



**RICHLAND COUNTY COUNCIL
REGULAR SESSION AGENDA**

**MAY 7, 2013
6:00 PM**

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

INVOCATION THE HONORABLE TORREY RUSH

PLEDGE OF ALLEGIANCE THE HONORABLE TORREY RUSH

Approval Of Minutes

1. Regular Session: April 16, 2013 [**PAGES 6-14**]
2. Zoning Public Hearing: April 23, 2013 [**PAGES 15-17**]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

3. a. **Norfolk Southern vs. Richland County, et. al.**
- b. **Samuel Brick vs. Richland County, et. al.**

Citizen's Input

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

Report Of The County Administrator

5. a. Bark to the Park
- b. Transportation Penny Advisory Committee Ex-Officio Recommendations [**PAGE 21**]
- c. Public Works Week Proclamation Presentation
- d. Parking Meter Update

- e. Budget Timeline
- f. Website Update
- g. Curtiss-Wright Hangar Update

Report Of The Clerk Of Council

- 6. a. SCAC Annual Conference Reminder

Report Of The Chairman

Presentations

- 7. a. National Tourism Week Proclamation - Ric Luber
- b. Bark to the Park Award - Denise Wilkinson

Open/Close Public Hearings

- 8. a. 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
- b. A Resolution Authorizing the East Richland County Public Service Commission to incur not exceeding \$10,000,000 of General Obligation indebtedness and other related matters

Approval Of Consent Items

- 9. 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 **[THIRD READING] [PAGES 25-60]**
- 10. Building Safety Month Proclamation **[PAGES 61-63]**
- 11. Lease Agreement with Clemson and Sandhill Research Center **[PAGES 64-71]**
- 12. Use of Eminent Domain to Acquire Property for Completion of Monticello Road Streetscape Construction **[PAGES 72-82]**
- 13. New Road for the Brookfield Subdivision **[PAGES 83-94]**
- 14. Reallocation of Funds for Cemetery Survey **[PAGES 95-97]**
- 15. Adoption of the following Four Resolutions from the April 2, 2013 Council Meeting: **[PAGES 98-105]**

1. A Resolution Honoring Ginny Waller as the 2013 recipient of the Francis Marion University and SC Association of Nonprofit Organizations' (SCANPO) Award **[MANNING]**
2. Resolution honoring Deputy Sheila Aull for heroism in the line of duty; and honoring the Cedar Creek Community for their donation of \$1,500 to purchase additional lifesaving vests for deputies. Motions were made by Councilwoman Dickerson **[DICKERSON]**
3. Resolution to recognize Richland County as a Purple Heart County **[WASHINGTON]**
4. Resolution recognizing Cameron Wesley as the first African American Postmaster in the Town of Whitmire **[JACKSON]**
16. Agencies funded by Richland County discussing budgetary decisions are subject to have Richland County staff present **[PAGES 106-108]**
17. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to approve and appropriate \$324,000 of General Fund Unassigned Balance for Legal Services in the Legal Department **[FIRST READING] [PAGES 109-113]**
18. Request funds to purchase 12 1/2 acres of land adjacent to Friarsgate Park in District 1 **[PAGES 114-128]**
19. Richland County Sheriff's Department Sole Source Purchase iRobot PackBot **[PAGES 129-133]**
20. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to approve and appropriate \$63,801 of General Fund Unassigned Balance for purchase of equipment for the Richland County Treasurer's Office **[FIRST READING] [PAGES 134-144]**
21. Reallocation of Appearance Commission Funding for Hilton Field Improvements **[PAGES 145-150]**
22. An Ordinance Approving a budget for and the distribution of the revenues from the one percent (1%) sales and use tax for transportation projects for Fiscal Year 2013-2014 and other matters related thereto **[FIRST READING] [PAGES 151-158]**

First Reading Items

23. An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2013 and ending June 30, 2014 **[PAGES 159-160]**
24. An Ordinance Authorizing the levying of ad valorem property taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2013, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2013, through June 30, 2014 **[PAGES 161-162]**
25. An Ordinance Authorizing the East Richland County Public Service Commission to incur not exceeding \$10,000,000 of General Obligation indebtedness and the levy of ad valorem property

taxes in the East Richland County Public Service District to pay debt service thereon [PAGES 163-170]

Other Items

26. A Resolution Authorizing the East Richland County Public Service Commission to incur not exceeding \$10,000,000 of General Obligation indebtedness and other related matters [PAGES 171-175]
27. Report of the Decker Center Ad Hoc Committee:
 - a. Project Manager Contract Approval
28. Report of the Jail Ad Hoc Committee
29. Small Local Business Enterprise ("SLBE") Program [PAGES 178-196]

Citizen's Input

30. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

31.
 - a. Resolution in Support of "Relook of Award for Upgrade" to the Medal of Honor for Silver Star recipient Colonel William P. Collier, Jr., USA (Ret.) [WASHINGTON]
 - b. Resolution Honoring Verna Hatten's 100th Birthday [DICKERSON]
 - c. Move that all outside agencies in the Contractual & Statutory portion of the Richland County budget be required to submit a written annual report due no later than January 31st of each year that provides a full accounting as to how County appropriations were spent during the previous fiscal year ending on June 30th. Currently, no such accounting has been requested nor is required by ordinance. Certain agency exemptions from this policy may be granted at County Council's discretion upon written request of the agency [PEARCE]
 - d. I move that we immediately fund the new facilities that have been completed and waiting to be staffed and operated at the Recreation Commission [JACKSON & DICKERSON]
 - e. Move that the Recreation Commission provide County Council a detailed , line item, park by park financial analysis of funds they deem necessary to open the parks they maintain that they are unable to open within their existing County millage allocation. In addition, I would request that the Recreation Commission provide County Council a detailed report on all cost saving measures initiated to address their financial shortfalls. These data should be prepared and presented to Council prior to consideration of additional funding for the Recreation Commission [PEARCE]
 - f. All agencies that receive funding from Richland County should all submit a copy of their 990 along with their request [DIXON]

Adjournment



Richland County Council Request of Action

Subject

Regular Session: April 16, 2013 [PAGES 6-14]

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, APRIL 16, 2013 6:00 p.m.

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

MEMBERS PRESENT:

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

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Justine Jones, Amelia Linder, Dale Welch, Yanisse Adrian-Silva, Melinda Edwards, Ray Peterson, John Hixon, Janet Claggett, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

INVOCATION

The Invocation was given by the Honorable Julie-Ann Dixon

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Julie-Ann Dixon.

APPROVAL OF MINUTES

Regular Session: April 2, 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. Washington stated that Item #22.d. needed to be moved to immediately following the Adoption of the Agenda.

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

By unanimous consent, I move that Council acknowledge April 22, 2013 as Earth Day, and pass the subsequent Resolution supporting Earth Day in Richland County

[MANNING] – Mr. Malinowski moved, seconded by Ms. Dickerson, to adopt the resolution acknowledging April 22, 2013 as Earth Day and supporting Earth Day in Richland County. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Manning, to reconsider this item. The motion failed.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Mr. Farrar stated that the following was a potential Executive Session Item:

a. IT Security—Contractual Matter

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

National County Government Month Events:

- a. St. Martin de Porres Elementary School Essay Contest Winner** – Ms. Adrian-Silva recognized Uriah West, Ryan Frans and Moses Myers as the Essay Contest Winners.
- b. Meet & Greet, April 18th, 5:30 PM-7:00 PM, Township Auditorium** – Mr. McDonald reminded Council of the Meet & Greet on April 18th, 5:30 PM-7:00 PM at the Township Auditorium.
- c. Employee Appreciation Ice Cream Party, April 24th, 2:00 PM-3:00 PM, 4th Floor Conference Room** – Mr. McDonald reminded Council of the Employee Appreciation Ice Cream Party on April 24th, 2:00 PM-3:00 PM in the 4th Floor Conference Room. Council is invited to attend and assist with serving the ice cream to the employees.

Bark to the Park – Mr. McDonald stated that Bark to the Park will take place on April 20th in Finlay Park. Registration begins at 8:00 a.m.; the walk begins at 9:30 a.m. and there is an After Walk Party at 10:30 a.m.

Utilities RFP Update – Mr. McDonald stated the Utilities RFP deadline has been extended.

SLBE Recommendations Update – Mr. McDonald stated that the recommendations will be brought back to the May 7th Council meeting.

Richland County Recycling Day – Mr. McDonald stated that Richland County Recycling Day will be held Friday, May 17th, 9:00 AM-1:00 PM at the State Fairgrounds.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

Appointment of Ex Officio Members to Transportation Penny Advisory Committee – Mr. Washington stated that there had been discussion that at least 2 Council members should be added to the Transportation Penny Advisory Committee as Ex Officio Members. Mr. Washington stated that he would suggest that a SCDOT Commissioner and Maintenance Engineer also be added to the Transportation Penny Advisory Commission as Ex Officio Members.

Mr. Livingston moved, seconded by Mr. Pearce, to move forward with the recommendation from the Transportation Study Committee to appoint 2 Council members as Ex Officio members of the Transportation Penny Advisory Committee. A discussion took place.

<u>For</u>	<u>Against</u>
Dixon	Malinowski
Jackson	Rose
Pearce	Rush
Washington	
Livingston	
Dickerson	
Jeter	

The vote was in favor.

Ms. Dickerson moved, seconded by Mr. Malinowski, to appoint 2 SCDOT Commissioners from Richland County as Ex Officio members of the Transportation Penny Advisory Committee.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to appoint a SCDOT Maintenance Engineer as an Ex Officio member of the Transportation Penny Advisory Committee. A discussion took place.

Ms. Dickerson requested a friendly amendment to the substitute motion to appoint a SCDOT Commissioner as an Ex Officio member to the Transportation Penny Advisory Committee.

Mr. Washington accepted the friendly to the substitute motion.

A discussion took place.

Mr. Malinowski made a second substitute motion, seconded by Mr. Rose, to request input from the Administrator and Department heads that will be involved in the penny tax program.

<u>For</u>	<u>Against</u>
Dixon	Jackson
Malinowski	Washington
Rose	Dickerson
Pearce	
Livingston	
Rush	
Jeter	

The vote was in favor of the second substitute motion.

PRESENTATIONS

Midlands Mediation Center, Beth Padgett and Gladys Cole – Ms. Padgett gave a brief overview of the Midlands Mediation Center program.

LRADAC, Debbie Francis – Ms. Francis thanked Council for their continued support and shared the accomplishments of LRADAC since moving into their new facility three years ago.

C-SPAN Local Content Vehicles (LCVs) Second Fleet Launch – Ms. Debbie Lamb, C-SPAN producer, stated that C-SPAN will be spending a full week in Columbia visiting various literary and historic sites, and interviewing local historians, authors and civic leaders. The various short features will be shown the weekend of May 18-19 on C-SPAN2 (Non-Fiction Book Channel) and C-SPAN3 (American History TV).

APPROVAL OF CONSENT ITEM

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

- **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 [SECOND READING]**

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

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATON OF APPOINTMENTS

- Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- Airport Commission—2** – Mr. Malinowski stated that the committee recommended re-appointing Mr. John Mark Dean and appointing Mr. Stephen Burnette.

Mr. Pearce moved, seconded by Mr. Livingston, to vote on each applicant.

Burnette – Ms. Dixon and Mr. Malinowski

Cole – Mr. Jackson, Mr. Rose, Mr. Pearce, Mr. Washington, Mr. Livingston, Ms. Dickerson, Mr. Rush, and Mr. Jeter

Dean – Ms. Dixon, Mr. Malinowski, Mr. Jackson, Mr. Rose, Mr. Pearce, Mr. Washington, Mr. Livingston, Ms. Dickerson, Mr. Rush and Mr. Jeter

Mr. Bruce K. Cole and Mr. John Mark Dean were re-appointed.

- Board of Assessment Appeals—1** – Mr. Malinowski stated that the committee recommended appointing Mr. John F. Kososki. The vote in favor was unanimous.
- Board of Zoning Appeals—2** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Susanne H. Cecere and appointing Mr. Frank Richardson.

Mr. Jackson moved to vote on each applicant. The motion died for lack of a second.

The vote in favor of the committee's recommendation was unanimous.

- e. **Business Service Center Appeals Board—2** – Mr. Malinowski stated that the committee recommended appointing Mr. John F. Hamilton and Ms. Teri Hutson Salane. The vote in favor was unanimous.
- f. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- g. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- h. **Hospitality Tax Committee—3** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Robert G. Tunell, appointing Ms. Amber Mathis Martin and re-advertising for the remaining vacancy. The vote in favor was unanimous.
- i. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-appointing Dr. Sandra C. Manning and requesting that the Chair schedule a meeting within the next 30 days. The vote in favor was unanimous.
- j. **Planning Commission—2** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Heather Cairns and Mr. Stephen Gilchrist. The vote in favor was unanimous.

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Community Relations—3** – This item remained in committee for further information.

CITIZEN'S INPUT

Ms. Sandra Sims spoke regarding the upcoming 3 Rivers Music Festival.

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Council went into Executive Session at approximately 7:19 p.m. and came out at approximately 7:22 p.m.
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- a. **IT Security—Contractual Matter** – No action taken.

MOTION PERIOD

Staff is requested to adjust the OI (Office/Institutional) Zoning Ordinance to remove the allowance of only residential building in that classification. A minimal amount of

residential can be allowed to accommodate the businesses that exist but by virtue of the name it should primarily be Office and Institutional, not residential [MALINOWSKI] – This item was referred to the D&S Committee.

Staff is requested to take an in depth look at current Richland County zoning requirements and consider categorizing them in a way to allow for more “sub-categories” in the various zoning districts. Uses permitted should be worked on for a more cohesive/like uses basis to eliminate the general categories currently in existence [MALINOWSKI] – This item was referred to the D&S Committee.

Staff is requested to review with Councilman Malinowski the Priority Investment Areas (PIA’s) in Richland County, District 1, and consider their restructuring. The current PIA’s came about through some type of staff creative writing with no input from the council member representing the area nor the citizens. While there are areas that can be considered for the use of PIA application it needs to be done on a more selective basis and not on random generalizations as was previously done [MALINOWSKI] – This item was referred to the D&S Committee.

By unanimous consent, I move that Council acknowledge the week of May 12, 2013 as National Police Officer Week and that May 15 be recognized as “Peace Officer’s Memorial Day” with all flags at County-owned properties be lowered to half-staff to honor those peace officers who gave their lives in service to others [PEARCE] – Mr. Malinowski moved, seconded by Ms. Dickerson, to adopt a resolution acknowledging the week of May 12, 2013 as National Police Officer Week and recognizing May 15, 2013 as “Peace Officer’s Memorial Day”. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Dickerson, to reconsider this item. The motion failed.

To review and amend the Dirt Road Paving Program and possibly eliminate the Pave in Place and have the Roads Paved this paving season [JACKSON] – This item was referred to the Dirt Road Committee.

Get unanimous consent for the LR Girls Basketball Resolution in order to present it on Saturday, April 20 [JACKSON] – Mr. Jackson moved, seconded by Ms. Dickerson, to adopt a resolution honoring the LR Girls Basketball Team. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Rush, to reconsider this item. The motion failed.

A Resolution honoring Keenan Girls Basketball AA State Champions [RUSH] – Mr. Rush moved, seconded by Mr. Jackson, to adopt a resolution honoring the Keenan Girls Basketball Team. The vote in favor was unanimous.

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

Resolution honoring Dutch Fork Girls Basketball Team on their 2nd State Championship

[MALINOWSKI] – Mr. Malinowski moved, seconded by Mr. Jackson, to adopt a resolution honoring the Dutch Fork Girls Basketball Team. The vote in favor was unanimous.

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

ADJOURNMENT

The meeting adjourned at approximately 7:29 p.m.

Kelvin E. Washington, Sr., Chair

L. Gregory Pearce, Jr., Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

Torrey Rush

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Zoning Public Hearing: April 23, 2013 [**PAGES 15-17**]

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, APRIL 23, 2013 7:00 p.m.

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

MEMBERS PRESENT:

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

Absent	Joyce Dickerson
	Damon Jeter
	Seth Rose

OTHERS PRESENT: Amelia Linder, Tracy Hegler, Sparty Hammett, Suzie Haynes, Geo Price, 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

13-10MA, Kim Roberts, GC to LI (2 Acres), Percival Rd., 22601-01-11 & 03(p)

Mr. Manning moved, seconded by Mr. Malinowski, to defer the public hearing and the item until the May Zoning Public Hearing. The vote in favor was unanimous.

13-11MA, Larry Umberger, RU to RS-LD (30.39 Acres), Shady Grove Rd., 03400-02-38

Mr. Malinowski moved, seconded by Mr. Rush, to defer the public hearing and the item until the May Zoning Public Hearing. 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. Norfolk Southern vs. Richland County, et. al.
- b. Samuel Brick vs. Richland County, et. al.

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. Bark to the Park
- b. Transportation Penny Advisory Committee Ex-Officio Recommendations **[PAGE 21]**
- c. Public Works Week Proclamation Presentation
- d. Parking Meter Update
- e. Budget Timeline
- f. Website Update
- g. Curtiss-Wright Hangar Update

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County Administration Building
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Office of the County Administrator

To: Richland County Council Members
From: Tony McDonald, County Administrator
Date: May 2, 2013
Subject: Transportation Penny Advisory Committee: SCDOT-Associated Ex Officio Members

At the April 16, 2013, County Council Meeting, the Council directed Administration to provide a recommendation regarding the appointment of two SCDOT-associated individuals to serve in an ex officio capacity on the Transportation Penny Advisory Committee (TPAC).

The two SCDOT-associated individuals mentioned as possibilities at the Council Meeting are as follows: an SCDOT Commissioner representing the Richland County district / area, and the SCDOT Resident Maintenance Engineer.

These individuals, as well as others at SCDOT, will be an integral part of the Richland County Transportation Penny program. It is envisioned that the County's Transportation Penny Director, as well as other key Richland County staff members, will work closely with SCDOT employees on a constant, ongoing basis.

This partnership between Richland County and the SCDOT will be outlined in a forthcoming intergovernmental agreement. The IGA will delineate the areas of responsibility for each entity, including staff support and participation at TPAC meetings. It is anticipated that both Richland County and SCDOT staff will attend TPAC meetings to provide updates and other pertinent information to the Committee members.

For these reasons, while SCDOT's involvement with TPAC is critical, I do not think it is necessary to include DOT representatives as ex officio members of the Committee because their involvement will already be solidified by way of the IGA.

We recognize that the ongoing support and involvement of the SCDOT is of utmost importance, and we look forward to working with the SCDOT in order to make the Richland County Transportation Penny program a tremendous success.

Richland County Council Request of Action

Subject

- a. SCAC Annual Conference Reminder

Richland County Council Request of Action

Subject

- a. National Tourism Week Proclamation - Ric Luber
- b. Bark to the Park Award - Denise Wilkinson

Richland County Council Request of Action

Subject

- a. 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
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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 **[THIRD READING] [PAGES 25-60]**

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."

First Reading: April 2, 2013

Second Reading: April 16, 2013

Third Reading:

Public Hearing:

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.

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BAILEY BILL

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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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BAILEY BILL

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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			

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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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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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:

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 either individually or as a contributing property in a district, 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.~~

SECTION III. The Richland County Code of Ordinances, Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; Section 23-62, Eligible Properties; is hereby amended by the creation of a new Subsection (c); to read as follows:

(c) Historic Property Criteria. In order to be eligible for the special tax assessment, the property must meet one of the following criteria:

- (1) Any property included in one of the categories below is considered a Historic Property:
 - a. Listed on the National Register of Historic Places.
 - b. Determined eligible for the National Register by the South Carolina Department of Archives and History.
 - c. A contributing property in a National Register Historic District.
 - d. Listed in the Richland County Bicentennial Committee Historic Homes and Buildings Landmark Program (1981), or
 - e. City of Columbia Historic Landmark.
- (2) All other properties must demonstrate:
 - a. Association with events that have made a significant contribution to the broad patterns of our history, or
 - b. Association with the lives of significant persons in our past, or
 - c. Embodiment of distinctive characteristics of a type, period, or method of construction; or representation of the work of a master; or possession of high artistic values.

Property owners seeking eligibility under this section must file an application with Richland County to receive a historic property determination.

AMENDED

SECTION IV. 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 V. 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 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 VI. 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

AMENDED

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 VII. 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 noncompliance of the criteria established by same in Section 26-62 (c); 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.

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

SECTION X. 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

AMENDED

ATTEST THIS THE ____ DAY

OF _____, 2013

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: April 2, 2013
Second Reading: April 16, 2013
Public Hearing: May 7, 2013 (tentative)
Third Reading: May 7, 2013 (tentative)

3rd Reading

Richland County Council Request of Action

Subject

Building Safety Month Proclamation [**PAGES 61-63**]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council adopt the Proclamation.

Richland County Council Request of Action

Subject: Building Safety Month Proclamation

A. Purpose

County Council is requested to approve a Proclamation in honor of “Building Safety Month.”

B. Background / Discussion

Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings.

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 Proclamation. If this alternative is chosen, awareness is raised as to the importance of building safety.
2. Do not approve the Proclamation. If this alternative is chosen, the County loses an opportunity to raise awareness as to the importance of building safety.

F. Recommendation

It is recommended that Council approve the Proclamation, which is attached hereto.

Recommended by: Donny Phipps Department: Building Inspections Date: 4/15/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/16/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/16/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council discretion.

Administration

Reviewed by: Sparty Hammett

Date: 4/16/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A PROCLAMATION

A PROCLAMATION IN HONOR OF “BUILDING SAFETY MONTH”

WHEREAS, our Richland County continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and

WHEREAS, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wild land fires and earthquakes, and;

WHEREAS, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities’ largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

WHEREAS, “Building Safety Month: Code Officials Keep You Safe” the theme for Building Safety Month 2013, encourages all Americans to raise awareness of the importance of building safety; green and resilient building; pool, spa and hot tub safety; backyard safety; and new technologies in the construction industry. Building Safety Month 2013 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

WHEREAS, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property.

NOW, THEREFORE, BE IT RESOLVED, that Richland County Council does hereby proclaim the month of May 2013 as Building Safety Month. Accordingly, citizens are encouraged to join with their communities in participation in Building Safety Month activities.

SIGNED AND SEALED this ____ day of _____, 2013, having been duly adopted by the Richland County Council on the 6th day of May, 2013.

Kelvin E. Washington, Sr., Chair
Richland County Council

Attest this ____ day of May, 2013

Michelle Onley
Clerk of Council

Richland County Council Request of Action

Subject

Lease Agreement with Clemson and Sandhill Research Center [**PAGES 64-71**]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve the request as amended to remove the following language from the Lease Agreement, Section 7 - Utilities and Maintenance: "The County shall be responsible for the cost of all utilities on the property during the term of the lease."

Richland County Council Request of Action

Subject: Lease Agreement with Clemson Institute for Economic & Community Development & Sandhill Research and Education Center

A. Purpose

Council is requested to approve a property lease agreement between Richland County and Clemson Institute for Economic & Community Development & Sandhill Research and Education Center (Clemson). A copy of the proposed lease agreement is attached (Appendix 1).

B. Background / Discussion

Clemson has been providing, at no cost to the County for approximately four (4) years, access to the space along Clemson Road across from the Village at Sandhills where the County has a recycling drop-off site. The location is highly utilized and provides recycling opportunities for many citizens. The County would like to continue to provide the recycling service at the current location. Clemson proposed the establishment of a one-year lease agreement, which could be renewed annually, provided both parties agreed. Since there is an expectation for continued use, both parties agree that an agreement would provide a level of stability on an annual basis that would satisfy the interests of both the County and Clemson.

C. Legislative / Chronological History

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

D. Financial Impact

The financial impact associated with this request is estimated to be \$8,640 per year, which is based on the rental rate of \$120 per container for 6 containers located on the site each month.

E. Alternative

1. Approve the request to enter into a lease agreement and continue to allow the public to drop off their recyclable materials at the site.
2. Do not approve the request to enter into a lease agreement and risk losing the ability to provide the service provided at the current location.

F. Recommendation

It is recommended that Council approve the request to enter into a lease agreement with Clemson.

Recommended by: Rudy Curtis

Department: Solid Waste

Date: 4-08-13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/8/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Request is consistent with current business practice.

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/8/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/8/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 4/11/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval. The rental costs will be paid from the Solid Waste Enterprise Fund budget.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

LEASE AGREEMENT
(Clemson Road Recycling Drop-off Site)

This Lease Agreement entered into on this the _____ day of _____, 2013, is by and between Clemson University (hereinafter “Lessor”), and Richland County (hereinafter the “County”).

WHEREAS, the County desires to lease property from Lessor for use as the Clemson Road Recycling Drop-Off Site, which shall be used by citizens of Richland County for approved recycling; and

WHEREAS, Lessor owns property on Clemson Road, Richland County, South Carolina, also known as TMS#23000-02-02 and is willing to lease approximately 30,000 sq. ft. of such property to the County for the above use;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned parties agree as follows:

1. Leased Premises. Lessor hereby leases to County, and County hereby leases from Lessor, approximately 30,000 square feet of land on Clemson Road in Richland County, South Carolina, also known as a portion of TMS#23000-02-02 (the “Property”) and as is further described in Exhibit A, attached hereto and incorporated herein.

2. Purpose of Lease. The County shall use the property as the Clemson Road Recycling Drop-Off Site for approved recycling by the citizens of Richland County.

3. Term. The term of this Agreement shall be for a period of one (1) year from the date of execution, unless otherwise terminated under the provisions provided below. This Lease Agreement shall automatically renew on the same terms and conditions as stated herein, for four (4) consecutive one (1) year terms, unless either party gives ninety (90) days written notice before the

expiration of any term.

4. Rent. The County shall pay a sum of One Hundred Twenty (\$120.00) Dollars per Sonoco recycling container on the Property per month. If any recycling container is on the Property for less than a full calendar month, the County will pay a pro-rated amount based on the number of calendar days the recycling container was present on the Property. Should this Lease Agreement be terminated before the expiration of any Lease year, the rent shall be prorated as of the date of termination. Lessor shall invoice the County quarterly and the County shall have 45 days from receipt of such invoice to remit payment to Lessor.

5. Fence. Lessor agrees to maintain the existing fence around the exterior sides of the Property.

6. Termination, Breach and Non-Appropriations. Either party may terminate this Lease Agreement at any time with 90 days written notice to the other party. The Lessor understands and agrees that, notwithstanding the above, this Lease Agreement shall be subject to cancellation without notice, damages or further obligations by the County should funds not be appropriated by Richland County Council or otherwise made available to support continuation of the Lease Agreement in a subsequent fiscal period or appropriated year. In the event of a breach of any provision of the contract, the party claiming default or breach shall serve upon the other a written notice specifying with particularity wherein such default or breach is alleged to exist and the other party has fifteen (15) days to cure such breach or default after the serving of such notice on it. If the breach is not cured within the allotted time, the non-breaching party may, at its option, terminate the Lease Agreement immediately without further obligations under the Lease Agreement.

7. Utilities and Maintenance. The County shall be responsible for the cost of all utilities on the property during the lease Term. The County shall also be responsible for maintaining the Property in a reasonably good condition during the Lease term.

8. Erection of Signs. The County shall have the right to erect appropriate signs or markings designating and identifying its use of the Property and meeting and complying with the ordinances of the County of Richland. Any such signs shall be promptly removed by the County at the termination of the Lease Agreement.

9. Taxes and Insurance. Lessor shall pay all taxes and assessments on the subject property. The County shall maintain a comprehensive liability policy or maintain a self-funded liability program sufficient to meet the coverage and limits set forth under the requirements of the South Carolina Tort Claims Act.

10. Improvements. The County may construct whatever improvements are, in the County's opinion, necessary for the proper use of the Property. Any such improvements shall be removed from the property within a reasonable time after termination of the Lease Agreement.

11. Assignment. This Lease Agreement may not be assigned by either party.

12. Entire Agreement. This Agreement constitutes the entire understanding between the parties, and as of its effective date supersedes all prior or independent agreements between the parties covering the subject matter hereof. Any change or modification hereof must be in writing signed by both parties.

13. Severability. If a provision hereof shall be finally declared void or illegal by any court or administrative agency having jurisdiction, the entire Lease Agreement shall not be void, but the remaining provisions shall continue in effect as nearly as possible in accordance with the original intent of the parties.

14. Notice. Any notice given by one party to the other in connection with this Agreement shall be in writing and shall be sent by registered mail, return receipt requested, with postage and registration fees prepaid:

1. If to Richland County, address to:

Richland County
c/o W. Anthony McDonald, Administrator
2020 Hampton Street
Post Office Box 192
Columbia, South Carolina 29202

2. If to Lessor, address to:

Notices shall be deemed to have been received on the date of receipt as shown on the return receipt.

15. Governing Law. This Agreement is to be construed in accordance with the laws of the State of South Carolina.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto.

{Signature page follows}

Witnesses as to Lessor:

CLEMSON UNIVERSITY

By: _____

Name: _____

Its: _____

Witnesses as to Richland County:

**RICHLAND COUNTY,
SOUTH CAROLINA**

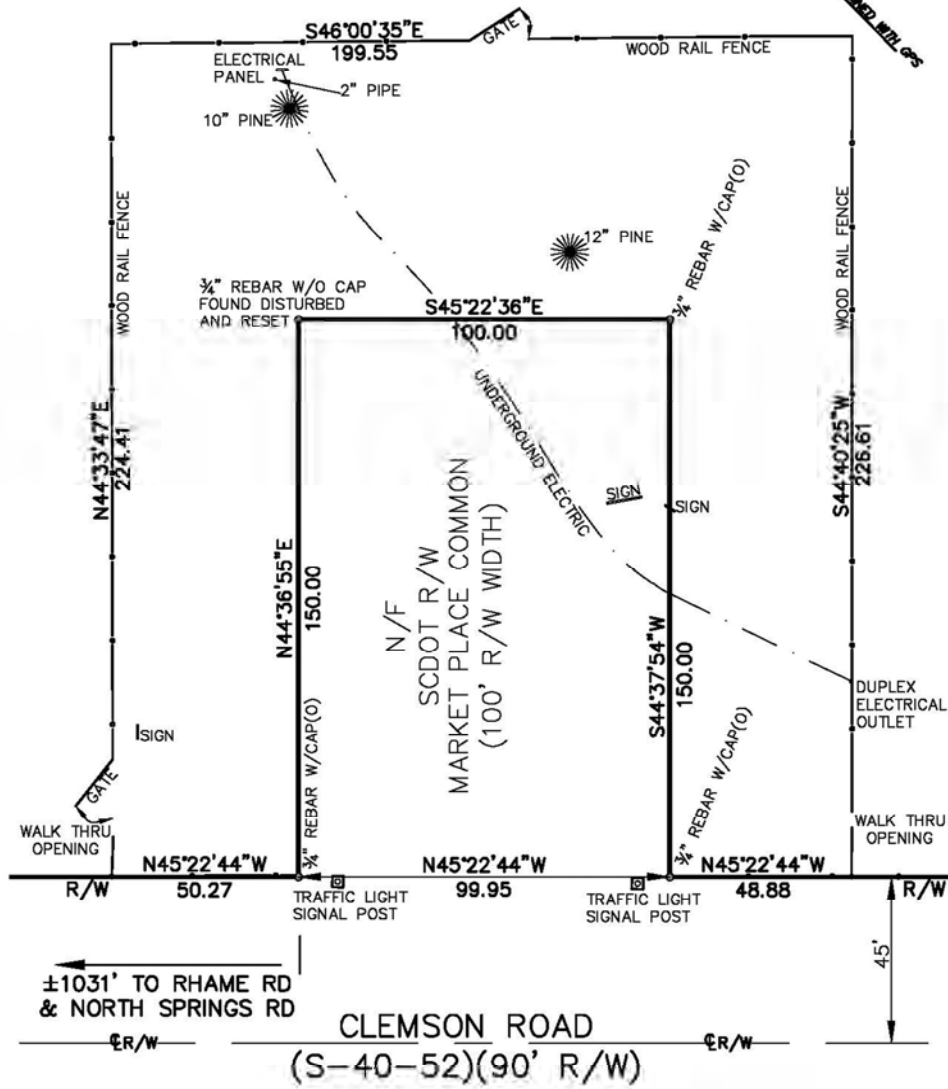
By: _____

Name: _____

Its: _____

N/F
 CLEMSON UNIVERSITY
 (CLEMSON EXPERIMENTAL STATION)
 TMS 23000-02-02

EXHIBIT A



PLAT OF
CLEMSON ROAD RECYCLING CENTER
 FOR
RICHLAND COUNTY
 IN RICHLAND COUNTY, NEAR PONTIAC, S.C.

REFERENCES:

- 1-S.C. DEPARTMENT OF TRANSPORTATION PLANS FOR ROAD S-40-52(CLEMSON ROAD) FILE No. 40.614A SHEETS 11 &12
- 2-LEASED AREA IS A PORTION OF TMS 23000-02-02

NOTE: TOTAL LEASED AREA IS ±29950 SQ. FT. AND WITHIN FENCED ENCLOSURE AND DOES NOT INCLUDE SCDOT RIGHT OF WAY. FENCE DIMENSIONS ARE APPROXIMATE.

DATE: APRIL 4, 2013

SCALE: 1" = 40'



JAMES F. POLSON, RLS #4774
 RICHLAND COUNTY PUBLIC WORKS
 400 POWELL ROAD
 COLUMBIA, S.C. 29203
 PH 576-2490 OR 518-1209

Richland County Council Request of Action

Subject

Use of Eminent Domain to Acquire Property for Completion of Monticello Road Streetscape Construction [**PAGES 72-82**]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve the request to proceed with negotiations for the purchase of the property based on the upcoming appraisal. If the negotiated purchase is not achieved, Council may then consider alternative acquisition options.

Richland County Council Request of Action

Subject: Use of Eminent Domain to Acquire Property for Completion of Monticello Road Streetscape Construction

A. Purpose

County Council is requested to approve the use of eminent domain, if needed, to acquire a stairwell and a commercial accessory building for the construction completion of Phase I of the Monticello Road Streetscape Project. We are seeking this step *if* the appraised fair market value negotiations are not accepted by the property owner. Communications have taken place with Councilmen Livingston and Rush on this matter.

The property is located at 5229 Ridgeway Street, Tax Map # RO9309-03-09, which is zoned General Commercial as per the Assessor's Data View (see Appendix I). However there is a 1,582 square foot vacant single family home on the property as well. The residential unit faces Ridgeway Street which is zoned Medium Density Residential. Zoning Administrator, Geo Price, refers to this property as split-zone.

A set of stairs exists between Monticello Road and the commercial accessory building. The stairs occupy 5 feet of SC Department of Transportation right of way leaving 18 inches between the bottom of the stairs and the roadway's curb. The streetscape plans include construction of a 6-foot high modular block retaining wall at the property line to create a permanent easement that will allow public access along Monticello Road.

The permitted plans also include a provision to reconstruct the concrete steps during the installation of the proposed retainer wall. Reconstruction will require that the stairs extend back into the private property. Only the stairwell and the commercial accessory building are required to complete this project. Please note that even if eminent domain is exercised, the current fair market value (FMV) still will be provided to the owner.

B. Background / Discussion

- In 2013, Cherokee Construction was approved to construct the Monticello Road Streetscape project. Phase I of the project is estimated to cost \$315,815.20 (Appendix II). The project began February 15, 2013 and was scheduled to be completed in 120 days. A contract extension will be required as a result of the delay in the construction of the retainer wall. At this time, the delay is not expected to increase the costs of the project.

- On March 14, 2013 Community Development staff spoke with the owner and explained that a meeting would be scheduled where an official offer will be made. Community Development must first procure the services of an appraiser to assess the total property listing the itemization of the commercial accessory building and the stairs separately before an offer is made. Community Development is prepared to acquire the commercial accessory building and the stairwell using Community Development Block Grant (CDBG) funds. Once acquired, the stairwell will be removed and the building will be demolished. The owner will be left with the property and the single family house.

- A letter dated March 11, 2013, was sent from County Administration notifying the owner that the County would like to purchase the property and if the property is selected for acquisition under the Uniform Relocation Act, that the owner will receive fair market value.
- Phase I of the Monticello Road Streetscape project includes the installation of the 1,818 square foot modular block retainer wall; 29 decorative street lights; construction of a pocket park; construction of a bus stop shelter; ADA improvements and decorative concrete stamping on the sidewalks and cross walks.
- During initial construction, Cherokee became concerned about the stability and structural soundness of the commercial accessory building located near the mid-point of the proposed 6-foot retaining wall located on the east side of Monticello Road. The structure is within approximately 3 feet of the right-of-way boundary where excavation is required to install the new retaining wall. Cherokee is concerned that excavation and vibratory compaction needed to install the new retaining wall will undermine the soils beneath the building, resulting in failure of the western wall.
- Commercial accessory building wall is 6-8 feet above the construction area of the proposed 6-foot retaining wall. Cherokee received service quotes from several foundation repair specialists and they range from \$20,000 to \$35,000.
- The owner of the property has not agreed to a construction easement for any foundation improvements despite efforts made by the Project Manager to explain the concerns. A request was made to the owner to allow a temporary easement by March 10, 2013. The owner filed a formal complaint on February 26, 2013 with the County Ombudsman and the Sheriff's Department against Community Development and Cherokee for trespassing.

Note: Appendix III for additional information.

C. Legislative / Chronological History

- November 13, 2012 County Council approved a Cherokee Contract for \$315,815.20 and lighting rate increase (See Appendix II).
- On March 6, 2012 County Council approved the acquisition of another property with a house located at 5212 Ridgeway Street that will be used for the construction of a pocket park. The County paid \$20,860 including the single family home.
- On March 2, 2010 County Council approved the Ridgewood streetscape design to include the commercial corridor lighting.

D. Financial Impact

A subsequent appraisal by a 3rd party vendor (to be selected) will provide a basis for the fair market value. Community Development can offer and pay for the appraised value only with CDBG funding. The financial impact to the County to purchase the commercial/accessory building and the stairwell located at 5229 Ridgeway Street has not been determined at this time. An appraisal is needed to determine the cost of portions of the property. The estimated value of the total property is approximately \$51,500 and the value of the accessory building is estimated at \$2,500. A third-party appraisal is needed to determine costs.

The acquisition is not included in the existing project budget and a contract change order will be required. Once acquired, the accessory building and the stairwell will be owned by Richland County Government and the accessory building will be demolished and the stairwell removed.

Community Development will negotiate and make an offer to the owner for the commercial accessory building and stairs. If the owner accepts the offer, condemnation will not be needed.

E. Alternatives

1. Approve the request to use of the power of eminent domain and condemn the commercial building and the stairwell located at 5229 Ridgeway Street *if* owner refuses to accept fair market value for the property during negotiations. The owner still will be financially compensated for the property based upon the appraised value.
2. Do not approve the request to use eminent domain to acquire the property through an involuntary sale of this property. Community Development will negotiate the acquisition of the property and offer fair market value. If the owner refuses, the construction of the retainer wall may be omitted from the Monticello Road Streetscape project.
3. Alternatively, give Community Development permission to offer to purchase the entire property including the single family home at the appraised value if the owner accepts the offer.

F. Recommendation

It is recommended that Council approve the acquisition of the accessory/commercial building and stairs located at 5229 Ridgeway Street, and proceed with condemnation in the event the owner refuses the offer of being paid the fair market value for the property.

Recommended by: Valeria Jackson Department: Community Development Date: 4/5/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/10/13

Recommend Council approval

Recommend Council denial

Recommend Council discretion

Comments regarding recommendation:

No recommendation on request

Legal

Reviewed by: Elizabeth McLean

Date: 4/11/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. The main criteria for eminent domain is that the property is being acquired for a public purpose. The law can be found in Chapter 28 of the SC Code. This community improvement project appears, on its face, to be a proper use of the County's eminent domain powers. The County has often used eminent domain procedures for road widening and paving projects and other similar projects. State law states that the County must have the property appraised and offer that value to the landowner. As such, before a condemnation action is filed, we need a title search and an appraised value for the total acquisition area (the value of the whole area of land to be acquired, not just the stairs and accessory building).

Administration

Reviewed by: Sparty Hammett

Date: 4/12/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to use the power of eminent domain and condemn the commercial building and the stairwell located at 5229 Ridgeway Street *if* owner refuses to accept fair market value for the property during negotiations. The property is currently being appraised and all necessary legal steps will be followed if condemnation is required.

APPENDIX I

5229 Ridgeway Street

1. House
2. Accessory Building
3. Gate Leading to Monticello Road
4. Staircase from Yard
5. Staircase from Monticello Road
6. Foot of Staircase at Curb on Monticello Road



1.



2.



3.

Appendix I Continued



4.



5.



APPENDIX I CONTINUED

5229 Ridgeway Street Aerial View



**APPENDIX II
CONSTRUCTION CONTRACT**

SECTION 00500

CONTRACT

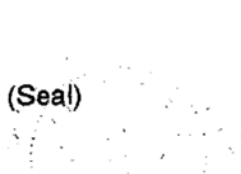
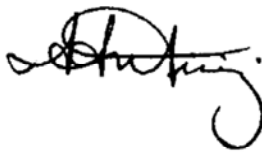
THIS AGREEMENT made this 17th day of December, 2010 by and between Richland County, hereinafter called "Owner," and Cherokee, Inc. doing business as a corporation, with its principal office in the City of Columbia, County of Richland, State of South Carolina, hereinafter called "Contractor."

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the Owner, the Contractor hereby agrees with the Owner to commence and complete the construction described as follows: Monticello Road Improvements, Phase 1 hereinafter called the "Project," for the sum of Three Hundred Fifteen Thousand Eight Hundred Fifteen Dollars Twenty Cents (\$315,815.20). Contractor further agrees to commence and complete any and all extra work in connection therewith, under the terms as stated in the General Conditions and Supplemental General Conditions of the Contract, and the Contract Special Provisions; and at his (its or their) own proper cost and expense to furnish all the materials, supplies, machinery, equipment, tools, superintendents, labor, insurance and other accessories and services necessary to complete the said project in accordance with the conditions and prices stated in the Proposal, General Conditions and Supplemental General Conditions of the Contract, CDBG Contract Special Provisions - CSP-1 through CSP-16, the plans, including all maps, plats, blueprints, and other drawings and printed or written explanatory matters thereof, the specifications and contract documents therefore as prepared by URS|BP Barber, herein entitled the "Engineer," and as enumerated in Paragraph 1 of the Supplemental General Conditions, all of which are made a part hereof and collectively evidence and constitute the Contract.

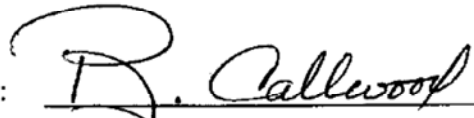
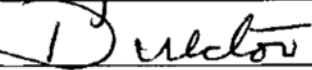
The Contractor hereby agrees to commence work under the Contract on or before a date to be specified in written Notice to Proceed from the Owner and to fully complete the project within 120 consecutive calendar days thereafter. The Contractor further agrees to pay as liquidated damages the amount of \$200.00 for each consecutive calendar day thereafter that the Contractor fails to complete the project, as hereinafter provided in Paragraph 19 of the General Conditions.

The Owner agrees to pay the Contractor in current funds for the performance of the Contract, subject to additions and deductions, as provided in the General Conditions of the Contract, and to make payments on account thereof as provided in Paragraph 25, "Payments to Contractor," of the General Conditions.

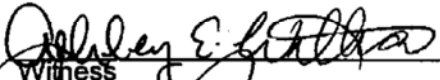

IN WITNESS WHEREOF, the parties hereto have executed this contract in six counterparts, each copy of which shall be deemed an original, in the year and day first above mentioned.

(Seal)  

Richland County
OWNER

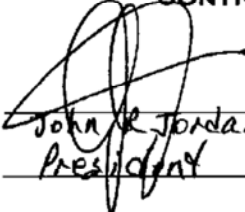

By: 
Title: 

ATTEST:

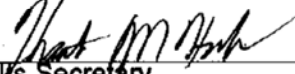
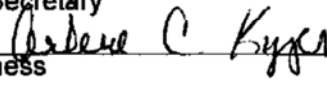

Witness

Witness

(Corporate Seal)

Cherokee, Inc.
CONTRACTOR

By: 
Title: 

ATTEST:


Its Secretary

Witness

CONTRACTOR'S ADDRESS:

P.O. Box 90448
Columbia, SC 29290

APPENDIX III

ADDITIONAL INFORMATION

- Cherokee noted SCDOT widened the road in the past and at that time the right of way acquisition took a portion of the commercial structure in which an exterior wall was removed along with its foundation footing. A replacement wall was erected farther east on the concrete floor, but it wasn't tied into the exterior side wall. There appears to be no structural connection between the structures western exterior wall and its northern and southern exterior walls.
- During talks with the project manager the owner had specific ideas about upgrades to the property to include a redesign of the stairs and the installation of a privacy fence. His upgrades were viewed by CD as not acceptable because federal funds could not be used to make improvements to private property. Reconstruction of the stairs is in the contract but the stairs would have to remain public and the owner would be liable. The owner stated that he then would plan to have a locked gate to prohibit public access to the property.
- The property has been cited for code violations under Unsafe Housing and Code Enforcement. In September 2008, a case was opened with Unsafe Housing for this property; the owner was to repair the fascia board and roof of the primary structure. To date a final inspection has not been performed. Also February 22, 2013 a citizen reported to the Ombudsman a code violation for trash and litter and action was taken by Code Enforcement. As of March 11, 2013 the concern has been satisfactorily resolved.
- Several Permits have been issued for improvements. In September 2012 a permit was issued for repair to drain and vent. The permit expired and no final inspection was called for. Also in 2012 a permit was issued for electrical upgrades to the primary structure. The rough-in passed inspection, but there was no final inspection called for. In 2009 a mechanical permit was pulled to install gas to the accessory building. The conditions for issuing the permit was the building would be used for storage and as a workshop. At that time it was uninhabitable because it didn't meet County codes for public use.

Richland County Council Request of Action

Subject

New Road for the Brookfield Subdivision [**PAGES 83-94**]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve the Intergovernmental Agreement between the SCDOT and Richland County for a new road for the Brookfield Subdivision, which is to include a sidewalk.

Richland County Council Request of Action

Subject: New Road for the Brookfield Subdivision

A. Purpose

County Council is requested to approve the Intergovernmental Agreement (IGA, Appendix A) between the SCDOT and Richland County for a new road for the Brookfield Subdivision.

B. Background / Discussion

The Brookfield Subdivision is located at the intersection of Clemson Road and Hardscrabble Road. The existing access to this neighborhood is Brook Hollow Drive, which is approximately 250 feet away from the intersection of Hardscrabble Road. Currently, Brook Hollow Drive allows for full movement (right and left turns) at this intersection.

The SCDOT is currently working on plans to widen Hardscrabble Road from Farrow Road to Lake Carolina Drive. The widening of Hardscrabble at Clemson Road will affect the turn movements at Brook Hollow Drive. The new design will only allow right-in/right-out turn movements at the current entrance to the subdivision.

Since the only entrance to the subdivision was going to be affected, the SCDOT accepted public comments from the subdivision residents on the Hardscrabble Road Widening project. The residents of Brookfield subdivision requested that a second entrance be constructed, which would allow full-turning movements. The SCDOT evaluated this request and concluded that there was a County-owned Parcel (TMS#R20214-05-15) located inside the subdivision that was vacant and could be used for a new road. The SCDOT has also come to an agreement with the owners of TMS#R20200-03-45, the Dunbar family, since the new road would divide their parcel of land into two parcels. The SCDOT then developed a preliminary plan to show the residents at a public hearing. The residents all agreed on the new road.

The SCDOT has subsequently approached the County about taking ownership of the new road once it has been built. The SCDOT met with representatives of the Planning and Engineering Departments. The Engineering Department agreed that if the SCDOT wanted an IGA in place before the design was completed that an IGA would need to be executed to outline the agreement between the County and SCDOT. The agreement outlines who is going to fund and construct the new road as well as who will take over ownership after the road is built. The agreement also states that the SCDOT must follow Richland County's permitting process for this project.

The IGA has been reviewed and the content and language has been approved by the Richland County Legal Department, Planning Department and Public Works.

C. Legislative / Chronological History

There is no legislative history associated with this project.

D. Financial Impact

There is no initial financial impact on the County for the approval of this IGA. The road will be added to the County's road inventory, so there will be annual maintenance costs associated with

this road. The maintenance cost should be minimal to none for the first several years. The life expectancy for a local residential road is 20-25 years with an estimated maintenance cost of \$1,000 per year and an ultimate resurfacing cost of \$75,000 at the end of its usable life.

E. Alternatives

1. Approve the IGA with the SCDOT and take over ownership of the new road once it is constructed.
2. Do not approve the IGA with the SCDOT and do not take over ownership of the new road once it is constructed.

F. Recommendation

It is recommended that Council approve the request to approve the IGA with the SCDOT and take over ownership of the new road once it is constructed.

Recommended by: David Hoops, P.E. Department: Public Works Date: April 2, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 4/9/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Recommend approval based on the agreement being consistent with the County policy for accepting ownership and that the IGA has been reviewed and the content and language has been approved by the Richland County Legal Department, Planning Department and Public Works.

Planning

Reviewed by: Tracy Hegler Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval based on the agreement being consistent with the County policy for accepting ownership and that the IGA includes language requiring a Land Development permit.

Legal

Reviewed by: Elizabeth McLean Date: 4/9/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council's discretion.
Legal previously reviewed the Agreement and made necessary suggestions.

Administration

Reviewed by: Sparty Hammett Date: 4/10/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend Council approval of the IGA with the SCDOT and taking over ownership of the new road once it is constructed.

SCDOT USE ONLY	
Start Date	_____
Completion Date	_____

Project No.	32L23ESU40013
General Ledger:	2220
Activity Code:	682
Objective Code:	???
PIN:	39333
File No.:	40.039333

AGREEMENT BETWEEN
SOUTH CAROLINA
DEPARTMENT OF TRANSPORTATION
AND
RICHLAND COUNTY

THIS AGREEMENT, made this _____ day of _____, 20___, by and between Richland County (hereinafter referred to as “COUNTY”) and the South Carolina Department of Transportation (hereinafter referred to as “DEPARTMENT”).

WITNESSETH THAT:

WHEREAS, the DEPARTMENT desires assistance from the COUNTY regarding the construction of a new connector road as part of the S-83 (Hard Scrabble Road) widening project in Richland County; and

WHEREAS, the DEPARTMENT is an agency of the State of South Carolina with the authority to enter into contracts necessary for the proper discharge of its functions and duties; and

WHEREAS, the COUNTY is a body politic with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out the COUNTY's functions covered under this Agreement; and

WHEREAS, the COUNTY and DEPARTMENT have agreed to work together with the hereinafter described project.

NOW THEREFORE, in consideration of the several promises to be faithfully performed by the Parties hereto as set forth herein, the DEPARTMENT and COUNTY do hereby agree as follows:

I. PROJECT DESCRIPTION:

The project, which is the subject of this Agreement, consists of the design, right of way acquisitions, construction, and construction engineering and inspection, to DEPARTMENT and Federal standards, of a new connector road between Clemson Road (S-52) and Brook Hollow Drive (Richland County Road) in Richland County, South Carolina. The new connector roadway is being constructed as part of the Hard Scrabble Road (S-83) Widening Project. During the public involvement process for the Hard Scrabble Road Widening project, comments were received from residents of Brookfield Subdivision regarding access because the proposed improvements include installation of a raised concrete curb on Clemson Road east of the intersection, converting the access into and from the Brookfield Subdivision to a right-in, right-out only turning movement (see attached Exhibit A). Those living in the Brookfield Subdivision requested the DEPARTEMENT to remove the concrete curb or construct a new access road farther east of the Clemson Road intersection near the Copperfield Subdivision. The new access road was deemed the most feasible option and was presented to the Brookfield Subdivision Homeowners Association on October 3, 2012. Based on the feedback from that meeting, the new access road is being included in the final design of the project, which would require 1.01 acres of additional right-of-way acquisition. The new asphalt roadway will be approximately 893 feet long and will consist of two (2) twelve (12) foot travel lanes with concrete curb and gutter (See attached typical section in Exhibit A).

The term PROJECT is intended to refer to the above description unless indicated otherwise.

Exhibit A (attached hereto and specifically made a part of this Agreement) presents a map and typical section depicting the PROJECT area and additional PROJECT information.

II. THE DEPARTMENT WILL:

a. Provide all funding for the PROJECT as more specifically set out below under Section IV FUNDING of this Agreement.

b. Identify and provide a DEPARTMENT engineer, as considered by the DEPARTMENT to be appropriate, to manage the work covered by this Agreement.

c. Provide by force account or contractor PROJECT design, right of way acquisition services, and construction services, including bidding, letting and awarding the construction contract and required construction engineering and inspection (CEI).

d. Perform all required services in accordance with State, Federal and DEPARTMENT guidelines considered appropriate by the DEPARTMENT.

e. Obtain a Land Development permit from the County, following the Major Subdivision development review process, prior to commencing construction.

f. Provide documentation to the COUNTY that the PROJECT was constructed in accordance with appropriate federal and DEPARTMENT guidelines.

g. Deed over all right-of-way acquired for the PROJECT (see Exhibit A) to COUNTY upon completion of the PROJECT.

h. To the extent permitted by existing South Carolina law, the DEPARTMENT hereby assumes complete responsibilities for any loss resulting from bodily injuries (including death) or damages to property, arising out of any act or failure to act on the DEPARTMENT's part, or the part of any employee of the DEPARTMENT in performance of the work undertaken under this Agreement.

III. COUNTY WILL:

a. Accept ownership of the new access road and accept responsibility for maintenance or improvements made under this PROJECT on right of way deeded to COUNTY by DEPARTMENT after construction of the PROJECT is completed by the DEPARTMENT.

b. Execute a right of entry on any county owned property needed for construction of the PROJECT.

IV. FUNDING:

The DEPARTMENT estimates the total cost for the PROJECT to be \$XXXX. The DEPARTMENT will be responsible for 100% of the funding required for this PROJECT.

V. GENERAL:

a. In any dispute concerning a question or fact in connection with the work of this Agreement or compensation thereof, the decision of the DEPARTMENT's Deputy Secretary in the matter shall be final and conclusive for both Parties, subject to appeal to the South Carolina Circuit Court of Jurisdiction within ninety (90) days of PROJECT completion.

b. The Parties hereto agree to conform to all DEPARTMENT, State, Federal and local laws, rules, regulations and ordinances governing agreements or contracts relative to the acquisition, design, construction, maintenance and repair of roads and bridges, and other services covered under this Agreement.

c. The COUNTY, or its authorized agent, shall agree to hold consultations with the DEPARTMENT as may be necessary with regard to the execution of supplements to this Agreement during the course of this PROJECT for the purpose of resolving any items that may have been unintentionally omitted from this Agreement. Such supplemental agreements shall be subject to the approval and proper execution of the Parties hereto. No Amendment to this Agreement shall be effective or binding on any Party hereto unless such Amendment has been agreed to in writing by all Parties hereto.

d. Any and all reviews and approvals required of the parties herein shall not be unreasonable denied or withheld.

e. This Agreement may be terminated by either Party upon written notice in the event of substantial failure by the other Party to perform, through no fault of the terminating Party in accordance with the terms herein. The Party so notified shall immediately stop work on the PROJECT. If the services covered under this Agreement are not performed, this Agreement is then terminated. In the event of termination for convenience or for any reason each Party to this Agreement is obligated on a quantum meruit basis.

VI. SUCCESSORS AND ASSIGNS:

The DEPARTMENT and COUNTY each binds himself, his successors, executors, administrators, and assigns to the other Party with respect to these requirements, and also agrees

that neither Party shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

VII. ENTIRE AGREEMENT:

This Agreement with attached Exhibits and Certifications constitutes the entire Agreement between the Parties. The Contract is to be interpreted under the laws of the State of South Carolina.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the dates indicated.

Signed, sealed and executed for the COUNTY.

RICHLAND COUNTY

WITNESS:

By: _____
Signature

Title: _____

Fed. ID#: XX-XXXXXXX

Signed, sealed and executed for the DEPARTMENT

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

WITNESS:

By: _____
Robert J. St. Onge, Jr.
Secretary of Transportation

RECOMMENDED:

John V. Walsh
Deputy Secretary for Engineering

Christy A. Hall
Deputy Secretary for Finance

Exhibit A

PROJECT AREA MAP
AND
ADDITIONAL PROJECT INFORMATION

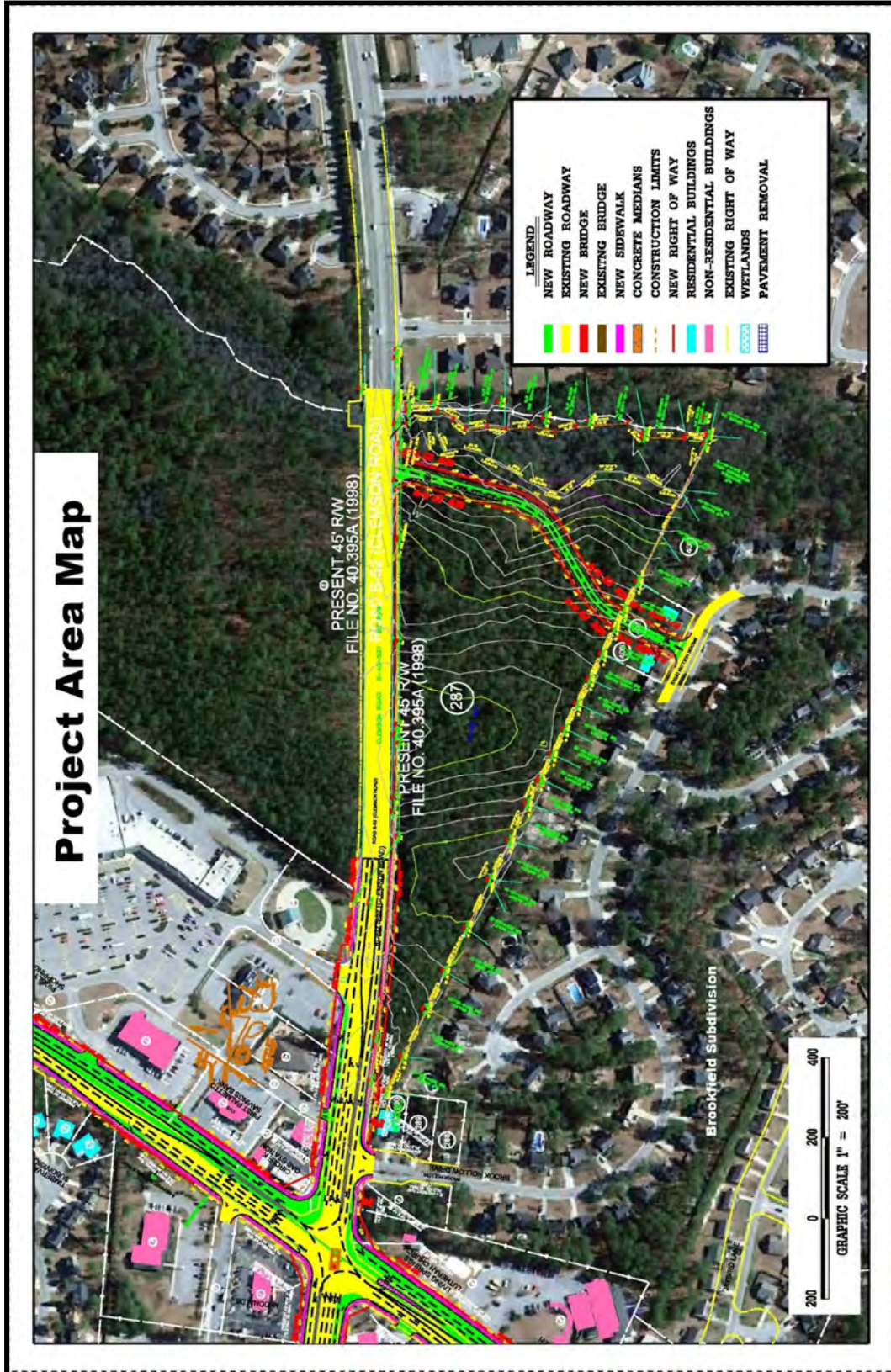


Exhibit A (Continued)

PROJECT AREA MAP
AND
ADDITIONAL PROJECT INFORMATION

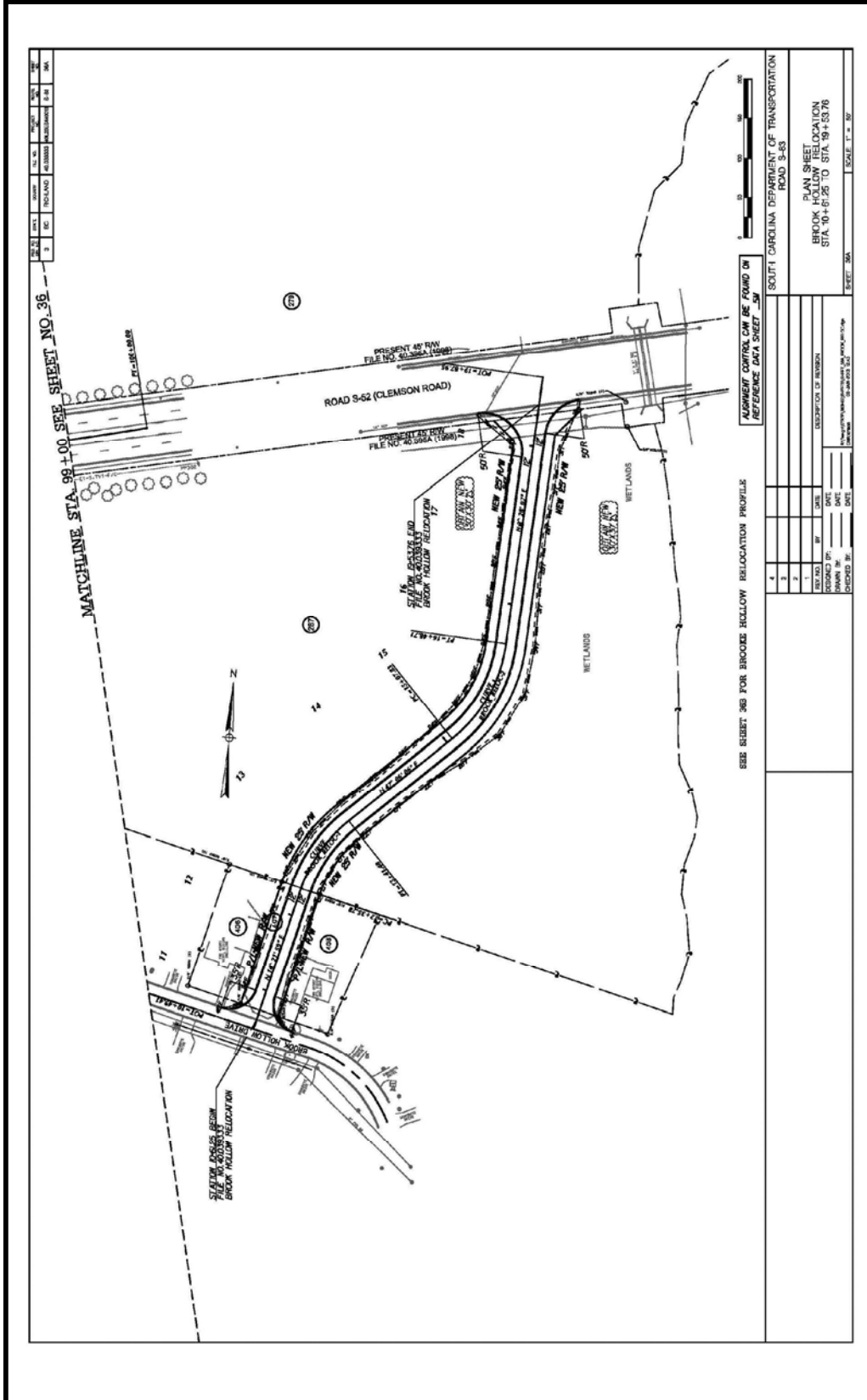
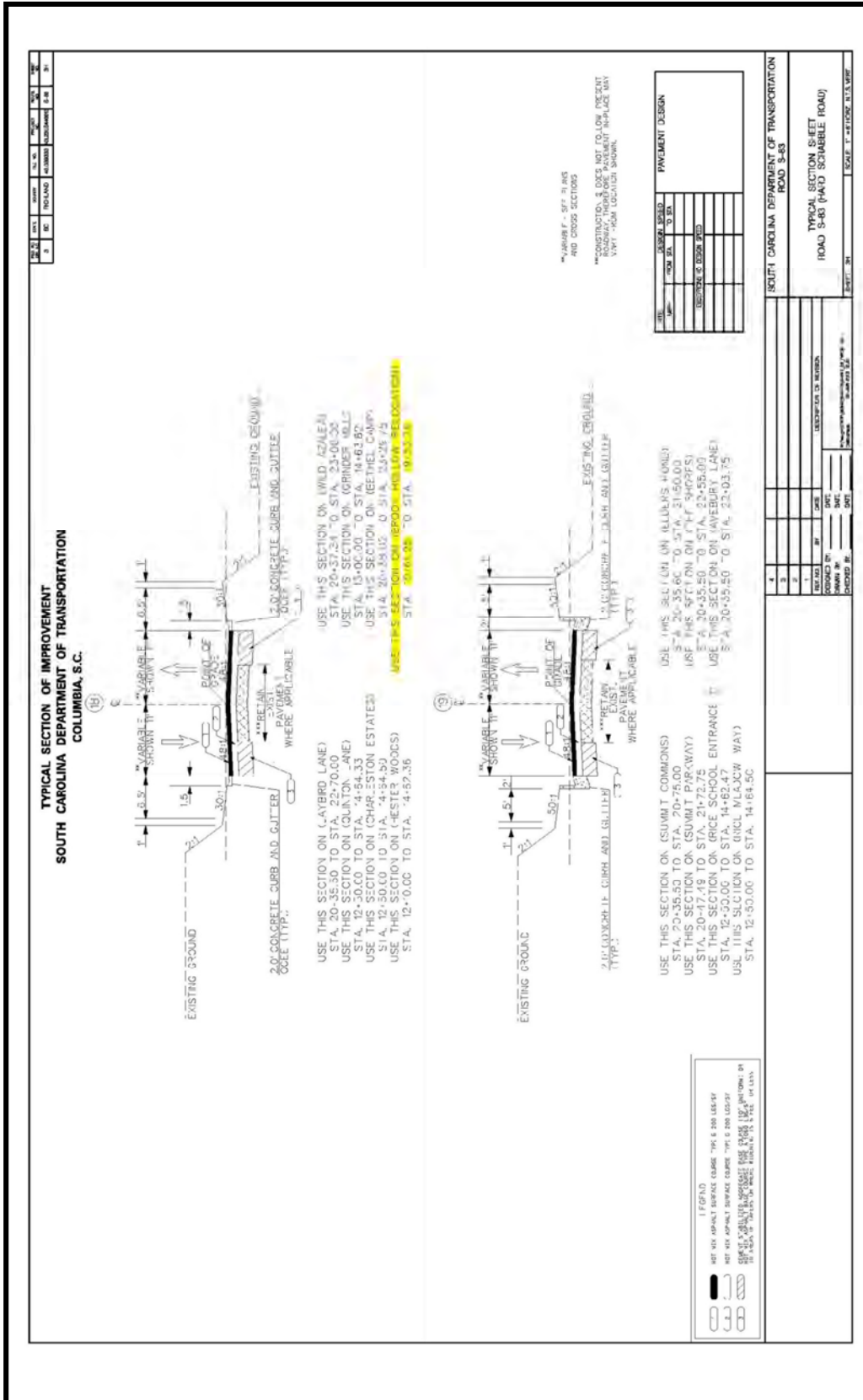


Exhibit A (Continued)
PROJECT AREA MAP
AND
ADDITIONAL PROJECT INFORMATION



SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION ROAD 3-83		
TYPICAL SECTION SHEET	DATE	SCALE
ROAD 3-83 (PAV'D SCHREBLE ROAD)		

Exhibit B

Letter from COUNTY dated [REDACTED]
Regarding ownership and maintenance of Brook Hollow Access Road

Richland County Council Request of Action

Subject

Reallocation of Funds for Cemetery Survey **[PAGES 95-97]**

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve a budget reallocation for Richland County Conservation Commission of \$41,000 from Professional Services to an FY13 grant to Chicora Foundation for the second phase of a county-wide cemetery survey.

Richland County Council Request of Action

Subject: Conservation Department: Reallocate Funds for Cemetery Survey

A. Purpose

County Council is requested to approve a budget reallocation for Richland County Conservation Commission of \$41,000 from Professional Services to an FY13 grant to Chicora Foundation for the second phase of a county-wide cemetery survey.

B. Background / Discussion

Richland County Conservation Commission (RCCC) and County Council approved a historic preservation grant to Chicora Foundation in FY13 to develop a comprehensive list of cemeteries in Richland County. This involved compiling lists from many sources, eliminating duplicates (many cemeteries have two or three names), and locating coordinates and tax map numbers for the parcels. The public was asked for help in identifying lost and forgotten cemeteries. Chicora has completed their work and submitted a written report along with a spreadsheet of 463 documented cemeteries. An additional 92 cemeteries are considered unidentified, needing further information. The GIS Department will upload the information for inclusion on the cemetery layer of the County online GIS system.

The first grant was written as phase one of a two-part proposal. Chicora submitted a grant in February 2013 for the Commission's FY14 grant cycle. The main purpose of phase two is to field-verify all cemeteries to collect additional information including location within the parcel, condition, type, approximate number of marked and unmarked graves, and cemetery features. This information will be added to the County online GIS system. Chapter 26, Richland County Land Development Code, requires developers to provide a natural resources inventory which includes the location of cemeteries and gravestones.

RCCC grant funding requests for FY14 came to \$820,990 with only \$250,000 available for allocation. The Conservation Commission strongly supports having Chicora complete the cemetery survey through field verification of the 555 cemeteries and any additional ones that become known. Due to a shortage of grant funds, the Commission voted at the March 25, 2013 meeting to request staff to reallocate available funds from the Commission's FY13 budget. We are requesting \$41,000 from the Professional Services category to be reallocated to Chicora's current grant line item (key code 2596), allowing them to begin work during FY13.

C. Legislative / Chronological History

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

D. Financial Impact

There is no financial impact to the RCCC budget. Funding this project is a cost savings for the County since it would cost more in staff time and resources to do this in-house than to have the cemetery experts, Chicora, complete the survey. Without this information, additional costs and time delays will result for developers required to submit this information to the Planning Department.

E. Alternatives

1. Approve the request to reallocate \$41,000 from RCCC Professional Services to Chicora Foundation grant line item to complete the county-wide cemetery survey.
2. Do not approve the request to reallocate funds. Either the work will not get done or it will cost the County more to have it done through alternative means.

F. Recommendation

It is recommended Council approve the request to reallocate \$41,000 from RCCC Professional Services to Chicora Foundation grant line item (key code 2596) to complete the county-wide cemetery survey.

Recommended by: James B. Atkins Department: Conservation Dept. Date: 4/5/13

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 4/8/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Since the request would reallocate current appropriated funds, approval would not require a budget amendment or public hearing.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/8/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 4/8/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Policy decision left to Council’s discretion.

Administration

Reviewed by: Sparty Hammett Date: 4/8/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Richland County Council Request of Action

Subject

Adoption of the following Four Resolutions from the April 2, 2013 Council Meeting: **[PAGES 98-105]**

1. A Resolution Honoring Ginny Waller as the 2013 recipient of the Francis Marion University and SC Association of Nonprofit Organizations' (SCANPO) Award **[MANNING]**
2. Resolution honoring Deputy Sheila Aull for heroism in the line of duty; and honoring the Cedar Creek Community for their donation of \$1,500 to purchase additional lifesaving vests for deputies. Motions were made by Councilwoman Dickerson **[DICKERSON]**
3. Resolution to recognize Richland County as a Purple Heart County **[WASHINGTON]**
4. Resolution recognizing Cameron Wesley as the first African American Postmaster in the Town of Whitmire **[JACKSON]**

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council adopt all of the Resolutions. The Cameron Wesley Resolution should be amended to replace "State of South Carolina: with "Town of Whitmire."

The Committee also unanimously approved a motion to forward the recommendations made by the Legal Department to the next Rules and Appointments Committee meeting.

Richland County Council Request of Action

Subject: Adoption of Four Resolutions from the April 2, 2013 Council Meeting

A. Purpose

County Council is requested to adopt four (4) proposed Resolutions from motions made at the April 2, 2013 Council meeting.

B. Background / Discussion

Motions were made to approve the following proposed Resolutions at the April 2, 2013 Council Meeting:

1. Resolution honoring Ginny Waller as the 2013 recipient of the Francis Marion University and SC Association of Nonprofit Organizations' (SCANPO) Award. Motion was made by Councilman Manning (Appendix 1).
2. Resolution honoring Deputy Sheila Aull for heroism in the line of duty; and honoring the Cedar Creek Community for their donation of \$1,500 to purchase additional lifesaving vests for deputies. Motions were made by Councilwoman Dickerson (Appendix 2).
3. Resolution to recognize Richland County as a Purple Heart County. Motion was made by Councilman Washington (Appendix 3).
4. Resolution recognizing Cameron Wesley as the first African American Postmaster in the State of South Carolina. Motion was made by Councilman Jackson (Appendix 4).

C. Legislative / Chronological History

Since these items are Council-member initiated requests, there is no legislative history associated with any of the proposed Resolutions.

D. Financial Impact

There is no financial impact associated with any of the proposed Resolutions.

E. Alternatives

1. Approve the request to adopt all of the proposed Resolutions.
2. Approve the request to adopt one to four of the proposed Resolutions.
3. Do not approve the request to adopt all of the proposed Resolutions.

F. Recommendation

It is recommended that Council adopt all four of the proposed Resolutions.

Recommended by: Councilmembers Manning, Dickerson, Washington and Jackson

Department: County Council

Date: 4/5/13

(drafted by Justine Jones, Manager of Research and Monique Walters, Assistant to the Clerk of Council)

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/9/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/9/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. I would also recommend a change in how Council deals with such items, as the Committee process is long and likely unnecessary with these types of resolutions. First, Council Chair could automatically request that these type items (resolutions honoring or recognizing a citizen or organization) be voted on in the Motion period (request unanimous consent). Second, Council Rules could be amended to allow resolutions honoring or recognizing a citizen or organization be placed automatically on an agenda for voting (Rule 1.7 (b)).

Administration

Reviewed by: Roxanne Ancheta

Date: April 9, 2013

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the Resolutions as presented. Further, Administration supports the recommendations of Legal.

Appendix 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION

A RESOLUTION RECOGNIZING GINNY WALLER AS THE 2013 RECIPIENT OF THE FRANCIS MARION UNIVERSITY AND SC ASSOCIATION OF NONPROFIT ORGANIZATIONS’ (SCANPO) AWARD

WHEREAS, Francis Marion University and the South Carolina Association of Nonprofit Organizations (SCANPO) has awarded Ginny Waller, Executive Director of Sexual Trauma Services of the Midlands, the 2013 Award for Nonprofit Leadership; and

WHEREAS, the award recognizes a graduate of Francis Marion University’s Non-Profit Leadership Institute or a member of SCANPO who has excelled in the management of their organization through organizational and resource development; and

WHEREAS, Ginny Waller was nominated by Nancy Barton, Executive Director of Sistercare, who stated that Ms. Waller was most deserving of the 2013 FMU NPLI/SCANPO Award for Excellence in Nonprofit Leadership award as her management and leadership skills have made a significant difference in the lives of survivors of sexual violence, and the state’s response to sexual violence; and

WHEREAS, since 2008, Ms. Waller has increased community awareness of the agency and its mission, stabilized and empowered staff, increased the percentage individual giving, and successfully managed numerous opportunities, including the addition of a new service area and temporary relocation of the main office; and

WHEREAS, Ginny Waller was presented the award by Cecilia Meggs, Executive Director of Lighthouse Ministries, and the 2012 Award recipient; and

NOW THEREFORE BE IT RESOLVED that Councilman Jim Manning, District Eight and Richland County Council recognizes Ginny Waller as the recipient of the prestigious SCANPO award.

ADOPTED this 2nd day of April 2013

Jim Manning, Member (Sponsor)
Richland County Council

Kelvin E. Washington, Sr. Chairman
Richland County Council

ATTEST this ____ day of April 2013

Michelle Onley
Interim Clerk of Council

Appendix 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION

A RESOLUTION RECOGNIZING DEPUTY SHEILA AULL AND THE CEDAR CREEK COMMUNITY

WHEREAS, Deputy Sheila Aull said she felt angry after being shot...her reply to the February 26th incident in which Deputy Aull was shot in the line of duty; and

WHEREAS, Deputy Sheila Aull is able to tell her story because of good police training, but also because of the protective vest she wore that kept the bullet from penetrating; and

WHEREAS, the Cedar Creek community saw the need for the lifesaving vest for deputies such as the vest worn by Deputy Aull, and presented the Sheriff's Department with \$1,500 to purchase additional vests; and

WHEREAS, Deputy Sheila Aull and her fellow deputies and many in law enforcement officers lay their lives on the line many days in the call of duty; and thanks to the Cedar Creek Community for having the forethought to sponsor vests to protect those that unselfishly protect the community; and

WHEREAS, Deputy Sheila Aull is bothered by the fact that the suspect, Adam Jurgen, left the deputies with no other choice than to shoot him, she still thinks about his family and prays for them; and

NOW THEREFORE BE IT RESOLVED that Councilwoman Joyce Dickerson, District Two and Richland County Council recognizes Deputy Sheila Aull for returning to the job of protecting the citizens of Richland County; and thanks Cedar Creek, because your action helps protect the lives of other deputies who also protect communities like yours. *"To insure the adoration of a theorem for any length of time, faith is not enough, a police force is needed as well."* Albert Camus

ADOPTED this 2nd day of April 2013

Joyce Dickerson, Member (Sponsor)
Richland County Council

Kelvin E. Washington, Sr., Chairman
Richland County Council

ATTEST this ____ day of April 2013

Michelle Onley
Interim Clerk of Council

Appendix 3

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

A RESOLUTION

A RESOLUTION RECOGNIZING RICHLAND AS A PURPLE HEART COUNTY

WHEREAS, the Purple Heart was originally created as the Badge of Military Merit by General George Washington in 1782, and is the oldest decoration presently in use; and

WHEREAS, the first American service award or decoration was the Purple Heart, made available to the common soldier, and is specifically awarded to any member of the United State Armed services wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, chartered by an Act of Congress, the mission of the Military Order of the Purple Heart is to foster an environment of goodwill among combat wounded veterans and their families, to promote patriotism, support legislative initiatives, and most importantly, to make sure we never forget the sacrifices of our military men and women; and

WHEREAS, Richland County is home to many decorated military members both active and retired in its communities; and

WHEREAS, Richland County also recognizes the commitment and increasing sacrifices placed on the shoulders of military families; and

WHEREAS, Richland County Veteran Affairs Office as well as the Veterans Organizations in Richland County pledges to support those who serve, in which together we build strong communities.

NOW THEREFORE BE IT RESOLVED that Richland County Council recognizes Richland County as a Purple Heart County in the State of South Carolina.

ADOPTED this 2nd day of April 2013

Kelvin E. Washington, Sr. Chairman
Richland County Council

ATTEST this ___ day of April 2013

Michelle Onley
Interim Clerk of Council

Appendix 4

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION

A RESOLUTION RECOGNIZING CAMERON WESLEY, SR. THE AFRICAN AMERICAN POSTMASTER IN SOUTH CAROLINA

WHEREAS, Cameron Wesley, Sr. was born to Mamie L. Jacobs-Wesley in Hopkins, South Carolina; and raised by several “aunties”; and

WHEREAS, Cameron Wesley, Sr., a graduate of Lower Richland High School, class of 1990, enlisted in the Army just 15 days after his 18th birthday; and after graduating he was off to basic training as an infantry soldier; and

WHEREAS, during his service, Cameron served two Gulf tours and earned the honor of becoming an Army Airborne Ranger/Sniper while receiving many honors; he also served and toured many countries in the continent of Europe and Africa, and the countries of Panama and Haiti; Cameron was honorably discharged in July 1996; and

WHEREAS, after his discharge and two years in the private sector, Cameron applied with the United States Postal Service and was hired July of 1998; by December 1998 he was supervising; he has held various positions with the Postal Service such as clerk, and clerk supervisor, and manager of key post office branches in Columbia, prior to being promoted to Postmaster of Whitmire in February this year; and

WHEREAS, Cameron Wesley, Sr., while employed with the Postal Service has earned an Associate’s Degree in Telecommunication Engineering, and a Bachelor of Science Degree in Business Administration; he is currently three classes away from earning a degree in computer programming; and

WHEREAS, Cameron Wesley, Sr. is married to his high school sweetheart, Beverly; and they have two sons and a dog; together they enjoy league bowling; Cameron is a life member of St. John Baptist Church in Hopkins, and also a member of the Eureka Masonic Temple #3 of Fayetteville, North Carolina, Vice President of the National Association of Postal Supervisors of South Carolina Branch #225, and member of Omega Psi Phi Fraternity-Omicron Phi Chapter of South Carolina, and serves on numerous boards; his enjoyment of words since grade school has also led him to motivational speaking to youth of all ages; and

NOW THEREFORE BE IT RESOLVED that Richland County Councilman Norman Jackson, District Eleven, and Richland County Council recognizes Cameron Wesley, Sr. for becoming the first person of color to hold the position of Postmaster in the state, and opening the doors for others.

ADOPTED this 2nd day of April 2013

Norman Jackson, Member (Sponsor)
Richland County Council

Kelvin E. Washington, Sr., Chairman
Richland County Council

ATTEST this ____ day of April 2013

Michelle Onley
Interim Clerk of Council

Richland County Council Request of Action

Subject

Agencies funded by Richland County discussing budgetary decisions are subject to have Richland County staff present [**PAGES 106-108**]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that the item be left to the County Administrator's discretion. Staff was further directed to determine whether it would be acceptable for staff to remain present for budget discussions that take place during Executive Session.

Richland County Council Request of Action

Subject: Staff Access to Meetings Held by Agencies
Funded by Richland County

A. Purpose

County Council is requested to provide direction regarding how to initiate open access for Richland County staff to attend budget-related meetings, as needed, for all agencies that receive County funding.

B. Background / Discussion

At the April 2, 2013 Council meeting, Councilman Jackson submitted the following motion:

“Agencies funded by Richland County discussing budgetary decisions are subject to have Richland County staff present.”

C. Legislative / Chronological History

This motion was referred to the A&F Committee at the April 2, 2013 Council Meeting.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the request to provide direction regarding how to initiate open access for Richland County staff to attend budget-related meetings, as needed, for all agencies that receive County funding.
2. Do not approve the request to provide direction regarding how to initiate open access for Richland County staff to attend budget-related meetings, as needed, for all agencies that receive County funding.

F. Recommendation

It is recommended that Council approve the request to provide direction regarding how to initiate open access for Richland County staff to attend budget-related meetings, as needed, for all agencies that receive County funding.

Recommended by: Hon. Norman Jackson Department: County Council Date: 4/5/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

The request seems to be consistent with the County’s transparency initiatives.

Legal

Reviewed by: Elizabeth McLean

Date: 4/15/13

Recommend Council approval Recommend Council denial
Comments regarding recommendation: As this is only a preliminary request for direction, it is a policy decision left to Council's discretion.

Administration

Reviewed by: Tony McDonald Date: 4/15/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval of the concept, but would suggest that attendance at agency budget meetings by County staff only occur on an as needed basis. To try to attend all such meetings would be overwhelming to the staff and would consume more time than is practical.

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to approve and appropriate \$324,000 of General Fund Unassigned Balance for Legal Services in the Legal Department **[FIRST READING]**
[PAGES 109-113]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve the request for a budget increase for the Legal Department in the amount of \$324,000, which will go to the Professional Services line, to pay for excessive costs related to the November 2012 General Election and the Columbia Venture trial. Staff was further directed to determine (1) whether the Transportation Penny revenues; and (2) whether the costs of the election are reimbursable from the State.

Richland County Council Request of Action

Subject: Budget Increase for the Legal Department

A. Purpose

County Council is requested to approve a budget increase for the Legal Department in the amount of \$324,000, which will go to the Professional Services line to pay for excessive costs related to the November 2012 general election and the Columbia Venture trial.

B. Background / Discussion

This budget amendment request is based on two major events during the FY2012-2013 fiscal year: the problematic November 2012 general election and the trial of the Columbia Venture lawsuit, as well as several smaller unexpected expenses.

As you know, even though the County has no control over the hiring of the Elections Director, nor any control over the conduct of such elections, the County is required to fund the costs for all election staff and activities. Along with that requirement, the County Attorney's office is required to provide legal counsel for the Richland County Election Commission and the Board of Elections and Voter Registration. Again, as you all know, the election did not go smoothly, resulting in three separate lawsuits: one at the circuit court level attempting to stop the canvassing of the votes and place the counting in the hands of SLED and the State Election Commission; one at the South Carolina Supreme Court contesting the right of the circuit court and the State Election Commission to intervene in the canvassing; and one also at the South Carolina Supreme Court (after beginning at the Richland County Election Commission and at the State Election Commission) protesting the passage of the Transportation Penny Sales Tax, with such protest being based on a violation of state law as it relates to the number of voting machines at each precinct.

The County was successful in each of these lawsuits, but not without excessive added expenses that the County Attorney's budget was not funded adequately to absorb. Given the complexities of the election issues and the different persons/parties involved, it was necessary to authorize two different outside attorneys with election specialties to help resolve the issues. On the issue of the Transportation Penny Sales Tax, the County enlisted the services of another election expert attorney to intervene in the protest and protect the County's interests. Again, the County was successful in each of these cases; however, the cost of success has been substantial.

The second event precipitating the necessity of this budget amendment was the long awaited trial of the Columbia Venture lawsuit. While, again, we earned a victory at the circuit court level, the costs accrued quickly. The trial, which required the services of a special referee, was expected to last 5 days, but turned into a 14 day ordeal. The financial impact of that extended time frame was substantial, with the County being required to pay not only its own counsel, but half of the fee for the special referee.

Along with the two major events, the department was asked to provide the funding for Franklin Lee's work in rewriting portions of the Procurement Code. Additionally, the Probate Court was uncharacteristically sued twice and required specialized outside counsel.

The County has had much recent legal success, but the cost for such has not been insignificant. In order to pay the professional services fees outlined above, the County Attorney's Office is requesting a budget amendment of \$324,000.

C. Legislative / Chronological History

There is no legislative history associated with this request. Council has been briefed about these expenses previously.

D. Financial Impact

Approval of the budget amendment will require \$324,000 be moved from the General Fund to the Legal Department budget.

E. Alternatives

1. Approve the budget amendment request.
2. Do not approve the budget amendment request, which would mean that the Legal Department would not be able to pay for the Professional Services outlined above.

F. Recommendation

It is recommended that Council approve the budget amendment request.

Recommended by: Larry C. Smith Department: Legal Date: April 1, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/8/13

Recommend Council approval

Recommend Council denial

Recommend Council discretion

Comments regarding recommendation:

Request is an operational funding decision and is at the discretion of Council. Approval as requested would require a budget amendment and public hearing.

Legal

Reviewed by: Elizabeth McLean

Date: 4/8/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 4/15/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval, with funding to come from the General Fund fund balance. Also recommend that we pursue reimbursement from the State, particularly for those costs associated with the election, to the extent possible.

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 GENERAL FUND ANNUAL BUDGET TO APPROVE AND APPROPRIATE \$324,000 OF GENERAL FUND UNASSIGNED BALANCE FOR LEGAL SERVICES IN THE LEGAL DEPARTMENT.

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

SECTION I. That the amount of three hundred twenty four thousand dollars (\$324,000) be appropriated specifically for the Legal Department to expend for "Legal Services". Therefore, the Fiscal Year 2012-2013 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2012 as amended:	\$ 150,088,731
Appropriation of General Fund unassigned fund balance	\$ <u>324,000</u>
Total General Fund Revenue as Amended:	\$ 150,412,731

EXPENDITURES

Expenditures appropriated July 1, 2012 as amended:	\$ 150,088,731
Increase to Legal Services – Legal Department	\$ <u>324,000</u>
Total General Fund Expenditures as Amended:	\$ 150,412,731

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 _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin Washington, Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

Clerk of Council

RICHLANDCOUNTYATTORNEY'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

Request funds to purchase 12 1/2 acres of land adjacent to Friarsgate Park in District 1 **[PAGES 114-128]**

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that this item be forwarded to the Hospitality Tax (H-Tax) portion of the budget meetings. Staff was further directed to (1) provide a written proposal for H-Tax funding outlining upcoming tournaments and (2) respond to questions directed to the Recreation Commission that were generated by Councilman Malinowski. The items are to be provided to Council prior to the H-Tax budget meeting to facilitate additional discussions at the meeting.

Richland County Council Request of Action

Subject: Purchase of 12.5 Acres of Land Adjacent to Friarsgate Park

A. Purpose

County Council is requested to provide direction as it relates to the motion by Mr. Malinowski regarding the purchase of 12.5 acres of land adjacent to Friarsgate Park.

B. Background / Discussion

At the April 2, 2013 Council Meeting, Councilman Malinowski made the following motion, which was forwarded to the D&S Committee:

James Brown, III, Executive Director, Richland County Recreation Commission, advised they have obtained approval from their Board of Commissioners to request funds to purchase 12.5 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 12.5 acres of land adjacent to Friarsgate Park in the amount of \$520,000.

Per a conversation with the Richland County Recreation Commission [RCRC], when the \$50M Bond was approved in 2008, \$300,000 was appropriated for the purchase of this property. [The original \$50M Bond Ordinance, including the projects list, is attached for your convenience, as is the most recent \$50M Bond update from the RCRC.] However, since that time, the landowner passed away, and his children assumed ownership of the property. The change in ownership brought a substantial increase in the price of the property, and the purchase of the property was abandoned.

The \$300,000 appropriated in the bond for the purchase of this property was approved to be used for alternate purposes, including upgrades to the facility (new kitchen, etc.), additional baseball fields, a batting cage, etc.

Mr. Malinowski's motion requests that this potential purchase be taken up during the upcoming budget meetings. The budget work sessions begin May 7, 2013. If approved, staff would add this item to the Motions List to be voted on by Council.

Council's direction regarding this item is requested.

C. Legislative / Chronological History

Councilman Malinowski made the motion at the April 2, 2013 Council Meeting.

D. Financial Impact

There would be a \$520,000 impact if Council approves this purchase. At this time, funds have not been identified for this purpose.

E. Alternatives

1. Approve Mr. Malinowski's motion to request funding for this purchase during the budget work sessions. If approved, staff would add this item to the Motions List to be voted on by Council.

2. Do not approve Mr. Malinowski's motion to request funding for this purchase during the budget work sessions.

F. Recommendation

Request funding during the upcoming budget meetings to authorize the Richland County Recreation Commission to purchase 12.5 acres of land adjacent to Friarsgate Park in the amount of \$520,000.

Recommended by: Councilman Malinowski Date: April 2, 2013 Council Meeting

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/17/13

Recommend Council approval

Recommend Council denial

Recommend Council discretion

Comments regarding recommendation:

ROA is a request for Council to consider a project funding during the FY14 budget process and is consistent with the historical budget practices utilized by Council. As a practice any one Council Member has the ability to add an item to the motion list to be considered during the budget discussions therefore approval would be consistent with past practices. The one caveat is that a funding source is required to be identified prior to adding to the list in order to ensure it is reviewed during the appropriate discussion.

It is also recommended that Council consider the following other items prior to approval:

- It would be a recommendation that Council obtain an appraisal prior to approving a purchase price.
- Since the project was approved in the original bond and subsequently redirected to renovation and upgrading existing facility, was there any discussion at that time about funding this project in the future?
- As a funding source, it may be beneficial for Council to have discussions with the Recreation Commission to determine if available funds can be identified within the unspent bond proceeds either due to other project changes, savings realized due to lower project cost since 2008, or interest earned on the proceeds during the project.
- Recently the Recreation Commission has requested Council to consider a change in funding strategy to cover an annual recurring shortfall of approximately \$1m. At this point, I don't believe that Council has acted on this item. During the discussion it was communicated by the Recreation Commission that this, in part, may create a situation

where new facilities are constructed but can't open due to the inability to fund operating cost. Therefore Council should consider

- Is this the appropriate time to fund additional capital cost before a resolution is reached on funding the operating cost for existing approved facilities?
- If the additional \$520,000 is approved for a capital expansion, what would be the additional annual operating cost required for the Commission once acquired for development, maintenance, and usage? How would the incremental cost be addressed?

Legal

Reviewed by: Elizabeth McLean

Date: 4/17/13

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Tony McDonald

Date: 4/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend that this item be discussed during the FY 14 budget process, as requested in the motion.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 048-08HR

AUTHORIZING THE RECREATION COMMISSION OF RICHLAND COUNTY ON BEHALF OF THE RECREATION DISTRICT OF RICHLAND COUNTY, SOUTH CAROLINA, TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$50,000,000; AND OTHER MATTERS RELATING THERETO.

FILED
RICHLAND COUNTY
2008 MAY 20 PM 3:01
JENNIFER MCBRIDE
C.C.P. & C.S.

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

SECTION 1. The County Council (the "County Council") of Richland County, South Carolina (the "County"), hereby finds and determines:

(a) The Recreation Commission of Richland County (the "Commission") is the governing body of The Recreation District of Richland County, South Carolina (the "District") and has submitted a petition dated June 24, 2008, to the County Council requesting authorization to issue not exceeding \$45,000,000 principal amount general obligation bonds of the District.

(b) The District was established pursuant to Act No. 873 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Regular Session of 1960, as amended (the "Act").

(c) The corporate powers and responsibilities of the District are performed by the Commission and as such the Commission is the governing body of the District. The Act committed to the Commission the power to acquire, by gift, purchase or through the exercise of eminent domain, lands, or interest thereon whereon to establish physical education and recreation facilities.

(d) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that special purpose districts shall have the power to issue bonded indebtedness only for a purpose which is a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein upon such terms and conditions as the General Assembly shall prescribe by general law.

(e) The Council constitutes the "county board" of the County and the District constitutes a "special purpose district," as such quoted terms are defined in the Code.

(f) Pursuant to Title 6, Chapter 11, Article 5, Code of Laws of South Carolina, 1976, as amended (the "Code"), the county boards of all counties of the State of South Carolina wherein special purpose districts exist are empowered to authorize the governing body of such special purpose district to issue bonds of the special purpose district whose proceeds shall be used in furtherance of any power of the special purpose district.

(g) Pursuant to the Code the County Council is empowered to authorize the Commission of the District to issue bonds of the District whose proceeds shall be used in furtherance of any power of the District.

(h) The assessed value of all taxable property of the District as of June 30, 2007, is \$938,376,870. Eight percent of such assessed value is \$75,070,150. The general obligation debt outstanding of the District for computation purposes under Article X, Section 14, of the Constitution of the State of South Carolina, 1895, as amended, is \$5,478,618. Thus, the District may incur \$69,591,532 of general obligation debt within its applicable debt limitation.

(i) It is now in the best interest of the District for the Commission to provide for the issuance and sale of the Bonds of the District pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina in the principal amount of not exceeding \$50,000,000 (the "Bonds"), the proceeds of which will be used for projects (the "Projects") as identified on Exhibit A attached hereto and incorporated herein by reference and costs of issuance of the Bonds.

(j) Prior to the enactment of this Ordinance, County Council shall hold a public hearing on the question of the issuance of the Bonds as required by Section 6-11-830, Code of Laws of South Carolina 1976 as amended.

SECTION 2. Pursuant to the aforementioned constitutional and statutory provisions, the Commission, on behalf of the District, is hereby authorized to issue the Bonds in an aggregate amount not to exceed \$50,000,000 in such amounts and at such times as the Commission shall determine; provided that this authorization is granted upon the condition that the Commission agrees that it will not issue Bonds in an amount that will require more than three mills of taxes to be levied and collected in any tax year for debt service on the existing debt of the District and the Bonds. The Bonds may be issued in one or more series, in one or more years, with appropriate series designations. The Bonds shall be dated, shall mature, shall be in such denomination, shall bear such interest, shall be subject to redemption, shall be executed and shall contain such other provisions as the Commission shall determine. Prior to the issuance of a series of Bonds, the Commission may issue bond anticipation notes in anticipation of the receipt of proceeds of such Bonds.

SECTION 3. Proceeds of the Bonds shall be expended only for Projects as identified on Exhibit A and only in such amounts as shown on Exhibit A attached hereto provided that an amount not to exceed ten percent (10%) of the total cost of the Projects may be reallocated among the Projects at the direction of the Commission. Interest earned on the proceeds of the Bonds, net of any rebate liability, shall be expended on the Projects at the direction of the Commission. The Projects shall be undertaken in such order and at such times as the Commission shall determine provided that if the Commission eliminates a Project, then the amount of Bonds authorized to be issued shall be reduced by the cost of such Project.

SECTION 4. No election shall be held as a condition to the issuance of the Bonds.

SECTION 5. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Richland County and collected by the Treasurer of Richland County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property of the District sufficient to pay the principal and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 6. The Commission is authorized to do all things necessary or convenient in accordance with applicable law to effect the issuance of the Bonds at such times as it deems necessary and in the interest of the District.

SECTION 7. Following the enactment of this Ordinance, a Notice in substantially the form attached as Exhibit B shall be published in a newspaper of general circulation in the County for three successive weeks.

SECTION 8. All orders, resolutions, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the General Obligation Bond and the General Obligation Refunding Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 9. Miscellaneous. All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

Enacted this 9th day of September, 2008.

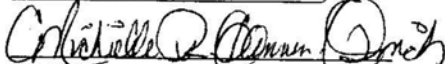
RICHLAND COUNTY, SOUTH CAROLINA

By: _____

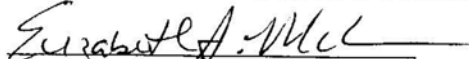
Joseph McEachern, Chairman
Richland County Council

(SEAL)

ATTEST THIS 19th DAY OF
NOVEMBER, 2008:


Michelle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE


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

Date of First Reading: July 1, 2008
Date of Second Reading: July 22, 2008
Publication of Notice of
Public Hearing: July 5, 12 and 19, 2008
Date of Public Hearing: July 22, 2008
Date of Third Reading: September 9, 2008

Book 11 Page 370

EXHIBIT A

List of Recreation Commission of Richland County
Projects to be funded from not to exceed \$50,000,000 of Bonds

[See Attached Pages A-1 through A-3]

COLUMBIA 923631v5

Project	Amount
Ball field Lighting at Cross Roads Park	\$ 60,000
Replace Fencing at Cross Roads Park	\$ 40,000
Cross Roads Park Playground System Replacement	\$ 70,000
Replace Outdoor Restrooms at Eastover Park	\$ 160,000
Replace Fencing at Eastover Park	\$ 47,000
Replace Outdoor Restrooms at Caughman Road Park	\$ 150,000
Replace Fencing at Caughman Road Park	\$ 162,000
Replace Caughman Road Racquetball Court and Climbing Wall	\$ 120,000
Replace Fencing at Bluff Road Park	\$ 55,000
Replace Fencing at Hopkins Park	\$ 66,000
Picnic Shelter at Hopkins Park	\$ 45,000
Olympia Park Playground	\$ 70,000
Garners Ferry Sports Complex Playground	\$ 70,000
Tennis Center Replacement on Parklane Road	\$ 425,000
Ball field Lighting for Blythewood Park	\$ 240,000
Replace Fencing at Blythewood Park	\$ 99,000
Irrigation Improvements at Blythewood Park	\$ 48,000
Replace St. Andrews Park Outdoor Restrooms	\$ 160,000
Polo Road Park Outdoor Restrooms	\$ 160,000
Replace Fencing at Polo Road Park	\$ 202,000
Parking Lot Paving for Polo Road Park	\$ 1,250,000
Stairs down to Soccer Fields at Polo Road Park	\$ 42,000
Irrigation Improvements and Commercial Well at Polo Road Park	\$ 136,000
Replace Fencing at Killian Park	\$ 70,000
Replacement of Fencing at Trenholm Road Park	\$ 65,000
Replace Racquetball Court at Meadowlake Park	\$ 20,000
Irrigation Improvements at Meadowlake Park	\$ 32,000
Replacement of Playground System at Meadowlake Park	\$ 70,000
Replace Racquetball Court at Friarsgate Park	\$ 20,000
Replacement of Playground System at Friarsgate Park	\$ 70,000
Replace Racquetball Court at North Springs Park	\$ 20,000
Replacement of Playground System at North Springs Park	\$ 70,000
Irrigation Improvements at North Springs Park	\$ 140,000
Replacement of Playground System at Summerhill Park	\$ 70,000
Greenview Park Drainage Project Partnership with City of Columbia	\$ 300,000
Total projects that should not increase operational costs	<u>\$ 4,824,000</u>

LAND PURCHASES:		
Project		Amount
Friarsgate Park Expansion (12 acres)	\$	300,000
Caughman Road Land (10 acres)	\$	320,000
RCRC Headquarters Land (8.5 acres)	\$	835,000
Southeast Sports Complex Land Only (40 acres)	\$	1,600,000
Kelly Mill Land (126.17 acres)	\$	2,955,000
Marley Drive Area Land Only (11.6 acres)*	\$	600,000
Long Town Area (220 acres)	\$	1,300,000
TOTAL LAND PURCHASES		\$ 7,910,000
CONSTRUCTION PROJECTS:		
Blythewood Park Expansion	\$	523,000
Hopkins Park Canteen	\$	48,000
Candlewood New Mini Park	\$	120,000
Royal Pines New Mini Park	\$	120,000
Bluff Road Park Replacement	\$	4,070,000
St. Andrews Park Replacement and swimming pool*	\$	5,179,000
Hopkins Park AAC Replacement	\$	1,140,000
Meadowlake Press Boxes and Canteen	\$	480,000
Polo Road Park Two Lighted Tennis Courts	\$	70,000
Polo Road Park Improvements	\$	50,000
Kelly Mill Development	\$	5,941,000
Cross Roads Park Community Center	\$	1,240,000
Ridgewood Park Community Center	\$	516,000
Lower Richland Mini Parks (4)	\$	480,000
Perrin Thomas Community Center	\$	1,700,000
North Springs Park Expansion	\$	2,172,000
Headquarters Building -- New	\$	3,880,000
Crane Creek Gym	\$	2,170,000
Eastover Pool	\$	1,390,000
Garners Ferry AAC	\$	2,767,000
Garners Ferry Technology Center	\$	408,000
New Castle/Trenholm Acres Community Center	\$	671,000
Gadsden Park Gym and meeting rooms**	\$	1,500,000
TOTAL CONSTRUCTION PROJECTS		\$ 36,635,000
TOTAL		\$ 44,545,000
TOTAL FROM PAGE 1		\$ 4,824,000
		\$ 49,369,000

* Either one of these projects

** Possible joint venture with Richland School District I (half of \$3 million)

KELLY MILL PROPERTY DEVELOPMENT:

<u>Project</u>	<u>Amount</u>
Four (4) soccer fields	\$2,100,000
Two (2) lighted soccer fields	\$120,000
Three (3) football fields	\$1,575,000
One (1) baseball field with press box	\$340,000
One (1) lighted football field	\$80,000
One (1) lighted baseball field	\$80,000
One (1) playground system	\$70,000
Two (2) picnic shelters	\$70,000
Two (2) canteens with restrooms	\$360,000
Paved parking	\$920,000
Two (2) commercial wells with VFD	\$96,000
Irrigation for fields	\$55,000
Walking trail approximately half mile	<u>\$75,000</u>
TOTAL KELLY MILL PROPERTY DEVELOPMENT:	\$5,941,000

POLO ROAD PARK IMPROVEMENTS:

<u>Project</u>	<u>Amount</u>
Demolish two (2) outdoor restrooms	\$10,000
New outdoor restrooms	\$160,000
Replace fencing (black vinyl fencing)	\$202,000
Stairs to soccer fields (2 sets)	\$42,000
Fence along top of hill at stairs	\$20,000
Irrigation improvements: (2) commercial wells with VFD pumps, well houses	<u>\$136,000</u>
TOTAL POLO ROAD PARK PROJECT:	\$570,000

FORM OF
NOTICE PURSUANT TO
SECTION 6-11-870, CODE OF LAWS
OF SOUTH CAROLINA, 1976, AS AMENDED,
OF APPROVAL BY THE COUNTY COUNCIL
OF RICHLAND COUNTY, SOUTH CAROLINA
OF THE ISSUANCE OF
NOT EXCEEDING \$50,000,000 GENERAL OBLIGATION BONDS
OF THE RECREATION DISTRICT OF RICHLAND COUNTY, SOUTH CAROLINA

On June 24, 2008, the Recreation Commission of Richland County (the "Commission") on behalf of The Recreation District of Richland County, South Carolina (the "District") petitioned the County Council of Richland County, South Carolina (the "County Council") requesting that County Council (a) accept the filing of a Petition; (b) make a finding that it is in the best interest of the District for County Council to authorize the Commission to issue not exceeding \$45,000,000 general obligation bonds (the "Bonds"), (c) order a public hearing upon the question of the issuance of the Bonds of the District; and (d) enact an ordinance authorizing the Commission on behalf of the District to issue the Bonds of the District without the necessity of an election in the District upon the question of the issuance of such Bonds.

The County Council caused the required notice to be published in a newspaper of general circulation in Richland County and on July 22, 2008, held a public hearing in Council Chambers, Richland County Administration Building, 2020 Hampton Street, Columbia, South Carolina 29201, on the question of the issuance of the Bonds. The hearing was conducted publicly and both proponents and opponents were given full opportunity to be heard.

The Bonds will be issued at such time as the Commission determines. For the payment of the principal and interest on the Bonds as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the District shall be irrevocably pledged, and there shall be levied and collected annually upon all taxable property of the District a tax, without limitation as to rate or amount, sufficient for such purposes.

County Council determined that no election shall be ordered in the District upon the question of the issuance of the Bonds.

Any person affected by the action of the County Council may, by action de novo instituted in the Court of Common Pleas for Richland County, within twenty (20) days following the last publication of this notice, but not afterwards, challenge the action of the County Council.

Chairman, County Council of Richland County,
South Carolina

B-1

COLUMBIA 923631-v5

BOND CONSTRUCTION UPDATE
Richland County Recreation Commission
April 15, 2013

PHASE ONE PROJECTS

I. First Project Grouping - Playground Equipment (Bid Package A)

- New Modular Playground Systems have been installed at 7 park sites. (Olympia, Meadowlake, Summerhill, Cross Roads, North Springs, Friarsgate, Garners Ferry Parks). **Complete.**

II. Second Project Grouping (Bid Package B & E involving fencing, lighting, irrigation and outdoor restrooms)

- (Package B – Athletic Field Fencing has been installed @ 6 parks. (Eastover, Caughman Road, Bluff Road, Hopkins, Killian and Trenholm Parks) **Complete.**
- (Package E- Field Fencing/Irrigation @ 4 parks). Athletic field fencing (Crossroads and Blythewood Parks). Irrigation systems (Blythewood Park, North Springs Park and Meadowlake Park). Crossroads Park Baseball Field lighting. Blythewood Park Baseball Field lighting. **Complete.**

III. Restrooms/Picnic Shelter/Racquetball Court Renovations (Bid Package C)

- Three new outdoor restrooms are **complete.** (Eastover, Caughman Road and St. Andrews)
- Picnic Shelter with tables is **complete** (Hopkins Park).
- Racquetball Court renovations. Meadowlake, Friarsgate, North Springs and Caughman Road Parks are **complete.**

IV. Tennis Center Building Replacement (Bid Package D)

- Building is **complete**

V. Polo Road Park Improvements (Bid Package G involving irrigation, fencing, paving, landscaping, storm drainage and outdoor restroom)

- Fencing is **complete** on fields #1, #2, #3, #4, #5, #6 and #7.
- Irrigation systems are **complete** on fields #1, #2, #3, #4, #5, #6 and #7.
- Variable Frequency Drives and Irrigation Timers are **complete.**
- Parking Lot #1 (Soccer Complex). **complete.**
- Parking Lot #3 (Baseball Field). **complete.**
- Parking Lot #4 (Football Field) – **complete.**
- Outdoor Restroom is **complete.**
- Project is **complete.**

VI. Cross Roads-Community Center (Phase I- Bid Package F)

- Project is **complete.**

VII. St. Andrews Park-Recreation Center/Pool (Phase I- Bid Package H)

- Project is complete.

VIII. Bluff Road Park –Recreation Center(Phase I- Bid Package I)

- Waiting as built drawings from LCM Design Group.

PHASE TWO PROJECTS

I. Crane Creek - Gymnasium (Project Grouping A)

- Complete.

II. Garners Ferry - Technology Center (Project Grouping A)

- Working on final punch list items.
- Building signage was re-ordered due to incorrect size for building.

III. Kelly Mill – Soccer Fields, Baseball Field, Trail, Parking (Project Grouping A)

- Construction Management has developed cost estimates for site work, buildings, fencing, irrigation, site lighting and storm drainage.
- Construction Management is currently working to develop landscaping and retention wall pre-design/costs.
- Architect has refined design drawings for central tower to house press boxes, restrooms, concessions, etc.

IV. Meadowlake Park – Baseball Field Improvements (Project Grouping A)

- Complete.

V. Polo Road – Tennis Courts (Project Grouping A)

- Project is awaiting delivery of light poles and fixtures.

VI. Garners Ferry – Adult Activity Center (Phase II- Project Grouping B)

- Working on final punch list items.
- Working on final irrigation and sod installation.

VII. Parklane Road Property – RCRC Administrative Offices (Project Grouping B)

- Final punchlist being developed by Architect.
- Final irrigation and sod installation underway .
- Final landscaping in progress.

PHASE THREE PROJECTS

A mandatory Request for Qualifications/Construction Management Services pre-submittal meeting was held on February 12, 2013 for the phase three projects.

Construction Management Services RFQs were submitted February 26, 2013 by firms interested in the Phase Three Projects.

February 28, 2013 the RCRC AD-HOC Committee reviewed all RFQ's to check for responsiveness and to insure qualification evaluation criteria was met.

March 14, 2013 the Richland County AD-HOC Committee Members reviewed the responsive RFQ's and submitted their evaluations of the Construction Management Services Firms to the Director of Procurement.

March 21, 2013 RCRC AD-Hoc Committee received results from evaluations submitted on March 14, 2013 and selected three Firms to be interviewed.

April 11, 2013 RCRC AD-Hoc Committee is scheduled to conduct interviews for Construction Management Services for Firms selected to be interviewed.

Richland County Council Request of Action

Subject

Richland County Sheriff's Department Sole Source Purchase iRobot PackBot **[PAGES 129-133]**

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve a sole source purchase in the amount of \$138,839 for one (1) iRobot PackBot robot platform for the Sheriff's Department Bomb Squad.

Richland County Council Request of Action

Subject: Richland County Sheriff's Department Sole Source Purchase
iRobot PackBot

A. Purpose

County Council is requested to approve a sole source purchase in the amount of \$138,839 for one (1) iRobot PackBot robot platform for the Sheriff's Department Bomb Squad.

B. Background / Discussion

The Richland County Sheriff's Department received grant funds (grant numbers 4864900 and 4867600) through the Homeland Security Grant Program, administered by the South Carolina Law Enforcement Division, to purchase a robotic platform for explosive remediation and tactical operations. The system selected for purchase is the iRobot PackBot platform. This system is a small size robotic platform that is available exclusively through iRobot, its designer and manufacturer. This system is used exclusively for ordinance disposal training by the Federal Bureau of Investigation at the Hazardous Devices School and is the robotic platform that RCSD Bomb Squad members are trained to use.

Because of the highly technical nature of this equipment, it is critical that officers are thoroughly trained in its safe operation. The request to make a sole source purchase was made to the Homeland Security Grants Office, per grant terms and conditions and was approved April 4, 2013. Copies of this approval and the request are attached. Richland County Sole Source paperwork is attached as well.

Grant funds were approved by County Council during the FY12 budget process.

C. Legislative / Chronological History

- June 2010 – County Council approved grant funds for the Homeland Security Grant (4867600)
- June 2012 – County Council approved grant funds for the Homeland Security Grant (4864900).
- On April 17, 2013, Administration requested the Sheriff's Department prepare a Request of Action to provide Council with the necessary information regarding this purchase.

D. Financial Impact

iRobot PackBot system	\$129,757
Tax	\$ 9,082
Total	\$138,839

This item will be purchased through grant account 1200992020 4867600 (\$56,796) - NIMS Type I SWAT Team FY10 and 1200992020 4864900 (\$82,043) - NIMS Type I SWAT Team FY12. Any future maintenance costs will be requested through the RCSD budget.

E. Alternatives

1. Approve the request to purchase the iRobot PackBot.
2. Do not approve the request for purchase the iRobot PackBot and the RCSD Bomb Squad will not possess the equipment they have been trained to use in ordinance disposal, thus jeopardizing officer and community safety.

F. Recommendation

It is recommended that Council approve the request to make the sole source purchase of the iRobot PackBot system for the RCSD Bomb Squad. This item will enhance the efforts of the Squad to identify and safety dispose of potential explosive devices in Richland County.

Recommended by: Stephen Birnie, Deputy Chief Department: Sheriff Date: April 17, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 4/17/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Recommendation is based on grant funds are available as stated.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/17/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Grants

Reviewed by: Sara Salley Date: 4/18/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 4/18/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Policy decision left to Council’s discretion.

Administration

Reviewed by: Sparty Hammett Date: 4/18/13
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:



S.C. Law Enforcement Division

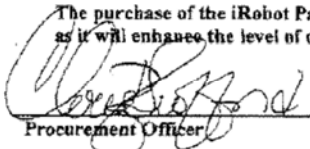
STATE HOMELAND SECURITY GRANT PROGRAM
SOLE SOURCE PROCUREMENT FORM

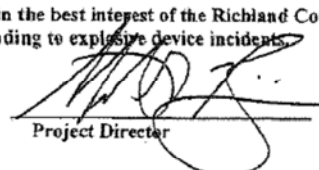
Use of sole source procurement is discouraged. If, after completion of the competitive bidding process, only one responsive bid is received (less than two complete competitive bids received), then this is a sole source procurement (based on the Office of Management and Budget Circular 66). Sole source procurement will be awarded only under exceptional circumstances and must follow precisely the procedure set forth in the South Carolina Consolidated Procurement Code and the federal requirements as outlined below:

1. All sole source procurement requires the explicit prior written approval of the State Administrative Agency (SAA)-SLED.
2. This form requesting any sole source procurement approval must be submitted to SLED by the Procurement Officer for the subgrantee's unit of government prior to purchase and follow the requirements according to dollar amounts as outlined in the State Homeland Security Grant Program Procurement Procedures. This form must also contain sufficient documentation to justify the request and should address the following information:
 - a. Brief description of the program;
This program is to provide Richland County Sheriff's Department's WMD Team with the appropriate equipment in order to a respond to potential WMD incident in the Midlands region.
 - b. Complete description of requested line item(s) as they are listed in the grant application, and costs for which the sole source procurement is being sought;
iRobot PackBot Robotic System (\$138,839 including tax and shipping). This is a small robot platform designed for explosive remediation and tactical operations.
 - c. Explanation of need to contract noncompetitively to include the expertise of the contractor, management, responsiveness, knowledge of program, and experience of contractor personnel.
The iRobot PackBot, exclusively manufactured and sold by iRobot is the system used for training by the Richland County EOD Team and the U.S. government in Hazardous Devices School. Officers have familiarity with the system, which increases efficiency of response and operator safety.
 - d. Time constraints such as when contractual coverage is required and why, impact on the program if dates are not met, time it would take another contractor to reach the same level of competence (equated to dollars if desired);
Products are funded through Homeland Security and if not ordered we will lose funding.
 - e. Uniqueness:
 - f. Other points that should be expressed to substantiate the request; and,

A declaration that this action is in the "best interest" of the agency.

The purchase of the iRobot PackBot robot platform is in the best interest of the Richland County Sheriff's Department, as it will enhance the level of officer safety when responding to explosive device incidents.


Procurement Officer _____
Date 4/3/13


Project Director _____
Date 04-04-13

Grant Number 10SHSP18/12SHSP18
Send the form to the following address:

State Homeland Security Grant Program Point of Contact

Donna Strange, Senior Accountant
SLED Homeland Security Grants Administration
Post Office Box 21398
Columbia, SC 29221-1398
(803) 896-7089
Fax (803) 896-7057
dstrange@sled.sc.gov



SOUTH CAROLINA LAW ENFORCEMENT DIVISION

NIKKI R. HALEY
Governor



MARK A. KEEL
Chief

April 9, 2013

Sheriff Leon Lott
Richland County Sheriff's Department
5623 Two Notch Road
Columbia, South Carolina 29223

Re: State Homeland Security Grant 10SHSP18 and 12SHSP18
Establish/Enhance explosive ordnance disposal units/bomb squads; Enhance capabilities to respond to
CBRNE/all-hazards events

Dear Sheriff Lott:

We have reviewed and approved your request for the sole source purchase of an iRobot PackBot from
iRobot for \$129,757.00 plus applicable taxes.

Your commitment to addressing the homeland security needs in your community and throughout South
Carolina is appreciated. If you have any questions in the future about the grant, please call me at (803)
896-7021.

Sincerely,

Bob Connell, Program Manager
Office of Homeland Security

cc: Traci Dove
Grant File



An Accredited Law Enforcement Agency

P.O. Box 21398 / Columbia, South Carolina 29221-1398 / (803) 737-9000 / Fax (803) 896-7588

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to approve and appropriate \$63,801 of General Fund Unassigned Balance for purchase of equipment for the Richland County Treasurer's Office **[FIRST READING] [PAGES 134-144]**

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve the request to purchase a payment processing station to replace expensive and changing banking lockbox services. The requested equipment will require an Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$63,801.00 of General Fund Undesignated Fund Balance to the Treasurer's Office.

Richland County Council Request of Action

Subject: Richland County Treasurer's Office: Purchase of OPEX-AS3690 Scanner, RTLFIRST Software, Maintenance and Installation for Lockbox Services

A. Purpose

The Richland County Treasurer requires a payment processing station to replace expensive and changing banking lockbox services, and has identified a used piece of equipment meeting our requirements at a deeply discounted cost. The purchase of the requested equipment will require an Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$63,801.00 of General Fund Undesignated Fund Balance to the Treasurer's Office.

B. Background / Discussion

The Richland County Treasurer's Office intends to process all tax payments internally using the OPEX-AS3690 to replace our banking lockbox agreement which currently processes approximately 1/3 of Richland County's property tax payments. The Treasurer's Office intends to increase efficiency, reduce risk, and reduce costs by handling all payments in a single location with this new equipment.

The Treasurer's Office has recently been notified that Banking lockbox services will cease in the Midlands with our current provider on April 19, 2013. At that time, Richland County tax payments will be transported to Atlanta to be processed, and any payments that cannot be handled by the bank will have to be transported back to Columbia to be processed by the Treasurer's Office. The new arrangement will delay the processing of tax payments by at least one (1) day.

In an effort to quickly find a remedy, the Richland County Treasurer's Office contacted a vendor it had previously worked with to evaluate the changing situation. This type of equipment is used to process payments for Colonial Life, SCE&G, Blue Cross Blue Shield, along with other notable large business interests both locally and nationally. This conversation yielded a price quote for a new OPEX station (See Attachment 2) of \$115,983.

When it became clear that the banking lockbox agreement would change immediately, the Treasurer's Office found out that a similar used piece of equipment would be available for 90 days for a cost of \$15,000 plus set-up costs (See the Financial Impact Section, Item D, within) totaling \$63,801.00.

The Treasurer's Office, and Richland County, has paid \$130,677.14 over the last three years in banking lockbox fees. It is anticipated that, by bringing this service in-house, the County will save \$25,000 per year (\$40,000 bank fees vs. \$15,000 annual maintenance) to recoup this investment in just over two years.

In ten years of service, the Richland County Treasurer has only asked for one prior budget amendment which was also for an emergency situation.

C. Legislative / Chronological History

There is no legislative history.

D. Financial Impact

Total cost for budget amendment \$63,801.00. (See Attachment 1 Sole Source)

RT Lawrence Corp.

	One Time Hardware Cost		Price	Maint.
OPX-AS3690	OPEX AS3690 Scanner	1	\$15,000	
	Opex Disassembly, Packing, Assembly and Installation		\$3,459	
	Shipping		\$982	
	Hardware Sub-total		\$19,441	
	RTLFIRST Software Sub-total:		\$29,250	
	RTL Services Sub-total		\$9,600	
	Initial Discount		-\$2,500	
	Travel Expenses		\$1,988	
	TOTAL		\$57,779	+tax =\$62,401.32
Annual Maintenance Payment Terms				
	• Prorated Support June 1, 2013 - July 1, 2013 Due at Date of Installation			\$1,296 + tax =\$1,399.68
	PROJECT GRAND TOTAL \$63,801.00			

E. Alternatives

1. Approve the request to purchase a used OPEX-AS3690 Scanner, RTLFIRST Software, Installation and Maintenance for Lockbox Services.
2. Do not approve the request to purchase a used OPEX-AS3690 Scanner, RTLFIRST Software, installation and maintenance for Lockbox Services, which will result in the loss of timely processing of incoming tax payments and lockbox services being moved out-of-state.

F. Recommendation

It is recommended that Council approve the request to purchase a used OEPX-AS3690 Scanner, RTLFIRST Software, installation and maintenance for Lockbox Services.

Recommended by:
David A. Adams

Department:
Richland County Treasurer

Date:
3-15-13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/4/13

Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Recommendation supports the Richland County Treasurer's program evaluation and funding is available in the fund balance. Approval as requested would require three readings and a budget amendment.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/5/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 4/5/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council's discretion.

Administration

Reviewed by: Tony McDonald Date: 4/5/13
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Although a budget amendment will be required to fund the request, the cost will be recovered within two to three years due to savings in lockbox fees currently paid to the bank.



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: RT Lawrence Corporation

Point of Contact: John Phillips

Telephone #: 312-296-2796

Fax #:

Address: 7740 Painter Avenue, Suite 100, Whittier, CA 90602

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.

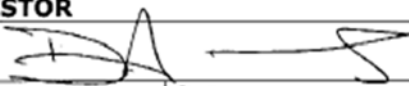
The equipment and software are proprietary to:

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 1730-5315;5471;5426	Telephone 803-576-2275	Date 3/15/2013

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:
--------------------	-------

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¶

¶
The Richland County Treasurer requires a payment processing station to replace expensive and changing banking lockbox services, and has identified a used piece of equipment meeting our requirements at a deeply discounted cost. The purchase of the requested equipment will require \$63,801.00 for purchase, installation and maintenance of an OPEX-AS3690 Scanner and related software.¶

¶
4. Explanation¶

¶
The Richland County Treasurer's Office intends to process all tax payments internally using the OPEX-AS3690 to replace our banking lockbox agreement which currently processes approximately 1/3 of Richland County's property tax payments. The Treasurer's Office has recently been notified that banking lockbox services (currently provided in the Midlands) will be moving to an Atlanta location. The Treasurer's Office intends to increase efficiency, reduce risk, and reduce costs by handling all payments in a single location with this new equipment.¶

¶
The Treasurer's Office has recently been notified that Banking lockbox services will cease in the Midlands with our current provider on April 19th, 2013. At that time, Richland County's tax payments will be transported to Atlanta to be processed, and any payments that cannot be handled by the bank will have to be transported back to Columbia to be processed by the Treasurer's Office. The new arrangement will delay the processing of tax payments by at least one (1) day.¶

¶
In an effort to quickly find a remedy, the Richland County Treasurer's Office contacted a vendor it had previously worked with to evaluate the changing situation. This type of equipment is used to process payments for Colonial Life, SCE&G, Blue Cross Blue Shield, along with other notable large business interests both locally and nationally. This conversation yielded a price quote for a new OPEX station of \$115,983 plus applicable taxes.¶

¶
When it became clear that the banking lockbox agreement would change immediately, the Treasurer's Office found out that a similar used piece of equipment would be available for 90 days for a cost of \$15,000 plus set-up costs totaling \$63,801.00.¶

¶
The Treasurer's Office, and Richland County, has paid \$130,677.14 over the last three years in banking lockbox fees. It is anticipated that, by bringing this service in-house, the County will save \$25,000 per year (\$40,000 bank fees vs. \$15,000 annual maintenance) to recoup this investment in just over two years.¶

¶

Pricing

Part Number	Description	Qty	Price	Annual Support
Hardware				
OPX-AS72I	OPEX AS7200i Scanner (Includes Rear Inkjet, CIS Imagers & OPEX	1	\$52,995	\$8,430
OPX-MICR	MICR Reader (Magnetic and Optical)	1	\$2,750	
OPX-FIP	Front Inkjet Printer	1	\$750	
OPX-M72	OPEX Model 72 Extractor	1	\$24,950	\$2,470
INS-DYO	Installation - 1 day Onsite (OPEX Certified Technician)	1	Incl	N/A
Hardware Sub-total			\$81,445	\$10,900
<i>Hardware Discount</i>			<i>-\$5,000</i>	
Hardware Total			\$76,445	
RTLFIRST Software				
OPX-01	Opex Connect - Process Module	1	\$5,000	\$750
PRC-01	RTLFIRST Process Module	1	\$5,750	\$863
CAR-01	A2iA CAR/LAR engine (1 Million Checks/Year)	1	\$1,750	\$263
SVR-01	One-Operation Supervisor/Verification Lic (1st User Lic) Conc Lic	1	\$1,750	\$263
VRF-01	One-Operation Verification License (1st User Lic) Conc Lic	1	\$1,750	\$263
FVW-DB-01	FIRSTView Imaging-Browser Based (1st User Lic) Conc Lic	1	\$3,750	\$638
CHK 21-001	Check21/ICL Processing Module (Image Exchange)	1	\$4,000	\$600
CHK 21-IMS	Image Score License (1 Million Checks/Year)	1	\$1,500	\$300
MOP-01	Initial Operation (One Operation)	1	Incl	N/A
CUS-LKPL	Real-Time Look up Lite (lookup by acct & by name and address)	1	\$4,000	\$720
RTLFIRST Software Sub-total:			\$29,250	\$4,658
Supplies & Accessories				
OPX-S&A	Scanner supplies & accessories are included in the package	1	Incl	NA
	RTLFIRST & FIRSTView Training Manual (Qty 1 each)	1	Incl	NA
RTL Services				
	Planning, Implementation, Installation, Testing and Training Services		\$9,600	
	Dedicated Project Management & Coordination		Incl	N/A
	Check21 Setup Services - Remote		Incl	N/A
	Pre-Implementation Business Process Review		Incl	N/A
	RTL Pre-Onsite Installation Remote Setup Preparation-4 Days		Incl	N/A
	Onsite Software Installation and Testing - 2 Days		Incl	N/A
	Onsite End-User Hands-on Training -3 Days		Incl	N/A
	Onsite Refresher Training After Operational - 2 Days		Incl	N/A
RTL Services Sub-total			\$9,600	N/A
Travel Expenses and Freight Charges			\$3,188	
PROJECT SUB-TOTAL			\$118,483	\$15,558
<i>Initial Discount</i>			<i>-\$2,500</i>	
PROJECT GRAND TOTAL			\$115,983	\$15,558

Plus applicable taxes.

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 GENERAL FUND ANNUAL BUDGET TO APPROVE AND APPROPRIATE \$63,801 OF GENERAL FUND UNASSIGNED BALANCE FOR PURCHASE OF EQUIPMENT FOR THE RICHLAND COUNTY TREASURER’S OFFICE.

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

SECTION I. That the amount of sixty three thousand eight hundred one dollars (\$63,801) be appropriated specifically to the Richland County Treasurer’s Office “For Purchase of Equipment”. Therefore, the Fiscal Year 2012-2013 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2012 as amended:	\$ 150,088,731
Appropriation of General Fund unassigned fund balance	\$ <u>63,801</u>
Total General Fund Revenue as Amended:	\$ 150,152,532

EXPENDITURES

Expenditures appropriated July 1, 2012 as amended:	\$ 150,088,731
Increase to Equipment Purchase – Treasurer’s Office	\$ <u>63,801</u>
Total General Fund Expenditures as Amended:	\$ 150,152,532

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 _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin Washington, Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

Clerk of Council

RICHLANDCOUNTYATTORNEY'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

Reallocation of Appearance Commission Funding for Hilton Field Improvements [**PAGES 145-150**]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council approve the FY13 budget reallocation for the Appearance Commission to reallocate funds as a grant to Columbia Green for landscaping improvements at Hilton Field on Fort Jackson

Richland County Council Request of Action

Subject: Reallocation of Appearance Commission funds for a grant to Columbia Green for Hilton Field Improvements, Ft. Jackson

A. Purpose

County Council is requested to approve a FY13 budget amendment for the Appearance Commission to reallocate funds as a grant to Columbia Green for landscaping improvements at Hilton Field, on Ft. Jackson.

B. Background / Discussion

During FY13, the Appearance Commission has been working cooperatively with Columbia Green and Ft. Jackson civilian staff to assist financially in certain appearance improvements to Hilton Field on Ft. Jackson. Hilton Field serves as the location for graduation ceremonies for recruits at the Fort. As such, it hosts approximately 200,000 out of town visitors annually. Hilton Field is currently undergoing a \$1-2 million renovation including road paving, parking improvements, permanent restroom facilities, and construction of a landscaped flag promenade in front of the bleachers. A dramatic entrance feature, including a tank and sculpture, is also under construction with an allée of 300 live oak trees leading to the flag promenade. A schematic of the Hilton Field improvements is attached (see Appendix 1).

In February, the Appearance Commission voted to allocate \$5,000 to assist in this effort. More specifically, the \$5,000 will be used to purchase and plant trees along the allée. Because the improvements to Hilton Field are being conducted by contractors overseen by the Department of Defense (DoD), it would be difficult for Richland County to select, hire and oversee a contractor on DoD property. Therefore, the Appearance Commission is requesting the reallocation of \$5,000 for a grant to Columbia Green, a well-known not-for-profit concerned with improving the appearance of Columbia and Richland County, to conduct this effort. In addition, DoD must approve the \$5,000 “gift” before the work can be conducted. Also attached is a letter from Kim Murphy, Chair of the Appearance Commission and Ann Holtschlag of Columbia Green to Colonel Michael Graese at Ft. Jackson making the gift offer (see Appendix 2). DoD’s decision is expected in May 2013 and we are optimistic of its approval.

If approved by Council, the Appearance Commission will enter into a grant agreement with Columbia Green describing the scope of the grant and period of performance. Columbia Green will make the tree purchases for planting at Hilton Field by the DoD contractors and Richland County will reimburse Columbia Green based on receipts submitted to Richland County staff. County staff will inspect the work prior to making any requested reimbursements to Columbia Green. This process is consistent with the administration of the Richland County Conservation Commission Grants program.

C. Legislative / Chronological History

This request was initiated by staff at the directive of the Appearance Commission and has no legislative history.

D. Financial Impact

A total of \$5,000 of County funds will be used for this grant.

E. Alternatives

1. Approve the request to reallocate \$5,000 of Appearance Commission funds to a grant to Columbia Green for appearance improvements to Hilton Field on Ft. Jackson. If approved, a grant will provide the most straightforward vehicle to assist in the appearance improvements to Hilton Field.
2. Do not approve the request to reallocate \$5,000 of Appearance Commission funds to a grant to Columbia Green for appearance improvements to Hilton Field on Ft. Jackson. If the grant is not approved, County staff will need to follow the County procurement process and select and hire a landscape contractor. Staff and the contractor will then need to coordinate this effort with the DoD contractors which could prove problematic from both a scheduling and logistics perspective.

F. Recommendation

It is recommended that Council approve the above request.

Recommended by: James B. Atkins Department: Conservation Date: April 5, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/4/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation based on Commission recommendation and funds are available as stated.

Procurement

Reviewed by: Rodolfo Callwood

Date: 4//5/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 4/16/13

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Sparty Hammett

Date: 4/16/13

Recommend Council approval

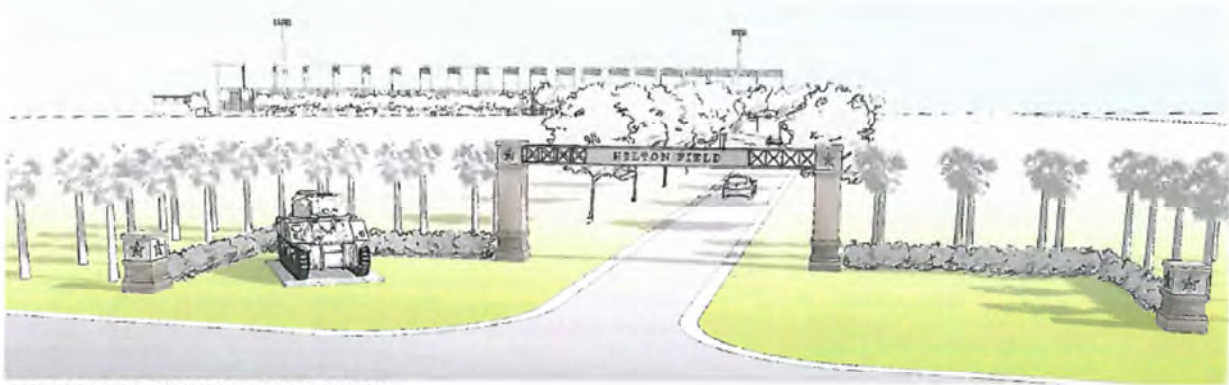
Recommend Council denial

Comments regarding recommendation:

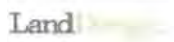
APPENDIX I



HILTON FIELD GATEWAY ENTRANCE EYE LEVEL VIEW



HILTON FIELD GATEWAY ENTRANCE BIRD'S EYE VIEW



FORT JACKSON
HILTON FIELD IMPROVEMENTS | FORT JACKSON, SOUTH CAROLINA



APPENDIX 2



March 29, 2013

Colonel Michael Graese
Garrison Commander
United States Army Training Center & Fort Jackson
4325 Jackson Street
Fort Jackson, South Carolina 29207

Dear Colonel Graese:

The Richland County Appearance Commission and Columbia Green are working cooperatively to improve the appearance and beauty of Richland County. The Commission was created by Richland County Council and works with County Departments and other governmental and non-profit organizations to improve the appearance of Richland County. Since 1984, Columbia Green has promoted beautification, education and conservation efforts in Columbia and the Midlands. Previously, Columbia Green and the RCAC helped beautify the Fort Jackson's Boyden Arbor and Fort Jackson Boulevard entrances, supplied volunteers to assist with several plantings of evergreens at Hilton Field, and created a landscaped feature at the Hilton Field entrance.

Together we would like to express our gratitude for the sacrifices and services given by all Soldiers that defend our freedom. To appropriately honor the active duty fallen from South Carolina during OEF and OIF operations, we would like to donate trees to be installed at Hilton Field from the planned entrance feature to the new promenade and at other areas of the parade grounds and provide appropriate historical markers to Army Community Services (ACS) Survivor Outreach Services (SOS). We also want to honor the history and importance of Fort Jackson to our community, honor the histories of particular Soldiers that have served with honor and distinction and enhance Hilton Field with a sculptural art feature. The estimated value of these combined donations and pro bono services provided by community leaders and business will be in excess of \$500,000.

Should the proposed offer be accepted, it is our intent to complete the project in three phases. 1) The planting of trees, 2) installation of markers honoring the native South Carolina men and women that have given their lives and other honoree's and 3) completion of the art feature. This project will be partially funded by and spearheaded by the Richland County Appearance Commission and Columbia Green, but the project will ultimately be funded and given as a gift from the businesses and private citizens of the State of South

Carolina. We would like to have all phases complete in time for it to be dedicated on June 2, 2017 on the 100 year anniversary of Fort Jackson.

The offer is contingent upon initial funding approval by Richland County Council. There would be no restrictions or conditions beyond what is outlined above. We understand the acceptance of this gift would not imply U.S. Army endorsement of our products or services. We also understand the U.S. Army would make no public announcement of the gift and we would receive no special concessions or privileges.

Please do not hesitate to contact us if you have additional questions or issues with this offer.

Respectfully yours,

Kim Murphy, Chair
Richland County Appearance Commission
803-446-6565

Ann Holtschlag, President
Columbia Green
803-351-2332

Richland County Council Request of Action

Subject

An Ordinance Approving a budget for and the distribution of the revenues from the one percent (1%) sales and use tax for transportation projects for Fiscal Year 2013-2014 and other matters related thereto **[FIRST READING]**
[PAGES 151-158]

Notes

April 23, 2013 - The Committee unanimously approved the recommendation that Council adopt an ordinance approving a budget for and the distribution of the revenues from the one percent (1%) Sales and Use Tax (Transportation Penny) for transportation projects for fiscal year 2013-2014 and other matters related thereto

Richland County Council Request of Action

Subject: Budget and Distribution of Revenues for Sales and Use Tax (Transportation Penny)

A. Purpose

County Council is being asked to adopt an ordinance approving a budget for and the distribution of the revenues from the one percent (1%) sales and use tax (Transportation Penny) for transportation projects for fiscal year 2013-2014 and other matters related thereto.

B. Background / Discussion

Pursuant to the South Carolina Code of Laws, Richland County must adopt an ordinance which approves the budget, and distribution of, Transportation Penny revenues.

On July 18, 2012, County Council enacted Ordinance No. 039-12HR (the "Sales Tax Ordinance") imposing, subject to a successful referendum, a one percent (1%) sales and use tax (the "Sales and Use Tax") for 22 years to be used to fund transportation projects. On November 6, 2012, the County held a referendum which resulted in a favorable vote of a majority of the qualified electors. No further action is needed to impose the Sales and Use Tax. The Sales and Use Tax will be collected beginning May 1, 2013.

The proposed ordinance (attached) provides for the distribution of each quarterly payment of the Sales and Use Tax in a manner required by the Sales Tax Ordinance and the question presented in the referendum as follows:

- (a) 3% of each quarterly payment shall be paid to the County for payment of administrative costs related to the Projects;
- (b) The balance of each quarterly payment shall be distributed as follows:
 - (i) Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements. Maximum Amount: \$656,020,644 which is 63% of the amount available for project costs;
 - (ii) Continued operation of mass transit services provided by Central Midlands Regional Transit Authority including implementation of near, mid and long-term service improvements. Maximum Amount: \$300,991,000 which is 29% of the amount available for project costs; and
 - (iii) Improvements to pedestrian sidewalks, bike paths, intersections and greenways. Maximum Amount: \$80,888,356 which is 8% of the amount available for project costs.

Pursuant to the Sales Tax Ordinance, County Council shall adopt annually prior to the beginning of each fiscal year a budget for expenditures of Sales and Use Tax revenues. For this first fiscal year, a detailed list of expenditures for Projects 1 and 3 (roadway projects (b) (i) and pedestrian improvements / bikeways / greenways (b) (iii)) is not yet available. The proposed ordinance provides that the County Administrator obtain approval of County Council before the expenditure of revenues for those Projects.

The amount to be distributed to the Central Midlands Regional Transit Authority (the “CMRTA”) shall be expended pursuant to its Fiscal Year 2013-2014 budget, which is forthcoming. The proposed ordinance requires that the CMRTA shall provide County Council with a copy of its budget for fiscal year 2013-2014.

The proposed ordinance provides that the County Administrator shall provide to County Council periodic reports as requested by County Council. It also requires the CMRTA to provide quarterly financial information and a copy of its annual audit.

C. Legislative / Chronological History

On July 18, 2012, County Council enacted Ordinance No. 039-12HR (the “Sales Tax Ordinance”) imposing, subject to a successful referendum, a one percent (1%) sales and use tax (the “Sales and Use Tax”) for 22 years to be used to fund transportation projects.

On November 6, 2012, the County held a referendum which resulted in a favorable vote of a majority of the qualified electors.

The Sales and Use Tax will be collected beginning May 1, 2013.

D. Financial Impact

Enactment of the proposed ordinance relates only to the receipt and expenditure of Sales and Use Tax revenue. Enactment of the proposed ordinance will have no financial impact on any other County funds.

E. Alternatives

1. Approve the request to enact the proposed ordinance as presented.
2. Do not approve the request which would require an alternate form of direction regarding distribution of the Sales and Use Tax.

F. Recommendation

It is recommended the Council approve the proposed ordinance as presented.

Recommended by: Roxanne Ancheta Date: April 15, 2013

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/17/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 4/18/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the proposed ordinance as presented.

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

AN ORDINANCE APPROVING A BUDGET FOR AND THE DISTRIBUTION OF THE REVENUES FROM THE ONE PERCENT (1%) SALES AND USE TAX FOR TRANSPORTATION PROJECTS FOR FISCAL YEAR 2013-2014 AND OTHER MATTERS RELATED THERETO.

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

SECTION 1. Findings and Determinations. The County Council (the "County Council") of Richland County, South Carolina (the "County"), hereby finds and determines:

(a) The South Carolina General Assembly has enacted Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended (the "Act"), pursuant to which the county governing body may impose by ordinance a sales and use tax in an amount not to exceed one percent, subject to the favorable results of a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money.

(b) Pursuant to the Act, on July 18, 2012, the County enacted Ordinance No. 039-12HR (the "Sales Tax Ordinance") imposing a one percent (1%) sales and use tax (the "Sales and Use Tax") within the County for a period of 22 years for the purpose hereinafter described.

(c) Pursuant to the terms of the Act and the Sales Tax Ordinance, a referendum was held in the County on November 6, 2012, regarding imposition of the Sales and Use Tax, which resulted in a favorable vote of a majority of the qualified electors.

(d) The Sales and Use Tax will be expended for the payment of administrative expenses and the costs of the following projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such projects, for the following purposes:

(i) Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements. Maximum Amount: \$656,020,644 which is 63% of the amount available for project costs ("Project 1");

(ii) Continued operation of mass transit services provided by Central Midlands Regional Transit Authority including implementation of near, mid and long-term service improvements. Maximum Amount: \$300,991,000 which is 29% of the amount available for project costs ("Project 2"); and

(iii) Improvements to pedestrian sidewalks, bike paths, intersections and greenways. Amount: Maximum Amount: \$80,888,356 which is 8% of the amount available for project costs ("Project 3," together with Project 1 and Project 2, the "Projects").

(e) The imposition of the Sales and Use Tax and the use of Sales and Use Tax revenue shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of Sales and Use Tax revenue established by the Act and other applicable law. Subject to annual appropriations

by County Council, Sales and Use Tax revenues shall be used for the costs of the Projects approved in the referendum, including, without limitation, payment of administrative costs of the Projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the Projects.

(f) The Sales and Use Tax will be imposed beginning May 1, 2013. The revenue from May and June 2013 will be received in fiscal year 2013-2014. The terms and provisions of this ordinance relate to the fiscal year in which the County receives the Sales and Use Tax revenue.

SECTION 2. Receipt of Funds by County Treasurer; Distribution Thereof. Pursuant to the Act, the State Treasurer shall distribute the revenue from the Sales and Use Tax quarterly to the Richland County Treasurer (the "County Treasurer"). The County Treasurer shall hold the revenues and any interest earnings of the Sales and Use Tax in a fund separate and distinct from all other funds of the County. Quarterly distributions of the revenue shall be made by the County in the amounts and only for the purposes stated herein.

SECTION 3. Approval of Budget; Authorization to Distribute Sales Tax Revenue. Pursuant to the Act and the ballot question approved in the referendum held on November 6, 2012, the distribution of the Sales and Use Tax revenue shall be as follows:

(a) 3% of each quarterly payment shall be paid to the County for payment of administrative costs related to the Projects;

(b) The balance of each quarterly payment shall be distributed as follows:

(i) 63% shall be paid to the County for costs of Project 1;

(ii) 29% shall be paid to the Central Midlands Regional Transit Authority for Project 2; and

(ii) 8% shall be paid to the County for costs of Project 3.

(c) Prior to the expenditure of funds for Projects 1 and 3, the County Administrator will obtain County Council's approval for such expenditure. Prior to the expenditure of funds by the Central Midlands Regional Transit Authority (the "CMRTA") for Project 2, the CMRTA shall provide County Council with a copy of its budget for fiscal year 2013-2014.

SECTION 4. Reporting Requirements.

(a) The County Administrator shall provide periodic reports to County Council regarding the use of Sales and Use Tax revenues for Projects 1 and 3 in such form and in such frequency as shall be requested by County Council.

(b) The CMRTA shall provide to County Council an independent annual audit and quarterly financial information, all in a form satisfactory to County Council.

SECTION 5. Miscellaneous.

(a) If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable

from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

(c) The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation, or effect of this ordinance.

(d) This Ordinance shall take effect immediately upon approval at third reading.

(e) All previous ordinances regarding the same subject matter as this ordinance are hereby repealed.

[Signatures Follow]

Enacted this ____ day of _____, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Kelvin Washington, Chairman
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF

_____, 2013:

Michelle Onley
Interim Clerk to County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:

Date of Second Reading:

Date of Third Reading:

Richland County Council Request of Action

Subject

An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2013 and ending June 30, 2014 **[PAGES 159-160]**

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

**AN ORDINANCE TO RAISE REVENUE, MAKE
APPROPRIATIONS, AND ADOPT A BUDGET FOR RICHLAND
COUNTY, SOUTH CAROLINA FOR FISCAL YEAR BEGINNING
JULY 1, 2013 AND ENDING JUNE 30, 2014.**

Richland County Council Request of Action

Subject

An Ordinance Authorizing the levying of ad valorem property taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2013, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2013, through June 30, 2014 **[PAGES 161-162]**

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

AN ORDINANCE AUTHORIZING THE LEVYING OF AD VALOREM PROPERTY TAXES, WHICH, TOGETHER WITH THE PRIOR YEAR'S CARRYOVER AND OTHER STATE LEVIES AND ANY ADDITIONAL AMOUNT APPROPRIATED BY THE RICHLAND COUNTY COUNCIL PRIOR TO JULY 1, 2013, WILL PROVIDE SUFFICIENT REVENUES FOR THE OPERATIONS OF RICHLAND COUNTY GOVERNMENT DURING THE PERIOD FROM JULY 1, 2013, THROUGH JUNE 30, 2014.

Richland County Council Request of Action

Subject

An Ordinance Authorizing the East Richland County Public Service Commission to incur not exceeding \$10,000,000 of General Obligation indebtedness and the levy of ad valorem property taxes in the East Richland County Public Service District to pay debt service thereon **[PAGES 163-170]**

ORDINANCE

AUTHORIZING THE EAST RICHLAND COUNTY PUBLIC SERVICE COMMISSION TO INCUR NOT EXCEEDING \$10,000,000 OF GENERAL OBLIGATION INDEBTEDNESS AND THE LEVY OF AD VALOREM PROPERTY TAXES IN THE EAST RICHLAND COUNTY PUBLIC SERVICE DISTRICT TO PAY DEBT SERVICE THEREON.

As an incident to the enactment of this Ordinance and the issuance of the bonds provided for herein, the County Council of Richland County, South Carolina (hereinafter call the “County Council”), the governing body of Richland County, South Carolina (hereinafter called the “County”), find that the facts set forth herein exist and the statements made with respect thereto are true and correct.

WHEREAS, the East Richland County Public Service Commission (the “Commission”), the governing body of the East Richland County Public Service District (the “District”), is empowered to provide wastewater collection and treatment services in that portion of the Richland County located in the District’s service area; and

WHEREAS, the Commission have determined it is necessary to replace approximately 5.5 miles of 24-inch force main which has been in service for approximately 50 years; the Commission propose to replace it with approximately 5.5 miles of 42-inch force main which will be adequate to service the District for its anticipated life of 30 years; replacing the 24-inch force main would serve to protect the environment while serving the District’s rate payers; the Commission also plan to install an additional 2.5 miles of effluent force main (collectively referred to herein as the “Project”); the Project will be a part of the District’s wastewater collection and treatment system (the “System”); and

WHEREAS, the District’s engineers estimate the cost of the Project to be \$24,500,000; and

WHEREAS, the Commission petitioned the County Council, pursuant to S.C. Code Section 6-11-830, to determine that it would be in the interest of the District to raise not exceeding \$10,000,000 to finance a portion of the costs of the Project from general obligation indebtedness to be incurred by the Commission on behalf of the District; and

WHEREAS, pursuant to S.C. Code Section 6-11-850, the County Council conducted a public hearing on May 7, 2013, on the question of the incurring of general obligation indebtedness by the Commission for the purpose of financing a portion of the costs of the acquisition and installation of the Project from general obligation indebtedness to be incurred by the Commission; and

WHEREAS, pursuant to S.C. Code Section 6-11-860, the County Council found that general obligation indebtedness in the amount of not exceeding \$10,000,000 may be issued by the Commission to finance a portion of the costs of the Project from general obligation indebtedness to

be incurred by the District and gave published notice of that action in accordance with S.C. Code Section 6-11-870; and

WHEREAS, the said general obligation indebtedness of the District is to be repaid from ad valorem property taxes to be levied and collected on all taxable property located in the District in accordance with S.C. Code Section 6-11-990: and

WHEREAS, in accordance with S.C. Code Sections 4-9-120 and 4-9-130, County Council must take legislative action authorising a tax levy by ordinance duly enacted following the conduct of a public hearing;

NOW, THEREFORE, BE IT ORDAINED by the County Council of Richland County, as follows:

Section 1. Authorization. The County Council authorise the Commission to incur general obligation indebtedness of the District up to the principal amount of \$10,000,000 for the purpose of financing a portion of the costs of the Project from general obligation indebtedness to be incurred by the District. For the payment of the principal and interest of such indebtedness, the full faith, credit, and taxing power of the District shall be pledged, and in accordance with S.C. Code Section 6-11-990, there shall be levied annually by the Richland County Auditor and collected by the Richland County Treasurer a tax without limit on all taxable property in the District sufficient to pay the principal and interest of such indebtedness. The Chairman of the Commission shall notify the Richland County Auditor and the Richland County Treasurer of the issuance of such indebtedness by the Commission.

Section 2. Notice of Enactment of Ordinance. Upon enactment of this Ordinance, notice, substantially in the form attached hereto as Exhibit A, shall be published in The State, a newspaper of general circulation in Richland County.

Section 3. Effective Date of Ordinance. This Ordinance shall take effect and be in full force immediately upon approval following third reading by the County Council.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
County Council

Attest:

Clerk, County Council

First Reading: May 7, 2013
Second Reading: May 21, 2013
Public Hearing: June 4, 2013
Third Reading: June 4, 2013

NOTICE OF ENACTMENT OF ORDINANCE BY RICHLAND COUNTY COUNCIL
AUTHORISING THE EAST RICHLAND COUNTY PUBLIC SERVICE
COMMISSION TO INCUR NOT EXCEEDING \$10,000,000 GENERAL
OBLIGATION INDEBTEDNESS AND OTHER RELATED MATTERS

Notice is hereby given that the County Council of Richland County, South Carolina has enacted an Ordinance authorising the East Richland County Public Service Commission to incur not exceeding \$10,000,000 of general obligation indebtedness of the East Richland County Public Service District (the "District") secured by a pledge of the full faith, credit, and taxing power of the District for the purpose of financing a portion of the costs of the acquisition and installation of a new force main and an effluent force main as part of its wastewater treatment system from general obligation indebtedness to be incurred by the District.

This notice is being given pursuant to Section 11-27-40 of the Code of Laws of South Carolina 1976, as amended, which provides that the initiative and referendum provisions contained in Chapter 9, Title 4 of the Code of Laws of South Carolina 1976, as amended, should not be applicable to the aforesaid Ordinance unless a notice, signed by not less than five (5) qualified electors of the District, of the intention to seek a referendum, be filed within twenty (20) days following the publication of this notice with the Office of the Clerk of Court for Richland County, South Carolina and the Office of the Clerk of County Council of Richland County, South Carolina.

BY ORDER of the County Council of Richland County, South Carolina.

NOTICE OF PUBLIC HEARING

A public hearing shall be held by the County Council of Richland County, South Carolina (the "Council") beginning at _____ p.m. on Tuesday, June 4, 2013, at the County Council Chambers, County Administration Building, 2020 Hampton Street, Columbia, South Carolina, before final action by the Council to approve an Ordinance authorizing the East Richland County Public Service Commission to incur not exceeding \$10,000,000 of general obligation indebtedness and the levy of ad valorem property taxes in the East Richland County Public Service District to pay debt service thereon.

At the public hearing all taxpayers and residents of Richland County and other interested persons who appear will be given an opportunity to express their views for or against the ordinance.

BY ORDER of the County Council of Richland County, South Carolina.

TO RICHLAND COUNTY COUNCIL)
)
) **PETITION**
) **OF THE EAST RICHLAND COUNTY**
) **PUBLIC SERVICE COMMISSION**

This Petition of the East Richland County Public Service Commission (the "Commission"), the governing body of the East Richland County Public Service District (the "District"), pursuant to S.C. Code Section 6-11-830 respectively shows:

1. The Commission has determined that it was necessary to replace approximately 5.5 miles of 24-inch force main which has been in service for approximately 50 years. The Commission proposes to replace it with approximately 5.5 miles of 42-inch force main which will be adequate to service the District for its anticipated life of 30 years. Replacing the 24-inch force main would serve to protect the environment while serving the District's rate payers. The District is also planning to install an additional 2.5 miles of effluent force main (collectively referred to herein as the "Project"). The Project will be a part of the District's wastewater collection and treatment system (the "System").

2. The District's engineers estimate the cost of the Project to be \$24,500,000.

3. The Commission have typically financed major construction projects with State Revolving Fund loans from the State Budget and Control Board (the "SRF") or with tax exempt bond issues. These forms of financing provide the lowest interest rates that are available to the Commission.

4. The Commission expect to enter into another SRF loan or to issue tax exempt bonds to fund the costs of the Project.

5. SRF has advised the District that it would commit to a loan of \$24,500,000 of which \$10,000,000 of the loan would be repayable from property taxes and secured by the general obligation pledge of the District. The balance of the loan, in the amount of \$14,500,000, would be secured by and be payable solely from the District's net revenues derived from the operation of the System.

6. Pursuant to the State Constitution and statutes, the District can incur general obligation indebtedness in an amount not to exceed its 8% constitutional debt limit without conducting a referendum. The assessed value of all taxable property located in the District is \$244,028,950. Accordingly, the District's current debt limit is \$19,522,316. The District currently has outstanding \$9,155,650 of general obligation indebtedness which count against its debt limit. Consequently, the District can currently incur \$10,366,666 of additional general obligation indebtedness without a referendum.

7. S.C. Code Section 6-11-820 requires that before the District may incur general obligation indebtedness, it must receive the approval of Richland County Council. Before it may give its approval, County Council must conduct a public hearing following publishing notice of

the public hearing once a week for three successive weeks, with the first publication to occur at least 16 days prior to the public hearing.

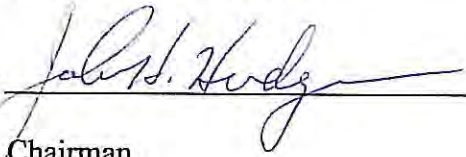
8. The Commission have determined that it is in the best interest of the citizens of Richland County who work or live within the District that the costs of the Project be financed with an SRF loan or tax exempt bonds in the amount of not exceeding \$24,500,000, of which \$14,500,000 will be a revenue obligation of the District and not exceeding \$10,000,000 will be a general obligation of the District.

9. In order to be in the position to award the construction contract for the Project, the Commission desire to petition County Council to approve the general obligation portion of the financing needed to fund the costs of the Project.

Upon the basis of the foregoing, the Commission respectfully request that Richland County Council (i) accept the filing of this Petition, (ii) schedule the public hearing required by S.C. Code Section 6-11-830, (iii) determine that it is in the interest of the District to finance a portion of the cost of the Project by the District's incurring not exceeding \$10,000,000 of general obligation indebtedness, and (iv) approving the District's incurring not exceeding \$10,000,000 of general obligation indebtedness to finance a portion of the costs of the Project.

Made this 8 day of March, 2013.

**EAST RICHLAND COUNTY PUBLIC
SERVICE COMMISSION**

By: 
Its: Chairman

Richland County Council Request of Action

Subject

A Resolution Authorizing the East Richland County Public Service Commission to incur not exceeding \$10,000,000 of General Obligation indebtedness and other related matters [**PAGES 171-175**]

RESOLUTION

AUTHORIZING THE EAST RICHLAND COUNTY PUBLIC SERVICE COMMISSION TO INCUR NOT EXCEEDING \$10,000,000 OF GENERAL OBLIGATION INDEBTEDNESS AND OTHER RELATED MATTERS.

WHEREAS, the East Richland County Public Service Commission (the “Commission”), the governing body of the East Richland County Public Service District (the “District”), is empowered to provide wastewater collection and treatment services in that portion of Richland County located in the District’s service area; and

WHEREAS, the Commission determined it is necessary to replace approximately 5.5 miles of 24-inch force main which has been in service for approximately 50 years; the Commission propose to replace it with approximately 5.5 miles of 42-inch force main which will be adequate to service the District for its anticipated life of 30 years; replacing the 24-inch force main would serve to protect the environment while serving the District’s rate payers; the Commission also plan to install an additional 2.5 miles of effluent force main (collectively referred to herein as the “Project”); the Project will be a part of the District’s wastewater collection and treatment system (the “System”); and

WHEREAS, the Commission petitioned the County Council, pursuant to S.C. Code Section 6-11-830, to determine if it would be in the interest of the District to raise not exceeding \$10,000,000 to finance a portion of the costs of the acquisition and installation of the Project from general obligation indebtedness to be incurred by the Commission on behalf of the District; and

WHEREAS, pursuant to S.C. Code Section 6-11-850, the County Council conducted a public hearing on May 7, 2013, on the question of the incurring of general obligation indebtedness by the Commission for the purpose of financing the costs of the Project;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Richland County, as follows:

Section 1. Findings and Authorization. The County Council hereby find that not exceeding \$10,000,000 general obligation indebtedness of the District may be incurred to finance a portion of the costs of the acquisition and installation of the Project and, to that purpose, the County Council authorise the Commission to incur general obligation indebtedness of the District up to that amount and for that purpose. Because the requested indebtedness by the Commission does not exceed its 8% constitutional debt limit, no referendum need be held upon the question of the incurring of the general obligation indebtedness of the District authorised hereby.

Section 2. Notice of Approval. In accordance with S.C. Code Section 6-11-870, notice of this action, substantially in the form attached hereto as Exhibit A, shall be published once a week for three successive weeks in The State, a newspaper of general circulation in Richland County.

Section 3. Effective Date of Resolution. This Resolution shall take effect and be in full force immediately upon its adoption by the County Council.

Passed and approved this 7th day of May, 2013.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
Chairman, County Council

Attest:

Clerk, County Council

NOTICE OF APPROVAL OF ACTION BY RICHLAND COUNTY COUNCIL
AUTHORISING THE EAST RICHLAND COUNTY PUBLIC SERVICE
COMMISSION TO INCUR NOT EXCEEDING \$10,000,000 GENERAL
OBLIGATION INDEBTEDNESS AND OTHER RELATED MATTERS

Following a public hearing conducted by the Richland County Council (the Council) on May 7, 2013, as required by S.C. Code Section 6-11-850, on the question of the incurring of general obligation indebtedness by the East Richland County Public Service Commission (the "Commission"), the Council found that not exceeding \$10,000,000 general obligation indebtedness of the East Richland County Public Service District (the "District") may be incurred by the Commission on behalf of the District to finance a portion of the costs of the acquisition and installation of a new force main and an effluent force main as part of its wastewater treatment system. The general obligation indebtedness may be incurred in the amount of not exceeding \$10,000,000 for that purpose and would be repaid by an ad valorem tax levy on all taxable property located in the East Richland County Public Service District. Because the requested indebtedness by the Commission does not exceed its 8% constitutional debt limit, no referendum need be held upon the question of the incurring of the general obligation indebtedness of the District authorized by the Council.

BY ORDER of the County Council of Richland County, South Carolina.

NOTICE OF PUBLIC HEARING

A public hearing shall be held by the Richland County Council (the Council) beginning at 6:00 p.m. on Tuesday, May 7, 2013, in County Council Chambers, County Administration Building, 2020 Hampton Street, Columbia, South Carolina, as required by S.C. Code Section 6-11-840, on the question of whether the East Richland County Public Service Commission should incur general obligation indebtedness on behalf of the East Richland County Public Service District (the District). The general obligation indebtedness of the District would be in the amount of not exceeding \$10,000,000, and would be used to finance a portion of the costs of the acquisition and installation of a new force main and an effluent force main as part of its wastewater treatment system. The general obligation indebtedness would be repaid by an ad valorem tax levy on all taxable property located in the District.

At the public hearing both proponents and opponents who appear will be given an opportunity to express their view for or against the proposal to incur general obligation indebtedness for this purpose. Following the public hearing, the Council shall by ordinance or resolution make a finding as to whether and to what extent the District may incur general obligation indebtedness for this purpose.

BY ORDER of the County Council of Richland County, South Carolina.

Richland County Council Request of Action

Subject

Report of the Decker Center Ad Hoc Committee:

- a. Project Manager Contract Approval

Richland County Council Request of Action

Subject

Report of the Jail Ad Hoc Committee

Richland County Council Request of Action

Subject

Small Local Business Enterprise ("SLBE") Program [**PAGES 178-196**]

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 fifty 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.

Richland County’s definition of Small Business Enterprise (SBE):

(1) Any for-profit enterprise as defined by South Carolina Code of Laws, Title 33, Chapter 31; 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. The owner(s) is actively involved in day-to-day management and control of the business;***
- b. 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 \$3 million in its most recently completed 3 fiscal years;***
- c. Manufacturing operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$3 million in its most recently completed 3 fiscal years;***

- d. *Truck Transportation operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$3 million in its most recently completed 3 fiscal years;*
- e. *Real Estates, rental, leasing, trusts, funds, insurance (carries and related activities); professional, scientific, technical services, 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 million in its most recently completed 3 fiscal years;*
- f. *Administrative and Support Services operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2.5 million in its most recently completed 3 fiscal years;*
- g. *Repair and maintenance 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 million in its most recently completed 3 fiscal years;*
- h. *Service operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of:*
- *\$5 million for architectural*
 - *\$2.5 million for engineering*
 - *\$5 million for all other services*

The amount shown must be in its most recently completed 3 fiscal years;

- i. *Specialty Trade Contractors did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$5 million for all other services in its most recently completed 3 fiscal years; and*
- j. *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 \$5 million in its most recently completed 3 fiscal years;*

k. *Retail Trade*

\$3 million

A few may be a higher size standard, but none above \$3 million or 50 employees.

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 not to exceed the three years.

Once the gross annual receipts of a business exceed the gross sales average limits, it should no longer be eligible and should be graduated from the program. The size standards in number of employees and number of dollars should be reviewed annually and adjusted periodically to meet economic changes.

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;

That satisfy the following size requirements:

- a. *The owner(s) is actively involved in day-to-day management and control of the business;*
- b. *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 \$3 million in its most recently completed 3 fiscal years;*
- c. *Manufacturing operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$3 million in its most recently completed 3 fiscal years;*
- d. *Truck Transportation operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$3 million in its most recently completed 3 fiscal years;*

- e. *Real Estates, rental, leasing, trusts, funds, insurance (carries and related activities); professional, scientific, technical services, 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 million in its most recently completed 3 fiscal years;*
- f. *Administrative and Support Services operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$2.5 million in its most recently completed 3 fiscal years;*
- g. *Repair and maintenance 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 million in its most recently completed 3 fiscal years;*
- h. *Service operations of the business did not employ more than 50 persons, and the gross sales of the business did not exceed an average of:*
 - *\$5 million for architectural*
 - *\$2.5 million for engineering*
 - *\$5 million for all other services*

The amount shown must be in its most recently completed 3 fiscal years;

- i. *Specialty Trade Contractors did not employ more than 50 persons, and the gross sales of the business did not exceed an average of \$5 million for all other services in its most recently completed 3 fiscal years; and*
- j. *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 \$5 million in its most recently completed 3 fiscal years;*
- k. *Retail Trade*

\$3 million

A few may be a higher size standard, but none above \$3 million or 50 employees.

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 not to exceed the three years.

Once the gross annual receipts of a business exceed the gross sales average limits, it should no longer be eligible and should be graduated from the program. The size standards in number of employees and number of dollars should be reviewed annually and adjusted periodically to meet economic changes.

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 the size standard eligibility requirements.

(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 the size standard eligibility requirements;
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

Points Awarded

5.0 51-100

% of Participation Criteria

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

DRAFT

Richland County Council Request of Action

Subject

- a. Resolution in Support of "Relook of Award for Upgrade" to the Medal of Honor for Silver Star recipient Colonel William P. Collier, Jr., USA (Ret.) **[WASHINGTON]**
- b. Resolution Honoring Verna Hatten's 100th Birthday **[DICKERSON]**
- c. Move that all outside agencies in the Contractual & Statutory portion of the Richland County budget be required to submit a written annual report due no later than January 31st of each year that provides a full accounting as to how County appropriations were spent during the previous fiscal year ending on June 30th. Currently, no such accounting has been requested nor is required by ordinance. Certain agency exemptions from this policy may be granted at County Council's discretion upon written request of the agency **[PEARCE]**
- d. I move that we immediately fund the new facilities that have been completed and waiting to be staffed and operated at the Recreation Commission **[JACKSON & DICKERSON]**
- e. Move that the Recreation Commission provide County Council a detailed , line item, park by park financial analysis of funds they deem necessary to open the parks they maintain that they are unable to open within their existing County millage allocation. In addition, I would request that the Recreation Commission provide County Council a detailed report on all cost saving measures initiated to address their financial shortfalls. These data should be prepared and presented to Council prior to consideration of additional funding for the Recreation Commission **[PEARCE]**
- f. All agencies that receive funding from Richland County should all submit a copy of their 990 along with their request **[DIXON]**

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda