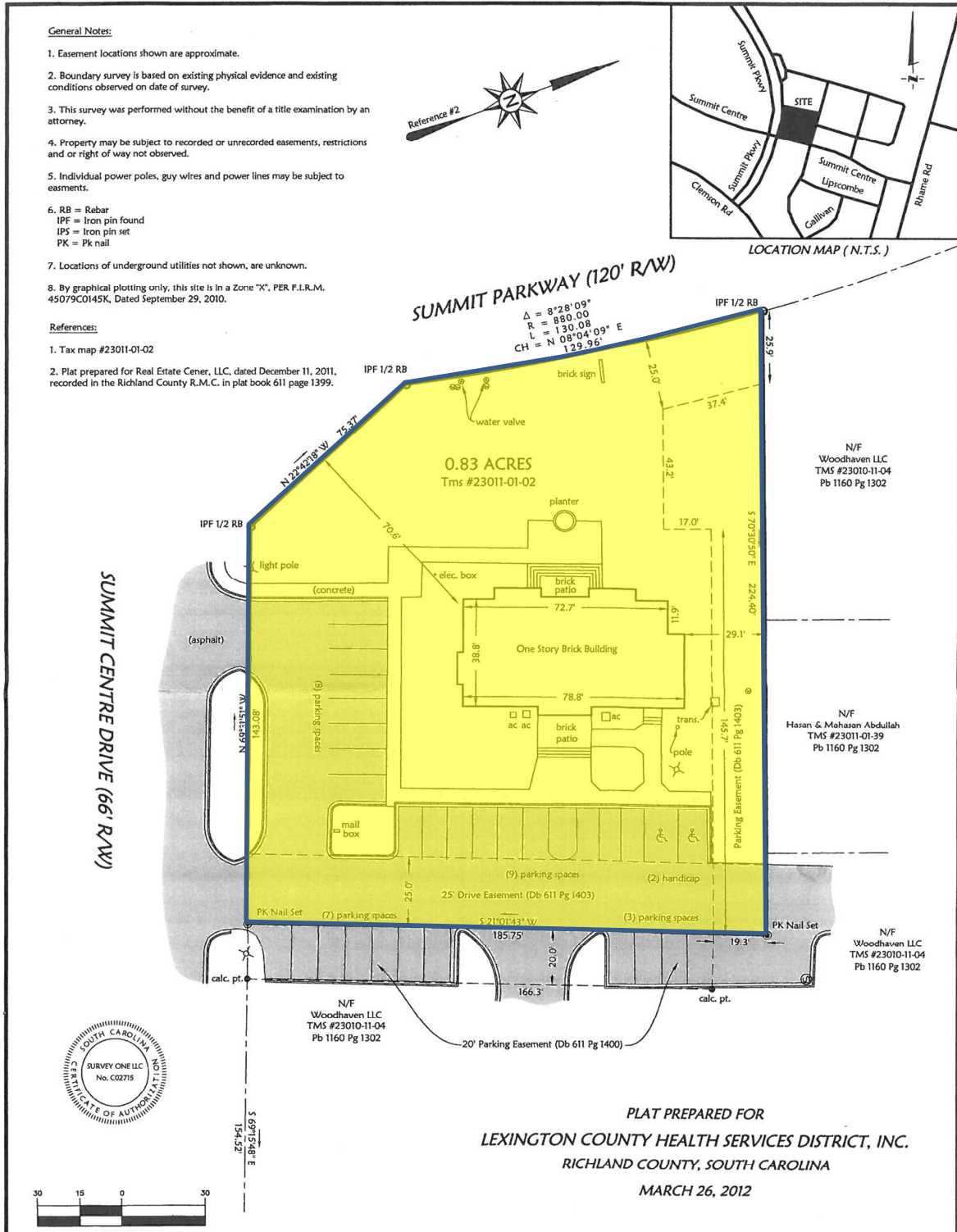
Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

---

Michelle M. Onley  
Clerk of Council

Public Hearing:        May 22, 2012  
First Reading:        May 22, 2012  
Second Reading:      June 5, 2012 (tentative)  
Third Reading:

# Exhibit A



NOTE: The use for the above referenced parcel of land shall hereafter be designated as "Office".

# 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; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; "Residential Uses" of Table 26-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit "Radio, Television, and Other Similar Transmitting Towers" in the M-1 (Light Industrial District), as a special exception rather than with special requirements **[SECOND READING] [PAGES 67-72]**

## **Notes**

First Reading: May 22, 2012  
Second Reading:  
Third Reading:  
Public Hearing: May 22, 2012

# DRAFT

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 12-\_\_HR

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, PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “RESIDENTIAL USES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT “RADIO, TELEVISION, AND OTHER SIMILAR TRANSMITTING TOWERS” IN THE M-1 (LIGHT INDUSTRIAL DISTRICT), AS A SPECIAL EXCEPTION RATHER THAN 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; “Radio, Television, and Other Similar Transmitting Towers ” 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-1	LI	HI
<b><u>Transportation, Information, Warehousing, Waste Management, and Utilities</u></b>																	
Airports or Air Transportation Facilities and Support Facilities															P	P	P
Antennas		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
Bus Facilities, Interurban													P	P	P	P	P
Bus Facilities, Urban													P	P	P	P	P
Charter Bus Industry													P	P	P	P	P
Courier Services, Central Facility															P	P	P
Courier Services, Substations											P		P	P	P	P	P
Landfills, Sanitary and Inert Dump Sites		SE															SE
Limousine Services														P	P	P	P
Materials Recovery Facilities (Recycling)															P	P	P
Power Generation, Natural Gas Plants, and Similar Production Facilities																	P
Radio and Television Broadcasting Facilities (Except Towers)											P		P	P	P	P	
Radio, Television, and Other Similar Transmitting Towers		SE									SE	SE	SE	SE	<del>SR</del> <u>SE</u>	SE	SE
Rail Transportation and Support Facilities																	P
Recycling Collection Stations																	P
Remediation Services															P		P
Scenic and Sightseeing Transportation													P	P	P	P	P
Sewage Treatment Facilities, Private																	P
Taxi Service Terminals													P	P	P	P	P
Truck Transportation Facilities															P	P	P
Utility Company Offices											P	P	P	P	P	P	
Utility Lines and Related Appurtenances	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Service Facilities (No Outside Storage)														P	P	P	P
Utility Substations	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR

# DRAFT

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)													SR	SR	SR	SR	P	P	P
Warehouses, Self-Storage															SR	SR	SR	SR	P
Waste Collection, Hazardous																			SE
Waste Collection, Other																			P
Warehouses, Self-Storage															SR	SR	SR	SR	P
Waste Collection, Solid, Non-Hazardous																			P
Waste Treatment and Disposal, Hazardous																			SE
Waste Treatment and Disposal, Non-Hazardous																			P
Water Treatment Plants, Non-Governmental, Public																	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; Paragraph (59), Radio, Television, and Other Similar Transmitting Towers; is hereby deleted in its entirety and the remaining paragraphs are renumbered in appropriate chronological order.

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 (59), Radio, Television, and Other Similar Transmitting Towers; is hereby deleted in its entirety and the remaining paragraphs are renumbered in appropriate chronological order.

SECTION IV. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (c), Special Exceptions Listed by Zoning District; Paragraph (22), Radio, Television, and Telecommunications and Other Transmitting Towers; is hereby amended to read as follows:

- (22) Radio, Television, and Telecommunications and other Transmitting Towers- (RU, OI, NC, RC, GC, M-1, LI, HI)

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television, and Telecommunications and Other Transmitting Towers; Subparagraph a.; is hereby amended to read as follows:

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial; LI Light Industrial; Heavy Industrial.

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

SECTION VIII. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

DRAFT

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2012

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Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:        May 22, 2012  
First Reading:        May 22, 2012  
Second Reading:      June 5, 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 IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (C), Processes; Paragraph (2), Minor Subdivision Review; so as to remove the requirement of sketch plan submittal **[FIRST READING] [Forwarded from D&S Committee] [PAGES 73-78]**

## **Notes**

May 22, 2012 - The committee recommended that Council approve the amendments to Section 26-54, so as to remove the requirement of a sketch plan for Minor Subdivisions. The vote in favor was unanimous.

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 IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (C), PROCESSES; PARAGRAPH (2), MINOR SUBDIVISION REVIEW; SO AS TO REMOVE THE REQUIREMENT OF SKETCH PLAN SUBMITTAL.

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 IV, amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (2), Minor Subdivision Review; is hereby amended to read as follows:

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. ~~However, a~~ A minor subdivision shall not require engineered documents pertaining to design of infrastructure or the dedication of land to the county for open space or other public purpose. If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.
- ~~b. *Pre-application procedure.* No pre-application conference is required prior to applying for minor subdivision review. Applicants are encouraged to call or visit the planning department prior to requesting subdivision plat approval to determine what information is required for the application.~~
- ~~eb. *Plan submittal. Filing of application.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~
- ~~1. *Filing of application.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch~~

~~plan, which shall be submitted in both a paper and a digital format as specified by the County, containing all information required on the application. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.~~

~~2. Fees. A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

~~dc. Staff review. The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. Provided that the application is complete, the following shall occur.~~

~~1. Planning staff review. Sketch plans for minor subdivision development ~~requiring minor subdivision review~~ shall be reviewed by the planning department for compliance with the requirements of this chapter.~~

~~2. Development review team. As needed, plans for minor subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.~~

~~The planning department shall approve, approve conditionally, or deny the approval of the sketch plan application for a minor subdivision within thirty (30) days after the submission date of a completed application. ~~If the department fails to act on the application within that time, the application shall be deemed approved. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.~~~~

~~ed. Public notification. No public notification is required for minor subdivision review.~~

~~fe. Formal review. No formal review is required for minor subdivision plan approval.~~

~~gf. Variances. Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.~~

~~hg. Appeals. Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Section 26-58, and the payment of fees established by the Richland County Council. A person~~

~~who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. Such appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who has a substantial interest in the decision may appeal such decision of the Richland County Planning Commission to the Circuit Court, provided that a proper petition is filed with Richland County Clerk of Court within thirty (30) days after the applicant receives written notice of the decision. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the Planning Commission may appeal by filing a notice of appeal with the Circuit Court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

ih. *Approval validity/final plat/recordation.*

~~1. — *Final plat.* Following approval of a sketch plan for a minor subdivision and the installation and acceptance of required improvements, a final plat shall be prepared and submitted. In addition, a copy of the final plat shall be submitted to the planning department in a digital format as specified by the County. The final plat application shall contain all information required by the planning department. The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. No later than fifteen (15) days after receipt of a complete final plat package, the planning department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Appeals shall be taken to the Richland County Planning Commission. If approved, prior to~~



~~recording, the plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a minor subdivision does not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.~~

- 21. *Recordation.* A ~~final~~ plat for a minor subdivision must be recorded by the applicant within thirty (30) days of approval, with the Richland County Register of Deeds. Approval of the ~~final~~ plat shall constitute the final subdivision approval. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.
- 32. *Approval validity.* Failure to record a ~~final~~ plat within thirty (30) days shall invalidate plat approval.

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: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this the \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 5, 2012 (tentative)  
Public Hearing: July 24, 2012 (tentative)  
Second Reading: July 24, 2012 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

Tree Canopy Ordinance and Inventory Motion [**Forwarded from D&S Committee**] [**PAGES 79-80**]

## **Notes**

May 22, 2012 - The committee recommended that Council forward this item to the Development Roundtable following the Green Code review in July. The committee also recommended that Council direct staff to begin the search for a consultant to conduct the inventory. The vote in favor was unanimous.

# *Richland County Government*

County Administration Building  
2020 Hampton Street  
P.O. Box 192  
Columbia, SC 29202



Phone: (803) 576-2050  
Fax: (803) 576-2137  
TDD: (803) 748-4999

## *Office of the County Administrator*

### **MEMORANDUM**

TO: Councilman Malinowski and the Development and Services Committee  
FROM: Sparty Hammett, Assistant County Administrator  
SUBJECT: Tree Canopy Ordinance  
DATE: April 19, 2012

Motion that Richland County Enact a Tree Canopy Ordinance and inventory to preserve and enhance the number of trees in Richland County. (D&S July 2010)

This motion has been held in Committee pending review by the Development Roundtable. The Development Roundtable has forwarded recommendations to the Planning Commission regarding development principles outlined in the original Roundtable consensus report. The Roundtable process is starting again on April 23, 2012 to finish reviewing the principles and other items such as the Tree Canopy Ordinance.

# Richland County Council Request of Action

## **Subject**

Broad River Rowing Center [**Forwarded from D&S Committee**] [**PAGES 81-87**]

## **Notes**

May 22, 2012 - The committee directed Councilmember Livingston, Representative Rutherford, the Sheriff's Department and staff to review the submitted recommendations and the impact they may have on the community. The results of this review will be forwarded to full Council. The vote in favor was unanimous.

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## Office of the County Administrator

### MEMORANDUM

**To:** Members of County Council  
**From:** J. Milton Pope, County Administrator   
**Subject:** Richland County Broad River Rowing Center  
**Date:** 4-20-2012

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Richland County Council requested staff meet with members of the Richland County Delegation regarding access to the Broad River Rowing facility.

#### **History:**

Richland County owns 27 acres of property along the Broad River adjacent to the Riverside Golf course near Interstate I-20. The property is currently used in partnership with the Broad River Rowing Club under a Memorandum of Agreement (MOA) adopted by County Council (see attachments).

It is important to note staff had numerous meetings and discussions with the Community prior to the adoption of the MOA to ensure use of the facility and property was consistent with adjacent neighborhood expectations.

#### **Directive:**

The directive of Council was in response to questions and concerns raised by members of the Richland County Delegation regarding access to the property. Some members of the Delegation suggested the property also be used for a fishing pier or other water craft activities because the dock on the property was initially funded by a grant from the Delegation in conjunction with the Richland County Recreation Commission.

Per the directive of Council, staff met with members of the Delegation regarding the matter and discussed all options; however, no changes materialized from these discussions. The former Chair of Council, Councilmember Paul Livingston, attempted to schedule follow-up meetings with representatives of the Delegation.

#### **Recommendation:**

Staff recommends a follow-up meeting with members of the Richland County Delegation to finalize discussions relating to the Broad River facility. If these discussions result in recommended changes and/or amendments to the current MOA, the adjacent neighborhood should be notified prior to any action taken by Council.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**OPERATING AGREEMENT**

This Operating Agreement (the "Agreement") is entered into on this 21<sup>st</sup> day of APRIL 2009 between **RICHLAND COUNTY**, South Carolina, (the "County"), and **COLUMBIA ROWING CLUB**, (the "Club").

**WHEREAS**, the County owns and operates the Richland County Rowing Center (the "Site"), located on the west bank of the Broad River; and

**WHEREAS**, the County and the Club wish to enter into an agreement for the Club's access and use of the Site;

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the County and the Club agree as follows:

1. **Access Guidelines.** The Club agrees to use the Site only for official Club activities and purposes. It shall be the responsibility of the Club to ensure that the gate, when not open and in use for Club activities, shall be locked when the last Club member departs the Site. Keys to the gate may be issued to Club members, officers of the Carolina Crew, and select helpers in the Club Youth Rowing Program. The Club shall be responsible for maintaining an accurate list of all persons who are issued gate keys. Such list shall be made available to the County at the County's request. The Club will use due care in the operation of vehicles on the Site for Club purposes. All unauthorized vehicles are subject to the jurisdiction of the Richland County Sheriff's Department. If additional or "over-flow" parking is needed for any activity on the Site, it shall be the responsibility of the Club to provide such parking. Open fires, open flames, grilling, barbequing, alcoholic beverages, and activities related to the use of alcoholic beverages are hereby expressly prohibited on the Site. The hours of operation shall be from sunrise to sunset.
2. **Insurance.** At all times during the duration of this Agreement, the Club shall maintain liability insurance in an amount sufficient to cover all Club activities on or related to the use of the Site. The Club shall provide a certificate of insurance to the County indicating the amount of coverage. It shall be in the sole discretion of the County to determine if the coverage amount is sufficient to meet the requirements of this section. Once the County has approved the coverage amount in the certificate of insurance, such amount shall not be reduced during the term of this Agreement.
3. **Indemnification.** The Club shall hold harmless and shall fully and completely indemnify County from any and all claims, demands or actions brought against the Club or County by

any person, natural or corporate, arising from any act or omission on the part of the Club and related to any activity contemplated by this Agreement. Additionally, all Club members shall sign an indemnification agreement indemnifying the County and the Club from any liability arising from any Club related activities at or related to the Site.

4. **Club Safety Guidelines.** The Club agrees to establish a set of Membership Rules and Guidelines (the Guideline) concerning safety and behavior at the Site and while on the River. The Club agrees to the following specific safety training and procedures found in the Guideline related to rowing activities at or related to the Site:
  1. All Club members will be required to pass a swimming test before being allowed to row from the Site.
  2. All Club members will pass training concerning the proper procedures to be used in the event that a boat capsizes.
  3. No member will row more than 500 meters downstream of the dock toward the dam if rowing alone AND water is going over the dam as indicated by the water level indicator at the dock.
  4. No member will row downstream of the dam warning buoys under any circumstances.
  5. No Club member will be allowed to row on the River under unsafe weather or water level conditions.
  6. No alcoholic beverages will be allowed at the Site.
  7. No loud or disruptive activities will be allowed at the Site.
5. **Approval of Club Activities.** Normal day-to-day and weekly activities will be governed by this Agreement. Additional activities such as regattas to which other clubs are invited, new programs that involve a substantial increase in activity, and special events to which the public is invited will require prior approval by the Richland County Administrator. The Club shall give notice of any such activities in a reasonable time to allow the County to properly research and respond. It is understood that certain small events may offer opportunities which will call upon an acceleration of the approval process.
6. **Site Maintenance.** General day-to-day Site maintenance including trash removal will be the responsibility of the Club. Any remaining repairs will be the responsibility of the County.
7. **Term and Termination.** This Agreement shall remain in effect for a period of five (5) years from the date of execution. Either party may terminate the Agreement by giving 90 days written notice to the other party.
8. **Assignment.** Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Club without prior written consent of the County.



9. **Amendment of the Agreement.** Any amendment to this Agreement shall not be binding upon all of the parties unless such amendment is in writing and executed by all parties hereto.
10. **Notice.** All correspondence shall be sent as follows:

**Columbia Rowing Club:**

Columbia Rowing Club  
George Park, President  
720 Vintage Lane  
Columbia, SC 29210

**Richland County:**

Richland County  
Attn: County Administrator  
PO Box 192  
Columbia, SC 29202

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

**RICHLAND COUNTY**

By: 

Title: County Administrator

**COLUMBIA ROWING CLUB**

By: 

Title: President





# Richland County Rowing Center



## Permitted

Picnicking  
River Viewing  
Hiking (Trails Undeveloped)  
Rowing  
Leashed Pets

## Prohibited

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

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

# Richland County Council Request of Action

## **Subject**

Review the process of the Development Review Team **[Forwarded from D&S Committee]** **[PAGES 88-89]**

## **Notes**

May 22, 2012 - The committee accepted this as information.



# *Richland County Government*

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Fax: (803) 576-2137  
TDD: (803) 748-4999

## *Office of the County Administrator*

### **MEMORANDUM**

TO: Councilman Jackson and the Development and Services Committee  
FROM: Sparty Hammett, Assistant County Administrator  
SUBJECT: Review of the Development Review Team (DRT)  
DATE: April 19, 2012

#### **Review the process of the DRT (Jackson, D&S, October 2011)**

This motion was deferred to a future Development and Services Committee meeting. The following changes have been made to the Development Review Team process since the motion was made: appointed DRT members, established pre-DRT meetings, implemented response process within 2 business days, and improved communication to Council regarding DRT projects. Staff is currently reviewing the DRT ordinance to clear up discrepancies, and staff is also reviewing the process of scheduling the DRT meetings to address concerns identified by the Business Friendly Task Force.

# Richland County Council Request of Action

## **Subject**

Expansion of boundaries for the proposed Spring Hills Master Plan Area [**Forwarded from D&S Committee**]  
[**PAGES 90-93**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the expansion of the boundary for the proposed Spring Hill Master Plan Area and additional consultant fees. The vote in favor was unanimous.

## **Richland County Council Request of Action**

**Subject:** Expansion of boundaries for the proposed Spring Hill Master Plan Area

### **A. Purpose**

County Council is requested to approve the expansion of the boundary for the proposed Spring Hill Master Plan Area.

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

On May 1, 2012, a motion was made by the Honorable Bill Malinowski, which was forwarded to the May 22, 2012 D&S Committee agenda:

“Due to the fact the current Spring Hill Master Plan is in close proximity to the county lines for Newberry and Lexington I move that the Spring Hill Master Plan be increased to include the areas of Richland County that extend to those two county lines.”

The Spring Hill and Lower Richland Master Plans were scheduled to begin in spring 2012 with the firm LandDesign. As negotiated with the consultants for cost efficiency, both plans must be done simultaneously. As such, changes to either plan that requires Council approval prevents both plans from starting.

- The cost of the combined Lower Richland Master Plan (at that time referred to as the Hopkins Master Plan) and the Spring Hill Master Plan was negotiated with the consultant and approved by County Council for \$289,000 (including Optional Scope items).
- The boundaries of the original Hopkins Master Plan were extended to the Sumter County line and renamed the Lower Richland Master Plan per Chairman Washington’s request and as approved by Council.
- Council approved the additional costs of \$22,800 incurred when the Lower Richland Master Plan boundary was expanded.
- The total cost of the two master plans (the Lower Richland boundaries and the new expanded Spring Hill boundaries, combined – including Optional Scope items) will be available at the May 22 D&S Committee meeting.

### **C. Financial Impact**

Extending the Spring Hill Master Plan boundary will cost additional money. The total cost for both master plans will be available at the May 22 D&S Committee meeting. The Neighborhood Improvement Program’s FY11-12 budget has up to \$21,000 to cover anticipated added cost.

### **D. Alternatives**

1. Approve the expansion of the Spring Hill Master Plan boundaries and additional consultant fees.
2. Do not approve the expansion of the Spring Hill Master Plan boundaries or additional consultant fees.

**E. Recommendation**

This request is at the discretion of County Council.

Recommended by: Bill Malinowski, Council Member for the 1<sup>st</sup> District      Date: May 1, 2012

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers      Date: 5/9/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

From a financial perspective, it is impossible to make any meaningful recommendation without knowing the associated cost of the request however approval of the request is at the discretion of Council. The ROA suggest that the Neighborhood Improvement Program has \$21,000 identified and available for the change in scope. If the cost estimates exceed the amount available then an alternative funding source will need to be identified. Based on the financial position of the Neighborhood Redevelopment fund there should be more than enough dollars available for appropriation if approved.

**Procurement**

Reviewed by: Rodolfo Callwood      Date:5/9/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Planning**

Reviewed by: Tracy Hegler      Date: 5/9/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Planning and the Neighborhood Improvement Program anticipates the additional cost to be under \$21,000, but will confirm the amount and funding source at the Committee Meeting. Other than cost, the new boundaries will not have a major impact on the work to be performed.

**Legal**

Reviewed by: Elizabeth McLean      Date: 5/9/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

Policy decision left to Council’s discretion.



**Administration**

Reviewed by: Sparty Hammett

Date: 5/9/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to expand Spring Hill Master Plan boundaries.

# Richland County Council Request of Action

## **Subject**

Purchase of Asphalt Paver **[Forwarded from D&S Committee] [PAGES 94-97]**

## **Notes**

May 22, 2012 - The committee recommended that Council approve the purchase of an Asphalt Paver in the amount of \$ 145,793.38 for the Roads and Drainage Division of the Department of Public Works. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Purchase of One (1) Asphalt Paver

**A. Purpose**

*County Council is requested to approve a purchase in the amount of \$145,793.38 for one (1) new Asphalt Paver from VT LeeBoy, Inc. The Asphalt Paver will be purchased from the Roads and Drainage division of the Department of Public Works, with funds available in the FY12 budget. The budget account is 1216302000.5314.*

**B. Background / Discussion**

This equipment is to be purchased from VT LeeBoy, Inc through the NJPA Contract. It is replacing AJ008, a 1999 Mauldin Asphalt Paver that has repeated auger, electrical, and propane system issues. The Mauldin has exceeded its 10 year industry life cycle and is not performing reliably on projects due to stop/start problems and uneven paving repairs.

This new paver is EPA Tier Three compliant, meeting the latest EPA emission standards for reducing nitrous oxide and particulate emissions, offering significant improvement over the older equipment. This also complies with the latest County Directive on Air Quality Policies.

Manufacturer and Dealer information is as follows:

LeeBoy 8515B Asphalt Paver

Manufacturer:

VT LeeBoy  
500 Lincoln County Parkway Ext  
Lincolnton, NC 28092

Dealer:

Blanchard Caterpillar  
P.O. Box 7517  
Columbia, SC 29202

**C. Financial Impact**

The financial impact to the County will be the purchase cost of the vehicle available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the truck is \$145,793.38.

Model 8515B Asphalt Paver	\$136,255.50
South Carolina Sales Tax	\$ 9,537.88
Total Cost	\$145,793.38

**D. Alternatives**

There are two alternatives available:

1. Approve the request to purchase the asphalt paver for the Roads and Drainage Division of the Department of Public Works
2. Do not approve the request to purchase the asphalt paver for the Roads and Drainage Division of the Department of Public Works.

**D. Recommendation**

*"It is recommended that Council approve the request to purchase Model 8515B Asphalt Paver from VT LeeBoy, Inc."*

Recommended by: David Hoops, PE Department: Public Works Date: 05/08/12

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 5/10/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

Funds are available as stated

**Procurement**

Reviewed by: Rodolfo Callwood Date: 5/15/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Approve alternative one to make the purchase utilizing The National Joint Powers Alliance (NJPA) a municipal buying cooperative of which Richland County Government is a member.

**Legal**

Reviewed by: Brad Farrar Date: 5/16/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Council discretion subject to funding and compliance with purchasing requirements.

**Administration**

Reviewed by: Sparty Hammett Date: 5/16/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Recommend Council approval to purchase the asphalt paver for the Roads and Drainage Division of the Department of Public Works.



## 8500B Series Asphalt Pavers

### 8515B Asphalt Paver



#### 8515B High Deck or Low Deck Conveyor Paver

**Features include:**

- Choice of Engines: 84.5 HP Kubota or 83 HP Caterpillar
- 8- to 15-foot Heated and Vibrating Legend Screed System
- Poly Pad Steel Track Drive – standard
- High Deck / Low Deck Configuration
- 12" Casted Augers
- Dual Lever Joystick Steering Control (both sides)
- Electronic Over Hydraulic Control System
- Sonic Auger Controls
- Under Auger Cut-off Plates
- Operating Light Package
- Heavy-duty Radius Hopper Wings
- Two-speed Hydrostatic Drive, Internal Brakes – standard
- Electronic Gauge and Vandalism Packages

Designed with the Paving Professional in Mind.®

# Richland County Council Request of Action

## **Subject**

Purchase of Motorgrader [**Forwarded from D&S Committee**] [**PAGES 98-101**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the purchase of a Motorgrader in the amount of \$212,094.92 for the Roads and Drainage Division of the Department of Public Works. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Purchase of One (1) 12M Motorgrader

**A. Purpose**

*County Council is requested to approve a purchase in the amount of \$212,094.92 for the purchase of one (1) new 12M Motorgrader from Blanchard Machinery. The 12M Motorgrader will be purchased from the Roads and Drainage division of the Department of Public Works, with funds available in the FY12 budget. The budget account is 1216302000.5314.*

**B. Background / Discussion**

This equipment is to be purchased from Blanchard Machinery through the NJPA Contract. It is replacing AL003, a 2001 Komatsu Motor grader that is well beyond the 8 year/ 7500 hour industry standard for this equipment, and is becoming increasingly expensive to maintain. Over \$9,000 has been spent in the last year for various repairs, including clutch, transmission, and brake fluid leaks, electrical and tire problems.

This machine is EPA Tier Three compliant, meeting the latest EPA emission standards for reducing nitrous oxide and particulate emissions, offering significant improvement over the older equipment. This also complies with the latest County Directive on Air Quality Policies.

Manufacturer and Dealer information is as follows:

Caterpillar 12M Motorgrader

Manufacturer:

Caterpillar Corporation  
100 North East Adams Street  
Peoria, Illinois 61629

Local Dealer:

Blanchard Machinery  
P.O. Box 7517  
Columbia, SC 29202

**C. Financial Impact**

The financial impact to the County will be the purchase cost of the vehicle available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the truck is \$212,094.92.

12M Motorgrader	\$211,794.92
South Carolina Sales Tax	\$ 300.00
Total Cost	\$212,094.92

**D. Alternatives**

There are two alternatives available:

1. Approve the request to purchase the motorgrader for the Roads and Drainage Division of the Department of Public Works
2. Do not approve the request to purchase the motorgrader for the Roads and Drainage Division of the Department of Public Works.

**D. Recommendation**

*"It is recommended that Council approve the request to purchase 12M Motorgrader from Blanchard Machinery."*

Recommended by: **David Hoops, PE** Department: **Public Works** Date: **05/08/12**

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 5/14/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:  
 Funds are already pre-encumbered by the department as stated.

**Procurement**

Reviewed by: Rodolfo Callwood Date: 5/15/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Approve alternative one to make the purchase utilizing The National Joint Powers Alliance (NJPA) a municipal buying cooperative of which Richland County Government is a member.

**Legal**

Reviewed by: Brad Farrar Date: 5/16/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Council discretion subject to funding and compliance with purchasing requirements.

**Administration**

Reviewed by: Sparty Hammett Date: 5/16/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Recommend Council approval to purchase the motorgrader for the Roads and Drainage Division of the Department of Public Works.



# 12M

## Motor Grader



### Cat® C6.6 ACERT™ VHP

Base Power (1st gear) – Net	118 kW	158 hp
VHP Range – Net	118-129 kW	158-173 hp
VHP Plus Range – Net	118-144 kW	158-193 hp

### Gross Vehicle Weight – Base

Total	14 998 kg	33,064 lb
Front Axle	4499 kg	9,919 lb
Rear Axle	10 498 kg	23,145 lb

### Moldboard

Blade Width	3.668 m	12 ft 0 in
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# Richland County Council Request of Action

## **Subject**

Purchase of Vactor Vacuum Jet Rodding Truck [**Forwarded from D&S Committee**] [**PAGES 102-105**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the purchase of a Vactor Vacuum Jet Rodding Truck in the amount of \$334,592 for the Roads and Drainage Division of the Department of Public Works. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Purchase of One (1) Vactor Vacuum Jet Rodding Truck

### **A. Purpose**

*County Council is requested to approve a purchase in the amount of \$334,592.00 for one (1) new Vactor Vacuum Jet Rodding Truck from Public Works Equipment. The Vacuum Jet Rodding Truck will be purchased from the Roads and Drainage division of the Department of Public Works, with funds available in the FY12 budget. The budget account is 1216302000.5313.*

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

This equipment is to be purchased from Public Works Equipment through the NJPA Contract. It is replacing AH001, a 1997 Ford LNT8000 Vacuum Truck. The unit has well exceeded the 10 year industry standard for the equipment and is in need of continual maintenance, with recent major repairs including hydraulic boom cylinders and internal debris tank strainers.

This new truck is EPA Tier Three compliant, meeting the latest EPA emission standards for reducing nitrous oxide and particulate emissions, offering significant improvement over the older equipment. This also complies with the latest County Directive on Air Quality Policies.

Manufacturer and Dealer information is as follows:

Vactor 2100 sewer jet vacuum truck:

Manufacturer:

Vactor Corporation  
1621 South Illinois Street  
Streator, IL 61364

Dealer:

Public Works Equipment and Supply, Inc.  
3405 Westwood Industrial Drive  
Monroe, NC 28110

### **C. Financial Impact**

The financial impact to the County will be the purchase cost of the vehicle available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the truck is \$334,592.00.

Model 2112-J4 Plus Vacuum Jet Rodding Truck	\$334,292.00
South Carolina Sales Tax	\$ 300.00
Total Cost	\$334,592.00

### **D. Alternatives**

There are two alternatives available:

1. Approve the request to purchase the vacuum truck for the Roads and Drainage Division of the Department of Public Works
2. Do not approve the request to purchase the vacuum truck for the Roads and Drainage Division of the Department of Public Works.

**D. Recommendation**

*"It is recommended that Council approve the request to purchase Vacuum Jet Rodding Machine from Public Works Equipment."*

Recommended by: David Hoops, PE Department: Public Works Date: 05/08/12

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 5/14/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

Funds are already pre-encumbered by the department as stated.

**Procurement**

Reviewed by: Rodolfo Callwood Date: 5/15/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Approve alternative one to make the purchase utilizing The National Joint Powers Alliance (NJPA) a municipal buying cooperative of which Richland County Government is a member.

**Legal**

Reviewed by: Brad Farrar Date: 5/16/12  
 Recommend Council approval  Recommend Council denial  
 ✓ Council Discretion (please explain if checked)  
 Comments regarding recommendation: Council discretion subject to funding and compliance with purchasing requirements.

**Administration**

Reviewed by: Sparty Hammett Date: 5/16/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Recommend Council approval to purchase the vacuum truck for the Roads and Drainage Division of the Department of Public Works.

VACTOR **2100**  
*Plus*



**VACTOR**  
WORK ASSURED

# Richland County Council Request of Action

## **Subject**

Airport Consultant for the Jim Hamilton-LB Owens Airport [**Forwarded from A&F Committee**] [**PAGES 106-109**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the request to negotiate and award a master agreement for airport architectural, engineering, and planning consultant services to the firm W.K. Dickson. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Airport Consultant for the Jim Hamilton – LB Owens Airport (CUB)

### **A. Purpose**

County Council is requested to approve the recommendation for negotiation and award of a master agreement for an airport architectural, engineering, and planning consultant at the Jim Hamilton – LB Owens Airport (CUB).

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

The Federal Aviation Administration’s Advisory Circular (AC) 150/5100-14D, “Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects,” as well as Richland County procurement policy, both establish procedures for the periodic advertisement and selection of consultants. The current contract with our airport consultant, The LPA Group / Michael Baker, has expired after three years and two, one-year extensions.

A Request for Qualifications (RFQ), RC-015-Q-1112, was issued by the Richland County Procurement Director and there were ten statements of qualifications (SOQs) submitted from interested firms. A four-member evaluation panel, which included representation from the Airport Commission, County Administration, the Airport staff, and the Support Services Department Staff, evaluated all ten qualification statements independently. The following ranking was the result:

First ranked firm:	WK Dickson
Second ranked firm:	LPA Group / Michael Baker
Third ranked firm:	Neel – Schaffer

The airport consultant provides planning and design services for airport projects, coordination of Federal and State grants (which is our primary means of project funding), as well as technical representation of the airport with the Federal Aviation Administration and the South Carolina Aeronautics Commission.

Once a master agreement is established, specific projects will be authorized by individual task orders / work authorizations (each of which will be presented to County Council for approval).

### **C. Financial Impact**

Approval of this action does not commit the County to spend any funds. As stated above, most funding (typically 95%) for individual projects will be through grants provided by the FAA and SCAC. Also, as previously stated, individual task orders will be presented to County Council for approval. Therefore, no change to the current financial *status quo* is anticipated.

### **D. Alternatives**

1. Approve the request to negotiate and award a master agreement for Airport Architectural, Engineering, and Planning Consultant Services to the top rated firm as identified in the evaluation team ranking above. In the event of an inability to establish an agreement with the top rated firm, negotiation with the next rated firm is authorized until an agreement is established.
2. Do not approve the request to negotiate and award a master agreement for Airport Architectural, Engineering, and Planning Consultant Services to the top rated firm as identified in the evaluation team ranking above.

If the request to negotiate and award a master agreement for Airport Architectural, Engineering, and Planning Consultant Services to the top rated firm is not approved, there is a chance of this Fiscal Year's grant funds to be lost and airport development projects to not advance as scheduled on our Airport Capital Improvement Plan (ACIP).

**E. Recommendation**

It is recommended that Council approve the request to negotiate and award a master agreement for Airport Architectural, Engineering, and Planning Consultant Services to the top rated firm as identified in the evaluation team ranking above.

Recommended by: Christopher S. Eversmann, PE, CM  
 Department: Airport  
 Date: May 8, 2012

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 5/9/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

Request has no financial requirement therefore recommendation is to support Airport Director's request.

**Procurement**

Reviewed by: Rodolfo Callwood Date: 5/9/12  
 ✓ Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 5/10/12  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

Policy decision left to Council's discretion.



**Administration**

Reviewed by: Tony McDonald

Date: 5/10/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the award of a contract to W. K. Dickson.

# Richland County Council Request of Action

## **Subject**

Emergency Services Purchase Orders for 2012-2013 [**Forwarded from A&F Committee**] [**PAGES 110-112**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the purchase orders and contracts for services, contingent on the bond issue and the 2012-2013 budget, so there will not be an interruption of these services at the beginning of the new budget year. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject: Emergency Services Purchase Orders for 2012-2013 ESD 05042012**

### **A. Purpose**

The purpose of this report is to obtain Council's approval to award purchase orders and contracts for services in the 2012-2013 budget year. These services are required for the operations of the Emergency Services Department. The purchase order and contract approvals are subject to the bond issue and Council's adoption of the 2012-2013 budget.

### **A. Background / Discussion**

Each division in the Emergency Services Department uses vendors to provide products and service for operations. It is necessary to approve purchases and agreements and have them in place July 1, 2012, so that service will not be interrupted at the start of the new budget year. The implementation of the purchase orders and contracts are subject to bond funds and available funding in the budget County Council approves for year 2012 / 2013. Purchase orders, contracts and vendors that exceed, or may exceed \$100,000 during the year are:

VENDOR	SERVICE	ESTIMATED AMOUNT
City of Columbia	EMS/ESD Diesel & Gasoline	\$ 375,000
Phillips Medical	Service, EKG Monitors & Supplies	\$ 100,000
Taylor Made Ambulance	Remount of Ambulances	\$1,400,000
Motorola	EMS/Radio Service	\$ 100,000
Motorola	ESD/911 Equip.Service Agreements	\$ 350,000
Motorola	ETS/911 Radio Consoles	\$1,800,000
Motorola	FIRE Radio Service	\$ 186,000
Motorola	ADMIN/ETS Radio Service	\$ 41,000
Bound Tree Medical	Medical Equipment and Supplies	\$ 125,000

### **B. Financial Impact**

Funding is included in the bond and in the 2012 / 2013 budget request presented to Council. The purchase orders and contracts will be activated July 1, 2012, if funding has been approved in the bond and in the budget.

### **C. Alternatives**

1. Approve the purchase orders and contracts to have uninterrupted service beginning July 1, 2012.
2. Do not approve the purchase orders and contracts.

### **D. Recommendation**

It is recommended that Council approve the purchase orders and contracts for services, contingent on the bond issue and the 2012-2013 budget, so there will not be an interruption of these mission essential services at the beginning of the new budget year.

**Finance**

Reviewed by: Daniel Driggers Date: 5/8/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

Funds are in the recommended budget as stated.

**Procurement**

Reviewed by: Rodolfo Callwood Date: 5/8/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 5/9/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

Policy decision left to Council's discretion.

**Administration**

Reviewed by: Tony McDonald Date: 5/9/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Approval is contingent on the inclusion of the required funding in the FY 13 budget.

# Richland County Council Request of Action

## **Subject**

Employees Eligible to Retire and Possible Leave Payout Cost [**Forwarded from A&F Committee**] [**PAGES 113-116**]

## **Notes**

May 22, 2012 - The committee accepted this item as information.

## Richland County Council Request of Action

**Subject:** Employees Eligible to Retire and Possible Leave Payout Cost

### **A. Purpose**

To report to County Council on the number of employees who are and/or will be eligible to retire by June 30, 2012 and the possible leave payout cost associated with those potential retirements.

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

**Origin of Issue:**

County Council

**Lead Department:**

Human Resources Department

### **What are the Key Issues (Precipitation of Project):**

Council Member Norman Jackson introduced the following motion:

Have financial staff provide a report on the how many county employees are eligible to retire June 30, 2012 and what impact it could have on the county.

Because of proposed state retirement legislation a high number of state and government workers are opting to retire. The added retirements could have a big impact on some local governments, whose workers - along with many public-school teachers - are covered by the state retirement system.

The prospect concerned Columbia city manager Steve Gantt so much that he had his staff calculate how many of the city's roughly 2,000 employees were eligible to retire on June 30. The answer: 230, including the city's chief financial officer and some senior managers in the police and fire departments.

If all of those city workers choose to retire, it would cost the city \$1.5 million to pay off unused sick and vacation days, Gantt said.

"I can't imagine if all those folks decided to bail so they fell under the old criteria instead of the new criteria," Gantt said. "It is what it is, and we'd have to do what we have to do. But I do have some concern about the financial implications."

### **Date Ready for Implementation:**

Request was for information. No action has been proposed by Council at this time.

### **Multiple Year Project:**

No

**Estimated Work Hours for Completion:**

Depends on if any and what action decided by County Council.

**Process to Date:**

Gathered data per County Council's request.

**Process Plan for Future Action:**

Await further direction from County Council.

**Reference:****C. Financial Impact**

The criterion for retirement, as currently established by the SC Retirement System, is;

**State Retirement Eligibility**

- You can retire with unreduced benefits after 28 years of service or at age 65 or older
- You can retire early (before age 65 or 28 years of service) and receive a reduced retirement benefit

**PORS Retirement Eligibility**

- You can retire after 25 years of service
- You can retire at age 55 or older with at least five years of service credit

Human Resources accessed records from the SC Retirement System to determine the eligibility for Richland County employees to retire. Richland County employee service records were then compared to the retirement criteria of the SC Retirement System. Then Human Resources used Richland County policies for leave payout upon retirement to determine the following:

- 88 eligible
- about 20 of those meet the years of service requirement, the rest qualify based on age and minimum number of years of service with the SC Retirement System
- Total sick leave payout is \$196,196.98
- Total vacation leave payout is \$423,792.72
- NOTE: These numbers do not include employees who may retire due to disability retirement by the date specified.

Richland County policy limits the amount of accrued annual (vacation) leave payout to 45 days or less. The County's limits the amount of accrued sick leave payout to 25% of employee's balance provided the employee has accrued at least 150 hours.

**D. Alternatives**

Not applicable

**E. Recommendation**

Human Resources prepared this ROA at the request of County Council.

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

ROA is informational only. No recommendation required

**Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Information provided per Council's request.

**Legal**

Reviewed by: Brad Farrar

Date: 5/16/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: Appears to be for information only.

**Administration**

Reviewed by: Tony McDonald

Date: 5/16/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend that this item be received as information.



# Richland County Council Request of Action

## **Subject**

Hopkins Community Water System Project Expansion [**Forwarded from A&F Committee**] [**PAGES 117-122**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the expansion of the service area of the Hopkins Community Water System by appropriating the remaining \$100,000 of the previously approved funds toward additional main line construction and service line installation. The vote in favor was unanimous.

**Richland County Council Request of Action**

**Subject:** Hopkins Community Water System Project Expansion

**A. Purpose**

The purpose of this report is to seek County Council’s approval to expand the service area of the Hopkins Community Water System by appropriating the remaining \$100,000 of previously approved funds toward additional main line construction and service line installation.

**B. Background**

Richland County Council approved a resolution on April 3, 2007 to proceed with the development of the Hopkins Community Water Project. This project was to be funded by a combination of funds from Richland County, USDA Rural Development and SC DHEC. The funding amounts were as follows:

Richland County	\$ 488,000
Rural Development Loan	\$2,033,000
Rural Development Grant	\$1,793,000
SC DHEC Grant	<u>\$ 500,000</u>
Total Project Cost	\$ 4,814,000

In a letter dated December 19, 2007, SC DHEC increased their commitment of funds by an additional \$100,000. This commitment included the expectation that Richland County would expedite the permitting and construction and would take care of the all tap fees and plumbing for connection of water to the homes impacted by petroleum chemicals. This information was subsequently submitted to Rural Development for review and consideration. Rural Development agreed to modify the project construction budget by reducing the County’s contribution to \$388,000. This reduction in the County’s construction budget contribution was conditional upon the tap fees being paid from available funds contributed by the County. Tap fees are established to purchase capacity in the water system and to pay for the service tap installations.

**C. Discussion**

During the initial development of the Hopkins Water System, numerous community meetings were held to determine interest and sign up customers on the system. Limited by the construction budget, final construction plans were developed for areas where the greater number of customers could be served. Water lines were not constructed on each and every small dirt road, but were constructed on as many as possible as limited by the budget.

Construction of the project is near completion. Currently there are approximately 530 property owners that have requested service. This is considerably more than the 445 that was originally estimated. The construction of the service connections for the additional customers has depleted the construction budget with no additional funds available for main line construction.

Over the past few weeks, numerous new property owners have requested water service. One particular area of interest is along Calvin Mays Road. Initially there was limited interest along this road, but recent failure of private wells has increased the request for service. There are also numerous other property owners along roads with existing water lines that are currently requesting service. These property owners are being informed that there are currently no additional funds available to assist with their connections, but are being told that they will be added to a waiting list in case additional funds become available. These potential customers are also informed that they can connect to the system at their own cost if they desire.

One option to provide service to these additional property owners would be to allocate the remaining \$100,000 of the approved County funds toward the construction of additional lines and the installation of service connections. Use of these funds for this purpose would be consistent with DHEC's and Rural Development's conditions as tap fees are used to purchase capacity in the water system and for service tap installation.

**D. Financial Impact**

The \$100,000 remains in the Hopkins Water Project Fund and is available for allocation. No additional funds are being requested.

**E. Alternative**

1. Approve the allocation of the existing \$100,000 toward new construction and customer connections.
2. Direct the funds to a different use.
3. Do nothing.

**F. Recommendation**

It is recommended that the available \$100,000 be allocated toward the construction of a main water line along Calvin Mays Road, to connect additional customers and to other system improvements as determined by the Utilities Department to provide service to the additional customers. These additions would be accomplished through change orders with the existing engineer and contractors.

**Recommended by:** The Honorable Kelvin Washington, County Council     **Date** 5/14/12

**G. Reviews**

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

**Finance**

Reviewed by: Daniel Driggers

Date: 5/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

The \$100k mentioned in the financial section is available in the Lower Richland Water fund as stated however Finance is not aware of any previous commitment on use for the funds. The appropriation and use of funds is at Council discretion.

Below is a brief chronology of the finances of the project.

2003 County Council voted to set-aside \$100k of funding from the general fund as a good faith and have the County pursue rural development funding for the Lower Richland Water project

2007 Project letter of conditions was received by county from rural development. Project estimate was \$4.8m.

Funding was Rural Development (loan and grant)	\$3.8m
DHEC	500k
Richland County	488k

December – DHEC provided a letter to provide an additional \$100k to the project. Letter from DHEC is attached below.

2008 Rural Development approved the change above in the agreement with the additional \$100 from DHEC. Project budget was \$4.8m.

Funding was Rural Development (loan and grant)	\$3.8m
DHEC	600k
Richland County	388k

2009 Richland County Council approved a project budget of 448m as amended in 2008.

**Legal**

Reviewed by: Brad Farrar

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision of Council.

**Administration**

Reviewed by: Sparty Hammett

Date: 5/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The \$100,000 is available in the Hopkins Water Fund. The funds are available to use at Council's discretion.



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

December 19, 2007

**RAYMOND PETERSON  
RICHLAND COUNTY DEPARTMENT OF UTILITIES  
3506 FERNANDINA RD  
COLUMBIA SC 29210**

Re: **Hopkins Regional Water System Funding**  
Brooks Grocery, Cabin Creek Road, Hopkins  
UST Permit # 07801  
Joseph Brooks Grocery, 6912 Cabin Creek Road, Hopkins  
UST Permit # 12418  
Brazzels Grocery, 6778 Cabin Creek Road, Hopkins  
UST Permit # 07783  
Meeting on December 12, 2007  
Correspondence received December 19, 2007  
Richland County

**RECEIVED**  
DEC 20 2007  
Richland County Utilities

Dear Mr. Peterson:

The SCDHEC Underground Storage Tank Program has reviewed your request for an additional \$100,000.00 to be applied toward construction of the Hopkins Regional Water System. As several years have passed since the Department provided a commitment of \$500,000.00, the request for an additional \$100,000.00 is reasonable based on increasing construction costs. As such, the total commitment from the UST Program is increased to \$600,000.00. In return for this increased commitment, this agency will expect Richland County to take appropriate measures to expedite the permitting and construction as much as humanly possible. It is also understood that Richland County will take care of all tap fees and plumbing for connection of water to the homes impacted by petroleum chemicals.

If you have any questions, please contact Read Miner at (803) 896-6584 or by e-mail at [minerr@dhec.sc.gov](mailto:minerr@dhec.sc.gov).

Sincerely,

Lee A. Monts, Manager  
Southwestern SC Corrective Action Section  
Assessment and Corrective Action Division  
Underground Storage Tank Program  
Bureau of Land and Waste Management

cc: Technical File, UST Permit #12418  
Read Miner, UST Program

**SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

2600 Bull Street • Columbia, SC 29201 • Phone: (803) 898-8432 • [www.scdhec.gov](http://www.scdhec.gov)

UST PROGRAM  
DOCKETING # 4112418

**SCANNED**

# Richland County Council Request of Action

## **Subject**

JEDA Bond Issue for The Lutheran Homes of SC, Inc. [**Forwarded from A&F Committee**] [**PAGES 123-130**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the Resolution which supports the issuance of the bonds; however, this approval should be amended to include an administrative fee of \$7,750 in accordance with the Council ordination on the approval of conduit financing. The vote in favor was unanimous.

## Richland County Council Request for Action

**Subject:** Public Hearing and Resolution in Support of JEDA Bond Issue for  
**The Lutheran Homes of South Carolina, Inc.**

### **A. Purpose**

To refinance the acquisition, construction, furnishing, and equipping of (i) a 176-bed nursing care facility (the “*Lowman Home*”), a community and daily life center with activity and dining facilities and an administration building for the Lowman Home, and renovations, expansion of the existing residential care facilities and related site development costs therefor in Richland County, South Carolina (the “*County*”), owned and operated by The Lutheran Homes of South Carolina, Inc. (the “*Borrower*”), a South Carolina not-for-profit corporation, and located at 201 Fortress Drive in White Rock, South Carolina, (ii) a 48-bed Alzheimer addition to the Lowman Home, and (iii) a 100-bed continuing care retirement community (the “*Benzie T. Rice Project*”) owned and operated by the Borrower in the County and located on Powell Road near the intersection of Farrow Road and Interstate Highway No. 77 and to pay costs of issuance and other expenses relating to the Bonds.

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

The Lutheran Homes of South Carolina, Inc. is a South Carolina nonprofit corporation that owns and operates facilities for the care of the aged in Richland County. Park Horton is the contact. Federal and state law require that a public hearing be held and a resolution adopted in support of the issuance of the Bonds by the South Carolina Jobs – Economic Development Authority (“*JEDA*”). Please call Park Horton, Chief Financial Officer, at (803) 749-5116 for more information.

### **C. Financial Impact**

This is a conduit bond issue for JEDA. The County has no financial responsibility for payment of the Bonds.

### **D. Alternatives**

1. Approve the terms of the Resolution which supports the issuance of the Bonds by JEDA.
2. Deny the request.

### **E. Recommendation**

It is recommended that County Council hold the public hearing and adopt the Resolution as it has done for many other JEDA bond deals in the past.

**Recommended by:** Staff                      **Department:** Administration                      **Date:** \_\_\_\_\_



**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/7/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

We would recommend that the approval be amended to include the administrative fee of \$7,750 in accordance with the Council ordination on the approval of conduit financing. Approval of financing and fee would be consistent with previous policy and practice.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 5/8/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/8/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council's discretion.

**Administration**

Reviewed by: Tony McDonald

Date: 5/9/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Concur with the Finance Director that the appropriate administrative fee should be assessed, which is \$7,750 in this case.

**RICHLAND COUNTY COUNCIL**

**A RESOLUTION**

**IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS - ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC DEVELOPMENT REVENUE REFUNDING BONDS (THE LUTHERAN HOMES OF SOUTH CAROLINA, INC.) SERIES 2012 IN ONE OR MORE ASERIES AND IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$15,500,000 PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.**

**WHEREAS**, the South Carolina Jobs - Economic Development Authority (the “*Authority*”) is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended (the “*Act*”), to utilize any of its program funds to establish loan programs to be utilized to acquire, by construction or purchase, properties and for other purposes described in §41-43-160 of the Act in order to promote and develop the business and economic welfare of the State of South Carolina (the “*State*”), encourage and assist in the location of new business enterprises in the State and in rehabilitation and assistance of existing business enterprises and in the promotion of the export of goods, services, commodities, and capital equipment produced within the State, and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State and in the promotion and advancement of industrial, commercial, agricultural, and recreational development in the State; and

**WHEREAS**, the Authority is further authorized by §41-43-110 of the Act to issue (i) revenue bonds payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act, and (ii) refunding bonds to refund outstanding bonds in an amount as the Authority shall consider necessary but not to exceed an amount sufficient to refund the principal of the bonds to be refunded, together with any unpaid interest thereon, and any premiums, expenses, and commissions necessary to be paid in connection with the refunding of the refunded bonds or the issuance and delivery of the refunding bonds; and

**WHEREAS**, on July 10, 1998, the Authority issued its \$47,420,000 South Carolina Jobs - Economic Development Authority, First Mortgage Health Facilities Revenue Refunding Bonds (The Lutheran Homes of South Carolina, Inc.) Series 1998 (the “*Series 1998 Bonds*”); and

**WHEREAS**, it has been determined that in order to obtain funds to lend to The Lutheran Homes of South Carolina, Inc. (the “*Borrower*”), a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, to defray the cost of refunding the portion of the Series 1998 Bonds maturing on or before May 1, 2020 (collectively, the “*Bonds to be Refunded*”), including necessary expenses incidental thereto, the Authority will issue a series of its revenue refunding bonds in a principal amount not to exceed \$15,000,000 to be designated “South Carolina Jobs - Economic Development Authority, Economic Development Refunding Revenue Bonds (The Lutheran Homes of South Carolina, Inc.) Series 2012” (the “*Series 2012 Bonds*”); and

**WHEREAS**, a portion of the proceeds of the Series 1998 Bonds was used to refinance, among other things, the acquisition, construction, furnishing, and equipping of , (i) a 176-bed nursing care facility (the “*Lowman Home*”), a community and daily life center with activity and dining facilities and an administration building for the Lowman Home, and renovations, expansion of the existing residential care facilities and related site development costs therefor in Richland County, South Carolina (the “*County*”), owned and operated by The Lutheran Homes of South Carolina, Inc. (the “*Borrower*”), a South Carolina not-for-profit corporation, and located at 201 Fortress Drive in White Rock, South Carolina, (ii) a 48-bed Alzheimer addition to the Lowman Home, and (iii) a 100-bed continuing care retirement community (the “*Benzie T. Rice Project*”) owned and operated by the Borrower in the County and located on Powell Road near the intersection of Farrow Road and Interstate Highway No. 77; and

**WHEREAS**, the Authority and the County have this day jointly held a public hearing, duly noticed by publication in a newspaper having general circulation in the County not less than fifteen (15) days prior to the date hereof, at which all interested persons were given a reasonable opportunity to express their views,

**NOW, THEREFORE, BE IT RESOLVED** by Richland County Council (“*County Council*”) as follows:

**Section 1.** It is hereby found, determined, and declared, that the Richland County Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise provided locally.

**Section 2.** The County supports the Authority in its determination to issue the Series 2012 Bonds to defray a portion of the cost of the refunding the Bonds to be Refunded.

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

**STATE OF SOUTH CAROLINA**

**COUNTY OF RICHLAND**

I, the undersigned, Clerk of Richland County Council, do hereby certify that the foregoing is a true, correct, and verbatim copy of a Resolution duly adopted by Richland County Council on June 19, 2012.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19<sup>th</sup> day of June, 2012.

---

Michelle Onley, Clerk, Richland County Council

**PUBLIC NOTICE**

Notice is hereby given that the South Carolina Jobs - Economic Development Authority ("**JEDA**") and Richland County Council ("**County Council**") will hold a joint public hearing relating to the proposed issuance and delivery by JEDA of an issue of economic development revenue refunding bonds in an amount not exceeding \$15,000,000 to be issued pursuant to Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended (the "**Act**") to refund a portion of the South Carolina Jobs - Economic Development Authority, First Mortgage Health Facilities Revenue Refunding Bonds (The Lutheran Homes of South Carolina, Inc.) Series 1998 issued by JEDA on July 10, 1998, in the original principal amount of \$47,420,000 to advance refund five prior bond issues originally issued to finance or refinance, among other things, the acquisition, construction, furnishing, and equipping of (i) a 176-bed nursing care facility (the "**Lowman Home**"), a community and daily life center with activity and dining facilities and an administration building for the Lowman Home, and renovations, expansion of the existing residential care facilities and related site development costs therefor in Richland County, South Carolina (the "**County**"), owned and operated by The Lutheran Homes of South Carolina, Inc. (the "**Borrower**"), a South Carolina not-for-profit corporation, and located at 201 Fortress Drive in White Rock, South Carolina, (ii) a 48-bed Alzheimer addition to the Lowman Home, and (iii) a 100-bed continuing care retirement community (the "**Benzie T. Rice Project**") owned and operated by the Borrower in the County and located on Powell Road near the intersection of Farrow Road and Interstate Highway No. 77. The public hearing will be held at the Council Chambers of County Council, Richland County Administration Building, 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. (or as soon thereafter as possible following other public hearings) on June 19, 2012.

**CERTIFICATE AS TO PUBLIC HEARING**

I, the undersigned, Michelle Onley, Clerk of Richland County Council (“*County Council*”), **DO HEREBY CERTIFY** as follows:

1. Attached hereto is an Affidavit of Publication of Notice of Public Hearing (the “*Notice*”) published in *The State*, a newspaper of general circulation in Richland County, South Carolina (the “*County*”) on \_\_\_\_\_, 2012.

2. The public hearing was conducted by County Council and the South Carolina Jobs - Economic Development Authority (the “*Authority*”) at the time and place specified in the Notice in connection with the issuance by the Authority of its Economic Development Revenue Refunding Bonds (The Lutheran Homes of South Carolina, Inc.) Series 2012 in an amount not to exceed \$15,000,000 (the “*Bonds*”) for the purpose of refinancing, the acquisition, construction, furnishing, and equipping of, among other things, certain facilities owned and operated by The Lutheran Homes of South Carolina, Inc. in the County.

3. At the public hearing, all persons desiring to do so were given reasonable opportunity to speak and, if requested, to present their opinions in writing regarding the issuance by the Authority of the Bonds and the use of the proceeds for the above-described purposes. There were no written comments received nor were there persons in attendance at the public hearing to speak in opposition to the issuance of the Bonds.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19<sup>th</sup> day of June, 2012.

\_\_\_\_\_  
Michelle Onley, Clerk, Richland County Council

# Richland County Council Request of Action

## **Subject**

Motion that County Council be treated like all County wide elected officials [**Forwarded from A&F Committee**]  
**[PAGES 131-134]**

## **Notes**

May 22, 2012 - The committee recommended that this item be sent to full Council to be discussed during the budget process. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Motion requesting that County Council be treated like all County wide elected officials

### A. Purpose

Council is requested to consider the motion made at the May 1, 2012, Council Meeting, and direct staff as appropriate.

### B. Background / Discussion

The following motion was made at the May 1, 2012, Council Meeting by Council member Jeter:

**“A motion that County Council Members be treated like all Countywide elected officials. The purpose is to make sure we receive the same benefits that are given to county employees and county wide elected officials.”**

After speaking with Mr. Jeter, his concern is why Council salaries are not dealt with in the same manner as other elected officials, which are controlled by section 2-262 of the Richland County Code of Ordinances. That section states:

*Sec. 2-262. Salaries of certain elected officials.*

*(a) The following elected officials shall be excluded from the County's pay and classification plan: auditor, clerk of court, coroner, probate judge, sheriff, and treasurer.*

*(b) The salary of the auditor, clerk of court, coroner, sheriff, and treasurer shall be determined through the County's budget process, and does not include any supplemental appropriations from the state of South Carolina or from any other source.*

*(c) Each year elected officials listed in (b) above shall receive a pay increase commensurate with the percentage increase of the Consumer Price Index (CPI) over the previous year, which number is distributed to the County from the State Department of Revenue through the South Carolina Association of Counties for budgetary purposes, but not to exceed 4% for that year; provided, however, elected officials' salaries shall be reviewed at the same time that other County positions are reviewed for market comparisons, but in no event longer than three years. If it is determined that an elected official's salary is higher than others surveyed in similar sized counties, the elected official shall not receive a CPI pay increase for the first year following such review. Pay increases, when applicable, shall take effect starting with the first pay period in July.*

*(d) Upon re-election, the elected officials listed in (a) above, shall receive a 5% pay increase, which shall take effect at the beginning of the new term of office.*

*(e) A newly elected official, or an individual appointed to fill an existing term of office, shall receive the salary of the previous incumbent, but shall not receive the 5% pay increase that re-elected officials receive.*



(Ord. No. 1261-85, § I, 1-8-85; Ord. No. 080-00HR, § I, 12-19-00; Ord. No. 057-05HR, § I, 9-6-05; Ord. No. 028-07HR, § I, 3-20-07)

Section 4-9-100, S.C. Code of Laws, deals specifically with how county councils receive pay raises. It states:

**SECTION 4-9-100.** Council members shall not hold other offices; salaries and expenses of members.

*No member of council, including supervisors, shall hold any other office of honor or profit in government, except military commissions and commissions as notaries public, during his elected term. After adoption of a form of government as provided for in this chapter, council shall by ordinance prescribe the salary and compensation for its members. After the initial determination of salary, council may by ordinance adjust the salary but the ordinance changing the salary is not effective until the date of commencement of terms of at least two members of council elected at the next general election following the enactment of the ordinance affecting the salary changes at which time it will become effective for all members. A chairman of a county council who is assigned additional administrative duties may receive additional compensation as the council may provide. The additional compensation becomes effective with the passage of the ordinance increasing the compensation of the chairman. Members may also be reimbursed for actual expenses incurred in the conduct of their official duties. The restriction on salary changes does not apply to supervisors under the council-supervisor form of government whose salaries may be increased during their terms of office but supervisors shall not vote on the question when it is considered by council. (emphasis added)*

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

#### **C. Financial Impact**

The financial impact will be dependent upon Council's direction.

#### **D. Alternatives**

1. Approve the motion.
2. Deny the motion.

#### **E. Recommendation**

Council discretion as to a salary raise; recommend application of such in accordance with attached Legal advice.

Recommended by: Elizabeth McLean

Department: Legal

Date: 5/7/12

#### **F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/8/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

This is a policy decision for Council discretion. Approval for fiscal year 2013 would require an adjustment during the budget process in order to incorporate the incremental funding levels.

**Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/9/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Council pay increases are at the discretion of Council. My comments as to the legal requirements of such action have been provided under separate cover.

**Administration**

Reviewed by: J. Milton Pope

Date: 5-9-2012

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

Resolution to Distribute \$7,400 in Federal Forestry Funds [**Forwarded from A&F Committee**] [**PAGES 135-139**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the resolution allocating \$7,400, of which 50% will be apportioned to public schools, and the remaining 50% will be used for the construction and/or improvement of public roads. The vote in favor was unanimous.

# Richland County Council Request of Action

Subject: Resolution to Distribute \$7,400 in Federal Forestry Funds

## A. Purpose

The Richland County Treasurer has received a check from the Office of the State Treasurer for Federal Forestry Funds. These funds are generated based on a portion of the net proceeds generated by the sale of forest products extracted from McEntire Air Force Base and other military installations located within Richland County. The total amount of forestry funds available for allocation by County Council is \$7,400.

## B. Background / Discussion

The Richland County Treasurer currently has a total of \$7,400 in Federal Forestry Fund monies. These funds were received from the Office of the State Treasurer as payment based on a portion of the net proceeds generated by the sale of forest products extracted from McEntire Air Force Base located within Richland County.

Pursuant to Title 10, Section 2665 (E)(2), “the amount paid to a State pursuant to paragraph (1) shall be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the military installation or facility is situated.”

Since the South Carolina Legislature has not enacted, to date, any law prescribing how these funds are to be allocated, the specific amounts to be allocated for the benefit of public schools and public roads of Richland County are at the discretion of Richland County Council.

The last time that Richland County Council allocated military forestry funds was in December of 2011. The resolution passed in 2011 allocated a total amount of \$5,281.78 of which 50% was apportioned to Richland School District One, Richland School District Two, and Richland-Lexington School District Five (according to the respective student population of each district). The remaining 50% was transferred to the General Fund of Richland County to be used for the construction of new roads and/or improvement of public roads within the county.

The resolution currently before Council uses the same 50/50 allocation ratio used in 2011; however, Council may adjust these proportions at its discretion.

**The FY 11/12 School District Populations for students of Richland County are as follows:**

<u>School District</u>	<u>Number of Students</u>
• Richland School District One	23,945
• Richland School District Two	25,964
• Richland/Lexington School District Five	8,982 (District 5 students who live in Richland County)

**Source: South Carolina Department of Education and Richland/Lexington School District Five.**





COUNTY OF RICHLAND  
OFFICE OF COUNTY TREASURER

DAVID A. ADAMS  
COUNTY TREASURER



2012 APR 24 AM 9:19

RICHLAND COUNTY  
ADMINISTRATOR'S OFFICE

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

23 April 2012

To: Tony McDonald, Assistant County Administrator

From: David A. Adams, Richland County Treasurer

RE: Distribution of Federal Forestry Funds

Please note that the Treasury has received a check for Federal Forestry Funds in the amount of \$7,400.00. These are not funds received annually.

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

These funds were last allocated by resolution of Richland County Council in December 2011.

Please contact me with any questions or clarifications.

# Richland County Council Request of Action

## **Subject**

Retention Schedule for Finance Department Records [**Forwarded from A&F Committee**] [**PAGES 140-147**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the request to establish retention schedules for direct deposit forms; employee salary garnishment records; and position control reports. The vote in favor was unanimous.



## Richland County Council Request of Action

**Subject:** Retention Schedule for Finance Department records

### **A. Purpose**

County Council is requested to approve retention schedules for direct deposit forms; employee salary garnishment records; and position control reports.

### **B. Background**

South Carolina Code of Regulations 12-504 is the regulation that governs the retention of financial records for county government. Direct deposit forms; employee garnishment records; and position control reports are not covered by SC Code of Regulation 12-504. For records not covered by the regulation, Section 30-1-90 of the *Code of Laws of South Carolina, 1976*, as amended, provides the process for establishing record retention schedules for state and local government offices. For the state's political subdivisions, this process requires that retention schedules be approved by the governing body and the director of the South Carolina Department of Archives and History.

#### ➤ **Discussion Points:**

- The direct deposit form is a form that authorizes Richland County to deposit employee pay into their savings or checking account. This contains the following information:
  1. Employee name
  2. Social security number
  3. Bank name and routing number
  4. Employee account number
  5. Deposit amount
  6. Employee signature and date

The proposed retention schedule is to retain 1 year after termination, then destroy.

- Employee Garnishment records are forms submitted to the Payroll Office by various agencies (such as Family Court and SC Department of Revenue) that directs Payroll to deduct funds from an employee salary to pay debts, taxes, child support and/or other authorized purposes.

The proposed retention schedule is to retain one year after termination or after document is no longer in force, whichever criteria occur first, and then destroy.

- Position control reports are reports that document pay grades and salary ranges. The report also includes the incumbent's name, salary, pay grade, pay adjustments.

The proposed schedule is to retain for 10 years and then destroy.

- Daniel Driggers, Director of the Finance Department, has approved the proposed retention schedules.
- Richland County Council has not taken any previous action in regards approving retention schedules for direct deposit forms, employee salary garnishment and position control reports.

### C. Financial Impact

There is not any financial impact associated with this request.

### D. Alternatives

Approve the request to establish retention schedules for direct deposit forms; employee salary garnishment records; and position control reports.

Do not approve request to establish retention schedules for direct deposit forms; employee salary garnishment records; and position control reports.

### E. Recommendation

It is recommended that Council approve the request to establish retention schedules for direct deposit forms; employee salary garnishment records; and position control reports.

Recommended by: John Hopkins, Director  
 Department: Register of Deeds  
 Date: 05/01/12

### F. Reviews

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

#### Finance

Reviewed by: Daniel Driggers

Date: 5/4/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Human Resources**Reviewed by: Dwight Hanna

Date:

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

Comments regarding recommendation:

**Procurement**Reviewed by: Rodolfo Callwood

Date: 5/9/12

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

Comments regarding recommendation:

**Legal**Reviewed by: Elizabeth McLean

Date: 5/10/12

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

Comments regarding recommendation:

**Administration**Reviewed by: Tony McDonald

Date: 5/10/12

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

Comments regarding recommendation: Recommend approval of the retention schedules as outlined above.



South Carolina Department of Archives & History  
Division of Archives and Records Management

**APPROVAL OF RECORDS RETENTION SCHEDULE**

In accordance with provisions of Title 30, Code of Laws of South Carolina, 1976, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

**PART I — Office or Department**

**RICHLAND COUNTY**

Local Government Subdivision

**FINANCE - PAYROLL**

Office or Department

**40**

Record Group Number

I certify that I am authorized to act for this agency in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this agency after the expiration of the prescribed retention periods.

Records series included in this approval are numbered: **15857 - 15859**

3/15/12  
Date

*[Signature]*  
Signature of Approving Authority

Director of Finance  
Title

**PART II — Governing Body**

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

Date

Signature of Approving Authority

Title

**PART III — Department of Archives and History**

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

Date

Director, Department of Archives and History

ARM-3

**South Carolina Department of Archives and History  
Records Management Division**

**Guidelines For Understanding And Implementing  
Records Retention Schedules**

The following guidelines describe basic terms related to records retention schedules and define the responsibilities associated with schedule approval and implementation.

**Records Retention Schedule** – A records retention schedule describes one or several records series and indicates the length of time records should be retained prior to final disposition. Schedules are issued to state agencies or local government subdivisions and must be approved in accordance with provisions of the Public Records Act, as amended. Upon approval, the latest retention schedule supersedes any schedule previously approved for the same records series or group of records series.

**Copies** – All official copies of state agency and local government subdivision records must be inventoried, appraised, and scheduled. Convenience and other extra copies do not need a records retention schedule and may be disposed of when no longer needed for reference.

**Legal Retention Requirements** – The approval of schedules by state agencies or local government subdivisions should include a legal review to ensure that retention periods are in compliance with all applicable laws and regulations. In addition, state agencies and local government subdivisions are responsible for ensuring that records are retained for any additional time necessary to fulfill special legal considerations or requirements, such as those related to pending litigation, government investigations, or court orders.

**Confidentiality and Restrictions** – State agencies and local government subdivisions should ensure that confidential records are properly filed, accessed, and disposed of in accordance with federal, state, and local legal requirements.

**Audit Requirements** – State agencies and local government subdivisions are responsible for ensuring that records are retained to comply with all audit requirements.

**Destruction of Records** – Non-microfilmed records destroyed in accordance with approved schedules should be reported to the Department of Archives and History by submitting a copy of the State and Local Government Report of Records Destroyed. A copy of each destruction report should be retained by the state or local office as documentation of records destroyed in accordance with the approved retention schedules.

**Records Storage** – Permanent records must be maintained, protected, and preserved in an appropriate environment as required by section 30-1-70 of the Public Records Act, as amended. The State Records Center will accept scheduled semi-active state agency records for temporary storage on a space available basis. It will also receive permanent records scheduled for transfer to the Department of Archives and History.

For further information on state or local records retention schedules, please contact the Records Services staff at (803) 896-6100.

March 2010



**RICHLAND COUNTY**

**RECORD GROUP NUMBER: 40**

**FINANCE - PAYROLL**

**15857 DIRECT DEPOSIT FORMS**

Description:

Forms signed by employees to authorize the deposit of pay into checking or savings accounts and includes an attached check or bank letter. Information includes name of employee, social security number, name of bank, city, state, bank routing number, account number, deposit amount, employee signature and date.

Retention:

1 year after termination of employment, then destroy.

**15858 EMPLOYEE SALARY GARNISHMENT RECORDS**

Description:

Forms submitted to the Payroll Office from agencies such as the SC Department of Revenue, Family Court, etc. directing the deduction of funds from an employee's salary to pay for debts, taxes, child support, and/or other authorized purposes. Information includes name of agency submitting form, name of employee, social security number, date submitted, time period covered, amount of debt due, penalty, interest, costs and totals.

Retention:

1 year after termination of employment or after document no longer in force, whichever comes first, then destroy.



15859 POSITION CONTROL REPORTS

Description:

Records used to document pay grades and salary ranges for each position in the county including incumbent's current salaries and pay adjustments. Information includes name of position, position number, county department, pay grade, salary range, name of incumbent, salary and adjustments.

Retention:

10 years, then destroy.

# Richland County Council Request of Action

## **Subject**

Retention Schedules for the Public Works Department [**Forwarded from A&F Committee**] [**PAGES 148-178**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve the request to establish retention schedules for the Public Works Department. The vote in favor was unanimous.



# Richland County Council Request of Action

**Subject:** Retention Schedules for the Public Works Department

## **A. Purpose**

County Council is requested to approve retention schedules for the record types that are listed.

## **B. Background**

South Carolina Code of Regulations Chapter 12 is the regulation that governs the retention of records for county government. The records that are listed are not covered by SC Code of Regulation Chapter 12. For records not covered by regulation, Section 30-1-90 of the *Code of Laws of South Carolina, 1976*, as amended, provides the process for establishing record retention schedules for state and local government offices. For the state's political subdivisions, this process requires that retention schedules be approved by the governing body and the director of the South Carolina Department of Archives and History.

### ➤ **Record type and proposed retention schedule:**

#### **1. CAPITAL IMPROVEMENT PROJECTS RECORDS**

Description: Records documenting large scale, more extensive projects for the improvement of drainage network infrastructure throughout communities in the county. Information includes engineering drawings CAD plans, bids and contracts.

Retention: 10 years, then destroy.

#### **2. CORRECTIVE ACTION PLANS**

Description: Plans specifically developed to correct a deficiency which must be addressed in order to be in compliance with National Pollution Discharge Elimination System (NPDES) permit requirements. Information includes a description of the deficiency and specific actions taken to correct it.

Retention: 10 years, then destroy.

**3. *DRY WEATHER SCREENING RECORDS***

Description: Record of field inspections on drainage pipe outfalls during periods of dry weather to ensure there are no illicit discharges. Information includes date, time, and description of field conditions, GPS data and notes on liquids discharged.

Retention: 10 years, then destroy.

**4. *ILLICIT DISCHARGE DETECTION AND ELIMINATION RECORDS***

Description: Records used to document the occurrence of illicit discharges and improper disposals of substances at various geographical locations throughout the county. Information includes dates, times, photos and enforcement letters.

Retention: 10 years, then destroy.

**5. *IMPAIRED WATER BODIES RECORDS***

Description: Records describing water bodies in the county that have been identified as impaired by a specific pollutant or pollutants. Information includes sampling data, photos and GIS maps.

Retention: 10 years, then destroy.

**6. *IN-HOUSE DRAINAGE IMPROVEMENT PROJECTS FILE***

Description: Record of drainage network improvements and other infrastructure improvements throughout communities in Richland County. Information includes engineering plans, contracts and bids.

Retention: 10 years, then destroy.

**7. *IN-HOUSE MAINTENANCE ACTIVITIES RECORDS***

Description: Records identifying smaller, less extensive maintenance activities that the county is responsible for and that can be accomplished

with in-house resources. Records include infrastructure maintenance activities involving pipes, drains and ditches.

Retention: 10 years, then destroy.

**8. *NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)***

Description: All files and documentation related to the National Pollution Discharge Elimination System Program (NPDES), the federally mandated program required for the issuance of a five-year permit. Compliance is monitored by South Carolina Department of Health and Environmental Control and the EPA. Information includes documentation for compliance, annual reports, public outreach documentation, sampling and monitoring activities.

Retention: 10 years, then destroy.

**9. *PESTICIDE, HERBICIDE AND FERTILIZER CONTROL PROGRAM RECORDS***

Description: Record of inspections of private businesses to ensure that they follow guidelines for storing and using pesticides, herbicides and fertilizers. Information includes inspection forms and enforcement letters/actions if applicable.

Retention: 10 years, then destroy

**10. *PRIVATE POND MAINTENANCE RECORDS***

Description: Inspection records of privately-owned ponds in the county. Information includes inspection reports, photos, enforcement letters/activities if applicable.

Retention: 10 years, then destroy.

**11. *PUBLIC EDUCATION AND OUTREACH RECORDS***

Description: Documents public education and outreach activities conducted by county staff at festivals and other public events. Information includes various brochures and materials produced by the staff as well as annual reports, photos, internal conferences and training materials.

Retention: 10 years, then destroy.

## ***12. ROAD RUN-OFF MANAGEMENT PLANS***

Description: Plans involving the application of dust suppressive chemicals on county dirt roads. Information includes sampling data, maps, and inspection reports.

Retention: 10 years, then destroy.

## ***13. SANITARY SEWER OVERFLOW RECORDS***

Description: Reports submitted by the provider describing the details of overflow or spill incidents from the public and private utilities providing sewer services in the county. Information includes name of utility, amount spilled, response or actions taken by utility, date, and time of incident.

Retention: 10 years, then destroy.

## ***14. SPILL PREVENTION CONTROL AND COUNTER MEASURE PLANS***

Description: Records documenting the plans that both county entities and private businesses have in place to prevent spills of hazardous liquids and the guidelines for cleanup in the event of a spill. These action plans are maintained on-site and are subject to inspection by county and state officials.

Retention: 10 years, then destroy.

## ***15. STORMWATER DETENTION AND RETENTION POND RECORDS***

Description: Field inspection records for county-owned and/or maintained retention and detention ponds. These ponds serve as part of the county's drainage network. Information includes inspection forms, record of maintenance activities, photos and maps.

Retention: 10 years, then destroy.

## ***16. STORMWATER DITCH RECORDS***

Description: Field inspection reports for drainage ditches throughout the county. Information includes report forms, photos, maps and description of maintenance activities.

Retention: 10 years, then destroy.

## ***17. STORMWATER ORDINANCES***

Description: Office copies of the Richland County Stormwater Ordinances created for the protection of water resources in the county.

Retention: PERMANENT.

## ***18. STORMWATER POLLUTION PREVENTION PLANS***

Description: Plans utilized to ensure that environmental compliance is met and the best management practices are used by county facilities such as Public Works, Landfill, Owens Regional Airport, etc. These plans help identify potential pollutants on the property and provide guidance for proper care.

Retention: 10 years, then destroy.

## ***19. STORMWATER STRUCTURAL INVENTORY CONTROL RECORDS (Proactive and Reactive Investigations)***

Description: Recorded inventory of all drainage network structures throughout the county. Information includes maps, drawings, inspection sheets and photos.

Retention: 10 years, then destroy.

## ***20. STREAM ASSESSMENT RECORDS***

Description: Field inspection records of streams and creeks used to assess environmental conditions and impacts surrounding the water bodies. Information includes inspection forms, photos, maps, survey data, GPS and sampling data.

Retention: 10 years, then destroy.

**21. WATER QUALITY SAMPLING AND MONITORING RECORDS  
(Sediment, Ambient, Wet Weather, and Macroinvertebrates)**

Description: Records documenting water quality conditions of surface water, biological collection data, conditions during storm events, and sediment sampling. Records are used in identifying problem areas for follow-up activities. Information includes maps, spreadsheets, pollutant tracking documents, data collection forms and sampling result reports.

Retention: 10 years, then destroy.

**22. CAD FILES**

Description: Computer-Assisted Drawings (CAD) files created by Geographic Information Systems and/or design engineer to support various Engineering Projects involving road and bridge construction and maintenance. Information includes CAD drawings, associated maps and plans, and other project related documentation.

Retention: 10 years, then destroy.

**23. EASEMENTS AND RIGHT-OF-WAY PROJECT FILES**

Description: Records used to document and manage easements and rights-of-way for public works projects. Information includes Right-Of-Way descriptions, drawings and correspondence related to each project.

Retention: 10 years, then destroy

**24. ROAD CONSTRUCTION PLANS, CORRESPONDENCE AND  
REPORTS**

Description: Records used by engineering inspectors to review and approve road construction projects in the county. Information includes correspondence to and from contractors, asphalt reports from geotechnical engineers, road inspection reports, and site construction plans.

Retention: 10 years, then destroy.

## ***25. ROAD FILES AND DRAINAGE EASEMENTS***

Description: Files documenting road construction and drainage easement projects. Information includes project related right-of-way descriptions; correspondence to and from the Engineering Division, South Carolina Department of Transportation, county council, the county attorney, outside attorneys, and private citizens.

Retention: 10 years, then destroy.

## ***26. STORMWATER MANAGEMENT PROJECT FILES***

Description: Files created by Stormwater Engineering to document and administer projects. Information includes plans, correspondence, calculations for designs, CAD (computer-assisted drawing) documents, and notes from site visits related to the project.

Retention: 10 years, then destroy.

## ***27. TRANSPORTATION DEPARTMENT PLANS, CORRESPONDENCE, INVOICES AND REPORTS***

Description: Records used to document and administer projects related to traffic studies, inspections, multi-way stop studies, and other associated plans. Information includes plans, correspondence, studies and engineer's invoices.

Retention: 10 years, then destroy.

## ***28. CONSTRUCTION SITE PLANS, CORRESPONDENCE AND MAPS***

Description: Files of the new residential and commercial development projects in the county. Information includes correspondence to and from various firms, developers, and other entities associated with the permitting process along with detailed information from engineers for each project.

Retention: 10 years, then destroy.

## ***29. RECORD DRAWINGS, CAD FILES, AND MAPS FOR NEW DEVELOPMENT PROJECTS***

Description: Record of new development in the county reflecting the actual construction results. Information includes record drawings, CAD files, maps and other related correspondence.

Retention: 10 years, then destroy.

***30. PLATS, COST ESTIMATES, CONDITIONS STATEMENT, LETTERS OF CREDIT AND BONDS***

Description: Record of new development projects and financial surety compliance. Information includes plans, correspondence, maps, plats, engineer's cost estimates, statements of conditions (legal agreements), letters of credit and bonds between developers and banks.

Retention: 10 years, then destroy.

***31. SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CORRESPONDENCE***

Description: Correspondence to and from the South Carolina Department of Health and Environmental Control dealing with water, sewer, and other projects related to new development within the county. Information includes letters, maps, plans, drawings and other documentation related to projects requiring review and/or approval by DHEC.

Retention: 10 years, then destroy.

***32. SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION CORRESPONDENCE***

Description: Correspondence to and from the SC Department of Transportation regarding road construction projects related to new development in the county. Information includes letters, maps, plans, drawings and other documents related to project requiring review and approval of SCOOT.

Retention: 10 years, then destroy.

***33. FLOOD ZONE VERIFICATIONS (FZV)***



Description: Files used to document responses to requests for flood zone determinations on individual parcels.

Retention: 3 years, then destroy.

#### ***34. FLOOD PLAIN DEVELOPMENT PERMITS***

Description: Records to document permits for floodplain development, building inspections and requirements of the Federal Emergency Management Agency (FEMA).

Retention: PERMANENT.

#### ***35. FLOOD INSURANCE STUDIES (FIS)***

Description: Records created by the Federal Emergency Management Agency (FEMA) regarding flooding in a community. These records are developed in conjunction with the Flood Rate Insurance Map (FIRM). Information includes flood profiles for flooding sources.

Retention: PERMANENT.

#### ***36. FLOOD INSURANCE RATE MAPS (FIRM)***

Description: Maps created by the Federal Emergency Management Agency (FEMA) to regulate flood plain management in communities. Information includes base flood elevations, hydrology information, flood plain and floodway delineation.

Retention: PERMANENT.

#### ***37. DEVELOPMENT PLANS/PLATS***

Description: Records documenting development plans and/or plats which must be reviewed for adherence to flood ordinances.

Retention: PERMANENT.

### **38. LETTERS OF MAP CHANGES**

Description: Record of requests made to change a community's flood hazard map. Information includes: Conditional Letter of Map Amendment (CLOMA); Conditional Letter of Map Revision (CLOMR); Conditional Letter of Map Revision based on Fill (CLOMR-F); Letter of Map Amendment (LOMA); Letter of Map Revision (LOMR) and Letter of Map Revision based on Fill (LOMR-F).

Retention: PERMANENT.

- David Hoops, Director of the Public Works Department, has approved the proposed retention schedules.

#### **C. Financial Impact**

There is not any financial impact associated with this request.

#### **D. Alternatives**

Approve the request to establish retention schedules for the Public Works Department.

Do not approve request to establish retention schedules for the Public Works Department.

#### **E. Recommendation**

It is recommended that Council approve the request to establish retention schedules for the Public Works Department.

Recommended by: John Hopkins, Director  
Department: Register of Deeds  
Date: 05/07/12

#### **F. Reviews**

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

**Finance**Reviewed by: Daniel Driggers

Date: 5/8/12

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

Comments regarding recommendation:

Recommendation based on approval of Public Works Director, Record Retention Director and no financial impact.

**Procurement**Reviewed by: Rodolfo Callwood

Date: 5/8/12

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

Comments regarding recommendation:

**Legal**Reviewed by: Elizabeth McLean

Date: 5/10/12

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

Comments regarding recommendation:

**Administration**Reviewed by: Sparty Hammett

Date: 5/14/12

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

Comments regarding recommendation: Recommend Council approval of the request to establish retention schedules for the Public Works Department.



South Carolina Department of Archives & History  
Division of Archives and Records Management

**APPROVAL OF RECORDS RETENTION SCHEDULE**

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

**PART I — Office or Department**

**RICHLAND COUNTY**

Local Government Subdivision

**PUBLIC WORKS - ENGINEERING**

Office or Department

**40**

Record Group Number

I certify that I am authorized to act for this agency in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this agency after the expiration of the prescribed retention periods.

Records series included in this approval are numbered: **15766 - 15776**

11/1/11 Date      David R. [Signature] Signature of Approving Authority      Director Title

**PART II — Governing Body**

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

\_\_\_\_ Date      \_\_\_\_\_ Signature of Approving Authority      \_\_\_\_\_ Title

**PART III — Department of Archives and History**

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

\_\_\_\_ Date      \_\_\_\_\_ Director, Department of Archives and History

ARM-3

**South Carolina Department of Archives and History  
Records Management Division**

**Guidelines For Understanding And Implementing  
Records Retention Schedules**

The following guidelines describe basic terms related to records retention schedules and define the responsibilities associated with schedule approval and implementation.

**Records Retention Schedule** – A records retention schedule describes one or several records series and indicates the length of time records should be retained prior to final disposition. Schedules are issued to state agencies or local government subdivisions and must be approved in accordance with provisions of the Public Records Act, as amended. Upon approval, the latest retention schedule supersedes any schedule previously approved for the same records series or group of records series.

**Copies** – All official copies of state agency and local government subdivision records must be inventoried, appraised, and scheduled. Convenience and other extra copies do not need a records retention schedule and may be disposed of when no longer needed for reference.

**Legal Retention Requirements** – The approval of schedules by state agencies or local government subdivisions should include a legal review to ensure that retention periods are in compliance with all applicable laws and regulations. In addition, state agencies and local government subdivisions are responsible for ensuring that records are retained for any additional time necessary to fulfill special legal considerations or requirements, such as those related to pending litigation, government investigations, or court orders.

**Confidentiality and Restrictions** – State agencies and local government subdivisions should ensure that confidential records are properly filed, accessed, and disposed of in accordance with federal, state, and local legal requirements.

**Audit Requirements** – State agencies and local government subdivisions are responsible for ensuring that records are retained to comply with all audit requirements.

**Destruction of Records** – Non-microfilmed records destroyed in accordance with approved schedules should be reported to the Department of Archives and History by submitting a copy of the State and Local Government Report of Records Destroyed. A copy of each destruction report should be retained by the state or local office as documentation of records destroyed in accordance with the approved retention schedules.

**Records Storage** – Permanent records must be maintained, protected, and preserved in an appropriate environment as required by section 30-1-70 of the Public Records Act, as amended. The State Records Center will accept scheduled semi-active state agency records for temporary storage on a space available basis. It will also receive permanent records scheduled for transfer to the Department of Archives and History.

For further information on state or local records retention schedules, please contact the Records Services staff at (803) 896-6100.

March 2010



**RICHLAND COUNTY**

**RECORD GROUP NUMBER: 40**

**PUBLIC WORKS - ENGINEERING DIVISION**

**15766 CAD FILES**

Description:

Computer-Assisted Drawings (CAD) files created by Geographic Information Systems and/or design engineer to support various Engineering Projects involving road and bridge construction and maintenance. Information includes CAD drawings, associated maps and plans, and other project related documentation.

Retention:

10 years, then destroy.

**15767 EASEMENTS AND RIGHT-OF-WAY PROJECT FILES**

Description:

Records used to document and manage easements and rights-of-way for public works projects. Information includes Right-Of-Way descriptions, drawings and correspondence related to each project.

Retention:

10 years, then destroy

**15768 ROAD CONSTRUCTION PLANS, CORRESPONDENCE AND REPORTS**

Description:

Records used by engineering inspectors to review and approve road construction projects in the county. Information includes correspondence to and from contractors, asphalt reports from geotechnical engineers, road inspection reports, and site construction plans.

Retention:

10 years, then destroy.



**15769 ROAD FILES AND DRAINAGE EASEMENTS**

Description:

Files documenting road construction and drainage easement projects. Information includes project related right-of-way descriptions; correspondence to and from the Engineering Division, South Carolina Department of Transportation, county council, the county attorney, outside attorneys, and private citizens.

Retention:

10 years, then destroy.

**15770 STORMWATER MANAGEMENT PROJECT FILES**

Description:

Files created by Stormwater Engineering to document and administer projects. Information includes plans, correspondence, calculations for designs, CAD (computer-assisted drawing) documents, and notes from site visits related to the project.

Retention:

10 years, then destroy.

**15771 TRANSPORTATION DEPARTMENT PLANS,  
CORRESPONDENCE, INVOICES AND REPORTS**

Description:

Records used to document and administer projects related to traffic studies, inspections, multi-way stop studies, and other associated plans. Information includes plans, correspondence, studies and engineer's invoices.

Retention:

10 years, then destroy.



- 15772      **CONSTRUCTION SITE PLANS, CORRESPONDENCE AND  
MAPS**
- Description:
- Files of the new residential and commercial development projects in the county. Information includes correspondence to and from various firms, developers, and other entities associated with the permitting process along with detailed information from engineers for each project.
- Retention:
- 10 years, then destroy.
- 
- 15773      **RECORD DRAWINGS, CAD FILES, AND MAPS FOR NEW  
DEVELOPMENT PROJECTS**
- Description:
- Record of new development in the county reflecting the actual construction results. Information includes record drawings, CAD files, maps and other related correspondence.
- Retention:
- 10 years, then destroy.
- 
- 15774      **PLATS, COST ESTIMATES, CONDITIONS STATEMENT,  
LETTERS OF CREDIT AND BONDS**
- Description:
- Record of new development projects and financial surety compliance. Information includes plans, correspondence, maps, plats, engineer's cost estimates, statements of conditions (legal agreements), letters of credit and bonds between developers and banks.
- Retention:
- 10 years, then destroy.





**15775 SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CORRESPONDENCE**

Description:

Correspondence to and from the South Carolina Department of Health and Environmental Control dealing with water, sewer, and other projects related to new development within the county. Information includes letters, maps, plans, drawings and other documentation related to projects requiring review and/or approval by DHEC.

Retention:

10 years, then destroy.

**15776 SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION CORRESPONDENCE**

Description:

Correspondence to and from the SC Department of Transportation regarding road construction projects related to new development in the county. Information includes letters, maps, plans, drawings and other documents related to project requiring review and approval of SCDOT.

Retention:

10 years, then destroy.



South Carolina Department of Archives & History  
Division of Archives and Records Management

**APPROVAL OF RECORDS RETENTION SCHEDULE**

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

**PART I — Office or Department**

**RICHLAND COUNTY**

Local Government Subdivision

**PUBLIC WORKS - ENGINEERING - FLOOD DIVISION**

Office or Department

**40**

Record Group Number

I certify that I am authorized to act for this agency in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this agency after the expiration of the prescribed retention periods.

Records series included in this approval are numbered: **15759 - 15764**

11/1/11 Date      David R. [Signature] Signature of Approving Authority      DIRECTOR Title

**PART II — Governing Body**

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

\_\_\_\_ Date      \_\_\_\_\_ Signature of Approving Authority      \_\_\_\_\_ Title

**PART III — Department of Archives and History**

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

\_\_\_\_ Date      \_\_\_\_\_ Director, Department of Archives and History

ARM-3

**South Carolina Department of Archives and History  
Records Management Division**

**Guidelines For Understanding And Implementing  
Records Retention Schedules**

The following guidelines describe basic terms related to records retention schedules and define the responsibilities associated with schedule approval and implementation.

**Records Retention Schedule** – A records retention schedule describes one or several records series and indicates the length of time records should be retained prior to final disposition. Schedules are issued to state agencies or local government subdivisions and must be approved in accordance with provisions of the Public Records Act, as amended. Upon approval, the latest retention schedule supersedes any schedule previously approved for the same records series or group of records series.

**Copies** – All official copies of state agency and local government subdivision records must be inventoried, appraised, and scheduled. Convenience and other extra copies do not need a records retention schedule and may be disposed of when no longer needed for reference.

**Legal Retention Requirements** – The approval of schedules by state agencies or local government subdivisions should include a legal review to ensure that retention periods are in compliance with all applicable laws and regulations. In addition, state agencies and local government subdivisions are responsible for ensuring that records are retained for any additional time necessary to fulfill special legal considerations or requirements, such as those related to pending litigation, government investigations, or court orders.

**Confidentiality and Restrictions** – State agencies and local government subdivisions should ensure that confidential records are properly filed, accessed, and disposed of in accordance with federal, state, and local legal requirements.

**Audit Requirements** – State agencies and local government subdivisions are responsible for ensuring that records are retained to comply with all audit requirements.

**Destruction of Records** – Non-microfilmed records destroyed in accordance with approved schedules should be reported to the Department of Archives and History by submitting a copy of the State and Local Government Report of Records Destroyed. A copy of each destruction report should be retained by the state or local office as documentation of records destroyed in accordance with the approved retention schedules.

**Records Storage** – Permanent records must be maintained, protected, and preserved in an appropriate environment as required by section 30-1-70 of the Public Records Act, as amended. The State Records Center will accept scheduled semi-active state agency records for temporary storage on a space available basis. It will also receive permanent records scheduled for transfer to the Department of Archives and History.

For further information on state or local records retention schedules, please contact the Records Services staff at (803) 896-6100.

March 2010



**RICHLAND COUNTY**

**RECORD GROUP NUMBER: 40**

**PUBLIC WORKS - ENGINEERING - FLOOD DIVISION**

**15759 FLOOD ZONE VERIFICATIONS (FZV)**

**Description:**

Files used to document responses to requests for flood zone determinations on individual parcels.

**Retention:**

3 years, then destroy.

**15760 FLOODPLAIN DEVELOPMENT PERMITS**

**Description:**

Records to document permits for floodplain development, building inspections and requirements of the Federal Emergency Management Agency (FEMA).

**Retention:**

PERMANENT.

**15761 FLOOD INSURANCE STUDIES (FIS)**

**Description:**

Records created by the Federal Emergency Management Agency (FEMA) regarding flooding in a community. These records are developed in conjunction with the Flood Rate Insurance Map (FIRM). Information includes flood profiles for flooding sources.

**Retention:**

PERMANENT.



15762 FLOOD INSURANCE RATE MAPS (FIRM)

Description:

Maps created by the Federal Emergency Management Agency (FEMA) to regulate flood plain management in communities. Information includes base flood elevations, hydrology information, flood plain and floodway delineation.

Retention:

PERMANENT.

15763 DEVELOPMENT PLANS/PLATS

Description:

Records documenting development plans and/or plats which must be reviewed for adherence to flood ordinances.

Retention:

PERMANENT.

15764 LETTERS OF MAP CHANGES

Description:

Record of requests made to change a community's flood hazard map. Information includes: Conditional Letter of Map Amendment (CLOMA); Conditional Letter of Map Revision (CLOMR); Conditional Letter of Map Revision based on Fill (CLOMR-F); Letter of Map Amendment (LOMA); Letter of Map Revision (LOMR) and Letter of Map Revision based on Fill (LOMR-F).

Retention:

PERMANENT.



**South Carolina Department of Archives & History  
 Division of Archives and Records Management**

**APPROVAL OF RECORDS RETENTION SCHEDULE**

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

**PART I — Office or Department**

**RICHLAND COUNTY**

Local Government Subdivision

**PUBLIC WORKS - STORMWATER**

Office or Department

**40**

Record Group Number

I certify that I am authorized to act for this agency in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this agency after the expiration of the prescribed retention periods.

Records series included in this approval are numbered: **15817 - 15837**

11/1/11 \_\_\_\_\_ Date  
 [Signature] \_\_\_\_\_ Signature of Approving Authority  
 Director \_\_\_\_\_ Title

**PART II — Governing Body**

I am authorized to act for the governing body of this local government subdivision and certify that the governing body has approved the Records Retention Schedule as described in Part I, above.

\_\_\_\_\_ Date  
 \_\_\_\_\_ Signature of Approving Authority  
 \_\_\_\_\_ Title

**PART III — Department of Archives and History**

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in the schedule.

\_\_\_\_\_ Date  
 \_\_\_\_\_ Director, Department of Archives and History

**South Carolina Department of Archives and History  
Records Management Division**

**Guidelines For Understanding And Implementing  
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The following guidelines describe basic terms related to records retention schedules and define the responsibilities associated with schedule approval and implementation.

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**Copies** – All official copies of state agency and local government subdivision records must be inventoried, appraised, and scheduled. Convenience and other extra copies do not need a records retention schedule and may be disposed of when no longer needed for reference.

**Legal Retention Requirements** – The approval of schedules by state agencies or local government subdivisions should include a legal review to ensure that retention periods are in compliance with all applicable laws and regulations. In addition, state agencies and local government subdivisions are responsible for ensuring that records are retained for any additional time necessary to fulfill special legal considerations or requirements, such as those related to pending litigation, government investigations, or court orders.

**Confidentiality and Restrictions** – State agencies and local government subdivisions should ensure that confidential records are properly filed, accessed, and disposed of in accordance with federal, state, and local legal requirements.

**Audit Requirements** – State agencies and local government subdivisions are responsible for ensuring that records are retained to comply with all audit requirements.

**Destruction of Records** – Non-microfilmed records destroyed in accordance with approved schedules should be reported to the Department of Archives and History by submitting a copy of the State and Local Government Report of Records Destroyed. A copy of each destruction report should be retained by the state or local office as documentation of records destroyed in accordance with the approved retention schedules.

**Records Storage** – Permanent records must be maintained, protected, and preserved in an appropriate environment as required by section 30-1-70 of the Public Records Act, as amended. The State Records Center will accept scheduled semi-active state agency records for temporary storage on a space available basis. It will also receive permanent records scheduled for transfer to the Department of Archives and History.

For further information on state or local records retention schedules, please contact the Records Services staff at (803) 896-6100.

March 2010



**RICHLAND COUNTY**

**RECORD GROUP NUMBER: 40**

**PUBLIC WORKS - STORMWATER MANAGEMENT**

**15817 CAPITAL IMPROVEMENT PROJECTS RECORDS**

Description:

Records documenting large scale, more extensive projects for the improvement of drainage network infrastructure throughout communities in the county. Information includes engineering drawings CAD plans, bids and contracts.

Retention:

10 years, then destroy.

**15818 CORRECTIVE ACTION PLANS**

Description:

Plans specifically developed to correct a deficiency which must be addressed in order to be in compliance with National Pollution Discharge Elimination System (NPDES) permit requirements. Information includes a description of the deficiency and specific actions taken to correct it.

Retention:

10 years, then destroy.

**15819 DRY WEATHER SCREENING RECORDS**

Description:

Record of field inspections on drainage pipe outfalls during periods of dry weather to ensure there are no illicit discharges. Information includes date, time, description of field conditions, GPS data and notes on liquids discharged.

Retention:

10 years, then destroy.





**15820 ILLICIT DISCHARGE DETECTION AND ELIMINATION RECORDS**

Description:

Records used to document the occurrence of illicit discharges and improper disposals of substances at various geographical locations throughout the county. Information includes dates, times, photos and enforcement letters.

Retention:

10 years, then destroy.

**15821 IMPAIRED WATER BODIES RECORDS**

Description:

Records describing water bodies in the county that have been identified as impaired by a specific pollutant or pollutants. Information includes sampling data, photos and GIS maps.

Retention:

10 years, then destroy.

**15822 IN-HOUSE DRAINAGE IMPROVEMENT PROJECTS FILE**

Description:

Record of drainage network improvements and other infrastructure improvements throughout communities in Richland County. Information includes engineering plans, contracts and bids.

Retention:

10 years, then destroy.

**15823 IN-HOUSE MAINTENANCE ACTIVITIES RECORDS**

Description:

Records identifying smaller, less extensive maintenance activities that the county is responsible for and that can be accomplished



with in-house resources. Records include infrastructure maintenance activities involving pipes, drains and ditches.

Retention:

10 years, then destroy.

15824 NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)

Description:

All files and documentation related to the National Pollution Discharge Elimination System Program (NPDES), the federally mandated program required for the issuance of a five-year permit. Compliance is monitored by South Carolina Department of Health and Environmental Control and the EPA. Information includes documentation for compliance, annual reports, public outreach documentation, sampling and monitoring activities.

Retention:

10 years, then destroy.

15825 PESTICIDE, HERBICIDE AND FERTILIZER CONTROL PROGRAM RECORDS

Description:

Record of inspections of private businesses to ensure that they follow guidelines for storing and using pesticides, herbicides and fertilizers. Information includes inspection forms and enforcement letters/actions if applicable.

Retention:

10 years, then destroy



**15826 PRIVATE POND MAINTENANCE RECORDS**

Description:

Inspection records of privately-owned ponds in the county. Information includes inspection reports, photos, enforcement letters/activities if applicable.

Retention:

10 years, then destroy.

**15827 PUBLIC EDUCATION AND OUTREACH RECORDS**

Description:

Documents public education and outreach activities conducted by county staff at festivals and other public events. Information includes various brochures and materials produced by the staff as well as annual reports, photos, internal conferences and training materials.

Retention:

10 years, then destroy.

**15828 ROAD RUN-OFF MANAGEMENT PLANS**

Description:

Plans involving the application of dust suppressive chemicals on county dirt roads. Information includes sampling data, maps, and inspection reports.

Retention:

10 years, then destroy.

**15829 SANITARY SEWER OVERFLOW RECORDS**

Description:

Reports submitted by the provider describing the details of overflow or spill incidents from the public and private utilities providing sewer



services in the county. Information includes name of utility, amount spilled, response or actions taken by utility, date, and time of incident.

Retention:

10 years, then destroy.

15830 SPILL PREVENTION CONTROL AND COUNTER MEASURE PLANS

Description:

Records documenting the plans that both county entities and private businesses have in place to prevent spills of hazardous liquids and the guidelines for cleanup in the event of a spill. These action plans are maintained on-site and are subject to inspection by county and state officials.

Retention:

10 years, then destroy.

15831 STORMWATER DETENTION AND RETENTION POND RECORDS

Description:

Field inspection records for county-owned and/or maintained retention and detention ponds. These ponds serve as part of the county's drainage network. Information includes inspection forms, record of maintenance activities, photos and maps.

Retention:

10 years, then destroy.

15832 STORMWATER DITCH RECORDS

Description:

Field inspection reports for drainage ditches throughout the county. Information includes report forms, photos, maps and description of maintenance activities.



Retention:

10 years, then destroy.

15833 STORMWATER ORDINANCES

Description:

Office copies of the Richland County Stormwater Ordinances created for the protection of water resources in the county.

Retention:

PERMANENT.

15834 STORMWATER POLLUTION PREVENTION PLANS

Description:

Plans utilized to ensure that environmental compliance is met and the best management practices are used by county facilities such as Public Works, Landfill, Owens Regional Airport, etc. These plans help identify potential pollutants on the property and provide guidance for proper care.

Retention:

10 years, then destroy.

15835 STORMWATER STRUCTURAL INVENTORY CONTROL  
RECORDS  
(Proactive and Reactive Investigations)

Description:

Recorded inventory of all drainage network structures throughout the county. Information includes maps, drawings, inspection sheets and photos.

Retention:

10 years, then destroy.



**15836 STREAM ASSESSMENT RECORDS**

Description:

Field inspection records of streams and creeks used to assess environmental conditions and impacts surrounding the water bodies. Information includes inspection forms, photos, maps, survey data, GPS and sampling data.

Retention:

10 years, then destroy.

**15837 WATER QUALITY SAMPLING AND MONITORING RECORDS  
(Sediment, Ambient, Wet Weather, and Macroinvertebrates)**

Description:

Records documenting water quality conditions of surface water, biological collection data, conditions during storm events, and sediment sampling. Records are used in identifying problem areas for follow-up activities. Information includes maps, spreadsheets, pollutant tracking documents, data collection forms and sampling result reports.

Retention:

10 years, then destroy.

# Richland County Council Request of Action

## **Subject**

Special Duty Budget: Off-Duty Security Work Sheriff Deputies [**Forwarded from A&F Committee**] [**PAGES 179-181**]

## **Notes**

May 22, 2012 - The committee recommended that Council approve a budget amendment for Special Duty in the amount of \$40,000. This request has no financial impact on the General Fund because this amendment will be funded entirely from revenues generated by the Special Duty program. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** FY12 Special Duty Budget: Sheriff Deputies Off Duty Security Work

### A. Purpose

County Council is requested to approve a budget amendment for Special Duty in the amount of \$40,000.00.

### B. Background / Discussion

Special Duty funds are paid by public or private entities who hire Sheriff's deputies to perform Special Duty security work. The FY12 approved budget for Special Duty is \$1,399,951. Based on activity in the current year, it is projected that an additional \$40,000.00 appropriation of Special Duty revenue is necessary to remain within budget.

### C. Financial Impact

There is no impact to the General Fund since Special Duty expenditures are offset by revenues from Special Duty activities.

### D. Alternatives

1. Approve the request to appropriate \$40,000.00 in Special Duty revenue.
2. Do not approve the request, and Special Duty expenditures will likely exceed budget.

### E. Recommendation

It is recommended that Council approve the request to appropriate \$40,000.00 of Special Duty revenue.

Recommended by:

Department:

Date:

### F. Reviews

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

#### Finance

Reviewed by: Daniel Driggers

Date: 5/4/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

The Council approved program is funded through the collection of user fees by the Sheriff's Department for the service. Due to increased activity, the actual YTD expenditures are approximately \$1.2m and are tracking to exceed the budget. Approval



would provide the appropriation of budget dollars to enable the program to continue through the end of the fiscal year.

**Sheriff Department**

Reviewed by: Steve Birnie

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald

Date: 5/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The request has no financial impact on the General Fund. The budget amendment will be funded entirely from revenues generated by the Special Duty Program. Approval is recommended.

# Richland County Council Request of Action

## **Subject**

Workers Compensation Information [**Forwarded from A&F Committee**] [**PAGES 182-192**]

## **Notes**

May 22, 2012 - This item was received as information and will be sent to Council. The vote in favor was unanimous.

# Richland County Council Request of Action

**Subject:** Workers Compensation Information

## **A. Purpose**

County Council is requested to consider Councilman Malinowski's motion to have Administration provide the types and number of claims over the past five years in an effort to arrive at what claims appear to be the most repetitive and then make recommendations as to a safety program for employees that will help reduce those particular problems.

## **B. Background / Discussion**

Every year Richland County pay millions of dollars for workers compensation claims.

## **C. Financial Impact**

The intent is to reduce the amount paid for workers' compensation claims each year.

## **D. Alternatives**

1. Approve the motion to have Administration provide the information.
2. Do not approve the motion to have Administration provide the information.

## **E. Recommendation**

It is requested that County approve the motion to have Administration provide workers' compensation information. Reading of the attached summary on the present safety programs and procedure is recommended.

Recommended by: David Chambers Department: Risk Management Date: May 7, 2012

## **F. Reviews**

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

### **Finance**

Reviewed by: Daniel Driggers

Date: 5/9/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### **Procurement**

Reviewed by: Rodolfo Callwood

Date: 5/9/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**Reviewed by: Elizabeth McLean

Date: 5/9/12

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

Comments regarding recommendation:

**Administration**Reviewed by: Tony McDonald

Date: 5/10/12

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

Comments regarding recommendation: Staff has provided by email the five-year claims history, as requested in the motion. It is recommended that staff continue to aggressively monitor claims, to include the types of injuries and the departments in which injuries more frequently occur, and continue to structure the safety training programs around those areas.

It should be noted that some departments historically have higher concentrations of claims due to the nature of the services performed and the physical requirements of the jobs within those departments, such as Public Works, Emergency Medical Services and the Detention Center. The Risk Management Division focuses a high percentage of training time on these departments in an effort to mitigate, to the extent possible, future workers compensation claims.

## SUMMARY of RICHLAND COUNTY SAFETY PROGRAMS and PROCEDURES

Richland County's efforts to prevent and mitigate workers' compensation and liability claims consist of five categories:

1. Programs
2. Training and Consultations
3. Field Inspections
4. Building and Work Station Inspections
5. Claims / Incidents Reviews

### Programs

Richland County has 28 OSHA required programs. These programs and the Safe Driving Program are available on the intranet (Richland Portal) for immediate access by the employees. Most of the training is based on these programs. See below for a list.

- Chemical Hygiene
- Fall Protection
- Sawing Safety
- Machine Guarding
- Stairways and Ladders
- Workplace Violence
- Chainsaw Safety
- Chipping
- Work Zone Safety
- Bloodborne Pathogens
- Forklift Operation
- Chemical Safety
- Excavating Safety
- Personal Protective Equipment
- Safe Driving Program
- OSHA Reporting
- Electrical Safety
- Ergonomics
- First Aid - CPR
- Lockout - Tagout
- Confined Space
- Ariel Lifts (Bucket Truck)
- Scaffold
- Bloodborne Pathogens (Lab)
- Emergency Action
- Hearing Protection
- Welding
- Asbestos Management

Training

The County conducts numerous safety classes each year. Risk Management provides participating departments with a list of required and suggested classes for each year. See the example below. Most safety classes are done by the Safety Officer. Departments seek safety consultations on a daily basis on issues.

**Annual Training-Public Works**

**Type of Training / Course Description**

	Animal Care	DATE	LOCATION OF TRAINING	INSTRUCTOR	Date of Next Required Training	Comment
	Lock Out & Tag Out **					N/A
	Confined Space **					N/A
	HAZCOM (new personnel only) **	11/2/2010	Powell Rd	B.Leeper	11/2/2011	
	Bloodborne Pathogen **	11/9/2010	Powell Rd	B.Leeper	11/9/2011	
	Respiratory Protection **	11/9/2010	Powell Rd	B.Leeper	11/9/2011	
	Fire Extinguisher **					
	First Aid Awareness **	11/9/2010	Powell Rd	B.Leeper	11/9/2011	
	Bloodborne Pathogen **	11/9/2010	Powell Rd	B.Leeper	11/9/2012	
	Respiratory Protection **	11/9/2010	Powell Rd	B.Leeper	11/9/2012	
	HAZCOM (new personnel only) **	11/2/2010	Powell Rd	B.Leeper	11/9/2012	NPO
	Personal Protection Equipment					
	Slips, Trips & Falls					
	Office / Back Safety					
	Personal Protection Equipment					
	Electrical Safety (Safe Work Practices)					
	Welding					
	Forklift **					
	Heat Stress					
	Hearing Conversation **					
	Trenching & Excavation					
	Ladders & Scaffolds					
	Fall Protection					
	Machine Guarding					
	Chainsaw Guidelines					
	Chemical Hygiene Plan					
	Chipping Guidelines					
	Defensive Driving					
	Saw Guidelines					
	Tornado/Hurricane/Earthquake Safety					
	** New Personnel Only					
	** N/A = Not Applicable					
	** N/C = Not Conducted					
	<b>Shaded items mandates annual OSHA required training for authorized and affected employees only</b>					

Field Inspections

Risk Management's conducts field inspections and provides on site guidance. These locations include outside and inside work areas. A report is sent to the department head, and there is a follow-up on corrective actions. The Safety Officer also works contractor construction sites. For example, the Safety Officer, who has several years experience with the County and worked for OSHA more than nine years, was often on the LRADAC take down site several times a day. Below is an example of a field inspection report. .

RICHLAND COUNTY RISK MANAGEMENT

**Plain View Inspection Summary**  
**Pilgram Church, N.Donor, Bluff Oaks & Valley Brook Road**

2.24.12

Accompanied on inspection by Michael Greene

STANDARD	VIOLATION/HAZARD	LOCATION	DATE
1910.132(a)	No safety glasses (2 employees)	Pilgram Church & India Road	2/24/12
1926.200(g)(2)	Unsecured work zone	Pilgram Church & India Road	2/24/12
1926.201(a)(1)	(No flagger to direct traffic)	Required by OSHA & MUTCD	2/24/12
1910.132(a)	No safety glasses (1 employee) ** flagger was observed bending over and away from the sign which was sticking out of a cone, and had a broken handle. Another flagger on the opposite end was using a push broom, shovel and rock to support his flagging pole which was sticking out of a cone,	North Donor	2/24/12 2/24/12
1910.1200(f)(1)	Unlabeled Container	North Donor Road	2/24/12
1910.1200(f)(1)	Unlabeled Container	Bluff Oaks Road	2/24/12
1926.200(g)(2)	Unsecured work zone	Valley Brook Road	2/24/12
	** Note- Assistant General Mangers Vehicle Inspection - In possession of a chain saw but no leg chaps.		
	See additional comments from the Assistant General Manager safety observation(s)		
		<b>The Standards used above are the most used but propose penalties. The General Duty Clause can and will be used in the absence of a vertical or horizontal standard. ****</b>	
		Comments & Observations	
		Although these violations existed, I must also note that each employee did wear their required other PPR such as Reflective Vests/Shirts, etc.	

**Building and Work Station Inspections**

The Safety Officer does building and work station inspections, except for the Sheriff, who does not participate. Reports requesting corrections are sent, and there are follow-ups on compliance. She also accompanies fire and insurance inspectors. Below is an example of an inspection report.

**Mock Inspection - Public Works - Facilities/Grounds**

S= SERIOUS(Monetary Penalty) OTS = Other Than Serious (no initial penalty)

\*Depends on Hazard

STANDARD	VIOLATION/HAZARD	LOCATION	DATE	S/OTS
1910.303(f)(2)	Unlabel breakers in panel box	Maintenance Shop	10/1/08	OTS
1910.304(a)(2)	Reversed Polarity-(work table)	Maintenance Shop	10/1/08	OTS-
1910.212(b)(9)	No tongue guard on bench grinder	Maintenance Shop	10/1/08	S
1910.215(a)(4)	No work rest on bench grinder	Maintenance Shop	10/1/08	OTS
1910.212(a)(5)	no guard for opening on fan	Maintenance Shop	10/1/08	S
1910.1200(g)(1)	No MSDS for Muratic Acid	Maintenance Shop	10/1/08	S
1910.1200(h)(1)	No Hazard Com(Muratic Acid)	Maintenance Shop	10/1/08	S
1910.132(a)	No PPE (Muratic Acid)	Maintenance Shop	10/1/08	S
1910.169(b)(2)	No bottom drain on air recievers	Maintenance Shop	10/1/08	OTS
1910.304(g)(6)(iv)	Elec.outlet in metal box on concrete	Kitchen	10/1/08	S
1910.303(f)(2)	Unlabel breakers in panel box	Kitchen	10/1/08	OTS
1910.334(a)(2)	Exposed wires on electric heater	Kitchen	10/1/08	S
1910.334(a)(2)(ii)	Damaged orange extension cord	Kitchen	10/1/08	OTS
1910.141(a)(5)	Vermin Control	Kitchen	10/1/08	OTS
1910.1200(f)(1)	No label for propane tank	Maintenance Shop	10/1/08	OTS
*****	<b>This Section Applies To Mock</b>	<b>Inspection At The Judicial Center *****</b>		
1910.215(A)(2)(iii)	No guard for spindle end nut	Air Handler-Mechanical Room	10/3/08	S
1910.219(e)(1)	Inadequate guard on belt & pulley	Air Handler-Mechanical Room	10/3/08	S
1910.219(i)(2)	inadequate guard on rotating shaft	Air Handler-Mechanical Room	10/3/08	S
1910.146( c)(2)	No label for confined spaces	Mechanical Room	10/3/08	S
1910.305(b)(2)	No cover for electrical wiring	Mechanical Room	10/3/08	S
1910.305(b)(1)	Unused opening in panel box(2)	Mechanical Room	10/3/08	S
*****NOTE*****	<b>This applies to Elevator Room</b>	<b>4th Floor Judicial Center</b>	10/3/08	S
	No guard for moving parts of elevator; Richland Cty. Employees	The Standards cited above are the most used standards but are not the only ones used to issue citations or		
	will on occasion enter area to do minor maintenace such as working on lights, fixtures and are exposed to moving parts of elevator. This is an LLR issue since Richland Cty. does not control or inspect	propose penalties. The General Duty Clause is used often		



Claims / Incident Reviews

In addition to the claim investigation, an accident investigation per SCCWCT guidelines is done for each workers' compensation claim. An accident investigation is also completed for incidents not involving injury. Investigations are documented with the County's Safety Analysis form. This form contains the information desired by the Trust and contains additional information required by the County. The Safety Officer aids the supervisors (except the Sheriff, who does not participate) in completion of the form. It requires a detailed cause analysis, documents corrective actions and requires the department head's review and signature. The Risk Manager also reviews it.

The first page (see below) requires a clear description of the incident / accident. In addition it provides supervisors instructions on drug / alcohol testing and requires extra details for vehicle accidents. These two categories are County additions.

SAFETY ANALYSIS

DESCRIPTION of INCIDENT

Click or use the Tab key to move around. Do not use the Enter key.

Employee [redacted] Dept. Support Services Div. Facilities & Grounds RICHLAND COUNTY

Describe the incident clearly. If you attach an Incident Report, clarify it everywhere it is needed.

On March 20, 2012 about 9:00 M at Crane Creek Fire Station (continue with who, how and what) While taking the cover plate off of a gasoline powered hedger with a phillips screw driver, [redacted] hand slipped and the screw driver punctured his left hand between the index finger and thumb. [redacted] was taken to an Urgent Care Facility where he received (2) staples for injury.

Table with 3 columns: Witnesses, Address, Telephone(s). Row 1: N/A, [redacted], [redacted]

DRUG / ALCOHOL TEST

See Accident Report for Licensed Vehicles - Supervisors' Instructions. For incidents not involving a county driver, test when:

- 1. An employee has a recent history of drug or alcohol arrests, citations, deferred prosecutions or positive tests; or
2. An employee admits drug or alcohol use; or
3. A supervisor observes specific behavior indicating impairment; e.g., odor of alcohol or marijuana or slurred speech; or
4. A reliable informant or credible employee indicates drug or alcohol use (Call Legal at 576-2070 for questions.); or
5. An employee fails to follow any established safety procedure or commits a blatant or obvious safety violation that causes bodily injury or property damage.

Did the guidelines require testing? No If the test was not started within two hours of the occurrence explain why:

If a required alcohol test was not done within eight hours or a required drug test was not done within thirty-two hours explain why:

SUPPLEMENT for VEHICLE INCIDENTS

Employee / Driver: N/A was was not wearing a seat belt. List each passenger and indicate whether or not each one was wearing a seat belt:

Indicate the type ( basic, emergency, large vehicle) of defensive driving course the employee last completed and the date: Accident vehicle year, make, model and type:

If a mechanical defect is alleged, indicate if the last maintenance was according to schedule: If a known mechanical problem played a role in the incident and was not repaired indicate why:

Did the officer indicate that the county driver contributed to the accident? State any violation cited or charged

List any county sanctions:

Could the employee have prevented the accident? If so, how?

Date of the last motor vehicle record review for this driver: Briefly describe this driver's other work related motor vehicle accidents:

The Safety Analysis form provides the supervisor completing the form a detailed guide for cause analysis and requires documentation of corrective actions for each contributing factor.

Page 2 of 3

CAUSE ANALYSIS and CORRECTIVE ACTIONS

Employee ██████████

Indicate every cause that applies.

Direct Causes - Unsafe Acts

Corrective action taken, by whom and when. If no specific date is available, send it later.

- Skill / knowledge inadequate
- Procedure not followed
- Guard use improper
- Knew equipment defective
- PPE not used
- Safety device made inoperable
- Equipment operation unsafe
- Unauthorized use
- Lifting/carrying technique unsafe
- Lowering or placement unsafe
- Position improper
- Alcohol/drug impairment
- Physical/mental limitations
- Unaware of hazards
- Unsafe act by non-employee
- Other

██████████ was counseled by his Supervisor, Moses Gibson, on the need to use leather gloves while using hand tools such as cutting tools and screw drivers. The gloves could have prevented damage to his hand or at least minimize the effects caused by the screw driver.

Direct Causes - Unsafe Conditions

Corrective action taken, by whom and when. If no specific date is available, send it later.

- Guards/protection inadequate
- Defective equipment/tool
- Congested work area / road
- Floor/walking area unsafe
- Housekeeping unsafe
- Hazardous atmosphere
- Hazardous substances
- Warning system inadequate
- Fire/explosion hazard
- Material storage improper
- Ventilation inadequate
- Noise excessive
- Lighting inadequate
- Radiation exposure
- Road conditions poor
- Limited visibility
- Adverse weather
- Other

██████████ was counseled by his Supervisor, Moses Gibson, on the need to utilize proper hand protection while using hand tools to include any type of cutting tool or screw driver. The use of leather gloves could have prevented or lessened the injuries sustained by this incident. He was reminded that he must always be aware of personal hazards while using hand tools.

Basic Causes - Work System Inadequacies

Corrective action taken, by whom and when. If no specific date is available, send it later.

- Hiring/placement
- Work rules and procedures
- Instruction/training
- Safety procedures

██████████ was counseled by his Supervisor, Moses Gibson, to plan a task or project prior to starting his work. He must be aware of any and all hazards to himself and others and to utilize the proper PPE when using hand tools such as screw drivers. The use of the gloves as the proper PPE could have prevented the injury.

Each department head is supposed to review the analysis and sign the form in order to make certain management is fully informed of the accident / incident. The form is then reviewed by the Safety Officer and Risk Manager. The South Carolina Counties Workers Compensation Trust Director of Risk Management also reviews some of the forms.

Page 3 of 3

Employee [REDACTED]

- Preventive maintenance
  - Environmental control
  - Job planning
  - Work area design/layout
  - Equipment/tool quality
  - Medical monitoring
  - Supervision
  - Other
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_


**Basic Causes – Individual's Role**

Corrective actions taken, by whom and when. If no specific date is available, send it later.

- Preexisting physical condition None of these exist
- New impairment/condition \_\_\_\_\_
- Drug/alcohol use \_\_\_\_\_
- Learning disability \_\_\_\_\_
- Insubordination or dishonesty \_\_\_\_\_

**Additional information / comments** Corrective actions are the most important part. Use this to complete them or other information.

[REDACTED] was instructed by his Supervisor, Moses Gibson, to plan a project prior to starting the work and to identify any and all hazards that may exist for himself and others around him, and to utilize the proper PPE when using any type of hand tools to include cutting tools and screw drivers. The standard PPE for this type of work would be leather work gloves. The gloves could have prevented the injury or minimized the damage sustained to his hand.

Supvr. Moses Gibson  Department Support Services Div. F&G Phone 518-5377

Department Head John Hixon  Date 3-28-12 200  



December 2007

In working on the claim investigation and safety analysis the Risk Manager and the Safety Officer are always looking for accident and incident patterns. For example, there were multiple accidental injuries of deputies who were going over a relatively short fence during a physical test. The Sheriff's training officers emphasized instruction in accomplishing the task safely. In recent years there have been no reports of this type of injury.

NOTE: A large percentage of claims are due to circumstances that are not in control of the personnel.

1. Sheriff - Despite using techniques they are taught officers cannot avoid some arrest injuries.
2. EMS - In lifting very heavy people in tight places proper techniques cannot be utilized.
3. Detention - Officers cannot prevent some of the inmate violence as officers perform necessary duties.

# Richland County Council Request of Action

## **Subject**

12-04MA  
Richland County  
GC to RM-MD (.64 Acres)  
5225, 5229, 5235 & 5239 Ridgeway St.  
09309-03-07(p)/08(p)/09(p)/10(p) [**PAGES 193-195**]

## **Notes**

First Reading: April 24, 2012  
Second Reading:  
Third Reading:  
First Public Hearing: March 27, 2012  
Second Public Hearing: April 24, 2012

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 A PORTION OF EACH OF THE REAL PROPERTIES DESCRIBED AS TMS # 09309-03-07, 09309-03-08, 09309-03-09, and 09309-03-10 FROM GC (GENERAL COMMERCIAL DISTRICT) TO RM-MD (RESIDENTIAL, MULTI-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as a portion of TMS # 09309-03-07, a portion of 09309-03-08, a portion of 09309-03-09, and a portion of 09309-03-10 from GC (General Commercial District) zoning to RM-MD (Residential, Multi-Family – Medium Density District) zoning, (all as described in Exhibit A, which is attached hereto).

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

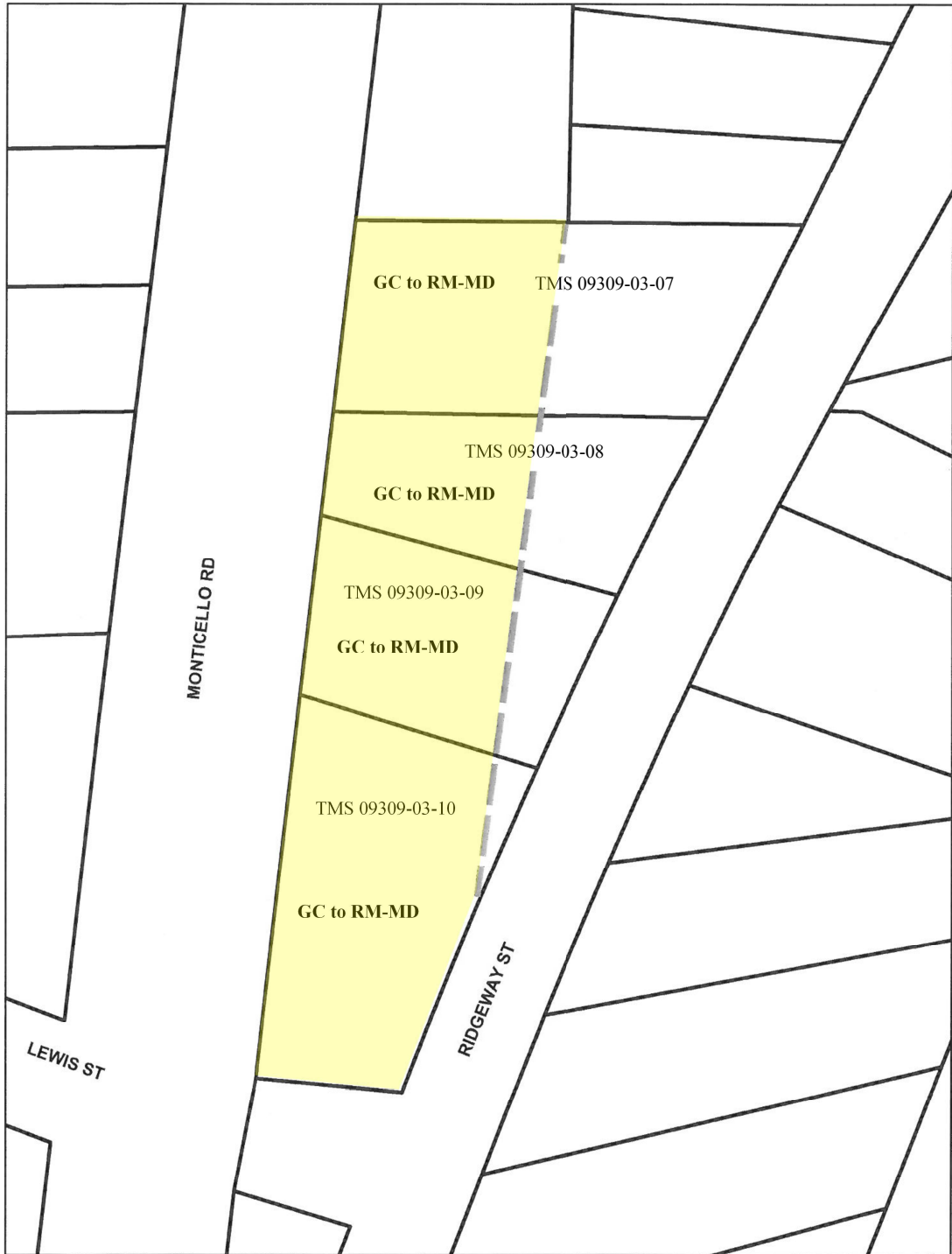
By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

First Public Hearing: March 27, 2012  
Second Public Hearing: April 24, 2012  
First Reading: April 24, 2012  
Second Reading: May 1, 2012 (tentative)  
Third Reading:

Exhibit A



# Richland County Council Request of Action

## **Subject**

12-14MA  
Marion Bouknight  
Lee Blythe  
RU to RS-MD  
Old Tamah Rd. & Shady Grove Rd.  
03500-04-08(p)/24 [**PAGES 196-198**]

## **Notes**

First Reading: May 22, 2012  
Second Reading:  
Third Reading:  
Public Hearing: April 24, 2012



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 PROPERTIES DESCRIBED AS A PORTION OF TMS # 03500-04-08 AND A PORTION OF TMS # 03500-04-24 FROM RU (RURAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the zoning designations for the real properties described as a portion of TMS # 03500-04-08 and a portion of TMS # 03500-04-24 from RU (Rural District) zoning to RS-MD (Residential, Single-Family – Medium Density District) zoning; as further described in Exhibit A, which is attached hereto.

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

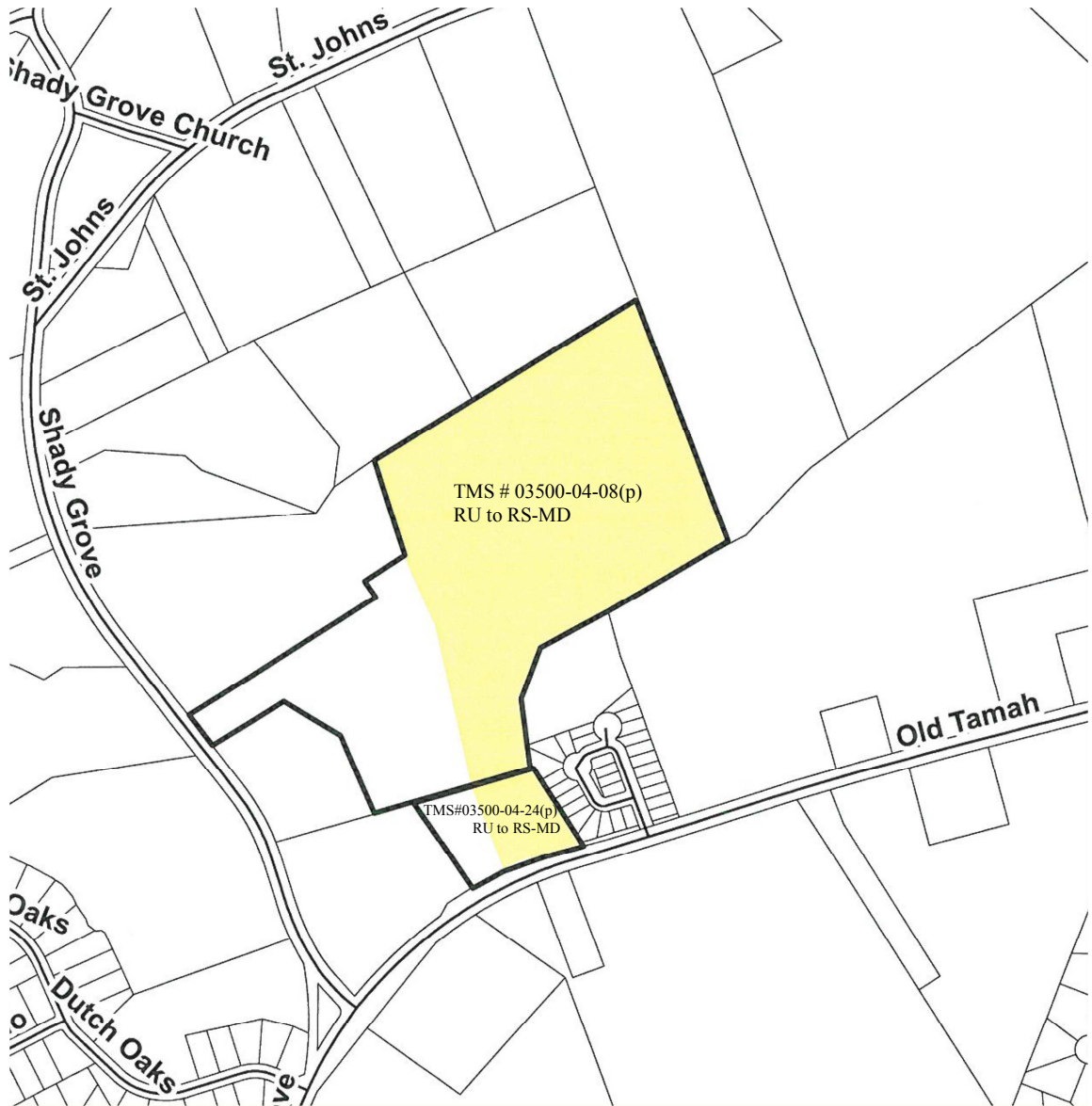
By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing: April 24, 2012  
First Reading: May 22, 2012  
Second Reading: June 5, 2012 (tentative)  
Third Reading:

Exhibit A



# Richland County Council Request of Action

## **Subject**

An Ordinance to levy and impose a one percent (1%) **(preliminary, subject to change)** sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto **[FIRST READING BY TITLE ONLY] [PAGES 199-200]**

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

AN ORDINANCE TO LEVY AND IMPOSE A ONE PERCENT (1%)\* **(PRELIMINARY, SUBJECT TO CHANGE)** SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN RICHLAND COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE RICHLAND COUNTY ELECTION COMMISSION; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

**\*County Council may, in its discretion, provide for the imposition of a 1%, 0.5%, and 0.25% sales and use tax, subject to a successful referendum.**

# Richland County Council Request of Action

## **Subject**

Utilities Crossing Conservation Easements in Richland County **[PAGES 201-202]**

## **Notes**

May 22, 2012 - The committee directed staff to go back to the motion as it was originally submitted in September 2011 and proceed from there. The vote in favor was unanimous.

## **Memorandum**

TO: Randy Cherry, Research Manager

FROM: James B. Atkins, Manager, Environmental Planning Division

SUBJECT: Update on Motion for Councilman Malinowski

DATE: April 16, 2012

This memo serves as an update on Councilman Malinowski's motion regarding utilities crossing conservation easements in Richland County. The motion states:

Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place (Malinowski, D&S, September 2011)

### **History**

Councilman Malinowski spoke with Geo Price, Amelia Linder and Buddy Atkins concerning the motion in late Sept 2011, including a discussion of amended the motion to apply more broadly to parcels other than conservations easements. Mr. Malinowski wanted the item placed on the October 2011 D&S Committee agenda. Buddy indicated that staff needs to see what action the Public Service Commission (PSC) takes concerning the SCE&G 230kv transmission line in northeast RC. This hearing is scheduled for October 20, 2011. Buddy indicated that RC intervened in the case and the PSC will not issue an order until December 2011. Until this order is issued, RC is not in a position to draft an ordinance impacting utility lines since Section 6-29-540 of the South Carolina Local Government Comprehensive Planning Enabling Act exempts utility lines from review by any county Planning Commission. Therefore, this item should not be on the agenda until the matter is settled by the PSC.

### **Update**

Richland County settled the case with SCE&G. As a result, the PSC Order did not contain any other language other than the parties agreed to settle and that the requirements of Section 58-33-160 (e) of the Utility Facility Siting and Environmental Protection Act had been met. No new case law or guidance from the PSC was contained in the order which describes whether the "proposed facility [transmission line] will conform to applicable State and local laws and regulations."

Staff has been investigating ordinance language which could be used to address Councilman Malinowski's motion. The task is to find some mechanism which "regulates" utility lines in a manner not inconsistent with Section 6-29-540 of the South Carolina Local Government Comprehensive Planning Enabling Act. This may mean placing requirements directly on landowners which restrict their ability to grant utility easements on/over/under their property without RC approval. Additional legal research is needed to craft the ordinance.

# Richland County Council Request of Action

## **Subject**

Bidding of Solid Waste Collection Services in Council District 11 [**PAGES 203-206**]

## **Notes**

May 22, 2012 - The committee recommended that Council bid out the contracts in service areas 2 and 6. The vote was in favor.

## **Richland County Council Request of Action**

**Subject:** Bidding of Solid Waste Collection Services in Council District 11

### **A. Purpose**

The purpose of this item is to request the County Council's consideration of a motion made at the April 3, 2012, Council Meeting regarding the bidding of solid waste collection services in Council District 11.

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

At the April 3, 2012, Council Meeting, Council Member Norman Jackson introduced the following motion:

“In an attempt to achieve a better fee for the citizens of Richland County and give opportunity for local vendors, I move that the County invite bids for the garbage operations in the SE area.”

In the process of rendering a decision on this motion, the following information should be considered:

- Richland County began providing County-wide curbside collection in January of 1986.
- The County currently provides curbside collection for residents through five contracted haulers. The services provided include the collection of household garbage, yard waste, bulk items and recyclables.
- Council District 11 encompasses Solid Waste Service Areas 6 and 7.
- In October 2011, the Council authorized staff to negotiate with the hauler for Service Area 6 (10,571 homes), and those negotiations are currently underway. The existing contract for Service Area 6 expires December 31, 2012.
- The Service Area 7 (6,295 homes) contract is not due to expire until 2014.
- In the past, the County has structured the contracts for solid waste collections so that the contract terms are staggered and that they don't all come up for renewal at once. Bidding area 7 at this time would change its position in the rotation.
- Negotiation of expiring contracts or rebidding contracts provides an opportunity for enhancing our current curbside service with additional services, such as improved recycling and yard waste programs.
- Current expiring routes are Service Area 2 with 8,694 homes (serviced by Waste Industries), and Service Area 6 with 10,571 homes (serviced by Advanced Disposal). Both of these contracts expire in December 2012.

### **C. Financial Impact**

The true financial impact associated with bidding vs. renegotiating the contracts cannot be determined unless and until bids are received. The Solid Waste Department budgets annually for all costs associated with curbside collection.



**D. Alternatives**

- 1. Direct staff to continue negotiations with the current contractor (Advanced Disposal) for Service Area 6.
- 2. Authorize staff to begin early negotiations with the contractor for Service Area 7.
- 3. Direct staff to rebid Service Areas 6 and 7.

**E. Recommendation**

As indicated above, the Council voted in October 2011 to authorize the staff to renegotiate the contract for Service Area 6. Staff has been conducting those negotiations for the past several months and has reached a preliminary agreement with the hauler (Advanced Disposal) which was to be presented to the Council later this month.

Because of the Council’s previous direction to renegotiate, and because of the fact that negotiations have all but been completed, it is recommended that Service Area 6 not be bid at this time and that the negotiation process be allowed to run its course. It should be noted that the negotiations appear to have achieved a very favorable outcome for the County in terms of cost and in terms of enhanced services.

Recommended by: Tony McDonald      Department: Administration      Date: 4/13/12

**F. Reviews**

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

**Solid Waste Department**

Reviewed by: Paul Alcantar      Date: \_\_\_\_\_  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Finance**

Reviewed by: Daniel Driggers      Date: 4/17/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood      Date: 4/17/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Procurement haven’t been involved with the negotiations.

**Legal**

Reviewed by: Elizabeth McLean

Date: 4/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council's discretion; however, if the contract for AREA 7 has not expired and Council wants to re-bid it, any termination proceedings should be done only in accordance with the contract terms.

**Administration**

Reviewed by: Tony McDonald

Date: 4/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Based on the previous direction from County Council, it is recommended that Service Area 6 not be bid at this time and that the negotiation process be allowed to run its course.

# 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; Section 26-141, Table of Permitted Uses; Permitted Uses with Special Requirements, and Special Exceptions; "Residential Uses" of Table 26-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit "Group Homes (10 to 15)" in the RU (Rural District), with special requirements **[FIRST READING] [PAGES 207-214]**

## **Notes**

May 22, 2012 - This item was forwarded to Council without a recommendation. The vote in favor was unanimous.

# DRAFT - AMENDED

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 12-\_\_HR

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, PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “RESIDENTIAL USES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT “GROUP HOMES (10 TO 15)” 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; “Residential Uses” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

# DRAFT - AMENDED

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
<b>Residential Uses</b>																	
Accessory Dwellings		SR	SR	SR	SR	SR	SR		P	P					SR		
Common Area Recreation and Service Facilities		P	P	P	P	P	P	P	P	P	P	P	P	P			
Continued Care Retirement Communities		SE	SE						SR	SR	SR		SR	SR			
Dormitories										P	SE			SE			
Dwellings, Conventional or Modular																	
Multi-Family, Not Otherwise Listed									P	P	P			P			
Single-Family, Detached		P	P	P	P	P	P	P	P	P							
Single-Family, Zero Lot Line, Common						SE	SE		SR	SR	SR			SR			
Single-Family, Zero Lot Line, Parallel				SR	SR	SR	SR		SR	SR	SR						
Two-Family									P	P							
Dwellings, Manufactured Homes on Individual Lots		SR	SR	SR				SR							SE		
Fraternity and Sorority Houses									P	P	P			P			
Group Homes (9 or Less)		SR	SR	SR	SR	SR	SR	SR	SR	SR							
Group Homes (10 or More to 15)		SR								SE	SE	SE	SE	SE			
Manufactured Home Parks								SR									
Rooming and Boarding Houses										SE	SE	SE	SE	P			
Special Congregate Facilities											SE			SE			

# DRAFT - AMENDED

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:

- (b) *Permitted uses with special requirements listed by zoning district.*
- (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)

# DRAFT - AMENDED

- (19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- (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) Group homes (10 to 15) - (RU)**

# DRAFT - AMENDED

(39)~~(38)~~Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

(40)~~(39)~~Kennels - (RU, OI, RC, GC, M-1, LI)

(41)~~(40)~~Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)

(42)~~(41)~~Lumber and Other Construction Materials – (GC)

(43)~~(42)~~Machinery, Equipment and Supplies – (GC)

(44)~~(43)~~Manufactured Home Sales – (GC, M-1)

(45)~~(44)~~Manufactured Home Parks – (MH, M-1)

(46)~~(45)~~Market Showrooms - (GC)

(47)~~(46)~~Motor Vehicles, New Parts and Supplies – (GC)

(48)~~(47)~~Motor Vehicles, Tires and Tubes – (GC)

(49)~~(48)~~Nondurable Goods, Not Otherwise Listed – (GC)

(50)~~(49)~~Paints and Varnishes – (GC)

(51)~~(50)~~Pet Care Services – (NC, RC)

(52)~~(51)~~Petroleum and Coal Products Manufacturing - (HI)

(53)~~(52)~~Petroleum and Petroleum Products - (M-1, HI)

(54)~~(53)~~Places of Worship – (RU, RR, RM-MD, RM-HD, RC)

(55)~~(54)~~Plumbing and Heating Equipment and Supplies – (GC)

(56)~~(55)~~Poultry Farms – (RU)

(57)~~(56)~~Produce Stands – (RU)

(58)~~(57)~~Public or Private Parks- (All Districts)

(59)~~(58)~~Public Recreation Facilities- (All Districts)

(60)~~(59)~~Radio, Television, and Other Similar Transmitting Towers – (M-1)



# DRAFT - AMENDED

(61)~~(60)~~Recreational Vehicle Parks and Recreation Camps – (RU)

(62)~~(61)~~Rental Centers, With Outside Storage – (GC)

(63)~~(62)~~Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)

(64)~~(63)~~Research and Development Services – (OI)

(65)~~(64)~~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)

(66)~~(65)~~Sexually Oriented Businesses - (GC, HI)

(67)~~(66)~~Sporting Firearms and Ammunition – (GC)

(68)~~(67)~~Swim and Tennis Clubs – (TROS)

(69)~~(68)~~Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

(70)~~(69)~~Tobacco and Tobacco Products – (GC)

(71)~~(70)~~Utility Substations - (All Districts)

(72)~~(71)~~Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)

(73)~~(72)~~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)

(74)~~(73)~~Warehouses (Self Storage) - (RC, GC, M-1, LI)

(75)~~(74)~~Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

(76)~~(75)~~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; is hereby amended by the insertion of a new paragraph to read as Paragraph “(38) Group homes (10 to 15)”, the existing Paragraph (38) is renumbered

# DRAFT - AMENDED

to read as Paragraph (39), and all remaining paragraphs are renumbered in appropriate chronological order.

(38) Group homes (10 to 15).

a. Use districts: Rural District.

b. Minimum lot size to establish a group home shall be five (5) acres.

c. The gross floor area of the group home shall not exceed seven thousand (7,000) square feet.

d. Parking shall not be located in the required front yard.

e. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line.

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: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

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

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

First Reading: June 5, 2012 (tentative)  
Public Hearing: July 24, 2012 (tentative)  
Second Reading: July 24, 2012 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

Resolution on Water/Sewer Rates for Non-City Residents **[PAGES 215-218]**

## **Notes**

May 22, 2012 - This item was forwarded to Council without a recommendation. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Resolution re: Water / Sewer Rates for Non-City Residents

### A. Purpose

Council is requested to direct staff as appropriate regarding the proposed Resolution recommended by Councilman Jackson.

### B. Background / Discussion

Councilman Jackson made the following motion at the April 17, 2012 Council Meeting:

**Motion to send a resolution to the city of Columbia not to raise the water and sewer funds on the backs of non city residents. Reason: If the city goes along these lines then the County may have no choice but to invest in a water system or invite private utility companies to provide water to the unincorporated areas. County residents should not be treated disproportionately to correct the City's shortfall. As representatives of the citizens of Richland County we must be mindful and do everything possible to protect the people we serve. [Jackson] Forwarded to the A&F Committee.**

A proposed Resolution is attached.

Direction from Council is requested at this time.

### C. Financial Impact

There is no financial impact associated with the Resolution at this time.

### D. Alternatives

1. Approve the Resolution.
2. Do not approve the Resolution.
3. Approve the Resolution as amended.

### E. Recommendation

Council discretion – Council motion.  
Norman Jackson, April 17, 2012

### F. Reviews

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

**Finance**

Reviewed by: Daniel Driggers

Date: 4/30/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/1/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council's discretion.

**Administration**

Reviewed by: J. Milton Pope

Date: 5/1/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Council discretion

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**A RESOLUTION**

**A RESOLUTION REQUESTING THAT THE CITY OF COLUMBIA NOT RAISE WATER AND SEWER RATES FOR NON-CITY RESIDENTS**

**WHEREAS**, the City of Columbia is considering raising water and sewer rates for its customers who are city and non-city residents; and

**WHEREAS**, as a result of this possible increase to non-city residents, Richland County may have no choice but to invest in a water system or invite private utility companies to provide water to the non-city residents who live in unincorporated areas; and

**WHEREAS**, residents who live in the unincorporated portion of the County who are water and sewer customers of the City of Columbia should not be treated disproportionately to make up for the City's shortfall; and

**WHEREAS**, generally, out-of-city customers pay twice the in-city rate; and

**WHEREAS**, as elected representatives of all the citizens of Richland County, Richland County Council should be mindful of and protect the citizens we serve.

**NOW THEREFORE BE IT RESOLVED** that Richland County Council requests that the City of Columbia not raise the water and sewer rates for Richland County customers who live in the unincorporated part of the County.

**ADOPTED** this \_\_\_\_ day of May 2012

\_\_\_\_\_  
Kelvin E. Washington, Sr. Chairman  
Richland County Council

ATTEST this \_\_\_\_ day of May 2012

\_\_\_\_\_  
Michelle Onley, Clerk to Council

# Richland County Council Request of Action

**Subject**

Board of Assessment Control-1; there is one vacancy on this board; Lisa McCloud, March 3, 2012\*

\* Eligible for reappointment

# Richland County Council Request of Action

**Subject**

Community Relations Council-1; there is one vacancy on this council for an unexpired term; Seneca Brewton Henry, April 5, 2014-Resigned **[PAGES 220-221]**



**SENECA BREWTON HENRY**

**113 Walters Road**

**Irmo, SC 29063**

Ms. Karen R. Jenkins, Chair

Greater Columbia Community Relations Council

930 Richland Street

Columbia, SC 29201

May 23, 2012

Dear Karen,

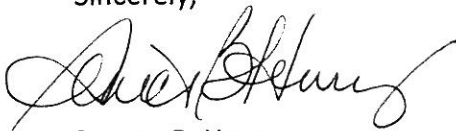
It is with regret that I am writing to inform you of my decision to resign my position on the Board of the CRC, effective immediately.

My responsibilities at my husband's office have expanded over the past year and necessitate my furthering my education. I have enrolled in an accelerated program and thus will be unable to realistically fulfill the requirements of my position on the Board. I have wrestled with this decision for the last couple of months and I feel it best for me to make room for someone with the time to devote to the job.

I wish the organization only the best for the future, and regret any inconvenience my resignation may cause. If I can be of service to the organization in the future, please do not hesitate to contact me.

With kind regards, I am

Sincerely,



Seneca B. Henry

Cc: Richland County Council

Ms. Henri Baskins, Executive Director

# Richland County Council Request of Action

**Subject**

East Richland Public Service Commission-1; there will be one vacancy on this commission; Catherine Cook, June 19, 2012

# Richland County Council Request of Action

**Subject**

Accommodations Tax Committee-4 (2 persons employed or have worked in Hospitality, 1 person employed or have worked in Lodging, and 1 person from a cultural industry); no applications were received

# Richland County Council Request of Action

**Subject**

Appearance Commission-2 (1 licensed horticulturalist and 1 landscaper is needed)

# Richland County Council Request of Action

**Subject**

Board of Assessment Control-1; one application was received from for the one position from Fred C. Meetze, Jr.  
**[PAGES 225-227]**



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: FRED CHALMERS MEETZE JR
Home Address: 1300 JEROME DRIVE COLUMBIA SC 29203
Telephone: (home) 803 786-4115 (work) 803 414-3073
Office Address: SAME

Email Address: FCMEEZE@YAHOO.COM

Educational Background: COLUMBIA H.S. / DREHER HS. 1978 - 2yrs VARIOUS TECH-

Professional Background: SELF-EMPLOYED - 26yrs IN SCAC + PROFESSIONAL CLASSES

Male [checked] Female [ ] Age: 18-25 [ ] 26-50 [ ] Over 50 [checked]

Name of Committee in which interested: BOARD OF ASSESSMENT CONTROL

Reason for interest: THE TIME HAS COME FOR ME TO GIVE BACK TO OUR COMMUNITY, WHICH HAS HELPED SUSTAIN ME.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

COLUMBIA NATIVE. BUSINESS OWNER 26yrs. HOME BUILDER IN RECH. CITY 26yrs.

Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give?

Recommended by Council Member(s):

Hours willing to commit each month: 4-6 OR AS NEEDED

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 Committee, Board or Commission 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 Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission 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 Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

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

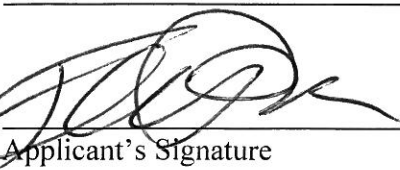
**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

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 Committee, Board or Commission?

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

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

\_\_\_\_\_

  
Applicant's Signature

5-29-2012  
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, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

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

# Richland County Council Request of Action

**Subject**

Business Service Center Appeals Board-1 (a CPA is needed); no applications were received



# Richland County Council Request of Action

**Subject**

Employee Grievance Committee-1; one application was received for the one position from Betty A. Etheredge  
**[PAGES 229-231]**



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Betty A. Etheredge
Home Address: 264 Nurnberg Drive, Batesburg-Leesville 29070
Telephone: (home) 803-657-7515 (work) 803-576-2161
Office Address: 2020 Hampton Street
Email Address: etheredgeb@rcgov.us
Educational Background: Associates in Art
Professional Background: 9 1/2 yrs @ Richland Co., 17 1/2 yrs @ CMCOG
Male [ ] Female [x] Age: 18-25 [ ] 26-50 [x] Over 50 [ ]
Name of Committee in which interested: Employee Grievance
Reason for interest: I have enjoyed working on the committee in the past and would like to again.
Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:
Presently serve on any County Committee, Board or Commission?
Any other information you wish to give?
Recommended by Council Member(s):
Hours willing to commit each month: 4

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 Committee, Board or Commission 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 Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission 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 Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

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

**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 Committee, Board or Commission?

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

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

\_\_\_\_\_

 05-08-2012  
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, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

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

# Richland County Council Request of Action

**Subject**

Council Member Individual Discretionary Account Motions [**PAGES 232-234**]

# The County of Richland



## Office of the County Attorney

### MEMORANDUM

From: Bradley T. Farrar, Deputy County Attorney

To: Rules and Appointments Committee

Date: April 23, 2012

**Re: Council Member Individual Discretionary Account Motions**

I have reviewed Motion No. 5 on the Individual Discretionary Account Motions matrix. There is nothing legally objectionable associated with this motion. Any actions taken relative to it if passed by Council will need to be coordinated among Council, Administration and Finance, which is contemplated in the motion.

S.C.Code Ann § 4-9-100, provides in relevant part that, "Members may (also) be reimbursed for actual expenses incurred in the conduct of their official duties." The County may wish to consider referring to such accounts as "reimbursement for actual expenses" (or "reimbursement account," etc.) rather than as individual discretionary accounts, and model their use after 4-9-100.

The Legal Department provided an attorney-client privileged memorandum dated November 16, 2011, on this subject as well that Council may wish to refer to, along with Richland County Council's Individual Expense Account Policy Guidelines (undated), attached.

Finally, S.C. Attorney General Opinion, dated November 13, 2003, generally is instructive in this area.

**Richland County Council's Individual Expense Accounts**  
**Policy Guidelines**

Policy: The Individual Expense Accounts are to be used as a general government reimbursement expense fund and not for the exercise of legislative functions.

Description of Allowed Expenses:  
(this list is not all-inclusive and should be used merely as a guideline)

- Cost of general business supplies not provided by the County
- Cost of general periodicals, professional journals, and reference books related to the operation of County government
- Cost of per diem and mileage involved in the conduct of County business
- Costs associated with community functions, conferences and training seminars, such as food, gas, mileage automobile rental, accommodations, tuition and materials

Categories of Non-Allowed Expenses:

- Any **legislative** function, including those already being acted on by the full Council and those not before the Council but involving traditionally legislative functions such as infrastructure, public recreation, etc.
- Using public funds for a private purpose or in furtherance of any particular religion
- Any disbursement of funds which would ordinarily be disbursed through another County process, such as the budget process, hospitality tax fund disbursements, etc.

# Richland County Council Request of Action

**Subject**

Add to Section 4.1 of Council Rules: "No standing committees of Council shall be scheduled at the same time." [LIVINGSTON]

# Richland County Council Request of Action

**Subject**

That all items currently listed at the end of the A&F and D&S Committee agendas as "Items Pending Analysis" be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now  
**[MALINOWSKI]**



# Richland County Council Request of Action

**Subject**

All committee items being sent to full council will not automatically be placed on the consent agenda but be listed as first reading items. The rationale is that only three persons could be present for the quorum and if all voted for the item it goes on the consent and this is only about 27% of council. **[MALINOWSKI]**

# Richland County Council Request of Action

**Subject**

Reviewing Committee Qualifications [**PAGES 238-244**]

## Boards and Committees with Special Requirements

### Accommodations Tax Committee

State Law requires:

- Majority of the seven member committee come from the hospitality industry
- At least two member must be from the Lodging industry
- One member must represent cultural organizations

### Airport Commission

- Two of the nine members must reside within one mile of the airport

### Appearance Commission

- One member must be a landscape architect or landscaper
- One member must be a horticulturalist

### Building Codes Board of Adjustments

- There must be a licensed electrician, architect, contractor, engineer, builder, plumber, and someone that handles gas
- The other four members must come from the fire protection industry

### Business Service Center Appeals Board

- Three of the five members must be CPAs
- One member must be from the SC Bar Association
- One person must be from the business community
- Only one Richland County Employee can serve at a time

### East Richland Public Service Commission

- All five members must reside or be electors of the district

### Internal Audit Committee

#### o First Appointee

- Appointment must be a citizen of Richland County.
- Must have, at a minimum, Bachelor of Science (BS) degree in an accounting, a financial and/or a managerial discipline.
- Preference will be given to individuals with Certified Public Accountant (CPA) credentials (currently licensed in South Carolina)
- Preference will be given to individuals with at least ten or more years of experience in the accounting, finance and /or management professions of which must be in an upper management role.
- Appointment to be made by a majority vote of the County Council (per ordinance).
- Appointee will be required to sign a conflict of interest statement.
- Appointee will be required to sign a confidentiality agreement.

○ Second Appointee

- Must also be a citizen of Richland County.
- While no other qualifications are required for Appointment #2, preference may be given to individuals with some or all of the qualifications required for Appointment #1.
- Appointment to be made by a majority vote of the County Council (per ordinance).
- Appointment shall be for a one-year term, with up to three term renewals (per ordinance).
- Appointee will be required to sign a conflict of interest statement.
- Appointee will be required to sign a confidentiality agreement.

All board and committee member must be residents of Richland County

## **Board or Commission**

### **Accommodations Tax Committee**

- Established pursuant to S.C.Code Ann. Section 6-4-25, which provides in relevant part:

#### **§ 6-4-25. Advisory Committee; guidelines for expenditures; annual reports; reports to Accommodations Tax Oversight Committee**

(A) ...The advisory committee consists of seven members with a majority being selected from the hospitality industry of the municipality or county receiving the revenue. At least two of the hospitality industry members must be from the lodging industry where applicable. One member shall represent the cultural organizations of the municipality or county receiving the revenue. For county advisory committees, members shall represent the geographic area where the majority of the revenue is derived. However, if a county which receives more in distributions of accommodations taxes than it collects in accommodations taxes, the membership of its advisory committee must be representative of all areas of the county with a majority of the membership coming from no one area.

### **Airport Commission**

- Established pursuant to Richland County Code of Ordinances Section 3-21, which provides in relevant part:

#### **Sec. 3-21. Established; composition; terms; officers; meetings.**

... (b) The Richland County Airport Commission shall consist of nine (9) commissioners to be appointed by the county council; provided, however, that at least two (2) of the appointees shall reside in either the Rosewood, Shandon, or Hollywood-Rose Hill-Wales Garden area.

## Appearance Commission

- Established pursuant to Richland County Code of Ordinances Section 2-332(i), which provides in relevant part:

(i) *Richland County Appearance Commission.*

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

## Building Codes Board of Adjustment

- Established pursuant to Richland County Code of Ordinances Section 6-75, which provides in relevant part:

### **Sec. 6-75. Building codes board of appeals. (Ord. 007-11HR; 2-1-11)**

(a) *Establishment.* The building codes board of appeals is hereby established and shall consist of seven (7) members. Such board shall consist of one (1) architect, one (1) engineer, one (1) contractor, one (1) alternate member from each of the building, electrical, gas and plumbing industries, and three (3) alternate members from the fire protection industry. All members shall be residents of the county. All members shall be appointed by the council and serve without compensation. Based on the nature of the pending appeal(s), the Building Official shall select four (4) of the alternate members to serve on the board for any scheduled meeting and shall take into consideration the expertise offered by said member in making such selections. (Ord. 007-11HR; 2-1-11)

## **Business Service Center Appeals Board**

- Established pursuant to Richland County Code of Ordinances Section 2-332(l), which provides in relevant part:

(l) *Richland County Business Service Center Appeals Board.*

(2) *Membership.* The Business Service Center Appeals Board shall consist of five members who shall be appointed by majority vote of the Council. The five-member board shall be comprised of three Certified Public Accountants, one member of the S.C. Bar Association, and one other business person. All members must be interested citizens residing in Richland County. Not more than one member of the Appeals Board may be an employee of the County.

## **East Richland Public Service Commission**

- Established pursuant to Richland County Code of Ordinances Section 2-332(f), which provides in relevant part:

(f) *East Richland Public Service District.* The public service district shall consist of five (5) members appointed by the governor upon the recommendation of the county council for five (5) year terms. Members shall be electors or residents of the district, and at least one member shall be a resident of each incorporated municipality within the districts. Meetings at call.

## **Internal Audit Committee**

- Established pursuant to Richland County Code of Ordinances Section 2-332(q), which provides in relevant part:

(q) *Internal Audit Committee.*

(2) *Membership; terms.* The Internal Audit Committee shall be comprised of three members of Council (the Council Chair, the A&F Committee Chair, and the D&S Committee Chair), two citizens appointed by a majority vote of the Council at large, and an employee appointed by the County Administrator. The citizens' and the employee's terms shall be one year in length, with up to three term renewals permitted. The Council members' terms shall be for as long as they serve in the capacity of Council Chair or Committee Chair.

# Richland County Council Request of Action

**Subject**

Richland County/City of Columbia Intergovernmental Fire Agreement [**PAGES 245-263**]





Manager. Resolution of issues related specifically to the County Fire District (Service Area), will be brought to the City Manager by the County Administrator for resolution.

## 1. DEFINITIONS:

- a. "County" or "Richland County" shall refer to Richland County, Richland County Council, Richland County Administrator or his designee.
- b. "Columbia" shall refer to the City of Columbia, Columbia City Council, and Columbia City Manager or is designee.
- c. "Fire Services" shall refer to fire suppression, rescue, hazardous materials response, and any other services approved and funded by Richland County.
- d. "Operational Authority" is defined as the authority granted to Columbia by Richland County under this agreement, to be used in the direct operations of approved services, as outlined and funded by Richland County.
- e. "Operational Oversight" is defined as Richland County's authority to approve and monitor all services funded by this agreement.
- f. "Administrative Authority" refers to the administrative authority delegated to the Fire Chief to oversee, manage and approve all functions of the fire department as outlined in this agreement.
- g. "Columbia Financial Responsibility" is defined as the responsibility of Columbia to spend funds provided by Richland County in the manner approved and budgeted and to collect water fees or other fees as agreed upon and as described in this agreement, and to properly account for all personnel, operational funds, equipment and supplies.
- h. "Richland County Financial Responsibility" is defined as the responsibility of Richland County to budget, collect taxes, collect fees and other sources of revenue, to monitor Columbia's spending of budgeted funds, to monitor equipment and supplies purchased under this agreement, to distribute funds required to administer this agreement, and the right to audit any and all funds and processes used by Columbia in the administration of Richland County funds used to implement this agreement.
- i. "Service Area" is defined as all areas of Richland County except those areas that are included in the incorporated limits of Columbia and the Town of Irmo.
- j. "County Fire District" refers to a duly adopted taxing district that includes all areas in Richland County. An ad valorem tax is collected to provide funding for Richland County services.
- k. "ISO" is the Insurance Services Office. ISO evaluates and rates fire districts and departments.
- l. "PPC" refers to the ISO Public Protection Classification used to provide a quantitative value of a fire department's fire suppression capability.
- m. "AVL" refers to the Automatic Vehicle Location System that is used by the 911 Call Center to track the location of emergency vehicles in real time.
- n. "CAD" refers to the Computer Aided Dispatch system used by the 911 Call Center to process emergency calls, incident information, emergency vehicle identification, routing and other information used in the dispatching and tracking of calls and emergency vehicles to emergency scenes.
- o. The "CA" refers to a Contract Administrator. Richland County and the City of Columbia may authorize and assign individuals to monitor for compliance of this agreement.
- p. The "FAC" refers to the Fire Advisory Committee which will provide advisory input into the operations of the fire suppression service outlined in this agreement.

- q. "Automatic Aid" refers to the immediate dispatch of Richland County or Columbia fire suppression resources to areas outside of the Service Area and/or Columbia city limits for an emergency call or incident.
- r. "Mutual Aid" refers to the dispatch of Richland County or Columbia fire suppression resources to areas outside of the Service Area and/or Columbia city limits after another jurisdiction request direct assistance.
- s. "Overtime or OT" refers to the time a worker who is funded through this agreement, is allowed to work above the hours of his/her regular scheduled shift. Any work requiring any type of compensation other than the regular budgeted salary for the worker, will be considered Overtime work.
- t. "Communications Center" refers to the joint Richland County / Columbia 911 Public Safety Answering Point and dispatch center.
- u. "NFPA" refers to the National Fire Protection Association which sets codes and consensus standards for the fire service.
- v. "OSHA" refers to the Occupational Safety and Health Administration, which regulates all worker safety.
- w. "Minimum Staffing" refers to the establish minimum staffing levels for fire shift throughout the County Service Area and the City of Columbia limits as set forth in Appendix B of this agreement which defines the total number of career fire personnel on-duty each 24-hour shift.
- x. "NIMS" refers to the National Incident Management System used by the fire department to provide a systematic, proactive approach for guidance for operations for the management of domestic incidents in order to reduce the loss of life and property and harm to the environment.
- y. "Overhead" refers to the cost of administrative and support personnel required to operate and manage the Columbia Fire Department and the Richland County (Service Area), which is shared by the County and City funded and charged proportionately at salaries plus benefits to be detailed within each respective budgets.

## **2. ORGANIZATION**

- a. A Fire Advisory Committee (FAC) shall be established consisting of the following members: Richland County Council will elect one Richland County Council Member, who represent primarily unincorporated areas of Richland County; Columbia will select one Columbia City Council Member; County Administrator or a representative; City Manager or a representative; Richland County Emergency Services Director; Columbia Assistant City Manager; and the Columbia Fire Chief. Both parties can appoint one additional member each.
- b. The purpose of the FAC is to provide advisory input into the joint fire policies, procedures, budget requests, and planning as it relates to providing fire service in the Richland County Service Area and in Columbia. The FAC should meet no less than quarterly.
- c. Fire Chief – If applicable, during the term of this agreement, the Fire Chief shall be selected by the City of Columbia. The City will appoint a Selection Committee with representation from the City and County to conduct candidate reviews and to make nonbinding recommendations to be submitted in writing to the City Manager. The City Manager with input from the County Administrator or his designee will appoint the Fire Chief. Nothing in this agreement relinquishes the City Manager's authority to appoint a Fire Chief as set forth in City Code and State law. The FAC and the County Administrator will provide input into the Fire Chief's annual performance review submitted in writing to the City Manager.

### **3. FIRE STATIONS**

- a. The County will be responsible for all existing County owned and operated fire stations and will conduct routine maintenance as required in order to meet applicable codes and regulations for workplace environments. Richland County shall be responsible for insuring all fire stations at its sole cost and expense.
- b. The City will be responsible for all existing City owned and operated fire stations and will conduct routine maintenance as required in order to meet occupational safety and health administration regulations for workplace environments. City of Columbia shall be responsible for insuring all fire stations at its sole cost and expense.
- c. Additional fire stations may be constructed during the terms of this agreement. The Fire Chief will submit new station recommendations to Richland County for consideration. The Fire Chief may establish committees to assist in developing those recommendations.
- d. The Fire Chief as a part of the annual budget process will make capital improvement recommendations to include any new fire stations to be contained within each City and County budgets as applicable.
- e. Richland County shall design, fund and build expansion stations in accordance with Richland County's strategic and capital improvement plans.
- f. The City of Columbia shall design, fund and build expansion stations in accordance with the City of Columbia's strategic and capital improvement plans.
- g. The Fire Chief, during the first year of this agreement, will conduct a feasibility study for the construction and operation of a joint training facility.

### **4. PERSONNEL**

- a. Overhead personnel will be jointly funded by Richland County and the City of Columbia which supports the operations of the Columbia Fire Department and the Richland County (Service Area). The overhead funding to support such operations will be funded as outlined in Appendix A of this agreement and is subject to approval by each party. The overhead personnel cost will be appropriately charged within the approved County and City budgets with each party being charged its proportionate share of such personnel cost to include salaries plus benefits.
- b. Fire-shift (24-hour) staffing personnel will be funded by Richland County and the City of Columbia based on minimum staffing levels as outlined in Appendices B.1 and B.2. The fire career shift staffing personnel cost will be appropriately charged to each station budget by general ledger code.
- c. The fire department will establish a software interface with its current staffing software and the financial software used by the City to accurately track actual personnel cost to ensure all cost funded by Richland County and the City of Columbia are charged appropriately. This will ensure all personnel working on a City or County unit are charged to that unit and the minimum staffing levels are maintained as stated in Appendices B.1 and B.2.

d. The fire department will staff each career fire shift position based on ISO fire company distribution of on-duty personnel and best industry practices which meets South Carolina-Occupational Safety and Health Administration (SC-OSHA) regulations and the National Fire Protection (NFPA) Standard 1710, for fire suppression deployment operations for interior structural fire fighting operations and rescue activities for initial arriving companies and initial full alarm assignment capabilities. The Fire Chief or his designee will endeavor to maintain the established minimum staffing levels for fire shift on a daily basis. However, it is understood these minimum levels may be adjusted on any 24-hour shift as deemed necessary while accomplishing the overall mission of the department.

e. The fire department will include in its quarterly reports to the FAC summary reports of all personnel costs charged to each station budget which will include all staffing exceptions charged and total number of staffing hours each station was covered. These reports will assist the FAC in ensuring all budgeted to actual expenses are charged to the appropriate accounts as approved by each council.

f. Personnel funded by Richland County will be stationed in the Service Area and personnel funded by Columbia will be stationed in areas inside of Columbia City limits.

g. Any temporary movement of County personnel used to fill shortages or vacancies at Columbia stations must be accounted for by location, with costs assigned to the appropriate budget. The Fire Chief or his designee will have the authority to move and/or reassign or transfer personnel but must stay within the established Richland County fire budget.

h. With the exception of volunteer firefighters, personnel authorized and funded in the Richland County fire suppression budget under this agreement, shall be considered City of Columbia employees and subject to the personnel, health and safety policies of Columbia. However, all volunteer firefighters will comply with the personnel, health and safety policies of the City of Columbia as referred to in the Volunteer Standard Operating Guidelines.

i. Only positions authorized and funded under this agreement, and used in the manner approved by Richland County, shall be paid from the adopted and approved Richland County fire suppression budget.

j. A program for volunteer recruitment, retention, promotion, credentialing, and career development will be established by the Fire Chief and managed by a staff officer, whose role will be to recruit and retain volunteer firefighters for staffing each volunteer fire station as defined for the Service Area as listed in Appendix B.1 (volunteer staffing by station).

## **5. COUNTY**

a. This agreement will be monitored through the Richland County Emergency Services Department. The Richland County contract administrator(s) will monitor this agreement for compliance. The CA or CA's shall have access to any records pertaining to the administration of this agreement and all data collected by Columbia in its implementation of this agreement.

b. All Richland County buildings, vehicles and large pieces of equipment will be insured by Richland County with limits of liability as established by South Carolina law for governmental entities.

- c. Richland County will be responsible for routine maintenance of stations owned by Richland County.
- d. Richland County will determine where new or relocated stations will be constructed in the Service Area with advisory input from the Fire Chief. Richland County will design, fund and build expansion stations in accordance with Richland County's strategic and capital improvement plans.

## **6. COLUMBIA**

- a. Tactical operations will be administered using Standard Operating Procedures, Standard Operating Guidelines, policies and procedures as approved by the Fire Chief.
- b. Any and all agreements for automatic aid or mutual aid entered into by Richland County with any other agency or governmental entity will be activated by incorporating them into the emergency response protocols for fire suppression response, and in Communications Center resources such as AVL and CAD, and in all practical applications.
- c. A comprehensive water supply program will be developed to include the use of public and private water systems with hydrants, lakes, ponds, streams, swimming pools, dry hydrants, tankers and a water shuttle system. The water supply response directives will be incorporated into the CAD system.
- d. A training and deployment plan for the water shuttle program will be developed and exercised monthly to improve training and implementation of the water shuttle system.
- e. The Columbia Fire Chief shall prepare a monthly report to be presented to Richland County. The report will outline fire calls by type, other emergency calls by type, personnel status including vacancies and staffing patterns, training, financial data including expenditures, equipment status including maintenance of vehicles, and any other pertinent data needed to reflect the status of the fire suppression response system. The Fire Chief will present to Richland County and the FAC a comprehensive report on the status of the fire service on a quarterly basis, or more often if warranted.
- f. The City of Columbia will require fire hydrants along new water system lines at distances outlined by the International Building Code and the Insurance Services Office (ISO).
- g. All hydrants located in the Service Area owned by Columbia shall be inspected yearly, repaired, maintained, tested and marked per ISO and other applicable standards. The City of Columbia will endeavor to repair hydrants within thirty (30) days notice of receiving information a hydrant is inoperable and/or establish a contingency plan for alternative water supply coverage when deemed necessary.
- h. All front line fire response vehicles will utilize the AVL and dispatch CAD system to determine closest appropriate response unit. This information will also be used to determine the correct number of units needed to respond to emergency calls as identified by the type of call.
- i. Columbia shall maintain all County owned equipment and vehicles assigned to Columbia through this agreement, at the same level of service as Columbia equipment and vehicles are maintained. The cost will be included in each party's annual budget process. All repairs and

maintenance charges will be charged to the appropriate station budget that reflects the actual time and cost for maintaining the fleet for all City and County owned apparatus and equipment. All associated data and cost information of the maintenance program shall be included in the monthly report sent to the County and included in the FAC quarterly report.

j. With the exception of the electronic inventory reporting and staffing software interfaces, all reporting required by this agreement will be reported in a format available to the City and initiated immediately. The electronic inventory and staffing interfaces will be provided at such time the City's software is installed and fully operational. The City will endeavor to provide these reports on or before July 1, 2013.

## **7. EQUIPMENT**

a. The fire department will install an electronic inventory and asset accounting tracking system, jointly funded by the City and the County. This software will be incorporated into the department's records management system detailed and separated by individual stations for inventory tracking. The system will maintain separate inventories based on County or City owned.

b. As equipment and supplies are processed for distribution, hand receipts will be used and filed electronically to maintain an accurate record of which the equipment was issued to and a listing of the location of where the property is assigned and charged to, base on County or City. No equipment or supplies will be issued unless it is signed for and charged to the appropriate station account and approved by the Logistics officer.

c. The Fire Chief will submit quarterly reports to Richland County and the FAC for review to ensure all resources funded by the City and the County are recorded and kept separate.

d. A complete year-end inventory will be conducted each year of all apparatus, support vehicles and equipment. It will be the responsibility of the Fire Chief to ensure all inventories are reconciled and maintained throughout the duration of this agreement. A copy will be sent to Richland County each year prior to the end of May.

e. Spare or surplus equipment must be kept segregated as Richland County or City of Columbia property.

f. All Richland County vehicles and large pieces of equipment will be insured or self-insured by Richland County at its sole cost and expense.

g. All vehicles purchased with Richland County funds and used by the Columbia Fire Department in implementing this agreement must have "Richland County" displayed on the vehicle. This may be illustrated as "Columbia - Richland."

h. Richland County will establish and fund interoperable voice and data communication resources for use in the Service Area for vehicles, fire fighters who are funded by Richland County, and for use in alerting of volunteer fire fighters assigned to Richland County stations.

i. The City of Columbia will establish and fund interoperable voice and data communication resources for use in the City for vehicles, fire fighters who are funded by the City, and for use in alerting of fire fighters assigned to City stations.

j. All dead-lined or obsolete equipment or vehicles purchased with Richland County funds will be returned to Richland County for disposal.

k. Richland County maintains the right to conduct at its sole cost and expense an audit of any and all parts of this agreement to ensure compliance, however; a draft copy of the results shall be provided jointly.

## **8. OPERATIONAL IMPLEMENTATION**

a. All incident operational responsibilities outlined under this agreement will be conducted using current National Incident Management System guidelines and the Incident Command System.

b. It is understood that all Richland County fire assets authorized by this agreement, and assigned to Richland County stations, are available for automatic aid response in Columbia and may be dispatched and used on emergency calls within Columbia. It is understood that all Columbia fire assets assigned to Columbia stations are available for automatic aid response in Richland County and may be dispatched to calls in the Service Area.

c. Richland County further delegates to the Fire Chief to assign, limit or restrict the use of any and all fire vehicles purchased with Richland County funds and used in the administration of this agreement. Richland County shall provide to the Fire Chief all applicable policies related to the operations of Richland County owned vehicles to ensure the vehicles are operated consistent with Richland County policies regarding the use of County vehicles.

d. All Richland County fire resources shall be available for automatic and mutual aid response to any surrounding jurisdictions provided it does not create a shortage of fire suppression capabilities in the Service Area and the automatic aid agreements have been approved by Richland County.

## **9. VOLUNTEER FIREFIGHTERS**

a. Under the terms of this agreement all volunteer firefighting personnel will report through the chain of command to the office of the Fire Chief and will perform their duties as defined and at the discretion of the Fire Chief. The Fire Chief will have the authority to appoint or remove any volunteer firefighter with input from the County. All volunteer firefighters will receive their routine fuel reimbursements from Richland County. All volunteers will be subject to all departmental policies, rules and regulations as set forth by the Fire Chief.

b. There shall be a volunteer recruitment, retention and training program for volunteers as authorized in this agreement.

c. Richland County shall provide Worker Compensation Insurance for volunteers that will supplement the present statutory worker's compensation benefits for volunteer fire fighters. The County, at its discretion, may self fund these benefits.



d. A volunteer's privately owned vehicle may be authorized by Richland County to use red emergency lights and siren when responding to an authorized emergency call. Volunteers and their vehicles must meet criteria and guidelines established by the Richland County Fire Marshal.

e. Volunteers designated by Richland County to operate a privately owned emergency vehicle using red lights and sirens, must be pre-approved by the Richland County Fire Marshal's office. Each vehicle approved by Richland County must display an "Authorized Emergency Vehicle" decal issued by Richland County. Volunteers approved to operate a privately owned emergency vehicle must meet all requirements as established by the Richland County Fire Marshal. Volunteers will be issued an "Emergency Vehicle Authorization" identification card that must be carried while operating a designated privately owned emergency vehicle.

f. Approved volunteer firefighters meeting the minimum training and safety standards will be used to staff all volunteer stations as listed in Appendix B.1. Volunteers will be trained based on the Columbia Fire Department's training and response standards ranging from non-smoke, smoke, driver operator, officer, and/or administrative capabilities as set by the Fire Chief and implemented and monitored by the Volunteer Coordinator. The Volunteer Coordinator will develop minimum training requirements for credentialing volunteers for use in special operations to include hazardous materials response and technical rescue operations.

g. All volunteer firefighters will be encouraged to participate in riding on all fire units career and volunteer in addition to the minimum staffing levels to ensure a seamless fire fighting force and to enhance training sessions and fire ground cohesion during emergencies.

## **10. FIRE FIGHTER TRAINING**

a. All fire fighters authorized under this agreement will receive the same level of training regardless of career or volunteer and must maintain defined standards as set by the Fire Chief.

b. Training will be provided equally and shall be conducted on weekends, weekdays, and weeknights and at hours that accommodate career and volunteer firefighter work schedules.

c. A training schedule will be coordinated and published in May of each year outlining the classes being offered for the next 12 months, starting in July of each year. All published classes will be conducted regardless of limited attendance. Should classes targeted to the volunteer firefighters schedule not have sufficient applicants signed up to attend the remaining slots will be filled with career personnel as to ensure the class is not cancelled due to lack of participation.

d. Volunteer training classes will be rotated between County stations in the upper part of the County, lower part of the County and the northwest part of the County.

e. There shall be a combination of career and volunteer designated instructors for all firefighters and will be coordinated through the Fire Department Training Bureau.

f. Richland County and the City of Columbia during the term of this agreement agree to endeavor to provide through proposed budget process funding to train and provide as staffing allows one (1) on-duty Emergency Medical Technician (EMT) for each roster staffed fire engine within the Columbia Fire Department and Richland County (Service Area) as funding permits.

## **11. PUBLIC PROTECTION CLASSIFICATION**

- a. The County and City portions of the fire suppression budget and all operational policies and procedures for fire suppression activities will support maintaining and improving the ISO PPC currently in place at the time of this agreement.
- b. Expenditure of County and City funds for training, equipment and supplies must be used to maintain or improve the ISO PPC for the respective service areas of the Columbia Fire Department and the Richland County (Service Area) and must be approved by the Fire Chief.
- c. Richland County fire assets and Columbia fire assets will be jointly used in a manner that maintains or improves the ISO PPC of both Richland County and Columbia.

## **12. FINANCIAL/ ACCOUNTABILITY**

- a. Each year the Fire Chief will develop and present separate budgets for fire protection services within the Richland County (Service Area) and the City of Columbia. Each budget will consist of a detailed fire budget to include; fire administration, operations-(suppression) station-by-station, training and logistics.
- b. Each budget request will detail those costs associated and determined by the Fire Chief in order to maintain the current service levels including the minimum career staffing levels as set forth in Appendix B. Each budget request will be at the funding levels necessary for the collective operations of the Columbia Fire Department and the Richland County (Service Area) and will include any supplemental requests as may be deemed necessary for expansion of service levels. The costs associated with the operation of the fire administration and each stations operation will be detailed.
- c. The budget requests will outline all expenses, assigning each expense to the appropriate general ledger account and by station budget. All personnel funded will be listed and include current salary information. All personnel, equipment and supply costs must be attributed to a specific station. Cost of living and merit increases will be included within each budget request as recommended by the City Manager. After reviewing the budget request, Columbia and Richland County will determine for their organization the amount funded to support operations. Should funding levels need to be reduced, the Fire Chief will make recommendations to the City Manager and the County Administrator as to where services could be reduced in order to meet funding levels and they will have final approval for their respective areas. After the budget has been approved the Fire Chief must remain within established funding levels when any permanent reassignment of personnel is necessary during the budget year.
- d. Recognizing that the minimum staffing levels are necessary to provide adequate fire services in the Service Area, Richland County agrees to provide sufficient funding in the annual County Fire Service Budget to achieve and maintain during the term of this agreement the minimum career staffing levels as set forth in Appendix B.1. However, the 4<sup>th</sup> career firefighter position on County Rescue's 2, 3, 4 & 5 listed in Appendix B.1 may be phased-in at one (1) position per year by Richland County or as budget funds become available during the term of this agreement or as staffing allows.

e. Each year the City of Columbia through the City Manager shall present a budget request that reflects the actual cost to operate the County's portion of the fire service to the Richland County Administrator. Richland County and City of Columbia will review the budget request, make adjustments and recommend the budget for County Council consideration and approval.

f. The County budget request will be presented to Richland County prior to January 15th of each year.

g. The City of Columbia shall collect a fee in the amount required by City Code Sec. 23-146(g), on each City water customer account located in Richland County in the Service Area. These fees will be used by Richland County to defray funding costs for the approved Richland County fire suppression budget. All fees collected pursuant to this agreement are to be remitted to Richland County on a monthly basis. Richland County may request an increase in the fee for City Council's consideration, which is in the sole and exclusive legislative discretion of City Council to approve or not to approve.

h. All budgeted, routine supplies and equipment purchases made in accordance with this agreement or identified in the annual budget appropriations must be made pursuant to the City of Columbia's procurement regulations and charged to the appropriate general ledger/object code for City or County. All such purchases for services and expenses will be detailed by line item indicating the purchase based on City or County owned.

i. The Fire Chief will develop a Research & Development Group charged with developing apparatus and equipment specifications meeting best industry practices for use within the City and County. The group will be comprised of members for the department both career and volunteer. Any apparatus and equipment purchased shall be compatible with the City's equipment and meet or exceed the latest (NFPA) National Fire Protection Association standards and/or applicable (OSHA) Occupational Safety and Health Administration regulations, and any other applicable safety standards. The Fire Chief will develop and approve specifications for equipment and routine capital items listed within the budget, to include but not limited to; structural firefighting gear, safety equipment, firefighting equipment, breathing apparatus, extrication and rescue equipment, hazardous materials and response equipment as to ensure in-kind consistency throughout the unified system. The Fire Chief will provide to Richland County, apparatus (fire truck) specifications that may be used for purchasing of apparatus in the County (Service Area) in order to maintain consistency throughout the unified system.

j. A separate long-range capital replacement plan for large apparatus and vehicle and major station renovations shall be developed and presented to Richland County for consideration.

k. Equipment and vehicles purchased with Richland County or City of Columbia funds and used in the administration of this agreement will be stationed at stations for use in providing services as described in this agreement and annual budget appropriations. It will be at the discretion of the Fire Chief to assign, place or station any City or County equipment or apparatus to further enhance the overall unified operations as outlined in the agreement. However, as routine all equipment owned by the County will be stationed in County stations and equipment owned by the City will be stationed in City stations.

l. The County may endeavor to adequately fund and replace their apparatus, support vehicles and equipment as necessary in order to maintain a strong rolling stock, to include additional pumpers, a rescue, a ladder, tankers, brush trucks, and support vehicles to serve as reserve units when front line units are out of service for maintenance. Should either party (City or County) be

required to place its reserve apparatus or vehicles on the front line to supplement the others fleet, a charge to the station account for all fuel costs and any actual time and cost for any repairs during the time of use will be made to the appropriate budget.

m. The City of Columbia and Richland County will share cost of and jointly fund all support vehicles and staff vehicles assigned to overhead personnel as listed in Appendix A. All capital replacement costs for replacing such vehicles will be requested through each parties annual budget process for those vehicles needing replacements as funded and listed in each budget. The City and County budgets shall fund the cost of all vehicles repairs, replacements and fuel expenses that support the unified fire operations and as listed in Appendix A (Overhead Vehicles) to be listed within each respective budget as listed in Appendix A at 15 vehicles each totaling 30 overhead vehicles.

n. Richland County under the terms of this agreement will fund one staff position within the following City of Columbia departments to off-set such costs associated with the management of career and volunteer personnel within the Richland County Service Area; one (1) Human Resources Specialist position and one (1) Payroll Supervisor position within the finance/payroll department, as budget funding becomes available during the term of this agreement.

o. Richland County agrees to establish a fund amount of \$15,000 within the annual County Fire Budget to be used for legal fees and costs incurred by the City of Columbia for consultation with or legal services provided by City of Columbia labor counsel when the employment issue involves any employee paid from the Richland County fire budget or if a volunteer.

### **13. ANNEXATION**

All County stations will remain the property of Richland County. In the event the City of Columbia should annex any area located in the County Service Area that contains a County fire station, Richland County may in its sole and exclusive discretion, offer to sell the station to the City of Columbia upon such terms and conditions as Richland County and the City of Columbia may mutually agree.

### **14. TERMS**

a. This agreement shall be effective as of July 1, 2012.

b. The term of this agreement shall be for five (5) years and may be renewed by consent and agreement of both parties for an additional five (5) years.

c. Either party may terminate this agreement after notifying the other party in writing with no less than six (6) months notice, however both parties agree to a consenting transition plan of at least twelve (12) months concluding at the end of a fiscal year (June 30).

## 15. INCORPORATION AND MERGER

a. This document contains the entire agreement between the parties and no other representations, either written or oral shall have effect. Any modification of this Agreement shall be by a signed writing between the parties.

## 16. MISCELLANEOUS

a. **BREACH:** In the event either party shall fail to comply with this Agreement, and such failure shall continue for a period of thirty (30) days after written notice of default has been provided by the other party, then the complaining party shall be entitled to pursue any and all remedies provided under South Carolina law and/or terminate this Agreement.

b. **WAIVER:** The failure of either party to insist upon the strict performance of any provision of this Agreement shall not be deemed to be a waiver of the right to insist upon strict performance of such provisions or of any other provision of this Agreement at any time. Waiver of any breach of this Agreement by either party shall not constitute waiver of subsequent breach.

c. **NOTICE:** Written notice to the City shall be made by placing such notice in the United States Mail, Certified, Return Receipt Requested, postage prepaid or and addressed to:

City of Columbia  
City Manager  
Post Office Box 147  
Columbia, SC 29217

Written notice to the County shall be made by placing such notice in the United States Mail, Certified, Return Receipt Requested, postage prepaid and addressed to:

Richland County  
County Administrator  
2020 Hampton Street  
Post Office Box 192  
Columbia, SC 29202

Written notice also may be made by personal hand-delivery to the City Manager or the County Administrator.

d. **AGREEMENT INTERPRETATION:** Ambiguities in the terms of this Agreement, if any, shall not be construed against the City. This Agreement shall be interpreted pursuant to the laws of the State of South Carolina.

e. **SEVERABILITY:** If any provision of this Agreement is determined to be void or unenforceable, all other provisions shall remain in full force and effect.

f. **CAPTIONS AND HEADINGS:** The captions and headings throughout this Agreement are for convenience and reference only, and the words contained therein shall in no way be held or

deemed to define, limit, describe, modify, or add to the interpretation, construction, or meaning of any provision of or scope or intent of this Agreement.

g. NON-APPROPRIATION: Notwithstanding anything in this Agreement to the contrary, the City's and the County's obligations to pay the costs of performing its obligations under this Agreement shall be subject to and dependent upon appropriations being made from time to time by the City Council and County Council for such purpose.

In WITNESS WHEREOF, the parties hereto have executed this Agreement, in duplicate original, the day and year first above written.

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

J. Milton Pope, Administrator  
On behalf of RICHLAND COUNTY

\_\_\_\_\_

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

Steven Gantt, City Manager  
On behalf of CITY OF COLUMBIA

\_\_\_\_\_

**APPENDIX A**

**PERSONNEL (OVERHEAD)**

#	POSITION	#	POSITION
1	Fire Chief	1	Health & Safety Chief
1	Deputy Chief	1	Volunteer Coordinator
2	Assistant Chief	1	Senior Staff Assistant
1	Division Chief (Administration)	1	Administrative Coordinator
1	Special Operations Chief	1	Computer Operator
1	Shift Staffing Chief	1	Public Educator/Recruiting Officer
1	Public Information Officer	4	Administrative Secretary
1	Chief of Training	1	Logistics Chief
4	Training Captain	1	Logistics Support Technician
1	Training Coordinator	1	Breathing Apparatus Technician
3	Division Chief (Suppression)	1	Materials Inventory Clerk
	<b>Total</b>	<b>31</b>	

31 overhead positions are equally funded by Richland County and the City of Columbia, which includes salaries plus benefits listed within each parties respective administrative budgets.

**FIRE SHIFT PERSONNEL (OVERHEAD)**

The following personnel are included and considered overhead and work a 24-hour fire shift schedule and are funded from the appropriate station budget as listed in Appendix B.1 & B.2.

#	POSITION
15	Battalion Chief

**APPENDIX A**

**OVERHEAD (VEHICLES)**

<b>#</b>	<b>CITY- FUNDED</b>		<b>#</b>	<b>COUNTY - FUNDED</b>
1	Fire Chief		1	Deputy Chief
1	Assistant Chief		1	Assistant Chief
1	Division Chief (Administration)		1	Special Operations Chief
1	Division Chief (Suppression)		1	Shift Staffing Chief
1	Public Information Officer		1	Chief of Training
1	Health & Safety Chief		1	Volunteer Coordinator
1	Logistics Chief		1	Logistics Support Technician
1	Breathing Apparatus Technician		1	Training Captain
1	Training Captain		1	Training Captain
1	Training Captain		1	Battalion Chief (Suppression)
1	Battalion Chief (Suppression)		1	Battalion Chief (Suppression)
1	Battalion Chief (Suppression)		1	Battalion Chief (Suppression)
1	Reserve Response Vehicle		1	Reserve Staff Vehicle
1	Reserve Staff Vehicle		1	Reserve Staff Vehicle
1	Reserve Staff Vehicle		1	Reserve Staff Vehicle
<b>15</b>	<b>Total</b>		<b>15</b>	<b>Total</b>

The listed vehicles are assigned to emergency response personnel and support staff and will be equally funded by Richland County and the City of Columbia to include all fuel cost, repairs and maintenance cost and listed within each parties respective budgets. Future replacement vehicles will be requested and funded through each respective budget process. These vehicles support the entire operations of the Unified Fire Service.



**APPENDIX B**

**B.1**

**PERSONNEL**

**County- (Fire Shift Career Staffing) and volunteer staffing by Station**

<b>STATION</b>	<b>STAFFING</b>	<b>UNIT</b>	<b>Career Minimum Daily Staffing</b>	<b>Career Total Staffing</b>	<b>Volunteer Total Staffing</b>
1 - Headquarters	Career Career	Engine 1/Haz-Mat 1 Relief Personnel***	2*	6 33.5	0
14 - Dentsville	Career	Engine 14 Ladder 14	4 4	12 12	0 0
15 - Cedar Creek	Satellite	Engine 15 Tanker 15 Brush Truck 15	0 0 0	0 0 0	10
17 - Upper Richland	Combination	Engine 17 Tanker 17 Brush Truck 17	1 1 0	3 3 0	20
18 - Crane Creek	Combination	Engine 18 Tanker 18 Brush Truck 18	1 1 0	3 3 0	20
19 - Gadsden	Combination	Engine 19 Tanker 19 Brush Truck 19	1 1 0	3 3 0	20
20 - Ballentine	Combination	Engine 20 Tanker 20 Brush Truck 20 Rescue 2	1 0 0 4**	3 0 0 12	20
21 - Springhill	Satellite	Engine 21 Tanker 21 Brush Truck 21	0 0 0	0 0 0	10
22 - Lower Richland	Combination	Engine 22 Tanker 22 Brush Truck 22 Battalion 4	1 0 0 1	3 0 0 3	20
23 - Hopkins	Combination	Engine 23 Tanker 23 Brush Truck 23 Rescue 5	1 0 0 4**	3 0 0 12	20
24 - Sandhill	Combination	Engine 24 Battalion 3	4 1	12 3	0
25 - Bear Creek	Combination	Engine 25 Tanker 25 Brush Truck 25	1 1 0	3 3 0	20
26 - Blythewood	Combination	Engine 26 Tanker 26 Brush Truck 26	1 1 0	3 3 0	20
27 - Killian	Combination	Engine 27 Tanker 27 Brush Truck 27 Rescue 3	1 0 0 4**	3 0 0 12	20

28 - Eastover	Combination	Engine 28 Tanker 28 Brush Truck 28	1 1 0	3 3 0	20
29 - Congaree Run	Combination	Engine 29 Tanker 29 Brush Truck 29 Rescue 4	1 0 0 4**	3 0 0 12	20
30 - Capital View	Combination	Engine 30 Tanker 30 Brush Truck 30	1 1 0	3 3 0	20
31 - Leesburg	Combination	Engine 31 Tanker 31 Brush Truck 31	4 0 0	12 0 0	0
32 - Jackson Creek	Career	Engine 32	4	12	0
33 - Gills Creek	Career	Engine 33	4	12	0
34 - Elders Pond	Career	Engine 34	4	12	0
<b>TOTAL</b>			<b>67</b>	<b>234.5</b>	<b>260</b>

Units located in rural areas of the County are staffed with two (2) career personnel and an active volunteer roster. One individual is assigned to the Engine, while the other is assigned to the Tanker or Brush Truck. Units located in suburban areas are staffed with four (4) career personnel. The County Rescue units will be staffed with four (\*\*4) career personnel in order to handle the technical functions they must serve, as well as operating as a centrally located man-power force to augment volunteer response fluctuations.

Units with one career member are co-located with another career staffed unit.

\*Engine/Haz-Mat 1 unit is staffed with four (4) career personnel, but funded equally by Richland County and the City of Columbia at two (2) personnel each. This unit supports the entire Unified Fire Service.

\*\*During the term of this agreement, the 4<sup>th</sup> career firefighter positions listed in Appendix B.1 for County Rescue's may be funded by Richland County at one (1) additional position each year or as budget funds become available or as staffing allows.

\*\*\*Relief personnel are listed and funded from the County Station 1 budget for reporting purposes. These 33.5 positions are for backfill relief during permissive leave and are used to cover staffing exceptions based on the 3.5 fire shift staffing ratio (factor).

**APPENDIX B  
B.2**

**PERSONNEL**

**City- (Fire Shift Career Staffing) by Station**

STATION	STAFFING	UNIT	Career Minimum Daily Staffing	Career Total Staffing
1 - Headquarters	Career	Engine 1/Haz-Mat 1 Rescue 1 Rehab 1 Relief Personnel**	2* 4 1	6 12 3 34
2 - Ferguson	Career	Engine 2 Battalion 1	4 1	12 3
3 - Industrial Park	Career	Engine 3	4	12
4 - Wood Creek	Career	Engine 4	4	12
6 - Saint Andrews	Career	Engine 6 Battalion 2	4 1	12 3
7 - North Main	Career	Ladder 7	4	12
8 - Atlas Road	Career	Engine 8 Ladder 8	4 4	12 12
9 - Shandon	Career	Engine 9 Ladder 9	4 4	12 12
11 - Blume Court	Career	Engine 11	4	12
12 - Greenview	Career	Engine 12 Battalion 5	4 1	12 3
13 - Eau Claire	Career	Engine 13	4	12
16 - Harbison	Career	Engine 16	4	12
<b>TOTAL</b>			<b>62</b>	<b>220</b>

\*Engine 1/Haz-Mat 1 unit is staffed with four (4) career personnel, but funded equally by Richland County and the City of Columbia at two (2) personnel each. This unit supports the entire Unified Fire Service.

\*\*Relief personnel are listed and funded from the City Station 1 budget for reporting purposes. These 34 positions are for backfill relief during permissive leave and are used to cover staffing exceptions based on the 3.5 fire shift staffing ratio (factor).

# Richland County Council Request of Action

**Subject**

Report of the Regional Recreation Complex Ad Hoc Committee:

- a. \$22M Option [**ACTION**] [**PAGES 264-285**]

# NEW SOCCER COMPLEX



## FINANCIAL ANALYSIS

Prepared for:  
**Richland County, SC**

**May 2012**

Prepared by:  
**The MB Kahn Team**  
MB Kahn / Construction Management  
Global Attractions Development & Management LLC

# FINANCIAL ANALYSIS

## Optional Plan



New  
Soccer Complex  
(\$22 million)

# FINANCIAL ANALYSIS



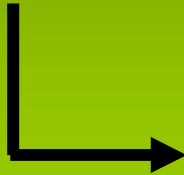
**Soccer Complex**  
**Regular Fields (17 each)**  
**Championship Field**

**Club House / Concessions**  
**Restrooms**  
**Picnic Shelter(s)**

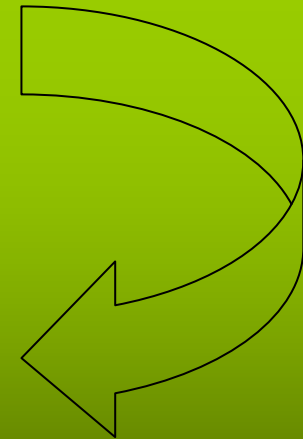


# FINANCIAL ANALYSIS

**Initial Investment  
(Hospitality Tax)**



**ANNUAL OPERATING BUDGET  
(Soccer Complex Revenues)**





# NEW SOCCER COMPLEX



**OPERATING COST**

# OPERATING COST

## GROUNDS MAINTENANCE & REPAIR

Grass mowing, chemicals, fertilizer  
Irrigation system  
Landscaping

## BUILDING MAINTENANCE & REPAIR

Utilities usage  
Building systems  
Security, cleaning

## DIRECT LABOR

Facility Director  
Administrative Assistant  
Building & Grounds Manager  
Officials (special tournaments)

## OTHER EXPENSES

Advertising, office supplies, travel  
Office supplies  
Insurance  
Miscellaneous

# OPERATING COST

## ANNUAL PROJECTIONS

<b>DIRECT LABOR</b>	\$ 250,000 - \$300,000
payroll	
taxes & benefits	
<b>GROUNDS MAINTENANCE &amp; REPAIR</b>	\$ 350,000
contracted services, temporary labor	
materials & supplies	
<b>BUILDING MAINTENANCE &amp; REPAIR</b>	\$ 140,000
contracted services, temporary labor	
utilities, materials & supplies	
<b>OTHER EXPENSES</b>	\$ 70,000

# OPERATING COST

## ANNUAL EXPENSES

“Low” Utilization	\$ 810,000
“Moderate” Utilization	\$ 820,000
“High” Utilization	\$ 870,000

# NEW SOCCER COMPLEX



## REVENUE PROJECTIONS

# REVENUE

## FACILITY USES

### SOCCER

#### State-wide League Play

- SC Youth Soccer Assoc (SCYSC) (+300 teams)
- Sandlapper League
- Midstate League
- US Club Soccer (Region III)
- US Development Academy League

#### League Tournament Play

- League Tournaments
- SCYSC State Championships
- USYSA Regional & National Tournaments
- Invitational Tournaments
- Annual High School Championships

#### Invitational Tournament Play

- SC United FC – Fall Carolina Cup (+200 teams)
- SC United FC – St. Patrick's Day Cup (+200 teams)
- Various High School Tournaments

### OTHER USES\*

*\* Not considered in analysis*

- Recreational Leagues
- Building Rentals
- Lacrosse / Field Hockey
- Corporate Leagues
- Cheerleading Competitions
- Band Competitions
- Camps / Clinics
- Professional & Collegiate Exhibitions
- Outdoor Special Events

# REVENUE

<b>FIELD UTILIZATION SCHEDULE</b>			
<i>SEASON</i>	<i>LOW</i>	<i>MODERATE</i>	<i>HIGH</i>
<b>SPRING (Feb – May)</b>			
- Youth State & Regional	Saturdays	Sat & Sun	Sat & Sun
- Adult League	1 evening / week	1 evening / week	1 evening / week
- Weekend Tournaments	2	2	3
<b>SUMMER (Jun – Aug)</b>			
- Youth State & Regional	1 day / month	2 days / month	2 days / month
- Adult League	0	0	0
- Major Tournaments	1	1	1
<b>FALL (Sep – Nov)</b>			
- Youth State & Regional	Saturdays	Saturdays	Saturdays
- Adult League	1 evening / week	1 evening / week	1 evening / week
- Weekend Tournaments	2	2	2
<b>WINTER (Dec – Jan)</b>			
- No play	0	0	0

# REVENUE

## FIELD REVENUES

### **Field Rental Rates**

- typical field rates
- multi-day fees for major tournaments

### **Field Utilization Schedule**

- “low” usage
- “moderate” usage
- “high” usage



# REVENUE

## RETAIL REVENUES

### Revenue Sharing Agreements

- concessions
- merchandise

### Field Utilization Schedule

- “low” usage
- “moderate” usage
- “high” usage

### Sponsorships

- signage, logos, naming rights, etc.

# REVENUE

## ANNUAL PROJECTIONS

### **PROJECTED VISITORS**

<i>Week &amp; Weekend Play</i>	<i>240,000 – 280,000</i>
<i>Tournament Play</i>	<i>45,000 – 65,000</i>

### **FIELD REVENUE**

Week & Weekend Play	\$ 125,000 - \$ 190,000
Tournament Play	\$ 275,000 - \$ 450,000

### **RETAIL REVENUE** *(based on outside operator & 50/50 spit of gross revenue)*

Week & Weekend Play	\$ 120,000 - \$ 140,000
Tournament Play	\$ 110,000 - \$ 150,000

<b>SPONSERSHIPS</b>	<b>\$ 30,000 - \$60,000</b>
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# REVENUE

## ANNUAL REVENUES

“Low” Utilization	\$ 660,000
“Moderate” Utilization	\$ 780,000
“High” Utilization	\$ 970,000

# NEW SOCCER COMPLEX



**CONCLUSION**

# CONCLUSION

	<u>LOW</u>	<u>MODERATE</u>	<u>HIGH</u>
ANNUAL REVENUES	\$ 660,000	\$ 780,000	\$ 970,000
ANNUAL OPERATING COSTS	<u>(\$ 810,000)</u>	<u>(\$ 820,000)</u>	<u>(\$ 870,000)</u>
<b>ANNUAL NET INCOME</b>	<b>(\$ 150,000)</b>	<b>(\$ 40,000)</b>	<b>\$ 100,000</b>

***Result = facility can be self-sustaining***

# CONCLUSION

## IMPORTANT

Critical element = Operations Management

Soccer Club Expertise  
Soccer Industry Relationships  
Maximize Usage, Minimize Expenditures  
Turf Management Experience  
Scheduling  
Sales & Marketing

# CONCLUSION

## IMPORTANT

Key benefit = 300,000 visitors annually

### Direct Benefits

Construction Jobs

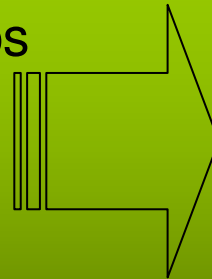
Contracted Services Jobs

### Indirect Benefits

Food & Beverage

Hotels

Retail & Merchandise



**\$15 - \$20 million  
per year**

# NEW SOCCER COMPLEX



## FINANCIAL ANALYSIS

Prepared for:  
**Richland County, SC**

**May 2012**

Prepared by:  
**The MB Kahn Team**  
MB Kahn / Construction Management  
Global Attractions Development & Management LLC



## **Options for Regional Recreation Complex**

1. Do nothing.
  - Doing so will keep the project “in limbo.”
  - No movement will occur until such time as Council directs staff to proceed in a certain manner.
  
2. Approve proceeding with the \$22M option.
  - 18 soccer fields; Club House (centralized operations; large multi-function room for community meetings and events; concessions, etc.); restrooms; picnic shelters, walking paths, etc.
  - A proposed Scope of Services will be obtained from M.B. Kahn, which must be approved by Council.
  - Upon Notice to Proceed (NTP), the Kahn team will take approximately 1 year for design, and 1 year for construction.
  - Projected opening: 2014.
  
3. Approve proceeding with the \$36.6M option.
  - 18 soccer fields; 5 baseball/softball fields; Club House (centralized operations; large multi-function room for community meetings and events; concessions (2), etc.); restrooms; pressbox (2); picnic shelters, walking paths, etc.
  - Additional funding will need to be appropriated.
  - A proposed Scope of Services will be obtained from M.B. Kahn, which must be approved by Council.
  - Upon Notice to Proceed (NTP), the Kahn team will take approximately 1 year for design, and 1 year for construction.
  - Projected opening: 2014.
  
4. Approve a hybrid of options #2 and #3.
  
5. Provide direction to staff regarding an entirely different option.

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda