



**RICHLAND COUNTY COUNCIL
REGULAR SESSION AGENDA**

**MARCH 5, 2013
6:00 PM**

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

INVOCATION THE HONORABLE BILL MALINOWSKI

PLEDGE OF ALLEGIANCE THE HONORABLE BILL MALINOWSKI

Approval Of Minutes

1. Regular Session: February 19, 2013 [**PAGES 6-15**]
2. Special Called: February 26, 2013 [**PAGES 16-19**]
3. Zoning Public Hearing: February 26, 2013 [**PAGES 20-22**]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

4. a. Land Development Code
- b. Singley vs. Norfolk Southern
- c. Hospitality Bonds

Citizen's Input

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

Report Of The County Administrator

6. a. ASGDC Personnel Matter
- b. Introduction of County Engineer

Report Of The Clerk Of Council

7. a. County Council Photograph Re-Shoot, March 19th, 5:40 p.m., Council Chambers
- b. CASA Quarterback Celebration, March 14th, 5:30 p.m., Dogwood Pond, 3800 Elberta Street

Report Of The Chairman

8. a. Councilwoman Dickerson's Swearing-In Ceremony
- b. 2013 Legislators Exchange Program Funding Request [**PAGE 28**]
- c. Town of Eastover's 35th Annual Barbeque Festival Funding Request
- d. **Columbia's First HipHop Family Day: Love, Peace & HipHop Funding Request**

Open/Close Public Hearings

9. a. An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 acres more or less, and being a portion of Richland County TMS # 06600-02-14
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code
- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission's responsibilities to include appearance
- d. An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds and General Obligation Refunding Bonds, Taxable Series 2013A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto

Approval Of Consent Items

10. An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 Acres more or less, and being a portion of Richland County TMS # 06600-02-14 [**THIRD READING**] [**PAGES 30-39**]
11. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code [**THIRD**

READING] [PAGES 40-44]

12. An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads **[SECOND READING] [PAGES 45-48]**
13. Purchase of Parcels for Devil's Ditch Enhancement **[PAGES 49-55]**
14. Review Change of Use Requirements for Small Businesses on Existing Property **[TO TABLE] [PAGES 55-66]**
15. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (E), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (F), Reports; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment" **[FIRST READING] [PAGES 67-71]**
16. Modification of Kershaw County WWTP Settlement **[PAGES 72-85]**
17. Purchase of Building and Lot for the Columbia Magistrate District Office Relocation **[PAGES 86-102]**
18. Acceptance of Loan Assistance Funds for Construction of Allbene Park Water Distribution System **[PAGES 103-136]**
19. Hospitality Tax Ordinance Distribution **[PAGES 137-147]**

Third Reading Items

20. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission's responsibilities to include appearance **[PAGES 148-155]**

Report Of Administration And Finance Committee

21. Policy on Use of Outside Legal Counsel **[PAGES 156-160]**

Report Of Economic Development Committee

22. a. Council create an ad hoc committee to study the procurement evaluation process **[MANNING]**

Other Items

23. REPORT OF CAUGHMAN POND/PINEWOOD LAKE AD HOC COMMITTEE
24. REPORT OF THE DECKER CENTER AD HOC COMMITTEE

25. REPORT OF THE JOINT TRANSPORTATION COMMITTEE: [PAGES 164-192]

- a. Criteria for Prioritization of Transportation Penny Projects
- b. Small, Local Business Enterprise Program
- c. Council Motion
- d. Transportation Penny Advisory Committee (TPAC) Update
- e. TPAC Terms

Citizen's Input

26. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

27. a. The East Richland County Public Service District is planning to replace 5.5 miles of 24-inch force main which has been in service for approximately 50 years. The 24-inch force main is at the end of its useful life, and the District proposes to replace it with 5.5 miles of 42-inch force main which will be adequate to serve the District for its anticipated service life of 30 years. Replacing the 24-inch force main would serve to protect the environment while serving the District's rate payers. The District is also planning to install an additional 2.5 miles of force main. The anticipated total cost of this project is \$24.5 million; however, the District's general obligation capacity permits it to finance up to \$10 million through the issuance of general obligation bond. I MOVE to authorize the East Richland County Public Service District to be permitted to issue up to \$10 million in general obligation bond funding for the purpose of replacing 8.0 miles of force main. Further details of this proposal will be made available to staff for review and discussion prior to Committee review. [PEARCE]
- b. Under our present lease with Palmetto Health, a portion of the lease payment to Richland County has been earmarked to support indigent care programs in the county. The current distribution of these funds is as follows: \$100,000 to Richland Primary Care; \$100,000 to Eau Claire Health Cooperative; and \$50,000 to the Free Medical Clinic. Changes in Federal reimbursement to local primary care agencies has resulted in the closing of Richland Primary Care and the shifting to their patient load to the Eau Claire Health Cooperative. Due to the fact that Richland Primary Care is specifically mentioned in the lease agreement, transferring the funds to follow the patients cannot be accomplished without the lease agreement being modified on an action by Council. This Motion requests that Council initiate a change in the lease agreement to transfer these funds upon advice and counsel from the Legal Department. [PEARCE]
- c. Under the terms of a 2004 Memorandum of Understanding (MOU) between Richland County and Palmetto Health, Palmetto Health is required to make an annual report to County Council as to the activities of the health care system. The MOU specifies that several levels of Board and Palmetto Health management personnel will personally appear before Council in public session to present this report. Due to Council rules limiting presentations to five (5) minutes, the ability to present any type of comprehensive report has been significantly compromised and, in my opinion, serves no useful purpose other than to fulfill the requirement

of the MOU. Recognizing the need to keep County Council fully informed as to Palmetto Health activities, the fall luncheon meeting held in November or December for the past several years has been created to provide a forum for presentation of more detailed information and interactive dialog between Palmetto Health management and Council members. This Motion requests that Council consider eliminating the requirement for Palmetto Health to make a presentation during a Council meeting. Additional information regarding information sharing opportunities between Palmetto Health and County Council will be provided to the Committee.
[PEARCE]

Adjournment



Richland County Council Request of Action

Subject

Regular Session: February 19, 2013 [PAGES 6-15]

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 19, 2013 6:00 p.m.

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

MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Julie Ann Dixon
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush
Absent	Jim Manning

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Janet Claggett, Stephany Snowden, Amelia Linder, Nelson Lindsay, John Hixon, Daniel Driggers, Sara Salley, Tracy Hegler, David Hoops, Geo Price, Nancy Stone-Collum, Rodolfo Callwood, Andy Metts, Yanisse Adrian-Silva, Dale Welch, Dwight Hanna, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:07 p.m.

INVOCATION

The Invocation was given by the Honorable Jim Manning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning and Boy Scout Troop 202.

APPROVAL OF MINUTES

Regular Session: February 5, 2013 – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Mr. Washington requested that Item #28: "USDA Rural Development Resolution and Letter of Conditions" be moved up on the agenda to Item 7.d. and to add the presentation of the Heart Healthy Month Resolution as Item 7.e.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Mr. Farrar stated that the following were potential Executive Session Items:

- a. Land Development Code Update
- b. MOU Renewal

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

CAFR Presentation – Mr. Tom McNeish of Elliott Davis presented the CAFR. Councilman Pearce requested that a work session be held during the budget process regarding the presentation.

Legislative

REPORT OF THE CLERK OF COUNCIL

Consistency in Leadership Breakfast, Wednesday, March 13, 7:30-9:00 a.m., Seawell's – Ms. Onley stated that the Chamber of Commerce is hosting a breakfast on March 13th, 7:30-9:00 a.m. at Seawell's recognizing City Manager Teresa Wilson and Mr. McDonald. There has been a table provided for Council members that wish to attend.

Legislation Update – Mr. McDonald gave Council a brief update regarding pending legislation.

Together We Can Read 2013 – Ms. Onley stated that Council has been invited to again participate in the “Together We Can Read” program. The reading day is March 21st at 9:00 a.m. Council members wishing to participate are asked to contact the Clerk’s Office.

REPORT OF THE CHAIRMAN

Committee Assignments – Mr. Washington stated that the committee assignments have been forwarded out to Council. Mr. Jeter will be replacing Mr. Washington on the Discretionary Grants Committee.

Installation of Councilwoman Dickerson as Chair of the National Foundation of Women Legislators (NFWL), State House Rotunda, March 7th at 11:00 a.m. – Mr. Washington stated that Ms. Dickerson will be installed as the Chair of the National Foundation of Women Legislators on March 7th, 11:00 a.m. at the State House Rotunda.

Palmetto Health’s “Report of the Tithe” – Mr. Washington stated that Palmetto Health’s “Report of the Tithe” was provided to Council for their review.

PRESENTATIONS

Transitions—Craig Currey, Chief Executive Officer – Mr. Craig Currey gave a brief presentation regarding Transitions’ accomplishments and requested the County’s continued financial support.

The North Columbia Business Association—SC Cornbread Festival—Andelyn D. Rodriguez – Ms. Rodriguez invited Council members to the SC Cornbread Festival, March 2nd, 10:00 a.m. -10:00 p.m., Main at Newman Street. The Council members are also invited to participate in a Cornbread Eating Contest.

The Leadership Columbia Class of 2013-Leading by Reading—Jacob Cook – Mr. Cook gave a presentation on the Leading by Reading program and invited Council members to participate.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson stated that all claims were dismissed on February 8th regarding the Federal Hatch Act case against him.

USDA Rural Development Resolution and Letter of Condition – Mr. Rusty Craven, USDA Rural Development, gave an overview of the resolution and letter of conditions.

Mr. Jackson moved, seconded by Mr. Livingston, to approve this item. The vote was in favor.

Mr. Jackson moved, seconded by Mr. Pearce, to reconsider this item. The motion failed for reconsideration.

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized that his daughter, Jalisa was in the audience.

Heart Healthy Month Resolution – This item was deferred to a future meeting.

OPEN/CLOSE PUBLIC HEARINGS

- **Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its hospital facilities revenue bonds (The Lutheran Homes of South Carolina, Inc.) Series 2013, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$42,000,000** – No one signed up to speak.
- **Authorizing the Execution and Delivery of a purchase agreement between the County and Deja Properties, LLC, to provide for the conveyance of certain property owned by and located in the County to Deja Properties, LLC, and Thermal Technologies, Inc., and other matters related thereto** – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to approve and appropriate the grant expenditure and transfer of \$138,121.33 of nonappropriated funds for programs in the Solicitor's and Sheriff's Office using said funds related to and from the Lending Tree settlement [THIRD READING]**
- **13-01MA, Columbia United FC, Stephen D. Searcy, CC4 to CC3 (24.14 Acres), Sunbelt Blvd., 09409-01-03 [THIRD READING]**
- **13-02MA, Circle K, Inc., Evan Walton, NC/MH to GC (1.5 Acres), Fore Ave. & Aubrey St., 22914-02/01/10/11 [THIRD READING]**
- **An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 Acres more or less, and being a portion of Richland County TMS # 06600-02-14 [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code [SECOND READING]**
- **A General Bond Ordinance authorizing and providing for the issuance of Hospitality Tax Revenue Bonds of Richland County, South Carolina; prescribing the form of bonds; providing for the payment of the bonds from the sources**

provided herein; creating certain funds and providing for payments into such funds; and other matters relating thereto [SECOND READING]

- **A First Supplemental Ordinance providing for the issuance and sale of Richland County, South Carolina, Hospitality Tax Refunding Revenue Bonds, Series 2013, or such other appropriate series designation, in the principal amount of not exceeding \$22,750,000; delegating authority to the County Administrator to determine certain matters with respect to the bonds; prescribing the form and details of such bonds; and other matters relating thereto [SECOND READING]**
- **An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds, Taxable Series 2013A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [SECOND READING]**

Mr. Pearce moved, seconded by Mr. Livingston, to approve the consent item. The vote in favor was unanimous.

THIRD READING

Authorizing the execution and delivery of a Purchase Agreement between the County and Deja Properties, LLC, to provide for the conveyance of certain property owned by and located in the County to Deja Properties, LLC and Thermal Technologies, Inc., and other matters related thereto – Mr. Malinowski moved, seconded by Mr. Jeter, to approve the item with the following amendments to the purchase agreement: to include language that the purchaser prior to final purchase of the property would have to reimburse seller for any damages that occur to the property; if purchaser completes road it must be up to Richland County Road Standards; and that the reimbursement of costs would be mutually-agreed upon by the County and the purchaser. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Certain Subdivisions Exempt from Road Standards; so as to delete the requirement of county review fees – Mr. Jeter moved, seconded by Mr. Rose, to approve this item. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission's responsibilities to include appearance – Ms. Dixon moved, seconded by Mr. Jackson, to amend the Richland County Conservation Commission responsibilities to include the fostering of civic pride in the beauty and assets of the County and, in all other ways possible, assure a functional, efficient and visual attractive County in the future. In addition, the Commission will support policies which

protect and improve the general appearance of all buildings, structures, landscaping and open areas of the County. The Appearance Commission funding shall be allocated to the Conservation Commission to offset the responsibility that they will now endure. A discussion took place.

The vote was in favor.

FIRST READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson requested that direction on the presentation of the Heart Healthy Month Resolution.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

An Ordinance Authorizing a Fee in Lieu of Tax Agreement between Richland County and Project Form [FIRST READING BY TITLE ONLY] – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Project Form Inducement Resolution – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

Pineview Land Options – Mr. Livingston stated that the committee recommended approval of this item. The vote was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Community Relations Council Appointments** – Mr. Malinowski stated that the committee recommended that the Community Relations Council be advised that based on their bylaws they may reduce the number of members for the Board of Directors. The vote in favor is unanimous.
- b. **If the number of applicants for a Richland County board or committee exceeds the number of available positions there will be no interviews of those applicants. The reason for this motion is that after the Rules & Appointments Committee takes the time to interview applicants and make recommendation to full council based on that interview, council members who supported someone else not chosen request an individual vote for political reasons rather than needs of the committee they applied for. It becomes a waste of the applicants time to be interviewed and committee's**

time if this is the process preferred [MALINOWSKI] – Mr. Malinowski stated that the committee recommended that interviews of applicants still be held unless there are special circumstances, i.e. Transportation Penny Advisory Committee. The vote in favor was unanimous.

OTHER ITEMS

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

H.3290/S.203 “Flow Control” Opposition Resolution – Mr. Malinowski moved, seconded Mr. Jeter, to approve this item. The vote in favor was unanimous.

Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its hospital facilities revenue bonds (The Lutheran Homes of South Carolina, Inc.) Series 2013, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$42,000,000 – Mr. Jeter moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

Application for locating a Community Residential Group Home in an Unincorporated Area of Richland County: 4824 Smallwood Road, Columbia, SC 29223 – Mr. Washington moved, seconded by Mr. Jackson, to deny this item. The vote in favor was unanimous.

CITIZEN’S INPUT

Mr. Ronald Colley spoke regarding concerns with law enforcement.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 8:05 p.m. and came out at approximately 8:11 p.m.
=====

- a. **Land Development Code Update** – No action was taken.
- b. **MOU Renewal** – Mr. Livingston moved, seconded by Mr. Jeter, to proceed as directed in Executive Session. The vote in favor was unanimous.

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

MOTION PERIOD

I hereby move to direct staff to seek the closing of all sexually oriented businesses operating in violation of the Richland County sexually oriented business ordinance by any and all legal means necessary for swift and permanent compliance. This will require the present and future assistance of Richland County law enforcement [ROSE and MALINOWSKI] – This item was referred to the D&S Committee.

Council create an ad hoc committee to study the procurement evaluation process [MANNING] – This item was referred to the Economic Development Committee.

I move that all businesses operating without license and proper license for their businesses be closed. The Business Center should have a list and coordinate with the Sheriff's Department to not just impose a fine but order them closed. Businesses are operating without license, liquor, beer and wine and without the proper license to avoid paying their fair share and be in compliance [JACKSON] – This item was referred to the D&S Committee.

Due to the fact that by law SOB's shall exist, I move to close all SOB's that are in violation and develop a new criteria that will allow them to exist without hardship causing frivolous lawsuits to the County. Suggestions on the new criteria will follow with input from the Legal Department [JACKSON] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:13 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

Torrey Rush

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Special Called: February 26, 2013 [**PAGES 16-19**]

MINUTES OF



RICHLAND COUNTY COUNCIL SPECIAL CALLED MEETING TUESDAY, FEBRUARY 26, 2013 6:00 p.m.

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

MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Julie Ann Dixon
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose
Member	Torrey Rush

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Stephany Snowden, Amelia Linder, Tracy Hegler, Dwight Hanna, Ronaldo Myers, Kathy Harrell, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:50 p.m.

PRESENTATION OF HEART HEALTHY MONTH RESOLUTION

Ms. Dickerson and Ms. Dixon presented Lauren Michalski with a resolution recognizing February as Heart Health Month.

Council recessed at approximately 6:57 p.m. and reconvened at 7:02 p.m.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **ASGDC Personnel Matter**
- b. **Litigation Update—Singley vs. Norfolk Southern**

=====
Council went into Executive Session at approximately 7:03 p.m. and came out at approximately 7:39 p.m.
=====

- a. **ASGDC Personnel Matter** – Ms. Dickerson moved, seconded by Mr. Malinowski, to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Litigation Update—Singley vs. Norfolk Southern** – Mr. Livingston moved, seconded by Mr. Manning, to proceed as recommended by the County Attorney.

Ms. Dickerson moved to proceed with the second recommendation. The motion died for lack of a second.

The vote to proceed as directed in Executive Session failed.

ADJOURNMENT

The meeting adjourned at approximately 7:41 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

Torrey Rush

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Zoning Public Hearing: February 26, 2013 [**PAGES 20-22**]

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, FEBRUARY 26, 2013 7:00 p.m.

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

MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Julie-Ann Dixon
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Jim Manning
Member	Seth Rose
Member	Torrey Rush

OTHERS PRESENT: Amelia Linder, Tracy Hegler, Sparty Hammett, Tony McDonald, Roxanne Ancheta, Justine Jones, Monique Walter, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:00 p.m.

ADDITIONS/DELETIONS TO AGENDA

Ms. Linder stated that the applicant had submitted a letter of withdrawal.

MAP AMENDMENT

13-021MA, Wayne Huggins, RU to GC (1.79 Acres), 9711 Garners Ferry Rd., 24700-11-07

Mr. Livingston moved, seconded by Mr. Pearce, to accept the applicant's withdrawal. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 7:02 p.m.

Submitted respectfully by,

Kelvin E. Washington, Sr.
Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- a. Land Development Code
- b. Singley vs. Norfolk Southern
- c. Hospitality Bonds

Richland County Council Request of Action

Subject

For Items on the Agenda Not Requiring a Public Hearing

Richland County Council Request of Action

Subject

- a. ASGDC Personnel Matter
- b. Introduction of County Engineer

Richland County Council Request of Action

Subject

- a. County Council Photograph Re-Shoot, March 19th, 5:40 p.m., Council Chambers
- b. CASA Quarterback Celebration, March 14th, 5:30 p.m., Dogwood Pond, 3800 Elberta Street

Richland County Council Request of Action

Subject

- a. Councilwoman Dickerson's Swearing-In Ceremony
- b. 2013 Legislators Exchange Program Funding Request [**PAGE 28**]
- c. Town of Eastover's 35th Annual Barbeque Festival Funding Request
- d. Columbia's First HipHop Family Day: Love, Peace & HipHop Funding Request



Where business is not a bane

2308 Haskell Ave
Columbia, SC 29204
Tel: (803) 758-5881
Fax: (803) 748-7976

www.worlddevelopmentalliance.org

February 5, 2013

Mr. Kelvin Washington, Chair
Richland County Council
2020 Hampton Street
Columbia, SC 29202

Dear Mr. Washington:

The South Carolina Legislative Exchange (SCLE) is a collaborative effort between the Benedict College Office of International Programs (BCOIP) and members of the South Carolina House of Representatives (SCHR). Three years ago, members of the South Carolina House of Representatives passed a resolution welcoming legislators from developing countries to South Carolina. The initial group of ten legislators from the Accra Metropolitan Assembly in Ghana launched an exciting chapter in South Carolina outreach to the world. In 2011, the WDA, a South Carolina based non-profit was formed to provide necessary infrastructure and coordination for the effort. As a result, the SCLE has expanded to include legislators from Ghana, Colombia, South America, and Tanzania and this year, Ethiopia has added its name to the list of participating legislators. The Legislative Exchange Program participants are the decision makers determining economic policy in their respective countries. Out of the interaction with South Carolina, Exchange participants become the basis for good relations between their respective countries seeking to do business and invest in SC, and SC businesses seeking to do business and invest abroad.

Last year, business delegates from Columbia's sister City, Accra, accompanied the Legislators in their trip to Columbia in order to promote business development in the two cities. Two businesses (chicken feed and vitamin supplies) were born out of this exchange. It is our hope that this trend will continue forward as expand our efforts to promote economic development for the people of the County.

We are kindly asking for a modest contribution of \$25,000 to support WDA and the 2013 Legislators Exchange Program. Twenty legislators are expected to participate in the Exchange in April of this year, and your financial support will make it possible for these visiting legislators to gain an appreciation for South Carolina's governmental processes and economic viability. Please consider making a contribution to WDA to help us defray the cost of hosting these visiting legislators. If your desire or require additional information, please do not hesitate to contact us.

Sincerely yours,

Norma Jackson
njwda1@gmail.com

Joe Neal
jnwda1@gmail.com

Richland County Council Request of Action

Subject

- a. An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 acres more or less, and being a portion of Richland County TMS # 06600-02-14
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code
- c. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission's responsibilities to include appearance
- d. An Ordinance Authorizing the issuance and sale of not to exceed \$6,000,000 General Obligation Bonds and General Obligation Refunding Bonds, Taxable Series 2013A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto

Richland County Council Request of Action

Subject

An Ordinance Authorizing Quit Claim Deed to Dorothy Jean Allison Vinson for a certain parcel of land located in Richland County, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 Acres more or less, and being a portion of Richland County TMS # 06600-02-14 **[THIRD READING] [PAGES 30-39]**

Notes

January 22, 2013 - The Committee recommended that Council approve the request to adopt and give first reading approval to the Quit Claim Deed to Dorothy Vinson.

First Reading: February 5, 2013

Second Reading: February 19, 2013

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: Quit Claim Deed - Vinson

A. Purpose

Council is requested to approve a Quit Claim Deed involving a triangular piece of land pointing east to west measuring 1,278 feet on the north and south sides and 31 feet on the east side located on the northeast corner of the Richland County Landfill Complex property on Caughman Road North.

B. Background / Discussion

Multiple surveys have been performed on the County landfill property (Parcel 06500-01-01) and on the property that was previously deeded to William Patrick Vinson (Parcel 6600-02-14). Surveys indicated that a 0.46 acre area overlapped both property lines, which also suggested that each party had a reasonable claim to the 0.46 acres. (See attached plat.)

County Council passed ordinance 007-06HR (3rd reading 2-7-06, see attachment 1) giving a Quit Claim Deed to William Patrick Vinson for the 0.46 acres; however, the Deed was never recorded. Dorothy Jean Allison Vinson, Mr. Vinson's wife, has become the sole property owner since Mr. Vinson's death on September 25, 2009. Mrs. Vinson is agreeable to recording a Quit Claim Deed for the property to resolve the disputed property line.

The approval of this request is needed to enable the County to complete the ongoing landfill property boundary survey. Based on the location of the 0.46 acres, deeding the land to Mrs. Vinson offered no adverse impact to the County in general or to future landfill operations specifically.

C. Legislative / Chronological History

This is a staff-initiated request. However, County Council passed ordinance 007-06HR (3rd reading 2-7-06) giving a Quit Claim Deed to William Patrick Vinson for the 0.46 acres. The Deed was never recorded and the property is now deeded to Mrs. Vinson since Mr. Vinson is deceased.

The Vinson's plat from February 23, 2005 is attached. The County's ongoing landfill property boundary survey data agrees with the Vinson survey.

D. Financial Impact

There is no anticipated financial impact associated with this request.

E. Alternative

1. Approve the request to approve the Quit Claim Deed and resolve the dispute.
2. Do not approve the request to approve Quit Claim Deed leaving the dispute unresolved.

F. Recommendation

It is recommended that Council approve the Quit Claim Deed.

Recommended by: Rudy Curtis

Department: Solid Waste

Date: 1/10/13

G. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 1/15/13

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 1/16/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council’s discretion. The request will require an ordinance, which has been provided.

Administration

Reviewed by: Sparty Hammett

Date: 1/16/13

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of the Quit Claim Deed.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 007-06HR

RICHLAND COUNTY
2006 MAR 7
BARBARA C. COOPER
CLERK

AN ORDINANCE AUTHORIZING QUIT CLAIM DEED TO WILLIAM PATRICK VINSON FOR A CERTAIN PARCEL OF LAND LOCATED IN RICHLAND COUNTY, APPROXIMATELY SEVEN (7) MILES NORTHWEST OF THE CITY OF COLUMBIA, BEING DESCRIBED AS A TRIANGULAR CROSSHATCHED AREA OF 0.46 ACRES MORE OR LESS, AND BEING A PORTION OF RICHLAND COUNTY TMS # 06600-02-14.

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 ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a quit claim deed to William Patrick Vinson for a certain parcel of land, as specifically described in the "Quit Claim Deed", which is attached hereto and incorporated herein.

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

SECTION III. Conflicting Ordinances. 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 February 7, 2006.

RICHLAND COUNTY COUNCIL

By: *Anthony G. Mizzell*
Anthony G. Mizzell, Chair

Attest this 21ST day of

FEBRUARY, 2006

Michelle R. Cannon-Finch
Michelle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Amelia R. Linder
Approved As To LEGAL Form Only.
No Opinion Rendered As To Content

First Reading: December 20, 2005
Second Reading: January 3, 2006
Public Hearing: February 7, 2006
Third reading: February 7, 2006

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-13HR

AN ORDINANCE AUTHORIZING QUIT CLAIM DEED TO DOROTHY JEAN ALLISON VINSON FOR A CERTAIN PARCEL OF LAND LOCATED IN RICHLAND COUNTY, APPROXIMATELY SEVEN (7) MILES NORTHWEST OF THE CITY OF COLUMBIA, BEING DESCRIBED AS A TRIANGULAR CROSSHATCHED AREA OF 0.46 ACRES MORE OR LESS, AND BEING A PORTION OF RICHLAND COUNTY TMS # 06600-02-14.

WHEREAS, Richland County Council previously passed ordinance 007-06HR which authorized a quit claim deed (the "Original Deed") for the same property described herein to William Vinson; and

WHEREAS, the Original Deed has been lost and was never recorded in the Richland County ROD; and

WHEREAS, in order to clarify a boundary dispute, Richland County desires to again grant a quit claim deed for the property to Dorothy Jean Allison Vinson, wife and successor in interest to William Vinson, who is deceased.

NOW THEREFORE, 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 ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a quit claim deed to Dorothy Jean Allison Vinson for a certain parcel of land, as specifically described in the "Quit Claim Deed", which is attached hereto and incorporated herein.

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

SECTION III. Conflicting Ordinances. 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 _____, 2013.

RICHLAND COUNTY COUNCIL

By: _____
Kelvin Washington, Chair

Attest this _____ day of _____, 2013.

Michelle Onley
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:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

QUIT CLAIM DEED
(Non-Abstracted Title to Real Estate)

KNOW ALL MEN BY THESE PRESENTS, that Richland County, South Carolina, (the "Grantor") for and in consideration of the sum of Five and 00/100 (\$5.00) Dollars and other valuable consideration paid by Dorothy Jean Allison Vinson (the "Grantee"), the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee, Dorothy Jean Allison Vinson, her successors and assigns forever, subject to any and all existing reservations, easements, encroachments, restrictions, covenants, zoning, governmental regulations, land use regulations, rights-of-way and conditions of this deed that may appear on record or on the premises, the following described real property:

All that certain piece, parcel, or lot of land, situate, lying and being in the County of Richland, State of South Carolina, approximately seven (7) miles northwest of the City of Columbia, being described as a triangular crosshatched area of 0.46 acres more or less, shown as a part of the southwestern portion of Tract "C," bearing Tax Map Number 6600-02-14, commencing at Grid Tie Point No. 106 bearing North $69^{\circ}29'19''$ E for a distance of 1278.20' to Grid Tie Point No. 105, from thence bearing South $20^{\circ}58'13''$ E for a distance of 31.06' to Grid Tie Point No. 104, from thence bearing South $70^{\circ}52'49''$ W for a distance of 1278.83' to point of origin Grid Tie Point No. 106, all as shown in a Boundary Survey for William Patrick Vinson by Mark E. Mills, S.C.P.L.S. #10779, dated March 23, 2005, and recorded on _____ in the Office of the Register of Deeds for Richland County in Book _____ at Page ____ .

Said property being generally bounded as follows: on the North by the remainder of Tract "C" on said boundary survey; on the West by lands now or formerly of Divex, Inc.; on the East by lands now or formerly of William P. Vinson, Jr.; and on the South by lands now or formerly of Richland County, South Carolina.

This being a portion of the identical property conveyed to Richland County, its Successors and Assigns, by deed of William E. Caughman, Jr., and B. D. Caughman, of the County of Richland, and Marion R. Caughman, of the County of Orangeburg, dated July 15, 1974, and recorded July 15, 1974, in the Office of the R.O.D. for Richland County, South Carolina in Deed Book 322 at Page 272.

Tax Map Reference: 6600-02-14

MAILING ADDRESS OF GRANTEE:

Dorothy Jean Allison Vinson
7323 Monticello Road
Columbia, South Carolina 29203

Together with all and singular the rights, hereditaments, members and appurtenances to said premises belonging or in anywise incident or appertaining.

To have and to hold all and singular the premises before mentioned unto the grantee, and the

grantee's heirs, personal representatives and assigns forever.

And, the grantor does hereby bind the grantor and the grantor's heirs and personal representatives to warrant and forever defend all and singular the said premises unto the grantee and the grantee's heirs, and personal representatives against the grantor and the grantor's heirs lawfully claiming, or to claim, any part thereof.

The grantee, by acceptance of this deed, acknowledges that the purposes of the conveyance and acceptance by the grantee of the property herein above-described are to resolve any dispute that may exist as to the accuracy of those portions of earlier recorded titles to real estate referencing the property conveyed herein and to reserve in favor of grantor an easement, right-of-way and encroachment right through and along the identical property conveyed herein for the purpose of grantor's accessing, servicing and maintaining its methane monitoring wells located in and around the property as more particularly shown on a Richland County Landfill Overall Topographic Map prepared by Wilbur Smith Associates, Project No. 392502, dated September 7, 2004, a copy of which is available for inspection during regular Richland County business hours at the Richland County Department of Public Works, 400 Powell Road, Columbia, SC 29203; said easement, right-of-way and encroachment right to exist in favor of Richland County for as long as is needed to carry out the purposes thereof relative to Richland County's methane monitoring wells.

Grantee agrees and binds its heirs, successors and assigns to hold harmless Richland County, its successors and assigns, from liability, damages, losses, costs, expenses, demands, claims, suits, actions and causes of action on account of illness, personal injury or death to persons or damage to property or other loss or liability arising from or in connection with the construction, maintenance, repair, removal, use or the fulfillment of any purpose or condition directly or indirectly connected with Richland County's methane monitoring wells contemplated herein and agrees to indemnify Richland County for any and all liability incurred or injury or damage sustained by reason of past, present or future such encroachment.

Any reference in this instrument to the plural shall include the singular and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the grantee.

WITNESS the grantor's hand and seal this ___ day of _____, 2013.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

RICHLAND COUNTY,
SOUTH CAROLINA

Kelvin E. Washington Sr., Chair
Richland County Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE

PERSONALLY appeared before me the undersigned witness, who after being duly sworn, deposes and says that s/he saw the within named Grantor, pursuant to due authority, sign, seal and as Grantor’s act and deed, deliver the within written deed for the uses and purposes therein mentioned, and that s/he with the other witness whose name appears above, witnessed the execution thereof.

WITNESS

SWORN to before me this

_____ day of December, 2013

_____(SEAL)

Notary Public for South Carolina

My Commission Expires: _____



LOCATION SKETCH SCALE: 1 INCH = 1 MILE

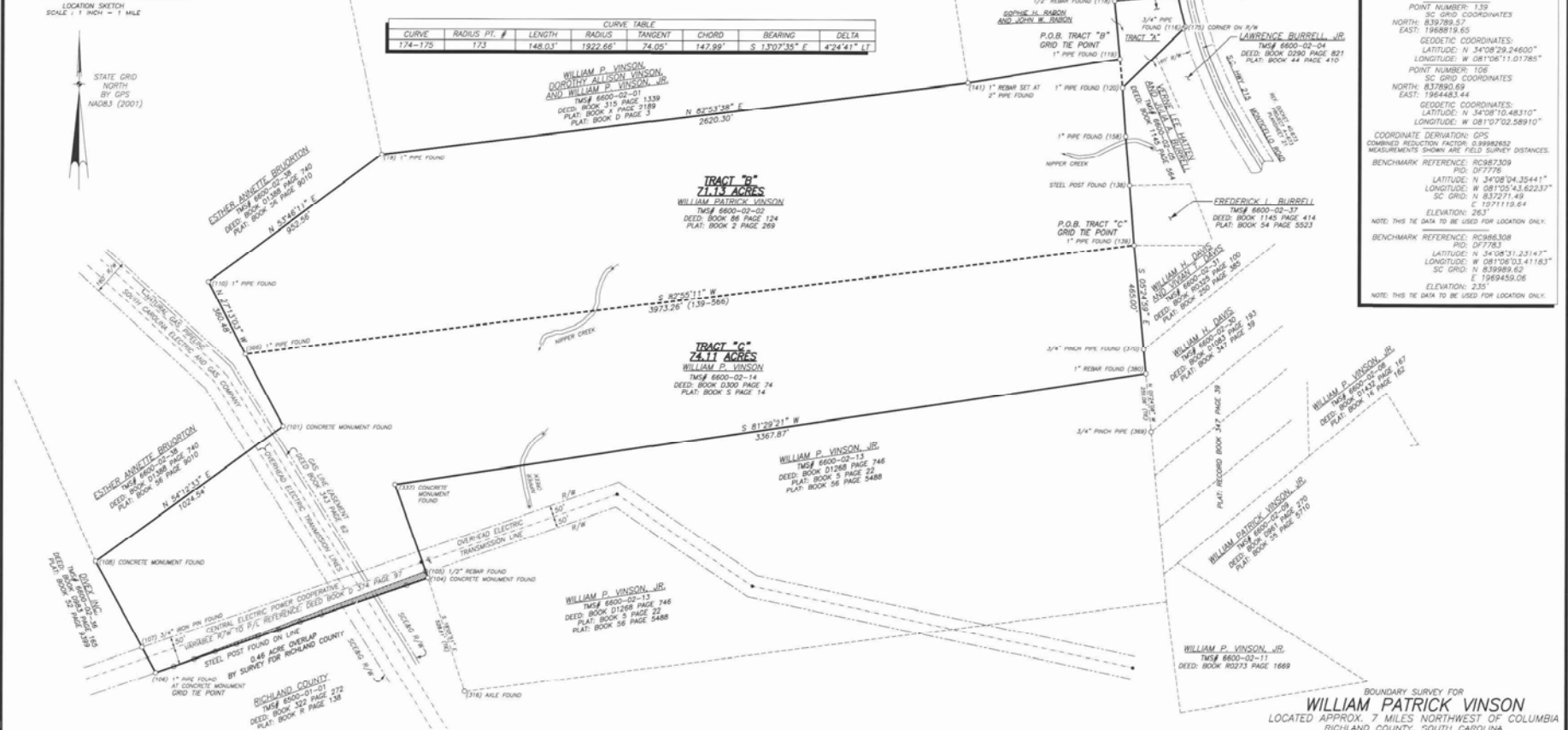
STATE GRID NORTH BY GPS NAD83 (2001)

TRACT "A" 1.81 ACRES		
PT-PT	BEARING	DISTANCE
SEE CURVE TABLE		
174-175	S 46°02'24" W	10.66'
175-116	S 46°02'24" W	175.22'
116-120	S 46°02'24" W	127.63'
120-119	N 05°29'41" W	259.02'
119-118	N 05°24'32" W	281.21'
118-117	N 04°31'24" E	20.95'
117-174	N 84°31'21" E	20.95'

TRACT "B" 71.13 ACRES		
PT-PT	BEARING	DISTANCE
SEE CURVE TABLE		
179-120	S 05°29'41" E	127.63'
179-158	S 02°50'31" E	215.84'
158-158	S 04°47'30" E	218.03'
158-139	S 04°24'30" E	265.11'
139-566	S 82°50'11" W	392.26'
566-110	N 27°14'03" W	350.48'
110-19	N 53°46'11" E	952.56'
19-141	N 82°53'58" E	2620.30'
141-119	N 81°03'38" E	689.27'

TRACT "C" 74.11 ACRES		
PT-PT	BEARING	DISTANCE
SEE CURVE TABLE		
139-370	S 05°24'59" E	465.00'
370-380	S 05°23'33" E	106.18'
380-337	S 81°29'21" W	336.27'
337-104	S 19°45'58" E	439.05'
104-108	S 20°52'49" W	1278.83'
108-107	N 28°48'36" W	126.11'
107-108	N 28°32'03" W	433.41'
108-101	N 54°12'33" E	1024.54'
101-566	N 27°56'51" W	360.96'
566-139	N 82°55'11" E	392.26'

CURVE TABLE						
CURVE	RADIUS	PI. #	LENGTH	TANGENT	CHORD	DELTA
174-175	173		148.03'	1922.66'	74.05'	147.99'
						S 13°07'35" E 47°44'11" LT



GEODEIC AND SC STATE GRID POINT DATA

HORIZONTAL DATUM: NAD83 (2001)
 VERTICAL DATUM: NAVD 88
 POINT NUMBER: 174
 SC GRID COORDINATES:
 NORTH: 840588.24
 EAST: 1969010.77
 GEODEIC COORDINATES:
 LATITUDE: N 34°08'40.21683"
 LONGITUDE: W 081°06'08.75677"
 POINT NUMBER: 119
 SC GRID COORDINATES:
 NORTH: 840613.42
 EAST: 1968854.36
 GEODEIC COORDINATES:
 LATITUDE: N 34°08'37.59635"
 LONGITUDE: W 081°06'11.80453"
 POINT NUMBER: 139
 SC GRID COORDINATES:
 NORTH: 839789.65
 EAST: 1968819.65
 GEODEIC COORDINATES:
 LATITUDE: N 34°08'29.24600"
 LONGITUDE: W 081°06'11.01785"
 POINT NUMBER: 108
 SC GRID COORDINATES:
 NORTH: 837850.69
 EAST: 1964483.44
 GEODEIC COORDINATES:
 LATITUDE: N 34°08'10.48310"
 LONGITUDE: W 081°07'02.58910"
 COORDINATE DERIVATION: GDS
 COMBINED REDUCTION FACTOR: 0.9982652
 MEASUREMENTS SHOWN ARE FIELD SURVEY DISTANCES.
 BENCHMARK REFERENCE: IC887309
 PID: 077776
 LATITUDE: N 34°08'04.35441"
 LONGITUDE: W 081°05'43.62337"
 SC GRID: N 839899.62
 E 1969459.06
 ELEVATION: 263'
 NOTE: THIS DATA TO BE USED FOR LOCATION ONLY.

BENCHMARK REFERENCE: IC886308
 PID: 077783
 LATITUDE: N 34°08'31.23147"
 LONGITUDE: W 081°06'03.41183"
 SC GRID: N 839899.62
 E 1969459.06
 ELEVATION: 235'
 NOTE: THIS DATA TO BE USED FOR LOCATION ONLY.

DRAWN BY CHRISTOPHER W. BASS

SURVEYOR'S SEAL: SOUTH CAROLINA LAND SURVEYING INC. 10775

SURVEYOR'S SEAL: GLENN ASSOCIATES SURVEYING INC. No. 002238

0.48 ACRE OVERLAP BY SURVEY FOR RICHLAND COUNTY

PT-PT	BEARING	DISTANCE
106-105	N 69°29'19" E	1278.20'
105-104	S 20°58'13" E	31.06'
104-106	S 70°52'49" W	1278.83'

NOTES:

1. I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP AND TO THE BEST OF MY KNOWLEDGE, BELIEF AND INFORMATION, THE SUBJECT PROPERTY IS LOCATED IN ZONE A AND ZONE X AS SHOWN THEREON.

COMMUNITY PANEL NUMBER: 450790045 G
 COMMUNITY PANEL DATE: JANUARY 19, 1994
 COMMUNITY PANEL NUMBER: 450790046 H
 COMMUNITY PANEL DATE: JULY 17, 1995

BOUNDARY SURVEY FOR
WILLIAM PATRICK VINSON
 LOCATED APPROX. 7 MILES NORTHWEST OF COLUMBIA
 RICHLAND COUNTY, SOUTH CAROLINA
 FEBRUARY 23, 2005
 SCALE: 1 INCH = 200 FEET

0 200' 400' 600' 800' 1000' 1200'

SURVEYED BY GLENN ASSOCIATES SURVEYING, INC.
 P.O. BOX 12 JENKINSVILLE, S.C. 29065 Telephone: (803) 345-5297

MARK E. MILLS; S.C.P.L.S. # 10779

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE NATIONAL ENGINEERING MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN.

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation Code; Section 6-192, Adopted; so as to adopt and codify the 2009 Edition of the International Energy Conservation Code **[THIRD READING] [PAGES 40-44]**

Notes

January 22, 2013 - The Committee recommended that Council approve the request to adopt and give First Reading approval to the 2009 edition of the code.

First Reading: February 5, 2013

Second Reading: February 19, 2013

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: To adopt and codify the 2009 edition of the International Energy Conservation Code.

A. Purpose

County Council is requested to adopt and then codify the 2009 edition of the International Energy Conservation Code into the Richland County Code of Ordinances.

B. Background / Discussion

On June 7, 2011 County Council enacted Ordinance No. 028-11HR, which adopted the 2006 edition of the International Energy Conservation Code. However, on March 29, 2012 the South Carolina General Assembly ratified Act No. 143, which amended Section 6-10-30 of the South Carolina Code of Laws by adopting the 2009 edition of the International Energy Conservation Code, to wit:

"Section 6-10-30. The 2009 edition of the International Energy Conservation Code is adopted as the Energy Standard. All new and renovated buildings and additions constructed within the State must comply with this standard."

Further, this law went into effect on January 1, 2013 and all building code officials must now enforce it. Although the Richland County Building Codes and Inspections Department is currently enforcing this updated code, the Richland County Code of Ordinances currently shows the International Energy Conservation Code as being the 2006 edition. Adoption and codification of the latest energy code is in the public interest, as it provides accurate information to interested citizens.

C. Legislative / Chronological History

The South Carolina General Assembly ratified Act No. 143 on March 29, 2012 and it was signed into law by the Governor on April 2, 2012. This law amended Section 6-10-30 of the South Carolina Code of Laws by adopting the 2009 edition of the International Energy Conservation Code, which is now State law in all jurisdictions. The 2009 edition has more stringent requirements than the 2006 edition did for many building elements and equipment. Also, additional tests are now required for mechanical systems testing, and there are increased standards for the building envelope and the associated inspections.

This is a staff-initiated request. Adopting and codifying the 2009 edition of the International Energy Conservation Code will allow the public to have more readily available access to the correct building codes in effect at any particular time.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to amend Section 6-192 of the Richland Council Code of Ordinances to adopt the 2009 edition of the International Energy Conservation Code by approving the attached ordinance. If this alternative is chosen, the County Code of Ordinances will be

consistent with State law, and it will be easier for Code enforcement officers to enforce, as they can then cite Section 6-192 of the County's Code.

2. Do not approve the request to amend Section 6-192 of the Richland Council Code of Ordinances by approving the attached ordinance, which adopts the 2009 edition of the International Energy Conservation Code. If this alternative is chosen, the County and its citizens will still have to comply with the 2009 edition of the International Energy Conservation Code, but it will conflict with the information provided on the County's website regarding which building codes are currently in effect. In essence, the website would be providing incorrect information to the public.

F. Recommendation

It is recommended that Council approve the request to adopt and codify the 2009 edition of the International Energy Conservation by approving the attached ordinance so that this information can be placed in the Richland County Code of Ordinances and be posted on the internet, thereby being more available to interested citizens.

Recommended by: Donny Phipps Department: Building Codes Date: 1/11/13

G. Reviews

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

Please be specific in your recommendation. While "Council Discretion" may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 1/16/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 1/16/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date: 1/16/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to adopt and codify the 2009 edition of the International Energy Conservation Code.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE XI, ENERGY CONSERVATION CODE; SECTION 6-192, ADOPTED; SO AS TO ADOPT AND CODIFY THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

WHEREAS, Act No. 143 was ratified by the South Carolina General Assembly on March 29, 2012 and signed into law by the Governor on April 2, 2012; and

WHEREAS, Act No. 143 amended Section 6-10-30 of the South Carolina Code of Laws by adopting the 2009 edition of the International Energy Conservation Code, which mandates that this Code be used for all commercial and/or residential construction in the state of South Carolina, effective January 1, 2013; and

WHEREAS, the Building Codes and Inspections Department is now enforcing the 2009 edition of the International Energy Conservation Code; however, the Richland County Code of Ordinances currently shows the International Energy Conservation Code as being the 2006 edition; and

WHEREAS, adoption and codification of the latest building codes is in the public interest as it provides accurate information to interested citizens.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation; Section 6-192, Adopted; is hereby amended to read as follows:

Sec. 6-192. Adopted.

There is hereby adopted by the county council the ~~2006~~ 2009 International Energy Conservation Code, including Chapter 1 (Administration and Enforcement), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or maintenance of every building or structure shall conform to the requirements of this Code.

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 _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; so as to include funds for resurfacing of existing paved roads
[SECOND READING] [PAGES 45-48]

Notes

First Reading: February 19, 2013

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; SECTION 21-21, TRANSPORTATION IMPROVEMENT PROGRAM; SO AS TO INCLUDE FUNDS FOR RESURFACING OF EXISTING PAVED ROADS.

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

SECTION 1. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-21, Transportation Improvement Program; is hereby amended to read as follows:

Sec. 21-21. Transportation improvement program.

(a) All public funds available to the county for transportation system improvements shall be expended in accordance with a comprehensive transportation improvement plan. This would apply to:

- (1a) Connector roads;
- (2b) Intersection improvements;
- (3e) Widening;
- (4d) Turn lanes; and
- (5e) Alignment improvements.

(b) Road resurfacing funds, for the resurfacing of existing paved roads, will be distributed by county council district based on that district's portion of total county paved road mileage. Pro rata fund distribution will be calculated as follows:

$$\frac{\text{District paved road paving funds}}{\text{Total paved road mileage}} = \frac{\text{Total paved road resurfacing funds}}{\text{Total paved road mileage}} \times \text{district paved road mileage}$$

Mileage refers to paved road mileage in the county road maintenance system (i.e. public paved roads that are routinely maintained by county public works forces). Roads will be selected for paving based on distribution/availability of funds and priority within that council district, as determined by the condition analysis as maintained by Public Works.

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 _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY
OF _____, 2013

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 19, 2013 (tentative)
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

Purchase of Parcels for Devil's Ditch Enhancement [**PAGES 49-55**]

Notes

February 26, 2013 - The Committee recommended that Council approve the request to purchase six undeveloped parcels without the use of real estate appraisals where the parcels can be purchased at or below the cost of the associated appraisals.

Richland County Council Request of Action

Subject: Purchase of Parcels for Devil's Ditch Enhancement

A. Purpose

County Council is requested to approve the purchase of six (6) undeveloped parcels without the use of real estate appraisals where the parcels can be purchased at or below the cost of associated appraisals.

B. Background / Discussion

Devil's Ditch Capital Improvement Project (CIP) is a joint maintenance and enhancement effort with the City of Columbia and the Gills Creek Watershed Association. The parcels are being purchased to enhance the Devil's Ditch drainage corridor, reduce flooding and improve overall water quality in the Gills Creek Watershed. Devil's Ditch was constructed in the mid-to late-1980s. Since then the area has become highly urbanized and land for drainage project enhancements is relatively difficult to find. In 2010 the Dennis Corporation was awarded the design of the project.

Devil's Ditch is the drainage area for large portions of the Shandon, Rosewood and South Kilbourne Road areas. It flows through the Owens Field Airport property and eventually into Gills Creek near South Beltline Boulevard and Shop Road. This urban drainage causes flooding and erosion along Devil's Ditch. The CIP was approved to provide engineering services for maintenance and enhancement activities related to flooding and erosion in the ditch.

Since completion of the survey and design process, numerous meetings were held with the public as well as City of Columbia staff. During these meetings, it became apparent that much of the land bordering the northern section of the ditch was either unusable or already owned by Richland County (see Appendix 1) and should be utilized, if possible, for the enhancement of the Devil's Ditch CIP.

The Department of Public Works (DPW) contacted several of the land owners and has determined that most of the lots can likely be purchased at or below the cost of an appraisal because most do not have easy access, are largely dominated or cut off by Devil's Ditch and cannot be easily developed. The estimated cost of an appraisal is \$600 for each parcel. In discussions with parcel owners, adding the cost of appraisals to the parcel purchase could more than double the purchase price of the parcels, in some cases.

Because the parcels are best suited for use in the Devil's Ditch CIP, can likely be purchased for a low price and will greatly improve the overall project goals, we recommend proceeding with the purchase of the six (6) properties without the use of real estate appraisals in the instance where the parcels can be purchased at or below the cost of an appraisal.

C. Legislative/Chronological History

Notice to Proceed was awarded for engineering services for the Devil's Ditch CIP on September 23, 2010. The project is currently in the design phase.

D. Financial Impact

The price of purchasing the parcels is estimated to cost \$3,600 and is available in the Stormwater Drainage Projects' Budget.

E. Alternatives

1. Approve the request to purchase six (6) parcels adjacent to Devil's Ditch without the use of real estate appraisals for a maximum estimated cost of \$3,600. The purchase of these parcels will enhance the Devil's Ditch CIP, and these properties may be purchased for much less than the cost of an appraisal.
2. Approve the request to purchase six (6) parcels adjacent to Devil's Ditch with the use of appraisals. The cost of purchasing the parcels will increase beyond the estimated \$3,600 to also include the cost of the appraisals.
3. Do not approve the request to purchase six (6) parcels adjacent to Devil's Ditch. If the parcels are not purchased, however, the design enhancement in the CIP cannot advance toward reducing the flooding, erosion and improving water quality within the Gills Creek Watershed.

F. Recommendation

It is recommended that Council approve the purchase of six (6) undeveloped parcels without the use of real estate appraisals where the parcels can be purchased at or below the cost of the associated appraisals.

Recommended by: David Hoops Department: Public Works Date: 1/5/13

G. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 2/7/13
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 2/7/13
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Council discretion; however, Legal recommends all normal property acquisition steps (title search, appraisal, Phase 1 Environmental, etc.) be followed unless deemed unnecessary/inappropriate under the given circumstances.

Administration

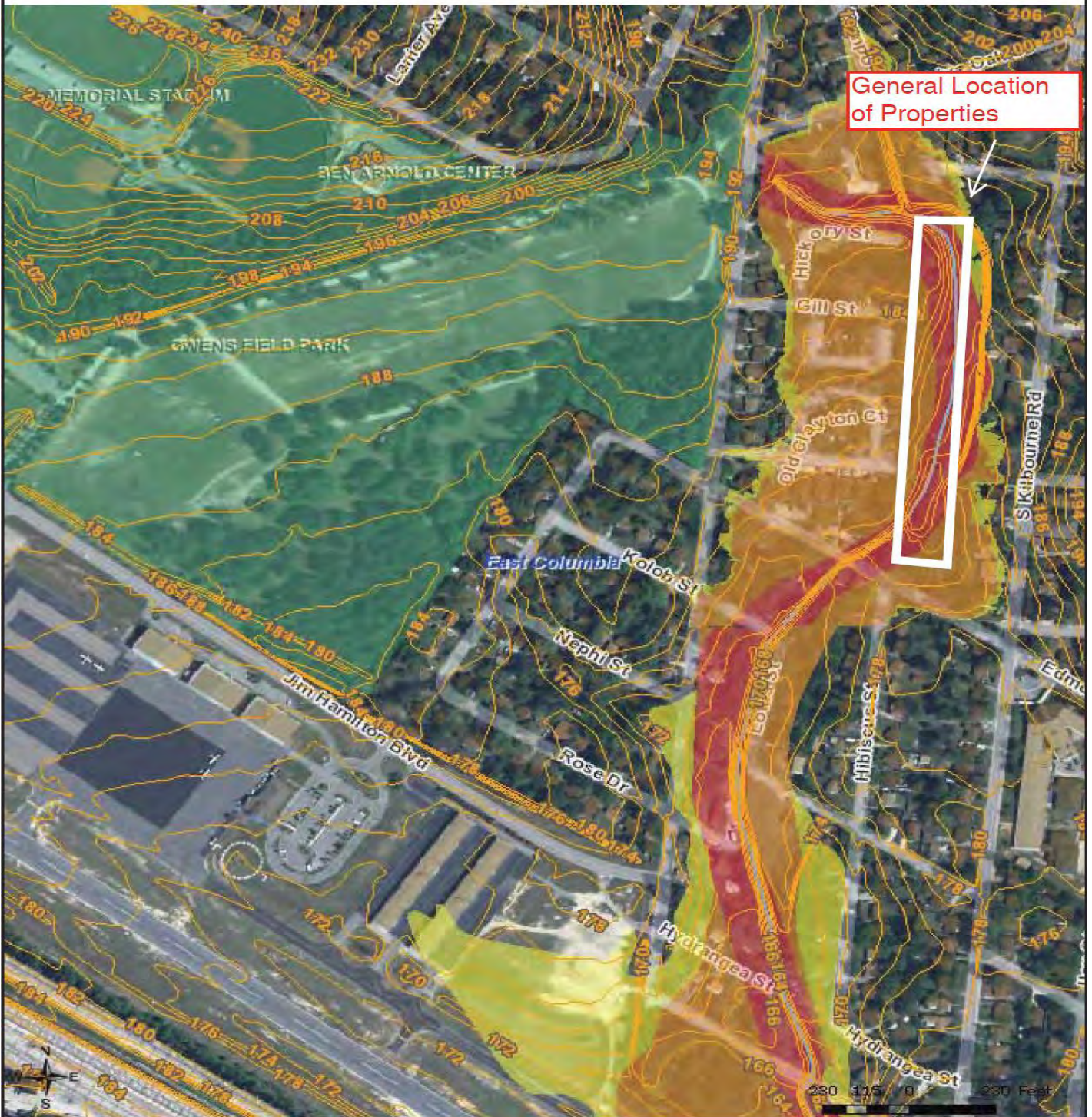
Reviewed by: Sparty Hammett Date: 2/13/13
✓ Recommend Council approval Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to purchase six (6) parcels adjacent to Devil's Ditch without the use of real estate appraisals for a maximum estimated cost of \$3,600. Due to the low value of the parcels, the cost of the appraisals could double the purchase cost.

Appendix 1

Richland County Map



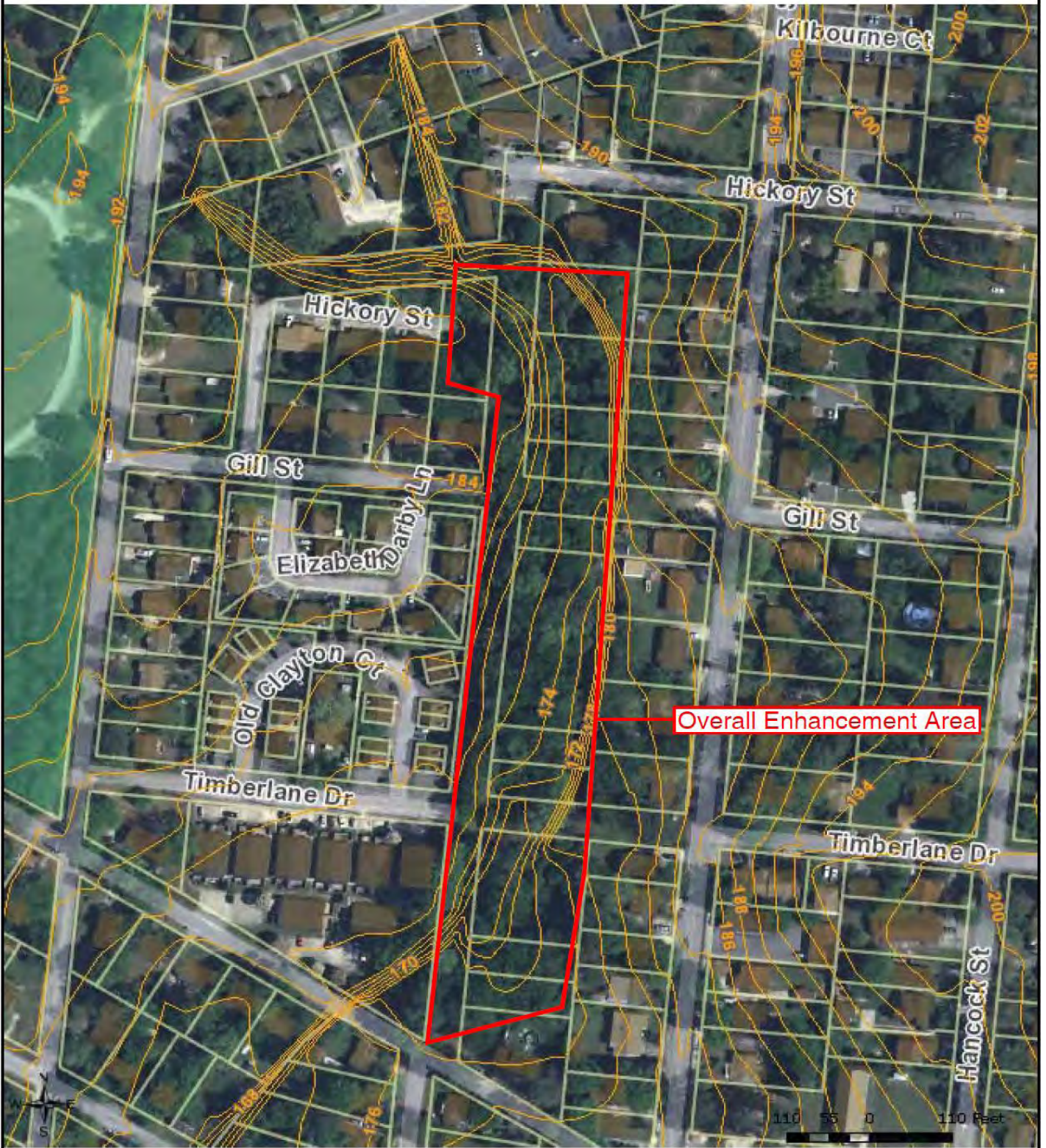
COPYRIGHT 2009, RICHLAND COUNTY GIS



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



Richland County Map



Overall Enhancement Area



COPYRIGHT 2009, RICHLAND COUNTY GIS

DISCLAIMER : THIS IS A PRODUCT OF THE RICHLAND COUNTY GIS DEPARTMENT. THE DATA DEPICTED HERE HAVE BEEN DEVELOPED WITH EXTENSIVE COOPERATION FROM OTHER COUNTY DEPARTMENTS, AS WELL AS OTHER FEDERAL, STATE AND LOCAL GOVERNMENTS AGENCIES. RICHLAND COUNTY EXPRESSLY DISCLAIMS RESPONSIBILITY FOR DAMAGES OR LIABILITY THAT MAY ARISE FROM THE USE OF THIS MAP.



Richland County Map



COPYRIGHT 2009, RICHLAND COUNTY GIS



DISCLAIMER : THIS IS A PRODUCT OF THE RICHLAND COUNTY GIS DEPARTMENT. THE DATA DEPICTED HERE HAVE BEEN DEVELOPED WITH EXTENSIVE COOPERATION FROM OTHER COUNTY DEPARTMENTS, AS WELL AS OTHER FEDERAL, STATE AND LOCAL GOVERNMENTS AGENCIES. RICHLAND COUNTY EXPRESSLY DISCLAIMS RESPONSIBILITY FOR DAMAGES OR LIABILITY THAT MAY ARISE FROM THE USE OF THIS MAP.



Richland County Council Request of Action

Subject

Review Change of Use Requirements for Small Businesses on Existing Property **[TO TABLE] [PAGES 55-66]**

Notes

February 26, 2013 - The Committee unanimously approved a motion to table the request to review the current change of use requirement.

Richland County Council Request of Action

Subject: Review Change of Use Requirements for Small Businesses on Existing Property

A. Purpose

County Council is requested to approve a motion for a review of the current change of use requirement to submit costly blueprint and parking lot designs for small businesses that move on to existing properties.

B. Background / Discussion

The Planning and Development Services Department inspects change of use applications to ensure adequate parking is provided for the new use, per 26-173(b), which went into effect July 1, 2005 (as referenced in Appendix D). If it is determined more parking is required to accommodate the new use as defined in Sec. 26-173, Table 26-VII-1, the applicant is required to complete a Change of Use form, supply appropriate fees, prepare drawings for how the new parking will be accommodated and illustrate that it will conform with Code. Please note that these construction drawings are required only when additional spaces are needed to accommodate the new use, per Code.

The Building Codes and Inspections Department reviews plans for structural and life safety compliance with the International Building Codes. Repairs or alterations to a building that is less than 5,000 square feet and less than three (3) stories in height does not require the services of a design professional unless the alterations will increase the area of the building beyond 5,000 square feet or affect the structural safety of the building. If either the building size or structural safety is affected by the alteration, the services of a design professional are required. If the use of a building is one of Assembly, Institutional, Educational or Hazardous occupancy or if the use of a building changes to become one of Assembly, Institutional, Educational or Hazardous occupancy, the services of a design professional are required, regardless of size.

The Department uses the codes contained in Appendices A and C to allow them the option of not requiring construction documents from design professionals (which they currently do with great frequency). This allows us to ensure that the environment is safe and structurally sound and to protect Richland County by enforcing the minimum required codes. Generally, when a change of occupancy occurs, the Building Codes and Inspections Department sends an inspector to the site to verify that the minimum life and safety issues have been complied with, as well as ensuring that the Americans with Disabilities Act (ADA) requirements are met, at no charge. There may be structural and fire separation issues based on the occupancy as well. When changes are required, they are typically minimal.

Amending the change of use requirements could potentially put the County in violation of South Carolina law and/or County ordinance(s), which could result in the Building Official being reprimanded, fined and possible loss of his license by the South Carolina Department of Labor, Licensing and Regulation as a result of being in violation of state law.

The Department's requirements are based on South Carolina law through statute (see Appendix A, SECTION 40-3-290. Exceptions from coverage of chapter; SECTION 6-9-40. Building code

adoption procedure, adopted 6/6/07; SECTION 6-9-50. Adoption by reference of nationally recognized codes and standards, adopted 7/1/09; SECTION 6-9-55. Council to promulgate certain regulations, adopted 6/7/10; SECTION 6-9-60. Adoption by reference of certain nationally recognized codes and standards, adopted 7/2/03.); adopted building codes (see Appendix B, 2006 International Building Code, adopted 3/3/09); and/or County ordinances (see Appendix C). The Planning Department's requirements are based on County ordinances (see Appendix D).

C. Legislative / Chronological History

On January 15, 2013 the Honorable Norman Jackson made the following motion, which County Council directed be sent to the February 26, 2013 meeting of the D&S Committee:

“Review the process of requiring costly blueprint and parking lot design for small businesses on existing property with change of use. If there are no structural changes and no increase in capacity the cost of reproducing blueprints should not be necessary. This is an effort to make the County more business-friendly.”

D. Financial Impact

The “change of use” fee is currently \$200. If Council removed parking lot design requirements for a change of use, the County would no longer charge this “change of use” fee. Based on the average number of businesses that move on to existing properties that do not require structural changes or increases in capacity, the County would lose between \$1,400 and \$2,400 in revenue each year.

E. Alternatives

1. Approve the request to end the requirement for small businesses on existing properties to provide blueprints or parking lot designs when there are no structural changes or increases in capacity for a change of use. If this alternative is chosen, the County may be in violation of South Carolina law and/or County ordinance(s), and it could result in the Building Official being reprimanded, fined and the loss of his license by the South Carolina Department of Labor, Licensing and Regulation because of being in violation of State law. However, if the County found itself in the position of being in violation of State law, the County could petition the General Assembly to change the law and County Council could change the Land Development Code to eliminate the parking requirements for different types of businesses.
2. Do not approve the request to end the requirement for small businesses on existing properties to provide blueprints or parking lot designs despite there being no structural changes or increases in capacity. If this alternative is chosen, the County will remain in compliance with statutory, building code and ordinance requirements.

F. Recommendation

The Honorable Norman Jackson recommends that Council approve the request to review the process of requiring costly blueprint and parking lot design for small businesses on existing property with change of use.

Recommended by: Norman Jackson

Department: County Council

Date: 1/15/13

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers Date: 2/8/13
 Recommend Council approval ✓ Recommend Council denial
Comments regarding recommendation:

Recommend that the County get clarification on the information in ROA stating that approval may be in violation of State Law prior to action.

Building Codes and Inspections

Reviewed by: Donny Phipps Date:
 Recommend Council approval ✓ Recommend Council denial
Comments regarding recommendation: See laws and codes cited below.

Planning

Reviewed by: Tracy Hegler Date:
 Recommend Council approval ✓ Recommend Council denial
Comments regarding recommendation: See laws and codes cited below. Also, note the Planning Department requires parking plans when it is determined the change in use will require more parking to sufficiently meet our Code. Not doing this may lead to insufficient parking in the County.

Legal

Reviewed by: Elizabeth McLean Date: 2/14/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Legal cannot recommend any ordinance change which would result in Richland County being in violation of State law.

Administration

Reviewed by: Sparty Hammett Date: 2/19/13
 Recommend Council approval ✓ Recommend Council denial
Comments regarding recommendation: The Building Inspections Department currently only requires construction documents when required by State law.

South Carolina State Law

SECTION 40-3-290. Exceptions from coverage of chapter.

(A) Nothing in this chapter prohibits a general contractor or a home builder from the preparation and use of details and shop drawings, assembly or erection drawings, or graphic descriptions used to detail or illustrate a portion of the work required to construct the project in accordance with the plans and specifications prepared or to be prepared under the requirements of this chapter.

(B) Nothing in this chapter prevents or affects the practice of any other legally recognized profession.

(C) If the drawings and specifications are signed by the authors with the true title of their occupations, this chapter does not apply to the preparations of plans and specifications for:

(1) a building which is to be used for farm purposes only;

(2) a building less than three stories high and containing fewer than five thousand square feet of total floor area except buildings of assembly, institutional, educational, and hazardous occupancies as defined by the Standard Building Code, regardless of area;

(3) a detached single-family or two-family dwelling, as defined in Group R3 of the Standard Building Code, regardless of size, with each unit having a grade level exit and sheds, storage buildings, and garages incidental to the dwelling;

(4) alterations to a building to which this chapter does not apply, if the alterations do not increase the areas and capacities beyond the limits of this chapter or affect the structural safety of the building.

(D) Nothing in this chapter prevents or affects the practice of engineering, as defined in Chapter 22 of Title 40, or architectural work incidental to the practice of engineering.

SECTION 6-9-40. Building code adoption procedure; notice, comments and public meetings; effective date; promulgation and re-adoption of modifications.

(A) The council is authorized to review, adopt, modify, and promulgate the building codes referenced in Section 6-9-50, provided that:

(1) a notice of intention to adopt a code, adopt a new edition of a code, or modify an existing code must be published in the State Register as a Notice of General Interest, on websites published by the Department of Labor, Licensing and Regulation, and must be provided to each local building department with instructions for its prominent display;

(2) the notice must include:

(a) the address to which interested persons may submit written comments; and

(b) a period of not less than one hundred eighty days during which comments may be received;

(3) comments must be assigned to a study committee appointed by the council which shall publish Notice of General Interest in the same manner as provided in item (1) setting out the committee's scope of review. The notice must give instructions for filing an intention to appear before or provide evidence or comments to the committee, or both. The committee must be comprised of at least three people with different technical backgrounds; and

(4) the committee shall hold at least one public meeting, accept evidence and comments, and make a written recommendation to the council. Within one hundred eighty days from the end of the

comment period, the council shall adopt, modify, or deny the recommendations from the committee. The council may modify or amend the code after a finding on the record that the modifications provide a reasonable degree of public health, safety, and welfare.

Any amended or modified code shall be codified as provided for in Section 1-23-90. The council shall determine whether the amended or modified code becomes effective on the first day of January or July.

(B)(1) If it is discovered at any time between building code cycles that an existing building code requirement constitutes a new threat to the life or safety of building occupants that was unknown when the building code was last approved, an emergency building code modification may be made by the council. An emergency building code modification shall take effect on a date established by the council.

(2) The council must provide notice of a request for an emergency building code modification in the same manner as required for a regular council meeting.

(3) The council must conduct a hearing to consider an emergency building code modification at an open council meeting, and all proponents and opponents must be given ample time to state their positions.

(C) Modifications promulgated pursuant to this section do not require readoption by the council for subsequent editions of the building codes. Upon submission of a formal request, existing modifications shall be reconsidered each time a new edition of the building code is considered for adoption by the council.

HISTORY: 1962 Code Section 14-400.584; 1972 (57) 2607; 1984 Act No. 481, Section 2; 1997 Act No. 123, Section 1; 2003 Act No. 83, Section 1, eff July 2, 2003; 2005 Act No. 28, Section 1, eff March 22, 2005; 2007 Act No. 54, Section 1, eff June 6, 2007.

SECTION 6-9-50. Adoption by reference of nationally recognized codes and standards; outdoor burning exception.

(A) The council shall adopt by reference and amend only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction within this State: building, residential, gas, plumbing, mechanical, fire, and energy codes as promulgated, published, or made available by the International Code Council, Inc. and the National Electrical Code as published by the National Fire Protection Association. The appendices of the codes provided in this section may be adopted as needed, but the specific appendix or appendices must be referenced by name or letter designation at the time of adoption. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal or county governing body.

(B) The governing body of a county may not enforce that portion of a nationally recognized fire prevention code it has adopted which may regulate outdoor burning for forestry, wildlife, and agricultural purposes as regulated by the South Carolina Forestry Commission.

HISTORY: 1962 Code Section 14-400.585; 1972 (57) 2607; 1984 Act No. 481, Section 2; 1997 Act No. 123, Section 1; 1998 Act No. 381, Section 1; 1999 Act No. 44, Section 2; 2003 Act No. 83, Section 1, eff July 2, 2003; 2009 Act No. 46, Section 2, eff July 1, 2009.

SECTION 6-9-55. Council to promulgate certain regulations.

(A) The council shall promulgate as regulations, in accordance with the procedure and requirements contained in Article 1, Chapter 23, Title 1, any provision of or amendment to any building code that would affect construction requirements for one-family or two-family dwellings. No building code provision that would otherwise become effective after the effective date of this section concerning construction requirements for one-family or two-family dwellings shall be enforced until the effective date of the regulations required to be promulgated by this section.

(B) Notwithstanding subsection (A), a regulation mandating the installation of an automatic residential fire sprinkler system in one-family or two-family dwellings shall not become effective at any time before January 1, 2014.

HISTORY: 2010 Act No. 232, Section 2, eff June 7, 2010.

SECTION 6-9-60. Adoption by reference of certain nationally recognized codes and standards.

Municipalities and counties may adopt by reference only the latest editions of the following nationally recognized codes and the standards referenced in those codes for regulation of construction within their respective jurisdictions: property maintenance, performance codes for buildings and facilities, existing building, and swimming pool codes as promulgated, published, or made available by the International Code Council, Inc. The appendices of the codes provided in this section may be adopted as needed by a municipality or county, but the specific appendix or appendices must be referenced by name or letter designation in the adopting ordinance. However, the provisions of the codes referenced in this section which concern the qualification, removal, dismissal, duties, responsibilities of, and the administrative procedures for all building officials, deputy building officials, chief inspectors, other inspectors, and assistants do not apply unless they have been adopted by the municipal or county governing body.

HISTORY: 1962 Code Section 14-400.586; 1972 (57) 2607; 1977 Act No. 173 Section 2; 1978 Act No. 629; 1984 Act No. 481, Section 2; 1993 Act No. 181, Section 64; 1997 Act No. 123, Section 1; 1998 Act No. 381, Section 2; 1999 Act No. 44, Section 3; 2002 Act No. 173, Section 1; 2003 Act No. 83, Section 1, eff July 2, 2003.

Adopted Building Codes from the Building Codes Council

2006 International Building Code

106.1 Submittal documents.

Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

There may be fire safety related requirements (fire marshal) to follow, such as:

SUBARTICLE 1

FIRE PREVENTION AND LIFE SAFETY

Statutory Authority: 23-9-60, 39-41-260, 40-82-70, S.C. Code of Laws, 1976, as amended.

71-8300 Fire Prevention and Life Safety.

71-8300.1 General

A. Title. These regulations shall be known as the State Fire Marshal's Rules and Regulations.

B. Intent. The purpose of these regulations is for safeguarding to a reasonable degree, life and property from fire, natural disasters, acts of terrorism, and other hazards associated with the construction, alteration, repair, use, and occupancy of buildings, structures, or premises. These regulations shall be the minimum standards required by the Office of State Fire Marshal for fire prevention and life safety in South Carolina for all buildings and structures.

C. Applicability.

1. All buildings, structures, or premises shall be constructed, altered, or repaired in conformance with these regulations.

2. All equipment or systems in a building, structure, or premise shall be constructed, installed, altered, or repaired in conformance with these regulations.

3. These regulations shall not conflict with any state statute, code, or ordinance adopted pursuant to Title 6, Chapter 9 of the South Carolina Code by any municipality or political subdivision. In the event of a conflict, such statute, code, or ordinance shall

apply. These regulations shall apply to state, county, municipal, and private buildings, structures, or premises unless excluded by these regulations or state statute.

4. These regulations shall not apply to:

- a. Buildings constructed, or occupied exclusively as one and two-family dwellings.
- b. One-story buildings less than 5,000 square feet, unless the building is classified as a Group A, E, I, R-1, R-2, R-4, or H occupancy by the adopted building code.

D. Existing Buildings.

1. Existing buildings, structures, or premises shall be permitted to continue in operation under the code the buildings, structures, or premises were constructed unless addressed by these regulations or state statute.

2. Alterations, repairs, additions, and rehabilitation to an existing building or structure, shall fully comply with the current codes for new construction when one of the following occurs:

- a. The cost of construction exceeds fifty percent of the building value before the construction.
- b. The building is damaged by fire, natural disaster, or otherwise, in excess of fifty (50) percent of the building value before such damage.
- c. The building is moved into or within the state, excluding modular structures regulated by the Manufactured Housing Board.

3. Buildings, structures, or premises reopened after being vacant for more than one (1) year shall be considered new construction and must conform to the current codes for new construction.

4. If the occupancy classification or sub-classification of an existing building changes, the building shall conform to the current code for new construction.

Richland County Ordinances Affecting Building Codes and Inspections

The ordinance adopting the 2006 Edition of the International Building Code was given 3rd reading on July 15, 2008 and went into effect on July 15, 2008 (Ordinance No. 038-08HR).

Sec. 6-82. Adopted.

(b) There is hereby adopted by the county council the 2006 International Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or demolition of every building or structure (other than a one or two family dwelling structure) shall conform to the requirements of this Code.

Richland County Ordinances Affecting Planning

For reference regarding what the Planning Department enforces, please see below:

The ordinance adopting the Land Development Code was given 3rd reading on November 9, 2004 and went into effect on July 1, 2005 (Ordinance No. 074-04HR). Under Section 26-173 (b), it stated:

- (b) *Parking requirements for a change in use.* If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this section. However, if a change in use would require an increase of less than five percent (5%) of the required number of parking spaces, or less than five (5) spaces, no additional off-street parking shall be required.

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2, Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (E), Determination of Alternate Materials and Alternate Methods of Construction; and Subsection (F), Reports; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment" **[FIRST READING] [PAGES 67-71]**

Notes

February 26, 2013 - The Committee recommended that Council approve the request to approve an ordinance to correct references to Building Codes' Board of Adjustment in Chapter 6 of the County Code of Ordinances.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

Richland County Council Request of Action

Subject: Correcting Reference to Building Codes Board of Adjustment

A. Purpose

County Council is requested to approve an ordinance to correct references to Building Codes Board of Adjustment in Chapter 6 of the County Code of Ordinances.

B. Background / Discussion

On February 7, 2012, County Council adopted an ordinance (No. 004-12HR) to “properly reference the Building Codes Board of Appeals rather than the Building Codes Board of Adjustment wherever applicable.” Although the ordinance made several corrections throughout Chapter 6 (Buildings and Building Regulations), it omitted the correction to Section 6-31(e) and (f), which still references the Building Codes Board of Adjustment.

The Legal Department recently sent the County ordinances, including Ordinance No. 004-12HR, to American Legal Publishing in order to be codified. When their editors reviewed our ordinances, they noticed that Section 6-31(e) and (f) still had the former reference to “Building Codes Board of Adjustment.” We then advised American Legal Publishing that we would attempt to enact a corrective ordinance as soon as possible. This corrective ordinance is attached hereto.

C. Legislative / Chronological History

This is a staff-initiated request. Therefore, there is no legislative history.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to amend the ordinance by correcting the improper reference to “Building Codes Board of Adjustment.”
2. Do not approve the request to amend the ordinance by correcting the improper reference to “Building Codes Board of Adjustment”

F. Recommendation

Staff recommends that Council approve the ordinance correcting the improper reference to “Building Codes Board of Adjustment”

Recommended by: Amelia R. Linder, Esq.

Department: Planning

Date: 2/8/13

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers
✓ Recommend Council approval
Comments regarding recommendation:

Date: 2/11/13
 Recommend Council denial

Building Codes and Inspections

Reviewed by: Donny Phipps
 Recommend Council approval
Comments regarding recommendation:

Date: 2/11/13
 Recommend Council denial

Legal

Reviewed by: Elizabeth McLean
 Recommend Council approval
Comments regarding recommendation:

Date: 2/12/13
 Recommend Council denial

Administration

Reviewed by: Sparty Hammett
✓ Recommend Council approval
Comments regarding recommendation:

Date: 2/12/13
 Recommend Council denial

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 2, BUILDING CODES AND INSPECTIONS DIRECTOR; SECTION 6-31, POWERS AND DUTIES; SUBSECTION (E), DETERMINATION OF ALTERNATE MATERIALS AND ALTERNATE METHODS OF CONSTRUCTION; AND SUBSECTION (F), REPORTS; SO AS TO PROPERLY REFERENCE THE BUILDING CODES BOARD OF APPEALS RATHER THAN THE “BUILDING CODES BOARD OF ADJUSTMENT”.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (e), Determination of Alternate Materials and Alternate Methods of Construction; is hereby amended to read as follows:

(e) *Determination of alternate materials and alternate methods of construction.* The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate is approved and its use authorized by the building official. The building official shall approve any such alternate, provided he/she finds that the proposed design is satisfactory and complies with the intent and purpose of this chapter, and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire-resistance, durability, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval, the applicant may refer the entire matter to the building codes board of ~~adjustment~~appeals.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (f), Reports; is hereby amended to read as follows:

(f) *Reports.* The building official shall submit an annual report and other reports as requested by his/her immediate supervisor covering the work of his/her activities. He/she shall incorporate in his/her annual report a summary of the decisions of the building codes board of ~~adjustment~~appeals during the same period.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Modification of Kershaw County WWTP Settlement [**PAGES 72-85**]

Notes

February 26, 2013 - The Committee recommended that Council approve the request to amend the May 2006 agreement, which allows Palmetto Utilities to provide wastewater collection and treatment services to portions of Kershaw County.

Richland County Council Request of Action

Subject: Palmetto Utilities Expansion in Kershaw County

A. Purpose

County Council is requested to approve an amendment to the May 2006 agreement which allows Palmetto Utilities to provide wastewater collection and treatment services to portions of Kershaw County.

B. Background / Discussion

Richland County, Kershaw County, SC DHEC, Central Midlands Council of Governments, Santee-Lynches Regional Council of Governments, Palmetto Utilities and the City of Camden entered into a settlement agreement in May 2006 regarding the discharge of treated wastewater into the Wateree River (see Appendix 1). This agreement limited Palmetto Utilities' ability to expand sewer service in Kershaw County. Paragraph 8 on page 2 of the 2006 agreement defined the areas of Kershaw County where Palmetto Utilities could provide service. These areas include Wood Trace and Heath Pond Subdivisions and Clariant LSM (America), Inc. industrial site.

Palmetto Utilities has submitted an amendment to the 2006 Agreement to allow an expansion of their service area in Kershaw County (see Appendix 2). The amendment as presented appears to expand Palmetto Utilities' Kershaw County service area to include the Kelsey Ridge Subdivision. Kershaw County is in agreement with the expanded service area, as their signature on the proposed amended Agreement attests.

C. Legislative/Chronological History

- The original agreement was approved by Council as a settlement agreement to a pending litigation during the May 30, 2006 Council meeting.
- The 2006 agreement is being presented to Council for consideration of the amendment to the original agreement, as requested by Palmetto Utilities.

D. Financial Impact

There is no financial impact to Richland County associated with this request.

E. Alternatives

1. Approve the request to amend the 2006 Agreement as presented.
2. Do not approve the request to amend the 2006 Agreement as presented.

F. Recommendation

It is recommended that Council approve the request to amend the 2006 Agreement as presented.

Recommended by: Andy H. Metts

Department: Utilities

Date: 2/13/13

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 2/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend is based on no financial impact and is supporting the Utilities Director’s request

Legal

Reviewed by: Elizabeth McLean

Date:

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Sparty Hammett

Date: 2/21/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Agreement
between
South Carolina Department of Health and Environmental Control
Central Midlands Council of Governments, Santee-Lynches Regional Council of Governments,
Palmetto Utilities, Richland County, City of Camden, and Kershaw County**

Whereas the South Carolina Department of Health and Environmental Control (DHEC) is responsible for issuing National Pollutant Discharge Elimination System (NPDES) permits in South Carolina, including developing wasteload allocations for NPDES discharges;

Whereas the Central Midlands Council of Governments (CMCOG) and the Santee-Lynches Regional Council of Governments (SLRCOG) are responsible for 208 Water Quality Planning in their designated areas and by agreement with DHEC, assist DHEC in wasteload allocation development;

Whereas the CMCOG and SLRCOG to date have not agreed on a transfer of the area of Kershaw County from the CMCOG 208 Plan to the SLRCOG 208 Plan, although SLRCOG has submitted for certification a proposed amendment of its plan to DHEC that incorporates the transfer;

Whereas the upper Wateree River or Wateree River as used in the context of this agreement is that area of the Wateree River from the Lake Wateree dam to a point on the Wateree River immediately upstream of the Wateree River Correctional Institution (SC Department of Corrections);

Whereas a new water quality model provides technical information that indicates that NPDES permits for the upper Wateree River should be modified to reduce pollutant loading (down to a current cumulative load of 11,024 pounds/day) impacting dissolved oxygen to meet the water quality standard for dissolved oxygen;

Whereas DHEC seeks to allocate loading for ultimate oxygen demand (UOD) between Richland County and Kershaw County sewerage systems;

Whereas Kershaw County seeks to have DHEC distribute total phosphorus loadings between City of Camden, Kershaw County and Palmetto Utilities;

Whereas it is anticipated that Clariant LSM (America) Inc. (SC0002682) would eliminate its Wateree River discharge during August, 2006 in accordance with a consent order with DHEC by connection to Palmetto Utilities sewerage system, but Kershaw County has indicated its intent and desire to accept such discharge at a time in the future;

Whereas all parties of this agreement seek a resolution to 208 Planning issues such that the CMCOG and SLRCOG would cooperatively and consistently amend their respective 208 Plans to allow SLRCOG to perform 208 Planning for the geographical area of Kershaw County;

Whereas Palmetto Utilities seeks to construct an effluent line to the Wateree River and use its 6.0 MGD NPDES permit and is therefore seeking a DHEC wastewater construction permit as well as a South Carolina Department of Transportation encroachment permit;

Whereas Kershaw County has had concern over the Palmetto Utilities NPDES permit for a discharge to the upper Wateree River and the construction of an effluent sewer line to the Wateree River;

Whereas Richland County has had concern over Kershaw County's efforts to prevent Palmetto Utilities from constructing an effluent sewer line to the Wateree River;

Page 1 of 6

1 1-20-06 [Handwritten signatures]

Therefore, this agreement is entered into as follows:

1. Within 90 days of the effective date of this agreement, CMCOG will complete the necessary action to amend its 208 Plan to recognize that the area of Kershaw County will no longer be a part of the 208 planning responsibility of CMCOG;
2. CMCOG agrees to a Richland County UOD allocation of 31% for the upper Wateree River, which currently will be applied to the Palmetto Utilities NPDES permit as well as to any applicable new Wateree River NPDES permits (e.g., a new industry) where the facilities are located in Richland County but a discharge is approved to be in the Wateree River;
3. Within 90 days of the effective date of this agreement, SLRCOG will complete the necessary action to amend its 208 Plan to implement this agreement;
4. SLRCOG agrees to a UOD allocation of 69% for the upper Wateree River, which currently will be applied to Kershaw County (SC0039870), City of Camden (SC0021032), Invista (SC0002585) and Kawashima (SC0023264), but in the future would apply also to new permittees, if applicable;
5. SLRCOG recognizes that the 69% UOD allocation would be applied to any proposed expansions of the facilities in item 4 above as well as to any applicable new Wateree River NPDES permits (e.g., a new industry);
6. SLRCOG, Kershaw County and the City of Camden agree to affirm via a 208 Plan Amendment the following:
 - a) That Palmetto Utilities can discharge such amounts and concentrations of treated wastewater as can be accommodated by the 31% UOD allocated to Palmetto Utilities to the upper Wateree River via its NPDES permit.
 - b) That Palmetto Utilities can land apply treated wastewater in Kershaw County at its existing site and at a maximum of two additional sites to the extent permitted by DHEC.
 - c) Palmetto Utilities' construction permits to use the NPDES and land application permits.
 - d) That Palmetto Utilities, by virtue of a contract with Richland County is designated to discharge the designated management agency function of Richland County for the provision of sewer service in Richland County, and is viewed as a regional sewer provider in the context of the CMCOG 208 Plan. Therefore, the treatment plant and associated discharges for Palmetto Utilities within Kershaw County, may be expanded within the allocated 31% UOD without requiring an amendment of the SLRCOG 208 Plan. The 31% UOD allocated to Palmetto Utilities under the terms of this Agreement is solely within the jurisdiction of the CMCOG and its 208 Plan.
7. DHEC agrees to expeditiously review and make a certification decision regarding the 208 Plan Amendments of the SLRCOG and CMCOG currently-approved plans addressed in this agreement;
8. Palmetto Utilities shall not expand service territory within Kershaw County, recognizing that Palmetto currently serves Wood Trace and Heath Pond Subdivisions and Clariant LSM (America) Inc., in Kershaw County;
9. Palmetto Utilities will not oppose Clariant's industrial wastewater flow being transported to Kershaw County's treatment plant;
10. Kershaw County agrees that it will be responsible for accepting the industrial wastewater of Clariant LSM (America) Inc. at such time as its anticipated 4.0 MGD treatment system becomes operational and

Page 2 of 6

1 20 of Mr. ABC 2014 NW

will obtain all DHEC approvals expeditiously. If the County determines prior to the operation of its anticipated 4.0 MGD treatment plant that it has capacity available, it will pursue accepting Clariant's wastewater at such time;

11. DHEC will allocate via draft NPDES permits 31% of the UOD loading in the upper Wateree River to sewerage systems serving northeast Richland County, which at the time of this agreement is exclusively Palmetto Utilities (SC0043451), recognizing that Palmetto Utilities also currently serves domestic wastewater from Clariant LSM (America) Inc and residential customers in the Wood Trace and Heath Pond subdivisions in Kershaw County. This 31% would apply to any future draft permits for a facility in Richland County with a proposed discharge to the Wateree River if the discharge were recognized by the CMCOG 208 Plan;

12. DHEC will allocate via draft NPDES permits the remaining 69% of the UOD loading in the upper Wateree River to sewerage systems serving the balance of Kershaw County, which at the time of this agreement consists of Kershaw County (SC0039870), City of Camden (SC0021032), Invista (SC0002585) and Kawashima (SC0023264); with assistance from the SLRCOG. This 69% would apply to any future draft permits for a facility in Kershaw County with a proposed discharge to the Wateree River if the discharge were recognized by the SLRCOG 208 Plan;

13. Kershaw County and the City of Camden agree to cease and refrain from any and all opposition to the construction of the proposed Palmetto Utilities effluent line to the Wateree River or the reissuance of Palmetto Utilities' 6.0 MGD NPDES permit;

14. Kershaw County agrees not to oppose the new influent sewer lines identified on Figure II-1, Wastewater Facilities Plan, Palmetto Utilities, Appendix C, CMCOG 208 Plan, 3/25/04 (Attachment A) proposed by Palmetto Utilities which would be located within Kershaw County, but have the purpose of serving areas outside of Kershaw County. Palmetto Utilities agrees that such new influent sewer lines shall not be used to provide service in Kershaw County and that, with respect to the lines designated as "14", "15" and "16" on Attachment A, Palmetto Utilities will not undertake the construction of same until three years after the date of this agreement. Palmetto Utilities further agrees that, with respect to the other lines in Kershaw County depicted on Attachment A, it will not undertake the construction of same until one year after the date of this agreement and will exercise its best efforts to delay construction of same until two years after the date of this agreement. For purposes of the preceding sentence, the phrase "best efforts" shall mean that Palmetto Utilities will not construct the lines contemplated therein prior to the end of the second year after the date of this agreement unless such construction is necessary in order for service to be provided to Palmetto Utilities' customers in Richland County. Palmetto Utilities will provide notice to Kershaw County in the event that construction of the unnumbered lines on Attachment A will be undertaken prior to the expiration of the two year period provided herein;

15. Richland County and Palmetto Utilities agree to cease any opposition to 208 Plan Amendments contemplated in this Agreement, including amendments which would transfer the area of Kershaw County from the CMCOG plan to the SLRCOG plan; and agrees not to oppose Kershaw County's 4.0 MGD NPDES permit and associated treatment plant construction permits;

16. Palmetto Utilities agrees to allow a transfer of a total of 43 pounds/day (average) of its anticipated total phosphorus loading for the benefit of Kershaw County's NPDES permit based on an anticipated 4.0 MGD NPDES permit for Kershaw County;

17. The parties agree that, after the phosphorus allocation transfer in Item #16 takes affect, phosphorus loadings to the Upper Wateree River are capped for their discharges within loadings based on current

Page 3 of 6

1 of 22 ASD ASD NW

maximum permitted capacities, until such time that a TMDL for phosphorus in Lake Marion is completed; and

18. Palmetto Utilities, Richland County, CMOG, Kershaw County, City of Camden, and SLRCOG agree that the attached map illustrates areas within Richland County which will constitute areas from which wastewater outside of the Wateree drainage basin in Richland County may be moved into the Wateree drainage basin in Richland County based upon the absence of other wastewater utility providers and the proximity of Palmetto Utilities' permitted facilities (See Attachment B.) This area is generally described as being west of the northwestern corner of Palmetto Utilities' existing service area as shown on Figure 6-1 of the 208 Water Quality Management Plan for the Central Midlands Region adopted March 25, 2004, by the Central Midlands Council of Governments ("CMOG 208 Plan"), is more particularly shown on a portion of the 1972 South Carolina Department of Transportation General Highway Map for Richland County, last revised January 1, 1994 attached hereto as Attachment B, and is more particularly described as follows:

Commencing at the point where U.S. Highway 321 intersects with the boundary between Fairfield and Richland counties and running south along U.S. Highway 321 to the point where it intersects with State Highway 1282; thence turning and running in a easterly direction along County Road 1282 to the point where it intersects with County Road 1352; thence turning and running north along County Road 1352 to the point where it intersects with County Road 1694; thence turning east and running along County Road 1694 to the point where it intersects with U.S. Highway 21; thence turning and running north along U.S. Highway 21 to the point where it intersects with an unpaved county road; thence turning and running in an easterly direction along the unpaved county road beneath right of way of Interstate Highway 77 to the point where said unpaved county road intersects with S.C. Highway 555; thence turning and running in a northerly and northwesterly direction along S.C. Highway 555 to the point where it intersects with U.S. Highway 21; thence turning and running north along U.S. Highway 21 to the point where it intersects with County Road 1856; thence turning and running in a westerly direction along County Road 1856 to and beneath the right of way of Interstate Highway 77 and continuing in a southwesterly direction along a line that is located generally on the northern side of County Road 536 and continuing to run along such line until it reaches a point on an unpaved county road; thence turning and running in a northwesterly direction toward a point on County Road 2200 which is northeast of its intersection with County Road 406; thence turning and running northeast along County Road 2200 to the point where it intersects with County Road 59; thence turning and running in a northwesterly direction along a line located on the western side of the easternmost branch of Persimmon Fork Creek and across said branch of said creek to a point where County Road 283 intersects with the boundary of Richland and Fairfield counties line; thence turning and running in a westerly direction along the boundary of said counties until the point of commencement is reached.

The parties agree and acknowledge that, with respect to the areas in Richland County outside the Wateree Drainage Basin, but currently located within Palmetto Utilities' service area as delineated on Figure 6-1 of the CMOG 208 Plan, wastewater may continue to be moved from said areas into the Wateree Drainage Basin.

Nothing in this Agreement is intended to alter DHEC's authorities and regulatory programs, including its Consent Order with Clariant LSM (America) Inc.; notwithstanding the foregoing, DHEC represents that it has the authority to enter into this agreement and bind itself thereby.

Page 4 of 6

1 209 MM AAS JCG. NW

Appendix 1 – Page 5 of 8

Nothing in this Agreement is intended to alter Kershaw County's or Richland County's authorities and regulatory programs; notwithstanding the foregoing, Kershaw County and Richland County represent that it has the authority to enter into this agreement and bind itself thereby.

All parties agree to a joint public statement upon final execution of this agreement.

Kershaw County, City of Camden, and SLRCOG agree to issue a statement supporting the issuance of the Palmetto Utilities permits that are subject to this agreement.

Palmetto Utilities, Richland County, and the CMCOG agree to issue a statement supporting the issuance of the Kershaw County and City of Camden permits that are subject to this agreement.

The signatory of each party must indicate by the respective signature if this agreement is contingent on any needed approvals by the representative's Boards or Councils. All parties agree to pursue any needed approvals by the first available Board or Council meeting.

Nothing in this Agreement is intended to grant any new service area rights in Kershaw County.

This Agreement can be voided by any party thereto by written notice to the other parties if:

- a) DHEC's final NPDES permits vary from the 31%/69% allocation provided for in items "11" and "12" above; or
- b) DHEC's final NPDES permit for Kershaw County does not have a total phosphorus average loading limit of at least 67 pounds/day; or
- c) DHEC does not finally reissue to Palmetto Utilities the 6.0 MGD NPDES discharge permit or finally issue a construction and operation permit to Palmetto Utilities for the effluent line to the Wateree River, or if DHEC reissues said NPDES permit and issues said effluent line construction and operation permit and either such permit is contested and the reissuance or issuance of same is finally prevented; or
- (d) (i) DHEC does not issue the 4.0 MGD NPDES discharge permit for Kershaw County or (ii) a party (or an agent thereof) to this agreement contests the issuance of the 4.0 MGD NPDES discharge permit or any associated treatment plant construction permits legally. Provided, however, that item (i) of this paragraph (d) shall only apply and be effective if Kershaw County shall satisfy DHEC's requirements for issuance of said permit within ninety (90) days of the date of execution of this Agreement; or
- e) The 208 Plan Amendments addressed in this agreement are not certified by DHEC and approved by EPA.

Signature Page Follows

1 REP AM ADD 24 NW

pg. 5 of 6

Appendix 1 – Page 6 of 8

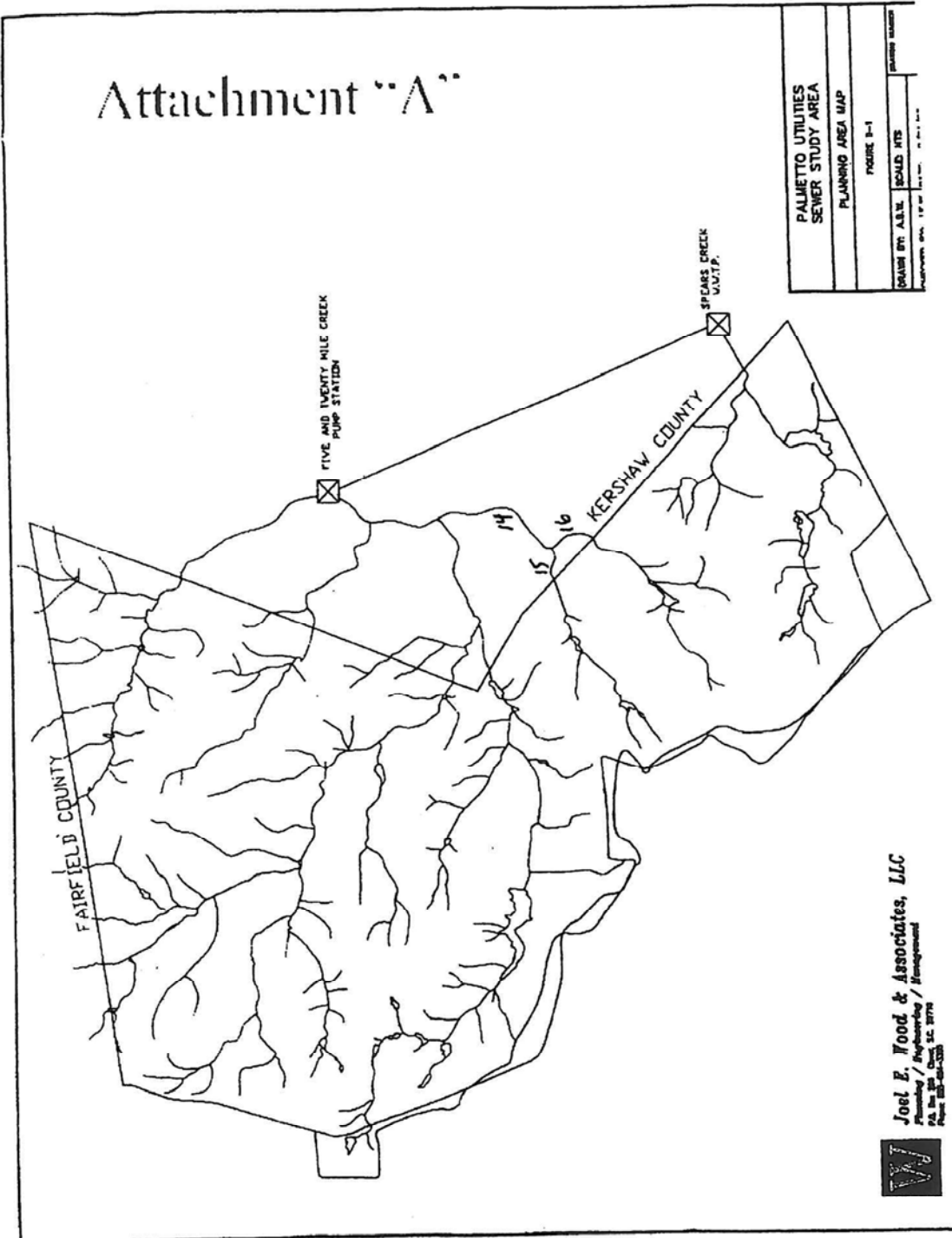
Board/Council
Approval Needed?

<u>Alton C. Boozer</u> Deputy Commissioner for Environ. Quality Control DHEC	Date <u>5/23/06</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<u>Norman White III</u> Executive Director CMCOG	Date <u>5/23/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>James L. Darby, Jr.</u> Executive Director SLRCOG	Date <u>5/24/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>J. Kenneth DeBosch</u> Kershaw County	Date <u>5/23/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>B. J. Bloomer</u> City of Camden	Date <u>5/24/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>Mark Johnson</u> President, Palmetto Utilities	Date <u>5/23/06</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<u>[Signature]</u> Richland County	Date <u>5/23/06</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

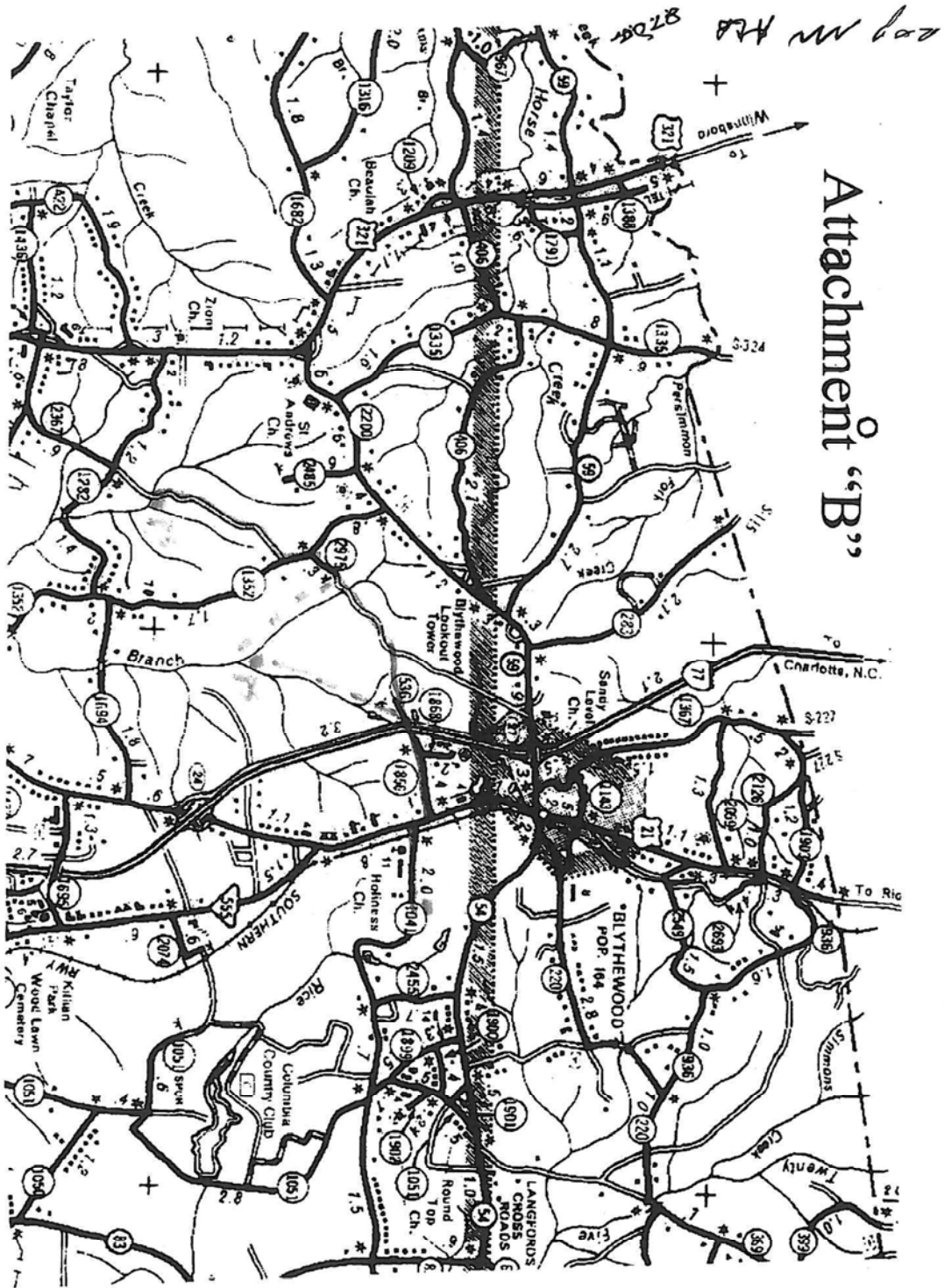
1

Handwritten scribble

Attachment "A"



copy of MW A-63



Appendix 2 – Page 1 of 3

AMENDMENT TO AGREEMENT

This AMENDMENT TO AGREEMENT ("Amendment") is entered into by and among the South Carolina Department of Health and Environmental Control ("DHEC"), the Central Midlands Council of Governments ("CMCOG"), Santee-Lynches Regional Council of Governments ("SLRCOG"), Palmetto Utilities, Inc. ("PUI"), Richland County ("Richland"), the City of Camden ("City"), and Kershaw County ("Kershaw"), to be effective as of the last date upon which same is executed as shown below.

RECITALS:

WHEREAS, DHEC, CMCOG, SLRCOG, PUI, Richland, City and Kershaw are parties to that certain Agreement, last executed May 24, 2006, pertaining to various matters involving discharges of treated wastewater into the Wateree River, a copy of which is attached hereto and incorporated herein by reference as Amendment Exhibit No. 1 ("Agreement"); and

WHEREAS, the parties desire to amend the Agreement in accordance with the following provisions of this Amendment,

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

1. Paragraph Number 8 of the Agreement is amended to permit PUI to extend domestic wastewater collection and treatment service to all that certain piece, parcel or tract of land consisting of 260 single family residential lots, situated in Kelsey Ridge Subdivision in Kershaw County (the "Property"), which property is further described on the Amendment Exhibit No. 2 that is attached hereto and incorporated herein by reference.
2. This Amendment applies only to the Property and the right given to PUI to extend its domestic wastewater collection and treatment service hereunder is not transferable to any other pieces, parcel or tract of land in Kershaw County.
3. With the exception of the amendment to paragraph 8 of the Agreement set forth herein, including the limitations upon said amendment, nothing contained herein shall in any way alter, modify or change the terms of the Agreement, which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties set their hands and seals as of the dates shown below.

[SIGNATURE PAGES FOLLOW]

WITNESS/ATTEST

Anna Harmon
[Signature]

[Signature]
[Signature]

South Carolina Department of Health and Environmental Control

By: _____
Its: _____
Date: _____ Day of _____, 2012

Central Midlands Council of Governments

Benjamin J. Haulin
By: *Benjamin J. Haulin*
Its: *Interim Executive Director*
Date: *14th* Day of *December*, 2012

Santee-Lynches Regional Council of Governments

By: _____
Its: _____
Date: _____ Day of _____, 2012

Palmetto Utilities, Inc.

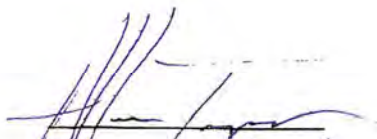
[Signature]
By: *[Signature]*
Its: *President*
Date: *27* Day of *January*, 2012

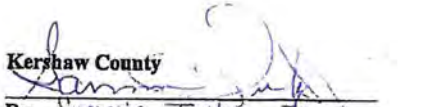
Richland County

By: _____
Its: _____
Date: _____ Day of _____, 2012

City of Camden

Anthony P Scully
By: *Anthony P Scully*
Its: *Mayor*
Date: *18* Day of *January*, 2012


Shirley M. Taylor

Kershaw County

By: Sammie Tacker, Jr.
Its: Vice-Chairman County Council
Date: 29th Day of Nov., 2012

Richland County Council Request of Action

Subject

Purchase of Building and Lot for the Columbia Magistrate District Office Relocation [**PAGES 86-102**]

Notes

February 26, 2013 - The Committee recommended that Council approve the request to approve the purchase of 3875 Lucius Road, Columbia, SC in the amount of \$546,750, plus closing costs, for the purpose of permanently housing the Columbia Magistrate District office.

Richland County Council Request of Action

Subject: Purchase of Building and Lot for the Columbia Magistrate District Office Relocation

A. Purpose

County Council is requested to approve the purchase of 3875 Lucius Road, Columbia, SC as a County-owned facility, for the purpose of permanently housing the Columbia Magistrate District office. A map and photos of the location are attached (Appendix 1).

B. Background / Discussion

- Since June 28, 2011 the Columbia Magistrate District office has been temporarily housed in the Central Court facility at 1400 Huger Street.
- From October 2007 until June 28, 2011 the Columbia Magistrate District office was in a rental property located at 1515 Richland Street.
- Prior to leasing the 1515 Richland Street location, the Columbia Magistrate District’s office was located at 1731 Laurel Street, Columbia, SC, also a rental property.
- It is the Columbia Magistrate District’s goal to be housed in a County-owned facility in the Magisterial District and to have adequate space for court operations and parking.

The property, 3875 Lucius Road, Columbia, SC 29201, Tax Map Number R09103-10-03, is owned by Charles E. Merriweather and Rosalyn W. Merriweather. The purchase price is \$546,750.00 plus closing costs, an amount undetermined at this time. The terms of the closing costs are outlined in number 8 of the contract which states:

“Closing Costs, Taxes and Assessments. Each of the parties shall pay its own attorney’s fees, arising from this transaction. Seller shall pay the transfer tax on the deed and any and all general and special assessments against the Property. Ad Valorem taxes shall be prorated on a calendar year basis. If the current year tax amount is not available, the parties shall prorate based on an estimate and either party shall be entitled to seek an adjustment of the proration based on the actual tax amount no later than March 31 of the following year.” The contract is attached (Appendix 2).

C. Legislative / Chronological History

This is a staff-initiated request; therefore, there is no legislative history.

D. Financial Impact

Table 1

Building and lot	\$546,750
Closing Costs	Unknown at this time

The purchase of the property would eliminate the need to continue leasing the current location. Additionally, the County-owned property would be maintained by the County.

E. Alternatives

1. Approve the request to purchase the building located at 3875 Lucius Road and the attached lot. The purchase would allow the Columbia Magistrate to vacate the Central Court facility, which is scheduled to relocate in February 2015. It would provide adequate space for Court operations and would be located within the District.
2. Do not approve the request to purchase the building located at 3875 Lucius Road and the attached lot.

F. Recommendation

It is recommended that Council approve the request to purchase of 3875 Lucius Road for the purpose of permanently housing the Columbia Magistrate District Office in a County-owned facility.

Recommended by: Chief Magistrate Simons Department: Magistrate Date: 2/14/13

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers Date: 2/19/13
 Recommend Council approval Recommend Council denial
 Recommend Council approval

Comments regarding recommendation: Request is a policy decision for Council on strategic planning for location and cost.

Legal

Reviewed by: Elizabeth McLean Date: 2/20/13
 Recommend Council approval Recommend Council denial

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

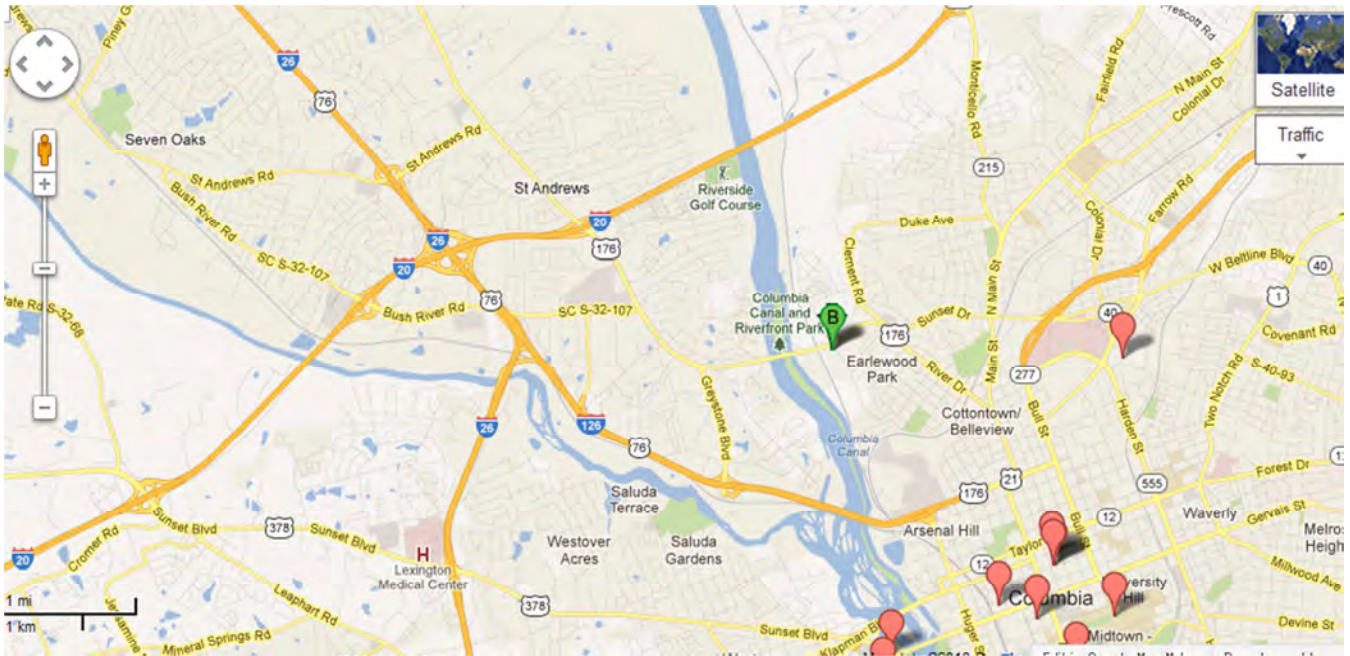
Administration

Reviewed by: Tony McDonald Date: 2/20/13
 Recommend Council approval Recommend Council denial

Comments regarding recommendation: The relocation of Magistrates’ offices into County-owned facilities has been a long-term goal for several years. Toward that end, the County began issuing “public safety” bonds in the amount of \$1.6 million every other year to acquire such properties and has relocated the Eastover and Dutch Fork Magistrates’ Offices, as well as co-located the Coroner’s Office and a Sheriff’s Substation on Pineview Road. Funding from these bond issues has also contributed to the Decker Center renovation project.

Funding for the purchase of the Lucius Road property is available from the most recent bond, which was issued in 2012.

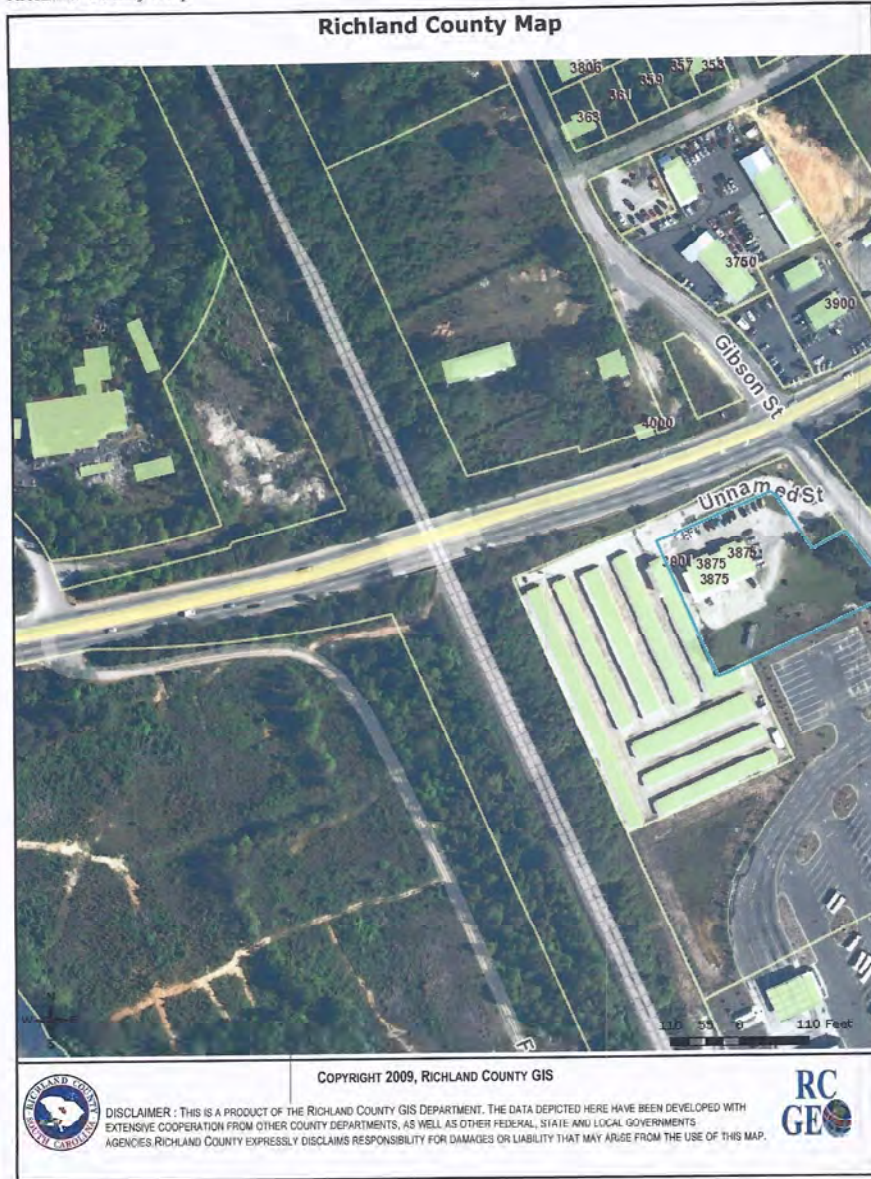
Appendix 1



Building on right with cars in front.







Appendix 2

AGREEMENT OF PURCHASE AND SALE

THIS AGREEMENT made this 30 day of JANUARY, 2013, by and between CHARLES E. MERRIWETHER & ROSALYN W. MERRIWETHER (hereinafter "Seller"), whose address is 631 HICKLIN DRIVE ROCK HILL S.C. 29732, and RICHLAND COUNTY, SOUTH CAROLINA (hereinafter "Purchaser"), whose address is Attention: Anthony McDonald, County Administrator, 2020 Hampton Street, Room 4058, Columbia, South Carolina 29201.

In consideration of the mutual covenants contained herein, the parties agree as follows:

- Property.** Seller agrees to sell and transfer and Purchaser agrees to purchase and accept, upon the terms and conditions hereinafter set forth, that certain parcel of land, together with improvements thereon, situate, lying and being on 3875 LUCIUS ROAD COLUMBIA S.C. 29201 in (or near) the City of Columbia, Richland County, South Carolina, Richland County Tax Map Parcel R09103-10-03, a copy of such map or sketch and building plans/spec's being attached hereto as Exhibit A and made a part hereof (the "Property").
- Purchase Price.** The purchase price shall be Five Hundred Forty Six Thousand, Seven Hundred Fifty Dollars, 00 (\$546,750.00) (the "Purchase Price") and shall be payable at closing by Purchaser to Seller by bank wire transfer or by cashier's check or attorney escrow check.
- Feasibility Study.** Any provision hereof to the contrary notwithstanding, Purchaser shall have until thirty (30) days after County Council Chair's signature date (the "Feasibility Period") to perform development studies, financial analyses, feasibility studies, inspections, utility studies, storm drainage analyses, soil tests, surveys, appraisals, environmental studies and such other tests, evaluations and examinations of the Property as Purchaser may desire. In the event the results of Purchaser's tests, evaluations and analyses are not satisfactory to Purchaser in its sole discretion or if for any other reason Purchaser elects not to purchase the Property, Purchaser may on or before the last day of the Feasibility Period terminate this Agreement by written notice to Seller. In such event, this Agreement shall be deemed terminated, and Purchaser shall have no obligation to purchase the Property.
- Subject to County Council Approval.** This Agreement is being executed by the County Council Chair Person subject to the condition that this Agreement and the appropriation of funds to close must be approved by Richland County Council.
- Title and Survey.** Seller shall satisfy all mortgage liens and all other liens on the Property at Closing. Seller will convey the Property by general warranty deed subject to easements and restrictions of record and matters of survey, provided that such are acceptable to Purchaser. If any of such matters are not acceptable to Purchaser, Purchaser may terminate this Agreement and receive a refund of any monies paid to Seller.

6. **Closing.** Closing shall be held on or before July 30, 2013 and shall take place at the offices of Starkes Law Firm 1817 Hampton Street Columbia S.C. 29202 or at such other place as the parties may otherwise agree. Both parties agree to discuss extending the closing date if necessary.

7. **Closing Documents.** Seller shall execute and deliver the following to Purchaser at Closing:

(a) **Deed.** A general warranty deed, subject to easements and restrictions of record and matters of survey. The deed shall be in proper form for recording and shall be duly executed, witnessed and acknowledged.

(b) **Affidavits, Residency Certificate, Tax Compliance Certificate.** If applicable under law or if required by Purchaser's title insurance company, affidavits and indemnification agreements that there are no amounts owed for labor, materials or services respecting the Property and that there are no parties in possession except under current leases, any residency certificates pursuant to S.C. Code § 12-5-850 and Section 1445 of the U.S. Internal Revenue Code, and a current tax compliance certificate from the South Carolina Department of Revenue, if required under applicable law.

8. **Closing Costs, Taxes and Assessments.** Each of the parties shall pay its own attorney's fees arising from this transaction. Seller shall pay the transfer tax on the deed and any and all general and special assessments against the Property. Ad valorem taxes shall be prorated on a calendar year basis. If the current year tax amount is not available, the parties shall prorate based on an estimate and either party shall be entitled to seek an adjustment of the proration based on the actual tax amount no later than March 31 of the following year.

9. **Assigns.** This Agreement shall be binding upon and shall insure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

10. **Commissions.** Each party represents and warrants that Midlands Realty Group, LLC is the Real Estate Company involved in this transaction. Each party understands and agrees that commissions/real estate fees are included in the purchase price and are to be dispersed at closing.

11. **Entire Agreement.** It is understood and agreed that all understandings and agreements heretofore and between the parties hereto are merged in this Agreement, which alone fully and completely expresses their agreement, neither party relying upon any statement or representation not embodied in this Agreement, made by the other. The covenants and warranties contained herein shall survive the Closing.

12. **Modification.** This Agreement may not be modified or amended nor shall any of its provisions be waived except by a written instrument signed by Seller and Purchaser.

13. **Possession.** Possession of the Property will be delivered at Closing.

14. **Severability.** In the event any provision in this Agreement shall be held by a court of competent jurisdiction after final appeal (if any) to be illegal, unenforceable or contrary to public policy, then such provision shall be stricken and the remaining provisions of this Agreement shall continue in full force and effect.

15. **Paragraph Headings.** The paragraph headings contained herein are for convenience only, and should not be construed as limiting or altering the terms hereof.

16. **Governing Law.** This Agreement shall be construed and enforced according to the laws of the State of South Carolina.

17. **Notices.** All notices required or permitted to be given hereunder shall be in writing and either hand delivered or sent by certified mail, return receipt requested, to the party to be notified at its address set forth above. Notice by mail shall be effective on the date of receipt as evidenced by signed receipt.

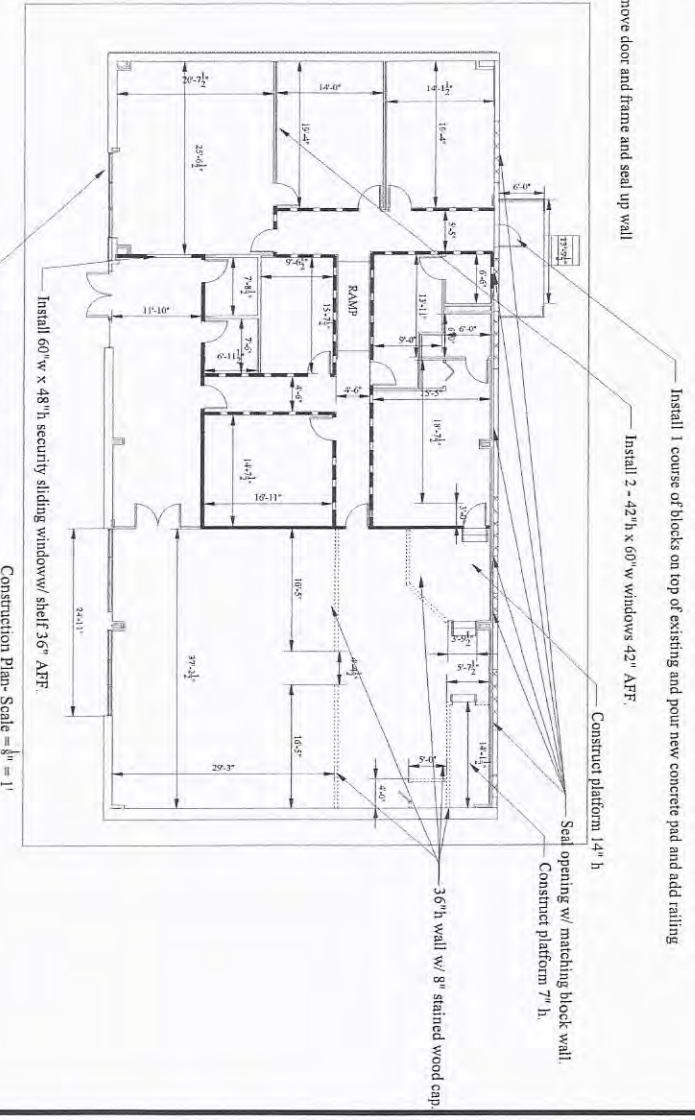
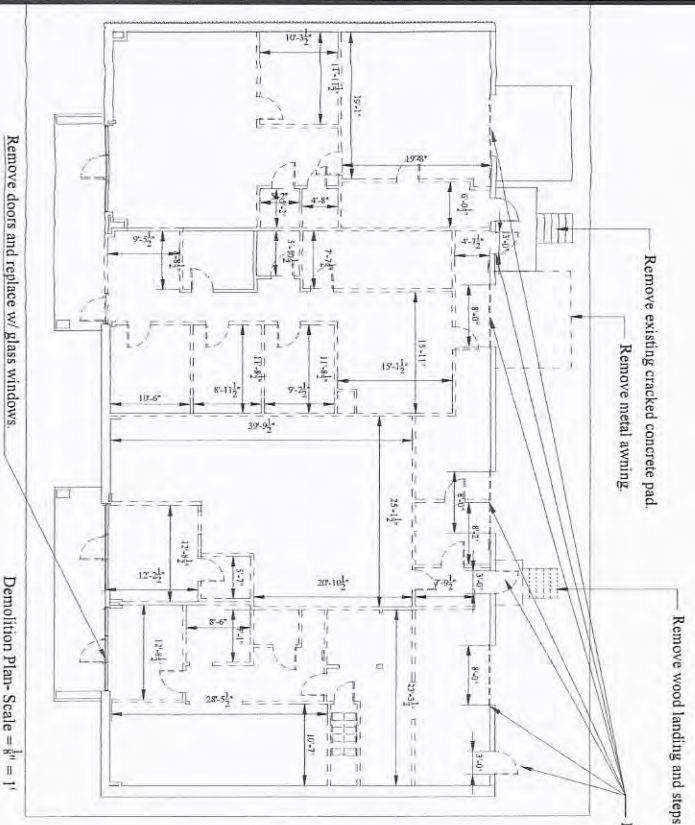
IN WITNESS WHEREOF, this Agreement has been duly signed, sealed and delivered by the parties hereto the day and year first above written.

Witnesses: **SELLER**

_____ By: _____ (SEAL)

PURCHASER
RICHLAND COUNTY, SOUTH CAROLINA

_____ By: _____ (SEAL)
Kelvin Washington
Richland County Council Chair



- General Demolition & Construction Notes:
1. Licensed General Contractor to obtain required permits from authorities.
 2. Notify the owner and any affected entities before starting work and comply with their requirements.
 3. Do not close or obstruct egress width to exist.
 4. Do not disable or disrupt Building Fire, Electrical, Emergency or Life Safety systems without a minimum 5 day's prior written notice to the Owner and any other affected parties.
 5. Conform to procedures applicable when discovering hazards or contaminated materials. Notify Owner immediately.
 6. Protect existing materials and finishes which are not to be demolished.
 7. Maintain protected areas, identify and disconnect or cap or remove all utilities not to be used. Notify on field plans. Completed field plans are to be turned over to the Owner upon completion of renovation.
 8. Case operations immediately if structure appears to be in danger. Notify Owner immediately.
 9. Do not cut, modify, or add to existing structural elements and members.
 10. Provide and install required bracing and shoring to prevent movement of structure. Demolition shall be performed in an orderly and careful manner to protect all structural member and existing roof structure.
 11. Conform to applicable code for demolition work, safety of structure, dust (airborne particulate) control, and all other applicable regulations.
 12. All items in walls to be removed, such as return grills, electrical switches, doors, electrical panels, plumbing, hose bibs, etc., shall be removed completely. All door work and conduit to be re-sized shall be removed completely. Removed items to be disposed of appropriately.
 13. Remove all existing floor finishes in the designated areas. Smooth and level if needed.
 14. Existing walls to be removed are indicated by dashed lines.

- General Demolition & Construction Notes:
16. For walls to be removed, demolish completely, from floor to top of wall except where noted.
 17. Contractor shall be responsible for cleaning of front of property due to removal of debris each day.
 18. Contractor shall be responsible for cleaning the work area at the end of each day and removing debris.
 19. New walls - Standard 9'-7" partition wall - metal stud (16" O.C.) with 5/8" x 4" x 9" Gypsum Wall Board (GYB).
 20. All new walls shall be insulated with standard commercial interior "4" Fiberglas Battling.
 21. The contractor shall verify all dimensions and notify the Landlord and Architect of any discrepancies.
 22. All dimensions are to face of existing and walls and finished surfaces.
 23. Patch all damaged surfaces prior to installation of finishes.
 24. Patch all openings where interesting walls have been removed prior to installation of finishes.
 25. Patched areas shall be painted to a "Like New" condition.
 26. Sound insulation to be installed above ceiling tile in Courtroom, Judges Office and RR, and Jury Room.
 27. Construct wood platforms for Judges and Jury/Witness areas. Judges platform to be 14" high/2 steps. Jury Box and Witness Stand to be 7" high(1 step).
 28. Install wood cap on short walls around Judges platform and Jury Box/Witness Stand.

Wall Legend	
	Existing Wall
	NEW 9" WALL
	NEW 1 1/2" WALL
	NEW 2 1/2" WALL
	NEW 3/8" H WALL
	Wall to be removed

3875
Lucius Road

Key Plan - No Scale
Wall Demolition/Construction Plan

3875
Lucius Road

Key Plan - No Scale
Wall Demolition/Construction Plan

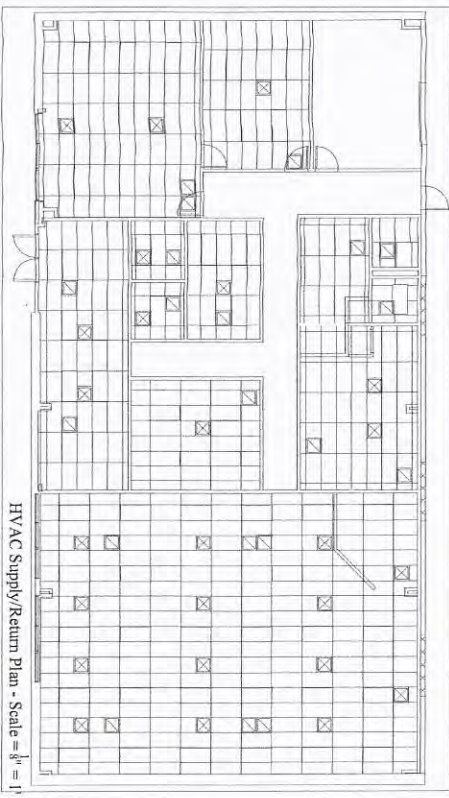
J. LESENE MONTEITH
ARCHITECT
1201 HAMPTON ST., SUITE 1A
COLUMBIA, SC 29201
803-256-5529

COLUMBIA MAGISTRATES COURT
Uplift Plan
3875 Lucius Road, Columbia, SC, 29072
4,900 SF

General Contractor
Legacy Construction
631 Hicklin Drive
Rock Hill, SC, 29732
803-518-8762

ISSUE DATE: Tuesday, January 22, 2013 4:17:20 PM
REVISIONS:

SHEET
2
OF 3



No ceiling

Gypsum ceiling in hallway

- Ceiling Notes:**
1. The HVAC and Electrical Contractor shall be responsible to adhere to all governing codes and have their portion of the work engineered as required.
 2. Contractor is to install a suspended gypsum ceiling over Bathrooms.
 3. The HVAC and Electrical Contractors shall coordinate in order to prepare for the work. The HVAC and Electrical Contractors are responsible to relocate all the existing ceiling elements (lights, diffusers/grills, etc.) as required to accommodate the reconfigured renovation plan. The HVAC Contractor is also responsible for providing duct extensions, new duct sections, flex, additional diffusers, returns, fire dampers and any other items as required for a comfortable and balanced system. See Construction Plan for wall locations and details. The Electrical Contractor shall install new lighting fixtures as required to provide the appropriate 75 to 100 footcandle level on the work surface in all areas. The Electrical Contractor shall provide all new switches, lighting whips, circuits, panels, etc., as required for a complete installation. The existing light switches are to be replaced with new switches. Single offices shall be single switched.
 4. The HVAC Contractor shall coordinate with the General Contractor regarding the suspended ceiling installation prior to the beginning of work.
 5. All work shall be done in strict conformance to all governing codes.
 6. Use materials which are as similar as possible in the existing area.
 7. The HVAC Contractor shall coordinate the locations of all fixtures with the General Contractor for uniformity.
 8. HVAC Contractor to specify and install a minimum 10-ton HVAC unit or larger as required.
 9. The HVAC shall be configured to supply a comfortable environment in the space.

J. LESSENE MONTEITH ARCHITECT
 1201 HAMPTON ST., SUITE 1A
 COLUMBIA, SC 29201
 803-256-5529

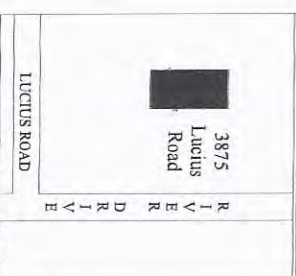
COLUMBIA MAGISTRATES COURT
 Uplift Plan
 3875 Lucius Road, Columbia, SC, 29072
 4,900 SF

General Contractor
 Legacy Construction
 651 Hicklin Drive
 Rock Hill, SC, 29732
 803-518-8762

ISSUE DATE: Tuesday, January 22, 2013 4:17:26 PM
REVISIONS:

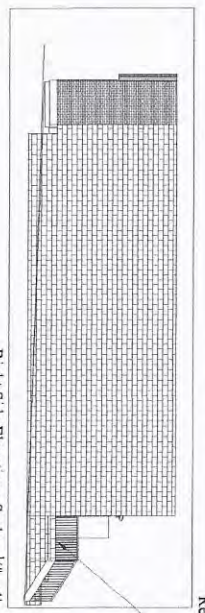
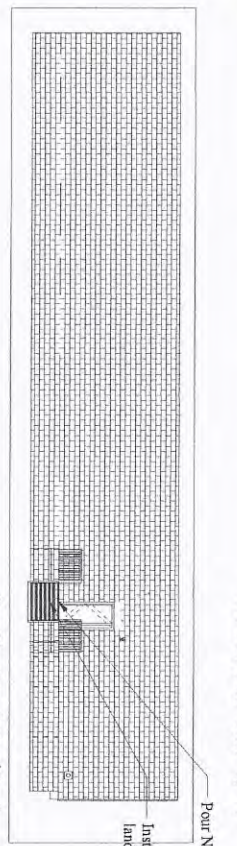
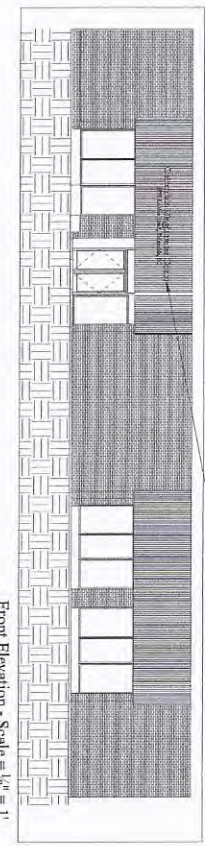
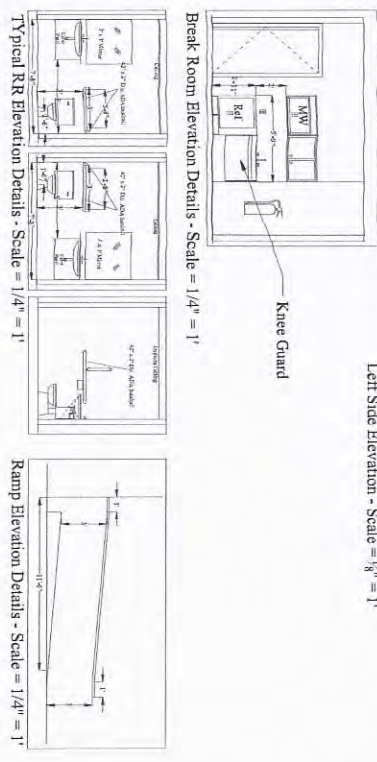
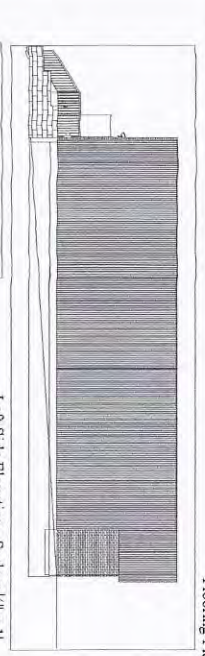
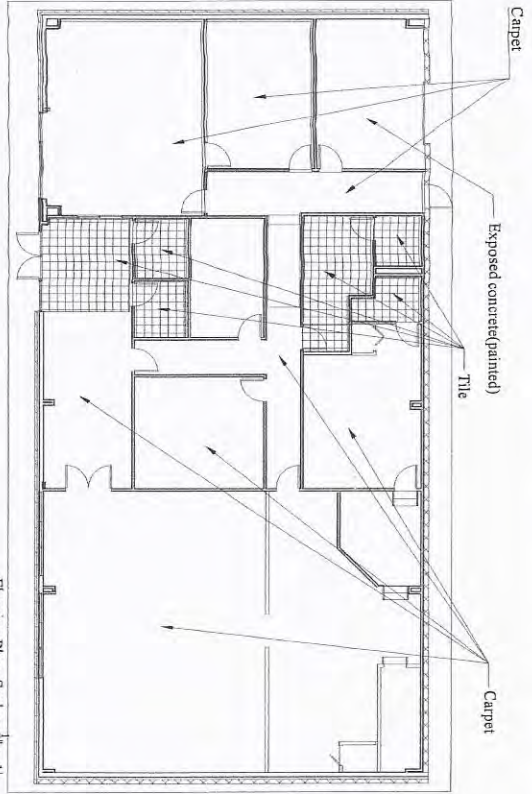
SHEET
4
 OF 5

Key Plan - No Scale
Ceiling Lighting and HVAC Plan

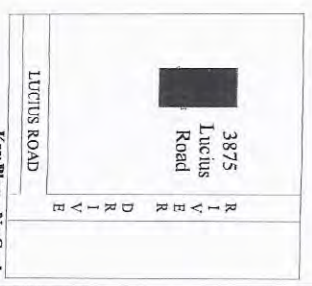


Symbol Legend

- 3 - Standard light bulb symbol
- 4 - Standard 100' ceiling
- 5 - 100' Ceiling
- 6 - 100' Ceiling
- 7 - 100' Ceiling
- 8 - 100' Ceiling
- 9 - 100' Ceiling
- 10 - 100' Ceiling
- 11 - 100' Ceiling
- 12 - 100' Ceiling
- 13 - 100' Ceiling
- 14 - 100' Ceiling
- 15 - 100' Ceiling
- 16 - 100' Ceiling
- 17 - 100' Ceiling
- 18 - 100' Ceiling
- 19 - 100' Ceiling
- 20 - 100' Ceiling
- 21 - 100' Ceiling
- 22 - 100' Ceiling
- 23 - 100' Ceiling
- 24 - 100' Ceiling
- 25 - 100' Ceiling
- 26 - 100' Ceiling
- 27 - 100' Ceiling
- 28 - 100' Ceiling
- 29 - 100' Ceiling
- 30 - 100' Ceiling
- 31 - 100' Ceiling
- 32 - 100' Ceiling
- 33 - 100' Ceiling
- 34 - 100' Ceiling
- 35 - 100' Ceiling
- 36 - 100' Ceiling
- 37 - 100' Ceiling
- 38 - 100' Ceiling
- 39 - 100' Ceiling
- 40 - 100' Ceiling
- 41 - 100' Ceiling
- 42 - 100' Ceiling
- 43 - 100' Ceiling
- 44 - 100' Ceiling
- 45 - 100' Ceiling
- 46 - 100' Ceiling
- 47 - 100' Ceiling
- 48 - 100' Ceiling
- 49 - 100' Ceiling
- 50 - 100' Ceiling
- 51 - 100' Ceiling
- 52 - 100' Ceiling
- 53 - 100' Ceiling
- 54 - 100' Ceiling
- 55 - 100' Ceiling
- 56 - 100' Ceiling
- 57 - 100' Ceiling
- 58 - 100' Ceiling
- 59 - 100' Ceiling
- 60 - 100' Ceiling
- 61 - 100' Ceiling
- 62 - 100' Ceiling
- 63 - 100' Ceiling
- 64 - 100' Ceiling
- 65 - 100' Ceiling
- 66 - 100' Ceiling
- 67 - 100' Ceiling
- 68 - 100' Ceiling
- 69 - 100' Ceiling
- 70 - 100' Ceiling
- 71 - 100' Ceiling
- 72 - 100' Ceiling
- 73 - 100' Ceiling
- 74 - 100' Ceiling
- 75 - 100' Ceiling
- 76 - 100' Ceiling
- 77 - 100' Ceiling
- 78 - 100' Ceiling
- 79 - 100' Ceiling
- 80 - 100' Ceiling
- 81 - 100' Ceiling
- 82 - 100' Ceiling
- 83 - 100' Ceiling
- 84 - 100' Ceiling
- 85 - 100' Ceiling
- 86 - 100' Ceiling
- 87 - 100' Ceiling
- 88 - 100' Ceiling
- 89 - 100' Ceiling
- 90 - 100' Ceiling
- 91 - 100' Ceiling
- 92 - 100' Ceiling
- 93 - 100' Ceiling
- 94 - 100' Ceiling
- 95 - 100' Ceiling
- 96 - 100' Ceiling
- 97 - 100' Ceiling
- 98 - 100' Ceiling
- 99 - 100' Ceiling
- 100 - 100' Ceiling



- Finish Details:**
1. Flooring: Contractor to supply samples of Commercial Flooring for selection. Tile to be installed in all Restrooms, Break Room and Entry Area. Carpet to be installed in all rooms and on Judges/Jury platforms. Storage Room to have exposed concrete floor painted.
 2. Walls: All walls to be painted. Contractor to supply samples for selection. Tenant may select a chair rail trim.
 3. Wall Trim: All trim to be painted. Rubber cove base throughout except in Courtroom and Judges office. Courtroom and Judges office to have stained wood trim. Contractor to supply samples for selection.
 4. Doors: New doors should match existing doors and door frames finishes.
 5. Lighting: Contractor to supply samples for tenant selection.
- Security System Details:**
1. Install security cameras at locations as shown.
 2. Install security keypads at locations shown.
 3. Install CC video monitors in Clerks Office. Tenant to select location.



J. LESSENE MONTEITH ARCHITECT
 1201 HAMPTON ST, SUITE 1A
 COLUMBIA, SC 29201
 803-266-6529

COLUMBIA MAGISTRATES COURT
 Uplift Plan
 3875 Lucius Road, Columbia, SC, 29072
 4,900 SF

General Contractor
 Legacy Construction
 631 Hicklin Drive
 Rock Hill, SC, 29732
 803-518-8762

ISSUE DATE: Tuesday, January 22, 2013 4:17:00 PM
REVISIONS:

9:48ET
5
 0/5



631 Hicklin Dr., Rockhill, SC 29732 * (803)518-8762

edmerri@yahoo.com

Project: Richland County Magistrate
3875 Lucius Rd.

Building /Land Cost:	\$335,000.00
<u>Work Description</u>	
Permitting	\$2,000.00
General Conditions	\$9,500.00
Building Demolition:	
Exterior, Electrical, Interior, Plumbing	\$8,460.00
Exterior Improvements:	
Doors & Windows	\$2,850.00
Storefronts	\$3,000.00
Masonry & Concrete	\$1,450.00
Rawt Iron Railings	\$1,000.00
Exterior Signage	\$1,500.00
Interior Improvements:	
Metal Framing	\$11,500.00
Insulation & Sound Proofing	\$4,000.00
Drywall (5/8) 2 Hr Rating	\$14,500.00
Accustical Ceiling	\$9,850.00
Interior Doors & Trim	\$10,500.00
Special Wall Covering	\$1,500.00
Customer Window	\$2,000.00
Court Room Specialty	\$3,500.00
Interior Painting	\$8,750.00
Fixtures & Hardware	\$5,600.00
Accessories	\$2,590.00
Ceramic Tile Flooring	
Carpet Flooring	\$9,500.00
Cabinetry & Countertop	\$2,500.00

Specialty Trade:

Electrical	\$18,000.00
Plumbing	\$10,000.00
HVAC	\$25,000.00
Specialty Wiring	\$2,800.00

Total Renovation Cost \$171,850.00

Development Cost:

Overhead	\$12,420.00
Profit	\$27,480.00

Total Project Renovation, Development, Building/Land Cost \$546,750.00

Richland County Council Request of Action

Subject

Acceptance of Loan Assistance Funds for Construction of Allbene Park Water Distribution System **[PAGES 103-136]**

Notes

February 26, 2013 - The Committee recommended that Council approve the request to approve a resolution to accept loan assistance funds (\$349,025) from the State Revolving Fund (SRF) and to award a construction contract to the lowest bidder (Tom Brigman Contractors, Inc. in the amount of \$300,930.83 with a construction contingency not to exceed \$22,894) for the construction of the Allbene Park Water Distribution System.

Richland County Council Request of Action

Subject: Acceptance of Loan Assistance Funds for Construction of Allbene Park Water Distribution System

A. Purpose

County Council is requested to approve a resolution to accept loan assistance funds from the State Revolving Fund (SRF) and to award a construction contract to the lowest bidder for the construction of the Allbene Park Water Distribution System.

B. Background / Discussion

At the March 6, 2012 County Council meeting, Council approved the acceptance of an SRF principal forgiveness loan of \$304,025, authorized Administration to complete the loan documents and execute a design contract. A principal forgiveness loan is basically a grant by another name and does not require repayment. A copy of this letter is attached as Appendix 1.

The project was advertised for bids during November 2012; the lowest bid exceeded the available funds provided by SRF. In a letter dated December 11, 2012 SRF representatives increased their commitment of funds to \$349,025 to meet the lowest bid.

With this level of funding, as referenced in the Letter of Conditions in Appendix 1, the project costs are budgeted as follows:

Engineering	\$ 15,417
Construction	300,931
Construction Contingency	22,894
Construction Inspection	<u>9,783</u>
Total	\$349,025

The project was advertised and bid in accordance with the requirements established by SRF. One bid was received and that bid has been reviewed and recommended for approval by the Design Engineer, Joel Wood & Associates, and representatives of SRF. A construction contract is recommended to be awarded to Tom Brigman Contractors, Inc., in the amount of \$300,930.83. Copies of the contractor's bid and the engineer's recommendation are attached as Appendices 4 and 3 respectively. South Carolina DHEC issued Construction Permit number 28643-WS on September 26, 2012, which is attached as Appendix 5.

C. Legislative / Chronological History

- At the March 6, 2012 meeting, Council approved the acceptance of the SRF principal forgiveness loan in the amount of \$304,025.
- On November 13, 2012 one construction bid was received with the lowest bid exceeding the SRF-approved budget.
- On December 11, 2012 SRF reviewed the bid and approved the request for additional funds, which increased the project budget to \$349,025. This amount includes a construction contingency of \$22,894.

- On January 21, 2013, Joel Wood & Associates, the Project Engineer, recommended the construction contract be awarded to Tom Brigman Contractors, Inc., in the amount of \$300,930.83.

D. Financial Impact

SRF has offered \$349,025 toward the completion of this project. The construction contract amount of \$300,930.83 is within the amount established for construction which includes a \$22,894 construction contingency. No additional funds other than those provided by SRF are required.

E. Alternatives

1. Approve the request to accept the \$349,025 principal forgiveness loan as offered by SRF and approve the construction contract in the amount of \$300,930.83.
2. Identify an alternate source of funding to finance the construction project.
3. Do not approve the request to accept the \$349,025 principal forgiveness loan as offered by SRF and proceed no further.

F. Recommendation

It is recommended that County Council approve the resolution to accept the \$349,025 principal forgiveness loan from SRF and approve the construction contract with Tom Brigman Contractors, Inc., in the amount of \$300,930.83 with a construction contingency not to exceed \$22,894.

Recommended by: Andy H. Metts Department: Utilities Date: 1/30/2013

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by Daniel Driggers: Date: 2/4/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 2/13/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Policy decision left to Council’s discretion. Council should verify that the Procurement procedures required by the Agreement have been and continue to be followed. Additionally, there is indemnification language in the Agreement that the County should request be removed. My guess is that the State will deny this request, but it is clear through AG’s opinion and the SC Constitution that Counties cannot indemnify.

Administration

Reviewed by: Sparty Hammett

Date: 2/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval of the resolution to accept the \$349,025 principal forgiveness loan from SRF and approve the construction contract with Tom Brigman Contractors, Inc., in the amount of \$300,930.83 with a construction contingency not to exceed \$22,894. In regard to Legal's comments regarding Procurement procedures, the project was bid out through the County's Procurement Department.

NIKKI R. HALEY, CHAIR
GOVERNOR
CURTIS M. LOFTIS, JR.
STATE TREASURER
RICHARD ECKSTROM, CPA
COMPTROLLER GENERAL

OFFICE OF
LOCAL GOVERNMENT

SC BUDGET AND CONTROL BOARD
STATE REVOLVING FUND
1200 SENATE STREET
408 WADE HAMPTON BUILDING
COLUMBIA, SC 29201
TELEPHONE: (803) 737-3800 FAX: (803) 737-3807

HUGH K. LEATHERMAN, SR.
CHAIRMAN, SENATE FINANCE
COMMITTEE
W. BRIAN WHITE
CHAIRMAN, HOUSE WAYS AND MEANS
COMMITTEE
MARCIA S. ADAMS
EXECUTIVE DIRECTOR

ASHLIE LANCASTER
INTERIM DIRECTOR

STATE DRINKING WATER REVOLVING LOAN FUND

FY 2011 FEDERAL CAPITALIZATION GRANT

LOAN ASSISTANCE AGREEMENT PACKAGE

FOR

RICHLAND COUNTY

Re: Allbene Park Water System Improvements

Contents:

1. Information/Process to receive Loan Assistance in form of Principal Forgiveness
2. Draft Resolution
3. Loan Assistance Agreement

On behalf of the South Carolina Water Quality Revolving Fund Authority, the Office of Local Government, State Budget and Control Board is pleased to provide Richland County with this package of material for receiving Loan Assistance in the form of Principal Forgiveness from funds made available under the FY 2011 Federal Appropriations Act for the State Drinking Water Revolving Fund.

For further information or assistance contact:

Patricia A. Comp
Loan Programs Manager
Tel: (803) 737-3808
Fax: (803) 737-3807
compp@olg.sc.gov

January 24, 2013

Information and Process to Receive FY 2011 Loan Assistance

Resolution

- A Resolution is required to be adopted by the governing body of the Project Sponsor to authorize acceptance of the loan assistance and to designate the persons authorized to sign and attest the Loan Assistance Agreement (Agreement).
- The enclosed draft Resolution has been substantially individualized to the County and it assumes that the Chairman of County Council and Clerk to Council will be designated to sign and attest the Agreement, which is to be attached to the Resolution as Exhibit A.
- It is recommended that the County's attorney review the enclosed draft Resolution and that it conform to the normal format and process used by Richland County for adoption of other resolutions. The draft Resolution is also provided in Word format for your convenience.
- There should not be any material changes to the content of the draft Resolution, but, if such is proposed, it must be submitted to the Office of Local Government (OLG) via fax or e-mail for concurrence in advance of adoption.
- Notify OLG of the planned date of adoption as soon as it determined.
- Send to OLG, via fax or e-mail, copy of Resolution in the form it is to be presented to County Council at least 5 business days before adoption.
- Once adopted, sign Resolution in blue ink, affix seal, fax or PDF a copy of signed Resolution to OLG and mail original executed Resolution to OLG.

Loan Assistance Agreement

- Once the Resolution is adopted and received by OLG, we will mail two duplicate original Agreements for signature by the County. Please sign in blue ink and affix seal.
Note: If timing is an issue, we will mail the original Agreements in advance of the meeting, so they can be signed at the same time.
- Both original Agreements signed by the designated individuals are to be returned to the OLG for signature. One completely executed original Agreement will be returned to the County.

Note: In addition to adopting the Resolution and executing the Agreement, the Project Sponsor must also receive all approvals needed from DHEC to award the construction contract to maintain eligibility for the loan assistance monies.

RESOLUTION NO. _____

AUTHORIZING AND APPROVING THE ACCEPTANCE OF CERTAIN LOAN ASSISTANCE MONIES FROM THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AUTHORIZING THE CHAIRMAN OF COUNTY COUNCIL TO EXECUTE THAT CERTAIN LOAN ASSISTANCE AGREEMENT BETWEEN RICHLAND COUNTY AND THE SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Richland County (the "*Project Sponsor*") is a political subdivision duly created and existing under the laws of the State of South Carolina;

WHEREAS, the Project Sponsor is authorized and empowered by the provisions of Title 48, Chapter 5 of the Code of Laws of South Carolina, 1976, as amended, to receive financial assistance from the South Carolina Water Quality Revolving Fund Authority (the "*Authority*");

WHEREAS, the Fiscal Year 2011 Federal Appropriations Act (Public Law 112-10) requires the South Carolina Drinking Water Revolving Loan Fund (the "*Fund*") to provide additional subsidization (including subsidization which will not accrue interest and the principal of which will be forgiven) for drinking water infrastructure facilities;

WHEREAS, the Project Sponsor previously applied to the South Carolina Department of Health and Environmental Control ("*DHEC*") for certain loan assistance monies (the "*Loan Assistance*") to be made available to the Project Sponsor by the Authority in the form of a subsidization which will not accrue interest and the principal of which will be forgiven;

WHEREAS, the Project Sponsor was selected by DHEC to receive the Loan Assistance contingent upon compliance by the Project Sponsor with all terms, conditions and requirements set forth in the Loan Assistance Agreement, the form of which is attached hereto as Exhibit A (the "*Loan Assistance Agreement*"); and

WHEREAS, based on approvals issued by DHEC, the proceeds of the Loan Assistance are to be used by the Project Sponsor for the Allbene Park Water System Improvements Project described in Appendix A to the Loan Assistance Agreement (the "*Project*").

NOW, THEREFORE, BE IT RESOLVED by the County Council of Richland County, South Carolina (the "*Council*"), in a meeting duly assembled:

Section 1. Acceptance of the Loan Assistance; Acknowledgment of Terms of Loan Assistance Agreement.

The Loan Assistance, under the terms, conditions and requirements set forth in the Loan Assistance Agreement, is hereby accepted. The Project Sponsor acknowledges that the receipt of proceeds of the Loan Assistance pursuant to the Loan Assistance Agreement requires the Project Sponsor to comply with all of the terms of the Loan Assistance Agreement, including requiring strict

compliance with all state and federal mandates set forth therein by any contractors performing work on the Project who are subject to those mandates. The Project Sponsor further acknowledges that the forgiveness of the principal amount of the Loan Assistance by the Authority is conditional upon the Project Sponsor's complete and satisfactory compliance with the terms of the Loan Assistance Agreement, and that any failure to comply strictly with such terms could result in a requirement that the Project Sponsor repay to the Authority all or a portion of the Loan Assistance. The Project Sponsor has fully reviewed each and every term of the Loan Assistance Agreement.

Section 2. Approvals, Appropriations and Expenditures.

The Project Sponsor certifies that it has taken, or will take, all actions necessary under South Carolina law to approve, appropriate and expend the proceeds of the Loan Assistance.

Section 3. Authorization of the Loan Assistance Agreement.

The Loan Assistance Agreement is hereby approved, and the execution and delivery of the Loan Assistance Agreement on behalf of the Project Sponsor is hereby authorized and directed. The Loan Assistance Agreement shall be executed on behalf of the Project Sponsor by the Chairman of County Council and shall be attested to by the Clerk of Council.

Section 4. Miscellaneous.

This Resolution shall be a contract between the Project Sponsor and the Authority, and shall be enforceable as such against the Project Sponsor.

ADOPTED, this ____ day of _____, 2013.

RICHLAND COUNTY,
SOUTH CAROLINA

SEAL

By: _____

Its: _____

Attest:

By: _____

Its: _____

LOAN ASSISTANCE AGREEMENT

between

SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY

and

RICHLAND COUNTY

Dated

_____ , 2013

relating to

Allbene Park Water System Improvements

South Carolina Drinking Water Revolving Loan Fund

FY 2011 Federal Capitalization Grant

Loan Assistance Number: F3-11-4020002-01

No. ____ of Two Executed Original Counterparts

TABLE OF CONTENTS

Page

LOAN ASSISTANCE PROVISIONS

1. Loan Assistance Defined	2
2. Purpose Limited to Project	2
3. Disbursements	2
4. Budget Changes	2
5. Federal and State Requirements	3
6. Procurement Requirements	4
7. Contract Award, Construction Inspection and Completion	4
8. Viability	4
9. Reporting and Information	4
10. Maintenance of Records	4
11. Accounting and Auditing	4
12. Release of Responsibility	5
13. Access and Inspection	5
14. Other Agreements	5
15. Compliance with Governmental Authority	5
16. Review and Inspection of Work	5
17. Sanctions	5
18. Severability	5
19. Complete Agreement	6
20. South Carolina Contract	6
21. Notices	6
22. Counterparts	6
23. Term of Agreement	6
APPENDIX "A" SCOPE OF WORK	A-1
PROJECT BUDGET	A-2
APPENDIX "B" LOAN ASSISTANCE	B-1
APPENDIX "C" PROCUREMENT REQUIREMENTS	C-1
APPENDIX "D" SPECIAL CONDITIONS	D-1
ATTACHMENT #1 Davis-Bacon Wage Rates Under FY 2010 and FY 2011 Federal Appropriation Acts	

LOAN ASSISTANCE AGREEMENT

THIS LOAN ASSISTANCE AGREEMENT is entered into as of the ____ day of _____, 2013, (the "**Effective Date**") between the SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY, a public instrumentality of the State of South Carolina (the "**Authority**"), and RICHLAND COUNTY, a political subdivision of the State of South Carolina (the "**Project Sponsor**").

WITNESSETH:

WHEREAS, the Authority is authorized by Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as amended (the "**Act**") to administer the South Carolina Drinking Water Revolving Loan Fund (the "**Fund**") for the purpose of assisting Project Sponsors (as defined in the Act) in the construction of, among other things, public drinking water supply, storage, treatment and distribution facilities as defined in the Federal Safe Drinking Act, Title 42, United States Code, Section 300f et seq.; as amended; and

WHEREAS, the Department of Health and Environmental Control (the "**Department**") is authorized by the Act to, among other things, develop a priority system and prepare an annual plan to insure compliance with the Federal Safe Drinking Water Act; and

WHEREAS, the Fiscal Year 2011 Federal Appropriations Act ("**Public Law 112-10**") requires the Fund, identified therein as the Drinking Water State Revolving Fund, to provide additional subsidization for drinking water infrastructure facilities; and

WHEREAS, the Act, as amended May 28, 2010, authorizes the Authority to fully implement all requirements of Public Law 112-10 for the Fund; and

WHEREAS, the Authority is authorized by the Act to enter into agreements with Project Sponsors in order to finance Projects (as defined in the Act) and the Department is authorized to select projects to receive additional subsidization in the form of Loan Assistance, herein defined; and

WHEREAS, the Project Sponsor proposes to acquire and construct the facilities described in Appendix "A" hereto (the "**Project**"), which Project will be part of the Hopkins Community Water System which is owned and operated by the Project Sponsor (the "**System**"); and

WHEREAS, the Department has selected this Project to receive additional subsidization in the form of Loan Assistance, herein defined;

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

F3-11-4020002-01

LOAN ASSISTANCE PROVISIONS

The Authority agrees to provide Loan Assistance, as defined below, to the Project Sponsor solely from Public Law 112-10 appropriations granted to the State of South Carolina (the "*State*") for the Fund subject to the terms and conditions of this Loan Assistance Agreement, applicable laws, regulations and all Federal and State requirements now and hereafter in effect governing the use of this Loan Assistance.

1. Loan Assistance Defined. Subject to the terms and conditions of this Agreement, the Authority agrees to make, and the Project Sponsor agrees to accept, the loan assistance herein provided for (the "*Loan Assistance*"), such term being defined as a loan which will not accrue interest and the principal of which is hereby forgiven in its entirety. The amount of the Loan Assistance is set forth in Appendix "B" hereto.
2. Purpose Limited to Project. The Project Sponsor shall use the Loan Assistance only to pay the actual eligible costs of the Project. The Project scope is described in Appendix "A" and more specifically as approved in the Project files of the Department. The Project Sponsor shall make no modifications to the Project scope without the written consent of the Department, such consent to be made part of this Agreement. Except to the extent otherwise approved in writing by the Department and made part of this Agreement, only the costs shown in the Project budget set forth in Appendix "A" shall be allowed and only in the amounts provided for each category. Loan Assistance may not be used to pay for labor performed by employees of the Project Sponsor.
3. Disbursements.
 - (a) Requests for disbursement shall be made by the Project Sponsor to the Department on forms of the Department, and shall be accompanied by such invoices and other proofs of incurred costs as the Department may reasonably require. The Project Sponsor shall comply with all requirements of the SRF Disbursement Package in submitting draw requests to the Department.
 - (b) The Authority shall make disbursements to the Project Sponsor under this Agreement only after receiving each Department approved draw request. The Authority shall incur no liability to the Project Sponsor in the event that the Department does not approve a draw request submitted by the Project Sponsor.
 - (c) The Authority will exert its best efforts to mail its check within seven (7) days of receiving such approved draw request, but no assurance is given by the Authority that such schedule will be met and the Authority shall incur no liability to the Project Sponsor for a delay.
 - (d) All disbursements shall be provided by the Authority in the form of a check mailed to the Project Sponsor.
 - (e) The Project Sponsor shall receive and promptly disburse the funds to be provided hereunder as trust funds for the purpose of paying the eligible costs of the Project and for no other purpose.
4. Budget Changes. Any change to the budget categories, the amounts therein, or increases/decreases to the total budget for the Project shown in Appendix "A" hereto, or to the Loan Assistance Amount shown in Appendix "B" hereto, shall require written approval by the Department and such approval shall be provided to the Project Sponsor and the Authority and shall be attached hereto and become a part of this Agreement without the requirement of further amendment.

5. Federal and State Requirements. The Project Sponsor hereby agrees to comply with the following requirements.
- (a) Civil Rights and Labor Standards Requirements and use of Disadvantaged Business Enterprise (DBE) firms and Debarment or Suspension Prevention. (Executive Order 12549)
 - (i) Positive efforts shall be made by the Project Sponsor and its consultants to utilize DBE firms as sources of supplies, services and construction. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts and subcontracts to be performed utilizing Loan Assistance funds. Documentation of efforts made to utilize DBE firms shall be maintained by the Project Sponsor and its consulting firms and construction contractors.
 - (ii) The Project Sponsor shall not be debarred for noncompliance with Federal Law and shall not award contracts to any firm that has been debarred for noncompliance with Federal Law where the contract amount equals or exceeds the federal small purchase procurement threshold.
 - (iii) The Project Sponsor shall require all prime construction contractors to certify that subcontracts have not and will not be awarded to any firm that has been debarred for noncompliance with Federal Law, where the subcontract amount is expected to equal or exceed the Federal small purchase procurement threshold.
 - (iv) The Project Sponsor agrees to comply with all the requirements of 41 CFR Part 60-4 which implements Executive Order 11246 as amended (Equal Employment Opportunity).
 - (v) The Project Sponsor agrees to require all construction contractors and their subcontractors to comply with the Affirmative Action, Equal Opportunity Clause, Goals and Timetables, if the amount of the contract or subcontract is in excess of \$10,000.
 - (vi) The Project Sponsor shall require all contractors on the Project to comply with the Department of Labor's Safety and Health Regulations for construction promulgated under the Occupational Safety and Health Act of 1970 (PL 91-956) and under Section 107 of the Contract Work Hours and Safety Standards Act (PL 91-54).
 - (b) Davis-Bacon and Related Acts, as required by Public Law 112-10, certifying that all laborers and mechanics employed by prime contractors and subcontractors are paid wages at rates not less than those listed on the prevailing wage rate contained in the Project's contract documents and that all applicable provisions of the Davis-Bacon and Related Acts have been met. The Project Sponsor shall require the prime contractor to comply with the Davis-Bacon and Related Acts. See Attachment #1 herein.
 - (c) All applicable provisions of the Uniform Relocation and Real Property Acquisition Act of 1970 (PL 92-646) in regard to acquisition of real property (including easements) for the Project and any resulting relocation of persons, business and farm operations.
 - (d) Guidance Packages for: (i) Bidding and Award of Construction Contracts; (ii) Federal Requirements for the SRF Program; and (iii) Construction Contracts in the SRF Program.
6. Procurement Requirements. The Project Sponsor shall comply with all procurement requirements of law and, to the extent compliance therewith does not contravene any provision of law applicable to the Project Sponsor, shall comply with the procurement requirements set forth in Appendix "C" hereto.

7. Contract Award, Construction Inspection and Completion.
- (a) The Project Sponsor shall not execute construction contracts or issue the notice to proceed with respect to the Project prior to receiving written approval from the Department to award construction contracts.
 - (b) The Project Sponsor shall provide and maintain competent and adequate engineering supervision and continuous inspection of the Project to insure that the construction conforms to the plans and specifications approved by the Department. A monthly inspection report shall accompany each disbursement request.
 - (c) The Project Sponsor shall cause the Scope of Work identified in Appendix "A" to be completed and shall require all contractors to satisfactorily complete all work within the time stated in the executed construction contract. Extension of any contract completion date requires the Department's approval. Any costs incurred as a result of a time extension which has not received approval by the Department shall not be eligible for Loan Assistance participation.
 - (d) The Project Sponsor shall pay all costs to complete the Project not covered by the Loan Assistance.
8. Viability. The Project Sponsor shall, to the satisfaction of the Department, have developed and implemented appropriate managerial and financial capacity mechanisms to ensure compliance with state and federal regulatory requirements (e.g., Safe Drinking Water Act, Clean Water Act).
9. Reporting and Information. The Project Sponsor agrees to complete and submit all information and reports, in such form and according to such schedule, as may be required by the Department or the Authority.
10. Maintenance of Records. All pertinent Project records including, but not limited to, financial records, supporting documents, Davis-Bacon certifications and associated support documentation, certified payroll records, procurement records, and technical records for the Project shall be retained for a minimum of three years after the date of the final disbursement under this Agreement. However, if any litigation, claim, or investigative audit is started before the expiration of the three year period, then all such records must be retained for three years after the litigation, claim, or audit is resolved.
11. Accounting and Auditing.
- (a) The Project Sponsor shall account for the Project according to Generally Accepted Governmental Accounting Principles (GAAP).
 - (b) Within nine (9) months of the end of each fiscal year of the Project Sponsor in which any funds are received under this Agreement, the Project Sponsor shall submit to the Department's Office of Internal Audits at 2600 Bull Street, Columbia, South Carolina, 29201, an annual financial audit prepared by a certified public accountant. The conduct of the audit and the audit shall be in accordance with Generally Accepted Auditing Standards as defined in Government Auditing Standards, Comptroller General of the United States, July 27, 2007, and revisions, updates or successors thereto. An audit, as required by OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations, may be necessary for each year program funds are disbursed to the Project Sponsor. (CFDA Number 66.468)

12. Release of Responsibility. The Project Sponsor shall undertake the Project on its own responsibility and shall release and hold harmless the Authority, the Department, the State and their officers, members and employees from any claim arising in connection with the design, construction or operation of the Project including any matter due solely to the negligence of any of these parties.
13. Access and Inspection. The Project Sponsor shall provide access to the Project work whenever it is in preparation, under construction, or after completion and provide proper facilities for access and inspection. The Project Sponsor shall allow the United States Environmental Protection Agency, the Inspector General of the United States, the Department and the Authority, or any authorized representative, to have access to any books, documents, plans, reports, papers, and other records pertinent to the Project. The Project Sponsor shall cause its engineers, contractors, auditors and employees to cooperate during such inspections and make available all materials relevant to the review, examination or audit of the Project and compliance with this Agreement.
14. Other Agreements. The Project Sponsor shall comply with all terms and conditions of any construction contracts or engineering agreements affecting the Project and its operation.
15. Compliance with Governmental Authority. The Project Sponsor shall comply with all environmental laws, rules and other provisions of legal force and effect and all such other provisions which govern the construction or operation of the Project. The Project Sponsor agrees that no date reflected in this Agreement, or in the Project completion schedule, or extension of any such date, shall modify any compliance date established in an operating permit. It is the Project Sponsor's obligation to request any required modification of applicable permit terms or other enforceable requirements.
16. Review and Inspection of Work. Any audit or review of plans and specifications and any inspection of the work shall be for the convenience of the Department only in order to determine that they are within the approved scope of the Project. No such review and inspection, approvals and disapprovals shall be an undertaking by the Department of responsibility for design or construction.
17. Sanctions. If the Project Sponsor does not comply with the provisions of the Agreement, the Authority, upon receipt of written instructions by the Department, may take any or all of the following actions: (a) require repayment of all or a portion of any Loan Assistance provided; (b) require the Project Sponsor to take corrective actions to comply with this Agreement; (c) cancel, terminate, or suspend, in whole or in part, the Loan Assistance provided through this Agreement; or (d) terminate the entire Agreement.
18. Severability. If any provision of the Agreement is found to be illegal, invalid, or unenforceable in any respect, the legality, validity, and enforceability of the other provisions of this Agreement shall not in any way be affected or impaired.
19. Complete Agreement. This Agreement contains Appendices "A", "B", "C" and "D", Attachment #1, and all subsequent written approvals of the Department that alter any information contained in any of the Appendices hereto.
20. South Carolina Contract. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.

21. Notices. All notices hereunder shall be in writing and shall be addressed as follows:

If to the Project Sponsor:

Richland County
Utilities Department
7525 Broad River Road
Irmo, South Carolina 29063

Attention: Director of Utilities

If to the Authority:

South Carolina Water Quality Revolving Fund
Authority
c/o Office of Local Government - SRF
South Carolina Budget and Control Board
1200 Senate Street
408 Wade Hampton Building
Columbia, South Carolina 29201

Attention: Patricia A. Comp

22. Counterparts. This Agreement is executed in two counterparts, which are separately numbered, but each of which is deemed an original of equal dignity with the other and which is deemed one and the same instrument as the other.
23. Term of Agreement. The Term of this Agreement begins on the Effective Date and will expire upon the satisfaction of the requirements of Paragraph 11 herein.

IN WITNESS WHEREOF, the Project Sponsor and the Authority have caused these presents to be signed, sealed and delivered all as of the date hereof.

RICHLAND COUNTY

(SEAL)

By: _____
Name: _____
Title: _____

Attest:

By: _____

Its: _____

SOUTH CAROLINA WATER QUALITY REVOLVING FUND AUTHORITY

By: _____
Ashlie Lancaster, Interim Director,
Office of Local Government,
South Carolina Budget and Control Board

SCOPE OF WORK

Project Sponsor: Richland County
Project Name: Allbene Park Water System Improvements
Loan Assistance Number: F3-11-4020002-01

Construction of a new water distribution system to replace the existing system within Allbene Park involving the installation of 4,050 linear feet (LF) of water main (1,150 LF of 10 inch pipe and 2,900 LF of 6 inch pipe), three (3) fire hydrants, and forty (40) individual service lines totaling approximately 6,000 LF with individual meters and connection of well #3 to the existing SCADA system.

PROJECT BUDGET

Project Sponsor: Richland County
Project Name: Allbene Park Water System Improvements
Loan Assistance Number: F3-11-4020002-01

<u>ITEM</u>	<u>LOAN ASSISTANCE FUNDS</u>	<u>TOTAL ELIGIBLE COSTS</u>
Planning and Design Engineering	\$ 15,417	\$ 15,417
Construction	300,931	300,391
Construction Contingency	22,894	22,894
Construction Inspection and Engineering	<u>9,783</u>	<u>9,783</u>
Total	\$349,025	\$349,025

LOAN ASSISTANCE

Project Sponsor: Richland County
Project Name: Allbene Park Water System Improvements
Loan Assistance Number: F3-11-4020002-01

Loan Assistance Amount: \$349,025

Loan Amount:	\$349,025
Less Principal Forgiveness:	\$349,025
Net Amount for Repayment:	\$ 0

Project Sponsor: Richland County

Loan Assistance Number: F3-11-4020002-01

PROCUREMENT REQUIREMENTS

- I. Prior to construction contract award, the Project Sponsor shall:
 - A. Advertise the Project for a minimum of thirty (30) days in advance of bid opening using at least one of the following methods:
 - 1. Local newspapers of general circulation.
 - 2. MBE/WBE publications.
 - 3. Statewide or regional newspapers of general circulation.
 - 4. South Carolina Business Opportunities (SCBO).
 - B. Modify bid documents only by written addenda, which require prior Department approval.
 - C. Hold a public bid opening.
 - D. Utilize competitive sealed construction bids.
 - E. Require at least a five percent (5%) bid bond or certified check.
 - F. Require one hundred percent (100%) payment and performance bonds.
 - G. Require the contractor, during construction, to provide fire, extended coverage, vandalism and malicious mischief insurance equal to the actual value of the insured property.
 - H. Follow Davis-Bacon and Related Acts which require that all laborers and mechanics employed by contractors and subcontractors be paid wages at rates not less than those listed on the prevailing wage rate contained in the contract documents and that all applicable provisions of the Davis-Bacon and Related Acts be met. The Project Sponsor's Davis-Bacon Certification must accompany all draw requests. Require the prime contractor to follow Davis-Bacon provisions. See Attachment #1 herein.
 - I. Follow the "Good Faith Efforts" strategies outlined in the "Disadvantaged Business Enterprise (DBE) Compliance" section of the Federal Requirements guide to aid in successfully meeting the DBE requirements. If subcontracts are awarded, require the prime contractor to follow the "Good Faith Efforts" strategies outlined in the bid documents and provide required documentation.
 - J. Create and maintain a list of all firms that bid or quote on prime contracts and/or subcontracts (Bidders List) including both disadvantaged business enterprises and non-disadvantaged business enterprises. The Bidders List must be kept until Project completion.
 - K. If other funding sources are included which have stricter bidding requirements or if applicable Federal, State or local laws or ordinances have stricter requirements, these stricter requirements govern.
 - L. After bid opening, provide the Department with the following:
 - 1. Project Construction Summary Form (DHEC Form #3589).
 - 2. A certified copy of the advertisement with date(s) of publication.
 - 3. A copy of the Project Sponsor's Bidders List.
 - 4. Detailed bid tabulation certified by Project Sponsor's engineer.
 - 5. Proposal of successful bidder(s).
 - 6. Bid Bond with associated Power of Attorney.

7. A copy of the Davis-Bacon Wage Rate used in bidding the Project.
 8. Engineer's award recommendation of low bidder(s) to Project Sponsor. If the award is recommended to other than the low bidder(s), provide justification for decision.
 9. Certified copy of Project Sponsor's tentative award resolution listing the proposed contractor(s) and contract amount(s).
 10. Prime Contractor's Subagreement Certification (DHEC Form #3591).
 11. Evidence that the low bidder(s) complied with the Disadvantaged Business Enterprise (DBE) requirements listed in the bid documents. DBE approval must precede bid package approval.
 12. A copy of the prime contractor's Bidders List.
 13. DBE Subcontractor Utilization Form (EPA Form 6100-4) from the prime contractor.
 14. DBE Subcontractor Performance Form (EPA Form 6100-3) from all DBE firms.
 15. EEO Documentation Form (DHEC Form #2323), with all required attachments, including Certification by Proposed Prime or Subcontractor Regarding Equal Employment Opportunity (DHEC Form #3592) from the proposed prime contractor(s) and all subcontractors whose contract amount is expected to exceed \$10,000.
 16. Certification Regarding Debarment, Suspension and Other Responsibility Matters (DHEC Form #3590) from the proposed prime contractor(s) and all subcontractors whose contract amount is expected to exceed \$25,000.
 17. Project Inspection Designation Form (DHEC Form #2324), with all required attachments, indicating the selected method of providing continuous inspection during construction.
- M. Receive Department approval to award the construction contract(s).
- II. Subsequent to construction contract award, the Project Sponsor shall submit the following to the Department as proof of compliance with procurement requirements:
- A. Executed contract documents.
 - B. Notice to Proceed.
 - C. Semi-annual MBE/WBE Utilization Reports (EPA Form 5700-52A).
 - D. Monthly Construction Inspection Reports.
 - E. Project Sponsor's Davis-Bacon Certification (DHEC Form #2557) which must accompany all draw requests.
- III. Subsequent to contract award, the Project Sponsor shall submit the following, for Department review and approval, on any proposed change orders:
- A. Need for the change.
 - B. Clear description of the change.
 - C. Cost and pricing data.
 - D. Documentation of negotiation.
 - E. For claims, information showing the claim did not result from the Project Sponsor's or contractor's mismanagement.

SPECIAL CONDITIONS

Project Sponsor: Richland County
Project Name: Allbene Park Water System Improvements
Loan Assistance Number: F3-11-4020002-01

None.

**Davis-Bacon Wage Rates Under FY 2010 and 2011 Federal Appropriations Acts
For Subrecipients (Project Sponsors)**

1. Applicability of the Davis-Bacon (DB) Prevailing Wage Requirements

Under the FY 2010 Appropriation, and/or FY 2011 Full-Year Continuing Appropriation, DB prevailing wage requirements apply to the construction, alteration, and repair of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund and to any construction project carried out in whole or in part by assistance made available by a drinking water treatment revolving loan fund. If a subrecipient encounters a unique situation at a site that presents uncertainties regarding DB applicability, the subrecipient must discuss the situation with the recipient State before authorizing work on that site.

2. Obtaining Wage Determinations

- (a) Subrecipients shall obtain the wage determination for the locality in which a covered activity subject to DB will take place prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation) for activities subject to DB. These wage determinations shall be incorporated into solicitations and any subsequent contracts. Prime contracts must contain a provision requiring that subcontractors follow the wage determination incorporated into the prime contract.
 - (i) While the solicitation remains open, the subrecipient shall monitor www.wdol.gov weekly to ensure that the wage determination contained in the solicitation remains current. The subrecipients shall amend the solicitation if DOL issues a modification more than 10 days prior to the closing date (i.e. bid opening) for the solicitation. If DOL modifies or supersedes the applicable wage determination less than 10 days prior to the closing date, the subrecipients may request a finding from the State recipient that there is not a reasonable time to notify interested contractors of the modification of the wage determination. The State recipient will provide a report of its findings to the subrecipient.
 - (ii) If the subrecipient does not award the contract within 90 days of the closure of the solicitation, any modifications or supersedes DOL makes to the wage determination contained in the solicitation shall be effective unless the State recipient, at the request of the subrecipient, obtains an extension of the 90 day period from DOL pursuant to 29 CFR 1.6(c)(3)(iv). The subrecipient shall monitor www.wdol.gov on a weekly basis if it does not award the contract within 90 days of closure of the solicitation to ensure that wage determinations contained in the solicitation remain current.
- (b) If the subrecipient carries out activity subject to DB by issuing a task order, work assignment or similar instrument to an existing contractor (ordering instrument) rather than by publishing a solicitation, the subrecipient shall insert the appropriate DOL wage determination from www.wdol.gov into the ordering instrument.
- (c) Subrecipients shall review all subcontracts subject to DB entered into by prime contractors to verify that the prime contractor has required its subcontractors to include the applicable wage determinations.
- (d) As provided in 29 CFR 1.6(f), DOL may issue a revised wage determination applicable to a subrecipient's contract after the award of a contract or the issuance of an ordering instrument if DOL determines that the subrecipient has failed to incorporate a wage determination or has used a wage determination that clearly does not apply to the contract or ordering instrument. If this occurs, the subrecipient shall either terminate the contract or ordering instrument and issue a revised solicitation or ordering instrument or incorporate DOL's wage determination retroactive to the beginning of the contract or ordering instrument by change order. The subrecipient's contractor must be compensated for any increases in wages resulting from the use of DOL's revised wage determination.

3. Contract and Subcontract Provisions

Refer to Appendix A: Mandatory Supplemental General Conditions For The South Carolina State Revolving Fund Program that must be included in all bid documents and contracts over \$2,000. Available from the Department.

4. Contract Provisions for Contracts in Excess of \$100,000

Refer to Appendix A: Mandatory Supplemental General Conditions For The South Carolina State Revolving Fund Program that must be included in all bid documents and contracts over \$100,000. Available from the Department.

5. Compliance Verification

- (a) The subrecipient shall periodically interview a sufficient number of employees entitled to DB prevailing wages (covered employees) to verify that contractors or subcontractors are paying the appropriate wage rates. As provided in 29 CFR 5.6(a)(6), all interviews must be conducted in confidence. The subrecipient must use Standard Form 1445 (SF 1445) or equivalent documentation to memorialize the interviews. Copies of the SF 1445 are available from EPA on request.
- (b) The subrecipient shall establish and follow an interview schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, the subrecipient should conduct interviews with a representative group of covered employees within two weeks of each contractor or subcontractor's submission of its initial weekly payroll data and two weeks prior to the estimated completion date for the contract or subcontract. Subrecipients must conduct more frequent interviews if the initial interviews or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. Subrecipients shall immediately conduct necessary interviews in response to an alleged violation of the prevailing wage requirements. All interviews shall be conducted in confidence.
- (c) The subrecipient shall periodically conduct spot checks of a representative sample of weekly payroll data to verify that contractors or subcontractors are paying the appropriate wage rates. The subrecipient shall establish and follow a spot check schedule based on its assessment of the risks of noncompliance with DB posed by contractors or subcontractors and the duration of the contract or subcontract. At a minimum, if practicable, the subrecipient should spot check payroll data within two weeks of each contractor or subcontractor's submission of its initial payroll data and two weeks prior to the completion date the contract or subcontract. Subrecipients must conduct more frequent spot checks if the initial spot check or other information indicates that there is a risk that the contractor or subcontractor is not complying with DB. In addition, during the examinations the subrecipient shall verify evidence of fringe benefit plans and payments thereunder by contractors and subcontractors who claim credit for fringe benefit contributions.
- (d) The subrecipient shall periodically review contractors and subcontractor's use of apprentices and trainees to verify registration and certification with respect to apprenticeship and training programs approved by either the U.S Department of Labor or a state, as appropriate, and that contractors and subcontractors are not using disproportionate numbers of, laborers, trainees and apprentices. These reviews shall be conducted in accordance with the schedules for spot checks and interviews described in Item 5(b) and (c) above.
- (e) Subrecipients must immediately report potential violations of the DB prevailing wage requirements to the EPA DB contact listed above and to the appropriate DOL Wage and Hour District Office listed at <http://www.dol.gov/esa/contacts/whd/america2.htm>.

BOARD:
Allen Arnsler
Chairman
Mark S. Lutz
Vice Chairman



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

BOARD:
R. Kenyon Wells
I. Clarence Batts, Jr.
Ann B. Kirol, DDS
John O. Hutto, Sr., MD

December 11, 2012

Mr. Andy Metts
Richland County Utilities
7525 Broad River Road
Irmo, SC 29063

RE: Albene Park New Water Distribution System, SRF #4020002-01 2nd Revision

Dear Mr. Metts:

The Drinking Water State Revolving Fund (DWSRF) Intended Use Plan for State Fiscal Year 2012 has been finalized and can be found at www.scdhec.gov/environment/water/docs/srf_dwiup.pdf.

The above referenced project has been selected to receive funds allotted to South Carolina's DWSRF program from the Federal Fiscal Year 2011 Full-Year Continuing Appropriation Act (P.L. 112-10) in an amount not to exceed \$349,025. This amount reflects the increase in project cost due to the increase in the cost of construction. These funds will be provided to you for loan assistance without any required repayment of principal nor interest accrued upon that principal amount.

Construction must begin within ninety (90) days of the date of this letter to insure the use of these funds for this project.

If you have any questions please have your engineer contact Butch Swygert at swygercw@dhec.sc.gov or (803) 898-4235.

Sincerely,

Shawn M. Clarke, P.E., Manager
SRF Program
Water Facilities Permitting Division

cc: Ashlie Lancaster, SC Budget & Control Board
Trish Comp, SC Budget & Control Board
Butch Swygert, SC DHEC SRF Section

Tom Brigman Contractors, Inc.

TBC

1509 SUNSET AVENUE, P.O. BOX 336, NEWBERRY, SC 29108
PHONE (803) 276-4083 FAX: (803) 276-1050

January 18, 2013

Mr. Joel Wood
Joel E. Wood & Associates, LLC

Ref: Allbenc Park Water Distribution Lines

Dear Joel:

Per our conversations concerning the above referenced project, as it pertains to the shipment date of pipe, we can extend our quote to be good through March 15, 2013. My supplier had to get special terms in order to meet that date, and it will not be able to be extended past that date.

We are not only guaranteeing that pricing, but also pricing for line extensions 1, 3, 5 and 7 quoted in July 2012.

Please advise us how to proceed on all of this work so that we can meet the March 15th ship date.

Sincerely,



Blake Brigman
President

BB/cd

REVISED BID FORM NOVEMBER 9, 2012

Proposal of Tom Brigman Contractors, Inc.

(hereinafter called "BIDDER"), organized and existing under the laws of the State of South

CAROLINA doing business as A Corporation *

To Richland County

(hereinafter called "OWNER").

In compliance with you Advertisement for BIDS, BIDDER hereby proposes to perform all WORK for the construction of water distribution lines, valves, fittings, hydrants, service connections and appurtenances.

in strict accordance with the CONTRACT DOCUMENTS, within the time set forth therein, and at the prices stated below.

By submission of this BID, each BIDDER certifies, and in the case of a joint BID each party thereto certifies as to its own organization, that this BID has been arrived at independently, without consultation, communication, or agreement as to any matter relating to this BID with any other BIDDER or with any competitor.

BIDDER hereby agrees to commence WORK under this contract on or before a date to be specified in the NOTICE TO PROCEED and to fully complete the PROJECT within 210 consecutive calendar days thereafter. BIDDER further agrees to pay as liquidated damages in the amount stated in the Special Conditions for each consecutive calendar day thereafter

BIDDER acknowledges receipt of the following ADDENDUM:

- #1
- #2

*Insert "a corporation", "a partnership", or "an individual" as applicable.

BIDDER agrees to perform all the work described in the CONTRACT DOCUMENTS for the following unit prices or lump sum:

BID SCHEDULE (REVISED NOVEMBER 9, 2012)

NOTE: BIDS shall include sales tax and all other applicable taxes and fees.

SRF Eligible Items

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>TOTAL PRICE</u>
Section A:					
A.					
1.	Mobilization	1	L.S.	\$ 15,400. ⁰⁰	\$ 15,400. ⁰⁰
2.	Clear R/W	2.5	AC	\$ 0. ³⁹	\$ 0. ⁹⁸
3.	Traffic Control	1	L.S.	\$ 770. ⁰⁰	\$ 770. ⁰⁰
4.	Construction Staking	1	L.S.	\$ 550. ³⁹	\$ 550. ³⁹
5.	Sediment and erosion control	1	L.S.	\$ 1100. ³⁹	\$ 1100. ³⁹
6.	Seeding, fertilizer and mulch	2.5	AC	\$ 1865. ⁶⁰	\$ 4664. ⁰⁰
7.	10"(C900 DR 18 PC 235) PVC complete, installed, tested, sterilized and approved for use	1,100	L.F.	\$ 24. ⁰²	\$ 26422. ⁰⁰
8.	10" Ductile iron pipe (Pressure Class 350) complete, installed under roadway with flowable fill, tested, sterilized, and approved for use	120	L.F.	\$ 75. ²⁸	\$ 9033. ⁶⁰
9.	6" (C900 DR 18, PC 235) PVC complete, installed, tested, sterilized and approved for use	4,350	L.F.	\$ 11. ⁷⁹	\$ 51,286. ⁵⁰

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
10.	6" Ductile iron pipe (Pressure Class 350) complete, installed under roadway with flowable fill, tested, sterilized, and approved for use	150	L.F.	\$ <u>57.56</u>	\$ <u>8634.00</u>
11.	Bore & Jack 12.75" Steel Casing With 6" Restrained Joint Ductile Iron Carrier Pipe complete, installed, tested, sterilized and approved for use	30	L.F.	\$ <u>142.54</u>	\$ <u>4276.20</u>
12.	4" (C900 DR 18, PC 235) PVC complete, installed, tested, sterilized and approved for use	225	L.F.	\$ <u>10.71</u>	\$ <u>2409.75</u>
13.	4" Ductile iron pipe (Pressure Class 350) complete, installed under roadway with flowable fill, tested, sterilized, and approved for use	35	L.F.	\$ <u>57.04</u>	\$ <u>1996.40</u>
14.	4" Gate Valve and Box	1	EA	\$ <u>672.72</u>	\$ <u>672.72</u>
15.	10" Gate Valve and Box	3	EA	\$ <u>1733.84</u>	\$ <u>5201.52</u>
16.	6" Gate Valve and Box	8	EA	\$ <u>843.12</u>	\$ <u>6744.96</u>
17.	2 1/2" Blow off as per detail	1	EA	\$ <u>1701.66</u>	\$ <u>1701.66</u>
18.	Standard fire hydrant assembly as per detail	3	EA	\$ <u>3452.65</u>	\$ <u>10357.95</u>
19.	Tie proposed 10" line to existing 10" line complete, installed, tested and approved for use	1	L.S.	\$ <u>3609.65</u>	\$ <u>3609.65</u>

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
20.	Tie proposed 6" PVC service line with a 10" x 10" x 6" tapping sleeve with 6" gate valve and box, complete, installed, tested and approved for use	1	L.S.	\$ <u>3696.⁵⁹</u>	\$ <u>3696.⁵⁹</u>
21.	Tie proposed 6" PVC line to existing 4" school service line, complete, installed, tested and approved for use	1	L.S.	\$ <u>2886.⁶¹</u>	\$ <u>2886.⁶¹</u>
22.	4" Service connection including meter as per detail	1	EA	\$ <u>24666.¹¹</u>	\$ <u>24666.¹¹</u>
23.	¾" Service connection with pressure reducing valve, including ¾" X 5/8" meter.	40	EA	\$ <u>683.⁸⁷</u>	\$ <u>27354.⁸⁰</u>
24.	¾" Copper tube size (PR 200) service tubing	1,200	L.F.	\$ <u>4.³⁸</u>	\$ <u>5256.⁰⁰</u>
25.	1" IPS (PR 200) service tubing	5,000	L.F.	\$ <u>4.⁶⁸</u>	\$ <u>23400.⁰⁰</u>
26.	Tie new service line to existing service line at the Customer's house	40	EA	\$ <u>366.⁸⁵</u>	\$ <u>14674.⁰⁰</u>
27.	Bore ¾" service tubing under pavement no casing	600	L.F.	\$ <u>13.³⁵</u>	\$ <u>8010.⁰⁰</u>
28.	Saw cut, remove and replace asphalt in driveways as per detail	250	SQ YD	\$ <u>36.⁶⁰</u>	\$ <u>9150.⁰⁰</u>
29.	Saw cut, remove and replace asphalt in roadways as per detail	175	SQ YD	\$ <u>42.⁴⁸</u>	\$ <u>7434.⁰⁰</u>
30.	Macadam base material in driveways and at mail box	80	Tons	\$ <u>29.¹⁹</u>	\$ <u>2335.²⁰</u>

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
31.	Saw cut, remove and replace concrete in driveways as per detail	35	SQ YD	\$ <u>57.⁸⁹</u>	\$ <u>2026.¹⁵</u>
32.	Saw cut, remove and replace concrete sidewalk	50	SQ YD	\$ <u>50.⁸³</u>	\$ <u>2541.⁵⁰</u>
33.	Valve box protector rings	16	EA	\$ <u>41.⁷⁰</u>	\$ <u>667.²⁰</u>
34.	Provide pump drawdown test, new pump, piping, tie to new supply line, and housing for well #3	1	L.S.	\$ <u>0</u>	\$ <u>0</u>
35.	Connect well #3 to existing SCADA System. Sole Source Paid Allowance	1	L. S.	\$ <u>12,000.00</u>	\$ <u>12,000.00</u>


TOTAL SRF ELIGIBLE

TOTAL OF BID \$ 300,930.⁸³

TOTAL BASE BID (ELIGIBLE) \$ 300,930.⁸³

Three hundred thousand nine hundred thirty & ⁸³/₁₀₀ dollars
(TOTAL BASE BID (ELIGIBLE AMOUNT WRITTEN OUT))

Respectfully submitted:


SIGNATURE
President
TITLE

P.O. Box 336
ADDRESS
Newberry SC 29108
1-18-13
DATE

G-11199
CONTRACTOR'S LICENSE NUMBER
NUMBER

B-50449
BIDDER'S LICENSE

SEAL - (IF BID IS BY A CORPORATION)

ATTEST





JOEL E. WOOD & ASSOCIATES
PLANNING • ENGINEERING • MANAGEMENT

Main Office

2160 Filbert Highway
York SC 29745

P O Box 296
Clover, SC 29710

Tel: (803) 684-3390
Fax: (803) 628-2891

January 21, 2013

Mr. Andy Metts, Director
Richland County Department of Utilities
7525 Broad River Road
Irmo, South Carolina 29063

**REF: HOPKINS COMMUNITY WATER SYSTEM IMPROVEMENTS
ALLBENE PARK WATER DISTRIBUTION LINES**

Dear Mr. Metts:

Please find attached the revised "Bid Form" from Tom Brigman Contractors, Inc., which eliminates Bid Item Number 34. The Project can be constructed without Bid Item 34 and I recommend that Tom Brigman Contractors, Inc. be awarded the Contract for the Hopkins Community Water System Improvement in the amount of \$300,930.83 provided funds are available.

Should you have any questions or need additional information, please feel free to contact me.

Sincerely,

JOEL E. WOOD & ASSOCIATES, L.L.C.

Joel E. Wood, P.E.
Managing Partner

Kings Mountain, NC

104 N Dilling St
Kings Mountain NC
28086

P O Box 296
Clover, SC 29710

Tel: (704) 739-2565
Fax: (704) 739-2565

Water Supply Construction Permit Bureau of Water



SRF NO. 4020002-01

The issuance of this construction permit does not relieve projects pursuing funding under the State Revolving Fund (SRF) program of responsibility to fulfill SRF program requirements. All construction will be at the sponsor's own funding risk prior to completion and approval of SRF requirements.

**Permission is Hereby Granted To: RICHLAND COUNTY UTILITIES & SERVICES
7525 BROAD RIVER RD
IRMO SC 29063**

for the construction of a distribution system in accordance with the construction plans, specifications, design calculations and the SC DHEC Construction Permit Application signed by Joel E Wood, Registered Professional Engineer, S.C. Registration Number: 05762.

Project Name: RICHLAND CO UTILITIES/HOPKINS REGIONAL SYS-ALLBENE PARK EXT.
County: Richland
Location: Lower Richland Blvd., Sonoma Dr., Allbene Dr. and Gladstone Rd.

Project Description: Approximately 1,060 LF OF 10" water main, 3,150 LF of 6" water main, valves, fire hydrants, fittings, and appurtenances. Upgrade of existing well and associated chemical feed building.

Service By: The water will be provided by Richland County Utilities & Services (System Number: 4020002)

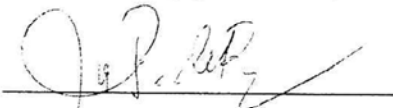
Special Conditions

None

In accepting this permit, the owner agrees to the admission of properly authorized persons at all reasonable hours for the purpose of sampling and inspection.

This is a permit for construction only and does not constitute State Department of Health and Environmental Control approval, temporary or otherwise, to place the system in operation. An Approval to Place in Operation is required and can be obtained following the completion of construction by contacting the COLUMBIA EQC OFFICE at 803-896-0620. Additional permits may be required prior to construction (e.g., stormwater).

Permit Number: 28643-WS
Date of Issue: September 26, 2012
Expiration Date: Construction must be completed prior to September 26, 2015 or this permit will expire.



Jeffrey P. deBessonet, P.E., Director
Water Facilities Permitting Division

BS

Bureau of Water, DHEC, 2600 Bull Street, Columbia, SC 29201

Richland County Council Request of Action

Subject

Hospitality Tax Ordinance Distribution [**PAGES 137-147**]

Notes

February 26, 2013 - The Committee recommended the item be deferred for further discussion during the budget meetings.

Richland County Council Request of Action

Subject: Hospitality Tax Ordinance Distribution

A. Purpose

County Council is requested to reconsider the Hospitality Tax Ordinance Agency distribution formula, and to reevaluate the current practice of distributing funds in alternating years following a general election.

B. Background / Discussion

On February 5, 2013 Councilman Manning made the following motion that was forwarded to the A&F Committee:

“Revisit the disproportioned distribution of current Hospitality Tax Ordinance agencies with a recommended funding formula adjustment being as follows:

“40% for the County Promotions’ grant program; 25% for Historic Columbia Foundation; 20% for Columbia Museum of Art; and 15% for EdVenture. Additionally, the percentages should be revisited on alternating years following a general election.”

According to the Hospitality Tax Ordinance, Section 23-69 (Appendix 1), the original distribution of H-Tax funds to Ordinance Agencies was written as follows for FY 2003-2004:

- Columbia Museum of Art \$650,000
- Historic Columbia \$250,000
- EdVenture \$100,000
- County Promotions \$200,000

Appendix 2 shows the approved budget of Hospitality Tax in fiscal years 2011-2013. The chart below shows amounts and percentages of the current approved allocations in comparison with the proposed percentages from Councilman Manning:

Organization	FY13 Approved		Proposed		Difference
Columbia Museum of Art	\$ 687,926	49%	\$ 279,743	20%	\$(408,183)
Historic Columbia	\$ 264,587	19%	\$ 349,679	25%	\$ 85,092
EdVenture	\$ 105,834	8%	\$ 209,807	15%	\$ 103,973
County Promotions	\$ 340,368	24%	\$ 559,486	40%	\$ 219,118
Total	\$ 1,398,715	100%	\$ 1,398,715	100%	

As proposed, these percentages would be discussed after every general election so that distribution amounts can reflect the view of County Council as well as Ordinance Agency needs on a regular basis.

C. Legislative/Chronological History

- May 5, 2003 – Council approved the Hospitality Tax Ordinance.
- May 31, 2012 – Council approved the FY13 budget figures as stated above for Hospitality Tax Ordinance agencies.

- February 5, 2013 – Councilman Manning’s motion was made. At this meeting, Council also approved the 2013 Retreat Directives, which includes the following:
 - Would Council like to make revisions to the Hospitality Tax ordinance? Council recommends the potential consideration of revisions to the Hospitality Tax ordinance during the budget process.
 - Would Council like to make revisions to the way Hospitality Tax funds are currently distributed? Council recommends having a full accounting of the entire Hospitality Tax budget during the budget process.
 - Would Council like to make the Township an ordinance agency? Council recommends the potential consideration of revisions to the Hospitality Tax ordinance during the budget process.

D. Financial Impact

There is no financial impact to Richland County. Councilman Manning’s motion simply redistributes the funding percentages, not the total dollar amount.

E. Alternatives

1. Approve the request to reallocate the Hospitality Tax Ordinance agency funds as presented, and revisit the amounts to be allocated after each general election.
2. Do not approve the request to reallocate the Hospitality Tax Ordinance agency funds as presented, and revisit the amounts to be allocated after each general election.
3. Explore the Hospitality Tax funding distribution to include the “ordinance agencies” during the budgeting process, as was approved at the February 5, 2013 Council Meeting.

F. Recommendation

This request is at the discretion of County Council.

Recommended by: Councilman Jim Manning Department: County Council Date:2/5/2013

G. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 2/11/13

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: As stated in the ROA recommendation, this is a policy decision at council’s discretion

Grants

Reviewed by: Sara Salley

Date: 2/11/13

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

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

Legal

Reviewed by: Elizabeth McLean

Date: 2/12/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

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

Administration

Reviewed by: Roxanne Ancheta

Date:


Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: While this specific Hospitality Tax redistribution proposal is a policy decision of Council, it is recommended that Council proceed with a **full accounting** of the **entire** Hospitality Tax budget during the FY14 budget process, as was approved at the February 5, 2013 Council Meeting per Retreat directives. The full accounting of the entire Hospitality Tax budget will not only address funding options for County Promotions, Historic Columbia Foundation, Columbia Museum of Art and EdVenture (as was proposed in this motion), but will also address the Township, other discretionary council promotions and other expenditures currently paid with Hospitality Tax revenues.

ARTICLE VI. LOCAL HOSPITALITY TAX ORDINANCE

 Sec. 23-65. Definitions.

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

Local Hospitality Tax means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county.

Person means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

Prepared Meals and Beverages means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations.

RichlandCounty means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county.

(Ord. No. 025-03-HR, § I, 5-6-03; Ord. No. 040-10HR, § I, 7-6-10)

 Sec. 23-66. Local Hospitality Tax.

A local hospitality tax is hereby imposed on the sales of prepared meals and beverages sold in establishments within the incorporated municipalities and the unincorporated areas of the county. The local hospitality tax shall be in an amount equal to two percent (2%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county and within the boundaries of the incorporated municipalities which have consented, by resolution adopted by their governing body, to the imposition of the local hospitality tax in the amount of two percent (2%). The local hospitality tax shall be in an amount equal to one percent (1%) of the gross proceeds of sales of prepared food and beverages sold in establishments located within the boundaries of the incorporated municipalities within the county which do not give their consent to the imposition of the local hospitality tax. Provided, however, the county shall not impose a local hospitality tax on those municipalities that have adopted a two percent (2%) local hospitality tax prior to July 1, 2003. Effective July 1, 2009 through June 30, 2011, the county shall temporarily reduce the local hospitality tax to one percent (1%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county. This temporary suspension shall not affect the hospitality tax rates within the boundaries of any incorporated municipality.

(Ord. No. 025-03-HR, § I, 5-6-03; Ord. No. 016-09HR, § I, 7-1-09)

 Sec. 23-67. Payment of Local Hospitality Tax.

(a) Payment of the local hospitality tax established herein shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The county shall promulgate a form of return that shall be utilized by the provider of services to calculate the amount of local hospitality tax collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services.

(b) The tax provided for in this article must be remitted to the county on a monthly basis when the estimated amount of average tax is more than fifty dollars (\$50.00) a month, on a quarterly basis when the estimated amount of average tax is twenty-five dollars (\$25.00) to fifty dollars (\$50.00) a month, and on an annual basis when the estimated amount of average tax is less than twenty-five dollars (\$25.00) a month.

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form and/or other approved revenue documentation, and the hospitality taxes when due, to the county on the 20th of the month, or on the next business day if the 20th is not a business day.

(Ord. No. 025-03-HR, § I, 5-6-03; Ord. No. 010-08HR, § I, 3-4-08)

Sec. 23-68. Local Hospitality Tax Special Revenue Fund.

An interest-bearing, segregated and restricted account to be known as the "Richland County Local Hospitality Tax Revenue Fund" is hereby established. All revenues received from the local hospitality tax shall be deposited into this Fund. The principal and any accrued interest in this Fund shall be expended only as permitted by this article.

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-69. Distribution of Funds.

(a) (1) The county shall distribute the Local Hospitality Tax collected and placed in the "Richland County Local Hospitality Tax Revenue Fund" to each of the following agencies and purposes ("Agency") in the following amounts during fiscal year 2003-2004:

ColumbiaMuseum of Art	\$650,000
Historic Columbia	\$250,000
EdVentureMuseum	\$100,000
CountyPromotions	\$200,000

(2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, and EdVentureMuseum shall be paid quarterly beginning October 1, 2003. The amount distributed to organizations receiving CountyPromotions shall be paid to the organization as a one-time expenditure beginning in Fiscal Year 2008-09.

(3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, and EdVentureMuseum must annually submit to the County an affirmative marketing plan outlining how the agency will use its hospitality tax allocation for tourism promotion in the upcoming fiscal year. The plan shall include a detailed project budget which outlines the agency's proposed use of hospitality tax funds. The marketing plan shall also outline how the agency will promote access to programs and services for all citizens of RichlandCounty, including documentation of "free" or discounted services that will be offered to RichlandCounty residents. In addition, each Agency shall demonstrate a good faith effort to expand programs and events into the unincorporated areas of RichlandCounty. The annual marketing plan shall be due to the CountyAdministrator no later than March 1 of each year. If an Agency fails to comply with these

requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (f) below.

(4) For the amounts distributed under the County Promotions program, funds will be distributed with a goal of seventy-five percent (75%) dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County and in municipal areas where Hospitality Tax revenues are collected by the county. These shall include:

a. Organizations that are physically located in the areas where the county collects Hospitality Tax revenues, provided the organization also sponsors projects or events within those areas;

b. Organizations that are not physically located in the areas where the county collects Hospitality Tax Revenues; however, the organization sponsors projects or events within those areas; and

c. Regional marketing organizations whose primary mission is to bring tourists to the region, including the areas where the county collects Hospitality Tax Revenues.

(5) In the event Local Hospitality Tax Revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's share to be determined by the percentage of the total revenue it would have received had the revenues allowed for full funding as provided in subsection (a)(1) above.

(b) In each of fiscal years 2004-2005 and 2005-2006, the Local Hospitality Tax shall be distributed to each Agency named above in the same amounts and on the same terms and conditions, together with a three percent (3%) increase in each of fiscal year 2004-2005 and 2005-2006.

(c) In fiscal year 2006-2007, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be established in the County's FY 2006-2007 Budget Ordinance.

(d) In fiscal years 2007-2008 and 2008-09, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the revenue growth as determined by trend analysis of the past three years, but in any event not more than 3%.

(e) Beginning in fiscal year 2009-2010 and continuing thereafter, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the projected revenue growth rate from the previous year, but in any event not more than 3%. If projected revenues shall decrease from the previous year, the amount distributed to each Agency named above shall be decreased proportionately. In each of the fiscal years 2009-2010 and 2010-2011, during which time the local hospitality tax shall be temporarily reduced in the unincorporated area of the county, the projected growth rates referenced in this subsection shall be based on the projected revenue as if the temporary reduction was not in effect.

(f) All Local Hospitality Tax revenue not distributed pursuant to subsections (a) through (e) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development, construction, promotion, marketing, operations, and financing (including debt service) of the State Farmer's Market (in lower Richland County), Township Auditorium, a new recreation complex (in northern Richland County), recreation capital improvements, Riverbanks Zoo, and other expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended.

(Ord. No. 025-03-HR, § I, 5-6-03; Ord. No. 081-06HR, § I, 9-12-06; Ord. No. 001-08HR, § I, 1-8-08; Ord. No. 069-08HR, § I, 12-2-08; Ord. No. 016-09HR, § II, 7-1-09; Ord. No. 077-09HR, § I, 12-15-09; Ord. No. 059-10HR, § I, 9-21-10)

Sec. 23-70. Re-distribution of the County's General Fund.

A portion of the general fund revenue that was historically appropriated for the agencies and purposes identified in section [23-69](#), subsections (a) and (d), shall in fiscal year 2004 be appropriated in an amount equivalent to one-quarter mill to each of the following entities, subject to approval of the general fund budget: 1) the Richland County Conservation Commission, and 2) the Neighborhood Redevelopment Commission. Thereafter, beginning in fiscal year 2005, an amount equivalent to one-half mill shall be appropriated to each of these two agencies, subject to approval of the general fund budget. Each such entity shall be established and accounted for as a Special Revenue Fund. There shall be no additions to the Statutory and Contractual Agencies funded through the County's General Fund Budget, except as required by state or federal law.

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-71. Oversight and Accountability.

The following organizations: the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must submit a mid-year report by January 31 and a final report by July 31 of each year to the Richland County Administrator, which includes a detailed accounting of all hospitality tax fund expenditures and the impact on tourism for the preceding fiscal year, including copies of invoices and proof of payment. The county shall not release hospitality tax funds to any agency unless that agency has submitted an acceptable final report for the previous fiscal year. If an Agency fails to comply with these requirements by the July 31 deadline, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and may be distributed as provided in Section 23-69 (f).

Any organization receiving County Promotions funding must comply with all requirements of this article, as well as any application guidelines and annual reporting requirements established by council, to include a detailed reporting of all grant expenditures.

(Ord. No. 025-03-HR, § I, 5-6-03; Ord. No. 001-08HR, § II, 1-8-08; Ord. No. 069-08HR, § II, 12-2-08; Ord. No. 016-09HR, § III, 7-1-09; Ord. No. 059-10HR, § II, 9-21-10)

Sec. 23-72. Inspections, Audits and Administration.

(a) For the purpose of enforcing the provisions of this article, the county administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records.

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty- four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due.

(c) The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records.

(Ord. No. 025-03-HR, § I, 5-6-03; Ord. No. 040-10HR, § II, 7-6-10)

Sec. 23-73. Assessments and Appeals of Hospitality Tax.

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate

and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein.

(b) Assessments of hospitality taxes and/or penalties, which are based upon records provided by businesses, shall be conveyed in writing to businesses. If a business fails to provide records as required by this Article or by the BusinessServiceCenter, the tax assessment shall be served by certified mail. Within five (5) business days after a tax assessment is mailed or otherwise conveyed in writing, any person who desires to have the assessment adjusted must make application to the BusinessServiceCenter for reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment.

(c) A final assessment may be appealed to the County Council, provided that an application for reassessment was submitted within the allotted time period of five (5) business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

(d) Requests for waivers of penalties, as described in Sec. [23-74](#) (b), shall be submitted to the Business Service Center Director simultaneously with corroborating documentation relating to the validity of the appeal within five (5) business days of receipt of a tax assessment. The Director shall determine if the provided documentation confirms the circumstances permitting a waiver of penalties as described in the aforementioned section. A decision shall be provided in writing within five (5) business days of the receipt of the request. Businesses wishing to appeal the decision of the Business Service Center Director may appeal to the Richland County Council within five (5) business days of receipt of the Director's decision.

(Ord. No. 010-08HR, § II, 3-4-08; Ord. No. 040-10HR, § III, 7-6-10)

Sec. 23-74. Violations and Penalties.

(a) It shall be a violation of this Article to:

- (1) fail to collect the Local Hospitality Tax as provided in this Article;
- (2) fail to remit to the County the Local Hospitality tax collected, pursuant to this Article;
- (3) knowingly provide false information on the form of return submitted to the County; or
- (4) fail to provide books and records to the CountyAdministrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person. No more than six months of penalties shall be waived.

(1) An unexpected and unavoidable absence of the person from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the hospitality tax.

(2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality tax owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the hospitality tax.

(3) The hospitality tax was documented as paid on time, but inadvertently paid to another taxing entity.

(4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of hospitality taxes, over which the person had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally- declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of hospitality tax penalties.

(5) The delinquency was the result of clear error on the part of the BusinessServiceCenter or Treasurer's Office staff in processing or posting receipt of the person's payment(s).

(6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either of these offices, no change in the law occurred, and the person produces written documentation.

(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

(Ord. No. 010-08HR, § III, 3-4-08; Ord. No. 040-10HR, § IV, 7-6-10)

Appendix 2
Hospitality Tax Budget Figures FY 2011 - 2013

HOSPITALITY TAX BUDGET

	FY11 Approved	FY12 Approved	FY13 Approved
Annual Appropriations			
<i>Expenditures Detail</i>			
Columbia Museum of Art	648,437	667,890	687,926
Historic Columbia Foundation	249,399	256,881	264,587
EdVenture	99,759	102,752	105,834
County Promotions	296,558	330,454	340,368
Sub-total Annual Agency Commitment	1,294,153	1,357,977	1,398,715
Township Maintenance	50,078	68,728	68,728
Cost Allocation	433,989	433,989	433,989
Other Discretionary Council Promotions:			
<i>Note: Some amounts were in addition to Promotions award amount</i>			
Auntie Karen Foundation	-	-	13,030
Benedict College	-	6,877	-
Black Expo	-	16,000	-
Black Pages	-	-	35,044
Broad River Fest	-	-	5,000
Caughman Pond Property	-	900,000	-
Columbia Classical Ballet	-	-	4,978
Columbia International Festival	-	13,224	23,000
Edventure	-	250,000	130,000
Famously Hot New Years Event	-	-	15,000
Historic Columbia - renovations	-	750,000	250,000
Kingville Historic Foundation	-	-	16,018
Lake Murray Tourism	-	-	50,000
Lower Richland Sweet Potato Festival	-	50,000	50,044
Nickelodeon	-	250,000	-
Palmetto City Classic	-	-	20,000
Parenting Solo	-	-	45,000
Recreational Complex (from designated fund balance)	-	250,000	-
Renaissance Foundation	100,000	100,000	100,000
SC State Museum - Capital Campaign	250,000	250,000	250,000
SERCO	-	185,000	178,883
SERCO Subrecipients	237,500	-	-
SIAC Tournament	-	-	25,000
Sparkleberry County Fair	-	-	2,883
Township	-	200,000	250,000
Woodcreek Classic	-	-	650
Sub-total Other Discretionary	587,500	3,221,101	1,464,530
Subtotal operating commitments	2,365,720	5,081,795	3,365,962
Debt Service Capital Projects:			
(Township Renovations (\$12m), Farmers Market - Land (\$3.5m), Farmers Market - Land funded w/ Vendor Payments (\$1m), Recreation Complex Land)	1,962,392	1,966,352	1,968,368
Debt Service for New Project	-	1,072,954	1,072,954
Professional Services - Caughman Pond	-	-	50,000
Reserved for Future Use	-	-	250,000
Total Expenditures	4,328,112	8,121,101	6,707,284

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; so as to abolish the Appearance Commission and to amend the Conservation Commission's responsibilities to include appearance **[PAGES 148-155]**

Notes

First Reading: February 5, 2013
Second Reading: February 19, 2013
Third Reading:
Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SO AS TO ABOLISH THE APPEARANCE COMMISSION AND TO AMEND THE CONSERVATION COMMISSION'S RESPONSIBILITIES TO INCLUDE APPEARANCE.

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 VII, Boards, Commissions And Committees; Section 2-332, Boards, Commissions And Committees; Subsection (h), Richland County Conservation Commission, Paragraph (6), Purposes And Objectives; is hereby amended to read as follows:

- (6) *Purposes and Objectives.* The purposes and objectives of the Richland County Conservation Commission shall be as follows:
- a. To promote the conservation of natural resources;
 - b. To promote the development and preservation of historical resources;
 - c. To promote passive, outdoor, nature- based recreation;
 - d. To promote tourism, emphasizing the natural, cultural, and historical resources of Richland County;
 - e. To promote efforts to improve the appearance of Richland County;
 - ~~e~~f. To educate the public as to the benefits of conservation;
 - ~~g.~~ To foster civic pride in the beauty and nobler assets of the County;
 - ~~h.~~ To, in all ways possible, assure a functionally efficient and visually attractive County in the future;
 - ~~i.~~ To support policies that protect and improve the general appearance of all buildings, structures, landscaping and open areas of the County; and
 - ~~f~~i. To undertake such studies, plans, activities, and projects as may, from time to time, be assigned to the Commission by the County Council.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-332, Boards, Commissions and Committees; Subsection (i), Richland County Appearance Commission; is hereby amended to read as follows:

(i) *Richland County Appearance Commission. Reserved.*

~~(1) *Creation.* There is hereby created a Richland County Appearance Commission which shall be a permanent county commission, appointed in whole by the county council.~~

~~(2) *Membership.* The Richland County Appearance Commission shall consist of at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.~~

~~(3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:~~

~~a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.~~

~~b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.~~

~~c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five-year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.~~

~~d. To develop a maintenance plan for the above LIMB Plan and five-year plan.~~

~~e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.~~

~~(4) *Terms of members; election of officers; and meetings.*~~

- ~~a. An at large Commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.~~
- ~~b. The commission shall elect a chairman, vice chairman, secretary and treasurer.~~
- ~~c. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the commission in making its recommendations to county council. All meetings of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.~~
- ~~(5) By laws. The commission shall adopt by laws by which meetings and activities of the commission will be conducted. Such by laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.~~

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY
OF _____, 2013.

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 5, 2013
Second Reading: February 19, 2013
Public Hearing: March 5, 2013 (tentative)
Third Reading: March 5, 2013 (tentative)

Amended - Third Reading

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SO AS TO ABOLISH THE APPEARANCE COMMISSION AND TO AMEND THE CONSERVATION COMMISSION'S RESPONSIBILITIES TO INCLUDE APPEARANCE.

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 VII, Boards, Commissions And Committees; Section 2-332, Boards, Commissions And Committees; Subsection (h), Richland County Conservation Commission; Paragraph (6), Purposes And Objectives; is hereby amended to read as follows:

- (6) *Purposes and Objectives.* The purposes and objectives of the Richland County Conservation Commission shall be as follows:
- a. To promote the conservation of natural resources;
 - b. To promote the development and preservation of historical resources;
 - c. To promote passive, outdoor, nature- based recreation;
 - d. To promote tourism, emphasizing the natural, cultural, and historical resources of Richland County;
 - e. To promote efforts to improve the appearance of Richland County;
 - ~~ef.~~ To educate the public as to the benefits of conservation;
 - ~~fg.~~ To undertake such studies, plans, activities, and projects as may, from time to time, be assigned to the Commission by the County Council.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-332, Boards, Commissions and Committees; Subsection (i), Richland County Appearance Commission; is hereby amended to read as follows:

- (i) ~~*Richland County Appearance Commission. Reserved.*~~

- ~~(1) *Creation.* There is hereby created a Richland County Appearance Commission which shall be a permanent county commission, appointed in whole by the county council.~~
- ~~(2) *Membership.* The Richland County Appearance Commission shall consist of at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at-large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.~~
- ~~(3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:~~
- ~~a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.~~
 - ~~b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.~~
 - ~~c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five-year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.~~
 - ~~d. To develop a maintenance plan for the above LIMB Plan and five-year plan.~~
 - ~~e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.~~
- ~~(4) *Terms of members; election of officers; and meetings.*~~
- ~~a. An at-large Commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.~~

~~b. The commission shall elect a chairman, vice chairman, secretary and treasurer.~~

~~e. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the commission in making its recommendations to county council. All meetings of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.~~

~~(5) By laws. The commission shall adopt by laws by which meetings and activities of the commission will be conducted. Such by laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.~~

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2013.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY

OF _____, 2013.

Michelle M. Onley
Clerk of Council

First Reading: February 5, 2013
Second Reading: February 19, 2013 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

Policy on Use of Outside Legal Counsel [**PAGES 156-160**]

Notes

January 22, 2013 - The Committee forwarded this item to Council without a recommendation.

DRAFT OUTSIDE COUNSEL POLICY

“Neither Richland County, nor any officer, board, commission, committee, or agency in the County receiving any County funds or appointed in whole or in part by the Council may employ an outside attorney or law firm where such attorney or law firm has or represents any client who has a pending or anticipated lawsuit or other matter that is adverse or that could be adverse to Richland County or its interests, absent exigent circumstances as may be noted by the County Attorney where the hiring of an outside attorney or law firm is in the best interests of the County notwithstanding the conflict, and only where the outside attorney or law firm complies with the conflict check, disclosure and waiver provisions of the South Carolina Rules of Professional Conduct governing members of the bar.”

Richland County Council Request of Action

Subject: Policy to Deny Use of Outside Legal Counsel that has any Current Pending Lawsuit Against the County

A. Purpose

County Council is requested to consider adopting a policy whereby no outside counsel would be allowed to represent the County if such counsel has a pending lawsuit against the County.

B. Background / Discussion

At the December 6, 2012 Council meeting, Councilman Washington made the following motion:

“No law firm, law office or lawyer will not do legal work on behalf of the County when they have pending lawsuits against the County.”

It would not be uncommon, in a city this size, for the County to have outside counsel from X LAW FIRM on one matter and have other counsel from X LAW FIRM representing a party who is suing the County on another matter. This is often the nature of what happens with big law firms, some of whom the County uses on a recurring basis.

The Rules of Professional Conduct governing the practice of law in South Carolina address conflicts of interest and the circumstances under which a lawyer may represent a client when a conflict of interest exists, providing in pertinent part:

RULE 1.7: CONFLICT OF INTEREST: CURRENT CLIENTS

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) the representation is not prohibited by law;

(3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) each affected client gives informed consent, confirmed in writing.

The SC Rules of Professional Conduct provide that conflict situations may arise, and set forth procedures to address those, which include a client/party waiver process. Thus, to a certain extent, the County is protected from typical conflict of interest situations under governing legal practice rules.

Given specialization in certain legal practice areas and the benefits of subject matter expertise, retaining flexibility in the choice of outside counsel would enhance the prospects of achieving positive results in legal matters and representation across the breadth of County legal needs.

C. Legislative / Chronological History

This motion was referred to the A&F Committee by Councilman Washington at the December 6, 2012 Council meeting.

D. Financial Impact

There is no known or anticipated financial impact at this time.

E. Alternatives

1. Approve the request to adopt the policy.
2. Approve the request, but adopt an amended version of the policy.
3. Do not approve the request to adopt the policy.

F. Recommendation

Recommended by: Councilman Kelvin Washington Department: Council Date: 1/3/13
(Drafted by the Legal Department)

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by Daniel Driggers: Date: 1/7/13
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 1/7/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion; however, given the specialization referenced above, it is the Legal Department’s recommendation that any policy adopted by Council leave the County the discretion to override such policy when in the best interests of the County.

Administration

Reviewed by: Tony McDonald

Date: 1/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval with the inclusion of the provision that the policy can be overridden by the Council when in the best interest of the County, as suggested by the Legal Department.

Richland County Council Request of Action

Subject

- a. Council create an ad hoc committee to study the procurement evaluation process [MANNING]

Richland County Council Request of Action

Subject

REPORT OF CAUGHMAN POND/PINEWOOD LAKE AD HOC COMMITTEE

Richland County Council Request of Action

Subject

REPORT OF THE DECKER CENTER AD HOC COMMITTEE

Richland County Council Request of Action

Subject

REPORT OF THE JOINT TRANSPORTATION COMMITTEE: [**PAGES 164-192**]

- a. Criteria for Prioritization of Transportation Penny Projects
- b. Small, Local Business Enterprise Program
- c. Council Motion
- d. Transportation Penny Advisory Committee (TPAC) Update
- e. TPAC Terms

JOINT TRANSPORTATION COMMITTEE AGENDA

RICHLAND COUNTY ADMINISTRATION CONFERENCE ROOM
2020 HAMPTON STREET, 4TH FLOOR, ADMINISTRATOR'S OFFICE

FEBRUARY 20, 2013
5:30 PM

1. CALL TO ORDER PAUL LIVINGSTON, CHAIR
2. CRITERIA FOR PRIORITIZATION OF TRANSPORTATION PENNY PROJECTS (PAGES 3 - 4)

THE JTC RECOMMENDS ADDING "NEIGHBORHOOD IMPROVEMENT PLANS" AND "CONNECTIVITY" TO THE LIST OF CRITERIA FOR PRIORITIZATION OF TRANSPORTATION PENNY PROJECTS. TWO ITEMS WERE REMOVED (SEE BLACKLINED ITEMS ON PAGES 3 AND 4), AND THE LIST WAS REORDERED. THE TRANSPORTATION DIRECTOR, IN CONSULTATION WITH THE PROJECT MANAGEMENT TEAM, WILL MAKE RECOMMENDATIONS TO COUNCIL REGARDING APPLICABLE CRITERIA FOR EACH CATEGORY (IE, WIDENINGS, INTERSECTION IMPROVEMENTS, GREENWAYS, ETC.), AS WELL AS THE "WEIGHTS" FOR EACH CRITERIA. THESE RECOMMENDATIONS WILL COME TO COUNCIL FOR REVIEW AND APPROVAL.

3. SMALL, LOCAL BUSINESS ENTERPRISE PROGRAM (PAGES 5 – 22)

THIS ITEM WAS RECEIVED AS INFORMATION, AS STAFF IS STILL WORKING THROUGH THE DOCUMENT, AND FORMULATING RECOMMENDATIONS. ONCE THE FINAL, PROPOSED SLBE PROGRAM INFORMATION IS OBTAINED, IT WILL BE FORWARDED TO THE JTC.

JTC MEMBERS ARE REQUESTED TO PROVIDE FEEDBACK ON THE CURRENT SLBE PROPOSAL (FOUND IN THE JTC AGENDA ON PAGES 5 - 22) TO ROXANNE ANCHETA (ANCHETAR@RCGOV.US) BY MARCH 4, 2013.

4. COUNCIL MOTION (PAGE 23)

THE JTC RECOMMENDS THAT THIS ITEM IS A POLICY DECISION, AND THEREFORE, IS AT COUNCIL'S DISCRETION.

5. TRANSPORTATION PENNY ADVISORY COMMITTEE (TPAC) UPDATE (PAGES 24 – 26)

THE TERMS FOR THE COUNTY'S 7 TPAC APPOINTMENTS WILL BE ON THE MARCH 5, 2013 COUNCIL AGENDA FOR ACTION. ONCE AVAILABLE, THIS INFORMATION WILL BE SHARED WITH THE JTC. THE JTC RECOMMENDS APPROVAL OF THE PROPOSED ADDITIONAL DUTIES / RESPONSIBILITIES OF THE TPAC ON PAGE 26.

6. NEXT STEPS

7. ADJOURN

PAUL LIVINGSTON, CHAIR

CRITERIA FOR PRIORITIZATION OF TRANSPORTATION PENNY PROJECTS

THE FOLLOWING CRITERIA ARE RECOMMENDED FOR CONSIDERATION FOR THE PRIORITIZATION METHODOLOGY FOR THE TRANSPORTATION PENNY PROJECTS BY THE PROJECT MANAGEMENT TEAM. THE CRITERIA WILL PROVIDE A UNIFORM PROCESS AND ANALYSIS TO EVALUATE PROJECT PRIORITIES. THE CRITERIA BELOW ARE LISTED IN NO PARTICULAR ORDER.

- **PUBLIC SAFETY (BASED ON ACCIDENT DATA, ETC.)**
- **POTENTIAL FOR ECONOMIC DEVELOPMENT (BASED ON ASSESSMENT OF SHORT-TERM, INTERMEDIATE, AND LONG-TERM DEVELOPMENT POTENTIAL AS A RESULT OF THE PROPOSED IMPROVEMENT)**
- **RIGHT OF WAY OBTAINED (PROJECTS WITH OBTAINED ROW WILL TAKE LESS TIME TO COMPLETE)**
- **DESIGN WORK COMPLETED**
- **DEDICATED FUNDS (FEDERAL, STATE, GRANTS, ETC.)**
- **GEOGRAPHIC DISTRIBUTION**
- **TRAFFIC VOLUME AND CONGESTION (BASED ON CURRENT TRAFFIC VOLUMES AND ASSOCIATED LEVEL-OF-SERVICE CONDITION)**
- **TRUCK TRAFFIC (BASED ON CURRENT VOLUME AND AVERAGE DAILY TRUCK TRAFFIC ESTIMATES)**

- **PAVEMENT QUALITY INDEX (BASED ON PAVEMENT CONDITION ASSESSMENTS; PAVEMENT MAINTENANCE COSTS)**
- **ENVIRONMENTAL IMPACT (BASED ON ASSESSMENT OF POTENTIAL IMPACTS TO NATURAL, SOCIAL, AND CULTURAL RESOURCES. PROJECTS INVOLVING FLOOD PLAIN AND WETLANDS ISSUES WILL REQUIRE EXTRA PERMITTING AND POTENTIAL MITIGATION, WHICH MAY EXTEND SCHEDULES.)**
- **ALTERNATIVE TRANSPORTATION SOLUTIONS (BASED ON SURROUNDING POPULATION AND EMPLOYMENT CHARACTERISTICS TO SUPPORT TRANSIT SERVICE AS A POTENTIAL ALTERNATIVE OR IN ADDITION TO A PROPOSED IMPROVEMENT; TRANSPORTATION PENNY IS A MULTI-MODAL PROGRAM)**
- **CONSISTENCY WITH LOCAL LAND USE PLANS AND NEIGHBORHOOD IMPROVEMENT PLANS**
- ~~**THE ROAD'S LOCATION AND SIGNIFICANCE TO THE COMMUNITY AND LOCAL BUSINESSES**~~
- **SEQUENCING / PRACTICALITY (SOME PROJECTS MAY OVERLAP (IE, SIDEWALKS MAY BE CONSTRUCTED IN AN AREA THAT MAY ALSO HAVE INTERSECTION IMPROVEMENTS PLANNED). THESE PROJECTS SHOULD BE SCHEDULED IN A PRACTICAL SEQUENCE SO THAT NO FUNDS OR EFFORTS ARE WASTED.)**
- **CONNECTIVITY**

SMALL, LOCAL BUSINESS ENTERPRISE PROGRAM

SMALL LOCAL BUSINESS ENTERPRISE (“SLBE”) PROGRAM

[An Ordinance to Amend Article X of the Richland County, SC Code by adding a new Division 7 as follows]

(1-3-13 Draft)

DIVISION 7. SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT REQUIREMENTS

Sec. 2-639. General Provisions.

(a) *Purpose*

The purpose of this division is to provide a race- and gender-neutral procurement tool for the County to use in its efforts to ensure that all segments of its local business community have a reasonable and significant opportunity to participate in County contracts for construction, architectural & engineering services, professional services, non-professional services, and commodities. The Small Local Business Enterprise (“SLBE”) Program also furthers the County’s public interest to foster effective broad-based competition from all segments of the vendor community, including, but not limited to, minority business enterprises, small business enterprises, and local business enterprises. This policy is, in part, intended to further the County’s compelling interest in ensuring that it is neither an active nor passive participant in private sector marketplace discrimination, and in promoting equal opportunity for all segments of the contracting community to participate in County contracts. Moreover, the SLBE Program provides additional avenues for the development of new capacity and new sources of competition for County contracts from the growing pool of small and locally based businesses.

(b) *Scope and Limitations*

This SLBE Program may be applied by the County on a contract-by-contract basis to the maximum practicable extent permissible under federal and state law.

(c) *Definitions*

Affirmative Procurement Initiatives – refers to any procurement tool to enhance contracting opportunities for SLBE firms including: bonding / insurance waivers, bid incentives, price preferences, sheltered market, mandatory subcontracting, competitive business development demonstration projects, and SLBE evaluation preference points in the scoring of proposal evaluations.

Award – the final selection of a bidder or offeror for a specified prime contract or subcontract dollar amount. Awards are made by the County to prime contractors or vendors or by prime contractors or vendors to subcontractors or sub-vendors, usually pursuant to an open invitation to bid (“ITB”) or request for proposal (“RFP”) process. (Contract awards are to be distinguished from contract payments in that they only reflect the anticipated dollar amounts instead of actual dollar amounts that are to be paid to a bidder or offeror under an awarded contract.)

Bid Incentives – additional inducements or enhancements in the bidding process that are designed to increase the chances for the selection of SLBE firms in competition with other firms. These bid incentives may be applied to all solicitations, contracts, and letter agreements for the purchase of Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities including change orders and amendments.

Centralized Bidder Registration System (“CBR”) -- a web-based software application used by the County of Richland to track and monitor SLBE availability and utilization (i.e., “Spend” or “Payments”) on County contracts.

County – refers to the County of Richland, South Carolina.

Commercially Useful Function – an SLBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the SLBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quantity and quality, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an SLBE is performing a commercially useful function, an evaluation must be performed of the amount of work subcontracted, normal industry practices, whether the amount the SLBE firm is to be paid under the contract is commensurate with the work it is actually performing and the SLBE credit claimed for its performance of the work, and other relevant factors. Specifically, an SLBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of meaningful and useful SLBE participation, when in similar transactions in which SLBE firms do not participate, there is no such role performed.

Emerging SLBE – an emerging firm that meets all of the qualifications of a Small Local Business Enterprise, and that is less than five years old, but has no more than five full-time employees and annual gross sales as averaged over the life of the firm that are less than \$1 million.

Goal – a non-mandatory annual aspirational percentage goal for SLBE contract participation is established each year for Architectural & Engineering services, Construction, Professional Services, Non-professional Services, and Commodities contracts. Mandatory percentage goals for SLBE subcontract participation may be established on a contract-by-contract basis by either the Director of Procurement or a Goal Setting Committee.

Goal Setting Committee – a committee established by the Director of Procurement for the County (including a representative of the Purchasing Department and a representative of the end-user agency) and chaired by the Director of Procurement that establishes SLBE Program goals and selects appropriate SLBE Affirmative Procurement Initiatives to be applied to each contract for the County based upon industry categories, vendor availability, and project-specific characteristics. The Director of Procurement may establish as many as five separate Goal Setting Committees (i.e., one for each industry category).

Good Faith Efforts – documentation of the Bidder’s intent to comply with SLBE Program goals and procedures, including, but not limited to the following: (1) documentation within a bid submission or proposal reflecting the Bidder’s commitment to comply with SLBE Program goals as established by the Director of Procurement or a Goal Setting Committee for a particular contract; or (2) documentation of efforts made towards achieving the SLBE Program goals (e.g., timely advertisements in appropriate trade publications and publications of wide general circulation; timely posting of SLBE subcontract opportunities on the County web site; solicitations of bids from all qualified SLBE firms listed in the County’s SLBE Directory of certified SLBE firms; correspondence from qualified SLBE firms documenting their unavailability to perform SLBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to SLBE firms; documentation of efforts to assist SLBE firms with obtaining financing, bonding, or insurance required by the bidder; and documentation of consultations with trade associations and consultants that represent the interests of small and local businesses in order to identify qualified and available SLBE subcontractors.)

Graduation – An SLBE firm permanently graduates from the County’s SLBE program when it meets the criteria for graduation set forth in this policy.

Independently Owned, Managed, and Operated – ownership of an SLBE firm must be direct, independent, and by individuals only. Business firms that are owned by other businesses or by the principals or owners of other businesses that cannot themselves qualify under the SLBE eligibility requirements shall not be eligible to participate in the SLBE program. Moreover, the day-to-day

management of the SLBE firm must be direct and independent of the influence of any other businesses that cannot themselves qualify under the SLBE eligibility requirements.

Industry Categories – procurement groupings for County contracts for purposes of the administration of Affirmative Procurement Initiatives shall be inclusive of Architectural & Engineering, Construction, Professional Services, and Non-professional Services, and Commodities procurements. Industry Categories may also be referred to as “business categories.”

Joint Venture - an association of two or more persons or businesses carrying out a single business enterprise for which purpose they combine their capital, efforts, skills, knowledge and/or property. Joint ventures must be established by written agreement.

Local Business Enterprise (“LBE”) - a firm having a Principal Place of Business or a Significant Employment Presence in Richland County, South Carolina. This definition is subsumed within the definition of Small Local Business Enterprise.

Non-professional Services – services that are other than Professional Services, and do not require any license to perform.

Points – the quantitative assignment of value for specific evaluation criteria in the selection process.

Prime Contractor – The vendor or contractor to whom a purchase order or contract is awarded by the County for purposes of providing goods or services to the County.

Principal Place of Business – a location wherein a firm maintains a company headquarters or a physical office and through which it obtains no less than fifty percent of its overall customers or sales dollars, or through which no less than twenty-five percent of its employees are located and domiciled in the County of Richland and/or Richland County.

Professional Services – any non-construction and non-architectural & engineering services that require highly specialized training and / or licensed credentials to perform, such as legal, accounting, medical, or real estate services.

Responsive - a firm's bid or proposal conforms in all material respects to the invitation to bid or request for proposal and shall include compliance with SLBE Program requirements.

Sheltered Market – An Affirmative Procurement Initiative designed to set aside a County contract bid for bidding exclusively among SLBE firms.

Significant Employee Presence – no less than twenty-five percent of a firm's total number of full and part-time employees are domiciled in Richland County.

Small Local Business Enterprise ("SLBE") – an independently owned firm that is not dominant in its industry, and that satisfies all requirements of being both a "Small Business Enterprise" and a "Local Business Enterprise."

SLBE Plan Execution Certification (SLBE Form – C) - The form certifying the general contractor's intent to use a SLBE subcontractor, verifying that an agreement has been executed between the prime and the SLBE.

SLBE Directory - A listing of the small local businesses that have been certified by the Purchasing Department for participation in the SLBE Program.

SLBE Certification/Re-certification Application (SLBE Form – R) – This form shall be completed by Small Local Business Enterprises (SLBEs) when applying for and/or recertifying SLBE status for participation in the County's Small Local Business Enterprise Program. This form shall be completed every two years by certified Small Local Business Enterprises by the anniversary date of their original certification.

SLBE Schedule for Subcontractor Participation (SLBE Form – S) – This form must be completed by all non-SLBE firms that subcontract to SLBE firms. A form must be submitted for each SLBE subcontractor. This form(s) must be reviewed and approved by the Director of Purchasing before contract award.

SLBE Unavailability Certification (SLBE Form – U) - This form demonstrates a bidder's unsuccessful good faith effort to meet the small, local participation requirements of the contract. This form will only be considered after proper completion of the outreach and compliance efforts and methods used to notify and inform SLBE firms of contracting opportunities have been fully exhausted.

Small Business Enterprise (“SBE”) a small business must have no more than ten full-time employees and have annual gross revenues as averaged over the past three tax years of no more than \$5 million. Joint ventures must be certified on a bid-by-bid basis. The joint venture shall not be subject to the average gross receipts and employee limits imposed by this section. However, each individual business participating in the joint venture must be certified by the Procurement Department as an SBE.

[** Note: See State of Maryland’s alternative definition of Small Business Enterprise (“SBE”) below in bold italic text:

(1) Any for-profit enterprise as defined in Maryland Code of Regulations, Title 2, Division 2, Chapter 3, Subchapter 8; that is that is not a broker, that is independently owned and operated; that is not a subsidiary of another business; and that is not dominant in its field of operation; and

(2) That satisfies the following size requirements:

a. Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;

b. Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;

c. Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and

d. Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.

If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business.

This definition is subsumed within the definition of Small Local Business Enterprises.]

Small Local Business Enterprise (“SLBE”) – A Local Business Enterprise that is also a Small Business Enterprise.]

[**Note: Resource Issue -- Possible establishment of position of Director of Equal Opportunity Contracting Program (“Director of Procurement”) -- The County employee responsible for the oversight, tracking, monitoring, administration, and implementation of the SLBE program, ensuring that compliance with contract participation requirements is maintained, and overall program goals and objectives are met.]

Spend Dollars – dollars actually paid to prime and / or subcontractors and vendors for County contracted goods and/or services.

Subcontractor – any vendor or contractor that is providing goods or services to a Prime Contractor in furtherance of the Prime Contractor’s performance under a contract or purchase order with the County.

Suspension – the temporary stoppage of a SLBE firm’s participation in the County’s contracting process under the SLBE Program for a finite period of time due to the cumulative contract payments the SLBE received during a fiscal year.

Sec. 2-640. Program Objectives and General Responsibilities.

(a) To meet the objectives of this Program, the County is committed to:

1. Increasing the participation of Small Local Business Enterprises (“SLBEs”) in County contracting, and, to the extent possible, ameliorating through race- and gender-neutral means any disparities in the participation of minority business enterprises or women business enterprises on County contracts.

2. Regular evaluation regarding the progress of the Program using accumulated availability and utilization data to determine specific program provisions that require modification, expansion, and/or curtailment;

3. Establishing one or more Goal Setting Committee(s) (“GSCs”) to provide guidance on the implementation of the rules under this Policy;

4. Continuous review and advice of the GSC in administering the policy and goals herein. The County’s Director of Procurement shall determine the size of each GSC that is to be chaired by the Purchasing Director. The Purchasing Director shall also appoint the remaining members of the GSC from the County’s procurement personnel and other County departments affected by this Program; and

5. Providing accountability and accuracy in setting goals and in reporting program results through the implementation of a mandatory centralized bidder registration process capable of identifying with specificity the universe of firms that are available and interested in bidding on and /or performing on County contracts, and of providing the means of tracking actual County bids, contract awards, and prime contract and subcontract payments to registered bidders on the basis of firm ownership status, commodity or sub-industry codes, firm location, and firm size. Accordingly, Prime Contractors and Subcontractors will be required to register and input data into the CBR or other related forms and systems as a condition of engaging in business with the County.

(b) At a minimum, the Procurement Director shall:

1. Report to the County Administrator and the County Council on at least an annual basis as to the County’s progress towards satisfying SLBE program objectives;

2. Formulate Program waivers, improvements and adjustments to the GSC goal-setting methodology and other Program functions;

3. Have substantive input in a contract specification review process to be undertaken in advance of the issuance of County’s RFPs and bid solicitations to ensure that contract bid specifications are not unnecessarily restrictive and unduly burdensome to small, local, minority-owned, and other businesses;

4. Receive and analyze external and internal information including statistical data and anecdotal testimonies it deems appropriate to effectively accomplish its duties; and

5. Monitor and support the implementation of the rules under this Program.

(c) At a minimum, each Goal Setting Committee may:

1. Meet as often as it deems necessary to accomplish its duties but not less than twice annually;
2. Develop the SLBE goal setting methodology to be implemented by the Director of Procurement on a contract-by-contract basis; and
3. Monitor and support the implementation of the rules under this Program policy.

Sec. 2-641. Eligibility for the SLBE Program.

(a) For the purpose of this program, a firm will be certified as a Small and Local Business Enterprise (SLBE) with the Purchasing Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the SLBE eligibility criteria as set forth below:

1. It is an independently owned and operated for-profit business concern that is not dominant in its field of operation, and that is performing a commercially useful function;
2. It meets size standard eligibility requirements for Small Business Enterprises as defined herein;

[**Note: See State of Maryland's alternative definition of Small Business Enterprise ("SBE") size standards below in bold italic text:

2. That satisfies the following size requirements:

a. Wholesale operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;

b. Manufacturing operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2,000,000 in its most recently completed 3 fiscal years;

c. Service operations of the business did not employ more than 100 persons, and the gross sales of the business did not exceed an average of \$2 million in its most recently completed 3 fiscal years; and

d. Construction operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$7,000,000 in its most recently completed 3 fiscal years.

If a business has not existed for 3 years, the employment and gross sales limits described above shall be applied based upon the annual averages over the course of the existence of the business.

This definition is subsumed within the definition of Small Local Business Enterprises.]

3. The firm is a Local Business Enterprise as defined by this Policy with a principal place of business or significant employment presence in Richland County, SC as defined herein;

4. The firm has been established for at least one year or the principals of the business have at least three years of relevant experience prior to forming or joining the business; and

5. In the year preceding the date of certification application, the applicant has not received more than \$1,000,000 in County contract payments as a result of contract awards from the County achieved through an open competitive bidding process.

(b) Upon receipt of SLBE certification or re-certification applications, the Director of Procurement or designated Procurement Department staff shall review all enclosed forms affidavits and documentation to make a prima facie determination as to whether the applicant satisfies the SLBE eligibility requirements as set forth in this policy. Applicants determined ineligible to participate as a SLBE shall receive a letter from the Director of Procurement stating the basis for the denial of eligibility. Applicants determined ineligible shall not be eligible to submit a new application for one year after the date of the notice of denial of eligibility.

(c) Applicants determined eligible to participate in the SLBE program shall submit a completed re-certification form (SLBE-R) every two years to the Procurement Department for review and continued certification. However, upon application for re-certification, an SLBE firm must be an independently owned and operated business concern, and maintain a Principal Place of Business or

Significant Employment Presence in the County of Richland in accordance with this section of Division 7, "Eligibility for the SLBE Program," of this Policy. To qualify for recertification, an SLBE's average gross sales for the three fiscal years immediately preceding the application for recertification shall not exceed \$7 million.

(d) In the course of considering the certification or re-certification status of any SLBE firm, the Director of Procurement or his or her designees shall periodically conduct audits and inspect the office, job site, records, and documents of the firm, and shall interview the firm's employees, subcontractors, and vendors as reasonably necessary to ensure that all eligibility standards are satisfied and that the integrity of the SLBE Program is maintained.

(e) For purposes of this Program, a firm will be certified as an *Emerging SLBE* by the Purchasing Department upon its submission of a completed certification form (SLBE Form-R), supporting documentation, and a signed affidavit stating that it meets all of the Emerging SLBE eligibility criteria as set forth below:

1. The firm complies with all SLBE criteria as specified above in Sec. 2-641 (a) through (d);
2. The firm has been in existence for less than five years;
3. The firm has no more than five full-time employees; and
4. The firm's annual gross revenues as averaged over the life of the firm are less than \$1 million.

Sec. 2-642. Graduation and Suspension Criteria.

(a) A bidder may not count towards its SLBE or Emerging SLBE participation the amount subcontracted to an SLBE or Emerging SLBE firm that has graduated or been suspended from the program as follows:

1. An SLBE firm shall be permanently graduated from the SLBE Program after it has received a cumulative total of \$5 million of County-funded prime contract or subcontract payments in at least five separate contracts since its initial certification as an SLBE firm;
2. An SLBE firm shall be permanently graduated from the SLBE program after its three fiscal year average gross sales exceeds \$7 million;
3. An SLBE firm shall be temporarily suspended by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$1.5 million in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the SLBE firm shall be eligible to participate in Affirmative Procurement Initiatives in the following fiscal year so long as the firm has not yet satisfied the graduation criteria;

4. An SLBE firm may have its SLBE eligibility permanently revoked by the Director of Procurement if it fails to perform a Commercially Useful Function under a contract, or if it allows its SLBE status to be fraudulently used for the benefit of a non-SLBE firm or the owners of a non-SLBE firm so as to provide the non-SLBE firm or firm owners benefits from Affirmative Procurement Initiatives for which the non-SLBE firm and its owners would not otherwise be entitled;
5. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status after it has received a cumulative total of \$2.5 million of County-funded prime contracts or subcontract payments in at least five separate contracts since its initial certification as an Emerging SLBE firm;
6. An Emerging SLBE firm shall be permanently graduated from Emerging SLBE status once its three-year average annual gross sales exceeds \$2 million; and
7. An Emerging SLBE firm shall be temporarily suspended from Emerging SLBE status by the Director of Procurement for the balance of any fiscal year after it has received a cumulative total of \$750,000 in payments as a prime contractor and / or subcontractor for that fiscal year; provided, however, that the Emerging SLBE firm shall be eligible to continue participating in Affirmative Procurement Initiatives as an SLBE firm for the remainder of the fiscal year, and may also participate in Affirmative Procurement Initiatives as an Emerging SLBE firm in the following fiscal year so long as the firm has not yet satisfied the graduation criteria for such status.

(b) The Director of Procurement shall provide written notice to the SLBE firm or Emerging SLBE firm upon graduation or suspension from the SLBE program, and such notice shall clearly state the reasons for such graduation or suspension.

Sec. 2-643. Appeals.

A business concern that is denied eligibility as an SLBE, or who has its eligibility revoked, or who has been denied a waiver request can appeal the decision to the County Administrator. A written notice of appeal must be received by the County Administrator within 15 days of the date of the decision. Upon receipt of a timely notice of appeal and request for hearing, the Director of Procurement, or designee (other than the Director of Procurement), shall also participate in a hearing conducted by the County Administrator or the County Administrator's designee soon as practicable. The decision of the County Administrator, or designee, shall be the final decision of the County.

Sec. 2-644. Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation.

(a) The County in conjunction with the appropriate Contract Officer and the Director of Procurement may utilize the following Affirmative Procurement Initiatives in promoting the award of County contracts to SLBEs or Emerging SLBEs.

1. **Bonding and Insurance Waiver:** The County, at its discretion, may waive or reduce the bonding, or insurance requirements depending on the type of contract and whether the County determines that the bonding and or insurance requirements would deny the SLBE or Emerging SLBE an opportunity to perform the contract which the SLBE or Emerging SLBE has shown itself otherwise capable of performing.

2. **Price Preferences:** The County may award a contract to a SLBE or Emerging SLBE which submits a bid within 10% (inclusive) of a low bid by a non-SLBE. This preference would not apply if the award to the SLBE would result in a total contract cost that is \$25,000 or greater on an annual basis than the low bid, or in a total contract cost that exceeds the County's budgeted price for the contract (whichever is lower).

3. **Evaluation Preferences:** The County may reserve up to 20% of the total points available for evaluation purposes for respondents to an RFP to firms that are certified as SLBE or Emerging SLBE firms, or to joint ventures that have SLBE and/or Emerging SLBE partners (see EXHIBITS 1 and 2 regarding professional services contracts and architectural & engineering contracts, respectively).

4. **Mandatory Subcontracting:**

a. The Goal Selection Committee may, on a contract-by-contract basis, at its discretion, require that a predetermined percentage of a specific contract, up to 40%, be subcontracted to eligible SLBEs or to eligible Emerging SLBEs.

b. An SLBE or Emerging SLBE prime contractor may not subcontract more than 49% of the contract value to a non-SLBE.

c. A prospective bidder on a County contract shall submit at the time of bid SLBE – Form S providing the name of the SLBE or Emerging SLBE subcontractor or subcontractors and describing both the percentage of subcontracting by the SLBE or Emerging SLBE, and the work to be performed by the SLBE or Emerging SLBE. A bidder may request a full or partial waiver of this mandatory subcontracting requirement from the Director of Procurement for good cause by submitting the SLBE Unavailability Certification form to the Director of Procurement at the time of bid. Under no circumstances shall a waiver of a mandatory subcontracting requirement be granted without submission of adequate documentation of Good Faith Efforts by the bidder and careful review by the Director of Procurement.

The Director of Procurement shall base his or her determination on a waiver request on the following criteria:

- (1) Whether the requestor of the waiver has made Good Faith Efforts to subcontract with qualified and available SLBEs or Emerging SLBEs;
- (2) Whether subcontracting would be inappropriate and/or not provide a “Commercially Useful Function” under the circumstances of the contract; and
- (3) Whether there are no certified SLBE or Emerging SLBE firms that are qualified and available to provide the goods or services required.

d. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to commit in its bid or proposal to satisfying the mandatory SLBE subcontracting goal shall render its bid or proposal non-responsive.

e. In the absence of a waiver granted by the Director of Procurement, failure of a Prime Contractor to attain a mandatory subcontracting goal for SLBE participation in the performance of its awarded contract shall be grounds for termination of existing contracts with the County, debarment from performing future County contracts, and / or any other remedies available under the terms of its contract with the County or under the law.

f. A Prime Contractor is required to notify and obtain written approval from the Director of Procurement in advance of any reduction in subcontract scope, termination, or substitution for a designated SLBE or Emerging SLBE Subcontractor. Failure to do so shall constitute a material breach of its contract with the County.

5. ***Sheltered Market:***

a. The Director of Procurement and the appropriate County Contracting Officer may select certain contracts which have a contract value of \$250,000 or less for award to a SLBE or a joint venture with a SLBE through the Sheltered Market program. Similarly, the Director of Procurement and the appropriate County Contracting Officer may select certain contracts that have a value of \$50,000 or less for award to an Emerging SLBE firm through the Sheltered Market program.

b. In determining whether a particular contract is eligible for the Sheltered Market Program, the County's Contracting Officer and Director of Procurement shall consider: whether there are at least three SLBEs or Emerging SLBEs that are available and capable to participate in the Sheltered Market Program for that contract; the degree of underutilization of the SLBE and Emerging SLBE prime contractors in the specific industry categories; and the extent to which the County's SLBE and Emerging SLBE prime contractor utilization goals are being achieved.

c. If a responsive and responsible bid or response is not received for a contract that has been designated for the Sheltered Market Program or the apparent low bid is determined in the Procurement Director's discretion to be too high in price, the contract shall be removed from the Sheltered Market Program for purposes of rebidding.

6. ***Competitive Business Development Demonstration Project:***

a. With the concurrence of the Director of Procurement, the appropriate County Contracting Officer may reserve certain contracts for placement into a Competitive Business Development Demonstration Project ("CBD Demonstration Project") wherein those contracts require the purchase of goods or services from an industry that routinely has too few sources of bidders to provide meaningful or sufficient competition for such County contracts. The purpose for the placement of a contract into the CBD Demonstration Project shall be to encourage the development of new capacity within an industry to competitively bid on the future supply of specialized goods or services to the County.

b. Contracts reserved for CBD Demonstration Projects shall be subject to a Request for Proposals process whereby the selected firm will be required to be a joint venture between an established firm or experts in that relevant industry and an SLBE firm. The scope of work for the selected joint venture shall include teaching a hands-on curriculum to SLBE firms that have expressed an interest in diversifying into the relevant industry, in addition to performing the customary functions of the contract. This curriculum shall include both administrative skills (e.g. cost estimating, bidding, staffing, project management) and technical skills (e.g., hands-on demonstration of how to perform necessary tasks in the field) required to qualify for future County contracts and to successfully compete in the industry.

c. The Director of Procurement shall be required to select SLBE candidate firms for participation on such CBD Demonstration Projects on the basis of an assessment of their current capabilities and their likely success in diversifying into the new relevant industry once given technical assistance, training, and an opportunity to develop a performance track record in the industry.

Sec. 2-645. SLBE Program Performance Review.

(a) The Director of Procurement or designee shall monitor the implementation of this Policy and the progress of this Program. On at least an annual basis, the Director of Procurement or designee shall report to the County Administrator and County Council on the progress of achieving the goals established for awards to certified SLBE and Emerging SLBE firms, reporting both dollars awarded and expended. In addition, the Director of Procurement or designee shall report on the progress in achieving the stated Program Objectives, including, but not limited to, enhancing competition, establishing and building new business capacity, and removing barriers to and eliminating disparities in the utilization of available minority business enterprises and women business enterprises on County contracts.

(b) The County shall periodically review the SLBE Program to determine whether the various contracting procedures used to enhance SLBE contract participation need to be adjusted or used more or less aggressively in future years to achieve the stated Program Objectives. The County Council shall conduct a public hearing at least once every two years in order to solicit public comments on the Program.

Sec. 2-646. Conflicts.

To the extent language in this Division conflicts with other language in Article X, the language in this Division controls only with respect to contracts wherein the Small Local Business Enterprise Program is being applied by the Director of Procurement. In all other respects, prior language in this Article shall remain in full force and effect.

SMALL, LOCAL BUSINESS ENTERPRISE PROGRAM EXHIBITS

For Architectural & Engineering, Professional Services, Other Services, and design / build or CM at risk contracts that are awarded based on evaluation criteria, there shall be SLBE or Emerging SLBE participation criterion for all contracts let at predetermined percentage of the total points awarded. The determination will be made using the suggested model outlined in the "Point Evaluation Table" (EXHIBIT 1) below:

EXHIBIT 1

Point Evaluation Table

10 POINTS FOR SLBE PARTICIPATION

- > 51% = 10 points
- > 45% = 7 points
- > 40% = 6 points
- > 35% = 5 points
- > 30% = 4 points
- > 25% = 3 points
- > 20% = 2 points
- > 15% = 1 points

20 POINTS FOR SLBE PARTICIPATION

- > 51% = 20 points
- > 45% = 17 points
- > 40% = 16 points
- > 35% = 14 points
- > 30% = 12 points
- > 25% = 10 points
- > 20% = 8 points
- > 15% = 6 points
- > 10% = 4 points

Contractors may be evaluated on their SLBE or Emerging SLBE participation by utilizing the following sample schedule (EXHIBIT 2) which is most often used by Architectural & Engineering:

EXHIBIT 2

<u>Points Awarded</u>	<u>% of Participation Criteria</u>
5.0 51-100	Proposals by registered SLBE owned and/or controlled firms
4.0 36 – 50	Majority prime with registered SLBE participation
3.0 30 – 35	Majority prime with registered SLBE participation
2.0 24 – 29	Majority prime with registered SLBE participation
0 0 – 23	Less than the goal for registered SLBE participation

COUNCIL MOTION

THE FOLLOWING MOTION WAS MADE BY COUNCILMAN MALINOWSKI AT THE FEBRUARY 5, 2013 COUNCIL MEETING. THE MOTION WAS FORWARDED TO THE JOINT TRANSPORTATION COMMITTEE.

The State paper was quoted as follows: "Central Midlands Regional Transit Authority board members will consider this year whether to stick with Veolia Transportation to run Columbia area buses.

Taxpayers have given approval for the CMRTA to receive over 300 million tax dollars to be spent over the next 22 years. Veolia has consistently refused to disclose to the taxpayers specifically how they spend those tax dollars. These are 300 million hard earned tax dollars of residents and they deserve to know how their taxes are being spent. With that information I am submitting the following motion:

The Veolia Transportation company hired by CMRTA must provide total accountability and transparency in spending all Richland County tax dollars they receive. If they refuse, Richland County Council should request the CMRTA board to find another bus management company. [MALINOWSKI]. Council forwarded this item to the Joint Transportation Committee

TRANSPORTATION PENNY ADVISORY COMMITTEE UPDATE

MEMBERS

ARCADIA LAKES	ROBERT E. WILLIAMS, JR.
BLYTHEWOOD	BILL WISEMAN
COLUMBIA	TODD AVANT DETREVILLE (TREVOR) FRANK BOWERS III VIRGINIA SANDERS
EASTOVER	JAMES FABER
FOREST ACRES	CAROL KOSOSKI
IRMO	BOB BROWN
RICHLAND COUNTY	ELISE BIDWELL JENNIFER D. BISHOP NATALIE C. BRITT DERRICK E. HUGGINS JAMES T. MCLAWHORN MELVIN HAYES MIZELL DOROTHY A. SUMTER

- Citizens Only (NO Elected Officials)
- Goal: Appointments should represent the 3 modes of transportation in the Transportation Penny. (Buses, Roads, Bikeways / Greenways)

- At least 5 of Richland County's appointments must be from Unincorporated Richland County.

Proposed Duties / Responsibilities

General

- The Transportation Penny Advisory Committee (TPAC) will review, comment on, and provide recommendations on the Transportation Penny to Richland County Council.
- A "State of the Penny Address" would occur annually.

Membership

- The TPAC will consist of 15 members, appointed by the County / City / Town Councils (Parties) of each Richland County jurisdiction, and will serve at the pleasure of the Party that appointed such member(s).
- Each Party will use its best efforts to ensure that the overall membership of TPAC is diverse with respect to ethnicity, culture, and gender, as well as expertise or knowledge in one or more of the three transportation modes (roadways; bike / pedestrian / greenways; CMRTA – bus system).
- The TPAC shall establish rules and procedures for the conduct of its business, and shall appoint a chairman, vice-chairman, and secretary. The TPAC shall hold regular meetings at least once a quarter, and shall be entitled to call special meetings as set forth in its procedures. The TPAC must ensure compliance with the requirements of the Freedom of Information Act.
- Members would have 5-year staggered terms, with no term limits.

Duties / Responsibilities

- Any modifications to the projects list consistent with the generic description of the project(s) shall not require a recommendation of the TPAC. (ie, minor revisions to a project on the projects list not impacting the overall scope of the project)
- Any modification to the projects list **not** consistent with the generic description of the project(s) shall require a recommendation of the

TPAC. (ie, the addition of new projects not currently on the projects list; etc.)

- The TPAC will recommend any reordering of the prioritization (if applicable) of the projects list.
- The TPAC will provide quarterly reports to each respective jurisdiction from which they are appointed.
- The TPAC will review the proposed Scope of Services for the Request for Proposals (RFP) for the Program Management Team.
- The TPAC will make recommendations for a financial review of the Transportation Penny as needed. (Note: A financial audit will be undertaken annually.)
- The TPAC is authorized to make recommendations to the CMRTA Board, and to any other governing body with regards to the Transportation Penny.
- Additional duties may be assigned to the TPAC by County Council.

Transportation Penny Advisory Committee Terms

ENTITY	APPOINTMENT(S)	YEARS OF TERM
RICHLAND COUNTY	2	3
	3	4
	2	5
COLUMBIA*	1	3
	1	4
	1	5
ARCADIA LAKES	1	3
BLYTHEWOOD	1	4
EASTOVER	1	4
FOREST ACRES	1	4
IRMO	1	5

*The City of Columbia is voting on the terms for their appointments at their March 5, 2013 City Council Meeting.

RICHLAND COUNTY

**ELISE BIDWELL
DERRICK E. HUGGINS
MELVIN HAYES MIZELL
JAMES T. MCLAWHORN
DOROTHY A. SUMTER
NATALIE C. BRITT
JENNIFER D. BISHOP**

Richland County Council Request of Action

Subject

a. The East Richland County Public Service District is planning to replace 5.5 miles of 24-inch force main which has been in service for approximately 50 years. The 24-inch force main is at the end of its useful life, and the District proposes to replace it with 5.5 miles of 42-inch force main which will be adequate to serve the District for its anticipated service life of 30 years. Replacing the 24-inch force main would serve to protect the environment while serving the District's rate payers. The District is also planning to install an additional 2.5 miles of force main. The anticipated total cost of this project is \$24.5 million; however, the District's general obligation capacity permits it to finance up to \$10 million through the issuance of general obligation bond. I MOVE to authorize the East Richland County Public Service District to be permitted to issue up to \$10 million in general obligation bond funding for the purpose of replacing 8.0 miles of force main. Further details of this proposal will be made available to staff for review and discussion prior to Committee review. **[PEARCE]**

b. Under our present lease with Palmetto Health, a portion of the lease payment to Richland County has been earmarked to support indigent care programs in the county. The current distribution of these funds is as follows: \$100,000 to Richland Primary Care; \$100,000 to Eau Claire Health Cooperative; and \$50,000 to the Free Medical Clinic. Changes in Federal reimbursement to local primary care agencies has resulted in the closing of Richland Primary Care and the shifting to their patient load to the Eau Claire Health Cooperative. Due to the fact that Richland Primary Care is specifically mentioned in the lease agreement, transferring the funds to follow the patients cannot be accomplished without the lease agreement being modified on an action by Council. This Motion requests that Council initiate a change in the lease agreement to transfer these funds upon advice and counsel from the Legal Department. **[PEARCE]**

c. Under the terms of a 2004 Memorandum of Understanding (MOU) between Richland County and Palmetto Health, Palmetto Health is required to make an annual report to County Council as to the activities of the health care system. The MOU specifies that several levels of Board and Palmetto Health management personnel will personally appear before Council in public session to present this report. Due to Council rules limiting presentations to five (5) minutes, the ability to present any type of comprehensive report has been significantly compromised and, in my opinion, serves no useful purpose other than to fulfill the requirement of the MOU. Recognizing the need to keep County Council fully informed as to Palmetto Health activities, the fall luncheon meeting held in November or December for the past several years has been created to provide a forum for presentation of more detailed information and interactive dialog between Palmetto Health management and Council members. This Motion requests that Council consider eliminating the requirement for Palmetto Health to make a presentation during a Council meeting. Additional information regarding information sharing opportunities between Palmetto Health and County Council will be provided to the Committee. **[PEARCE]**

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda