

RICHLAND COUNTY

COUNTY COUNCIL AGENDA



Tuesday, FEBRUARY 19, 2019

6:00 PM



Richland County Council

Regular Session
February 19, 2019 - 6:00 PM

2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Paul Livingston,
Chair Richland County Council

2. **INVOCATION** The Honorable Yvonne McBride

3. **PLEDGE OF ALLEGIANCE** The Honorable Yvonne McBride

4. **PRESENTATION OF RESOLUTIONS**
 - a. Resolution honoring Ms. Margaret DuBard's service to Richland County and the Conservation Commission The Honorable Joyce Dickerson

 - b. Resolution Honoring Columbia-Richland Fire Chief Aubrey Jenkins' on his 40th Anniversary with the Columbia-Richland Fire Service. The Honorable Paul Livingston

5. **APPROVAL OF MINUTES** The Honorable Paul Livingston
 - a. Regular Session: February 5, 2019 [PAGES 9-37]

6. **ADOPTION OF AGENDA** The Honorable Paul Livingston

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** Larry Smith,
County Attorney
 - a. Personnel Matter: Assistant County Administrators [ACTION]

 - b. Pending Litigation: Richland County vs. City of Columbia - Declaratory Judgment

- c. Legal Update: Richland County vs. Program Development Team (PDT) - Mediation
- d. Contractual Matter: Cedar Cove/Stoney Point Sewer Project
- e. Contractual Matter: Meeting with City of Columbia
- f. Litigation Update: South Carolina Dept. of Revenue vs. Richland County

8. CITIZENS' INPUT

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

9. CITIZENS' INPUT

- a. Must Pertain to Richland County Matters Not on the Agenda

10. REPORT OF THE INTERIM COUNTY ADMINISTRATOR

Edward Gomeau,
Interim County Administrator

- a. Cedar Cove/Stoney Point Sewer Project [ACTION] [PAGES 38-44]
- b. 2019 Budget Calendar [ACTION] [PAGES 45-46]
- c. Restructuring Ordinance [ACTION] [PAGES 47-88]
- d. Personnel Matter: Assistant County Administrators [ACTION]
- e. Utilities Rate Study [ACTION] [PAGE 89]
- f. Presentation of the FY18 Audit [PAGES 90-96]
- g. Richland Renaissance [PAGES 97-126]

Kimberly Williams-Roberts,
Clerk of Council

11. REPORT OF THE CLERK OF COUNCIL

- a. Engage Richland: Making Government Work for You, February 21, 6:00 - 7:30 PM, Decker Center/Sheriff's Annex
- b. Upcoming Penny Tax Project Public Meetings:
 - a. Smith/Rocky Branch Greenway, February 21, 5:00 -7:00 PM, Earlewood Community Center, 1113 Recreation Drive

b. Lower Richland Boulevard Widening, February 28, 5:00 - 7:00 PM, Lower Richland High School Sheriff's Substation, 2615 Lower Richland Boulevard

c. Broad River Corridor Neighborhood Improvements, March 7, 5:00 - 7:00 PM, Virginia Wingard United Methodist Church, 1500 Broad River Road

c. SCAC Mid-Year Conference (February 20) and Institute of Government Classes (February 21), Embassy Suites - Columbia

12. REPORT OF THE CHAIR

The Honorable Paul Livingston

a. Contractual Matter: Meeting with City of Columbia

b. Personnel Matter: Interim County Administrator

c. Administrator Search Update

13. APPROVAL OF CONSENT ITEMS

The Honorable Paul Livingston

a. 18-046MA
Kenyatte Jones
GC to RM-MD (.4 Acres)
5406 Monticello Road
TMS #R09310-07-14 (Portion of) [THIRD READING]
[PAGES 127-128]

b. 18-047MA
Inga Black
RS-HD to GC (1.21 Acres)
Bluff Road and Harlem Street
TMS # R13509-02-07, 42 & 43 [THIRD READING]
[PAGES 129-130]

c. An Ordinance Amending the Fiscal Year 2019 Fire Service Fund Annual Budget by \$368,410 to cover the personnel expenses for the 11 positions under the SAFER Grant from January 1 to June 30, 2019 with funds from Fund Balance in the Fire Services Fund [SECOND READING] [PAGES 131-133]

d. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund a corrective action plan in the amount of \$3,103,000 incident to a South Carolina Department of Health and Environmental Control Administrative Process responded to by the Department of Utilities with funds from the unassigned funds from General Fund Fund Balance [SECOND READING] [PAGES 134-136]

14. THIRD READING ITEMS

The Honorable Paul Livingston

- a. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County [PAGES 137-139]

15. REPORT OF RULES & APPOINTMENTS COMMITTEE

I. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS COMMITTEE

- a. Move that the Rules & Appointments Committee review the current County Council Rules and offer amendments for consideration by Council that would clarify exactly how County Council voting will occur with specific reference to how a non-vote (i.e. not a “yes”, “no” or “abstain” vote) from a member present at the meeting shall be counted or not counted [PEARCE] [PAGE 140]
- b. Revisit the bed and breakfast ordinance to increase the number of rooms up to 20, so the business can be profitable and flourish. This would be in line with keeping the rural character and allow opportunities for small businesses. [N. JACKSON] [PAGE 141]

The Honorable Paul Livingston

16. OTHER ITEMS

- a. I move that the Magistrate's Office on Wilson Blvd. be constructed with brick siding and not metal [KENNEDY] [PAGES 142-146]
- b. A Resolution to appoint and commission James E. Bostic and Maurice A. Hudson as Code Enforcement Officers for the proper security, general welfare, and convenience of Richland County {Solid Waste & Recycling Division} [PAGE 147]
- c. FY19 - District 7 Hospitality Tax Allocation [PAGES 148-149]

17. EXECUTIVE SESSION

Larry Smith,
County Attorney

18. MOTION PERIOD

- a. Resolution Recognizing March as Bleeding Disorders Awareness Month
- b. With regard to Section 5 in the Richland County 2019 Council Retreat and the presentation on Reintroducing and Revisiting the Renaissance Plan, specifically Page 5-

The Honorable Paul Livingston

The Honorable Jim Manning

11, reference is made under Element III: Revivify Richland to Bight Remediation. I move that Blight Remediation be removed from the Richland Renaissance and that staff be directed to initiate code enforcement and ordinances immediately and Council provide the necessary resources to carry out the enforcement of Richland County Codes and Ordinances that address blight remediation.

- c. Resolution Recognizing February as Black History Month The Honorable Dalhi Myers

- d. Resolution Honoring the 30th Anniversary of the Harambee Festival The Honorable Yvonne McBride

- e. I move to amend Richland County Code of Ordinances Chapter 16, Licenses and Miscellaneous Business Regulations by adding Section 16-23, Health Massage, Bodywork Therapists, and Massage Establishments. [PAGES 150-156] The Honorable Jim Manning

- f. I move that Council be informed in regard to the attached figure provided by Richland County Administrator on February 13, 2019 whether 1 or 2 Assistant County Administrator position vacancy(s) were advertised. [PAGE 157] The Honorable Jim Manning

- g. According to information provided for the 2019 Council Retreat, “On January 31, 2017, former County Administrator Gerald Seals advised the PDT that he could not recommend wage increases because the County did not grant cost of living increases to County personnel for 2016 and had not considered pay increases for County personnel for 2017.” I move that Council be provided the answer to the following question: Did the County Transportation Staff get the 2% pay raise last month (January 2019) The Honorable Jim Manning

20. ADJOURNMENT



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



Richland County Council
Regular Session
February 5, 2019 – 6:00 PM
Council Chambers

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Vice-Chair; Joyce Dickerson, Calvin “Chip” Jackson, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio and Joe Walker III

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, John Thompson, Sandra Yudice, Stacey Hamm, Eden Logan, Larry Smith, Dwight Hanna, Nathaniel Miller, Jennifer Wladischkin, Mohammed Al-Tofan, Brad Farrar, Michael Niemeier, Ashley Powell, Janet Claggett, Donny Phipps, Ashiya Myers, Quinton Epps, Edward Gomeau, Shahid Khan, Ismail Ozbek, Sandra Haynes, Erica Wade, Geo Price, Michelle Rosenthal, Cheryl Cook, Bryant Davis, Christine Keefer, Dwight Hanna, Dale Welch, Tim Nielsen, Nathaniel Miller, Michael Niermeier, Mohammed Al-Tofan, Jennifer Wladischkin, Michael Byrd, Randy Pruitt and Melissa Watts

1. **CALL TO ORDER** – Mr. Malinowski called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The invocation was led by the Honorable Calvin Jackson
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Calvin Jackson
4. **APPROVAL OF MINUTES**
 - a. **Special Called Meeting: December 11, 2018** – Ms. Dickerson moved, seconded by Ms. Myers, to approve the minutes as distributed.

In Favor: Malinowski, Jackson, Myers, Dickerson, Livingston and McBride

The vote in favor was unanimous.
 - b. **Zoning Public Hearing: December 18, 2018** – Ms. Dickerson moved, seconded by Ms. Myers, to approve the minutes as distributed.

In Favor: Terracio, Malinowski, Jackson, Dickerson, Livingston and McBride

The vote in favor was unanimous.
 - c. **Special Called Meeting: January 8, 2019** – Mr. Manning moved, seconded by Ms. McBride, to approve the minutes as distributed.

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In Favor: Terracio, Malinowski, Jackson, Myers, Dickerson, Livingston, and McBride

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** – Mr. Gomeau stated Items 6(a)(2) and 9(g)(2) entitled “Columbia Place Mall – Maintenance Agreement Cancellation” and 9(d) entitled “City of Columbia letter regarding funding the Three Rivers Greenway Project” need to be removed from the agenda.

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

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Opposed: Manning

The vote was in favor.

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – Mr. Smith stated the following items are eligible for Executive Session.

a. Columbia Place Mall

1. Maintenance Fees

b. City of Columbia: Intergovernmental Agreement for Bulk Water Sale

7. **CITIZENS' INPUT: For Items on the Agenda Not Requiring a Public Hearing** – No one signed up to speak.

8. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda**

a. Teresa Lancaster spoke regarding settling of estates when the property is off of a dirt road.

b. Brenda Timme also spoke regarding the settling of estates when the property is off of a dirt road.

c. Eloise Fomley Denson spoke regarding the health concerns related to the plumes that over the Westinghouse facility.

d. Valerie Marcil spoke regarding the management of the Penny Greenway projects.

e. Steve Hinson spoke regarding the sale of the property at 1400 Huger Street.

f. Jim Colwell spoke regarding the sale of the property at 1400 Huger Street.

g. Walter Cooper spoke regarding rental tenants not maintaining properties and having inoperable vehicles in the yards.

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9. **REPORT OF THE INTERIM COUNTY ADMINISTRATOR**

a. **Employee Recognition:**

1. Utilities: Kelly Price
2. Transportation: Mohammed Al-Tofan
3. Animal Services: Tammy Brewer and Olin Towery

Mr. Gomeau recognized the above-mentioned employees for their outstanding service to County residents, and their efforts to better the County.

4. Government and Community Services: Christine Keefer, Director – Mr. Gomeau introduced the new Government and Community Services Director, Ms. Keefer, to Council.

b. **Results of Uranium Testing in Hopkins Area** – Mr. Gomeau stated 62 wells were tested. All of results came in below the EPA standards for uranium, so there was no evidence of that in any of the wells. There is a firm that is going to give the County an estimate on doing a more sophisticated hydrological study. We are not sure which way the water is flowing, but this study will allow us to take a look at that and take samples at distances that would not show up ordinarily.

Ms. Myers thanked Mr. Gomeau, Dr. Yudice and staff for the work that have done with the Westinghouse leaks, and working with citizens in Hopkins and Gadsden to get the testing done. And for suggesting the testing to find out which direction the water flow is actually going in so we have more information about what, or if anything, we should be warning the citizens about.

c. **Intergovernmental Agreements with the Town of Blythewood:**

1. Animal Care – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the IGA for Animal Care.

Mr. Malinowski inquired if the County recoups all costs associated with the IGA.

Dr. Yudice stated the agreements indicate what we are currently charging on property taxes will cover those costs.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

2. Municipal Solid Waste Collection and Disposal – Ms. Dickerson moved, seconded by Ms. Terracio, to approve the Municipal Solid Waste Collection and Disposal IGA.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

3. GIS Support – Mr. Walker moved, seconded by Ms. Dickerson, to approve the GIS Support IGA.

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Mr. Malinowski inquired if the County recoups all costs associated with the IGA.

Dr. Yudice responded in the affirmative. There is a schedule attached to the agreement.

Mr. Malinowski stated he asked because at the end of pp. 67 it says, "Such agreements may, where appropriate, include provision for payments...". If we are charging it should say "will".

Dr. Yudice stated staff will amend the language to "will".

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- d. City of Columbia letter regarding funding the Three Rivers Greenway Project – *This item was removed from the agenda during the Adoption of the Agenda.*
- e. Transportation Penny Program Audit Resolution – Mr. Gomeau stated this item concerns the Transportation Penny audit requirement that was in the original enabling ordinance that requires the County to have an audit of all expenses from the Penny Fund, regardless of their location. It was to cover from 2012, when we expended any funding, up to the current date. We are required to publish those audits. We will be starting the process to solicit bids for the audit of those records. We have already talked to some governmental accounting firms that do this type of work. It is a little more specialized than just general financial record checking. We are trying to find someone that will be appropriate for this to look at the whole program itself, rather than looking at the expenditures.

Ms. Myers moved, seconded by Ms. Dickerson, to approve the Administrator's recommendation.

Mr. Manning stated the County did an audit a year or so ago that is still in the process of being completed and finalized, correct?

Mr. Gomeau stated he has a draft audit from the regular auditors that did a financial statement of the PDT for 2016 – 2017. He cannot find anything else, but that is not the requirement that was in the enabling legislation. It was for all expenditures, not just the PDT. It was any money that we spent out of the Penny Fund had to be audited. We will do a comprehensive look at this, in terms of where we have spent money, who is spending it, and come back with the audit reports for those years.

Mr. Manning stated, for clarification, County government, before Mr. Gomeau came to the County, did attempt to do some type of audit, but it was not the right kind, per the contract.

Mr. Gomeau stated he is not sure how the audit materialized. All he has the original "draft" from our auditors that said "2016-2017 Financial Statements". It was a 2-page audit of the PDT's financial statements, not of their detailed records. He is not sure that meets the criteria. He thinks at one-time the Legal Department was involved in looking at that. It may not have been for the reason that we are doing this, which is to comply with the original ordinance.

Mr. Manning stated, for clarification, the County did initiate an audit of some type and the PDT responded to that. Now we are at the point of realizing that what the County initiated, in the way of

an audit, was not in line with the contract. So, now that is what we are getting to.

Mr. Gomeau stated he does not know the origin of initiating the audit. That was year picked out, but there is nothing after, and there was nothing before that. He does not know why that particular audit was picked, and how the arrangements were made to do it.

Mr. Manning inquired, when we are looking at auditing all the finances through the Penny, will that also include the OETs, the contractors, SCDOT, COMET, and the County Transportation.

Mr. Gomeau stated that is their intention.

Ms. Newton inquired as to the approximate timeframe that it will take to complete the audit, understanding that there is a vendor that has to be selected.

Mr. Gomeau stated he thinks it will depend on the scope of where the records are, how many contractors we have had, and things like that. The biggest amount of that activity was with the PDT, which is centrally located. We can do that fairly quickly, and have it by mid-year. It's the question of where the rest of the money went, and looking at that and being able to audit it to ensure it went where it was supposed to, and that it was done the way it was supposed to. He would anticipate it would be a yearlong project.

Ms. Terracio inquired as to what fund would bear the cost of the audit.

Mr. Gomeau stated the funding would come from the Penny Program Administration fund.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Myers, to reconsider this item.

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The motion for reconsideration failed.

- f. Reimbursement of Transportation Fund with funds from the General Fund – Mr. Gomeau stated this is a resolution prepared by the Legal Department to begin the process of reimbursing the Penny Fund for those items the Supreme Court deemed were ineligible to come out of the Penny Fund.

Ms. Myers moved, seconded by Ms. Dickerson, to approve the resolution.

Mr. Malinowski stated, for clarification, we are saying is that we are reimbursing the Transportation Fund for expenses that are necessary for the program, but cannot come from the Transportation Fund.

Mr. Gomeau stated he could not categorize it that way because he does not have enough knowledge of what was considered unallowable transportation expenses, in terms of whether they were necessary, or whether it was something that was done and was not eligible to come out of the fund.

Mr. Malinowski stated the reason for his question is the way it was worded in the opening paragraph. It says, "...for unallowable Transportation expenses." It makes it sound like we have allowed something to take place that should not have taken place. He believes we need to clarify that we did not do anything that we were not supposed to do, it is just a matter of which pot of money it came from.

Dr. Thompson stated we have approximately \$3.4 million of expenses that should not have come from the Transportation Penny Fund budget because of the guidelines the Department of Revenue informed the County about last year. Based on that, we have done our own internal assessment and identified those expenditures.

Mr. Malinowski stated they are still expenditures that are needed for the Penny Program.

Dr. Thompson stated he agrees with Mr. Gomeau, in terms of being able to answer that question. A breakdown of the expenditures is attorney's fees, Office of Small Business Opportunity expenses, Mentor/Mentee Program expenses and Public Relations fees. Again, this is what the Department of Revenue are saying these costs are disallowable. The County is just making sure we follow their guidelines, so we are not held in contempt of court.

Mr. Smith stated, in terms of the question Mr. Malinowski asked, while some of these expenses are beneficial, as opposed to necessary, to the program, that is something that subject matter experts would have to address. The Court has said there are certain expenses, which were paid by the Penny that have been determine not to be eligible to come from that source of revenue. What we are doing now is correcting that situation, and reimbursing the Penny Fund from the General Fund, based on those things the Court indicated are not eligible to be paid for from Penny funding.

Mr. Jackson inquired if we do not approve the reimburse, and shifting of funds, does the County remain in violation.

Mr. Smith stated, based on the expenditures that have clearly been determined by the Court to be ineligible, he would have to say the County would remain in violation.

Mr. Jackson stated, for clarification, we are only talking about those that have been clearly identified as unallowable, and incorrectly assigned to the Penny Program, but have already been spent/used. Now, the question is, how do we correct the books to accurately reflect where they should be charged.

Mr. Smith stated, his interpretation is, we are attempting to determine the appropriate pot of money.

Ms. Myers stated, for the members of the public who are having a little trouble following this discussion, when the Court ruled last year there were expenses that should not have been paid out of Penny Transportation Fund, staff went through each of the invoices that had been paid to be compliant with what the Court said. Staff brought back a list of expenditures, and said these paid out of the Penny, but should have been paid out of the General Fund. What we are now doing is approving the Finance Department's ability to move the money that was allocated in the budget to reimburse the Penny.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

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The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The motion for reconsideration failed.

g. Columbia Place Mall

1. Maintenance Fees – *This item was taken up in Executive Session.*

2. Maintenance Agreement Cancellation – *This item was removed from the agenda during the Adoption of the Agenda.*

h. City of Columbia: Intergovernmental Agreement for Bulk Water Sale – *This item was taken up in Executive Session.*

POINT OF PERSONAL PRIVILEGE – Ms. Terracio recognized Lady June Cole with the League of Women Voters' Observer Corp. was in the audience.

10. **REPORT OF THE CLERK OF COUNCIL**

a. Richland County's Legislative Night Out, February 6, 5:30 – 7:30 PM, Columbia Museum of Art, 1515 Main Street – Ms. Roberts reminded Council of the upcoming Richland County Legislative Night Out Event at the Columbia Museum of Art.

b. Richland One Superintendent's State of the District Address, February 7, 6:00 – 7:30 PM, C. A. Johnson High School – Ms. Roberts reminded Council of the upcoming Richland One Superintendent's State of the District Address.

c. City of Columbia Legislative Reception, February 12, 6:00 – 8:00 PM, The Venue on Main – TopGolf Swing Suite, 1624 Main Street – Ms. Roberts reminded Council of the City of Columbia's upcoming Legislative Reception.

d. SCAC Mid-Year Conference and Institute of Government Classes, February 20 and 21, Embassy Suites – Columbia – Ms. Roberts reminded Council of the upcoming Mid-Year Conference on February 20th and the Institute of Government Classes on February 21st.

11. **REPORT OF THE CHAIR**

a. Retreat Update – Mr. Livingston thanked Council for their attendance and participation in the Retreat. He thinks there was more information than we could adequately cover in that period of time. We were trying to ensure the new members got as much information as they would need to have, update the current members, and set priorities, at the same time. Keep in mind, we spoke about setting some work sessions. One of those was the Total Rewards Implementation. The others

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were in reference to Annexation and Economic Development. In the Economic Development Committee meeting today, the committee recommended setting a work session for February 19th at 2:30 PM. He will work on setting the dates for the remaining work sessions. Also, at some point, it was recommended that we revisit the priorities we were working on. He stated one other thing we did not get an opportunity to discuss thoroughly was our Rules. He suggested that Council members submit their concerns about the Rules to the Clerk, and have the Rules Committee take those things up in the future.

Mr. Manning stated, as he recalls, one of the things that happened at the Retreat was that it was said the Rules we had were not current and up-to-date. His thought then, and now, was that we would get that copy before we submitted our concerns.

Mr. Livingston ensured that would be provided to Council.

Ms. McBride stated another issue that was discussed during the Retreat was looking at the disadvantaged conditions that many of our citizens are living in, and bridging the gap between the have and have nots and the County's responsibility to address the needs of its most vulnerable citizens.

- b. Blythewood Penny Project Priority List Resolution – Mr. Livingston stated he received a letter from the Manager of Blythewood requesting that we look at their current priorities, as it relates to the Penny Projects in Blythewood. It does not affect the amount of costs. His recommendation would be to forward the request to the Transportation Ad Hoc Committee and Transportation Penny Advisory Committee.

Ms. Dickerson stated that was in her district, and she would like a copy of that to review. She did get a call regarding these changes. She wants to make sure these changes are within the guidelines, so she would like to fully informed on every step of this particular change.

Ms. Myers noted, with regard to the priorities, that they were already set. Her concern would be, in sending this one to a committee, is the instruction to the committee that they take action to reset priorities. If we are opening up that can of worms that would create some problems across the program. She inquired as to what the instructions that ride along with sending the letter to committee.

Mr. Livingston stated there is some language in the referendum that was unique to Blythewood because they had not decided on certain things; therefore, they had the opportunity to come back and decide those things within the parameters of the referendum. That is what they are referring to. It does not change the amount of anything they are doing. It just allowed them to do the things they needed to do.

Ms. Dickerson stated that is probably not accurate. She stated she had been in Blythewood a lot on this particular project. She thinks those changes they asked for have been addressed. We need to see the letter, and a motion needs to be made so it can go to the committee because we made those changes and adjustments when they did the roundabout and bridge. As far as she is concerned, those changes have been addressed.

Mr. Manning stated he concurred with Ms. Dickerson that there was that interesting caveat. He was a member of the Ad Hoc Committee when Blythewood came and addressed which ways they wanted it done, and it moved forward and was finalized.

Mr. Malinowski stated he also concurred.

Ms. McBride stated she concurred with Ms. Myers that we need to be very careful about opening up the potential to change priority because if that is the case she has a number of changes she would like to have made.

Mr. Livingston stated we will look at that, in conjunction with the language that was in the referendum.

Mr. Malinowski stated, in the resolution, it says, "...the Blythewood Penny Projects have no formal priority ranking...". He inquired if that is an accurate statement.

Dr. Thompson stated the Town of Blythewood may not have a priority list, but the County has its own list. He stated he has had an opportunity to talk to Mr. Beaty about this particular item, and on the PDT's monthly summary report, you will see 5 projects in the PDT's report. In the resolution, you see 4 projects, which are similar. The PDT broke up 2 of the projects, so that is why they have 5 projects, but again, all are similar projects. The prioritization is a little different from the PDTs, but other than that it seems like the same projects.

Mr. Livingston stated that is what the committee will address.

12. OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Authorizing deed to the City of Columbia water lines for Richland Library Southeast, 7421 Garners Ferry Road; Richland County TMS # 16409-04-02 (Portion); CF # 191-10A – No one signed up to speak.
- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County – No one signed up to speak.
- c. 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 and Commercial Zones of the County; so as to define vehicles subject thereto – No one signed up to speak.

Mr. Jackson inquired if the comments, during Citizens' Input, by Mr. Cooper can be assigned on the record as responding to this issue because he spoke specifically to that when he spoke about cars being up on blocks in front yards.

Mr. Livingston stated we will look back at the comments and see if they can be tied back into the public hearings.

Ms. Dickerson stated there are several members of public that did not speak, but are here representing this issue.

- d. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification—No one signed up to speak.

Ms. McBride stated there are community members here that have spoken on this matter numerous

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times in the past.

- e. An Ordinance Amending the Transportation Tax line item in the Fiscal Year 2019 Budget Ordinance of Richland County, South Carolina; delegation of authority; and matters relating thereto – No one signed up to speak.
- f. An Ordinance Amending the Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; so as to standardize this chapter more closely with the Municipal Association of SC’s model business license ordinance and to reflect enhanced enforcement priorities to pursue enhanced quality of life for the Richland County Community – Mr. Malinowski moved, seconded by Ms. Dickerson, to defer the public hearing until after the work session has been held on this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Opposed: Manning

The vote was in favor.

13. **APPROVAL OF CONSENT ITEMS**

- a. 18-046MA, Kenyatte Jones, GC to RM-MD (.4 Acres), 5406 Monticello Road, TMS # R09310-04-14 (Portion of) [SECOND READING]
- b. 18-047MA, Inga Black, RS-HD to GC (1.21 Acres), Bluff Road and Harlem Street, TMS # R13509-02-07, 42 & 43 [SECOND READING]
- c. An Ordinance Amending the Fiscal Year 2019 Fire Service Fund Annual Budget by \$368,410 to cover the personnel expenses for the 11 positions under the SAFER Grant from January 1 to June 30, 2019 with funds from Fund Balance in the Fire Services Fund [FIRST READING]
- d. An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund a corrective action plan in the amount of \$3,103,000 incident to a South Carolina Department of Health and Environmental Control Administrative Process responded to by the Department of Utilities with funds from the unassigned funds from General Fund Fund Balance [FIRST READING]ts and to remove the special exceptions requirements for radio, television, and other similar

Mr. Manning moved, seconded by Ms. Dickerson, to approve the consent items.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

14. **THIRD READING ITEMS**

- a. An Ordinance Authorizing deed to the City of Columbia water lines for Richland Library Southeast, 7421 Garners Ferry Road; Richland County TMS # 16409-04-02 (Portion); CF # 191-10A – Ms. Myers moved, seconded by Ms. Newton, to approve this item.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Terracio, Malinowski, Newton, Myers, Walker, Dickerson, Livingston, and McBride

The motion for reconsideration failed.

- b. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County – Ms. Dickerson moved, seconded by Ms. Myers, to approve this item.

Ms. Newton stated on pp. 111, item d., it specifies that violating the ordinance is punishable by a fine up to \$500 or imprisonment, not to exceed 30 days. She inquired about the process for how that would practically work, if someone was playing loud music in their car. She inquired if they could be arrested and sent to jail at the discretion of the officer. Do they present before a court? Is there due process? What happens before those punishments take place?

Mr. Smith stated, typically, an officer would issue a ticket to the individual. The individual would then appear in Magistrate's Court and would typically be fined, but that is within the discretion of the Court.

Ms. Newton stated, if that is typically occurring, or what we would prefer to occur, then she would like that language to appear. She would hate for someone to have the opportunity to lose their civil liberties because someone chose to exercise the maximum extent of the law. This is not written as an option. It does not say they will be ticketed. It says they will be fined or imprisoned.

Mr. Smith stated the fine would come as a result of a ticket, which is issued in the form of a summons for them to appear for the violation.

Ms. Newton stated that is a perfectly reasonable process. The ordinance does not specify that, unless she misread.

Mr. Smith stated the ordinance was not intended to identify the process, but the substance of the violation and the punishment attached to it. It does not describe the process.

Ms. Dickerson made a substitute motion, seconded by Ms. McBride, to defer this item until the February 19th Council meeting, so Ms. Newton can get all of the information she needs.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor of the substitute motion was unanimous.

- c. 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 and Commercial Zones of the County; so as to define vehicles subject thereto – Ms. McBride moved,

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seconded by Mr. Manning, to approve this item.

Mr. Malinowski stated this has been going on for years. On more than one occasion, we have instructed staff to bring back to us an ordinance that is not a one-size fits all. He sees this as what we have been trying to avoid. It is a one-size fits all. If you look on pp. 113, #5(b) says, "...in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential". In the rural area, you have development of homes that is allowable. In #5(c) it states, "in any residential zoning district in the unincorporated areas". A rural area is a residential area, which can be developed. He does not think we have been given what we asked for all this time. Again, in #5(c), in the redlined portion where it has been changed from (1) to (3) acres. Upon inquiring about that, he was told they changed it to (3) acres, so it conforms with the other areas of the ordinance that have (3) acres. We are dealing with 2 separate things. The (3) acres we are dealing with vehicles that are inoperable, unlicensed, and up on blocks. In the (1) acre, we are talking about a truck driver that comes home at the end of the day and has (1 - 2) acres and wants to park his vehicle there until he gets up in the morning to hit the road the next day. It is not a matter of making them all (3) acres. It is a matter of what each one is addressing. He would like to see it changed back to the (1) acre for the benefit of our hardworking individuals will not have to incur additional expenses in getting to and from where they park their truck, or incur storage fees. He fully supports Mr. O'Brien and the people that he has brought regarding these neighborhoods that are having these problems. We need to do something about them, but we cannot fix their problem by imposing that on all the other rural areas that do not have the problem. We need to have staff to create a true ordinance that addresses the needs of the overall County.

Mr. Jackson stated he concurs with the comments made by Mr. Malinowski. He thinks the issue that we are trying to resolve, and have not been successful in resolving, was the very issue that Mr. Cooper spoke to tonight. The issue is not a long distance truck driver parking overnight. It is cars parked on blocks with a covering on them that has been there for 4 - 6 years in a neighborhood. We need to make sure we address that. He sees we reduced it from 45 days to 30 days, but the whole code enforcement piece of it is the more critical part to ensure that when there are citizen complaints are addressed.

Ms. Dickerson stated she thinks staff really needs to work on this to make sure that this is correct. If you live in a small neighborhood, nobody wants a great big truck parked in their yard because they cannot get it in their driveway. Neighborhoods with the covered vehicles are looking like a graveyard. She has neighborhoods that has got 3 - 4 covered vehicles. It looks like a trash can. Nobody wants to live in something like that. She is going to request a deferral until staff can get it right. We may have to have a work session. Staff needs to listen to what we are saying and critique this so we can address it.

Ms. McBride stated she concurs with what Ms. Dickerson said. She has been working on this for 2 years with the communities throughout the County. She finds it very frustrating, and she knows this was an issue prior to her coming on Council. Staff, for one thing, needs to work on this, but all staff need to be involved, not part of the staff. She would request that staff go in with an open mind. Not what we cannot do, but what we can do to resolve this issue. We have been working under the philosophy that we cannot do it. Let's look at how we can resolve this issue and meet the unique needs of rural, urban and suburban Richland County. We definitely need to include the Sheriff's Department, and she does not want to hear about not having enough resources. She suggested the pilot project, and if we would do the pilot project we could evaluate what needs to be done. How well it is working. What else is needed to ensure our constituents have a beautiful community that

they are proud to live in. Unless we all come together, and come with like minds we are not going to get this resolved.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the March 5th Council meeting.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

Opposed: Manning

The vote was in favor.

- d. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification – Ms. McBride moved, seconded Ms. Dickerson, to approve this item.

Mr. Malinowski stated he agrees with everything with the exception of pp. 118, letter f, which says, “notice has been served, deposited in the United States Mail...”. He believes we need return receipt or registered mail. It further states, “...or posted upon the premises”. He stated, if he lives in Georgia, and its vacant and he’s trying to rent it, he’s not going to see the posting, so he thinks that needs to be eliminated. We need to send a certified or registered letter to the owner of the property, which is what should be in the ordinance.

Mr. Livingston stated you could do that and post to make sure you cover it.

Mr. Malinowski stated he thinks posting is a waste of time. If nobody comes around to look at this property because it is vacant. He does not think it should be in the ordinance. We will try to fall back on something that is not a real viable means of notification. In addition, further down in the paragraph, it says, “the cost...[if we send County services to clean up the property]...may become a lien upon the property affected, or may be recovered by the county through judgment proceedings.” He stated we are either going to fine them, or we are not going to fine them. We should just say it will be.

Ms. Myers stated she agrees we need to decide whether we are going to charge or not, but it may well be that someone is sent a notice, that includes a bill, and they come in and pay it, so there is no need to attach a lien to the home. She thinks the way this is written is meant to give the flexibility of just collecting the money.

Mr. Malinowski stated then we need to add, “May become a lien on the property affected, if not paid.”

Mr. Manning inquired if Mr. Malinowski was addressing a concern, or if he was making a motion.

Mr. Malinowski made a friendly amendment to add the language “deposited in the U. S. Mail via certified, return receipt or registered mail”.

Ms. McBride accepted the friendly amendment, but stated she wanted to keep the posting of the notice in the ordinance.

Mr. Livingston stated, for clarification, we are approving this with the change that , if not paid, there

will be a lien.

Mr. Malinowski responded in the affirmative.

Mr. Manning stated, for clarification, so we are not addressing the registered mail vs. posting.

Mr. Malinowski stated the method of mail, also.

Mr. Livingston stated he got the lien part. He inquired as to what Mr. Malinowski was amending, in terms of the mail.

Mr. Malinowski stated that it will be mailed using certified, return receipt or registered mail.

Mr. Manning stated, for clarification, that the posting remains.

Ms. McBride responded in the affirmative.

Mr. Malinowski stated we are still putting in the part about "if not paid".

Mr. Smith stated, on pp. 118, letter (d), it says, "It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the person..."

Mr. Malinowski stated he saw that, but it does not say that in letter (f). He stated we need to be consistent and put it both places.

Mr. Gomeau stated that is just a notice. It is a certified notice, and the other action comes if they do not do anything within the 14 days. Then we can go and do. We do not have to post a 2nd notice.

Mr. Malinowski stated you should still be constituent in your wording.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the March 5th Council meeting, to ensure the language has been revised as outlined by Mr. Malinowski.

In Favor: Terracio, Dickerson and Malinowski

Opposed: Jackson, Newton, Myers, Manning, Walker, Livingston and McBride

The motion for deferral failed.

Mr. Livingston restated the motion is what is in the package with following amendments: (1) language in (f) is consistent with the language in letter (d); and (2) in (f) we indicated that if any fines are not paid it will become a lien on the property.

Mr. Malinowski noted for the record that new language has been added to the end of (d) that is not underlined or highlighted which states, "In the event that an offender has been previously cited within the last twelve months for or given notice of a violation of this section and has not cured the violation, enforcement action may be taken immediately without the requirement of an opportunity to cure the violation."

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Ms. Myers stated, in reference to the new language Mr. Malinowski noted, if in January we send you a notice and send someone out to cut your yard at the end of January/beginning of February, and then in December we do the same thing, this means, for clarity, we do not have to notice you.

Mr. Smith responded in the affirmative.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- e. An Ordinance Amending the Transportation Tax line item in the Fiscal Year 2019 Budget Ordinance of Richland County, South Carolina; delegation of authority; and matters relating thereto – Mr. Jackson moved, seconded by Mr. Walker, to approve this item.

In Favor: Terracio, Jackson, Walker, Livingston and McBride

Opposed: Malinowski, Myers, Dickerson

The vote was in favor.

15. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

1. I move that the Magistrate's Office on Wilson Blvd. be constructed with brick siding and not metal [KENNEDY]
2. To make a change order to the Upper Township Magistrate contract to include brick for the outside of the entire structure. Additional funding associated with this change order must be identified and approved by County Council [KENNEDY]

Mr. Livingston stated, if you recall, we requested staff to look at some renderings and bring back some prices on what brick would cost vs. other options.

Mr. Niermeier stated they went back to the General Contractor to explore different options for bricking the building, as the motion request. They came back with 4 options: Brick Veneer; Thin-Brick; Brick Veneer/Wainscot, which goes about 4 ft. off the ground with the remainder of the building being steel; and the Thin-Brick/Wainscot, which also goes about 4 ft. off the ground with the remainder of the building being steel. Looking at the 4 options, they ranged from \$870,000 (Brick Veneer) - \$240,000 (Thin-Brick/Wainscot). Those are hard costs, which means it is actual construction and material, and does not account for redoing the drawings, re-permitting, delays in the project, and extending the lease on the current facility. The General Contractor brought in a structural engineer to look at the building, as it is a steel building for steel siding. The structural engineering brought up the points of how much reinforcement was required for each of the loads for the impact on the seismic activity the building would have to resist. The information was not available for inclusion in your packet last week. It was distributed to the Clerk's Office this morning, and should be in front of you this evening.

Ms. McBride stated she does not understand what Mr. Niermeier is saying.

Mr. Niermeier stated the General Contractor, in consultation with a structural engineer, came

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back with 4 options. Option 1 – True Cavity Veneer Brick, which is regular size brick going all the way from fountain to the roof line; Option 2 – Thin-Brick ½ - in. real brick going all the way from the foundation to the roofline.

Ms. McBride stated she got it. She read it. Initially when we spoke she thought it would cost between \$70,000 - \$80,000 if we bricked it halfway. The facility looks nothing like the drawing provided. She stated she has been out there and seen the facility. It looks like a place for livestock, and not a place for a Magistrate's Office. It is not acceptable in the community. She stated she is speaking on behalf of Ms. Kennedy, as well as herself, the constituents in the district, as well as any citizen in Richland County that would have to use that facility as a Magistrate Office. We have the Chief Magistrate here. He had no idea the facility would be metal and look like that. It is totally unacceptable for the constituents in that district to have a facility, for our citizens to go to for services, that looks like a storage building or a livestock area. She does not know how much it is going to cost. She does not know where these figures came from. She inquired if Mr. Niermeier talked to 1 contractor, 2 contractors. She stated she is concerned about the whole cost of the facility, in fact. For an additional \$240,000. She cannot even imagine us having to pay for that. She would like to know who was contacted. She does not think it is fair for our citizens, in that district, to have to live with that type of facility in its community.

Ms. Myers inquired, on Option 3 – Veneer Brick Water-Table/Wainscot: Full size-real brick 48" up the wall, if Mr. Niermeier had a rendering of what the portion not bricked would look like.

Mr. Niermeier stated the portion would look like the rendering provided.

Ms. Myers stated the thin-brick would essentially be a brick façade all the way up, but ½".

Mr. Niermeier stated Option 2 would be a thin-brick going all the way up to the roofline.

Ms. Myers stated with that option it would be \$500,000. She inquired if there is a way to realize savings on the other magistrate courts? If, for example, we looked at how we could cut some of those costs (i.e. use thin-brick instead of real brick), so we can realize the savings so we do not blow the budget out of the water, but that we ameliorate the concerns.

Mr. Niermeier stated that is not really an option because the Hopkins Magistrate, which is the 2nd part of this new magistrate facility, is a framed building with brick on the outside. It is not structural brick. It is not like building a brick building. They have given us a guaranteed max price, and we are under contract with this company to do this work. He thinks it would be a disservice to everybody.

Ms. Myers stated, for clarification, she means across the program. Her point is, is there a way to look at how we can realize cost savings overall to effectuate the change here, and ameliorate the concern.

Mr. Niermeier stated he is not sure.

Ms. Myers requested staff to go back and look to see if there is a way to realize savings, overall, keep us within, or under, the budget, overall, and get this concern ameliorated.

Ms. Myers moved, seconded by Mr. Malinowski, to direct staff to go back and look at all of the magistrate's office budgets, overall, and see if we can realize cost savings, overall, so that we can

come back and ameliorate this issue without funding from other sources.

Ms. Newton stated, for clarification, looking at the facility, the facility is already being built.

Mr. Niermeier responded in the affirmative. It is under construction right now, and it looks like a warehouse.

Ms. Newton inquired if the way the building currently looks conforms with the designs previously approved.

Mr. Niermeier responded in the affirmative.

Ms. Newton inquired, when we look at the other magistrate facilities that under contract, are those going to be designed with the same design, or are those designs different.

Mr. Niermeier stated this magistrate was the last one that is supposed to be a repurposed building. It was voted on last year by the A&F Committee, as well as full Council, to move ahead with this particular design with input from the magistrates themselves. Moving forward it is a new design. It is a brick building. Same interior layout, whether it is flipped one way or the other. For the next ones programmed in the CIP, which will be Pontiac, Lykesland, etc., will be like the Hopkins facility, and not this.

Ms. Newton stated, for clarification, when we refer to moving forward, we mean the other facilities, but not this one.

Mr. Niermeier responded in the affirmative.

Ms. Newton inquired about the charge staff was given previously. Were they charged to come back with how we could make this a brick building, or were they asked to look at the current structure of the building, and look at any, and all options that we might have to allay concerns from the design prospective. Did Council prescribe a solution, make it brick, or did they say, "the community has concerns about how it looks", might there be other options we can look at.

Mr. Niermeier stated Ms. Kennedy made the motion to come back with some options for brick, and to find the funding for brick. There were community members that did come in and spoke on it. Again, what they are seeing now is the unformed clay. It is just a building that is being repurposed.

Mr. Manning stated, going back to the history, when we are looking at redoing or repurposing a building, or building a new building for the County, in this case, a magistrate's court building, is there a department in the County, or is this something that Mr. Niermeier does. Do we go out and meet with stakeholders and people in the community to talk to them about what their needs, interests, and desires are. We are doing this with Penny. We are having all kind of community meetings. When we do a Master Plan, we do all kind of meetings with "Engage Richland". Is this something, when we do buildings and magistrate court, that citizen involvement is not a part of.

Mr. Niermeier stated, as far as his involvement with this, it is previous to him, so he cannot address if there was community involvement for developing a summary court need. It came from the magistrates, who are the primary stakeholders. As far as having community meetings

about it, he cannot answer that, but not to his knowledge. The Chief Magistrate, dated back to 2015, was involved in the process, as well as staff.

Mr. Manning suggested to his colleagues, when we do things in the future, we look at having community and stakeholder meetings before we go building anything, whether it is real small, like this building, or a multi-story building.

Mr. Livingston stated, for clarification, the \$870,000 is for bricking the entire building.

Mr. Niermeier stated that is for the entire building, which is what the motion requested. The question he went back with is, can you do any of these options with only the magistrate portion, and how much of the structural reinforcement is still required. Rather than having a balanced load across the whole of the building, it is going to be unbalanced on one side. Again, it is a repurposed building. It is structurally sound for what it is designed to be, which is a steel framed building with steel siding.

Mr. Livingston inquired if there is a number here to half brick the magistrate portion of the building.

Mr. Niermeier stated there is not a number here for that.

Mr. Livingston stated he would like to know what the number would be for that. He would assume that it would be less than all of the numbers provided. He stated the renderings look a lot better. He knows when he was out there it was unfinished. He stated, depending on what kind of change we make, it is obviously going to have an impact on timing. For example, if Council says, "We are going to brick this whole building", how does that affect the project and the timing.

Mr. Niermeier stated it affects it a lot. Not only are you going to have to do all new structural drawings, get them reapproved, re-permitted, additional cost of delays, additional cost of new materials, and new trade to come in to put the brick in. It would definitely push it months into summer.

Mr. Livingston stated the reason he mentioned half brick is because he knows if you do it full brick you have to deal with the roofline, and that becomes a major issue.

Mr. Niermeier stated full brick would impact the roofline.

Mr. Malinowski stated, for clarification, on pp. 122 of the agenda, the only instruction that was given to staff was from the December 18th A&F Committee meeting, which was to "instruct[ed] staff to provide renderings on how to improve the façade of the building to Council. The renderings should also include the costs for each option." There was nothing mentioned about brick. It says, renderings on how to improve the façade, which indicates there may be some other options. Unless this is written wrong, that is what he is going on. Seems like we should have something else besides brick renderings and prices.

Ms. McBride stated, initially the magistrate offices, according to the information she received, were supposed to be of brick. Also, during the time she was working with the former person that was handling this, it was going to be a brick building. Somewhere during the conversations, the brick changed without her knowledge. She was under the impression that it would continue to

be brick, and she had no idea it had been changed to the steel. We have the Chief Magistrate here, and he too is concerned with the facility because all of these changes were made with a staff person, and the former Chief Magistrate. She does not know if it would appropriate, or not, but the Chief Magistrate is here, and it does concern him.

Mr. Malinowski stated he hears what Ms. McBride is saying, but he is just looking at quotes from previous minutes on pp. 123, near the bottom, where it indicates, "Staff presented the construction contract to the Administration and Finance Committee on April 24, 2018, approved 5-0, and sent to full council for approval." And, it says, "At the May 1, 2018, regular session meeting, Council approved the recommendation with a unanimous vote." That unanimity included the quote that says, "The exterior metal roof panels and metal wall panels will be replaced with new roof and wall panels." So, it was all there, and it was approved unanimously at the committee and Council levels. He does not have anything else to go on as to who thought what.

Ms. McBride stated it was approved with the understanding that it was brick. She thought the metal part was support. She had no idea the metal would actually be the facility.

Dr. Yudice stated she did the research on this item and she did not find anything in the documentation that talked about having a brick building. However, we will do what Council requests. If we need to find the funding; we will find the funding. If you want to change the metal to a brick building.

Ms. McBride stated she does not know how far back Dr. Yudice went in her research. She inquired if she went back 2, 3, 5 or 6 years.

Dr. Yudice stated she went back to 2015.

Ms. McBride stated the Council has been discussing this for years and years. It is her understanding; those were original plans. It behooves her that one building would be made of metal and everything else is made of brick.

Ms. Newton stated a lot of this predates her, but she wanted to take a minute and acknowledge the difficult position staff is in, and commend the work you have done so far. In that, we are dealing with a situation where there were designs that were made, designs approved, and a building that was built to those specifications. Now that the community is seeing it, they have problems with it. She understands that, and certainly would want that to be something that is attractive to the community. She just wanted to acknowledge that we have staff that is in this tough position, commend the work they have done, and to acknowledge that they are willing to do whatever the will of the Council is.

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

Mr. Livingston requested Ms. Myers to restate the motion.

Ms. Myers stated she moved to ask staff to go back and bring us information as to whether or not we could realize savings across the entire program that would allow us to go forward with bricking the façade in the most efficient way.

Mr. Manning stated, for clarification, Ms. Myers' motion is to brick the facility the cheapest way

possible.

Mr. Gomeau requested a little more guidance.

Mr. Livingston inquired if Ms. Myers is talking about to bricking the entire facility.

Ms. Myers stated, with her limited understanding of construction, as a non-contractor, she is asking staff to go back, look across the program, see what is the most efficient way to achieve the goal of getting the building bricked with skinny bricks, thick bricks, whichever is the most efficient with realizing savings. She would like staff to have the flexibility and come back and say, "We can brick it. Here is how. Here is how much it will cost, and here is the source of funds."

Mr. Gomeau requested clarification on what Council would like to look at, so that Mr. Niermeier has something to bring back to you, so you can say, "That looks exactly like we want it." The other thing is, if you give them the latitude to look across the Capital Projects budget, as well as the magistrates, we may be able to solve that easier. The Budget Director thinks we may have an opportunity to look at under cost items in the Capital Projects budget, which might save time. He stated they would like some direction, whether it is Mr. Manning's direction, in terms of what you would like for us to do now, and then in the future. If you could give that some consideration on how you would like these buildings to be approved, we can give you specifications, but if there is a way you want us to look at it you need to tell us.

Ms. Myers amended her motion, based on Mr. Gomeau's comments, to look across the Capital Improvement Projects budget to see if we can realize savings across projects to create a source of funds to brick this building. In addition, to bring back a rendering to remove all doubt as to what it would look like when it is done.

Mr. Manning requested a friendly amendment to look for cost savings in the overall budget.

Ms. Myers accepted Mr. Manning's friendly amendment.

Mr. Livingston stated, based on Council's motion, is what determined what you brought to us. It is our decision to do something different with that, and offer something different from what we passed.

Ms. Myers restated that she moved to allow the staff to look across the budget to find savings to accommodate the changes needed for this magistrate's office, and to bring back solutions that would allow the magistrate's office to be bricked. Before it is bricked, to provide a rendering, so that we can all agree on the outcome.

In Favor: Terracio, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

Opposed: Malinowski

The vote was in favor.

POINT OF PERSONAL PRIVILEGE – Ms. McBride stated she thinks staff knows how much we appreciate the work that they do, and at points like this, when we are discussing, we are not really targeting, or having ill feelings about staff. We are just in a discussion. They know Council appreciates the work they do.

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16. **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

A. NOTIFICATION OF VACANCIES

1. Accommodations Tax – One (1) Vacancy (applicant must have a background in the Cultural Industry)
2. Hospitality Tax – Three (3) Vacancies (Two applicants must be from Restaurant Industry)
3. Employee Grievance Committee – Six (6) Vacancies (Must be a Richland County employee; 2 seats are alternates)
4. Board of Assessment Appeals – One (1) Vacancy
5. Board of Zoning Appeals – One (1) Vacancy
6. Building Codes Board of Appeals – Eight (8) Vacancies (One applicant must be from the Architecture Industry, One from the Plumbing Industry, One from the Electrical Industry, One from the Engineering Industry, One from the Gas Industry, One from the Building Industry and Two from Fire Industry as alternates)
7. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the public procurement arena and one applicant must be from the consumer industry)
8. Planning Commission – One (1) Vacancy
9. Internal Audit Committee – One (1) Vacancy (applicant with CPA preferred)
10. Richland Memorial Hospital Board – Three (3) Vacancies
11. Midlands Workforce Development Board – One (1) Vacancy (Private Sector Business seat; must represent private sector business with policy-making or hiring authority)

Mr. Malinowski stated the committee recommended advertising the vacancies.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

17. **OTHER ITEMS**

- a. A Resolution certifying a petition received by Richland County, South Carolina, pursuant to Section 4-9-30(5)(a) of the Code of Laws of South Carolina, 1976, as amended, and other matters relating thereto [Lake Windsor Tax District] – Ms. McBride moved, seconded by Mr. Malinowski, to approve this item.

Mr. Malinowski stated he does not fully understand what is front of him, as he is not familiar with the petitions and how the voter board works. On the petitions themselves, it says name, address, and then it's a "No.", which he guesses stands for number, and signature. He inquired what the "No." represents.

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Mr. C. D. Rhodes, Pope Flynn Law Firm, which represents the HOA in this matter, stated the number corresponds with the parcel # that the individual resides upon.

Mr. Malinowski inquired as to why we do not have anything dated in any of the documents. He stated they could have been done 5 years for all he knows. There are strikethroughs and write overs on some of the information. It is not initialed or dated to indicated that is what the person wanted. He does not think some of the signatures are legitimate, based on that.

Mr. Manning stated, as he understands it, the law provides for how to do that, and these signatures go to the Voter Board. They have the information, so at the point we are here, the Voter Registration Board has already done whatever they do with, whatever the concerns and issues Mr. Malinowski has, but that part is not before us because their work is already completed. Whatever they, and their board uses to certify and justify, they have said this meets the requirements to move forward.

Mr. Malinowski stated, for clarification, it makes no difference if we have questions, as long as they certified it.

Mr. Manning stated to a large degree that is correct.

Mr. Malinowski stated it indicates that 16.59% of the electors in the proposed district signed; therefore, that becomes the requisite number. So, we are now saying that out of 100% we only need 16% of the people to say we want it and it is done.

Mr. Rhodes stated it is certainly not done. That is to order the referendum.

Mr. Malinowski stated we do not need a majority, if that is the case.

Mr. Rhodes stated the statute requires that 15% of the voters within the district sign the petition in order for the referendum to be held. Of course, when you hold the referendum a majority of the voters have to vote in favor of it.

Mr. Malinowski inquired, if only 63 parcels are present in this community, why should it not be one vote per parcel because each parcel pays a tax, not each person within the parcel.

Mr. Rhodes stated there are a couple of multi-family units within this property. Of course, the citizens that reside within those multi-family units are voters within the district. The way you deal with that is you make it based upon the registered voters rather than the parcels.

Mr. Malinowski inquired if the \$2,500 is for life, based on the parcels or the voters. If you have 63 parcels, and each one will not exceed \$2,500 for life, that is only \$157,000. Where are you getting the \$1 million bond from?

Mr. Rhodes stated the preference here is an annual service charge. It could be \$2,500 per parcel, per year. But, in this particular case, because there are multi-family units within this proposed taxing district, he thinks the preferred course of action is to go with the millage rather than the fee. Either way you end up where you need to be.

Mr. Malinowski stated maybe with the millage you do. He does not know what the mills are, but where is says an annual user service charge levied against each parcel in the district, in an amount not to exceed \$2,500 for life. He takes that to mean that each parcel will not exceed a \$2,500

payment over the life of the special tax district, and that multiplied by 63 gives you \$157,500, which is nowhere near a million dollars.

Mr. Rhodes stated that is not the intent of how it is to be read. It is an annual fee of \$2,500.

Mr. Malinowski stated then you need to write in here the way it is supposed to read, not intent.

Ms. McBride stated part of the issues that Mr. Malinowski is raising comes from the Voter Registration Board that approves. She does know the community came and asked for support in getting this done. She knows the community met with the Auditor and several different entities within Richland County Government to insure they were doing it the proper way. The final decision will be left to the citizens within this community.

Ms. Myers inquired if renters or owners voting.

Mr. Rhodes stated it is registered voters. So, if your residence is within the taxing district, then you are a registered voter.

Ms. Myers stated, for clarification, so you can be a renter in the multi-family unit, and vote to impose a tax even though you do not own the parcel.

Mr. Rhodes responded in the affirmative.

Ms. Dickerson inquired as to what the purpose of all these special tax districts that have been coming up lately.

Mr. Rhodes stated, during the flood, the lakes along the Gills Creek Watershed their dams burst. The lakes and dams were owned by Homeowners' Associations. The only means these HOAs had to finance the repair of the dams is to create these taxing districts. There is a lot of effort that went into finding a way that they could take on the costs of repairing these dams themselves, and get the job done. And, to be able to finance it so they can repair it now, rather than saving money for a decade and then repairing it.

In Favor: Terracio, Malinowski, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- b. A Resolution to appoint and commission Juan Pablo Torres as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services} – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

In Favor: Terracio, Malinowski, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- c. A Resolution to appoint and commission Nicholas Jackson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services} } – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

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In Favor: Terracio, Malinowski, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- d. A Resolution to appoint and commission Dantrell Laquinn Jones as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {Animal Services} } – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

In Favor: Terracio, Malinowski, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- e. A Resolution to appoint and commission Kimberly Van De Grift Todd as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County{Animal Services} } – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item.

In Favor: Terracio, Malinowski, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- f. The Richland Program Development Team (PDT)'s Wage Rate Increase – Mr. Jackson moved, seconded by Ms. Dickerson, to defer this item.

Mr. Malinowski made a substitute motion, seconded by Mr. Walker, to deny the requested wage rate increase.

Ms. Newton stated, for clarification, the motion is to move to deny the raise, which means that if you vote “yes” for the motion, you are denying the raise.

Mr. Jackson requested the Chair to state what his original motion would mean.

Mr. Livingston stated it would defer it.

Mr. Jackson stated that would allow more time for clarification and discussion. The same decision of denial at a later date.

In Favor: Terracio, Malinowski, Newton, Myers, Walker and Dickerson

Opposed: Jackson, Manning, Livingston and McBride

The vote was in favor of the substitute motion.

Mr. Malinowski moved, seconded by Ms. Dickerson, to reconsider the item.

Mr. Manning inquired if this was time sensitive.

In Favor: Jackson, Manning, Livingston and McBride

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Opposed: Terracio, Malinowski, Newton, Myers, Walker and Dickerson

The motion for reconsideration failed.

18. **EXECUTIVE SESSION** – Mr. Smith stated the following items are eligible for Executive Session.
Mr. Smith stated the following items are eligible for Executive Session.

a. Columbia Place Mall

1. Maintenance Fees

b. City of Columbia: Intergovernmental Agreement for Bulk Water Sale

In Favor: Terracio, Malinowski, Newton, Myers, Walker, Dickerson, Livingston and McBride

Opposed: Jackson and Manning

The vote was in favor of going into Executive Session.

Council went into Executive Session at approximately 8:20 PM and came out at approximately 9:05 PM.

In Favor: Terracio, Malinowski, Jackson, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor of coming out of Executive Session was unanimous.

a. Columbia Place Mall

1. Maintenance Fees – Ms. Myers moved, seconded by Ms. Dickerson, to allow the staff to go back and undertake discussions with the mall maintenance company, as discussed in Executive Session.

In Favor: Terracio, Malinowski, Jackson, Myers, Walker, Manning, Dickerson, Livingston and McBride

The vote in favor was unanimous.

b. City of Columbia: Intergovernmental Agreement for Bulk Water Sale – Ms. Myers moved, seconded by Ms. Terracio, to allow staff to explore options for water provision, as discussed in Executive Session. And, to allow the Chair and Vice Chair to undertake discussion with the City, as discussed in Executive Session.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

19. **MOTION PERIOD**

a. With regard to Section 5 in the Richland County 2019 Council Retreat and the presentation on Reintroducing and Revisiting the Renaissance Plan, I move that the County proceeds to remove the

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Historic Trail out of the “Renaissance” so we can use the nearly \$ ¾ M already allocated in the FY16-18 Biennial Budget to begin this project now [MANNING] – Ms. Myers inquired as to why we need a motion on this. It has already been approved. All we would need to do is instruct staff to act on it.

Dr. Yudice stated it has been approved in the budget; however, this was a part of Richland Renaissance, which is deferred.

Ms. Myers inquired if we instruct the staff to go forward with this item, then...

Dr. Yudice stated we will do what Council asks.

Ms. Myers stated she is concerned that if we take it back into committee it would require a committee meeting, then a Council.

Ms. Myers moved, seconded by Ms. Dickerson, for unanimous consent to move forward with Historic Trail development.

Mr. Malinowski inquired, for clarification, this is only to use the funds already budgeted.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston, McBride

The vote in favor was unanimous.

Ms. Myers moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Terracio, Malinowski, Jackson, Myers, Manning, Walker, Dickerson and Livingston

The motion for reconsideration failed.

Mr. Livingston stated the following motions were not on the printed agenda, but were received by the Clerk’s Office in a timely manner.

- b. I move that Richland County establish an Ordinance and/or Ordinance language revision to mirror or replicate that of the City of Columbia to reduce or eliminate the public safety concerns particularly with regard to those businesses that have had shootings on their business premises. That language is reflected below:

Nuisances offending the public decency, peace and order.

The following are hereby declared to be public nuisances affecting public decency, peace and order, whether such violations are of an intermittent, cyclical, continual, reoccurring or constant nature; and when the responsible party generates, enables, or contributes to the occurrence of the unlawful behavior by an absence or failure of property management policy or practice, absence or failure of control over the property, absence or failure of supervision of guests or invitees, absence or failure of security measures.

1. Any structure, whether commercial or residential, where gambling devices, slot machines, punch boards and other such contrivances of similar character involving any elements of chance as a consideration or any type of gambling, bookmaking, wagering or betting is carried on, and

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all gambling equipment, except where such specific form of gambling is permitted by applicable law;

2. Any structure, whether commercial or residential, operated as a bawdy house, house of assignation, place of prostitution or used and maintained for the commercial or criminal purposes of unlawful sexual activity in violation of federal, state or local law;
3. Any structure, whether commercial or residential, where intoxicating liquors are manufactured, sold, bartered or given away in violation of federal, state or local law, or where intoxicating liquors kept for sale, barter or distribution in violation of federal, state or local law, and all liquors, bottles, kegs, pumps, bars and other property kept at and used for maintaining such a place; or where required safety plans are not in place, or where persistent violations of law occur under a failed or ineffective safety plan;
4. Any structure, whether commercial or residential, where acts of sale, manufacture, possession or distribution of controlled substances occur in violation of federal, state and local law;
5. Any structure, whether a commercial operation or a residential use, where violations against the federal, state or county laws occur with disproportionate frequency or intensity that they required an excessive public safety response cost. "Excessive public safety response" means:
 - a. The reasonable deployment of five or more law enforcement officers to an emergency scene at one time, or the reoccurring need for public safety or code personnel or emergency vehicles at the location when compared to the frequency or intensity of law or regulation enforcement required at other similarly situated structures;
 - b. There have been more than two situations of unsafe traffic or crowd control issues which result in the request of emergency assistance or the need of law enforcement assistance from an emergency situation; provided, however, this does not include when traffic control or crowd control is requested in advance of a scheduled event pursuant to an issued permit or prior discussions with law enforcement.
 - c. There have been more than six incident reports, citations, or search warrants executed, or a combination thereof, at that structure for any of the following behaviors during any 12-month period:
 - I. Violation of any state or local alcohol law;
 - II. Violation of any federal, state or local narcotics law;
 - III. Violation of any state or local gun law;'
 - IV. Assaults; and/or
 - V. Crimes of violence against another person(s).
6. Any overgrown, uninhabited, undeveloped or vacant land, lot or property not licensed or zoned for camping that has been identified by law enforcement as an area used by persons other than the owner as an area to inhabit or camp, or any overgrown, uninhabited, undeveloped vacant land, lot or property used by persons as an area to flee or evade police upon approach, or used to avoid detection or investigation by law enforcement without regard to the time of day or night regarding such conduct, as identified by a citizen or police reported incident level of more than two times in a 60-day period.

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7. Reentry upon a specified public place, after being ejected and excluded from a public place as a result of conduct that placed themselves or others in potentially dangerous situations on public places by disobedience to safety rules, disorderly conduct or breaches of the peace.

Then in another code section:

1. Authority of the County Sheriff. When the County Sheriff determines, upon investigation, that a business licensee has engaged in an unlawful activity or nuisance related to the business, or the business is operating without proper licensure s/he may shutter the business and suspend the business license. The business shall remain closed and all licenses are suspended pending a hearing before the proper County authority(s) for the purpose of determining whether the license should be revoked. [MANNING and KENNEDY] – This item was referred to the D&S Committee.
- c. Move for emergency authorization to allow staff to engage with the City of Columbia, the Columbia Housing Authority, and other staff-identified agencies (such as the United Way, Christ Central Ministries, the Red Cross, Harvest Hope, Christian Bridge Assistance, Catholic Charities, among others), who are providing help to the displaced residents of Allen Benedict Court, to mobilize up to \$150,000 to support the provision of direct access to laundry services, support for day-to-day necessities (like medicine and personal care items), and after school care/homework assistance for the children of those residents. Staff will develop a plan to mobilize immediate assistance to the residents and also will work with the RC Library, the COMET and the Parks and Recreation Commission to solidify all aspects of the direct assistance. Council will be made aware of the final details of the plan prior to its implementation, and all agencies receiving direct funding to meet immediate AB Court Residents' needs will be subject to RC Budget and Grants Office Audit of funds received. [MYERS, MCBRIDE, TERRACIO, DICKERSON, NEWTON, KENNEDY and MANNING] – Ms. McBride moved, seconded by Ms. Myers, to approve this item.

Ms. Dickerson stated we need to make sure these dollars go directly to the Allen-Benedict Court residents that were displaced. She stated she is happy to say up to \$150,000, but she would like to reserve the right to come back if they need additional funding.

Mr. Livingston inquired as to where the funds are coming from.

Mr. Gomeau stated there were 2 funding sources. He noted that Mr. Hayes and Dr. Thompson were coordinating the staff interaction with the agencies to make sure the money gets there.

Mr. Malinowski inquired about the City, and their efforts in this. He realizes they are talking about HUD and Federal agencies, but he is not known exactly what they are doing. He does not know whose fault it is that it was not maintained. He wants to make sure the City is also committing some type of funding to these efforts.

Ms. Dickerson stated her main concern was that we do not step out in front of the City. She requested that we do a coordinated effort to make sure we are not jumping out in front of them. We are here to help, and assist, which is why we need those necessities identified, so we will know how and where we need to disburse these funds.

Ms. Terracio stated she has been in close contact with City Council and they have assured her whatever the County would like to do, in terms of assistance, would not be duplicative of their efforts. They are working towards affordable housing. They are working with the Federal agencies.

They do not have access to the COMET and the Library system like we do. There are a lot of ways we will be helping that will in no way be duplicative to what the City is doing.

Ms. McBride stated she has gone to do volunteer work, and if anyone is willing to volunteer to work, please give them a call. The community is really coming forth and helping. The COMET is also working with them. The City has a lot of other entities working with them, but she agrees with Ms. Dickerson that we need to make sure that we are coordinating with the City, in terms of what is being done. They know the needs better than we do. She has also spoken to several residents to get input, in terms of their needs. She thanked Ms. Myers for her efforts to get all of us together because this is something we have talked about, and she is proud that the County is moving forward and doing something for those people are disadvantaged, at this time. And, particularly the Allen-Benedict Court residents. Finally, we are in a position now, with the Department of Social Services, that is similar to the condition to Allen-Benedict Court. She looks forward to working with the Council on taking up this issue.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Manning, Walker, Dickerson, Livingston and McBride

The vote in favor was unanimous.

- d. Resolution honoring Ms. Margaret DuBard's service to Richland County and the Conservation Commission [DICKERSON] – Mr. Manning moved, seconded by Mr. Malinowski, to adopt the resolution for Ms. DuBard.

In Favor: Terracio, Malinowski, Jackson, Newton, Myers, Walker, Livingston and McBride

The vote in favor was unanimous.

- e. Resolution recognizing Chief Aubrey Jenkin's 40th Anniversary with the Fire Service [LIVINGSTON]
– The resolution for Chief Jenkins was unanimously approved.

- 25. **ADJOURN** – The meeting adjourned at approximately 9:22 PM.



Briefing Document

Agenda Item

Stoney Point/Cedar Cove Sewer Rehabilitation Project

Background

The Stoney Point and Cedar Cove are communities located in the northwest part of county adjacent to Lake Murray. Currently, the Stoney Point/Cedar Cove community is served by a Low Energy Transport Treatment (LETT) system constructed in the late 1970s and accepted by Richland County Utility (RCU) for operation and maintenance in 1987.

A LETT system is a modified septic tank system with the effluent from the septic tank discharged to a public utility. The LETT system in this community has its effluent discharged to a six (6") gravity sewer collection line that transports the effluent to RCU's collection system. The discharge from the LETT system is transported to the Broad River Wastewater Treatment Facility (NPDES # 0046621) for treatment and disposal.

For the past year, RCU has experienced problems with sanitary sewerage overflows (SSOs) in the Stoney Point/Cedar Cove Community LETT system, prompting RCU to explore possible solutions. The Stoney Point/Cedar Cove community is a lakeside community; therefore, SSOs present a potential hazard to the health, safety, and welfare of those who use the lake for recreation.

The goal of this project is to eliminate Sanitary Sewer Overflows (SSOs) within the Cedar Cove / Stoney Point sewer system.

Staff presented this project to Council on October 17, 2017; March 20, 2018; April 3, 2018; June 5, 2018; and June 19, 2018. More recently, it was also included in the 2019 Council Retreat agenda for a brief presentation.

The Legal Department has been working with the legal counsel for the communities to complete the agreement between the property owners and Richland County. On February 1, 2019, the County received a permit to construct from DHEC for the Cedar Cove/Stoney Point Sewer Rehab project. According to DHEC's permit, the "Construction must be completed and Approval to Place in Operation granted prior to January 25, 2022" or the permit will expire. It is time to start the funding process, which total \$2.5 million.

Project History:

- A study was conducted using available data and formulated alternatives that could reduce the probability of SSOs occurring in the Stoney Point/Cedar Cove Community. The study provided alternative solutions to the reoccurring spills resulting from hydraulic overloading, solids buildup, blockages, and other contributing factors in the LETT gravity collection system.
- Following the study and analysis, a Preliminary Engineering Report (PER) was submitted to the South Carolina Department of Health and Environmental Control (SCDHEC) for approval before detailed engineering design. The PER proposed the conversion of the current LETTS system to a more modern sewerage collection network.

- Concerns expressed by landowners about the potential financial implication of connecting to a rehabilitated sewer collection system as well as those expressed by homeowners caused a significant delay to the review and approval of the submitted PER.
- The PER was approved by DHEC. The layout for the approved PER is attached (Figure 1).
- Based on the layout of the approved design, Joel E. Wood & Associates prepared a detailed engineering design.
- On December 13, 2018, the detailed the engineering design and review documents were submitted to SCDHEC for approval and issuance of the construction permit.
- On February 1, 2019, the County received a permit to construct from DHEC for the Cedar Cove/Stoney Point Sewer Rehab project.

Issues

Funding Need

The Stoney Point /Cedar Cove sewer collection system is a part of the Broad River Waste Water Collection System (BRRWWCS), and the project represents utilities within the collection system that requires rehabilitation. This project has been listed on the capital improvement plan (CIP) to be submitted to the Council for approval during the biennium budget II process. This project is targeted to commence in the second quarter of 2019. Regulatory bodies expect this project to be executed in a timely manner to protect the environment.

Due to the eminent need for the funding of the Stoney Point and Cedar Cove rehabilitation project, in 2018, staff proposed the issuance of General Obligation Bond Anticipation Notes not to exceed \$2.5 million in project costs plus related costs of issuance. However, funding has been identified in the fund balance of the Broad River Utility System Proprietary Fund to cover the \$2.5 million cost of the project. Therefore, County Council will need to approve a budget amendment to the FY 2019 Broad River Utility System Proprietary Fund in the amount of \$2.5 million.

Fiscal Impact

A budget amendment to the FY 2019 Broad River Utility System Proprietary Fund in the amount of \$2.5 million is necessary to fund the project.

Past Legislative Actions

None.

Alternatives/Solutions

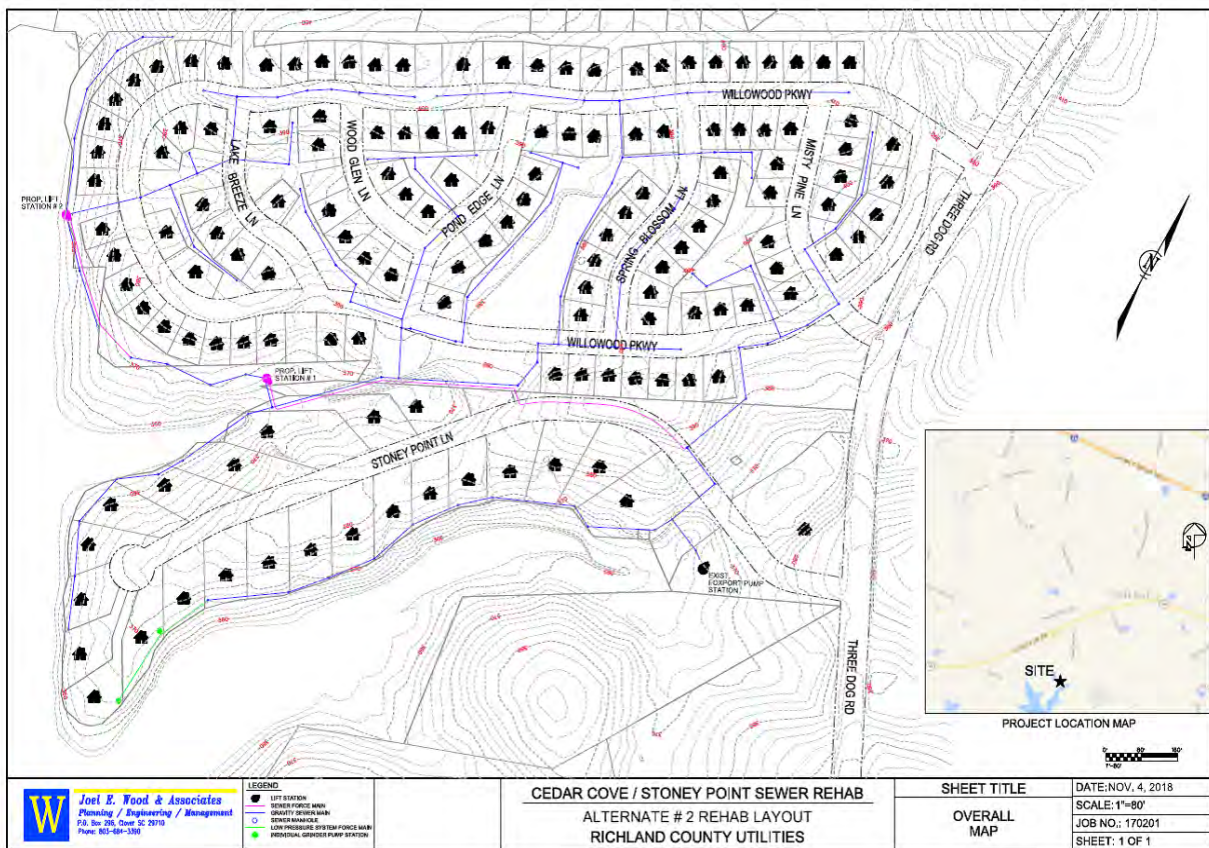
There are no alternative solutions. If the funds are not provided for this project, the project cannot proceed, and the current method of sewer collection will continue to pose environmental hazards to the surrounding area.

Staff Recommendation

Staff recommends approval of the following motion to amend the Broad River Utility System Proprietary Fund budget in the amount of \$2.5 million to complete the project to ensure the allocation of funds is achieved in time to bid and meet the target date of commencement, which is the second quarter in 2019:

Move to (1) increase the FY 2019 Broad River Utility System Proprietary Fund budget by \$2,500,000 to fund the Cedar Cove/Stoney Point Sewer Rehabilitation construction project (the funding will be from the fund balance of the Broad River Utility System Proprietary Fund) and (2) approve the reimbursement of \$2,500,000 to the Broad River Utility System Proprietary Fund's fund balance with proceeds from the issuance of future tax exempt debt pursuant to a Resolution approved by Richland County Council to that effect

Figure 1: Stoney Point /Cedar Cove Sewer Rehabilitation Layout



A RESOLUTION

RELATING TO THE DECLARATION OF INTENT BY RICHLAND COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE ISSUANCE BY THE COUNTY OF ITS TAX-EXEMPT DEBT.

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have promulgated Section 1.150-2 of the Treasury Regulations (the “Regulations”) which authorizes an issuer to reimburse itself from the proceeds of tax-exempt debt; and

WHEREAS, Richland County, South Carolina (the “County”), anticipates incurring certain expenditures up to \$2,500,000 (the “Expenditures”) relating to the Cedar Cove and Stoney Point communities low energy treatment (LET) sanitary sewer system (the “Project”) in the amount of \$2,500,000 with funds from the fund balance of the Broad River Utility System Proprietary Fund prior to the issuance by the County of tax-exempt debt for such purpose; and

WHEREAS, the County anticipates issuing tax-exempt debt to fund capital improvement needs for Richland County Utilities including the Project; and

WHEREAS, the Regulations require that the governing body of the political subdivision declare an official intent to reimburse an expenditure prior to the incurrence of the expenditure.

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

Section 1. Richland County Council (the “Council”) hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Section 1.150-2 of the Regulations to reimburse the County from the proceeds of tax exempt debt to be issued on behalf of the County pursuant to South Carolina state law for Expenditures with respect to the Projects. The Council anticipates incurring Expenditures with respect to the Project prior to the issuance on behalf of the County of tax-exempt debt for such purposes.

Section 2. The County anticipates incurring certain Expenditures up to \$2,500,000 for the Project.

Section 3. The Richland County Council (the “Council”) hereby authorizes the use of funds from the fund balance of the Broad River Utility System or other funds on hand as the source of funds for the Expenditures with respect to the Project.

Section 4. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures.

Section 5. The Expenditures are incurred solely to acquire, construct, or rehabilitate property and/or equipment having a reasonably expected economic life of at least one (1) year.

Section 6. Council hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Regulation §1.150-2 to reimburse the County from the proceeds of debt financing to be issued pursuant to South Carolina state law for Expenditures with respect to the Project.

Section 7. This Resolution shall be in full force and effect from and after its adoption as provided by law. This Resolution shall be made available for inspection during normal business hours by the general public at the offices of Richland County.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2019.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Paul Livingston, Chair
Richland County Council

(SEAL)

ATTEST THIS _____ DAY OF _____, 2019

Kim. W. Roberts
Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BROAD RIVER UTILITY SYSTEM FUND ANNUAL BUDGET TO FUND THE UPGRADE THE CEDAR COVE AND STONEY POINT COMMUNITIES LOW ENERGY TREATMENT (LET) SANITARY SEWER SYSTEM IN THE AMOUNT OF \$2,500,000 WITH FUNDS FROM THE FUND BALANCE OF THE BROAD RIVER UTILITY SYSTEM PROPRIETARY FUND.

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

SECTION I. That the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) be appropriated to fund the upgrade the Cedar Cove and Stoney Point communities low energy treatment sanitary sewer system. Therefore, the Fiscal Year 2018-2019 Broad River Sewer Enterprise Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2018 as approved:	\$7,211,038
Broad River Utility System Proprietary Fund Balance	<u>\$2,500,000</u>
Total Broad River Sewer Revenue as Amended:	\$9,711,038

EXPENDITURES

Expenditures appropriated July 1, 2018 as approved:	\$7,211,038
Increase in Budgeted Expenditures	\$2,500,000
Total Broad River Sewer Expenditures as Amended:	\$9,711,038

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

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

SECTION IV. Effective Date. This ordinance shall be enforced upon the approval of Richland County Council.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THE _____ DAY OF _____, 2019

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

RICHLAND COUNTY GOVERNMENT ADMINISTRATION

2020 Hampton Street, Suite 4069, Columbia, SC 29204
P 803-576-2050 | F 803-576-2137 | TDD 803-576-2045
richlandcountysc.gov



Biennium Budget II Calendar

October 16, 2018	Biennium Budget Memo sent to Departments communicating Council Priorities and Budget Parameters
November & December 2018	5 Year expenditure and revenue analysis of General Fund, Special Revenue Funds, and Enterprise Funds
December 3, 2018	Grant Application Period Opens
December 17, 2019	Departmental Budget Requests Due
January 15, 2019	Outside Agencies Transportation Budget Requests Due
January 15-March 1, 2019	Budget Requests reviewed & scored by Budget Committee
February 4, 2019	Discretionary, Hospitality, Accommodation and Contractual & Statutory Grant requests due to Budget Office. Application Period closes
TBD	Grants Committee meets
March 4, 2019	Grant Committee Recommendations Due
March 28, 2019	Recommended Budget Presentation, Administration Review
April 25, 2019	Recommended Budget Finalized and Recommended Budget II Book provided to County Council
April 30, 2019	Council Budget Work Session 4-6 pm: Presentation of Recommended Biennium Budget II by County Administrator (General Fund and Grants)
May 3, 2019	Millage Agency Budget Requests are due to RC Budget Office
May 7, 2019	First Reading of Biennium Budget II (FY 2020 and FY 2021 concurrently) and Millage ordinances (title only)
May 9, 2019	Council Budget Work Session 4-6 pm (Special Revenue, Enterprise, and Millage Agencies)
May 16, 2019	Public Hearing for Fiscal Year 2020 at 6 pm
May 23, 2019	Special Called Meeting – 2 nd reading of Biennium Budget II (FY 2020 and FY 2021 concurrently) and Millage Ordinance (Grants and Non Grant items) – 6 pm
May 30, 2019	Special Called Meeting – 3 rd reading of Biennium Budget II Ordinance (FY 2020 only) 6 pm

July 1, 2019

Biennium Budget II Begins with Council Appropriated Budget

July 11, 2019

Public Hearing for Fiscal Year 2021 – 6 pm

July 9, 2019

Special Called Meeting – 3rd reading of Biennium Budget II Ordinance (FY 2021 only) – 6 pm



Briefing Document

Agenda Item

Restructuring Ordinance Phase II

Background

During its April 4, 2017 meeting deliberations, County Council gave third reading approval to the organizational restructuring ordinance. This ordinance is being presented for the Council's consideration via the Administration & Finance Committee for the second phase of the restructuring. This phase includes staff's efforts to fully implement the restructuring. Enumerated below are the additional proposed changes to the ordinance:

1. In section 2-134. "Expand" was changed to "expanding"
2. The Office of Budget and Grants Management was added to Sec. 2-92. Also, a Deputy County Administrator (DCA) position was added (this will not require a new position as an Assistant County Administrator funded position will be reclassified). The DCA position will act for the county administrator in his/her absence. For the continuity of operations in an effective and efficient manner, in the absence of an appointed county administrator, the DCA position will also assume the acting county administrator position, upon the appointment from County Council by resolution, until a new county administrator is appointed. The DCA will also act on behalf of the County Administrator in his/her absence.
3. References to "Support Services" were updated to "Operational Services"
4. Update the Human Resources Department title to Human Resources Services Department.
5. The Human Resources Departmental Divisions were updated to include the following:
 - a. Total Rewards & Employment
 - b. Compliance & Employee Relations
 - c. Organizational Development & Strategy
6. Department of Public Works updated the language of its divisions in Sec. 2-157
7. In section 2-137 the a reference to the director as "chief" was added to be compliant for authority level, based on SC Laws and designating emergency vehicles
8. Fleet Management was moved under the Department of Public Works:
 - Managing and/or facilitating the procurement, selection, assignment, reassignment, transfer, maintenance, repair, replacement, and disposal of vehicles and motorized equipment.
9. In section 2-92. Departmental Offices, the office of Ombudsman, the following responsibilities were added:

- Citizen service requests
 - Records management for citizens input, concerns, and questions
 - Records management for ADA accommodation requests, grievances, and complaints
10. In section 2-92. Departmental Offices, the Office of Small Business Opportunity was added.
 11. Division 7. Human Resource Services, the responsibilities and departmental divisions were updated.
 12. Division 2. Community Planning and Development, the responsibilities and departmental divisions were updated in Section 2-130 to include:
 - Geographic Information Systems (GIS)

Issues

None.

Fiscal Impact

None. There is no fiscal impact since these revisions will be completed within the current approved budget.

Past Legislative Actions

During its April 4, 2017, meeting deliberations, County Council gave third reading approval to the organizational restructuring ordinance.

Alternatives/Solutions

1. Consider the ordinance amendment and proceed accordingly.
2. Consider the ordinance amendment and do not proceed.

Staff Recommendation

Recommend approval of the ordinance amendment as presented.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-19HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; SO AS TO RESTRUCTURE THE DEPARTMENTS OF THE COUNTY.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article III, Administrative Offices and Officers; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

DIVISION 1. GENERALLY.

Sec. 2-75. Department created.

The office of the county administrator is hereby created as the chief administrative office of the county with such personnel necessary to assist the county administrator in affecting the proper and efficient administration of the affairs of the county government.

DIVISION 2. COUNTY ADMINISTRATOR

Sec. 2-76. Position created; term.

There is hereby created the position of county administrator. The term of office of the county administrator shall be at the pleasure of the council, which may, in its discretion, employ the administrator for a definite term.

Sec. 2-77. Appointment, qualifications and compensation.

The county administrator shall be appointed solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, and knowledge of, the duties of office as hereinafter prescribed. At the time of his/her appointment, the county administrator need not be a resident of the county or of the state. The compensation of the county administrator shall be fixed by the council by contract.

Sec. 2-78. Chief administrative officer.

The county administrator shall be the chief administrative officer of the county government. He/She shall be responsible to the council for the proper and efficient administration of the affairs of the county government.

Sec. 2-79. Powers and duties.

The powers and duties of the county administrator shall be:

- (1) To direct and supervise the administration of all county officials and departments for which the council is responsible, or may hereafter be responsible, including specifically the construction, maintenance and operation of all county roads, bridges, drainage, buildings and other public works, and the care and maintenance of all personal property owned by the county; the administration of personnel policies, purchase of all supplies and equipment, finance, accounting, budgeting, payroll, auditing and any other administrative responsibilities necessary for implementation of the council's policies;
- (2) To appoint, and when in his/her discretion the welfare of the county requires it, suspend, discharge, transfer, remove or otherwise deal directly with all employees for whom council is responsible, excepting the county attorney, the internal auditor and the clerk of council, and any assistants thereto, who are appointed directly by the council or who are employed in the offices of elected officials and officials appointed by an authority outside county government as those terms are used in South Carolina Code, 1976, section 4-9-30(7);
- (3) To see that all ordinances, resolutions and orders of the council and all laws of the state which are subject to enforcement by him or by officers or department heads and subject, under this article, to his/her direction and supervision are faithfully executed;
- (4) To prepare and submit the annual budget and capital program to the council and to execute the budget and capital program adopted by the council, approving all disbursements and expenditures as budgeted and/or authorized by the council;
- (5) To confer with and advise all other elected or appointed officials of the county who are not under the immediate control of county council, but who receive financial support from the council, such as probate judges, magistrates, solicitor, sheriff, coroner, auditor, treasurer and the like;
- (6) To examine regularly at periods fixed by the council the accounts, records and operations of county boards, commissions, departments, offices, and agencies which receive appropriations from the council; to make regular, monthly reports to the council on county fiscal and other affairs as are appropriate; to keep the council fully advised on the financial conditions and future needs of the county; and to make such recommendations on county affairs as he deems necessary;
- (7) To submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year; and
- (8) To execute such other powers and duties as may be prescribed from time to time by the council.

Sec. 2-80. Relationships with county employees.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his/her removal from, office by the county administrator or by any of his/her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the county, except where, by majority vote of council, an inquiry as to the removal of an officer or employee is demanded. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the county administrator, and no member thereof shall give orders to any county employee or subordinate of the county administrator, either publicly or privately.

Sec. 2-81. Bond.

The county administrator shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

Secs. 2-82- 2-87. Reserved.

DIVISION 3. OFFICE OF THE COUNTY ADMINISTRATOR; STAFF

Sec. 2-88. Deputy County Administrator.

There are hereby created a position of deputy county administrator. The deputy county administrator shall be selected and appointed by the county administrator and shall serve at the pleasure of the county administrator with no definite term of office assigned.

Sec. 2-89. Qualifications; compensation.

The deputy county administrator shall be appointed solely on the basis of merit, including executive and/or administrative qualifications with special emphasis on education, training, experience and knowledge of the duties of the office. Preference will be given to individuals with a graduate degree in the field(s) of public administration, business administration, or some other related discipline. The deputy county administrator shall be paid an annual salary as approved by the county administrator.

Sec. 2-90. Responsibilities, powers and duties.

The duties and responsibilities of the deputy county administrator shall be:

- (1) To serve as chief of staff to the county administrator;
- (2) To supervise, plan and direct budget studies, research projects and manpower needs;

- (3) To assist in formulating administrative policies;
- (4) To represent and speak for the county administrator in meetings with boards, commissions, citizens groups and officials of various public agencies;
- (5) To collect, compile and interpret data on policies, functions, organization structures, forms and procedures relating to the administration of assigned programs;
- (6) To seek legal opinions and prepare recommendations supported by administration research findings;
- (7) To review departmental reports, proposed programs, supplemental appropriation requests, personnel requisitions, overtime reports, etc., and make or direct investigative reports and recommendations as required;
- (8) To prepare correspondence and reports;
- (9) To act for the county administrator in his/her absence;
- (10) To participate in formulating policies and in developing long range plans;
- (11) To perform related work as required and as assigned by the county administrator;
- (12) To serve as the acting county administrator in the absence of a county administrator, upon appointment of County Council by resolution, until a new county administrator is appointed; and
- (13) To supervise the Office of Budget and Grants Management on the preparation of the operating and capital budgets and day to day functions and other departments as assigned by the County Administrator.

Sec. 2-91. Staff and assistants.

The county administrator may employ such staff and assistants for positions approved through annual budgetary appropriations by county council as are deemed necessary by the county administrator to the performance of his/her duties. They shall be subject to the county personnel system and their compensation determined accordingly, including but not limited to the following:

- (1) *Assistant County Administrators* – In their respective assigned operational functions by the County Administrator, assist the County Administrator in carrying out the directives and policies of the County Council, and enforces all directives, ordinances, resolutions, regulations of the County Council, and the applicable provisions of Federal and South Carolina law to assure execution through delegated responsibility.

- (2) *Assistant to the County Administrator* - Serves as the “day-to-day” administrative coordinator of the County Administrator’s Office and its divisions with respect to routine departmental budget, operational, and personnel matters subject to direction from the County Administrator, Deputy County Administrator, and/or Assistant County Administrators.
- (3) *Executive Assistant* – Provides executive level administrative and clerical assistance to the county administrator.

DIVISION 4. OFFICE OF THE COUNTY ADMINISTRATOR; OFFICES

Sec. 2-92. Departmental Offices.

The office of the county administrator shall also include the following offices:

- (1) *Risk Management* - The office of risk management is hereby created and the position of director of risk management, who shall be responsible to the county administrator to eliminate, minimize and transfer risk exposure as much as is feasible, and for losses that do occur, to finance and mitigate them in a manner that is in the best interest of the County, including authority to negotiate and settle workers’ compensation, general liability, and vehicle liability claims. Disposition of general liability and vehicle liability lawsuits shall be accomplished in collaboration with the county attorney. The office of risk management shall include the occupational safety program. The program shall work to keep Richland County employees safe at work and ensure OSHA compliance.
- (2) *Public Information* - The office of public information is hereby created and the position of public information director, who shall be responsible to the county administrator to assist Council and County departments with media and public outreach efforts; manage Richland County’s brand to residents, businesses and news outlets through various multi-media platforms and events.
- (3) *Ombudsman* - The office of the ombudsman is hereby created and the position of ombudsman director, who shall be responsible to the county administrator to provide informal assistance to citizens and to assist citizens with county concerns and request for service, which includes the following responsibilities: citizen service requests; records management for citizens input, concerns, and questions; records management for ADA accommodation requests, grievances, and complaints; and performs trend analysis of the concerns and responses related to the organization.
- (4) *Court Appointed Special Advocates* – The office of court appointed special advocates is hereby created and the position of court appointed special advocates

director, who shall be responsible to the county administrator to advocate for the best interests of abused and neglected children in Richland County Family Court.

(5) *Government and Community Services* - The community and government services department is hereby created and the position of community and government services director, who shall be responsible to the county administrator to facilitate improved community outreach, administration of government services and resolution to community issues.

(a) Office of Small Business Opportunity - The Community and Government Services Department shall include the office of small business opportunity which shall manage and administer the SLBE (Small Local Business Enterprise) Program (see Section 2-639 et. seq.) and shall undertake other functions and duties as assigned by the county administrator or county council.

(6) Office of *Budget and Grants Management* – There is hereby created the Office of Budget and Grants Management and the position of Budget and Grants Management Director who shall be responsible to the county administrator through the deputy county administrator to create and maintain the County’s operating and capital budgets, conduct fiscal research and trends analysis, issue budget reports, and other duties as assigned.

DIVISION 5. COUNTY ATTORNEY

Sec. 2-93. Office established.

There is hereby established the office of the county attorney, who shall be the chief legal officer of the county. The county attorney shall be retained from the membership of the county bar by the county council and shall serve at its pleasure.

Sec. 2-94. Eligibility.

No member of the council or of the county legislative delegation, or any partner of any such member, shall be retained as county attorney or assistant county attorney, or perform any service for compensation as an attorney for the council, any county agency which is funded in whole or in part from county funds, or for any board, commission, committee, or agency of the county over which the council has any appointive powers. No member of any county board, commission, committee, or agency which is funded in whole or in part from county funds, or any board, commission, committee or agency of the county over which the council has any appointive powers, or any partner of any such member, shall be attorney or do any legal work for such board, commission, committee, or agency; provided, however, that, a partner of such member may serve as county attorney or as an assistant county attorney.

Sec. 2-95. Duties and responsibilities.

The county attorney shall represent and defend the county and all of its officers in any of the courts of this state or of the United States, shall do such work in connection with county real estate conveyancing, title work and bond issues, shall bring all actions and proceedings that may be necessary to enforce payment and collection of any claims existing in favor of the county or of any of its officers, boards, or agencies, and shall advise the county administrator and all county officers and department heads in all matters wherein they may seek advice or counsel. The county attorney shall meet with the council whenever requested for the purpose of advising them as to any matters that may properly come before them.

Sec. 2-96. Compensation.

The county attorney shall receive compensation for his/her services in the amount determined by the council. The annual salary of the county attorney shall constitute his /her total compensation from the county for all of the services enumerated above, except under unusual circumstances as directed by council.

Sec. 2-97. Annual appropriation.

The council shall establish in the annual operating budget the compensation of the county attorney. Such budget shall also provide for the compensation of any assistants employed pursuant to section 2-98 of this division.

Sec. 2-98. Assistants.

The county attorney may employ such staff and assistants for positions approved through budgetary appropriations by council as are deemed necessary to the performance of the duties of the office.

Sec. 2-99. Employment of attorney, other than county attorney, by council agencies.

No officer, board, commission, committee, or agency in the county appointed in whole or in part by the council may employ an attorney other than the county attorney, or agree to pay for services out of public funds without first obtaining the county attorney's approval of the employment of such attorney.

Sec. 2-100. Settlement of claims.

The county attorney shall have the authority to settle and approve payment of lawsuits, up to an amount approved by County Council in the annual budget, or in his/her discretion brings those matters to County Council for its decision and approval.

The county attorney shall have the sole discretion to decide whether to file an appeal or to waive the filing of same in instances up to an amount approved by County Council in the annual budget.

Sec. 2-101. Bond.

The county attorney shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

DIVISION 6. CLERK TO COUNCIL

Sec. 2-102. Creation; appointment; term of office.

There is hereby created the office of clerk to council. The clerk to council shall be appointed by the council and shall serve at the pleasure of the council.

Sec. 2-103. Responsibilities; duties.

The clerk to council shall:

- (a) Record all proceedings of the council and supply copies of certified records as appropriate;
- (b) Distribute copies of the minutes of each meeting to council members prior to the next meeting;
- (c) Review reports and records for completeness and accuracy;
- (d) Prepare ordinances and resolutions for presentation to council and arrange for their publication as approved by council and as directed by the county attorney;
- (e) Attend regular meetings of the council and attend other meetings as requested;
- (f) Type reports and recommendations of all council committees or designee of the clerk;
- (g) Notify councilmen of all council meetings;
- (h) Maintain the council calendar;
- (i) Be custodian of the county seal, minute books and Code of Ordinances;
- (j) Maintain county files and any records which should be kept for quick accessibility;
- (k) Supervise a complete records management system for department;
- (l) Research materials and supply background information as required;

(m) Take follow-up actions on the following matters (including initial follow-up and subsequent actions necessary to ensure carrying out of council actions):

- (1) Easements;
- (2) Contracts, leases and agreements;
- (3) Bond issues;
- (4) Damage claims which are submitted to county council for acceptance or rejection;
- (5) Ordinances;
- (6) Resolutions; and
- (7) Appointments;

(n) Prepare council agenda and advise news media of items to be considered; shall maintain a complete record of all matters pending council consideration;

(o) Act for the county in attesting and certifying official documents;

(p) Be responsible for the appointments book; insure appointments are made in timely fashion in accordance with established procedures;

(q) Maintain a record of leases, contracts, agreements, rights-of-way, grants and bonds;

(r) Insure that the overall objective of the council office is achieved in an efficient manner;

(s) Prepare and monitor budget for operating expenses for the clerk to council office and the council services budget; and

(t) File documents, as required, with the clerk of court.

Sec. 2-104. Compensation; employee status.

The council shall approve in the annual budget the compensation of the clerk to council. Such budget shall also provide for assistants to the clerk if employed pursuant to the following section. The clerk and any full-time assistants shall be employees of the county and eligible for all insurance, retirement and other benefits of county employees.

Sec. 2-105. Assistants.

The council may appoint such assistant or assistants to the clerk to council as may be deemed necessary, who shall perform varied secretarial and stenographic tasks for the council and who shall exercise the duties of the clerk to council in the event of the clerk's absence or disability.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article IV, Code of Ethics; is hereby renumbered beginning with section number 2-106 and proceeding accordingly.

SECTION III. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

DIVISION 1. ANIMAL SERVICES

Sec. 2-122. Creation; director.

There is hereby created the animal services department, and the position of animal services director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-123. Qualifications of director; selection; compensation.

The director of animal services shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

Sec. 2-124. Responsibilities; powers; duties.

The director of animal services shall supervise the divisions of animal care and vector control.

Sec. 2-125. Departmental Divisions.

The animal services department shall include the following divisions:

(1) *Animal care* – The division shall enforce all the provisions of Chapter 5 of the Richland County Code of Ordinances as it pertains to animal control and/or care and the manager of the division shall serve as the chief animal control officer.

(2) *Vector Control* – The division of vector control shall be charged with the following duties:

(a) Management of the mosquito control program, including abatement in accordance with the policies of the program.

- (b) Provide technical advice, education and assistance about vectors to the county's citizens.
- (c) Conduct vector-borne disease surveillance and response.
- (d) Enforce county ordinances related to vector control.
- (e) Commensal rat abatement in accordance with division policies.
- (g) Respond to inquiries, investigate complaints, conduct evaluations to help reduce or eliminate public hazards and nuisance conditions associated with vectors and disease transmission.
- (h) Other programs or functions assigned to the department by the county administrator or county council.

DIVISION 2. COMMUNITY PLANNING AND DEVELOPMENT

Sec 2-126. Creation; director.

There is hereby created the community planning and development department, and the position of community planning and development director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-127. Qualifications of director; selection; compensation.

The director of community planning and development shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

Sec. 2-128. Responsibilities; powers; duties.

The director of community planning and development shall supervise the divisions of zoning and development services, planning services, building inspections, community development, new development engineering, conservation, business service center, assessor, register of deeds, and geographic information systems (GIS).

Sec. 2-129. Departmental Divisions.

The community planning and development department shall include the following divisions and related managers who shall be responsible to the community planning and development director to manage and coordinate the operations and activities of the divisions:

- (1) *Planning and Development Services* – The division of planning and

development services is hereby created and the position of planning and development services division manager. The planning and development services division manager shall possess the education, training, and experiences that are commensurate with the industry standards for this position. The planning and development services division shall undertake the following:

- a. The permitting and enforcement provisions of the county's zoning and land development regulations.
- b. The management of the county's Neighborhood Improvement Program, update and implement the county's comprehensive Plan, oversee the county's sustainability program and perform long-range planning activities for the county.
- c. The administration of grants from the U.S. Department of Housing and Urban Development to improve primarily low-income neighborhoods with affordable, safe and decent housing and other quality of life environments.
- d. The permitting and enforcement provisions of the county's building code regulations.

(2) *Conservation* – The division of conservation is hereby created, and the position of conservation division manager. The conservation manager shall possess the education, training, and experiences that are commensurate with the industry standards for this position. The conservation manager shall manage and supervise all functions of the division and implement the responsibilities of the Richland Soil and Water Conservation District and Richland County Conservation Commission. The manager shall consult with and advise the community planning and development director regarding the conservation and protection of the county's natural, cultural and historical resources. The division shall also interact with federal and State agencies, other counties and municipalities, institutions of higher education, and not for profit conservation and environmental organizations to support the responsibilities of the division, District and Commission.

(3) *Business Service Center* – The business service center division is hereby created, and the position business service center division manager. The business service center division manager shall possess the education, training, and experiences that are commensurate with the industry standards for this position. The business service center division manager shall be responsible for the performance of the duties and responsibilities of the department, which shall be to:

- (a) Issue and enforce licenses and permits for businesses needing these licenses and permits by county ordinance to operate lawfully, including, but not limited to (unless otherwise preempted and/or prohibited by federal or state law): business licenses, peddler's licenses, temporary business permits, and solicitation permits.
- (b) Collect and enforce the payments for the aforementioned licenses and

permits in subsection (1) above, as well as the Clearance Review fee.

(c) Collect and enforce the requirements and collections of the County's Local Accommodation Tax and Tourism Development Fee.

(d) Enforce the requirements and collections of the County's Hospitality Taxes and Business Personal Property Taxes.

(e) Make business forms and information available in many diverse and convenient ways to assist businesses operate as required by applicable county ordinances.

(f) Inspect and audit businesses for compliance with applicable county ordinances regarding these licenses, permits, fees, and taxes.

(g) Serve as a liaison to the business community on behalf of Richland County on issues relating to issuances and collections of the Business Service Center.

(h) Serve as the catalyst for coordinating Business Service Center services with other county departments, State agencies, and other groups or organizations.

(i) Enforce the requirements of the County's Smoking Ban.

(4) *Register of Deeds* – The register of deeds division is hereby created, pursuant to state law, along with the position of register of deeds division manager. Such office is to be located in the county courthouse at the discretion of the clerk of court. The register of deeds division manager shall possess the education, training, and experiences that are commensurate with the industry standards for this position. The register of deeds division manager shall be responsible for the performance of the duties of this office which include, but are not limited to:

(a) Directing the division of mesne conveyances and supervising its staff and activities;

(b) Indexing and recording all deeds, conditions, restrictions, contracts, agreements, descriptions of real estate from the probate judge's office, cemetery plots, easements, leases, mortgages on chattel and real property, satisfactions, assignments, releases, modifications, mechanics' liens, state, federal and employment security commission tax liens, plats and financial statements under the Uniform Commercial Code; provided, however, that no deed shall be accepted for recordation unless it bears the tax map number of the property being conveyed;

(c) Maintaining books for recording business establishments, corporate charters, U.S. military and naval forces discharges;

(d) Maintaining a notary public register;

- (e) Maintaining an index of cross-index books for all instruments of record logged in the office;
- (f) Collecting necessary fees for the recording of records as set by law;
- (g) Answering requests and giving assistance to those seeking information from the records of the office;
- (h) Preparing a division budget; and
- (i) Rebinding books and records.

(5) *Assessor* – The assessor division is hereby created, pursuant to state law, along with the position of assessor (division manager). The assessor shall possess the education, training, and experiences that are commensurate with the industry standards for this position. The powers, duties, and responsibilities of the tax assessor shall be those set forth by state law, but generally will plan, organize and manage the appraisal, assessment and reassessment of property in the County.

(6) *GIS* - The division of geographic information system (GIS), as well as the manager of GIS, is hereby established to furnish various county departments with tools to measure, model, and map data regarding geographically related phenomena. While data, in and of itself, cannot assist in making decisions or policy, the information created from such data is a valuable tool in executing county business. As a work product, the data will be used to produce thematic information that can be combined to assist county personnel in the decision-making process.

GIS data will be continuously updated and improved as technology and county capabilities improve. The county council understands that to sustain the county’s utility and effectiveness, data must be maintained. The county council also recognizes that the nature of accurate local data and the potential of GIS are reflected in the value of spatial data to entities other than Richland County. Thus, to provide for costly maintenance of the GIS and to lessen the burden of annual budget requests, system data elements will be available for purchase pursuant to an established fee schedule. Such fee schedule may be modified as described in subparagraph (d)(3) below from time to time by council.

- (a) For the purposes of this section, and unless the context specifically indicates otherwise, the following general terms shall have the meanings designated below:

Applicant. Any person who submits a request for GIS products or services.

Customer. Any applicant who executes a contract for GIS products or services, or purchases copies of standard system products, custom hard copy system products, digital data, technical assistance, or other products or services.

Data. Recorded quantitative and qualitative observational measurements and facts.

Data steward. The person, or his/her designee, responsible for the maintenance and security of GIS data elements within a particular county department.

Geographic Information System (GIS) is an organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, use, analyze, and display all forms of geographically referenced material.

Information. The result(s) obtained from processing, classifying, or interpolating data.

Open records. Standard system products as defined herein and non-digital source documents.

Standard system products. Paper products generated from GIS databases for internal use and for the purpose of meeting requests submitted under current state law concerning open records.

Subscriber. Customer who purchases GIS service or products on a regular, frequent, and on-going basis.

(b) Data and information distribution.

1. Information derived from the county GIS and presented in a geographic context may be made available to the public via the Internet. Furthermore, standard system products will be made available on digital media or, if requested, in hard copy pursuant to S.C. Code 1976, § 30-4-30, as amended.
2. All GIS-related data requests must be approved by both the data steward of the department in possession of such data and the GIS division of the information technology department. Once approved, the GIS division is responsible for filling the request. All GIS data customers must enter into a non-transferable data license agreement with the county. Each license agreement shall identify limitations in the use of county GIS data and shall indemnify and hold harmless Richland County, its elected officials, officers, agents, and employees from loss, damage, or other liability arising from the use of the data.
3. A fee shall be collected from customers for copies of GIS data. An initial fee schedule of individual data elements will be reviewed by

county council. The fee schedule will include a description of each thematic data element to be sold, distribution format, file format, and unit pricing information. The county administrator, as necessary, may update the fee schedule. Regardless of changes in data product fees, a county GIS data fee schedule will be submitted annually to the county council as an informational update. For good cause, the county administrator may waive or reduce fees for GIS data when such actions result in serving the best interest of the county.

4. Customers requesting data on a regular basis may request to receive data at a subscription rate, but must enter into a non-transferable data license agreement with the county.
5. All GIS-related information constituting a public record, as defined by S.C. Code 1976, § 30-4-20, as amended, may be provided at no charge via Internet access or at a minimal charge if such information is in digital or hard copy format. The minimal fees for digital or hard copy public record information shall be included in the approved fee schedule.

DIVISION 3. DETENTION CENTER

Sec 2-130. Creation; director.

There is hereby created the detention center department, and the position of detention center director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator. The manager shall have the following duties and responsibilities:

- (1) Operate and manage the county detention center, and any prison camps or other detention facilities that may be established;
- (2) Provide for the proper care and custody of all prisoners assigned to county detention facilities;
- (3) Be responsible for the effective and efficient operation of the detention center and any related buildings and grounds;
- (4) Control all employees under his/her direction and be responsible for all equipment and supplies needed to operate the detention center.

Sec. 2-131. Departmental Divisions.

The detention center department shall include the following divisions:

- (1) *Security* – The division of security is hereby created and the position of security manager, who shall be responsible to the detention center director to ensure the detention remains secure.
- (2) *Operations* – The division of operations is hereby created and the position of operations manager, who shall be responsible to the detention center director to facilitate and execute the operation of the detention center.
- (3) *Programs* – The division of programs is hereby created and the position of programs manager, who shall be responsible to the detention center director to successfully implement the programmatic initiatives of the detention center.
- (4) *Support* – The division of support is hereby created and the position of support manager, who shall be responsible to the detention center director to support the detention center director and contribute to the effective functioning of the detention center.

DIVISION 4. ECONOMIC DEVELOPMENT OFFICE

Sec. 2-132. Creation; director.

There is hereby created the economic development office and the position of director of the economic development office.

Sec. 2-133. Qualifications of director; selection; compensation.

The director of the economic development office shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

Sec. 2-134. Responsibilities; powers; duties.

The director shall work to assist new companies considering locating in Richland County and existing companies considering expanding their operations. The office shall have the following duties and responsibilities:

- (1) Maintain demographic and economic data on Richland County;
- (2) Conduct building and site tours for prospective companies;
- (3) Facilitate meetings with existing industry to discuss human resources and labor force issues;

- (4) Conduct community tours for prospective companies;
- (5) Negotiate incentive proposals on behalf of the County.

DIVISION 5. EMERGENCY SERVICES

Sec. 2-135. Creation; director.

There is hereby created the emergency services department and the position of director of emergency services, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-136. Qualifications of director; selection.

The director of emergency services shall possess the education, training, and experiences that are commensurate with the industry standards for this position

Sec. 2-137. Responsibilities; powers; duties.

The director of the department of emergency services or “chief” of emergency services shall be the county fire marshal. The director of the department of emergency services shall enforce all provisions of this Code of Ordinances pertaining to the operation of emergency services within the county.

Sec. 2-138. Departmental Divisions.

The emergency services department shall include the following divisions:

(1) *Emergency Medical Services* - The emergency medical services division shall provide county-wide 911 emergency medical services designed to respond to medical emergencies and to provide initial medical response and/or treatment as a means of stabilizing accident and/or trauma victims for transportation to medical facilities for primary, secondary and/or tertiary care or treatment as may be required.

(a) Fees for ambulance services to the general public within the boundaries of the county and outside of the boundaries of the county shall be determined from time to time by council.

(b) Fees for ambulance services will be limited to the maximum allowed under the health care insurance plan for each county employee. These fee schedules are subject to amendment, repeal, or deletion by the county council from time to time.

(c) The county council hereby grants permission for the operation of private

convalescent transport units within the county.

Private convalescent transport units are any vehicle making nonemergency calls within the county and to destinations within the county as scheduled to a physician's office or hospital for treatment, routine physical examinations, x-rays, or laboratory tests which is used for transporting within the county, patients upon discharge from a hospital or nursing home to a hospital, nursing home or residence, or a vehicle making any other calls dispatched within the county as nonemergency. Such vehicles are described in S.C. Code 1976, § 44 61 10 et seq. (as amended).

(d) The department of emergency services is hereby authorized to promulgate and enforce rules and regulations governing and controlling such private convalescent transport units and the nonemergency ambulances as deemed by the department to be necessary pursuant to federal, state and applicable regulating agency requirements.

Further, all nonemergency private ambulances that originate calls within the county shall be required to comply with the provisions of this Code of Ordinances, including the business license ordinance [chapter 16], and reporting requirements promulgated by the division.

(2) *Fire* - The fire division shall be responsible for providing countywide fire,-services, but not be limited to the following:

- (a) Coordination and supervision of the development and operation of a county fire service system in the unincorporated areas and participating municipalities; to include coordination, supervision, and monitoring or any of the fire duties which may be contracted out to third parties pursuant to contract or intergovernmental agreements;
- (b) Emergency communications;
- (c) Determine the Cause and Origin of fires;
- (d) The provision of assistance to the various units of the fire service in resolving technical problems;
- (e) Coordination of the management of all county fire service units;
- (f) Enforcement of county ordinance and the county fire prevention code;
- (g) Coordination of the emergency services department special response and rescue capabilities

(3) *Emergency Management Division* - The emergency management division shall be

responsible for ensuring the complete and efficient utilization of all the county facilities to combat disaster from enemy attack, manmade or natural disaster; for directing the day-to-day operations of the office and coordinating the activities of county and city governments during a period of disaster. The department shall be empowered and required to coordinate with and render assistance to county and city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the county and the municipalities existing within the county for the purpose of minimizing or preventing damage to persons or property in disaster situations. The department shall further direct the efforts of the county emergency management division in the implementation of the provisions of this subsection.

The emergency management division shall be the coordinating agency for all activity in connection with integrated emergency management; and it shall be the instrument through which the county government shall exercise its authority under the laws of this state during an attack against this county, its political subdivisions, or any part of the state, or during manmade or natural disasters. This subdivision will not relieve the county or any city department existing within the county of the normal responsibilities and/or authority given to it by general laws or local resolution or ordinance, nor will it limit the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster.

As used in this subsection:

Attack shall mean a direct assault against the county, its political subdivisions, or any part of the state, by forces of a hostile nation, including assault by nuclear, chemical or biological warfare, espionage or sabotage.

County shall mean Richland County, including all municipalities and political subdivisions.

Emergency management shall have a broad meaning and shall include preparations against and relief from the effects of attack on the county, or any part of the state, by the forces of any enemy nation; and it shall also include such activity in connection with manmade or natural disaster as defined herein. It shall not include any activity that is the responsibility of the military forces of the United States.

Emergency management organization shall mean all county and municipal officials and employees of the county and municipalities, together with those volunteer forces enrolled to aid them during a disaster, and persons who may, by agreement or operation of law, be charged with duties incident to the protection of life and property in the county, city and towns during times of disaster.

Manmade disaster shall mean such disasters as those caused by hazardous material or radiation accidents or incidents and terrorist activities.

Natural disaster shall mean any condition seriously threatening public health, welfare, or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake, or similar natural or accidental cause which is beyond the control of public or private agencies ordinarily

responsible for the relief of such conditions.

Volunteer shall mean contributing service, equipment or facilities to the emergency preparedness organization without remuneration or without formal agreement or contract of hire. While engaged in such services, volunteer personnel shall have the same immunities as persons and employees of the county performing similar duties.

- (a) The emergency management division shall maintain liaison with the state and federal authorities, and the authorities of other nearby political subdivisions, so as to ensure the most effective operation of the emergency plan. The duties shall include, but shall not be limited to, the following:
 1. Development and publication of emergency plans in conformity with state emergency plans for the immediate use of all of the facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons or property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
 2. Control and necessary recordkeeping for funds and property which may be made available from the federal, state, county and municipal governments.
 3. Submission of annual budget requirement to the state, federal and county governments.
 4. Signing such documents as are necessary in the administration of the county emergency preparedness program, to include project applications and billing for purchases under project applications.
 5. Coordination of the recruitment and training of the volunteer personnel and agencies to augment the personnel and facilities of the county emergency preparedness purposes.
 6. Through public information programs, education of the civil population as to the actions necessary and required for the protection of their persons and property in case of enemy attack or natural disaster.
 7. Conducting simulated disaster exercise and public practice alerts to ensure efficient operations of the emergency plans and to familiarize residents of the county and municipalities with civil defense regulations, procedures and operations.
 8. Coordination of the activity of all other public and private agencies

engaged in any emergency preparedness programs.

9. Negotiation with owners or persons in control of building or other property for the use of such buildings or property for emergency management purposes, and designating suitable buildings as public fallout shelters.
 10. Development of a community shelter plan.
 11. Assumption of such authority and conducting such activity as may be necessary to promote and execute the emergency operations plan.
- (b) The chairman of the county council shall be responsible for meeting the problems and dangers to the county and its municipalities and their residents resulting from disasters of any origin and may issue proclamation and regulations concerning disaster relief and related matters which during an emergency situation shall have the full force and effect of law.
 - (c) In accordance with annex K of the emergency plan, emergency shelters may be opened during an emergency and may be housed at schools, churches and other locations. The type and location of an emergency will determine which shelters will be opened. After shelters are opened, the public will be notified and given instructions through the public information officer.
 - (d) Notwithstanding any other provision of the law, authority in an emergency in the county shall be determined by the current County Code of Ordinance and the County Emergency Plan.
 - (e) A state of disaster may be declared by the chairman of the county council with the knowledge of officials of the affected municipalities if he determines that a disaster has occurred, or that the threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, that state of emergency shall continue until terminated by the chairman of county council. All proclamations of a disaster issued pursuant to this section shall indicate the nature of the disaster, the area or areas affected, the conditions which required the proclamation of the disaster, and the conditions under which it will be terminated. In addition to any other powers conferred by law, the county and municipal governments may, under the provisions of this subsection:
 1. Suspend existing laws and regulations prescribing the procedures for conduct of county or municipal business if strict compliance with the provisions of any statutes, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.

2. Utilize all available resources of county and municipal government as reasonably necessary to cope with a disaster emergency.
3. Transfer the direction, personnel or functions of county and municipal departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable.
4. Compel performance by government officials and employees of the duties and functions assigned in the county emergency plan.
5. Contract, requisition and compensate for goods and services from private sources.
6. Direct evacuations of all or part of the population from any stricken or threatened area within the county or municipality if such action is deemed necessary for preservation of life or other disaster mitigation, response or recovery.
7. Prescribe routes, modes of transportation and destinations in connection with evacuations.
8. Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.
9. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.
10. Make provisions for the availability and use of temporary housing.
11. Suspend or limit nonemergency activities and prohibit public assemblies.
12. Implement curfews during declared disaster events.

(f) All employees of departments, commissions, boards, institutions and other agencies of the county and municipalities who are designated as civil emergency forces shall cooperate with the emergency management division in the formulation of the county emergency plan shall comply with the requests of emergency management personnel when such requests are issued pursuant to the provisions of this subsection. County and city

personnel shall include in such plans the restoration of governmental services and public utilities necessary for the health, safety and welfare of the general public.

- (g) All such civil emergency forces shall notify the director of emergency services of conditions in the county or municipalities resulting from enemy attack or natural disaster, and they shall inform the director of any conditions threatening to reach the proportions of a natural disaster as defined herein.
- (h) County and municipal employees assigned to duty as part of the civil emergency forces pursuant to the provisions of this subsection shall retain all the rights, privileges and immunities of their employment and shall receive the compensation incident to that employment.
- (i) The director of emergency services may at any time make the appointment of volunteer citizens to augment personnel in the time of emergency. Such volunteer citizens may be enrolled as civil emergency volunteers in cooperation with the heads of the county or municipal department affected, and they shall be subject to the rules and regulations set forth by their department for such volunteers.
- (j) The director may appoint volunteer citizens or from the personnel of a civil emergency service for which the county or municipalities have no counterpart. He may also appoint volunteer citizens as public shelter managers, who, when directed by the director, shall open public shelters and take charge of all stocks of food, water and other supplies and equipment stored in the shelter; admit the public according to the community shelter plan; and take whatever control measures are necessary for the protection and safety of the occupants.
- (k) The director of emergency services may appoint and permit volunteers to operate privately owned vehicles to respond to disasters and emergencies using lights and sirens after first meeting the established rules and criteria promulgated by the emergency services department for volunteer privately owned vehicle response.
- l. The emergency services department public information officer shall serve as public information officer for the emergency management division.
- m. This subsection is an exercise by the county and city of their governmental authority for the protection of the public peace, health and safety; and county or municipal agents and representatives, or any individual, receiver firm, partnership, corporation, association, or trustee, or any of the agents

thereof in good faith carrying out, complying with, or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this subsection shall not be liable for any damage sustained by persons or property as a result of such activity.

- n. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an authorized civil emergency practice exercise shall not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission, or for loss of or damage to the property of such person.
- o. It shall be unlawful for any persons to violate any of the provisions of this subsection or the regulations issued pursuant to the authority contained herein or willfully to obstruct, hinder or delay any member of the civil emergency organization in the enforcement of the provisions of this subsection or any regulation issued thereunder. Any violation of this subsection shall be considered as a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) or confinement of not more than thirty (30) days.

(4) *Hazardous Materials Division* - The hazardous materials division shall include, but not be limited to the location, identification, monitoring and/or control of all hazardous/toxic waste(s) existing in or transported through the county. Such control shall include the permitting and enforcement of all relevant codes and the coordination of effort with other county and public agencies assigned public safety responsibilities in the field of hazardous/ toxic wastes.

(5) *Emergency 911 Communications*

- (a) Funding for emergency 911 telephone system

It is the desire of Richland County Council to shorten the time and to simplify the methods required for a resident of Richland County to request and to receive emergency aid. It is the further intent of the County Council to provide funding by which to allow operation, maintenance and enhancements of E911 by levying a monthly charge of fifty (50) cents upon each local exchange access facility subscribed by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the E911 service and/or system of Richland County. Wireless E911 fees will be levied as outlined in South Carolina Code of Laws Section 23-47-50.

- (b) E911 Service fee, billing and collection.

- (1) The E911 Service Fee shall include charges as may be required by the Service Suppliers and agreed upon by Richland County and such charges for support, planning, operation and current or future enhancements that are required by Richland County and outlined in South Carolina Code Sections 23-47-10 through 80.
 - (2) A monthly charge shall be levied upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the 911 service and/or system of the jurisdiction of the county as provided for in this section, in amounts permitted by the State of South Carolina, provided that the amount of such levy shall be set forth precisely in each annual, or supplemental budget ordinance as appropriate, together with a provision providing that such charges were tax enforceable under South Carolina Code 23-47-50(B). Said E911 Service Fee rate shall include funding for only such expenses and costs as are authorized under provisions of South Carolina Code Section 23-47-40(A)(B), and (D) as amended from time to time, as may be approved by the Richland County Council attendant to the normal adoption of the County's Ordinary and Capital Budgets. Said budget shall clearly delineate the estimated E911 Service Fee revenue and the associated expense, and sources of revenue and authorized expenses from sources other than the E911 Service Fee, by budget account and line item.
 - (3) The E911 Service Fee shall be uniform and not vary according to the type of local Exchange access.
 - (4) Coin operated telephones are toll free 911 calls, but certain locations, such as detention centers or institutions may be denied access to 911 at the discretion of the emergency services director. Other coin operated telephones where it can be clearly justified as not being in the public interest to continue or have access to 911 may also be denied such access.
 - (5) Service Suppliers shall remit to Richland County E911 Service Fee Collections within 45 calendar days following the end of the month of collections of such funds and, upon receipt of a monthly bill from the Service Supplier, Richland County will remit payment.
 - (6) An audit and budget reconciliation shall be conducted annually. The audit shall comply with the requirements of the South Carolina Code Section 23-47-50(E).
- (c) Accounting and management.

- (1) As provided in South Carolina Code Section 23-47-50(C), Richland County is responsible for the collection of delinquent accounts having access to the E911 system. The emergency services director and finance director shall cause procedures to be established with the Service Supplier and shall forward such information to the appropriate authority for collection procedures.
- (2) The emergency services director is responsible within Richland County for the administration of this section and South Carolina Code Sections 23-47-10 through 80.
- (d) Addressing and road name. All road naming activity shall be coordinated with the public works department, the planning division of the Community Planning and Development Department and if applicable the City of Columbia. Public safety is of the highest priority and road names contribute significantly to the efficiency of the emergency response system.
- (e) It shall be a violation for any person to misuse or abuse the 911 system or to make a false 911 call. Any person in violation of this section shall be subject to the penalties set forth in (f).
- (e) (f) Penalties. Any person who shall violate any provision of this section, including the provisions of South Carolina Code Title 23, Chapter 47, shall be guilty of a misdemeanor and, upon conviction of such offense, shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, and in addition, shall pay all costs and expenses involved in the case. Each and every day or portion thereof during which any violation continues shall be considered a separate offense.

DIVISION 6. FINANCE

Sec. 2-139. Creation; director.

There is hereby created the finance department and the position of director of finance, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The department shall be responsible for all facets of finance administration including budget preparation and budgetary control, accounting, financial reporting, and other related financial/fiscal activities. It shall be responsible also for insurance; payroll and leave administration; and, in cooperation with the department of human resources, shall be responsible for development and implementation of a personnel data and information management system; and such other responsibilities as may be assigned by the county administrator.

Sec. 2-140. Qualifications of director; selection.

The director of finance shall possess the education, training and experiences that are commensurate with the industry standards for this position.

Sec. 2-141. Responsibilities; powers; duties.

The director of finance shall be the chief administrative finance officer of the county, responsible to the county administrator for the performance of his/her duties and responsibilities which shall be to:

- (1) Direct the finance department and supervise its staff and activities;
- (2) Approve all warrants issued by officers of the county and draw drafts in payment thereof;
- (3) Maintain current accounts of all county budget expenditures and make periodic reports thereon as required by the county administrator;
- (4) Maintain a current inventory of all county property, real and personal; and collect and account for all income from rental or sale of same;
- (5) Receive all requests from county offices and agencies in excess of budget allowances, and prepare recommendations for the county administrator to submit to the council for consideration thereof;
- (6) Obtain and supervise contracting and payments for all insurance on county property, including liability and related insurance;
- (7) Cooperate with the county council, treasurer, attorney and other officers concerned in the preparation and sale of all county bond issues and other long-term financial transactions;
- (8) Cooperate with the county auditor, treasurer and other county officers in securing annual and special audits of all county accounts as required by law or directed by council; and
- (9) Serve as the trust officer of the county and be granted authority to sign necessary documents and create accounts for the proper maintenance of such funds, provided that such procedures shall be approved by the county administrator.

Sec. 2-142. Departmental Divisions.

The finance department shall include the following divisions:

- (1) *Accounting* – There is hereby created the division of accounting and the position of accounting manager, who shall be responsible to the finance director to prepare annual financial statements and other financial reports as required or

requested by federal and state agencies, County Council, Administration, or financial markets.

(2) *Procurement* - There is hereby created the division of procurement and the position of procurement manager. The procurement manager shall be a person with education, training and/or experience in purchasing, contract administration, and inventory. The division of procurement shall be responsible for the following:

- (a) Purchasing all supplies, materials, equipment, and contractual services required by county agencies and performing the purchasing-related functions required of the director of procurement herein;
- (b) Negotiating contracts for professional services and submitting them for approval and award as provided herein;
- (c) Using standard specifications wherever they are applicable to purchase orders and contracts and ensuring compliance with such specifications through adequate inspection of deliveries;
- (d) Transferring between agencies, supplies, materials and equipment which are no longer needed by a holding agency but which can be used by the receiving agency;
- (e) Exchanging, trading in or selling those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the county administrator not to be required for public use;
- (f) Developing, with the approval of the county attorney as to legal sufficiency, standard forms and conditions for invitations to bid, requests for proposals, purchase orders, and contracts; developing and prescribing the use by agencies of other forms required in carrying out the provisions of this article; and amending or eliminating any such forms;
- (g) Upon request of the council, and subject to its approval of each transaction, performing all delegable functions in connection with acquisition and disposal of real property;
- (h) Acting as the procurement, purchasing and contracting agent for all officers, offices and agencies of the county, subject to regulations promulgated by the council and approval authority of the director of finance;
- (i) Establishing and maintaining a central purchasing warehousing and supply system for all county offices and agencies, providing for requisition

of materials and supplies by county offices and agencies authorized by the council;

(j) Placing, with a newspaper to be determined pursuant to the requirements of Chapter 2, Article X, "Purchasing," of this Code, all requests for advertising by a county agency or department. Any agency or department requiring advertisement shall prepare the advertisement and present same to the division of procurement for the purposes of processing it for publication. The division of procurement shall have the responsibility of determining the most practical and least costly medium of advertising. In connection with this subsection, the office of procurement shall provide each county agency and department a schedule of processing time allowance so that the requesting agency or department will be assured of the actual date of publication of the advertisement. However, any advertising which is not paid for with county funds, or for which the county is reimbursed by a private individual or company, may be exempt from the provisions of this subsection;

(k) Other duties as directed by the director of finance or county administrator.

DIVISION 7. HUMAN RESOURCES

Sec. 2-143. Creation; director.

The department of human resource services is hereby created and shall be responsible for the development and implementation of a modern human resources program. The human resources department shall be managed by the director of human resource services who shall be responsible also for the following human resources functions: classification and compensation, benefits, records management, wellness, leaves, retiree services, employment, training, employee relations/civility and inclusion, performance management, recruiting and retention, communication, audits and compliance, budget, guidelines and handbook, ADA and Title VI, human resources information system, and such other responsibilities as may be assigned by the county administrator. The director of the human resource services department shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

Sec. 2-144. Qualifications of director; selection.

The director of human resources shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

Sec. 2-145. Responsibilities; powers; duties.

The duties and responsibilities of the director of human resources shall be:

- (1) To serve as personnel director and, as such to plan, organize, direct and coordinate the personnel program of the county;
- (2) To formulate and recommend operating policies and procedures to the county administrator for the effective administration of the county's human resources program to ensure the County is in compliance with all local, state, and federal labor laws and regulations;;
- (3) To be responsible for the coordination of all programs, activities, services and facilities throughout the County in order to accomplish the implementation of and compliance with the Americans with Disabilities Act (ADA);
- (4) To perform such other related work as may be required and as assigned by the county administrator..

Sec. 2-146. Departmental Divisions.

The human resource services department shall include the following divisions:

- (1) Total Rewards– This division shall manage Total Rewards for the Human Resource Services Department.
- (2) Employee Development – This division shall manage Employee Development for the Human Resource Services Department.
- (3) Compliance and Audits - This division shall manage Compliance and Audits for the Human Resource Services Department.

The human resource services department shall be responsible for the following human resources functions:

- Classification and Compensation
- Benefits
- Records Management
- Wellness
- Leaves
- Retiree Services
- Employment
- Training
- Employee Relations / Civility and Inclusion
- Performance Management
- Recruiting and Retention
- Communications
- Audits and Compliance
- Budget
- Guidelines and Handbook

- ADA and Title VI
- Human Resources Information System

DIVISION 8. INFORMATION TECHNOLOGY

Sec. 2-147. Creation; director.

There is hereby created the information technology department and the position of director of information technology, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, with the term of office being at the pleasure of the county administrator. The department shall be responsible for providing the technological vision and leadership to deploy the appropriate technology that will contribute towards an enriched community and providing timely, efficient, effective, and proactive technology support to the employees of Richland County.

Sec. 2-148. Qualifications of director; selection.

The director of information technology shall be the chief information officer and shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

Sec. 2-149. Departmental Divisions.

The information technology department shall include the following divisions:

- (1) Network & Telecommunications – This division shall ensure a secure and fully resilient technical environment that supports all of the county’s software, hardware, mobile, and cloud technologies, as well as future technologies. The division shall be responsible for the telecommunication system(s) serving the entire organization, including wired and wireless, Voice over Internet Protocol phone system, cell phones, data lines, cabling, and the county’s tower at Fort Jackson. The division is also responsible for mission critical cybersecurity. The division shall propose new or amended county policies as needed to ensure that the county responds to new threats and / or opportunities. The division shall also partner with other local / state agencies and private industry to expand broadband to citizens in Richland County.
- (2) Business Systems – This division shall provide proactive, realistic, and fiscally sound solutions to short, middle and long-range business goals whenever application software and / or project management can facilitate. The division shall develop new business software, oversee vendor software, perform feasibility studies and research, confer with departments to identify business needs and desired outcomes, perform business analysis, project management, quality assurance / quality control, and application training. The division will prepare procurement

solicitations for new vendor systems and oversee implementation projects from start to finish. The division shall oversee and support all business software, from small one-department systems, to enterprise-wide software systems. The division also provides a county-wide training program for all county employees on various software tools to enhance productivity and on cybersecurity best practices. The division shall also manage the county website's technical platform.

DIVISION 9. OPERATIONAL SERVICES

Sec. 2-150. Creation; director.

There is hereby created the operational services department and the position of director of operational services, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The operational services department shall be responsible to administer the internal or housekeeping needs of the county government. It shall be responsible for the maintenance, custody and security of the entire physical plant and all of the operational services required to keep the plant and all equipment at an acceptable level of operation and usability. The office shall be managed by the director of operational services and shall be responsible also for coordinating a program of records management through the county archivist, and for such other responsibilities as may be assigned by the county administrator. The director of operational services shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

Sec. 2-151. Qualifications of director; selection.

The director of operational services shall possess the education, training, and experiences that are commensurate with the industry standards for this position

Sec. 2-152. Responsibilities; powers; duties.

The duties and responsibilities of the director of operational services shall be:

- (1) To develop and implement a comprehensive program of maintenance, custody and security for the county's physical plant, including all buildings and facilities owned and operated by the county government;
- (2) To formulate and submit to the county administrator recommendations for continued improvement and effective utilization of the county's physical plant;
- (3) To establish a working relationship and liaison with all department and agency heads relative to their specific operational and/or space office requirements and needs;
- (4) To provide assistance for all county departments and agencies to obtain auxiliary

and/or housekeeping support and services;

- (5) To coordinate through the county archivist, a program of records management designed to serve all county departments and agencies; and
- (6) To perform such other related work as may be required and so assigned by the county administrator.

Sec. 2-153. Departmental Divisions.

The operational services department shall include the following divisions:

- (1) Facilities and Grounds – This division shall perform routine maintenance on Richland County owned facilities and grounds.
- (2) Central Services –This division shall manage and operate the Richland County mailing services.

DIVISION 10. PUBLIC WORKS

Sec. 2-154. Creation; director.

There is hereby created the public works department and the position of director of public works, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-155. Qualifications of director; selection.

The director of public works possess the education, training, and experiences that are commensurate with the industry standards for this position

Sec. 2-156. Responsibilities; powers; duties.

The director of public works shall be responsible for the custody, security and maintenance of public works and physical infrastructure of the county and shall be responsible to and under the supervision of the county administrator in the performance of his/her duties.

Sec. 2-157. Departmental Divisions.

The public works department shall include the following divisions:

- (1) *Administration* – This division shall coordinate all department-level administrative support, including personnel management, safety, training, standardization, finance, budget, payroll, material management, and procurement.

- (2) *Engineering* – This division, which shall be managed by a registered professional engineer, shall manage and provide engineering services in support of county operations and infrastructure development, including the management and coordination of capital improvement projects and public works related geographic information services (GIS).
- (3) *Stormwater Management* – This division shall provide stormwater management services in support of positive public drainage, “receiving water” quality, and environmental compliance with prevailing Federal, State and Local regulations.
- (4) *Roads and Drainage Maintenance* – This division shall maintain and improve the county road maintenance network and county drainage infrastructure.
- (5) *Airport* – This division shall manage the Jim Hamilton – LB Owens Airport (CUB) operations, maintenance, and administration.
- (6) *Solid Waste & Recycling* – This division shall provide residential collection of municipal solid waste (MSW) and recyclable materials within the unincorporated county, provide limited construction & demolition (C&D) landfill services, manage the Solid Waste stream within the county, and promote cost-effective recycling.
- (7) *Special Services* – This division shall be responsible for:
 - a. Effectively managing a labor pool of community service and inmate labor personnel in support of county operations, such as picking up trash along the road right of ways and beautifying the community through a clean sweep program; and
 - b. Helping communities become self-sufficient through sponsoring community cleanups; and
 - c. Holding community forums to address participants’ questions about the clean sweep program and neighborhood cleanups.
- (8) *Fleet Management* – This division shall be responsible for the fleet management program and management of the Vehicle Replacement Plan. The program shall work to manage Richland County’s fleet, including managing and/or facilitating the procurement, selection, assignment, reassignment, transfer, maintenance, repair, replacement, and disposal of vehicles and motorized equipment.

DIVISION 11. TRANSPORTATION PENNY

Sec. 2-158. Creation; director.

There is hereby created the transportation penny department and the position of director of the transportation penny department, who shall be responsible to the county administrator and who

shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator. The transportation penny department shall manage all items of the Transportation Penny Program approved by voters in November 2012.

Sec. 2-159. Qualifications of director; selection.

The director of the transportation penny department shall possess the education, training, and experiences that are commensurate with the industry standards for this position.

Sec. 2-160. Responsibilities; powers; duties.

The duties and responsibilities of the director of the transportation penny department shall be:

- (1) To develop and implement the Richland County Transportation Program
- (2) Serve as the liaison with the South Carolina Department of Transportation on all joint transportation projects
- (3) Coordinates all transportation projects with the Central Midlands Council of Governments
- (4) Oversees design and construction of all transportation projects
- (5) Coordinate and manage the distribution of transportation program information to the Transportation Advisory Committee
- (6) Study and pursue outside funding sources for the Richland County Transportation Program

DIVISION 12. UTILITIES

Sec. 2-161. Creation; director.

There is hereby created the department of utilities and the position of director of utilities, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-162. Qualifications of director; selection.

The director of utilities shall possess the education, training, and experiences that are commensurate with the industry standards for this position

Sec. 2-163. Responsibilities; powers; duties.

The utilities department shall be responsible for enforcing all the provisions of Chapter 24,

Utilities, and Chapter 24.5, Special Sewer Assessment Districts, of the Richland County Code of Ordinances.

Sec. 2-164. Departmental Divisions.

The utilities department shall include the following divisions:

- (1) *Administration* – This division shall coordinate all department level administrative support, including personnel management, standardization, finance, budget, payroll, material management and procurement.
- (2) *Operations* – This division shall provide professional operation of county water and wastewater treatment facilities, laboratory facilities and shall administer provisions of the county’s pre-treatment program.
- (3) *Maintenance* – This division shall manage, maintain, and improve all county utility systems, including facilities, grounds, water and sewer lines and associated apparatus.
- (4) *Engineering* - This division shall provide engineering services in support of county utility operations and infrastructure development, including the management and coordination of capital improvement projects funded by both public and private sources. Also develops and maintains the department mapping and geographic information system.

SECTION IV. The Richland County Code of Ordinances, Chapter 21, Roads, Highways, and Bridges; Article I, In General; is hereby amended by the addition of the following sections and amendment of reserved sections:

Sec. 21-25. Use of county equipment by private parties and during public emergencies.

- (a) Use and operation of county equipment. Only authorized employees of the county shall be allowed to use and operate equipment owned by the county. No such equipment may be used at any time on private property or for private purposes except for public emergencies as hereinafter defined and as duly authorized by the director of public works and/or the county administrator.
- (b) Public emergency. A public emergency is hereby defined as a flood (as defined under Section 26-22 of this Code of Ordinances), earthquake, tornado, hurricane, plane crash, train wreck, vehicular wrecks involving five (5) or more vehicles and/or ten (10) or more persons, fires and other occurrences, natural or man-made, where the public health is threatened or the potential of extensive damage to private property exists and immediate, emergency steps are necessary to protect life, health, the environment, and prevent substantial property loss.

(c) Records. In the event of such public emergency, the department of public works must, as soon thereafter as possible, make a record of the nature of the emergency, the property and/or owner involved, the operator of the equipment, the names of county employees utilized, the date(s) thereof, and the man-hours involved.

(d) Reimbursement. The director of public works and/or the county administrator may apply for reimbursement for the services rendered by county employees and equipment where the private party either had or has insurance available for such services or where federal or state funds are available, such as disaster aid.

(e) Violation. The failure to comply with this section shall be grounds for suspension, removal or termination.

21-26. Burial of paupers and cremains.

The public works department shall bury paupers at a site designated for that purpose when directed to do so by the county administrator. Further, cremains originating from medical schools may be buried within the county cemetery by appropriately authorized personnel of such schools. Medical schools wishing to enter into these arrangements shall provide a list of names of authorized personnel and shall execute appropriate releases and hold-harmless agreements prior to any burials.

Secs. 21-27--21-33. Reserved.

SECTION V. The Richland County Code of Ordinances, Chapter 1, General Provisions; is hereby amended by the addition of the following section:

Sec. 1-17. Home Detention Program.

(a) *Purpose.* The purpose of this section is to provide for a pilot Home Detention Program in Richland County as an alternative to confinement in the Alvin S. Glenn Detention Center, in accordance with the Home Detention Act of 1990 (S.C. Code 1976, § 24-13-1510 et seq, as amended).

(b) *Home Detention Program provided.* Pursuant to S.C. Code 1976, § 24-13-1530, electronic and nonelectronic home detention programs may be used by the magistrates of Richland County as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders, as selected by the court. Applications for home detention by persons who are awaiting trial or by offenders whose sentences do not place them in the custody of the Department of Corrections may hereafter be made to the magistrates of Richland County as an alternative to incarceration. The county's home detention program shall comply with all applicable state and local laws and regulations, including S.C. Code 1976, § 24-13-1510 et seq.

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

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

SECTION VIII. Effective Date. This ordinance shall be effective from and after _____, 2019.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

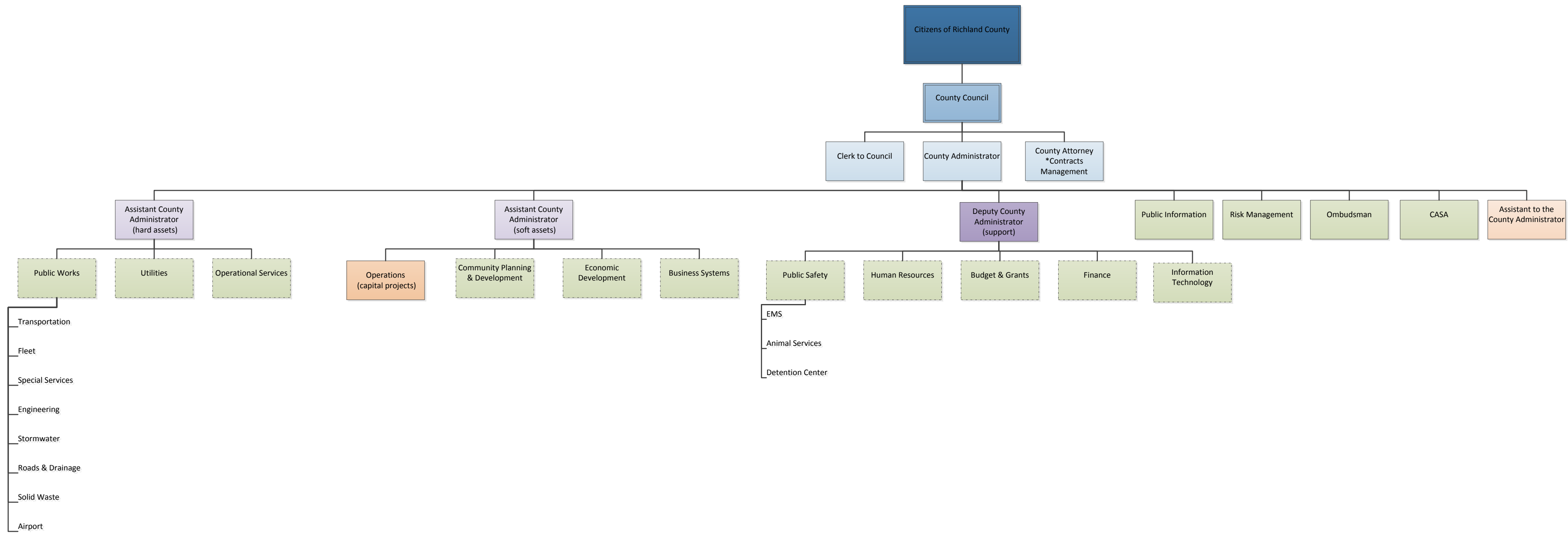
Attest this _____ day of _____, 2019.

Kimberly Williams-Roberts
Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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





Briefing Document

Agenda Item

Utilities Rate Study

Background

The Richland County Utility Enterprise Fund is designed to be self-supporting through user fees or charges for services; however, the system has not been operating according to the framework of a government enterprise. The lack of adequate funding has contributed to failing infrastructure and the constant need to make emergency repairs. Furthermore, generated revenue has not been able to recoup funding necessary for operation, capital improvement/maintenance, and/or debt payment for both systems.

Though rate studies typically are conducted every 3-5 years, there has been no rate study conducted since the inception of Richland County Utilities. On April 19, 2017, Willdan Financial Services were awarded a contract to conduct the preliminary rate study on all RCU's utility systems and to recommend a rate structure that provides revenue for projected operation, maintenance, and funding of the capital needs thereof, pay existing and future debt, and offer sewer and water rates that are as competitive as possible with surrounding utility systems.

This matter was included in the 2019 Council Retreat agenda for a brief presentation.

Issues

Lack of timely attention may result in serious consequences including but not limited to public health/environmental impact and/or regulatory violations, consent decrees, and associated penalties.

Fiscal Impact

Subject to Council's decision. Operating the combined utility system with the new rate structure will allow for user rate/fee impact relief because increased revenue generated would provide optimal support to the system as opposed to subsidies from the County's General Fund. The adoption of the recommended rate structure will address urgent matters such as aging infrastructure, R&R, and antiquated equipment upgrades.

Past Legislative Actions

1. On December 11, 2018, County Council authorized the ordinance for a combined utility system to provide equity and uniformity in its rates for all of its customers.

Alternatives/Solutions

There are no alternative actions as the utility system cannot be self-supporting through its current user rate structure. If the new rate structure is not implemented, the county would need to provide subsidy from the General Fund to maintain optimal operations of the utility systems.

Staff Recommendation

Staff recommends adoption of the new rate structure proposed vis-à-vis the Willdan Rate Study and its implementation on or before July 1, 2019.

Move to adopt the new rate structure as proposed by the Willdan Rate Study on or before July 1, 2019.

To the Richland County Council
Richland County, South Carolina

We have audited the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Richland County, South Carolina (the "County") for the year ended June 30, 2018. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated April 4, 2018. Professional standards also require that we communicate to you the following information related to our audit.

SIGNIFICANT AUDIT FINDINGS

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by County are described in Note 1 to the financial statements. During year ended June 30, 2018, the County adopted provisions of Governmental Accounting Standard Board ("GASB") Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions*. GASB Statement No. 75 revises and establishes new financial reporting requirements for the other postemployment benefits ("OPEB") provided by the County to eligible employees. We noted no transactions entered into by County during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the County's financial statements were:

Management's estimate of the allowance for taxes receivables and assessed value of taxes are based on historical percentages and market value, respectively. We evaluated the key factors and assumptions used to develop the allowance for taxes receivables and assessed value of taxes in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the accrual for landfill post-closure costs is based on a third-party assessment study. We evaluated the key factors and assumptions used to develop the accrual for landfill post-closure costs in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the accrual for the OPEB obligation is based on a third-party actuarial testing and review. We evaluated the key factors and assumptions used to develop the accrual for the net OPEB obligation in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of depreciation lives and methods is based on standard business practices and guidelines. We evaluated the lives and methods used to maintain the fixed asset records in determining that they are reasonable in relation to the financial statements taken as a whole. While the lives and methods used by management seem reasonable at this time, there may be differences between the estimated lives and methods used and actual experience and these differences may be material.

Management's estimate of compensated absences is based on the number of years worked for full-time salaried employees based on a calendar year-end. Employees may accrue up to a maximum of 45 days and lose any excess not used by the end of the year. We evaluated the key factors and assumptions used to develop the accrual amount of compensated absences in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the net pension liability is based on the Schedule of Employer Allocations prepared by the South Carolina Public Employee Benefit Authority. Management evaluated the key factors and assumptions used to develop the net pension liability in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. The attached schedule summarizes uncorrected misstatements of the financial statements. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated January 30, 2019.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to County's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as County's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

OTHER MATTERS

We applied certain limited procedures to the management discussion and analysis and Schedules 1-7, which is required supplementary information ("RSI") that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were not engaged to report on the introductory section, the combining schedules, and the statistical section, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

RESTRICTION ON USE

This information is intended solely for the information and use of Richland County Council and management of the County and is not intended to be, and should not be, used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Cherry Behaert LHP". The signature is written in a cursive style.

Greenville, South Carolina
January 30, 2019

RICHLAND COUNTY
SUMMARY OF UNCORRECTED FINANCIAL STATEMENT MISSTATEMENTS

YEAR ENDED JUNE 30, 2018

	<u>Assets</u>	<u>Liabilities</u>	<u>Revenues</u>	<u>Expenditures</u>
Government-type Activities	\$ -	\$ 1,427,539	\$ -	\$ 1,427,539
Solid Waste Fund	-	30,361	-	30,361
Broad River Utility System Fund	-	23,104	-	23,104
<i>To record the difference in OPEB liability based on the difference in number of participants used by the actuary vs. the census date provided by the County</i>				
Total impact on current year financial statements	<u>\$ -</u>	<u>\$ 1,481,004</u>	<u>\$ -</u>	<u>\$ 1,481,004</u>
Impact on current year operations				<u>\$ 1,481,004</u>

To Management and the Richland County Council
Richland County, South Carolina

In planning and performing our audit of the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of Richland County, South Carolina (the "County") as of and for the year ended June 30, 2018, in accordance with auditing standards generally accepted in the United States of America, we considered the County's internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the County's internal control. Accordingly, we do not express an opinion on the effectiveness of the County's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

A *deficiency* in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. We consider the following deficiencies in internal control to be material weaknesses:

Controls over Child Support Enforcement Grant

- We noted during the compliance audit procedures of the Child Support Enforcement Grant (the "Grant") that there was no one person responsible for ensuring that the requirements of this grant were met. As a result, certain reports necessary to file with the State Department of Social Services were overlooked as grant expenditures were not being adequately accounted for.

We recommend the County assign an individual to be responsible for County compliance with the requirements of the grant agreement including accounting for the specific expenses of the Grant.

Management Response – *Richland County management agrees with the auditor's recommendation and will collaborate with the Clerk of Court's department to identify a staff member who will be responsible for compliance with the contract with Department of Social Services.*

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiency in internal control to be a significant deficiency:

Budgetary Controls

- We noted that budget changes made through the General Ledger Budget Update ("GLBUUP") screen, which can only be accessed by system administrators, are not required by the system to balance and are not required to have a description other than "Entry from GLBUUP". As such, it is possible to make a budget transfer using this screen without offsetting another budget line item to balance the transfer or to make budget transfers without adequate description.

We recommend controls be implemented to restrict the posting of one-sided budget transfers and to require adequate description and support for any such transfers. We also recommend that budget transfers be reviewed regularly by the Budget Director to detect and resolve any unusual or unexpected budget transfers. Additionally, we recommend the County implement a policy to limit the use of budget transfers both in quantity and individual dollar value and to limit the number of employees with access to request budget and/or record budget transfers.

Management Response – *The overwhelming majority of budget entries are double sided but for those that are not, staff has been instructed to make sure the reasoning behind this is sound and proper documentation is in place and an accurate description is offered.*

In addition to the material weaknesses and significant deficiencies noted above, we observed the following conditions we believe are opportunities for strengthening the controls in place, providing for enhanced documentation of control activities, and improving operating efficiency. The conditions are less in severity than a material weakness or significant deficiency in internal control; however, they are important enough to warrant communication to management.

Grant Reporting

- During our compliance audit procedures of the Edward Byrne Memorial JAG Program, we noted that two reports were not reviewed or submitted in a timely fashion.

We recommended the County establish controls to ensure required reports are reviewed and submitted to the granting agency according to the requirements of the grant.

Management Response – *Richland County has established processes to ensure required reports are reviewed by staff and submitted to the granting agency as required by the grant agreement.*

Review and Approval Procedures

- We noted that the County's accounts payable manager has access to set up new vendors and approve invoices for payment. Additionally, the County does not have procedures in place to require approval of newly set up vendors.

We recommend that sufficient segregation of duties be maintained such that the individuals who set up new vendors, approve invoices, and process payments are different.

Management Response – *The Finance Department staff has contacted IT to establish workflow approval from individuals other than those that set up new vendors. This process is currently in place.*

- We noted that the County's Financial Systems Manager can release budget blocks to approve disbursements. Although identified as a temporary process during planning, the segregation of duties regarding cash disbursement procedures could be compromised.

We recommend that an individual other than the person who approves invoices and payments have the ability to release budget blocks.

Management Response – *It is normal operating procedure that the individual approving invoices and payments does not have the ability to release budget blocks.*

This communication is intended solely for the information and use of management, County Council members, and others within the County, and is not intended to be, and should not be used by anyone other than these specified parties.

Cherry Behaert LHP

Greenville, South Carolina
January 30, 2019



Briefing Document

Agenda Item

Richland Renaissance

Background

On December 4, 2018, during Regular Session, the Honorable Joyce Dickerson put forth a motion that County Council revisit the Renaissance Plan at the 2019 Council Retreat.

In response thereto, on January 24, 2019, staff introduced a modified concept for Richland Renaissance consisting of only those elements pertaining to quality of life and/or the efficient provision of critical County services. The elements of the modified plan are as follows:

- Element I: Facilities Plan
 - Judicial Center
 - Columbia Place Mall

- Element II: Southeast Richland Centers
 - Critical Care Facility
 - County Services Outpost
 - Historical Trail

- Element III: Revivify Richland
 - Blight Remediation
 - Gateway Signage and Beautification

Issues

Failure to move Richland Renaissance forward will result in continued deterioration of blighted areas, persistence of space and facilities concerns, direct impacts on the provision of critical County services and the potential of missed opportunities as relates to the economic viability of Richland County.

Fiscal Impact

The cost for Richland Renaissance as originally introduced in November 2017, was estimated at \$144M, which was to be financed via approximately \$17M of cash on-hand, the sale of County-owned properties, the issuance of bonds and public-private partnerships. The financial impact of the modified concept for Richland Renaissance, as presented at Council Retreat, remains to be determined via the studies necessary for the establishment thereof such as the Columbia Place Mall Facility Conditions Assessment currently underway.

To date, approximately \$9.5M dollars has been expended on Richland Renaissance excluding costs associated with staff labor; graphic, architectural and urban design; document preparation; community and employee outreach; property clean up and waste removal.

Past Legislative Actions

The original concept for Richland Renaissance was approved by Richland County Council on December 12, 2017.

Five months later, Richland Renaissance was deferred at the May 24, 2018 meeting of Richland County Council.

Alternatives/Solutions

1. Take Richland Renaissance out of deferment via the approval of the three [3] elements presented at the 2019 Council retreat as detailed above.
2. Move to discontinue the Richland Renaissance project.

Staff Recommendation

Staff recommends County Council take Richland Renaissance out of deferment via the approval of the three [3] elements presented at the 2019 Council Retreat as detailed above.



RICHLAND RENAISSANCE

REINTRODUCING RICHLAND RENAISSANCE

The re-launch of the progressive initiative designed to move Richland County forward



REVISITING THE RENAISSANCE PLAN

On December 4, 2018 during Regular Session, the Honorable Joyce Dickerson put forth a motion that County Council revisit the Renaissance Plan at the 2019 Council Retreat.

- Additionally, Planning staff have received significant citizen input requesting the County to direct efforts toward implementation of the Richland Renaissance initiative.



REVISITING THE RENAISSANCE PLAN

- At 100 Plates: Conversation. Collaboration. Change., County residents provided the following feedback:
 - 56% said blight impacts the quality of life in their community.
 - 52% said blight is a major concern in Richland County.
 - 56% do not utilize any of the County's cultural or historical resources, most of which said this is due to lack of awareness.
 - When asked what kind of economic development programs residents would like to see, many noted **need for incentives for grocery stores, medical facilities and local sustainability-driven businesses.**
 - When asked how the County could improve the accessibility of services, most said there is a **need for centralized and satellite locations.**
 - Critical improvements residents would like to see the County address in the next 5 years include **infrastructure, increased transparency, blight reduction and a strong plan for the future, such as Richland Renaissance.**

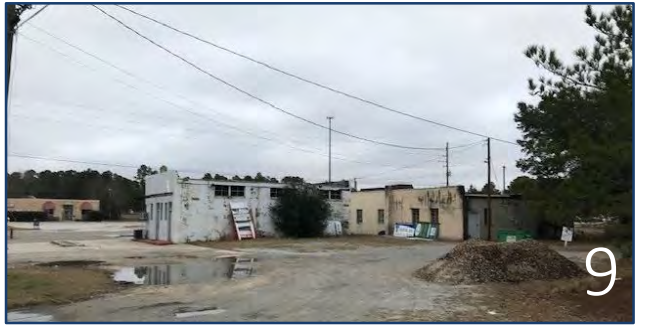
Note: the 100 Plates Community Report is currently being drafted and will be forthcoming in the first quarter of 2019





**THE LEGITIMATE OBJECT OF
GOVERNMENT, IS TO DO FOR A
COMMUNITY OF PEOPLE,
WHATEVER THEY NEED TO HAVE
DONE, BUT CANNOT DO, AT ALL, OR
CANNOT SO WELL DO, FOR
THEMSELVES – IN THEIR SEPARATE,
AND INDIVIDUAL CAPACITIES.**

- ABRAHAM LINCOLN

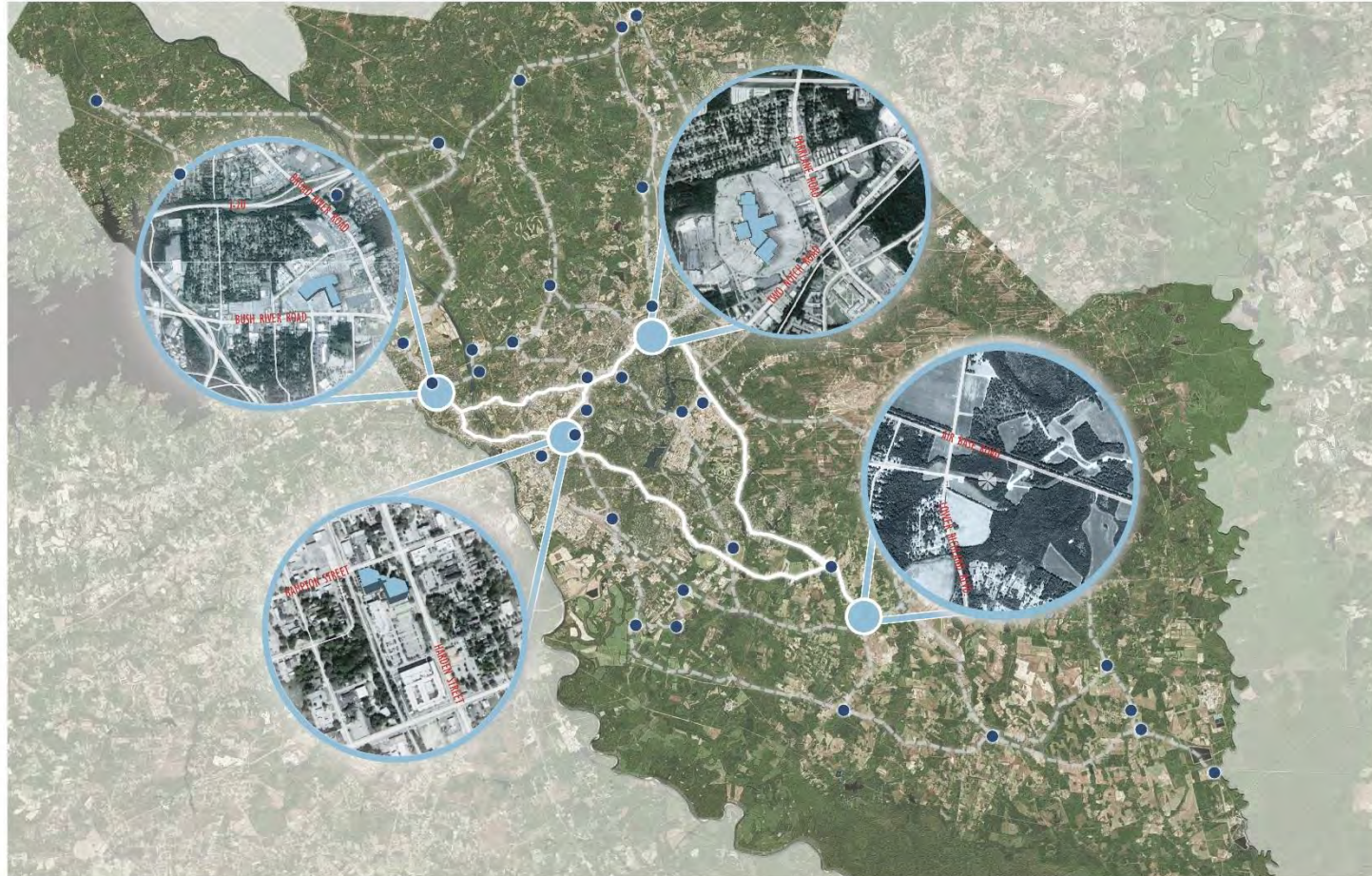


COUNTY INVESTMENT IN THE RENAISSANCE



- Number of public meetings held: **03**
- Number of employee buy-in meetings held: **03**
- Number of public meetings already scheduled: **08**
- Funds spent on property acquisition: **\$8,992,814.00**
 - Sears, Dillard's, Burlington, Havertys, Old Antique Mall – this number does not include the approximately \$57K (earnest money and legal costs) forfeited on the Colonial Life Village property acquisition, which was initiated but, per Council's direction, not completed.
- Professional Services: **\$257,851.61**
 - Surveys, appraisals, environmental assessments, due diligence
- Other: **\$171,603.68**
 - Judicial Center needs assessment, promotional items, signage, public outreach activities
- *Note: the expenses listed here do not include staff labor costs from inception of the Renaissance to its deferral. These additional costs include, but are not limited to: planning meetings, building inspections, document generation, graphic, architectural and urban design, visioning documents, community outreach and employee informational events, development of special reports for Council, property clean up and waste removal.*
- *Additionally, there are ongoing costs associated with utilities, maintenance and security associated with each property now under County ownership.*

RICHLAND RENAISSANCE – THE ORIGINAL PLAN



Components of the original Renaissance Plan were as follows:

- **Judicial Center**
- **Core Government Services**
- **The Start Center**
- **Lower Richland Center**
- **Revivify Richland (RR[5])**
- **Historic Trail**

Initial concept map graphic



ELEMENTS OF RICHLAND RENAISSANCE

Facilities Plan | Southeast Richland Centers | Revivify Richland



RENAISSANCE RELAUNCHED: 3 ELEMENTS

- **Element I: Facilities Plan**

- Judicial Center
- Columbia Place Mall

- **Element II: Southeast Richland Centers**

- Critical Care Facility
- County Services Outpost
- Historical Trail

- **Element III: Revivify Richland**

- Blight Remediation
 - County-wide with impacts and improvements in every Council District
- Gateway Signage and Beautification



FACILITIES PLAN

Judicial Center | Columbia Place Mall



COLUMBIA PLACE MALL

- Assumes the relocation of core services to the Columbia Place Mall
- Will require upfitting and demolition/construction
- 500,000 square feet of potential usable space [Sears, Dillard's & Burlington]
- 30 acres for parking, access and future uses
- Can easily house all of Richland County's core services
 - All County administrative operations and light motor pool
 - Public Safety operations
 - Related state and statutory operations



COLUMBIA PLACE MALL REVITALIZATION



REVITALIZE A NEW DESTINATION

INCREASE DENSITY

Revitalize the area with the insertion of office, residential, senior housing, and hotel developments.

LANDSCAPE

Incorporate greenspace to reduce the heat island effect and beautify the site while enhancing the livability of the area.

INSERT OUTDOOR ACTIVITIES

Activate the site with amenities such as walking/bike paths, playground, food market, music pavilion, community garden, recycling center.

ENGAGE PUBLIC TRANSPORTATION

Provide viable access to the site with bus stops, healthcare transport, and ride share drop-off.

MANAGE STORMWATER

Retain rainwater onsite and improve water quality with bioswales.

INTEGRATE SUSTAINABLE ENERGY

Explore options of geothermal fields and solar arrays.



Conceptual rendering

JUDICIAL CENTER

- Assumes the utilization of the 2020 Hampton Street campus and additional properties
 - Will require retrofitting and/or demolition and construction
 - 225,000 square foot parking garage with 410 parking spaces remains
 - Located on 8.7 acres
- Construction of a 200,000 gsf. Judicial Center with a 110, 000 gsf. Leased building [developer built]
- Located on 7.42 acres



JUDICIAL CENTER RELOCATION



Proposed Judicial Campus, looking west toward downtown Columbia.

SOUTHEAST RICHLAND CENTERS

Freestanding Critical Care Facility | County Services Outpost | Historic Trail



CRITICAL CARE FACILITY

- Will require public-private partnership
- Aim to reduce the vulnerability of rural residents by improving access to healthcare
- Includes emergency center, outpatient care, pharmacy/lab, physical therapy, dental clinics, administrative offices, service and storage spaces



Lower Richland Blvd and Air Base Road Area



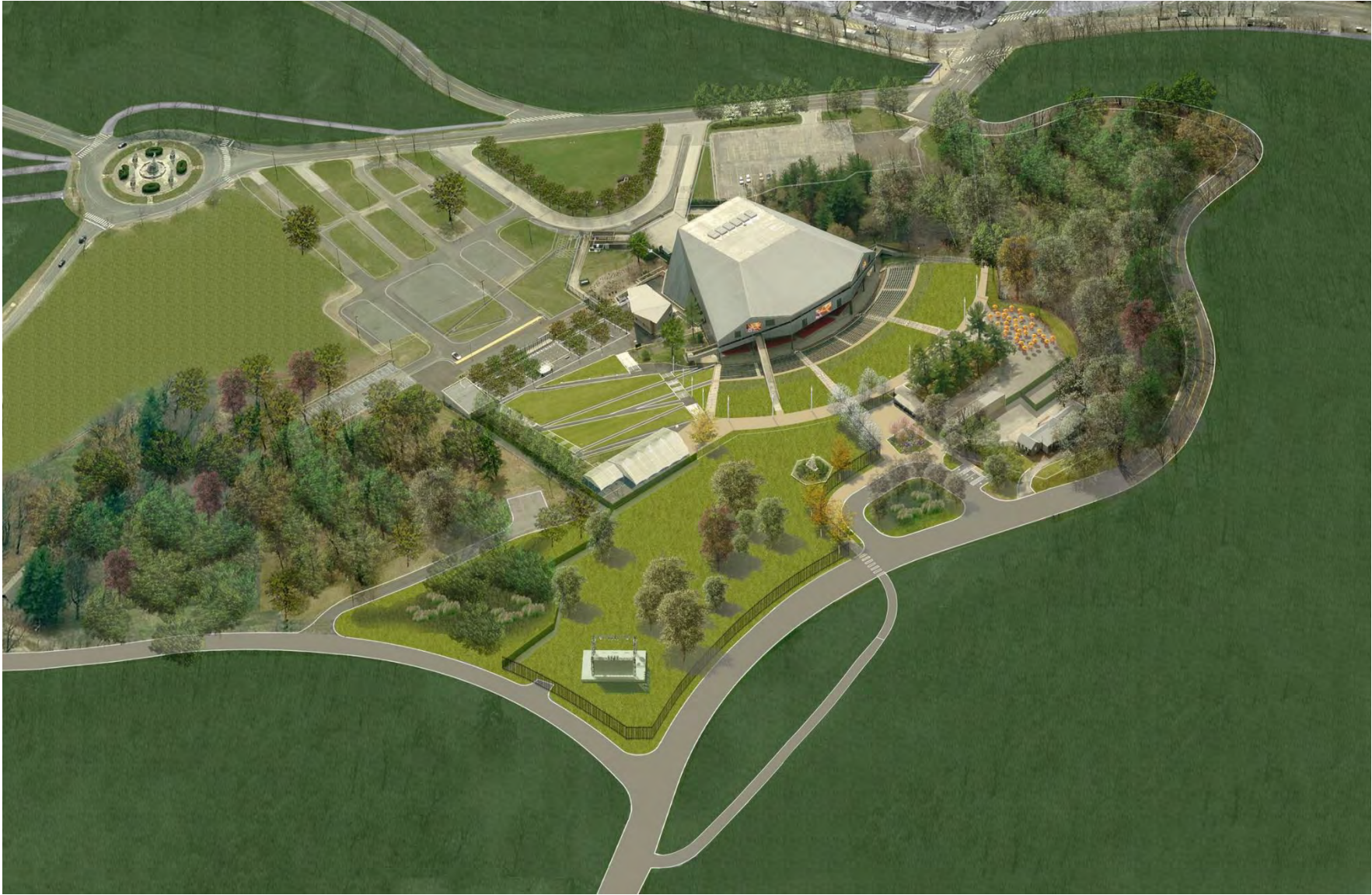
Site Assessment- development possible with infrastructure upgrades

COUNTY SERVICES OUTPOST

- Will require renovation and/or construction similar to the Decker Center or new Hopkins Magistrate Facility
- Aim to better provide essential services to Richland County's growing population of residents



COUNTY SERVICES OUTPOST



Conceptual rendering

HISTORIC TRAIL

- Recommended in Lower Richland Tourism Plan
- Aim to connect Lower Richland nature and heritage sites
- Place-based investment will spur economic development and revitalize rural lucratively in ways sensitive to the unique context and history



HISTORIC TRAIL WAYFINDING SYSTEMS



Vehicular Directional
40+ mph

Kiosk

Trailhead

Trailhead ID

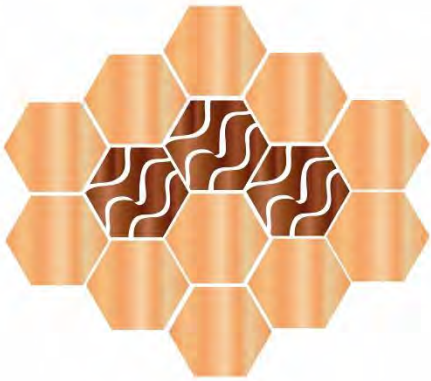
Mile Marker



Trail Directionals



Pavers



Pavers

Conceptual graphics

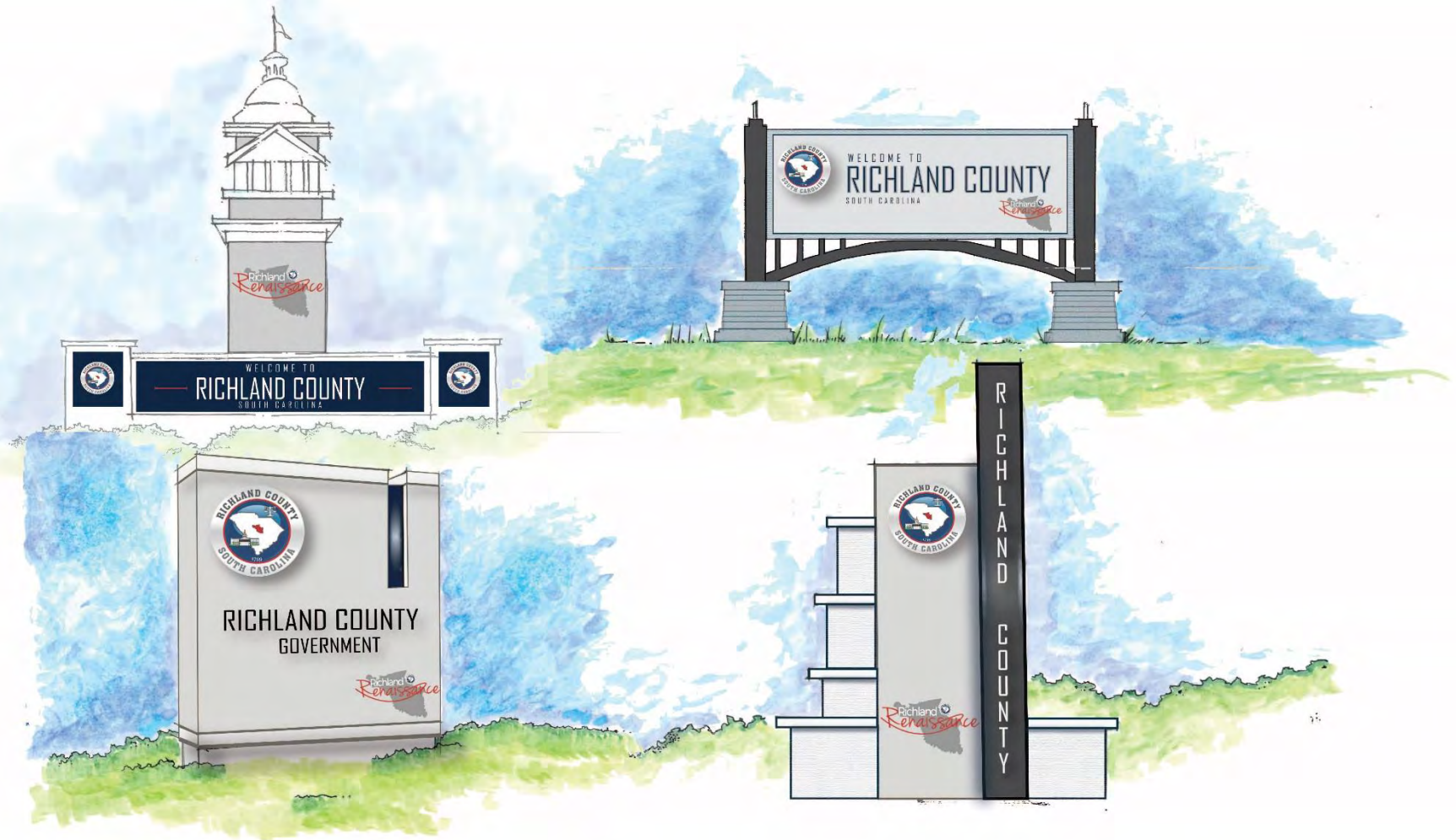


REVIVIFY RICHLAND

Blight Remediation | Gateway Signage | Beautification



RICHLAND COUNTY GATEWAY SIGNAGE



Conceptual sketches



NEXT STEPS

Financing Plan | Council Action | Public Engagement | Implementation + Oversight



THE PATH FORWARD

- Revisit financing plan
 - Proposed Columbia Place Mall Phase-in Plan
 - Complete the funded Facility Conditions Assessment of the County's Mall properties
 - Public safety needs – 911 Communications Center [Burlington]
 - State and statutory operations [Sears]
 - DSS, PPP, Department of Health, DHHS
 - County Administration [Dillard's]
- Take Richland Renaissance out of deferment via the approval of the 3 elements discussed in this presentation
- Re-launch Richland Renaissance public engagement campaign
- Establish Richland Renaissance Oversight Committee
 - Using Blue Ribbon Committee as a template, though some modifications to scope and function may be made to fit project context





**THE QUESTION IS THIS:
ARE THE CITIZENS OF
RICHLAND COUNTY
BETTER OFF WITHOUT
THIS INITIATIVE?**

Richland County Council Request for Action

Subject:

18-046MA
Kenyatte Jones
GC to RM-MD (.4 Acres)
5406 Monticello Road
TMS #R09310-07-14

Notes:

First Reading: December 18, 2018
Second Reading: February 5, 2019
Third Reading: February 19, 2019 {Tentative}
Public Hearing: December 18, 2018

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-18HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # R09310-07-14 (PORTION OF) FROM GENERAL COMMERCIAL DISTRICT (GC) TO RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT (RM-MD); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # R09310-07-14 (portion of) from General Commercial District (GC) to Residential Multi-Family High Density District (RM-MD).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2019.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2019

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: December 18, 2018
First Reading: December 18, 2018
Second Reading: February 5, 2019
Third Reading: February 19, 2019

Richland County Council Request for Action

Subject:

18-047MA
Inga Black
RS-HD to GC (1.21 Acres)
Bluf Road and Harlem Street
TMS # R13509-02-07, 42 & 43

Notes:

First Reading: December 18, 2018
Second Reading: February 5, 2019
Third Reading: February 19, 2019 {Tentative}
Public Hearing: December 18, 2018

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-18HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # R3509-02-07, 42, and 43 FROM RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT (RS-HD) TO GENERAL COMMERCIAL DISTRICT (GC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # R3509-02-07, 42, and 43 from Residential Single-Family High Density District (RS-HD) to General Commercial District (GC).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2019.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2019

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: December 18, 2018
First Reading: December 18, 2018
Second Reading: February 5, 2019
Third Reading: February 19, 2019

Richland County Council Request for Action

Subject:

An Ordinance Amending the Fiscal Year 2019 Fire Service Fund Annual Budget by \$368,410 to cover the personnel expenses for the 11 positions under the SAFER Grant from January 1 to June 30, 2019 with funds from Fund Balance in the Fire Services Fund

Notes:

December 18, 2018 – The Committee recommended Council move forward with funding the 11 positions, in the current budget cycle, and taking up the 2nd half of the question in the upcoming budget cycle.

First Reading: February 5, 2019

Second Reading: February 19, 2019 {Tentative}

Third Reading: March 5, 2019 {Tentative}

Public Hearing: March 5, 2019

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-19HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 FIRE SERVICE FUND ANNUAL BUDGET BY \$368,410 TO COVER THE PERSONNEL EXPENSES FOR THE 11 POSITIONS UNDER THE SAFER GRANT FROM JANUARY 1 TO JUNE 30, 2019 WITH FUNDS FROM FUND BALANCE IN THE FIRE SERVICES FUND.

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

SECTION I. That the amount of Three Hundred Sixty Eight Thousand Four Hundred Ten Dollars (\$368,410) be appropriated to cover cost of 11 fire fighters positions under the SAFER Grant from January 1, 2019 to June 30, 2019 with funds from the Fire Services Fund Balance. Therefore, the Fiscal Year 2018-2019 Fire Service Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated as of July 1, 2018 as approved:	\$26,757,330
Increase appropriation:	\$368,410
Total Amended Revenue Budget	\$27,125,740

EXPENDITURES

Expenditures appropriated as of July 1, 2018 as approved:	\$26,757,330
Increased Expenditures:	\$368,410
Total Amended Expenditures Budget	\$27,125,740

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

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

SECTION IV. Effective Date. This ordinance shall be enforced upon the approval of Richland County Council.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THE _____ DAY OF _____, 2019

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request for Action

Subject:

An Ordinance Amending the Fiscal Year 2019 Broad River Utility System Fund Annual Budget to fund a corrective action plan in the amount of \$3,103,000 incident to a South Carolina Department of Health and Environmental Control Administrative Process responded to by the Department of Utilities with funds from the unassigned funds from General Fund Fund Balance

Notes:

December 18, 2018 – The committee recommended Council approve funding the Corrective Action Plan and the reimbursement resolution.

First Reading: February 5, 2019

Second Reading: February 19, 2019 {Tentative}

Third Reading: March 5, 2019 {Tentative}

Public Hearing: March 5, 2019 {Tentative}

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BROAD RIVER UTILITY SYSTEM FUND ANNUAL BUDGET TO FUND A CORRECTIVE ACTION PLAN IN THE AMOUNT OF \$3,103,000 INCIDENT TO A SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL ADMINISTRATIVE PROCESS RESPONDED TO BY THE DEPARTMENT OF UTILITIES WITH FUNDS FROM THE UNASSIGNED FUNDS FROM GENERAL FUND FUND BALANCE

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

SECTION I. That the amount of Three Million One Hundred Three Thousand Dollars (\$3,103,000) be appropriated to fund a corrective action plan in the amount of \$3,103,000 incident to a South Carolina Department of Health and Environmental Control Consent Order. Therefore, the Fiscal Year 2018-2019 Broad River Sewer Enterprise Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2018 as approved:	\$7,211,038
Unassigned General Fund Fund Balance	<u>\$3,103,000</u>
Total Broad River Sewer Revenue as Amended:	\$10,314,038

EXPENDITURES

Expenditures appropriated July 1, 2018 as approved:	\$7,211,038
Increase in Budgeted Expenditures	<u>\$3,103,000</u>
Total Broad River Sewer Expenditures as Amended:	\$10,314,038

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

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

SECTION IV. Effective Date. This ordinance shall be enforced upon the approval of Richland County Council.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THE _____ DAY OF _____, 2019

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request for Action

Subject:

An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County

Notes:

First Reading: December 4, 2018
Second Reading: December 11, 2018
Third Reading: February 19, 2019 {Tentative}
Public Hearing: February 5, 2019

Sec. 18-3. Noise .

~~—(a) It shall be unlawful for any individual within any residential zone of the unincorporated areas of the county to use or operate any radio, receiving set, musical instrument, phonograph set, television set, or other machine or device for the producing or reproducing of sound, or to create, assist in creating, permit, continue, or permit the continuance of any noise , including vehicular noise , in excess of sixty-two (62) decibels between the hours of 7:00 a.m. and 10:00 p.m. of one day and in excess of fifty-five (55) decibels between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day, or in a manner which is deemed to be excessive by the county sheriff's department.~~

~~—(b) This section does not apply to industrial, commercial, or manufacturing noise ; noise on construction sites; or noise generated from the lawful operation of farm equipment.~~

~~—(c) Notwithstanding the inclusion of the term "commercial" in subsection (b), above, the unlawful generation of noise as described in section 18-3(a) explicitly applies to nightclubs that sell alcoholic beverages.~~

~~—(d) This section shall be enforced by the county sheriff's department. A deputy sheriff responding to a complaint of excessive noise shall have the discretion to enforce this section by one of two means:~~

~~—(1) If the noise complained of appears to be excessive, the deputy may charge the violator with a misdemeanor;~~

~~—(2) If the noise violates the decibel levels set forth in subsection (a) hereof, the deputy sheriff responding to a complaint of excessive noise may charge the violator with a misdemeanor.~~

(a) **Definition.**

- As used below, *plainly audible* means any sound that can be detected by a person using his or her unaided hearing facilities.

(b) **Noise—Amplified sound from vehicles.**

- It shall be unlawful for any person to play, operate, or cause to be played or operated, any radio or other vehicular music or sound amplification or reproduction equipment in such a manner as to be plainly audible at a distance of 50 feet in any direction from the vehicle or plainly audible within the residential dwelling of another. The detection of the rhythmic bass component of the music or sound is sufficient to constitute a plainly audible sound. Prohibitions contained in this section shall not be applicable to emergency or public safety vehicles for sound emitted during job-related operation.

(c) **Noise**

- (1) It shall be unlawful for any persons to make, continue, or cause to be continued, any loud, excessive, unnecessary, or disturbing noise, or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others, within the

- limits of the unincorporated area of the county, except **where the activity generating the noise is permitted by lawful authority (e.g., a permitted event)** with the permit of the sheriff.
- (2) A loud, excessive, unnecessary, or disturbing noise is defined as any sound regulated by paragraph (1) above, which is plainly audible at a distance of 50 feet from its source.
- a. The following noises shall be exempt from the prohibitions of paragraph (1), even when they cause a disturbance:
- i. Noise from domestic power equipment including, but not limited to, chain saws, sanders, grinders, lawn and garden tools or similar devices operated after 6:00 a.m. and no later than 10:00 p.m.
 - ii. Noise generated by any construction, demolition equipment, or mineral extraction (including crushing, screening, or segregating) or industrial or manufacturing noise.
 - iii. Emergency maintenance, construction or repair work.
 - iv. Noises resulting from any authorized emergency vehicles.
 - v. Noise from school bells, church bells or chimes.
 - vi. Any noise resulting from activities sponsored or co-sponsored by the county.
 - vii. Noise created by any government-sponsored events or privately organized sports, recreation, or athletic events.
 - viii. Noise generated by licensed hunting on property where it is allowed.
 - ix. Noise generated by agricultural or farming activities.
- (3) The complaints of three or more persons, or of one or more persons when combined with the complaint of the county sheriff or any lawful officer serving under him, is prima facie evidence that a sound regulated by paragraph (a) annoys, disturbs, injures, or endangers the comfort, repose, health, peace and safety of others, in violation of this section.
- (4) Noises audible in public streets or public places which violate the standards of this section are hereby declared to be public nuisances, which may be abated by **any law enforcement officer authorized to enforce the law within Richland County or any Richland County code enforcement officer commissioned pursuant to S.C.Code Ann. Section 4-9-145** the county sheriff or any lawful officer serving under him.
- (d) This section shall be enforced by the Richland County Sheriff's Department **and by any Richland County code enforcement officer commissioned pursuant to S.C.Code Ann. Section 4-9-145.** Violations of this section shall be punishable by a fine of up to \$500.00 or imprisonment not to exceed 30 days. Each violation shall constitute a separate offense.

5.21 Voting

Each member shall vote on each question put, except that no member shall be permitted to vote on any question in which that member has a direct personal or pecuniary interest, or in which that member perceives that he or she has a direct personal or pecuniary interest, or in which his or her participation might create an appearance of impropriety in that member's estimation. A Council member must be at his/her seat in order to vote for those at the dais. If a member is present and does not declare a vote or an abstention, his/her vote shall be recorded as "present but did not vote." ~~with the prevailing side.~~ In the case of a tie vote, the prevailing side is the side that voted against approval of the matter voted upon (e.g., if the matter before Council is a vote to continue an item until the next meeting, and the vote on that question is 5-5, the motion did not pass, the item is not continued and the side prevailing as to the motion is the side that voted not to have continued the item). If voting an abstention, a reason for the abstention must be stated and recorded in the minutes. No member shall, under any circumstances be permitted to vote after a decision has been announced by the Chair. After the decision of the question, an absent member may be permitted to record the vote she/he would have given if present, but such vote shall not affect the previous question.

Voting shall be by electronic means (i.e., via the electronic voting system) unless conditions at the time of a given vote do not permit use of the electronic voting system (e.g., it is inoperable, not working properly, there is a power failure or other condition prohibiting electronic voting). In such a case, voting by a show of hands shall be in order. Also, nothing in this rule prohibits a voice vote or vote by show of hands for matters where there reasonably appears to be no opposition, such as a vote to adjourn, or a vote for unanimous consent to issue a resolution in honor of a citizen, group, achievement or the like; provided, however, that any member may call for an electronic vote on any matter for which a vote is required or called for, if any member shall feel that a voice vote or vote by show of hands is not sufficient; further provided that the electronic voting system is operable at the time of the call for an electronic vote.

Votes shall be recorded in the minutes.

Michelle Onley

From: ASHLEY POWELL

Sent: Friday, December 7, 2018 1:41 PM

To: Michelle Onley <Onley.Michelle@richlandcountysc.gov>; GEO PRICE <PRICE.GEO@richlandcountysc.gov>

Cc: KIMBERLY WILLIAMS-ROBERTS <ROBERTS.KIM@richlandcountysc.gov>

Subject: RE: Request for Briefing Document

Good afternoon, Michelle.

Staff reviewed the recording of the 12/04 Council meeting where Councilman Norman Jackson requested item 20.b.:

Revisit the bed and breakfast ordinance to increase the number of rooms up to 20, so the business can be profitable and flourish. This would be in line with keeping the rural character and allow opportunities for small businesses. [N. Jackson]

which references Sec. 26-151.C-10 of the Land Development Code be routed to the Development & Services Committee, which functions in the areas of general operational matters, economic development and those matters relating to the functions and activities of the County Department of Public Works and Engineering.

Thank you,

Ashley M. Powell, Assoc. AIA

Interim Director

Community Planning & Development Department

Divisions of Planning, Zoning and Conservation

803-576-2166

powell.ashley@richlandcountysc.gov

Richland County Council Request for Action

Subject:

Upper Township Magistrate Office

Notes:

December 18, 2019 – The committee instructed staff provide renderings on how to improve the façade of the building to Council. The renderings should also include the costs for each option.

February 5, 2019 – Council moved to allow the staff to look across the budget to find savings to accommodate the changes needed for this magistrate’s office, and to bring back solutions that would allow the magistrate’s office to be bricked. Before it is bricked, to provide a rendering, so that Council could agree on the outcome.

**RICHLAND COUNTY GOVERNMENT
ADMINISTRATION**

2020 Hampton Street, Suite 4069, Columbia, SC 29204
P 803-576-2050 | F 803-576-2137 | TDD 803-576-2045
richlandcountysc.gov



Memorandum

February 13, 2019
CP 01-10

From: Michael A. Niermeier, Capital Projects Program Manager
To: Mr. Edward Gomeau, Interim County Administrator

CC: Dr. Sandra Yudice, Assistant Administrator
Ms. Ashiya Myers, Assistant to County Administrator

Subject: Response Regarding the Upper Township Magistrate DB Project

Ref: Richland County Council Meeting, February 5, 2019

Attachments: Representative Brick Options

Pursuant to Council's request in the reference, this office has engaged the general contractor performing the work on the Upper Township Magistrate Design Build Contract for actual construction costs associated with the following two options:

Option 1: Thin-Brick: ½" real brick exterior façade on the magistrate portion of the building (2 sides) with Thin-Brick Water-table/Wainscot: ½" real brick 48" up the wall on the other portion of the building precluding the warehouse section.

Option 2: Thin-Brick Water-table/Wainscot: ½" real brick 48" up the wall on both the magistrate and remaining parts of the building precluding the warehouse portion.

As of the date of the memo, these actual costs are not yet available. I anticipate to have cost data the week of February 18, 2019

The two active magistrate projects are distinct and not part of a multi-build program. Therefore, there is no savings to gain from other planned builds to support the addition of brick on the Upper Township Project. The finance department has located funding to support the following proposal from staff. This proposal will allow the building to have brick features and support office space need for Animal Care and Vector Control. The choice of full wall thin-brick façade or wainscot thin-brick will drive our ability to support employee workspace needs and use all of the space renovated in this project.

Option 1- Install full thin-brick façade on the magistrate portion of the building (2 sides). Frame and install a new storefront on the portion of the space for use by twenty-three (23) Animal Care and Vector Control Employees. Install thin-brick wainscot along this portion of the building. Add sidewalk and additional parking. Up-fit the space with mechanical, electrical, plumbing (MEP) and wall framing. Richland County Operational Services will self-perform completion of the interior. (See rendering Option 1)

RECOMMENDED: *Option 2*- Install thin-Brick Water-table/ 48”Wainscot on the magistrate and center portion of the building. Frame and install a new storefront on the portion of the building for use by twenty-three (23) Animal Care and Vector Control Employees. Install thin-brick wainscot along this portion of the building. Add sidewalk and additional parking. Up-fit this space with MEP and wall framing. Richland County Operational Services will self-perform completion of the interior. (See rendering Option 2)

Funding:

\$114,000: Prior Year Interest earned in Fund 1339 that can be rolled over as funding source

\$197,000: Reaming from Public Works vehicles

Up to \$289,000 in Facility Acquisition Funds (Operational Services)

Total of \$600 available for the work

The following estimate is based on previous information provided by the general contractor for the recommended option.

Approximately 214 linear feet of thin brick wainscot installed on the front and side of the magistrate building and on the front of the proposed County Services space. This should cost under \$200,000. The remaining portion of the funding would go design, material purchase, storefront installation, MEP, sidewalks, parking and interior wall framing.

Michael A. Niermeier, MPA, PMP
Richland County Government
Capital Projects Program Manager



Option 1: Full brick magistrate



Option 2 : 48" wainscot

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

**A RESOLUTION OF THE
RICHLAND COUNTY COUNCIL**

A RESOLUTION TO APPOINT AND COMMISSION JAMES E. BOSTIC AND MAURICE A. HUDSON AS A CODE ENFORCEMENT OFFICERS FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.

WHEREAS, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

WHEREAS, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

NOW, THEREFORE, BE IT RESOLVED THAT James E. Bostic and Maurice A. Hudson are hereby appointed and commissioned a Code Enforcement Officers of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this County, including the enforcement of the County's solid waste and recycling regulations and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, neither of the above-referenced appointees shall perform any custodial arrests in the exercise of their duties as code enforcement officers. Each of these appointments shall remain in effect only until such time as the individual so appointed is no longer employed by Richland County as a code enforcement officer.

ADOPTED THIS THE ____ DAY OF FEBRUARY, 2019.

Paul Livingston, Chair
Richland County Council

Attest: _____
Kimberly Roberts-Williams
Clerk of Council



REQUEST OF ACTION

Subject: FY19 - District 7 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$15,000** for District 7.

B. Background / Discussion

For the 2018 - 2019 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$164,850.00 for each district Council member as approved during the FY17-18 fiscal year and as amended during the May 15th Regular Session. The details of these motions are listed below:

Motion List for FY18: Hospitality Tax discretionary account guidelines are as follows: (a) Establish an H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

Regular Session – May 15, 2018: Motion that all unspent H-Tax funding for FY17-18 be carried over and added to any additional funding for FY18-19 to Council districts. Because of the failure of the Grants Office to notify councilmembers of problems from changes to the grants process my district, and others, did not get to have some or all of their events. I was never notified of any problems until I was contacted by some organizations that they were having problems. Now eleven months later it is too late and it is not fair. Established organizations in Columbia had theirs but as for the unincorporated areas where they are developing programs and event, there were problems.

Pursuant to Budget Memorandum 2017-1 each district Council member was approved \$164,850.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 7 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding		\$164,850
FY2018 Remaining Amount		\$157,850
FY2019 Amount Previously Allocated		\$175,000
Remaining Balance		\$147,700
	Sonny's Sport Complex	\$ 15,000
Total		\$ 15,000
Remaining Balance		\$132,700

C. Legislative / Chronological History

- 3rd Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- Budget to 3rd Reading of Budget FY19 June 21 ,2018

D. Alternatives

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

E. Final Recommendation

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-19HR

AN ORDINANCE AMENDING RICHLAND COUNTY CODE OF ORDINANCES CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS, BY ADDING SECTION 16-23, "HEALTH MASSAGE, BODYWORK THERAPISTS, AND MASSAGE ESTABLISHMENTS"

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

SECTION I. Richland County Codes of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations, is hereby amended by adding Section 16-23, "Health Massage, Bodywork Therapists, and Massage Establishments," as follows:

Section 26-23. Health Massage, Bodywork Therapists, and Massage Establishments.

(1) Authority.

This section is adopted and pursuant to S.C. Code of Laws Annotated Section 4-9-25 which confers upon counties the authority to "enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them." Such "powers of a county must be liberally construed in favor of the county and the specific mention of particular powers may not be construed as limiting in any manner the general powers of counties." This section is further adopted pursuant to S.C. Code of Laws Annotated Section 4-9-30 which authorizes counties acting through their governing bodies "(14) to enact ordinances for the implementation and enforcement of the powers granted in this section and provide penalties for violation thereof not to exceed the penalty jurisdiction of magistrates' courts."

(2) Purpose.

The purpose of this section is to regulate health massage, bodywork therapists and massage establishments in order to promote the health, safety, and general welfare of the citizens of Richland County. In adopting this ordinance, Richland County hereby establishes reasonable and uniform regulations to prevent or reduce to any extent the deleterious secondary effects of health massage bodywork therapists and massage establishments within the County. The provisions of this section have neither the purpose nor the intent nor effect of restricting or denying access to health massage, bodywork therapists and massage establishments. Among the deleterious secondary effects of imminent and growing concern associated with the unlawful operation of some

establishments subject hereto that obtain business licenses under the guise of legitimate health massage, body therapy or massage establishments are a) their use as commercial sex operations, 2) prostitution, 3) the potential to spread disease, 4) lewdness, 5) public indecency, 6) illicit sexual activity, 7) sexual assault and exploitation, and 8) human trafficking. The negative secondary effects of businesses associated with commercial sexual exploitation are manifest. See, e.g., *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.* 475 U.S. 41 (1986); *Young v. American Mini Theatres*, All U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 06 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B&M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Caradola, Ltd. V. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); *U.S. v. Pendergrass*, Petition to Enter a Plea of Guilty and Plea Agreement on the Charge of Tax Evasion (3:06-00147, M.D. Term. 2007); and other cases; and on reports of secondary effects occurring in and around such businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978).; Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of "Human Trafficking in Illicit Massage Businesses," by Polaris (January 2018), which reports that in 2017, "The United Nations estimates that more than 40 million people in the world today are living in some form of modern slavery," and that "illicit massage businesses (IMBs) that front for commercial sex operations have been ubiquitous in the American landscape for decades, with an estimate of more than 9,000 operating today."

(3) Findings.

Based on this breadth of case law, research and data regarding negative secondary effects of commercial sex and related operation, the Richland County Council finds:

- (a) Illicit massage establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to their use as commercial sex operations, for prostitution, to spread disease, lewdness, public indecency, illicit sexual activity, sexual assault and exploitation, and human trafficking.
- (b) Each of the foregoing negative secondary effects constitutes a harm with the County has a substantial government interest in preventing or abating. Additionally, the County's interest in regulating illicit massage businesses extends to future secondary effects that could occur in the County related to such establishments as well as such future businesses that may locate in the County. The County finds that the cases and

secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

(4) Exemptions.

This section shall not apply to physicians, surgeons, chiropractors, osteopaths, physical therapists or podiatrists duly licensed to practice in the State of South Carolina, registered or licensed nurses, athletic directors or trainers, who are affiliated with an approved educational institution or professional sports team and whose work is limited to athletic team members, licensed cosmetologists, barbers or beauticians, who do not give or hold themselves out to give massage treatments other than those customarily given in such establishments.

(5) Definitions.

The following words, terms and phrases, shall have the meanings ascribed to them herein, unless the context of their usage clearly indicates a different meaning:

- (a) "Bodywork establishment" means any building, structure, room, place, or any establishment whose business includes advertising or offering a massage or other massage services upon the human body for compensation by any person whether with or without the use of mechanical, therapeutic or bathing devices, and shall include bathhouses. This terms shall not include beauty parlors or barbershops duly licensed by the State of South Carolina, or licensed hospitals, medical clinics, or licensed physical therapy facilities or establishments wherein registered physical therapists treat only patients recommended and referred by a licensed physician and operate only under such physician's direction. "Bodywork establishment" includes any business or establishment wherein bodywork therapy is performed by a bodywork therapist.
- (b) "Bodywork therapy" means the application of a system of structured touch of the superficial tissues of the human body with the hand, foot, arm, or elbow whether or not the structured touch is aided by hydrotherapy, thermal therapy, a massage device, human hands, or the application to the human body of an herbal preparation. Bodywork therapy includes the manual manipulation of soft body tissues (muscle, connective tissue, tendons and ligaments) to enhance a person's health and well-being. Bodywork therapy also includes the application of pressure with the hands, feet, arms or elbows for the therapeutic or relaxation purposes to the superficial or deep tissues (muscles, tendons, ligaments, connective tissue, skin) of the body. Soft tissue health massage and bodywork practices are designed to promote general relaxation, improve flexibility and pliability of the soft tissues or relieve stress and muscle hypertension, and to enhance a general sense of well-being in the person receiving the massage or bodywork. Bodywork therapy also includes any process consisting in kneading, rubbing or otherwise manipulating the skin of the body of an

- individual, either with the hand, or by means of electrical instruments, devices, or apparatus, but shall not include massage by duly licensed physicians and chiropractors, registered physical therapists, who treat only patients recommended by a licensed physician and who operate only under such physicians' direction, or massage of the face practiced by duly licensed personnel of beauty salons or barbershops. The term "therapy" does not include the diagnosis or treatment of illness or disease, medical procedures, or treatment for which a license to practice medicine, chiropractic, physical therapy, acupuncture or podiatry is required by law.
- (c) "Bodywork therapist" means a person who performs or administers massage or bodywork therapy, whether licensed, as required by the South Carolina Department of Labor, Licensing and Regulation, or not. Bodywork therapist includes a person who practices massage therapy or administers massages or other massage services to a person. The term includes a licensed or unlicensed massage therapist, therapeutic massage practitioner, massage technician, masseur, masseuse, body massager, body rubber, health massager, or any derivation of those titles or similar designations.
 - (d) "Health massage establishment" or any derivative or similar designation has the same meaning as "Bodywork establishment."
 - (e) "Health massage therapist" or any derivative or similar designation has the same meaning as "Bodywork therapist."
 - (f) "Health massage therapy" or any derivative or similar designation has the same meaning as "Bodywork therapy."
 - (g) "Hydrotherapy" means the use of water, vapor, or ice for treatment of superficial tissue.
 - (h) "Illicit Massage Establishment" means any business, establishment, undertaking or enterprise that operates in violation of the provisions of this section.
 - (i) "Massage device" means a mechanical device that mimics or enhances bodywork therapy by means of vibration or other artificial action.
 - (j) "Massage establishment" or any derivative or similar designation has the same meaning as "Bodywork establishment."
 - (k) "Massage therapy" or any derivative or similar designation has the same meaning as "Bodywork therapy."
 - (l) "Massage therapist" or any derivative or similar designation has the same meaning as "Bodywork therapist."

(m) "Thermal therapy" means the use of ice or a heat lamp or moist heat on superficial tissue.

(6) Use of only licensed therapists; posting of license.

No person or business or establishment shall permit anyone to perform bodywork, health massage or massage work upon the premises operated by that person or business or establishment unless the individual performing the bodywork, health massage or massage work has been issued a license as required by this article. Every bodywork therapist, health massage therapist and massage therapist shall post the license required by this article in the therapist's work area at all time. A bodywork, health massage or massage establishment or a place of business that advertises bodywork, health massage or massage therapy or offers such work, therapy or other massage services must be licensed by the South Carolina Department of Labor, Licensing and Regulation in accordance with Title 40, Professions and Occupations, Chapter 30, the "Massage/Bodywork Practice Act," and must display the establishment's license along with any Richland County business license needed for the establishment to operate in a prominent location available for inspection by the public and by law enforcement and code enforcement officers and inspectors.

(7) Maintenance of premises and equipment.

It shall be the duty of every person conducting or operating a bodywork, health massage or massage establishment to keep the establishment in a clean and sanitary condition at all times. All instruments and mechanical, therapeutic and bathing devices or parts thereof that come into contact with the human body shall be sterilized on a regular basis and shall be rendered free from harmful organisms in a manner consistent with State laws and local ordinances and regulations. Towels and linens furnished for use of one patron shall not be furnished for use of another until thoroughly laundered.

(8) Operation in connection with living or sleeping quarters prohibited.

A bodywork, health massage and massage establishment shall not contain rooms used wholly or in part for residential or sleeping purposes unless such establishment is located within and properly zoned as a residence, in which case the establishment shall maintain separation from rooms used wholly or in part for residential or sleeping purposes by a solid wall or by a wall with a solid door which shall be inaccessible other than for emergency purposes during business hours.

(9) Hours of operation.

No bodywork, health massage or massage establishment shall be kept open for any purpose between the hours of 10 p.m. and 5 a.m. on any day.

(10) Management to keep list of employees.

The owner, manager, operator or person in charge of a bodywork, health massage or massage establishment shall maintain on the premises a list of the name and addresses of all employees therein, whether such employees are on duty or off duty, and such list shall be made available for inspection upon the request of any law enforcement or code enforcement officer. Failure to comply with this provision shall be an offense.

(11) Employment of persons found guilty of criminal sexual offenses.

It shall be unlawful for any person operating a bodywork, health massage or massage establishment to knowingly employ, in any capacity, any person who has been convicted, entered a plea of nolo contendere or guilty to an offense involving prostitution or any other sexual offense.

(12) Hygiene.

All massage therapists and operators at a massage establishment shall wash their hands thoroughly before administering massage manipulations to any patron, and shall at all times observe proper cleanliness and hygiene practices.

(13) Access; right of entry.

Any officer appointed or employed by any law enforcement agency of this State, or any Richland County code enforcement officer commissioned pursuant to S.C. Code of Laws Annotated Section 4-9-145, may enter the premises of a bodywork, health massage or massage establishment for purposes of inspection or investigation to ensure compliance with this article. If entry and access to the premises of the bodywork, health massage or massage establishment is denied, entry may be made under the authority of a warrant or other lawful process.

(14) Penalties.

Failure to comply with any of the requirements of this section shall constitute a violation punishable by a fine not exceeding five hundred dollars (\$500.00) and imprisonment not exceeding thirty (30) days. Each day any violation of this section continues shall constitute a separate offense. Nothing in this section prevents the County or any interested party from seeking an injunction, issuing a stop work order or otherwise attempting to enforce the provisions of this section or to obtain relief or any remedy provided for by law.

(15) Cumulative effect.

The provisions of this section are cumulative to and not in lieu of laws and other ordinances, such as sexually oriented businesses and nuisance laws and ordinances, applicable to the businesses described in this section.

(16) Education institutions.

Nothing in this section may be construed so as to prevent the teaching of bodywork, health massage or massage in the County at a duly licensed and authorized bodywork, health massage or massage school.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2019.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THE _____ DAY OF _____, 2019

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

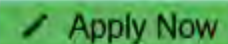
Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

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

Assistant County Administrator (Open)

Positions: 1)

Location: Richland County Administration Building, Columbia, SC 29204

 Apply Now

Department: County Administration

Division: Administrator's Office

Job Status: Full-Time

Rate of Pay: DOE -

Position Type: Full-Time

Status: Open Until Filled

Job Description

The purpose of the class is to assist the County Administrator in coordinating various programs and administrative / management operations through delegated responsibility; to assist in the formulation of administrative policies; to research and analyze information to allow for informed decision-making by the County Administrator and County Council; and to perform related work as required. The class researches and formulates long-range goals for the organization, develops policy and position papers, and negotiates with chief administrative officers and/or elected officials.

By ordinance the duties and responsibilities of the assistant county administrators are:

1. To serve as assistant to the county administrator;
2. To plan and direct budget studies, research projects and manpower needs;
3. To assist in formulating administrative policies;
4. To represent and speak for the county administrator in meetings with boards, commissions, citizens groups and officials of various public agencies;
5. To collect, compile and interpret data on policies, functions, organization structures, forms and procedures relating to the administration of assigned programs;
6. To seek legal opinions and prepare recommendations supported by administration research findings;
7. To review departmental reports, proposed programs, supplemental appropriation requests, personnel requisitions, overtime reports, etc., and make or direct investigative reports and recommendations as required;
8. To prepare correspondence and reports;
9. To act for the county administrator in his/her absence;
10. To participate in formulating policies and in developing long range plans; and
11. To perform related work as required and as assigned by the county administrator.

Requires a Master's degree in public administration, business administration, or a closely related field. Must possess a valid state driver's license. Requires a minimum of five years of experience in public sector management and administration.