

Report Of The Chairman

6. a. Telecommunications and Technology Steering Committee
- b. Personnel Matter

Report Of Economic Development Committee

7. a. Memorandum of Understanding between Richland County and the Minority Business Development Agency [**PAGES 23-24**]
- b. Because of the significant economic, educational and conservation value of Cook's Mountain to Richland County, I move to direct the Interim County Administrator and the Conservation Department staff to negotiate an option to purchase Cook's Mountain contingent upon the receipt of funding assistance from outside sources. I also move to direct staff to examine the funding and financing options available and to provide this information to Council [**PAGES 25-28**] [**HUTCHINSON**]

Report Of Rules And Appointments Committee

1. Notification Of Vacancies

8. Airport Commission-2: Dennis L. Dabney, September 9, 2012; Robert C. Pulliam*, September 9, 2012*
9. Richland County/City of Columbia Animal Care Advisory Committee-2: Louise C. Emmott, September 1, 2012*; Peggy O'N. Wilson, September 1, 2012*

2. Notification Of Appointments

10. Accommodations Tax Committee-4 (needed 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 at this time.
11. Appearance Commission-2 (needed, 1 licensed Horticulturalist and 1 licensed landscape architect); no applications were received at this time.
12. Building Codes Board of Adjustments-3 (needed 1 Architect, 1 licensed Electrician, and 1 person from the Fire Protection industry or employed in fields with extensive knowledge of fire codes and fire regulations); one application was received from Victor Snipes, a licensed electrician. [**PAGES 34-35**]
13. Business Service Center Appeals Board-3 (needed, 1 CPA, and 2 outside business persons); no applications were received.
14. Community Relations Council-1; one application was received from Eva Prioleau [**PAGES 38-39**]
15. East Richland Public Service Commission-1; one application was received for the position from William H. Hancock [**PAGES 41-42**]

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

16. Council Individual Discretionary Account
17. 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] [PAGE 45]
18. Add to Section 4.1 of Council Rules: "No standing committees of Council shall be scheduled at the same time." [LIVINGSTON]
19. Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council's approval. I move that we have a workshop on the rules of the Chair. The do's and don'ts of the Chair. This will help with the problem and the chaos we are having on County Council. [JACKSON]
20. Agendas-FOIA Compliance [PAGES 49-59]
21. Reviewing Committee Qualifications [PAGE 61]
22. I move Council consider allowing Master Gardners to fulfill the roles of Landscaper and Horticulturalist on the Appearance commission, in the event that no licensed Landscaper of Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council vacancies [HUTCHINSON] [PAGES 63-67]
23. Appearance Commission: [MALINOWSKI]
 - a. Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.
 - b. Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.

Other Items

24. REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE
 - a. Work Authorizations #3 and #4 (M. B. Kahn) [ACTION] [PAGES 70-79]

Citizen's Input

25. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

26.
 - a. Move that staff prepare literature before the end of August for council approval before dissemination the education piece of the Transportation Tax [JACKSON]

b. I move that we begin the process to enact an ordinance authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County, South Carolina, to issue general obligation bonds in the principal amount of not exceeding \$5,000,000 in one or more series, in one or more years, with appropriate series designations; and other matters relating thereto by sending this issue to the July Administration and Finance Committee meeting [WASHINGTON]

c. I move that we begin the process to enact an ordinance amending Exhibit A to Ordinance No. 048-08HR authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County, South Carolina, to issue general obligation bonds in the principal amount of not exceeding \$50,000,000; and other matters relating thereto enacted by the County Council of Richland County, South Carolina on September 9, 2008, by sending this issue to the July Administration and Finance Committee meeting [WASHINGTON]

d. I move that we give First Reading by title only to the following ordinance: "An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$77,256.20 of General Fund Undesignated Fund Balance to the Legal Department for salary adjustments [WASHINGTON]

Adjournment



Richland County Council Request of Action

Subject

Regular Session: July 18, 2012 [PAGES 5-16]

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION WEDNESDAY, JULY 18, 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.

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	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Not Present	Gwendolyn Davis Kennedy

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tracy Hegler, Brad Farrar, Nelson Lindsay, Rodolfo Callwood, Yanisse Adrian-Silva, Lillian McBride, Dwight Hanna, Amelia Linder, Quinton Epps, Buddy Atkins, Ronaldo Myers, Paul Brawley, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

PRESENTATION OF RESOLUTIONS

Resolution honoring USC Basketball Coach Dawn Staley for her outstanding service and success [DICKERSON] – Ms. Dickerson presented a resolution to USC Basketball Coach Dawn Staley honoring her outstanding service and success.

Resolution honoring the homeowners' presidents of Pine Valley, Emerald Valley, Round Top, Cedar Creek and Bonnie Forrest for their longtime commitment and dedicated service to their communities [DICKERSON] – Ms. Dickerson presented resolutions honoring the homeowners' presidents of Pine Valley, Emerald Valley, Round Top, Cedar Creek and Bonnie Forrest for their longtime commitment and dedicated service.

APPROVAL OF MINUTES

Regular Session: June 19, 2012 – Mr. Malinowski stated that the record did not reflect the vote on p. 9: "Proclamation honoring Mr. James Knotts for receiving the Congressional Gold Medal".

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

Zoning Public Hearing: June 26, 2012 – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Washington moved, seconded by Ms. Dickerson, to reorder the agenda to take up the "Proclamation honoring Tracy Swartout" immediately prior to the Report of the Attorney for Executive Session Items. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Dickerson, to adopt the agenda as amended.

Proclamation honoring Tracy Swartout – Mr. Washington presented Ms. Swartout with a proclamation honoring her service to Richland County.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following were potential Executive Session Items:

- a. Phillip Hawkins Estate vs. Richland County Sheriff's Department
- b. Potential Purchase of Property

- c. **Personnel Matters**
- d. **Appearance Commission Item** – This item was referred to the Rules & Appointments Committee.
- e. **DBE Ordinances and Program Development**
- f. **Fannie Mae/Freddie Mac Lawsuit**
- g. **Solid Waste Contract**

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 6:25 p.m. and came out at approximately 16:47 p.m.
=====

- a. **Phillip Hawkins Estate vs. Richland County Sheriff's Department** – Mr. Pearce moved, seconded by Mr. Jackson, to direct Council to proceed as discussed in Executive Session. The vote in favor was unanimous.
- b. **Fannie Mae/Freddie Mac Lawsuit** – Mr. Jeter moved, seconded by Ms. Hutchinson, to direct the staff attorney to coordinate with outside counsel as discussed in Executive Session. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

Richland 101 for Kids – Ms. Snowden made a brief presentation regarding Richland 101 for Kids. The event will take place on July 26th, 9:00 a.m.-12:30 p.m. at Dutch Square Mall.

Employee Grievance – This item was taken up in Executive Session.

Introduction of Stormwater Manager – Mr. McDonald introduced the new Stormwater Manager, Quinton Epps, to Council.

Solid Waste Contract – This item was taken up in Executive Session.

Strategic Plan Update Work Session – Mr. Cherry requested that Council schedule the work session regarding Strategic Plan Update. Mr. Washington directed the Clerk's Office to send out possible dates to the Council members.

REPORT OF THE CLERK OF COUNCIL

Tour of Innovista and Renaissance Redevelopment Proposed Projects – Ms. Onley stated that the City of Columbia has offered to schedule additional tours of the Renaissance and Innovista Redevelopment proposed projects. If any Council members are interested in participating please contact the Clerk's Office.

REPORT OF THE CHAIRMAN

Telecommunications and Technology Steering Committee – This item was deferred to the July 24th Council meeting.

Administrator Transition Committee Update – Mr. Washington stated that the RFPs are being reviewed by a blind committee and recommendations will be forwarded to the Procurement Director. Mr. Washington encouraged the subcommittee Chairs to activate their committees and schedule meetings as soon as possible.

Personnel Matter – This was taken up in Executive Session.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$40,000 of Special Duty Revenue for off duty security work** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2011-2012 Mass Transit Annual Budget to appropriate up to \$50,000 of Mass Transit Undesignated Fund Balance for the educational component of the Transportation Sales Tax** – Mr. Paul Palmer, Mr. Brett Bursey and Ms. Virginia Sanders spoke in favor of this item.

Mr. William DePass spoke in opposition of this item.

- **An Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina and Sysco Columbia, LLC and matters relating thereto** – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Fiscal Year 2011-2012 General Fund Annual Budget to appropriate \$40,000 of Special Duty Revenue for off duty security work [THIRD READING]**
- **An Ordinance Authorizing pursuant to Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Section 68 of the Code of Laws of South Carolina 1976, as amended, the execution and delivery of a Special Source**

Revenue Credit Agreement between Richland County, South Carolina and WNS Global Services Inc.; and matters relating thereto [THIRD READING]

- **An Ordinance Authorizing pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Richland County, South Carolina and Sysco Columbia, LLC and matters relating thereto [SECOND READING]**
- **Direct Staff to contact Property Owners on Council Initiated Rezoning**
- **John Hardee Express Way Project Funding**
- **Review of the Comprehensive Plan to ensure consistency**
- **Community Residential Care Facility Resolution to Richland County Legislative Delegation and SC General Assembly**
- **Coroner request for approval to renew contract with Professional Pathology Services**
- **Detention Center Medical Services Contract-Correct Care Solutions**
- **Emergency Medicine Fellowship Grant Program Update**
- **National Aviation Week Proclamation**

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

THIRD READING

An Ordinance to levy and impose a one percent (1%) 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 – Mr. Livingston moved, seconded by Mr. Jeter, to approve the following:

Mode	Amount	Percentage
Roadway	\$656,020,644	63%
Transit	\$300,991,000	29%
Bike/Pedestrian/Greenway	\$80,888,356	8%
Total	\$1,037,900,000	100%

Notes:

- **22 Years**
- **1 Penny**
- **\$1,037,900,000 Available for Projects**
- **\$32,100,000 Administrative Costs**
- **\$1,070,000,000 TOTAL REVENUES**
- **CMRTA = \$13.7M Annually**
- **BPG = Funds ALL High Priority**
- **Up to \$450M bonds approved**

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to reinstate the \$10M in funding for Route 176. A discussion took place.

The substitute motion failed.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the July 24th Council meeting.

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

The motion to defer failed.

Ms. Hutchinson made a motion to amend the motion, seconded by Mr. Pearce, to fund the buses and paving/resurfacing projects as a first priority if the penny sales tax brings in less than projected and that the sales tax end when the proposed projects in roads, transit and greenways are fully funded if the penny sales tax brings in more than the projects require. A discussion took place.

Ms. Hutchinson withdrew her amendment.

Mr. Malinowski made a substitute motion to split the question on the referendum. The motion died for lack of a second.

Mr. Manning made a substitute motion to fund the buses at 33%. The motion died for lack of a second.

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

The vote was in favor of Mr. Livingston's motion.

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

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that former Council members Bernice Scott and Tony Mizzell were in the audience.

SECOND READING

12-14MA, Marion Bouknight, Lee Blythe, RU to RS-MD, Old Tamah Rd. & Shady Grove Rd., 03500-04-08(p)/24 – Mr. Malinowski moved, seconded by Mr. Jackson, to deny this item. The vote was in favor.

12-22MA, Jonathan Giles, Robert Giles, RM-HD to NC (.33 Acres), 1157 & 1159 Olympia Ave., 11203-01-03 & 04 – Mr. Washington moved, seconded by Mr. Malinowski, to approve this item. The vote was in favor.

An Ordinance Amending the Fiscal Year 2011-2012 Mass Transit Annual Budget to appropriate up to \$50,000 of Mass Transit Undesignated Fund Balance for the educational component of the Transportation Sales Tax – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

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

The vote in favor was unanimous to appropriate up to \$50,000 of Mass Transit Undesignated Fund Balance for the educational component of the Transportation Sales Tax.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Changes to Employee Handbook – Mr. Malinowski moved, seconded by Mr. Manning, to forward the section entitled "Promotion Probation" to A&F Committee for review and approve the remaining changes. The vote in favor was unanimous.

Coroner Request for approval to renew contract with Knight Systems – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Solicitor Salary Rollover Request to Provide Employer contributions for Assistant Solicitor Restructuring and Reclassification Plan – Mr. Livingston moved, seconded by Mr. Jackson, to approve this item.

Mr. Malinowski made a substitute motion that the Solicitor's Office would absorb the costs of benefits in their existing budget. The motion died for lack of a second.

The vote was in favor to approve this item.

Comprehensive Sidewalk Improvement Program – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

Funding for State Mandated Services – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

IGA Extension with City of Columbia re: Animal Shelter Operations – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Memorandum of Understanding between Richland County and the Minority Business Development Agency – Mr. Livingston stated that the committee recommended to defer this item until the July 24th Council meeting. The vote in favor was unanimous.

OTHER ITEMS

A Resolution to appoint and commission Adolphus Lee as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

A Resolution Affirming the discontinuation of the Mass Transit Fee through the adoption of the FY2012-2013 Richland County Budget – Mr. Pearce moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE

- a. **Work Authorization #3 and #4 (M. B. Kahn)** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to defer this item until the July 24th Council meeting. The vote in favor was unanimous.

CITIZEN'S INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 8:46 p.m. and came out at approximately 10:00 p.m.
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- a. **Solid Waste Contract** – Ms. Hutchinson moved, seconded by Mr. Jackson, to suspend the solicitation process for solid waste collection services for service area 6 and to authorize the Administrator to enter into the previously negotiated contract with the current vendor.

Mr. Manning made a substitute motion to split the question. The motion died for lack of a second.

Mr. Malinowski made a substitute motion to continue the bid process. The motion died for lack of a second.

<u>For</u>	<u>Against</u>
Jackson	Malinowski
Hutchinson	Dickerson
Peace	Manning
Washington	
Livingston	
Jeter	

The vote was in favor to suspend the solicitation process for solid waste collection services for service area 6 and to authorize the Administrator to enter into the previously negotiated contract with the current vendor.

- b. **Employee Grievance** – Mr. Malinowski moved, seconded by Mr. Jackson, to accept the Administrator's recommendation. The vote in favor was unanimous.
- c. **Potential Purchase of Property** – Mr. Pearce moved, seconded by Mr. Jackson, to communicate to the Township Auditorium Board to proceed with negotiations and report their interest back to Council. The vote in favor was unanimous.
- d. **Personnel Matter** – No action was taken.

- e. **DBE Ordinances and Program Development** – Ms. Dickerson moved, seconded by Mr. Manning, to direct staff to move forward as directed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Motion for resolution in honor of Richland County Deputy Ryan Rawl, who lost his life serving our country in Afghanistan [ROSE, WASHINGTON, MANNING, JETER, AND DICKERSON] – Mr. Washington moved to unanimously approve the resolution honoring Richland County Deputy Ryan Rawl. The vote in favor was unanimous.

I move to amend the Richland County Code Section 17-10: “An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones; so as to define vehicles subject thereto” as specified in the attached document [MANNING] – This item was referred to the D&S Committee.

I move that Richland County suspend the Road Maintenance Fee for 19 years if the Penny Sales Tax passes. Reason: The citizens pay \$20 for a Road Maintenance Fee to address what the penny will be doing except the bus. It would be double taxation to the citizens if they pay both [JACKSON] – This item was referred to the A&F Committee.

The city believes it cannot provide the requested franchise fee revenue information by law. S. C. Code Ann. Section 6-1-120 sets forth a general prohibition at subsection (A) that, “Except in accordance with a proper judicial order or as otherwise provided by the Freedom of Information Act, it is unlawful for an officer or employee of a county or municipality, or the agent of such an officer or employee to divulge or make known in any manner the financial information, or other information indicative of units of goods or services sold, provided by a taxpayer included in a report, tax return or application required to filed by the taxpayer with that county or municipality pursuant to a county or municipality ordinance...” However, section 6-1-120 provides: (B) Nothing in this section prohibits the: (3) sharing of data between public officials or employees in the performance of their duties. The purpose of the County’s request for data from the City is for a “sharing of data between public officials or employees in the performance of their duties.” Subsection 6-1-120(B)(3) does not appear to be restricted to “public officials or employees” of the same sovereign. Based on the above, it is requested that an SC Attorney General’s opinion be obtained interpreting 6-1-120 and more specifically 6-1-120(B)(3) [MALINOWSKI] – This item was referred to the A&F Committee.

I move Council consider allowing Master Gardeners to fulfill the roles of Landscaper and Horticulturalist on the Appearance Commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council of the vacancies . [HUTCHINSON] – This item was referred to the Rules & Appointments Committee.

Because of the significant economic, educational and conservation value of Cook's Mountain to Richland County, I move to direct the Interim County Administrator and the Conservation Department staff to negotiate an option to purchase Cook's Mountain contingent upon the receipt of funding assistance from outside sources. I also move to direct staff to examine the funding and financing options available and to provide this information to Council [HUTCHINSON] – This item was referred to the Economic Development Committee.

Resolution honoring Tige Watts, Vice President of Richland County's Neighborhood Association, President of the Columbia Neighborhood Association and newly elected President of the National Association of Neighborhoods for his dedicated and outstanding services over the years to the community [JACKSON] – Mr. Jackson moved, seconded by Mr. Washington, to adopt a resolution honoring Tige Watts. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 10:08 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Damon Jeter

Bill Malinowski

Jim Manning

Paul Livingston

Seth Rose

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- a. Economic Development Briefing
- b. Contractual Matter

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. National Aviation Week Proclamation Presentation
- b. July Committee Schedule [ACTION]

Richland County Council Request of Action

Subject

- a. Strategic Plan Work Session
- b. Internet Sweepstakes Work Session, July 25th, 4-6 p.m., Council Chambers

Richland County Council Request of Action

Subject

- a. Telecommunications and Technology Steering Committee
- b. Personnel Matter

Richland County Council Request of Action

Subject

a. Memorandum of Understanding between Richland County and the Minority Business Development Agency
[PAGES 23-24]

b. Because of the significant economic, educational and conservation value of Cook's Mountain to Richland County, I move to direct the Interim County Administrator and the Conservation Department staff to negotiate an option to purchase Cook's Mountain contingent upon the receipt of funding assistance from outside sources. I also move to direct staff to examine the funding and financing options available and to provide this information to Council **[PAGES 25-28] [HUTCHINSON]**

MEMORANDUM OF UNDERSTANDING

Between MBDA Business Center – Columbia, SC and Richland County, SC



WHEREAS, Richland County, SC (County) purchases goods, services and equipment for all departments within County Government; and

WHEREAS, over the years, Richland County has consistently demonstrated an interest in the growth and development of businesses within the County; and

WHEREAS, the primary mission of the MBDA Business Center – Columbia, SC (the Center) is to provide strategic business consulting and business assistance services to minority business enterprises (MBEs) with \$500,000 or more in annual revenues and/or "rapid growth-potential" MBEs; to develop a network of strategic partnerships; and to charge client fees;

WHEREAS, the Center is eighty percent (80%) funded by the U. S. Department of Commerce Minority Business Development Agency (MBDA) and is obligated to generate a twenty percent (20%) match to be in compliance with operating the Center;

NOW THEREFORE, the County and the Center agree to collaborate as follows:

Section #1. The duties and responsibilities of the County shall be as follows:

- Provide matching funds in the amount of Twenty Thousand Dollars (\$20,000.00) to grant services to designated businesses in collaboration with the U. S. Department of Commerce and MBDA;
- Refer qualified candidates for management and technical assistance to the Center;
- Med Week Sponsor and Participant;
- Use the MBDA Business Center, Columbia, services for vendors and provide feedback;
- Report to the MBDA Business Center when the referred clients have been awarded by the County; and
- Additional Services as requested

Section #2. The duties and responsibilities of the Center will be as follows:

- Aid, at a minimum, twenty (20) qualified County businesses with an average of 10-20 hours each of management and technical assistance between July 1, 2012 and June 30, 2013 (Focus on applicable businesses in the unincorporated portion of Richland County);
- Provide the County with a report of the services provided and outcomes by July 30, 2013;
- Host Richland County Small & Minority Business Forum or Procurement Workshop;

- Provided assistance to increase the County vendor base;
- Provide consulting and assistance on county procurement policy;
- Assist with local ordinance for inclusion of local businesses;
- Promote and include the County in marketing and advertising campaigns as a sponsor and partner with the MBDA Business Center;
- Management & Technical Assistance to county businesses, to included but not limited to, assisting with the preparation of the vendor application and its process; and
- Additional Services as requested.

This memorandum of Understanding is entered into this _____ day of June 2012.

Richland County, SC

MBDA Business Center – Columbia, SC

J. Milton Pope
Its: County Administrator

Cheryl Salley
Its: Project Director

Richland County Council Request of Action

Subject: Option to Purchase Cook's Mountain

A. Purpose

Because of the significant economic, educational and conservation value of Cook's Mountain to Richland County, County Council is requested to approve an option to purchase Cook's Mountain (1,131 acres) in Lower Richland contingent upon the receipt of funding assistance from outside sources. The purchase cost to Richland County will be \$1.3 million.

B. Background / Discussion

In March 2012, Cook's Mountain was purchased by Northeast Landfill, LLC, for \$5.1 million. The property is now for sale including 1,131 acres and improvements. Improvements include a 2,700 sq. ft. house built in 1998, a guest house and a 1,200 sq. ft. covered pavilion.

Public ownership is needed to preserve this unique natural and ecological treasure. Preservation of Cook's Mountain by Richland County will improve and protect air and water quality, wildlife habitat, native plant communities, and open space, preserve our County's historic heritage and provide exceptional opportunities for recreation, education, and economic development.

Since 2000, approximately **1.6 million recreational visitors** have been recorded at Congaree National Park totaling approximately **6.4 million visitor hours**. The combination of Cook's Mountain and Congaree National Park with their complimentary and contrasting ecosystems only 16 miles apart will be an unparalleled economic draw for Richland County.

The property is unique because it contains a monadnock (isolated mountain) that rises abruptly from the Wateree River floodplain, creating multiple diverse terrestrial and aquatic ecosystems. These include gum/cypress swamp, ancient sand dunes, longleaf pine and hardwood forests, black water streams, wetlands, and river bottomland. With an elevation of 374 feet, Cook's Mountain rises 260 feet above the Wateree River revealing a spectacular view of the Wateree floodplain in Sumter and Kershaw Counties.

Public ownership of Cook's Mountain would provide the **only** public hunting land in Richland County. Meticulously maintained hunting areas include two duck impoundments providing 150 acres of seasonal waterfowl habitat, a 32-acre dove field, deer patches, and duck blinds. Two miles of river frontage and a concrete ramp offer much needed river access on the Wateree River. Other recreational amenities already developed include a 10-acre fishpond, camping sites, and hiking trails.

For the last two decades, the public has had access to Cook's Mountain by virtue of Cook's Mountain, LLC. Public ownership of Cook's Mountain is needed to ensure continued public access and benefit to this significant natural resource. With broad public access, the previous educational opportunities will continue and be expanded to include school field trips, teacher training, adult environmental and conservation education classes, and higher education (teaching, research and extension).

The property's historical significance derives from the presence of Wateree Indians and home of famous cartographer James Cook, Henry and Arthur Middleton, and Joseph Kershaw.

C. Financial Impact

The estimated financial impact of Cook's Mountain to Richland County will be \$1.3 million. The Richland Soil and Water Conservation District (District) will initially hold title to the property. The purchase of Cook's Mountain by Richland County is contingent upon the receipt of funding assistance from outside sources.

County Council is requested to finance \$1.3 million to purchase Cook's Mountain via a 10-year loan from the County's General Fund. The loan will be secured and repaid through annual payments of \$130,000 from the Richland County Conservation Commission budget.

In partnership with Richland County Council and the Richland County Conservation Commission, the District will establish a 501(c)(3) to manage the property and seek outside funding for operation, maintenance and to repay a portion of the \$1.3 million loan. Operational and maintenance costs can also be funded through grants, timber management, mitigation credits, rental fees, and user charges.

In 2011, the previous owner Cook's Mountain Timber, LLC, paid a total of \$5,248.09 on five undeveloped parcels plus \$4,228.52 for the parcel with improvements (house and guest house) for total annual tax revenue of \$9,476.61. Therefore, removing the six parcels from the tax base will have minimal impact on County tax collections. The potential economic impact from public ownership of Cook's Mountain will far outweigh any tax revenue forgone.

D. Alternatives

1. Approve the request for an option to purchase Cook's Mountain contingent upon the receipt of funding assistance from outside sources and finance \$1.3 million from the Richland County General Fund amortized over 10 years.
2. Do not approve the request to purchase.

E. Recommendation

It is recommended Council Approve the request for an option to purchase Cook's Mountain contingent upon the receipt of funding assistance from outside sources and finance \$1.3 million from the Richland County General Fund amortized over 10 years.

Recommended by: James B. Atkins, Director Department: Conservation
Date: July 10, 2012

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 7/23/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

This is a policy decision for Council however since the request is a-typical for County operations it is recommended that Council ensure that you receive and document all contingencies, assumptions and legal reviews prior to approval in order to appropriately protect the County dollars.

a) During the review, it was been determined that request has changed from the original request of \$1.3m and the County is being requested to fund the cash for the entire project with an agreement from the 501c-3 for repayment in future years. My understanding is that the legal department is providing an opinion under separate cover. If this is approved, Council would need to identify the source of funds.

b) It appears also that it has been determined that the County is unable to directly receive the grant funds and cannot hold title to the property. This also is being addressed under separate cover by legal.

Legal

Reviewed by: Elizabeth McLean

Date: 7/23/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This office has many comments/concerns regarding the proposed purchase. When Council directs staff as to its intentions, Legal will provide a complete analysis. Until that time, any initial Legal guidance will be provided under separate cover.

Administration

Reviewed by: Tony McDonald

Date: 7/23/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: Whether or not to pursue the Cook’s Mountain property is a policy decision. The Council should be aware, however, that two issues were discovered during the staff’s research on this matter that may have an impact on the Council’s decision. The two issues were partially addressed above by the Finance Director.

- 1. The request calls for the County to front the entire amount of the transaction, which is \$3.3 million, \$2 million of which will be repaid by the State Conservation Bank

over the next two to four years, and the remaining \$1.3 million will be repaid by the Conservation Commission over the next ten years.

2. The County is ineligible to directly or indirectly receive Conservation Bank funds; therefore, the County cannot own the property if it is purchased with Conservation Bank funds.

Note: **THIS ITEM IS FOR THE JULY 24 ECONOMIC DEVELOPMENT COMMITTEE MEETING; THEREFORE, PLEASE REVIEW AND ROUTE IT ASAP.** Thanks.

Richland County Council Request of Action

Subject

Airport Commission-2: Dennis L. Dabney, September 9, 2012; Robert C. Pulliam*, September 9, 2012*

Richland County Council Request of Action

Subject

Richland County/City of Columbia Animal Care Advisory Committee-2: Louise C. Emmott, September 1, 2012*;
Peggy O'N. Wilson, September 1, 2012*

Richland County Council Request of Action

Subject

Accommodations Tax Committee-4 (needed 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 at this time.

Richland County Council Request of Action

Subject

Appearance Commission-2 (needed, 1 licensed Horticulturalist and 1 licensed landscape architect); no applications were received at this time.

Richland County Council Request of Action

Subject

Building Codes Board of Adjustments-3 (needed 1 Architect, 1 licensed Electrician, and 1 person from the Fire Protection industry or employed in fields with extensive knowledge of fire codes and fire regulations); one application was received from Victor Snipes, a licensed electrician. **[PAGES 34-35]**



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

Applicant must reside in Richland County.

Name: VICTOR SNIPES

Home Address: PO BOX 5252 COLUMBIA, SC 29250

Telephone: (home) 803-530-2400 (work) 803-252-4140

Office Address: 906 S EDISTO AVE

Email Address: ves33@sc.rr.com

Educational Background: HIGH SCHOOL

Professional Background: ELECTRICAL CONTRACTOR

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: BUILDING CODES BOARD OF ADJUSTMENT

Reason for interest: TO HELP WITH OUR INDUSTRY

Your characteristics/qualifications, which would be an asset to Committee, Board or
Commission:

I HAVE BEEN A BUSINESS OWNER FOR 28 YEARS WORKING IN THE BUILDING
INDUSTRY

Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give? _____

Recommended by Council Member(s): DONNY PHIPPS

Hours willing to commit each month: WHAT EVER IT TAKES

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 X _____

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 X _____

If so, describe: _____


Applicant's Signature _____ Date 6/14/2012

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-3 (needed, 1 CPA, and 2 outside business persons); no applications were received.

Richland County Council Request of Action

Subject

Community Relations Council-1; one application was received from Eva Prioleau [**PAGES 38-39**]



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

Applicant must reside in Richland County.

Name: Eva Prioleau
Home Address: 216 Fox Meadow Lane, Hopkins SC 29061
Telephone: (home) 803-795-4990 (work) 803-576-2433
Office Address: 400 Powell Road, Columbia SC 29203
Email Address: prioleau@rcgov.us
Educational Background: Master of Business Administration
Professional Background: Finance

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Community Relations Council

Reason for interest: To promote better community relations and respect for cultural diversity between all residents.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

With my education and experience, I will maintain loyalty; offer honest and constructive feedback to improve community relations.

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? Served 2 terms on grievance committee

Recommended by Council Member(s): No

Hours willing to commit each month: 20 hours

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

7/2/12
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	

2

Richland County Council Request of Action

Subject

East Richland Public Service Commission-1; one application was received for the position from William H. Hancock
[PAGES 41-42]



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: WILLIAM H. HANCOCK
Home Address: 3746 ROCKBRIDGE ROAD, COLUMBIA, SC 29206
Telephone: (home) 803 787 8413 (work) 803 739 3090
Office Address: P.O. BOX 5949, WEST COLUMBIA, SC 29171
Email Address: whancock @ bbphcpa.com
Educational Background: B.S. BUSINESS ADMINISTRATION, MAJOR: ACCOUNTING, THE CITADEL
Professional Background: PRACTISING CPA - AUDITOR / BUDGET CONSULTANT
Male Female Age: 18-25 26-50 Over 50 -
Name of Committee in which interested: EAST RICHLAND PUBLIC SERVICE DISTRICT
Reason for interest: PUBLIC SERVICE

Your characteristics/qualifications, which would be an asset to Committee, Board or
Commission:

AUDITOR OF LOCAL GOVERNMENTS, CPA WITH FINANCE BACKGROUND

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: 20+

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 X _____

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 X _____

If so, describe: _____

William A. Hamrick
Applicant's Signature

6/27/2012
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

Council Individual Discretionary Account

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] [PAGE 45]

Items kept in Pending Analysis beyond 90 days

- 2) Any item defeated, tabled, or not acted on by committee within 90 days of that item that item having been placed on the committee's agenda may be placed on the Council agenda when the Clerk's Office has received a written request signed by three members of Council,

Amendment:

b. Any item listed on the A&F and D&S Committee agendas under "Pending Items" that have not received action for 100 days shall be moved from "Items Pending Analysis" section to the "Items for Action" section. Actions that could be taken on these items are directing staff to "do" something with an item, such as negotiate, staff or representative to provide a report or summary of information, and/or tabling the item.

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

Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council's approval. I move that we have a workshop on the rules of the Chair. The do's and don'ts of the Chair. This will help with the problem and the chaos we are having on County Council. **[JACKSON]**

Richland County Council Request of Action

Subject

Agendas-FOIA Compliance [**PAGES 49-59**]

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Dennis N. Lambries, Appellant,

v.

Saluda County Council; T.
Hardee Horne, Chairman;
William "Billie" Pugh,
Councilman; Steve Teer,
Councilman; Jacob Schumpert,
Councilman; and James Frank
Daniel, Sr., Councilman, Respondents.

Appeal From Saluda County
William P. Keesley, Circuit Court Judge

Opinion No. 4989
Heard March 15, 2012 – Filed June 13, 2012

REVERSED

Richard R. Gleissner, of Columbia, for Appellant.

Christian Giresi Spradley, of Saluda, for
Respondents.

KONDUROS, J.: Dennis Lambries appeals the circuit court's ruling that the amendment of the agenda by the Saluda County Council (the Council) during its meetings does not violate the Freedom of Information Act (FOIA). We reverse.

FACTS

Lambries filed suit against the Council contending its practice of amending its agenda during regularly scheduled meetings violated FOIA. The circuit court concluded specific language in section 30-4-80 of the South Carolina Code (2007) indicated no agenda was required for regularly scheduled meetings and the amendments to the agenda were made in open public sessions in accordance with the Council's procedures so the action did not violate FOIA.¹ This appeal followed.

STANDARD OF REVIEW

"Statutory interpretation is a question of law." Hopper v. Terry Hunt Constr., 373 S.C. 475, 479, 646 S.E.2d 162, 165 (Ct. App. 2007). This court may decide matters of law with no particular deference to the circuit court. Pressley v. REA Constr. Co., 374 S.C. 283, 287-88, 648 S.E.2d 301, 303 (Ct. App. 2007).

LAW/ANALYSIS

Lambries argues the circuit court's interpretation of section 30-4-80 of the South Carolina Code (2007) was erroneous because it undercuts the purpose of FOIA to inform the public about business to be addressed at meetings of public bodies. We agree.

¹ Lambries initially requested that certain acts of the Council be declared null and void, but he abandoned those claims and seeks only an interpretation of FOIA that will prevent the Council from amending its agenda during meetings in the future.

Section 30-4-80 provides:

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agenda, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

....

(d) Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(e) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

Section 30-4-15 of the South Carolina Code (2007) discusses the purpose of FOIA.

The General Assembly finds that it is vital in a democratic society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity and in the formulation of public policy. Toward this end, provisions of this chapter must be construed so as to make it possible for citizens, or their representatives, to learn and report fully the activities of their public officials at a minimum cost or delay to the persons seeking access to public documents or meetings.

Id. (emphasis added).

The circuit court determined the "if any" language in section 30-40-80(a) means that nothing requires Council to have an agenda for a regularly scheduled meeting. However, this interpretation is inconsistent with the requirement that agendas be posted twenty-four hours prior to a meeting. Applying such a construction, Council could circumvent the notice requirement by simply not preparing a formal agenda and then discussing matters on an ad hoc basis at the meeting. Such conduct would not be in keeping with the purpose of FOIA, and we will not construe a statute in a way that defeats the legislative intent. See Sloan v. S.C. Bd. of Physical Therapy Exam'rs, 370 S.C. 452, 468, 636 S.E.2d 598, 606 (2006) ("A statute as a whole must receive [a] practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of lawmakers."); Kiriakides v. United Artists Commc'ns, Inc., 312 S.C. 271, 275, 440 S.E.2d 364, 366 (1994) (stating courts will reject the ordinary meaning of words if accepting such an interpretation of a statute leads to an absurd result that would defeat the plain legislative intention.); id. ("If possible, the court will construe the statute so as to escape the absurdity and carry the intention into effect."). Additionally, if as Council argues no agenda is required because regularly scheduled meetings are open to the public, then the publication requirement when there is an agenda is superfluous. Meetings with or without an agenda are equally open to the public.

However, if "agenda"² is not viewed narrowly as only a formally prepared piece of paper but instead represents the impactful actions and business the paper memorializes, the statute can be read harmoniously. Then, the "if any" language simply recognizes that regularly scheduled meetings of public bodies may occur during which no formal action or discussion is to take place. If so, there is no agenda and no requirement for publication of a blank piece of paper.

The remainder of subsection (a) requires publication of the agenda for any called or special meeting. By implication, a called or special meeting would only occur if an item required formal discussion or action. This interpretation of the statute gives logical effect and meaning to each part of the statute and is in accord with the purpose of FOIA to notify the public of the activities of public bodies.

The remaining question is whether a published agenda for a regularly scheduled meeting can be amended during the meeting without violating FOIA. This is a close question, because no provision appears to prohibit such action. However, to allow an amendment of the agenda regarding substantive public matters undercuts the purpose of the notice requirement in section 30-4-80. A narrow construction of FOIA may support the position that so long as regularly scheduled meetings are open to the public, they are conducted in compliance with FOIA. However, such a construction would be inconsonant with the agenda notice requirement for regularly scheduled meetings and would go against the instruction that FOIA is to be liberally construed. See N.Y. Times Co. v. Spartanburg Cnty. Sch. Dist. No. 7, 374 S.C. 307, 311, 649 S.E.2d 28, 30 (2007) (stating FOIA is a statute remedial in nature and must be liberally construed to carry out the purpose mandated by the legislature); Evening Post Publ'g Co. v. City of N. Charleston, 363 S.C. 452, 457, 611 S.E.2d 496, 499 (2005) (holding FOIA exemptions are to be narrowly construed to fulfill the purpose of FOIA to guarantee the public reasonable access to certain activities of government).

While Lambries does not argue Council's deeds have been done with ill intent, permitting the amendments to the agenda during a regularly

² Agenda is not defined in FOIA.

scheduled meeting is a practice that could be abused and violates the spirit of FOIA. A South Carolina Attorney General opinion, while not authoritative, eloquently describes the ideal conduct for meeting the obligations set forth under FOIA.

Public bodies are encouraged to take all steps necessary to comply with both the letter and the spirit of the Act, to carry out the express purpose of keeping the public informed about the performance of their public officials and the conduct of public business. If any doubt exists as to action to be taken, the doubt should be resolved in a manner designed to promote openness and greater notice to the public.

1989 S.C. Op. Att'y Gen. 89-111, 1989 WL 406201 (October 11, 1989).

We recognize our decision may be inconvenient in some instances, but the purpose of FOIA is best served by prohibiting public bodies governed by FOIA from amending their agendas during meetings. Therefore, the ruling of the circuit court is

REVERSED.

GEATHERS, J., concurs.

PIEPER, J., dissents in a separate opinion.

PIEPER, J., dissenting:

I respectfully dissent. The majority opinion is well-reasoned and compelling. However, I am reluctant to reverse the denial of temporary injunctive relief by the trial court because the statute is completely silent as to whether a public body can amend an agenda that is not required for a regularly scheduled meeting. "A statute as a whole must receive practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of lawmakers." Sloan v. S.C. Bd. of Physical Therapy Exam'rs, 370 S.C. 452, 468, 636 S.E.2d 598, 606 (2006). "[I]t is vital in a democratic

society that public business be performed in an open and public manner so that citizens shall be advised of the performance of public officials and of the decisions that are reached in public activity" S.C. Code Ann. § 30-4-15 (2007). FOIA must be construed to make it possible for citizens to learn and report fully the activities of public officials. Id. Section 30-4-80 of the South Carolina Code provides the following:

- (a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agenda, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

S.C. Code Ann. § 30-4-80 (2007).

Section 30-4-80 is completely silent as to whether an amendment to a published agenda for a regularly scheduled meeting is permitted. What is clear is that an agenda is not required for a regularly scheduled meeting, as indicated by the "if any" language in the statute. See S.C. Code Ann. § 30-4-80 (2007) ("Agenda, if any, for regularly scheduled meetings"). Because an agenda is not required for a regularly scheduled meeting, it is difficult to conclude that the statute's silence clearly demonstrates legislative intent to prohibit a public body from amending a discretionary agenda. Additionally, Council's amendment of the agenda did not violate FOIA's

purpose of providing the public access to a public body's actions behind closed doors. Council's amendment of the agenda did not infringe on Lambries' ability to learn and report fully on the activities of the public officials. While the public was not informed of the amendment to the agenda, the meeting was performed in an open and public manner, and the public was advised of both the meeting and the decisions reached at the meeting.

Moreover, because a FOIA violation can be criminal in nature, the law should be clear as to what is proscribed; otherwise, unintended prosecutions could be threatened. See S.C. Code Ann. § 30-4-110 (2007) ("Any person or group of persons who willfully violates the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned for not more than thirty days for the first offense . . ."). Until the legislature resolves this issue, I would not judicially impose requirements that would have the effect of creating new and potentially unintended criminal liability. Furthermore, in light of the admitted lack of legislative clarity on this issue, I would alternatively affirm the trial court's denial of Lambries' temporary injunction, as the decision to grant or deny an injunction is within the discretion of the trial court. See Strategic Res. Co. v. BCS Life Ins. Co., 367 S.C. 540, 544, 627 S.E.2d 687, 689 (2006) ("An order granting or denying an injunction is reviewed for abuse of discretion."). Based on the foregoing reasons, I would affirm the order of the trial court.

MONIQUE WALTERS

From: BRAD FARRAR
Sent: Monday, June 18, 2012 11:22 AM
To: Kelvin Washington; Gregory Pearce; Joyce Dickerson; Val Hutchinson; Norman Jackson; Damon Jeter; Gwendolyn Kennedy; Paul Livingston; Bill Malinowski; Jim Manning; Seth Rose
Cc: MILTON POPE; TONY MCDONALD; Sparty Hammett; ROXANNE ANCHETA; Randy Cherry; Michelle Onley; MONIQUE WALTERS; LARRY SMITH; ELIZABETH MCLEAN; Tish Garnett; Marnyka Buttry; STEPHANY SNOWDEN; Tracy Hegler; AMELIA LINDER; GEO PRICE; SUZIE HAYNES
Subject: RE: Court of Appeals -- Amending Council's Agenda [1 Attachment]
Attachments: Court Of Appeals -- Amending An Agenda (2).pdf

To All,

This morning Chairman Washington and I discussed the need to get in front of this issue and minimize the possibility of any Richland County official, employee or volunteer board or committee member running afoul of the attached Court of Appeals' decision issued last week. Following up on that ruling, the South Carolina Association of Counties posted an article on "Amending Council Agendas," accessible at this link:

<http://www.sccounties.org/legislation/bulletins/2012.aspx>

SCAC's conclusion on this subject is that, "SCAC legal staff will continue to monitor the case upon appeal to the Supreme Court and update county officials on new developments. In the meantime, County Councils are advised to refrain from amending agendas during regularly scheduled meetings."

Based on this significant Court of Appeals decision, I note the following.

First, how to address this issue right now. S.C.Code Ann. Section 30-4-80, "Notice of meetings of public bodies," provides in part:

(a) All public bodies, except as provided in subsections (b) and (c) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. Agenda, if any, for regularly scheduled meetings must be posted on a bulletin board at the office or meeting place of the public body at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board public notice for any called, special, or rescheduled meetings. Such notice must be posted as early as is practicable but not later than twenty-four hours before the meeting. The notice must include the agenda, date, time, and place of the meeting. This requirement does not apply to emergency meetings of public bodies.

This ruling may have made it "impracticable" to post an agenda of a public body any sooner than the deadline of "twenty-four hours prior to" whatever meeting is at issue in the event Council or any of its members would like to amend, change or tweak anything on the agenda. Since the Court of Appeals ruled that amending an agenda at a meeting violates the Freedom of Information Act (FOIA), and if willful violations of the FOIA can result in criminal sanctions, while the "shell" or majority of a public body's agenda may be prepared as soon as possible, Council may want to consider that final changes, amendments or tweaks thereto be made up until the deadline of 24-hours before the meeting. This, then, could result in the public body's agendas not being posted until 24-hours before its meetings, which does comply with FOIA and would allow amendments to be made within as short a time before the scheduled meeting as possible while still complying with this court ruling.

I would suggest that Council and all boards, commissions, etc., that have agendas refer to them as "Working Agendas" until posting the final agenda 24-hours before the scheduled meeting, especially for public bodies that regularly amend their agendas.

As a practical matter, however, the Clerk's Office will need time to ensure that any requested amendments are made, that the agenda may be finalized and that IT can assist if there are any glitches. As such, the deadline likely still could be the day before Council meets, but not exactly 24-hours prior to the start of the meeting.

I will ask that the Clerk's Office issue whatever deadline they may need to do the administrative and logistical things in order to prepare and post the agenda.

For any citizens or Council members who prefer hard copies of agendas instead of electronic notice, the County may also need to look at ways to get final agendas to those impacted by this Court decision.

Finally, to address this issue for the long term, Council may want to refer this situation to the Rules and Appointments Committee to propose language in Council's rules to address this Court of Appeals' decision.

I can provide further guidance or answer any questions from Council, staff, boards, committees, etc., as needed. Thank you.

V/r

Bradley T. Farrar
Deputy Richland County Attorney
Richland County Attorney's Office
2020 Hampton Street, Room 4018
Post Office Box 192
Columbia, South Carolina 29202
(803) 576-2076 (fax) (803) 576-2139
bradfarrar@richlandonline.com or FARRARB@rcgov.us

ATTORNEY-CLIENT OR OTHER PRIVILEGED COMMUNICATION NOT FOR DISSEMINATION BEYOND ORIGINAL ADDRESSEE(S) AND ORIGINAL COPIED RECIPIENT(S).

From: BRAD FARRAR

Sent: Thursday, June 14, 2012 3:27 PM

To: Kelvin Washington; Gregory Pearce; Joyce Dickerson; Val Hutchinson; Norman Jackson; Damon Jeter; Gwendolyn Kennedy; Paul Livingston; Bill Malinowski; Jim Manning; Seth Rose

Cc: MILTON POPE; TONY MCDONALD; Sparty Hammett; ROXANNE ANCHETA; Randy Cherry; Michelle Onley; MONIQUE WALTERS; LARRY SMITH; ELIZABETH MCLEAN; Tish Garnett; Marnyka Buttry; STEPHANY SNOWDEN

Subject: Court of Appeals -- Amending Council's Agenda [1 Attachment]

To All,

The attached SC Court of Appeals decision involving Saluda County was issued on June 13, 2012. It involves amending agendas of public bodies.

The opinion basically holds that amending public body meeting agendas violates the Freedom of Information Act (FOIA). No kidding, that's what it entails.

I would suggest that everyone read this opinion, especially the dissent from Judge Pieper, as there literally are possible criminal consequences for willful violations of the FOIA. The opinion has implications for any public body or entity, from County Council to volunteer boards and commissions. This opinion is being widely circulated among the counties. I would suggest also that you consider contact SCAC and the legislative delegation to inquire about the ramifications of this decision, and how to go about legislatively addressing it as soon as possible.

Finally, as to staff, I would suggest that you forward this information to departments that in particular have boards, commissions or public bodies that meet and have agendas (Planning, for example, which works with BOZA, PC, etc.), so they may be aware of this situation.

I prepared a very lengthy response for my colleagues on an Internet "chat room" for county attorneys that I sent today. I won't saddle you with that long message, but I can forward you a copy if anyone is interested, as it goes into great detail about my thoughts, for what they're worth, on the scope of this decision.

Please contact me if you have any questions or need more information. Thank you.

V/r

Bradley T. Farrar
Deputy Richland County Attorney
Richland County Attorney's Office
2020 Hampton Street, Room 4018
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Richland County Council Request of Action

Subject

Reviewing Committee Qualifications [**PAGE 61**]

Additional Language for the Internal Audit Committee

Members of Internal Audit Committee the will meet every six months to analyze the health of the day to day running of the departments that make up Richland County Government. The report shall consist of a summary that is to be reported out to County Council at a determined date.

Richland County Council Request of Action

Subject

I move Council consider allowing Master Gardners to fulfill the roles of Landscaper and Horticulturalist on the Appearance commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council vacancies **[HUTCHINSON] [PAGES 63-67]**

APPEARANCE COMMISSION

The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. The Commission, appointed in whole by Council, shall consist of at least eleven (11) members; at least one member who is a landscape architect and one member who is a horticulturist; and the other members being interested citizens residing in the county. Members shall serve a term of four (4) years or until his or her successor is appointed. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia and Richland County will serve as an ex-officio member.

	<u>District</u>	<u>Member</u>	<u>Expiration</u>
1	Malinowski	Kim Murphy	Concurrent
2	Dickerson		*
3	Jeter		*
4	Livingston		*
5	Rose	Carla Lewis Moore	*
6	Pearce		*
7	Kennedy	Jim Davis	*
8	Manning	Lee Phippen	*
9	Hutchinson	Mary Jane Henderson	*
10	Washington		*
11	Jackson	Angela Geiger	*

Other Members:
 Horticulturist (Vacant)
 Landscape Architect (Vacant)

APPEARANCE COMMISSION

The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. The Commission, appointed in whole by Council, shall consist of at least eleven (11) members: at least one member who is a landscape architect and one member who is a horticulturist; and the other members being interested citizens residing in the county. Members shall serve a term of four (4) years or until his or her successor is appointed. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and Richland County will serve as an ex-officio member.

District 1

Kim Murphy, *Chair*
154 Old Laurel Lane
Chapin, SC 29036
345-8855 (H)
12/31/14

District 2 (Vacant)

Betty Robinson
1916 Spotswood
Columbia, SC 29210
(H)
12/31/08

District 3 (Vacant)

William A. Niblock
4011 Highland Park Drive
Columbia, SC 29204
754-4429
12/31/08

District 4 (Vacant)

Betsy L. Boozer
2304 Lincoln Street
Columbia, SC 29201
779-7595 (H)
Retired (O)
12/31/14

District 5

Carla Lewis Moore
2300 Wilmot Ave
Columbia, SC 29205
(H) 770-0124
c-l-moore@att.net
12/31/14

District 6 (Vacant)

Ms. Arney Love
3 Cedarwood Lane
Columbia, SC 29205
256-1196
12/31/10

District 7

Jim Davis
120 Swandale Dr.
Columbia, SC 29203
(C) 318-1136
4/10/12

District 8

Lee Phippen
4230 Sandwood Drive
Columbia, SC 29205
(H) 738-0865
npippen@sc.rr.com
12/31/12

District 9
Mary Jane Henderson
19 Stagbriar Court
Columbia, SC 29229
736-0176
917-8670

District 10 (Vacant)
Susan R. Harris
2509 Flamingo Drive
Columbia, SC 29209
783-0130
12/31/12

District 11
Angela Geiger
405 N. Maney Ct.
Hopkins, SC 29061
776-6436 (H)
333-6104 (O)
12/31/14

Contact: James “Buddy” Atkins
RC Conservation Department
576-2080

Council Liaison:

Others Members:
James E. Storzier, Horticulturist (Resigned)
315 Kilbourne Rd. (Dist 5)
Columbia, SC 29205
(H) (706) 621-9947
(O) 978-1048
jstorzier@riverbanks.org
4/6/10-4/6/13

Landscape Architect
(Vacant)

Citizen Liaisons:

(i) *Richland County Appearance Commission.*

- (1) *Creation.* There is hereby created a Richland County Appearance Commission, which shall be a permanent county commission, appointed in whole by county council.
- (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.
- (3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:
 - a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.
 - b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.
 - c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five-year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.
 - d. To develop a maintenance plan for the above LIMB Plan and five-year plan.
 - e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.
- (4) *Terms of members: election of officers; and meetings.*
 - a. An at-large Commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the

Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.

- b. The commission shall elect a chairman, vice-chairman, secretary and treasurer.
 - c. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the commission in making its recommendations to county council. All meeting of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.
- (5) *By-laws*. The commission shall adopt by-laws by which meetings and activities of the commission will be conducted. Such by-laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.

Richland County Council Request of Action

Subject

Appearance Commission: **[MALINOWSKI]**

- a. Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.
- b. Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.

Richland County Council Request of Action

Subject

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE

- a. Work Authorizations #3 and #4 (M. B. Kahn) [**ACTION**] [**PAGES 70-79**]



M.B. Kahn Construction Co., Inc.

P.O. BOX 1179 / COLUMBIA, SC 29202 / PHONE (803) 736-2950 / FAX (803) 736-9501

Since 1927

CONSTRUCTION
MANAGEMENT
DIVISION

June 7, 2012

Ms. Roxanne Ancheta
Assistant to the County Administrator
Richland County
P. O. Box 192
Columbia, South Carolina 29202

**RE: Richland County Recreation / Entertainment Complex
Work Authorization Number 3 (\$22M Optional Plan)**

Ms. Ancheta;

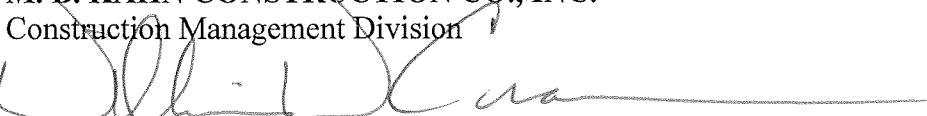
M. B. Kahn is pleased to submit the enclosed scope, fee and contract revisions for the Work Authorization previously approved by Council. This revised proposal is based on the reduced project, and includes project design services for Richland County's proposed sports complex including wetlands impact services, civil engineering design and construction documents, architectural/engineering design and construction documents, and associated program management services. The complex design will include soccer fields, support facilities, access roads, associated parking, and turn lanes on Farrow Road. Support Facilities will include a main/registration building, restroom/concession buildings, a maintenance building, and picnic shelter(s). We have also included Additional Services for environmental remediation planning, road design surveying, and tree survey/inventory.

This work authorization brings the project through the design & regulatory submittal phase. The next step will be for the County to decide the procurement approach, and issue work authorization(s) for the bid and construction phases. We are available to meet with you after you have had a chance to review the enclosed information so that we may respond to any questions you may have relative to this work authorization scope and cost. Please let us know if you wish to meet.

Sincerely,

M. B. KAHN CONSTRUCTION CO., INC.

Construction Management Division


William W. Cram
Executive Vice President

Enc: Scope of Work; Fee Proposal; Work Authorization

CC: R. Brax



RICHLAND COUNTY RECREATION / ENTERTAINMENT COMPLEX

SCOPE OF WORK

PROJECT DESIGN SERVICES

Project Design Services will include civil engineering design services and architectural/engineering design services required to produce final construction plans and specifications for a Soccer Tournament Complex.

Work necessary to conduct this portion of services will be based on the revised project scope and includes:

- Site development to include soccer fields, athletic lighting, irrigation/drainage systems, spectator seating, paths/walkways, fencing, utility systems, storm drainage system, parking, interior road/drive, and landscape design.
- Preparing civil engineering design and plans including Schematic Design (SD), Design Development (DD) and Construction Drawings (CD) for site development.
- Engineering design services related to modifications of Farrow Road for entry drive(s).
- Professional services related to wetlands impacts on-site and identification / coordination / approval for off-site mitigation bank.
- Coordination of propane gas line relocation owned by Dixie Pipeline. (does not include design)
- Coordination of on-site power line easement changes with SCE&G.
- Landscaping design to include basic design to meet Richland county development requirements.
- Preparing one set of plans and one set of technical specifications.
- Submitting for site-related permits from local, regional and state agencies.

- Support Facilities include Main/Registration Building, Restroom/Concession Buildings, Maintenance Building, and Picnic Shelter(s).
- Preparing architectural/engineering design and plans including Schematic Design (SD), Design Development (DD) and Construction Drawings (CD) for Support Buildings.
- All work in the Mixed Use/Commercial area is excluded.
- Preparing one set of plans and one set of technical specifications.
- Submitting for building-related permits from local, regional and state agencies.

RICHLAND COUNTY RECREATION / ENTERTAINMENT COMPLEX

SCOPE OF WORK

REGULATORY AGENCY STUDIES & REPORTS

Regulatory Agency Studies & Reports include services typically provided outside of project design. The proposed separate services include:

Phase 3 Environmental Site Assessment (remediation coordination)

Based on the Phase 1 and Phase 2 environmental reports result, additional services are required and include:

- Test borings and monitoring wells at the potential contamination areas identified
- Design and coordination of the remediation
- All necessary reports and permits to achieve cleanup of the site to agreed upon site specific standards.
- Does not include Construction Costs required to remediate any of the contaminated areas.

Farrow Road Modifications Survey

Land surveying services as required to support the planning and design of modifications to Farrow Road for the proposed project. Land surveying services are required for:

- Identifying public road right-of-ways
- Coordinating easement modifications for existing and relocated utilities
- Providing parameters for Turning Lane(s) design

Tree Survey / Inventory

Surveying services required by Richland County to determine the size, species, health, condition, and structural integrity of existing forest trees for the purposes of:

- Protection of specific existing trees
- Development of a tree replacement plan
- Development of a tree protection plan



RICHLAND COUNTY RECREATION COMPLEX
Richland County, SC

FEE PROPOSAL BREAKDOWN (W.A. #3)
(S22M Optional Plan)

PROJECT DESIGN SERVICES	\$1,012,400
Wetlands Identification/Coordination/Approvals	
Civil Engineering Design and Construction Documents	
Utility Service Provider Coordination	
Athletic Fields Component Design	
Building Design and Construction Documents	
Associated Program Management Services	
REGULATORY AGENCY STUDIES & REPORTS	\$88,000
Phase 3 Environmental Site Assessment (remediation coordination)	
Farrow Road Modifications Survey	
Tree Survey / Inventory	
Associated Program Management Services	
TOTAL	\$1,100,400



RICHLAND COUNTY RECREATION / ENTERTAINMENT COMPLEX

WORK AUTHORIZATION FOR PROFESSIONAL SERVICES

Richland County Recreation / Entertainment Complex

Work Authorization No. 3

It is agreed to undertake the following work in accordance with the provisions of our Prime Agreement for Professional Services dated April 1, 2010.

Description of Work Authorization: Civil Engineering Design and Construction Documents; Building Design and Construction Documents; Environmental Remediation planning; surveying; and associated Program Management Services as described in M.B. Kahn's proposal dated June 7, 2012 (*copy attached*).

Basis of Compensation / Period of Services: A fixed fee of One Million One Hundred Thousand Four Hundred Dollars (\$1,100,400.00). Services described herein shall be completed in 300 days of the executed work authorization, subject to updates and modifications as the project progresses. Compensation is to be paid in monthly installments commensurate with the progress of the work.

Agreed as to scope of services, time schedule, and budget:

For Richland County, South Carolina

Date

For M. B. Kahn Construction Co., Inc.

Date

Attachment: MBK Proposal Dated 6/7/2012 (4 pages)



M.B. Kahn Construction Co., Inc.

P.O. BOX 1179 / COLUMBIA, SC 29202 / PHONE (803) 736-2950 / FAX (803) 736-9501

Since 1927

CONSTRUCTION
MANAGEMENT
DIVISION

June 7, 2012

Ms. Roxanne Ancheta
Assistant to the County Administrator
Richland County
P. O. Box 192
Columbia, South Carolina 29202

**RE: Richland County Recreation / Entertainment Complex
Work Authorization Number 4**

Ms. Ancheta;

M. B. Kahn is pleased to submit the enclosed scope, fee and contract revisions for the Work Authorization previously approved by Council. This revised proposal is based on the reduced project, and includes services for the development of Commercial Site Layout, services for Promotion of Public/Private Partnerships, and services for Schematic Design of Indoor Sports Facility.

We are available to meet with you after you have had a chance to review the enclosed information so that we may respond to any questions you may have relative to the scope and cost. Please let us know if you wish to meet.

Sincerely,
M. B. KAHN CONSTRUCTION CO., INC.
Construction Management Division

William W. Cram
Executive Vice President

Enc: Scope of Work; Fee Proposal; Work Authorization

CC: R. Brax



RICHLAND COUNTY RECREATION / ENTERTAINMENT COMPLEX

SCOPE OF WORK

COMMERCIAL SITE LAYOUT

Provide a defined feasible conceptual layout for the commercial development. Design will address all significant areas of design including relationships to the recreation complex, pedestrian traffic coordination, traffic/parking coordination, Indoor Sports Facility location, and safety/security. The design will be shown in the form of 2D drawings, and a study 3D model.

PROMOTION OF PUBLIC/PRIVATE PARTNERSHIP

The objective is to promote private sector participation in the provision of public services through public-private partnership projects in terms of investment capital, and managerial skills. Private/Public Partnerships may consist of two components, first is the Indoor Sports Facility, for basketball, volleyball and other indoor competitions, and secondly, is the area that will be allocated for hotel, retail and food establishments. Work necessary to conduct this portion of services includes:

- Developing an enabling legal and institutional framework to guide investments in public/private partnership;
- Develop institutional capacities for technical analysis and negotiation of public/ private partnership and associated contracts (possible tax exempt from property taxes the “public use” portion of property)
- To implement effective strategies indicating specific obligations and rights for various stakeholders by providing options for the type of public/private partnerships such as:
 - Buy-Build-Operate – County sells +/- 10 acres to the private sector entity
 - Land Lease – is a lease in which the tenant rents and uses the land, but owns the temporary or permanent buildings and other objects placed on it.
 - Or a combination of Buy-Build-Operate and Land Lease
- Prepare operational guidelines and criteria for the Indoor Sports Facility public/private partnership;
- Identify potential private partners for the design and construction of the Indoor Sports Facility
- Identify potential private partners for the design and construction of a Hotel, Food, and Retail shops
- Introduce fair, equitable, transparent, competitive and cost effective procurement processes for public/private partnership;
- Establish efficient and quality socio-economic public private partnership within Richland County.

RICHLAND COUNTY RECREATION / ENTERTAINMENT COMPLEX

SCOPE OF WORK

SCHEMATIC DESIGN OF INDOOR SPORTS FACILITY

The objective is to provide a document fully outlining the facility's design criteria. Documents will cover major building functions, number teams, patrons to be accommodated and possible activity usage. All documents are based on feasibility studies, site selection and market conditions, with the final document used to attract Private Partners.

Services include:

- Confirmation of facility objectives
- Identification of priorities, values and goals
- Develop performance and design criteria
- Establish building size, shape and height requirements
- Establish interior configuration requirements
- Identify other required components
- Produce 2D drawings and 3D study model



RICHLAND COUNTY RECREATION COMPLEX

Richland County, SC

FEE PROPOSAL BREAKDOWN (W.A. #4)

COMMERCIAL SITE LAYOUT	\$58,800
Conceptual development layout	
Pedestrian Traffic Coordination	
Traffic/Parking Coordination	
Locate Indoor Sports Facility	
2D Drawing and 3D Models	
PROMOTION OF PUBLIC / PRIVATE PARTNERSHIPS	\$93,200
Legal and Institutional Framework	
Indoor Sports Facility Guidelines	
Public/Private Partnership Options	
Establish Procurement Process	
Identify Potential Private Partners	
SCHEMATIC DESIGN FOR INDOOR SPORTS FACILITY	\$161,700
Confirmation of facility objectives	
Identification of priorities, values and goals	
Develop performance and design criteria	
Establish building size, shape and height requirements	
Establish interior configuration requirements	
Identify other required components	
Produce 2D drawings and 3D study model	
TOTAL	\$313,700



RICHLAND COUNTY RECREATION / ENTERTAINMENT COMPLEX

WORK AUTHORIZATION FOR PROFESSIONAL SERVICES

Richland County Recreation / Entertainment Complex

Work Authorization No. 4

It is agreed to undertake the following work in accordance with the provisions of our Prime Agreement for Professional Services dated April 1, 2010.

Description of Work Authorization: services for the development of a Commercial Site Layout, services for Promotion of Public/Private Partnerships, and services for Schematic Design of Indoor Sports Facility as described in M.B. Kahn's proposal dated June 7, 2012 (*copy attached*).

Basis of Compensation / Period of Services: A fixed fee of Three Hundred Thirteen Thousand Seven Hundred Dollars (\$313,700.00). Services described herein shall be completed in 270 days of the executed work authorization, subject to updates and modifications as the project progresses. Compensation is to be paid in monthly installments commensurate with the progress of the work.

Agreed as to scope of services, time schedule, and budget:

For Richland County, South Carolina

Date

For M. B. Kahn Construction Co., Inc.

Date

Attachment: MBK Proposal Dated 6/7/2012 (4 pages)

Richland County Council Request of Action

Subject

- a. Move that staff prepare literature before the end of August for council approval before dissemination the education piece of the Transportation Tax **[JACKSON]**
- b. I move that we begin the process to enact an ordinance authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County, South Carolina, to issue general obligation bonds in the principal amount of not exceeding \$5,000,000 in one or more series, in one or more years, with appropriate series designations; and other matters relating thereto by sending this issue to the July Administration and Finance Committee meeting **[WASHINGTON]**
- c. I move that we begin the process to enact an ordinance amending Exhibit A to Ordinance No. 048-08HR authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County, South Carolina, to issue general obligation bonds in the principal amount of not exceeding \$50,000,000; and other matters relating thereto enacted by the County Council of Richland County, South Carolina on September 9, 2008, by sending this issue to the July Administration and Finance Committee meeting **[WASHINGTON]**
- d. I move that we give First Reading by title only to the following ordinance: "An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$77,256.20 of General Fund Undesignated Fund Balance to the Legal Department for salary adjustments **[WASHINGTON]**"

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda