



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION AGENDA**

**APRIL 2, 2013  
6:00 PM**

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

**INVOCATION                                        THE HONORABLE GREG PEARCE**

**PLEDGE OF ALLEGIANCE                        THE HONORABLE GREG PEARCE**

**Approval Of Minutes**

1. Regular Session: March 19, 2013 [PAGES 5-12]
2. Zoning Public Hearing: March 26, 2013 [PAGES 13-15]

**Adoption Of The Agenda**

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

3. a. CMRTA Update
- b. Lake Katherine

**Citizen's Input**

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

**Report Of The County Administrator**

5. a. Richland County Utilities' Awards

**Report Of The Clerk Of Council**

6. a. Midlands Technical College Barbeque - In Honor of the Kaiserslautern Delegation, April 6th, 6:00-8:00 PM, Terrace of MTC Center of Excellence for Technology, NE Campus

**Report Of The Chairman**

7. a. Bark to the Park 2013

## **Approval Of Consent Items**

8. 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" **[THIRD READING] [PAGES 21-25]**
9. 13-05MA  
Fairways Development  
John Bakhaus  
RU to RS-LD (29.60 Acres)  
Longcreek Plantation  
20401-03-01 **[SECOND READING] [PAGES 26-27]**
10. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (3), Major Subdivision Review; Subparagraph A, Applicability; so as to properly cross-reference two subsections **[SECOND READING] [PAGES 28-30]**
11. Pawmetto Lifeline Contractual Programs **[PAGES 31-39]**
12. Customer Service Policy Addition to Employee Handbook **[PAGES 40-43]**
13. 2013 Fair Housing Proclamation **[PAGES 44-47]**
14. Palmetto Health Alliance and Richland Memorial Hospital Board of Trustees  
MOUs: Elimination of Presentations During a Council Meeting **[PAGES 48-61]**
15. An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; so as to reflect the 2010 Amendments made to Section 4-9-195 of the South Carolina Code of Laws, 1976, as amended; and to more closely align the County's ordinance with that of the City of Columbia **[FIRST READING] [PAGES 62-92]**
16. Department of Public Works: Purchase of Tri-Axle Dump Truck **[PAGES 93-103]**
17. Contract Approval with Palmetto Posting, Inc. **[PAGES 104-118]**
18. Authorization to Increase the FY13 Iron Mountain Purchase Order Over \$100,000 **[PAGES 119-122]**
19. Columbia's First HipHop Family Day: Love, Peace & HipHop Funding Request **[TO DENY] [PAGES 123-129]**

20. Force Main Replacement Funding Request [**PAGES 130-132**]
21. Modifying Lease Agreement with Palmetto Health [**PAGES 133-135**]
22. Proposed Legislation to Increase SC Gas Taxes [**TO DENY**] [**PAGES 136-142**]
23. Election Commission Funding Request: Richland School District One Special Election [**PAGES 143-144**]

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

24. Expiration of Contracts for Solid Waste Curbside Collection Service Areas 5A, 5B & 7 [**PAGES 145-150**]

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

25. SC 2013 Legislative Exchange Program Funding Request [**PAGES 151-156**]
26. Town of Eastover's 35th Annual Barbeque Festival Funding Request [**PAGES 157-160**]

### **Other Items**

27. Parking Meters Pilot Program Update [**ACTION**] [**PAGES 161-170**]
28. Report of the Regional Recreation Complex Ad Hoc Committee:
  - a. Recommendations: Regional Recreation Complex
29. Report from Transportation Penny Work Session: [**PAGE 173-205**]
  - a. Draft SLBE Proposal
  - b. JTC Recommendations
  - c. Transportation Penny Director

### **Citizen's Input**

30. Must Pertain to Items Not on the Agenda

### **Executive Session**

### **Motion Period**

31.
  - a. A Resolution honoring Ginny Waller, Executive Director of Sexual Trauma Services of the Midlands, as the 2013 recipient of the Francis Marion University and SC Association of Nonprofit Organizations' (SCANPO) Award for Nonprofit Leadership [**MANNING**]
  - b. Resolution honoring Deputy Sheila Aull for heroism in the line of duty [**DICKERSON**]

c. Resolution honoring the Cedar Creek Community for their donation of \$1,500 to purchase additional life saving vest for deputies **[DICKERSON]**

d. Agencies funded by Richland County discussing budgetary decisions are subject to have Richland County staff present **[JACKSON]**

e. James Brown, III, Executive Director, Richland County Recreation Commission, advised they have obtained approval from their Board of Commissioners to request funds to purchase 12 1/2 acres of land adjacent to Friarsgate Park in District 1. Currently Friarsgate Park can no longer handle the volume of youth activities taking place there and is at the point of turning them away.

District 1 was allotted less than 1% of the funding from the \$50 million Recreation Bond Referendum (.00078% to be exact). The purchase price for the land including closing will be \$520,000.00. Based on the above I am submitting the following motion: Request funding during the upcoming budget meetings to authorize the Richland County Recreation Commission to purchase 12 1/2 acres of land adjacent to Friarsgate Park in the amount of \$520,000.00. **[MALINOWSKI]**

f. Review the ordinance on trash bagging on yard debris. Early results from constituents are the cost of purchasing trash bags are costly and the additional physical work for some residents bagging the leaves are problematic **[JACKSON]**

g. National County Government Month Resolution **[WASHINGTON]**

h. Resolution to recognize Richland County as a Purple Heart County **[WASHINGTON]**

i. Move that County Council advertise and hire a professional Executive Clerk to Council **[MANNING]**

j. Resolution recognizing Cameron Wesley as the first African American Postmaster in the State of South Carolina **[JACKSON]**

k. Resolution honoring Dutch Fork Girls Basketball Team on their 2nd State Championship **[MALINOWSKI]**

## **Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: March 19, 2013 [PAGES 5-12]

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MARCH 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.*

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### 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, Daniel Driggers, Sara Salley, Rodolfo Callwood, Nelson Lindsay, Valeria Jackson, Geo Price, Tommy DeLage, Tracy Hegler, Holland Leger, Chanda Cooper, Charlie Fisher, Yanisse Adrian-Silva, Elizabeth McLean, Tiaa Rutherford, LaToya Grate, Dale Welch, Buddy Atkins, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:10 p.m.

### INVOCATION

The Invocation was given by the Honorable Norman Jackson

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Norman Jackson

**PRESENTATION OF RESOLUTIONS/PROCLAMATIONS**

**American Red Cross Proclamation** – Mr. Livingston and Ms. Dickerson presented a proclamation to Ms. Snowden.

**Proclamation Honoring Ms. Vikki Pasco as the SC Assoc. of Conservation Districts Teacher of the Year** – Ms. Dixon presented a proclamation honoring Ms. Vikki Pasco as SC Association of Conservation Districts Teacher of the Year.

**APPROVAL OF MINUTES**

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

**ADOPTION OF THE AGENDA**

Mr. Jackson moved, seconded by Mr. Pearce, to adopt the agenda as published. 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. **Singley vs. Norfolk Southern**
- b. **Penny Sales Tax Litigation Update**
- c. **Election Challenge/Personnel**
- d. **Columbia Venture**

=====  
**Council went into Executive Session at approximately 6:22 p.m. and came out at approximately 7:02 p.m.**  
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- a. **Singley vs. Norfolk Southern** – Ms. Dickerson moved, seconded by Mr. Livingston, to proceed as directed in Executive Session. The vote in favor was unanimous.
- b. **Penny Sales Tax Litigation Update** – No action was taken.
- c. **Election Challenge/Personnel** – No action was taken.

d. **Columbia Venture** – No action was taken.

#### **CITIZENS' INPUT**

No one signed up to speak.

#### **REPORT OF THE COUNTY ADMINISTRATOR**

**Planning Department's Recognition—Recipient of the National Association of County Planners Award of Merit in the Grass Roots Initiative Category** – Mr. McDonald recognized the Planning Department as the recipient of the National Association of County Planners Award of Merit in the Grass Roots Initiative Category.

**Local Government Fund Status** – Mr. McDonald updated Council on the funding amounts and proposed provisos.

**Health Insurance Update** – Mr. McDonald stated that a RFP to new vendors will be forthcoming for the new plan year beginning October 2013.

#### **REPORT OF THE CLERK OF COUNCIL**

**Township Board Luncheon, March 26, 12:00-1:00 p.m., Township Auditorium** – Ms. Onley stated that the Township Board will be holding a luncheon for Council members on March 26<sup>th</sup>, 12:00 p.m. at the Township Auditorium.

#### **REPORT OF THE CHAIRMAN**

No report was given.

#### **PRESENTATIONS**

**Columbia City Ballet, William Starrett** – Mr. Starrett, Executive and Artistic Director, gave a brief update on the Columbia City Ballet and thanked Council for their continued support.

**Turning Leaf Project, Amy Barch and Willette Brown** – Ms. Barch and Ms. Brown gave a brief update on the Turning Leaf Project. Ms. Barch will appear on Richland Radio on April 19<sup>th</sup> in honor of National Crime Victims' Week.

**Widows of Opportunity** – Ms. Kim Richardson outlined the Widows of Opportunity program and was encouraged to follow up with the County's PIO Department and community churches.

#### **OPEN/CLOSE PUBLIC HEARINGS**

- **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 – No one signed up to speak.

- 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” – No one signed up to speak.

#### APPROVAL OF CONSENT ITEM

- 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 [THIRD 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 [THIRD 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 [THIRD 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 [THIRD READING]
- 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, Power 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” [SECOND READING]

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

## **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

**Kaiserslautern, Germany Delegation Visit, April 6-9** – Mr. Livingston briefly outlined the draft agenda for the German Delegation visit in April.

## **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF APPOINTMENTS**

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Airport Commission—1** – This item was held in committee.
- c. **Board of Assessment Appeals—1** – This item was held in committee.
- d. **Board of Zoning Appeals—2** – This item was held in committee.
- e. **Business Service Center Appeals Board—2** – This item was held in committee.
- f. **Central Midlands Council of Governments—1** – This item was held in committee.
- g. **Employee Grievance Committee—2** – This item was held in committee.
- h. **Hospitality Tax Committee—3** – This item was held in committee.
- i. **Internal Audit Committee—1** – This item was held in committee.
- j. **Planning Commission—2** – This item was held in committee.

### **II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE**

- a. **Community Relations—3** – This item was held in committee.

## **OTHER ITEMS**

**Report of the Decker Center Ad Hoc Committee** – Mr. Manning stated that the committee recommended to present current status for approval of funding package for the shortfall. A discussion took place.

The vote in favor was unanimous.

**Council Work Session: 2013 Council Retreat-Transportation Penny Items** – Mr. Washington stated that all of the items were to be forwarded to the March 26<sup>th</sup> work session.

**Report of the Dirt Road Committee** – Ms. Dixon stated that the committee deferred all of the items on the agenda until the next meeting of the Dirt Road Committee.

**Election Commission Funding Request: Richland School District One Special Election** – Mr. Washington referred this item to the March A&F Committee meeting.

#### CITIZEN'S INPUT

No one signed up to speak.

#### MOTION PERIOD

**A Resolution honoring Lower Richland Girls Basketball AAA State Champions and Coach Debbie Stroman as seven time State Champion Coach [JACKSON and WASHINGTON]** – This item was referred to the D&S Committee.

**A Resolution honoring Keenan Girls Basketball AA State Champions [RUSH]** – This item was referred to the D&S Committee.

#### ADJOURNMENT

The meeting adjourned at approximately 7:55 p.m.

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Kelvin E. Washington, Sr., Chair

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L. Gregory Pearce, Jr., Vice-Chair

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Joyce Dickerson

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Julie-Ann Dixon

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Jim Manning

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Seth Rose

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Torrey Rush

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: March 26, 2013 [**PAGES 13-15**]

## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MARCH 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.*

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#### **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	Seth Rose
Member	Torrey Rush

Absent      Jim Manning

**OTHERS PRESENT:** Amelia Linder, Tracy Hegler, Sparty Hammett, Suzie Haynes, Stephany Snowden, Tommy DeLage, Monique Walters

#### **CALL TO ORDER**

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

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

Ms. Hegler stated there were no additions or deletions.

### MAP AMENDMENT

**13-05MA, Fairways Development, John Bakhaus, RU to RS-LD (29.60 Acres),  
Longcreek Plantation, 20401-03-01**

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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

### TEXT AMENDMENT

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26,  
Land Development; Article IV, Amendments and Procedures; Section 26-54, so as  
to properly cross-reference two subsections**

Mr. Washington opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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

### ADJOURNMENT

The meeting adjourned at approximately 7:03 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. CMRTA Update
- b. Lake Katherine



# 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. Richland County Utilities' Awards

# Richland County Council Request of Action

**Subject**

a. Midlands Technical College Barbeque - In Honor of the Kaiserslautern Delegation, April 6th, 6:00-8:00 PM, Terrace of MTC Center of Excellence for Technology, NE Campus

# Richland County Council Request of Action

**Subject**

- a. Bark to the Park 2013

# 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" **[THIRD READING] [PAGES 21-25]**

## **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: March 5, 2013

Second Reading: March 19, 2013

Third Reading:

Public Hearing: March 19, 2013

# 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

Date: 2/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Building Codes and Inspections**

Reviewed by: Donny Phipps

Date: 2/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 2/12/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 2/12/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

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**

13-05MA  
Fairways Development  
John Bakhaus  
RU to RS-LD (29.60 Acres)  
Longcreek Plantation  
20401-03-01 [**SECOND READING**] [**PAGES 26-27**]

## **Notes**

First Reading: March 26, 2013  
Second Reading:  
Third Reading:  
Public Hearing: March 26, 2013

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-13HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 20401-03-01 FROM RU (RURAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 204301-03-01 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

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

Public Hearing:        March 26, 2013  
First Reading:        March 26, 2013  
Second Reading:      April 2, 2013 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (3), Major Subdivision Review; Subparagraph A, Applicability; so as to properly cross-reference two subsections [**SECOND READING**] [**PAGES 28-30**]

## **Notes**

First Reading: March 26, 2013  
Second Reading:  
Third Reading:  
Public Hearing: March 26, 2013

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (C), PROCESSES; PARAGRAPH (3), MAJOR SUBDIVISION REVIEW; SUBPARAGRAPH A, APPLICABILITY; SO AS TO PROPERLY CROSS-REFERENCE TWO SUBSECTIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (3), Major Subdivision Review; Subparagraph a., Applicability; is hereby amended to read as follows:

- a. *Applicability.* The major subdivision review process is required for all those subdivisions of land in Richland County that do not meet the requirements for exemption from the subdivision review process (See definition of “subdivision” in Section 26-22 above) and that do not qualify for administrative or minor subdivision review (Section 26-54(~~bc~~)(1) and Section 26-54(~~bc~~)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision. Any major subdivision with fewer than fifty (50) lots shall not be required to install sidewalks along roads abutting the development.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

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

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2013

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Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:        March 26, 2013  
First Reading:        March 26, 2013  
Second Reading:      April 2, 2013 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

Pawmetto Lifeline Contractual Programs [**PAGES 31-39**]

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the Spay/Neuter and Educational Programs proposed by Pawmetto Lifeline with an amendment to include Ballentine and additional locations in the Animal Care Fair Events section of the Lexington/Richland Proposed Contractual Programs attachment.

## Richland County Council Request of Action

**Subject:** Pawmetto Lifeline Contractual Programs

### **A. Purpose**

County Council is requested to approve the Spay/Neuter and Education Programs which have been proposed by Pawmetto Lifeline in accordance with the contract with Richland and Lexington Counties.

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

Per the November 2008 contract with Pawmetto Lifeline (Attachment - "Contract for Private/Public Pet Services – Service Term Contract"; 4 pages), Richland County and Lexington County contributed \$1.5M each to Pawmetto Lifeline for the construction of its facility, which is located on property previously owned by Lexington County on Bower Parkway. Because of the financial commitment by the two counties, Pawmetto Lifeline agreed, via the contract, to provide a Spay/Neuter Program for pets of Lexington County and Richland County residents, a Spay/Neuter Educational Program for elementary, middle, and high school students in Lexington County and Richland County, and 1,200 adoptions annually from both Richland County and Lexington County shelters.

There have been several meetings with all parties (Richland, Lexington, and Pawmetto Lifeline) in an effort to ensure that the services and programs offered are appropriate, and meet the intended goals. At the final meeting, all parties were in attendance and all concerns were addressed. As a result of this meeting, it is staff's recommendation at this time to proceed with the programs proposed by Pawmetto Lifeline (Attachment - "Lexington / Richland Proposed Contractual Programs"; 5 pages) in accordance with the contract.

Please note that this item is on Lexington County Council's agenda for approval on March 26, 2013.

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

- November 14, 2008 - Lexington County and Richland County entered into the aforementioned agreement with Pawmetto Lifeline.
- 2009 – 2012 – Design / Construction of facility.
- March 7, 2012 – Grand Opening of Pawmetto Lifeline facility.

### **D. Financial Impact**

There is no financial impact associated with this particular request. These programs are a contractual obligation of Pawmetto Lifeline, and therefore, have no financial impact on the County.

Please note, however, per the 2008 Agreement, Richland County and Lexington County contributed \$1.5M each to Pawmetto Lifeline.



**E. Alternatives**

1. Approve the request to implement the Spay/Neuter and Education programs proposed by Pawmetto Lifeline, and recommended for approval by Richland County and Lexington County staff.
2. Approve the request in part to implement the Spay/Neuter and Education programs with amendments. This will require going back to Pawmetto Lifeline and Lexington County to “renegotiate” the programs. (Again – Lexington County is acting on these programs, as proposed, at its Council meeting on March 26, 2013.)
3. Do not approve the request to implement the Spay/Neuter and Education programs proposed by Pawmetto Lifeline. If this alternative is chosen, the citizens of Richland County will be unable to benefit from the proposed programs which were aimed at offering solutions for some of the problems of pet ownership in the county. One of those problems is pet overpopulation, which is very costly to the County.

**F. Recommendation**

Approve the implementation of the Spay/Neuter and Education programs proposed by Pawmetto Lifeline, and recommended for approval by Richland County and Lexington County staff.

Recommended by: Sandra Haynes      Department: Animal Care      Date: 3/11/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers      Date: 3/12/13  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: Recommendation is based on the fact that the financial commitment from the County has been satisfied and the proposal has been assessed and is supported by the Richland County Director of Animal Care.

**Legal**

Reviewed by: Elizabeth McLean      Date: 3/12/13  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: Policy decision left to Council’s discretion.

**Administration**

Reviewed by: Roxanne Ancheta      Date: March 12, 2013  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: It is recommended that Council approve the implementation of the Spay/Neuter and Education programs proposed by Pawmetto Lifeline as presented, and recommended for approval by Richland County and Lexington County staff

**21 Building Repairs**

Project Pet Inc. shall be responsible for all necessary repairs to the Leased Premises. Repairs shall include such items as routine repairs of floors, walls, ceilings, and other parts of the Leased Premises damaged or worn through normal occupancy, including major mechanical systems and the roof.

**22 Building/Custodial Services**

Project Pet Inc. shall be responsible for providing building and custodial services necessary to maintain the condition of the pet services facility. The interior and exterior areas of the facility should be appropriate for public use.

**23 Inspection of Facility**

The County of Lexington shall have the right to inspect the facility at a minimum of once per year to ensure proper maintenance and public appearance.

**24 Sublease and Assignment**

Service provider shall not have the right without County of Lexington's written consent, to assign this Lease to a business with which provider may merge or consolidate, to any subsidiary of provider, to any corporation under common control with provider, or to a purchaser of substantially all of provider's assets.

Except as set forth above, Project Pet Inc. shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without County of Lexington's written consent.

**25 Services Provided by Project Pet Inc.**

Project Pet Inc. shall be responsible for collecting any fees for services provided.

**All of the above services shall be provided at no cost to either County. The provider shall be leased the above facility for \$1.00 per year upon the condition of providing all of the above services.**

of this insurance.

# LEXINGTON/RICHLAND COUNTY AGREEMENT

## 1. Animal Care Fair Events

Purpose: To educate and promote/provide resources to all pet owners

At least one Animal Fair event will be held in each county. The following locations will be considered:

### Richland County

Hopkins Park  
Caughman Road Park  
Bluff Road Park  
Eastover Park  
Gadsden Community Center  
Friarsgate Park  
Upper Richland Community Center  
Old Target Mall on Decker Blvd

### Ballentine

### Pontiac

### Other areas recommended by County Council

### Lexington County (broken into four quadrants of the County)

West Region – Gilbert Park  
South Region – Edmund Park (Gaston, SC)  
South Region – Swansea Sports Complex (Swansea, SC)  
North Region – Display Center – Saint Andrews Rd. (Columbia, SC)

Each event will include individuals who are considered experts in the area of evaluation and behavioral training, medical and adoptions. We will have representation from our medical team for each of these events as well to provide low-cost micro chipping and vaccinations available to all pets that attend an event.

2. The Animal Care Fair events will be held in addition to those events already being held (e.g. Bark to the Park) and will include open invitations for County staff participation.

## 2. Education Programs

### Spay/Neuter Education Program

Purpose:

The Spay/Neuter Education Program will be the central focus of our larger educational programming for people of all ages in the community.

Educational materials on spay/neuter surgeries will be readily available to the public and used in all areas of our programming. The Spay/Neuter Clinic itself was designed with education in mind allowing visitors at the center the ability to witness the high-volume surgical process.

All education of spay/neuter will address the importance of the surgery as it relates to pet overpopulation, what happens to animals in shelters (i.e. emphasizing why we don't want more animals) and dispelling the

myths of spay and neuter.

Objective:

To emphasize that altering pets will prevent countless future generations of unwanted dogs and cats from entering a world that has no room for them. Spaying or neutering is one of the greatest gifts a pet owner can provide not only to their pet, but also to their own family *and* their community.

Education for our communities must stress that routine medical procedures not only help control pet overpopulation, but they may also prevent medical and behavioral problems from developing, allowing pets to live a longer, healthier and happier life. Additionally, spay/neuter makes pets better companions. It makes pets less aggressive and less likely to bite, roam the neighborhood, get hit by cars and get into fights.

For people of all ages it cannot be stressed enough that spay/neuter directly impacts the number of animals that lose their lives in our shelters and on our streets. Having your pet spayed or neutered frees up homes for homeless pets that are already born. By getting your pet fixed, you are part of the campaign to reach the day when there are truly no more homeless pets.

### **Humane Education Program**

Purpose:

Encourage youth to coexist humanely with animals, celebrate the human-animal bond, and become active in efforts to protect animals.

Our programs will teach age-appropriate, standards-based academic skills and major character concepts including: kindness, citizenship, fairness, respect, responsibility, and integrity. Meanwhile, we will reinforce those ideas as they apply to our treatment of animals. The Human Society of United States offers lesson plans we will incorporate and work sheets designed to teach age-appropriate content. Many can be adapted for higher or lower grade levels as our trainers/educators deem appropriate.

Objectives:

Provide/offer Humane Education (appropriate care for companion pets, helping other animals in need, and responsible guardianship). Our educational emphasis will be to encourage a strong foundation of values in our children with the end goal of creating a better community in which to live.

*Humane Education* is the term for any curriculum that teaches students to care for the animals in their homes and communities. The goal of humane education is to create a culture of empathy and caring by stimulating students' moral development and sense of responsibility. The end goal of humane education is to create a more compassionate and responsible society.

Humane education introduces children to the emotions of animals and links this knowledge to a wider understanding of environmental issues and ecosystems. It is about fostering kindness, respect and empathy for both human and non-humans (animals).

Humane education teaches people how to accept and fulfill their responsibility to companion animals. It teaches people to understand the consequences of irresponsible behavior and finally, humane education encourages the value of all living things.

**Below are specific topics that our education sessions will cover:**

## Grades PreK – 2

- Basic animal needs and care
- Proper pet handling
- Approaching friends'/neighbors' companion animals
- The difference between being kind and cruel to animals
- The responsibilities involved with having a pet
- Animal-related careers
- Dog bite prevention
- For spay/neuter education, utilize the story “Misty, the One in a Million Cat”, which teaches the importance of spay-neuter to younger children, along with delightful illustrations by a young man.

## Grades 3-5

- Basic animal needs and care
- Proper pet handling
- The responsibilities involved with having a pet
- The importance of spaying/neutering companion animals
- Exploring ways that students can help animals in their area
- The role an animal shelter plays in the community
- Dog bite prevention

## Grades 6-8

- The responsibilities involved with having a pet
- The importance of spaying/neutering companion animals
- The importance of reporting animal abuse/neglect
- Exploring ways that students can help animals in their area
- Recognizing the difference between helping/hurting animals in real life situations.
- The importance of adopting a pet vs. buying one

### *For All Ages:*

#### **The Proper Way to Meet A Dog**

Objective:

- Students will understand how to meet a stranger's dog for the first time.

#### **Kind vs Cruel**

Objectives:

- Students will understand the difference between the words “kind” and “cruel”
- Students will understand how to treat animals with kindness
- Students will learn how to report animal cruelty

### **3. Adoptions from the Counties**

Pawmetto Lifeline is engaged in many efforts which enable us to meet the requirements of our contract with Lexington and Richland Counties of adopting a minimum of 1200 dogs and cats per county per fiscal year. Reports will include species, County, date and YTD totals.

- Our Pawmetto Lifeline Adoption program consists of onsite adoptions at our Bower Parkway facility. We also are actively involved in offsite adoption events, currently utilizing local PetSmart outlets to adopt animals in our program.
- Pawmetto Lifeline has developed the HEART (Help Every Animal Reach Tomorrow) Program. The mission of HEART is to facilitate the rescue of companion pets scheduled for euthanasia in municipal shelters and to ensure their safety through the coordinated efforts of a network of like-minded rescue organizations. HEART truly represents collaboration in its purest sense. HEART partners with rescue organizations throughout the country in an effort to move homeless pets from the municipal shelters in the Midlands, to no-kill animal rescue organizations that can provide adoption resources for the animals that come into their care.
- We offer programs to directly assist the public in placement of unwanted pets. Through these efforts we hope to significantly reduce the number of animals entering the shelters which reduces the number of animals euthanized and prevents the taxpayers from ever having to shoulder the burden of caring for these animals.
- The Pawmetto Lifeline Public Intake Program allows us to accept animals directly into our adoption program from local citizens who come to us for assistance, thus preventing those animals from ever entering municipal shelters.

Pawmetto Lifeline assumes all responsibility for transporting all shelter animals. Adoption fees incurred by the municipalities are paid directly to those shelters either by Pawmetto Lifeline or directly by our HEART partners when applicable.

Through our board directive all animals are spayed or neutered prior to adoption.

#### 4. Spay/Neuter Services

Actual vouchers will not be disseminated throughout the County but rather at least 500 free surgeries will be offered to citizens in Richland County throughout the year. Issuing paper vouchers restricts the amount of income set aside for all of the vouchers that have been sent out only for people to never use them. Those funds would remain tied up when they can be better utilized offering services to those in need who would like the opportunity to use them. The timing of the free surgeries will be determined by Pawmetto Lifeline and will likely coincide with grant funding. Most, if not all, surgeries will be performed through grants, however in the event that there would not be grant funding available to cover it, the 500 surgeries will still be provided in accordance with the contract. Citizens will be made aware of these available surgeries and the timing of them via marketing and advertising to the targeted audience.

The rate for surgeries out side of the free surgeries are currently as follows, but are subject to change:

Dog Spay	\$80
Dog Neuter	\$65
Cat Spay	\$55
Cat Neuter	\$35
Feral Cats	\$20 (subject to our Feral Cat Policy)

Those free surgeries that are grant-driven that require means testing will be subject to income verification. In order to address the transportation issue for various pet owners, the transport program will consist of specific dates and times in various communities where our transport vehicle and personnel will pick up pets at designated locations and take them to our clinic for surgery. The animals would be returned to the same location the following day. The transport program will be subject to means testing.

## **5. Statistical Reporting**

The reports will include specific dates based on the County's fiscal year calendar. This means that July – September reports will be due October 15; October – December reports will be due January 15; January – March reports will be due April 15; and April – June reports will be due July 15.

# Richland County Council Request of Action

## **Subject**

Customer Service Policy Addition to Employee Handbook **[PAGES 40-43]**

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to add the following new customer service standards to the Employee Handbook: "All customer contacts, such as emails, telephone calls, visits via walk-in's, etc., should be responded to timely, but at least acknowledged by the end of the following business day. Information provided should be accurate, complete, and in a manner understandable to the customer or citizen. A timely response for phone call, visit via walk-in's, or e-mail is by the end of the following business day and for letters is within five business days. Any employee who fails to comply with this guideline will be subject to disciplinary action up to and including termination."



## Richland County Council Request of Action

**Subject:** Customer Service Policy for Employee Handbook

### **A. Purpose**

County Council is requested to approve new customer service standards for employees to be added to the Employee Handbook. This is a recommendation from the Business Friendly Task Force, discussed with County Council during the annual retreat, and approved in concept at the February 5, 2013 meeting.

### **Proposed Language to be added to the employee handbook.**

“All customer contacts, such as emails, telephone calls, visits via walk-in’s, etc., should be responded to timely, but at least acknowledged by the end of the following business day. Information provided should be accurate, complete, and in a manner understandable to the customer or citizen. A timely response for phone call, visit via walk-in’s, or e-mail is by the end of the following business day and for letters is within five business days. Any employee who fails to comply with this policy will be subject to progressive disciplinary action up to and including termination.”

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

This item is a Business Friendly Task Force recommendation.

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

This item was discussed at the 2013 County Council Retreat and approved in concept on February 5, 2013.

### **D. Financial Impact**

There is no financial impact associated with this addition to the Employee Handbook.

### **E. Alternatives**

List the alternatives to the situation. There will always be at least two alternatives:

1. Approve the request to add the customer service language to the Employee Handbook.
2. Approve the request in part by modifying the customer service language and adding it to the Employee Handbook.
3. Do not approve the request to add the customer service language to the Employee Handbook.

### **F. Recommendation**

It is recommended that Council approve the proposed revision and add the language referenced in section A to the Employee Handbook.

Recommended by: Sparty Hammett      Department: Administration      Date: 3/1/13

### **G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/1/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council however it seems like a reasonable expectation and I would recommend approval based on the concept of defining County expectations on level of customer service. I am unclear if the proposed language related to “progressive disciplinary action” is consistent with other County policies therefore I would recommend that approval be contingent upon HR Director’s recommendation in order to ensure consistency with other County employment policies.

### **Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The Human Resources Department supports measures that will effectively and efficiently improve customer/citizen service. In order to consistently improve customer service Human Resources believes there are several actions, in addition to a policy, the County must take place to sustain the objective. For example, the County will need to develop appropriate customer service standards in adequate detail for employees and supervisors, there will need to be a consistent level of accountability, proper follow up and follow through after acknowledgement of citizen/customer contact is essential, a method that enables proactive tracking and monitoring of customer interactions by the respective Department Head would be helpful, recognition of employees delivering the target level of customer service will help reinforce the County’s objective, periodically surveying customers/citizens to get their input about their customer service experience, employees will need to be adequately trained in the applicable areas of customer service, providing necessary assistance to departments that may need to restructure existing internal resources to comply with the policy, and some method of accurately reporting important customer service metrics. The Human Resources Director has discussed with Administration (Mr. Hammett) the need to take action in addition to the policy to achieve and sustain improved customer service. Mr. Hammett stated the policy was the first step, he supports the additional actions suggested by Human Resources, and plans to implement them in the future.

As it relates to the Finance Director’s point relating to disciplinary action, the County does not have a “progressive discipline” policy. Progressive discipline stated as a policy could give employees and/or supervisors the expectation and/or impression that they [must] be multiple deficiencies progressively disciplined prior to termination. There is not any way to anticipate every possible set of customer service infractions that could occur in the future. It is possible, depending on the customer service infraction(s), to envision a scenario that progressive discipline as a policy could be more restrictive than desired in all cases. For example, in some cases a Department Head may consider a Counseling Notice (equivalent to a verbal warning) may be too mild. In such a case, a policy that permits the Department Head and/or Administration to give proper consideration of all relevant factors may be desired. Generally, Human Resources encourages supervisors to consider utilizing progressive discipline in appropriate situations based on the relevant facts. However, progressive discipline is not the best solution in all situations. The County should calibrate the emphasis or type of discipline

specifically stipulated for customer/citizen service in comparison to other employee job performance deficiencies. There is not a current County “policy” that requires progressive discipline.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Any policy decision is at the discretion of Council. I find the above “policy” to be overly specific to be a true “policy.” Black’s Law Dictionary defines policy as “the general principles by which a government is guided in its management of public affairs...” It goes on to say that “this term, as applied to a law, ordinance, or rule of law, denotes its general purpose or tendency considered as directed to the welfare or prosperity of the state or community.” Thus a policy is generally a broad statement of principles. This suggested policy statement includes very specific procedural language which I would not recommend be included in a broad policy advocating good customer service. Such things seem much more suited to administrative procedures implemented by Administration/HR to guide employees who deal with the public.

### **Administration**

Reviewed by: Sparty Hammett

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval with the following change to the last sentence: “Any employee who fails to comply with this *guideline* will be subject to (*delete progressive*) disciplinary action up to and including termination.”

# Richland County Council Request of Action

## **Subject**

2013 Fair Housing Proclamation [**PAGES 44-47**]

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to adopt and formally present the 2013 Fair Housing Proclamation to a HUD representative during the April 2, 2013 Council meeting.

# Richland County Council Request of Action

## Subject: 2013 Fair Housing Proclamation

### A. Purpose

County Council is requested to adopt and formally present the 2013 Fair Housing Proclamation on behalf of Richland County to a HUD representative during the April 2, 2013 Council meeting.

### B. Background / Discussion

April is National Fair Housing Month and the 45<sup>th</sup> year of the enactment of the Civil rights Act of 1968. This year, Richland County will celebrate its 11<sup>th</sup> year as an Entitlement Community and has received an annual allocation of Community Development Block Grant (CDBG) and HOME Investment Partnership Program funds from the US Department of Housing and Urban Development (HUD). As a condition of receiving formula-based funding, the County certifies that it will affirmatively further fair housing. A copy of the proposed proclamation is attached as Appendix 1.

In order to advance this commitment the Community Development Department procured the services of Ernest Swiger Consulting, Inc. to complete an Analysis of Impediments to Fair Housing Choice. The study, which identified six impediments to fair housing choice within the County, was adopted by County Council September 20, 2011. The Impediments identified by the study include Discrimination against Protected Classes in the Housing Market; Housing Advocacy; Bias in Lending; Limited Supply of Affordable Housing; Government Policies; and Local Opposition also referred to as NIMBY (Not in My Back Yard).

Each year County staff takes advantage of opportunities to provide fair housing education and outreach activities for County citizens. Presentations are made at various workshops; neighborhood and community events and information tables are set up to disseminate information. Literature is available in both English and Spanish, and staff maintains membership on committees and in organizations to expand its outreach. All activities are documented, reported in the CAPER annually and sent to HUD.

### C. Financial Impact

There is no financial impact associated with this request.

### D. Alternatives

1. Approve the request to adopt and present the Fair Housing Proclamation to a HUD representative and affirm the County's commitment to Fair Housing Choice.
2. Approve the request in part by choosing an alternative method, such as a published statement from Council.
3. Do not approve the request to adopt and present the Fair Housing Proclamation.

### E. Recommendation

It is recommended that Council approve the request to adopt and present the Fair Housing Proclamation to a HUD representative.

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 3/7/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 3/7/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett Date: 3/11/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

**FAIR HOUSING PROCLAMATION**

**A PROCLAMATION AFFIRMING RICHLAND COUNTY'S  
COMMITMENT TO FAIR HOUSING & FURTHERING FAIR HOUSING CHOICE**

**WHEREAS**, April marks Fair Housing Month and the 45th anniversary of President Johnson signing the Fair Housing Act into law. Borne out of the tragic assassination of Dr. Martin Luther King and the culmination of local and national civil rights struggles, the Fair Housing Act established the Office of Fair Housing & Equal Opportunity (FHEO) at the U.S. Department of Housing and Urban Development. At FHEO, we and our partners and allies within HUD and across the nation carry out and advance the cause of equality in housing throughout the year.

**WHEREAS**, Richland County Council recognizes aggressive steps taken in 2013 by the US Department of Housing and Urban Development to give greater access to fair housing information through technology and the issuance of a final rule that formalizes a national standard for determining whether a housing practice violates the Fair Housing law based on an unjustified discriminatory effect;

**WHEREAS**, As an Entitlement community and partner of the US Department of Housing and Urban Development for 11 years, Richland County Council rejects the practice of discrimination with regard to race, religion, color, sex, national origin, familial status or disability;

**WHEREAS**, the Richland County Council recognizes April as national Fair Housing Month and during the month and throughout the year will encourage and support positive actions from County Government and other housing professionals, advocates and citizens in the provision and receipt of housing, programs and services to include sale, rental, financing transactions and support services;

**WHEREAS**, the Richland County Council recognizes the County Administrator as the Fair Housing Administrator for Richland County and the Community Development Department as the official coordinator of all Fair Housing initiatives on behalf of Richland County; and

**NOW, THEREFORE, BE IT RESOLVED**, that Richland County Council officially adopts "Living Free" as the Fair housing Month theme for 2013 and acknowledges Fair Housing as one of the nations most cherished and fundamental values.

**SIGNED AND SEALED** this \_\_\_ day of April, 2013, having been duly adopted by the Richland County Council on the \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Kelvin Washington, Chair  
Richland County Council

ATTEST this \_\_\_\_\_ day of \_\_\_\_\_, 2013

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

# Richland County Council Request of Action

## **Subject**

Palmetto Health Alliance and Richland Memorial Hospital Board of Trustees MOUs: Elimination of Presentations During a Council Meeting **[PAGES 48-61]**

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to eliminate the requirement of the Palmetto Health Alliance (PHA) Board of Directors, Palmetto Health Alliance's management, and the Richland Memorial Hospital Board of Trustees to make presentations during Council meetings.



## Richland County Council Request of Action

**Subject:** Palmetto Health Alliance and Richland Memorial Hospital Board of Trustees MOUs: Elimination of Presentations During a Council Meeting

### A. Purpose

Council is requested to eliminate the requirement of the Palmetto Health Alliance (PHA) Board of Directors, Palmetto Health Alliance's management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two Memorandums of Understanding (MOUs) associated with Palmetto Health.

### B. Background / Discussion

The following motion was made by Councilman Pearce at the March 5, 2013 Council Meeting:

**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].**

The following appears in the MOU between Palmetto Health Alliance and Richland County.

#### **Section 6. *Communication Improvements.***

a. Members of the PHA Board of Directors (the "PHA Board"), PHA's management and the RMH Board will appear at the first meeting of the County Council each March, starting in calendar year 2004, in a public session to present an annual report on the activities of PHA and RMH.

b. Not later than May 30 of each year, beginning in calendar year 2004, PHA will make an annual report to the citizens of the County. The report will provide an accounting of the contributions PHA has made and is making in the lives of the citizens of the County. The report will be appropriately communicated, most probably in the form of paid advertisements through selected media outlets. Any written materials related to the report will be put on file with the County's Department of Public Information and the Richland County Public Library in order that interested citizens of the County may review the materials.

The following appears in the MOU between the Richland Memorial Hospital Board of Trustees and Richland County.

g. At the first County Council meeting in October, beginning in calendar year 2003, members of the RMH Board will brief the County Council on strategic issues (*see Section 3 below for special protocol for certain issues identified by County Council*).

h. At the first County Council meeting in March, beginning in calendar year 2004, members of the RMH Board, members of the PHA Board and PHA management will appear and in public session present an annual report on the activities of each Board.

The two documents in their entirety (“Memorandum of Understanding between Palmetto Health Alliance and Richland County, South Carolina”; “Memorandum of Understanding between the Richland Memorial Hospital Board of Trustees and Richland County, South Carolina”) are attached for your convenience.

The motion by Mr. Pearce would remove the requirement of presentations by the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to Richland County Council at a Council Meeting.

The entities currently provide the MOU-mandated information to Council at an annual luncheon in the fall. This luncheon has been used for education and sharing of information and open discussion between the parties.

In addition to the luncheon in the fall, a Community Forum is held in the spring of each year in which the public is invited to attend. Initiatives of Palmetto Health, which improve the health of the community, are presented via this forum annually. A formal document, entitled the Annual [Report of the Tithe](#), is also prepared and presented to the community, and is also available online.

Therefore, it is at this time that Council is requested to eliminate the requirement of the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two MOUs associated with Palmetto Health.

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

- February 9, 1998: Lease agreement with Richland County, Richland Memorial Hospital (RMH), and BR Health System, Inc. as part of the consolidation of RMH and Baptist Healthcare System of South Carolina, Inc. into the present Palmetto Health Alliance.
- April 22, 2003: MOU between Palmetto Health Alliance and Richland County; MOU between the Richland Memorial Hospital Board of Trustees and Richland County executed
- March 5, 2013: Motion by Councilman Pearce.

### **D. Financial Impact**

There is no financial impact associated with this request.

**E. Alternatives**

1. Eliminate the requirement of the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two MOUs associated with Palmetto Health.
2. Leave the current MOUs as-is. The requirement of a presentation by the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to Richland County Council at a Council Meeting will remain in effect.

**F. Recommendation**

It is recommended that Council eliminate the requirement of the Palmetto Health Alliance Board of Directors, Palmetto Health Alliance’s management, and the Richland Memorial Hospital Board of Trustees to make presentations during a Council Meeting, which is found in the two MOUs associated with Palmetto Health, as the MOU-mandated presentation information is provided to Council and the community in other, more constructive forums, venues, and formats.

Recommended by: Councilman Pearce Date: March 5, 2013 Council Meeting

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers	Date: 3/14/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: Elizabeth McLean	Date: 3/14/13
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion. The request will take an amended document signed by both parties. Legal will draft such a document upon Council direction.	

**Administration**

Reviewed by: Tony McDonald	Date: 3/18/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Recommend approval of the motion as presented.	

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**PALMETTO HEALTH ALLIANCE**

**AND**

**RICHLAND COUNTY, SOUTH CAROLINA**

**APRIL 22, 2003**

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**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (the "Memorandum" or "MOU") is being entered into this 22 day of April, 2003, between the Palmetto Health Alliance, a South Carolina corporation, and Richland County, South Carolina (the "County").

**WITNESSETH:**

*WHEREAS*, on February 9, 1998, the County, Richland Memorial Hospital ("RMH") and BR Health System, Inc. entered into a Lease Agreement (the "Lease") as part of the consolidation of RMH and Baptist Healthcare System of South Carolina, Inc. ("Baptist") into the present Palmetto Health Alliance ("PHA"); and

*WHEREAS*, in connection with a planned refinancing of its outstanding debt, PHA has been advised that it may secure more favorable interest rates if the refinancing bonds are insured. PHA's bond insurer, AMBAC, has requested that PHA seek permission from the County to amend certain provisions of the Lease. The revised version of the Lease attached hereto as *Exhibit A* reflects the agreed upon changes; and

*WHEREAS*, these changes to the Lease will not affect the County's ownership of the assets contributed by RMH to PHA and subject to the Lease; and

*WHEREAS*, in the course of negotiations concerning the Lease amendments, the Richland County Council (the "County Council") has sought further assurances from PHA regarding the ongoing provision of indigent care, the continued operation of appropriate emergency room services and the quality of healthcare provided for the benefit of the citizens of the County; and

*WHEREAS*, in 1998, RMH established a trust (the "Trust") pursuant to a Trust Agreement dated as of February 8, 1998 (the "Trust Agreement"). The purpose of the Trust was to hold public monies to serve as federal matching funds, thereby ensuring the flow of federal dollars into the South Carolina Medicaid Program. The Trust is set to expire on June 30, 2003. However, in response to the concerns of the County Council regarding the provision of indigent care, the RMH Board has agreed to extend the term of the Trust for so long as the Medicaid-match program is in effect in South Carolina. PHA has also agreed to increase the funds in the Trust, within a reasonable period, to \$30 million and to take whatever steps necessary to maintain the Trust balance at \$30 million; and

*WHEREAS*, PHA has also afforded the County Council the opportunity to have its representatives review PHA's strategic plan (the "Plan") to confirm that the provision of indigent care, the continued operation of appropriate emergency room services, and the provision of quality healthcare are key elements of PHA's future plans; and

*WHEREAS*, the By-Laws governing the operation of PHA require that any material modification of the Plan must be approved by both the RMH Board of Trustees (the "RMH Board") and Baptist Board of Trustees (the "Baptist Board" and collectively the "Boards"); and

*WHEREAS*, as set forth herein, PHA has provided the County Council with satisfactory assurances regarding the provision of indigent care, the continued operation of appropriate emergency room services, and the provision of quality healthcare; and

*WHEREAS*, the negotiations concerning the Lease amendments have afforded PHA and the County Council an opportunity to discuss ways to improve communication; and

WHEREAS, the County and PHA have made commitments to each other during the course of the negotiations concerning the Lease amendments and now wish to memorialize those commitments.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES EXPRESSED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

**Section 1. Ownership of Assets.** The parties hereto acknowledge that the proposed Lease amendments will not impair the County's ownership of the assets contributed by RMH under the terms of the Lease.

**Section 2. Medicaid Matching Trust.** Working with RMH, PHA will, not later than June 30, 2003, take all necessary steps to modify the Trust Agreement to provide for (i) an extension of the Trust beyond June 30, 2003, (ii) increased funding of the Trust to \$30 million, and (iii) maintenance of the Trust balance at \$30 million. PHA and the County also agree to modify the Lease as may be required to provide a mechanism to increase the Trust balance to \$30 million.

**Section 3. Distribution of Trust Funds.**

(a) Upon termination of the Lease, the funds in the Trust will be prorated, according to the proportionate ownership by RMH and Baptist of the assets comprising PHA, and distributed to RMH and Baptist. It is expected that the Trust balance will be not less than \$30 million. If, however, at the time the Lease is terminated the Trust balance is less than \$30 million, PHA shall be required to provide sufficient funds for deposit into the Trust to bring the balance to \$30 million. The distributed funds to RMH will then be used in support of programs to provide for indigent care and/or emergency medical services, or such medical programs identified by RMH, as the agent of the County, as being consistent with its mission, vision and commitment to the citizens of the County. The funds distributed to Baptist shall likewise be used in a manner consistent with its mission and vision.

(b) If the Trust is dissolved prior to a termination of the Lease, the funds in the Trust shall be distributed to PHA. PHA must then use those funds to fulfill its Mission, the terms of its Plan, and its obligations under the Lease. These activities would include, but not be limited to, the delivery of medically necessary services to indigent, Medicaid, and Medicare patients. If the Lease is subsequently terminated, an amount equal to \$30 million will be prorated, according to the proportionate ownership by RMH and Baptist of the assets comprising PHA, and distributed to RMH and Baptist. The distributed funds to RMH will then be used in support of programs to provide for indigent care and/or emergency medical services, or such medical programs identified by RMH, as the agent of the County, as being consistent with its mission, vision and commitment to the citizens of the County. The funds distributed to Baptist shall likewise be used in a manner consistent with its mission and vision.

**Section 4. Appointed Director to PHA Board.** PHA agrees that at least one of the three Appointed Directors to the PHA Board shall be a resident of Richland County. Prior to the appointment of the Appointed Director seat scheduled to be filled in January 2006, and any replacements and successors to that Appointed Director slot, the County Council shall be afforded the opportunity to review and comment on the individuals identified by the PHA Board to fill this role.

**Section 5. Strategic Plan and Reserve Powers.** PHA represents and the County Council has confirmed that the Plan reflects PHA's commitment to continued provision of indigent care, operation of appropriate emergency room services, and provision of quality healthcare to the citizens of the County. PHA acknowledges that pursuant to its By-Laws certain reserve powers are granted to the Boards. Pursuant to those reserve powers, any attempt to materially modify the Plan must be approved by both the

RMH Board and the Baptist Board before any enactment, adoption, or implementation of such modifications.

**Section 6. *Communication Improvements.***

a. Members of the PHA Board of Directors (the "PHA Board"), PHA's management and the RMH Board will appear at the first meeting of the County Council each March, starting in calendar year 2004, in a public session to present an annual report on the activities of PHA and RMH.

b. Not later than May 30 of each year, beginning in calendar year 2004, PHA will make an annual report to the citizens of the County. The report will provide an accounting of the contributions PHA has made and is making in the lives of the citizens of the County. The report will be appropriately communicated, most probably in the form of paid advertisements through selected media outlets. Any written materials related to the report will be put on file with the County's Department of Public Information and the Richland County Public Library in order that interested citizens of the County may review the materials.

c. PHA and its leadership agree to meet with the County Council when requested by the Chair of County Council to do so.

d. PHA acknowledges that the RMH Board plans to amend its bylaws to permit one of the County Council liaisons, as designated from time to time by the Chair of County Council, to the RMH Board to become an *Ex Officio member* without vote to the RMH Board (such designated individual being hereafter referred to as the "Liaison"). The Liaison shall also be entitled to attend all public sessions of the PHA Board.

e. When requested by the Chair of County Council or his or her designee, the PHA Board shall place County concerns on its meeting agenda for discussion and, if required, take appropriate action. Upon prior notification to the Chair of the PHA Board, the Liaison shall be entitled to attend the Executive session of the PHA Board for the purpose of providing information and participating in the discussion of the specific agenda item so identified.

**Section 7. *PHA Responsible for County Costs.*** PHA shall promptly reimburse the County for attorneys' fees and additional extraordinary costs the County has incurred in connection with the negotiations with PHA to modify the Lease, and that the County may incur in conjunction with the fulfillment of the commitments set forth herein.

**Section 8. *Amendment of the Lease.*** The County hereby agrees to amend the Lease in accordance with the attached *Exhibit A* in order to permit PHA to refinance its outstanding debt at more favorable interest rates and achieve the savings resulting from such lower interest rates.

**Section 9. *Amendment of PHA By-Laws.*** PHA has agreed to amend its By-Laws to provide that any future borrowings occurring after the financing contemplated herein that result in an increase of more than ten percent in the aggregate principal balance of all indebtedness for borrowed money of PHA must be approved by three-fourths (a super majority) vote of PHA Directors then in office.

**Section 10. *Counterpart Execution.*** This Memorandum may be executed in multiple counterparts.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

**RICHLAND COUNTY, SOUTH CAROLINA**

Bernice G. Scott

By: Bernice G. Scott  
Its: Chairperson

Attest:  
Michelle Cannon-Finch  
Michelle Cannon-Finch,  
Clerk to the Richland County Council

**PALMETTO HEALTH ALLIANCE**

William A. Boyd III  
By: William A. Boyd III  
Its: CHAIRMAN  
(Printed Name and Title of Signatory)



**EXHIBIT A**

Proposed Lease Amendments

A-1

FINAL VERSION

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**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE RICHLAND MEMORIAL HOSPITAL BOARD OF TRUSTEES**

**AND**

**RICHLAND COUNTY, SOUTH CAROLINA**

**APRIL 22, 2003**

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## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Memorandum" or "MOU") is being entered into this 22 day of April, 2003, between the Richland Memorial Hospital Board of Trustees (the "RMH Board") and Richland County, South Carolina (the "County").

### WITNESSETH:

*WHEREAS*, the RMH Board is charged by the County with the responsibility for the conduct, operation, management, maintenance and improvement of hospital facilities of the County; and

*WHEREAS*, the RMH Board is also responsible to provide the Richland County Council (the "County Council") with information on the healthcare services being rendered by the Palmetto Health Alliance ("PHA") and to address with PHA issues raised by community members and the County Council; and

*WHEREAS*, serving in the capacities outlined above, the RMH Board made recommendations to the County Council concerning amendments proposed by PHA to that certain lease dated February 9, 1998 among the County, the RMH Board and BR Health System, Inc. (the "Lease"); and

*WHEREAS*, in the course of negotiations concerning the Lease amendments, the County Council has sought further assurances regarding the ongoing provision of indigent care, the continued operation of a appropriate emergency room services, and quality healthcare for the benefit of the citizens of the County; and

*WHEREAS*, in 1998, the RMH Board established a trust (the "Trust") pursuant to a Trust Agreement dated as of February 8, 1998 (the "Trust Agreement"). The purpose of the Trust was to hold public monies to serve as federal matching funds, thereby ensuring the flow of federal dollars into the South Carolina Medicaid Program. The Trust is set to expire on June 30, 2003. However, in response to the concerns of the County Council regarding the provision of indigent care, the RMH Board has agreed to extend the term of the Trust for so long as the Medicaid-match program is in effect in South Carolina. PHA has also agreed to increase the funds in the Trust, within a reasonable period, to \$30 million and take whatever steps necessary to maintain this balance in the Trust; and

*WHEREAS*, in the course of the negotiations concerning the Lease amendments, PHA has permitted the County Council's legal representatives to review PHA's strategic plan (the "Plan") to confirm that the provision of indigent care, the continued operation of appropriate emergency room services, and the provision of quality healthcare are key elements of PHA's future plans; and

*WHEREAS*, the By-Laws governing the operation of PHA require that any material modification of the Plan must be approved by both the RMH Board and the Baptist Board of Trustees; and

*WHEREAS*, the County Council desires to establish a protocol with the RMH Board to ensure the County Council is alerted and given the opportunity to have input any time material modifications are proposed to the Plan that would detrimentally affect the provision of indigent care, the continued operation of appropriate emergency room services or the provision of quality healthcare to the citizens of the County; and

*WHEREAS*, in the course of the negotiations concerning the Lease amendments, the County Council and the RMH Board have identified several areas in which they can improve communications; and

WHEREAS, the County and the RMH Board have made commitments to each other during the course of the negotiations concerning the Lease amendments and now wish to memorialize those commitments.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES EXPRESSED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

**Section 1. Medicaid Matching Trust.** Working with PHA, the RMH Board shall take all necessary steps to modify the Trust Agreement to cause PHA to provide for (i) an extension of the Trust beyond June 30, 2003, (ii) increasing the balance of the Trust to \$30 million, and (iii) maintaining that Trust at that level. RMH also agrees to any modification of the Lease as may be required to provide for increased Lease payments to serve as a basis for increasing the funds in the Trust to \$30 million.

**Section 2. Communication Improvements.** The County Council and the RMH Board have resolved to institute the following procedures in order to improve communications:

a. The Chair of the County Council will appoint one of its liaisons as *Ex Officio member without vote* to the RMH Board. The appointment may rotate among the liaisons as determined by the Chair of the County Council. Such member shall be entitled to attend all public and executive sessions of the RMH Board, except where matters to be discussed are ones mutually determined by the RMH Board and the *Ex Officio member* to be appropriate for Board Member only sessions. RMH shall amend its bylaws accordingly not later than 90 days from the date hereof.

b. The RMH Board will include an agenda item for each of its monthly meetings to allow for input from the County Council.

c. The RMH Board will reschedule its monthly meetings to a date that is not in conflict with standing County Council meetings.

d. When requested to do so by the Chair of the County Council within reasonable time limits, the RMH Board will facilitate the inclusion of County Council matters on the PHA Board of Directors (the "PHA Board") agenda.

e. The RMH Board commits to meet, whenever requested by the Chair of the County Council, informally or in public session, with the County Council or members of the County staff.

f. The RMH Board commits, when requested by the Chair of the County Council, to facilitate quarterly meetings directly with the leadership of PHA (including its Chairman, CEO and President).

g. At the first County Council meeting in October, beginning in calendar year 2003, members of the RMH Board will brief the County Council on strategic issues (*see Section 3 below for special protocol for certain issues identified by County Council*).

h. At the first County Council meeting in March, beginning in calendar year 2004, members of the RMH Board, members of the PHA Board and PHA management will appear and in public session present an annual report on the activities of each Board.

**Section 3. Special Protocol Regarding Certain Issues.** Any time the RMH Board is presented by the PHA Board with proposed material modifications to the Plan that would detrimentally affect (i) the provision of indigent care, (ii) the continued operation of appropriate emergency room services, or (iii) the provision of quality healthcare to the citizens of the County, the RMH Board will inform the County Council of same. The RMH Board will, prior to taking any vote to approve such changes, permit the full County Council to review and comment on the proposed changes to the Plan.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first above written.

**RICHLAND COUNTY, SOUTH CAROLINA**

*Bernice G. Scott*

By: Bernice G. Scott  
Its: Chairperson

Attest:  
*Michelle Cannon-Finch*  
Michelle Cannon-Finch,  
Clerk to the Richland County Council

**THE RICHLAND MEMORIAL HOSPITAL  
BOARD OF TRUSTEES**

*Elizabeth H. McCullough*  
By: Elizabeth H. McCullough  
Its: Chair  
(Printed Name and Title of Signatory)

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; so as to reflect the 2010 Amendments made to Section 4-9-195 of the South Carolina Code of Laws, 1976, as amended; and to more closely align the County's ordinance with that of the City of Columbia **[FIRST READING] [PAGES 62-92]**

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to (1) amend the County's Bailey Bill ordinance to be consistent with the 2010 amendments to the SC Code of Laws; (2) amend the County's Bailey Bill ordinance to be consistent with the City of Columbia's ordinance; and (3) discontinue the current practice of processing applications for properties that are located in, and have been approved by, the City of Columbia; and (4) promote the benefits of the Bailey Bill to residents and businesses, so as to encourage the renovation and preservation of historic properties. A motion and friendly amendment were approved to reinsert the following language from the proposed draft ordinance which had been previously stricken: Section V. (i) Date Effective: . . . "and in no instance may the special assessment be applied retroactively."

## Richland County Council Request of Action

**Subject:** Bailey Bill Ordinance Revisions

### A. Purpose

County Council is requested to (1) amend the County’s Bailey Bill ordinance to be consistent with the 2010 amendments to the SC Code of Laws; (2) amend the County’s Bailey Bill ordinance to be consistent with the City of Columbia’s ordinance; and (3) discontinue the current practice of processing applications for properties that are located in, and have been approved by, the City of Columbia; and (4) promote the benefits of the Bailey Bill to residents and businesses, so as to encourage the renovation and preservation of historic properties.

### B. Background / Discussion

This item was brought to Council via the Economic Development Committee in November 2012. At that time, it was requested that the County consider aligning its Bailey Bill Ordinance with that of the City of Columbia. It is because of this request that this item is before Council at this time.

The “Bailey Bill” is a special property tax assessment, which was passed by the South Carolina Legislature in 1992. The bill gives local governments the option of granting property tax abatement to encourage the preservation and rehabilitation of historic properties. Eligible buildings either must be listed in the National Register of Historic Places or be a property that is located within the boundaries of a district that is listed in the National Register of Historic Places, and have a main structure that is at least 50 years old.

Eligible properties receive a special assessment equal to the pre-rehabilitation value for up to 20 years. State law was amended most recently in 2010 to make it a more valuable incentive to property owners in addition to giving local governments more flexibility in making it a truly valuable incentive in rehabilitating historic buildings.

The table below compares the County’s and the City’s thresholds of initial investment, review practices for approval, and the length of time owners can participate in the program.

Richland County	City of Columbia
Minimum required expenditure set at 50% of the fair market value of the building for owner-occupied properties and 100% for income-producing structures.	Minimum required expenditure set at 20% of the fair market value of the building, regardless of status (owner-occupied or income-producing).
Plans are reviewed by the SC Department of Archives and History for compliance. In any incorporated area that has an architectural review board, the municipal board shall serve as the reviewing authority.	Plans are reviewed by the City’s DDRC - Design/Development Review Commission - using guidelines established for the district.
(PLEASE NOTE: To date, no Bailey Bill applications for structures in unincorporated Richland County have been received. All	

applications have been for structures located in the City of Columbia.)	
Period for special assessment set at a total of 10 years of abatement.	Period for special assessment set at a total of 20 years of abatement.

In comparing the County’s and the City’s current eligibility and minimum expenditure requirements, it becomes increasingly clear why the differences in both requirements have created confusion for program participants.

The following are several other potential benefits of approving the requested amendments:

- The playing field will be leveled by “grandfathering” the properties which were approved under the previous guidelines. This would ensure all participants are able to take full advantage of the 20-year special assessment period.
- Minimize confusion regarding the program’s requirements by making the provisions much clearer to participants, attorneys and developers who have erroneously consulted their clients and/or undertaken projects believing the County’s and City’s terms were the same.
- This amendment is consistent with the original intent of the Bill, which is to restore and maintain historic structures, both residential and commercial. These structures have a higher intrinsic value, enhance the community and bring real dollars in to the local community.

Approving the revised ordinance to make it parallel with the provisions of the City will not only encourage owners of older buildings to invest in renovating and preserving historic properties, but will also create more attractive places for businesses and residents to develop and thrive. Further, in addition to increasing the County’s tax base, the proposed revisions provide Richland County the ability to make this a truly valuable incentive to rehabilitate historic buildings. It is in Richland County’s best interests to encourage the owners of older buildings to make the investments necessary to maintain or rehabilitate these structures so they can enhance the community. These revisions will promote economic development, foster a more business-friendly environment, and clarify any confusion that currently exists between the County’s and City’s Bailey Bill ordinances.

It is also in the County’s best interests to simplify the current practice of processing applications that are located in, and have received prior approval from, the City. By doing so, the County can streamline the process by notifying the Auditor’s Office, which will adjust the applicant’s tax rate based on approval from the City. The Assessor’s Office will then make the corresponding adjustment in the tax rate for the following tax year. This could be done upon receipt of a confirmation letter from the City that an applicant has been approved. Properties located in the unincorporated areas of Richland County would undergo a formal application process, but would receive the same benefits as properties located in the city of Columbia.

It is also recommended that the County promote the benefits of the Bailey Bill to its residents and businesses, so as to encourage the renovation and preservation of historic properties.



Attached are Appendix 1, the County’s Rehabilitated Historic Properties for 2008 – 2012 (source: Auditor’s Office); Appendix 2, the County’s current Bailey Bill Ordinance; Appendix 3, the City of Columbia’s Bailey Bill Ordinance; Appendix 4, the State of South Carolina Bailey Bill Statute; and Appendix 5, the proposed revised County Bailey Bill Ordinance which reflects the changes discussed in this document.

**C. Financial Impact**

The financial impact is believed to be minimal because of the extensive renovations the properties require, which typically exceed the County’s current 50% threshold. The impact is also dependent on the number and value of historic properties that receive special tax assessments, as well as the potential economic development benefits from future properties which may benefit from the Bailey Bill, but which cannot be determined at this time.

**D. Alternatives**

1. Amend the County’s Bailey Bill ordinance to be consistent with the 2010 amendments to the SC Code of Laws; (2) amend the County’s Bailey Bill ordinance to be consistent with the City of Columbia’s ordinance; (3) discontinue the current practice of processing applications for properties that are located in, and have been approved by, the City of Columbia; and (4) promote the benefits of the Bailey Bill to residents and businesses, so as to encourage the renovation and preservation of historic properties.
2. Approve the request to adopt an amended ordinance that is partially consistent with the City of Columbia.
3. Do not approve any amendments or processes at this time.

**E. Recommendation**

It is recommended that Council (1) amend the County’s Bailey Bill ordinance to be consistent with the 2010 amendments to the SC Code of Laws; (2) amend the County’s Bailey Bill ordinance to be consistent with the City of Columbia’s ordinance; (3) discontinue the current practice of processing applications for properties that are located in, and have been approved by, the City of Columbia; and (4) promote the benefits of the Bailey Bill to residents and businesses, so as to encourage the renovation and preservation of historic properties.

Recommended by: Justine Jones    Department: Administration    Date: 2/28/13

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Economic Development**

Reviewed by: Nelson Lindsay

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Approval of this amendment would encourage the renovation and preservation of historic properties in Richland County thereby spurring economic development opportunities.

**Assessor**

Reviewed by: John Cloyd

Date: 3/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Properties in the city of Columbia should receive approval from the City of Columbia. Properties in unincorporated Richland County should receive approval from Richland County.

**Auditor**

Reviewed by: Paul Brawley

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Treasurer**

Reviewed by: David Adams

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 3/21/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. The following are my recommendations regarding the specific ordinance amendment attached:

Section 23-63 (b)(3) – This section uses verbatim language from the state law; however, the state law does not mention the establishment of any criteria (as in section (b)(2)) for county council to designate an area as an historic district. I would recommend that this section include language which states that this designation will be based on criteria established by county council.

Section 23-64 (k) – This section deals with decertification, which would end the special assessment. Subsection (k)(2) allows the property to be decertified by removal of the historic designation by the county council. Again this language comes specifically from the state statute, but it gives no guidance on how or why such a designation would be removed. This language allows a tremendous discretion on the part of council that could potentially dramatically affect a property’s tax assessment, an assessment which a property owner relied upon a county ordinance to obtain with an expectation that the assessment would remain for the full 20 years absent some compelling reason to remove such. I would strongly recommend language be added that states that this decertification shall be based on criteria established by council.

Subsection (k)(3) allows for decertification if the county council finds that the property is no longer a low or moderate income rental. The state statute (Bailey Bill) allows the county to offer the special tax assessment for rehabilitated historic properties and/or for low to moderate income rental properties. Neither our current ordinance nor the proposed ordinance avails itself of the application to low or moderate income rental property; thus, this decertification language makes no sense as a property cannot be certified at all on these grounds. The language should be deleted.

**Administration**

Reviewed by: Roxanne Ancheta

Date: March 21, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council (1) amend the County's Bailey Bill ordinance to be consistent with the 2010 amendments to the SC Code of Laws; (2) amend the County's Bailey Bill ordinance to be consistent with the City of Columbia's ordinance; (3) discontinue the current practice of processing applications for properties that are located in, and have been approved by, the City of Columbia; and (4) promote the benefits of the Bailey Bill to residents and businesses, so as to encourage the renovation and preservation of historic properties.

It is further recommended that the aforementioned revisions mentioned by Legal be made.

YEAR	NAME1	LOCATION-1	AMT-PAID	BALANCE DUE
2009	ANDERS JASON S	1315 BLANDING ST	5,204.73	.00
	CANAL DIME LLC	MAIN ST	1,288.99	.00
	CANAL DIME LLC	MAIN ST	1,288.99	.00
	CANAL DIME OWNER LLC	UNT 2A 1520 MAIN ST	371.74	.00
	CANAL DIME OWNER LLC	UNT 3A 1520 MAIN ST	1,288.99	.00
	CAPITOL PLACES I LLC	1508 MAIN ST	17,388.78	.00
	CAPITOL PLACES IV LLC	1350 MAIN ST	55,075.25	.00
	CRISPY FLOUNDER LLC	1215 ASSEMBLY ST	8,905.09	.00
	FIRST AND THIRD LLC	2531 GERVAIS ST	1,165.44	.00
	G H BELL FAMILY LIMITED	1219 ASSEMBLY ST	9,212.52	.00
	GARVIN & STEVENSON LLC	827-31 GERVAIS ST	17,557.50	.00
	GERVAIS STREET ASSOCIATES	1010 GERVAIS ST	6,521.16	.00
	HARPOOTLIAN PAMELA M	1410 LAUREL ST	4,088.08	.00
	HOLMES SMITH RESIDENTIAL LL	N/S GERVAIS ST	2,490.06	.00
	L A OLYMPIA LAND OWNER LLC	S/S HEYWARD ST	16,463.54	.00
	LADY STREET ASSOCIATES LLC	915 LADY ST	4,719.85	.00
	LEWIS ROBERT B	2027 TAYLOR ST	1,628.41	.00
	LEWIS ROBERT B	832 ALBION RD	1,772.27	.00
	MAINSTREAM GROUP V LP	1642 MAIN ST	37,879.05	.00
	MCIVER LESLIE H &	1001 WASHINGTON ST	3,209.60	.00
	OLYMPIA BUILDING OWNER LLC	S/S HEYWARD ST	19,832.39	.00
	SBS DEVELOPMENT LLC	1422 LAUREL ST	1,898.35	.00
	VISTA VENTURES LLC	1312 GADSDEN ST	11,373.14	.00
	WARDLAW APARTMENTS LIMITED PTR	1003 ELMWOOD AV	36,300.23	.00
	1004 GERVAIS STREET LLC	1004 GERVAIS ST	1,717.30	.00
	2131 PARK STREET LLC	2131 PARK ST	3,169.58	.00
	339 HEYWARD ST LLC	339 HEYWARD ST	896.11	.00
	701 WHALEY OWNER LLC	701 WHALEY ST	4,172.25	.00
	TOTAL		276,879.39	.00
	COUNT	28		

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YEAR	NAME1	LOCATION-1	AMT-PAID	BALANCE DUE
2009	ANDERS JASON S	1315 BLANDING ST	5,212.07	.00
	CANAL DIME LLC	MAIN ST	1,014.43	.00
	CANAL DIME LLC	MAIN ST	1,014.43	.00
	CANAL DIME OWNER LLC	UNT 3A 1520 MAIN ST	1,265.68	.00
	CAPITOL PLACES I LLC	1508 MAIN ST	17,135.30	.00
	CAPITOL PLACES IV LLC	1350 MAIN ST	54,241.07	.00
	CRAIG ROSIE MACFARLANE	807 GERVAIS ST	14,442.94	.00
	CRISPY FLOUNDER LLC	1215 ASSEMBLY ST	8,895.52	.00
	FIRST AND THIRD LLC	2537 GERVAIS ST	1,144.36	.00
	G H BELL FAMILY LIMITED	1219 ASSEMBLY ST	9,262.76	.00
	GARVIN & STEVENSON LLC	827-31 GERVAIS ST	17,240.03	.00
	GERVAIS STREET ASSOCIATES	1010 GERVAIS ST	6,403.24	.00
	HARPOOTLIAN PAMELA M	1410 LAUREL ST	4,014.16	.00
	L A OLYMPIA LAND OWNER LLC	S/S HEYWARD ST	6,468.27	.00
	LADY STREET ASSOCIATES LLC	915 LADY ST	4,634.50	.00
	LEWIS ROBERT B	2027 TAYLOR ST	1,600.40	.00
	LEWIS ROBERT B	832 ALBION RD	1,643.23	.00
	MAINSTREAM GROUP V LP	1642 MAIN ST	37,299.77	.00
	MCIVER LESLIE H &	1001 WASHINGTON ST	3,151.56	.00
	OLYMPIA BUILDING OWNER LLC	S/S HEYWARD ST	7,577.67	.00
	SBS DEVELOPMENT LLC	1422 LAUREL ST	1,864.02	.00
	VISTA VENTURES LLC	1312 GADSDEN ST	11,167.49	.00
	WARDLAW APARTMENTS LIMITED	1003 ELMWOOD AV	35,635.07	.00
	1004 GERVAIS STREET LLC	1004 GERVAIS ST	1,686.24	.00
	2131 PARK STREET LLC	2131 PARK ST	3,021.63	.00
	339 HEYWARD ST LLC	339 HEYWARD ST	879.89	.00
	701 WHALEY OWNER LLC	701 WHALEY ST	4,096.80	.00
	912 LADY STREET LLC	UNT200 1546 MAIN ST	4,166.23	.00
TOTAL			266,178.76	.00
COUNT	28			

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YEAR	NAME1	LOCATION-1	AMT-PAID	BALANCE DUE
2010	CANAL DIME LLC	1530 MAIN ST	1,298.02	.00
	CANAL DIME LLC	NX1530 MAIN ST	1,298.02	.00
	CANAL DIME OWNER LLC	UNT 3A 1520 MAIN ST	1,298.02	.00
	CAPITOL PLACES I LLC	1508 MAIN ST	17,486.69	.00
	CAPITOL PLACES IV LLC	1350 MAIN ST	55,397.43	.00
	CRAIG ROSIE MACFARLANE	807 GERVAIS ST	12,808.36	.00
	CRISPY FLOUNDER LLC	1215 ASSEMBLY ST	9,096.17	.00
	FIRST AND THIRD LLC	2537 GERVAIS ST	1,173.59	.00
	G H BELL FAMILY LIMITED	1219 ASSEMBLY ST	9,454.86	.00
	GARVIN & STEVENSON LLC	827-31 GERVAIS ST	17,165.20	.00
	GERVAIS STREET ASSOCIATES	1010 GERVAIS ST	6,566.67	.00
	HARPOOTLIAN PAMELA M	1410 LAUREL ST	4,116.67	.00
	L A OLYMPIA LAND OWNER LLC	S/S HEYWARD ST	6,633.35	.00
	LADY STREET ASSOCIATES LLC	915 LADY ST	4,752.77	.00
	LEWIS ROBERT B	7027 TAYLOR ST	1,355.86	.00
	LEWIS ROBERT B	832 ALBION RD	1,737.20	.00
	MAINSTREAM GROUP V LP	1642 MAIN ST	38,102.75	.00
	MCIVER LESLIE H &	1001 WASHINGTON ST	3,232.03	.00
	OLYMPIA BUILDING OWNER LLC	S/S HEYWARD ST	7,771.15	.00
	RAYE HOLDINGS LLC	1315 BLANDING ST	5,327.36	.00
	SES DEVELOPMENT LLC	1422 LAUREL ST	1,911.62	.00
	VISTA VENTURES LLC	1312 GADSDEN ST	11,452.56	.00
	WARDLAW APARTMENTS LIMITED	1003 ELMWOOD AV	36,544.75	.00
	1004 GERVAIS STREET LLC	1004 GERVAIS ST	1,729.31	.00
	2131 PARK STREET LLC	2131 PARK ST	3,643.57	.00
	339 HEYWARD ST LLC	339 HEYWARD ST	902.38	.00
	701 WHALEY OWNER LLC	701 WHALEY ST	4,201.37	.00
	912 LADY STREET LLC	UNT200 1546 MAIN ST	4,400.75	.00
TOTAL			270,858.48	.00
COUNT	28			

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BAILEY BILL

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YEAR	NAME1	LOCATION-1	AMT-PAID	BALANCE DUE
2011	CANAL DIME LLC	NK1530 MAIN ST	1,292.16	.00
	CANAL DIME OWNER LLC	UNT 3A 1520 MAIN ST	2,060.74	.00
	CAPITOL PLACES IV LLC	1350 MAIN ST	55,188.44	.00
	D & E LLC	1916 HENDERSON ST	1,752.63	.00
	FIRST AND THIRD LLC	2537 GERVAIS ST	1,168.30	.00
	FIRST RELIANCE BANK	2027 TAYLOR ST	1,349.74	.00
	G H BELL FAMILY LIMITED	1219 ASSEMBLY ST	9,420.15	.00
	GARVIN & STEVENSON LLC	827-31 GERVAIS ST	18,796.76	.00
	GERVAIS & LINCOLN LLC	823 GERVAIS ST	5,713.77	.00
	L A OLYMPIA LAND OWNER LLC	S/S HEYWARD ST	6,603.55	.00
	LEWIS ROBERT B	832 ALBION RD	1,679.51	.00
	LONDON I LLC	1400 MAIN ST	37,913.58	.00
	LORICK HOUSE LLC	1727 HAMPTON ST	3,186.60	.00
	MAINSTREAM V LOFTS LLC	1642 MAIN ST	.00	42,854.75
	MAST GENERAL STORE INC THE	1601 MAIN ST	21,499.75	.00
	MCIVER LESLIE H &	1001 WASHINGTON ST	3,217.48	.00
	OLYMPIA BUILDING OWNER LLC	S/S HEYWARD ST	7,736.15	.00
	1004 GERVAIS STREET LLC	1004 GERVAIS ST	1,721.50	.00
	2131 PARK STREET LLC	2131 PARK ST	3,627.55	.00
	339 HEYWARD ST LLC	339 HEYWARD ST	898.29	.00
	521 GERVAIS HISTORIC LLC	N/S GERVAIS ST	2,504.82	.00
	701 WHALEY OWNER LLC	701 WHALEY ST	4,182.48	.00
	823 GERVAIS LLC	823 GERVAIS ST	3,239.71	.00
	912 LADY STREET LLC	UNT200 1546 MAIN ST	5,507.29	.00

TOTAL  
COUNT 24

200,260.95 42,854.75

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## BAILEY BILL

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YEAR	NAME1	LOCATION-1	AMT-PAID	BALANCE DUE
2012	CAPITOL PLACES IV LLC	1350 MAIN ST	.00	55,987.79
	COMER BRIAN A & VALERIE N D & E LLC	832 ALBION RD 1916 HENDERSON ST	1,651.63 .00	.00 3,777.57
	DOZIER JOHN HALL	1931 HENDERSON ST	.00	4,753.22
	FIRST AND THIRD LLC	2537 GERVAIS ST	.00	2,976.25
	GARVIN & STEVENSON LLC	827-31 GERVAIS ST	.00	37,778.77
	GERVAIS & LINCOLN LLC	823 GERVAIS ST	13,839.96	.00
	L A OLYMPIA LAND OWNER LLC	S/S HEYWARD ST	.00	16,789.20
	LONDON I LLC	1400 MAIN ST	.00	72,367.31
	LORICK HOUSE LLC	1727 HAMPTON ST	.00	8,104.20
	MAINSTREAM V LOFTS LLC	1642 MAIN ST	.00	38,512.74
	MAST COLUMBIA LLC	1601 MAIN ST	.00	17,885.68
	MOORE JAMES C III	2300 WILMOT AVE	5,827.80	.00
	OLYMPIA BUILDING OWNER LLC	S/S HEYWARD ST	.00	20,224.69
	RICHARDSON CLARENCE ETAL	614 BLANDING ST	.00	778.42
	SC 1556 MAIN LLC	1556 MAIN ST	20,874.07	.00
	WICKER TOMMIE B	328 WHALEY ST	.00	2,070.97
	WRIGHT PATRICK M SR & KANDIE A	1410 SHIRLEY ST	.00	2,446.82
	1004 GERVAIS STREET LLC	1004 GERVAIS ST	.00	4,380.67
	2131 PARK STREET LLC	2131 PARK ST	.00	5,844.14
	339 HEYWARD ST LLC	339 HEYWARD ST	.00	15,744.45
	521 GERVAIS HISTORIC LLC	N/S GERVAIS ST	6,375.31	.00
	701 WHALEY OWNER LLC	701 WHALEY ST	.00	10,634.40
	823 GERVAIS LLC	823 GERVAIS ST	8,239.27	.00
	912 LADY STREET LLC	UNT200 1546 MAIN ST	.00	10,659.50
	TOTAL		56,808.04	331,716.79
	COUNT		25	



**Richland County Bailey Bill Ordinance**

**Article V. Rehabilitated Historic Properties**

Sec. 23-60. Special Tax Assessment Created.

A special tax assessment is created for eligible rehabilitated historic properties for a period of ten years equal to the assessed value of the property at the time of preliminary certification.

(Ord. No. 047-08HR, § II, 9-9-08)

Sec. 23-61. Purpose.

It is the purpose of this Article to:

- (1) Encourage the rehabilitation of historic properties;
- (2) Promote community development and redevelopment;
- (3) Encourage sound community planning; and
- (4) Promote the general health, safety, and welfare of the community.

(Ord. No. 047-08HR, § II, 9-9-08)

Sec. 23-62. Eligible Properties.

(a) *Certification.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) *Preliminary certification.* To receive preliminary certification a property must meet the following conditions:

a. The property meets the requirements for historic designation as established in this section.

b. The proposed rehabilitation work receives a recommendation of approval from the appropriate architectural reviewing authority (hereinafter “reviewing authority”) and is consistent with the rehabilitation standards as set forth in this article. The reviewing authority shall review all improvements associated with the rehabilitation and make a recommendation to the county regarding the project’s eligibility. For the purpose of this article, the reviewing authority shall be defined as follows:

1. In any municipality that has an architectural review board, the municipal board shall serve as the reviewing authority.

2. In the unincorporated areas of the county, and within any municipality that does not have an architectural review board, the South Carolina Department of Archives and History shall serve as the reviewing authority.

c. Be a project that commenced by or after August 17, 2004 to the date of the adoption of this ordinance and work was permitted to have begun prior to receiving preliminary certification, or

d. Be a project that commences on or after the date of the adoption of this ordinance.

(2) *Final certification.* To be eligible for final certification, a property must have met the following conditions:

a. The property has received preliminary certification.

b. The minimum expenditures for rehabilitation as set forth in this article have been incurred and paid.

c. The completed rehabilitation receives a recommendation for approval from the reviewing authority as being consistent with the plans approved by the reviewing authority during preliminary certification.

d. All application fees have been paid in full by the applicant.

e. The property has met all other requirements of this article.

(b) *Historic designation.* In order to be eligible for the special tax assessment, the property must meet one of the following criteria:

(1) The property must be listed on the National Register of Historic Places, or

(2) The property must be located within an historic district that is listed on the National Register of Historic Places and the primary structure to be rehabilitated must be at least fifty years old.

(Ord. No. 047-08HR, § II, 9-9-08)

Sec. 23-63. Eligible rehabilitation.

(a) *Standards for rehabilitation.* To be eligible for the special tax assessment, historic rehabilitations must be conducted according to the following standards:

(1) The historic character of a property shall be retained and preserved. The removal of historic materials or alterations or of features and spaces that characterize each property shall be avoided.

(2) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.

(3) Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.

(4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.

(5) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the most gentle means possible.

(7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the historic property and its environment.

(8) New additions and adjacent new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:

(1) Repairs to the exterior of the designated building.

(2) Alterations to the exterior of the designated building.

(3) New construction on the property on which the building is located, including site work.

(4) Alterations to interior primary public spaces, as defined by the reviewing authority.

(5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation, including, but not limited to, alterations made to mechanical, plumbing and electrical systems.

(c) *Minimum expenditures for rehabilitation.* To be eligible for the special property tax assessment, the owner or the owner's estate must meet the minimum expenditures for rehabilitation:

(1) For owner-occupied, non-income producing properties, the minimum investment shall be fifty percent (50%) of the fair market value of the property.

(2) For income-producing or non-owner occupied properties, the minimum investment shall be one hundred percent (100%) of the fair market value of the property.

Fair market value means the appraised value as certified to the county by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within twelve months of the time it is submitted, or the most recent appraised value published by the Richland County Tax Assessor.

(d) *Expenditures for rehabilitation* means the actual cost of rehabilitation relating to one or more of the following:

(1) Improvements located on or within the historic building as designated.

(2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.

(3) Architectural and engineering services attributable to the design of the improvements.

(4) Costs necessary to maintain the historic character or integrity of the building.

(e) *Scope*. The special tax assessment may apply to the following:

(1) Structure(s) rehabilitated;

(2) Real property on which the building is located.

(f) *Time limits*. To be eligible for the special tax assessment, rehabilitations must be completed within two (2) years of the date of preliminary certification. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall occur first.

(Ord. No. 047-08HR, § II, 9-9-08)

Sec. 23-64. Process.

(a) *Fee required*. There is a fee required for the review of rehabilitation work during the final certification process. Final certification of the property will not be given until the fee has been paid in full by the applicant. Fees shall be made payable to Richland County. The amount of the fee shall be as follows:

(1) For owner-occupied, non-income producing properties, the fee shall be one hundred and fifty dollars (\$150.00).

(2) For income-producing or non-owner occupied properties, the fee shall be three hundred dollars (\$300.00).

(b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit a completed rehabilitation of historic property application with supporting documentation to the county administrator or his designee prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the property owner.

(c) *Preliminary certification.* Upon receipt of the completed application, the county administrator or his designee shall submit the plan to the reviewing authority for a recommendation as to whether the project is consistent with the standards for rehabilitation. Upon receipt of the reviewing authority's recommendation, the county administrator or his designee shall notify the owner in writing. Upon receipt of this determination, the property owner may:

(1) If the application is approved, begin rehabilitation;

(2) If the application is not approved, he/she may revise such application in accordance with comments provided by reviewing authority.

(d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved in writing by the county administrator or his designee. Any substantive changes made to the property during rehabilitation that are not approved by county administrator or his designee, upon review and recommendation of the reviewing authority, are conducted at the risk of the property owner and may disqualify the project from eligibility during the final certification process.

(e) *Final certification.* Upon completion of the project, the property must receive final certification in order to be eligible for the special assessment. The reviewing authority shall inspect completed projects to determine if the work is consistent with the approval recommended by the reviewing authority and granted by the county during preliminary certification. The review process for final certification shall be established by the reviewing authority and may include a physical inspection of the property. The reviewing authority shall notify the applicant in writing of its recommendation. If the applicant wishes to appeal the reviewing authority's recommendation, the appeal must follow the reviewing authority's appeals process. The county administrator or his designee may grant final certification only if the following conditions have been met:

(1) The completed work meets the standards for rehabilitation as established in this article;

(2) Verification is made that the minimum expenditures have been have been incurred in accordance with the provisions of this article; and

(3) Any fee(s) shall be paid in full.

Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

(f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the county administrator or his designee of any additional work, other than ordinary maintenance, prior to the work beginning. The reviewing authority shall review the work and make a recommendation to the county administrator or his designee whether the overall project is consistent with the standards for rehabilitation. The county administrator or his designee shall notify the property owner in writing if the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent by the reviewing authority, the county administrator or his designee shall notify the owner in writing within thirty (30) days of its decision to rescind approval. The property owner may withdraw his/her request and cancel or revise the proposed additional work.

(g) *Notification.* Upon final certification of a rehabilitated historic property, the Richland County Assessor, Auditor, and Treasurer shall be notified by the county administrator or his designee that such property has been duly certified and is eligible for the special tax assessment.

(h) *Application.* Once the final certification has been granted, the owner of the property shall make application to the Richland County Auditor for the special assessment provided for herein. The special assessment shall remain in effect for the length of the special assessment period, unless the property shall become decertified under the provisions of this section.

(i) *Date effective.* If an application for preliminary or final certification is filed by May first or the preliminary or final certification is approved by August first, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. The special assessment period shall not exceed ten (10) years in length, and in no instance may the special assessment be applied retroactively.

(j) *Previously certified properties.* A property certified to receive the special property tax assessment under the existing law continues to receive the special assessment in effect at the time certification was made.

(k) *Decertification.* Once the property has received final certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) Written notice from the owner to the Richland County Auditor requesting removal of the special assessment;

(2) Sale or transfer of ownership, including the sale or transfer of one or more portions of the property, during the special assessment period, other than in the course of probate proceedings;

(3) Removal of the historic designation (3) by the National Register of Historic Places; or

(4) Rescission of the approval of rehabilitation by the county, at the recommendation of the reviewing authority, because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible

for final certification. Notification of any change affecting eligibility must be given immediately to the Richland County Assessor, Auditor, and Treasurer.

(Ord. No. 047-08HR, § II, 9-9-08)

**City of Columbia Bailey Bill Ordinance**

*DIVISION 5. - SPECIAL PROPERTY TAX ASSESSMENTS FOR REHABILITATED HISTORIC PROPERTIES*

**Sec. 17-695. - Special tax assessment created.**

A special tax assessment is created for eligible rehabilitated historic properties for 20 years equal to the appraised value of the property at the time of preliminary certification.

*(Ord. No. 2007-063, § I, 9-5-07)*

**Sec. 17-696. - Purpose.**

It is the purpose of this division to:

- (1) Encourage the restoration of historic properties;
- (2) Promote community development and redevelopment;
- (3) Encourage sound community planning; and
- (4) Promote the general health, safety, and welfare of the community.

*(Ord. No. 2007-063, § II, 9-5-07)*

**Sec. 17-697. - Eligible properties.**

(a) *Certification.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) To receive preliminary certification a property must meet the following conditions:

- a. The property has received historic designation.
- b. The proposed rehabilitation work receives approval from the design/development review commission (DDRC).
- c. Be a project that commenced by or after August 17, 2004 to the date of the adoption of this ordinance and work was permitted to have begun prior to receiving preliminary certification; or
- d. Be a project that commences on or after the date of the adoption of this ordinance. Preliminary certification must be received prior to beginning work.

(2) To receive final certification, a property must have met the following conditions:

- a. The property has received preliminary certification.
- b. The minimum expenditures for rehabilitation were incurred and paid.



- c. The completed rehabilitation receives approval from the secretary to the DDRC as being consistent with the plans approved by DDRC as part of preliminary certification.
- (b) *Historic designation.* As used in this section, "Historic Designation" means the property maintains one or more of the following:
  - (1) The property is listed on the National Register of Historic Places either individually or as a contributing property in a district.
  - (2) The property is at least 50 years old and is an individual landmark or a contributing property in a local district as designated by city council and listed in sections 17-681 and 17-691 of the City of Columbia Code of Ordinances.

(Ord. No. 2007-063, § III, 9-5-07)

**Sec. 17-698. - Eligible rehabilitation.**

- (a) *Standards for rehabilitation work.* To be eligible for the special tax assessment, historic rehabilitations must be appropriate for the historic building and the historic district in which it is located. This is achieved through adherence to the following standards:
  - (1) The historic character of a property shall be retained and preserved; the removal of historic materials or alterations of features and spaces that characterize each property shall be avoided.
  - (2) Each property shall be recognized as a physical record of its time, place and use; changes that create a false sense of historical development shall not be undertaken.
  - (3) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
  - (4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
  - (5) Deteriorated historic features shall be repaired rather than replaced; where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials; replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
  - (6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used; the surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - (7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property; the new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the historic property and its environment.
  - (8) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:

- (1) Repairs to the exterior of the designated building.
- (2) Alterations to the exterior of the designated building.
- (3) New construction on the property on which the building is located.
- (4) Alterations to interior primary public spaces.
- (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation.

(c) *Minimum expenditures for rehabilitation* means the owner or the owner's estate rehabilitates the building, with expenditures for rehabilitation exceeding 20 percent of the fair market value of the building. Fair market value means the appraised value as certified to the DDRC by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within twelve months of the time it is submitted, or the most recent appraised value published by the Richland County Tax Assessor.

(d) *Expenditures for rehabilitation* means the actual cost of rehabilitation relating to one or more of the following:

- (1) Improvements located on or within the historic building as designated.
- (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
- (3) Architectural and engineering services attributable to the design of the improvements.
- (4) Costs necessary to maintain the historic character or integrity of the building.

(e) *Scope.* The special tax assessment may apply to the following:

- (1) Structure(s) rehabilitated.
- (2) Real property on which the building is located.

(f) *Time limits.* To be eligible for the special tax assessment, rehabilitation must be completed within two (2) years of the preliminary certification date. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall first occur.

*(Ord. No. 2007-063, § IV, 9-5-07)*

**Sec. 17-699. - Process.**

(a) *Fee required.* There is a fee of \$150.00 required for final certification for each application for review of rehabilitation work of single family and/or duplex structures and \$300.00 for all other structures. Fees are payable to the City of Columbia, and final certification will not be given without payment of this fee.

(b) *Plan required.* Owners of property seeking approval of rehabilitation work must submit a rehabilitation historic property application with supporting documentation and application fee prior to beginning work.

(c) *Preliminary certification.* Upon receipt of the completed application, the proposal shall be placed on the next available agenda of the DDRC to determine if the project is consistent with the standards for rehabilitation in subsection 17-698(a) above. After the DDRC makes its determination, the owner shall be notified in writing. Upon receipt of this determination the owner may:

(1) If the application is approved, begin rehabilitation;

(2) If the application is not approved, he may revise such application in accordance with comments provided by the D/DRC;

(d) *Substantive changes.* Once preliminary certification is granted to an application, substantive changes must be approved by the D/DRC. Unapproved substantive changes are conducted at the risk of the property owner and may disqualify the project from eligibility. Additional expenditures will not qualify the project for an extension on the special assessment.

(e) *Final certification.* Upon completion of the project, the project must receive final certification in order to be eligible for the special assessment. The secretary to the DDRC will inspect completed projects to determine if the work is consistent with the approval granted by the DDRC pursuant to section 17-698. Final certification will be granted when the completed work meets the Standards and verification is made that expenditures have been made in accordance with subsection 17-698(c) and (d) above. Upon receiving final certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier.

(f) *Additional work.* For the remainder of the special assessment period after final certification, the property owner shall notify the D/DRC of any additional work, other than ordinary maintenance. The D/DRC will review the work at a regularly scheduled hearing and determine whether the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent the property owner may withdraw his request and cancel or revise the proposed additional work.

(g) *Decertification.* When the property has received final certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) Written notice from the owner to the D/DRC and the auditor requesting removal of the preferential assessment;

(2) Sale or transfer of ownership during the special assessment period, other than in the course of probate proceedings;

(3) Removal of the historic designation by the Columbia City Council; or

(4) Rescission of the approval of rehabilitation by the DDRC because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for final certification.

Notification of any change affecting eligibility must be given immediately to the Richland County Assessor, Auditor, and Treasurer.

(h) *Notification.* The city shall, upon final certification of a property, notify the Richland County Assessor, Auditor and Treasurer that such property has been duly certified and is eligible for the special tax assessment.

(i) *Date effective.* If an application for preliminary or final certification is filed by May 1 or the preliminary or final certification is approved by August 1, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year.

The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

(j) *Application.* Once the DDRC has granted the special property tax assessments authorized herein, the owner of the property shall make application to the Richland County Auditor for the special assessment provided for herein.

*(Ord. No. 2007-063, § V, 9-5-07)*

**State of South Carolina Bailey Bill Statute**

§ 4-9-195. Grant of special property tax assessments to "rehabilitated historic property" or "low and moderate income rental property".

(A) The governing body of any county by ordinance may grant the special property tax assessments authorized by this section to real property which qualifies as either "rehabilitated historic property" or as "low and moderate income rental property" in the manner provided in this section. A county governing body may designate, in its discretion, an agency or a department to perform its functions and duties pursuant to the provisions of this section in its discretion.

(1) All qualifying property may receive preliminary certification from the county governing body and upon this preliminary certification, the property must be assessed for two years on the fair market value of the property at the time the preliminary certification was made. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed.

(2) Upon completion of a project, the project must receive final certification from the county governing body in order to be eligible for the special assessment. Upon final certification, the property must be assessed for the remainder of the special assessment period on the fair market value of the property at the time the preliminary certification was made or the final certification was made, whichever occurred earlier. If a completed project does not comply with all requirements for final certification, final certification must not be granted and any monies not collected by the county due to the special assessment must be returned to the county.

(3) The special assessment only begins in the current or future tax years as provided for in this section. In no instance may the special assessment be applied retroactively.

(B) As used in this section:

(1) "Historic designation" means the owner of the property applies for and is granted historic designation by the county governing body for the purpose of the special property tax assessment based on one or more of the following reasons:

(a) the property is listed in the National Register of Historic Places;

(b) the property is designated as a historic property by the county governing body based upon criteria established by the county governing body and is at least fifty years old; or

(c) the property is at least fifty years old and is located in a historic district designated by the county governing body at any location within the geographical area of the county.

(2) "Approval of rehabilitation work" means the proposed and completed rehabilitation

work is approved by the reviewing authority as appropriate for the historic building and the historic district in which it is located.

(3) "Minimum expenditures for rehabilitation" means the owner or his estate rehabilitates the building, with expenditures for rehabilitation exceeding the minimum percentage of the fair market value of the building established by the county in its ordinance. The county governing body may set different minimum percentages for owner-occupied property and income producing real property, between twenty percent and one hundred percent.

(4) "Special assessment period" means the county governing body shall set the length of the special assessment in its ordinance of not more than twenty years.

(5) "Preliminary certification" means a property has met the following conditions:

(a) the owner of the property applies for and is granted historic designation by the county governing body; and

(b) the proposed rehabilitation receives approval of rehabilitation work from the reviewing authority.

A county governing body may require that an owner applies for preliminary certification before any project work begins.

(6) "Final certification" means a property has met the following conditions:

(a) the owner of the property applies for and is granted historic designation by the county governing body;

(b) the completed rehabilitation receives approval of rehabilitation work from the reviewing authority; and

(c) the minimum expenditures for rehabilitation were incurred and paid.

(7) "Reviewing authority" for approval of rehabilitation work pursuant to this section is defined as:

(a) the board of architectural review in counties with a board of architectural review with jurisdiction over historic properties operating pursuant to Section 6-29-870;

(b) in counties without a board of architectural review with jurisdiction over historic properties, the county governing body may designate another qualified entity with historic preservation expertise to review the rehabilitation work; or

(c) if the county governing body does not designate another qualified entity, the Department of Archives and History shall review the rehabilitation work. No separate application to the department is required for properties receiving preliminary and final approval for the federal income tax credit allowed pursuant to Section 47 of the Internal Revenue Code or the state income tax credit allowed pursuant to Section 12-6-3535.

(8) "Rehabilitated historic property" means the property has met all the criteria for final certification.

(C) "Low and moderate income rental property" is eligible for certification if:

(1) the property provides accommodations under the Section 8 Program as defined in the United States Housing Act of 1937 and amended by the Housing and Community Act of 1974 for low and moderate income families and persons as defined by Section 31-13-170(p); or

(2) in the case of income-producing real property, the expenditures for rehabilitation exceed the appraised value of the property; and

(3) if the low and moderate income housing rehabilitation is located in an area designated by the local government as a Low and Moderate Housing Rehabilitation District; and

(4) the owner or estate of any property certified as "low and moderate income rental property" takes no actions which cause the property to be unsuitable for such a designation. The county governing body granting the initial certification has the authority to decertify property in these cases, and the property becomes immediately ineligible for the special tax assessments provided for this type of property; and

(5) if the property qualifies as "historic" as defined in subsection (B)(1), then the rehabilitation work must be approved by the appropriate reviewing authority as provided in subsections (B) and (D).

(D) The Department of Archives and History may provide training and technical assistance to counties and procedures for application, consideration, and appeal through appropriate regulations for "rehabilitated historic property" provisions of the law. The governing body may establish fees for applications for preliminary or final certification, or both, through the ordinance or regulations.

(E) When property has received final certification and is assessed as rehabilitated historic property, or low or moderate income rental property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

(1) written notice by the owner to the county to remove the preferential assessment;

(2) removal of the historic designation by the county governing body;

(3) decertification of the property by the local governing body as low or moderate income rental property for persons and families of moderate to low income as defined by Section 31-13-170(p);

(4) rescission of the approval of rehabilitation work by the reviewing authority because of alterations or renovations by the owner or his estate which cause the property to no longer possess the qualities and features which made it eligible for final certification.

Under no circumstances shall the sale or transfer of ownership of real property certified and assessed in accordance with this section and any ordinance in effect at the time disqualify the property from receiving the special property tax assessment under this section. This provision shall be applicable and given full force and effect to any special property tax assessment granted prior to the effective date of this paragraph notwithstanding any ordinance in effect from time to time to the contrary.

Notification of any change affecting eligibility must be given immediately to the appropriate county taxing and assessing authorities.

(F) If an application for preliminary or final certification is filed by May first or the preliminary or final certification is approved by August first, the special assessment authorized by this section is effective for that year. Otherwise it is effective beginning with the following year.

(G) Once the governing body has granted the special property tax assessments authorized by this section, the owner of the property shall make application to the auditor for the special assessment provided for by this section.

(H) A property certified to receive the special property tax assessment under the existing law continues to receive the special assessment in effect at the time certification was made. \_



# AMENDED

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE V, REHABILITATED HISTORIC PROPERTIES; SO AS TO REFLECT THE 2010 AMENDMENTS MADE TO SECTION 4-9-195 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED; AND TO MORE CLOSELY ALIGN THE COUNTY'S ORDINANCE WITH THAT OF THE CITY OF COLUMBIA.

WHEREAS, Section 4-9-195 of the S. C. Code of Laws, 1976, as amended, was amended by the South Carolina General Assembly through the enactment of Act No. 182, effective May 28, 2010; and

WHEREAS, Richland County Council now desires to amend the Richland County Code of Ordinances, Chapter 23, Taxation, Article V, Rehabilitated Historic Properties, to reflect the 2010 amendments made to Section 4-9-195 of the South Carolina Code of Laws, 1976, as amended;

WHEREAS, Richland County Council now desires to amend the Richland County Code of Ordinances, Chapter 23, Taxation, Article V, Rehabilitated Historic Properties, to more closely align the County's ordinance with that of the City of Columbia in an effort to promote economic development, foster a more business friendly environment, and clarify any confusion that exists between the County's and City's Bailey Bill ordinances;

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 23, Taxation; Article V, Rehabilitated Historic Properties; Section 23-60, Special Tax Assessment Created; is hereby amended to read as follows:

**Sec. 23-60. Special tax assessment created.**

A special tax assessment is created for eligible rehabilitated historic properties for a period of ~~ten~~ twenty (20) years equal to the assessed value of the property at the time of Preliminary Certification.

SECTION II. The Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; Section 23-62, Eligible Properties; Subsection (b), Historic Designation; is hereby amended to read as follows:

(b) *Historic designation.* In order to be eligible for the special tax assessment, the property must meet one of the following criteria:

# AMENDED

- (1) The property must be listed on the National Register of Historic Places, or
- ~~(2) The property must be located within an historic district that is listed on the National Register of Historic Places and the primary structure to be rehabilitated must be at least fifty years old. The property is designated as a historic property by the county council based upon criteria established by the county council and the property is at least fifty (50) years old; or~~
- (3) The property is at least fifty (50) years old and is located in a historic district designated by the county council, based upon criteria established by same, at any location within the geographical area of the county.

SECTION III. The Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; Section 23-63, Eligible Rehabilitation; Subsection (c), Minimum Expenditures for Rehabilitation; is hereby amended to read as follows:

(c) *Minimum expenditures for rehabilitation.* To be eligible for the special property tax assessment, the owner or the owner's estate must meet the minimum expenditures for rehabilitation:

- ~~(1) For owner-occupied, non-income producing properties, the minimum investment shall be fifty percent (50%) of the fair market value of the property.~~
- (1) The minimum investment shall be twenty percent (20%) of the fair market value of the building which is to be rehabilitated.
- ~~(2) For income producing or non-owner occupied properties, the minimum investment shall be one hundred percent (100%) of the fair market value of the property.~~
- (2) Fair market value means the appraised value as certified to the county by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within twelve months of the time it is submitted, or the most recent appraised value published by the Richland County Tax Assessor.

SECTION IV. The Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; Section 23-63, Eligible Rehabilitation; Subsection (f), Time Limits; is hereby amended to read as follows:

(f) *Time limits.* ~~To be eligible for the special tax assessment, rehabilitations must be completed within two (2) years of the date of preliminary certification. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall occur first. If the~~

# AMENDED

project is not complete after two (2) years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed.

SECTION V. The Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; Section 23-64, Process; Subsection (i), Date Effective; is hereby amended to read as follows:

(i) *Date effective.* If an application for preliminary or final certification is filed by May first or the preliminary or final certification is approved by August first, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. The special assessment period shall not exceed ~~ten (10)~~ twenty (20) years in length, and in no instance may the special assessment be applied retroactively.

SECTION VI. The Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; Section 23-64, Process; Subsection (k), Decertification; is hereby amended to read as follows:

(k) *Decertification.* Once the property has received final certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:

- (1) Written notice from the owner to the Richland County Auditor requesting removal of the special assessment;
- ~~(2) Sale or transfer of ownership, including the sale or transfer of one or more portions of the property, during the special assessment period, other than in the course of probate proceedings;~~
- ~~(3)~~(2) Removal of the historic designation by the ~~National Register of Historic Places~~ county council, based upon criteria established by same; or
- ~~(3)~~ Decertification of the property by the county council as low or moderate income rental property for persons and families of moderate to low income as defined by Section 31-13-170(p); or
- ~~(4)~~(3) Rescission of the approval of rehabilitation by the county, at the recommendation of the reviewing authority, because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for Final Certification. Notification of any change affecting eligibility must be given immediately to the Richland County Assessor, Auditor, and Treasurer.

# AMENDED

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

SECTION IX. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2013, and shall apply uniformly to new projects and to qualified properties currently receiving the special assessment provided hereunder.

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: April 2, 2013 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

Department of Public Works: Purchase of Tri-Axle Dump Truck **[PAGES 93-103]**

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to purchase an International Tri-Axle dump truck for the Roads and Drainage Division of the Department of Public Works in the amount of \$145,714.18.

## Richland County Council Request of Action

**Subject:** Department of Public Works: Purchase of Tri-Axle Dump Truck

### **A. Purpose**

County Council is requested to approve the purchase of an International Tri-Axle dump truck for the Roads and Drainage Division of the Department of Public Works in the amount of \$145,714.18.

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

An International Tri-Axle dump truck, manufactured by Carolina International Trucks, Inc., in Columbia, South Carolina has been selected for purchase through the State contract (see Appendix 1). The dump truck is intended to be used for the asphalt paving crew. The fleet replacement guidelines for this equipment currently predict a ten-year lifecycle.

The larger-load capacity of the tri-axle design will allow pick up of larger amounts of asphalt material for the paving crew. The tandem axle truck currently being used is capable of hauling 16 tons of material, while the tri-axle will carry 22.5 tons, which amounts to an estimated 28% reduction in the number of trips required to obtain material. This will result in fewer interruptions in the paving process, allowing the crew to pave longer stretches of roadway with a better finished product. In addition, the dump bed is designed to accommodate the transfer of material from the truck to the paving equipment, reducing the risk of spills or equipment mishaps. It will also enhance the efficiency and productivity of the paving operation. The truck will be an addition to the County Road Maintenance fleet, dedicated to the asphalt paving crew.

This purchase was discussed between Michael Greene, Public Works Road Maintenance Assistant Division Manager and Bill Peters, County Fleet Manager, on or about October 11, 2012. Specifications were submitted by Mr. Peters to the Department of Public Works on or about January 3, 2013. Both the Public Works Road Maintenance Division and the Department of Support Services' Fleet Manager are in agreement with the purchase of this dump truck. The requisition and specifications were submitted to the Procurement Department on approximately March 1, 2013 for processing.

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

In anticipation of this purchase, the total cost of this purchase was budgeted for in the FY13 Road Maintenance Division budget, which was approved on July 1, 2012.

### **D. Financial Impact**

The financial impact will be the cost of the unit purchased from the State contract. Normal maintenance costs for this type of equipment averages about \$1,700.00 per year, but are accounted for in the annual contract with the fleet maintenance provider, First Vehicle Services. Roads and Drainage personnel already possess the CDL licenses required to operate this equipment, so no additional operator training will be required.

2013 International Workstar 50,000 GVW Truck	\$ 73,292.00
Total Contract Deductions (See Appendix 1)	(4,032.60)
Total Cost of Upgrade/Options (See Appendix 1)	47,032.60

17' Dump Body, 19.85 Cubic Yard Capacity (See Appendix 1)	27,295.00
Additional Wheels and Tires (Drop Axle) (See Appendix 1)	1,250.00
South Carolina Sales Tax	300.00
<b>Total Cost</b>	<b>\$145,714.18</b>

**E. Alternatives**

1. Approve the request to purchase the Tri-Axle Dump truck for the asphalt paving crew. This will increase the effectiveness of the crew in the completion of multiple-road projects.
2. Do not approve the request to purchase the Tri-Axle Dump truck for the asphalt paving crew. This alternative will require the asphalt crew to continue using their current equipment, which may not facilitate the most efficient progress and completion of road projects.

**F. Recommendation**

It is recommended that County Council approve the request to purchase the Tri-Axle Dump truck for the Roads and Drainage Division of the Department of Public Works.

Recommended by: David Hoops                      Department: Public Works                      Date: 03/04/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers                      Date: 3/4/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

Purchase in within the appropriated budget.

**Procurement**

Reviewed by: Rodolfo Callwood                      Date: 3/4/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean                      Date: 3/5/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett                      Date: 3/5/13  
 Recommend Council approval                       Recommend Council denial

\$94.00	ADD: Exhaust Turn Out
\$20.00	ADD: Electric Horn
\$210.00	ADD: 12V 85 Amp Alternator
\$85.00	ADD: Body Builders Wiring
\$244.00	ADD: Electric Brake
\$47.00	ADD: 3 12V 19500 Batteries
\$483.00	ADD: AM/FM with CD Player
\$79.00	ADD: Trailer Feed Electrical Circuit
\$104.00	ADD: Fender Extensions
\$147.00	ADD: Automatic Engine Shutdown
\$45.00	ADD: Engine PTO Controls
\$21,400.00	ADD: Automatic Transmission (Allison 4500R05)
\$667.00	ADD: Transmission Cooler
\$405.00	ADD: Transmission Oil
\$6,599.00	ADD: Rear Axle Lock-Up
\$367.00	ADD: Dual 100 Gallon Fuel Tank
\$632.00	ADD: Fuel/Water Separator
\$285.00	ADD: 22.5X9.00 Spare Rear Wheel/Tire Assembly
\$1,528.00	ADD: 315/80R22.5 Spare Front Wheel/Tire Assembly
<u>\$103,275.00</u>	Total Retail Price - Upgrades/Options
<b>Discounts for Upgrades/Options</b>	
<u>(\$20,655.00)</u>	Standard Manufacturer 20% Discount
<u>(\$35,010.22)</u>	Richland County Government Entity Discount
<u>(\$55,665.22)</u>	Total Upgrades/Options Discount
<b>Upgrade/Options Cost Summary</b>	
<u>\$47,609.78</u>	Total Cost Upgrades/Options after Discount



**Vehicle Quote Summary**

\$69,259.40	Revised State Contract Truck Chassis Price
\$47,609.78	Total Cost Of Upgrades/Options
\$27,295.00	Dump Body Cost (Quote Attached)
\$1,250.00	Two Wheels and Tires (Drop Axle)
\$300.00	South Carolina Sales Tax
<u>\$145,714.18</u>	Total Cost of Tri-Axle Dump Truck

Cheryl Patrick, Procurement Manager  
E-Mail: [cpatrick@mmo.sc.gov](mailto:cpatrick@mmo.sc.gov)  
Telephone: (803) 737-5717

Materials Management Office  
1201 Main St - Ste 600  
Columbia, SC 29201

Section: V  
Page: 13  
Date: 11/01/12

**TRUCK, CAB/CHASSIS, 50,000 GVWR (MIN), DIESEL  
ENGINE**

Contract No: 4400004352

Current Contract Term: 11/01/11 - 10/31/13

Model: International WorkStar

Commodity Code: 0705110100

**Contractor:**

Carolina International Trucks, Inc.  
P.O. Box 7548  
Columbia, SC 29201

Contact Person: Jay Ottney

Telephone: (803) 251-7284

Mobile: (803) 212-8266

**Base Price: \$ 73,292**

Delivery: 90 Days ARO

\*\*\*\*\*

**ADDS:**

Tilt-Telescoping Steering Wheel w/ Cruise Control	\$ 344
Truck Shop Manual (CD or DVD preferred)	STD
Truck Owner/Operation Manual	STD
96" CA (Increase from 84" CA)	STD
Engine Compression Brake	\$ 1,322
Air Slide Fifth Wheel	\$ 1,864
Operator Training (ref. "Training" in Terms & Conditions - Special (VII.B))	STD
Repair Technician Training (ref. "Training" in Terms & Conditions - Special (VII.B))	STD
Body Installation Fee*	\$ 100

\*The Body Installation Fee is a charge based on the dealer arranging for bodies to be installed on this cab & chassis from the State contract vendor(s) for truck bodies.

**DEDUCTS:**

None

Click link below for an itemized listing of items included in the "Base Price":

**TRUCK, CAB/CHASSIS, 50,000 GVWR (MIN), DIESEL ENGINE**

[Link to "Cab/Chassis Index"](#)

SC STATE BUDGET & CONTROL BOARD  
OFFICE OF GENERAL SERVICES  
MATERIALS MANAGEMENT OFFICE  
COLUMBIA, SC 29201

**SPECIFICATIONS – CAB / CHASSIS 50,000 GVWR (DIESEL)**

(International Paystar & Workstar, Freightliner M2 & M2-112 or equal)

**EQUIPMENT:** The truck-tractor shall be equipped with all standard equipment as specified by the manufacturer for this model, (to include rear window), and shall comply with all EPA Emission Standards and all Motor Vehicle Safety Standards as established by the U.S. Department of Transportation regarding the manufacture of motor vehicles.

**DESCRIPTION:** The truck shall be a heavy-duty, conventional cab unit with forward tilting hood, suitable for use as a truck-tractor.

**INTERIOR:** Vinyl

**CAPACITY:** GVWR shall not be less than 50,000 lb. Optional equipment shall be available with an increased GVWR up to 52,000 lb., and with an increased CA up to 96 inches. Gross combination weight rating (GCWR) shall not be less than 80,000 lb.

**CAB OAH:** 97-109 inches

**BBC:** 91-113 inches

**CAB TO AXLE:** 84" - 96"

**WHEELBASE:** Minimum 148"

**CURB WEIGHT:** Minimum of 13,000 lb. (as bid).

**ENGINE:** The truck engine (diesel) shall be a Cummins ISL, International MaxxForce 10, Detroit DD-13, Mack equivalent, or Volvo equivalent rated at not less than 350 SAE gross horsepower at 1800 RPM. The air filter shall be a heavy-duty, dry-type with restriction indicator, and with complete ducting for fresh air intake, with Donaldson the preferred manufacturer. The engine shall be complete with heavy-duty oil filter, heavy-duty fuel filter/water separator governor (governor speed shall be set for a max. speed of 75 MPH), muffler, vertical exhaust system, and heavy-duty (maximum) cooling system. The cooling system shall be filled with an extended life coolant suitable for this application. The alternator shall be rated at not less than 130 amps.

**TRANSMISSION:** Fuller Model FRO-14210C, 10-speed, manual with standard six (6) bolt SAE PTO opening on right side, and with Eaton Fuller or Spicer 15.5", two-plate ceramic, oily pedal clutch, and with oil cooler

**FRONT AXLE:** 12,000 lbs., with heavy duty shocks. The suspension system and springs shall be of adequate capacity to maintain the GVWR and GAWR.

**REAR AXLE:** Rockwell, Eaton or Spicer heavy duty, single speed, tandem type having a maximum load rating of not less than 40,000 pounds. The gear ratios shall be approximately 3.58 to 1. The suspension system and springs shall be a Hendrickson RTE2-400 extended leaf type or equal, of adequate capacity to maintain the GVWR and GAWR.

**FRAME:** Frame side members shall have dimensions not less than the following: depth 10.10", width 3.10", thickness 0.30", RBM of not less than 1,595,000 and yield strength of 110,000 psi. The rear of the frame shall be tapered for the truck-tractor application.

**STEERING:** Power Assist.

**BRAKES:** The truck shall be provided with full air brake equipment for all wheels, with automatic slack adjusters, and with heavy-duty, non-asbestos lining material. The air compressor shall have a capacity of not less than 12 CFM. In addition to all brake equipment already specified or customarily furnished as standard, the truck shall be equipped with a low air pressure indicator or alarm, automatic type moisture remover(s), a slack adjuster for each wheel, dash mounted air pressure gauge, and foot treadle type control method. The truck shall be equipped with a spring set, air release rear wheel parking brake. All brake equipment shall conform to the latest regulations of the ICC, and shall be in full compliance with FMVSS 121. Full anti-lock brake (ABS) system.

**FUEL TANK:** Two (2) step type, minimum 50 gallon capacity each, located on right and left hand sides. Fuel tank switching, if necessary, shall be controlled from within the cab.

**WHEELS:** Disc type, steel, tubeless, 10-hole, 11 1/4" bolt circle, 8 23/32" bore, 1 9/32" stud hole, stud pilot, heavy-duty, 22.5" x 8.25" x 7/16", 6.62" off-set (nom.), max. load rating not less than 7,000 lb., color - white, interchangeable at all positions on the vehicle.

**TIRES:** Front and rear - 11R-22.5, load range G, regular tread, radial, tubeless, Goodyear G159 or equal.

**COLOR:** Standard Factory Colors

**WARRANTY:** The engine shall be warranted against defects in materials and workmanship for a period of not less than forty eight (48) months / 6000 hours / 100,000 miles, whichever occurs first (pro-rating not allowed). Warranty to include connectors & adaptors to the transmission. The automatic transmission shall be warranted for a period of not less than twenty four (24) months-50,000 miles (pro-rating not allowed). The warranty start date shall be based on the unit's in-service date as established by its issue from the Department's Equipment Depot to the using field custodian. The unit shall be furnished with a copy of the warranty statement and any necessary cards, booklets, or certificates needed to receive dealership warranty repairs.

### **FACTORY INSTALLED ITEMS**

The following options shall be furnished in addition to, or in place of, the regular standard equipment and will be "Factory Installed", unless otherwise specified.

1. Batteries, heavy-duty, 4 each Group 31, 625 CCA min. each, mounted in enclosed battery box.
2. Speedometer, tachometer, oil pressure gauge, ammeter/voltmeter, fuel gauge, water temperature gauge.
3. Two (2) West Coast mirrors, 7" x 16", w/auxiliary, min. 5 1/4" convex mirrors mounted below, (may be dealer installed).
4. Dual, 2-speed (minimum) windshield wipers.
5. Dual sun visors.
6. Heavy-duty, full width front bumper.
7. Horns, dual air.
8. Fender mounted turn signals, amber front, red rear.
9. Bostrom or National hi-back adjustable air-ride suspension driver's seat and Bostrom or National hi-back fixed base passenger seat with 3-point safety belts for both seats.
10. Tinted windshield.
11. Fifth wheel, 36", installed, for an approximate 49" fifth wheel height, located approximately 6 inches forward of the tandem center.
12. Standard 7-way plug and cable, SAE J-560 type, for connection to a trailer.
13. Quick disconnect, dual, trailer air connectors, with self-coiling hoses.
14. Hand control valve for trailer-only brake application.
15. Air filter restriction indicator, dash-mounted.
16. Entry assist handles, left and right - External.
17. Mud flap brackets, pre drilled w/4 ea. 9/16" holes on 6 3/4" centers.
18. Deck plate (cat walk) behind cab, expanded metal, safety grating type.
19. Trailer hook-up light.
20. Air Conditioning.
21. AM/FM Stereo Radio.
22. Auxiliary Power Connection (standard state spec.)

**MAINTENANCE:** All replaceable filter elements for air, fuel, hydraulics, and engine oil shall be available from at least one of the following U.S. manufacturers: AC, Wix, Donaldson, or Baldwin. Replacement tires and tubes shall be available from at least one of the following U.S. manufacturers: Goodyear, Firestone or General. Replacement or replenishment lubricants required throughout the unit (engine oil, transmission fluid, hydraulic fluid, gear oil, brake fluid, power steering fluid, and grease) shall be available from at least one of the following major manufacturers: Shell, Exxon, Texaco, or Citgo. Details concerning the manufacturer and item name or part number for the above maintenance items shall be provided wherever requested on the bid questionnaire.

**NON-SKID STEPS:** Provide non-skid surface on step treads by application of 3m No-Skid Coating No. EC1420, black, or by another acceptable non-skid surface that is factory installed.

**OPTIONAL EQUIPMENT**

The following factory installed options may or may not be ordered. Offers must provide a price for all options or offer as part of the base price. If the option item is "STANDARD" enter "STD" on the line provided for price. **ALL ITEMS SHOULD HAVE A DOLLAR PRICE OR "STD" LISTED.** **OFFERS WILL NOT BE CONSIDERED IF THE PRICE LINE IS LEFT BLANK.** Option items marked as "STD" will be listed in the "Equipment Included" section of the contract sheets posted on the MMO web site.

**ADDS:**

- 1. Body Installation Fee (Charge based on the dealer arranging for bodies to be installed on this cab & chassis from the State contract vendor)
- 2. Operator's Manual
- 3. Shop Manual
- 4. Cruise Control w/Tilt Steering
- 5. C/A 96"
- 6. Engine Compression Brake
- 7. Air Slide Fifth Wheel
- 8. Operator Training
- 9. Repair Technician Training

**DEDUCTS:     NONE**

Options requiring the additions of other options as well as those which are included as part of another:

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W & W Body Builders of Columbia, Inc.

2620 Shop Rd.  
Columbia, SC 29209  
Phone: 803-695-1770  
Fax: 803-695-1818

**Estimate**

Date	Estimate #
12/12/2012	1040

Name / Address
Carolina International of Columbia P.O. Box 7548 Columbia, SC 29202

Recipient
Randy Spires Cell # 240-0231 Ph# 799-4923 Fax#252-4064 For: Richland County

P.O. No.

Description	Qty	Cost	Total
17' Godwin Body w/48" Sides w/8" metal Board			
19.85 Cubic Yard w/the Board			
*Barn Door Gate (Air Operated) w/Mannual Latch @ Rear			
1/2 Cab Shield & 1/4" Floor			
Hot Shift PTO & Air Operated Pump			
Powder Coated Black			
H.D. Steel Electric Tarp System			
w/Asphalt Tarp 84" x 19 w/No Flaps		17,375.00	17,375.00
***AR400 1/4" Floor		1,530.00	1,530.00
LED Strobes on top of Cab	2	240.00	480.00
13,500 Lb. Watson & Chalin Self Steering Axle		6,150.00	6,150.00
**No Rims or Tires Included**			
25 Ton Pintle Hook w/Spring (Pintle Hook is Removable but not the Hitch Plate)		975.00	975.00
7 Way RV Plug			
Back Up Camera		110.00	110.00
**If they want a 7 Way TRACTOR Plug it needs to be factory installed.**		675.00	675.00
**Air to the Rear - Factory Installed**			
**Need 144" CT Usable Chassis**			
Thank you for your consideration!			
	<b>Subtotal</b>		\$27,285.00
	<b>Sales Tax (7.0%)</b>		\$0.00
	<b>Total</b>		\$27,285.00

Signature \_\_\_\_\_

# Richland County Council Request of Action

## **Subject**

Contract Approval with Palmetto Posting, Inc. [**PAGES 104-118**]

## **Notes**

March 26, 2013 - The Committee recommended that Council approve a contract with Palmetto Posting, Inc., for the purpose of posting of property, per state law, in Richland County on which delinquent ad valorem property taxes are due.



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

**Subject:** Contract Approval with Palmetto Posting, Inc.

### **A. Purpose**

County Council is requested to approve a contract with Palmetto Posting, Inc., for the purpose of posting of property, per state law, in Richland County on which delinquent ad valorem property taxes are due. County Council is requested to approve an expenditure of \$25.00 per property posting from the Taxes at Tax Sale Account-a non-general fund account. Total charges for postings of Richland County Properties are estimated to result in an expenditure of funds over \$100,000.

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

Palmetto Posting began providing services to Richland County in 2007 for the delinquent 2006 tax year. Palmetto Posting, Inc. provided property posting services in a timely, efficient and cost-effective manner for years 2007-2012 (Tax Years 2006-2011). Palmetto Posting, Inc. possesses the unique and singularly available capacity to meet the County's requirements for posting of delinquent properties for the 2013-2017 years (Tax Years 2012-2016) according to statute. Palmetto Posting was selected as the provider for these services by sole source as they are the only provider in South Carolina for this unique service

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

April 3, 2012, Minutes, Page 4—Council approved exercise of the second year of a contract with Palmetto Posting, Inc.

April 19, 2011, Minutes, Page 6—Council approved a contract with Palmetto Posting, Inc.

May 4, 2010, Minutes Page 5—Council approved the exercise of an Option to Renew a contract with Palmetto Posting, Inc.

May 5, 2009, Minutes, Page 5--Council approved a contract with Palmetto Posting, Inc., for the purpose of posting properties with delinquent ad valorem property taxes.

July 22, 2008, Minutes, Page 4—Council approved a contract with Palmetto Posting, Inc., for the purpose of posting of properties on which delinquent ad valorem property taxes are due.

Appendix 1 - Justification for Sole Source Procurement

Appendix 2 – Palmetto Posting Contract

**D. Financial Impact**

There is no financial impact to the County’s General Fund. All monies expended for the posting of properties come from the Tax Sale Account, 1735, a revenue fund that can only be used for services and notices related to delinquent property taxes.

It is anticipated that the financial impact of this request will be no more than \$145,000 to account 1735. This amount has been requested as part of the County Treasurer’s authorized budget for Fiscal Year 13-14 but is currently awaiting approval.

**E. Alternatives**

1. Approve the request for the County to enter into a contract with Palmetto Posting, Inc., at rate and cost estimates provided, for the purpose of posting of property in Richland County on which delinquent ad valorem property taxes are due. This request will increase the speed and accuracy of the process for the county and our taxpayers, and will not impact the General Fund.
2. Do not approve.

**F. Recommendation**

It is recommended that Council approve the request to enter into a contract with Palmetto Posting, Inc.

<b>Recommended by:</b>	<b>Department:</b>	<b>Date:</b>
<b>David A. Adams</b>	<b>Richland County Treasurer</b>	<b>March 1, 2013</b>

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers:	Date: 3/21/13
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Procurement**

Reviewed by: Rodolfo Callwood	Date: 3/21/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: Elizabeth McLean

Date: 3/21/13

Recommend Council approval

Recommend Council denial

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

**Administration**

Reviewed by: Tony McDonald

Date: 3/21/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval as submitted. Funds for the contract are appropriated in the Tax Sale Account which, by law, can only be utilized for delinquent tax collections. No General Fund dollars are involved.

**JUSTIFICATION FOR SOLE SOURCE PROCUREMENT****Definitions that should be used when determining a True Sole Source Purchases**

Sole Source Procurement is when only **ONE VENDOR/CONTRACTOR** possesses unique and singularly available capacity to meet the requirements such as technical specifications and qualifications, ability to deliver at and in a particular time. When the required equipment, supplies, construction, or services are available from only one source and no other type of property or services will satisfy the need. A "**True Sole Source**" product is available from only one source, often determined by patent or copyright protection, proprietary rights and capacity of one supplier to provide superior capabilities unobtainable from any other supplier for similar products.

Sole Source must be justified with information of efforts undertaken to locate possible alternative supplier. Whenever using Sole Source rather than full and open competition, provide an explanation of the reason why specifications suitable for full and open competition could not be developed or meet your needs and **why** it is necessary and in the county best interest. The use of Sole Source addresses the source of a product or services not the item itself.

**The following examples describing circumstances which could necessitate "Sole Source" procurement:**

- (a) Where the compatibility of equipment, accessories, or replacement parts is the paramount consideration;
- (b) Where a sole supplier's item is needed for trial use or testing;
- (c) Where a sole source supplier's item is to be procured for resale;
- (d) Where public utility services are to be procured;
- (e) Where the item is one of a kind; and
- (f) Printed forms, pamphlets, brochures, exclusive of printing equipment.

1. **REQUIRING DEPARTMENT:** Treasurer's Office

NAME OF REQUESTOR: David Adams

TELEPHONE: 803-576-2275

**2. DESCRIPTION OF ACTION.**

- a. State if procurement is: Non-Urgent Sole Source  Urgent Sole Source
- b. For sole source requests, provide the contractor name, point of contact, address and phone/fax numbers and e-mail address. If a sole source manufacturer distributes via Vendors, provide Vendors information here.

**Company:** Palmetto Posting

**Point of Contact:** Terry O'Brien

**Telephone #:** 864-585-8080

**Fax #:**

**Address:** 150 E. Henry Street, Suite 300 Spartanburg, SC 29306

3. **DESCRIPTION OF SUPPLIES/SERVICES, ESTIMATED DOLLAR VALUE AND DELIVERY REQUIREMENTS.** Give a short description of the item or service required, the estimated cost, and required delivery date.

**Item:**

4. **EXPLANATION OF SOLE SOURCE CIRCUMSTANCES.**

**For Sole Source Requirements:**

- (1) Explain why the item is needed and what will happen if it's not received by the Required Delivery Date (RDD). Describe impact on overhaul/availability schedules, impact to support, personnel safety issues, potential environmental damages, etc., and include the dollar value associated with late delivery.
- (2) Explain the unique features/function of the item and why only one manufacturer can provide it. Discuss why a similar product from another manufacturer will not work.
- (3) If the item can only be obtained from the OEM (Original Equipment Manufacturer), discuss the proprietary (i.e. owned by the company, not for public release) design/drawing/specification requirements.
- (4) If there is a higher order requirement mandating a particular manufacturer (Public Safety equipment, goods and services), cite the requirement and who approved or required its usage. For component repair or replacement parts, explain any compatibility requirements, including a description of the existing equipment and the interface requirements.
- (5) Provide Sole Source information requested above.

5. **PROPRIETARY INFORMATION:**

- a. If sole source is based on proprietary data, a statement to that effect is all that is required in response to this block.

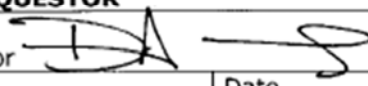
The equipment and software are proprietary to:

6. **DOCUMENTATION OF REVIEW OF SPECIFICATIONS FOR SPARE AND REPAIR PARTS.** If the procurement is for spare or repair parts, include a statement that the specifications have been reviewed and meet the minimum functional requirements of the government.

**CERTIFICATIONS**

*I CERTIFY THAT THE FACTS AND REPRESENTATIONS UNDER MY COGNIZANCE WHICH ARE INCLUDED IN THIS JUSTIFICATION ARE COMPLETE AND ACCURATE AND IS BEING PROCURED PURSUANT TO THE AUTHORITY OF RICHLAND COUNTY CODE OF ORDINANCES.*

**REQUESTOR**

Name, Title and Signature: David A. Adams, Treasurer/Tax Collector 		
Account Code 1735-5265	Telephone 803-576-2275	Date 3/1/2013

*I CERTIFY THAT THE FACTS AND REPRESENTATIONS UNDER MY COGNIZANCE WHICH ARE INCLUDED IN THIS JUSTIFICATION ARE COMPLETE AND ACCURATE AND IS BEING PROCURED PURSUANT TO THE AUTHORITY OF RICHLAND COUNTY CODE OF ORDINANCES.*

**PROCUREMENT DIRECTOR**

Name and Signature	Date:
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*I CERTIFY THAT THE REPRESENTATIONS UNDER MY COGNIZANCE ARE BEING PROCURED PURSUANT TO THE AUTHORITY OF RICHLAND COUNTY CODE OF ORDINANCES.*

**ADMINISTRATOR**

Name and Signature	Date:
--------------------	-------

Attachment for Sole Source Form

3. Description

County Council is requested to approve a contract with Palmetto Posting, Inc., for the purpose of posting of property, per state law, in Richland County on which delinquent ad valorem property taxes are due. County Council is requested to approve an expenditure of \$25.00 per property posting. Total charges for postings of Richland County Properties are estimated to result in an expenditure of funds over \$100,000.

4. Explanation

To perform the duties required by State Law 12-51. If this is not approved, we will not have the capacity to perform these duties.  
There is no other service of this kind available currently.



*150 E. Henry Street, Suite 300  
Spartanburg, SC 29306  
864-585-8080*

February 27, 2013

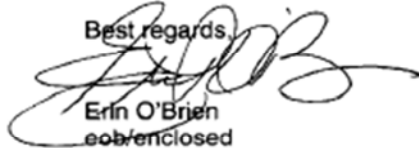
Richland County Treasurer's Office  
2020 Hampton St., Suite 2025  
Columbia, SC 29204  
Attn: David Adams

Dear David,

Enclosed please find a signed 2013 contract between Richland County and Palmetto Posting, Inc. for the posting of delinquent properties. Once executed please return a copy to my attention.

Should you need any additional information or have any questions, please give us a call.

Best regards,

A handwritten signature in black ink, appearing to read "Erin O'Brien", is written over the typed name. The signature is fluid and cursive.

Erin O'Brien  
eob/enclosed



STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

AGREEMENT

This Agreement is entered into this \_\_\_\_ day of March, 2013, between Richland County, South Carolina, hereinafter referred to as "County", and Palmetto Posting, Inc., hereinafter referred to as "Contractor".

WITNESETH:

Whereas, the County desires to employ a part-time independent contractor to take exclusive physical possession of the property on which delinquent ad valorem property taxes are owing by posting a notice at one or more conspicuous places on the premises in accordance with South Carolina Code of Laws § 12-51-40; and

Whereas, the Contractor has represented to the County that the Contractor is experienced and qualified to provide the services contemplated by this agreement and the County has relied upon such representation.

Now, therefore, in consideration of the mutual promises and undertakings contained herein, the County and the Contractor, each for itself and its successors and assigns, intending to be fully and legally bound hereby, agree as follows:

1. The Contractor agrees to provide the necessary software and hardware for the posting of property in County on which delinquent ad valorem property taxes are due, per County requirements and also agrees to furnish an adequate number of Field Agents to post the property efficiently and timely.
2. The County agrees to provide at no charge to the Contractor any GIS information the County has access to. The information provided to the Contractor will be used in the service herein described for the County exclusively. The information will not be sold or used for any other purpose.
3. The County agrees to provide internet connectivity and a computer to the Contractor. The County further agrees to provide personnel to administer Contractor's delinquent tax posting process.

4. The Contractor agrees to provide a PDA and a GPS unit as needed per Field Agent. The Contractor agrees to provide a printer of adequate speed and durability to accommodate the specifications of the forms required by the County.
5. Contractor agrees to provide an electronic report of the posting of the property. The report may include property owner's name, address, legal description of the property, map number, item number, year built, improvement type, land use, square footage, last sale date, last sale amount, deed book, land value, improvement value, total value, picture of property indicating sign, certificate of posting and signature of person posting property.
6. Contractor agrees to provide reports as required by the Delinquent Tax Collector. The exact details and format of said report to be finalized during design phase between County and Contractor.
7. In consideration of the Contractor furnishing the County with the services as described herein, the County shall pay to the Contractor a set fee per posting as follows: Twenty five dollars (\$25.00).
8. The term of this Agreement shall become effective upon the date of its execution and shall continue through the end of 2013. This contract will renew automatically every year for the next (5) years unless otherwise specified by the County in writing. The County shall not be liable to the Contractor for any expenses paid or incurred by the Contractor unless otherwise agreed in writing.
9. Neither federal, nor state, nor local income tax nor payroll tax of any kind shall be withheld or paid by County on behalf of the Contractor or any employees of the Contractor. The Contractor shall not be treated as an employee with respect to the services performed hereunder for federal or state tax purposes.
10. The Contractor is not eligible for and shall not participate in, any employer pension, health or other fringe benefit plan of County.

11. The Contractor understands that it is responsible to pay, according to law, income taxes on any payment received from the County pursuant to this agreement. The Contractor further understands that it may be liable for self-employment (social security) tax, to be paid by the Contractor according to law.

12. No workers' compensation insurance shall be obtained by County concerning the Contractor or any employees of the Contractor. The Contractor shall comply with the workers' compensation law concerning the Contractor and any employees of the Contractor.

13. It is understood and agreed between the parties that the County, except as noted herein, is in no way connected with the actual performance of this contract on the part of the Contractor, nor as to the employment of labor or the incurring of other expenses; that the Contractor is an independent contractor in the performance of each and every part of this contract and so liable for all labor and expenses in connection therewith and for all damages which may be occasioned on account of the operation of this contract, whether the same be for personal injuries or damages of any kind.

Nothing in this Agreement shall be construed to be inconsistent with the Contractor's status as an independent contractor, or construed to constitute the Contractor, or any of its agents or employees as agents, employees or representatives of the County. The Contractor will supervise the execution of all work covered by this Agreement which shall be in the exclusive charge and control of the Contractor.

14. The Contractor additionally agrees to indemnify and to hold County, its employees and agents harmless from any and all claims for damages to persons and/or property arising out of or in any way connected with the performance of any work, services or functions covered by this Agreement. The contractor agrees that as an independent contractor, it will not assert in any legal action by claim or

defense, or take the position in any administrative procedures that it is an agent or employee of the County.

15. The Contractor further agrees that as an independent contractor it cannot and will not encumber County with any obligation and that it will make no representation to any person or any party on behalf of County. The Contractor further additionally agrees that it will be barred and estopped from instituting or participating in any litigation against County to recover damages, costs or expenses which might arise out of or in any way be connected with the performance of any work, services or functions covered by this Agreement, with the exception of actions by the Contractor to recover payment for services provided under this Agreement, or damages directly attributable to the acts and/or omissions of the County.
16. The Contractor further agrees and binds itself and its successors and assigns in any action by the County for recoupment or reimbursement of such damages and expenses and to be estopped from asserting as a defense that the County did not have proper authority or approval to enter into such indemnity agreement or that the Contractor is not liable for such costs, claims and expenses and the Contractor shall be deemed to have waived such defenses and positions so that only the amount of such costs, claims, etc. shall be the subject of defense. The Contractor agrees that this Agreement may be pleaded by the County in such actions.
17. This Agreement may be terminated by either party without cause upon thirty (30) days written notice to the other party. Such notice by the County to the Contractor, or by the Contractor to the County, may be given and shall be deemed to have been duly given, if either delivered personally or mailed in any general or branch post office enclosed in a certified or registered postpaid envelope addressed as follows:

To the County:       Richland County  
                          Office of County Treasurer  
                          2020 Hampton St. Suite 2025  
                          Columbia, SC 29204

To the Contractor:   Palmetto Posting, Inc.  
                          150 East Henry Street Suite 201  
                          Spartanburg, SC 29306

18. The Contractor may at any time change the address for notices to it by delivering or mailing an aforesaid notice at least five (5) days prior to such change and setting forth the changed address. The parties shall continue to perform and to be bound by the terms of this Agreement during the thirty (30) day period after any notice of intent to terminate without cause has been given.
19. The County shall, upon reasonable notice, furnish such information and proper assistance to the Contractor as it may reasonably require in connection with any litigation in which the Contractor is, or may become, a party arising out of its performance of this Agreement. This provision shall survive the termination of this Agreement.
20. This Agreement shall super cede any prior agreement between the parties except that this Agreement shall not affect or operate to reduce any benefit or compensation inuring to the Contractor elsewhere provided and not expressly provided for in this Agreement.
21. This Agreement cannot be assigned without the prior written approval of the County, and in the event of such assignment, this Agreement shall be void.
22. If any provision of this Agreement shall be held to be invalid or unenforceable, the remaining provisions shall remain in effect. In the event such invalid or unenforceable provision is considered an essential element of this Agreement, the parties shall promptly renegotiate a replacement provision.

23. This Agreement can only be changed, modified, added to or deleted from by the mutual consent of the parties in writing.

24. This Agreement contains the entire agreement between the parties and no statement or representation not contained herein shall be valid.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the same date first written above.

**PALMETTO POSTING, INC. (CONTRACTOR)**

\_\_\_\_\_  
\_\_\_\_\_  
Witnesses

By: Terrence P. O'Brien  
Name: Terrence P. O'Brien  
Its: President

**RICHLAND COUNTY PROCUREMENT**

\_\_\_\_\_  
\_\_\_\_\_  
Witnesses

By: \_\_\_\_\_  
Name: Rodolfo A. Callwood, Director

**RICHLAND COUNTY ADMINISTRATION**

\_\_\_\_\_  
\_\_\_\_\_  
Witnesses

By: \_\_\_\_\_  
RICHLAND COUNTY ADMINISTRATION

# Richland County Council Request of Action

## **Subject**

Authorization to Increase the FY13 Iron Mountain Purchase Order Over \$100,000 **[PAGES 119-122]**

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to grant the Register of Deeds' office authorization to increase the Iron Mountain blanket purchase order to a maximum limit of \$183,000, which is over the current \$100,000 authorized limit. The Committee directed staff to determine the basis of decreases in program expenditures from previous years, and return this information to Council.

## Richland County Council Request of Action

**Subject:** Authorization to Increase the FY13 Iron Mountain Purchase Order Over \$100,000

### **A. Purpose**

County Council is requested to grant the Register of Deeds' office authorization to increase the Iron Mountain blanket purchase order to a maximum limit of \$183,000, which is over the current \$100,000 authorized limit.

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

Richland County stores its records with Iron Mountain, a private sector company that specializes in records retention and management. The County has approximately 45,000 cubic feet of records stored at Iron Mountain facilities, which charge the County for storage, supplies and various services (such as pulling and delivery of records). Each department independently submits its requests for services, and Iron Mountain compiles the charges and bills the Register of Deeds' office at the end of each month. The monthly bill fluctuates because the services needed by various departments change monthly. In FY13, the average monthly bill is \$10,995.45; to date, the County has accrued \$76,986.10 in services.

In FY11, Richland County spent \$151,571.74 for records storage and management. This is an increase of 63.23% from FY06 expenditures of \$92,855.40. In order to help control Iron Mountain expenditures, the Register of Deeds' office has initiated a records management program. The purpose of this program is to control and reduce the County's expenditures associated with records storage by assisting other departments with records management issues.

The records management program, in cooperation with various departments, has stabilized the cost of storage. Before the implementation of this program, Richland County had been averaging an additional 2,505.66 cubic feet per year to its Iron Mountain holdings. The records management program curtailed storage growth to 132 cubic feet in FY11. In its second year, the records management program reduced Iron Mountain's holdings by 1,313.10 cubic feet. The program's has decreased expenditures 6.61% from \$151,574 in FY11 to \$141,555.80 in FY12.

FY13 expenditures of \$183,000 for records storage and management through Iron Mountain are budgeted for in FY13. Order #B1300502, which is dated July 17, 2012, is attached as Appendix 1. On April 3, 2012, Council granted the Register of Deeds' office authorization to increase the FY12 Iron Mountain purchase order over \$100,000.

### **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 for FY13.



**E. Alternatives**

1. Approve the request to grant authorization to increase the Iron Mountain blanket purchase order to a maximum limit of \$183,000, which is over the current \$100,000 authorized limit.
2. Do not approve the request to grant authorization to increase the Iron Mountain blanket purchase order to a maximum limit of \$183,000, which is over the current \$100,000 authorized limit. If Council does not approve this request, records management costs with Iron Mountain will increase and could result in the denial of access to County documents currently stored at Iron Mountain.

**F. Recommendation**

It is recommended that Council approve the request to grant authorization to increase the Iron Mountain purchase order over \$100,000 to a maximum limit of \$183,000.

Recommended by: John Hopkins                      Department: Register of Deeds                      Date: 02/26/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers                      Date: 3/5/13  
✓ Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

Recommend approval not to exceed the budgeted amount of \$183k.

**Procurement**

Reviewed by: Rodolfo Callwood                      Date: 3/5/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean                      Date: 3/5/13  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Tony McDonald                      Date: 3/5/13  
✓ Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Recommend Council approval. Funds for the purchase order increase have been included in the ROD's FY13 budget; no additional funding is required.

**County of Richland-PROD  
PURCHASE ORDER STATUS INQUIRY  
As of 3/4/2013**

**PURCHASE ORDER INFORMATION**

PO Number: B1300502 Vendor: V001503 IRON MOUNTAIN INC Partially Paid  
 PR Number: R1300533 Addr Cd: P1 PO BOX 27128 NEW YORK, NY 10087-7128 Remaining Balance: 22,013.90

Confirm:	Requested by: Hopkins, John	Req. Dt: 07/05/2012	Blanket Number:												
Account:	Approved by: BSI	Apr Dt: 07/17/2012	Blanket Amount: 99,000.00												
Bid:	Printed by: BSI	Print Dt: 07/17/2012													
Contract:	PO Type: B		Buyer: B02												
Ship To: L1830			Req. Codes: <table border="1" style="display: inline-table; vertical-align: middle;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr><tr><td>NW</td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>							NW					
NW															
Bill To: L1809	End Use:														

**ITEMS**

Item	Qty Ordered	Qty Received	UN	Unit Price	Key	Object	Tax1 Tax2	Discount Charges	Extended	Catalog Ship To	F/A Whse	Print Chg
0001	1.00	0	LS	99,000.00	GL 1100183000	522600	0.00	0.00	99,000.00		N	
							0.00	0.00				
					<i>Product ID :</i>							
					- -							
					- -							
					- -							

PLEASE create blanket purchase order for vendor. The funds in this purchase order will be used to pay for Richland County record storage.

**ENCUMBRANCES**

Item #	Key	Object	Reference #	Post Date	EN Amount	PD Amount	Balance	T	Pay
0001	1100183000	522600	B1300502	07/17/2012	99,000.00		99,000.00	EN	
0001	1100183000	522600	B1300502	08/15/2012		10,755.79	88,244.21	PP	
0001	1100183000	522600	B1300502	09/19/2012		10,573.81	77,670.40	PP	
0001	1100183000	522600	B1300502	11/14/2012		13,163.00	64,507.40	PP	
0001	1100183000	522600	B1300502	11/19/2012		10,357.67	54,149.73	PP	
0001	1100183000	522600	B1300502	12/28/2012		11,596.58	42,553.15	PP	
0001	1100183000	522600	B1300502	01/16/2013		9,793.22	32,759.93	PP	
0001	1100183000	522600	B1300502	02/19/2013		10,746.03	22,013.90	PP	
<b>Balance:</b>					99,000.00	76,986.10	22,013.90		

**OPEN HOLD ACTIVITY**

	Item #	Key	Object	Check #	Check Date	Amount	Invoice #	Invoice Date
Paid	0001	1100183000	522600	00044286	08/15/2012	10,755.79	FMS3865-3907	07/31/2012
TOTAL AMOUNT CHECK AP 00044286:						10,755.79		
Paid	0001	1100183000	522600	00045380	09/19/2012	10,573.81	FRS5511-5553	08/31/2012
TOTAL AMOUNT CHECK AP 00045380:						10,573.81		
Paid	0001	1100183000	522600	00046974	11/14/2012	13,163.00	093012 IRON	09/30/2012
TOTAL AMOUNT CHECK AP 00046974:						13,163.00		
Paid	0001	1100183000	522600	00047203	11/20/2012	10,357.67	FZL7550-7592	10/31/2012
TOTAL AMOUNT CHECK AP 00047203:						10,357.67		
Paid	0001	1100183000	522600	00048377	01/03/2013	11,596.58	GEJ3172-GEJ32	11/30/2012
TOTAL AMOUNT CHECK AP 00048377:						11,596.58		
Paid	0001	1100183000	522600	00049075	01/17/2013	9,793.22	GHE6222-GHE6	12/31/2012
TOTAL AMOUNT CHECK AP 00049075:						9,793.22		
Paid	0001	1100183000	522600	00050060	02/20/2013	10,746.03	GKY4803-GKY	01/31/2013
TOTAL AMOUNT CHECK AP 00050060:						10,746.03		
TOTAL PAYMENTS FOR PO B1300502:						76,986.10		

# Richland County Council Request of Action

## **Subject**

Columbia's First HipHop Family Day: Love, Peace & HipHop Funding Request **[TO DENY] [PAGES 123-129]**

## **Notes**

March 26, 2013 - A motion was made to recommend that Council approve the request to allocate \$10,000 for Columbia HipHop Family Day. The motion failed.

# Richland County Council Request of Action

**Subject:** Columbia Hip Hop Family Day Funding Request

**A. Purpose**

County Council is requested to approve a request to allocate \$10,000 for Columbia Hip Hop Family Day.

**B. Background / Discussion**

During the March 5, 2013 County Council meeting, Chairman Washington stated that he received a funding request from Non-Stop Hip Hop Live for Columbia Hip Hop Family Day for \$10,000. The request is attached as Appendix 1.

Columbia Hip Hop Family Day will take place on April 13, 2013 on the 1700 block of Main and 1200 block of Laurel Streets.

Non-Stop Hip Hop Live applied for FY13 H-Tax County Promotions funding for this event, but did not receive a recommendation due to an incomplete application. They applied under the Columbia Music Festival Association as their fiscal agent, as Non-Stop Hip Hop Live is not a registered nonprofit. An application for funding was also received for FY14 H-Tax County Promotions funds for their April 2014 event.

**C. Legislative/Chronological History**

- March 26, 2012 – Non-Stop Hip Hop Live did not receive a funding recommendation stemming from their FY13 H-Tax County Promotions grant application.
- March 5, 2013 – This item appeared on the meeting agenda under the Report of the Chairman.

**D. Financial Impact**

The request of \$10,000 will have an impact. This action, if approved, will require three readings and a public hearing depending on the funding source.

**E. Alternatives**

1. Approve the request to allocate \$10,000 to Non-Stop Hip Hop Live for Columbia Hip Hop Family Day.
2. Approve an alternate amount for Non-Stop Hip Hop Live's Columbia Hip Hop Family Day.
3. Do not approve the request to allocate \$10,000 to Non-Stop Hip Hop Live for Columbia Hip Hop Family Day.

**F. Recommendation**

This request is at the discretion of County Council.

Recommended by: Kelvin Washington    Department: County Council    Date: 3/5/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/12/13

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

Comments regarding recommendation: Funding is within Council’s discretion. The recommendation is based on the request being outside of the funding cycle and also supports the FY13 h-tax committee funding proposal. As stated the FY14 request would be considered by the committee during the budget development.

**Grants**

- Reviewed by: Sara Salley Date: 3/12/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation:  
Funding this request is at Council’s discretion. This event was not recommended for funding in FY13. If Council does allocate funds to this 2013 event, the funds will need to be allocated to the Columbia Music Festival Association who is acting as this group’s fiscal agent.

**Legal**

- Reviewed by: Elizabeth McLean Date: 3/13/13  
 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: Tony McDonald Date: 3/20/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation to deny is based not on the merits of the program but on the fact that the organization’s funding request was not favorably recommended by the Hospitality Tax Committee and was consequently denied by the County Council during the FY 13 budget process, and on the fact that the contingency dollars for promotions approved in the Hospitality Tax Fund for FY 13 have already been allocated.

**Michelle Onley**

---

**From:** Kelvin Washington  
**Sent:** Monday, March 04, 2013 2:05 PM  
**To:** Michelle Onley; MONIQUE WALTERS  
**Subject:** FW: Shekeese - Columbia HipHop Family Day  
**Attachments:** LovePeaceHipHop-CHHFD.pdf, LovePeaceHipHopBenefits-CHHFD.pdf

[Put this on the agenda](#)

**From:** Sherard Duvall [<mailto:sherard@nickelodeon.org>]  
**Sent:** Monday, March 04, 2013 2:03 PM  
**To:** Kelvin Washington  
**Subject:** Fwd: Shekeese - Columbia HipHop Family Day

Good to speak with you today Kelvin. Let's work together on this festival...cant wait to talk more about some ideas I have for Eastover as well.

As I previously stated, we are trying to raise an additional \$10,000 for Columbia HipHop Family Day.

The original plan was to do one old school act and one new school act. But when I made the call to the booking agent a week and a half ago, he offered me the Alumni package for \$15,000 (Dana Dane, Chubb Rock, Special Ed, Monie Love, Kwame). I spoke to Carl Solomon, he's gonna cover our hotels. I spoke to Steve Benjamin again yesterday he really wants to blow this out the water this year, i believe this lineup will do just that.

I have until Friday to book the tour, if I cant at least get a promise note on the extra \$10,000, then I'll just go back to our original 2-headliner plan.

I could answer all questions regarding the festival better by phone than email.

As promised, attached is additional information about the festival, along with a teaser video promoting the event.

We are looking to book artists THIS WEEK and solidifying the rest of our business partners this week as well.

**What: Columbia's First HipHop Family Day: Love Peace & HipHop**

**When: April 13th 2013 / 11am-5pm**

**Where: 1700 Block Main Street &1200 Block of Laurel Street**

**Teaser video: [Love Peace and HipHop](#)**

I hope to hear from you soon,

Sherard 'Shekeese' Duvall  
Exec. Director  
Columbia HipHop Family Day

--

Sherard 'Shekeese' Duvall  
Dir. of Media Ed.  
[803-978-1614](tel:803-978-1614)  
[www.nickelodeon.org](http://www.nickelodeon.org)



Times are changing. Over the past few years, a slew of events have boldly brought a much needed attitude adjustment to the stakeholders of South Carolina's capital city. From the elections of the state's first woman Governor and city's first African-American mayor, to the Richland County Election day fiasco and the 'swept under the rug' Wet Willies whitewash of all things urban - Columbia is evolving. NonStop HipHop Live (fiscal agent CMFA) is proud to present Columbia's First Hip Hop Family Day: Love, Peace & HipHop - a one day festival organized to not only highlight the often overlooked, yet far reaching culture of Hip Hop, but to show that Hip Hop presented properly will attract local and foreign tourists throughout the region, and give the City economy a much needed boost even after the festival ends. Columbia Hip Hop Family Day is grounded in the promotion of positive images to residents and visitors of Columbia, South Carolina by combining some of the best & brightest live performers, DJs, B-boy Dance Crews, cutting edge Hip Hop visual artists, craft & fashion vendors from the Southeast and around the country to create the State's most unique and entertaining community experience.

Since 1998, Non-Stop Hip Hop Live has been dedicated to shining light on the Columbia/South Carolina Hip Hop community, showing support for independent and national businesses by assisting in the movement of Hip Hop culture around the world through a variety of events that aim to provide a coalescence of talent, entertainment, and business. By utilizing Non Stop Hip Hop Lives' long-standing relationships with entertainment professionals, media, non-profit organizations, national and local businesses, including marketing/promotion companies across the Southeast. This event is poised to attract lovers of great Hip Hop music, both old and young tourists, from across the Southeast Region and give Richland County the entertainment event needed to energize the ever growing 25-40 young professional demographic.

Hip hop is the voice of youth since the early 70's, but it has grown with its audience that is now reaching well into their Fifties. It has always been the litmus test of society and Columbia Hip Hop Family Day is rooted in bringing awareness to the important areas that affect the purveyors of this culture. Health Care, Domestic Violence, Education/Youth, Arts, and Employment/Economic Development. By partnering with nonprofit organizations such as, South Carolina Victim's Assistance Network, Concerned Black Men of Greater Columbia, and the Cooperative Ministries, just to name a few, Columbia Hip Hop Family Day will highlight the best qualities this culture offers. The Columbia Hip Hop Family Day will quickly become one of the most diverse events that Richland County has ever hosted; joining people of all genres, races, classes and ages with a one-of-a-kind experience that has the potential to become a staple of South Carolina business and tourism. Change is good.

Page 1 of 1

LOVEPEACEHIPHOP.COM | P.O. BOX 212603 COLUMBIA, SC 29221 |  
[INFO@LOVEPEACEHIPHOP.COM](mailto:INFO@LOVEPEACEHIPHOP.COM)



## **COLUMBIA HIPHOP FAMILY DAY: Love & Peace & HipHop** **BENEFITS TO THE CITY OF COLUMBIA & RICHLAND COUNTY**

### **BENEFIT TO COMMUNITY IN WHICH PROJECT WILL BE HELD:**

CHHFD 2013 will benefit the general public, particularly families, by increasing the awareness and knowledge of hip hop culture. With hip hop culture being the voice of the young professional demographic, ages 25-40, CHHFD 2013 will finally address the entertainment needs of this demographic, which regularly looks for opportunities to patronize local businesses and restaurants in Richland County that are family friendly.

### **OUTLINE PROJECT MARKETING PLAN**

To market CHHFD 2012, we will distribute 50,000 mailed post cards, advertise in over 30 publications including The State newspaper and the Free Times and distribute information cards at nine welcome centers. In addition, we heavily will use social media including our website. We will continue our marketing efforts in Charlotte, Charleston, Spartanburg and Greenville; and utilize television and radio. For CHHFD 2012, we will highlight on our website restaurants, hotels and local business in the area that can be utilized by residents and tourists.

### **ESTIMATED MEALS CONSUMED & OVERNIGHT STAYS IN UNINCORPORATED RICHLAND COUNTY:**

MEALS: \$6,250; OVERNIGHTS: 50

### **DESCRIPTION OF HOW YOUR ORGANIZATION DETERMINED THE NUMBERS ABOVE:**

Since 2001, Non Stop Hip Hop Live has been tracking the number of guests that have come from out of town and visited restaurants and/or stayed overnight at hotels that we have worked with in the West Columbia/Cayce area from the shows we have done at the New Brookland Tavern (122 State St. West Columbia)

Our figures have shown that on average we get 1 hotel stay for every 25 guests. Based on our estimate of 1250 tourists attending our event, we came to the conclusion that an average of 50 guests will be staying overnight. 1 out of every 2 of our guests have been shown to spend an average of \$5 per meal, which gives us an average of \$6250 for meals.

While this is a new event, the CMFA (our Fiscal Agent) has been very successful in launching new events and we estimate that this has the potential to be successful in 2012. NonStop HipHop Live has been very successful in reaching attendees to its South Carolina based events, serving over 30,000 guests since 1998. Experience also shows that as an OS event becomes established as regularly occurring, it increasingly attracts visitors beyond the local area.

Page 1 of 2

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**[INFO@LOVEPEACEHIPHOP.COM](mailto:INFO@LOVEPEACEHIPHOP.COM)**





**BENEFIT TO TOURISM**

The focus of CHHFD 2013 is to encourage visitors to come to the Midlands, eat in our local restaurants and visit our local businesses. With the collaboration with NonStop HipHop Live, we hope that people will stay overnight in local hotels as they can visit CHHFD 2013 as the event begins in the day and comes to a close in the evening. We are also involving cultural groups & organizations like the Cooperative Ministries & as well as businesses like North Columbia's Lamb's Bread, that live outside of the city to participate or merchandize at the festival.

Since 2001, Non Stop Hip Hop Live has been tracking the number of guests that have come from out of town from the shows they have done at the New Brookland Tavern (122 State St. West Columbia). Based on zip code and email tracking, they show a 1 for 2 ratio average of local residence to tourist attendees since 2001.

# Richland County Council Request of Action

## **Subject**

Force Main Replacement Funding Request [**PAGES 130-132**]

## **Notes**

March 26, 2013 - The Committee unanimously approved a motion to forward this item to Council with a recommendation to approve the request to authorize the East Richland County Public Service District to issue up to \$10 million in general obligation bond funding to replace eight miles of force main.

# Richland County Council Request of Action

## Subject: Force Main Replacement Funding Request

### A. Purpose

County Council is requested to authorize the East Richland County Public Service District to issue up to \$10 million in general obligation bond funding to replace eight miles of force main.

### B. Background / Discussion

East Richland County has 5.5 miles of 24-inch force main that has been in service for approximately 50 years. Since the force main has reached the end of its useful life, the District has proposed to replace it with 5.5 miles of 42-inch force main. The replacement force main will be adequate to serve the District, while protecting the environment, and also has an anticipated life of 30 years. The District is also planning to install an additional 2.5 miles of force main. The total cost of the project is anticipated to be \$24.5 million. The District has a general obligation capacity that allows it to finance up to \$10 million through the issuance of general obligation bonds.

In order to begin the replacement of the force mains, Council is being requested to allow the East Richland County Public Service District to issue up to \$10 million in general obligation bond funding to replace eight miles of the force main.

### C. Legislative/Chronological History

This request was referred to the March A&F Committee by Councilman Pearce at the March 5, 2013 Council Meeting.

### D. Financial Impact

In order to begin the replacement of the force mains, County Council is requested to allow the East Richland County Public Service District to issue up to \$10 million in general obligation bond funding.

### E. Alternatives

1. Approve the request to allow East Richland County Public Service District to issue up to \$10 million in general obligation bond funding to replace the mains.
2. Do not approve East Richland County Public Service District to issue general obligation bond funding to replace the mains.

### F. Recommendation

It is recommended that Council approve the request to allow the East Richland County Public Service District to issue up to \$10 million in general obligation bonds.

Recommended by: Councilman Pearce    Department: County Council

Date: 3/5/13

### G. Reviews

#### Finance

Reviewed by: Daniel Driggers

Date: 3/14/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The FY12 mill rate levied for ERPSD debt was 4.0. The current bonds were refunded in 2012 to achieve some savings (3.76) and reduce the total cost of debt. Approval of new issue would increase the mill rate for ERPSD debt by an additional 2.63 mills.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/14/13

Recommend Council approval

Recommend Council denial

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

### **Administration**

Reviewed by: Tony McDonald

Date: 3/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the issuance of up to \$10 million in general obligation bonds for the sewer line improvements outlined above. It should be noted that the increase in millage to service the debt will only impact those homes which are located in the East Richland service area; this is not a County-wide millage.

# Richland County Council Request of Action

## **Subject**

Modifying Lease Agreement with Palmetto Health [**PAGES 133-135**]

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to initiate a change in the lease agreement with Palmetto Health to transfer funds from Richland Primary Care to Eau Claire Health Cooperative.

# Richland County Council Request of Action

**Subject: Modifying Lease Agreement with Palmetto Health**

## **A. Purpose**

County Council is requested to initiate a change in the lease agreement with Palmetto Health to transfer funds from Richland Primary Care to Eau Claire Health Cooperative.

## **B. Background / Discussion**

The original 1998 agreement included three financial obligations of Richland Memorial Hospital to Richland County. The hospital agreed to pay the following:

- a) An annual lease payment of \$1,693,000. This amount was originally used to pay debt payments. Once the debt was satisfied, the County redirected the funds to support the general operations of the County.
- b) Annual amounts for Medically Indigent Assistance Program (MIAP) as established by the State each year.
- c) An annual amount of \$150,000 for community-based care clinics and programs as designated by County Council. This amount was approved at \$100,000 for Richland Primary Care and \$50,000 for Free Medical Clinic.

In 2008, County Council amended the Agreement to decrease the lease payments to the County by \$100,000 and increase funding for community-based care clinics, adding \$100,000 for Eau Claire Health Cooperative.

Under the current lease with Palmetto Health, a portion of the lease payment to Richland County has been designated to support indigent care programs in the county. The funds are currently distributed as follows:

- \$100,000 to Richland Primary Care
- \$100,000 to Eau Claire Health Cooperative
- \$50,000 to the Free Medical Clinic

There have been changes in Federal reimbursement to local primary care agencies that have resulted in the closing of Richland Primary Care. This closing has caused Richland Primary Care's patient load to transfer to the Eau Claire Health Cooperative.

Richland Primary Care is specifically named in the current lease agreement, which is preventing the funds from following the patient load to Eau Claire Health Cooperative. In order to move these funds, the lease agreement must be modified. Council will need to initiate a change in the Agreement to transfer these funds upon the advice and counsel of the Legal Department.

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

There is no legislative history.

**D. Financial Impact**

The modification of the lease agreement, will give Eau Claire Health Cooperative an additional \$100,000 in support funding. This additional funding will help to support the new patient load.

**E. Alternatives**

1. Approve the request to initiate a change in the Agreement to help support a new patient load at Eau Claire Health Cooperative.
2. Do not approve the request to initiate a change in the agreement to transfer funds. This would result in the funds remaining undistributed until direction is provided by County Council.
3. Amend the agreement to the pre-2008 contract amounts ear-marking \$150,000 for community-based care clinics. This would return the additional \$100,000 allocation to General County Operating Funds.
4. Approve other alternatives.

**F. Recommendation**

It is recommended that Council approve the request to seek advice and counsel from the Legal Department to initiate a change in the current lease agreement with Palmetto Health.

Recommended by: Councilman Pearce Department: County Council Date: 3/7/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/12/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval of request to consider amending the current agreement in order to release current and future year funds.

From the financial perspective, options 1, 3 or 4 above would provide the clarification needed to distribute the funds according to County Council direction.

**Legal**

Reviewed by: Elizabeth McLean

Date: 3/12/13

Recommend Council approval

Recommend Council denial

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

Legal will work on a draft based on Council’s guidance.

**Administration**

Reviewed by: Tony McDonald

Date: 3/20/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the motion, as stated above, to redirect funds to the Eau Claire Health Cooperative that were previously allocated to Richland Primary Care.

# Richland County Council Request of Action

## **Subject**

Proposed Legislation to Increase SC Gas Taxes **[TO DENY] [PAGES 136-142]**

## **Notes**

March 26, 2013 - A motion was made to recommend that Council approve the request to adopt a Resolution in support of the State of South Carolina raising its gas tax to help fund the state's roads and bridges, to include interstates. The motion failed.



## Richland County Council Request of Action

**Subject:** Gas Tax Increase Resolution

### **A. Purpose**

County Council is requested to provide direction with regard to a Resolution in support of the State of South Carolina raising its gas tax to help fund the state's roads and bridges, to include interstates.

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

This item was initiated from a discussion at Council's Annual Retreat held on January 24-25, 2013. The creation of this Resolution was approved at the February 5, 2013 Council meeting as part of the 2013 Retreat directives approval process.

The SCDOT relies on state revenue as its primary source of funding. In order to bring the state's roads and bridges up to a rating of "good" or better, the SCDOT will need about \$1.5 billion per year over the next 20 years, or an estimated total of \$29.3 billion, to complete its projects. The following, adapted from SCDOT's website, provide statistics regarding the pavement conditions on the state's interstates:

- There are a total of 851 miles
- The interstate system is over 50 years old
- Nearly 30% of all roadway travel in the state occurs on the interstates
- 113 miles of interstate are high-usage, carrying over 70,000 vehicles per day
- Year 2030 capacity needs are estimated to require an additional 400 lane miles
- Approximately 50 out of 271 interchanges will require reconstruction over the next 20 years

Although the House has approved a Bill that would earmark some of the money generated from sales tax on vehicles and put it toward roads and bridges, this allocation would only raise about \$80 million (5% of \$1.5 billion needed) annually.

Since 1987, the State has levied a 16-cents-per-gallon motor fuel user fee on the state's motorists. This fee has never been adjusted for inflation. Other facts:

- SC's current rate is the 4<sup>th</sup> lowest in the United States, and is the lowest in the 12 states that comprise the Southeast.
- Compared to our neighbors, SC's rate is 7.25 cents per gallon lower (or 30% less) than Georgia's, and is 13.15 cents per gallon lower (or 45% less) than North Carolina's.
- South Carolina has the fourth *highest* network mileage in the nation, while having the 4<sup>th</sup> *lowest* motor fuel fee.
- SC road funding / support from state sources ranks 49<sup>th</sup> at \$20,000 per mile. The United States average of net state support is \$89,000 / mile.

There are currently two Bills that have been introduced in the South Carolina House of Representatives that propose to raise the state gas tax to pay for road improvements. The proposed Bills have received opposition from Governor Nikki Haley, who does not support a gas tax increase, but believes instead that money that is already being collected from other sources should be redistributed to the SCDOT's interstate projects before she would consider implementing a higher gas tax to meet this objective.

The South Carolina Code of Laws' Imposition of User Fees is attached as Appendix 1. This section of the Code references the current 16 cents per gallon motor user fee, which was imposed in 1987, but has never been adjusted for inflation. The proposed Resolution in support of raising the gas tax is attached as Appendix 2.

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

- Since 1987, the State has levied a 16-cents-per-gallon motor fuel user fee on the state's motorists.
- Representative Skelton introduced the first bill recently that would raise the gasoline user fee by 10 cents per gallon. Under his proposal, South Carolina residents would receive a state income tax rebate for the first two years, which would require tourists, visitors and truckers to share some of the responsibility for road improvements rather than relying solely on South Carolina residents to bear the costs. \$124 million (**8%** of \$1.5B needed annually) is projected to be generated for road improvements in each of the first two years, which takes into account the rebate that will be given to state residents. After the initial phase of the program, however, the new tax would bring in an anticipated \$335 million (**22%** of \$1.5B needed annually) per year for roads. (Currently in Ways and Means)
- The second bill was introduced by Tommy Stringer who proposed the gas tax initially be raised by five cents per gallon and then subsequently be based on the rate of inflation which would adjust automatically to keep pace with concurrent price increases. (Currently in Ways and Means)

### **D. Financial Impact**

Preliminary projections of the financial impact cannot be determined at this time, other than the projections in the "Legislative / Chronological History" section above. It would be premature to make this assessment, however, because Governor Haley has indicated in her 2013-14 Budget Presentation that she has no intention of enacting a gas tax increase. Instead, she recommends reallocating more money from other sources to address bridges and infrastructure repairs and maintenance.

### **E. Alternatives**

1. Approve the adoption of a Resolution that supports the State of South Carolina's proposed increase in gas taxes.
2. Do not approve the adoption of a Resolution that supports the State of South Carolina's proposed increase in gas taxes.

### **F. Recommendation**

The creation of this Resolution was approved at the February 5, 2013 Council Meeting, based on 2013 Retreat directives.

## **G. Reviews**

### **Finance**

Reviewed by: Daniel Driggers

Date: 3/21/13

Recommend Council approval

Recommend Council denial

Recommend Council approval

Comments regarding recommendation:

Request is for further direction on the resolution and would be a policy decision for Council discretion.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/21/13

Recommend Council approval

Recommend Council denial

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

### **Administration**

Reviewed by: Roxanne Ancheta

Date: March 21, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: While this request is ultimately a policy decision of Council, it is recommended that Council approve the Resolution as presented. Provided we receive a positive response from the SC Supreme Court with regards to the Transportation Penny, these additional gas tax funds, coupled with Penny funds, would greatly improve the roadway infrastructure in Richland County.

**Title 12 - Taxation**

CHAPTER 28.

ARTICLE 3.

IMPOSITION OF USER FEES

**SECTION 12-28-310.** User fees on gasoline and diesel fuel.

(A) Subject to the exemptions provided in this chapter, a user fee of sixteen cents a gallon is imposed on:

(1) all gasoline, gasohol, or blended fuels containing gasoline that are used or consumed for any purpose in this State; and

(2) all diesel fuel, substitute fuels, or alternative fuels, or blended fuels containing diesel fuel that are used or consumed in this State in producing or generating power for propelling motor vehicles.

(B) The user fee levied on motor fuel subject to the user fee pursuant to this chapter is a levy and assessment on the consumer, and the levy and assessment on other persons as specified in this chapter are as agents of the State for the collection of the user fee. This section does not affect the method of collecting the user fee as provided in this chapter. The user fee imposed by this section must be collected and paid at those times, in the manner, and by the persons specified in this chapter.

(C) The license user fee imposed by this section is instead of all sales, use, or other excise tax that may be imposed otherwise by any municipality, county, or other local political subdivision of the State.

HISTORY: 1995 Act No. 136, Section 2; 1996 Act No. 461, Section 4A; 2005 Act No. 161, Section 25.A, eff upon approval (became law without the Governor's signature on June 9, 2005); 2006 Act No. 386, Section 18.C, eff July 1, 2006.

**SECTION 12-28-320.** Presumption that fuel delivered to motor vehicle fuel supply tank is used in this State.

Except as otherwise provided under Article 7 of this chapter, the department shall consider it a presumption that all motor fuel subject to the user fee delivered in this State into a motor vehicle fuel supply tank is to be used or consumed on the highways in this State producing or generating power for propelling motor vehicles.

HISTORY: 1995 Act No. 136, Section 2.

**SECTION 12-28-330.** Presumption that fuel from terminal in State, imported, or delivered into end user's storage tank is used in State.

The department considers it a rebuttable presumption, subject to proof of exemption pursuant to Article 7 of this chapter, that all motor fuel subject to the user fee removed from a terminal in this State, or imported into this State other than by a bulk transfer within the bulk transfer terminal system or delivered into an end user's storage tank, is to be used or consumed in this State, in the case of gasoline, gasohol, or blended fuels containing gasoline and is to be used or consumed on the highways in this State in producing or generating power for propelling motor vehicles in the case of all other motor fuel.

HISTORY: 1995 Act No. 136, Section 2; 2005 Act No. 161, Section 25.B, eff upon approval (became law without the Governor's signature on June 9, 2005); 2006 Act No. 386, Section 18.D, eff July 1, 2006.

**SECTION 12-28-340.** Petroleum product and ethanol blenders requirements imposed on terminal; blender of record; Renewable Identification Number trading system.

(A) Regardless of other products offered, a terminal, as defined in Section 12-28-110(56), located within the State must offer a petroleum product that has not been blended with ethanol and that is suitable for subsequent blending with ethanol.

(B) A person or entity must not take any action to deny a distributor, as defined in Section 12-28-110(17), or retailer, as defined in Section 12-28-110(52), who is doing business in this State and who has registered with the Internal Revenue Service on Form 637(M) from being the blender of record afforded them by the acceptance by the Internal Revenue Service of Form 637(M).

(C) A distributor or retailer and a refiner must utilize the Renewable Identification Number (RIN) trading system. Nothing in this section should be construed to imply a market value for RINs.

HISTORY: 2008 Act No. 338, Section 3, eff June 25, 2008.



# Richland County Council Request of Action

## **Subject**

Election Commission Funding Request: Richland School District One Special Election [**PAGES 143-144**]

## **Notes**

March 26, 2013 - The Committee unanimously approved a motion to direct staff to send a letter to Richland School District One notifying them of their responsibility to cover the costs associated with the June 4, 2013 Special Election.

# *Elections & Voter Registration*

COMMISSIONERS  
ALLEN DOWDY, ACTING CHAIR  
ADELL T. ADAMS  
ELAINE D. DUBOSE  
HERBERT W. SIMS



DR. JASPER SALMOND  
ACTING EXECUTIVE DIRECTOR

## *Richland County, South Carolina*

March 15, 2013

Via United States Mail and Email

Richland County District One School Board  
Attention: Chairman Devine  
1616 Richland Street  
Columbia, SC 29201

Dear Chairman Devine:

Thank you for your letter on behalf of the Richland County School District One Board of School Commissioners requesting the assistance of Richland County Elections & Voter Registration to set the special election for June 4, 2013. The Commissioners are further requesting that Richland County pay for the special election for the seat held by Mrs. Barbara A. Scott who died on March 5, 2013.

By copy, your request is herewith forwarded to Richland County Council Chairman, Kelvin Washington and Richland County Administrator, Tony McDonald, for information and possible action.

Please note especially that the reference to the cost of the election as noted in your letter is essentially unofficial. The costs are currently being prepared and can be provided by Tuesday afternoon, March 19, 2013.

Please contact us if we can provide additional information. Mr. Garry Baum, Deputy Director of Elections, has been directed to continue follow-up meetings with Attorney Susan Williams.

Sincerely,

Dr. Jasper Salmond, Acting Executive Director

Cc: Dr. Percy Mack  
Attorney Susan Williams  
The Honorable Kelvin Washington  
Mr. Tony McDonald  
Ms. Stephany Snowden  
Attorney Larry Smith  
Mr. Garry Baum  
Ms. Lillian McBride

2020 Hampton Street / P.O. Box 192 / Columbia, SC 29202  
Telephone 803.576.2240 / Fax 803.576.2249



# Richland County Council Request of Action

## **Subject**

Expiration of Contracts for Solid Waste Curbside Collection Service Areas 5A, 5B & 7 **[PAGES 145-150]**

## **Notes**

March 26, 2013 - The Committee recommended that Council approve the request to authorize staff to renegotiate contracts expiring on December 31, 2013 for Service Areas 5A, 5B & 7. The Committee directed staff to provide Council with the terms of the negotiations when completed.

## Richland County Council Request of Action

**Subject:** Expiration of Contracts for Solid Waste Curbside Collection Service Areas 5A, 5B & 7

### **A. Purpose**

County Council is requested to provide Administration with direction regarding whether Service Areas 5A, 5B & 7 should undergo a new bidding process or whether to authorize Administration to begin negotiations with current contractors that provide service in Areas 5A, 5B & 7 in anticipation of renewing contracts expiring on December 31, 2013.

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

- In January 1984 Richland County began providing county-wide curbside collection for residents through five contracted haulers.
- Richland County currently provides curbside collection service. The services provided include household trash, yard waste, bulk item collection and recycling.
- Upcoming negotiations associated with expiring contracts or contracts open for potential rebidding provide an opportunity to enhance our curbside service with additional services, such as 95 gallon roll carts for recycling, unlimited yard waste/large brush pile removal, and bulk and white goods collection by appointment, as is currently provided in Service Areas 2 & 6. We do not expect a cost difference, but we can only make that determination during potential negotiations.
- Negotiations with current haulers will allow us to evaluate their past performance.
- Negotiations should take into consideration current fuel surcharges and adjust the base price to a more current fuel pricing structure. At present the contract fuel surcharge base price is \$2.40 per gallon and the average price of fuel is \$4.08 per gallon as of February 2013, which equates to a 24% fuel adjustment surcharge. By establishing a new baseline fuel price we do not expect a cost increase to the County, but we can only make that determination during negotiations.
- If re-bidding is the preferred option, Procurement will have to issue a Request for Proposals and make the award well before December 31, 2013.

Specific Service Area contracts that will be expiring are Ard in Area 5A with 9,523 homes (Appendix A); Johnson in Area 5B with 1,731 homes (Appendix B); and Johnson in Area 7 with 6,942 homes (Appendix C).

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

Although this is a staff-initiated request and there is no legislative history, a similar action was requested in November of 2011 for Service Areas 2 & 6. Service Areas 2 and 6 contracts were re-negotiated with the existing haulers.

### **D. Financial Impact**

There is no anticipated financial impact associated with this request at this time.

### **E. Alternatives**

1. Direct Administration to begin new contracts negotiations with one or both current contractors for Service Areas 5A, 5B & 7.
2. Direct Administration to rebid one or more of Service Areas 5A, 5B and 7.

### **F. Recommendation**

It is recommended that Council choose Alternative 1 to initiate new contract negotiations with current service providers for Service Areas 5A, 5B & 7. This would allow Administration to investigate the

possibility of additional services and collection cost adjustments as well as modify the fuel surcharge to a more current rate. The intent would be to agree on contracts similar to those in Service Areas 2 & 6, which went into effect January 1, 2013.

Recommended by: **Rudy Curtis**

Department: **Solid Waste**

Date: **3/1/13**

## **G. Reviews**

### **Finance**

Reviewed by: Daniel Driggers

Date: 3/14/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval to allow Administration to begin the process of negotiating new contracts.

### **Procurement**

Reviewed by: Rodolfo Callwood

Date: 3/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/15/13

Recommend Council approval

Recommend Council denial

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

### **Administration**

Reviewed by: Tony McDonald

Date: 3/18/13

Recommend Council approval






Recommend Council denial

Comments regarding recommendation: Recommend that staff be authorized to negotiate contracts with the current collectors in service areas 5A, 5B and 7.

# RC SWR Area 5A Overview

## Legend

### Municipalities

-  Arcadia Lakes
-  Columbia
-  Forest Acres
-  Area 5A
-  Area 5A Boundary

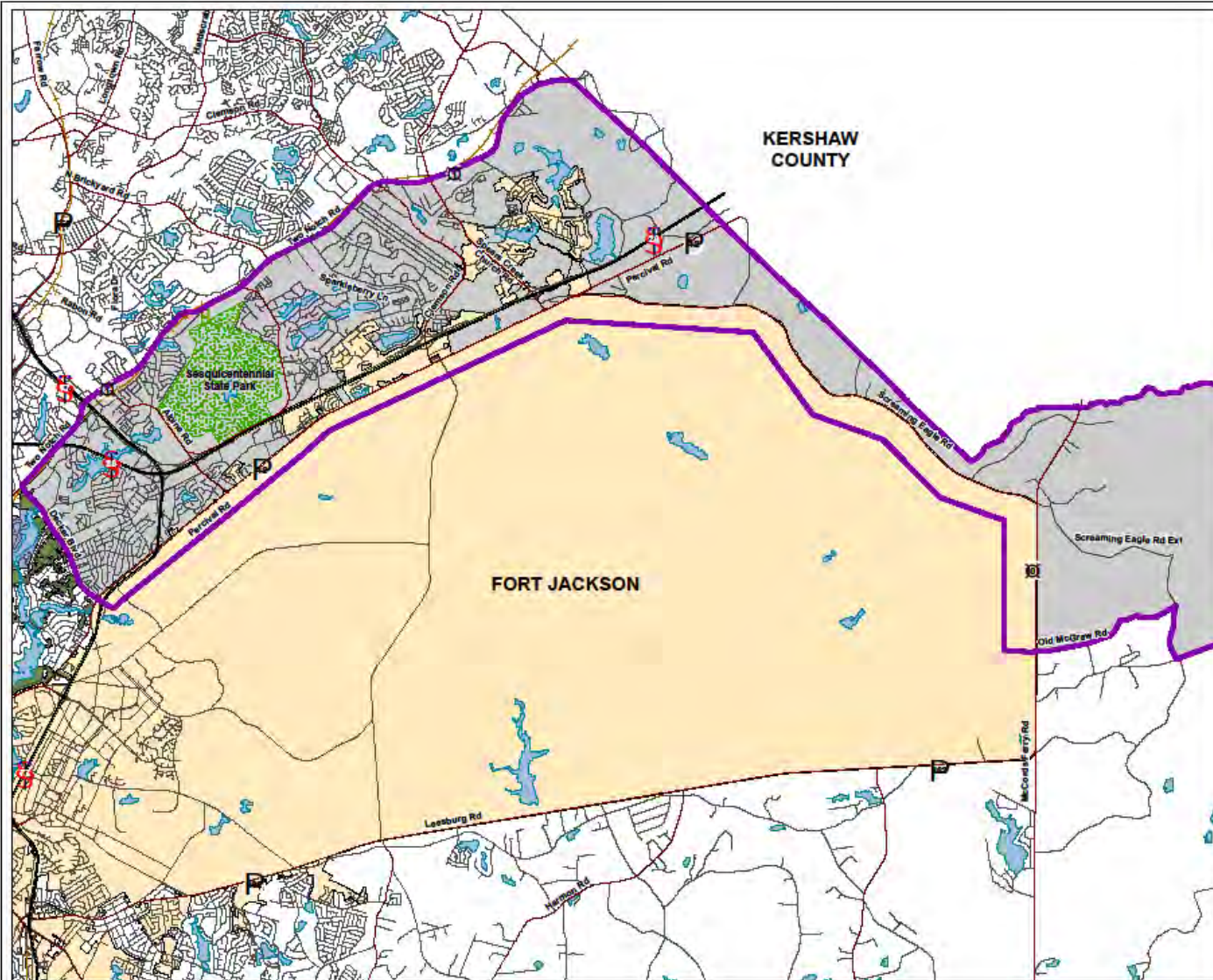
NOTE: Area Boundaries are generated when crossing outside of actual County Collection and into a Municipality.



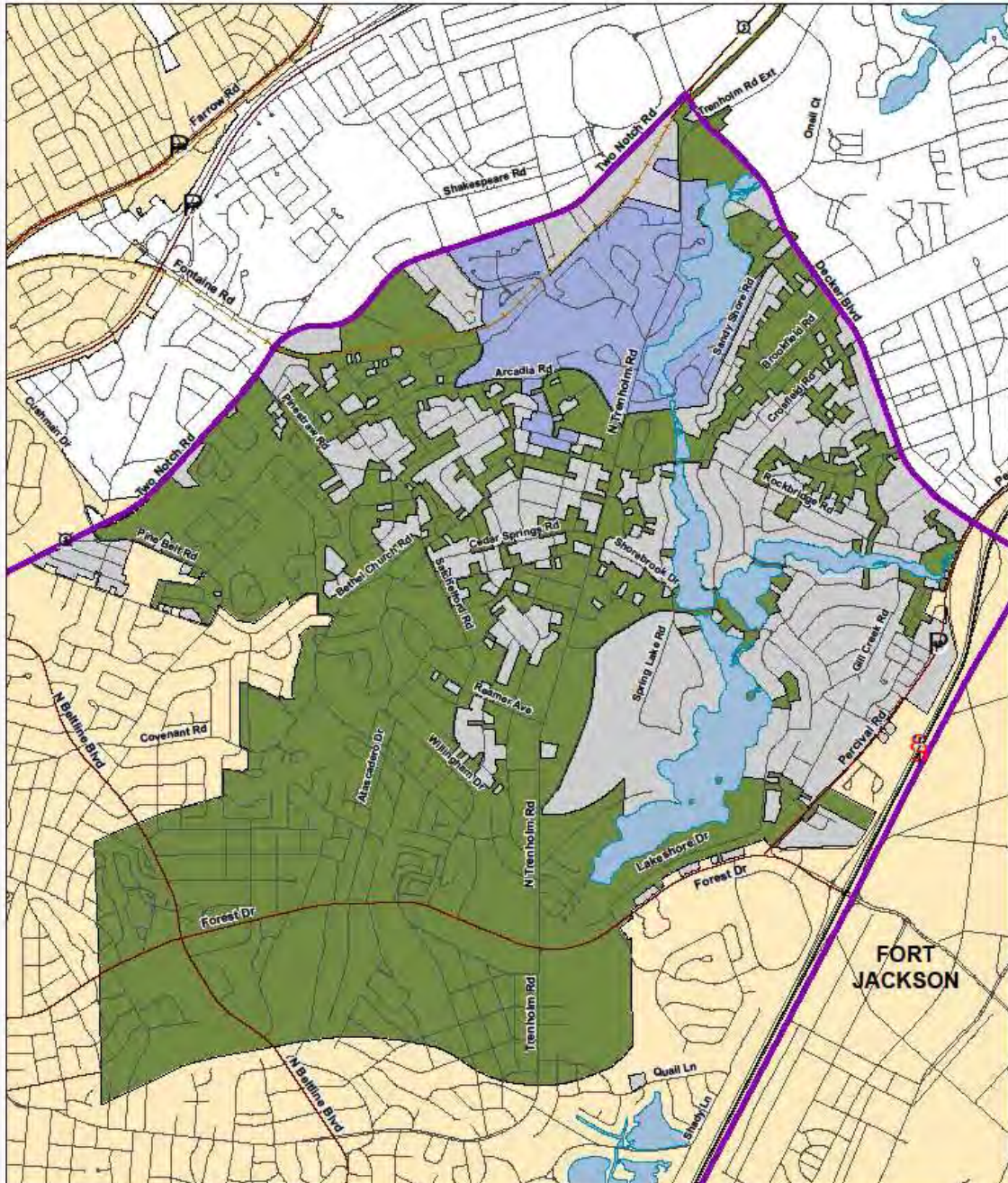
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 Richland County Public Works  
 400 Powell Rd.  
 Columbia, SC 29205



# RC SWR Area 5B Overview



## Legend

### Municipalities

- Arcadia Lakes
  - Columbia
  - Forest Acres
  - Area 5B
  - Area 5B Boundary
- NOTE:** Area Boundaries are generalized when crossing outside of actual County Collection and into a Municipality.

0 0.25 0.5 1 Miles



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 Columbia, SC 29203

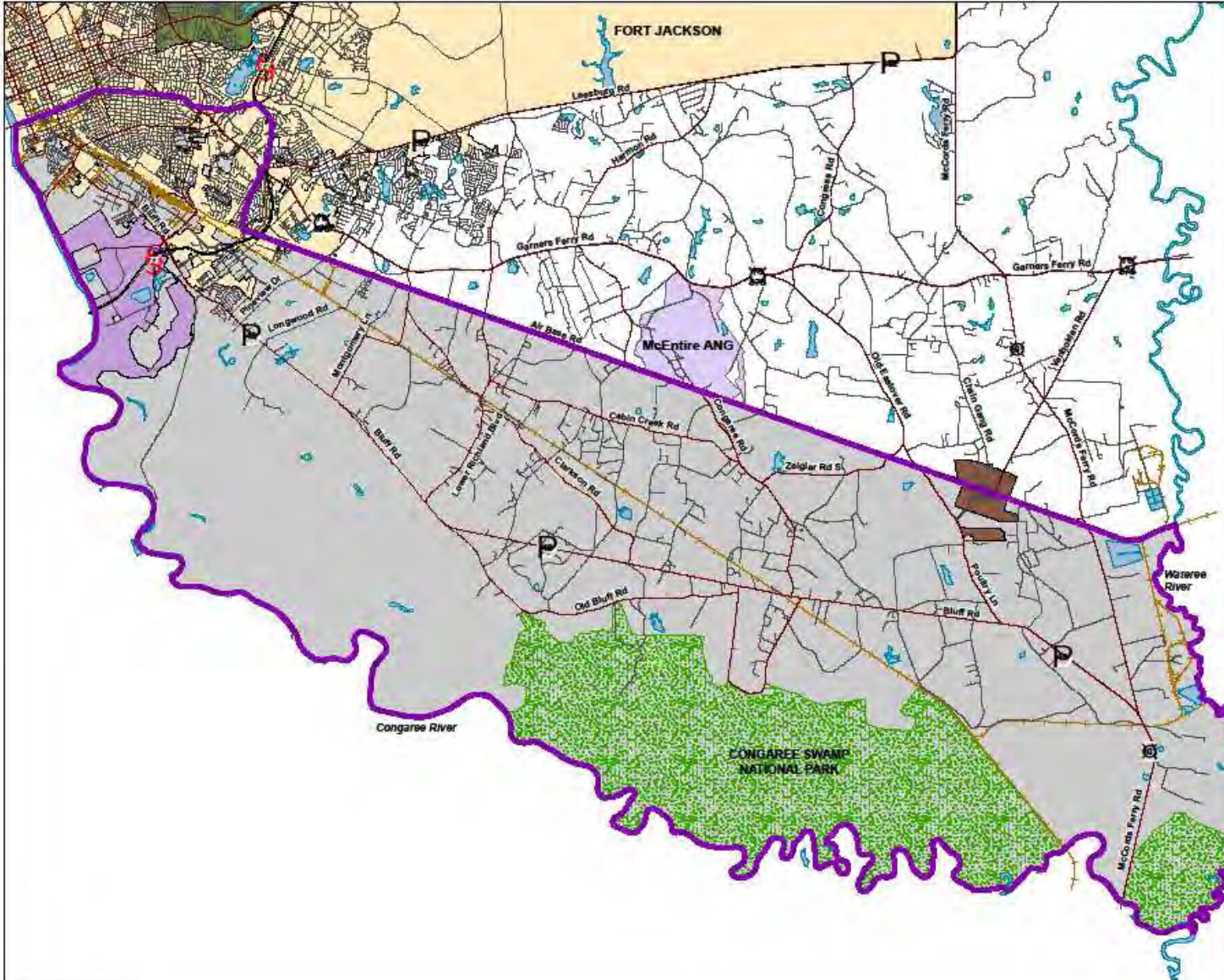
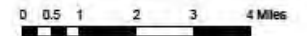
# RC SWR Area 7 Overview

## Legend

### Municipalities

-  Cayce
-  Columbia
-  Eastover
-  Forest Acres
-  Area 7
-  Area 7 Boundary

NOTE: Area Boundaries are generalized when crossing outside of actual County Collection and into a Municipality.



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 Columbia, SC 29205

# Richland County Council Request of Action

## **Subject**

SC 2013 Legislative Exchange Program Funding Request [**PAGES 151-156**]

## **Notes**

March 26, 2013 - A motion was made to recommend that Council approve the request to allocate \$25,000 for the April 2013 SC Legislative Exchange program. The motion failed. The Committee unanimously approved a substitute motion to forward this item to Council without a recommendation.

## Richland County Council Request of Action

**Subject:** SC Legislative Exchange Funding Request

### **A. Purpose**

County Council is requested to consider a funding request to allocate \$25,000 for the April 2013 SC Legislative Exchange program.

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

During the March 5, 2013 Council Meeting, Chairman Washington stated that he received a funding request in the amount of \$25,000 from the World Development Alliance for their SC Legislative Exchange program, which will take place in April 2013. The SC Legislative Exchange is a collaborative effort between the Benedict College Office of International Programs and the SC House of Representatives.

The funding request and budget are attached for your convenience.

On April 17, 2012, County Council gave first reading approval for \$5,000 from the General Fund for this program for the April 2012 SC Legislative Exchange. During the first reading vote on April 17, 2012, the following items were discussed by Council:

- Council requested this group provide the County with information well in advance of the visit if they request funds in the future. Dr. Norma Jackson stated, “Definitely. Yes.” The letter for the April 2013 request is dated February 5, 2013.
- Council members also discussed that this request was “late” and/or “out-of-cycle.” This program is not eligible for County grant programs. Any request would need to be considered during the budget cycle (i.e., a Motions List item) for the following year in order to avoid “out-of-cycle” funding. In other words, the organization needs to request funding in March or April 2013 for their 2014 program.
- Council also requested that the group provide a budget and summary information to the Administrator and Economic Development Director for their review and comment. Staff requested and received a program budget for the April 2013 request on March 12, 2013.

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

- April 17, 2012 – Council gave first reading approval for \$5,000 from the General Fund for the April 2012 Legislative Exchange.
- May 1, 2012 – Council gave second reading approval for \$5,000 from the General Fund for the April 2012 Legislative Exchange.
- May 15, 2012 – Council gave third reading approval for \$5,000 from the General Fund for the April 2012 Legislative Exchange.
- March 5, 2013 – This item appeared on the Council Meeting agenda under the Report of the Chairman. It was then forwarded to the A&F Committee.

### **D. Financial Impact**

This request is for \$25,000. This action, if approved, will require three readings and a public hearing, depending on the funding source, which has yet to be identified.



**E. Alternatives**

1. Approve the request to allocate \$25,000 for the SC Legislative Exchange program. Identification of a funding source is required.
2. Approve the request to allocate funds for the SC Legislative Exchange program in another amount determined by Council. Identification of a funding source is required.
3. Do not approve the request to allocate any funds for the SC Legislative Exchange program at this time.

**F. Recommendation**

This request is at the discretion of County Council.

Recommended by: Kelvin Washington Department: County Council Date: 3/5/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 3/13/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

Funding is within Council discretion but a funding source must be identified and based on the source approved may require three readings and a public hearing. Request is outside of the normal funding cycle.

**Grants**

Reviewed by: Sara Salley Date: 3/13/13  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

This decision is up to Council’s discretion. This organization is requesting funds outside the funding cycle. They need to request funds a year in advance in order to fall inside the correct funding cycle.

**Economic Development**

Reviewed by: Nelson Lindsay Date:  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

This decision is up to Council’s discretion. The request does seem better suited to state level funding since the exchange is among state legislators rather than local officials.

**Legal**

Reviewed by: Elizabeth McLean Date: 3/14/13  
 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: Tony McDonald

Date: 3/21/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation to deny is based not on the merits of the program but on the fact that the request is, for the second consecutive year, out of the budget funding cycle. Should the Council decide to fund the request, it is recommended that the funds be appropriated in the FY 14 budget and disbursed to the World Development Alliance after July 1 as a reimbursement of expenses.



Where business is not a bane

2308 Haskell Ave  
Columbia, SC 29204  
Tel: (803) 758-5881  
Fax: (803) 748-7976  
[www.worlddevelopmentalliance.org](http://www.worlddevelopmentalliance.org)

February 5, 2013

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

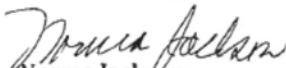
Dear Mr. Washington:

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](mailto:njwda1@gmail.com)

  
Joe Neal  
[jnwdal@gmail.com](mailto:jnwdal@gmail.com)



World Development Alliance

*Where business is not a bane*

2308 Haskell Ave  
 Columbia, SC 29204  
 (+1) 803-758-5881, Fax: (+1) 803-748-8976  
 www.worlddevelopmentalliance.org

March 1, 2013

**Attention: Mr. Kelvin Washington**  
**Chairman, Richland County Council**  
 City of Columbia  
 2020 Hampton Street  
 Columbia, SC 29204

**Project title:** Legislators Exchange Program

**Project description:** Bridge building for economic development with the developing world.

Description	Quantity	Unit Price	Total
Hotel Rooms for legislators	364 days	\$110.00	\$42,900
Breakfast, lunch, dinner	364 days	\$75.00	\$29,250
In-ground transportation	15 days	\$500.00	\$7,500.
Materials	\$35.00	\$100.00	\$3,500
Support staff	6	\$660.00	\$3,960
Advertisement	3000	\$2.00	\$6,000
Miscellaneous	7000	\$1.00	\$7,000
Subtotal			\$100,110
Tax			\$6.006
			\$106,116

The costs above are expressed as days and hrs. For example 364 days = \$110 cost of room x 26 (number of participants) x 15 (number of nights) = 42,990.00 (total). Breakfast, lunch, dinner= \$75.00 per day x 15 (number of days) x 26 (number of persons)= \$29,250.00 total. Support staff = 6 x 110 per day= \$660.00 x 15 days = 3,960.00. **Our request is for \$25,000.00**

Sincerely yours,

Dr. Norma Jackson

Joseph H. Neal

# Richland County Council Request of Action

## **Subject**

Town of Eastover's 35th Annual Barbeque Festival Funding Request [**PAGES 157-160**]

## **Notes**

March 26, 2013 - The Committee unanimously approved a motion to forward this item to Council without a recommendation.

## Richland County Council Request of Action

**Subject:** Town of Eastover Funding Request

### **A. Purpose**

County Council is requested to approve a request to allocate \$10,000 in Hospitality Tax (H-Tax) funds to the Town of Eastover's 35<sup>th</sup> Annual Barbeque Festival.

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

During the March 5, 2013 County Council meeting, Chairman Washington stated that he received a request of Hospitality Tax funds from the Town of Eastover for their 35<sup>th</sup> Annual Barbeque Festival for \$10,000. The request letter is attached as Appendix 1.

The Town of Eastover will host the 35<sup>th</sup> Annual Barbeque Festival on May 3-4, 2013. The Town of Eastover did not apply for FY13 funding through the H-Tax County Promotions grant program for the May 2013 event. The Town of Eastover did submit an application for County Promotions funding for FY14 for their May 2014 event, but the application was late, incomplete and they did not use a fiscal agent. As a municipality, they are not eligible for County Promotions funding per the County's grant guidelines. Grantees must be a nonprofit organization.

In FY 10, the Annual Barbeque Festival received \$5,000 in H-Tax funds under SERCO's allocation.

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

- FY10 – Received \$5,000 in H-Tax funds under SERCO's allocation.
- March 5, 2013 – This item appeared on the meeting agenda under the Report of the Chairman.

### **D. Financial Impact**

The request of \$10,000 from Hospitality Tax will have an impact. Council has used the \$25,000 in H-Tax funds budgeted for use at their discretion.

### **E. Alternatives**

1. Approve the request to allocate \$10,000 in H-Tax to the Town of Eastover for the 35<sup>th</sup> Annual Barbeque Festival.
2. Approve an alternate amount for the Town of Eastover's 35<sup>th</sup> Annual Barbeque Festival.
3. Do not approve the request to allocate \$10,000 in H-Tax to the Town of Eastover for the 35<sup>th</sup> Annual Barbeque Festival.

### **F. Recommendation**

This request is at the discretion of County Council.

Recommended by: Councilman Washington Department: County Council      Date: 3/5/13

### **F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Funding is within Council discretion and based on the funding source may require three readings and a public hearing. Recommendation is based on the fact that the request is outside of the normal funding cycle therefore would not follow the committee competitive process.

### **Grants**

Reviewed by: Sara Salley

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

This decision is up to Council's discretion. This organization is asking for funds outside the established funding process and is an ineligible organization according to grant guidelines. If Council chooses to allocate funds for this event the funds should go through a qualified fiscal agent. The fiscal agent should be asked to fill out an application and supply a budget showing that the funds will be used.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/13/13

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: Tony McDonald

Date: 3/20/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation to deny is based not on the merits of the program but on the fact that the organization's funding request is outside of the budget process and on the fact that the contingency dollars for promotions approved in the Hospitality Tax Fund for FY 13 have already been allocated. Furthermore, the request does not qualify for Hospitality Tax funding as the request has been made by an incorporated municipality (which does not meet the established guidelines) and no authorized fiscal agent has been identified.



# TOWN OF EASTOVER

Mayor Geraldene Robinson	Mayor Pro Tempore Odell Weston	Town Council Judith Bailey • Heyward Patterson Rhudine Robinson	Town Clerk Melissa Cowan	Town Attorney K. Winchester Gaines
-----------------------------	-----------------------------------	---	-----------------------------	---------------------------------------

February 25, 2013

The Honorable Kelvin Washington, Chair  
Richland County Council  
2020 Hampton Street  
Eastover, South Carolina 29044

Reference: Emergency Hospitality Taxes

Dear Councilman Washington:

I am writing at this time to solicit support in the amount of (10) thousand dollars or an amount agreed upon in Emergency Hospitality Funds to help support our 35<sup>th</sup> Annual Barbeque Festival scheduled for May 3-4, 2013.

The Town of Eastover is located in the heart of one of the most beautiful agrarian areas of Richland County. There are numerous tourist attractions and historical sites that will entice persons to attend our 35<sup>th</sup> Annual Barbeque Festival.

Please note that our Barbeque Festival is an annual event that we have each year to celebrate our community and to assist in raising funds to help support enrichment and health programs to improve the quality of life for our residents and surrounding communities. Councilman Washington as you know, this an event that many persons from outer state and in state look forward to every year; a sort of homecoming if you will.

Thank you and council in advance for your support and we look forward you all attending our 35<sup>th</sup> Barbeque Festival scheduled for May 3-4, 2013.

If additional information is needed, please do not hesitate to contact me.

Sincerely,

Geraldene Robinson, Mayor

- CC: Councilman Bill Malinowski  
 Councilman Damon Jeter  
 Councilman Seth Rose  
 Councilman Torrey Rush  
 Councilwoman Julie Ann Dixon  
 Councilman Norman Jackson  
 Councilwoman Joyce Dickerson  
 Councilman Paul Livingston  
 Councilman L. Gregory Pearce, Jr.  
 Councilman Jim Manning



# Richland County Council Request of Action

**Subject**

Parking Meters Pilot Program Update **[ACTION]** **[PAGES 161-170]**

Customer Parking  
Yellow Spaces Only  
2 Hr Limit  
Towing Enforced  
At Owners Expense



12/31/2012

**No Unauthorized  
Vehicles  
Beyond  
This Point  
Card Access  
Only**

12/31/2012

**No Unauthorized  
Vehicles  
Beyond  
This Point  
Card Access  
Only**

**DO NOT  
ENTER**  
**EMPLOYEE  
ONLY**

12/31/2012

Customer Parking  
Yellow Spaces Only  
2 HR Limit  
Towing Enforced  
At Owners Expense

WARNING  
FOR  
HANDICAPPED  
VEHICLES

Customer Parking  
Yellow Spaces Only  
2 HR Limit  
Towing Enforced  
At Owners Expense



12/31/2012

Richland County  
Government  
&  
Health  
Department

Customer Parking  
Yellow Line  
Spaces Only

Richland Gobierno  
Del Condado  
&  
De Salud  
Departamento

Cliente Parking  
Solo Espacios  
Rayados Amarillos

12/31/2012

Richland County  
Government  
&  
Health  
Department  
Customer Parking  
Yellow Line  
Spaces Only

Richland Gobierno  
Del Condado  
&  
De Salud  
Departamento  
Cliente Parking  
Solo Espacios  
Rayados Amarillos

Public Only

12/31/2012



NO ACCESSIBLE  
RESERVED PARKING  
PUBLIC ONLY  
→

12/31/2012



**CUSTOMER  
PARKING**

**2 HOUR  
LIMIT**

**12/31/2012**



12/31/2012

# Richland County Council Request of Action

**Subject**

Report of the Regional Recreation Complex Ad Hoc Committee:

- a. Recommendations: Regional Recreation Complex

# Richland County Council Request of Action

**Subject**

Report from Transportation Penny Work Session: **[PAGE 173-205]**

- a. Draft SLBE Proposal
- b. JTC Recommendations
- c. Transportation Penny Director

# *Richland County Council*

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



Phone: (803) 576-2061  
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## **TRANSPORTATION PENNY WORK SESSION**

**APRIL 2, 2013  
5:00 PM  
COUNCIL CHAMBERS**

- 1. Call to Order**
  
- 2. Draft SLBE Proposal**
  
- 3. JTC Recommendations [Deferred from March 5, 2013 Council Meeting] [PAGES 2-27]**
  
- 4. Transportation Penny Director Information [Deferred from March 19, 2013 Council Meeting] [PAGES 28-33]**
  
- 5. Adjournment**

# JOINT TRANSPORTATION COMMITTEE AGENDA

RICHLAND COUNTY ADMINISTRATION CONFERENCE ROOM  
2020 HAMPTON STREET, 4<sup>TH</sup> 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. THE CRITERIA WILL PROVIDE A UNIFORM PROCESS AND ANALYSIS TO EVALUATE PROJECT PRIORITIES. THE FIRST FIVE BULLETS BELOW ARE CONSIDERED “TOP PRIORITY.” THE REMAINING CRITERIA ARE CURRENTLY LISTED IN NO PARTICULAR ORDER. PLEASE NOTE THAT 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 BE BROUGHT TO COUNCIL FOR REVIEW AND APPROVAL.**

- **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

<b>ARCADIA LAKES</b>	<b>ROBERT E. WILLIAMS, JR.</b>
<b>BLYTHEWOOD</b>	<b>BILL WISEMAN</b>
<b>COLUMBIA</b>	<b>TODD AVANT DETREVILLE (TREVOR) FRANK BOWERS III VIRGINIA SANDERS</b>
<b>EASTOVER</b>	<b>JAMES FABER</b>
<b>FOREST ACRES</b>	<b>CAROL KOSOSKI</b>
<b>IRMO</b>	<b>BOB BROWN</b>
<b>RICHLAND COUNTY</b>	<b>ELISE BIDWELL JENNIFER D. BISHOP NATALIE C. BRITT DERRICK E. HUGGINS JAMES T. MCLAWHORN MELVIN HAYES MIZELL DOROTHY A. SUMTER</b>

- 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 Director**

### Questions

1. Does Council approve the concept of this individual and his/her duties / responsibilities? [Retreat consensus: Yes.] At the Work Session, it was recommended that the advertisement for the Transportation Penny Director be removed. This item was forwarded to the March 26, 2013, 4:00pm Transportation Penny Work Session for further review and action by full Council.
2. Does Council approve this person reporting to an Assistant County Administrator? [Retreat consensus: Yes.] At the Work Session, it was recommended that the Transportation Penny Director report to the County Administrator instead of an Assistant County Administrator. This item was forwarded to the March 26, 2013, 4:00pm Transportation Penny Work Session for further review and action by full Council.



**RICHLAND COUNTY, SOUTH CAROLINA  
CLASS DESCRIPTION  
2012**

**CLASS TITLE: DIRECTOR OF TRANSPORTATION PENNY PROGRAM  
ADMINISTRATION DEPARTMENT**

**GENERAL DESCRIPTION OF CLASS**

The purpose of the class is to manage all items related to the Transportation Penny program, including the management and oversight of program management firm(s). This class has expertise and knowledge of transportation planning, engineering and design, and contract and project / program management, scheduling, cost estimating, right-of-way acquisitions, surveying, plan review and inspection; and performs related professional, administrative and supervisory work as required in support of all Transportation Penny items. This class administers contracts and provides in house project management from design to completion, and performs and/or supervises design work as necessary. This class plans, organizes and implements the program within major organizational policies, reporting program progress to executive-level administration and Council through reports and conferences.

**ESSENTIAL TASKS**

The tasks listed below are those that represent the majority of the time spent working in this class. Management may assign additional tasks related to the type of work of the class as necessary.

Administers and manages the Richland County Transportation Penny program, ensuring projects are completed appropriately, on time, and within budget.

Understands DOT and County standard roadway design practices and procedures.

Understands permitting (environmental, land disturbance, etc)

Reviews consultant(s) design plans.

Administers contracts and provides in house project management from design to completion, and performs design work as necessary.

Manages and oversees the program management firm(s).

Coordinates the bidding process for projects.

Prepares scopes of work; reviews plans and specifications as submitted for compliance with established codes, ordinances and standards.

Ensures compliance with applicable federal, state and local laws and regulations, County policies and procedures, and standards of quality and safety.

Directs and provides engineering expertise in the planning, design and project management of the construction, renovation and installation of Transportation Penny projects.

Develops and designs various solutions to engineering problems; seeks alternatives to designs and submits plans for approval.

## **CLASS TITLE: DIRECTOR OF TRANSPORTATION PENNY PROGRAM**

Oversees the preparation of plans, specifications and contract documents for Transportation Penny road projects; develops and implements long-range resurfacing and paving plans and financing for Transportation Penny road projects.

Oversees and/or performs professional engineering design work on specific projects as assigned; prepares engineering calculations; prepares engineering drawings using computer-aided design technology and manual methods.

Receives cost estimates; prepares purchase requisitions and documents for approval by County Council.

Processes change orders as appropriate.

Processes contractor pay requests.

Coordinates projects with local, state and federal agencies, as well as other County and municipal departments, contractors, developers, engineers, land surveyors, architects, attorneys, environmental agencies / special interest groups, and other parties as necessary.

Supervises subordinate supervisory and support staff, if applicable. Supervisory duties include instructing; assigning, reviewing and planning work of others; maintaining standards; coordinating activities; selecting new employees; acting on employee problems; approving employee discipline and discharge.

Reviews the work of subordinates for completeness and accuracy; evaluates and makes recommendations as appropriate; offers advice and assistance as needed.

Provides for adequate staff training and development opportunities.

Provides guidance and expertise to the County Administrator, Assistant County Administrator and members of County Council in areas of responsibility.

Develops and administers the program's budget; ensures effective and efficient use of budgeted funds, personnel, materials, facilities and time.

Assists with the preparation of applications and implementation of received state and federal funding opportunities (grants, TIGER, etc.).

Supervises and participates in the inspection of construction work in progress and at completion for compliance with established policies, procedures, regulations, codes, contracts, and standards of quality and safety.

Meets with County officials, residents and citizen groups to discuss and resolve problems related to the Transportation Penny program.

Prepares a variety of studies, reports and related information for decision-making purposes and as required by the County and regulatory agencies.

Coordinates department activities and functions with those of other County divisions, departments, municipalities and outside agencies as appropriate.

Attends and participates in County Council and Committee meetings.

Represents the department and County at various meetings as required; serves on committees, boards and task forces as appropriate.

## **CLASS TITLE: DIRECTOR OF TRANSPORTATION PENNY PROGRAM**

Receives and responds to inquiries, concerns, complaints and requests for assistance regarding areas of responsibility.

Performs general administrative / clerical work as required, including but not limited to preparing reports and correspondence, copying and filing documents, entering and retrieving computer data, attending and conducting meetings, etc.

Attends meetings, workshops, conferences, etc., as appropriate to maintain knowledge of current legislation, trends and technology in assigned areas of responsibility.

Prepares and updates status reports for PIO use in public education.

Staffs and/or assists Transportation Penny Oversight Committee.

Recommends policies and procedures for program management.

### **INVOLVEMENT WITH DATA, PEOPLE, AND THINGS**

#### **DATA INVOLVEMENT:**

Requires developing new approaches or methodologies to solve problems not previously encountered by analyzing, synthesizing or evaluating data or information using unconventional or untried methods.

#### **PEOPLE INVOLVEMENT:**

Requires negotiating, exchanging ideas, information, and opinions with others to formulate policy and programs or arrive jointly at decisions, conclusions, or solutions.

#### **INVOLVEMENT WITH THINGS:**

Requires establishing long-range plans and programs, identifying funding resources, allocating funds for and implementing long-range capital improvements, major construction projects, major equipment, rolling stock, and new technology systems which support goals and objectives of the organization.

### **COGNITIVE REQUIREMENTS**

#### **REASONING REQUIREMENTS:**

Requires performing work involving the application of principles of logical thinking to diagnose or define problems, collect data and solve abstract problems with widespread unit or organizational impact.

#### **MATHEMATICAL REQUIREMENTS:**

Requires using mathematics involving the practical application of fractions, percentages, ratios and proportions; or measurements, logarithmic or geometric construction. May use algebraic solutions of equations and inequalities; descriptive statistics; deductive geometry, plane and solid, and rectangular coordinates; mathematical classifications or schemes.

#### **LANGUAGE REQUIREMENTS:**

Requires reading professional literature and technical manuals; speaking to groups of employees, other public and private groups; writing manuals and complex reports.

## **CLASS TITLE: DIRECTOR OF TRANSPORTATION PENNY PROGRAM**

### **MENTAL REQUIREMENTS:**

Requires using advanced professional-level work methods and practices in the analysis, coordination or interpretation of work of a professional, engineering, fiscal, legal, managerial or scientific nature and the ability for formulate important recommendations or make technical decisions that have an organization-wide impact. Requires sustained, intense concentration for accurate results and continuous exposure to sustained, unusual pressure.

### **VOCATIONAL/EDUCATIONAL AND EXPERIENCE PREPARATION**

#### **VOCATIONAL/EDUCATIONAL PREPARATION:**

Requires Bachelor's degree in civil engineering, project management, or a related field.

#### **SPECIAL CERTIFICATIONS AND LICENSES:**

Registered Professional Engineer or Project Manager Certification preferred.

Must possess a valid state driver's license.

#### **EXPERIENCE REQUIREMENTS:**

Requires over eight years of relevant experience.

### **AMERICANS WITH DISABILITIES ACT REQUIREMENTS**

#### **PHYSICAL AND DEXTERITY REQUIREMENTS:**

Requires light work that involves walking or standing some of the time and involves exerting up to 20 pounds of force on a recurring basis, or skill, adeptness and speed in the use of fingers, hands or limbs on repetitive operation of mechanical or electronic office or shop machines or tools within moderate tolerances or limits of accuracy.

#### **ENVIRONMENTAL HAZARDS:**

The job may risk exposure to bright/dim light, dusts and pollen, extreme noise levels, vibration, fumes and/or noxious odors, moving machinery, electrical shock, toxic/caustic chemicals.

#### **SENSORY REQUIREMENTS:**

The job requires normal visual acuity, depth perception, and field of vision, hearing and speaking abilities.

### **JUDGMENTS AND DECISIONS**

#### **JUDGMENTS AND DECISIONS:**

Decision-making is primary to the job, affecting the organization, related organizations and major segments of the general population; works in an evolving environment with emerging knowledge and technologies, competing priorities, and changing politics. Responsible for long-range goals, planning and methodologies.

**CLASS TITLE: DIRECTOR OF TRANSPORTATION PENNY PROGRAM**

**ADA COMPLIANCE**

Richland County is an Equal Opportunity Employer. ADA requires the County to provide reasonable accommodations to qualified individuals with disabilities. Prospective and current employees are invited to discuss accommodations.

# Richland County Council Request of Action

## **Subject**

- a. A Resolution honoring Ginny Waller, Executive Director of Sexual Trauma Services of the Midlands, as the 2013 recipient of the Francis Marion University and SC Association of Nonprofit Organizations' (SCANPO) Award for Nonprofit Leadership **[MANNING]**
- b. Resolution honoring Deputy Sheila Aull for heroism in the line of duty **[DICKERSON]**
- c. Resolution honoring the Cedar Creek Community for their donation of \$1,500 to purchase additional life saving vest for deputies **[DICKERSON]**
- d. Agencies funded by Richland County discussing budgetary decisions are subject to have Richland County staff present **[JACKSON]**
- e. James Brown, III, Executive Director, Richland County Recreation Commission, advised they have obtained approval from their Board of Commissioners to request funds to purchase 12 1/2 acres of land adjacent to Friarsgate Park in District 1. Currently Friarsgate Park can no longer handle the volume of youth activities taking place there and is at the point of turning them away.  
  
District 1 was allotted less than 1% of the funding from the \$50 million Recreation Bond Referendum (.00078% to be exact). The purchase price for the land including closing will be \$520,000.00. Based on the above I am submitting the following motion: Request funding during the upcoming budget meetings to authorize the Richland County Recreation Commission to purchase 12 1/2 acres of land adjacent to Friarsgate Park in the amount of \$520,000.00. **[MALINOWSKI]**
- f. Review the ordinance on trash bagging on yard debris. Early results from constituents are the cost of purchasing trash bags are costly and the additional physical work for some residents bagging the leaves are problematic **[JACKSON]**
- g. National County Government Month Resolution **[WASHINGTON]**
- h. Resolution to recognize Richland County as a Purple Heart County **[WASHINGTON]**
- i. Move that County Council advertise and hire a professional Executive Clerk to Council **[MANNING]**
- j. Resolution recognizing Cameron Wesley as the first African American Postmaster in the State of South Carolina **[JACKSON]**
- k. Resolution honoring Dutch Fork Girls Basketball Team on their 2nd State Championship **[MALINOWSKI]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda