



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Jim Manning	Valerie Hutchinson	Gwendolyn Kennedy (Chair)	Bill Malinowski	Seth Rose
District 8	District 9	District 7	District 1	District 5

**DECEMBER 18, 2012  
5:00 PM**

**2020 Hampton Street**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: November 27, 2012 [PAGES 3-5]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Road Right of Way and Acceptance Policy Re: Prescriptive Easements and Unaccepted Paved Roads [PAGES 6-15]
3. Contract Award: Pavement Condition Survey Project [PAGES 16-19]

4. Closing Scott Ridge Road [**PAGES 20-26**]
  
5. Require Utility Providers to Obtain Permission Before Doing Work in Richland County [**PAGES 27-29**]
  
6. International Themed Mural on the Decker Boulevard Staples Building [**PAGES 30-34**]

**ADJOURNMENT**



# Richland County Council Request of Action

## **Subject**

Regular Session: November 27, 2012 [PAGES 3-5]

## **Reviews**

# MINUTES OF



## RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE TUESDAY, NOVEMBER 27, 2012 5:00 P.M.

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

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### MEMBERS PRESENT

Chair: Gwendolyn Davis Kennedy  
Member: Valerie Hutchinson  
Member: Bill Malinowski  
Member: Seth Rose

Absent: Jim Manning

**ALSO PRESENT:** Greg Pearce, Norman Jackson, Joyce Dickerson, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Amelia Linder, David Hoops, Daniel Driggers, John Hixon, Sara Salley, Nancy Stone-Collum, Bill Peter, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting started at approximately 5:01 p.m.

### APPROVAL OF MINUTES

**October 23, 2012 (Regular Session)** – Ms. Hutchinson moved, seconded by Mr. Rose, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF AGENDA

Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the agenda as submitted. The vote in favor was unanimous.

### ITEMS FOR ACTION

**Council District Limits Centered on County Maintained Roads** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to forward to Council a recommendation that the Council district that contains the most houses on said road will be solely responsible for the road maintenance on the entire road. A discussion took place.

Item# 1



The vote in favor was unanimous.

**Interstate Interchange Lighting** – Ms. Hutchinson moved, seconded by Mr. Rose, to forward to Council a recommendation to engage a consultant to complete a site review, placement and types of lighting to be used. A discussion took place.

The vote was in favor.

**Road Right of Way and Acceptance Policy Re: Prescriptive Easements and Unaccepted Paved Roads** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to hold this item in committee. A discussion took place.

The vote in favor was unanimous.

**Ordinance Amendment: Parking in Residential Zones** – This item was held in committee.

**Sediment Removal Project** – Ms. Hutchinson moved, seconded by Mr. Rose, to forward this item to Council without a recommendation. The vote in favor was unanimous.

**Donation of Conservation Easement: Spring Valley Subdivision Entrance** – Ms. Hutchinson moved, seconded by Mr. Rose, to forward this item to Council without a recommendation. The vote in favor was unanimous.

#### **ADJOURNMENT**

The meeting adjourned at approximately 5:59 p.m.

Submitted by,

Gwendolyn Davis Kennedy, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Road Right of Way and Acceptance Policy Re: Prescriptive Easements and Unaccepted Paved Roads **[PAGES 6-15]**

**Reviews**

## Richland County Council Request of Action

**Subject:** Road Right of Way and Acceptance Policy Re: Prescriptive Easements and Unaccepted Paved Roads

### A. Purpose

Develop a policy to guide Public Works staff for:

1. The acquisition of Right of Way for the improvement of County maintained roads presently in prescriptive easements.
2. The acceptance of existing improved roads not accepted into the maintenance system.

### B. Background / Discussion

At the 2012 County Council Retreat, the need to develop a County right of way policy for road improvements in prescriptive easements and an unaccepted road policy was discussed with Council. In addition, Chairman Washington has indicated that Public Works should be working to obtain right of way for dirt road paving in the event that funding becomes available. The proposed policies would give staff direction in regard to right of way for dirt roads and the acceptance of existing paved roads into the County maintenance system.

Richland County has 211 miles of dirt roads in its maintenance system that are not in publicly owned rights of way (prescriptive easements). To expend public funds for improvements to these roads, publicly owned rights of way must be acquired. A systematic approach needs to be developed to acquire those rights of way.

Unimproved roads maintained by the County without right of way are claimed to be public roads by prescriptive easement. Maintenance responsibility is created by County Ordinance Section 21-5, Maintenance of Unpaved Roads. This language is attached for reference. Note that subsection (a) states *dedicated for public use* and (c) *comprising the land actually maintained*. Also note that subsection (h) states *any unpaved road **dede**ded to the county under these provisions may be eligible for "C" fund improvements*.

Richland County has 114 miles of paved roads that were not taken into the maintenance system. In most instances, the original intent was to create a public road, but either the developer or the County failed to complete the acceptance process. If the County is to consider accepting these roads for maintenance, a systematic approach needs to be developed. This area falls under County Ordinance Section 21-6, Standards for Streets and Drainage.

*Except as provided for in sections 21-4 and 21-5 above, only those streets, roads, and drainage systems designed and constructed in accordance with the standards prescribed herein will be accepted for maintenance by the County.*

This is a policy change affecting the roads on the attached list (Private Subdivision Roads). Please also see an excerpt from Chapter 21 of the Richland County Code of Ordinances.

The proposed policy is as follows:

1. Prescriptive easements – Establish a policy as follows
  - i. Residents petition for improvement of the road on which their property is accessed. All property owners from which right of way will be required must participate on the petition.
  - ii. Public Works will perform a preliminary study and create a right of way plan and deed documents.
  - iii. Upon receipt and recording of all necessary right of way deeds, the project will be placed on the pending projects list to be addressed when funds are available.
  - iv. All right of way must be donated by the property owners; no right of way will be purchased without specific direction of council.
2. Existing unaccepted paved roads – Establish a policy as follows:
  - i. If development records exist: If records indicate the intent during development was to accept the road for public maintenance, and the road conforms to the standards at that time of construction, the County would accept the road for maintenance.
  - ii. If records do not exist: If the road conforms with standards at the time of construction, and is in a physical condition appropriate for its age and use, the County would accept the road for maintenance.
  - iii. If the road was not constructed to standards of the time, or has deteriorated beyond normal use, it can be reconstructed at the expense of the benefitting property owners in accordance with section 21-5 (h)
    - (h) Any road in the county, including those created as a part of a private driveway subdivision pursuant to the county's land development regulations, **may be accepted by the county and brought up to paved or unpaved road standards as set forth in this article**; provided that eighty percent (80%) of all property owners within the subdivision agree to same and that all costs incurred by the county to bring the road up to county paved or unpaved standards are paid by the property owners. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a 15 year period with an interest charge equal to that paid by the county for bonds issued to fund construction. The total costs plus interest of the improvements shall be allocated between the property owners by each lot being assessed an equal share of the costs and interest. Any unpaved road deeded to the county under these provisions may be eligible for "C" fund improvements. This section appears to allow improvement to a dirt road standard that could then be upgraded to paved with C funds.

**C. Legislative/Chronological History**

During the July 2012 Committee meeting, the item was held in Committee pending staff in Public Works addressing the issue of how to deal with paved roads that are not up to county standards.

This item was deferred from the September 2012 D&S Committee meeting so that staff may provide a list of roads, costs, and possible funding sources. (See attached table re: Private Subdivision Roads.)

**D. Financial Impact**

The *policy* has no direct financial impact, but could increase the future cost of roadway maintenance. A possible funding source is the Roads and Drainage fund balance.

**E. Alternatives**

1. If the policy was not approved, the County would not be able to improve existing county maintained dirt roads in prescriptive easements. Roads can only be accepted for maintenance when they have been improved at the cost of the benefiting property owners to new road standards. Further, the County would only be able to accept existing paved roads for maintenance that meet present code and are in like-new condition.
2. Approve the policy and regulations as necessary to give staff appropriate direction to address these issues.

**F. Recommendation**

Recommend approval of the proposed policy.

Recommended by: David Hoops Department: Public Works Date: 6/13/12

**G. Reviews**

**Finance**

- Reviewed by: Daniel Driggers Date: 6/13/12
- Recommend Council approval  Recommend Council denial
- Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation is based on the evaluation and review of the Public Works Director. The financial section states that the policy does not have any direct financial impact on the County; however, it could increase the future cost of roadway maintenance. Therefore I would recommend that the policy include the estimated impact of the future maintenance cost on the system and the proposed method of financing.

**Planning**

- Reviewed by: Tracy Hegler Date:
- Recommend Council approval  Recommend Council denial
- Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 6/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Under state law, to claim a prescriptive easement on a property, the County would need to prove that it had maintained the property for public use for a period of twenty years under a claim of right or adverse to the property owner's interests. If that is proven, then the County has a legal right to the property, even without a deed or right-of-way. **HOWEVER**, obtaining all the requisite rights-of-way would put the County in a substantially better legal position, and obviate the need to file a Quiet Title action, whereby the Court declares who the legal owner is.

### **Administration**

Reviewed by: Sparty Hammett

Date: 6/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of the road right-of-way and acceptance policies.

**The Richland County Code of Ordinances; Chapter 21: Roads, Highways and Bridges**

**Sec. 21-4. Drainage on private property.**

(a) Drainage improvements and/or maintenance will be undertaken by county forces on private property only:

(1) When the drainage system involved has been designed, approved and constructed in accordance with the county's Stormwater Management, Erosion and Sediment Control Regulations (§§ 26-202, 26-203) and accepted by the county, or

(2) When there is a clear and substantial public interest served in doing so and drainage easements are granted to the county on all of the property involved. For the purpose of this section, a public interest is defined as:

a. The correction of a serious health hazard, as designated by county or state health officials, affecting multiple residences and beyond the responsibility of an individual property owner.

b. The correction of a malfunction or inadequacy of the drainage system within the right-of-way of a publicly maintained street or road.

c. The correction of drainage problems associated with projects constructed by the county.

d. The maintenance of the structural integrity of the existing drainage infrastructure of the county.

e. The improvement of drainage for the benefit of the community. To benefit the community, drainage improvements must eliminate flooding that directly affects a minimum of four (4) residences and/or businesses situated on individual lots or inundates a public road. Note: Correction of minor ditch erosion problems on private property will not be considered a substantial public interest.

(b) Easements will be obtained for any existing or proposed drainage facilities on private property before any work is performed thereon by county forces. Easements for maintenance of drainage facilities constructed without the county's approval of plans or inspections will not be accepted unless the property owners hold harmless and release the county from all claims resulting from deficiencies of the facilities.

(c) Except where the county has accepted an easement for maintenance of drainage facilities on private property as provided herein, maintenance is the responsibility of the property owner.

(Code 1976, § 8-1001; Ord. No. 452-77, § 1, 10-26-77; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 005-03HR, § I, 1-21-03)

**Sec. 21-5. Maintenance of unpaved roads.**

(a) The department of public works shall maintain all unpaved roads of the county which have been dedicated for public use regardless of whether or not the dedication was by law or usage. Those roads determined to have been dedicated shall be considered to be a part of the county road maintenance system.

(b) For purposes of ascertaining dedication by usage or by maintenance by the county, all unpaved roads which have been used by the public and/or maintained by the county for a period of twenty (20) years or more shall be deemed dedicated and shall be maintained by the department of public works.

(c) The county will claim a prescriptive easement for all unpaved roads deemed to be dedicated as public roads by usage. Such easements will be considered as comprising the land actually maintained by the county as part of the road.

(d) All unpaved roads which have been marked in either red or green on the map presented to the county council on March 5, 1975, shall be brought within a systematic identification process as soon as practicable and maintained by county forces.

(e) Unpaved roads not maintained by the county under the provisions of (a) through (d) above, will be accepted for maintenance only when such maintenance will provide a substantial public benefit. For the purpose of this section, one or more of the following characteristics will constitute "substantial public benefit:"

(1) Provides access to a publicly owned facility, or

(2) Comprises an integral part of the comprehensive transportation plan adopted by the county's planning agency, or

(3) Comprises a part of an existing street/road network as of January 21, 2003 and is used by the surrounding community, or

(4) Provides the principle access to a minimum of three (3) occupied residences situated on individually owned parcels that are lots of record for tax purposes and does not exceed one fifth (1/5) mile in length per residence served.

(f) No work will be performed pursuant to subsection (e), above, except on the basis of a right-of-way deed for rights-of-way fifty (50) feet in width whenever possible, but in no case less than thirty (30) feet, having been executed and accepted in accordance with section [21-7](#).

(g) Only established, passable roads with an unobstructed width of twelve (12) feet may be accepted pursuant to subsection (e) above. Such roads will be maintained only up to a minimum serviceable condition and will not be substantially improved by the county.

(h) Any road in the county, including those created as a part of a private driveway subdivision pursuant to the county's land development regulations, may be accepted by the county and brought up to paved or unpaved road standards as set forth in this article; provided that eighty percent (80%) of all property owners within the subdivision agree to same and that all costs incurred by the county to bring the road up to county paved or unpaved standards are paid by the property owners. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a 15 year period with an interest charge equal to that paid by the county for bonds issued to fund construction. The total costs plus interest of the improvements shall be allocated between the property owners by each lot being assessed an equal share of the costs and interest. Any unpaved road deeded to the county under these provisions may be eligible for "C" fund improvements.

(i) The county engineer and his staff shall periodically update the existing county road map and shall add such unpaved roads which are not presently shown thereon and attempt to determine the ownership of such unpaved roads.



(j) The department of public works shall maintain those unpaved roads determined to be dedicated under the provisions of this section. Such maintenance shall include, but not be limited to:

- (1) Grading;
- (2) Applying crusher-run or gravel;
- (3) Installing street name and traffic control signs;
- (4) Installing driveways;
- (5) Cutting back overhanging branches;
- (6) Mowing shoulders; and/or
- (7) Drainage improvements.

(Code 1976, § 8-1025; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 033-97HR, § II, 5-6-97; Ord. No. 005-03HR, § I, 1-21-03)

**Sec. 21-6. Standards for streets and drainage.**

(a) Except as provided for in sections [21-4](#) and 21-5 above, only those streets, roads, and drainage systems designed and constructed in accordance with the standards prescribed herein will be accepted for maintenance by the County.

(b) Streets: The minimum acceptable street is a paved street designed and constructed in accordance with the standards adopted by the County Engineer; provided, however, that an exception may be allowed whenever the County Council deems that the variance in design is minimal or of such nature that it will not otherwise pose an undue burden or risk upon the County. Where determined necessary and in the sole discretion of the County Council, the County, with the agreement of those property owners served by such roadway, may consent to accept a roadway with special conditions as to any particular non-conforming aspects with regard to county road standards. Only those streets located in subdivision developments where individually owned lots front directly on the street rights-of-way will be accepted by the County. This will apply to residential, commercial and industrial subdivisions. Streets and drainage systems serving group developments such as shopping centers, apartment complexes, condominiums and mobile home parks will not be accepted for maintenance by Richland County.

(c) Storm drainage: Drainage systems will be designed and constructed in accordance with Chapter 26, Article VIII, of the Richland County Code of Ordinances, and the standards adopted by the County Engineer.

(d) Specifications: Materials and construction of streets and drainage systems will be in accordance with the applicable sections of the current edition of the Standard Specifications for Highway Construction published by South Carolina Department of Transportation, except where specifically noted otherwise in the standards adopted by the County Engineer.

(e) Acceptance: County acceptance of new streets and drainage systems shall be accomplished through the acceptance of easement and right-of-way deeds. The County accepts no responsibility for the streets or drainage system until the easement documents or deeds are executed by both parties and recorded.

(f) Warranty: As a prerequisite to the County's acceptance of new streets and drainage systems, the grantor (developer) shall provide a warranty to the County for a period of one (1) year. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the Countys formal acceptance of the roads and drainage system. The grantor is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure.

(g) Inspection fee: The grantor (developer) is responsible for the costs associated with providing all quality control/quality assurance testing and inspections required during construction of new roads and the associated drainage systems to ensure compliance with the applicable design and construction standards. The County Engineers office is authorized to retain independent engineering or geotechnical consultants to perform all or part of the inspections and testing on behalf of the County. An inspection fee, sufficient to cover the Countys cost for inspection and testing, will be established and collected as a prerequisite for a developers receiving construction plan approval for any new subdivision streets. All fees collected will be deposited into an account set up specifically for payment of inspection and testing costs incurred by the County.

(Code 1976, § 8-1024; Ord. No. 388-77, 4-20-77; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 015-98R, 5-5-98; Ord. No. 005-03HR, § I, 1-21-03; Ord. No. 095-05HR, § I, 10-3-06)

<b>PRIVATE SUBDIVISION ROADS</b>					
<b>ROAD NAME</b>	<b>SUBDIVISION</b>	<b>LENGTH (FT)</b>	<b>Estimated Cost</b>	<b>Repair</b>	<b>Council District</b>
Merc Ct	Arthurtown Phase 3	118.83	\$0.00		10
Riley Ct	Arthurtown Phase 3	117.85	\$0.00		10
Dennis Ln	Camarie Farms - Dennis Ln	3,622.55	\$155,000.00		2
Moody View Ct	Devon Green Phase 1	163.03	\$2,500.00		8
Sonny Ct	Devon Green Phase 1	96.78	\$2,500.00		8
Jaybird Ln	Devon Green Phase 2 & 3	1,010.17	\$10,000.00		88
Reidy Ct	Devon Green Phase 2 & 3	676.32	\$5,000.00		8
Bald Eagle Ct	Heritage Hills Phase 2A	105.60	\$5,000.00		7
Heritage Hills Dr	Heritage Hills Phase 2A	1,802.20	\$5,000.00		7
Otter Trail Ct	Heritage Hills Phase 2A	487.36	\$5,000.00		7
Burnwood Ct	Heritage Hills Phase 2B	355.41	\$5,000.00		7
Cedar Edge Ct	Heritage Hills Phase 2B	382.85	\$5,000.00		7
Heritage Hills Dr	Heritage Hills Phase 2B	1,550.45	\$45,000.00		7
Hickory Knoll Rd	Heritage Hills Phase 2B	1,054.75	\$5,000.00		7
Graces Way	N/A: Graces Way (Only needs sidewalks)	2,069.99	\$30,000.00		9
Angela Dawn Ct	North Lake Shore Point	269.07	No Cost Established		1
Robin Lynn Ln	North Lake Shore Point	224.24	No Cost Established		1
Conn St	Northgate (Crane Creek Estates)	293.97	\$10,000.00		7
Crane Creek Ct	Northgate (Crane Creek Estates)	400.32	\$10,000.00		7
Crane Creek Dr	Northgate (Crane Creek Estates)	1,210.50	\$35,000.00		7
Scioto Dr	Northgate (Crane Creek Estates)	844.14	\$35,000.00		7
Durant St	Northgate (Crane Creek Estates): Durant St	651.02	\$10,000.00		7
Durden Park Row	Stonington Phase 1	728.36	\$10,000.00		7
Ellafair Ln	Stonington Phase 1	247.85	\$5,000.00		7
Rose Dew Ln	Stonington Phase 1	239.90	\$5,000.00		7
Roundtree Rd	Stonington Phase 1	1,547.39	\$25,000.00		7
Stonebury Cir	Stonington Phase 1	348.92	\$5,000.00		7
Stonington Dr	Stonington Phase 1	1,629.95	\$25,000.00		7
Unnamed St	Stonington Phase 1	348.99	No Cost Established		7
Roundtree Rd	Stonington Phase 2A	2,633.89	\$20,000.00		7
Summer Bend Rd	Summer Valley Phase 2A	877.56	No Cost Established		7
Summer Park Rd	Summer Valley Phase 2A	547.89	No Cost Established		7
Summer Bend Rd	Summer Valley Phase 2B	794.91	No Cost Established		7
Summer Park Rd	Summer Valley Phase 2B	917.27	No Cost Established		7
Summer Side Cir	Summer Valley Phase 2B	1,080.05	No Cost Established		7
Summer Crest Rd	Summer Valley Phase 3	1,157.02	No Cost Established		7
Summer Ridge Rd	Summer Valley Phase 3	370.92	No Cost Established		7
Summer Vista Dr	Summer Valley Phase 3	978.17	No Cost Established		7
Old Still Rd	Wildewood: Old Still Rd	3,088.53	\$200,000.00		9
Running Fox Rd W	Wildewood: West of Polo Road	1,559.11	\$125,000.00		9
	<b>Totals</b>	<b>36,604.08</b>	<b>800,000.00</b>		

Item# 2

Attachment number 1  
Page 9 of 9

# Richland County Council Request of Action

**Subject**

Contract Award: Pavement Condition Survey Project [**PAGES 16-19**]

**Reviews**

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

**Subject:** Contract Award: Pavement Condition Survey Project

### **A. Purpose**

County Council is requested to approve the award of the Pavement Condition Survey to Applied Pavement Technology, Inc. in the amount of \$324,488.00.

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

Richland County Public Works advertised the Pavement Condition Survey Project. This project will entail the use of a sophisticated van service that will evaluate all of the County's paved roads and rate them based on various deficiencies and stresses based on the Engineering ASTM (American Society for Testing and Materials) 6433-03 standard. This ASTM standard will be used to rate the County maintained roads and give them an Overall Condition Index (OCI). This OCI value will then be used to rank all of the paved roads in the County.

Once the data is collected, it will be downloaded into the Cartegraph Pavement Management software. Applied Pavement Technology, Inc. will update our existing Cartegraph software as well as provide training for the software.

This analysis will be the basis for prioritizing resurfacing or other treatments to existing paved roads. With future updates, it will enable us to predict rate of deterioration so that we are spending funds where they will have the most effect.

Six companies submitted on this proposal:

1. Applied Pavement Technology, Inc.
2. Civil Engineering Consulting Services
3. Chao and Associates
4. Infrastructure Management Systems
5. MGiS
6. Florence and Hutcheson

Applied Pavement Technology was the third ranked vendor, but the first vendor to assist in the Counties' MDBE goals.

At this time, Council is being requested to approve the contract with Applied Pavement Technology, Inc. in the amount of \$324,488.00. This is approximately \$600/mile for the project. This project will be paid through Richland County Transportation Committee (CTC) funds.

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

- April 19, 2012 – Project was advertised
- May 24, 2012 – Proposals and Qualifications accepted
- June 8, 2012 – Evaluation packages sent out by Procurement
- July 10, 2012 – All evaluation packages received back to Procurement
- August 10, 2012 – Compiled scores sent out by Procurement asking for a combined recommendation

Item# 3

- August 23 ,2012 – Recommendation sent to Procurement asking to negotiate with Applied Pavement Technology
- September, October and November, 2012 – Negotiating with Applied Pavement Technology on pricing.

**D. Financial Impact**

This project is being funded by the CTC with the \$1.4 million that has been allocated to the 2013 Resurfacing Project.

**E. Alternatives**

1. Approve the request to award this contract to Applied Pavement Technology in the amount of \$324,488.00.
2. Do not approve the request to award this contract to Applied Pavement Technology in the amount of \$324,488.00. Select another vendor.

**F. Recommendation**

It is recommended that County Council award this project to Applied Pavement Technology Inc, in the amount of \$324,488.00.

Recommended by: David Hoops, P.E. Department: Public Works Date: 11/28/12

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 12/6/12  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood Date: 12/6/12  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation: Six companies responded to the solicitation and were evaluated by three County Engineers; attached below are the names of the companies, where they are located, if they provided MWDBE and local participation and the evaluation standings.

	COMPANIES	LOCATION	MWDBE/LOCAL PARTICIPATION	RATING
1.	Applied Pavement Technology, Inc.	URBANA, IL	Sub Woman Owned (Local Columbia)	3 <sup>rd</sup>
2.	Civil Engineering Consulting SVS.	COLUMBIA, SC	Woman Owned	4 <sup>th</sup>
3.	Chao and Associates	COLUMBIA, SC	Minority Owned	4 <sup>th</sup>
4.	Infrastructure Management SYS.	ROLLING MEADOWS, IL	NONE	1 <sup>ST</sup>
5.	MGiS	PHOENIX, AZ	NONE	2 <sup>ND</sup>
6.	Florence & Hutchenson	COLUMBIA, SC	Sub W/Woman Owned (Local Columbia)	5 <sup>th</sup>

**Legal**

Reviewed by: Elizabeth McLean

Date: December 7, 2012

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 12/7/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to award the contract to Applied Pavement Technology in the amount of \$324,488.00.

# Richland County Council Request of Action

## **Subject**

Closing Scott Ridge Road [**PAGES 20-26**]

## **Reviews**



# Richland County Council Request of Action

**Subject:** Closing Scott Ridge Road

## **A. Purpose**

County Council is requested to consider and make whatever recommendation(s), if any, it may have pursuant to Richland County Code of Ordinances, Chapter 21, Section 21-14, regarding a petition to close Scott Ridge Road in Richland County.

## **B. Background / Discussion**

In the circuit court case of *Town of Blythewood, South Carolina vs. South Carolina Department of Transportation, Richland County, et al.*, 2012-CP-40-5779, the Plaintiff seeks to have Scott Ridge Road (Council District 2) closed. A copy of the petition and a map are attached for reference.

Richland County Code of Ordinances (Roads, Highways and Bridges) subsection 21-14(a) requires the County Attorney to consult with and obtain approval from Planning, Public Works and Emergency Services prior to making a recommendation for disposition of a road closing petition. Here is the full text of that subsection:

Sec. 21-14. Abandonment of public roads and right-of-ways.

(a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.

The Directors of Planning, Public Works and Emergency Services do not object to the overall request to close this road.

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

None other than as listed in Section B.

## **D. Financial Impact**

There is no direct or present financial impact associated with this request.

**E. Alternatives**

1. Approve the request to consent to judicial closing of the subject roadway.
2. Do not approve the request and allow the matter to proceed through the judicial system.
3. Take no action either in favor of or opposed to the request and allow the matter to proceed through the judicial system.

**F. Recommendation**

This is a policy decision for Council in accordance with the governing body’s power to dispose of property interests pursuant to S.C.Code Ann. Section 4-9-30.

Recommended by: Brad Farrar Department: Legal Date: November 19, 2012

**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 12/3/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Legal**

Reviewed by: Brad Farrar Date: November 19, 2012  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: See Block “F,” above.

**Administration**

Reviewed by: Tony McDonald Date: 12/4/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: The property in question, while intended to be developed as a public road, was never improved for this purpose. No road, therefore, exists, and there are no plans to construct the road in the future.

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Town of Blythewood, South Carolina, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 South Carolina Department of )  
 Transportation, Richland County, Carl K. )  
 Brooks, Carolyn S. Brooks, L & R )  
 Trucking Company, Inc., )  
 )  
 Respondents. )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO. 2012-CP-40

**PETITION FOR ABANDONMENT AND  
 CLOSURE OF ROAD**

RICHLAND COUNTY  
 FILED  
 2012 AUG 22 PM 4:15  
 JENNIFER W. McBRIDE  
 C.C.P. & G.S.

The Petitioner, the Town of Blythewood, would respectfully show unto this honorable Court:

1. This action is brought pursuant to §57-9-10 et seq., Code of Laws of South Carolina 1976 as amended.
2. Pursuant to the statute cited above, the Petitioner advertised for three (3) consecutive weeks in the Country Chronicle, a newspaper of general circulation in the community, a Notice of Intention to file for the closure and abandonment of Scott Ridge Road, which notice was published in that publication on May 31, 2012, June 7, 2012 and June 14, 2012.
3. The Respondents Carl K. Brooks and Carolyn S. Brooks are the owners of property shown and depicted on Richland County tax map number R15000-05-03, which parcel is bisected by Scott Ridge Road. The Brooks parcel is labeled as parcel 1 on the attached aerial photograph, Exhibit A.
4. The Respondent L & R Trucking Company, Inc. is the owner of parcels depicted as tax map numbers R17700-06-09 and 17700-06-03, which parcels are likewise bisected by Scott Ridge

Road. These parcels are labeled as 2 and 3 on the attached aerial photograph, Exhibit A.

5. The Respondents' Brooks and L & R Trucking Company, Inc. parcels are the only properties touching upon the road to be closed and abandoned.
6. The Respondents South Carolina Department of Transportation and Richland County are made parties to this action in that one or both of them may claim some right, title or interest in and to the said Scott Ridge Road on behalf of the public and for public ingress and egress.
7. The Petitioner desires that any interest of the South Carolina Department of Transportation or Richland County in Scott Ridge Road being sought to be closed hereby be deemed permanently abandoned and that any and all rights of the Respondents, South Carolina Department of Transportation and Richland County, or the public in the road, hereby be terminated.
8. The Petitioner is informed and believes that the Respondents Brooks and L & R Trucking Company, Inc. should be deemed to be the lawful owners of fee simple title to those portions of Scott Ridge Road located upon their respective parcels.
9. The Petitioner is informed and believes that the public interest would be served by an Order of this Court declaring that Scott Ridge Road be abandoned and deemed closed and that the Respondents Brooks and L & R Trucking Company, Inc. be declared the proper owners in fee simple of those portions of the road as run upon their respective parcels.

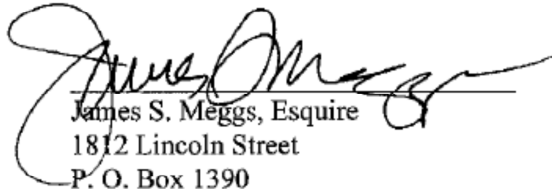
WHEREFORE, having fully set forth its Petition, the Town of Blythewood respectfully requests that this Court inquire into the matters herein set forth and thereupon issue its Order:

- (1) Declaring that Scott Ridge Road be deemed abandoned and closed and that any interest of the South Carolina Department of Transportation, Richland County, or the public be deemed

terminated.

- (2) That the Respondents Carl K. Brooks and Carolyn S. Brooks and L & R Trucking Company, Inc., be declared the proper owners of fee simple of such portions of Clarks Ridge Road as grown upon their respective parcels.
- (3) For such other and further relief as may be deemed just and property.

CALLISON TIGHE & ROBINSON, LLC

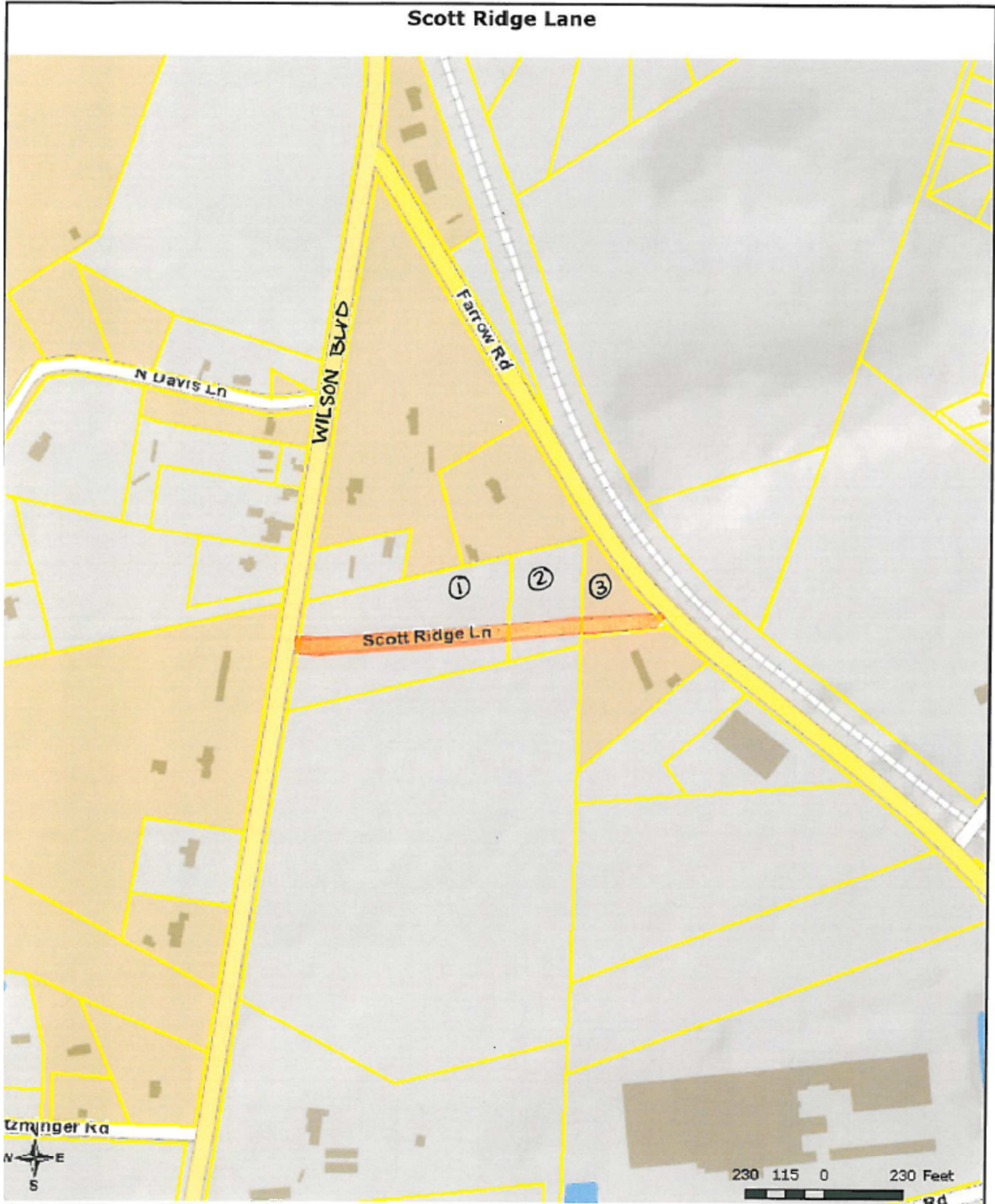


James S. Meggs, Esquire  
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P. O. Box 1390  
Columbia, SC 29202-1390  
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*Town Attorney for the Town of Blythewood*

Columbia, South Carolina  
August 22, 2012

**EXHIBIT A**



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# Richland County Council Request of Action

**Subject**

Require Utility Providers to Obtain Permission Before Doing Work in Richland County **[PAGES 27-29]**

**Reviews**

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

**Subject:** Require Utility Providers to Obtain Permission Before Doing Work in Richland County

### **A. Purpose**

County Council members are requested to require utility providers to obtain permission from Richland County before doing any work in the County.

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

On November 20, 2012, a motion was made by the Honorable Bill Malinowski, which was forwarded to the December 18, 2012 D&S Committee agenda:

“Any utility provider must obtain permission from Richland County Council prior to work being done in unincorporated Richland County. The purpose for this motion is that an entity like the City of Columbia currently runs water lines when and where they want throughout Richland County. If Richland County is supposed to be directing where we do and don’t want growth to take place such a practice is detrimental to the effectiveness of the Richland County comprehensive plan.”

In conversation with staff, Mr. Malinowski expressed his belief that utility providers were installing utilities in such a manner as to lead to unintended growth in the County, and which also may be in conflict with the County’s comprehensive plan.

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

On November 20, 2012, the Honorable Bill Malinowski made the aforementioned motion, which was forwarded to the December D&S Committee.

### **D. Financial Impact**

None.

### **E. Alternatives**

1. Require utility providers to obtain permission from Richland County Council before doing any work in the County.
2. Do not require utility providers to obtain permission from Richland County Council before doing any work in the County.

### **F. Recommendation**

This request is at the discretion of Council.

Recommended by: The Honorable Bill Malinowski

Date: November 20, 2012

Item# 5



## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 12/5/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision for Council

### Public Works

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision by Council.

### Utilities

Reviewed by: Andy Metts

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision for Council. There are numerous public water, sewer, electric, telephone and TV providers in Richland County. Monitoring and enforcing system expansions will require a significant increase in staff review.

### Planning

Reviewed by: Tracy Hegler

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision for Council.

### Legal

Reviewed by: Elizabeth McLean

Date: 12/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Legal is working with Mr. Malinowski to more fully understand what his motion is trying to accomplish and the legal consequences of such request. Any further legal guidance will be supplied as needed.

### Administration

Reviewed by: Roxanne Ancheta

Date: December 14, 2012

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: Per Legal's comments, they are assisting Mr. Malinowski with this item. Once clarification is obtained, a determination will be made regarding a potential recommendation for action. Staff will keep Council posted as this item progresses.

# Richland County Council Request of Action

## **Subject**

International Themed Mural on the Decker Boulevard Staples Building **[PAGES 30-34]**

## **Reviews**

## Richland County Council Request of Action

**Subject:** International Themed Mural on the Decker Boulevard Staples Building

### **A. Purpose**

County Council members are requested to allow the Neighborhood Improvement Program to provide up to \$10,000 to a selected local artist(s) to paint a mural on the Staples building in the Fashion Place Mall located at 2744 Decker Boulevard.

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

The Neighborhood Improvement Program has been asked by the Decker Boulevard Business Coalition to fund and manage the design for a mural on the Staples Building in the Fashion Place Mall at 2744 Decker Boulevard. This design will complement the adopted “International Corridor” theme that has been designated for Decker Boulevard. Consistent with the Master Plan for Decker Boulevard, adopted in 2006, the Mural will provide a focal point along the corridor that will embody the multitude of cultural and ethnicity that has contributed to the international flare that lives along the Decker Boulevard International Corridor.

The estimated size of the wall is 133 feet long and 14 feet tall. The mural will cover the entire estimated wall size. The total area of the wall is 1,862 square feet. Please see attached photo.

An invitation will be sent to at least three local artists to bid to take part in this unique project. The selected artist(s) will design and paint the mural and will be expected to maintain the mural for six (6) years. NIP has spoken with a representative from the 701 Whaley Arts Association and the Cultural Council to assist with the selection of the artist(s) as well as to assist with the managing of the project. At this time, both organizations have agreed to assist NIP, as they are in support of the project.

The Neighborhood Improvement Program has received verbal permission from Scott McFall, Property Manager with the Phillip Eddion Company for the Fashion Place Mall, located at 2744 Decker Boulevard to paint a mural on the rear of the Staples building. An MOU will be developed between the Neighborhood Improvement Program and the Phillips Eddison Group for a period of six (6) years to guarantee our permission to utilize the building’s rear wall and to guarantee maintenance of the art design.

The artist(s) will use paint that will withstand the weather elements. The artist(s) will be responsible for reapplying paint as necessary and removing or enhancing any vandalism that could be done to the mural. The Richland County Neighborhood Improvement Program will serve as the project manager and ensure Richland County interests are protected.

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

There is no legislative history, as this is an external request.

**D. Financial Impact**

The Neighborhood Improvement Program has estimated the project will cost approximately \$10,000 and is requesting permission to use up to \$10,000 of their budgeted millage funding to finance this project. This will include costs for materials and compensation for labor. The final amount of the project will be determined once a vendor is selected for the work.

**E. Alternatives**

1. Allow the Neighborhood Improvement Program to utilize their budgeted millage fund to finance the cost and maintenance of the mural.
2. Do not allow the Neighborhood Improvement Program to utilize their budgeted millage fund to finance the cost and maintenance of the mural.

**F. Recommendation**

This request is at the discretion of Council.

Recommended by: Tracy Hegler on behalf of the Decker Boulevard Business Coalition

Date: November 20, 2012

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 12/3/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: As stated in the ROA, this is an item at Council Discretion.

**Building Inspections**

Reviewed by: Donny Phipps

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Building permit is not required.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 12/6/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 12/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council's discretion. There will need to be a contract with the owner of the building as well as with the chosen artist. Procurement can speak to how this project should be procured under the County Code.

**Administration**

Reviewed by: Sparty Hammett

Date: 12/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to allow the Neighborhood Improvement Program to utilize their budgeted millage fund to finance the cost and maintenance of the International Themed Mural. Per Legal's recommendation, one contract will be negotiated and executed with the artist, and one contract will be negotiated and executed with the property owner.

