

RICHLAND COUNTY

SPECIAL CALLED MEETING AGENDA

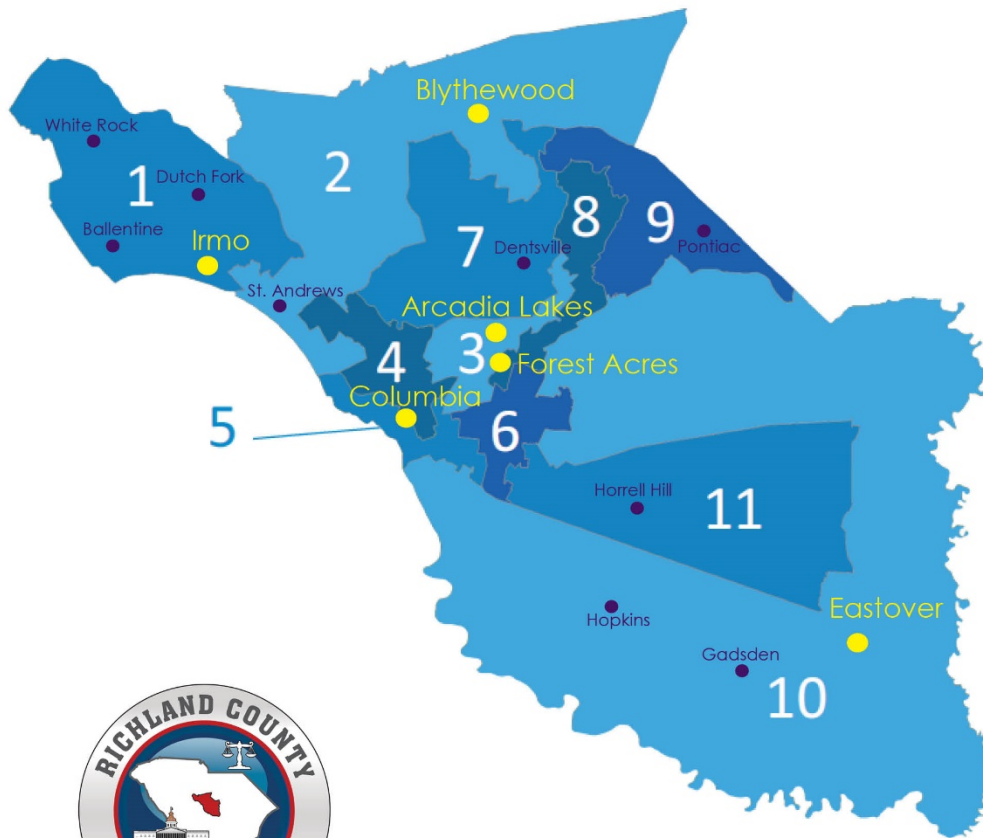


Tuesday, JULY 24, 2018

Immediately Following

Zoning Public Hearing

RICHLAND COUNTY COUNCIL 2017-2018



VICE CHAIR
Bill Malinowski
District 1



CHAIR
Joyce Dickerson
District 2



Yvonne McBride
District 3



Paul Livingston
District 4



Seth Rose
District 5



Greg Pearce
District 6



Gwendolyn Kennedy
District 7



Jim Manning
District 8



Calvin "Chip" Jackson
District 9



Dalhi Myers
District 10



Norman Jackson
District 11



Richland County Special Called Meeting

July 24, 2018

Immediately Following Public Hearing

2020 Hampton Street, Columbia, SC 29204

1. **CALL TO ORDER** The Honorable Joyce Dickerson
2. **APPROVAL OF MINUTES** The Honorable Joyce Dickerson
 - a. Special Called Meeting: July 10, 2018 [PAGES 12-40]
3. **ADOPTION OF AGENDA** The Honorable Joyce Dickerson
4. **REPORT OF ATTORNEY FOR SPECIAL SESSION ITEMS** Larry Smith,
County Attorney
 - a. Pinewood Lake Park Update
 - b. Colonial Life Property Update
 - c. Sungard/CRW Settlement Agreement [ACTION]
 - d. Marsha Taylor, et. al. vs. County of Richland Settlement Agreement [ACTION]
 - e. Potential Property Purchase: Northwest Recycling Center [ACTION]
5. **CITIZENS' INPUT** The Honorable Joyce Dickerson
 - a. For Items on the Agenda Not Requiring a Public Hearing
6. **REPORT OF THE ASSISTANT COUNTY ADMINISTRATOR** Dr. Sandra Yudice,
Assistant County Administrator
 - a. Communications Center: Property Negotiations Update
 - b. SCDOT Turnback Program [PAGES 41-43]

7. REPORT OF THE CLERK OF COUNCIL

Kimberly Williams-Roberts,
Clerk to Council

- a. 2019 County Council Retreat
- b. SCAC Invitations:
 - McNair Law Firm and Compass: August 4, 5, or 6 - Red Fish, 7:00 PM
 - Parker Poe: August 4 or 5 - Dinner Cruise, 5:30 - 9:00 PM
 - Waste Management: August 4, 5, or 6 - Hudson's Seafood, 7:00 PM
 - Republic Services, August 6 - Alexander's Restaurant, 12:00 - 1:30 PM

8. REPORT OF THE CHAIR

The Honorable Joyce Dickerson

- a. Personnel Matter: Interim County Administrator
- b. Personnel Matter: Clerk to Council Contract

9. APPROVAL OF CONSENT ITEMS

The Honorable Joyce Dickerson

- a. 18-019MA
Mohammad Tabassum
RU to NC (1.7 Acres)
7125 Monticello Road
TMS # R07600-02-25 [THIRD READING] [PAGES 44-45]
- b. 18-020MA
Robert L. Legette
NC to GC (.51 Acres)
441 Percival Road
TMS # R16712-06-03 [THIRD READING] [PAGES 46-47]
- c. 18-022MA
Scott Morrison
RU to RS-E (10.81 Acres)
204 Langford Road
TMS # R15200-05-02(p) [THIRD READING] [PAGES 48-49]

The Honorable Joyce Dickerson

10. THIRD READING ITEMS

- a. Authorizing the Expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in

Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for Infrastructure Credits to Lorick Place, LLC to assist in the development of a low-income housing project; and other related matters [PAGES 50-71]

11. SECOND READING ITEMS

The Honorable Joyce Dickerson

- a. An Ordinance Amending Chapter 17, Motor Vehicles In Traffic; Article Ii, General Traffic And Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; So As To Include Hobart Rd. [PAGES 72-86]

12. REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

The Honorable Greg Pearce

- a. Proposed District 9 Neighborhood Master Plan – “Pontiac” [PAGES 87-105]
- b. Council Motion: State and/or Federal law prohibitions against a county plastic bag ordinance [MALINOWSKI and N. JACKSON] [PAGE 106]
- c. Council Motion: Coordination of DHEC inquiries [N. JACKSON] [PAGE 107]
- d. County Council is requested to approve an amendment of the Richland County Code of Ordinances, Chapter 21: Roads, Highways, and Bridges [PAGES 108-111]

13. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

The Honorable Paul Livingston

- a. Amendment to lease for Economic Development Office [PAGES 112-117]
- b. City of Columbia and Richland County Animal Care Facilities Intergovernmental Agreement [PAGES 118-122]
- c. Approval of an Intergovernmental Agreement (IGA) between Richland County and the City of Columbia regarding FY 2019 Transportation Penny Program projects [PAGES 123-126]
- d. Affordable Housing Development [PAGES 127-128]
- e. Candlewood Neighborhood Park Land Acquisition and Subsequent Deed to Richland County Recreation Commission for Park Maintenance [PAGES 129-141]

- f. Approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St. [PAGES 142-148]
- g. This is a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells connected by piping to a vacuum blower system, along with ancillary systems [PAGES 149-178]
- h. Council Motion: Reconsider the order to request the return of funds used to purchase four acres for county projects by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project [N. JACKSON] [PAGES 179-201]
- i. Council Motion: Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed [N. JACKSON] [PAGE 202]
- j. Council Motion: Allocation of additional \$3M in funding for the Pinewood Lake Park project [N. JACKSON] [PAGE 203]
- k. Council Motion: Conservation Commission to revise the proposed contract agreement with the Pinewood Lake Park Foundation [N. JACKSON] [PAGES 204-240]
- l. Council Motion: Council review of the Hospitality Tax process [KENNEDY] [PAGES 241-257]
- m. The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increases for CYs 2016 and 2017 [PAGES 258-276]
- n. Request from the University of South Carolina's Center for Applied Innovation and Advanced Analytics to partner and implement (including funding) a project that would provide rural internet to those areas of unincorporated Richland County that do not have access to broadband. [PAGES 277-281]

14. REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

The Honorable Paul Livingston

- a. A Resolution of the County Council of Richland County, South Carolina relating to incentives for affordable low income rental housing developments and otehr matters related thereto [PAGES 282-285]

- b. A Resolution committing to negotiate a fee-in-lieu of ad valorem taxes agreement between Richland County and Project Monopoly; identifying the project; and other matters related to Project Monopoly [PAGES 286- 288]
- c. An Ordinance Authorizing the execution and delivery of a fee in lieu of ad valorem taxes agreement between Richland County and Project Monopoly; the granting of certain special source revenue credits to Project Monopoly, the transfer of real property located in Richland County to Project Monopoly; the granting of an option and right of first refusal on other real property to Project Monopoly; the execution and delivery of documents necessary to effect the intent of this ordinance; and other related matters [FIRST READING BY TITLE ONLY]

15. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

The Honorable Bill Malinowski

16. NOTIFICATION OF VACANCIES

- a. Accommodations Tax – Three (3) Vacancies (ONE applicant must have a background in the Cultural Industry; TWO applicants must have a background in the Hospitality Industry)
 - b. Hospitality Tax – Two (2) Vacancies (applicants must be from Restaurant Industry)
 - c. Employee Grievance Committee – Six (6) Vacancies (MUST be a Richland County employee; 2 seats are alternates)
 - d. Board of Assessment Appeals – One (1) Vacancy
 - e. Board of Zoning Appeals – One (1) Vacancy
 - f. Building Codes Board of Appeals – Five (5) Vacancies (ONE applicant must be from the Architecture Industry, ONE from the Plumbing Industry, ONE from the Electrical Industry & TWO from Fire Industry as alternates)
 - g. Procurement Review Panel – Two (2) Vacancies – (One applicant must be from the public procurement arena & one applicant must be from the consumer industry)
 - h. Library Board of Trustees – Six (6) Vacancies

- i. Historic Columbia Foundation – One (1) Vacancy
- j. East Richland Public Service Commission – One (1) Vacancy
- k. Midlands Workforce Development Board – Three (3) Vacancies (ONE Apprenticeship seat; must be a representative of a registered apprenticeship program and TWO Private Sector Business seats; must represent private sector business with policy-making or hiring authority)

17. REPORT OF THE INTERIM ADMINISTRATOR AD HOC COMMITTEE

18. OTHER ITEMS

The Honorable Joyce Dickerson

- a. FY19 - District 11 Hospitality Tax Allocations [PAGES 289-290]
- b. FY18 - District 7 Hospitality Tax Allocations [PAGES 291-292]
- c. FY19 - District 9 Hospitality Tax Allocations [PAGES 293-294]

The Honorable Joyce Dickerson

19. CITIZENS' INPUT

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

20. MOTION PERIOD

The Honorable Jim Manning

- a. I move that the County Council’s Property Distribution Management Ad Hoc Committee (formerly the 911 Emergency Building Ad Hoc Committee) convene and create a group modeled after the 39 Member Panel (not to be confused with the TPAC) that culminated in the Transportation Penny and/or the Development Roundtable Panel that brought forth the 20+ Environmentalists/Developers Joint Recommendations for implementation and/or the Flood Recovery Blue Ribbon Panel (modeled after a Tennessee local government’s work) that guided direction following the 1,000 year flood tragedy, with the goal to culminate in a comprehensive and inclusive strategy for the Renaissance.
- b. Based on the discussion at the July 9, 2018 Navigating to Move Forward Council Roundtable Workshop priority discussion of the life and death needs in Lower Richland for a critical health care clinic and in light of the July 10, 2018 establishment of the Property Transition Management Ad Hoc Committee and the fact that the

The Honorable Jim Manning
The Honorable Norman Jackson
The Honorable Dalhi Myers

identified property for the clinic was obtained over 10 years ago, I move that the properly authorized Richland County agent(s) request Palmetto Health and Providence to proceed with their proposals to build a free standing emergency room facility to include an ER and outpatient care, pharmacy, clinic, and other preventative healthcare services.

21. ADJOURNMENT



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



Richland County Council
Special Called
July 10, 2018 – 6:00 PM
Council Chambers

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson, Norman Jackson, Gwen Kennedy, Paul Livingston, Jim Manning, Yvonne McBride, Dalhi Myers, Greg Pearce and Seth Rose

OTHERS PRESENT: Michelle Onley, Beverly Harris, James Hayes, Kim Williams-Roberts, Cathy Rawls, Trenia Bowers, John Thompson, Brandon Madden, Jennifer Wladischkin, Tracy Hegler, Sandra Yudice, Stacey Hamm, Ismail Ozbek, Eden Logan, Larry Smith, Dwight Hanna, Tim Nielsen, Synithia Williams, Art Braswell, Stephen Staley, Shahid Khan, Michelle Rosenthal, Jamelle Ellis, and Bryant Davis

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson praised the Lord for all of the people getting out of the cave in Thailand.

2. **INVOCATION** – The invocation was led by the Honorable Norman Jackson

3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Norman Jackson

4. **APPROVAL OF MINUTES**

- a. Budget – 2nd Reading: June 14, 2018 – Ms. McBride moved, seconded by Ms. Myers, to approve the minutes as published.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. Regular Session: June 19, 2018 –Mr. Pearce moved, seconded by Ms. Kennedy, to approve the minutes as published.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Special Called
July 10, 2018

-1-

- c. Zoning Public Hearing: June 26, 2018 – Ms. Myers moved, seconded by Mr. Malinowski, to approve the minutes as published.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

5. **ADOPTION OF THE AGENDA** –Mr. Smith stated the following item needs to be added under the Report of the Attorney for Executive Session: Pending Litigation - Richland County, et. al. vs. South Carolina Department of Revenue.

Ms. Myers moved, seconded by Mr. C. Jackson, to adopt the agenda as amended.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

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

- a. Intertape Polymer Group, Inc. Property Donation
- b. Contract with Recreation Commission
- c. Contractual Matter: 911 Communications Center
- d. Richland County, et. al. vs. South Carolina Department of Revenue
- e. County Administrator Search Firms
- f. Personnel Matter: Current Assistant County Administrator/Acting County Administrator
- g. Personnel Matter: Clerk to Council Contract

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

8. **REPORT OF THE ASSISTANT COUNTY ADMINISTRATOR**

- a. Health Savings Account –Dr. Yudice stated this item is the Health Savings Account for the upcoming health insurance plan year. The County will be expanding options for County employees by offering a Health Savings Account (a/k/a HSAs). These accounts have greater flexible over how employees use their healthcare dollars. They also provide tax advantages to save for future medical expenses. The contributions are made directly to an IRS approved trustee administering the account. The contributions can earn tax free interests. Employees can use these funds for qualified medical expenses. If funds are used by non-medical expenses, there is a 10% tax penalty for employees younger than 65 years. This is an additional benefit for County employees, in addition to the 2 health plans we have, the standard and the buy-up plan.

Ms. Dickerson inquired if this is the one where you can pay into it and when you have some additional expenses the insurance does not pay, you can use the card to pay for those medical expenses.

**Special Called
July 10, 2018**

-2-

Mr. Hanna stated it is, but this also has some additional options. Both the employer and employee can contribute to this type plan. Also, this is a plan that is portable. It belongs to the employee, so the employee can take these funds with them, if they decided to leave the County. They can also be used for other purposes, after you turn 65.

Ms. McBride stated, at one time, they had a health spending account where at the end of the year you would lose your money. With this it rolls over, so you never have to worry about losing your money.

Mr. Hanna responded in the affirmative. Unless, and until, you spend it, it remains your money. As Dr. Yudice said, this is an additional option, so employees can still select the buy-up plan or the standard plan. They can also still select the flexible spending account we have now.

Mr. Livingston inquired if this is a 100% employee contribution.

Mr. Hanna stated the IRS provides the option for the employee or the employer to contribute to the Health Savings Account.

Mr. Livingston inquired as to what our plan is doing.

Mr. Hanna stated they have not finalized the selection. We plan to recommend offering County contributions, if the savings will, at least, equal to the County's contributions. The Health Savings Plan costs less than the standard or the buy-up plan because the deductibles are higher, so it would be a lower costs for both the County and the employee.

- b. Transportation Penny Interns – Dr. Thompson introduced the Transportation Penny Interns to Council.

9. **REPORT OF THE CLERK OF COUNCIL**

- a. Doris Greene, US Census Bureau – This item was deferred until a future Council meeting.
- b. Richland County Recreation Commission Meet & Greet with Executive Director, July 12, 5:30 – 7:00 p.m., Adult Activity Center, 7494 Parklane Road –Ms. Roberts reminded Council of the Meet and Greet with the new Richland County Recreation Commission Executive Director on Thursday, July 12th at the Adult Activity Center.
- c. National Intern Day, July 26, 11:00 a.m. – 1:00 p.m., Transportation Penny Office, 201 Arbor Lake Drive – Ms. Roberts reminded Council of the National Intern Day event on July 26th at the Transportation Penny Offices.
- d. SC Association of Counties Institute of Government and Annual Conference, August 4 – 8 – Ms. Roberts reminded Council of the upcoming SC Association of Counties Institute of Government Classes and Annual Conference.
- e. NACo Annual Conference – Ms. Roberts reminded Council of the upcoming NACo Conference, which will be held July 13-16 in Nashville, Tennessee.

**Special Called
July 10, 2018**

-3-

10. **REPORT OF THE CHAIR**

- a. County Administrator Search Firms – Mr. Smith stated the last time this was discussed Mr. Hanna was briefing the Council on the options. He talked about whether you wanted to proceed with the State contract or not.

Ms. Dickerson inquired if the Councilmembers had received the information that Mr. Hanna emailed out yesterday regarding the firms.

Mr. Hanna stated, as reminded, there are firms that are on State contract, if the Council would like to use one of those firms. Also, there may have been some discussion about the possibility of meeting with or interviewing one or more of those firms. Council also has the option of going out on a RFP and soliciting responses from other firms.

Ms. Dickerson stated Mr. Hanna sent Council sent Council 2 options yesterday, and she believes we could consider 1 of those 2 firms.

Mr. Hanna stated, it is his understanding, any of the vendors that are on the State contract the Council could select, if the Council desires to do so.

Ms. Dickerson requested Mr. Hanna repeat the 2 that were sent out to Council yesterday.

Mr. Hanna stated he thinks the information that was sent out yesterday was a follow-up to the meeting. Two things he sent out were options about the process. One was from Minnesota's League of Cities and the other was from ICMA about the selection process. He also sent out a draft job description for the County Administrator, and a job description from Charleston County for the County Administrator. In addition, he provided the SC Code of Laws, as it relates to the County Administrator, and information from the County's ordinance, as it relates to the County Administrator. He states they have provided information before, as it relates to the vendors that are on State contract. He does not have the list handy, but Ms. Wladischkin may have them.

Ms. Myers stated the contractors, according to the email sent previously by Mr. Hanna, are Coleman Lew & Associates, Charlotte, NC; Find Great People, Greenville, SC; and Randy Frank Consulting, Connecticut.

Mr. Manning inquired why the Finding Great People's fee to initiate the search was \$1,500. Whereas, Coleman Lew & Associates was \$13,000 and Randy Frank Consulting was \$15,000. The percentage of the contract for the first year's salary related to the contract, two was 20% and one was 31%. He was unclear, since those percentages, to some degree, tracked, but the initiation fee, \$15,000/\$13,000 seemed to track, but the \$1,500 seems like a real outlier when the higher percentage was not that one.

Ms. Wladischkin stated she does not know why Find Great People would be so significantly less than the other two, but the fees come off of the first year's percentage of the salary. If you were to choose someone that any of those companies recommended, whatever the fee would be reduced off their percentage of the first year's salary.

Mr. Manning stated it does not really matter what the fee is. The only thing we should be looking at is the percentage of salary. In that case, given that two of them were 20% and one was 31% did Ms. Wladischkin see any reason for one to be twice again as high as the other two.

**Special Called
July 10, 2018**

-4-

Ms. Wladischkin stated she did not see anything that stuck out.

Ms. Dickerson inquired if we will be selecting one of these tonight.

Ms. McBride inquired as to what the going percentage rate was.

Ms. Wladischkin stated she is not familiar with any other search firm rates. She believes the last contract we had for County Administrator search was a flat fee. She stated she can do some research and submit the information to Council.

Mr. N. Jackson inquired about how many firms were on the State contract.

Ms. Wladischkin stated the 3 that were mentioned are the only ones on the State contract for Executive search firms.

Ms. McBride stated she did not know there were only 3 on the State list.

Mr. Manning stated he knows that one of these firms had done the recruitment for the successful candidate for Lexington County. He inquired as to which one that was.

Mr. Hanna stated he does not remember, but he could get that information.

Mr. Manning moved, seconded by Ms. Dickerson, to defer this item until Mr. Hanna brings back the requested information.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Hanna stated the firm Find Great People assisted Lexington County in their search.

Mr. Manning moved, seconded by Mr. N. Jackson, to enter into contractual negotiations with Find Great People firm, a firm on the State of South Carolina Procurement approved list, to assist the Richland County Council with the search for its next County Administrator.

In Favor: Malinowski, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston and Rose

The vote in favor was unanimous.

Mr. Rose moved, seconded by seconded by Mr. Manning, to reconsider this item.

Opposed: Malinowski, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston and Rose

The motion for reconsideration failed.

- b. Personnel Matter: Current Assistant County Administrator/Acting County Administrator – This item was taken up in Executive Session.

**Special Called
July 10, 2018**

-5-

- c. Personnel Matter: Clerk to Council Contract – This item was taken up in Executive Session.

11. **OPEN/CLOSE PUBLIC HEARINGS**

- a. An Ordinance to levy and impose ad valorem property taxes for Richland County School Districts One and Two; to improve, simplify and make more efficient the systems and procedures among Richland County School Districts One and Two and Richland County Government to fulfill responsibilities under Act 280 of 1979; and to repeal Ordinance Sec. 2-537(2) and Amended Ordinance Sec. 2-535(H) – No one signed up to speak.
- b. An Ordinance Authorizing the issuance and sale of not to exceed \$8,500,000 General Obligation Bonds, Series 2018A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the Assistant County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – No one signed up to speak.
- c. An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 Fire Protection Service General Obligation Bond, Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bond; authorizing the Assistant County Administrator to determine certain matters relating to the bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto – No one signed up to speak.
- d. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to Lorick Place, LLC to assist in the development of a low-income housing project; and other related matters – No one signed up to speak.
- e. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and FN America, LLC, a company previously identified as Project Liberty, to provide for payment of a fee-in-lieu of taxes; and other related matters – Mr. Livingston moved, seconded by Mr. Pearce, to defer the public hearing until the September 18th Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

12. **APPROVAL OF CONSENT ITEMS**

- a. 18-019MA, Mohammad Tabassum, RU to NC (1.7 Acres), 7125 Monticello Road, TMS # R07600-02-25 [SECOND READING]
- b. 18-020MA, Robert L. Legette, NC to GC (.51 Acres), 441 Percival Road, TMS # R016712-06-03 [SECOND

**Special Called
July 10, 2018**

-6-

READING]

- c. 18-022MA, Scott Morrison, RU to RS-E (10.81 Acres), 204 Langford Road, TMS # R15200-05-02(p)
[SECOND READING]
- d. Using Public Funds on Private Roads: Hardship Options
- e. Approve the purchase of EMS equipment with funding coming from bond proceeds set aside for EMS equipment
- f. Melody Garden Stream/Ditch Stabilization Design Professional Services Contract
- g. An Intergovernmental Agreement (IGA) between Richland County (the County) Government Office of Small Business Opportunity (OSBO) and the United States Small Business Administration (SBA)

Mr. Pearce moved, seconded by Mr. N. Jackson, to approve the consent items.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

13. **THIRD READING ITEMS**

- a. An Ordinance to levy and impose ad valorem property taxes for Richland County School Districts One and Two; to improve, simplify and make more efficient the systems and procedures among Richland County School Districts One and Two and Richland County Government to fulfill responsibilities under Act 280 of 1979; and to repeal Ordinance Sec. 2-537(2) and Amended Ordinance Sec. 2-535(H) – Mr. C. Jackson moved, seconded by Ms. Myers, to defer this item until the September 18th Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. An Ordinance Authorizing the issuance and sale of not to exceed \$8,500,000 General Obligation Bonds, Series 2018A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the Assistant County Administrator certain authority related to the bonds; providing for payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski stated at the June 19th meeting there were some comments about “tweaking” the language regarding the authority for the Assistant County Administrator. He stated this is the same language that was at that meeting. He inquired if there was no need to change the language. He thought there was some concern about it.

Mr. Smith stated if the situation does not change. If there is no action taken, as it relates to delegating to

**Special Called
July 10, 2018**

-7-

the Assistant County Administrator the duties and responsibilities, then we have to tweak the language. He would suggest that Council give Third Reading and delete any reference to the Assistant County Administrator, and just leave it blank, until such time as you decide how you want to proceed.

Mr. Pearce stated he is not sure he is comfortable with that. We are talking about bonds, and a lot of money. We could not move forward on the bonds until that is corrected. You cannot leave something to just fill in the blanks. You would have to have a new motion.

Mr. Cromartie stated Council has the authority to proceed with the issuance of bonds. You can delegate the authority to the Chair, so that the bonds can be issued, and things can continue to move forward. That would be means by which to continue to move forward in the current situation.

Mr. Pearce inquired if Mr. Cromartie was suggesting the wording be changed, and the Assistant Administrator's name be removed, and the Chair's name be inserted. Mr. Smith's recommendation was to leave it blank.

Mr. Smith stated his recommendation was to delete any reference to the Assistant Administrator. Then, until you determine who you were going to delegate that to. What Mr. Cromartie is suggesting, at this point, is that responsibility can be delegated to the Chair, with the deletion of the Assistant Administrator.

Mr. Pearce stated, for clarification, that the document does not need to have a specific person referenced in the document.

Mr. Cromartie stated the ability to proceed forward with the issuance of the bonds can be taken by Council. Given that you are uncomfortable with leaving it blank, and he can appreciate that, he would recommend delegating that to the Chair. That would allow you to proceed forward, and not have the issue of leaving it blank.

Ms. McBride stated so we do not necessarily have to have an individual's name. She inquired if it could be delegated to the person that the County authorized. Therefore, if we have someone else doing it, rather than the Chair. If we have an Interim/Acting person, that person could do it; otherwise, if we use the Chair's name, that person would not be able to sign off.

Mr. Cromartie stated he would not delegate it to a named individual. It would be delegated to a position, so it would be the Chair, County Administrator, etc. It would be the authority given to someone in a position of authority from Council.

Mr. Manning stated he would like to move for 5-minute recess to allow the attorneys to confer. He stated Council does not make good decision when we are doing this on the fly.

Mr. Manning moved, seconded by Mr. C. Jackson, to take a 5-minute recess.

Mr. Rose inquired if the attorneys need 5 minutes.

Mr. Cromartie stated he believes they are okay.

Mr. Manning withdrew his motion for a 5-minute recess.

**Special Called
July 10, 2018**

-8-

Mr. Manning made a substitute motion, seconded by Mr. N. Jackson, to give Third Reading to “An Ordinance Authorizing the issuance and sale of not to exceed \$8,500,000 General Obligation Bonds, Series 2018A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the Chair of the Richland County Council certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto”.

Mr. Malinowski inquired of Mr. Cromartie if the language in Mr. Manning’s motion would be fine.

Mr. Cromartie responded in the affirmative.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. N. Jackson, to reconsider this item.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

- c. An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 Fire Protection Service General Obligation Bond, Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bond; authorizing the Assistant County Administrator to determine certain matters relating to the bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Manning moved, seconded by Mr. Malinowski, to give Third Reading to “An Ordinance Authorizing the issuance and sale of a not to exceed \$2,000,000 Fire Protection Service General Obligation Bond, Series 2018B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bond; authorizing the Richland County Council Chair to determine certain matters relating to the bond; providing for the payment of the bond and the disposition of the proceeds thereof; and other matters relating thereto”.

Mr. Malinowski stated his only question is when we approved bonding for EMS there were specifics given of what they needed, but on this particular one we just put “raising monies to establish, maintain and operate the fire system”. It does not give any specifics. He inquired if there any specifics they are trying to purchase with these funds.

Mr. Cromartie stated, his understanding, is the purpose for the not to exceed \$2 million was for CRFDC self-contained breathing apparatus and other things related to the division. We do know where the funding is to go.

Mr. Pearce stated the list was provided previously.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

**Special Called
July 10, 2018**

-9-

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Manning, to reconsider this item.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

Mr. C. Jackson stated, for clarification, in matters like this, where we have now assigned the task to the Chair, does it mean the Chair or the Chair's designee, or only the Chair. And, if the Chair is unable or unavailable to perform the duty does it now have to come back before Council to have some other position in its place.

Mr. Manning stated his thinking would be we elect a Chair and Vice Chair. The Vice Chair acts in absence of the Chair, so they would be able to act in the absence of the Chair.

Mr. Smith stated he thinks that would be correct.

Mr. Pearce stated he thought the Chair could designate.

Mr. Smith stated he thought the question was, "If the Chair isn't here...."

Mr. C. Jackson, for clarification, restated his question as follows: "Does this mean the Chair or the Chair's designee..." then, he said, "If the Chair is unavailable to do it..." It's really a two-part question. The first part of the question is would it be the Chair or the Chair's designee.

Mr. Cromartie stated, in this instance, it would be the Chair, or the individual with the authority in the position of the Chair, which would be the Vice Chair. That is why when we spoke earlier it went to the position, and not an individual.

Ms. Dickerson stated she is going to try to make herself available between now and December.

Mr. Pearce inquired, if Council were to secure an Interim Administrator, would they need to take this item back up?

Mr. Cromartie stated Council would not.

Mr. Pearce stated, for clarification, the Chair could designate the Interim Administrator.

Mr. Smith stated Council has already voted to designate the Chair to execute this series, as it relates to this bond issuance. At this point, Council has reconsidered that, so she can go forward and take that action, based on your direction.

- d. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and FN America, LLC, a company previously identified as Project Liberty, to provide for payment of a fee-in-lieu of taxes; and other related matters – Mr. Livingston moved, seconded by Mr. Malinowski, to defer this item until the September 18th Council meeting.

**Special Called
July 10, 2018
-10-**

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

14. **SECOND READING ITEMS:**

- a. 18-021MA, Christopher Alford, CC-4 to CC-2 (2 Acres), 7430 Fairfield Road, TMS # R11904-02-05 [SECOND READING] – Ms. Kennedy stated this is not what it is supposed to be and the community has already expressed their concern about this before. She was led to believe it was something different from what it is going to be. It has been proven that it is just what the community thought it was.

Ms. Kennedy moved, seconded by Mr. N. Jackson, to deny this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. Authorizing the Expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for Infrastructure Credits to Lorick Place, LLC to assist in the development of a low-income housing project; and other related matters –Mr. Livingston moved, seconded by Ms. Myers, to approve this item.

Mr. Malinowski stated he went back and looked at the June 5th meeting, and did not find it listed in the agenda.

Ms. Onley stated it was taken up at the June 19th Council meeting.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Malinowski

The vote was in favor.

- c. An Ordinance allowing for the temporary waiver of Richland County Administration and Richland County Council review and approval of change orders for work on structures damaged by the storm and flood during the period of October 3 through October 6, 2015 – Ms. Myers moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

**Special Called
July 10, 2018
-11-**

15. **REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

- a. An Ordinance Amending Chapter 17, Motor Vehicles In Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; so as to include Hobart Rd. [FIRST READING]
– Mr. Pearce stated the committee recommended approval of this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- b. Review Section II(i)(2)(4) of County Ordinance 043-14HR, “If twenty-five (25%) percent or more of all such property owners decline said road paving, then the subject road shall not b be paved.” This seems to go against the way most items are done in our country, by majority, so why shouldn’t a majority also decide if a road should be paved or not? – Mr. Manning stated, it appears to him, as he reads it, that this is just a question. So, it looks like he is to answer the question yes or no, whether “This seems to go against the way most items are done in country, by majority, so why shouldn’t a majority also decide if a road should be paved or not?” He would appreciate some clarification on whether there is a motion here, and if it is what is the motion.

Mr. Malinowski stated his motion is that we change the ordinance, as it currently reads, so that 51% of the individuals in favor of paving a road can have the road paved.

Mr. Manning moved to send this back to committee, with that language, for the committee to consider.

The motion died for lack of a second.

Mr. Malinowski moved to direct staff to change the language, so that is will read that if 51% or more of all such property owners decline said road paving, then the subject road shall not be paved.

Mr. Manning stated he will second the motion if he heard it correctly. The motion was to ask the staff to change this language on the agenda.

Mr. Malinowski stated to change it in the ordinance. To change Sec. II(i)(2)(4) of County Ordinance 043-14HR, so that it reads, “If 51% or more of all such property owners decline said road paving, then the subject road shall not be paved.”

The motion died for lack of a second.

Mr. N. Jackson stated one of the main concerns he has when it comes to property owners, and right-of-way or easements...

Mr. Livingston inquired about what Council was discussing because there was no motion.

Ms. Dickerson stated this item came out of the D&S Committee with no recommendation. At this point, she stated she will entertain a motion on this item.

Mr. Rose moved, seconded by Mr. C. Jackson, to leave the ordinance as is.

**Special Called
July 10, 2018
-12-**

Mr. Rose inquired if this was Mr. Ozbek's area.

Mr. Ozbek stated it is his area, as well as Transportation.

Mr. Rose stated he was curious what other counties do in relation to this. He stated there are a lot of things he is concerned about. When you say property owner, what if there are 5 houses on a road, and 3 are owned by someone that rents and lives out of State. What if there are 4 houses on a road, and paving would be great, but you have someone that owns 2 houses and lives out of State. He assumes there was a reason this put in as 25%, and he is curious what other jurisdictions do. It sounds good, but the devil is in the details here. He is just very cautious about changing this. He would certainly welcome additional research.

Ms. Myers stated she agrees with the motion, as it stands, because one of the major issues you have to address is, the whole point of getting people's consent is there is a small taking of property from each of the property owners to expand these dirt roads wide enough to pave them. The reason it is such a high barrier is you have to convince the overwhelming majority to give up a piece of their land for a public use. Otherwise, it would be a taking, and we might get into whether or not we have to compensate all of those people. If we go to 51%, do we then compensate the folks who come back and say, "A simple majority now controls a sliver of my property." She thinks it is at the right place now, where you do not over burden people and take their property.

Mr. N. Jackson stated that was part of his argument. First, to change the ordinance we would have to have 3 Readings and a public hearing, so the public could have input on the takings of their property. When you take an easement, right-of-way, etc. to pave a road, people are giving up their property, and we are either paying them for it, or asking them to donate their property. At a certain point, if it is for the good of the public, we can condemn. In dirt roads, it is slightly different. It is not a simple majority because it has an effect on the citizens that live there. Some people do not want it paved. Some people have horses, and do not want their roads paved. That is why it is such a small amount. We can send it back to staff, and get the same information, or we can move on.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Malinowski

The vote was in favor.

- c. Implementation of the proposed Bulk Item Collection Procedure – Mr. Pearce stated the committee forwarded this item without a recommendation. Staff has put a lot of work into this process and have come up with guidelines. There was some discussion on whether we wanted to implement this Countywide or do a pilot project. Staff supports moving forward with the plan.

Ms. McBride requested Mr. Braswell explain the bulk item collection vs. what is going on now.

Mr. Braswell stated currently residents have to call in to schedule bulk item pickup. The resident will call into the One Stop Program. One Stop will refer it to the Solid Waste Division. The Solid Waste Division will contact the hauler, and the hauler will contact the resident to schedule the collection. The goal is to make it easier for citizens, so they do not have to call in to have it picked up. Also, residents are not aware they have to call us and put things out by the road. The proposed procedure is to have the hauler

Special Called
July 10, 2018
-13-

pick up no more than 4 items every other week.

Ms. McBride inquired if there is a negative impact on picking up the bulk items at one time, in terms of how many different spots they can pick up in.

Mr. Braswell stated the proposal is to limit 4 items, per household, every other week. The concern you have is people putting out a lot more material, which could fill up the truck before it runs its entire route. We will have to watch and make sure the residents comply with the proposed bulk item collection.

Ms. McBride stated, for clarification, if they fill up the truck, those items they were not able to load on the truck would stay there until...

Mr. Braswell stated until the hauler gets back. The hauler would have to empty his truck and come back.

Ms. McBride inquired as to who would be collecting the bulk items seeing as there is so much material. Would you have to have a certain type of truck? Or would this impact smaller services that collect.

Mr. Braswell stated, right now, they have 4 haulers that service the 8 service areas. They would be the ones responsible for collecting the material. Some of the haulers have clamshell trucks where they can pick up materials like that already. Other are using their rear loaders, so it may limit how much they could pick up at any one time. The goal is to limit the amount, so they would be able to run a normal route without having a problem.

Ms. McBride inquired staff has discussed this with the haulers.

Mr. Braswell stated they have spoken with the haulers.

Ms. McBride inquired as to their opinion of it.

Mr. Braswell stated most of them are supportive. A lot of them like the current process of calling in because it lets them know what is out there on the curb before they go pick it up. They do have some haulers that are already picking up stuff like this, even though it is outside our ordinance. Most of the haulers say they could work with the County to do it.

Ms. McBride stated her concern is that she has not heard from those that have concerns about it, and the impact it has on them.

Mr. Braswell stated the biggest concern is the end of semesters at the colleges where they put out a lot of materials at one time. Also, when there is an eviction and a lot of materials. Normally those are tagged because the haulers cannot pick them up. A lot of the material cannot be picked up, and they are not calling for pickup. We usually go through an enforcement process with the homeowner or resident, if they are putting materials out there that should not be out there or too much. Right now, the haulers we have discussed it with said they can work with us, and make it work.

Mr. Manning stated Mr. Braswell said there were 4 haulers. And he said, most of the ones you talked to.

Mr. Braswell stated it was discussed with all of them. All of them said they could work with us, and do

**Special Called
July 10, 2018**

-14-

what we are proposing. Some of them had concerns about the amount of materials that was going to be placed by the road.

Mr. Malinowski stated he does not know if there is more than one guideline pamphlet for the residents, but the one he has says you will put such items out by the curbside the 2nd Monday of the month and it will be picked up by Friday. It says nothing about calling in. It just gives a process whereby to put these items out there. It seems like we are already doing it, unless that is something that is outdated, and new things have been sent and he did not get it.

Mr. Braswell stated the booklet Mr. Malinowski has is outdated. About 3 – 4 years ago they changed the process. He stated they are preparing to revise the booklet, but wanted to wait until this process has been approved.

Ms. Dickerson stated there are several neighborhoods she has that she has passed by and there are mattresses on the road for over 2 weeks. That is so irritating when you have to go through your communities and see all these mattresses and trash cans by the road. The enforcement on this whole item is really making a lot of neighborhoods look like a trash can, especially where there is rental properties.

Ms. Kennedy stated she knows firsthand they do not pick it up. It sits out there forever, and they put a tag on it and tell you to take down to the dump.

Mr. Braswell stated that is what they are hoping this process will address.

Mr. N. Jackson stated we have developed a clean sweep, at least once a year, and that has helped a lot.

Mr. Braswell stated the clean sweeps occur every weekend, but the County is so large.

Mr. N. Jackson inquired how often the haulers will pick up with this proposal.

Mr. Braswell stated the proposal is to collect bulk items twice a month.

Mr. N. Jackson inquired if the proposal is based up the need, or could it be done once a month.

Mr. Braswell stated the problem with once a month is getting into the issue of too much material in the road for the trucks.

Mr. Pearce moved, seconded by Mr. N. Jackson, to approve the implementation of this process with a 6 month review to determine if it is viable or not.

Mr. Manning made a substitute motion, seconded by Mr. C. Jackson, to defer this item until the September 18th meeting. He stated he would like an opportunity to have someone come and talk at the regularly scheduled neighborhood meetings in his district, and hear what the neighborhoods have to say about the proposed process.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

Special Called
July 10, 2018
-15-

The vote in favor was unanimous.

- d. Property donation offer, TMS # R17400-03-23 – Mr. Pearce stated the committee recommended Council respectfully decline the offer to accept the property. This was an overgrown detention pond.

Mr. N. Jackson stated the problem he sees with denying the offer is the homeowners' association will stop paying taxes, and the property will be left there. No one will want to purchase it, and they do not have to maintain it. The problem comes with the development community when they are developing a property, and they have a retention pond. You purchase a home, then you realize you have to pay upkeep for a retention pond. When you purchase property in a subdivision, the County inspects the road, and the County takes over and maintains the roads. The homeowner purchases a house, and they are stuck with maintaining a retention pond. The developer does not tell them that. It is not in their document when they purchase a property, and they are stuck with this bill. What has started to happen is that they decide not to pay taxes on that property, and it is abandoned. It is an eyesore and causes problems. The taxpayers are coming to Council because we approve these development, and we do not hold the developer or the contractor responsible for the disposal of the property. Our constituents are going to call us to find out what they can do. We have to cut the ditches for the water to run by the roadway, so we have proper drainage. When it comes to these retention ponds, it is similar. If it is not maintained it can cause major problems.

Dr. Yudice stated, for clarification, this is a retention pond that is near a commercial business on Killian Road. Mr. Ozbek inspected it, and it is not in a residential development.

Mr. N. Jackson stated residential or commercial we have to hold someone responsible because if they stop paying taxes on it, then no one owns it.

In Favor: Malinowski, Myers, Pearce, Kennedy, Dickerson, Livingston, Rose and McBride

Opposed: N. Jackson

The vote was in favor.

- e. Richland County Storm Drainage Easements within City of Columbia Limits – Mr. Pearce stated the committee recommended Council grant the easements to the City of Columbia; however, the County respectfully declines responsibility to pay for repairs. In addition, the County believes part of the problem relates to the manner in which the City is annexing property. The County would be willing to meet to discuss a better method of annexation where possibly some of these areas could be addressed prior to the annexation. He stated if we were to accept what the City wants we were talking about potentially millions of dollars.

Mr. Ozbek stated the cost estimate on one property was \$400,000. There are literally thousands of drainage easements, for different purposes.

Ms. Myers inquired if the majority of these, when the City annexed them, the County stopped maintaining them, and the City did not undertake maintenance; therefore, they have fallen into disrepair. And, what has now happened is the City wants the County to essentially go back and repair these drainages, and infrastructure, from the time they annexed, but did nothing to keep them up.

**Special Called
July 10, 2018
-16-**

Mr. Ozbek stated that is correct.

Mr. Pearce stated, for clarification, that is why we have included the piece about annexation. If there was better discussion, in advance, about annexation, some of these things could have been avoided and worked out.

Mr. N. Jackson stated the City annexes an area, but neglects to annex the ditches. So, we are supposed to continue to maintain these ditches, and that is an annexation problem.

Mr. Manning stated the motion made reference to a meeting with the City. He inquired if that is referencing the next joint Councils meeting.

Mr. Pearce stated we would be willing to discuss a better method. It just says, we believe a part of the problem is the manner in which they annex, and the County would be willing to meet. It does not specify anything about a joint meeting.

Mr. Manning stated, when you were saying the County would be willing to meet, is that referencing our next joint Councils meeting, maybe?

Mr. Pearce stated it did not address that. When they are told we are not going to do this, that we would say staff would be willing to meet with them.

Mr. Manning stated he knows we have been having joint Council meeting, in the past, and he thought this might be an item for the next Councils meeting.

Mr. Pearce stated it could be. When they discuss it with the City, the City may say, "When do you want to do this?" and that could be a possibility.

Ms. Myers stated the staff's recommendation is pursuant to an Attorney General opinion, and not just our reflexive desire not to help the City. There is an opinion that says the municipality, and not the County is responsible for maintenance, and repair, of the roads located inside its corporate limits. It goes on to discuss annexation, and who is responsible when.

Ms. Kennedy stated the City is continuously annexing property without discussing it. They need to be responsible for what they annex.

Mr. N. Jackson stated we have several differences with the City of Columbia. Over the years, it continues to grow. We talk about it, but we have not met. He stated he made a motion last year, and he made a motion again this year, to have a roundtable discussion with the City Council members to iron out whatever difference we have, and move forward. We have staff make discussions, but at least once a year there needs to be a roundtable to discussion to address these situations.

Ms. Kennedy stated she made the discussion motion at the last joint meeting we had, and they said they would not be annexing stuff without discussing it. A month afterward, they annexed part of District 7 into the City.

Mr. Pearce restated the motion to grant the easements to the City of Columbia; however, the County respectfully declines responsibility to pay for repairs. In addition, the County believes part of the

Special Called
July 10, 2018
-17-

problem relates to the manner in which the City is annexing these properties. The County would be willing to meet to discuss a better method of annexation where possibly some of these areas could be addressed, prior to the annexation.

In Favor: Malinowski, C. Jackson, Pearce, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

16. **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. Council Motion: Guidelines for dedications at the Decker Center – Mr. Manning stated this item is a Council motion. The motion is “Guidelines for dedications at the Decker Center”. He was unclear as to what an “aye” or “nay” vote on that would be. The briefing document gave a good deal of information, which included “move to establish guidelines for dedications at Decker Center, to include how they will be funded.” The alternatives, in the agenda packet on p. 147, was to consider the motion and proceed accordingly or to consider the motion and not proceed. The staff recommendation, on p. 148, was that Council may consider forming a small committee with representation from Council.

Mr. Rose moved, seconded by Mr. Malinowski, to follow staff’s recommendation to form a committee to present guidelines to full Council.

Mr. Manning made a friendly amendment to include dedications at any Richland County building.

Mr. C. Jackson stated, for clarification, if this means we will not do any future dedications until those guidelines have been approved by Council.

Mr. Rose stated, in his opinion, until guidelines are in place, if a majority of Council wanted to do something, they would have the ability to do so. Guidelines would be helpful in guiding us, going forward.

Ms. Dickerson stated we need some guidelines on this this because we are getting requests to do dedications, and we have not set any guidelines, as to how we would do them (i.e. expenses).

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose, and McBride

The vote in favor was unanimous.

- b. FY18-19 Annual Action Plan budgets for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) federal funds – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

17. **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to DPX Technologies, LLC; and other related matters [FIRST READING] – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Livingston stated this somewhat of a unique project. This is a firm that got started by a USC Chemistry Professor. Then, it moved to Midlands Technical College Incubator, and now they are moving into the Research Park.

18. **REPORT OF RULES & APPOINTMENTS COMMITTEE**

19. **NOTIFICATION OF APPOINTMENTS**

- a. Accommodations Tax – Fiver(5) Vacancies (One applicant must have a background in the Cultural Industry; Three applicants must have a background in the Hospitality Industry; One is an at-large seat) – Mr. Malinowski stated the committee recommended appointing Mr. James Tyler Burns for the at-large vacancy, and re-appointing Mr. Bill McCracken for the Hospitality Industry vacancy.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- b. Business Service Center Appeals Board – 1 (Applicant must be an attorney) – Mr. Malinowski stated the committee recommended appointing Mr. Marcus J. “Marc” Brown.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- c. Hospitality Tax – Three (3) Vacancies (At least two applicants must be from Restaurant Industry) – Mr. Malinowski stated the committee recommended appointing Mr. George Whitehead to the at-large vacancy.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

**Special Called
July 10, 2018
-19-**

20. **REPORT OF THE BLUE RIBBON COMMITTEE**

- a. A Resolution to approve the purchase of the remaining 54 properties, substantially damaged by the 2015 flood, as the owners and County complete all necessary due diligence – Mr. Pearce stated this is a follow-up item to the June 19th meeting. As you recall, we approved 20 properties for buyout that due diligence had been completed. The item before Council tonight is a resolution to purchase the remaining 54 properties substantially damaged by the 2015 floods, as soon as the owners and County complete all necessary due diligence.

Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Myers, to reconsider this item.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

21. **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

- a. Decker Boulevard/Woodfield Park Neighborhood Improvement Project was denied TAP Grant Funding – Mr. C. Jackson stated this item was received as information.
- b. Transportation Penny Funds will be utilized to pay for closing Devine Street and Gadsden Street Railroads – Mr. C. Jackson stated the recommendation is to approve the cost design fee, not to exceed \$35,000, for the railroad crossing closing Devine Street and Gadsden Street, pending the determined cost, or allowable expenditures, within the penny funds.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and Rose

The vote in favor was unanimous.

- c. Crane Creek Neighborhood Improvement Project – Mr. C. Jackson stated the recommendation was to approve the recommendations of the PDT to go forward with the design study.
1. Approve the Executive Summary from the Public Meeting
 2. Approve the Recommended Designs
 3. Approve the Design Contract for the OETs

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

**Special Called
July 10, 2018
-20-**

- d. Discussion: Transportation Penny funds being utilized for the following facilities at Three Rivers Greenway – Mr. C. Jackson stated this item was held in committee.
1. Bathrooms
 2. Parking Lot
 3. Ranger Station
 4. Fire Department

- e. Status Update: The Dirt Road Program over-committed projects Years 1 and 2 workload has not been completed. Years 3 and 4 are in the design phase. – Mr. C. Jackson stated this item was received as information.

- f. Approval of the University of South Carolina’s Funding Request and Proposed Modifications to Three Bike Path Projects – Mr. C. Jackson stated the recommendation is to approve the funding, and the modifications, pending information regarding stakeholder meetings and the community’s support for the projects. Moreover, staff will develop a MOU and attach the SCDOR Guidelines to the approval.

In Favor: Malinowski, C. Jackson, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

- g. Approval of the MOU between Richland County and the Central Midlands Regional Transit Authority (CMRTA) for distribution of past unpaid actual Revenues (\$5,060,039.96) and interest (\$230,926.13) to begin in Fiscal Year 2019 paying CMRTA based on actual revenues and interest from the Penny Funds – Mr. C. Jackson stated the recommendation is to fund the back payment; however, to eliminate all language in the MOU regarding interest payments, prior to executing the new agreement.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

- h. Approval of Polo Road Right of Way Easement with the City of Columbia – Mr. C. Jackson stated this item was held in committee.

- i. Approval of the Construction Agreement for Installation of Sidewalk for the Three Rivers Greenway (Saluda Riverwalk) adjacent to the CSXT Bridge approximately 30-feet from centerline of track at RRMP C-1.58 near DOT No. 640441N, Florence Division, CN&L Subdivision pending Legal’s comments being addressed – Mr. C. Jackson stated this item was held in committee.

- j. Approval of letters recommending awarding bids – Mr. C. Jackson stated the recommendation is to approve this item.

1. Sidewalk Package S-6
2. Dirt Road Package G
3. Dirt Road Package H
4. Resurfacing Package O

**Special Called
July 10, 2018
-21-**

5. Sidewalk Package S-9

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

k. Approval of the Utility Agreement for SERN – Mr. C. Jackson stated this item was held in committee.

l. Approval to grant preliminary authority for Transportation Director to approve and sign design contracts – Mr. C. Jackson stated the recommendation is to approve this item.

1. Clemson Road Widening
2. Southeast Richland (SERN) Neighborhood Improvements
3. Atlas Road Widening
4. Garners Ferry Road and Harmon Road Intersection

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

m. Approval to pay or the Internship Program utilizing General Funds, opposed to utilizing Penny Funds – Mr. C. Jackson stated this item was held in committee.

n. Approval of Utility Relocation Estimates – Mr. C. Jackson stated the recommendation is for approval.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston and McBride

The vote in favor was unanimous.

o. Approval of On-Call Engineering Contracts – Mr. C. Jackson stated the recommendation is for approval.

1. Polo Road Widening
2. Blythewood Road Area Improvements
3. Spears Creek Church Road Widening
4. Lower Richland Road Widening
5. Trenholm Acres/Newcastle NIP
6. Broad River Road Corridor NIP
7. Smith/Rocky Branch Greenway A, B, C
8. Crane Creek Greenway A, B, C
9. Polo/Windsor Lake, Woodbury/Old Leesburg, Dutchman Greenway
10. Quality Management Contract Modification for group 50 Dirt Roads (Mead & Hunt)

In Favor: Malinowski, Myers, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

p. Transportation Program Update – Mr. C. Jackson stated this item was held in committee.

**Special Called
July 10, 2018
-22-**

1. Preconstruction Update
2. Construction Update

q. Personnel Update – Mr. C. Jackson stated this item was held in committee.

22. **OTHER ITEMS**

a. FY19-District 5 Hospitality Tax Allocations –Mr. N. Jackson moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Rose moved, seconded by Ms. Myers, to reconsider this item.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

b. FY19 – District 6 Hospitality Tax Allocations – Ms. Myers moved, seconded by Mr. Pearce, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. N. Jackson, to reconsider this item.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

c. FY19 – District 10 Hospitality Tax Allocations – Ms. Myers moved, seconded by Ms. McBride, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

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

**Special Called
July 10, 2018
-23-**

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

- d. A Resolution to appoint and commission Jason Michael Jensen as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County [ANIMAL CARE] – Mr. Pearce moved, seconded by C. Jackson, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The motion for reconsideration failed.

- e. A Resolution to appoint and commission Jameela Darcell Bryant as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County [ANIMAL CARE] – Mr. Pearce moved, seconded by C. Jackson, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Dickerson, to reconsider this item.

Opposed: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

- f. The motion for reconsideration failed.

23. **CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda** – Mr. Carl McKinney spoke regarding issues he encountered with the Planning Commission recently.

Mr. Livingston requested staff forward him the concerns expressed by Mr. McKinney.

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

- a. Intertape Polymer Group, Inc. Property Donation

**Special Called
July 10, 2018
-24-**

- b. Contract with Recreation Commission – Mr. Smith stated there was an issue that came forth when we did the budget about whether or not the Recreation Commission contract had actually been executed. The Recreation Commission indicated they had brought an executed copy to the County. What was determined was there was a contract they signed and forwarded over, but there was question about one of the signatures on the contract. He stated he spoke with Bob Coble, who represents the Recreation Commission, and he indicated they are going to have a new Executive Director coming on board on July 15th, as well as the new Chair of the Commission. It is recommended, at that time, to re-execute the document, and authorize the Chair to execute the document on behalf of Council. He stated he has reviewed the document and there are no material changes to the document.
- c. Contractual Matter: 911 Communications Center
- d. Pending Litigation: Richland County vs. SCDOR
- e. Personnel Matter: Acting County Administrator Search
- f. Personnel Matter: Clerk to Council Contract

In Favor: Malinowski, C. Jackson Myers, Pearce, Kennedy, Dickerson, N. Jackson and Livingston

Abstain; Manning

The vote in favor of going into Executive Session was unanimous with Mr. Manning abstaining from the vote.

Council went into Executive Session at approximately 8:06 PM and came out at approximately 9:36 PM.

Intertape Polymer Group, Inc. Property Donation – Ms. Myers moved, seconded by Mr. Malinowski, to decline the offer of the donation of property.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning Dickerson, N. Jackson, Livingston, Rose and McBride.

The vote in favor was unanimous.

Contract with Recreation Commission – Ms. Myers moved, seconded by Mr. Livingston, to authorize the Chair to execute the document once it is signed by the Recreation Commission.

In Favor: C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Malinowski and Manning

The vote was in favor.

Contractual Matter: 911 Communications Center – Ms. Myers moved, seconded by Mr. C. Jackson, to move allow staff to go forward as discussed in Executive Session.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

Opposed: Manning

The vote was in favor.

**Special Called
July 10, 2018
-25-**

Richland County vs. SCDOR – Mr. Smith stated this item was for information.

Personnel Matter: Acting County Administrator Search – Ms. Dickerson stated, for clarification, this item is for Human Resources to post the position of Acting County Administrator. The position will be posted for 5 days.

Mr. Hanna stated that is his understanding from the discussion at the Council Roundtable yesterday.

Ms. Myers moved, seconded by Mr. Rose, to direct Mr. Hanna to post the position of Interim County Administrator for 5 business days, as was discussed in Executive Session, and report the results back to Council.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Dickerson, N. Jackson, Livingston, Rose and McBride

Abstain: Manning

The vote in favor was unanimous with Mr. Manning abstaining from the vote.

Personnel Matter: Clerk to Council Contract – Ms. Myers moved, seconded by Mr. Malinowski, to instruct Mr. Hanna to proceed with the revisions to the document, as discussed in Executive Session, and provide those back to Council by July 11th at 1:00 PM.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

25. **MOTION PERIOD**

- a. We move that the County's Courthouse Committee convene and create a group modeled after the 39 Member Panel that culminated in the Transportation Penny and/or the Development Roundtable Panel that brought forth the 20+ Environmentalists/Developers Joint Recommendations for implementation and/or the Flood Recovery Blue Ribbon Panel that guided direction following the 1,000 year flood tragedy, with the goal to culminate in a new Richland County Courthouse Ribbon Cutting Ceremony [MANNING, PEARCE and LIVINGSTON] – This item was referred to the Property Distribution Management Ad Hoc Committee.
- b. Move that Administration give a report on the \$188,000 contract received by the Conservation Commission attorney from his brother the former Finance Director. If it cannot be explained, then it needs to be turned over to SLED and the Attorney General's Office for investigation. NOTE: Former Administrator Gerald Seals informed me and Council the Conservation Commission attorney received \$188,000 contract from his brother, former Finance Director. This was from an audit and concerns were expressed why would his brother give him a contract without bidding it out and was there a conflict. The Conservation Commission attorney's contract was delayed for several months and renewed, however, Council was never updated on the \$188,000 contract [N. JACKSON] – Mr. Pearce stated when he saw this motion he contacted Ms. Wladischkin. She stated there is no contract for \$188,000. In addition, the motion says, "the brother of the Finance Director." Mr. Driggers and Mr. Ken Driggers are not brothers. They are cousins. Ms. Wladischkin stated the contract was let in 2011. It was rewritten in 2017, at up to \$30,000 a year. It was not required to go out for bid because solicitation is not required for legal services.

**Special Called
July 10, 2018**

-26-

Mr. N. Jackson stated he was informed by the former Administrator that it was in an audit, and then he brought to an Executive Session to tell us he had a problem with an audit. The audit showed that Mr. Ken Driggers received \$188,000, and it was questionable. The former Administrator was supposed to report back to Council, but he never did.

Staff was directed to review this matter and report back to Council.

- c. I move that any recommendation or inquiry of the dam to DHEC must be coordinated by the Foundation and not Conservation Commission staff [N. JACKSON] – The item was referred to the D&S Committee.
- d. The Conservation Commission must revisit their proposed contract agreement with the Foundation and make it feasible for the organization to consider the proposal. How it is written is flawed and not with Council or Administration directive. Staff was asked to meet with SCDOT to leave the temporary bridge on Garners Ferry Road which would save thousands of dollars for the completion of the greenway nature trail. The Contractor and SCDOT agreed but staff did not follow through. [N. JACKSON] – This item was referred to the A&F Committee.
- e. Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed [N. JACKSON] – This item was referred to the A&F Committee.
- f. I move that Council reconsider the order to request the return of funds used to purchase four acres for county project by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project [N. JACKSON] – Ms. Myers stated she thought they had done that twice.

Dr. Yudice stated staff has brought this item before Council 2 times. Last Friday, we prepared a comprehensive report that was provided to Council.

Mr. N. Jackson stated when this was decided it did not go to committee. It was decided by Council, after meeting in Executive Session. The decision was based on the Administrator not having certain documents. When the report was given to Council, the documents were present. We made a decision on documents he said he could not find. But in the report, sent by the Assistant Administrator, those documents were there. He said the land purchase was not in the Phase II, and he did not have any documents on it. Now, he gets a report that shows the land purchase in Phase II. Because of the new information we have received, he thinks Council should reconsider because it was based on those documents not being present.

Dr. Yudice stated the documents Mr. N. Jackson is referring to were prepared for Mr. Chao. They were not prepared by County staff.

Mr. N. Jackson stated it can go to committee to be discussed because it is a document, with a master agreement, where it stated what was approved by Council.

Dr. Yudice stated they could not find any evidence that Council had approved purchasing the property.

This item was referred to the A&F Committee

- g. I move that up to an additional \$3 million be appropriated to the project due to constant delays for the

Special Called
July 10, 2018
-27-

past four years [N. JACKSON] – This item was referred to the A&F Committee.

- h. Move for an update of the SLED investigation on bullying [N. JACKSON] – This item was referred to the Legal Department.
- i. Get an updated contract on all employees who report to Council [N. JACKSON] – This item was referred to the Human Resources Department.
- j. Allocate \$50k to Believe N Me2 for annual Sunsplash Concert; \$80k for annual Wet N Wild, Halloween Horror and Light of Christmas to Pinewood Lake Park Foundation and \$25k to SC Gospel Fest for annual LR Gospel Fest [N. JACKSON] – Mr. Manning inquired if this funding is out of the \$164,000 individual Council Member’s H-Tax allotment.

Mr. N. Jackson responded in the affirmative.

Mr. Manning inquired as to why it was not listed on the agenda like the other H-Tax allocation motions.

Mr. N. Jackson moved for approval.

Ms. Dickerson stated this is not a motion item.

Mr. N. Jackson stated it was sent to the Clerk, in the appropriate time.

This item was deferred to the July 24th Special Called Meeting.

- k. Council review the H-Tax process and make any necessary changes [KENNEDY] – This item was referred to the Rules & Appointments Committee.

Mr. Malinowski stated this is so generic. He stated we need more information before it gets to Rules.

Mr. Manning inquired, for clarification, if Hospitality Tax is in Council Rules. He stated Rules are about our Council Rules.

Mr. Smith stated it is a policy.

Mr. Manning inquired if it is a policy or an ordinance.

Mr. Smith stated there is a H-Tax Ordinance, but the process is a policy.

Mr. Manning inquired if it is the process or the ordinance.

This item was referred to the A&F Committee.

- l. Allocate \$150,000 from District 7 – FY18 Hospitality Tax Funds to the SC Gospel Quartet to cover the following: concert, boxing match, play and fashion show [KENNEDY] – This item was deferred to the July 24th Special Called Meeting.

**Special Called
July 10, 2018**

-28-

26. **ADJOURN** – The meeting adjourned at approximately 9:44 PM.

**Special Called
July 10, 2018
-29-**

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Christy Hall, P.E.
Secretary of Transportation
South Carolina Department of Transportation
P.O. Box 191
Columbia, SC 29202-0191

Dear Secretary Hall:

Richland County is in receipt of your July 3, 2018 letter regarding the Department of Transportation's 2018-2019 Turnback Program. Pending Richland County Council review of the State roads inventory regarding the program, Richland County will submit its decision to participate.

Richland County is requesting that the Department of Transportation provide a list of State roads under consideration via this program for Richland County Council's review.

Thank you for your efforts regarding this issue.

Sincerely,

Sandra Yudice, Ph.D.
Assistant County Administrator

DRRAFT



South Carolina
Department of Transportation

RECEIVED

2018 JUL 20 PM 1:44

RICHLAND COUNTY
ADMINISTRATOR'S OFFICE
July 3, 2018

Christy A. Hall, P.E.
Secretary of Transportation
803-737-0874 | 803-737-2038 Fax

Dear Local Government Partner:

Over the last several years there has been much discussion about local governments taking control over certain roads within their jurisdiction. As we all know, the issue has always been devolution without a funding solution was unacceptable to all parties, including SCDOT. I am pleased to advise that the issue of devolution was recently taken up by the SCDOT Commission and the Commission has approved implementing a voluntary road transfer program which includes a funding component. This program is completely voluntary and both the SCDOT and the local government must mutually agree to the transfer. The program was modeled after a similar program that has been successful in some other states and is based on a 40-year life cycle cost to operate and maintain the mutually agreed upon section of road. Accordingly, SCDOT has developed the following table for use in the voluntary program that sets a one-time transfer value, per mile, for various road types and conditions.

2018-2019 Turnback Program: Transfer Value by Road Type and Condition

Paved Roads Road Type and Functional Classification	Transfer Condition		
	Good	Fair	Poor
2 Lane Local – Secondary	\$561,234	\$751,903	\$847,989
2 Lane Collector - Fed Aid Secondary	\$561,234	\$751,903	\$891,574
2 Lane Arterial – Primary	\$743,809	\$960,046	\$1,071,594
4 Lane Arterial - Primary	\$1,487,619	\$1,920,091	\$2,143,188

Unpaved \$47,425

If you are interested in participating in the voluntary turnback program, please send a letter to my attention that includes the route name as well as the beginning and ending point of the section that you would be interested in taking into your system. I respectfully request that you submit your letter of interest by August 31 so we can assess the level of interest of local governments in this program and finalize a methodology for distribution of the available funding for this program.

Post Office Box 191
955 Park Street, Room 309
Columbia, SC 29202-0191

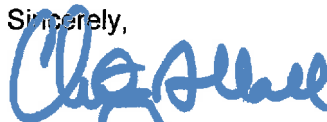


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Local Government Partner
July 3, 2018
Page 2

I appreciate the excellent relationships we have with our local government partners and I look forward to us cooperatively working towards reshaping an infrastructure network for the benefit of our citizens. If you have any questions about this program, please contact my office at (803) 737-0874.

Sincerely,



Christy A. Hall, P.E.
Secretary of Transportation

cc: SCDOT Commissioners
SCDOT Deputy Secretaries

Post Office Box 191
955 Park Street, Room 309
Columbia, SC 29202-0191



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855-GO-SCDOT (855-467-2368)

Richland County Council Request for Action

Subject:

18-019MA
Mohammad Tabassum
RU to NC (1.7 Acres)
7125 Monticello Road
TMS # R07600-02-25

Notes:

First Reading: June 26, 2018
Second Reading: July 10, 2018
Third Reading:
Public Hearing: June 26, 2018

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 07600-02-25 FROM RURAL DISTRICT (RU) TO NEIGHBORHOOD COMMERCIAL DISTRICT (NC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 07600-02-25 from Rural district (RU) to Neighborhood Commercial district (NC).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2018.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2018.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: June 26, 2018
First Reading: June 26, 2018
Second Reading: July 10, 2018
Third Reading: September 11, 2018

Richland County Council Request for Action

Subject:

18-020MA
Robert L. Legette
NC to GC (.51 Acres)
441 Percival Road
TMS # R16712-06-03

Notes:

First Reading: June 26, 2018
Second Reading: July 10, 2018
Third Reading:
Public Hearing: June 26, 2018

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 16712-06-03 FROM NEIGHBORHOOD COMMERCIAL DISTRICT (NC) TO GENERAL COMMERCIAL DISTRICT (GC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 16712-06-03 from Neighborhood Commercial district (NC) to General Commercial district (GC).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2018.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2018.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: June 26, 2018
First Reading: June 26, 2018
Second Reading: July 10, 2018
Third Reading: September 11, 2018

Richland County Council Request for Action

Subject:

18-022MA
Scott Morrison
RU to RS-E (10.81 Acres)
204 Langford Road
TMS # R15200-05-02(p)

Notes:

First Reading: June 26, 2018
Second Reading: July 10, 2018
Third Reading:
Public Hearing: June 26, 2018

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 15200-05-02 RURAL DISTRICT (RU) TO RESIDENTIAL SINGLE FAMILY – ESTATE DISTRICT (RS-E); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 15200-05-02 from Rural district (RU) to Residential Single Family - Estate district (RS-E).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2018.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2018.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: June 26, 2018
First Reading: June 26, 2018
Second Reading: July 10, 2018
Third Reading: September 11, 2018

Richland County Council Request for Action

Subject:

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for Infrastructure Credits to Lorick Place, LLC to assist in the development of a low-income housing project; and other related matters

Notes:

First Reading: June 19, 2018
Second Reading: July 10, 2018
Third Reading:
Public Hearing: July 10, 2018

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

AUTHORIZING THE EXPANSION OF THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCLUDE CERTAIN PROPERTY LOCATED IN RICHLAND COUNTY; THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE CREDIT AGREEMENT TO PROVIDE FOR INFRASTRUCTURE CREDITS TO LORICK PLACE, LLC TO ASSIST IN THE DEVELOPMENT OF A LOW-INCOME HOUSING PROJECT; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), acting by and through its County Council (“County Council”), is authorized pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) develop a multicounty park with counties having contiguous borders with the County; and (ii) include property in the multicounty park, which inclusion under the terms of the Act (A) makes such property exempt from *ad valorem* property taxes, and (B) changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes in an amount equal to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multicounty park (“Fee Payments”);

WHEREAS, the County is further authorized by Section 4-1-175 of the Act, to grant credits against Fee Payments (“Infrastructure Credit(s)”) to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County, and (ii) improved and unimproved real estate and personal property used in the operation of a manufacturing facility or commercial enterprise (collectively, “Infrastructure”);

WHEREAS, pursuant to the authority provided in the Act, the County has developed with Fairfield County, South Carolina, the I-77 Corridor Regional Industrial Park (“Park”) and executed the Master Agreement Governing the I-77 Corridor Regional Industrial Park, dated April 15, 2003 (“Park Agreement”), which governs the operation of the Park;

WHEREAS, Lorick Place, LLC (“Company”) desires to establish a commercial low-income housing complex within the County (“Project”), consisting of taxable investments in real and personal property of not less than \$10,000,000;

WHEREAS, at the Company’s request, the County desires to expand the boundaries of the Park and amend the Park Agreement to include the real and personal property relating to the Project, specifically, approximately 5.8 acres located at 3800 West Avenue, Columbia, South Carolina, 29203, more particularly described in Exhibit A to the Agreement (as defined below) (“Property”), in the Park; and

WHEREAS, the County further desires to enter into an Infrastructure Credit Agreement between the County and the Company, the substantially final form of which is attached as Exhibit A (“Agreement”), to provide Infrastructure Credits against certain of the Company’s Fee Payments with respect to the Project for the purpose of assisting in paying the costs of certain Infrastructure.

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

Section 1. *Statutory Findings.* Based on representations made by the Company to the County, the County finds that the Project and the Infrastructure will enhance the economic development of the County.

Section 2. *Expansion of the Park Boundaries, Inclusion of Property.* The expansion of the Park boundaries and an amendment to the Park Agreement to include the Property in the Park are authorized. The Chair of County Council (“Chair”) is authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries and the amendment to the Park Agreement. Pursuant to the terms of the Park Agreement, the expansion of the Park’s boundaries to include the Property is complete on the adoption of this Ordinance by County Council and a companion approving ordinance by the Fairfield County Council.

Section 3. *Approval of Infrastructure Credit; Authorization to Execute and Deliver Agreement.* The Infrastructure Credits, as more particularly set forth in the Agreement, against the Company’s Fee Payments with respect to the Project are approved. The form, terms and provisions of the Agreement that are before this meeting are approved and all of the Agreement’s terms are incorporated in this Ordinance by reference as if the Agreement was set out in this Ordinance in its entirety. The Chair is authorized and directed to execute the Agreement in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Agreement and to deliver the Agreement to the Company.

Section 4. *Further Assurances.* The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development and the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Ordinance and the incentives offered to the Company under this Ordinance and the Agreement.

Section 5. *Savings Clause.* The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 6. *General Repealer.* Any prior ordinance, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 7. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk of Council, Richland County Council

First Reading: June 19, 2018
Second Reading: July 10, 2018
Public Hearing: July 10, 2018
Third Reading: []

EXHIBIT A
FORM OF AGREEMENT

INFRASTRUCTURE CREDIT AGREEMENT

by and between

RICHLAND COUNTY, SOUTH CAROLINA

and

LORICK PLACE, LLC

Effective as of: _____, 2018

INFRASTRUCTURE CREDIT AGREEMENT

This INFRASTRUCTURE CREDIT AGREEMENT, effective as of _____, 2018 (“**Agreement**”), is by and between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (“**County**”), and LORICK PLACE, LLC (“**Company**” together with the County, “**Parties**,” each, a “**Party**”).

WITNESSETH:

WHEREAS, the County, acting by and through its County Council (“**County Council**”), is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “**Act**”), to (i) develop multicounty parks with counties having contiguous borders with the County; and (ii) include property in the multicounty park, which inclusion under the terms of the Act (A) makes such property exempt from *ad valorem* property taxes, and (B) changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes in an amount equal to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multicounty park (“**Fee Payments**”); and

WHEREAS, the County is further authorized by Section 4-1-175 of the Act to grant credits against Fee Payments (“**Infrastructure Credit(s)**”) to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County and (ii) improved and unimproved real estate and personal property used in the operation of a commercial enterprise or manufacturing facility (collectively, “**Infrastructure**”); and

WHEREAS, pursuant to the authority provided in the Act, the County has developed with Fairfield County, South Carolina, the I-77 Corridor Regional Industrial Park (“**Park**”) and executed the “Amended and Restated Master Agreement Governing the I-77 Corridor Regional Industrial Park” dated _____, 2018 (“**Park Agreement**”), which governs the operation of the Park; and

WHEREAS, the City of Columbia (the “**City**”) formed the Housing Authority of the City of Columbia (the “**Authority**”) by resolution approved April 10, 1934 with the governmental purpose of making safe and affordable housing available to residents of the City and neighboring areas; and

WHEREAS, HUD has designated the Authority a public housing agency (“**PHA**”) under the National Housing Act eligible to participate in certain programs offered by United States Department of Housing and Urban Development (“**HUD**”) to support affordable rental housing; and

WHEREAS, to enable the Authority to become and remain a PHA, the Authority and the City, and the Authority and the County from time to time have entered into Cooperation Agreements (“**HUD Cooperation Agreements**”) under which low rent rental housing projects developed by the Authority with the financial assistance of HUD are exempt from *ad valorem* tax and the Authority pays a fee in lieu of tax to the City and the County equal to 10% of the shelter rents received by the Authority from tenants of such projects, less utility payments; and

WHEREAS, the City previously condemned the West Avenue Apartments, a rental housing facility on an approximately 5.8 acre parcel of land located in the City at 3800 West Avenue , more particularly described on Exhibit A (“**Land**”); and

WHEREAS, the Authority and its affiliate, Columbia Housing Authority Developments, Inc. (“**CHAD**”), a South Carolina non-profit corporation controlled by the Authority, acquired the land and demolished the buildings of the West Avenue Apartments, and

WHEREAS, the Company, with the financial support of the Authority and CHAD, has committed to develop an 87-unit low income rental housing project on the Land to be known as Lorick Place Apartments (“**Project**”), which will consist of a taxable investment in real and personal property of not less than \$10,000,000; and

WHEREAS, the Project will be encumbered by an Agreement as to Restrictive Covenants between the South Carolina State Housing Finance and Development Authority (“**State Housing**”) and the Company (“**Restrictive Covenants**”) pursuant to which the Company will agree that one hundred percent (100%) of the completed dwelling units in the Project will be rented continuously to individuals or families whose total aggregate income at the time of initial occupancy does not exceed 60% of the area median gross income as computed by HUD at rents not in excess of the fair market rent as determined by HUD (“**Low Income Rental Restrictions**”); and

WHEREAS, by an ordinance enacted on _____, 2018 (“**Ordinance**”), the County authorized the expansion of the boundaries of the Park and an amendment to the Park Agreement to include the Land and other real and personal property relating to the Project (“**Property**”) in the Park; and

WHEREAS, pursuant to the Ordinance, the County further authorized the execution and delivery of this Agreement to provide Infrastructure Credits against the Company’s Fee Payments with respect to the Project for the purpose of assisting in paying the costs of certain Infrastructure, subject to the terms and conditions below.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, the County and the Company agree as follows:

ARTICLE I REPRESENTATIONS

Section 1.1. Representations by the County. The County represents to the Company as follows:

- (a) The County is a body politic and corporate and a political subdivision of the State of South Carolina;
- (b) The County is authorized and empowered by the provisions of the Act to enter into and carry out its obligations under this Agreement;
- (c) The County has duly authorized and approved the execution and delivery of this Agreement by adoption of the Ordinance in accordance with the procedural requirements of the Act and any other applicable state law;
- (d) The County is not in default of any of its obligations (contractual or otherwise) as a result of entering into and performing its obligations under this Agreement;
- (e) The County has approved the inclusion of the Property in the Park; and
- (f) Based on representations made by the Company to the County, the County has determined the Project and the Infrastructure will enhance the economic development of the County. Therefore, the County is entering into this Agreement for the purpose of promoting the economic development of the County.

Section 1.2. Representations and Covenants by the Company. The Company represents and covenants to the County as follows:

(a) The Company is in good standing under the laws of the State of South Carolina, has power to conduct business in the State of South Carolina and enter into this Agreement, and by proper Company action has authorized the officials signing this Agreement to execute and deliver it;

(b) The Company will use commercially reasonable efforts to provide affordable housing at the Project; and

(c) The Company's execution and delivery of this Agreement, and its compliance with the provisions of this Agreement do not result in a default under any agreement or instrument to which the Company is now a party or by which it is bound.

ARTICLE II INFRASTRUCTURE CREDITS

Section 2.1. Company Commitment. The Company shall invest not less than \$10,000,000 in taxable property to acquire, construct, furnish and equip the Project by the Certification Date (as defined herein). The Company shall certify the completion of the Project by no later than December 31, 2023 ("**Certification Date**"), by providing a certificate of occupancy to the County for each building in the Project which contains dwelling units subject to the Low Income Rental Restrictions. In the event of a default of the Company under the Restrictive Covenants, the Company is subject to the clawback requirements set forth in Section 2.3 below.

Section 2.2. Infrastructure Credits.

(a) To assist in paying for costs of Infrastructure, the County shall provide an Infrastructure Credit against certain of the Company's Fee Payments due with respect to the Project. The term, amount and calculation of the Infrastructure Credit is described in Exhibit B.

(b) For each property tax year in which the Company is entitled to an Infrastructure Credit ("**Credit Term**"), the County shall prepare and issue the Company's annual property tax bill ("**Annual Bill**") with respect to the Project net of the Infrastructure Credit set forth in Section 2.2 (a) ("**Net Fee Payment**"). Following receipt of the annual bill, the Company shall timely remit the Net Fee Payment to the County in accordance with applicable law.

(c) THIS AGREEMENT AND THE INFRASTRUCTURE CREDITS PROVIDED BY THIS AGREEMENT ARE LIMITED OBLIGATIONS OF THE COUNTY. THE INFRASTRUCTURE CREDITS ARE DERIVED SOLELY FROM AND TO THE EXTENT OF THE FEE PAYMENTS MADE BY THE COMPANY TO THE COUNTY PURSUANT TO THE ACT AND THE PARK AGREEMENT. THE INFRASTRUCTURE CREDITS DO NOT AND SHALL NOT CONSTITUTE A GENERAL OBLIGATION OF THE COUNTY OR ANY MUNICIPALITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION AND DO NOT AND SHALL NOT CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR ANY MUNICIPALITY OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWER OF THE COUNTY OR ANY MUNICIPALITY. THE FULL FAITH, CREDIT, AND TAXING POWER OF THE COUNTY OR ANY MUNICIPALITY ARE NOT PLEDGED FOR THE PROVISION OF THE INFRASTRUCTURE CREDITS.

Section 2.3. Clawback. In the event of a default of the Company under the Restrictive Covenants (after the expiration of any notice or remedial period contained thereunder) resulting from the Company's

failure to satisfy the Low Income Rental Restrictions for any calendar year, the Company shall repay the Infrastructure Credits received for such year. The portion of the Infrastructure Credit to be repaid (“*Repayment Amount*”) is based on the percentage of the occupied dwelling units in the Project which failed to satisfy the Low Income Rental Restrictions divided by the total number of occupied dwelling units in the Project for the prior calendar year, calculated as follows:

Repayment Amount = Total Received x Clawback Percentage

Clawback Percentage = 100% - Low Income Rental Percentage

Low Income Rental Percentage = Number Of Occupied Dwelling Units Which Failed To Satisfy The Low Income Rental Restrictions Divided By The Total Number Of Occupied Dwelling Units In The Project For The Prior Calendar Year.

For example, and by way of example only, if the Company had received \$1,000,000 in Infrastructure Credits, the Project contained 87 occupied dwelling units in any year and an event of default under the Restrictive Covenants had occurred due to the failure of the Company to satisfy the Low Income Rental Restrictions for 7 occupied dwelling units in that calendar year, the Repayment Amount would be calculated as follows:

Low Income Rental Percentage = $80 / 87 = 91.95\%$

Clawback Percentage = $100\% - 91.95\% = 8.05\%$

Repayment Amount = $\$1,000,000 \times 8.05\% = \$89,050$

All percentages will be rounded to the nearest two decimal places. The Company shall prepare and return the Credit Certificate, attached hereto as Exhibit C (“*Credit Certificate*”), within 60 days of receiving the Annual Bill certifying that the Company satisfied the Low Income Rental Restrictions or certifying that an event of default occurred under the Restrictive Covenants due to the Company’s failure to satisfy the Low income Rental Restrictions. The Credit Certificate shall calculate and set forth the Repayment Amount for the prior calendar year, if any, and the Company shall remit the Repayment Amount along with the Credit Certificate. If not timely paid, the Repayment Amount is subject to the minimum amount of interest that South Carolina law may permit with respect to delinquent *ad valorem* tax payments. The repayment obligation arising under this Section survives termination of this Agreement.

Section 2.4 Company Option to Terminate Agreement. The Company may terminate this Agreement at any time by delivering written notice of termination to the County at the address provided in Section 4.7. For any tax years after termination of this Agreement, the Project will be taxed as provided under then applicable South Carolina law.

Section 2.5. Termination Upon Receipt of Statutory Exemption. If the South Carolina law provides that the Project qualifies for an exemption under South Carolina law, the Company shall be required to diligently pursue such exemption. This Agreement shall automatically terminate if the Project is determined to be exempt from *ad valorem* property taxes under South Carolina law.

Section 2.6. Filings. To assist the County in administering the Infrastructure Credits, the Company shall, for the Credit Term, prepare and file a separate schedule to the SCDOR PT-100, PT-300 with respect to the Property.

**ARTICLE III
DEFAULTS AND REMEDIES**

Section 3.1. *Events of Default.* The following are “*Events of Default*” under this Fee Agreement:

(a) Failure by the Company to make a Net Fee Payment, which failure has not been cured within 30 days following receipt of written notice from the County specifying the delinquency in payment and requesting that it be remedied;

(b) A Cessation of Operations. For purposes of this Agreement, a “*Cessation of Operations*” means closure of the Project for a continuous period of twelve (12) months or an event of default under the Restrictive Covenants, in which the Company fails to meet the Low Income Rental Restrictions for a period of 12 months;

(c) A representation or warranty made by the Company which is deemed materially incorrect when deemed made;

(d) Failure by the Company to perform any of the terms, conditions, obligations, or covenants under this Agreement (other than those described in Section 2.1 and under (a) above), which failure has not been cured within 30 days after written notice from the County to the Company specifying such failure and requesting that it be remedied, unless the Company has instituted corrective action within the 30-day period and is diligently pursuing corrective action until the default is corrected, in which case the 30-day period is extended to include the period during which the Company is diligently pursuing corrective action;

(e) A representation or warranty made by the County which is deemed materially incorrect when deemed made; or

(f) Failure by the County to perform any of the terms, conditions, obligations, or covenants hereunder, which failure has not been cured within 30 days after written notice from the Company to the County specifying such failure and requesting that it be remedied, unless the County has instituted corrective action within the 30-day period and is diligently pursuing corrective action until the default is corrected, in which case the 30-day period is extended to include the period during which the County is diligently pursuing corrective action.

Section 3.2. *Remedies on Default.*

(a) If an Event of Default by the Company has occurred and is continuing, then the County may take any one or more of the following remedial actions:

(i) terminate this Agreement; or

(ii) take whatever action at law or in equity may appear necessary or desirable to collect amounts due or otherwise remedy the Event of Default or recover its damages.

(b) If an Event of Default by the County has occurred and is continuing, the Company may take one or more of the following actions:

(i) bring an action for specific enforcement;

(ii) terminate this Agreement; or

(iii) in case of a materially incorrect representation or warranty, take such action as is appropriate, including legal action, to recover its damages, to the extent allowed by law.

Section 3.3. *Reimbursement of Legal Fees and Other Expenses.* On the occurrence of an Event of Default, if a Party is required to employ attorneys or incur other reasonable expenses for the collection of payments due under this Agreement or for the enforcement of performance or observance of any obligation or agreement, the prevailing Party is entitled to seek reimbursement of the reasonable fees of such attorneys and such other reasonable expenses so incurred.

Section 3.4. *Remedies Not Exclusive.* No remedy described in this Agreement is intended to be exclusive of any other remedy or remedies, and each and every such remedy is cumulative and in addition to every other remedy given under this Agreement or existing at law or in equity or by statute.

Section 3.5. *Nonwaiver.* A delay or omission by the Company or County to exercise any right or power accruing on an Event of Default does not waive such right or power and is not deemed to be a waiver or acquiescence of the Event of Default. Every power and remedy given to the Company or County by this Agreement may be exercised from time to time and as often as may be deemed expedient.

ARTICLE IV MISCELLANEOUS

Section 4.1. *Examination of Records; Confidentiality.*

(a) The County and its authorized agents, at any reasonable time on prior notice, may enter and examine the Project and have access to and examine the Company's books and records relating to the Project for the purposes of (i) identifying the Project; (ii) confirming satisfaction of the Low Income Rental Restrictions; and (iii) permitting the County to carry out its duties and obligations in its sovereign capacity (such as, without limitation, for such routine health and safety purposes as would be applied to any other manufacturing or commercial facility in the County).

(b) The County acknowledges that the Company may utilize confidential and proprietary processes and materials, services, equipment, trade secrets, and techniques ("**Confidential Information**") and that disclosure of the Confidential Information could result in substantial economic harm to the Company. The Company may clearly label any Confidential Information delivered to the County pursuant to this Agreement as "Confidential Information." Except as required by law, the County, or any employee, agent, or contractor of the County, shall not disclose or otherwise divulge any labeled Confidential Information to any other person, firm, governmental body or agency. The Company acknowledges that the County is subject to the South Carolina Freedom of Information Act, and, as a result, must disclose certain documents and information on request, absent an exemption. If the County is required to disclose any Confidential Information to a third party, the County will use its best efforts to provide the Company with as much advance notice as is reasonably possible of such disclosure requirement prior to making such disclosure and to cooperate reasonably with any attempts by the Company to obtain judicial or other relief from such disclosure requirement.

Section 4.2. *Assignment.* The Company may assign or otherwise transfer any of its rights and interest in this Agreement on prior written consent of the County, which may be given by resolution, and which consent will not be unreasonably withheld. Notwithstanding the preceding sentence, the County preauthorizes and consents to an assignment by the Company of its rights and interest in this Agreement to an Affiliate (defined herein) of the Company so long as the Company provides written consent of the assignment, and the Affiliate agrees in a signed writing delivered to the County to assume all duties and

obligations of the Company hereunder. An “*Affiliate*” shall mean any entity that controls, is controlled by, or is under common control with the Company.

Section 4.3. *Provisions of Agreement for Sole Benefit of County and Company.* Except as otherwise specifically provided in this Agreement, nothing in this Agreement expressed or implied confers on any person or entity other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

Section 4.4. *Severability.* If any provision of this Agreement is declared illegal, invalid, or unenforceable for any reason, the remaining provisions of this Agreement are unimpaired, and the Parties shall reform such illegal, invalid, or unenforceable provision to effectuate most closely the legal, valid, and enforceable intent of this Agreement.

Section 4.5. *Limitation of Liability.*

(a) The County is not liable to the Company for any costs, expenses, losses, damages, claims or actions in connection with this Agreement, except from amounts received by the County from the Company under this Agreement.

(b) All covenants, stipulations, promises, agreements and obligations of the County contained in this Agreement are binding on members of the County Council or any elected official, officer, agent, servant or employee of the County only in his or her official capacity and not in his or her individual capacity, and no recourse for the payment of any moneys or performance of any of the covenants and agreements under this Agreement or for any claims based on this Agreement may be had against any member of County Council or any elected official, officer, agent, servant or employee of the County except solely in their official capacity.

Section 4.6. *Indemnification Covenant.*

(a) Except as provided in paragraph (d) below, the Company shall indemnify and save the County, its employees, elected officials, officers and agents (each, an “*Indemnified Party*”) harmless against and from all liability or claims arising from the County’s execution of this Agreement, performance of the County’s obligations under this Agreement or the administration of its duties pursuant to this Agreement, or otherwise by virtue of the County having entered into this Agreement.

(b) The County is entitled to use counsel of its choice and the Company shall reimburse the County for all of its costs, including attorneys’ fees, incurred in connection with the response to or defense against such liability or claims as described in paragraph (a) above. The County shall provide a statement of the costs incurred in the response or defense, and the Company shall pay the County within 30 days of receipt of the statement. The Company may request reasonable documentation evidencing the costs shown on the statement. However, the County is not required to provide any documentation which may be privileged or confidential to evidence the costs.

(c) The County may request the Company to resist or defend against any claim on behalf of an Indemnified Party. On such request, the Company shall resist or defend against such claim on behalf of the Indemnified Party, at the Company’s expense. The Company is entitled to use counsel of its choice, manage and control the defense of or response to such claim for the Indemnified Party; provided the Company is not entitled to settle any such claim without the consent of that Indemnified Party.

(d) Notwithstanding anything herein to the contrary, the Company is not required to indemnify any Indemnified Party against or reimburse the County for costs arising from any claim or liability (i) occasioned by the acts of that Indemnified Party, which are unrelated to the execution of this Agreement, performance of the County's obligations under this Agreement, or the administration of its duties under this Agreement, or otherwise by virtue of the County having entered into this Agreement; or (ii) resulting from that Indemnified Party's own negligence, bad faith, fraud, deceit, or willful misconduct.

(e) An Indemnified Party may not avail itself of the indemnification or reimbursement of costs provided in this Section unless it provides the Company with prompt notice, reasonable under the circumstances, of the existence or threat of any claim or liability, including, without limitation, copies of any citations, orders, fines, charges, remediation requests, or other claims or threats of claims, in order to afford the Company notice, reasonable under the circumstances, within which to defend or otherwise respond to a claim.

Section 4.7. Notices. All notices, certificates, requests, or other communications under this Agreement are sufficiently given and are deemed given, unless otherwise required by this Agreement, when (i) delivered and confirmed by United States first-class, registered mail, postage prepaid or (ii) sent by facsimile, and addressed as follows:

if to the County:	Richland County, South Carolina Attn: Director of Economic Development 2020 Hampton Street Columbia, South Carolina 29204 Phone: 803.576.2043 Fax: 803.576.2137
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with a copy to (does not constitute notice):	Parker Poe Adams & Bernstein LLP Attn: Ray E. Jones 1221 Main Street, Suite 1100 (29201) Post Office Box 1509 Columbia, South Carolina 29202 Phone: 803.255.8000 Fax: 803.255.8017
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if to the Company:	Lorick Place, LLC C/O Columbia Housing Authority 1917 Harden Street Columbia, South Carolina 29204 Attn: Executive Director Phone: 803.254.3886 ext. 211 Email: gwalker@chasc.org
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with a copy to (does not constitute notice):	Haynsworth Sinkler Boyd, P.A. Attn: John Van Duys 1201 Main Street, Suite 2200 (29201) Post Office Box 11889 Columbia, South Carolina 29211-1889 Phone: 803.540.7826 Fax: 803.765.1243
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The County and the Company may, by notice given under this Section, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

Section 4.8. *Administrative Fees.* The Company will reimburse, or cause reimbursement to, the County for the Administration Expenses based on actual costs incurred in the amount of up to \$7,500. The Company will reimburse the County for its Administration Expenses on receipt of a written request from the County or at the County's direction, which request shall include a statement of the amount and nature of the Administration Expense. The Company shall pay the Administration Expenses as set forth in the written request no later than 60 days following receipt of the written request from the County. For purposes of this Section, "***Administration Expenses***" means the reasonable expenses incurred by the County in the negotiation, approval and implementation of the terms and provisions of this Agreement, including reasonable attorneys' fees. Administration Expenses do not include any costs, expenses, including attorneys' fees, incurred by the County (i) in defending challenges to the Fee Payments or Infrastructure Credits brought by third parties or the Company or its affiliates and related entities, or (ii) in connection with matters arising at the request of the Company outside of the immediate scope of this Agreement, including amendments to the terms of this Agreement. The payment by the Company of the Administration Expenses shall not be construed as prohibiting the County from engaging, at its discretion, the counsel of the County's choice.

Section 4.9. *Entire Agreement.* This Agreement expresses the entire understanding and all agreements of the Parties with each other, and neither Party is bound by any agreement or any representation to the other Party which is not expressly set forth in this Agreement or in certificates delivered in connection with the execution and delivery of this Agreement.

Section 4.10 *Agreement to Sign Other Documents.* From time to time, and at the expense of the Company, to the extent any expense is incurred, the County agrees to execute and deliver to the Company such additional instruments as the Company may reasonably request and as are authorized by law and reasonably within the purposes and scope of the Act and this Agreement to effectuate the purposes of this Agreement.

Section 4.11. *Agreement's Construction.* Each Party and its counsel have reviewed this Agreement and any rule of construction to the effect that ambiguities are to be resolved against a drafting Party does not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

Section 4.12. *Applicable Law.* South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Agreement to the laws of another jurisdiction, governs this Agreement and all documents executed in connection with this Agreement.

Section 4.13. *Counterparts.* This Agreement may be executed in any number of counterparts, and all of the counterparts together constitute one and the same instrument.

Section 4.14. *Amendments.* This Agreement may be amended only by written agreement of the Parties.

Section 4.15. *Waiver.* Either Party may waive compliance by the other Party with any term or condition of this Agreement but the waiver is valid only if it is in a writing signed by the waiving Party.

Section 4.16. *Termination.* Unless first terminated under any other provision of this Agreement, this Agreement terminates on the expiration of the Credit Term and payment by the Company of any outstanding Net Fee Payment due on the Project pursuant to the terms of this Agreement.

Section 4.17. Business Day. If any action, payment, or notice is, by the terms of this Agreement, required to be taken, made, or given on any Saturday, Sunday, or legal holiday in the jurisdiction in which the Party obligated to act is situated, such action, payment, or notice may be taken, made, or given on the following business day with the same effect as if taken, made or given as required under this Agreement,

*[TWO SIGNATURE PAGES FOLLOW]
[REMAINDER OF PAGE INTENTIONALLY BLANK]*

IN WITNESS WHEREOF, Richland County, South Carolina, has caused this Agreement to be executed by the appropriate officials of the County and its corporate seal to be affixed and attested, effective the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to Council, Richland County Council

[SIGNATURE PAGE 1 TO INFRASTRUCTURE CREDIT AGREEMENT]

IN WITNESS WHEREOF, Lorick Place, LLC has caused this Agreement to be executed by its authorized officer(s), effective the day and year first above written.

LORICK PLACE, LLC, a South Carolina limited liability company

By: Columbia Housing Authority Developments
– Lorick, LLC, a South Carolina limited liability company, Managing Member

By: Columbia Housing Authority
Developments, Inc., a South Carolina nonprofit corporation, Manager

By: _____
Secretary

[SIGNATURE PAGE 2 TO INFRASTRUCTURE CREDIT AGREEMENT]

EXHIBIT A

DESCRIPTION OF PROPERTY

Approximately 5.8 acre tract of land located at 3800 West Avenue, Columbia, South Carolina, 29203, TMS Numbers R09213-04-14; R11601-24-01; R11601-24-02; R11601-24-03; R11601-24-04; R11601-24-05; R11601-24-06; R09213-08-01; R09213-08-02; R09213-08-03; R09213-08-04; R09213-08-05; R09213-08-06; R09213-08-07; R09213-08-08; R11601-25-04; R11601-25-05; R11601-25-06; R11601-25-01; R11601-25-02; R11601-25-03; R09213-08-09; and R09213-08-10.

Legal Description: ALL THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND, together with improvements thereon, if any, situate, lying and being in the County of Richland, and State of South Carolina, being shown and delineated on a plat entitled "Recombination Plat Lorick Place Development", prepared for Lorick Place, LLC, by Chao & Associates, Inc., dated May 22, 2018, and recorded in the Office of the Register of Deeds for said County in Record Book 2314 at Page 1052; according to aforesaid plat the within concerned property has the following metes, bounds, courses and distances, to wit; BEGINNING AT A POINT which is an iron pin found at the northeasternmost corner of the subject premises and proceeding therefrom S4°23'30"W for a distance of 373.00 feet along the western side of the right of way of West Avenue to an iron pin found; thence turning and running N87°04'13"E for a distance of 324.00 feet along property now or formerly of CW Haynes & Co., Inc. to an iron pin found; thence turning and running N87°22'36"E for a distance of 245.02 feet along property now or formerly of CW Haynes & Co., Inc. to an iron pin found; thence turning and running N5°20'52"E for a distance of 354.05 feet along property now or formerly of City Housing Co., Inc., to an iron pin found; thence turning and running N50°25'24"E for a distance of 200.32 feet along property now or formerly of City Housing Co., Inc., to an iron pin found; thence turning and running S86°06'20"E for a distance of 432.31 feet along property now or formerly of City Housing Co., Inc., to an iron pin found at the POINT OF BEGINNING; said plat is incorporated herein and reference is craved thereto for a more complete and accurate description of the metes, bounds, courses and distances of the property concerned herein. Be all measurements a little more or less.

EXHIBIT B

DESCRIPTION OF INFRASTRUCTURE CREDIT

The Infrastructure Credits shall be the amount necessary to reduce the Net Fee Payment to \$9,634.00 per year for 40 years.

EXHIBIT C

FORM OF CREDIT CERTIFICATE

Reference is made to that certain Infrastructure Credit Agreement effective as of January 1, 2018 (“**Credit Agreement**”), by and among Richland County, South Carolina (“**County**”), and Lorick Place, LLC (“**Company**”). Each capitalized term not defined herein has the meaning ascribed thereto in the Credit Agreement. Company shall in each respective tax year, submit this Certification to County.

As set forth in Section 2.2 of the Credit Agreement, County has agreed to provide Infrastructure Credits against Fee Payments made by the Company as part of the Project. Pursuant to Section 2.2 of the Credit Agreement, the Company is entitled to an Infrastructure Credit in an amount necessary to reduce the Net Fee Payment to \$9,634.00 per year for 40 years. Pursuant to Section 2.3 of the Credit Agreement, the Company shall be required to pay the Repayment Amount in the event there is an Event of Default occurring under the Agreement as to Restrictive Covenants for the Project. The Repayment Amount shall be calculated based on the percentage of the dwelling units in the Project which failed to satisfy the Low Income Rental Restrictions divided by the total number of dwelling units in the Project for the prior calendar year.

In accordance with the terms of the Credit Agreement, the undersigned authorized agent of the Company certifies Items 1 through 6 as follows:

1. For tax year [YEAR], the Company hereby certifies that the Project contains _____ units.
2. For tax year [YEAR], the Company hereby certifies that ____ units failed to satisfy the Low Income Rental Restrictions.
3. For tax year [YEAR], the Company received \$_____ in Infrastructure Credits, which is the amount required to reduce the Company’s tax liability \$9,634.00.
4. Pursuant to Section 2.3 of the Credit Agreement, the Repayment Amount shall be calculated as follows:

$$\text{Low Income Rental Percentage} = \frac{\text{_____}}{\text{_____}} = \text{_____}\%$$

$$\text{Clawback Percentage} = 100\% - \text{_____}\% = \text{_____}\%$$

$$\text{Repayment Amount} = \$\text{_____} \times \text{_____}\% = \$\text{_____}$$

5. For tax year [YEAR], the Company is remitting the Repayment Amount equal to \$_____ along with this Credit Certificate.
6. Should the County have a genuine dispute as to the validity or accuracy of the Repayment Amount calculations set forth in this Credit Certificate, the Company agrees to pay County’s costs and fees, including its attorneys’ fees and costs, associated with the certification, calculation, or adjustment of the Credit, in an amount up to \$250 per year.

IN WITNESS WHEREOF, I have executed this Certificate as of _____, 20__.

LORICK PLACE, LLC, a South Carolina limited liability company

By: Columbia Housing Authority Developments – Lorick, LLC, a South Carolina limited liability company, Managing Member

By: Columbia Housing Authority Developments, Inc., a South Carolina nonprofit corporation, Manager

By: _____
Secretary

[Signature page to Credit Certificate]

Richland County Council Request for Action

Subject:

An Ordinance Amending Chapter 17, Motor Vehicles in Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; so as to include Hobart Road

Notes:

June 26, 2018 – The committee recommended Council approving an amendment to the ordinance, Article II. General Traffic and Parking Regulations, Section 17-9 prohibiting through truck traffic on Hobart Road and the Brookhaven neighborhood within Richland County, and to recommend to SCDOT to place a “No Through Truck Traffic Ahead” sign on the road.

First Reading: July 10, 2018

Second Reading:

Third Reading:

Public Hearing:



Companion Document – Supplemental information for Through Truck Traffic Prohibited on Hobart Road and Brookhaven Neighborhood

Additional Information Requested by Committee

During its May meeting, the Development & Services (D&S) Committee requested additional information on the subject. Specifically:

1. What is the County’s policy for a “No Through Trucks” designation on County maintained roads?
2. What is the process to close a section of Hobart Road at the railroad crossing?

Item 1 – No Through Trucks

The County does not currently have a policy on this. However, the South Carolina Department of Transportation (SCDOT) does have a draft policy that they currently use. This is attached for your information. There are four primary items that are reviewed when a request is received:

- A field evaluation of the proposed route identifying any potential hazards such as railroad crossings, limited site distances, etc. **(The route along Hobart Road has a railroad crossing.)**
- An evaluation of the roadway lane widths, safety features, and surface conditions. **(After speaking to the Engineer that designed Hobart Road, he stated that it was never intended to be a truck route. The pavement section that was used was a standard residential section (8” base course and 2” of surface course) as well as the lane widths associated with a residential roadway.)**
- An evaluation of intersection geometrics at points of turn along routes. **(There are no known issues here.)**
- An analysis of traffic volumes to identify potential congestion issues or bottlenecks. **(A traffic count was performed several years ago and there were over 1,000 vehicles traveling in a single direction on a single day. That count would be doubled in order to arrive at the actual Average Daily Traffic (ADT) of over 2,000 vehicles per day travelling this residential roadway. By County Standards, this would classify this road as a “Major Collector” with a required pavement section is 8” stone base, 3” intermediate binder course, and 2” asphalt surface course.)**

Item 2 – Closing a section of Hobart Road

To close any road (or road section) in the County Road Maintenance System, the process is as follows (as advised by Assistant County Attorney, Brad Farrar):

"Any interested person, the State (or any of its political subdivisions or agencies) may petition a court of competent jurisdiction to abandon or close any street, road or highway whether opened or not. Prior to

filing the petition, notice of intention to file shall be published once a week for three consecutive weeks in a newspaper published in the county where such street, road or highway is situated. Notice also shall be sent by mail requiring a return receipt to the last known address of all abutting property owners whose property would be affected by any such change, and posted by the petitioning party along the street, road, or highway, subject to approval of the location of the posting by the governmental entity responsible for maintenance of the street, road, or highway..."

The Court then, pursuant to 57-9-20, "...shall determine (whether) it is to be the best interest of all concerned that such street, road or highway be abandoned or closed, (and) the court shall then determine in whom the title thereto shall be vested and issue an appropriate order."

Staffs such as EMS, Fire Service, School District, and Sheriff's Department will be contacted also to be sure that there are no concerns from their perspectives. Mr. Randy Wells with Richland County / City of Columbia Fire Department stated that there would be little impact on their response time (please see attached email).

Staff Recommendation

The staff recommendation contained in the original briefing document is unchanged. However, staff further recommends that County Council direct staff to develop and implement a Through Truck Traffic Prohibition Policy based on the SCDOT draft standard.

Submitted by: Department of Public Works

Date: June 14, 2018

STEPHEN STALEY

From: Wells, Randy C <cfdrwells@columbiasc.net>
Sent: Monday, June 11, 2018 2:21 PM
To: STEPHEN STALEY; Miranda Spivey; MICHAEL BYRD; Cowan, Chris; cearles@richland2.org; COC Fire Command Staff
Cc: Ismail Ozbek; CHRIS EVERSMANN; Allison Steele; Gary Barton; BRAD FARRAR; LARRY SMITH; ELIZABETH MCLEAN
Subject: RE: [EXTERNAL] RE: Close off section of roadway

The Fire Department does not have any objection to this request.

Multiple access points to areas in our response territories are always of value. This part of the county has experienced exponential growth over the past 10 years with few options to improve infrastructure to accommodate the increased population. Hobart Road (currently a dirt and gravel track) accesses the back of a subdivision that is part of a larger cluster of neighborhoods that can only be accessed via Longtown Road (north from Rimer Pond Rd and south from Killian Road).

Closing Hobart Road will not affect 98% of our responses into that community cluster: our companies' primary running routes use Longtown Road from the north and south. It will, however, directly affect general vehicle congestion around the Longtown Rd/Killian Rd and Rimer Pond Rd/HWY 21 intersections because Hobart Road is used as a more convenient cut through for many commuters.

If Hobart Road is indeed closed off (which is probably safer for citizens since it crosses two train tracks without crossing guards) we will communicate this with our members and there should be little affect to our responses in that area.

Respectfully,



We Are Columbia

Randy C. Wells, EFO, CFO, CEMSO
Assistant Chief of Operations
Fire Department

1800 Laurel Street, Columbia, SC 29201

Phone: 803-545-3702
Cell: 803-240-4326
Fax: 803-733-8311

ColumbiaSC.net

From: STEPHEN STALEY [mailto:STALEY.STEPHEN@richlandcountysc.gov]
Sent: Monday, June 11, 2018 11:37 AM
To: Miranda Spivey; MICHAEL BYRD; Cowan, Chris; cearles@richland2.org; COC Fire Command Staff
Cc: Ismail Ozbek; CHRIS EVERSMANN; Allison Steele; Gary Barton; BRAD FARRAR; LARRY SMITH; ELIZABETH MCLEAN
Subject: [EXTERNAL] RE: Close off section of roadway

CAUTION: This email originated outside of the organization. Do not click links or open attachments from unknown senders or suspicious emails. Never enter a username or password on a site that you did not knowingly access.

Thank you Miranda.

To date we have not heard of any objections to this request. Mr. Byrd did recall something about Hobart Road but could not find any information but believed Brad Farrar may have some information and copied him on the email. However, as you may know, Brad is on military leave until August 9th. I have also copied Larry Smith and Elizabeth Mclean in case they have some information.

Thank you for your assistance!

Stephen S. Staley, P.E.

County Engineer
Richland County Government
Department of Public Works
Engineering Division
Staley.Stephen@richlandcountysc.gov

P 803-576-2479
400 Powell Rd.
Columbia, SC 29203
RCGOV.US

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From: Miranda Spivey

Sent: Wednesday, June 06, 2018 11:08 AM

To: STEPHEN STALEY; MICHAEL BYRD; Cowan, Chris; cearles@richland2.org; COC Fire Command Staff

Cc: Ismail Ozbek; CHRIS EVERSMANN; Allison Steele; Gary Barton

Subject: RE: Close off section of roadway

Importance: High

Good Morning Stephen,

The Fire Marshal's Office does not have any issue, provided there are two remote points of emergency ingress/egress remaining for the subdivisions impacted.

This email has been forwarded, by way of this email, to our public safety partners for additional input.

Thanks

MELONDY "MIRANDA" SPIVEY, CFI-1, CFPE, CBCLI

Division Manager

P 803-576-3405 M 803-518-5077



From: STEPHEN STALEY
Sent: Wednesday, June 06, 2018 10:41 AM
To: Miranda Spivey
Cc: Ismail Ozbek; CHRIS EVERSMANN; Allison Steele; Gary Barton
Subject: Close off section of roadway

Miranda-

Good morning. Hope you have been doing well!

I wanted to ask if you could find out if any of the essential departments (Fire, EMS, Sheriff, School District, etc.) would take issue with us permanently closing a section of Hobart Road that crosses the Norfolk Southern Rail as shown on the attached sketch. The Hobart Road would then end on both sides of the rail and there would be no thru traffic.

Thank you for your assistance!

Have a good day.

Stephen S. Staley, P.E.

County Engineer
Richland County Government
Department of Public Works
Engineering Division
Staley.Stephen@richlandcountysc.gov

P 803-576-2479



400 Powell Rd.
Columbia, SC 29203
rcgov.us

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South Carolina Department of Transportation
Traffic Engineering Guidelines

NUMBER: TG-XX

SUBJECT: Requests for Truck Routes and Truck Prohibitions

BACKGROUND: The Department frequently receives requests from local governments to prohibit trucks on particular routes or to designate a truck route in a particular area. While there is guidance on Truck Prohibition signing available in the Supplement to the MUTCD, no official guidance has been in place regarding how to evaluate and process requests for truck routes and truck prohibitions. This guideline outlines the process for evaluating such requests.

GUIDELINES: The process for requesting and implementing truck routes and truck prohibitions is as follows:

1. A local government shall submit a request identifying the section or sections of roadway where they plan to restrict through truck traffic (local truck traffic and deliveries must still be allowed) and shall also propose truck routing to bypass the restricted area. If a truck route is recommended without any through-truck restrictions, the truck routing will only serve as a suggested route and cannot be enforced.
2. These requests will be evaluated at the District level with Headquarters Traffic Engineering providing assistance upon request. District staff should review and evaluate the requested truck routing to determine the feasibility of the route as well as to identify any issues associated with the requested prohibitions.

At a minimum, the review should consist of the following:

- A field evaluation of the proposed truck route to identify any potential hazards (railroad crossings, limited sight distances, etc.)
 - An evaluation of the roadway lane widths, safety features and surface conditions
 - An evaluation of intersection geometrics at points of turn along the route
 - An analysis of traffic volumes to identify potential congestion issues or bottlenecks
3. The review should identify necessary roadway improvements that will be required along the proposed route. It will be the responsibility of the requesting local governmental entity to identify

funding for any necessary improvements. If improvements cannot be made and no suitable alternate routing exists, truck prohibitions should not be approved.

4. Truck prohibitions may only be implemented if suitable alternate routes exist where trucks can make the necessary turning maneuvers and not experience any known truck-related issues on the route.
5. The truck route should not be located adjacent to a primary or secondary school where it would interfere with school traffic or utilize a solely residential roadway.
6. The truck route should not be overly burdensome on the trucking industry. For example, a 10 mile truck route should not be implemented to bypass a 1 mile or shorter prohibition.
7. If the review reveals that the proposed routing or prohibitions are feasible, SCDOT will request that the local government pass an ordinance for the prohibition of the through truck traffic on the specified segment of roadway. The ordinance should give a legal description to the prohibitions and provide identification local government that will be responsible for enforcement of the restriction. This ordinance should also include or reference a description of the type of trucks prohibited which is typically a vehicle with greater than 6 wheels. This description permits small delivery trucks such as UPS/FedEx to operate without restriction and would not create issues with residents that drive dually pickup trucks.
8. Once SCDOT is notified that the ordinance has been passed, SCDOT will proceed with installing the truck routing and truck prohibition signing in accordance with the MUTCD (latest edition) and the SCDOT Supplement to the MUTCD. If any of the prohibited roads/streets not on the state highway system, the local government will be responsible for providing and erecting approved prohibition signs on those facilities.

Approved:

Director of Traffic Engineering

Date



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

**May 22, 2018 Development & Services Committee
Briefing Document – Through Truck Prohibited on Hobart Road and the Brookhaven
Neighborhood**

Agenda Item

County Council is requested to approve an amendment to the ordinance, Article II. General Traffic and Parking Regulations, Section 17-9 prohibiting through truck traffic on the County portion of Hobart Road from its intersection with the State portion of Hobart Road to its intersection with Longtown Road West within Richland County.

The amendment will read as follows:

“(11) All through truck traffic is prohibited on the County portion of Hobart Road and within the Brookhaven neighborhood in Richland County.”

Background

The County portion of Hobart Road serves as one of the main roads through the Brookhaven neighborhood. It is a two-lane residential road that, over the years, has become a major cut-through road for traffic traveling from Farrow Rd. to Longtown Road. This cut-through traffic includes a large volume of heavy truck traffic, such as semis, concrete trucks, and delivery trucks that has contributed to the deterioration of the road and has turned a quiet community road into a loud, busy connector that it was not designed or intended to be. There are other routes that these trucks can use to avoid Hobart Road.

Since mid-2017, Public Works has received service requests from citizens to have this road closed to this truck traffic because of the reasons mentioned above.

As shown on the attached map exhibit, there is a State (SCDOT) portion as well as a County portion of Hobart Road. A preliminary request to close of the State portion of Hobart Road to through truck traffic has been made to the SCDOT Richland Maintenance Staff. While this closure would be desirable, it should not hold up action by RC Council. Also attached is an image of a large truck traversing this residential neighborhood.

Because of its brevity, Section 17-9 in its entirety follows:

Sec. 17-9. Through truck traffic prohibited.

- (a) All through truck traffic is prohibited on the following roads in Richland County, South Carolina:
- (1) Sparkleberry Lane;

- (2) Congress Road between Leesburg Road and Garners Ferry Road;
- (3) Bynum Road;
- (4) Summit Parkway;
- (5) Valhalla Drive;
- (6) Olympia Avenue between Heyward Street and Bluff Road;
- (7) Bakersfield Road between Dutch Square Boulevard and Morninghill Drive;
- (8) N. Donar Drive;
- (9) Prima Drive; and
- (10) Longreen Parkway.

(b) For the purpose of this section, the following definitions shall apply:

(1) Truck means: a) every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn; b) every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle; and/or c) every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no part of its weight rests upon the towing vehicle.

(2) Through truck traffic means truck traffic moving from the beginning point of the road to the ending point of the road without stopping.

(Ord. No. 016-96HR, § I, 1-2-96; Ord. No. 061-01HR, § I, 9-4-01; Ord. No. 002-02HR, § I, 1-8-02; Ord. No. 001-06HR, § I, 1-3-06; Ord. No. 031-07HR, § I, 4-3-07; Ord. No. 058-10HR, § I, 9-21-10; Ord. No. 058-14HR, § I, 11-18-14)

Issues

There are several residential roads with a through truck traffic prohibition; emergency response vehicles on a mission are not considered through traffic and are not affected by this action.

Fiscal Impact

The financial impact will be minimal and limited to the installation of appropriate signage which will be paid for from the Roads and Drainage Maintenance (RDM) Division operating budget. No additional funding will be required.

Past Legislative Actions

None

Alternatives

1. Approve an amendment to the ordinance, Article II. General Traffic and Parking Regulations, Section 17-9 prohibiting through truck traffic on Hobart Road and the Brookhaven neighborhood within Richland County.

Or,

2. Do not approve the amendment to the ordinance and allow truck traffic to continue to use Hobart Road through the Brookhaven neighborhood.

Staff Recommendation

It is recommended that County Council approve an amendment to the ordinance, Article II. General Traffic and Parking Regulations, Section 17-9 prohibiting through truck traffic on Hobart Road and the Brookhaven within Richland County.

Submitted by: Department of Public Works

Date: May 7, 2018





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

AN ORDINANCE AMENDING CHAPTER 17, MOTOR VEHICLES IN TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-9, THROUGH TRUCK TRAFFIC PROHIBITED; SO AS TO INCLUDE HOBART ROAD.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II. General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; Subsection (a); is hereby amended to read as follows:

Section 17-9. Through truck traffic prohibited.

(a) All through truck traffic is prohibited on the following roads in Richland County, South Carolina:

- (1) Sparkleberry Lane;
- (2) Congress Road between Leesburg Road and Garners Ferry Road;
- (3) Bynum Road;
- (4) Summit Parkway;
- (5) Valhalla Drive;
- (6) Olympia Avenue between Heyward Street and Bluff Road;
- (7) Bakersfield Road between Dutch Square Boulevard and Morninghill Drive;
- (8) N. Donar Drive;
- (9) Prima Drive; -
- (10) Longreen Parkway; and
- (11) **Hobart Road.**

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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 _____, 2018.

RICHLAND COUNTY COUNCIL

BY: _____
Joyce Dickerson, Chair

ATTEST this the _____ day of
_____, 2018

Kimberly Williams – Roberts
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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



**Development & Services Committee Meeting
Companion Document**

Agenda Item

Proposed District 9 Neighborhood Master Plan – “Pontiac”

Background

The Neighborhood Improvement Program was established by County Council in Fiscal Year 2004 to coordinate and fund Neighborhood Master Plans [NMP] and improvement projects in Richland County. On March 1, 2005, County Council approved the first 10 priority focal areas for Neighborhood Master Planning. The table below displays the completed Master Planning Areas, along with the date each plan was adopted by County Council.

Master Planning Area	Date Adopted
Southeast Richland Neighborhoods	1/3/2006
Broad River Neighborhoods	10/19/2006
Decker Blvd / Woodfield Park	7/10/2007
Candlewood	3/12/2009
Crane Creek	1/19/2010
Trenholm Acres / Newcastle Neighborhoods	1/19/2010
Broad River Road Corridor and Community	12/14/2010
Lower Richland	3/18/2014
Spring Hill	3/18/2014
Capital City Mill District (Olympia)	11/14/2017
Other County Planning Efforts	Funded by
Ridgewood Master Plan	Community Development
Arthurtown Revitalization	Community Development

On March 1, 2016, the honorable Julie-Ann Dixon brought forth the following motion:

“I move that the Richland County Neighborhood Improvement Program develop a set of criteria for determining the necessity of future Neighborhood Master Plans in unincorporated Richland County and that staff begin their analysis with District 9 no later than the end of the calendar year [December 31, 2016].

Administrative Policy 2016-5, Future Master Plan Criteria, addresses the first of two actions requested via the aforementioned motion by setting forth criteria for assessing the necessity of future NMPs in unincorporated Richland County, which is essential to the progression of the program and the targeted, lucrative revitalization and/or conservation of areas within unincorporated Richland County.

In keeping with the spirit of the motion put forth by former Councilwoman Dixon, Councilman Calvin “Chip” Jackson continued to move with staff to assess the feasibility and appropriateness of a new NMP in District 9, providing input in investigating potential neighborhoods of benefit at various stages of the process.

NMPs serve to catalyze targeted revitalization and/or conservation efforts in designated areas of unincorporated Richland County in accordance with the vision, goals and objectives of PLAN Richland County, the 2015 Comprehensive Plan. The general area tentatively titled *Pontiac* within District 9 has been identified as the area with the greatest potential of benefiting from such efforts, per analyses conducted according to the criteria established in Administrative Policy 2016-5. Preliminary analyses and evaluation reveal that the strengths, weaknesses, opportunities and threats within the Pontiac area are such that it would benefit greatly from the establishment of a shared vision, development goals and focused community services.

Preliminary conversations were held between staff and Councilman Jackson in working to identify potential areas of need. Various communities, which could benefit from a Master Plan, were identified throughout District 9, two of which rose to the top as exhibiting the greatest ability to benefit from and support the neighborhood master planning process. Exploration of these two neighborhoods, including the detailing of potential issues and concerns, was conducted in tandem with input from Councilman Jackson. Further analyses revealed one area was of greater need and ability. This area, Pontiac, which is off Clemson Road east of Two Notch Road, west of the City of Columbia and east of the Village at Sandhill and Clemson Extension, was selected to undergo full analysis via the application of Administrative Policy 2016-5.

Upon completion of the analysis, Pontiac received a yellow, green and yellow for the three evaluation criteria of substructure, scale and cost-benefit, respectively. This provides a final, favorable rating of yellow, which per policy, moves forward with a recommendation from staff to move forward in conducting a neighborhood master planning process as funding allows.

Issues

N/A

Fiscal Impact

Limited; the fiscal impact of undertaking a new Neighborhood Master Plan would be provided from the ½ millage which the Neighborhood Improvement Program receives as part of the Neighborhood Redevelopment fund. If a subsequent plan is then adopted, any future implementation projects will be paid out of the same funding source, with no to little fiscal impact on the County’s General Fund.

Past Legislative Actions

N/A

Alternatives

1. Begin the process for a new District 9 Neighborhood Master Plan tentatively titled “Pontiac.”



2. Do not begin the process for a new District 9 Neighborhood Master Plan tentatively titled "Pontiac."

Staff Recommendation

Staff recommends moving forward with the process of establishing a new District 9 Neighborhood Master Plan tentatively titled "Pontiac," where community input toward vision, goals and services can be obtained.

Submitted by: Tracy Hegler, Community Planning & Development Director

Date: July 18, 2018





RICHLAND COUNTY GOVERNMENT

Community Planning & Development

REPORT

Executive Summary

Neighborhood Improvement Program staff has been tasked with determining the feasibility of a future Neighborhood Master Plan located in Council District 9. This process was conducted following the guidelines set forth in *Administrative Policy 2016-5: Future Master Plan Criteria*, which establishes the mechanism by which to gauge a proposed Master Plan area via scale, substructure and cost-benefit associated with it. Likewise, the policy clarifies that any localized planning effort conducted by Neighborhood Improvement should coincide with the broader prescriptions adopted in the County's 2015 Comprehensive Plan. All of this serves to provide a means by which to develop place-based goals and objectives toward targeted revitalization and/or conservation of local communities.

The potential Neighborhood Master Plan for District 9 has been identified as the Pontiac area located in northeast Richland County. The proposed boundary consists of the area east of the CSX rail line along Two Notch Road, south of Spears Creek Road, west of the City of Columbia's jurisdictional boundary, and north of and including the Royal Pines Estates subdivision southern edge. Clemson Road bisects the area creating a distinct northern and southern division. The boundary area is approximately 800 acres or 1.25 mi². Two distinct residential neighborhood areas, Spears Creek Mobile Home Community and Royal Pines Estates, are located within the boundary. The scale of the Pontiac Neighborhood Master Plan as described by the aforementioned boundaries achieves a favorable, yellow ranking per the Future Master Plan Criteria.

Initial research reveals only one active community group within the proposed boundary – The Royal Pines Estates community association. The community association meets regularly at the Free Mason's Temple located within the neighborhood. Because they are an active, organized association it qualifies as a highly favorable, green ranking for the substructure criterion.

A total of fourteen [14] possible neighborhood interventions have been identified with the potential to be incorporated into the Neighborhood Master Plan, based on future public input and feedback. These interventions address various needs and issues perceived as currently existing within the boundary area. The interventions satisfy the cost-benefit criterion which is two-fold in nature. It examines both initial and maintenance costs for systems and services. These are ranked separately and averaged together for the qualifying score. The cost-benefit criterion averaged to be a yellow, favorable ranking.

Likewise, eight community planning and cultural principles are to be incorporated into the Neighborhood Master Plan itself. All of the principles are addressed via the potential District 9 Master

2020 Hampton Street * P.O. Box 192 * Columbia, SC 29202
803-576-2190

Plan in some fashion. Satisfactory inclusion of these principles helps in further establishing a favorable evaluation beyond the criteria ranking determination.

Based on the overall evaluation, the Pontiac Neighborhood Master Plan has obtained a favorable ranking of yellow, with a recommendation to proceed with the process of establishing a full Neighborhood Master Plan.

Introduction & Background

Neighborhood Improvement Program [NIP] staff has been tasked with determining the feasibility of a District 9 Neighborhood Master Plan [NMP]. NIP staff have undertaken this process following the guidelines set forth by *Administrative Policy 2016-5: Future Master Plan Criteria, which is the methodology for determining the applicability of future NMPs*.

Initially, two general areas were identified for the possibility of undergoing the aforementioned evaluation criteria. After a preliminary examination of the two areas and meetings regarding the potential course of action, one was evidenced as being of greater need and exhibiting the ability to benefit more from a NMP. The selected area has since undergone a full evaluation as documented in this report. The potential District 9 NMP is tentatively titled Pontiac in this document and subsequently as the process moves forward, wherein a more definitive name may be determined.

Pontiac is concentrated on the areas surrounding Clemson Rd east of Two Notch Rd (including the area between the CSX rail line and Two Notch) and west of Columbia's municipal jurisdiction. The boundary includes two different neighborhoods identified as Spears Creek Mobile Home Community and Royal Pines Estates, as well as relevant surrounding areas.

The purpose of NMPs is to catalyze targeted revitalization and/or conservation of designated areas within unincorporated Richland County. As such, the NMP is not to stand alone, but must be developed in accordance with the prescriptions set forth in the Comprehensive Plan. Coordination with the Comprehensive Plan should allow for further enrichment of NMP goals where the broader, general ideas become more focused and place-driven through the planning process.

The Pontiac planning area is ripe with opportunity. The portion of Clemson Rd located within the potential NMP boundary is designated as a "Mixed Use Corridor" in the Future Land Use element of the 2015 Comprehensive Plan update. The "Mixed Use Corridor" designation focuses on transitioning suburban commercial corridors and traditional strip commercial development to mixed-use corridors connecting activity centers. Additionally, the designation is enhanced by the proximate Community Activity Center at the intersection of Two Notch Rd and Clemson Rd., which includes the Village at Sandhill, Clemson University Extension, and the defunct Richland County Northeast Industrial Park. These components both allow greater potential for development and investment to occur, but also provide active amenities and services with an opportunity for enhanced connectivity as pertains to NMP communities.

As stated earlier, NMPs will provide more specific place-based goals and objectives toward revitalization and/or conservation. Every NMP is unique to itself, with specific concepts, interventions, and strategies for improving the communities being served. The Pontiac NMP should provide creative and imaginative design beyond the base zoning classifications; allow for place-making and the advancement of neighborhood character; catalyze development of necessary amenities and infrastructure based on market conditions, anticipated growth and development pattern; utilize site-specific development that conforms to the constraints of the land and natural environments; encourage clustering of appropriate uses and densities for more efficient development; and foster connectivity among pedestrian facilities

between neighborhoods, recreation zones, open spaces and employment and commercial opportunities within the NMP

Per the policy, three criteria are to be used in determining the fitness and ability to benefit from the planning process. The first criterion is scale, whereas it should be appropriate to support in-depth exploration of principles established via the Comprehensive Plan. The next criterion is substructure, which demonstrates the foundational elements for supporting the implementation of a plan via social networks and capital. The final criterion consists of a dual structure cost benefit, so as to measure the ability to justifiably fund the NMP. Evaluation criteria form the basis by which the NMP shall be evaluated as to whether the process should continue or not be pursued further. The various criteria are scored qualitatively, using measures of green (highly favorable), yellow (favorable) and red (not favorable). Minimal approval is an average favorable rating of *yellow*. An automatic non-favorable evaluation occurs when at least two or more components receive a *red* rating as it would then be impossible to achieve an average of yellow.

In addition to the three evaluation criteria, NMPs should address various community planning principles. Eight principles are applied when evaluating a neighborhood planning process such as this. These principles should be included as facets of the plan itself, being present and acknowledged, while strategies, interventions and programs should work toward advancing the principles further in some manner. These principles are access, equity, collaboration, safety, innovation, sustainability, amenity and value management.

Evaluation Criteria

Scale. Scale is a means by which to ensure future NMPs are of a manageable size. An area must be scaled appropriately for master planning to be impactful. Two issues with scale arise. One is the issue of size, or overall area, whereas it may encompass too great of an expanse so as to spread resources too thin for too many issues or people. The other is the inverse where an area is too small an expanse to have a lasting impact. Another issue, similar to the first, deals with the amount and contiguity of neighborhoods, as neighborhoods normally have specific issues and dynamics that occur within them, so a larger area with too many neighborhoods poses problems for implementing or conducting a NMP in an efficient and effective manner. Scale, therefore, becomes a critical component, especially as pertains to the ability to plan for place-specific context and the ability to perform a thorough investigation of issues and effective processes.

The Pontiac NMP has a scale which is favorable for plan development and progression. Stemming from the primary analyses and internal meetings around a District 9 NMP, a boundary area has been devised. The general boundary area can be described as the CSX Railroad on the west, Spears Creek Church Rd on the north with the exception of Spears Creek Village and Walden Place subdivisions, City of Columbia's municipal boundary on the east, and Fore Ave on the south with Clemson Rd bisecting the area. Figure 1 demonstrates the more specific boundary elements. The Pontiac NMP boundary area is 799.35 acres or 1.25 mi².

Two different residential neighborhoods can be recognized with easily definable boundaries. One of the neighborhoods lies on the northern side of Clemson Rd off of Spears Creek Church Rd. The



Figure 1. Pontiac NMP Boundary Area.

neighborhood is the Spears Creek Mobile Home Community, located along Jabay Dr, Jacobs Dr, and Spears Creek Church Rd. This community consists of a mobile home park at the center of the neighborhood area, with about ½ acre parcel lots of a rural nature built mostly during the 1960s and 1970s, with some much earlier and a few built more recently. The second neighborhood area, Royal Pines Estates, is located south of Clemson Rd. Royal Pines Estates is the larger of the two communities. The neighborhood appears to have developed primarily around the 1980s and 1990s as a mobile home community, evidenced from its current conditions and specific zoning. Figure 2 shows the locations of the two neighborhoods within the NMP area.



Figure 2. Pontiac NMP Residential Neighborhoods.

For the scale categories a rating of “green” would rely upon a study area equaling an extent of a ¼ mile radius from a central location. For the rating of “yellow”, a study area would need to have a study area greater than ¼ mile radius with three or fewer neighborhoods within it. A “red” rating would be a study area greater than ¼ mile radius with four or more neighborhoods. Based on the total areal extent and the amount of neighborhoods present within the Pontiac NMP boundary, the scale qualifies with a favorable rating of *yellow*.

Substructure. Substructure looks at who is involved within the community, what level of social capital exists and whether there is the necessary civic infrastructure present to support the master planning process. The substructure criterion ensures the presence of the appropriate foundational elements on which to build positive results. It makes sure that there is “community” available to engage and

collaborate with for the NMP. This addresses the underpinnings of the neighborhood master plan where it must be a partnership between the local residents and the County, which is a core component of the Neighborhood Improvement Program.

One active and organized group has been identified within the Pontiac NMP boundary. The group is Royal Pines Estates community association. They are an official group incorporated with the South Carolina Secretary of State. They hold active, regular meetings within Royal Pines Estates, often at the Free Mason's Temple located at 600 Burmaster Dr. Likewise, there may be additional social connections between Royal Pines Estates and surrounding areas as they are listed under the "Sand Hill" neighborhood on the social network app, Nextdoor, along with the extended Pontiac community.

Additionally, other potential stakeholders have been identified who could be viable participants for the NMP. These include business and property owners located along Clemson and Two Notch Roads within the Pontiac boundary. These property holders should be interested in any future plans and developments taking place which could affect their interests or shape outcomes for them. Many have property that has yet to be developed but is ripe for such. Similarly, the County owns a small portion of land which would be affected by the NMP. Additionally, residents, neighborhood groups, business and land owners within a contextually relevant proximity of the plan boundary will have the opportunity and ability to contribute to, stay informed of, and aid in the implementation of the plan as the process progresses.

For a substructure rating of "green," a potential NMP must have an active, organized association currently present. For a rating of "yellow," if no group exists, identified residents must be interested in forming an organization/association. For a "red" rating, no organization/association appears to exist and no interested residents have been identified. Due to the presence of an active neighborhood group within the Pontiac NMP area, the substructure warrants a highly favorable, *green*, rating.

Cost-Benefit. The purpose of the cost-benefit component of the evaluation is to ensure equity and fiscal responsibility in the development and implementation of future master plans. Particularly, to ensure that new NMPs do not present a cost burden to the program such that there are not enough funds and/or resources to realize the recommendations therein. As such, the cost-benefit becomes a critical component for the evaluation.

Cost-benefit is comprised of two different components. The first involves assessing the initial cost associated with project implementation within the proposed NMP. This is written as C/B^i . The second element is the cost for maintaining an intervention's systems, infrastructure or other elements associated with a project for a 20 year period. It is written as C/B^m . Both parts of the cost-benefit do not rely on actual values but are qualitatively derived using estimated value ranges. The qualifiers are "low" – equivalent to green with a dollar amount less than one-hundred thousand; "medium" – equivalent to yellow with a dollar value range between one-hundred thousand and two-hundred and fifty thousand and "high" -- equivalent to red with an estimated value greater than two hundred and fifty thousand dollars. Since each part of the cost-benefit can include multiple features, there are limits placed upon how many interventions can be qualified as "high." For C/B^i study areas which have 6 or

more projects or necessary interventions, 50% of them cannot be qualified as “high”, if so, then the NMP automatically is shown as excessive need and deemed too costly to pursue without outside funding. Likewise, for C/B^m , if the study area has 4 or more projects where 50% of them are listed as “high” the NMP will be deemed too costly to pursue unless outside funding is identified. Each component of the cost-benefit is individually evaluated and then combined into a single cost-benefit rating to be utilized, written as C/B^t , for the overall evaluation.

Fourteen different interventions have been identified as possible recommendations for the Pontiac NMP. Each intervention is currently presented as a conceptual idea as part of the evaluation process. The projects will, in part, expound upon the goals listed previously in the background section as well as either introduce or enhance the cultural and community principles for the area. This is not an exhaustive list, nor is it definitive but is intended to assess area deficiencies and opportunity and present a set of preliminary considerations to improve the proposed NMP study area. Future engagement around these interventions and any others will need to be undertaken directly with Pontiac stakeholders to determine the mechanisms for neighborhood improvement.

Intervention I: Road Connection from Burmaster Dr to Clemson Rd. Intervention I looks to increase access for Royal Pines Estates residents directly to Clemson Rd. Currently, there is no direct access from any part of the neighborhood to Clemson Rd. Residents must exit the neighborhood to Two Notch Rd then turn onto Clemson Rd which increases travel time and distance more than is necessary. This intervention would be a minor arterial road intended only for local traffic and should consider pedestrian facilities as well. As such, it should not include more than 30’- 34’ of active ROW, with a suggested 20’ of paved roadway and 5’ – 7’ of sidewalks on each side. Additionally, this project could help increase safety, sustainability, equity and amenities by establishing walkability for local residents. C/B^i for this intervention is estimated at “high” while C/B^m is estimated at “medium.”

Intervention II: Royal Pines Estates Linear Park. Intervention II consists of a linear park development located along the local creek bed adjacent to several vacant lots within the neighborhood. The linear park would look to enhance currently vacant land and the creek flowing through the area. This would provide further amenities to local residents with the activation of greenspace and recreational opportunities. This intervention would also function as a beautification measure which would enhance underutilized space to provide a needed amenity for the neighborhood. The possibility of including passive and active uses along with habitat measures would look to provide greater sustainable resources for the area. C/B^i for this intervention has the ability to be “high,” but the C/B^m would be “low” due to the function and design which should necessitate only minimal maintenance.

Intervention III: Royal Pines Estates Design Guidelines. Intervention III addresses the need for promoting neighborhood character. The neighborhood area is unique in that it is a larger manufactured-housing development. The zoning for the area is specifically catered to this function, but as older, out of date housing gets removed and lots are sold, newer site-built homes have been cropping up which are not contextually appropriate. As such, design guidelines should be developed to create and preserve a sense of place within the community and surrounding areas. Both cost-benefit elements for this intervention would be “low”.

Intervention IV: Clemson Road Pontiac Mixed-use Incentives + Development Guidelines. Intervention IV centers upon the Clemson Rd corridor within the Pontiac NMP area, while also including the commercial strip along Two Notch Rd at Spears Creek Church Rd. This intervention would focus on the expansion of development capacity along the corridor and the potential of introducing amenities via mixing uses. Currently, the corridor has many vacant parcels that are ripe for development or have the potential to be in the near future. The current land uses cater to smaller manufacturing or commercial industrial companies along with smaller businesses and service companies. Diversification of uses is of critical importance for the proposed NMP study area and surrounding communities. Establishment of incentives and guidelines will help to ensure that the area continues to develop in a way that is beneficial to the surrounding residential areas. Introduction of area-specific design and development guidelines will also aid in establishing the preferred pattern of growth as prescribed by the 2015 Comprehensive Plan. A possible way of incentivizing the area could be through establishing a “pink zone”. A pink zone is similar to an innovation district, but provides incentives and loosening of restrictions for enabling neighborhood-scale, community centered development and revitalization. This intervention would help address numerous community and cultural principles as well as help anchor Clemson Rd further in connection to the surrounding neighborhoods. The initial cost is estimated to be “low” though, depending on the incentive package, it could be more costly than estimated. Likewise, initial analysis suggests the maintenance cost would be “low” for the implementation project.

Intervention V: Clemson Road Corridor Branding. Intervention V is necessitated by the lack of consistency in identity across the Clemson Rd corridor. As Clemson Road serves as the backbone between two neighborhood areas and the catalyst for future development, branding for the area is critical in achieving a sense of place. C/Bⁱ is estimated to be “medium” depending on the type of branding needed and implementation components with it. C/B^m is estimated as “low.”

Intervention VI: Spears Creek Mobile Home Park Redevelopment. Intervention VI looks toward the redevelopment of the Spears Creek Mobile Home Park community for increased connections and improved conditions. The redevelopment would look to improve the quality of housing and beautify the general location. Contextually relevant housing typologies should be considered for the area along with new, multi-modal street connections to the adjacent roadways. This intervention could also help spur new development in the adjacent non-developed properties in partnership with Intervention IV. This intervention is estimated to be “high” for the C/Bⁱ and “medium” for C/B^m.

Intervention VII: Two Notch Corridor Branding. The Two Notch Corridor Branding would be similar to that which is proposed via Intervention V. Branding and community character building should be accomplished for the commercial area along Two Notch Rd at Spears Creek Church Rd. These strip properties consist of smaller commercial shops and businesses along with the Pontiac Magistrate’s Office. Historically, this is the central location of the town of Pontiac. The branding for Pontiac should be tied-in and coordinated with the branding of other areas throughout the NMP to provide consistency, while still celebrating unique characteristics of individual neighborhoods. The historic roots for the area are an exploratory possibility in the branding component for this portion of the NMP. These improvements should not be as extensive as Intervention V, thus leaving both cost-benefit elements as “low.”

Intervention VIII: Community Solar Garden. Intervention VIII is another way of utilizing vacant or undevelopable land located within the Pontiac NMP through the installation of a community solar farm. A community solar farm is a small to medium scale solar “plant” utilizing solar panels to create energy which is shared among community residents. The opportunity is something which residential and non-residential community members can take part in. Users often receive credits on electric bills which help to lower and offset costs on their monthly utility bill. Systems can normally be communally owned or leased from the utility provider. C/Bⁱ would be considered “low” while the more long range costs of C/B^m are estimated at “medium.”

Intervention IX: Industry Park Greenspace. Intervention IX entails establishing a recreational greenspace and natural area/habitat for the NMP. Currently, the County owns vacant, undeveloped land that appears to be intended as part of the Richland County Northeast Industrial Park. Many of the surrounding properties adjacent to the parcel have been sold. There are many undeveloped lots with a deficit where usable natural areas are concerned. Developing a natural area or greenspace with pedestrian paths and recreational features would serve as a viable amenity for residents and external members of the community as the area continues to grow. The feature will provide an attractive destination that would yield ecological benefits. Likewise, the property is adjacent to Rotureau Lake, an upper portion of Spears Creek. Currently, it consists of three parcels owned by Walden Place and is outside the NMP area. The lake could provide an additional asset to be incorporated into the natural area for public access and use. This intervention is estimated as “high” for C/Bⁱ though it could be potentially lower. C/B^m is estimated as “medium” currently.

Intervention X: Road Connection from Clemson Road to Jabay Drive. Intervention X includes the installation of a new road connection between Clemson Rd and Jabay Dr. Like intervention I, it is a way to provide access for local residents to Clemson Rd. As in Royal Pines Estates, residents in the Spears Creek Mobile Home Park and surrounding area are not afforded a direct connection to Clemson Rd. This road should be a smaller, neighborhood road similar to the one proposed in Intervention I. C/Bⁱ for this project is estimated as “high” and the C/B^m is expected as “medium.”

Intervention XI: Neighborhood Branding + Beautification. Intervention XI entails efforts in beautifying and branding the local neighborhood areas. The beautification and branding for the neighborhood areas would work to devise a specific branding for each of the two neighborhoods. It would follow similar thematic ideas and branding for the overall Pontiac NMP with Interventions V + VII to be consistent but allow for the uniqueness of neighborhood character to be explored. The different character aspects should be considered and expanded to enhance sense of place for the local residents linking the separate parts of the NMP area together as a singular framework within the overall branding strategy. The estimated cost for both cost-benefit portions would be “medium” for the intervention.

Intervention XII: Creation of a Pontiac Community Alliance. Intervention XII features the creation of a community alliance for the Pontiac NMP. The community alliance would serve as a greater organization comprised of the smaller neighborhood groups and feature more diverse stakeholders for the NMP area. Businesses, landowners and residents would all be included. This group would also be important in helping to shape and guide the implementation and direction of the master plan. It would also be a

key component for developing a unified branding approach for the overall community. Another unique component of the intervention would be the possibility of including outside stakeholders, whether businesses or groups, who have interactions along the periphery of the boundary, such as the Skateland Fun Center and Pontiac Food, who are outside the boundary but could benefit from the NMP implementation. The diversity of the group would also help to ensure equity among the stakeholders found throughout Pontiac. Both cost-benefit parts for the intervention are estimated as “low.”

Intervention XIII: Community Compliance Clean-up Program. Intervention XIII focuses on the utilization and expansion of two current community compliance initiatives. The first would be to regularly schedule “Clean Sweeps” throughout the various neighborhoods in partnership with the local groups and neighborhood residents once or twice a year. These would take place along the three major thoroughfares, Clemson Rd, Two Notch Rd and Spears Creek Church Rd. Royal Pines Estates and the Spears Creek Mobile Home Park and surrounding area would all benefit from the services provided during a “Clean Sweep” to remove bulk items, trash, nuisance vegetation and other issues present. Additionally, a secondary program similar to a “Clean Sweep” but focused on community-driven education and engagement around litter reduction and waste removal would be implemented. This program is part of the “Clean-up the Corridor Campaign,” piloted on Broad River Road, which is aimed at community building and sustained engagement around community compliance. Whereas, a “Clean Sweep” is more intensive cleaning, the “Clean-up the Corridor” uses educational programming and community outreach through volunteerism to establish ownership and stewardship for a community. By learning the effects and outcomes of a non-compliant and litter filled neighborhood, citizens will want to take the steps necessary to “Clean-up the Corridor” and continue to do so on a regular basis. Likewise, several partnerships for this type of programming exist with external funding available, such as the Palmetto Pride Community Pride Grant. Both cost-benefit elements are estimated as “low.”

Intervention XIV: Pontiac Pocket Parks. Intervention XIV introduces recreational greenspace throughout the NMP boundary area, which is currently lacking. There are several opportunities for the installation of pocket parks throughout the Pontiac neighborhoods. Vacant lots and non-developed space exist within Royal Pines Estates and in the upper portion of the NMP area around the mobile home community. These lots are located within their respective neighborhoods at locations which would be highly accessible for most residents. The community pocket parks could also function as community gathering places within the localized area if needed. Most of these would not be largely sized, so the function, in most cases, would be passive, with slight active use elements available. . The pocket parks would also allow for smaller beautification components that could be tied to the community branding. The initial cost-benefit, C/B^i , is estimated at “medium” though depending on the scope of work needed and number of parks developed, the estimate could change. C/B^m is estimated as “low.”

The overall breakdown for the cost-benefit elements of the evaluation criteria is a combined cost-benefit, C/B^t , of *yellow* – “moderate need” for a favorable evaluation. This is the average score between C/B^i and C/B^m which scored a *yellow* – “moderate need” and *green* – “low need,” respectively. The breakdown is demonstrated in the following chart (Figure 3).

	<i>Cost Benefit I</i>	<i>Cost Benefit M</i>
GREEN		Low
YELLOW	Moderate	
RED		
EVALUATION	<i>Moderate Need</i>	
<u>Interventions</u>		
I: Road Connection to Clemson Rd	High	Medium
II: Linear Park (RPE)	High	Low
III: RPE Design Guidelines	Low	Low
IV: Mixed-use Incentives + development guidelines (Clemson Rd)	Low	Low
V: Corridor Branding (Clemson Rd)	Medium	Low
VI: Spears Creek Mobile Home Park Redevelopment	High	Medium
VII: Two Notch Corridor Branding (Pontiac)	Low	Low
VIII: Community Solar Garden	Low	Medium
IX: Industry Park Greenspace	High	Medium
X: Jacobs & Clemson Connector	High	Medium
XI: Neighborhood Branding & Beautification	Medium	Medium
XII: Creation of a Pontiac Community Alliance	Low	Low
XIII: Community Compliance Clean-up Program	Low	Low
XIV: Pocket Parks	Medium	Low

Figure 3. Cost-Benefit Evaluation.

Community Planning & Cultural Principles

In addition to the three major evaluation criteria, neighborhood master plans should prove the ability to adequately address, through current systems or enhancement via interventions, various community planning and cultural principles. As mentioned earlier, a majority [5/8] of the principles should be incorporated within the Pontiac NMP. The following entails the principles which will be incorporated into the Pontiac NMP.

Access. Community planning allows for services and facilities to be in locations which optimize accessibility for all users. Access then becomes a component which impacts the quality of life for residents. Access can have various meanings in different contexts, but this case deals with the ease by which something can be reached. This concept can be contrasted with that of proximity, or the physical closeness to something. Currently, there is a moderate lack of access throughout the NMP which would need to be addressed. Primarily, this arises through the proximity of the neighborhoods to Clemson Rd, but lack of direct connections thereto. Likewise, there is lack of access to certain amenities and uses that are found on the peripheral boundary of the NMP. In an effort to help improve quality of life and institute the needed access for residents, interventions I, II, IV, IX, X, and XIV would, in various ways, allow for increased access.

Equity. Community planning is rooted in the principle of equity. Nearly all of the other principles rely upon equity to be realized. Besides having equity through access, collaboration, safety, value management or sustainability, equity occurs in regards to benefiting a diverse set of stakeholders. Community members are not all the same and face various issues. Decisions and interventions should be those providing for equitable distribution of values and enhancements that all can share. All of the potential interventions are geared toward advancing equity for the various stakeholders and community at large.

Collaboration. Neighborhood planning processes depend upon collaboration among a variety of stakeholders within a community. The success of a neighborhood plan depends on active engagement and involvement through partnerships between groups. This collaboration is both an outcome and catalyst of social capital, which is similar to the substructure evaluation component earlier, but also considers the contribution of outside entities. Often, these stakeholders include business organizations, social and cultural groups, as well as educational entities and government agencies. Currently, there exists the potential for this collaborative nature among a variety of groups and stakeholders, including those identified as part of the substructure criterion. Currently, Intervention XII speaks directly to this collaborative nature involved in neighborhood planning, as this would establish a larger alliance of involved stakeholders from within and near the Pontiac NMP area. Additionally, nearly all of the other interventions could potentially increase collaboration if implemented, such as Intervention IV which would be progressed further from input and help from the Chamber of Commerce and private entities. Likewise, Intervention VIII speaks directly to the collaboration of multiple stakeholders from private residents to businesses to energy providers to local government all coming together to improve a community. So, collaboration and active community involvement is a natural part of any neighborhood

planning process and will look to be expanded further through many of the NMP Interventions preliminarily identified.

Safety. The planning process often helps to alleviate issues regarding social, cultural and physical safety. Socially, neighborhood watch groups, which rely upon direct community involvement with safety officers help to build rapport between law enforcement and communities and keep areas safer. Additionally, beyond crime, compliance and code enforcement issues can also be addressed, specifically removal of waste or targeting of dilapidated structures. Physically, different design methods can be applied which would increase safety while also having cultural and social effects. Several of the potential interventions address safety issues. Interventions I & X look to potentially reduce traffic and provide pedestrian friendly routes away from a highly trafficked roadway, addressing physical safety. Interventions III, VI, & XIII look to introduce different components that would address issues of safety from physical safety to code enforcement and compliance to changing the culture around safety in the area.

Innovation. Neighborhoods are ever changing from aging to experiencing new growth and development. NMPs, therefore, must be innovative in meeting needs throughout the various stages of neighborhoods. Adaptation, creativity, and reinvention need to be at the forefront of the planning process due to the dynamism of places. As such, interventions need to have the same type of innovative capacity that neighborhoods themselves demonstrate. Whether it is partnerships, design methods or infrastructural elements, innovation should be a primary component. Several proposed interventions take into consideration just that. Specifically, Intervention IV is innovative in its attempt to redevelop a mobile home park as part of the master planning process. Likewise, Intervention VIII would look to establish an alternative energy mechanism for the community while utilizing non-developable and vacant space. The Pontiac NMP addresses innovation through creative, adaptable ways to improve quality of life.

Sustainability. For neighborhood planning, sustainability deals with the longevity of systems that can help support the local community through livability and health. Sustainability is necessary in social, economic, ecological and environmental systems. Neighborhood planning looks to address sustainability for positive feedback within systems, improving the overall quality found therein. Most of the proposed interventions look toward sustainability, with several specifically focused on improving the ecological and environmental sustainability of the NMP area. Interventions II, VIII, XI, & XIV all utilize open and greenspace for improvement of local conditions. As a function, they would help to improve local ecological systems for a more sustainable environment. Likewise, the various branding interventions, Interventions V, VII, XI & XIII would help with social sustainability, to involve and engage all users of the community and further establish buy-in for future residents, helping to perpetuate involvement and activity within the community.

Amenity. Community planning and cultural principles revolve around improving the quality of life within places. The principles are human-centered, aiming to be functional and user friendly to provide attractive and welcoming places. This is often accomplished through amenities, which are the attractive and useful features located in or proximate to a community. Amenities may vary between something as

simple as sidewalks to something as broad as old growth vegetation. Valuable master plans are those which currently possess these features and characteristics or have the potential to transform into areas that do. Pontiac currently exhibits various amenities which make the area attractive. Additionally, *all of the Interventions* showcase additional amenities or expound upon aspects of those currently available to achieve an improved quality of life.

Value Management. The approach to neighborhood planning finds basis in stakeholder participation, needs and conditions analyses and means for implementation. Integral to such an approach is the effective resource allocation for the greatest value improvement. Neighborhood planning functions as part of a fiscal process wherein funds are limited and decisions must be contextually prioritized according to the potential of value added. With this, the community planning and cultural principles play a vital role for establishing baselines to begin a monitoring and evaluatory process for future projects and success of implementation for a NMP. The Pontiac NMP is the first to undergo NIP's established evaluation format for deciding whether or not to pursue drafting. The value management principle manifests in the evaluation criteria where the scale, substructure and cost-benefit criteria directly contribute to how successful a NMP could be post adoption. Each criterion gives guidance to the adequacy and appropriateness of a proposed NMP. Scale limits the areal extent and number of neighborhoods providing resources are not spread thin. Substructure clarifies buy-in and ensures groups exist to leverage active involvement for stakeholder participation. Cost-benefit demonstrates fiscal responsibility in pre-evaluating projects as well as the costs of maintaining systems to effectively leverage tax dollars. The NMP process can be gauged further as to how these elements help or hinder implementation of plans. The criteria can, in the future, provide useful benchmarks based on the comparison of pre-established potentials and true outcomes.

Evaluation Recommendation

Per Administrative Policy 2016-5: *Future Master Plan Criteria*, proposed NMPs must receive a favorable recommendation based on the evaluation of the three criteria, along with meeting a majority of the community planning principles, in order to be expanded and developed into a full-fledged neighborhood plan.

Below is the breakdown for the evaluation determination per the three criteria, Figure 4 provides the overall results:

Neighborhood Master Plan Evaluation Decision Matrix					
<i>Pontiac - Neighborhood Master Plan</i>					
	<i>Scale</i>	<i>Substructure</i>	<i>Cost Benefit T</i>	<i>Cost Benefit I</i>	<i>Cost Benefit M</i>
GREEN		X			X
YELLOW	X		X	X	
RED					
EVALUATION	<i>Favorable</i>				

Figure 4. *Neighborhood Master Plan Evaluation Decision Matrix.*

By working under the auspicious neighborhood planning goals, the Pontiac NMP will be able to garner further stakeholder feedback and establish a vision and plan of action that, once implemented, will strengthen the community. Likewise, by furthering all eight of the community planning principles, the NMP will work toward the betterment of the proposed study area and effect positive change on the periphery thereof. Additionally the Pontiac Neighborhood Master Plan will aid in facilitating the recommendations of the 2015 Comprehensive Plan via preservation and enhancement of current assets, as well as directing growth and development in a more contextually appropriate fashion.

As such, the overall evaluation results in a ***favorable*** recommendation based upon all analyses. It is, therefore, the recommendation of staff that the ***Pontiac NMP be pursued for full plan drafting.***



Development & Services Committee Meeting Briefing Document

Agenda Item

State and/or Federal law prohibitions against a county plastic bag ordinance

Background

During its July 10, 2018 Council meeting, Vice-Chairperson Malinowski and Councilperson N. Jackson brought forth the following motion:

“Determine if there is any state/federal law that prohibits a county from creating any use of plastic bags by an ordinance that would for use in putting product exceptions if deemed already come prepackaged in under these restrictions.”

Staff research of this matter did not reveal any state and/or federal laws that prohibits a county from enacting an ordinance as described in the aforementioned Council motion.

Issues

Plastic bag ordinance.

Fiscal Impact

None.

Past Legislative Actions

Motion brought forth by Vice-Chairperson Malinowski and Councilperson N. Jackson during the July 10, 2018 Council meeting.

Alternatives

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

Staff Recommendation

Staff research of this matter did not reveal any state and/or federal laws that prohibits a county from enacting an ordinance as described in the aforementioned Council motion. The County Legal Department concurs with this conclusion. Staff will proceed as directed by Council.



Development & Services Committee Meeting Briefing Document

Agenda Item

Coordination of DHEC inquiries

Background

During its July 10, 2018 Council meeting, Councilperson N. Jackson brought forth the following motion:

“I move that any recommendation or inquiry of the dam to DHEC must be coordinated by the Foundation and not Conservation Commission staff”

Given that the County does not own the dam in question, staff would not coordinate any SC Department of Health and Environmental Control (DHEC) inquiries related thereto. Should such a request from DHEC come forth, staff will forward the request to Council for its consideration and direction.

Issues

Coordination of DHEC inquiries.

Fiscal Impact

None.

Past Legislative Actions

Motion brought forth by Councilperson N. Jackson during the July 10, 2018 Council meeting.

Alternatives

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

Staff Recommendation

Staff will proceed as directed by Council as the County does not own a dam.





Development & Services Committee Meeting Briefing Document

Agenda Item

County Council is requested to approve an amendment of the *Richland County Code of Ordinances, Chapter 21: Roads, Highways, and Bridges*.

Background

There are several municipalities within Richland County, each of which have their own annexation process by which they absorb properties into their respective municipal boundaries.

The current version of Chapter 21 defines the maintenance responsibility of these Cities and Towns for the roadway and drainage infrastructure falling within their limits; however, it does not specifically address annexation scenarios wherein a property originates within the unincorporated part of the County and is maintained by the County through easements, Rights-Of-Way or prescriptive easements (a long-standing history of maintenance and public use) and is then annexed into a municipality.

The purpose of the proposed change in wording to Chapter 21 is to clarify the maintenance responsibilities of this infrastructure by Richland County to solely include those properties within the unincorporated areas of the County and those within the boundaries of any municipalities with which the County has entered into an Intergovernmental Agreement (IGA).

Recommended changes to the current ordinance are shown at the end of this Briefing Document by strikethrough (omissions) and red-colored font (additions).

Issues

This is a follow-on action to County Council's recent consideration of maintenance responsibilities of public drainage systems that serve areas that have been annexed into municipalities (more specifically, the City of Columbia).

Fiscal Impact

Clearly defining the maintenance responsibilities of the County's force account to the unincorporated areas of the County and to the municipalities with whom the County has entered into an IGA will better enable the allocation of resources and the equitable setting of fees and millage rates.

Past Legislative Actions

In their meeting of July 10, 2018, Richland County Council positively affirmed that routine infrastructure maintenance responsibilities are limited to the unincorporated areas of the County and municipal areas covered by an IGA.



Alternatives

1. Approve the amendment of *Chapter 21: Roads, Highways, and Bridges*.

Or,

2. Do not approve the amendment of *Chapter 21: Roads, Highways, and Bridges*.

Staff Recommendation

It is recommended that County Council approve the amendment of *Chapter 21: Roads, Highways, and Bridges*.

Submitted by: Department Of Public Works

Date: July 10, 2018



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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; SECTION 21-1, PURPOSE; AND SECTION 21-2, JURISDICTION; SO AS TO ADD LANGUAGE REGARDING ANNEXATION.

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 21, Roads, Highways and Bridges; Section 21-1, Purpose; is hereby amended to read as follows:

Sec. 21-1. Purpose.

The purpose of this article is to define the mission, responsibilities and limitations of the department of public works with regard to maintenance and construction of road and drainage infrastructure in the ~~county~~ unincorporated portion of the county and for areas located in other jurisdictions the county provides public works services to through an intergovernmental agreement pursuant to S.C. Const. Article VIII, Section 13, and S.C. Code of Laws Ann. Sections 4-9-40 and 4-9-41.

SECTION II. The Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-2, Jurisdiction; is hereby amended to read as follows:

Sec. 21-2. Jurisdiction.

The provisions of this article shall apply to all lands within the jurisdiction of the ~~county and within the jurisdiction of those municipalities that agree, through intergovernmental service contracts, to have these provisions administered within their corporate limits.~~ unincorporated portion of the county and for areas located in other jurisdictions the county provides public works services to through an intergovernmental agreement pursuant to S.C. Const. Article VIII, Section 13, and S.C. Code of Laws Ann. Sections 4-9-40 and 4-9-41. Notwithstanding any other ordinance, and regardless of the scope or extent of maintenance history, or of any recorded or unrecorded easement, license, deed of right-of-way or any other instrument that purports to convey any property interest to Richland County other than fee simple ownership, Richland County shall not maintain any roads, roadways, alleyways, streets, highways, bridges, stormwater or drainage systems, ponds, detention ponds, dams, fields, open spaces, green spaces, developed or undeveloped property, or any other system or infrastructure in any area that has been annexed into the limits of any municipality or any other jurisdiction that has the power to

annex property unless such maintenance is performed pursuant to an intergovernmental agreement as provided for hereinabove.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 2018.

RICHLAND COUNTY COUNCIL

BY: _____
Joyce Dickerson, Chairperson

ATTEST THIS THE _____ DAY

OF _____, 2018.

Kimberly Williams-Roberts
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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



Administration & Finance Committee Meeting Briefing Document

Agenda Item

Amendment to lease for Economic Development Office

Background

In October of 2012, Richland County moved its Economic Development Department to 1201 Main Street on a temporary basis. In December of 2014, Richland County entered into a 5-year lease term on 1,994 SF. The existing space includes 3 offices, a reception area and conference room.

The 2009 strategic plan called for the Economic Development Office to grow and eventually house 5 full-time positions. In 2017, the Director began implementing the plan and added two new positions – an Existing Industry Manager and an Administrative Coordinator. In 2018, the final position – Manager of Research – was created and hired.

Issues

There is currently not enough space in the existing office for all staff. New space on the same floor has been identified and an initial lease rate and configuration have been negotiated. The lease would be a simple amendment to the current lease with Capitol Center, the owner of 1201 Main Street.

Fiscal Impact

Initial lease rate would increase from \$21 per square foot to \$22.50 per square foot. This would include an increase of approximately 400 feet and incorporate all upfit. There are sufficient funds in the economic development department budget to cover the additional costs.

Past Legislative Actions

Economic Development Staff briefed the Economic Development Committee in June, and the item was referred to A&F.

Alternatives

1. Approve lease amendment and refer to full council.
2. Approve staff to renovate current office with changes amortized within a new office lease.

Staff Recommendation

Staff has reviewed options and recommends approval of lease amendment to accommodate staff growth.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

**AMENDMENT TO
LEASE AGREEMENT**

This _____ Amendment to Lease Agreement (the "_____ Amendment") is entered into to be effective as of the ___ day of _____ 2018, between **HAMILTON CAPITOL CENTER LLC**, a Delaware limited liability company ("Landlord") and _____, a _____ ("Tenant").

WHEREAS, U.S. REIF/MJW CAPITOL CENTER FEE, LLC (predecessor in interest to Landlord) and Tenant entered into that certain Lease Agreement dated _____ (the "Lease"), for the lease of approximately _____ square feet of rentable space in the Capitol Center, Suite ____, located at 1201 Main Street in the City of Columbia, Richland County, South Carolina (the "Premises"); and

WHEREAS, Landlord and Tenant desire to amend the terms of the Lease to: (i) to modify the size and location of the Premises (ii) to modify the Term, (iii) to modify the Base Rent, and (iv) to provide for certain other matters more particularly set forth below.

NOW, THEREFORE, for and in consideration of the mutual promises and provisions contained in the Lease, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant, intending to be legally bound, agree as follows:

1. **Premises.** Prior to _____, ("Extension Commencement Date"), Tenant shall vacate and relinquish Suite __ and shall relocate to Suite ____ which consists of _____ square feet of rentable space as shown in Exhibit A ("Relocation Premises").

2. **Lease Extension.** The Term of the Lease is hereby extended for an additional _____ (12) months from _____, 2018 to _____, 20__ (the "Extension Period").

3. **Rent Amendment.**
(a) Section ____ of the Lease is hereby amended to provide that, during the Extension Period, Tenant shall pay Base Rent in accordance with the following:

<u>Period</u>	<u>Monthly Base Rent</u>	<u>Annual Base Rent</u>
_____ - _____	\$ _____	\$ _____

(b) During the Extension Period, Tenant shall continue to pay Base Rent adjustments with respect to Operating Expenses and all other additional rent and other amounts payable under an in accordance with the Lease to Landlord.

4. **Landlord Notice Address.** Section ____ of the Lease is hereby amended to provide that all notices to Landlord shall be sent to Landlord at the following address:

c/o Capitol Center Management
Attn: Property Manager, Capitol Center
1201 Main Street, Suite 230
Columbia, South Carolina 29201

5. **Condition of Premises.** Landlord, at its sole cost, shall make improvements to the Retained Premises as specified in Exhibit B.

6. Rules of Construction. No rules of construction against the drafter of this Amendment shall apply in any interpretation or enforcement of this Amendment. The parties hereto acknowledge and agree that they are sophisticated commercial entities and freely enter into this Amendment with the advice and consent of legal counsel of their choosing.

7. Tenant Representations. As of the date of this Amendment, Tenant represents and warrants to Landlord as follows: (i) all obligations of Landlord under the Lease have been performed, and no event has occurred and no condition exists that, with the giving of notice or lapse of time or both, would constitute a default by Landlord under the Lease, and (ii) Tenant has no existing defenses, offsets, counterclaims or deductions against Base Rent or any other amounts due from Tenant to Landlord pursuant to the Lease.

8. Brokers. Tenant warrants and represents that it has had no dealings with any broker in connection with the negotiation or execution of this Lease other than CBRE (“Landlord’s Broker”) represents Landlord’s interests in connection with this transaction and shall be paid by Landlord for its services pursuant to a separate, written agreement fully executed by Landlord’s Broker and Landlord prior to full execution of this Lease. Except as expressly provided above, Landlord will not be responsible for, and Tenant will indemnify, defend, and hold Landlord harmless from and against, any brokerage or leasing commission or finder’s fee claimed by any party in connection with this Amendment.

9. Legal Effect. Except as specifically modified herein, all of the covenants, representations, terms, and conditions of the Lease remain in full force and effect and are hereby ratified by Landlord and Tenant.

10. Counterparts. This Amendment may be executed in two or more counterparts and shall be deemed to have become effective when and only when one or more of such counterparts shall have been signed by or on behalf of each of the parties hereto (although it shall not be necessary that any single counterpart be signed by or on behalf of each of the parties hereto, and all such counterparts shall be deemed to constitute but one and the same instrument) and shall have been delivered by each of the parties to the other.

11. Defined Terms. All capitalized terms not otherwise specifically defined herein have the same meaning ascribed to them in the Lease.

[signatures appear on following page(s)]

SIGNATURE PAGE FOR
_____ AMENDMENT TO LEASE AGREEMENT

IN WITNESS WHEREOF, Landlord and Tenant have executed the foregoing _____
Amendment the day and year first above written.

LANDLORD:

HAMILTON CAPITOL CENTER LLC, a Delaware
limited liability company

By: _____

Name: Malkiel Svei

Its: Authorized Signatory

TENANT:

_____, a _____

By: _____

Name: _____

Title: _____

Exhibit A
Premises

Exhibit B

Modifications to the Retained Premises include:



**Administration & Finance Committee Meeting
Briefing Document**

Agenda Item

City of Columbia and Richland County Animal Care Facilities Intergovernmental Agreement

Background

The City of Columbia and Richland County began joint Animal Shelter operations July 1, 2007. This partnership provides for the efficiency of operations and streamlined customer service for all Richland County residents. The first renewal of this Intergovernmental Agreement (IGA) was completed on July 10, 2012 with a five year renewal term that ended on July 31, 2017.

In March of 2017, the City and the County initiated negotiations for a second renewal of the IGA. The County reviewed the City’s new fee proposal breakdown and recommended that the current holding per diem cost per animal per day of \$14.00 remain in effect for FY2018, with the per diem cost increasing by the CPI (Consumer Price Index) each subsequent fiscal year. On June 27, 2017, County Council was presented with staff’s recommendation during the Council’s Special Called Meeting which was subsequently approved. However, the City did not agree with the per diem cost remaining at \$14.00. Consequently, the second renewal was not executed. Since that time, both entities have been operating pursuant to the terms of the first IGA renewal

On June 20, 2018, the City informed the County that the animal per diem cost per day will increase from \$14.00 to \$24.00, effective 7/1/2018, for the second renewal of the IGA. The per diem cost will automatically increase annually by the CPI. The City is requesting that the County re-adopt the IGA for a second renewal of five years, ending July 31, 2022.

Issues

The primary issue is the per diem per animal per day increase from \$14.00 to \$24.00.

Fiscal Impact

An increase in per diem cost will affect the Animal Services budget. The estimated increase for the FY18-19 is as follows:

	FY16-FY17	FY15-FY16	FY14-FY15
Paid to City of Columbia	\$284,970	\$282,016	\$284,697.00
Current Rate	\$14.00		
3 Yr. Avg. Paid to City	\$283,894		
3 Yr. Avg. Paid/\$14.00 = Avg. number of days paid for	20,278 days		

Using the average number of days paid and the new rate:

New Rate	\$24.00
Average number of hold days (20,278) * New Rate (\$24.00) = Estimated new costs	\$486,672
New Costs (\$486,672) – 3 Yr. Avg. Paid (\$283,894) = Estimated Cost increase	\$202,778

The estimated increase would be about \$203,000/yr. There is funding in the budget to absorb the increase. Staff will budget accordingly in future fiscal years to offset the CPI increase if approved by County Council.

If no agreement is reached the negative effect on the budget could be great, as the County would have to secure a facility and staff to house and care for impounded animals.

Past Legislative Actions

- July 1, 2007 - The City of Columbia and Richland County began joint Animal Shelter operations
- July 10, 2012 - The first renewal of this Intergovernmental Agreement was completed

Alternatives

1. Approve the second renewal of the IGA as presented.
2. Do not approve the second renewal of the IGA as presented. If this alternative is selected, then the County would likely have to seek alternative housing measures if the City is unwilling to negotiate further.

Staff Recommendation

Staff recommends that County Council approve the second renewal of the IGA. The County has the funding in the current fiscal year budget to absorb the per diem fee increase.





We Are Columbia

June 20, 2018

Dr. Sandra Yudice
Assistant County Administrator
Richland County Government
PO Box 192
Columbia, SC 29204

Dear Dr. Yudice:

This letter is to inform you that the holding per diem cost per animal per day will increase from \$14.00 per day to \$24.00 per day effective July 1, 2018 for the second renewal of the Animal Care Facilities Intergovernmental Agreement which is attached.

The City of Columbia has not increased this fee for over ten years. This fee increase represents the true cost of housing an animal in our animal shelter each day. Currently Richland County only contributes to the legal hold period for each animal originating from its jurisdiction. This will continue to be the case. Richland County is not held responsible for any expenses associated with providing for an animal's live disposition once that animal finishes its legal hold time.

The per diem cost will automatically increase annually by the Consumer Price Index (CPI).

If you have any further questions, please feel free to contact Mr. Robert Anderson, Public Works Director at 803-545-3782.

Sincerely,

Teresa Wilson
City Manager

4. This Second Renewal may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which shall constitute a single instrument.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in their names and their corporate seals to be hereunto affixed the day and year first written above.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Its: County Administrator

WITNESS:

CITY OF COLUMBIA, SOUTH CAROLINA

Tasha Light
Shalaine Jones

Cherise Wilson
By: Teresa Wilson
Its: City Manager

APPROVED AS TO FORM
Jamie G
Legal Department City of Columbia, SC



Administration & Finance Committee Meeting Briefing Document

Agenda Item

County Council is requested to approve the Intergovernmental Agreement (IGA) between Richland County and the City of Columbia for three projects.

Background

In a January 19, 2018 letter to former County Administrator Gerald Seals, the City of Columbia requested funding for the Park Street Sidewalk Improvement Project, the Main and Laurel Pedestrian Improvement Project, and the Main and Blanding Pedestrian Improvement Project. Through the budget amendment process, County Council approved the FY 2019 Penny tax funding for the City of Columbia.

Issues

In addition to Council approving the funding to the City, it is essential that the County executes an IGA with the City for the terms and conditions for utilizing Penny tax funds.

Fiscal Impact

The fiscal impact to the County is restricted to the amount for each of the three projects, as established in the approved Referendum Penny Ordinance number 039-12HR. The total approved amount for the three projects is \$359,642.

Past Legislative Actions

County Council approved the FY 2019 Penny tax funding for the City of Columbia in its budget amendment process.

Alternatives

1. Approve the IGA.

Or,

2. Do not approve the IGA.

Staff Recommendation

It is recommended that County Council approve and execute the IGA with the City of Columbia for the one sidewalk improvement project and the two pedestrian improvement projects.

Submitted by: Department of Transportation

Date: July 19, 2018

State of South Carolina))	RICHLAND COUNTY AND CITY OF COLUMBIA
))	RICHLAND COUNTY SALES AND USE TAX
))	TRANSPORTATION PROGRAM
COUNTY OF RICHLAND))	INTERGOVERNMENTAL AGREEMENT
))	

THIS AGREEMENT ("Agreement") is made this _____ day of _____, 2018, by and between Richland County, South Carolina, ("County") and the City of Columbia, ("Columbia").

WHEREAS, the County and Columbia agree to work together in the planning and implementation of the Richland County Sales and Use Tax Transportation Program ("Program"); and

WHEREAS, this Intergovernmental Agreement sets for the understanding and the terms between Richland County and Columbia for the implementation of the Program's transportation projects within the jurisdiction and the limits of the City of Columbia for fiscal year 2019; and

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

WHEREAS, Columbia is a body politic with the authority to enter into contracts necessary for the proper discharge of its functions and duties; and

WHEREAS, pursuant to Ordinance #039-12HR ("Referendum Penny Ordinance"), Columbia submitted an annual funding request for fiscal year 2019; and

WHEREAS, the April 12, 2018, Circuit Court Order requires Richland County to be subject to the South Carolina Department of Revenue's Guidelines for Use of Transportation Tax Revenue ("Guidelines"), incorporated herein and attached as Exhibit A; and

WHEREAS, the Guidelines apply to all counties and political subdivisions receiving Transportation Tax funds; and

WHEREAS, on June 21, 2018, Richland County Council approved awarding Columbia a total of \$359,642.00 from the Program to fund the authorized transportation projects included herein for fiscal year 2019;

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

I. Purpose

The purpose of this work is to construct and improve certain transportation facilities throughout Columbia using, in part, funds derived from the one (1) cent (1%) transportation sales and use tax imposed by Richland County and approved by referendum held November 6, 2012.

This Agreement lists the funding totals and terms agreed upon by Richland County and the City of Columbia. By accepting the itemized funding totals below, Columbia agrees to adhere to the terms and conditions included herein.

II. Description of Work

The projects for this Agreement include only those projects listed below to be complete in fiscal year 2019 and are hereinafter referred to as the "Project" or collectively the "Projects." The Projects include:

Project	Total Program Funding for FY 2019 per Approved Referendum Penny Ordinance
Park Street Sidewalk Improvement Project	\$170,570.00
Main and Laurel Pedestrian Improvement Project	\$94,536.00
Main and Blanding Pedestrian Improvement Project	\$94,536.00
Not to Exceed Total Program Funding	\$359,642.00

III. Administration, Allocation of Funding, and Obligations

City of Columbia:

Columbia assumes the complete management, construction, completion, and any and all future maintenance of the Projects according to its standards and specifications.

Columbia shall fund any and all Project's additional costs beyond the Project's individual, authorized funding in the Referendum Penny Ordinance.

Columbia shall comply with the SC Department of Revenue's Guidelines for Use of Transportation Tax Revenue included as Exhibit A (i.e., each Project's work funded under the Program shall be "tethered" to the transportation projects authorized under Ordinance #039-12HR) and the Transportation Act.

Columbia will submit requests for payments by the 15th day of each month for the work performed the previous month.

Columbia shall assist the County with its audit of all expenses related to the Projects to ensure compliance with the Guidelines.

Richland County:

Richland County will administer the funding, through its Department of Transportation, as listed above according to the Guidelines and the Optional Methods for Financing Transportation Facilities Act (Transportation Act), Code of Laws of South Carolina 1976, as amended and incorporated herein as reference.

The County shall reimburse Columbia only for costs incurred as part of Columbia's completion of each Project up to its amount approved in Referendum Penny Ordinance and approved by Richland County Council.

Upon review of the monthly invoices for compliance with the Guidelines and inspection of the worked performed each month, the County shall process Columbia's payment requests by the end of each month. The County shall not authorize payment for work performed outside the Guidelines and the Transportation Act.

The County shall conduct an audit of all expenses related to the Projects to ensure compliance with the Guidelines.

IV. Indemnification

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

Richland County hereby assumes no liability and/or responsibility for any loss resulting from bodily injuries (including death) or damages to property, arising out of any negligent act or negligent failure to act on Columbia's part, or the part of any employee or agent of the City of Columbia in the performance or participation in the work undertaken under this Agreement.

V. Governing Law

This Agreement shall be governed by the laws of the State of South Carolina, and by execution of this Agreement, the County and Columbia consent to the exclusive jurisdiction of the courts of Richland County, South Carolina, for resolution of any dispute arising hereunder.

VI. Severability

In the event that any part or provision of this Agreement shall be determined to be invalid and/or unenforceable, the remaining parts and provisions which can be separated from the invalid and/or unenforceable provision or provisions shall continue in full force and effect.

VII. Notices

All notices pertaining to this Agreement shall be in writing and addressed as set forth below, and shall be deemed properly delivered, given or served when (i) personally delivered, or (ii) sent by overnight courier, or (iii) three (3) days have elapsed following the date mailed by certified or registered mail, postage prepaid.

Notices to Richland County:
County Administrator
Richland County
P.O. Box 192
Columbia, South Carolina 29202

Notices to City of Columbia:
City Manager
City of Columbia
PO Box 147
Columbia, South Carolina 29217

VIII. Assignment

Except as otherwise provided by applicable law, this Agreement may not be assigned by either party without the written consent of the other party.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Richland County

Attest: _____

By: _____
Name: _____
Its: _____

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

City of Columbia

Attest: _____

By: _____
Name: _____
Its: _____



Administration and Finance Committee Meeting Briefing Document

Agenda Item

Affordable Housing Development

Background

Request County Council approval to award FY16 Federal HOME Investment Partnership funds in the amount of \$128,725.00 for the development of affordable rental housing for very low income household in the Broad River Heights Master Plan area, County Council District 4.

A Request for Proposals was issued in March of 2018 for proposals from Community Housing Development Organizations (CHDO) to own, develop and/or sponsor affordable housing. There were two submittals- Santee Lynches Affordable Housing CDC and SC Uplift Community Outreach. An evaluation team comprised of County employees evaluated the proposals for the project strategy, project budget, quality/experience and affordability for tenants. Santee Lynches Affordable Housing CDC, a County designated CHDO, was the highest ranked offeror. Santee Lynches Affordable Housing CDC submitted a request to receive HOME funding through a competitive application process for the purpose to acquire and rehabilitate a single family home in the Riverview Terrace Sub-division. This project will provide affordable rental housing in a well-established neighborhood where household incomes are above 80% of the area median. The total project cost is \$128,725.00 of which \$41,900.00 will be issued to the CHDO as a 2% interest loan.

Issues

HUD requires 15% of annual HOME allocation be awarded to CHDOs. This project will be counted toward the Assessment of Fair Housing 5 year goal to create 1000 units of affordable housing by year 2021. As reviewed by County Staff, there are no issues presented and no foreseeable delays moving forward. Santee Lynches CDC has more than 25 years' experience developing affordable housing throughout the state of SC.

Fiscal Impact

Richland County must commit FY16 HOME funds by September 30, 2018 or take the chance of losing the funds back to HUD. Otherwise there is no fiscal impact to the County's funding or general budget. All HOME funds come from the US Department of Housing Urban Development grant managed by the County's Community Development Department.

Past Legislative Actions

County Council has not taken a previous action concerning this project.

Alternatives

1. Approve the request to award HOME funding in the amount not to exceed \$128,725 for the development of affordable housing for very low income household to Santee Lynches CDC.

2. Do not approve the request to award to Santee Lynches CDC, and the project may not proceed. If we do not proceed and the contract is not executed, Richland County will risk de-obligation of this amount of federal HOME funds.

Staff Recommendation

Staff recommends approving the request to award HOME funds in the amount of \$128,725.00 to the highest ranked offeror, Santee Lynches CDC, to develop one unit of affordable housing of available listing property, currently in the Board River Heights neighborhood.

Submitted By: Jennifer Wladischkin, Procurement **Date:** June 25, 2018



**Administration & Finance Committee Meeting
Committee Briefing Document**

Agenda Item

Candlewood Neighborhood Park Land Acquisition and Subsequent Deed to Richland County Recreation Commission for Park Maintenance

Background

The Neighborhood Improvement Program [NIP] was established by County Council in Fiscal Year 2004 to coordinate and fund Neighborhood Master Plans [NMP] and improvement projects in Richland County. On March 1, 2005, County Council approved the first 10 priority focal areas for Neighborhood Master Planning.

On March 12, 2009 the Candlewood NMP was adopted by County Council. The Candlewood NMP is comprised of three major “Catalyst Projects.” Development of a neighborhood recreation park is the 3rd catalyst project for Candlewood. A conceptual plan of the park consists of a clubhouse, fitness stations, pavilions, basketball courts, playground and a dog park [see Appendix A]. According to the NMP, the site would be located on 9.34 acres of currently vacant land N and S of Seton Hall Drive. In NIP’s Five Year Project Plan, the neighborhood park land acquisition has a priority rank of 1.

In October of 2014, NIP utilized Integra Reality Resources to obtain an appraisal for the land, which was valued at \$73,000 at that time. On April 7, 2015 Council approved staff negotiating with the property owner up to the appraised value of \$73,000. Council directed the purchase price and agreement of the property come before council as a separate item for review and action prior to the final execution of a purchase agreement. Council further instructed staff to have a formal park maintenance agreement with the Richland County Recreation Commission [RCRC] in place prior to purchasing the property.

At least two phases of the park development are proposed for this site. The first phase would utilize approximately 1 acre of the parcel and would be developed by RCRC. RCRC has allocated funding in the amount of \$120,000, from the 2008 Recreational Bond, for the development of a recreation facility in the Candlewood Master Plan area. Use of these funds will require deeding approximately 1 acre of the parcel to RCRC for development. Initiation of this phase can start immediately upon purchase of the property.

The second, more long-term phase would develop the catalyst project envisioned by the NMP utilizing remaining acreage. There are no immediate plans to initiate this portion of the park’s development and funds have not yet been allocated thereto.

In spring of 2015, Staff had favorable conversations with the RCRC Director and Deputy Director about the phased approach to the park development [see Appendix B]. It was understood that the portion to be immediately developed by RCRC would be deeded via quitclaim, upon purchase of the property. The resulting deed would go before Council when prepared. As such, the design, construction, and on-going maintenance of the improvements would be the sole responsibility of RCRC as owners of that site and project.

Staff and RCRC also discussed long-term plans to develop the second phase and agreed it would be prudent to revisit the scope and vision of those plans with the community and RCRC. Waiting and revisiting the second phase will afford the opportunity to develop a project that is feasible for all parties, and more specifically, provide direction on who will be responsible for what components. Appropriate agreements would be drafted at that time.

In June of 2015, the property owner verbally, and via a memo, agreed to sell at the appraised value. However, the agreement and negotiations fell through due to an inability to reach a compromise regarding indemnification language in the final contract.

In September of 2017, staff contacted the seller to see if they were once again amenable to selling the property. Talks have progressed favorably and an agreement has once again been reached with the seller. A new appraisal of the property was obtained through Rosen Appraisal Associates on June 27, 2018, with a current value of \$89,000 [see Appendix C]. An amended contract to reflect the new appraisal value and requested language by the seller has been drafted for executing the sale [see Appendix D].

Issues

N/A

Fiscal Impact

Acquisition costs would be provided from the Neighborhood Redevelopment fund, where sufficient funds currently exist. The property is currently appraised at \$89,000. A maximum offer for the property would not exceed the appraisal amount.

Past Legislative Actions

At the April 7, 2015 meeting, Council approved staff negotiating with the property owner, up to the appraised value of \$73,000. This approval also included bringing the purchase price and agreement, as well as a formal park maintenance agreement with RCRC, back before Council for approval.

During the July 28, 2015 meeting, Council approved the acquisition of 9.34 acres of vacant land located on the North and South sides of Seton Hall Drive (TMS R20200-03-46) for the development of a neighborhood park as prescribed in the Candlewood Master Plan at the appraised value of \$73,000, and initiate the process to deed 1 acre of the site to RCRC for the construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.

Alternatives

1. Approve the acquisition of the identified parcel, N/S Seton Hall Drive (TMS R20200-03-46), for use as a neighborhood park up to the appraised value of \$89,000 and initiate the process to deed 1 acre of the site to RCRC for construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.
2. Do not approve the acquisition of the identified parcel, N/S Seton Hall Drive (TMS R20200-03-46), for use as a neighborhood park up to the appraised value of \$89,000 nor initiate the process to deed 1 acre of the site to RCRC for construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.



Staff Recommendation

Staff recommends Council approve the acquisition of the identified parcel of land for use as a neighborhood park up to the appraised value of \$89,000 and initiate the process to deed 1 acre of the site to RCRC for construction and maintenance of a recreational shelter utilizing the 2008 Recreation Bond.

Submitted by: Tracy Hegler, Community Planning & Development Director

Date: July 20, 2018



Using the recreation plans and/or programs that each design team developed during the Design Charrette, a park and recreation area plan has been developed. The program for the park includes the following:

- 12,000 SQUARE FOOT COMMUNITY CENTER
- 3 PAVILIONS
- DOG PARK
- BASKETBALL COURTS
- PLAYGROUND
- TOT LOT PLAYGROUND
- 50 PARKING SPACES
- WALKING TRAILS
- OPEN AREAS
- NATURE AREAS
- NEW ROAD TO CONNECT SETON HALL DRIVE
- SENIOR FITNESS STATIONS



June 18, 2015

**Mr. James Brown
Richland County Recreation Commission
7473 Parklane Road
Columbia, SC 29223**

**Subject: Notice of Intent – Grantee
N/S Seton Hall Drive
Tax Map #R20200-03-46
Candlewood Master Plan Area**

Dear Mr. Brown:

This letter confirms Richland County Government's interest in acquiring the vacant parcel of land located to the north and south of Seton Hall Drive for the purpose of developing a neighborhood park as a part of the implementation of the Candlewood Master Plan.

In April of 2015, Richland County Council approved staff's request to negotiate with the owners of 9.34 acres of land, Tax Map #R20200-03-46, located to the north and south of Seton Hall Drive. In a memo dated June 25, 2015, the property owners notified Richland County of their intent to sell at the appraised value and this sale is going before Council for consideration on July 28, 2015. Richland County Recreation Commission intends to fulfill a 2008 recreational bond, which has funds allocated specifically for use in the Candlewood Community.

Upon acquisition of the 9.34 acre parcel, Richland County intends to process a quitclaim deed to transfer all interests in real property for one (1) acre of the site to Richland County Recreation Commission, at which point the commission assumes ownership and all responsibility for design, development, maintenance and upkeep of the aforementioned acre.

In addition, Richland County Government and Richland County Recreation Commission have found it to be mutually agreeable to work together on a design and maintenance plan for the remaining 8.34 acres of land, which will be revisited when future development is initiated.

Please indicate your acknowledgement and support of the aforementioned intentions by signing and returning a copy of this letter.

Thank you,

Ashley M. Powell
Neighborhood Planner

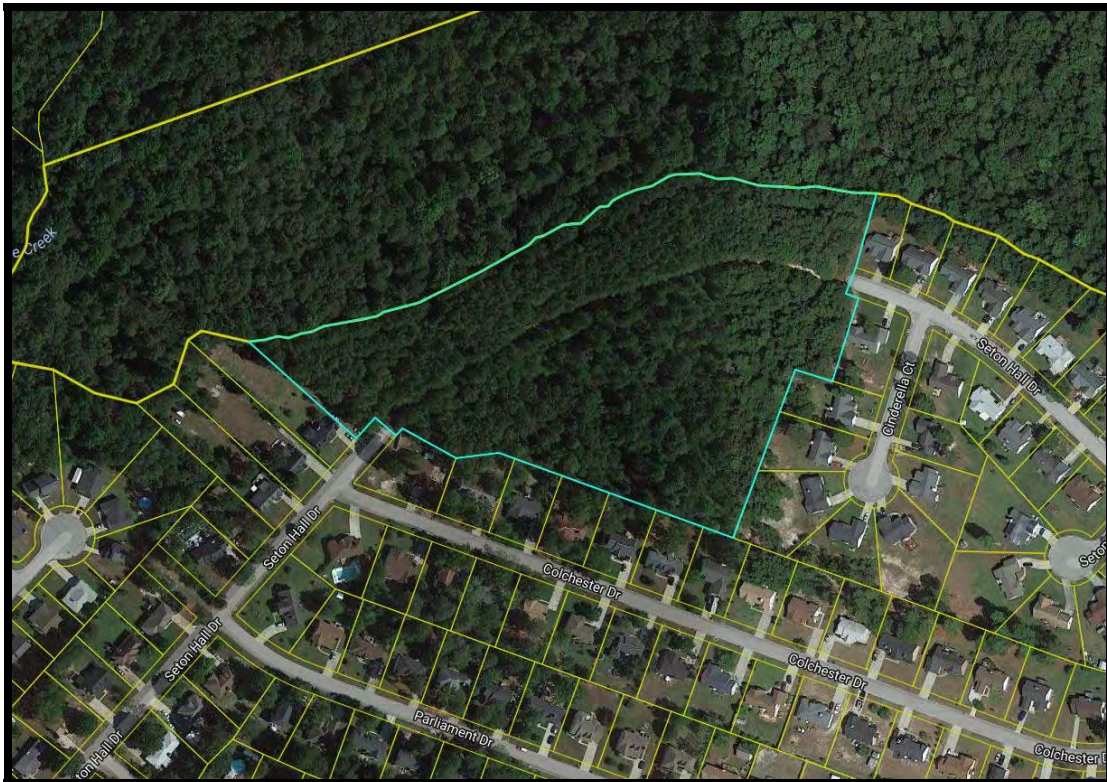
James Brown
Mr. James Brown

Kenya V. Bryant 7/16/15
Witness

7/16/15
Date

APPRAISAL REPORT OF

9.34 ACRES OF UNIMPROVED, VACANT LAND LOCATED ON SETON HALL DRIVE, COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA



AS OF:

JUNE 27, 2018

BY:

ROSEN APPRAISAL ASSOCIATES

Rosen Appraisal Associates

1717 LAUREL STREET
COLUMBIA, SC 29201-2624

Real Estate Appraisers and Consultants – Serving the Public Since 1956

JOSEPH B. ROSEN, MAI, SRA, ASA
HARVEY J. ROSEN, SRA
TOBY M. BROOKS
STEPHANIE MASSEY
DAISY RIVERA

MAIL ADDRESS: P.O. BOX 28
COLUMBIA, SC 29202-0028
PHONE: 803-252-9321
FAX: 803-765-9889
EMAIL: rosenappraisal28@bellsouth.net

June 27, 2018
File 18-161

Richland County Planning Services
(Neighborhood Improvement Program)
2020 Hampton Street, 1st Floor
Columbia, SC 29204

Dear Richland County Planning Services:

At your request, we have inspected and evaluated for appraisal the 9.34 acres of unimproved, vacant land located on Seton Hall Drive, Columbia, Richland County, South Carolina. The subject is located within Candlewood Subdivision and it is shown on Richland County Tax Map 20200, in Block 3, as Lot 46. The purpose of this appraisal is to estimate the market value of the fee simple interest of the subject property. No Certificate of Title was made available from which easements and other items could be recognized and analyzed.

This is an **Appraisal Report** and is intended to comply with the reporting requirements of Standard II of the Uniform Standards of Professional Appraisal Practice. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated herein. The appraisers are not responsible for unauthorized use of this report.

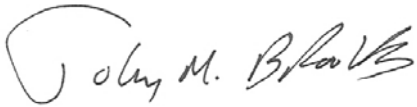
As a result of the investigation, the analysis of the data collected and the appraisers' general knowledge of real estate valuation, it is concluded that the market value of the fee simple interest of the subject property, as described in the report to follow, as of June 27, 2018, is:

EIGHTY NINE THOUSAND DOLLARS
(\$89,000)

Richland County Planning Services
(Neighborhood Improvement Program)
June 27, 2018
Page Two

A description of the property appraised and an explanation of the valuation procedures used are contained in the body of the attached report. Your attention is also directed to the Limiting Conditions and Assumptions upon which the value conclusions are contingent.

Respectfully submitted,



Toby M. Brooks
S.C. State Certified General Real Estate
Appraiser #CG858



Joseph B. Rosen, MAI, SRA
S.C. State Certified General Real Estate
Appraiser #CG177

TMB/JBR:sm

SUMMARY OF SALIENT FACTS AND CONCLUSIONS

LOCATION: The subject property is located on Seton Hall Drive, Columbia, Richland County, South Carolina. The site is located within Candlewood Subdivision.

TAX MAP IDENTIFICATION: TMS# 20200, in Block 3, as Lot 46

PROPERTY SIZE & TYPE: The subject consists of 9.34 acres of unimproved, vacant land.

DATE OF VALUE: June 27, 2018

DATE OF INSPECTION: June 27, 2018

DATE OF REPORT: June 27, 2018

OBJECTIVE: Estimate the market value of the fee simple interest of the subject property.

ZONING: RS-MD, Residential, Single-Family – Medium Density District (Richland County)

HIGHEST & BEST USE: As Vacant: Single Family Development

VALUE CONCLUSIONS:

Cost Approach:	N/A
Sales Comparison Approach:	\$89,000
Income Capitalization Approach:	N/A
Final Value Estimate	\$89,000

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) **CONTRACT OF SALE**

This Agreement, entered into this _____ day of _____, by and between _____ (hereafter combined as "Seller"), and Richland County, South Carolina (hereafter "Buyer").

WITNESSETH: That for and in consideration of the sum of Five and No/100 Dollars, to be applied as part of the cash portion of the purchase price, and the conditions and terms hereinafter mentioned, the Seller agrees to sell and the Buyer agrees to buy 9.34 plus or minus acres located to the north and south of Seton Hall Drive in the Candlewood community, to include all rights, easements, access agreements and other pertinent materials, said property more particularly described as follows:

SEE ATTACHMENT A

Sale to be consummated upon the further payment of Eighty Nine Thousand (\$89,000.00) Dollars from Buyer to Seller after Buyer's completion of any appraisals, tests, studies, inspections and upon expiration of the "Feasibility Period" set forth herein, and approval of the Richland County Council, Buyer's Governing Body.

It is herein agreed that for a period ending ninety (90) days after execution of this Agreement (the "Feasibility Period"), Seller grants Buyer permission to have its engineers, employees, contractors, agents and also potential tenants of the Property enter upon the Property for the purpose of conducting surveys, engineering, environmental and other tests, market studies and other items deemed necessary by Buyer in connection with its proposed purchase of the Property.

At any time during the Feasibility Period or its extensions, Buyer may rescind and cancel this Agreement for any or no reason by giving written notice to the Seller of its desire to do so and this Agreement shall be terminated, null and void and neither party shall thereafter have any further obligation to the other hereunder.

The Seller has made the Buyer aware that a survey of the Property dated September 28, 2006 was made by B.P. Barber and Associates and is recorded in the Register of Deeds Office for Richland County, SC, in Record Book 1820 on page 193. Buyer has acknowledged receipt of a copy or copies thereof. Buyer has previously advised that said survey is acceptable to Buyer for purposes of its purchase of the Property. In the event Buyer, in its sole discretion, elects to have a new survey prepared, the cost and expense of such survey preparation and the recording thereof shall be paid entirely by Buyer.

The Seller hereby covenants and agrees to convey the above described property to the Buyer, its heirs or assigns in fee by proper deed, with covenant of general warranty, free from all defects and encumbrances, except such as are herein agreed to be assumed. Seller shall pay for preparation of deed and for all statutory deed recording fees.

The above described property shall be conveyed subject to applicable zoning ordinances and valid recorded easements, restrictions and covenants provided the foregoing do not make the title unmarketable or prohibit Buyer from using the property for its intended lawful purposes.

Upon tender of such deed at the time below provided, the Buyer agrees to comply fully with the terms of this Agreement.

All taxes, rents, water rents, paving assessments and interest to be prorated to date of completion of sale. Hazard insurance to be prorated or canceled at the option of buyer.

Any and all rollback taxes which might be assessed or levied upon the Property as a result of the sale of the Property as contemplated under this Agreement will be paid by the Buyer with no liability for the payment thereof by the Seller.

This sale and purchase to be completed within thirty (30) days of the expiration of the Feasibility Period.

Buyer shall not be responsible to pay any portion of any real estate commission associated with the transaction contemplated in this agreement unless expressly agreed to by Buyer in a separate agreement with any real estate agent chosen by Buyer.

This Agreement is binding upon ourselves, our heirs, executors, administrators, successors or assigns.

It is understood that this written Agreement constitutes the entire contract between the parties hereto.

Witness our Hands and Seals the day and year first above written.

Accepted this _____ day of _____ 2015.

In the presence of:

SELLER: _____

By: _____

Its: _____

SELLER: _____

By: _____

Its: _____

{Remainder of Page Intentionally Left Blank}

BUYER: Richland County, South Carolina

By: _____

Its: _____



**Administration and Finance Committee Meeting
Briefing Document**

Agenda Item

Approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St.

Background

The Richland County Judicial center, located at 1701 Main Street, was constructed in the late 1970's. The building design incorporated six elevators: three banked passenger elevators that are located in the main lobby and service all floors (G3-L4), a secure freight elevator that services five floors (G1-L4), a secure judges elevator that services four floors (G1-L3), and a secure prisoner's elevator that services 3 floors(G1, 2,3). The three passenger elevators were modernized with new controllers in the mid 1990's; however the mechanical equipment (gears & motors) were not replaced. Therefore, most of the elevator equipment in the building is original to the facility, which has far exceeded its expected lifespan of 25 years.

Due to high annual service cost, high repair cost and due to difficult to obtain replacement parts, it was determined that the elevators needed to be reviewed and determine the best course of action to improve the reliability and reduce the monthly down time. Over the past year, a total of 177 service calls have been performed (almost once a day) to keep the elevators operational. Even one unit was down for 11 weeks due to replacement part unavailability, which adversely effected the vertical movement throughout the facility by staff.

An outside elevator consultant was engaged through a solicitation (RC-043-P-2017) to help evaluate the elevators and to recommend a solution to address the issues listed above. After fully evaluating the site, it was determined that a complete modernization of the elevators would be required. The consultant was then contracted to provide a complete scope of work and bid documents.

The modernization, which includes but is not limited to the following items:

- Replacement of the control systems for each elevator (the computer that operates the elevator)
- Replacement of the motor and machines (the motor & gears that physically move the elevator)
- Replace the cab interiors & lights (up-fit the inside of the elevator cabs with new materials)
- New call buttons at the hall stations & cab (new buttons inside and outside the elevator)
- New elevator door panels (the door panels inside the elevator cab)
- New door operators (the equipment that opens and closes the elevator doors)
- Tie all required elevator equipment into required building systems (tie elevators to the fire, security access, & HVAC systems as required by code)

Due to construction constraints or still in operational condition, the following items will not be replaced:

- Elevator hall door frame (is within the concrete/block walls- but are in good condition)
- Elevator door panels hall side (is tied into the door frame- are in good condition)
- Elevator rails (the beams that the elevator rides on- are in the elevator shaft and too large to install- and are in good condition)
- Elevator cab frame (The structural box of the elevator cab-this item is in good condition and does not need to be replaced)

Once the modernizations are completed, the elevators will comply with the current safety codes.

When the consulting engineer completed the required bid documents and scope of work, the project was put out for a bid solicitation. A mandatory pre-bid meeting was held to ensure the potential contractors had a full understanding of the project constraints and required scope of work. Three different contractors attended the meeting. All three of the contractors submitted bids. After reviewing the submissions, the consulting engineer made the recommendation that Carolina Elevator Services Inc. has the lowest, most responsive, responsible bid, with the other two contractors having bids that were \$216,549.21 and \$382,130.21 more expensive respectfully.

The work on the elevator will be coordinated with the court system to help minimize the impact on the facility. The contractor will ensure that no more than two elevators will be scheduled to be out of service at a time. Due to the complexity and long delivery time (each elevator is manufactured specifically for each elevator shaft); it is anticipated that the project will take about ten (10) months to complete once a contract is executed (five months to manufacture and five months to install).

Once the modernizations are completed, the elevators will comply with the current safety codes. Furthermore, it is expected that the down-time of each elevator will greatly reduce and that the maintenance cost will also reduce.

Issues

Due to the age of the elevator equipment, a large number of the required repair parts are rare, thus extremely expensive, leading to high repair costs and high annual maintenance costs. Additionally, if the modernization does not take place, the down-time and reliability for the elevators will only increase, which is already significant, due to the shortage of repair parts. This increased down time will continue to adversely affect the daily operations of the facility, and also could result in impacting life safety issues, such as limiting quick access for EMS personnel with a stretcher.

With the development of a new Judicial Center several years away, this modernization has become even more critical.

Fiscal Impact

If approved, Richland County will enter into a contract with the recommended contractor, Carolina Elevator Service, Inc., in the amount of \$922,050.79 with an additional \$138,300.00 in contingency (15%), bringing the total project cost to \$1,060,350.79. The contingency is requested to address any unforeseen conditions due to the complexity of modernizing equipment in an existing facility and due to the number of systems that the elevator systems tie into, such as the fire alarm and security access systems. Contingency use must be requested in writing by the contractor, evaluated by the Richland County Department of Operational Services as a change order, and no contingency use will be approved by Richland County staff without strict examination of all the facts and possible options by the project management team.

Funds for this project have been identified in in the existing Operational Services Capital Project budget noted below:

- GL-1339995000.530300/JL-13395417.530300 (Building Improvements)

Past Legislative Actions

None

Alternatives/Solutions

1. Authorize the Procurement Department Manager and staff to move forward with entering into a contact with Carolina Elevator Service, Inc., the recommended contractor from solicitation RC-074-B-2018, to

supply and install all required equipment, material, and labor to modernize six (6) elevators at the Judicial Center located at 1701 Main Street. The total project cost requested for approval is in the amount of \$1,060,350.79, with a contract amount of \$922,050.79 and a reserved contingency amount of \$138,300.00.

-Or-

2. Do not approve the expenditure of the funds and leave the existing elevators in their current state. This decision could have impact on the daily operations of the Judicial Center and put the County at risk of liability.

-Or-

3. Continue working with the recommended contractor to develop options to encompass direction given by Council regarding the cost and operations of the elevators and how they would like to proceed with the facility.

Staff Recommendation

The recommendation is Option #1 (authorize the expenditure of funds). Richland County would enter into a contract in the amount of \$922,050.79, with an additional \$138,300.00 in contingency, with Carolina Elevator Service, Inc. to modernize six (6) elevators at the Judicial Center located at 1701 Main. St.

Procurement Spread Sheet BID TAB Calculations for RC-074-B-2018 Judicial Center Elevator Modernization

ITEMS SERVICE	BIDDE Carolina Elevator	Delaware Elevator	Oracle Elevator
1 Mobilization, license fees	2760.00	\$22,069.00	\$12,000.00
2 Parronqor Elevator #1,2&3	\$463,904.98	\$611,222.00	\$546,100.00
5 Judge Elevator	\$127,953.88	\$194,317.00	\$182,100.00
6 Freight Elevator	\$158,223.28	\$219,936.00	\$182,100.00
7 Prisoner Elevator	\$125,017.65	\$190,517.00	\$182,100.00
* Fire Alarm Tbbair Cart Quoted as \$23,690.00)	\$44,191.00	\$41,563.00	\$43,700.00
9 Labor/Security	\$0.00	\$3,524.00	\$0.00
10 Project Cleanup	\$0.00	\$21,033.00	\$2,500.00
TOTAL	\$919,298.74	\$1,384,151.00	\$1,150,600.00

Consultants Review and Ratings:

1 Addendum 1- Acknowledged	X	X	X
2 Addendum 2- Acknowledged	X	X	X
3 Addendum 3- Acknowledged	X	X	X
4 Statement of Assurance, comp	X	X	X
5 Drug Free Workplace	X	X	X
6 Solicitation, Offer & Award	X	X	X
7 Appendix A	X	X	X
- Regular Hourz - Mechanic	\$220.00	\$225.00	\$199.00
- Regular Hourz - Helper	\$190.00	\$135.00	\$175.00
- Regular Hourz - Team	\$395.00	\$360.00	\$270.00
- Overtime Hr (1.5/1.7)-Mechanic	\$330.00	\$338.00	\$298.00
- Overtime Hr (1.5/1.7)-Helper	\$285.00	\$202.00	\$263.00
- Overtime Hr (1.5/1.7)-Team	\$593.00	\$540.00	\$561.00
- Overtime (2x) - Mechanic	\$330.00	\$450.00	\$298.00
- Overtime (2x) - Helper	\$285.00	\$270.00	\$263.00
- Overtime (2x) - Team	\$593.00	\$720.00	\$298.00
8 Appendix B	X	X	X
9 Appendix C	X	X	X
10 Appendix D	X	X	X
11 Appendix E	X	X	X
12 Appendix F - Maint. Central Praq	X	X	X
13 Appendix G	X	X	X
- Contractors Chosen Suppliers	X	X	X
Machiner	Halliter-Whitney Geared OH Machine	Halliter-Whitney Geared OH Machine	Halliter-Whitney Geared OH Machine
Controllezz	Motion Central Engineering MCE 4000	Motion Central Engineering MCE 4000	GAL Galaxy
Door Equipment	GAL MOVFR II Heavy Duty Clared Loop	GAL MOVFR II Heavy Duty Clared Loop	GAL MOVFR II Heavy Duty Clared Loop
Signal Fixturez	PTL Manufacturing	Innovation Interriorz	GAL
Cab Refinrh	Bell Elevator Interiorz	Bell Elevator Interiorz	Wright Elevator Interiorz
-Location of Full Service Office	X	X	X
	777 Old Clamran Road Columbia, SC 29229 803-665-1400	2024-A Independence Commerce Drive Mathour, NC 28105 704-628-5189	519 Enterprise Drive Charlotte, NC 28206 800-526-6115
11 Interim Service Included in Bid	YES	YES	YES
12 Warranty Service Included in Bid	YES	YES	YES
13 Continuing Service Price per Unit per Month	\$225.00 per unit	\$375.00 per unit	\$250.00 per unit

Consultant Review and Evaluation:

All bidders appear to have complied with the Bid Documents and Specifications. All Products prepared are acceptable and equal.

Carolina Elevator Service, Inc. has a distinctly better price and service location.

I recommend proceeding with the recommendation of award to Carolina Elevator Service, Inc. and request their schedule and lead time for Submittal, Approval, Final Drawing and Release of Orders, Delivery of Material, and Installation Schedule.

Full Submittal of Products offered are to be submitted for Approval along with Schedule. Cab Interior Design will be presented and coordinated with Hayden Davis.

Please advise of any questions or further requests for clarification.



**Administration & Finance Committee Meeting
Companion Document**

During its June 26, 2018 meeting the A&F Committee vetted the approval to negotiate and enter into a contract for the modernization of the six (6) Judicial Center elevators located at 1701 Main St. This item was deferred to the July 24, 2018 Committee meeting. During the Committee's discussion regarding this matter, several concerns were raised. Additional information is presented below to address those concerns.

Q: Councilperson Pearce: I thought these repairs occurred a year ago?

A: The funding was requested over a year ago and the Engineering and design was completed and now at this point we are ready to enter into a contract in order to modernize the elevators to meet the compliance of State LLR regulations.

Q: Vice-Chairperson Malinowski: The agenda packet says, "With the development of a new Judicial Center several years away." Prior to deferring the Renaissance, it seemed like that was the first thing, after Administration moving out. We need to get more of a definitive answer on the timeframe here before we invest over a \$1 million into something that is ultimately is going to be gone.

A: During its May 24, 2018 Special Called Meeting, Council voted to defer the Richland Renaissance project. Staff is unaware of any Council action to remove the project from a status of "deferment". Any timeframes related thereto are contingent upon Council direction. However, the completion of the elevator upgrades should improve the value of the structure.

To augment its discussion on this matter, Council may wish to note the following questions and answers from staff:

1. What is the cost of the elevator service contract? How much does it cost for the Judicial Center?

\$42,504 per year for (19) County-owned elevators; of that \$22,320 is for the (6) Judicial Center elevators

2. How many service calls were there for each Judicial Center elevators?

In the last (12) months – 177 Service calls for the Judicial Center elevators have been made. The breakdown below illustrates the number of service calls for other County operations: Administration Building - 13; Public Health Building – 7; Laurens St. Garage – 9; Township Auditorium – 18; Decker Center – 5; Sheriff's Headquarters – 8

3. What are the most common service calls for the Judicial Center elevators?

The elevator units do not respond to calls; the elevator doors will not close; the elevator unit does not level out on each floor, gets stuck between floors and makes strange noises.



4. Which elevator was out of service the longest and why?

The freight elevator at the Judicial Center – drive motor failed and required replacement. The elevator unit was down 11 weeks resulting in the Judges and/or Prisoners elevators being utilized in its absence.

5. How long is the typical down time for the Judicial Center elevators?

Most service calls are responded to and addressed the same business day. Approximately 31 service calls resulted in elevator units being taken out of service for at least (1) day up to (1) week for parts to arrive and repairs to be completed.



**Administration and Finance Committee Meeting
Briefing Document – Contract Award for the Construction of a Landfill Gas Control System**

Agenda Item

This is a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells connected by piping to a vacuum blower system, along with ancillary systems.

Background

Richland County owns and operates a solid waste management facility located at 1070 Caughman Road North in Columbia. The facility consists of a closed Construction and Demolition Debris Landfill (Phase 1 and 1A); two closed unlined municipal solid waste landfills (Phase 2 and 3); and an active Class 2 Landfill (Phase 4). The site also contains a recycling center that accepts recyclable materials and waste from the public.

Because the closed municipal solid waste landfills were unlined, the groundwater beneath the landfill has been impacted over the years by chemicals leaching from the waste. The County has tried several measures to address the groundwater issues, including gas venting (2006), capping (2007), chemical injection (2007), pump and treat (2009), and natural attenuation. Though there has been some improvement in the groundwater and concentrations of VOCs have decreased, monitoring wells are still showing levels above regulatory limits.

From May to September of 2016, CEC (Civil & Environmental Consultants, Inc.) performed a landfill gas evaluation at the landfill and data suggested that landfill gas may be a significant source of the groundwater impacts at the landfill. On September 6, 2016, Richland County's engineering consultant submitted the Landfill Gas Evaluation Report for the Richland County Landfill to SCDHEC with a recommendation to remediate the cause of the groundwater impacts by controlling and removing landfill gas from targeted landfill areas. In a November 14, 2016 letter, SCDHEC acknowledged their review of the report and concurred with the recommendation that the landfill facility should design a landfill gas system to help reduce groundwater impacts.

During 2017, CEC conducted an assessment of corrective measures to address the groundwater contamination at the landfill. Given the potential efficiency of addressing landfill gas control and groundwater impacts with a single, cost-effective technology, CEC proposed to remediate the cause of the groundwater contamination impacts by controlling and removing the landfill gas from targeted landfill areas. On September 29, 2017, SCDHEC notified the Division that the proposed addition of a landfill gas extraction system to the ongoing corrective action measures could not be approved until the proposed remedy was presented to interested and affected parties in a public meeting. On December 7, 2017, the Solid Waste & Recycling Division, along with CEC, conducted a public meeting at the Upper Richland County Community Center to discuss removal of landfill gas as a possible corrective measures to address the groundwater impacts at the Richland County Landfill.

On March 8, 2018, Richland County Procurement issued Solicitation #RC-066-B-2018 to hire a vendor to construct the landfill gas system. Bids from four vendors were received for the project on May 11, 2018 and reviewed by the County's consulting engineer, CEC, the Solid Waste Division and Procurement. Following the review, CEC recommended that the County proceed with the award of a contract to Tri Con Works, LLC. The County concurs that Tri Con Works is the lowest, responsive, responsible bidder.

Issues

Migrating landfill gas was identified during routine quarterly perimeter methane monitoring readings, from methane measurements conducted in existing passive gas vents, and during a recent landfill gas assessment conducted within several in-waste areas across the site. Landfill gas control is needed to prevent the off-site migration of landfill gas and to address partitioning of volatile organic compounds (VOCs) from the landfill gas into the site groundwater.

Fiscal Impact

The project will be funded through the Solid Waste Enterprise Fund. Funding for constructing the project was included in the Fiscal Year 2018 (FY-18) budget. The bid was in the amount of: \$714,074.34, plus a 5% contingency equals a total of \$749,778.06 for the project.

Past Legislative Actions

None

Alternatives

1. Award the contract to Tri Con Works, LLC.

Or,

2. Disapprove the award of the contract to Tri Con Works, LLC.

Staff Recommendation

Staff recommends the award of the contract for construction of the landfill gas system to Tri Con Works, LLC.

Submitted by: Procurement Department **Date:** June 13, 2018



RICHLAND COUNTY GOVERNMENT CERTIFIED BID TABULATION

SOLICITATION NUMBER : RC-066-B-2018		PROJECT NAME: Landfill Gas Expansion Project		DATE ISSUED: 3/8/18	RECEIPT DATE: 5/9/18	TIME OPEN: 2:00PM		
DEPARTMENT: Solid Waste		REQUISITION #: R1801946		CONTRACT#:		PURCHASE ORDER #:		
POINT OF CONTACT: Jennifer Wladischkin		T: 803-576-2130 F: 803-576-2135 EMAIL: wladi@rcgov.us		NUMBER OF ADDENDUM ISSUED: 3		APPARENT LOW BIDDER		
ITEM	MINIMUM DESCRIPTION	UI	QTY		COMPANY: AEG	COMPANY: Advance One	COMPANY: Tri con Works	COMPANY: SCS Field Svcs
1	LGE Project	LS	1	(\$)	No Bid	732,926.25	714,074.34	809,751.75
2				(\$)				
3				(\$)				
4				(\$)				
5				(\$)				
6				(\$)				
7				(\$)				
8				(\$)				
SHIPPING								
TAX								
GRAND TOTAL								
DELIVERY CALENDAR DAYS								
WARRANTY								
GUARANTEE								
NAME AND TITLE OF CERTIFYING OFFICIAL Jennifer Wladischkin, Procurement Manager					NAME AND TITLE OF ASSISTANT Nathan Bivens			
SIGNATURE <i>Jennifer Wladischkin</i>					SIGNATURE <i>Nathan Bivens</i>			
DATE: 5/9/18					DATE: 5-9-18			

RCPD TABULATION FORM-2011 (RAC)

Richland County Procurement Dept

'18 MAY 9 PM 2:00



RICHLAND COUNTY GOVERNMENT CERTIFIED BID TABULATION

SOLICITATION NUMBER : RC-066-B-2018		PROJECT NAME: Landfill Gas Expansion Project		DATE ISSUED: 3/8/18	RECEIPT DATE: 5/9/18	TIME OPEN: 2:00PM	
DEPARTMENT: Solid Waste		REQUISITION #: R1801946		CONTRACT#:		PURCHASE ORDER #:	
POINT OF CONTACT: Jennifer Wladischkin		T: 803-576-2130 F: 803-576-2135 EMAIL: wladi@rcgov.us		NUMBER OF ADDENDUM ISSUED: 3		APPARENT LOW BIDDER	
ITEM	MINIMUM DESCRIPTION	UI	QTY		COMPANY:	COMPANY:	COMPANY:
1	LGE Project	LS	1	(\$)	APTIM		
2				(\$)			
3				(\$)			
4				(\$)			
5				(\$)			
6				(\$)			
7				(\$)			
8				(\$)			
SHIPPING							
TAX							
GRAND TOTAL							
DELIVERY CALENDAR DAYS							
WARRANTY							
GUARANTEE							
NAME AND TITLE OF CERTIFYING OFFICIAL Jennifer Wladischkin, Procurement Manager					NAME AND TITLE OF ASSISTANT Nathan Bivens		
SIGNATURE <i>Jennifer Wladischkin</i>					SIGNATURE <i>Nathan Bivens</i>		
DATE: 5/9/18					DATE: 5-9-18		

RCPD TABULATION FORM-2011_(RAC)

Richland County Procurement Dept
'18 MAY 9 PM 2:00

May 18, 2018

Mr. Arthur Braswell
Solid Waste and Recycling Division
Richland County
400 Powell Road
Columbia, South Carolina 29203

Dear Mr. Braswell:

Subject: Bid Evaluation –
Richland County Landfill
2018 Landfill Gas Expansion System Project
Project Bid No. RC-066-B-2018
Richland County, South Carolina
CEC Project 152-843

Dear Mr. Braswell:

Bids were received for the above referenced project on May 11, 2018 at 2:00 PM at the Richland County Procurement Office. The Bids were publicly opened, and the Total Base Bid price read aloud at the date, time, and place specified.

Bids for the project were received from:

- Tri Con Works LLC;
- SCS Field Services;
- Advance One Development, LLC; and
- Aptim Environmental & Infrastructure, Inc.

A “no-bid” response was received from American Environmental Group, Ltd.

The Bids were examined for discrepancies in extended unit price totals and total base bid. The following discrepancy was noted:

Tri Con Works, LLC, quoted a unit cost of \$27.55 for Bid Item 10 “10-IN HDPE Plastic Butterfly Valves” however, the total cost for ten valves was listed as \$27,550.00.

The Selection of the apparent low bidder is not affected by this discrepancy. Tri Con Works, LLC, is the apparent low bidder for the Base Bid.

Mr. Arthur Braswell – Solid Waste and Recycling Division
CEC Project 152-843
Page 2
May 18, 2018

The apparent low bid submitted by Tri Con Works, LLC, has been reviewed for compliance with bidding requirements included in the Bid Documents (2018 Richland County Landfill Gas Expansion Project, dated December 2018). Based upon our review of Tri Con Works, LLC's qualifications, and other documentation submitted as part of the bid evaluation process, their Bid is considered to be complete and responsive with respect to the bidding requirements for this project.

As such, it is Civil & Environmental Consultants recommendation that the County proceed with the award of a contract to Tri Con Works, LLC.

Please let us know if you need any additional information in support of this review.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Nathan Bivins, P.E.
Project Manager



Scott L. Brown, P.E.
Vice President

**Bid Form - Richland County Solid Waste & Recycling
Landfill Gas System Expansion
1070 Caughman Road North, Columbia, SC**

Construction				Advance One Development, LLC		Tri Con Works LLC		SCS Engineers		Aptim Environmental & Infrastructure, Inc.	
Bid Item	Area of Work	Unit	Quantity	Unit Cost (\$)	Total Cost (\$)	Unit Cost (\$)	Total Cost (\$)	Unit Cost (\$)	Total Cost (\$)	Unit Cost (\$)	Total Cost (\$)
GENERAL											
1	Mobilization and Demobilization	LS	1	\$25,000.00	\$25,000.00	\$22,600.00	\$22,600.00	\$38,560.00	\$38,560.00	\$32,000.00	\$32,000.00
2	Driller's Mobilization	LS	1	\$5,000.00	\$5,000.00	\$4,000.00	\$4,000.00	\$8,100.00	\$8,100.00	\$17,450.00	\$17,450.00
3	Site Survey and Control	LS	1	\$20,000.00	\$20,000.00	\$7,500.00	\$7,500.00	\$15,750.00	\$15,750.00	\$25,530.00	\$25,530.00
GAS WELL											
3	Vertical LFG Wells	EA	1,725	\$85.00	\$146,625.00	\$69.00	\$119,025.00	\$71.00	\$122,475.00	\$75.00	\$129,375.00
5	Bentonite/Foam Plug	LF	100	\$150.00	\$15,000.00	\$130.00	\$13,000.00	\$65.00	\$6,500.00	\$75.00	\$7,500.00
6	Borehole Abandonmen	LF	150	\$32.00	\$4,800.00	\$24.00	\$3,600.00	\$45.00	\$6,750.00	\$30.00	\$4,500.00
7	Well Head Assemblies	EA	25	\$750.00	\$18,750.00	\$550.00	\$13,750.00	\$525.00	\$13,125.00	\$575.00	\$14,375.00
GAS COLLECTION SYSTEM PIPING											
8	4-IN HDPE Piping	LF	1,651	\$24.00	\$39,624.00	\$13.50	\$22,288.50	\$22.50	\$37,147.50	\$26.00	\$42,926.00
9	10-IN HDPE Piping	LF	6,341	\$36.00	\$228,276.00	\$35.30	\$223,837.30	\$39.25	\$248,884.25	\$37.00	\$234,617.00
10	10-IN HDPE Plastic Butterfly Valve	LF	10	\$2,750.00	\$27,500.00	\$27.55	\$27,550.00	\$3,880.00	\$38,800.00	\$2,700.00	\$27,000.00
11	Landfill Gas Header Riser	EA	3	\$1,250.00	\$3,750.00	\$1,290.00	\$3,870.00	\$1,700.00	\$5,100.00	\$750.00	\$2,250.00
12	Condensate Traps	EA	4	\$5,800.00	\$23,200.00	\$14,900.00	\$59,600.00	\$12,500.00	\$50,000.00	\$8,000.00	\$32,000.00
13	Blower Skid	EA	1	\$125,000.00	\$125,000.00	\$143,050.00	\$143,050.00	\$150,000.00	\$150,000.00	\$154,978.00	\$154,978.00
14	Road Crossing CMP	LS	2	\$1,500.00	\$3,000.00	\$2,200.00	\$4,400.00	\$5,500.00	\$11,000.00	\$2,850.00	\$5,700.00
15	Stabilization - Seeding, Revegetation	LS	1	\$12,500.00	\$12,500.00	\$12,000.00	\$12,000.00	\$19,000.00	\$19,000.00	\$15,377.00	\$15,377.00
16	Contingency (5% of items above)	LS	1	\$34,901.25	\$34,901.25	\$34,003.54	\$34,003.54	\$38,560.00	\$38,560.00	\$37,278.90	\$37,278.90
TOTAL					\$732,926.25		\$714,074.34		\$809,751.75		\$782,856.90



November 14, 2016

Mr. Rudy Curtis
Richland County Public Works
Solid Waste Director
1070 Caughman Rd North
Columbia, SC 29203

Re: Richland County Class 3 Landfill
Landfill Gas Evaluation Report
Stephens to Leblang, dated September 6, 2016
Solid Waste Permit Number: 401001-1101
Richland County

Dear Mr. Curtis:

The above referenced document has been reviewed with regard to the requirements of R.61-107.19 Parts IV and V Subpart E of the South Carolina Solid Waste Management Regulations and the Facility's solid waste permits. Based on this review, the Department concurs with the recommendation that the Facility should design a landfill gas control system which may help reduce groundwater impacts. The proposed design should be submitted to the Department on or before **March 1, 2017**.

If you have any questions, please feel free to call me at (803) 898-1308 or e-mail me at leblanlm@dhec.sc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Laurence M. Leblang".

Laurence M. Leblang, Hydrogeologist
Solid Waste Permitting and Monitoring Section
Division of Mining and Solid Waste Management
Bureau of Land and Waste Management

Cc: John Ansell, Midlands Region EQC
Ed Stephens, C&EC Inc., estephens@cecinc.com
Alan Huffstetler, Landfill Manager, huffstetlera@rcgov.us
File # 20455



**Administration & Finance Committee Meeting
Companion Document**

During its June 26, 2018 meeting the A&F Committee vetted a request for Council to award a contract for the construction of a landfill gas control system to include perimeter and in-waste active landfill gas extraction wells connected by piping to a vacuum blower system, along with ancillary systems. This item was deferred to the July 24, 2018 Committee meeting.

During the Committee's discussion regarding this matter, Councilperson Myers raised a concern regarding whether or not the property owners impacted by the contamination have signed a waiver and release.

Following the June 26, 2018 A&F Committee meeting, staff met with the two property owners and they are agreeable to the installation of the gas system. Staff is drafting the related waiver and release document for their execution. Staff is requesting approval of the contract award.

LANDFILL GAS EVALUATION REPORT

**RICHLAND COUNTY LANDFILL
FACILITY PERMIT NOs. 401001-1101, -1201, and -1202
1070 CAUGHMAN ROAD NORTH
COLUMBIA, SC 29203**

Prepared For:

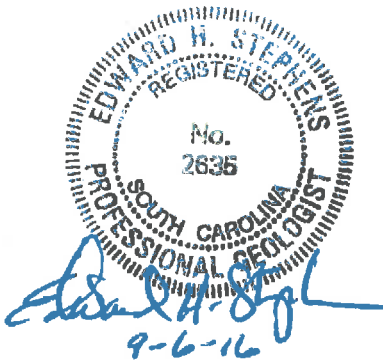
**RICHLAND COUNTY
SOLID WASTE & RECYCLING DEPARTMENT
1070 CAUGHMAN ROAD NORTH
COLUMBIA, SC 29203**

Prepared By:

**CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
1900 CENTER PARK DRIVE, SUITE A
CHARLOTTE NORTH CAROLINA 28217**

CEC PROJECT NO. 152-843.0006

SEPTEMBER 6, 2016



**Edward H. Stephens, P.G.
Project Manager**



**Scott L. Brown, P.E.
Vice President**



Civil & Environmental Consultants, Inc.

TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	Project Information	1
1.2	Site Description.....	1
1.3	Facility Methane Monitoring Program	2
1.4	Approved Plan for Landfill Gas Evaluation	3
2.0	LANDFILL GAS INVESTIGATION	5
2.1	Phase I – Methane Measurements In Passive Gas Vents and the LFG Interceptor Trench.....	5
2.2	Phase I – Evaluation of Methane Data.....	5
2.3	Phase II – Installation of Additional Methane Monitoring Wells.....	6
2.4	Phase III – Well Headspace Gas Sampling and Analysis.....	9
3.0	FINDINGS	12
4.0	RECOMMENDATIONS.....	14

FIGURES

- Figure 1 – Site Location Map
- Figure 2 – Site Vicinity Map
- Figure 3 – Methane Monitoring Well Location Map
- Figure 4 – Percent Methane Distribution Map

TABLES

- Table 1-1 – Quarterly Methane Monitoring Data - September 2014 to June 2016
- Table 2-1 – LFG Data from New Methane Monitoring Wells - June 2016

- Attached
- Table A Landfill Gas and Groundwater Monitoring Well Headspace Vapor Data
- Table B Equilibrium Groundwater Concentrations

APPENDICES

- Appendix A Field Data Sheets
- Appendix B Laboratory Analytical Data Reports

1.0 INTRODUCTION

1.1 PROJECT INFORMATION

Report Title:	Landfill Gas Evaluation Report
Project Site:	Richland County SC Landfill 1070 Caughman Road North Columbia, SC 29203 Facility Permit Nos. 401001-1101, -1201, and -1202
Facility Owner/Operator:	Richland County/Richland County Solid Waste & Recycling Department 1070 Caughman Road North Columbia, SC 29203
County Representatives:	Rudy Curtis, Interim Director, Solid Waste & Recycling Department Alan Huffstetler, Manager of Disposal Division
Consultant:	Civil & Environmental Consultants, Inc. 1900 Center Park Drive, Suite A Charlotte, NC 28217
Consultant Contact:	Edward H. Stephens, P.G. #2635

1.2 SITE DESCRIPTION

The Richland County Landfill is located on Caughman Road North approximately one mile southwest of SC Highway 215. The facility is situated approximately five miles north of Columbia, South Carolina. A Site Location Map is presented as Figure 1. The County actively operates a Class Two Landfill in the northeast portion of the facility as Phase 4, and maintains a closed C&D landfill (Phase 1 and 1A) and two closed municipal solid waste (MSW) landfills (Phase 2 and 3).

As shown on the local USGS topographic quadrangle map presented in Figure 2, the land surface across the eastern portion of the facility slopes predominantly to the east and southeast toward

Nipper Creek. In the western half of the facility, the land surface slopes to the southwest and west toward Nipper Creek and the Broad River, respectively. A prominent topographic high occurs in the north-central portion of the landfill area. From the northern half of this knoll, the land surface slopes in a northerly direction toward topographic swales that trend down both to the east and west to intermittent streams draining to Nipper Creek to the east and to the Broad River to the west.

1.3 FACILITY METHANE MONITORING PROGRAM

R.61-107.19 regulations require that the landfill facility conduct methane monitoring on a quarterly basis in accordance with the facility's approved Revised Methane Monitoring Plan (February 2013). The methane monitoring system for the landfill facility currently consists of 15 methane monitors that are shown at their approximate locations in Figure 3. Landfill methane monitoring data are routinely reported in the spring and winter semi-annual groundwater monitoring reports that are submitted to SCDHEC in July and January. The most recent June 2016 Annual Groundwater Monitoring Report was submitted to SCDHEC in July 2016. This report presents: 1) a summary of the quarterly and semi-annual landfill monitoring data acquired for the 2015-2016 reporting period; 2) an updated evaluation of water quality trends; 3) a determination of groundwater flow rates and patterns; 4) a summary of the last four quarterly methane monitor readings; and 5) conclusions and recommendations.

Methane measurements were recently obtained from the methane monitoring wells on a quarterly schedule in September 2015, December 2015, March 2016, and June 2016. Field data sheets recording methane readings are included in Appendix A. These recent methane readings are summarized in Table 1-1 below. Elevated methane readings have been recently exhibited in methane monitors MM-13 and MM-15. These methane monitors are located within the volatile organic compound (VOC) groundwater plume at the southern margin of the landfill facility, which is described in Section 5.2.4 of the June 2016 Annual Groundwater Monitoring Report. The detection of migrating landfill gas in MM-13 and MM-15 and its correlation with the VOC groundwater plume suggest that landfill gas may be the source of the groundwater impacts.

**Table 1-1 – Quarterly Methane Monitoring Data
September 2014 to June 2016**

MM ID	9/25/14	12/16/14	2/10/15	5/13/15	9/28/15	12/16/15	3/10/16	6/20/16
MM-1	0	0	0	0	0	0	0	0
MM-2A	0	0	0	0	0	0	0	0
MM-3A	0	0	0	0	0	0	0	0
MM-4A	0	0	0	0	0	0	0	0
MM-8A	0	0	0	0	0	0	0	0
MM-9A	0	0	0	0	Well Abandoned			
MM-13	2	1	1	0	57.8	48.8	56.7	50.6
MM-14A	0	0	0	0	0	0	0	0
MM-14B	0	0	0	0	0	0	1	0
MM-15	0	0	0	0	34.7	0	0	0.4
MM-16	0	0	0	0	0	0	0	0
MM-16A	0	0	0	0	Well Abandoned			
MM-17	0	0	0	0	0	0	0	0
MM-18	0	0	0	0	0	0	0	0
MM-18A	0	0	0	0	Well Abandoned			
MM-19	0	0	0	0	0	0	0	0
MM-20	0	0	0	0	0	0	0	0
MM-21	0	0	0	0	0	0	0	0

Table Notes:
Values are percent methane.

1.4 APPROVED PLAN FOR LANDFILL GAS EVALUATION

In a letter dated December 11, 2015, the SCDHEC provided comments on the 2015 Annual Groundwater Monitoring Report and the 2015 Corrective Action Effectiveness Report for the landfill facility. SCDHEC requested that the landfill facility determine the effectiveness of the groundwater recovery system in intercepting the entire southern VOC plume. Per subsequent conversations with agency staff, SCDHEC agreed to postpone the requested recovery well effectiveness so that additional water level data may be obtained over time to assess any change in groundwater flow patterns since dewatering was ceased in the off-site Vulcan quarry pit. In

the interim, it was mutually agreed that Richland County should investigate for the presence of landfill gas and its potential to impact site groundwater. SCDHEC requested that CEC provide a written assessment plan to respond to SCDHEC's comments. On behalf of Richland County, CEC submitted a letter response dated March 1, 2016 that outlined a proposed alternate plan to evaluate remediation effectiveness.

The mechanisms causing the groundwater impacts at the site were not clearly understood. To propose an appropriate groundwater remedy, CEC deemed it important to ascertain whether the impacts are caused by landfill leachate or landfill gas because the remedial approaches to address these sources are significantly different. Whereas evidence for landfill gas has been observed within the waste boundary of the closed MSW landfill cells and within groundwater monitoring wells located beyond the landfill perimeter, it was suspected that landfill gas may be impacting site groundwater. The facility maintains numerous passive gas vents within the waste disposal areas of the closed Phase 1, Phase 2 and Phase 3 Landfills, and a gas collection trench at the northern perimeter of the Phase 3 Landfill. Recently, the closed Phase 3 Landfill was capped with fill materials obtained from the neighboring Vulcan quarry that may impede the vertical movement of landfill gas.

Based on the preliminary indications, CEC suspects that landfill gas may be a significant source for the identified site groundwater impacts. Consequently, an assessment was implemented to evaluate landfill gas and remediation effectiveness at the landfill facility.

2.0 LANDFILL GAS INVESTIGATION

2.1 PHASE I – METHANE MEASUREMENTS IN PASSIVE GAS VENTS AND THE LFG INTERCEPTOR TRENCH

The Richland County Landfill has installed a network of passive landfill gas vents in the waste disposal areas of three closed landfills in an effort to mitigate the potential for lateral landfill gas migration. In addition, the facility installed a passive gas interceptor trench along the northern perimeter of the closed Phase 3 MSW Landfill. The approximate locations of passive gas vents and the gas interceptor trench are depicted on Figure 4. The landfill facility maintains eight passive gas vents (GV-1 through GV-8) in a linear array at the southern margin of the closed Phase 2 MSW Landfill. In addition, the facility maintains 41 passive gas vents (GV-9 through GV-47, GV-75, and GV-76) within the waste disposal area of the Phase 3 MSW Landfill. Within the waste disposal area of the closed Phase 1 C&D Landfill, the facility maintains 26 passive gas vents (GV-48 through GV-74).

On May 18-19, 2016, CEC field personnel performed and recorded methane measurements from passive gas vents in three closed landfills and from methane monitors previously installed within the gas interceptor trench. Percent methane was measured from each vent/monitor using a CES Landtec GEM 2000 Landfill Gas Monitor. The GEM 2000 samples and analyzes methane, carbon dioxide, and oxygen content as a percentage of landfill gas. A tabulated summary of the landfill gas measurements is presented in the attached Table A. The approximate locations of passive gas vents and the monitors within the gas interceptor trench are depicted on Figure 4.

2.2 PHASE I – EVALUATION OF METHANE DATA

CEC generated isoconcentration maps based on percent methane content in the landfill gas samples measured in the various passive gas vents/trench monitors for the closed Phase 1 C&D Landfill and the closed Phase 3 MSW Landfill. The percent methane isoconcentration maps are presented in Figure 4. The mapped methane data indicated significant methane generation within the closed Phase 1 C&D Landfill in which gas content exceeded 20% methane over 75%

of the waste disposal area. Gas content exceeding 60% methane is shown for approximately 25% of the waste disposal area.

For the closed Phase 2 MSW Landfill, the array of gas vents at the southern margin of the waste disposal area exhibited methane content of the measured landfill gas samples from 4.3% to 45.3%, with an average of 30% methane.

For the closed Phase 3 MSW Landfill, the methane measurements taken from the network of passive gas vents were considerably lower than for the closed Phase 1 C&D Landfill. Facility personnel indicated that the base of each gas vent in the Phase 3 waste disposal area is at the surface of the “old cap”, which has since been elevated by at least ten feet of additional fill material. This typical vent construction was field-verified by CEC field personnel. The lower methane content readings for the Phase 3 Landfill suggest that the gas vents did not penetrate the waste mass. The data show that approximately 30% of the waste disposal area has a gas content of greater than 10% methane. The isoconcentration map shows several “hotspots” within the waste disposal area including the south-central area, and southern, northern, and northwestern perimeters.

Three accessible PVC methane monitors appear to penetrate the gas interceptor trench installed along the northern perimeter of the closed Phase 3 Landfill. Measurements of landfill gas samples from three monitors (Trench-1 through Trench-3) detected methane contents of 0.1%, 18.7%, and 40.6%. These data indicate significant lateral gas migration to the north of the closed Phase 3 Landfill.

2.3 PHASE II – INSTALLATION OF ADDITIONAL METHANE MONITORING WELLS

Following the assessment of landfill gas data collected during the Phase I study, CEC deemed that several data gaps needed further evaluation. CEC engaged an SC-registered well contractor, Elite Techniques, Inc., to install nine methane monitoring wells at the facility. Unlike the existing methane monitoring wells that are placed outside the waste boundaries, the new wells are screened within the waste mass. Approximate locations of the recently install methane

monitoring wells are depicted on Figure 4. As the well boreholes were advanced using a Geoprobe® 7822DT direct push rig, a CEC geologist visually inspected the Macro-Core® samples for buried waste so that the entire waste interval was penetrated by the boring. A 2-inch PVC well was installed in each borehole in which the well screen was placed to span the entire waste interval that was encountered. Methane well construction records and well logs are included in Appendix A.

Employing a CES Landtec GEM 2000 Landfill Gas Monitor, methane measurements were taken in the new methane monitoring wells on June 27, 2016. These data are summarized in Table 2-1 below.

**Table 2-1 –LFG Data from New Methane Monitoring Wells
June 2016**

Sampling Point	% CH4	% LEL	% CO2	% O2	Bar. Pres.	Lat.	Lon.	Comments
MM-22	58.9	1178	34.8	1.5	29.82	34.129791	81.189403	Strong odor & pressure
MM-23	0.0	0	4.7	16.7	29.82	34.129412	81.128311	
MM-24	0.0	0	0.0	20.2	29.81	34.132229	81.125131	
MM-25	56.9	1138	43.3	0.8	29.9	34.10735	81.151357	Strong odor & pressure
MM-26	63.6	1272	35.8	0.6	29.85	34.129905	81.118315	Strong odor & pressure
MM-27	67.9	1358	31.4	0.6	29.85	34.129453	81.119162	Strong odor & pressure
MM-28	16.0	320	8.1	16.3	29.87	34.129195	81.119933	Mild odor
MM-29	52.9	1058	37.0	3.0	29.81	34.131673	81.117341	Strong odor & pressure
MM-30	69.5	1390	27.8	1.1	29.81	34.127678	81.129886	Strong odor & pressure

The data obtained from the new methane monitoring wells, along with previous recent monitoring data, indicate the potential for LFG migration in several site areas. Elevated methane

concentrations and pressures observed in MM-22, GV-10, GV-47, Trench-2, and Trench-3 wells along the northern perimeter of the closed Phase 2 and 3 Landfills indicate the potential for LFG migration to the north of these landfill waste boundaries. This potential area of LFG migration coincides with the area of VOC-impacted groundwater of the northern VOC plume. Should low-level VOCs be present in the LFG, vapor-phase transport with subsequent dissolution in groundwater is a possible mechanism for area groundwater impacts.

MM-25 was installed on the western edge of the closed Phase 1A Landfill and was sited hydraulically upgradient of groundwater monitoring well MW-39 in which VOCs have been previously detected. Elevated methane concentration and pressure observed in MM-25 suggest the potential for LFG migration to the west of the closed Phase 1A Landfill. This potential area of LFG migration coincides with the area of VOC-impacted groundwater in the vicinity of MW-39. Should low-level VOCs be present in the LFG, vapor-phase transport with subsequent dissolution in groundwater is a possible mechanism for area groundwater impacts.

Elevated methane concentrations and pressures observed in new wells MM-26, MM-27, and MM-28 at the southern edge of the closed Phase 3 Landfill, along with similar observed conditions in the arrayed gas vents (GV-1 through GV-8) along the southern perimeter of the closed Phase 2 Landfill indicate the potential for LFG migration to the south of these landfill waste boundaries. LFG migration is confirmed by the observation of elevated methane concentrations in existing methane monitoring wells MM-13 and MM-15 located beyond the landfill waste boundaries to the south. Further, methane was observed in the well headspace in groundwater monitoring well MW-18B. This area of LFG migration coincides with the area of VOC-impacted groundwater of the northern VOC plume. Should low-level VOCs be present in the LFG, vapor-phase transport with subsequent dissolution in groundwater is a possible mechanism for area groundwater impacts.

Elevated methane concentrations and pressures in new wells MM-29 and MM-30 at the eastern edge of the closed Phase 3 Landfill, along with similar data from GV-32, GV-34, GV-44, and GV-76 suggest the potential for LFG migration to the east of the closed Phase 3 Landfill.

2.4 PHASE III – WELL HEADSPACE GAS SAMPLING AND ANALYSIS

Given the potential for and/or confirmation of LFG migration in several site areas, CEC collected soil gas samples from new methane wells MM-22, MM-25, and MM-27 and well headspace samples from groundwater monitoring wells MW-18B, MW-39, and MW-41 to evaluate whether LFG is impacting site groundwater quality. These samples were collected in 1.4 L Summa canisters using an approximate 140 cc/min sample flow controller. The gas samples were submitted with a chain-of-custody record to Enthalpy Analytical, Inc. for analyses of hydrogen, oxygen, nitrogen, carbon monoxide, methane, and carbon dioxide using ASTM D1946-90 (Reapproved 2000), Standard Practice for Analysis of Reformed Gas by Gas Chromatography and for the TO-15 Target Compound List using EPA Method TO-15, Determination of Volatile Organic Compounds (VOCs) in Air Collected in Specially Prepared Canisters and Analyzed by Gas Chromatography/Mass Spectrometry (GC/MS). The laboratory analytical data report is included in Appendix B. These LFG sample data are summarized in the attached Table A.

Methane content (47.2% to 66.7%) was elevated in both methane and groundwater well headspace samples, with the exception of sample MM-39 which has a methane content of 1.21%. Carbon dioxide content (33.7% to 40.2%) was similarly elevated in both methane and groundwater well headspace samples, with the exception of sample MM-39 which has an estimated carbon dioxide content of 1.07%. The presence of elevated methane and carbon dioxide in the groundwater well headspace samples in MW-18A (southern VOC plume) and MW-41 (northern VOC plume) indicates that LFG migration is occurring beyond the southern and northern perimeters of the closed Phase 2 and 3 Landfills.

Similar VOCs were detected in the methane well and groundwater well headspace samples. The detected VOCs with typically the most elevated concentrations were 1) petroleum hydrocarbons including benzene, ethylbenzene, toluene, xylenes, heptane, hexane, cyclohexane, n-octane, propylene, and 2,2,4-trimethylpentane; 2) Freon[®] gases including dichlorodifluoromethane (Freon[®] 12) and 1,2-dichlorotetrafluoroethane (Freon[®] 114); and 3)

chlorinated aliphatics including 1,1-dichloroethane, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, and vinyl chloride.

Numerous gas-phase VOCs were detected in the methane monitoring well samples that are the same as those detected in aqueous-phase groundwater samples. Specifically comparing the VOCs detected in the gas phase from methane well MM-27 to those detected in groundwater from MW-18B, similar VOCs include chlorobenzene, 1,4-dichlorobenzene, cis-1,2-dichloroethene, trichloroethene, and vinyl chloride. A comparison of gas data from methane well MM-22 with groundwater data from MW-41 indicates similar VOCs including benzene, 1,4-dichlorobenzene, 1,1-dichloroethane, cis-1,2-dichloroethene, 1,2-dichloropropane, methylene chloride, tetrachloroethene, trichloroethene, vinyl chloride, and xylenes.

In the attached Table B, the air-water partition coefficients, also known as Henry's Law constants for the selected VOCs were used to calculate the equilibrium groundwater concentration (EGWC) of the compound as a result of interaction with the observed soil gas concentration (OGC) either in the groundwater well headspace or the nearest upgradient methane monitoring well. The EGWC was compared with the respective observed groundwater concentration (OGWC) detected during the December 2015 and June 2016 monitoring events. For the datasets, observed groundwater data from MW-18B was compared with MW-18B gas data and upgradient MM-27 gas data. Observed groundwater data from MW-41 data was compared with MW-41 gas data and upgradient MM-22 gas data. It should be noted that soil gas sampling was not conducted within isolated intervals in near contact with the targeted groundwater location; thus, the gas concentrations being compared may be diluted.

EGWCs calculated for the selected compounds detected in upgradient gas well MM-27 and groundwater well MW-18B indicate a similar fingerprint that suggests that groundwater quality in MW-18B in the southern VOC plume is being impacted by VOCs migrating in landfill gas. The significant correlation between EGWCs and OGWCs for MW-41 suggests that groundwater quality in MW-41 in the northern VOC plume is also being impacted by VOCs migrating in landfill gas.

If we assume that the system is at disequilibrium but tends toward equilibrium, then comparing the observed and the equilibrium concentrations of the same media can provide an indication of the direction of partitioning (Morris, H.H., The Potential for Landfill Gas to Impact Ground Water Quality). For MW-41, the calculated equilibrium gas concentrations (i.e. $OGWC \times H$) for the majority of the detected VOCs detected in groundwater are less than the observed gas concentrations (OGCs) indicating that VOCs are partitioning from the gas phase to the aqueous phase. This is further supporting evidence that landfill gas is impacting groundwater quality in the northern portion of the landfill site. Although anticipated, a similar correlation was not observed for the MW-18B data.

3.0 FINDINGS

The following findings are drawn from our evaluation of the landfill gas and groundwater quality data:

- Methane measurement data indicated significant methane generation within the closed Phase 1 and 1A C&D Landfill in which gas content exceeded 20% methane over 75% of the waste disposal area. Gas content exceeding 60% methane was indicated for approximately 25% of the waste disposal area.
- For the closed Phase 2 MSW Landfill, the linear array of gas vents at the southern margin of the waste disposal area exhibited methane content of the measured landfill gas samples from 4.3% to 45.3%, with an average of 30% methane.
- Lower methane readings in the Phase 3 Landfill gas vents are likely because the vents did not penetrate the waste mass. The methane data show that approximately 30% of the waste disposal area has a gas content of greater than 10% methane. The generated methane isoconcentration map shows several “hotspots” within the waste disposal area including the south-central area, and southern, northern, and northwestern perimeters.
- Three accessible PVC methane monitors appear to penetrate the gas interceptor trench installed along the northern perimeter of the closed Phase 3 Landfill. Measurements of landfill gas samples from three monitors (Trench-1 through Trench-3) detected methane contents of 0.1%, 18.7%, and 40.6%. These data indicate significant lateral gas migration to the north of the closed Phase 3 Landfill.
- The landfill facility has built up the landfill cap on the closed Phase 2 and 3 Landfills, which has resulting in lateral LFG movement as demonstrated by elevated methane measurements in perimeter methane monitoring wells
- Elevated methane readings have been recently exhibited in methane monitors MM-13 and MM-15 located within the southern VOC plume. The detection of migrating landfill gas in MM-13 and MM-15 and its correlation with the southern VOC groundwater plume suggest that landfill gas may be a source of the groundwater impacts.
- The measured presence of elevated methane in the well headspace of groundwater monitoring well MW-18B in the southern VOC plume and MW-41 in the northern VOC plume indicates the potential for LFG impacts to groundwater in these VOC plume areas.

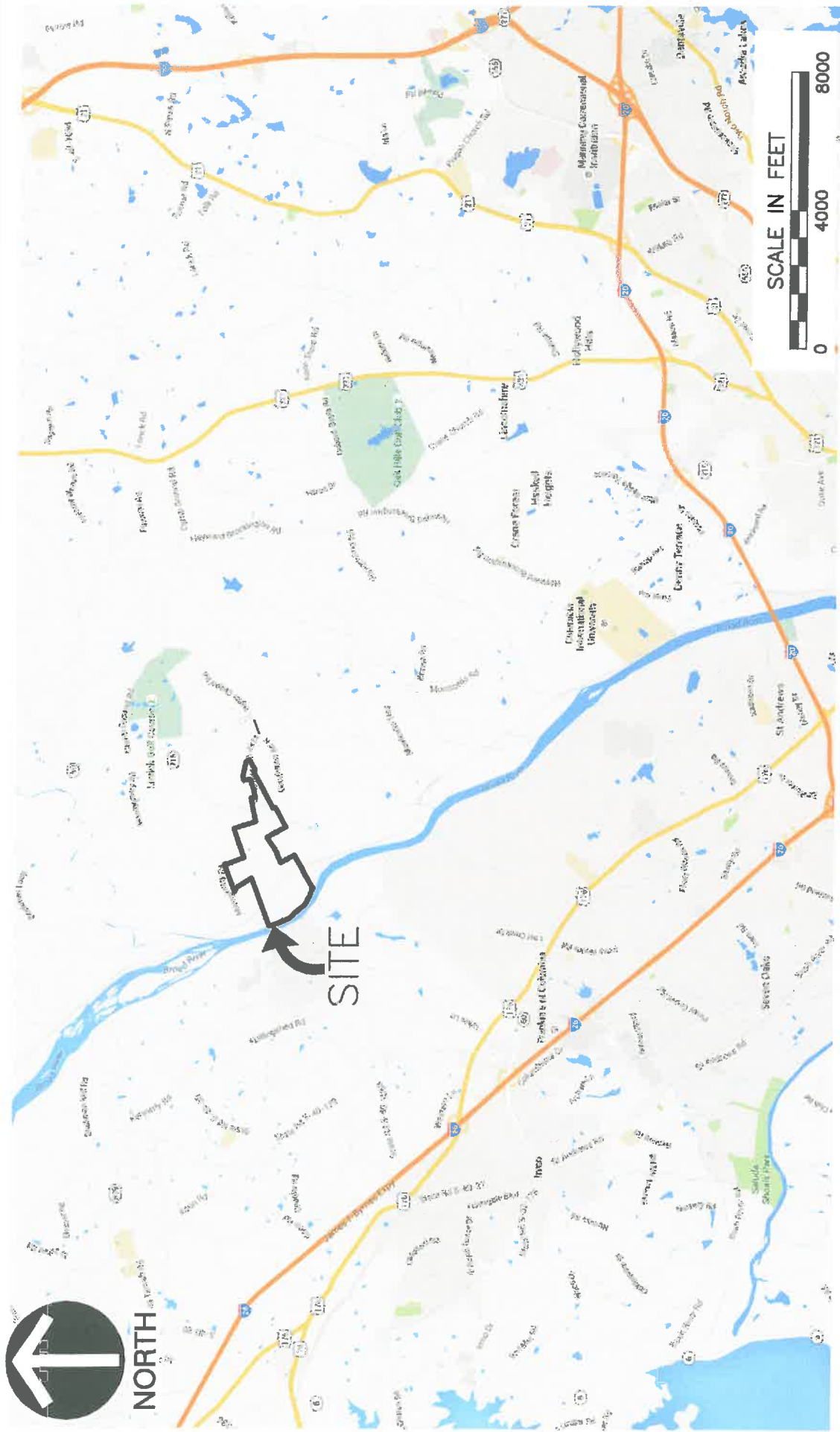
- Similar gas phase VOCs were detected in the methane well and groundwater well headspace samples. The detected VOCs with typically the most elevated concentrations were 1) petroleum hydrocarbons including benzene, ethylbenzene, toluene, xylenes, heptane, hexane, cyclohexane, n-octane, propylene, and 2,2,4-trimethylpentane; 2) Freon[®] gases including dichlorodifluoromethane (Freon[®] 12) and 1,2-dichlorotetrafluoroethane (Freon[®] 114); and 3) chlorinated aliphatics including 1,1-dichloroethane, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, and vinyl chloride.
- Numerous gas-phase VOCs were detected in the methane monitoring well samples that are the same as those detected in aqueous-phase groundwater samples. Specifically comparing the VOCs detected in the gas phase from methane well MM-27 to those detected in groundwater from MW-18B, similar VOCs include chlorobenzene, 1,4-dichlorobenzene, cis-1,2-dichloroethene, trichloroethene, and vinyl chloride. A comparison of gas data from methane well MM-22 with groundwater data from MW-41 indicates similar VOCs including benzene, 1,4-dichlorobenzene, 1,1-dichloroethane, cis-1,2-dichloroethene, 1,2-dichloropropane, methylene chloride, tetrachloroethene, trichloroethene, vinyl chloride, and xylenes.
- Equilibrium groundwater concentrations (EGWCs) calculated using Henry's Law constants for selected VOCs detected in upgradient gas well MM-27 and groundwater well MW-18B indicate a similar fingerprint that suggests that groundwater quality in MW-18B in the southern VOC plume is being impacted by VOCs migrating in landfill gas. The significant correlation between EGWCs and observed groundwater concentrations (OGWCs) for MW-41 suggests that groundwater quality in MW-41 in the northern VOC plume is also being impacted by VOCs migrating in landfill gas.
- For MW-41, the calculated EGWCs for the majority of the VOCs detected in groundwater are less than the OGCs indicating that VOCs are partitioning from the gas phase to the aqueous phase. This is further supporting evidence that landfill gas is impacting groundwater quality in the northern portion of the landfill site. Although anticipated, a similar correlation was not observed for the MW-18B data.

4.0 RECOMMENDATIONS

The data collected and evaluated during this landfill gas study indicate that significant landfill gas concentrations and pressures exist within the closed Phase 2 and 3 Landfills. These data also confirm that landfill gas is migrating beyond the waste boundaries, and that non-methane VOCs contained with the landfill gas are likely impacting site groundwater quality resulting in groundwater VOC plumes emanating to the south and north of the aforementioned landfills.

A landfill gas control system will mitigate the migration of methane and non-methane VOCs; thus, removing the primary source of groundwater contamination at the landfill. Should you concur with our conclusions and recommendations, CEC will initiate the design of a LFG control system and bid specifications within 90 days of your approval.

FIGURES



REFERENCE
 IMAGERY TAKEN FROM GOOGLE
 MAPS JANUARY 7, 2016.



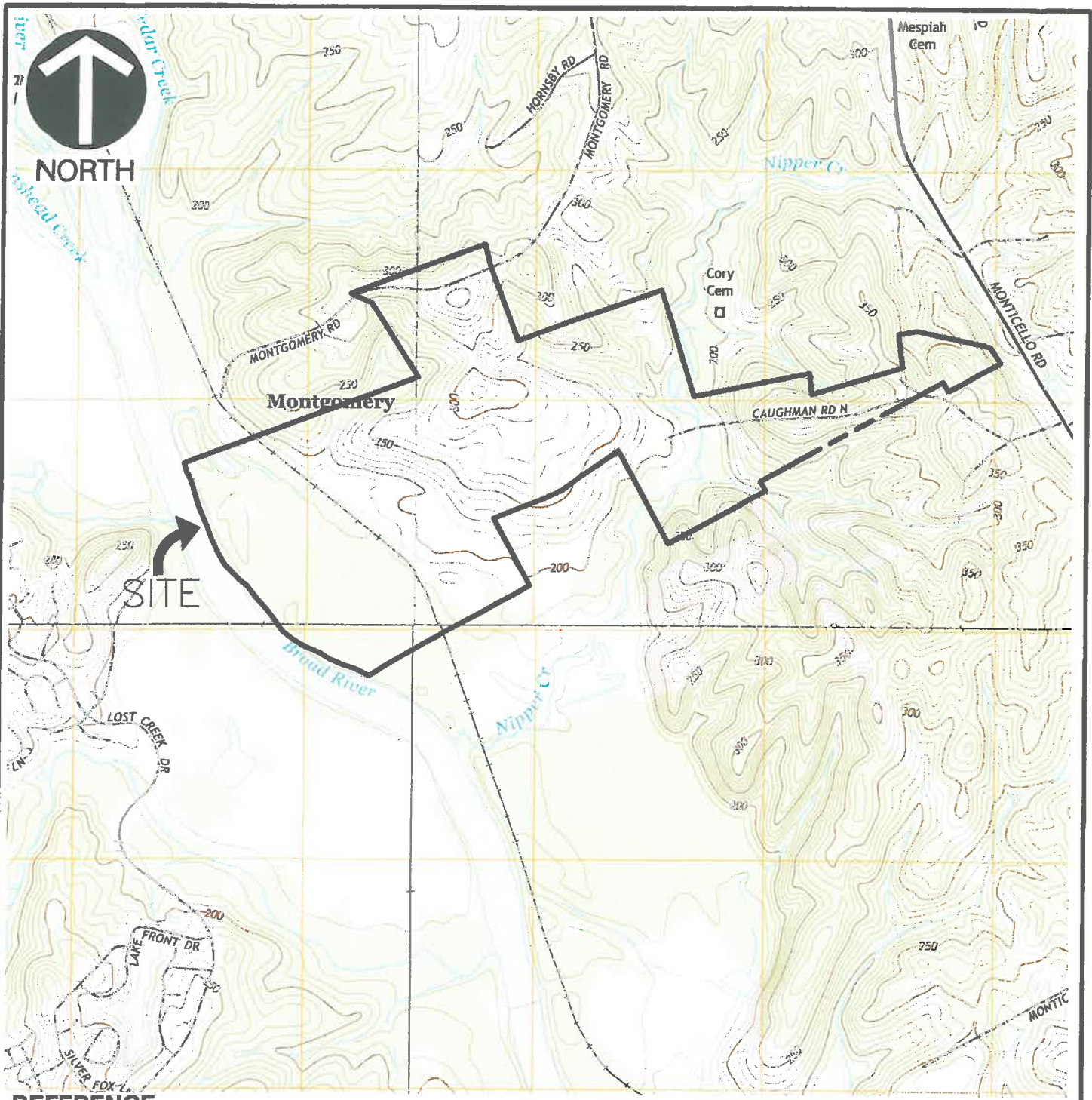
Civil & Environmental Consultants, Inc.
 1900 Center Park Drive - Suite A - Charlotte, NC 28217
 Ph: 980.237.0373 • Fax: 980.237.0372
 www.cecinc.com

**RICHLAND COUNTY LANDFILL
 1070 CAUGHMAN ROAD NORTH
 COLUMBIA, SOUTH CAROLINA**

SITE LOCATION MAP

DRAWN BY:	PNP	CHECKED BY:	EHS	APPROVED BY:	EHS	FIGURE NO.:
DATE:	JANUARY 2016	DWG SCALE:	1" = 4000'	PROJECT NO.:	152-843.0003	1

P:\2015\152-843\152-843-CADD\DWG\December 2015 GW\152843-Site Vicinity Map.dwg[LAYOUT] LS:(2/2/2016 - ppressley) - LP: 2/2/2016 2:39 PM



REFERENCE

1. U.S.G.S. 7.5' TOPOGRAPHIC MAP, COLUMBIA NORTH QUADRANGLE, SC DATED: 2014.
2. U.S.G.S. 7.5' TOPOGRAPHIC MAP, IRMO QUADRANGLE, SC DATED: 2014.
3. U.S.G.S. 7.5' TOPOGRAPHIC MAP, IRMO NE QUADRANGLE, SC DATED: 2014.
4. U.S.G.S. 7.5' TOPOGRAPHIC MAP, RICHTEX QUADRANGLE, SC DATED: 2014.



Civil & Environmental Consultants, Inc.
 1900 Center Park Drive - Suite A - Charlotte, NC 28217
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 www.cecinc.com

RICHLAND COUNTY LANDFILL
 1070 CAUGHMAN ROAD NORTH
 COLUMBIA, SOUTH CAROLINA

SITE VICINITY MAP

DRAWN BY:	PNP	CHECKED BY:	EHS	APPROVED BY:	EHS	FIGURE NO.:	2
DATE:	JANUARY 2016	DWG SCALE:	1"=2000'	PROJECT NO.:	152-843.003		



SCALE IN FEET
0 750 1500

Richland County Landfill
1070 CAUGHMAN ROAD NORTH
COLUMBIA, SOUTH CAROLINA

METHANE MONITORING WELL LOCATION MAP

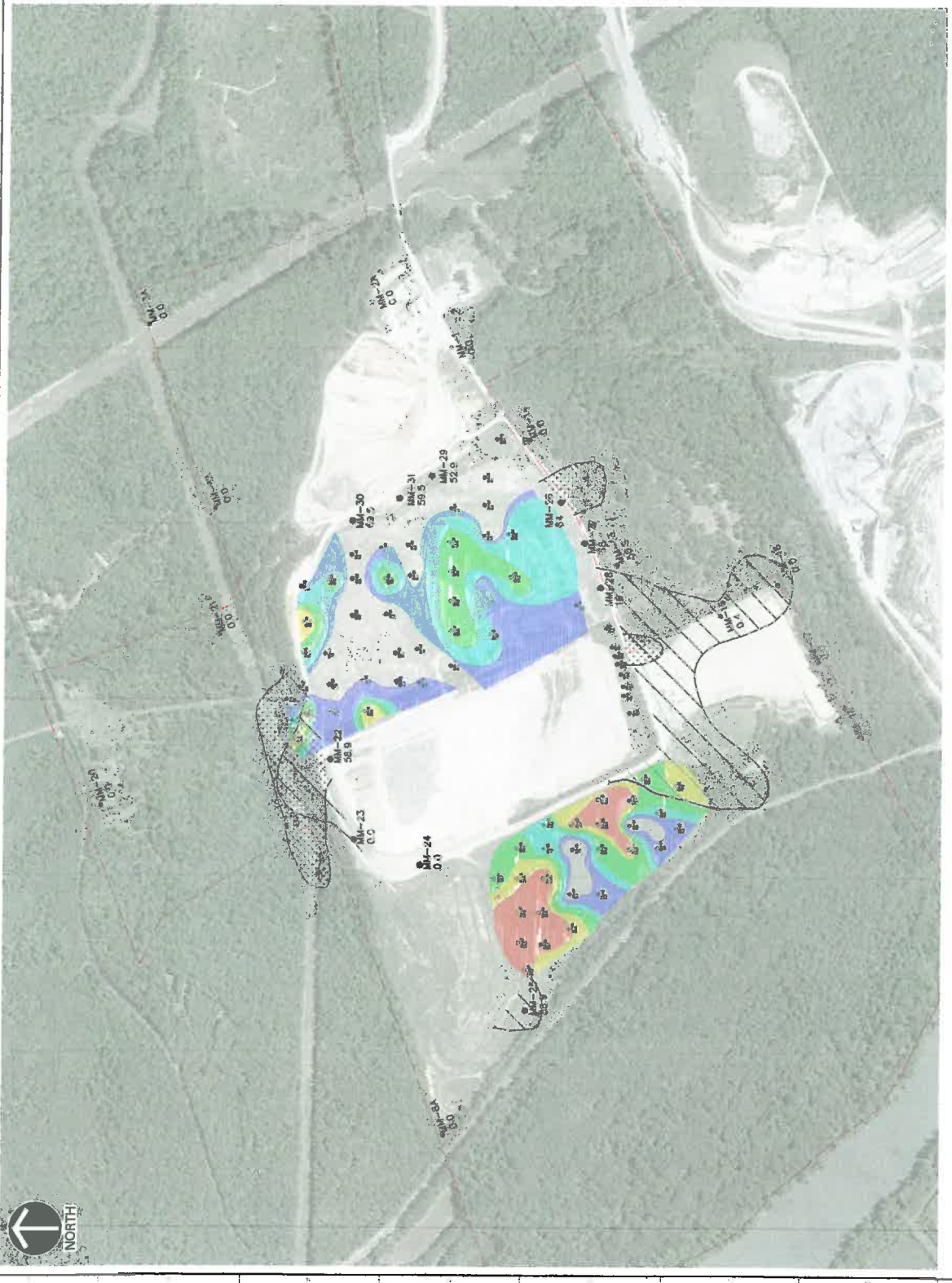
Civil & Environmental Consultants, Inc.
1900 Center Park Drive - Suite A - Charlotte, NC 28217
Ph: 980.237.0373 - Fax: 980.237.0372
www.ceinc.com

DRAWN BY: PNP | **CHECKED BY:** EHS | **APPROVED BY:** EHS | **FIGURE NO.:** 3

DATE: JANUARY 2016 | **DWG SCALE:** 1" = 750'

REFERENCE

1. AERIAL IMAGERY PROVIDED BY RICHLAND COUNTY DATED JANUARY 1, 2015.



NO.	DATE	REVISION	RECORD NUMBER
1			
2			
3			
4			
5			
6			
7			

NO.	DATE	SUBMITTAL RECORD NUMBER	DESCRIPTION
1			
2			
3			
4			
5			
6			
7			

- LEGEND**
- 500-600 wPL
 - 400-500 wPL
 - 300-400 wPL
 - 200-300 wPL
 - 100-200 wPL
 - 50-100 wPL
 - 25-50 wPL
 - THE CONCENTRATION GREATER THAN 2 wPL
 - PROPOSED SERVICE LOCATIONS WELL LOCATOR
 - CONSTRUCTION AREA
 - CONSTRUCTION AREA (PER 2010)
 - CONSTRUCTION AREA (PER 2010)
 - CONSTRUCTION AREA (PER 2010)
 - CONSTRUCTION AREA (PER 2010)
 - CONSTRUCTION AREA (PER 2010)

EEC

Environmental Earth Consulting, Inc.
 1800 Oyster Point Drive • Suite A • Columbia, MD 21047
 Tel: 410.727.0272 • Fax: 410.727.2975
 www.eecinc.com

**RICHLAND COUNTY LANDFILL
 1070 CAUGHMAN ROAD NORTH
 COLUMBIA, SOUTH CAROLINA**

DATE: JULY 2010 (REVISED) SCALE: AS SHOWN
 DRAWN BY: J. M. JONES
 TITLE: METHANE DISTRIBUTION MAP

NO. 4 OF 1



REFERENCE
 RICHLAND COUNTY, SOUTH CAROLINA
 2010 ZONING ORDINANCE



Administration & Finance Committee Meeting Briefing Document

Agenda Item

Reconsider the order to request the return of funds used to purchase four acres for county projects by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project

Background

During its July 10, 2018 Council meeting, Councilperson N. Jackson brought forth the following motion:

“I move that Council reconsider the order to request the return of funds used to purchase four acres for county projects by CHAO and Associates and move the project forward immediately giving appropriate time to complete the project.”

During its February 20, 2018 meeting Council voted to seek reimbursement from Chao for the property purchase. Further, Council clarified that the Administrator was to “proceed no further”. Review of the archives attendant to Council actions regarding this matter did not reveal any actions taken by Council to lift the “hold” directive.

Issues

Reconsideration of Council’s February 20, 2018 action regarding this matter.

Fiscal Impact

The amount of the reimbursement being sought from Chao for the property purchase is \$126,010. Subsequently, if the Council directive to seek reimbursement is changed, the impact to the County for the property purchase is \$126,010.

Past Legislative Actions

- February 20, 2018 - Council voted to require reimbursement from Chao for the property they purchased without proper Council action. Staff transmitted the directive in its February 21, 2018 letter. (Attachment A)
- March 1, 2018 – Chao’s response to Council’s action of February 20, 2018. In summary, Chao offers to credit the County \$126,010.00 towards outstanding invoices, with the assumption the County would purchase this property at a later date. (Attachment B)
- May 1, 2018 – The March 1, 2018 offer from Chao was presented to Council under the Attorney’s report. At this time Council voted to proceed with seeking reimbursement for the property purchase, pay outstanding invoices for work performed on County-owned property only and that the two transactions should remain separate for accounting purposes (determined to be \$107,360.80). (Attachment C)
- May 4, 2018 – Council’s directive from May 1, 2018 was sent to Chao (Attachment D)

- May 14, 2018 - Chao responded to the May 1 action and subsequent letter. In this letter, Chao offers to pay the County for the property purchase provided the County agree to pay \$276,682.04 in all outstanding invoices, which includes work on property owned by Chao, and provided the County agree to the purchase the property from Chao within a year. (Attachment E)
- June 5, 2018 – The Assistant County Administrator presented the May 14 letter to County Council, which voted to uphold prior directives (Attachment F)
- June 11, 2018 - Council’s directive from June 5, 2018 was sent to Chao (Attachment G)

Alternatives

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

Staff Recommendation

Staff requests direction from Council in regards to this motion.



Attachment A

- b. Contractual Matter: Pinewood Lake Update – Mr. Livingston moved, seconded by Mr. Malinowski, to instruct the Administrator to move forward with reimbursement from the contractor as discussed in Executive Session.

Mr. Seals requested that Council make it clear that all the County Administrator is to do is seek reimbursement of the \$126,000 and proceed no further.

In Favor: Malinowski, C. Jackson, Pearce, Kennedy, Dickerson, Livingston, Rose, and McBride

Opposed: N. Jackson

The vote was in favor.

- c. Contractual Matter: City of Columbia – Ms. Dickerson moved, seconded by Mr. Rose, to defer this item to the March 6th Council meeting.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

27. **MOTION PERIOD**

- a. Direct Administrator Seals to research the Richland Renaissance to touch all parts of Richland County for economic and tourist development, especially in areas that are gateways to Richland County. Following his research provide Council an updated potential plan/recommendation by the March 20, 2018 Council meeting. [MALINOWSKI] – This item was referred to the County Administrator.
- b. I move to declare “bump stock” “bump fire stocks” “trigger crank” and “gat crank” trigger devices illegal in Richland County. NOTE: In 2010 the US Bureau of Alcohol, Tobacco, Firearms, and Explosives declared a “bump stock” is a firearm part and is not regulated as a firearm under the US Gun Control Act or the National Firearms Act. (a) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of the firearm using recoil, commonly known as “bump stocks” or “bump fire stocks”, are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court. (b) Any device capable of attaching to a firearm and which repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion, commonly known as “trigger crank” or “gat crank”, are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court. (c) Violations as stated in Section (a) or (b) above are subject to the following exceptions: 1. Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training; 2. Any “bump stock” or “trigger crank” device which is possessed by a person who is not prohibited under State or Federal law from using, owning or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon; 3. Any law enforcement officer or department which has seized a firearm, with “bump stock” or “trigger crank” attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, inside Richland County; provided, however, any law enforcement agency taking possession of a “bump stock” attached to a firearm must notify the Sheriff’s Department



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

February 21, 2018

Mr. Jimmy Chao
Chao and Associates, Inc.
7 Clusters Court
Columbia, SC 29210

Dear Mr. Chao:

This letter follows up to my February 20, 2018 correspondence in which I shared my final decision concerning the inappropriate acquisition of TMS No. 19011-02-02 (portion) (now TMS# R19011-02-12) from Scale, Inc. by Chao and Associates using County funds on July 20, 2017. To accommodate the review that resulted in this final decision and in light of your having exceeded the "Notice-to-Proceed" deadline attendant to "Pinewood Lake Phase II" and requested an extension, the County extended the agreement judiciously pending the subject review.

The "acquiring the additional property..." upon which your request for extension was based was without merit since said property acquisition was not a part of the aforementioned "Notice-to-Proceed." Further, the Master Agreement between Richland County and Chao and Associates, Inc. contemplated no such property acquisition. Additionally, the record revealed no proposed "change in scope" to the project authorized via said "Notice-to-Proceed" by an authorizing County official or you. Accordingly, the extension so judiciously given was terminated as having been granted on the basis of a circumstance that was never authorized or possible to consummate.

That Chao and Associates, Inc. invoiced (#3999935D-1) the County \$126,010.00 for the purchase of property not part of the Notice-to-Proceed and/or the project scope was inappropriate and could be objectively adjudged fraudulent in as much as you took said acquisition action as if Chao and Associates was an agent of Richland County authorized to purchase property for Richland County. That the County staff processed the invoice was in error and not authorized pursuant to the Notice-to-Proceed. The purported "minutes" submitted by you to support your acting as the County's agent only affirmed that no staff member authorized you to so act and that the staff member involved did not have authority to direct or grant property acquisition authority to you. To be clear, Chao and Associates, Inc. is not an authorized agent of the County and was not at any time delegated or granted property acquisition authority to act on behalf of Richland County.

During its February 20, 2018 meeting, the aforementioned findings were presented to Richland County Council. Upon the conclusion of its deliberations regarding the findings, Richland County Council directed me to seek reimbursement from Chao and Associates, Inc. in the amount of \$126,010.00 which was used by Chao and Associates, Inc. to effect the acquisition (July 20, 2017) of TMS No. 19011-02-02 (portion) (now TMS #R19011-02-12). This letter transmits Council's directive.

Please make the reimbursement check in the amount of \$126,010 payable to Richland County and include in the memo line that it is for reimbursement for purchasing TMS# R19011-02-12. Please mail said reimbursement check to:

Attn: Gerald Seals, County Administrator
County Administrator's Office
Re: Pinewood Lake Phase II
P. O. Box 192
Columbia, SC 29202

Please note that that until further notice and direction from County Council, the Pinewood Lake Park Project is on hold.

In the Spirit of Excellence,



Gerald Seals
County Administrator

cc: Members of Richland County Council
Larry Smith, County Attorney
Sandra Yúdice, Ph.D., Assistant County Administrator
Janelle Ellis, Ph.D., Director, Community and Government Services
Tracy Hegler, Director, Planning and Community Development
Jennifer Wladischkin, Manager, Office of Procurement and Contracting
Carol Kososki, Chair, Richland County Conservation Commission

Attachment B



March 1, 2018

Mr. Gerald Seals
County Administrator
Richland County
P.O. Box 192
Columbia, SC 29202

RE: Pinewood Lake Cease and Desist Letter on Feb. 20, 2018 and Feb 21, 2018

Dear Mr. Seals:

Chao and Associates acknowledges receiving your letters dated February 20 and February 21, 2018. Based on the February 21 letter, I understand that the Pinewood Lake Park Project is on hold. However, the February 20 letter indicates that Chao and Associates' Master Agreement and this Project have been terminated. At this point, I am not clear on the County's intentions.

As always, we want to work with the County to do what is best for the County in accordance with our contract; however, your letters contain several misunderstandings, discrepancies and statements that are unclear. The purpose of this letter is to offer clarification and request further discussion.

As a respected firm within this industry and community, please note that at no time has Chao and Associates acted inappropriately or outside the scope of its duties on this project. We take our work and reputation seriously and always strive to act in a manner that is beyond reproach. In this case, I believe we have not fallen short of that goal.

I am hopeful that we can resolve this matter and restore a positive relationship that does not have to end in termination of our Master Agreement and the Project.

It is important that you and all members of Council understand the history of this project. Please allow me to outline the history in an accurate and orderly manner.

April 2015

Chao submitted the Phase II Preliminary Cost Estimate, "with each component separately itemized" as required by the Master Agreement. The cost of the land acquisition was itemized on the cost estimate, along with other itemizations.

May 29, 2015

We submitted a revised Cost Estimate, (attachment 1) which is the basis for the Phase II project (attachment 2). The same line item for land acquisition was included.

September 30, 2016

We received the Notice-To-Proceed to construct Phase II Pinewood Lake as a design-build project. Even though the Purchase Order was not issued at that time, Chao and Associates



began work immediately because the project had to be completed in 15 months. Please note that the Community Building was the critical path of the project and the design and construction of the building could not be started until the land was purchased.

October 10, 2016

We sent our first email to Chad Fosnight, the County Project Manager. We addressed the need to acquire the property timely to facilitate the design/construction of the community building. He acknowledged that the land needed to be purchased but he seemed uncertain about how to handle that requirement and would seek further guidance (attachment 3). From that day, we repeatedly communicated with the County asking for direction on the land purchase. Despite no official direction being given, Mr. Fosnight provided names of acceptable appraisers. With this information, we proceeded with having the property appraised.

February 24, 2017

After a 5-month delay, the Purchase Order was issued. At that time, the property had been appraised and Chao was preparing for the purchase of the property. The only information needed was how the County wanted to handle the purchase.

March 8, 2017

We emailed Chad Fosnight about the property appraisal and indicated that we could request funds from the County to purchase the property. We received no objection to this.

March 20, 2017

We submitted an invoice for the land acquisition. The invoice clearly indicated that the billing was for the land purchase. No questions were raised by the County.

April 11, 2017

The invoice was paid.

June 19, 2017

Even though we had continued communication on the process to purchase the land, a definitive decision about the process was never relayed to us in writing. On June 19, we received verbal authorization from Chad Fosnight to proceed with the land purchase.

June 20, 2017

We proceeded with the purchase of the land, with the funds that the County previously remitted to us.

From then on, Chao continued performing architectural and engineering services. We submitted invoices 1 through 6 (revised), which is dated February 14, 2018.

We hope our summary, breakdown by date, and attached documents show that:

- a) the County was aware of the land acquisition since the inception. The land purchase and payment to Chao was discussed with the County for over 10 months and was not an error;
- b) Chao did not act unilaterally or recklessly in purchasing the land. In addition, Chao never claimed to be the Agent of the County. We simply acted according to the turn-key design-builder's responsibility to complete the project in accordance with our contract; and
- c) the contract extension was discussed and agreed to by County staff. The delays on the project occurred through no fault of Chao's; therefore, the extension was proper.



The land acquisition was an integral part of delivering this project since it was on the critical path for the design and construction of the Community Building. The design of the Community Building was being developed as the land acquisition issue was being discussed however the actual site adaptation could not proceed without the land and therefore delayed the completion of the construction documents, permitting and of course the actual construction of the building.

Invoices

Your letters indicate that Chao is owed \$86,550.98. Our records indicate that Chao is owed \$276,682.04. The invoices submitted are as follows:

- Invoice 1- 3/20/17- \$186,375.85
- Invoice 2- 4/17/17- \$28,170.73
- Invoice 3- 6/19/17- \$152,926.82
- Invoice 4- 7/14/17- \$20,121.95
- Invoice 5- 9/28/17- \$34,233.91
- Invoice 6 (revised) 2/14/18 \$222,326.18

Total Billed - \$644,155.44
Less Payments received- \$367,473.40
Total due- \$276,682.04

We understand that the County may continue with putting this project on hold or even terminating it. If either decision is made, it is our desire to convey the property to the County. However, we are willing to credit the County \$126,010.00 for the property now and have the County pay for the property when the Community building is constructed. With the credit for the property, Chao is owed \$150,672.04 for services rendered on the project.

We are open to discussing these options and any other reasonable resolution to bring this matter to an amicable close that preserves both organizations.

Allow me to conclude by stating that Chao and Associates has been providing Engineering Services for the County for over 20 years. We have enjoyed the professional relationship and would like to do whatever we can to maintain it. Please review the information provided and we will be happy to supplement any information you may need. We are looking forward to hearing from you.

Sincerely,
Chao and Associates, Inc.

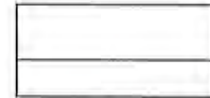


C. Jimmy Chao, PE
President

- cc. Members of Richland County Council
- Larry Smith, County Attorney
- Sandra Yudice, Ph.D., Assistant County Administrator
- Jamelle Ellis, Ph.D., Director, Community and Government Services
- Tracy Hegler, Director, Planning and Community Development
- Jennifer Wladischkin, Manager, Office of Procurement and Contracting
- Carol Kososki, Chair, Richland County Conservation Commission
- Bob Fuller, Esquire.



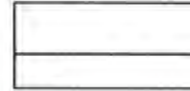
Pinewood Lake Park Phase II



Date: May 29, 2015

Description	Est. Qty	Unit	Unit Cost	Total
Docks and Trails				
Boardwalk (lake crossing)	1200	lf	\$705	\$846,000
Community Pier	1	ea	\$235,000	\$235,000
Docks	2	ea	\$47,000	\$94,000
New Asphalt Trails	960	lf	\$53	\$50,880
Pave Gravel Trails from Phase 1	1440	lf	\$53	\$76,320
Concrete Sidewalks	620	lf	\$59	\$36,580
Pave Gravel Parking Area	1354	sy	\$14	\$18,956
Total Pond and Trails				\$1,357,736
Existing Structures				
Repurpose Existing House	1	ls	\$117,500	\$117,500
Historical/Educational Allowance	1	ls	\$141,000	\$141,000
Furniture Allowance	1	ls	\$110,000	\$110,000
Existing Auxiliary Buildings Repairs	4263	sf	\$65	\$277,095
Total Exist Structures				\$645,595
New Structures				
Picnic Shelters	3	ea	\$58,750	\$176,250
Fish Cleaning Stations	2	ea	\$5,875	\$11,750
Amphitheater	1	ea	\$235,000	\$235,000
Restroom Buildings	2	ea	\$75,000	\$150,000
Community Building Multipurpose	12000	sf	\$176	\$2,112,000
Total New Structures				\$2,685,000
Perimeter and Vehicular Access				
Install Misc Site Lighting	1	ls	\$58,750	\$58,750
New Perimeter Fencing/Repairs	2850	lf	\$32	\$91,200
Playground Equipment	1	ls	\$35,250	\$35,250
Ent/Parking/Drive Community & Theatre	1	ls	\$211,500	\$211,500
Land Acquisition	4	ac	\$35,250	\$141,000
Total P&VA				\$537,700
Miscellaneous				
Arborist/Landscape/Garden Tree assmt.	1	ls	\$146,875	\$146,875
Irrigation/Water Main and Tap fee	1	ls	\$143,938	\$143,938
Benches/Tables	10	ea	\$588	\$5,880
Total Miscellaneous				\$296,693
Subtotal				\$5,522,724
A & E Fees (11%)				\$607,500
Construcion Manage/Profit (12%)				\$662,727
Grand Total				\$6,792,951

Pinewood Lake Park Phase II Final



Date: Oct 7, 2016

Description	Est. Qty	Unit	Unit Cost	Total	Pro Rated (.6625)
Docks and Trails					
Boardwalk (lake crossing)	1200	lf	\$705	\$846,000	\$ 560,433.90
Community Pier	1	ea	\$235,000	\$235,000	\$ 155,676.08
Docks	2	ea	\$47,000	\$94,000	\$ 62,270.43
New Asphalt Trails	960	lf	\$53	\$50,880	\$ 33,705.53
Pave Gravel Trails from Phase 1	1440	lf	\$53	\$76,320	\$ 50,558.29
Concrete Sidewalks	620	lf	\$59	\$36,580	\$ 24,232.47
Pave Gravel Parking Area	1354	sy	\$14	\$18,956	\$ 12,557.43
Total Pond and Trails				\$1,357,736	\$ 899,434.13
Existing Structures					
Repurpose Existing House	1	ls	\$117,500	\$117,500	\$ 77,838.04
Historical/Educational Allowance	1	ls	\$141,000	\$141,000	\$ 93,405.65
Furniture Allowance	1	ls	\$110,000	\$110,000	\$ 72,869.66
Existing Auxiliary Buildings Repairs	4263	sf	\$65	\$277,095	\$ 183,561.97
Total Exist Structures				\$645,595	\$ 427,675.32
New Structures					
Picnic Shelters	3	ea	\$58,750	\$176,250	\$ 116,757.06
Fish Cleaning Stations	2	ea	\$5,875	\$11,750	\$ 7,783.80
Amphitheater	1	ea	\$235,000	\$235,000	\$ 155,676.08
Restroom Buildings	2	ea	\$75,000	\$150,000	\$ 99,367.71
Community Building Multipurpose	12000	sf	\$176	\$2,112,000	\$ 1,399,097.39
Total New Structures				\$2,685,000	\$ 1,778,682.05
Perimeter and Vehicular Access					
Install Misc Site Lighting	1	ls	\$58,750	\$58,750	\$ 38,919.02
New Perimeter Fencing/Repairs	2850	lf	\$32	\$91,200	\$ 60,415.57
Playground Equipment	1	ls	\$35,250	\$35,250	\$ 23,351.41
Ent/Parking/Drive Community& Theatre	1	ls	\$211,500	\$211,500	\$ 140,108.47
Land Acquisition	4	ac	\$35,250	\$141,000	\$ 93,405.65
Total P&VA				\$537,700	\$ 356,200.13
Miscellaneous					
Arborist/Landscape/Garden Tree assmt.	1	ls	\$146,875	\$146,875	\$ 97,297.55
Irrigation/Water Main and Tap fee	1	ls	\$143,938	\$143,938	\$ 95,351.93
Benches/Tables	10	ea	\$588	\$5,880	\$ 3,895.21
Total Miscellaneous				\$296,693	\$ 196,544.70
Subtotal				\$5,522,724	\$ 3,658,536
A & E Fees				\$607,500	\$ 402,439
Construcion Manage/Profit				\$662,727	\$ 439,024
Grand Total				\$6,792,951	\$ 4,500,000

Gerald Lee

From: Chad Fosnight <FosnightC@rcgov.us>
Sent: Monday, October 10, 2016 11:32 AM
To: Gerald Lee; Jimmy Chao
Cc: Norman Jackson
Subject: RE: Phase II NTP

Gerald,

I'm fine with this schedule. Let's keep the schedule though as the executed NTP states a completion date of 12/31/17. We need to discuss how we are handling the land acquisition and the temporary bridge, particularly as it relates to responsibilities. In your role as the Design/Builder, are you taking the lead in these discussions? I see both of these as being some of the biggest hurdles on the schedule. Let's work through lines of responsibility early so that there are no misunderstandings later.

Please keep me updated on all progress and include me on all meeting invitations as I will be providing regular updates to the County Administrator on this project.

Respectfully,

Chad D. Fosnight

Capital Projects Program Manager
Richland County Administration
2020 Hampton Street
Suite 4058
Post Office Box 192
Columbia, South Carolina 29202
(803) 576-3584 Office
(803) 394-7296 Cell
fosnightc@rcgov.us



From: Gerald Lee [<mailto:GeraldL@chaoinc.com>]
Sent: Wednesday, October 05, 2016 6:01 PM
To: Chad Fosnight; Jimmy Chao
Cc: Norman Jackson
Subject: RE: Phase II NTP

Chad, attached is the requested schedule. The critical path will be the community building obviously. Let me know if you have any questions.

Gerald A. Lee, PE
GERALDL@CHAOINC.COM

Attachment C

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

- a. An Ordinance Authorizing a deed to 908 Group Holdings, LLC for 1328-1400 Huger Street; also described as TMS # 09009-11-04 and 09009-11-05 – Ms. Dickerson moved, seconded by Ms. Myers, to approve Third Reading of the ordinance authorizing a deed to 908 Group Holdings and the execution of the deed at the closing.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Dickerson and McBride

Opposed: Manning, N. Jackson, Livingston and Rose

The vote was in favor.

Ms. Dickerson moved, seconded by Mr. C. Jackson, to reconsider this item.

In Favor: N. Jackson and Rose

Opposed: Malinowski, C. Jackson, Myers, Pearce, Dickerson, Livingston and McBride

The motion for reconsideration failed.

- b. Payment of invoices submitted by Chao & Associates related to their work on Pinewood Lake Park Phase 2 – Mr. Malinowski moved, seconded by Mr. Livingston, to pay Chao & Associates for work performed on Richland County property.

In Favor: Malinowski, Pearce, Dickerson, Livingston and McBride

Oppose: Rose

Abstain: C. Jackson, Myers, Kennedy, Manning and N. Jackson

The vote was in favor.

Dr. Yudice stated Council need to reaffirm that Chao & Associates needs to reimburse \$126,010.

Mr. Malinowski moved, seconded by Ms. Myers, that the land purchase transaction be handled according to staff's recommendation.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Dickerson and Rose

Opposed: Manning and Livingston

Abstain: N. Jackson

The vote was in favor.

- c. Release of Hospitality Tax Funds to Pinewood Lake Foundation – Ms. Dickerson moved, seconded by Mr.

Regular Session

May 1, 2018

-19-



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

May 4, 2018

Mr. Jimmy Chao
Chao and Associates, Inc.
7 Clusters Court
Columbia, SC 29210

Dear Mr. Chao:

Thank you for your March 1, 2018 letter regarding the February 20 and February 21, 2018 correspondence from the Richland County Administration Office which transmitted decisions concerning the inappropriate acquisition of TMS No. 19011-02-02 and subsequent invoicing from Chao and Associates, Inc. attendant to the Pinewood Lake Park project.

During its May 1, 2018 meeting, County Council considered the concerns you presented in your March 1, 2018 letter attendant to the aforementioned matters. Upon conclusion of its deliberations, Richland County Council voted to affirm the position transmitted to Chao and Associates, Inc. in the February 21, 2018 correspondence of seeking reimbursement from Chao and Associates, Inc. in the amount of \$126,010, which was used by Chao and Associates, Inc. to effect the acquisition (July 20, 2017) of TMS No. 19011-02-02 (portion) (now TMS #R19011-02-12). Additionally, Richland County Council approved payment to Chao and Associates, Inc. for services rendered on County-owned property in the amount of \$107,360.80 (see attached invoice for details).

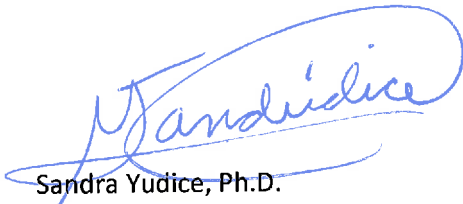
This letter transmits these directives.

Pursuant to GAAP (Generally Accepted Accounting Principles), which guides the County's financial practices, the \$126,010 reimbursement for the inappropriate property acquisition cannot be netted against the payment of the invoice submitted by Chao and Associates, Inc. This means that the \$126,010 reimbursement for the inappropriate property acquisition must be provided to the County prior to the release of the aforementioned \$107,360.80 payment to Chao and Associates, Inc. for services rendered on County-owned property.

Please make the reimbursement check in the amount of \$126,010 payable to Richland County and include in the memo line that it is for reimbursement for purchasing TMS# R19011-02-12. Please mail said reimbursement check no later than May 25, 2018 to:

Attn: Sandra Yudice, Assistant County Administrator
County Administration Office
Re: Pinewood Lake Phase II
P. O. Box 192
Columbia, SC 29202

Sincerely,



Sandra Yudice, Ph.D.
Assistant County Administrator

cc: Members of Richland County Council
Larry Smith, County Attorney
Janelle Ellis, Ph.D., Director, Community and Government Services
Tracy Hegler, Director, Planning and Community Development
Jennifer Wladischkin, Manager, Office of Procurement and Contracting
Carol Kososki, Chair, Richland County Conservation Commission

Enclosures (1): Chao Invoice 399935D-6

Chao and Associates, Inc.

7 Clusters Court
Columbia, SC 29210

Phone # 803-772-8420

Invoice

Bill To
Ms. Tracy Hegler Director of Community Planning & Develop. Richland County 2020 Hampton St., Suite 3064 Columbia, SC 29204

Date	Invoice #
2/14/2018	399935D-6

RE:Pinewood Lake Phase II C&A Project No.:399935D Billing Period:09/01/17 to 02/14/17

Terms
Due on receipt

Description	Contract Amt.	% Complete	Fee Earned
PO: CPS17074			
Construction Budget:\$3,658,537.00	\$3,658,537.00	6%	215,398.18
* Property Acquisition: \$126,010.00			
**Subdivision Survey: \$1,200.00			
**Topographic/Tree Survey: \$3,050.00			
**Appraisal: \$1,760.00			
**Purchase Fee: \$120,000.00			
* Landscape Design: \$6,050.00			
* Asphalt Paving of Gravel Lots and Trails: \$74,992.50			
* Remaining Construction Budget \$3,325,474.50			
Architectural and Engineering Services	\$402,439.00	100%	402,439.00
Construction Management	\$439,024.00	6%	26,318.26
Previous Amount Invoiced			-421,829.26
<div style="border: 1px solid red; padding: 5px; display: inline-block; color: red;"> Total for work on County-owned Property = \$107,360.80 </div>			

Thank you for your business.	Total	\$222,326.18
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Invoices not paid in full 20 days from date of invoice are subject to a financial charge of 1.5% per month on unpaid balances

Payments/Credits	\$0.00
Balance Due	\$222,326.18

Attachment E



May 14, 2018

Sandra Yudice, PH.D.
Assistant County Administrator
Richland County
P.O. Box 192
Columbia, SC 29202

Re: Pinewood Lake Project

Dear Ms. Yudice:

Chao & Associates acknowledges receipt of your May 4, 2018 letter. It is our understanding that Richland County is affirming the position asserted in its February 21, 2018 letter; however, your May 4 letter unfortunately does not address the explanations we provided regarding the purchase of the property and the outstanding invoices.

As indicated in our March 1 letter, Chao & Associates wants to cooperate and is willing to put the project on hold as that appears to be the County's desire. However, Chao & Associates performed work under a valid contract with the County and wishes to be paid for that work. The County appears to make a distinction for work performed on "County-owned" property and is only offering to pay for that work. Chao had a valid design-build, turn-key contract with the County per the Master Agreement and Notice to Proceed to perform a specified scope of work and Chao requests to be paid for that work. Chao recognizes that the County may have internal issues relating to the purchase of the property and is willing to retain ownership to the property until these issues have been resolved; however, Chao performed design work for the benefit of the County and is entitled to be paid for that work.

Accordingly, Chao agrees to write a check to the County for \$126,010 to reimburse the County for the property provided the County agrees to pay \$276,682.04 to Chao & Associates within 7 days after receipt of the check for \$126,010 and to purchase the property from Chao for \$126,010 within one year of the date of this letter.

The \$276,682.04 is determined as follows:

Amount billed to date:	\$644,155.44	
Refund for property:	(\$126,010.00)	
Total billed for work performed-	\$518,145.44	(i.e. total billed less amount billed for property)
Amount received for work performed-	(\$241,463.40)	(i.e. total received less amount received for property)
Total due for work performed-	<u>\$276,682.04</u>	



We look forward to hearing from you regarding this matter.

Sincerely,
Chao and Associates, Inc.



C. Jimmy Chao, PE
President

- cc. Members of Richland County Council
Larry Smith, County Attorney
Jamelle Ellis, Ph.D., Director, Community and Government Services
Tracy Hegler, Director, Planning and Community Development
Jennifer Wladischkin, Manager, Office of Procurement and Contracting
Carol Kososki, Chair, Richland County Conservation Commission
Bob Fuller, Esquire.
Franklin Smith, Esquire.

Attachment F

serious thought and time on it.

Mr. Malinowski inquired if the County Coordinator is Mr. Michael Byrd. The only thing he see for the County, on the organizational chart, is on the left side. There is an Assistant Chief of Professional Services, Staffing and County Coordinator.

Chief Jenkins stated the County Coordinator is the Volunteer Coordinator.

Mr. Malinowski inquired as to where the County comes in.

Chief Jenkins stated there is not a, per se, label of a County person. Everybody on the list works for the City and County.

- b. Recognition of Richland County Fleet Manager, Bill Peters – Dr. Yudice stated Mr. Peters has put the County on the map because he has done an excellent job of managing the fleet.

Ms. Hoyle recognized Bill Peters on the County's Fleet Service being named the 15th Best Fleet in the Americas. This is an immense achievement considering there are over 38,000 public fleets in North America alone. Richland County's impressive ranking is a testament to the hard work and dedication of the Fleet Management staff, which is comprised of 2 employees, Bill Peters and Jaci Ricks.

- c. Assignment of Solid Waste Collections Contract – Dr. Yudice stated on May 16th the received notification from Waste Management of its intention to acquire the assets of All Waste Services. Waste Management has indicated the desire to extend the expiration of the current service contract to match the Area 6's contract, which will expire on February 28, 2022. Staff recommendation is that Council approve the assignment of the contract extension from All Waste Services to Waste Management.

Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski inquired if this will conflict with the rule that no one company can have more than 2 areas.

Dr. Yudice stated it will not conflict.

In Favor: Pearce, Rose, N. Jackson, Malinowski, Dickerson, Livingston, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

Mr. Pearce inquired, for clarification, if the motion referred to both contracts.

Dr. Yudice responded in the affirmative.

- d. Payment of Chao and Associates Reimbursement for Land Acquisition – Dr. Yudice stated, if Council recalls, Council directed staff to request reimbursement \$126,010 from Chao & Associates. We sent a letter to them on May 4th with a deadline to submit payment no later than May 25th. On May 14th, Chao & Associates sent a response to the May 4th letter. In the letter, they indicated they would reimburse the

Regular Session

June 5, 2018

-17-

County for that amount; however, that is provided the County pay \$276,682.04 for the work they have completed on County-owned property, and their property. In addition, they requested the County purchase the property from Chao & Associates for \$126,010 within one year of the date of the letter. Staff's recommendation is to stay with Council directive provided on May 1st, which requires Chao & Associates to reimburse the County \$126,010.

Mr. Malinowski moved, seconded by Ms. Dickerson, to approve staff's recommendation outlined on p. 100 of the Council agenda.

Mr. N. Jackson stated, his understanding of this project initially was that, Chao & Associates was supposed to pay back \$120,000 for the property they purchased, wherein they received a check from the County for \$136,000 to purchase the property. Council decided, as discussed in Executive Session, that Chao would reimburse the County. Where do we go from there? And, why is this project still on hold because Council did not make a decision to cease and desist on the project. But, he received a letter to cease and desist and the project has been on hold ever since. We instructed the former Director to release the cease and desist because that was not Council's directive, just the land. He would like to know when a letter will go out, so the project can continue. The money has been encumbered. The project is sitting there and there are other parts of the project that needs to move forward.

Dr. Yudice stated the recommendation is to continue with Council's directives of May 1st, which is stated on her May 4th letter.

Mr. Livingston requested the status of the project, and also if the land that was purchased under Chao is vital to the success of the project.

In Favor: Malinowski, Dickerson, McBride, Livingston, Rose, Pearce, C. Jackson and Myers

Opposed: Kennedy, Manning and N. Jackson

The vote was in favor.

e. Contractual Matter – Property Acquisition – This item was taken up in Executive Session.

10. REPORT OF THE CLERK OF COUNCIL

- a. Upcoming Budget Meetings: June 7 - Public Hearing and 2nd Reading of the Budget; June 14 – 3rd Reading of the Budget, 6:00 PM, Council Chambers – Ms. Roberts reminded Council of the upcoming budget meetings on June 7th and 14th at 6:00 PM.
- b. Community Relations Council's 54th Anniversary Luncheon, June 27, 12:00 PM, Columbia Metropolitan Convention Center, 1101 Lincoln Street – Ms. Roberts reminded Council of the upcoming Community Relations Council Luncheon on June 27th.



June 11, 2018

Mr. Jimmy Chao
Chao and Associates, Inc.
7 Clusters Court
Columbia, SC 29210

Dear Mr. Chao:

Thank you for your May 14, 2018 letter regarding the May 4, 2018, correspondence from the Richland County Administration Office transmitting Council's decisions concerning the acquisition of TMS No. 19011-02-02 with public funds and subsequent invoicing from Chao and Associates, Inc. attendant to the Pinewood Lake Park project.

During its June 5, 2018, meeting, County Council considered the concerns you presented in your May 14, 2018 letter. Upon conclusion of its deliberations, Richland County Council voted to reaffirm the position transmitted to Chao and Associates, Inc. in the May 4, 2018, correspondence. The County is seeking reimbursement from Chao and Associates, Inc. in the amount of \$126,010, which Chao and Associates, Inc. used to effect the acquisition (July 20, 2017) of TMS No. 19011-02-02 (portion) (now TMS #R19011-02-12). Additionally, Richland County Council approved payment to Chao and Associates, Inc. for services rendered on County-owned property in the amount of \$107,360.80 (see attached invoice for details).

This letter retransmits those directives.

Pursuant to GAAP (Generally Accepted Accounting Principles), which guides the County's financial practices, the \$126,010 reimbursement for the inappropriate property acquisition cannot be netted against the payment of the invoice submitted by Chao and Associates, Inc. This means that the \$126,010 reimbursement for the inappropriate property acquisition must be provided to the County prior to the release of the aforementioned \$107,360.80 payment to Chao and Associates, Inc. for services rendered on County-owned property.

Please make the past due reimbursement check immediately in the amount of \$126,010 payable to Richland County and include in the memo line that it is for reimbursement for purchasing TMS# R19011-02-12. Please mail said reimbursement check to:

Attn: Sandra Yudice, Assistant County Administrator
County Administration Office
Re: Pinewood Lake Phase II
P. O. Box 192 Columbia, SC 29202

Sincerely,



Sandra Yudice, Ph.D.
Assistant County Administrator

cc: Members of Richland County Council (via email)
Larry Smith, County Attorney (via email)
Jamelle Ellis, Ph.D., Director, Community and Government Services (via email)
Tracy Hegler, Director, Planning and Community Development (via email)
Jennifer Wladischkin, Manager, Office of Procurement and Contracting (via email)
Carol Kososki, Chair, Richland County Conservation Commission (via email)

Enclosures (1): Chao Invoice 399935D-6

Chao and Associates, Inc.

7 Clusters Court
Columbia, SC 29210

Phone # 803-772-8420

Invoice

Bill To
Ms. Tracy Hegler Director of Community Planning & Develop. Richland County 2020 Hampton St., Suite 3064 Columbia, SC 29204

Date	Invoice #
2/14/2018	399935D-6

RE:Pinewood Lake Phase II C&A Project No.:399935D Billing Period:09/01/17 to 02/14/17

Terms
Due on receipt

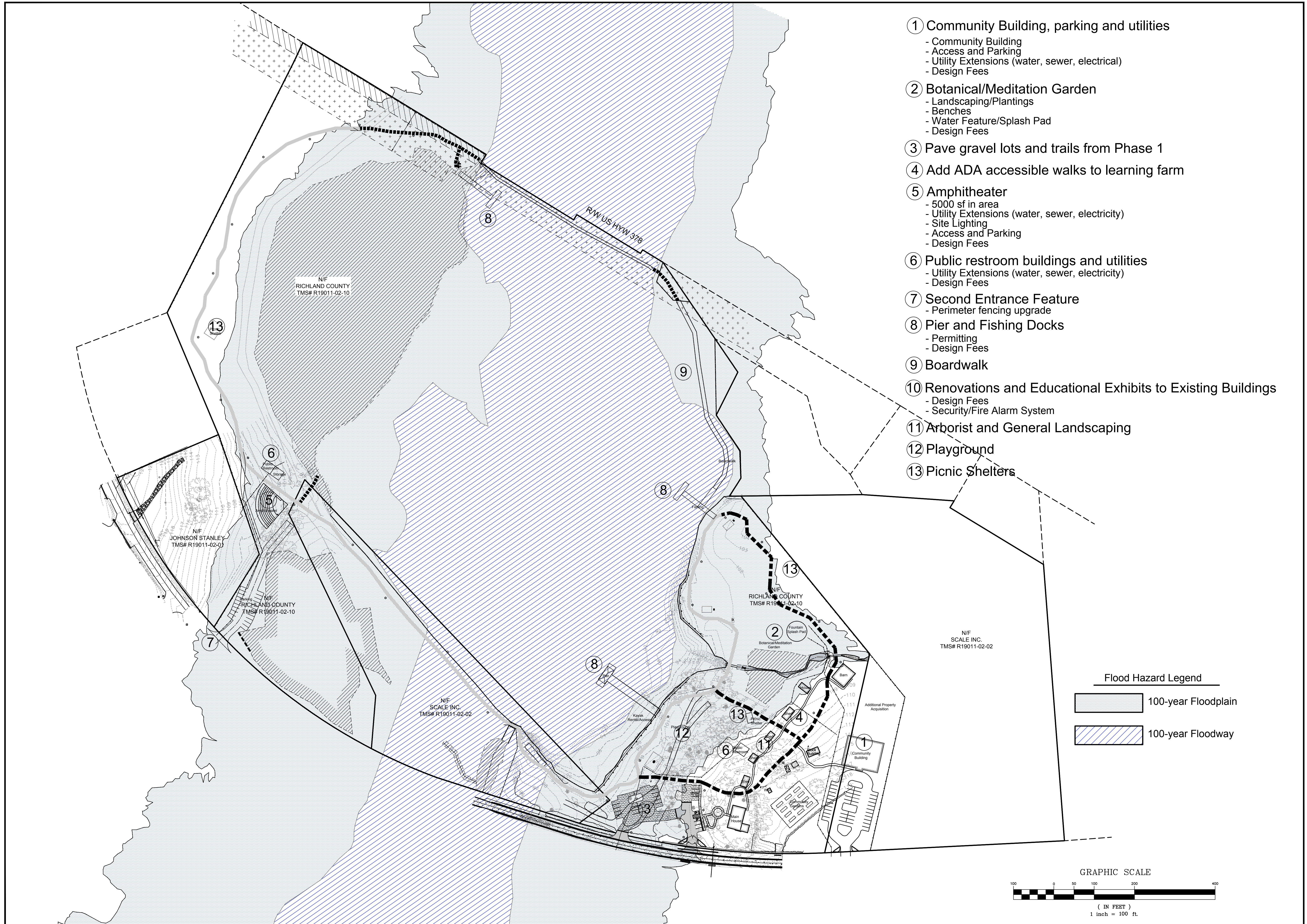
Description	Contract Amt.	% Complete	Fee Earned
PO: CPS17074			
Construction Budget:\$3,658,537.00 * Property Acquisition: \$126,010.00 **Subdivision Survey: \$1,200.00 **Topographic/Tree Survey: \$3,050.00 **Appraisal: \$1,760.00 **Purchase Fee: \$120,000.00 * Landscape Design: \$6,050.00 * Asphalt Paving of Gravel Lots and Trails: \$74,992.50 * Remaining Construction Budget \$3,325,474.50	\$3,658,537.00	6%	215,398.18
Architectural and Engineering Services	\$402,439.00	100%	402,439.00
Construction Management	\$439,024.00	6%	26,318.26
Previous Amount Invoiced			-421,829.26
Total for work on County-owned Property = \$107,360.80			

Thank you for your business.	Total	\$222,326.18
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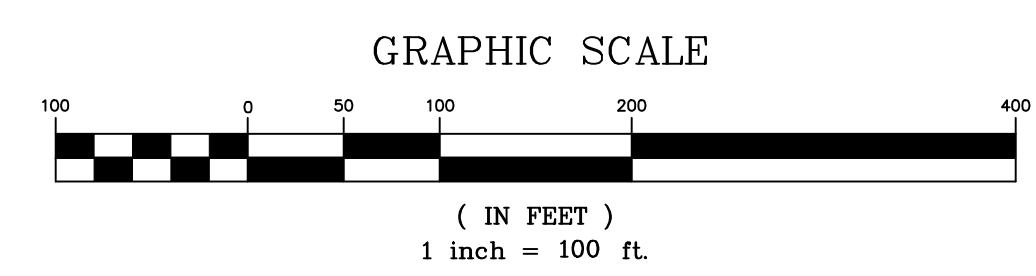
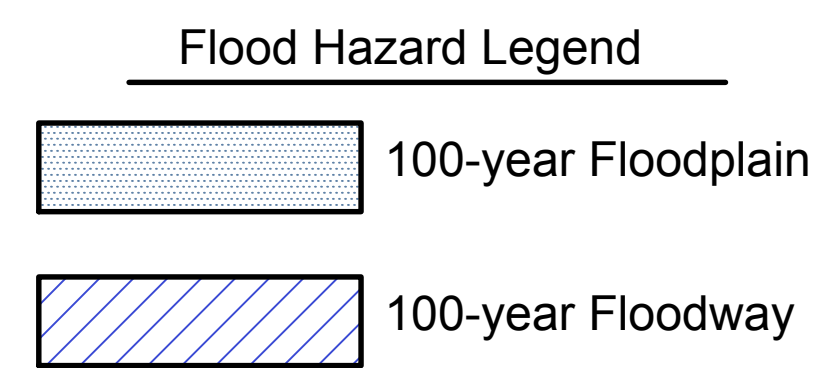
Invoices not paid in full 20 days from date of invoice are subject to a financial charge of 1.5% per month on unpaid balances

Payments/Credits	\$0.00
Balance Due	\$222,326.18

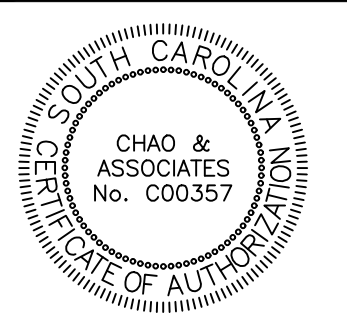
Supplemental Information Provided by Councilperson N. Jackson



- ① Community Building, parking and utilities
 - Community Building
 - Access and Parking
 - Utility Extensions (water, sewer, electrical)
 - Design Fees
- ② Botanical/Meditation Garden
 - Landscaping/Plantings
 - Benches
 - Water Feature/Splash Pad
 - Design Fees
- ③ Pave gravel lots and trails from Phase 1
- ④ Add ADA accessible walks to learning farm
- ⑤ Amphitheater
 - 5000 sf in area
 - Utility Extensions (water, sewer, electricity)
 - Site Lighting
 - Access and Parking
 - Design Fees
- ⑥ Public restroom buildings and utilities
 - Utility Extensions (water, sewer, electricity)
 - Design Fees
- ⑦ Second Entrance Feature
 - Perimeter fencing upgrade
- ⑧ Pier and Fishing Docks
 - Permitting
 - Design Fees
- ⑨ Boardwalk
- ⑩ Renovations and Educational Exhibits to Existing Buildings
 - Design Fees
 - Security/Fire Alarm System
- ⑪ Arborist and General Landscaping
- ⑫ Playground
- ⑬ Picnic Shelters



Chao & Associates, Inc.
 Civil - Structural - Survey
 7 Clusters Court
 Columbia, SC 29210
 Voice: (803) 772-8420
 Fax: (803) 772-9120
 Email: consult@chaoinc.com



Phase 2 Conceptual Site Plan
 Pinewood Lake Park
 Prepared For:
 Richland County
 Richland County, south Carolina

Drawn: TKS	Checked: FR	Project No.:
Revised:		File: 369535Ph2.dwg

1.0
 Sheet Number



Administration & Finance Committee Meeting Briefing Document

Agenda Item

Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed.

Background

During its July 10, 2018 Council meeting, Councilperson N. Jackson brought forth the following motion:

“Appropriate up to \$300,000 from the Gills Creek Part A project to repair the emergency spillway and an additional \$300,000 to build the boardwalk where the temporary bridge was removed”

The Gills Creek Part A project is a project currently funded through the County’s Transportation Penny Program. \$2,246,160 was allocated in Penny Tax funds for this project and it is anticipated that the contractors will expend the total budgeted amount on the completion of this project. The project is currently ongoing with an estimated completion date of December 2020.

Issues

The Gills Creek project is funding through the County’s Transportation Penny program. As such, it would be a violation of state law and the Richland County Transportation Penny Ordinance to re-allocate the indicated sums without amending the Penny Ordinance projects list to include the new project which would require three readings and a public hearing.

Fiscal Impact

Pursuant to the intent of the motion, the fiscal impact to the County is \$600,000. Any Council actions to allocate additional funding would require a budget amendment.

Past Legislative Actions

July 10, 2018 – Motion brought forth by Councilperson N. Jackson

Alternatives

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

Staff Recommendation

Staff requests direction from Council in regards to this motion.





Administration & Finance Committee Meeting Briefing Document

Agenda Item

Allocation of additional \$3M in funding for the Pinewood Lake Park project

Background

During its July 10, 2018 Council meeting, Councilperson N. Jackson brought forth the following motion:

“I move that an up to additional \$3 million be appropriated to the project due to constant delays for the past four years.”

Council appropriated \$4.5M in hospitality tax funds for Phase II of the Pinewood Lake Park project. Of that amount \$367,473.40 has been expended, with \$4,132,527.00 remaining.

Currently, via Council action, Phase II of the Pinewood Lake Park project is on hold.

Issues

Allocation of additional funding for the Pinewood Lake Park project

Fiscal Impact

Pursuant to the intent of the motion, the impact to County will be \$3M. Any Council action taken to allocate additional funds will require a budget amendment. The County's estimated hospitality tax fund balance is \$4M. As such, Council may consider using the general fund balance as a funding source.

Past Legislative Actions

Motion brought forth by Councilperson N. Jackson during the July 10, 2018 Council meeting.

Alternatives

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

Staff Recommendation

Staff does not have any recommended changes and requests direction from Council in regards to this motion.





**Administration & Finance Committee Meeting
Briefing Document**

Agenda Item

Motion made by Councilman Norman Jackson on July 10, 2018, for the Conservation Commission to revised the proposed contract agreement with the Pinewood Lake Park Foundation.

Background

During its July 10, 2018 Council meeting, Councilperson Norman Jackson brought forth the following motion:

“The Conservation Commission must revisit their proposed contract agreement with the Foundation and make it feasible for the organization to consider the proposal. How it is written is flawed and not with Council or Administration directive. Staff was asked to meet with SCDOT to leave the temporary bridge on Garners Ferry Road which would save thousands of dollars for the completion of the greenway nature trail. The Contractor and SCDOT agreed but staff did not follow through”

Attached hereto (Attachment A) is the proposed agreement with the Pinewood Lake Foundation which was approved by the Conservation Commission on February 26, 2018. The purpose of the agreement was to formalize the use of hospitality taxes by the Foundation allocated by County Council to the Conservation Commission for promotions at the Pinewood Lake Park in the first year of the Biennium Budget (FY18) and to outline the Foundation’s involvement in the park moving forward. Also, a memorandum from the Conservation Commission detailing its interaction with the Pinewood Lake Park Foundation is attached (Attachment B).

Issues

Proposed contractual agreement between the Conservation Commission and the Pinewood Lake Park Foundation.

Fiscal Impact

None.

Past Legislative Actions

June 8, 2017 – 3rd Reading of the Budget for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018. That ordinance allocated \$75,000 to the Conservation Commission “to develop tourism at the Pinewood Lake Park” and further “approved for FY18 the Pinewood Lake Park Foundation to be named as the proper entity for the promotion of the Pinewood Lake Park and the Conservation Commission to be so instructed.” (Attachment C and D)).

July 10, 2018 – Motion brought forth by Councilperson N. Jackson

Alternatives

1. Consider the Council motion and proceed accordingly.

2. Consider the Council motion and do not proceed.

Staff Recommendation

Staff requests direction from Council in regards to this motion.

Tracy Hegler

From: Tracy Hegler
Sent: Friday, March 02, 2018 2:04 PM
To: 'liewendelyn hart'
Cc: GERALD SEALS; Brandon Madden; carolk2005@gmail.com; ken@kendridders.com; JAMES HAYES; STEVEN GAITHER; Quinton Epps
Subject: Agreement between Richland County and Pinewood Lake Foundation
Attachments: Agreement with PLPF 2 28 18_RCCC approved.doc

Good afternoon, Ms. Hart

If you recall at our January 30 meeting, we discussed the terms of the agreement the County proposed to the Foundation in December 2017, which clearly outlined responsibilities for the Pinewood Lake Park and requirements for the hospitality tax (h-tax) award authorized by County Council in FY 18. At that time, and further supported by the follow up email I sent on February 15, you were to provide mark-ups to that agreement. Also, discussed in our meeting, was the fact that the Richland County Conservation Commission (RCCC) had not reviewed or approved that agreement.

Attached, please find the agreement reviewed, slightly modified and approved by the RCCC at their meeting held February 26. Modifications are shown in red. Please review this version and respond with your acceptance at your earliest convenience.

Be advised that any activities performed by the Foundation at Pinewood Lake Park not pursuant to this agreement will not be authorized for h-tax reimbursement. Specifically note that all promotional activities at the Pinewood Lake Park, which are the basis for the h-tax grant award, must have prior, written permission by the RCCC (instructions for such are outlined in the attached agreement).

Thank you and I look forward to hearing from you.

Tracy Hegler, AICP
Director of Community Planning & Development
Richland County, SC
803-576-2168
heglert@rcgov.us

STATE OF SOUTH CAROLINA) AGREEMENT BETWEEN RICHLAND COUNTY,
) SOUTH CAROLINA AND PINWOOD LAKE
COUNTY OF RICHLAND) PARK FOUNDATION
(PINWOOD LAKE)

THIS AGREEMENT (“Agreement”) entered into on this ____ day of _____, 2018, by and between Richland County, South Carolina (the “County”) and the Pinewood Lake Park Foundation (the “Foundation”), collectively the “Parties.”

WHEREAS, the County owns the Pinewood Lake Park property (hereinafter “Park”) which includes a lake, walking trails, benches, picnic shelters, an historic home with out-buildings, and may in the future include other facilities built by the County, but specifically excludes all land and structures (including the dam) owned by the Foundation; and

WHEREAS, the Foundation, pursuant to a prior, now expired, agreement dated June 15, 2016 (“Prior Agreement”), provided services at the Park, including educational programs, management, and litter control; and

WHEREAS, the County has determined that the Richland County Conservation Commission, through the Richland County Conservation Division of the Community Planning & Development Department (the “Division”), is the proper entity for Park management; and

WHEREAS, the Foundation, a non-profit 501(c)(3) corporation, has been granted Hospitality Tax funds from Richland County to promote tourism at the Park; and

WHEREAS, the Parties wish to set out the new relationship between the Parties;

NOW THEREFORE, in consideration of the above, and the mutual benefits, covenants and agreements described herein, the parties hereto agree as follows:

1. The Parties previously entered into the Prior Agreement for management services at the Park. The Parties understand and agree that such agreement has expired and is hereby null and void.

2. As the Prior Agreement has expired, unless otherwise provided herein, the Foundation has no right or authority to undertake any activities at the Park it may have been authorized to do pursuant to the Prior Agreement. These activities include, but are not limited to management, cleaning, trash and pet waste control, maintenance and repairs of any kind, reservation of shelters or picnic tables, providing staffing or volunteers, and providing educational programs. The Foundation understands that it is not to undertake any of these activities or services on Park property, and that if it does so, it is without the consent of the County, is in specific violation of this agreement, and the Foundation will not be paid for any of the activities or services; provided, however, if the Foundation receives specific prior written permission from the Community Planning & Development Director to proceed with any volunteer services at the Park, it may provide those specific services at the Park for the time period authorized only. No remuneration will be provided for such volunteer services.

The Division shall manage the property to include such activities to include, but are not limited to management, cleaning, trash and pet waste control, maintenance and repairs of any kind, reservation of shelters or picnic tables, providing staffing or volunteers, and providing educational programs. The Division may partner for these activities or may enter into such agreements as to ensure the successful management of the facility.

3. The Foundation understands and agrees that the County may enter into multiple agreements for volunteer services at the Park, with either groups or individuals, and that the Foundation has no authority over such volunteers or any Park areas.

4. The Foundation has been granted a Hospitality Tax Grant for fiscal year 2017-2018 to promote tourism at the Park. As such, the Foundation shall provide the Division an annual plan (the "Plan") for Park promotions for the upcoming fiscal year. No promotional activities or events may be undertaken at the Park without prior approval of the Community Planning & Development Director. Such approval may be given annually based on the Plan, or for individual events/activities, at the discretion of the Community Planning & Development Director. The first Plan will be due no later than fifteen (15) days from the date of this agreement.

5. Hospitality Tax Fund Grants are managed through the Richland County Budget and Grants Division. The Foundation shall follow all policies and procedures provided by the Budget and Grants Division and shall make all pay applications as required by the applicable policies and procedures.

6. The parties agree that the Foundation is an independent contractor and any employees, volunteers or persons authorized by Foundation to conduct or carry out the requirements of this Agreement shall be the sole responsibility of the Foundation, which shall insure that the Foundation and all such persons shall comply with all applicable laws, rules, regulations or decisions of any federal, state, county or local governmental authority (including all requirements of state, federal or other grant authorities to insure a drug-free workplace). Nothing in this Agreement creates an employee/employer relationship between the County and the Foundation, its employees, volunteers, or members. The Foundation agrees that, in the performance of this Agreement, it will not discriminate on the basis of race, disability, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity; this prohibition against discrimination shall include the Foundation's dealings with the public as well as in the hiring of personnel or use of volunteer staff. Foundation must at all times during the term of this Agreement be a non-profit corporation in good standing with the South Carolina Secretary of State, and must fully comply with all applicable State, Federal, and local laws, rules and regulations as they apply to non-profit corporations.

7. If in upcoming fiscal years the Foundation fails to be awarded a Hospitality Tax Grant for Park tourism promotion, those portions of this agreement dealing specifically with Hospitality Tax Grant funds and Park promotion shall automatically become null and void.

8. This Agreement supersedes and replaces all previous agreements between the parties in reference to the Park.

9. Foundation agrees to hold harmless and shall fully and completely indemnify the County from any and all claims, demands or actions brought against the Foundation or the County by any person, natural or corporate, arising from any negligent act, omission, or willful conduct on the part of the Foundation or its employees, volunteers, members, or staff during the course of this Agreement. This indemnification specifically excludes claims, actions, or demands related to security, maintenance or repair of the Park.

WITNESSES AS TO
THE FOUNDATION

PINEWOOD LAKE PARK FOUNDATION

BY: _____

ITS: _____

DATED: _____

WITNESSES AS TO
RICHLAND COUNTY

RICHLAND COUNTY, SOUTH CAROLINA

BY: _____

Gerald Seals

ITS: County Administrator

DATED: _____

MEMORANDUM

On October 18, 2016 Richland County Council (Council) voted to transfer the management and operation of the Pinewood Lake Park (Park) to the Conservation Department effective July 1, 2017. Further clarification from County Administrator Gerald Seals stated, “*The management and operation of the Pinewood Lake property will be absorbed by Richland County Government through the County’s Conservation Department, effective July 1, 2017.*” This was communicated to the Park’s previous management Pinewood Lake Park Foundation (PLPF) via the attached letter from the County Administrator.¹

Attempting to negotiate the arrangement was taxing on RCCC and its staff. In February 2018 Richland County Conservation Commission (RCCC) voted to adopt a Statement of Operations at Pinewood Lake Park. This outline of how the Park is to be operated was forwarded to County Council upon a motion unanimously adopted by RCCC to alert Council to a severing of the relationship between Richland County and PLPF.

RCCC hoped in good faith to continue a relationship with PLPF for volunteer coordination. RCCC, however, felt no clear alternative existed for its motions of March 19th. RCCC reached this position based upon three troubling weaknesses in the operation of the Park.

Difficulty in the Management Relationship

The Administrator’s communication to PLPF emphasized that “*The Conservation Department will work with volunteer and nonprofit organizations such as the Pinewood Lake Foundation to ensure that local community involvement with the property is uninterrupted during this transition.*”² RCCC has found this relationship not suitable for a professionally managed facility adhering to the highest standards of service Richland County taxpayers should expect.

Failure to Execute a Contract RCCC has followed its own standards by insisting PLPF’s use of the Park be governed by a contract outlining the roles and responsibilities of each party. PLPF has not signed the contract nor has it returned comments on how the draft should be changed. RCCC admitted the effort was unsuccessful in its unanimously adopted motion alerting Council that its efforts to negotiate such a contract had failed. This failure effectively severs the relationship between RCCC and PLPF.

No Clear Line of Responsibility Staff communications with PLPF has left troubling confusion over the roles and responsibilities at the Park. The management of the Park suffers from the lack of clear lines of responsibility. PLPF receives directives, authority and suggestions from outside the normal line of management and this creates confusion in achieving the County’s goals for the property. More troubling, RCCC has been unable to install clear lines of inventory control, financial and expenditure standards and risk management at the Park. RCCC has been

¹ See attached memorandum

² See email of October 17, 2016

given responsibility for the Park but the PLPF has not transferred these matters to the County. RCCC cannot allow for this separation to continue in attempting to fulfill its responsibilities to the taxpayers.

No Previous Experience Richland County is new to a type of facility like Pinewood Lake Park. This inexperience has created a situation where RCCC staff has moved to install procedures and policies aimed at successful management of the Park. Its Manual for Management of Conservation Lands outlines how a facility such as the Park will be managed. The current situation is inconsistent with these policies.

Inappropriate Communications from PLPF As the relationship between RCCC and PLPF has deteriorated, RCCC staff has received numerous accusations and inflammatory communications from PLPF. The charges in these communications are vehemently denied and have resulted in an inability to work in a cooperative fashion. RCCC staff is working in the interest of county taxpayers and within legal parameters and will not be subjected to willfully misleading statements aimed to confuse the issue and create division amongst the parties involved. Copies of these communications are available upon request.

Also troubling was PLPF's public statements that a County budget request was falsely submitted by staff. RCCC records and meeting minutes clearly show the budget request as submitted was approved at its regular monthly meeting.³ In addition, despite PLPF's statements to the contrary, a Planning position was placed in the budget with 60% of the employee's time being dedicated to the Park.

Financial irregularities

Before October 2016, RCCC was not involved with the Park, outside of its move to provide \$100,000 from its capital reserve fund for the purchase of the property. Media reports on contracts and spending irregularities left RCCC uncomfortable with the financial management at the Park.⁴ RCCC wanted to ensure strict conformance to county management practices given the bright spotlight on the Park.

In December 2016 RCCC requested an audit of the current management structure and finances and clarification of the ownership and status of the dam in light of the flooding of October 2015.⁵ No response was received and no audit was conducted.

A number of irregularities have occurred in the financial management of the Park:

November 2016 RCCC was alerted to disputed invoices totaling \$85,976.10 dating back to May 2015. RCCC staff met with the County's Grant Manager who detailed difficulties in providing reimbursements to the Foundation because their submittals did not meet the Hospitality Tax (H-Tax) Guidelines.

³ RCCC Meeting Minutes available upon request.

⁴ Collective articles available upon request

⁵ See attached RCCC Audit Memorandum dated December 13, 2016

May 2017 Numerous comments by a member of Council stated that a \$150,000-line item existed in the county budget each year for 5-years for the Park's operation and maintenance. No line item for \$150,000 was discovered in the Richland County Budget or County Council records. This indirect line of authority created a clear disruption in the Park's operations and an unsubstantiated assumption by PLPF of its financial support by the County.

During the budget process, \$75,000 in H-Tax funds were awarded to the RCCC to be passed through to the PLPF for promotional activities. Council Norman Jackson allocated an amount of his discretionary H-tax funds to the PLPF which was unknown to the RCCC⁶. The allocation of these funds was inconsistent with Council, Administration and RCCC goals for the Park and the PLPF relationship.

RCCC authorized a letter requesting the County Administrator charge the H-Tax Grant Manager with administering the \$75,000 in H-Tax funds to PLPF. Administration requested the RCCC "hold off on the letter until we could determine our direction from these efforts" and that was done.⁷

February 2018 RCCC was copied on a letter from Chao & Associates regarding a cease and desist letter they received from the County Administrator for the Pinewood Lake Park – Phase II project.⁸ RCCC approved a Memorandum to Council regarding the damaged dam and recommending reallocating funds from Pinewood Lake Park – Phase II to repair the dam if the current owner, Pinewood Lake Park Foundation, would donate the property to the county.⁹

The instability of the dam and the potential liability from its failure is extremely troubling to RCCC. The dam must be improved and this improvement must take precedence over other capital projects at the Park.

March 2018 An email was directed to the PLPF regarding the County's review and determination of its inability to pay certain invoices as submitted¹⁰. Particularly troubling is an invoice for janitorial services. The invoice is not in keeping with Richland County standards and it runs counter to directions from RCCC to PLPF.

In addition, this invoice runs counter to communication by RCCC staff to PLPF during a meeting on January 30 2018, where it was "made clear" the maintenance, cleaning, long range management, repairs, garbage, utilities and other related day-to-day operations will all be handled exclusively by the county and are not the responsibility of PLPF.

H-Tax reimbursement has been and continues to be an issue with PLPF. This unsatisfactory arrangement continues despite numerous efforts by staff to educate PLPF about what H-Tax funds can and cannot be used for at the Park.

⁶ See attached RCCC Minutes June 2017

⁷ See Email dated October 10, 2017

⁸ See attached Pinewood Lake Letter, Chao & Associates

⁹ See attached RCCC minutes from February 2018

¹⁰ See attached what dated March 13, 2014.

Need to Professionalize Conservation Lands Management

RCCC has a conservation lands inventory approaching 4,000 acres. These sensitive properties offer wonderful resources for the community but are in need of a professional management structure. Over the past several months a committee of RCCC has drafted a Conservation Lands Management Manual. RCCC is committed to managing its properties in a form that emphasizes stewardship, multiuse and sustainable revenue generation.

PLPF's management at the Park was established in an ad hoc fashion and has not followed the principles of stewardship endorsed by the RCCC. With plans being developed for other properties, it is important that the fundamentals of the system be followed to ensure that all conservation lands are managed in a responsible manner. Our plans may at some point allow for a contractual relationship with a non-profit organization. But this relationship needs to be bettered structured, more tightly managed and the potential organization must adhere to the principles of a successful partnership we have endorsed.

RECOMMENDATION: RCCC respects the potential of Pinewood Lake Park to meet a need in the community. We intend to manage the facility to the highest professional standards expected for Richland County facilities and to the stewardship principles RCCC has established for itself. RCCC requests a final decision from Council regarding the management of the facility.



Richland County Council

SPECIAL CALLED MEETING
BUDGET – 2ND READING (GRANTS)
May 25, 2017 – 6:00 PM
Council Chambers

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson; Gwendolyn Davis-Kennedy; Paul Livingston; Jim Manning; Yvonne McBride; Dalhi Myers; Greg Pearce; and Seth Rose

OTHERS PRESENT: Beverly Harris, Brandon Madden, Sandra Yudice, Michelle Onley, Gerald Seals, Larry Smith, Ismail Ozbek, Tracy Hegler, Geo Price, Natasha Dozier, Quinton Epps, Nancy Stone-Collum, Ashley Powell, Latoisha Green and Donald Woodward

CALL TO ORDER – Ms. Dickerson called the meeting to order at approximately 6:01 PM.

AMENDED ORDINANCES FOR SECOND READING

- a. **An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2017 and ending June 30, 2018**
- b. **An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2018 and ending June 30, 2019**

Mr. Seals stated the purpose of tonight’s meeting is to take up the 2nd Reading of the budget, primarily the grants portion of the budget.

Mr. Pearce moved, seconded by Mr. Rose, to take up Accommodations Tax. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Rose, to adopt the recommendations of the Accommodations Tax Committee, which is listed on p. 147 of the budget book. The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Pearce, to utilize a portion of the \$113,308 excess of revenues over expenditures for FY15-16 that grew the Accommodations Tax fund balance to \$345,270, as outlined in the May 11th Work Session companion document, to add an additional \$50,000 to the Columbia City Ballet (p. 147) and \$50,000 to the Columbia Classical Ballet (p. 148).

Mr. Malinowski inquired as to what the Accommodations Tax fund balance was.

Mr. Manning stated, according to the documents Council received, the Accommodations Tax fund balance is \$345,270.

Mr. Malinowski stated his concern is that all Council members will not have an opportunity to fund their organizations. He suggested taking the fund balance and dividing it amongst the Council members.

Mr. Malinowski made a substitute motion to divide the Accommodations Tax fund balance amongst the Council members. The motion died for lack of a second.

Ms. Dickerson requested, for clarification, to have Mr. Manning to restate his motion.

Mr. Manning moved, seconded by Mr. Pearce, to utilize a portion of the \$113,308 excess of revenues over expenditures for FY15-16 that grew the Accommodations Tax fund balance to \$345,270, as outlined in the May 11th Work Session companion document, to add an additional \$50,000 to the Columbia City Ballet (p. 147) and \$50,000 to the Columbia Classical Ballet (p. 148). The vote was in favor.

Mr. Livingston moved, seconded by Mr. Rose, to approve the recommendations of the Discretionary Grants Committee (pp. 141 – 146, budget book). The vote in favor was unanimous.

Mr. C. Jackson moved, seconded by Mr. Rose, to allocate an additional \$25,000 from the Accommodations Tax fund balance to the EdVenture Children’s Museum.

Ms. Dickerson requested clarification on the amount available in the Accommodations Tax fund balance.

Mr. Madden stated there was a \$345,270 available in the Accommodations Tax fund balance. Mr. Manning made a motion to distribute \$100,000 out of the fund balance, which would leave a balance of \$245,270.

Ms. Myers moved, seconded by Mr. Pearce, to offer a friendly amendment to Mr. C. Jackson’s motion and allocate an additional \$25,000 for a total of \$50,000 to EdVenture Children’s Museum.

Mr. Livingston expressed concern about depleting the Accommodations Tax fund balance and there not being enough funds available to cover the projects approved by the Accommodations Tax Committee. He inquired if EdVenture Children’s Museum submitted an application for Accommodations Tax and if the funding could come from the Hospitality Tax fund balance.

Mr. Pearce stated there was a potential that a motion was going to be made out of Hospitality Tax to assist EdVenture due to their unique needs. Personally, he has no preference whether the funding comes out of Hospitality Tax or Accommodations Tax.

Ms. Dickerson requested Council members to be mindful of the amount of funding available.

The vote in favor of allocate an additional \$50,000 from the Accommodations Tax fund balance to EdVenture Children’s Museum was unanimous.

Ms. McBride moved, seconded by Mr. Rose, to allocate \$30,000 from the Accommodations Tax fund balance to the Historic Columbia Foundation.

Mr. Pearce stated to him this fund balance is not like the General Fund Balance wherein the County must have funds for critical needs. He does not understand why Council would not want to spend this money since it is intended to keep heads in beds.

The vote was in favor of allocating \$30,000 from the Accommodations Tax fund balance to the Historic Columbia Foundation.

Ms. Dickerson moved, seconded by Mr. Rose, to allocate \$25,000 from the Accommodations Tax fund balance to the SC Philharmonic. The vote was in favor.

Mr. Malinowski moved, seconded by Mr. Manning, to allocate \$25,000 from the Accommodations Tax fund balance to the Columbia International Festival. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to lock the remaining Accommodations Tax fund balance in the amount of \$115,270 in place. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to vote on the Hospitality Tax items on a line by line basis. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Manning, to approve Tier I – Debt Service at \$1,489,800.

Mr. Manning stated the word “waterpark” is listed on p. 193a. He requested removing the word “waterpark” and replacing it with land or the land designation.

Mr. Seals stated Council can do what they would like, but when the bonds were issued the word waterpark was included as a part of the naming of that particular bond issue.

The vote in favor was unanimous to approve Tier I.

Mr. Pearce moved, seconded by Mr. Rose, to approve Tier II – Cost Allocation at \$1,000,000. The vote in favor was unanimous.

Mr. Pearce stated the next item is actually called “Community Promotions” in the ordinance and not “H-Tax Committee”.

Mr. Pearce moved, seconded by seconded by Mr. Manning, to approve Tier II – H-Tax Committee at \$347,516.

Mr. C. Jackson stated that the Sparkleberry Country Fair (p. 153) is underfunded and inquired as to how to increase the funding for this event.

Mr. Pearce stated this is a fixed amount of funding locked in by ordinance; therefore, in this particular section you would have to balance the funding out.

The vote in favor of approving Tier II – H- Tax Committee was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to approve funding the Columbia Museum of Art at \$765,872.

FOR

Pearce
C. Jackson
N. Jackson
Malinowski
Dickerson
Myers
McBride

AGAINST

Rose
Manning

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Livingston, to approve funding the Historic Columbia Foundation at \$385,143. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Manning, to approve funding of EdVenture at \$155,557.

Ms. Myers made a friendly amendment to give an additional \$50,000 from H-Tax to EdVenture. Mr. Pearce accepted the friendly amendment.

Mr. Malinowski reminded Council that an additional \$50,000 from A-Tax was approved for EdVenture.

Mr. N. Jackson inquired how taking the additional funds will affect the H-Tax funds allocated for individual Council member disbursement.

Ms. Myers stated there was discussion at a previous meeting about another organization, which has not been discussed this evening. The suggestion is to reduce this organization's funding and use those funds to increase the funding to EdVenture.

Ms. Dickerson requested deferring the additional funding for EdVenture until the SERCO funding has been decided.

Mr. N. Jackson inquired as to what EdVenture's request was.

Mr. Manning stated the request was for \$160,000.

Mr. Malinowski moved, seconded by Ms. Myers, to defer the additional funding for EdVenture until Tier III has been discussed.

Mr. Pearce moved, seconded by Mr. N. Jackson, to approve Township Promotions in the amount of \$300,000 and Township Maintenance in the amount of \$70,171.

Mr. Manning suggested clarifying the motion to ensure the funding is only for FY18.

For clarity, Mr. Pearce stated that was his intent.

Mr. Malinowski stated for clarification Mr. Pearce made a motion for Township Promotions, but the budget book uses the title Township Operations.

Mr. Pearce stated he is quoting from the ordinance, which is Township Promotions and will replace the wording in the budget book.

Mr. N. Jackson requested before Third Reading to know if the Township funding is for promotions or operations.

Mr. Pearce stated the funding has been historically used to promote shows and bring people in.

The vote in favor of funding Township Promotions at \$300,000 and Township Maintenance at \$70,171 was unanimous.

Mr. Pearce stated he would like to take action on Tier IV prior to taking up Tier III.

Mr. Seals stated for clarification that the H-Tax ordinance simply says Township Auditorium; therefore, it includes operations and promotions.

Mr. Rose stated on p. 153 there are two (2) allocations at \$4,000 a piece to an entity entitled SCALE, Inc. The Director of the organization has encountered some legal troubles. Therefore, he made a motion to move the \$8,000 allocated to SCALE, Inc. to the Sparkleberry County Fair. Mr. C. Jackson seconded that motion.

Mr. N. Jackson stated SCALE, Inc. is in the Lower Richland community. The Executive Director may be indicted, but she has not been convicted. Mr. N. Jackson is in receipt of a letter stating the Executive Director has been removed. The organization should not be punished based upon the Executive Director. You are taking the funding from Lower Richland and sending it to Northeast Columbia.

Ms. Myers inquired if the letter regarding the SCALE, Inc. Executive Director's removal been provided to the County Administrator and the Hospitality Tax Committee members.

Mr. N. Jackson stated he is not sure, but he can provide it before Third Reading.

Mr. Seals stated he did not have a copy of the correspondence referenced by Mr. N. Jackson.

Ms. Myers stated she understands Mr. N. Jackson's concerns that one person does not an entity make and to not punish the entity for the person, but the information definitely needs to be provided through the proper channels. The entity has an obligation to provide the information to Council in order for Council to properly evaluate where the entity stands. She supported Mr. N. Jackson moving to set aside a fund to find a way to continue the programs continued, but until the Hospitality Tax Committee has been given some information it is just prudent in safeguarding taxpayer money to ask questions.

Mr. Pearce stated strictly on what he had heard he made an inquiry. It is his understanding the organization had been noncompliant with documentation and other things. He would support setting aside the funding, but does not feel comfortable arbitrarily approving money.

Mr. Pearce inquired as to what is to be clarified prior to Third Reading. (i.e. documentation or the legal issues).

Mr. N. Jackson stated the legal issue is with the individual and not the organization. He then inquired as to what legal issue Mr. Pearce is referring to.

Mr. Pearce stated he heard the Executive Director was indicted for misuse of the funds provided by Richland County.

Mr. N. Jackson stated the Executive Director was indicted for perjury and not misuse of funds.

Mr. Rose stated he is speaking on behalf of himself and his constituents; therefore, he will not be voting to allocate any funds to SCALE, Inc. It is not against the programs they purport to be doing in the Lower Richland community. There is another organization that can step in and fulfill that void. There is a criminal indictment that has come down on the Executive Director that oversees the operations of this organization.

Mr. Livingston stated he is looking for fairness. If the Executive Director of the EdVenture, Township, etc. were indicted would the County still fund them?

Mr. Manning stated as the representative for District Eight he would like to see the letter. Additionally, Mr. Manning made a motion to continue Second Reading of Tier IV until next week.

Mr. Malinowski inquired if doing so would allow time to follow the process.

Mr. Manning stated it is one Second Reading, but Council breaks it up into two separate meetings.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor of continuing Second Reading of Tier IV was unanimous.

Mr. Pearce stated he does not have a recommendation for Tier III since he is unable to determine what is actually in Tier III. He was under the impression Council passed an ordinance to address Tier III.

Mr. N. Jackson stated in what is considered to be Tier III there was be a line item annually for \$150,000 for Pinewood Lake Park Foundation, similar to Historic Columbia and the Columbia Museum of Art. It is recommended for \$87,000 for the upcoming fiscal year, but it was approved for \$150,000 in the last fiscal year.

Mr. Pearce stated he recalls a discussion, but has been unable to find anything in writing to corroborate the funding for Pinewood Lake.

Mr. N. Jackson stated he inquired about why Pinewood Lake Park was not a Tier II organization and was told it would be reviewed and updated accordingly.

Mr. N. Jackson moved, seconded by Mr. Malinowski, to approve \$150,000 for Pinewood Lake Park Foundation for promotions.

Mr. Malinowski inquired as to why there is not a figure listed for what Pinewood Lake Park received in FY17.

Mr. Seals stated it has been difficult to piece together because much of this is based upon memory and recollection. It appears there was \$150,000 allocated by motion. In addition, another \$80,000 in funding was allocated through the Council members' H-Tax discretionary funds for a total of \$230,000.

Mr. Rose stated the Conservation Commission will be taking over the Pinewood Lake Park on July 1st.

Mr. Rose made a substitute motion, seconded by Mr. Pearce, to allocate \$75,000 in Hospitality Tax to the Conservation Commission for the purpose of developing tourism at Pinewood Lake Park.

Mr. C. Jackson inquired if the operational authority and responsibility is going to shift from the Foundation to the Conservation Commission why would additional funding be provided to the Foundation.

Mr. N. Jackson stated it was his understanding that Pinewood Lake Park Foundation reported to Richland County itself. The motion was to put it under the Conservation Commission to oversee the Pinewood Lake Park Foundation. He did not know the Conservation Commission was going to go into the business of operating a park. He further stated, Council requested individuals to create Pinewood Lake Park Foundation. They developed a 501(c)3 organization to operate the park. There is a motion to shift it to report to the Conservation Commission, which is totally different.

Mr. N. Jackson further stated the intent of other Council members is to take the operations or promotions of Pinewood Lake Park away from the Lower Richland community by having the Conservation Commission operate the park. Historic Columbia , EdVenture, and Columbia Museum of Art all have their funding allocated to their foundations or organization for operations.

Mr. N. Jackson will be holding a community meeting in Lower Richland to discuss what his colleagues are planning to do. He stated he has been fighting for the funding and the park for the past 8 years. He will not allow others to undermine his efforts to promote Lower Richland.

Mr. Pearce assured Mr. N. Jackson that he has no desire to undermine the Pinewood Lake Park. It is his understanding Council voted for the Conservation Commission to begin managing the park with personnel on July 1st and the Foundation was going to provide activities in the park. The question is, how much does the Foundation need to provide activities?

Mr. N. Jackson stated he has been told the Conservation Commission had no intention of managing the park. He cannot trust the Conservation Commission if they tell him one thing and then do something totally different. Its fine if the Conservation Commission manages the park 7 days a week, 12 hours a day, but promotions is different from the operations of the park. The mistake was \$150,000 was allocated for operations, but because it was Hospitality Tax the Foundation had to utilize the money for promotions.

Mr. Pearce requested clarification on who is going to manage the park effective July 1st and what money is Council going to provide for management of the park.

Mr. Manning stated the motion addresses partially about promotions. Recently a public relations agency grant proposal was issued, which includes Lower Richland. Would a portion of that money and work of that group be doing some of the promotions?

Mr. Seals stated the promotions is broad and does include Lower Richland and a variety of other things. Council gave direction in that regard at the Council Retreat. The intention was to do a variety of things and cover a variety of promotions and/or issues with the County.

Mr. Rose stated Council voted to give the Conservation Commission the authority to run the park effective July 1st. His intent is to allocate funds for the Pinewood Lake Foundation, but to give the funds to the entity Council has voted to oversee the park.

Mr. Malinowski inquired if the Conservation Commission is going to manage Pinewood Lake Park.

Mr. Seals responded in the affirmative. He has requested staff to provide the documentation.

Mr. Malinowski inquired if promotion of the park is included in the management of the facility.

Mr. Seals stated there was a letter sent in February to the Foundation basically ending the contract the County had with the Foundation and explaining the responsibilities of the Conservation Commission. Those

responsibilities, as he recalls, would include promotion but Council left it up to the Commission to continue to use Pinewood Lake Foundation or other entities.

Mr. Malinowski inquired if promotional funding is going to be handled by the Conservation Commission or will an outside agency need promotional funding.

Mr. Seals stated, as he understands the direction of Council, the responsibility for management, which includes promotion, falls to the Commission. Council expressed concern that there are a variety of activities that the County is engaged in where it needed that kind of assistance, so that assistance will be solicited. And that assistance will be available to all of the County as needed, including the Conservation Commission.

Mr. Seals read into the record the letter to the Pinewood Lake Foundation dated February 15, 2017.

"This letter is to formally notify the Pinewood Lake Foundation of the action taken by Richland County Council related to its Pinewood Lake property management agreement with the County. On October 18, 2016, County Council voted to transfer the management and operational functions outlined in the aforementioned agreement that are currently performed by the Foundation to the County's Conservation Department effective July 1, 2017. Thus the County's contract with the Foundation will not be renewed once it expires on June 30, 2017. The Conservation Department will work with volunteers and non-profit organizations such as the Foundation to ensure that local community involvement with the property is uninterrupted during the transition. Please feel free to contact me or the Conservation Department Director should you need additional information."

Ms. Myers stated she shares wholeheartedly Mr. N. Jackson's desire to see the park become a thriving part of the larger Richland County community of parks and suggested moving forward as agreed upon, but to gradually scale back the Foundation's involvement to ensure continuity of the programs.

Mr. Livingston referenced a letter from the Conservation Commission dated March 15th that states "Pinewood Lake Foundation involvement in the park will continue as a sponsor of community involvement programs, special events and other promotional activities through H-Tax funding, other sources or volunteers." It would appear if the Conservation Commission is going to be in charge then a decision needs to be made whether they want to do this with Pinewood Lake Foundation, but Council has to make a decision on how much to give in terms of Hospitality Tax.

Mr. N. Jackson stated Pinewood Lake Park Foundation owns a portion of the park. It was his understanding the Conservation Commission was going to partner with a non-profit organization (i.e. Pinewood Lake Foundation) to continue running the park, but the Conservation Commission was not going to get into the business of operating the park and have someone out there 7 days a week, 12 hours a day. If the Conservation Commission wants to operate the park that's fine as long as the services do not deteriorate and are uninterrupted to the Lower Richland community. His concern is the promotion of the activities at the park and that the service is uninterrupted.

Mr. N. Jackson further stated he cannot support giving the Conservation Commission \$140,000 for one staff person when the Foundation was provided \$150,000 for 3 staff persons and promotions.

Mr. Rose stated the motion was since the Pinewood Lake Foundation is no longer running the park effective July 1st, by a vote of County Council, we would not fund the positions of the Foundation to run the park. Instead the entity taking over would receive \$75,000 in funding. Individual Council members can allocate additional funding from their individual H-Tax disbursement, if they wish.

Mr. Malinowski requested clarification if there was already funding in the Conservation Commission’s budget for promotions.

Mr. Seals stated the Conservation Department has been given the responsibility to manage and promote the park. During the first year, the department and Commission feel they will need additional funding for promotions.

Mr. Manning inquired if the Commission has met with or studied the award to Brett SC and the promotions they have been hired to do.

Mr. Seals stated Brett SC has been retained to assist with promotional activities of all County departments.

Mr. Manning made a substitute motion to provide \$70,000 for the Conservation Commission promotions.

The motion died for lack of a second.

Mr. C. Jackson stated this has less to do with money and more with the integrity of the intent. He expressed concern about the kind of language used to suggest that anyone would do anything that would refuse to promote this park, or any other park, to the highest degree. He stated his only concern was if a particular organization was going to assume the responsibility for the management and the operations of the park that they be given the funds and resources to do the job. It appears we have gotten away from that and are discussing whether or not people have the right intentions and right motives to do what is practical in running and managing operations. To suggest that the Conservation Commission does not have the intelligence, integrity or the professionalism to do the right thing, quite frankly is insulting to the Conservation Commission.

Mr. Livingston called for the question, seconded by Ms. Kennedy.

Mr. Pearce requested the motion to be restated.

Mr. Rose stated the motion was since the Pinewood Lake Foundation is no longer running the park effective July 1st, by a vote of County Council, we would not fund the positions of the Foundation to run the park. Instead the entity taking over would receive \$75,000 in funding. Individual Council members can allocate additional funding from their individual H-Tax disbursement, if they wish.

FOR
Pearce
Rose
C. Jackson
Malinowski
Dickerson
Kennedy
Myers
McBride

AGAINST
Manning

The vote was in favor.

Mr. N. Jackson moved, seconded by C. Jackson, to approve \$75,000 for the Pinewood Lake Foundation for promotions.

Ms. Myers requested Mr. N. Jackson to explain what he would see as non-duplication.

Mr. N. Jackson stated he was not sure what the Conservation Commission is going to do with their promotions funding and how they want to promote the park. Pinewood Lake Foundation was awarded \$150,000 for promotions and it has been cut in half. Half of it goes to the Conservation Commission. There is still \$35,000 available for the Foundation, who owns a part of the park and would need some funding for their promotions.

Ms. Myers inquired if all promotions would not need to be harmonized. It was her assumption the Conservation Commission would need to coordinate with the other owners. She further inquired, if Mr. N. Jackson was suggesting that the Foundation and the Conservation Commission were going to be on separate tracts.

Mr. N. Jackson stated there should be a meeting of the mind, but the Foundation has programs/events they would like to continue.

Mr. Manning stated he is in favor of this motion since there are already two groups (Brett SC and the Conservation Commission) working together to promote the park.

Mr. Pearce stated when the County purchased the property, they purchased everything with the exception of the dam. He inquired if the Pinewood Lake Foundation purchased the dam from the non-profit that owned the portion of the property with the dam.

Mr. N. Jackson stated the Foundation owns 5 acres and a part of the lake. The County has an easement on the dam.

Mr. Pearce stated the dam was hit hard with the flood and inquired if anything has been appropriated to repair the dam.

Mr. Seals stated the County does not own the portion where the dam is located.

Mr. Pearce inquired if there was any funding allocated to the Pinewood Lake Foundation.

Mr. Malinowski stated it was his understanding the Conservation Commission was going to receive the dam as a donation and then funds would be allocated for the repair of the dam.

Mr. Seals stated Mr. Malinowski was correct there is a proposal to reallocate a portion of the funds for Phase II to repair the dam. At this time, the County does not own the dam nor does the County own the property that encompasses the dam. The Conservation Commission apparently has some desire in that regard.

Mr. C. Jackson inquired if there is funding for the different phases of construction for Pinewood Lake Park.

Mr. Seals stated there is \$4.5 million for Phase II.

Mr. C. Jackson inquired if there would be funds available to do the necessary repairs required.

Mr. Seals stated it is the prerogative of Council to decide if you want to reduce the funding. A case has been made the \$4.5 million is necessary to carry out Phase II.

Mr. C. Jackson stated he supports Mr. N. Jackson's motion the \$75,000 for the Pinewood Lake Foundation since there is funding for other work. He challenged the Conservation Commission to be the best partners they can possibly be with the Foundation and staff to ensure the quality of the park.

Ms. Myers stated for clarification that Brett SC was retained for Countywide promotions.

Mr. Manning inquired if Brett SC was going to have ownership of one of the buildings on the property since they are assisting with promotions as well.

Mr. N. Jackson stated he met with the Conservation Commission and they requested him to speak with the Foundation about donating the dam for repair. The biggest part of the park is the lake; therefore, it is to the County's benefit that the dam is repaired.

Mr. Livingston stated he is concerned about how the Conservation Commission will delineate funds for Pinewood Lake and other promotions. (i.e. who would have to enter into an agreement with the Foundation to make sure what is promoted and what needs to be promoted).

Ms. Kennedy requested a copy of the correspondence regarding this matter.

Ms. Dickerson inquired if the County owns the whole park. It appears part of the park is owned by the Foundation and part of the park is owned by Richland County. She further stated she was confused on what part the Conservation Commission is to manage/promote and what part the Foundation is responsible for. Is there one park or two parks?

Mr. Smith stated when this piece of property was purchased, Council purchased 44 acres. The property that was purchased did not include the portion of the property where the dam is located because there were maintenance and liability issues with the dam. At some point, that particular piece of property came into the hands of the Foundation. Whenever the property was purchase the whole piece of property was referred to as Pinewood Lake; therefore, there are not 2 parks.

Mr. Seals stated the portion that was acted on in October 2016 was the 44 acres. It did not include the portion that is the dam. He further stated he refers to the 44 acres as the park. Whereas Mr. N. Jackson and the Foundation refer to the park in its totality.

Ms. Dickerson stated the liability of the dam was a great concern, especially by Councilman Rose. Mr. N. Jackson stated when the initial discuss took place about the dam and Mr. Pope was the County Administrator and Mr. Rose was not on Council. Ms. Kit Smith was on Council at the time.

Mr. Rose stated he was on Council when the purchase of the property took place.

Mr. N. Jackson stated there was concerns the dam would fail. The County had a flood and the emergency spillway failed, but not the dam. The study by the engineers in Georgia was a sham because they compared a 12 feet deep dam (Pinewood Lake) to a 400 feet dam in Georgia.

Mr. Livingston called for the question, seconded by Mr. Pearce.

Mr. Livingston yielded to Ms. Myers before the motion to call for the question was taken up.

Ms. Myers made a substitute motion, seconded by Mr. Rose, to instruct the Conservation Commission to use their \$75,000 in promotion funding in consultation with the Foundation. The Foundation will be the primary promotion engine for FY17-18.

Mr. Livingston expressed concern with instructing the Conservation Commission on who they should hire for promotions.

POINT OF ORDER – Mr. N. Jackson stated the motion to call for the question was made, but the maker of the motion allowed the substitute motion.

Mr. Livingston stated he did not call for the question. He stated he yielded to Ms. Myers and then the motion to call for the question was to be made.

Mr. N. Jackson inquired if the Chair was going to entertain the substitute motion without discussion.

Ms. Dickerson agreed to allow discussion on the substitute motion.

Mr. N. Jackson stated he agrees with Mr. Livingston that Council cannot tell the Conservation Commission they have the funding, but they have to use another organization. He stated he supports the original motion.

Mr. Rose moved, seconded by Mr. Livingston, to call for the question.

<u>FOR</u>	<u>AGAINST</u>
Pearce	Manning
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
McBride	

The vote in favor of calling for the question was unanimous.

Mr. Manning requested that Ms. Myers restate her motion.

Ms. Myers stated her motion was that the Pinewood Lake Foundation be named as the proper entity for promotion of Pinewood Lake Park and that the Conservation Commission be so instructed.

Mr. Manning requested clarification that the funding for promotion is the funding approved in Mr. Rose's previous motion for \$75,000.

Ms. Myers responded in the affirmative.

<u>FOR</u>	<u>AGAINST</u>
Pearce	N. Jackson
Rose	Dickerson
C. Jackson	Livingston
Malinowski	Kennedy
Myers	
Manning	
McBride	

The vote was in favor of the substitute motion.

Mr. Livingston stated the Conservation grants were listed on pp. 154-156.

Mr. Pearce stated the Hospitality allocations had not been completed.

Ms. Myers stated after consultation with SERCO, they have agreed they are more appropriately in Tier IV. Therefore, she moved, to move SERCO to Tier IV and allocate \$90,000 to them for FY18 rather than the \$200,000.

Mr. Manning requested clarification that the motion is to move SERCO to Tier IV.

Ms. Myers amended her motion, seconded by Mr. N. Jackson, to allocate \$72,895 to SERCO.

Mr. Malinowski stated the original motion was to move them to Tier IV. When it comes to the actual amount of funding, it was his understanding all of the Tier IV groups received their funding from the individual Council members. Therefore, the funding matter will need to be taken up later.

Ms. Myers stated on Tuesday there was a discussion about SERCO and what their role was within the County, what their funding level should be, and if they were an administrative agency. She stated she is acknowledging on their behalf that they have been misplaced, but they would like to retain their funding and move forward in future years to correct how they get their allocations.

Mr. Malinowski stated he recalled some talk about SERCO by Ms. Myers, but he did not recall there being a consensus by Council. He stated he stood by his statement that if they move to Tier IV, all Tier IV groups are then funded by the individual amounts provided by Council.

Ms. Myers recommended retaining SERCO in Tier III then.

Ms. Myers moved, seconded by Mr. N. Jackson, to allocate \$72,895 for SERCO and they be retained in Tier III.

Mr. Malinowski stated if you refer to the previous year's budget, SERCO was a Tier IV group. Therefore, how can Council arbitrarily put them in Tier III. Their funding came from individual Council members. They did not receive separate funding.

Ms. Myers stated last year was an outlier year for SERCO and that was a part of the discussion. It was her belief that Council was moving through where SERCO belongs. They no longer fund the smaller agencies and this was their request to have their funding for this year remain to move forward in future years because they did not properly make a request in a different tier this year.

Mr. Pearce stated his problem lies with the ordinance. He distinctly remembers Council taking action on organizations that annually receive funding, which is created Tier III. It is his recollection that SERCO and the International Festival was in it, but he has not been able to locate documentation about Tier III. He further stated he understands Ms. Myers' position, but if SERCO thought they were in Tier III they didn't apply because that's why Tier III was created.

Ms. Dickerson stated she wanted Mr. Smith to clarify that there was an ordinance that addressed this matter. It is her recollection SERCO was put in Tier IV in an attempt to prevent double dipping.

Mr. Smith stated his office received a request from Mr. Malinowski in regard to an ordinance related to SERCO. The Legal Department searched their files and they were unable to find an ordinance. Legal then reached out to the Clerk's Office to research the minutes to determine if Council passed an ordinance. The Clerk's Office was also unable to locate an ordinance, but there was an MOU in 2009 that was entered into

where SERCO was given \$250,000 from Hospitality Tax for that fiscal year. In any subsequent years, the Council would make a determination as to their level of funding.

Mr. Pearce stated it would appear the appropriate motion to fund SERCO is the one made by Ms. Myers.

Mr. Livingston stated last year SERCO was treated like a Tier IV organization. He recalls giving a portion of his funds to them in the last fiscal year.

Mr. Pearce requested the Chair to rule on where this item would be appropriately voted on.

Ms. Dickerson ruled, based on Mr. Smith's explanation, this will be voted on from year to year.

Mr. Smith stated the MOU indicated whatever amount SERCO received would be subject to the availability of funds on a year to year basis.

Ms. Dickerson moved, seconded by Ms. Myers, to fund SERCO at \$72,895 under Tier III and if individual Council members wish they may allocate additional funding to make up the difference.

Mr. Malinowski stated if the Council does this it's almost like double dipping. This is a community outreach group and they do not carry any more weight than any of the other outreach groups listed.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, to place SERCO in Tier IV and individual Council members may make allocations as they wish.

Mr. Livingston stated some of the agencies in Tier IV were voted on by Council and not just simply funded with Council member hospitality tax allocations. (i.e. Famously Hot New Year, Pinewood Lake Foundation, Gateway to the Army). Therefore, if a majority of Council believes SERCO should receive a certain amount then Council may want to vote on the item as a body.

Mr. Manning made a second substitute motion, seconded by Mr. Malinowski, to fund SERCO in Tier III at \$67,895.

<u>FOR</u>	<u>AGAINST</u>
Pearce	N. Jackson
Rose	Malinowski
C. Jackson	Myers
Dickerson	
Livingston	
Manning	
McBride	

The vote was in favor of the second substitute motion.

Mr. Livingston moved, seconded by Mr. Malinowski, to allocate \$140,091 for the Columbia Metro CVB.

FOR

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

The vote in favor was unanimous.

Mr. N. Jackson moved, seconded by Mr. C. Jackson, to allocate \$169,895 to the Columbia International Festival.

Mr. Malinowski stated the Columbia International Festival requested \$151,000, which is why the motion was approved earlier in the meeting to allocate an additional \$25,000. Therefore, he moved, seconded by Ms. Myers, to allocate \$151,000 to the Columbia International Festival.

Mr. N. Jackson stated even though the International Festival requested \$151,000. When staff saw the participation and activities of the International Festival it was recommended to fund them at \$169,985.

Mr. Manning inquired if the original motion was for \$169,895.

Mr. Malinowski answered in the affirmative.

Mr. Manning stated he was in favor of staff's recommendation. If the International Festival requested \$151,000 and staff reviewed the request and recommended the organization receive additional funding he is going to assume staff has good reason for the recommendation.

Mr. Malinowski inquired if the recommendation is by staff or a committee that looks at Hospitality Tax applications.

Mr. Seals stated the recommendation comes from staff. Staff generally went back 3 years and looked at the average funding for that time period to arrive at a recommendation.

Ms. Dickerson expressed concern an organization requesting an amount and staff recommending more than the funding request while not fully funding other organization's request.

Mr. Rose requested clarification on how the \$25,000 allocated earlier in the meeting factors into the Columbia International Festival's request. It would be his recommendation to fund them at the requested amount.

Mr. Manning moved, seconded by Mr. Livingston, to call for the question.

Mr. N. Jackson stated the additional \$25,000 the International Festival received is the same as the other organizations receiving additional funding.

As a point of clarification, Mr. Manning stated the ballets requested more funding than what was recommended for them to receive.

The vote in favor of calling for the question was unanimous.

FOR
Pearce
Rose
Malinowski
Dickerson
Livingston
Kennedy
Myers
McBride

AGAINST
N. Jackson
McBride

The vote was in favor of the substitute motion.

Mr. Pearce moved, seconded by Mr. Malinowski, to provide each Council member with \$164,395 to be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. N. Jackson stated there should be an additional \$75,000 available due to Pinewood Lake Foundation not receiving the \$75,000 in funding they requested. If the additional \$75,000 is divided among the 11 Council members that would be an additional \$6,818 for each Council member.

Mr. N. Jackson made a substitute motion to add \$6,818 to the \$164,000.

Mr. Pearce amended his motion to allocate \$1,883,345 to be divided evenly among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Smith stated the issue with EdVenture was deferred until SERCO had been taken up.

Ms. Myers stated she is withdrawing her motion.

Mr. Livingston moved, seconded by Mr. Manning, to fund the Famously Hot New Year's event at \$75,000.

Mr. Pearce inquired if Mr. Livingston's motion negated the \$75,000 additional funding available referenced by Mr. N. Jackson.

Mr. Manning moved, seconded by Mr. Livingston, to codify into the biennium budget the Gateway to the Army at \$100,000 in FY18 & FY19.

FOR
Pearce
Rose
C. Jackson
Dickerson
Livingston
Myers
Manning
McBride

AGAINST
N. Jackson
Malinowski

The motion was not fully carried. Council members were unclear which motion they were voting on as there were three motions on the floor.

Mr. Pearce restated his motion to allocate \$1,883,345 to be divided evenly among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Livingston stated he made his motion for the Famously Hot New Year event to be funded the same way it was in last year's budget and to leave the \$75,000 out of the allocation that is to be divided among the Council members. He inquired if Mr. Pearce would be willing to amend his motion to not include the \$75,000.

Mr. Pearce amended his motion to allocate \$1,808,345 to be divided among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Manning requested a friendly amendment to reduce the amount by \$67,895 and move SERCO to Tier III.

Mr. Pearce accepted Mr. Manning's friendly amendment.

Mr. Livingston stated the \$67,895 should be added to the total and not subtracted.

Mr. Manning amended his friendly amendment to add \$67,895 to the amount of Hospitality Tax to be divided evenly amongst the Council members. In addition, to include an allocation of \$100,000 to the Gateway to the Army for FY18 and FY19.

Mr. Livingston stated funding for the Gateway to the Army is already included in the budget.

Mr. Manning made a friendly amendment to add an additional \$5,000 (SERCO – Tier III) to the overall Council allocation.

Mr. Pearce accepted the friendly amendment. The total to be allocated is \$1,813, 345.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous to allocate \$1,813,345 to be divided equally among the Council members and to then be distributed to qualifying Hospitality Tax organizations of their choosing.

Mr. Livingston moved, seconded by Mr. Manning, to fund the Famously Hot New Year's event at \$75,000 from Hospitality Tax fund balance.

Mr. N. Jackson inquired if Famously Hot New Year could be funded from the Accommodations Tax fund.

The Chair stated Council voted to freeze the funding of the Accommodations Tax.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous to fund Famously Hot New Year in the amount of \$75,000.

Mr. Livingston moved, seconded by Mr. Manning, to approve the Historic Preservation Grants recommendations listed on p. 154 of the budget book.

Ms. Myers pointed out there is a recommendation for funding for Historic Columbia and additional funding was allocated earlier in the meeting to this organization.

Mr. Pearce stated the funding allocated to Historic Columbia earlier in the meeting is for their operations. Whereas this is a grant for a project.

Mr. Malinowski inquired as to where the funds for the historic grants are collected.

Mr. Seals stated the Conservation Commission receives ½ mill and is levied Countywide.

<u>FOR</u>	<u>AGAINST</u>
Pearce	N. Jackson
Rose	Malinowski
C. Jackson	Kennedy
Dickerson	
Livingston	
Myers	
McBride	

The vote was in favor of approving the Historic Preservation Grants recommendations.

Mr. Livingston moved, seconded by Ms. McBride, to approve the Community Conservation Grant recommendations listed on p. 156 in the budget book.

<u>FOR</u>	<u>AGAINST</u>
Pearce	N. Jackson
Rose	Malinowski
C. Jackson	Myers
Dickerson	
Livingston	
Manning	
McBride	

Budget – 2nd Reading (Grants)

May 25, 2017

-18-

The vote was in favor of approving the Community Conservation Grant recommendations.

Mr. Livingston requested to take up the Outside Agency requests listed on p. 137 of the budget book.

Mr. Pearce stated the only item listed on this page that needs to be taken up tonight is the Columbia Museum of Art, which is requesting \$250,000 to reinstall the original base exhibit.

Mr. Livingston requested to add EngenuitySC at \$45,000 to this section. They were funded from the Economic Development fund last year. In discussions with the Economic Development Director it was recommended only to fund them \$25,000 out of the Economic Development fund.

Ms. Kennedy requested staff to provide her an answer as to why the County is funding City projects.

Mr. N. Jackson stated there is an ordinance and/or policy not to spend more than 25% of the unincorporated Hospitality Tax funds in the City. Staff was requested to re-calculate the funding allocated to ensure the funding is being spent according to the rules of Council.

Mr. Malinowski requested a recommendation be provided for each organization prior to this item being taken up. In addition, the Hospitality Tax allocations currently equate to 75% being spent in the unincorporated area; therefore, if anything additional is to be spent there will need to be deductions to organizations located in the City.

Mr. Manning stated he does not have one registered vote in the City of Columbia; however, many of the school children in his district go to programs at EdVenture, Koger Center, etc. All though where the programs are held may be in the City does not mean that Hospitality Tax funding given to these organizations are only serving the City.

Ms. Myers stated focusing on the whole County and looking at our approach to how and where we spend money, as a policy matter, does not mean that people do not drive all over the County to go to events. It would be nice for the County to take the lead on making sure there are venues in other places across the County. She further stated the funding has been slightly imbalanced and the funding for the smaller entities will have to be funded through the Councilmembers individual appropriations or they will not be funded.

Mr. Pearce suggested those Councilmembers that have concerns review the ordinance that says the 75%/25% applies to the County Promotions portion of the budget and that requirement has been met. He further suggested if they wish to pursue the other parts of Hospitality Tax to make a motion and debate the issue.

Ms. Dickerson stated the organizations (i.e. EdVenture, Columbia Museum of Art, etc.) need to bring events out to the unincorporated area by coming into the schools, parks, etc.

Mr. N. Jackson stated the facilities in the unincorporated areas are visited by people from the City. People visit the sports complex on Garners Ferry Road, Adult Activity Center, and Pinewood Lake Park. The residents he has spoken with resent having the Hospitality Tax dollars collected in the unincorporated area being spent in the City, but the City does not spend Hospitality Tax funds in the unincorporated areas. He further stated he will be making a motion to address this issue in the future.

Mr. Livingston moved, seconded by Mr. Malinowski, to approve the Neighborhood Improvement Matching Grant Award recommendations listed on p. 157 of the budget book.

Mr. Manning stated funds were appropriated based upon the recommendations by the Hospitality Tax and Accommodations Tax Committees for several organizations in the unincorporated area. The organizations are not only funded by what is allocated by the individual Council members.

Mr. Jackson made a substitute motion to add the Hickory Ridge Neighborhood Association, Rose Cliff Neighborhood, and St. Mark Wood Neighborhood Association in the amount of \$1,500 each.

POINT OF CLARIFICATION - Mr. Malinowski stated this was done years ago when Councilmembers came in making motions to fund all of these neighborhoods that did not take the time to apply. It was decided the last couple years not to fund those neighborhoods that did not take the time to apply. He further stated he did not want to hear it was a Councilman's prerogative to bring these in. It's a penalty to the ones that did apply.

Mr. Jackson stated it is his understanding Council members had an opportunity to send in a motion list for those things that fall through the crack. He also pointed out that until recently he was not aware neighborhoods in the City were eligible to receive funding.

Ms. Dickerson suggested Council members submit their motions to Administration prior to Third Reading and continue with what's before Council tonight.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous to approve the Neighborhood Improvement Matching Grant Award recommendations.

Mr. Livingston inquired if any action needed to be taken on the items listed on p. 162 in the budget book.

Mr. Seals stated these items are grants the County departments are pursuing, but have not been received. The reason to put them in the budget is that Council will not have to come back each time, but would automatically move forward.

Mr. Livingston stated he was going to have to give this further thought. There may be commitments that he may or may not agree with. He stated his concern is there may be a grant that requires the County to continue to fund it at the end of the grant and he's not sure he wants to make a commitment without knowing that.

Mr. Seals stated Mr. Livingston's concerns are valid; however, as a matter of practicality this is the typical way it is done. It is brought to Council at budget time in anticipation of the funds being received. Expenditures cannot take place because it is specifically tied to the receipt of the monies. Council has options on how to proceed: (1) Not approve during the budget process and have the grant item come before Council to appropriate the funds; or (2) Ensure when the items come in there is a mechanism in place to report receipt to Council. Council will have the option at that time to not move forward with the grant or to proceed.

Mr. Livingston pointed out on p. 164 the following statement "Will request County funds to continue if grant funds become unavailable", which means the County will automatically continue the funding once the grant runs out. He stated he's not sure he wants to make that kind of commitment.

Mr. Malinowski moved to have the agencies bring these items to Council on an individual basis.

The motion died for lack of a second.

Mr. Livingston stated if voting to appropriate the funding will help move things faster he's willing to do that, but he would like to have the award of the individual grants come back to Council for a final vote prior to acceptance of the grant or expenditure of the funds.

Ms. McBride stated she does not think the County is legally bound to continue the funding once the grant has ended.

Mr. Seals stated that Ms. McBride's statement is generally true; however, there are some grants where there is a stipulation there will be an aggressive number of years the agency will take up funding. There are a few grants that are given conditionally on whether or not they will continue. He further stated he does not believe any of the grants listed fall into the two categories outlined.

Mr. Malinowski moved, seconded by Ms. Kennedy, to defer this to the budget meeting on May 30th.

FOR
Pearce
C. Jackson
N. Jackson
Malinowski
Dickerson
Kennedy
Manning

AGAINST

The vote in favor of deferral was unanimous.

Mr. Jackson inquired if the items on pp. 134 – 137 are a part of the grants also.

Mr. Seals stated these are outside agencies that do not submit applications.

Ms. Myers moved, seconded by Mr. N. Jackson, to fund the Sparkleberry County Fair, LR Sweet Potato Festival and Kingville Historical Foundation at \$30,000 each out of the Hospitality Tax fund balance.

Ms. Dickerson stated that has already been addressed.

Ms. Myers stated Council agreed that if Council members wished to make a motion they could and she wished to have the motion entertained.

Ms. Dickerson inquired if this was not in Tier IV, which has been taken up.

Ms. Myers stated these organizations were not approved. They will be approved if individual Council members find money to get them. Only one or two of the organizations were pulled out (i.e. Famously Hot).

Mr. Malinowski stated he realizes Ms. Myers was not here previously for the budget, but this is what starts individual Council members making motions for organizations in their districts. And before it's over Council has funded \$100,000 out of fund balance and the Council members still have their \$164,000 for other things.

Mr. Livingston inquired as to how much funding has been appropriated for these agencies.

Ms. Myers stated they are small amounts ranging from \$3,000 to \$11,000.

Mr. Pearce, Ms. Dickerson, and Mr. Livingston stated they give funding to the Kingville Historical Foundation each year. Mr. Pearce suggested Ms. Myers allow the Council members to make their Hospitality Tax allocations and see how much the organizations receive.

Ms. Myers stated she is amenable to that and withdrew her motion.

Mr. N. Jackson inquired about p. 138 in the budget book.

The Chair ruled that those items will be taken up at the May 30th budget meeting.

The meeting adjourned at approximately 9:24 PM.

X

Joyce Dickerson
Chairwoman

X

Bill Malinowski
Vice Chair

X

Calvin "Chip" Jackson
District Nine

X

Norman Jackson
District Eleven

X

Gwendolyn Kennedy
District Seven

X

Paul Livingston
District Four

X

Jim Manning
District Eight

X

Yvonne McBride
District Three

X

Dalhi Myers
District Ten

X

Greg Pearce
District Six

X

Seth Rose
District Five

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



**RICHLAND COUNTY
GOVERNMENT**
Office of the County Administrator

Budget Memorandum 2017 – 1

To: County Council
From: County Administrator Gerald Seals
Date: May 26, 2017
Subject: Capture of Council Budget Deliberations – May 25, 2017

This memorandum serves as a complete capturing of the Council directives pursuant to its budget deliberations during its May 25, 2017 2nd reading of Biennium Budget I.

Staff records Council as having made the following budget decisions:

Accommodations Tax Adopted Funding		
Accommodations Tax Advisory Committee	\$700,000	At funding level recommendations
Columbia City Ballet	\$50,000	Utilized a portion of the \$113,308 excess of revenues over expenses for FY15-16 that grew the overall Accommodations Tax Fund balance to \$345,270
Columbia Classical Ballet	\$50,000	
Discretionary Grant Committee		Adopted the funding level recommendations
EdVenture Children's Museum	\$50,000	From Accommodations Tax Fund balance
Historic Columbia Foundation	\$30,000	From Accommodations Tax Fund balance
SC Philharmonic	\$25,000	From Accommodations Tax Fund balance
Columbia International Festival	\$25,000	From Accommodations Tax Fund balance
Capped the remaining Accommodations Tax Fund balance	\$115,270	

Hospitality Tax Fund Adopted Funding		
Approved the Tier 1 debt service	\$1,489,800	

Millage Agency Request Summary

Millage Agency	2017 Adopted Budget	2018 Rec. Budget	2018 Budget Request	Millage C.A.P Amount	% Difference between Req. vs. Rec.	% Difference between Req. vs. CAP	Look Back Mills Available	Estimated Mill Value	Est. Res. Tax Impact / per \$100,000	Est. Comm. Tax Impact per \$100,000
Rec.	\$13,470,125	\$13,890,690	\$14,111,057	\$14,095,690	2%	0%	N/A*	\$1,025,000	\$.80 CAP	\$1.20 CAP
Mental Health	\$2,042,998	\$2,103,905	\$2,102,210	\$2,103,905	0%	0%	N/A*	\$1,505,000	N/A	N/A
Library	\$25,386,972	\$25,960,555	\$26,949,405	\$26,412,055	4%	2%	N/A*	\$1,505,000	\$1.20 CAP	\$1.80 CAP
RVRBNKS	\$2,143,731	\$2,245,995	\$2,245,995	\$2,245,995	0%	0%	N/A*	\$1,505,000	N/A	N/A
Midlands Tech	\$7,941,128	\$8,106,046	\$8,173,083	\$8,256,546	1%	-1%	N/A*	\$1,505,000	\$.40 CAP	\$.60 CAP
SCHDIST 1	\$204,912,872	\$206,208,756	\$214,153,671	\$208,235,256	4%	3%	7.8	\$579,000	N/A	\$67.80 CAP & LB
SCHDIST 2	\$142,202,732	\$145,873,293	\$147,354,353	\$148,227,493	1%	-1%	1.8	\$298,000	N/A	\$47.40 CAP
Total	\$398,100,558	\$404,389,240	\$415,089,774	\$409,576,940	3%	1%				

*Not applicable as use of the look back millage was not requested

Approved the Hospitality Tax cost allocation recommendation	\$1,000,000	
Approved County Promotions funding level	\$347,516	Recommended by Hospitality Tax Advisory Committee
Columbia Museum of Art	\$765,872	Fund at the prior fiscal year's level
Historic Columbia Foundation	\$385,143	Fund at the prior fiscal year's level
EdVenture	\$155,557	Fund at the prior fiscal year's level
Township Auditorium (FY 2018)	\$300,000	Fund at the prior fiscal year's level for operations and promotions
Township Auditorium (FY 2018)	\$70,171	Fund at the prior fiscal year's level for maintenance
Conservation Commission	\$75,000	<ul style="list-style-type: none"> To develop tourism at the Pinewood Lake Park. Approved for FY18 the Pinewood Lake Park Foundation to be named as the proper entity for the promotion of Pinewood Lake Park and the Conservation Commission to be so instructed.
SERCO	\$67,895	Tier 3
Columbia Metro Convention and Visitors Bureau	\$104,091	Funding at recommended amount
Columbia International Festival	\$151,000	Funding at requested amount
Famously Hot New Year	\$75,000	
Gateway to the Army Foundation	\$100,000	Fiscal Year 2017 - 2018
Gateway to the Army Foundation	\$100,000	Fiscal Year 2018 - 2019
Council Hospitality Tax Discretionary Account	\$1,813,350	Amount to be divided among all 11 Council members to allocate at their discretion to Hospitality Tax qualified

		agencies, which equates to \$164,850. Agencies allocated funding must be approved by full County Council.
Funding levels of the Historic Preservation grant recommendations	\$170,000	
Funding levels of Community Conservation grant recommendations	\$80,000	
Funding levels of the Neighborhood Improvement grant recommendations	\$53,423	

Council may wish to note that the aforementioned actions will impact the following items in the Biennium Budget I budget ordinance for Fiscal Year 2017 – 2018:

Special Revenue Fund	Revenue	Transfer In	Fund Balance	Total Sources	Expenditures	Transfer Out	Total Uses
Hospitality Tax	\$6,592,000	\$0	\$3,621,626	\$10,213,626	\$7,723,826	\$2,489,800	\$10,213,626
Accommodation Tax	\$700,000	\$0	\$230,000	\$930,000	\$930,000	\$0	\$930,000

- The impact to the Accommodations Tax Fund balance is \$230,000, resulting in a remaining fund balance of \$115,270 for the Biennium.
- The impact to the Hospitality Tax Fund balance is \$621,626, resulting in a remaining fund balance of \$1,267,851 for the Biennium.

Attached for your review is a detailed summary of the changes to the individual line items vis-à-vis Council's aforementioned budget deliberations.

In the Spirit of Excellence,

Gerald Seals
County Administrator



**Administration & Finance Committee Meeting
Briefing Document**

Agenda Item

Council review of the Hospitality Tax process

Background

During its July 10, 2018 Council meeting, Councilperson Kennedy brought forth the following motion:

“Council review the H-Tax process and make any necessary changes”

Attached hereto is the County’s *Monitoring and Distribution of County Funds to External Agencies* policy. Amongst other things, this policy outlines the standardized set of internal controls for monitoring the distribution of County funds to external agencies through the County’s current promotional and community services-based funding initiatives, including the Hospitality Tax, Accommodations Tax and Discretionary grant programs.

Also attached is the County’s local hospitality tax ordinance which outlines the manner in which the county distributes hospitality tax funds.

Issues

Hospitality Tax process

Fiscal Impact

None.

Past Legislative Actions

Motion brought forth by Councilperson Kennedy during the July 10, 2018 Council meeting.

Alternatives

1. Consider the Council motion and proceed accordingly.
2. Consider the Council motion and do not proceed.

Staff Recommendation

Staff does not have any recommended changes and requests direction from Council in regards to this motion.

**Richland County Government
Policies and Procedures Manual**

Title: Monitoring and Distribution of County Funds to External Agencies

Department: Policy Number: 2017-01

Effective Date: July 1, 2017

I. Purpose

To establish a standardized set of internal controls for monitoring the distribution of County funds to external agencies through the County's current promotional and community services-based funding initiatives, including the Hospitality Tax, Accommodations Tax and Discretionary grant programs. The purpose of the protocols outlined in this document is to:

- A. Ensure proper oversight of all funds appropriated by the County to external agencies.
- B. Minimize the County's risk of non-compliance by external agencies with the County's requirements.
- C. Ensure proper administration and accounting of all grant funds.
- D. Provide effective and excellent stewardship of taxpayers' money

II. Definitions

- A. Accommodations Tax Grants – grants that provide financial support to non-profit organizations and groups that fund tourism and tourism-related projects and events.
- B. Accommodations Tax Advisory Committee – A committee of seven members who are appointed by a majority vote of County Council that reviews Accommodations Tax grant applications and makes funding recommendations to County Council. The majority of the members must be from the hospitality industry and at least two members must be from the lodging industry and one member must represent cultural organizations.
- C. Hospitality Tax Grants – grants that provide financial support to organizations and projects whose primary mission is to attract tourists by promoting dining and overnight accommodations in unincorporated areas of Richland County.
- D. Hospitality Tax Advisory Committee - A Committee of five members who are appointed by a majority vote of County Council that reviews Hospitality Tax grant applications and makes funding recommendations to County Council. At least two committee members must be representative of the restaurant industry.

- E. Discretionary Grants – grants that provide financial support to nonprofit or charitable organizations providing services to the citizens of Richland County.**
- F. Discretionary Grants – A committee of seven members that reviews Discretionary Grant applications and makes funding recommendations to County Council. The committee members are made up of Richland County Government employees and two members of County Council.**
- G. Grant Application – Application submitted by an organization for consideration of funding by the County.**
- H. Grant Agreement – Agreement between the County and the grantee outlining the conditions of accepting County funds.**
- I. Grant Manager – County staffer responsible for monitoring the funding provided to external agencies.**
- J. Level 1 Funding – Funding provided to external agencies to address funding gaps experienced by County Promotional entities and Community Service based organizations.**
- K. Level 2 Funding – Grants funding to organizations via the Hospitality Tax Advisory Committee, Accommodations Tax Advisory Committee and / or the Discretionary Grant Committee.**
- L. Level 3 Funding - Provides “seed” funding to organizations through Council advocacy based initiatives.**
- M. “Seed” Funding – Funding provided to developing organizations to facilitate the success of their projects or programs.**
- N. Grantee – Any non-County entity that was allocated funding by County Council.**
- O. Fund Recovery – The process utilized by County staff to recover funds provided to a non-County entity that were not utilized properly.**
- P. Non-compliant - A grantee that is being reviewed by the Grants Manager for one of the following actions:**
 - 1. Provisions of the grant guidelines and signed grant award agreement are not met;**
 - 2. Required Mid-Year and Final Reports are not provided by their due date;**

3. Grant funds are not spent in accordance with the guidelines and/or procedures identified in the Accommodations Tax, Hospitality Tax and / or Discretionary Grant and / or have no back up invoices;
4. Grant funds are spent on items not eligible for grant funding;
5. Reporting requirements are not met;
6. Grant-required tasks/activities are not conducted according to the established requirements or as outlined in grant application; and / or
7. Other identified delinquencies exist

Q. Noncompliance – A status given to a grantee after a review of their funding expenditures resulted in being noncompliant with the County’s grant requirements.

R. External Agencies – Entities that are external to the day to day operations of Richland County Government.

III. Policy Statements

A. It is recognized that the funding is awarded to external agencies by Council through a funding system that is based on contemporaneous processing on three funding levels:

1. Level 1 – Addresses funding gaps
2. Level 2 – Grants funding via grant review Committees
3. Level 3 – Provides “seed” funding for advocacy based initiatives

- a. Staff expectations: Organizations funding on level 3 are fledging and staff will provide incubation assistance in the form of formal grant training workshops, expenditure tracking best practices and capacity building assistance.

Organizations funding through any of the aforementioned levels are subject to the policy stipulations herein.

B. It is the policy of Richland County Government that all funding awarded to the entities shall be used in accordance with all applicable Federal and State Laws and Richland County Ordinances.

C. Instances of malfeasance and / or misuse of funding provided by Council to external agencies will be reported to County Council for its consideration.

IV. Distribution Procedure

A. External Agencies Requirements:

All external agencies awarded County funds through its promotional and community services-based funding initiatives, including the Hospitality Tax, Accommodations Tax and Discretionary grant programs are required to comply with the following requirements prior to receiving any funding:

1. Submit a completed grant application or a funding narrative outlining the purpose and intent of the project or program detailing the use of the Council awarded funding to support the funded project or program.
2. Submit a signed grant agreement
3. Provide proof of non-profit status or fall into one of the following categories:
 - a) Organizations exempt from federal income tax under Section 501(C)(3) of the Internal Revenue Code and whose primary goal is to attract additional visitors through tourism promotion. The letter of exemption from the Internal Revenue Service must accompany your proposal / application.
 - b) Destination Marketing Organizations, which are recognized non-profit organizations charged with the responsibility of marketing tourism for their specific municipalities, counties or regions, such as Chambers of Commerce, Convention and Visitors Bureaus and Regional Tourism Commissions.
4. Submit a copy of current Richland County Business License. - If it is determined that a Richland County Business License is not needed, a copy of the completed Business License Assessment Survey form is required. (Exhibit 2)

B. Eligibility of External Agencies

In order to be eligible for receiving County funds, external agencies entities must meet all of the following requirements:

1. Applicant organizations must have been in existence for at least one (1) year prior to requesting funds.
2. Applicants must provide proof of their non-profit status or fall into one of the following categories:
 - a) Organizations exempt from federal income tax under Section 501(C)(3) of the Internal Revenue Code and whose primary goal is to attract additional visitors through

tourism promotion. The letter of exemption from the Internal Revenue Service must accompany your proposal.

- b) Destination Marketing Organizations, which are recognized non-profit organizations charged with the responsibility of marketing tourism for their specific municipalities, counties or regions, such as Chambers of Commerce, Convention and Visitors Bureaus and Regional Tourism Commissions.
3. Religious organizations may receive funding; however, Richland County may not sponsor nor provide financial support to a religious organization in a manner which would actively involve it in a religious activity (i.e. public funds must not be used for a religious purpose). Thus, any funds provided must be solely utilized for secular purposes and the principal or primary goal of the sponsored activity must not be to advance religion.
4. Grantee organizations may not re-grant County funds to other organizations. All funds must be spent on direct program expenditures by the organization that is granted the allocation.
5. Beginning in FY18, all organizations that use a fiscal agent to administer grant funded projects through the Hospitality Tax grant program can only do so for one fiscal year, after which they must have a 501 (c) (3) tax exempt status to receive future Hospitality Tax grant funds from the County.
6. No grant application will be accepted from any applicant who has not successfully completed the terms of all previous grant agreements regardless of when the previous grant was awarded.
7. If based upon reasonable evidence, an applicant has presented false or misleading information on any aspect of an application, the board shall censure the applicant and declare the applicant ineligible for future grants from the County for a fixed period of at least two fiscal years.

C. Request for Payment:

In order to receive allocated funding, external agencies must submit the following documents:

1. A payment request form (Exhibit 1- Example of Hospitality Tax Grant Payment Request Form)
2. The payment request form must include invoices and proof(s) of payment to reimburse costs incurred.
3. Up to 75% of the allocated funding will be provided upfront. The remaining 25% or the balance of the allocated will be provided

once a Mid-Year report is submitted, reviewed and approved by the Grants Manager.

4. Organizations that are requesting the allocated funding upfront must include price quotes for the planned expenditures.
5. All invoices, quotes and proofs of payment must equate to the amount being requested and approved upon review of the Grants Manager.

V. Reporting and Monitoring

- A. Mid-Year Report:** All organizations that have received grant funding from the County must submit a complete Mid-Year report by January 31.
- B. End-Year Report:** All organizations that have received grant funding from the County must submit a complete End-Year report by July 31.

VI. Noncompliance Protocols

Once identified as noncompliant, the grantee is subject to a review process overseen by the Richland County Grants Manager and the Office of Administration to determine if the organization has reached a level of noncompliance. The noncompliance process provides assistance to the grantee to re-establish a status of compliance. However, if a grantee's actions do not re-establish a status of compliance, Richland County may initiate the grant funds recovery process. The grant funds recovery process typically involves actions by Richland County designed to recover funds awarded through the grant agreement. A grantee remains in noncompliant status until all delinquencies are resolved.

- A. Noncompliance Levels:** There are two levels of noncompliance, each with a progressive level of corrective action. At any level in the noncompliance process, grantees that correct their deficiencies by complying with the established standards may return to a status of compliance. If at any time a grantee receives a noncompliance notification from Richland County, but the grantee has already submitted a required report, a required deliverable or has corrected the stated deficiency, the grantee should immediately contact the Richland County Grants Manager to discuss the noncompliance situation.

- 1. Level 1:** Grantee organization receives a letter from the Grants Manager outlining the noncompliance issue and the steps the organization needs to take in order to clear up the issue. The grantee organization has 10 business days from the date of the letter to respond. If the instances of noncompliance are corrected, the grantee's record is cleared and the grant is removed from a status of non-compliance. Any pending grant payments for the noncompliant grantee will be suspended until the issue is resolved. Failure to respond or correct the noncompliant issue within 10 days moves the grantee into Level 2 noncompliance.


- a) Instances when grant funds are not used in accordance with grant guidelines and are to be restored or refunded to Richland County, an invoice will be sent to the grantee requesting funds be returned upon receipt of the invoice.

2. Level 2: Grantee receives a letter informing the grantee that the 10-day window in Level 1 of noncompliance has passed and that the issue has not been resolved. The grantee has 30 days to resolve the issue. All County grant funds for this organization are suspended until the noncompliance issue is resolved. If, following this notice, the grantee submits the required deliverable, or submits documentation of the completion of the previously unresolved grant requirement, Richland County grant staff will review it for sufficiency. If program staff finds the deliverable sufficient, the grant status returns to compliance.

- a) All organizations that reach Level 2 noncompliance are reported to Richland County Administration and County Council.
- b) If fund recovery is unsuccessful in either Level 1 or Level 2, the County will follow all available legal steps for debt recovery.

VII. Annual Internal Audit:

At the end of each fiscal year, the Grants Manager will conduct an internal audit to allow staff to test the efficiency of its internal controls for administering County Council allocated funds in accordance with the established guidelines and requirements. The results of the audit, along with any recommended improvements to this policy, will be shared with Council for its consideration.



County Administrator



Date

Date adopted by Richland County Council: April 4, 2017

Exhibit 1



Hospitality Tax Grant Payment Request Form

Organization: _____

Contact: _____

Address: _____

Phone: _____ Email: _____

Amount Requested*: \$ _____

Pick-Up Check _____
(2020 Hampton Street, 4th Floor, Finance)

Mail Check _____

* Per Richland County Policy, up to 75% of the allocated funding will be provided upfront. The remaining 25% or the balance of the allocated will be provided once a Mid-Year report is submitted, reviewed and approved by the Grants Manager.

Budget Item	Amount Approved	Amount Previously Drawn	Amount Requested this Draw	Remaining Balance
Total Amount Requested:			\$	

REQUIRED ATTACHMENTS (your payment will not be processed until the following documents are received)

1. List of Grant Expenses - Please attach an **itemized list** of expenditures. The total should match the total amount of funds you are requesting. The list should include vendor name, amount and expense category (Entertainment, Marketing or Security).

2. A current balance sheet, which is defined as a financial "picture" of a company at a given date in time that lists a nonprofit's assets, liabilities, and the difference between the two, which is the nonprofit's equity, or net worth. It can also be defined as an itemized statement which lists the total assets and the total liabilities of a given business to portray its net worth at a given moment of time.

For organizations who received a FY17 HTax Grant, Richland County must have a completed **final report** form for your 2016-2017 projects/programs on file prior to releasing FY18 funds.

ORGANIZATION SIGNATURE:

Provide signature of the Authorizing Official within organization, verifying accuracy of above statements and attachments.

Name

Title

Signature

Date

For questions, please call Natasha Dozier, Grants Manager at 803.576.2069.

Richland County Administration PO Box 192 Columbia, SC 29202 Fax 803.576.2137 Email doziern@rcgov.us

Exhibit 2



Richland County Business Service Center

2020 Hampton Street, Suite 1050
P.O. Box 192
Columbia, SC 29202

Phone: (803) 576-2287
Fax: (803) 576-2289
bsc@rcgov.us
<http://www.rcgov.us/bsc>

Business License Assessment Survey

- This form is intended to help the County better understand where and how your business operates, to assess whether or not a Richland County business license is needed. If a license is needed, our office will work collaboratively with you to facilitate compliance.
- If you already have a County license, please provide the number: _____. If your business does not currently have a license, please be aware a license may or may not be needed.
- Please complete and return this form to the Business Service Center. (Faxes not accepted.)

Business Information

1. Corporate Business Name: _____
2. Doing Business As (if different): _____
3. Local Business Phone: _____ Open Date: _____
4. Business activity: _____ 2012 NAICS Code: * _____
*See <http://www.census.gov/naics/> for assistance)
5. Description of your business (at least 10 words) _____

Physical Location Information

6. Business Location (Street, City, State, Zip): _____
7. If the physical address is not in the unincorporated areas of the County, how often does your business go into – or expect to go into – the non-city areas of Richland County:
Approximately: _____ times a (circle one) week month year
8. Name of best person to contact re: license requirements: _____
9. Title: _____ Work Phone: _____
10. Cell Phone: _____ E-mail: _____
11. Area where business has been and/or will be conducted by the business: (check all that apply)
 - Arcadia Lakes
 - Cayce
 - Irmo
 - Blythewood
 - Forest Acres
 - non-city limits in Richland County
 - Columbia
 - Eastover
 - outside Richland County entirely

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 073-14HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SO AS TO DELETE HISTORICAL DISBURSEMENT REFERENCES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 23, Taxation; Article IV, Local Hospitality Tax; is hereby amended to read as follows:

ARTICLE VI. LOCAL HOSPITALITY TAX

Sec. 23-65. Definitions.

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

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

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

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

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

Sec. 23-66. Local Hospitality Tax.

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

RICHLAND COUNTY
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C.C.P. & G.S.

county. This temporary suspension shall not affect the hospitality tax rates within the boundaries of any incorporated municipality.

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

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

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

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

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

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

Sec. 23-69. Distribution of Funds.

(a) (1) The County shall distribute the Local Hospitality Tax collected and placed in the "Richland County Local Hospitality Tax Revenue Fund" to each of the following agencies and purposes ("Agency") in amounts as determined by County Council annually during the budget process:

- Columbia Museum of Art
- Historic Columbia
- EdVenture Museum
- County Promotions
- Township Auditorium

(2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, EdVenture Museum, and the Township Auditorium shall be paid quarterly. The amount distributed to organizations receiving County Promotions shall be paid to the organization as a one-time expenditure.

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

an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in Section 23-69 (b) below.

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

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

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

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

(b) All Local Hospitality Tax revenue not distributed pursuant to Section 23-69(a) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development, construction, promotion, marketing, operations, and financing (including debt service) of expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended.

Sec. 23-70. Oversight and Accountability.

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

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

Sec. 23-71. Inspections, Audits and Administration.

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

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

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

Sec. 23-72. Assessments and appeals of hospitality tax.

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein.

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

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

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

Sec. 23-73. Violations and Penalties.

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

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

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

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

(2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality tax owed. In the case of a corporation or other

business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the hospitality tax.

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

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

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

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

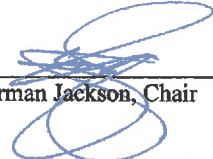
(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provision of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not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


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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after December 9, 2014.

RICHLAND COUNTY COUNCIL

BY: 
Norman Jackson, Chair

ATTEST THIS THE 7 DAY
OF January, 2014. 2015

S. Monique McDaniels
Clerk of Council

First Reading: November 18, 2014
Second Reading: December 2, 2014
Public Hearing: December 9, 2014
Third Reading: December 9, 2014

Richland County Attorney's Office

Approved As To LEGAL FORM:
No Opinion Rendered As To Content.



**Administration and Finance Committee Meeting
Briefing Document**

Agenda Item

The Richland Program Development Team (PDT) requests a wage rate increase for Calendar Year (CY) 2018 and retroactive payment for wage rate increases for CYs 2016 and 2017.

Background

Section VIII.A.4 (Compensation) of the Program Management Agreement (“Agreement”) between Richland County and the Program Development Team dated November 3, 2014, states:

Compensation for Task I was based on 2014 wage rates. The Contractor shall be eligible on the following dates for cost of wage increases to be added to the compensation from the base rate established at the date of this Agreement. (The base rate is the salary of the respective position as of the date of this Agreement.) The dates on which the Contractor shall be eligible for the increase are January 1, 2016 and January 1 of each subsequent year of this Agreement. Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such position. Wage rate increases shall be limited to those PDT positions assigned full-time to the Program (as mutually agreed to between the County and the Contractor) and physically located in the PDT office.

On December 29, 2016, the PDT requested a wage rate increase as stated in the Agreement for 2016 and 2017. The total increase for the two years was \$128,423.32. On January 31, 2017, former County Administrator Gerald Seals advised the PDT that he could not recommend wage rate increases for either year because the County did not grant cost of living increases to County personnel for 2016 and had not considered pay increases for County personnel for 2017.

On May 4, 2018, the PDT requested a wage rate increase for 2018, which totals \$100,716.22 in addition to requesting retroactive wage rate increases for the previous two years. The total for the increases for all three years is \$229,139.53.¹

Issues

The issue is whether County Council will grant the PDT’s request for retroactive wage rate increases for 2016-2018.

Fiscal Impact

The fiscal impact can range from none (if Council decides to not grant the wage rate increases) to spending the 3% administrative budget for the Penny Program at a faster rate. For example, should the County Council decide to grant the wage rate increases retroactive for all three years, then, the County would immediately pay the PDT an additional \$229,139.53 in administrative costs plus an additional \$100,716.22 per year for subsequent years. Please note that there is a maximum amount of \$32,100,000 to cover both administrative costs (i.e., for the PDT and the County’s Transportation

¹ A review of PDT’s request for wage rate increase calculations revealed that the formula used in PDT’s calculations is inaccurate. Richland County’s figures (see Attachment A) reflect the proper methodology as stated in the Agreement.

Department) and debt service on bonds issued to pay for Penny projects during the lifetime of the program. Should Council wish to consider granting a wage rate increase just for 2017, the fiscal impact would be an additional \$96,863.52 (see Attachment B).

Note that in the nearly five years of the program, Richland County has expended \$15,639,776.75 (\$13,611,856.28 in administrative costs and \$2,027,920.47 in debt service on bonds) or 48.7% of the total budget of \$32,100,000 with \$16,460,223.25 remaining for the life of the program. Moreover, it is anticipated that the County will spend approximately \$3,000,000 in administrative costs and \$3,571,667 in debt service in FY 2019, for an estimated total of \$6,571,667.

Alternatives

1. Provide no salary increase.
2. Provide salary increase request by PDT with correct calculations. Fiscal impact: \$229,139.53.
3. Provide salary increase just for 2017 using the 3.0% change for 2017 per the NAICS plus 2.0% of the base salary of the date of the Program Management Agreement, which is November 3, 2014. Fiscal impact: \$96,863.52.

Staff Recommendation

The intent of staff is to institute County Council's directive. Staff does not have a recommendation regarding this matter.



Name	Position	Base Rate	Current Salary	2% of the Base Rate as of 11/3/2014 (a)	2015			2016			2017			New Annual Salary with Retroactive Increase	Increase from Current Salary
					NAICS Percent Change (b)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary	NAICS Percent Change (c)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary	NAICS Percent Change (d)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary		
	Program Manager	\$ 81.18	\$ 168,854.40	\$ 1.62	\$ 1.95	\$ 3.57	\$ 84.75	\$ 1.70	\$ 3.32	\$ 88.07	\$ 2.64	\$ 4.27	\$ 92.34	\$ 192,059.45	\$ 23,205.05
	Deputy Program Manager	\$ 76.31	\$ 158,724.80	\$ 1.53	\$ 1.83	\$ 3.36	\$ 79.67	\$ 1.59	\$ 3.12	\$ 81.26	\$ 2.44	\$ 3.96	\$ 85.23	\$ 177,268.05	\$ 18,543.25
	Program Administrator	\$ 60.28	\$ 125,382.40	\$ 1.21	\$ 1.45	\$ 2.65	\$ 61.73	\$ 1.23	\$ 2.44	\$ 64.17	\$ 1.93	\$ 3.13	\$ 67.30	\$ 139,978.72	\$ 14,596.32
	Assistant Program Director	\$ 62.72	\$ 130,457.60	\$ 1.25	\$ 1.51	\$ 2.76	\$ 64.23	\$ 1.28	\$ 2.54	\$ 66.76	\$ 2.00	\$ 3.26	\$ 70.02	\$ 145,644.74	\$ 15,187.14
	Assistant Program Director	\$ 62.72	\$ 130,457.60	\$ 1.25	\$ 1.51	\$ 2.76	\$ 64.23	\$ 1.28	\$ 2.54	\$ 66.76	\$ 2.00	\$ 3.26	\$ 70.02	\$ 145,644.74	\$ 15,187.14
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Assistant Program Director	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Ass. Public Information Director	\$ 42.16	\$ 87,692.80	\$ 0.84	\$ 1.01	\$ 1.86	\$ 43.17	\$ 0.86	\$ 1.71	\$ 44.88	\$ 1.35	\$ 2.19	\$ 47.07	\$ 97,901.50	\$ 10,208.70
	Construction Manager	\$ 63.07	\$ 131,185.60	\$ 1.26	\$ 1.51	\$ 2.78	\$ 64.58	\$ 1.29	\$ 2.55	\$ 67.14	\$ 2.01	\$ 3.28	\$ 70.41	\$ 146,457.49	\$ 15,271.89
	Program Controls	\$ 62.02	\$ 129,001.60	\$ 1.24	\$ 1.49	\$ 2.73	\$ 63.51	\$ 1.27	\$ 2.51	\$ 66.02	\$ 1.98	\$ 3.22	\$ 69.24	\$ 144,019.24	\$ 15,017.64
	Scheduler	\$ 35.19	\$ 73,195.20	\$ 0.70	\$ 0.84	\$ 1.55	\$ 36.03	\$ 0.72	\$ 1.42	\$ 37.46	\$ 1.12	\$ 1.83	\$ 39.29	\$ 81,716.18	\$ 8,520.98
	Estimator	\$ 46.34	\$ 96,387.20	\$ 0.93	\$ 1.11	\$ 2.04	\$ 47.45	\$ 0.95	\$ 1.88	\$ 49.33	\$ 1.48	\$ 2.41	\$ 51.73	\$ 107,608.06	\$ 11,220.86
	Accountant	\$ 32.75	\$ 68,120.00	\$ 0.66	\$ 0.79	\$ 1.44	\$ 33.54	\$ 0.67	\$ 1.33	\$ 34.86	\$ 1.05	\$ 1.70	\$ 36.56	\$ 76,050.15	\$ 7,930.15
	Ass. Procurement Manager	\$ 23.35	\$ 48,568.00	\$ 0.47	\$ 0.56	\$ 1.03	\$ 23.91	\$ 0.48	\$ 0.95	\$ 24.86	\$ 0.75	\$ 1.21	\$ 26.07	\$ 54,222.01	\$ 5,654.01
	Office Manager	\$ 31.36	\$ 65,228.80	\$ 0.63	\$ 0.75	\$ 1.38	\$ 32.11	\$ 0.64	\$ 1.27	\$ 33.38	\$ 1.00	\$ 1.63	\$ 35.01	\$ 72,822.37	\$ 7,593.57
	Secretary	\$ 25.09	\$ 52,187.20	\$ 0.50	\$ 0.60	\$ 1.10	\$ 25.69	\$ 0.51	\$ 1.02	\$ 26.71	\$ 0.80	\$ 1.30	\$ 28.01	\$ 58,262.54	\$ 6,075.34
	Project Utility Manager	\$ 45.65	\$ 94,952.00	\$ 0.91	\$ 1.10	\$ 2.01	\$ 46.75	\$ 0.93	\$ 1.85	\$ 48.59	\$ 1.46	\$ 2.37	\$ 50.96	\$ 106,005.78	\$ 11,053.78
	ROW Manager	\$ 55.75	\$ 115,960.00	\$ 1.12	\$ 1.34	\$ 2.45	\$ 57.09	\$ 1.14	\$ 2.26	\$ 59.34	\$ 1.78	\$ 2.90	\$ 62.24	\$ 129,459.41	\$ 13,499.41
	Totals		\$ 1,937,270.40											\$ 2,166,409.93	\$ 229,139.53
	Total Hours/Year	2080												PDT's Total:	\$ 266,550.18
														RC's Correct Figures	\$ 229,139.53
	Notes:													Difference between PDT's Total and RC's correct figures:	\$ 37,410.65

(a) Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such position.
 The base rate is the salary of the respective position as of the date of the Agreement (November 3, 2014).
 (b) NAICS Percent Change for 2015: 2.4%
 (c) NAICS Percent Change for 2016: 2.0%
 (d) NAICS Percent Change for 2017: 3.0%

Name	Position	Base Rate	Current Salary	2% of the Base Rate as of 11/3/2014 (a)	2017			New Annual Salary with 2017 Increase Only	Increase from Current Salary
					NAICS Percent Change (b)	Increase: NAICS Percent Change + 2% of Base Rate	New Salary		
	Program Manager	\$81.18	\$168,854.40	\$1.62	\$2.44	\$4.06	\$85.24	\$177,297.12	\$8,442.72
	Deputy Program Manager	\$76.31	\$158,724.80	\$1.53	\$2.29	\$3.82	\$80.13	\$166,661.04	\$7,936.24
	Program Administrator	\$60.28	\$125,382.40	\$1.21	\$1.81	\$3.01	\$63.29	\$131,651.52	\$6,269.12
	Assistant Program Director	\$62.72	\$130,457.60	\$1.25	\$1.88	\$3.14	\$65.86	\$136,980.48	\$6,522.88
	Program Director	\$62.72	\$130,457.60	\$1.25	\$1.88	\$3.14	\$65.86	\$136,980.48	\$6,522.88
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Assistant Program Director	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Ass. Public Information Director	\$42.16	\$87,692.80	\$0.84	\$1.26	\$2.11	\$44.27	\$92,077.44	\$4,384.64
	Construction Manager	\$63.07	\$131,185.60	\$1.26	\$1.89	\$3.15	\$66.22	\$137,744.88	\$6,559.28
	Program Controls	\$62.02	\$129,001.60	\$1.24	\$1.86	\$3.10	\$65.12	\$135,451.68	\$6,450.08
	Scheduler	\$35.19	\$73,195.20	\$0.70	\$1.06	\$1.76	\$36.95	\$76,854.96	\$3,659.76
	Estimator	\$46.34	\$96,387.20	\$0.93	\$1.39	\$2.32	\$48.66	\$101,206.56	\$4,819.36
	Accountant	\$32.75	\$68,120.00	\$0.66	\$0.98	\$1.64	\$34.39	\$71,526.00	\$3,406.00
	Ass. Procurement Manager	\$23.35	\$48,568.00	\$0.47	\$0.70	\$1.17	\$24.52	\$50,996.40	\$2,428.40
	Office Manager	\$31.36	\$65,228.80	\$0.63	\$0.94	\$1.57	\$32.93	\$68,490.24	\$3,261.44
	Secretary	\$25.09	\$52,187.20	\$0.50	\$0.75	\$1.25	\$26.34	\$54,796.56	\$2,609.36
	Project Utility Manager	\$45.65	\$94,952.00	\$0.91	\$1.37	\$2.28	\$47.93	\$99,699.60	\$4,747.60
	ROW Manager	\$55.75	\$115,960.00	\$1.12	\$1.67	\$2.79	\$58.54	\$121,758.00	\$5,798.00
Totals			\$1,937,270.40					\$2,034,133.92	\$96,863.52
Total Hours/Year	2080							PDT's Total with Retroactive Increases:	\$ 266,550.18
								2017 Wage Rate Increase Only:	\$ 96,863.52
								Difference between PDT's Total and 2017 Wage Rate Increase Only:	\$ 169,686.66
Notes:									
(a) Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such po The base rate is the salary of the respective position as of the date of the Agreement (November 3, 2014).									
(b) NAICS Percent Change for 2017: 3.0%									



TRANSPORTATION PROGRAM

VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

May 4, 2018

Dr. John Thompson
Director of Transportation
Richland County Government
P.O. Box 192
Columbia, South Carolina 29202

Re: Richland County Sales Tax Transportation Improvement Program
Personnel Wage Rate Increases

Dear Dr. Thompson:

We have compiled the attached data with regards to Article VIII. Compensation, Item A.4. of the Program Management Agreement between Richland County, South Carolina and Richland PDT, a Joint Venture, for Program Development, Program Management and Other Services related to the Richland County Sales Tax Transportation Program.

The Contractor is eligible for wage rate increases effective January 1, 2016, January 1, 2017 and January 1, 2018 according to the Agreement, for those PDT positions assigned full-time to the Program and physically located in the PDT office. A listing of positions, names and current salaries based on the hourly rate as shown in Exhibit E as well as the new annual rate and yearly increase are shown for your review.

In addition, a copy of the NAICS definition is attached. Wage rate increases were calculated from Table 9 of the U.S. Bureau of Labor Statistics dated October, 2015, 2016 and 2017. The percent change for Construction for the 12 months ending September, 2015 was 2.4% plus the allowable 2% as stated in the agreement would calculate to a 4.4% annual increase in wages for the year 2016. The percent change for Construction for the 12 months ending September, 2016 was 2.0% plus the allowable 2% as stated in the agreement would calculate to a 4.0% annual increase in wages for the year 2017. The percent change for Construction for the 12 months ending September, 2017 was 3.0% plus the allowable 2% as stated in the agreement would calculate to a 5.0% annual increase in wages for the year 2018.

From the data gathered together, we have calculated the wage rate increase for CY 2016, 2017 and 2018 to be **\$266,550.18 (Two Hundred Sixty Six Thousand Five Hundred Fifty Dollars and Eighteen Cents)**.

We would like to meet and discuss the attached at your convenience and should you have any questions, please do not hesitate to contact us.

Page 1 of 2



TRANSPORTATION PROGRAM

Sincerely,
RICHLAND PDT, A JOINT VENTURE

A handwritten signature in blue ink, which appears to read "Ross A. Tilton".

Ross A. Tilton
Program Administrator

Cc: Larry Smith, Esquire
Richland County Attorney
2020 Hampton Street
Columbia, SC 29204

Sandra Yudice
Acting County Administrator
2020 Hampton Street
Columbia, SC 29204

Frannie Heizer, Esquire
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, SC 29211

Calvin "Chip" Jackson
Chairman Transportation Ad Hoc Committee
2020 Hampton Street
Columbia, SC 29204

RICHLAND COUNTY SALES TAX TRANSPORTATION PROGRAM
PERSONNEL RATE SCHEDULE (Rates for 2014 calculated at 2.87 DPE)
5/2/2018

POSITION	NAME	Hourly Rate + 2.87%	Base Rate	Yearly Rate	Base Rate Plus 4.4% (2015)	New Annual 2016 Rate	Yearly Increase 2016	Base Rate Plus 4.0% (2016)	New Annual 2017 Rate	Yearly Increase 2017	Base Rate Plus 5.0% (2017)	New Annual 2018 Rate	Yearly Increase 2018	Total Increase
Principal	Bill Cram	\$ 276.00	\$ -	\$ -	\$ -	\$ 176,283.99	\$ 7,429.59	\$ 88.14	\$ 183,335.35	\$ 7,051.36	\$ 92.55	\$ 192,502.12	\$ 9,166.77	\$ 23,647.72
Program Manager	David Beatty	\$ 233.00	\$ 81.18	\$ 168,854.40	\$ 84.75	\$ 176,283.99	\$ 7,429.59	\$ 88.14	\$ 183,335.35	\$ 7,051.36	\$ 92.55	\$ 192,502.12	\$ 9,166.77	\$ 23,647.72
Deputy Program Manager	Robert Pratt	\$ 219.00	\$ 76.31	\$ 158,724.80	\$ 79.67	\$ 165,708.69	\$ 6,983.89	\$ 82.85	\$ 172,337.04	\$ 6,628.35	\$ 87.00	\$ 180,953.89	\$ 8,616.85	\$ 22,225.09
Program Administrator	Ross Tilton	\$ 173.00	\$ 60.28	\$ 125,382.40	\$ 62.93	\$ 130,899.23	\$ 5,516.83	\$ 65.45	\$ 136,135.19	\$ 5,235.97	\$ 68.72	\$ 142,941.95	\$ 6,806.76	\$ 17,959.55
Assistant Program Manager	Jennifer Bragg	\$ 180.00	\$ 62.72	\$ 130,457.60	\$ 65.48	\$ 136,197.73	\$ 5,740.13	\$ 68.10	\$ 141,645.64	\$ 5,447.91	\$ 71.50	\$ 148,727.93	\$ 7,082.28	\$ 18,270.33
Assistant Program Manager	Anthony Lawrence	\$ 180.00	\$ 62.72	\$ 130,457.60	\$ 65.48	\$ 136,197.73	\$ 5,740.13	\$ 68.10	\$ 141,645.64	\$ 5,447.91	\$ 71.50	\$ 148,727.93	\$ 7,082.28	\$ 18,270.33
Assistant Project Manager	Perry Mayhew	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Assistant Project Manager	Aaron Marshall	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Assistant Project Manager	Raven Gambrell	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Assistant Project Manager	Ben Lewis	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Public Information Director	Darrell Campbell	\$ 200.00	\$ -	\$ -	\$ -	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Asst. Public Information Director	Nicole Smith	\$ 121.00	\$ 42.16	\$ 87,692.80	\$ 44.02	\$ 91,551.28	\$ 3,858.48	\$ 45.78	\$ 95,213.33	\$ 3,662.05	\$ -	\$ -	\$ -	\$ -
Outreach Lead Strategist	Heyward Bannister	\$ 220.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Outreach Manager	Rania Jamieson	\$ 121.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Senior Traffic Engineer	John Funny	\$ 118.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Web Designer	Tim Burke	\$ 125.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Construction Manager	Clem Watson	\$ 181.00	\$ 63.07	\$ 131,185.60	\$ 65.85	\$ 136,957.77	\$ 5,772.17	\$ 68.48	\$ 142,436.08	\$ 5,478.31	\$ 71.90	\$ 149,557.88	\$ 7,121.80	\$ 18,372.28
Program Controls	Jennifer Manuay	\$ 178.00	\$ 62.02	\$ 123,001.60	\$ 64.75	\$ 134,677.67	\$ 5,676.07	\$ 67.34	\$ 140,064.78	\$ 5,387.11	\$ 70.71	\$ 147,068.02	\$ 7,003.24	\$ 18,066.42
Scheduler	Trish Mintz	\$ 101.00	\$ 35.19	\$ 73,195.20	\$ 36.74	\$ 76,415.79	\$ 3,220.59	\$ 38.21	\$ 79,472.42	\$ 3,056.63	\$ 40.12	\$ 83,446.04	\$ 3,973.62	\$ 10,250.84
Senior Estimator	Robbie Brax	\$ 174.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Estimator	Gerald Walker	\$ 133.00	\$ 46.34	\$ 96,387.20	\$ 48.38	\$ 100,628.24	\$ 4,241.04	\$ 50.31	\$ 104,653.37	\$ 4,025.13	\$ 52.83	\$ 109,886.03	\$ 5,232.67	\$ 13,498.83
Accountant Manager	Bob Chisholm	\$ 173.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Accountant	Chanel Wallace	\$ 94.00	\$ 32.75	\$ 68,120.00	\$ 34.19	\$ 71,117.28	\$ 2,997.28	\$ 35.56	\$ 73,961.97	\$ 2,844.69	\$ 37.34	\$ 77,660.07	\$ 3,698.10	\$ 9,540.07
Procurement Manager	Dale Collier	\$ 225.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Asst. Procurement Manager	Janet Jones	\$ 67.00	\$ 23.35	\$ 48,568.00	\$ 24.38	\$ 50,704.99	\$ 2,136.99	\$ 25.35	\$ 52,733.19	\$ 2,028.20	\$ 26.62	\$ 55,369.85	\$ 2,636.66	\$ 6,801.85
Office Manager	Denise Gillard	\$ 90.00	\$ 31.36	\$ 65,228.80	\$ 32.74	\$ 68,098.87	\$ 2,870.07	\$ 34.05	\$ 70,822.82	\$ 2,723.95	\$ 35.75	\$ 74,363.96	\$ 3,541.14	\$ 9,135.16
Secretary	Felicia Robinson	\$ 72.00	\$ 25.09	\$ 52,187.20	\$ 26.19	\$ 54,483.44	\$ 2,296.24	\$ 27.24	\$ 56,662.77	\$ 2,179.34	\$ 28.60	\$ 59,495.91	\$ 2,833.14	\$ 7,308.71
Project Utility Manager	Randy Roberts	\$ 131.00	\$ 45.65	\$ 94,952.00	\$ 47.66	\$ 99,129.89	\$ 4,177.89	\$ 49.56	\$ 103,095.08	\$ 3,965.20	\$ 52.04	\$ 108,249.84	\$ 5,154.75	\$ 13,297.84
ROW Manager	Tim Seybt	\$ 160.00	\$ 55.75	\$ 115,960.00	\$ 58.20	\$ 121,062.24	\$ 5,102.24	\$ 60.53	\$ 125,904.73	\$ 4,842.49	\$ 63.56	\$ 132,199.97	\$ 6,295.24	\$ 16,239.97
Totals				\$ 1,937,270.40		\$ 2,022,510.30	\$ 85,239.90		\$ 2,103,410.71	\$ 80,900.41		\$ 2,108,607.24	\$ 100,409.87	\$ 266,550.18

Denotes Full Time/located at PDT

Employment Cost Index Historical Listing – Volume III

April 2018

National Compensation Survey

www.bls.gov/ect

Current Dollar, March 2001-March 2018 (December 2005=100)

The estimates from 2001 to 2005 in this listing are not official; they are presented only to aid users in interpreting the industry and occupational classification systems that were introduced in March 2006.

Seasonally Adjusted

Table #	Page
Civilian, Private industry, and State and local government	
1 Compensation; by occupational group and industry	3
2 Wages and salaries; by occupational group and industry	27
3 Benefits; by occupational group and industry	50

Not Seasonally Adjusted

Table #	Page
Compensation	
4 Civilian; by occupational group and industry	55
5 Private industry; by occupational group and industry	66
6 Private industry; by bargaining status, census region and division, and metropolitan area status.....	96
7 State and local government; by occupational group and industry	105
Wages and salaries	
8 Civilian; by occupational group and industry	111
9 Private industry; by occupational group and industry	122
10 Private industry; by bargaining status, census region and division, and metropolitan area status.....	152
11 State and local government; by occupational group and industry	161
Benefits	
12 Civilian, Private industry (by occupational group, industry, and bargaining status), and State and local government.....	167
Areas	
13 Private industry (total compensation and wages and salaries).....	174

This is the third volume of five historical listings for the Employment Cost Index. The other four are:

- I. Current Dollar, September 1975 – December 2005
- II. Constant Dollar, September 1975 – December 2005
- IV. Constant Dollar, March 2001 – current reference period
- V. Continuous Occupational and Industry Series, September 1975 – current reference period

The listings are available at www.bls.gov/ect/#tables



Technical Note

This document provides estimates from 2001 to the present reference month based on the 2012 North American Industry Classification System (NAICS), 2000 and 2010 Standard Occupational Classification (SOC) codes, and 2012 employment weights (beginning in December 2013) based on Occupational Employment Statistics employment counts.

Beginning with estimates for March 2006, the following changes were introduced to the ECI:

- The Standard Industrial Classification (SIC) System was replaced by the North American Industry Classification System for classifying establishments by industry.
- The Occupational Classification System (OCS) Manual was replaced by the Standard Occupational Classification Manual for classifying occupations.
- Estimates were weighted to 2002 fixed employment counts until December 2013 (see above). For March 1995 through December 2005, ECI estimates were weighted on 1990 fixed employment counts. A report on the 1990 reweighting, "Introducing 1990 Weights for the ECI," from the June 1995 issue of Compensation and Working Conditions is available upon request.
- The ECI base was changed to December 2005=100. Prior to this, the base was June 1989=100, which was used from March 1990 through December 2005. December 2005=100 indexes were calculated by dividing the June 1989=100 index values for each series by the December 2005 index value for that series and then multiplying by 100. Three- and 12-month percent changes were then calculated from the rebased indexes. These percent changes may differ from those calculated from the June 1989=100 indexes because of rounding. The change to the June 1989=100 base is explained in the technical note, "ECI Rebased to June 1989," in the April 1990 issue of the Monthly Labor Review (www.bls.gov/opub/mlr/1990/04/rpt1full.pdf).

For more information on these changes, see articles in the April 2006 issue of the Monthly Labor Review (www.bls.gov/opub/mlr/2006).

Fixed employment data are not available for the series based on bargaining status, census region and division, metropolitan area status, and series excluding incentive paid occupations. Therefore, the employment weights are reallocated within these series for each reference period based on the current ECI sample. The indexes for these series, consequently, are not strictly comparable with those for the aggregate industry and occupational series. A fuller explanation of the calculation of index numbers appears in an article, "Estimation Procedures for the ECI" in the May 1982 issue of the Monthly Labor Review (www.bls.gov/opub/mlr/1982/05/rpt3full.pdf).

When using the ECI for escalation contracts, users should review "How to Use the ECI for Escalation" (www.bls.gov/ect/escalator.htm).

This historical listing includes revised seasonally adjusted estimates based on the annual revisions process. For more information regarding the seasonal adjustment revisions see www.bls.gov/ncs/ect/ectsfact.htm. Additionally, Employment Cost Index estimate corrections are announced on the Bureau's errata page, www.bls.gov/bls/erratabysubject.htm, and are reflected in this listing.

More information on the ECI is available from several sources. These include: "National Compensation Measures," in the BLS Handbook of Methods (www.bls.gov/opub/hom/ncs/home.htm), and several articles published in the Monthly Labor Review (www.bls.gov/opub/mlr/mlrhome.htm). These articles, and other descriptive pieces, are also available by calling (202) 691-6199 or sending e-mail to NCSinfo@bls.gov.





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North American Industry Classification System

You are here: [Census.gov \(/\)](#) > [Business & Industry \(/econ/www/index.html\)](#) > [NAICS \(/eos/www/naics/index.html\)](#) > NAICS Search/Tools

2017 NAICS Definition

T = Canadian, Mexican, and United States industries are comparable.

Sector 23 -- Construction^T

The Sector as a Whole

The Construction sector comprises establishments primarily engaged in the construction of buildings or engineering projects (e.g., highways and utility systems). Establishments primarily engaged in the preparation of sites for new construction and establishments primarily engaged in subdividing land for sale as building sites also are included in this sector.

Construction work done may include new work, additions, alterations, or maintenance and repairs. Activities of these establishments generally are managed at a fixed place of business, but they usually perform construction activities at multiple project sites. Production responsibilities for establishments in this sector are usually specified in (1) contracts with the owners of construction projects (prime contracts) or (2) contracts with other construction establishments (subcontracts).

Establishments primarily engaged in contracts that include responsibility for all aspects of individual construction projects are commonly known as general contractors, but also may be known as design-builders, construction managers, turnkey contractors, or (in cases where two or more establishments jointly secure a general contract) joint-venture contractors. Construction managers that provide oversight and scheduling only (i.e., agency) as well as construction managers that are responsible for the entire project (i.e., at risk) are included as general contractor type establishments. Establishments of the "general contractor type" frequently arrange construction of separate parts of their projects through subcontract with other construction establishments.

Establishments primarily engaged in activities to produce a specific component (e.g., masonry, painting, and electrical work) of a construction project are commonly known as specialty trade contractors. Activities of specialty trade contractors are usually subcontracted from other construction establishments, but especially in remodeling and repair construction, the work may be done directly for the owner of the property.

Establishments primarily engaged in activities to construct buildings to be sold on sites that they own are known as for-sale builders, but also may be known as speculative builders or merchant builders. For-sale builders produce buildings in a manner similar to general contractors, but their production processes also include site acquisition and securing of financial backing. For-sale builders are most often associated with the construction of residential buildings. Like general contractors, they may subcontract all or part of the actual construction work on their buildings.

There are substantial differences in the types of equipment, work force skills, and other inputs required by establishments in this sector. To highlight these differences and variations in the underlying production functions, this sector is divided into three subsectors.



Subsector 236, Construction of Buildings, comprises establishments of the general contractor type and for-sale builders involved in the construction of buildings. Subsector 237, Heavy and Civil Engineering Construction, comprises establishments involved in the construction of engineering projects. Subsector 238, Specialty Trade Contractors, comprises establishments engaged in specialty trade activities generally needed in the construction of all types of buildings.

Force account construction is construction work performed by an enterprise primarily engaged in some business other than construction for its own account, using employees of the enterprise. This activity is not included in the construction sector unless the construction work performed is the primary activity of a separate establishment of the enterprise. The installation and the ongoing repair and maintenance of telecommunications and utility networks is excluded from construction when the establishments performing the work are not independent contractors. Although a growing proportion of this work is subcontracted to independent contractors in the Construction sector, the operating units of telecommunications and utility companies performing this work are included with the telecommunications or utility activities.

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Source: U.S. Census Bureau | North American Industry Classification System (NAICS) | (888) 756-2427 | naics@census.gov (<mailto:naics@census.gov>) | Last Revised: August 17, 2016

Table 9. Employment Cost Index for wages and salaries, for private industry workers, by occupational group and industry — Continued

(Not seasonally adjusted)

Occupational group and industry	Indexes (Dec. 2005 = 100)				Percent changes for—							
	Mar.	June	Sep.	Dec.	3-months ended—				12-months ended—			
					Mar.	June	Sep.	Dec.	Mar.	June	Sep.	Dec.
Construction												
2001	87.3	88.2	88.9	89.6	1.0	1.0	0.8	0.8	4.6	4.0	3.6	3.7
2002	89.9	90.7	91.3	92.1	.3	.9	.7	.9	3.0	2.8	2.7	2.8
2003	92.3	93.4	94.2	94.5	.2	1.2	.9	.3	2.7	3.0	3.2	2.6
2004	95.4	95.9	97.0	96.9	1.0	.5	1.1	-1	3.4	2.7	3.0	2.5
2005	97.3	98.3	99.4	100.0	.4	1.0	1.1	.6	2.0	2.5	2.5	3.2
2006	100.6	102.0	102.9	103.7	.6	1.4	.9	.8	3.4	3.8	3.5	3.7
2007	104.9	106.0	107.0	107.8	1.2	1.0	.9	.7	4.3	3.9	4.0	4.0
2008	109.0	110.0	110.6	111.1	1.1	.9	.5	.5	3.9	3.8	3.4	3.1
2009	111.2	111.4	111.7	111.9	.1	.2	.3	.2	2.0	1.3	1.0	.7
2010	112.1	112.2	112.8	112.7	.2	.1	.5	-1	.8	.7	1.0	.7
2011	112.7	113.2	113.6	114.1	.0	.4	.4	.4	.5	.9	.7	1.2
2012	113.9	114.4	115.2	115.5	-2	.4	.7	.3	1.1	1.1	1.4	1.2
2013	115.8	116.4	117.3	117.4	.3	.5	.8	.1	1.7	1.7	1.8	1.6
2014	117.3	117.8	119.0	119.6	-1	.4	1.0	.5	1.3	1.2	1.4	1.9
2015	119.7	120.6	121.8	122.7	.1	.8	1.0	.7	2.0	2.4	2.4	2.6
2016	122.8	123.9	124.2	125.3	.1	.9	.2	.9	2.6	2.7	2.0	2.1
2017	126.1	126.8	127.9	128.4	.6	.6	.9	.4	2.7	2.3	3.0	2.5
2018	129.5	-	-	-	.9	-	-	-	2.7	-	-	-
Manufacturing												
2001	88.3	89.1	89.6	90.2	1.4	.9	.6	.7	3.8	3.6	3.3	3.6
2002	91.2	91.8	92.2	92.8	1.1	.7	.4	.7	3.3	3.0	2.9	2.9
2003	93.8	94.5	94.8	95.1	1.1	.7	.3	.3	2.9	2.9	2.8	2.5
2004	95.7	96.5	97.4	97.4	.6	.8	.9	.0	2.0	2.1	2.7	2.4
2005	98.2	98.9	99.6	100.0	.8	.7	.7	.4	2.6	2.5	2.3	2.7
2006	100.7	101.7	101.9	102.3	.7	1.0	.2	.4	2.5	2.8	2.3	2.3
2007	103.3	103.9	104.5	104.9	1.0	.6	.6	.4	2.6	2.2	2.6	2.5
2008	105.9	106.7	107.4	107.7	1.0	.8	.7	.3	2.5	2.7	2.8	2.7
2009	108.1	108.4	108.6	108.9	.4	.3	.2	.3	2.1	1.6	1.1	1.1
2010	109.4	110.0	110.6	110.7	.5	.5	.5	.1	1.2	1.5	1.8	1.7
2011	111.5	112.0	112.5	112.7	.7	.4	.4	.2	1.9	1.8	1.7	1.8
2012	113.6	114.0	114.6	114.8	.8	.4	.5	.2	1.9	1.8	1.9	1.9
2013	115.7	116.4	116.9	117.2	.8	.6	.4	.3	1.8	2.1	2.0	2.1
2014	118.0	118.9	119.4	119.8	.7	.8	.4	.3	2.0	2.1	2.1	2.2
2015	120.8	121.8	122.3	123.0	.8	.8	.4	.6	2.4	2.4	2.4	2.7
2016	124.0	124.9	125.7	126.2	.8	.7	.6	.4	2.6	2.5	2.8	2.6
2017	127.1	127.9	128.7	129.3	.7	.6	.6	.5	2.5	2.4	2.4	2.5
2018	130.4	-	-	-	.9	-	-	-	2.6	-	-	-
White-collar occupations^{1,3}												
2001	88.5	89.3	89.4	89.7	1.5	.9	.1	.3	3.8	3.1	2.6	2.9
2002	91.1	91.6	92.0	92.5	1.6	.5	.4	.5	2.9	2.6	2.9	3.1
2003	93.6	94.5	94.6	94.8	1.2	1.0	.1	.2	2.7	3.2	2.8	2.5
2004	95.6	96.5	97.5	97.4	.8	.9	1.0	-1	2.1	2.1	3.1	2.7
2005	98.1	98.9	99.9	100.0	.7	.8	1.0	.1	2.6	2.5	2.5	2.7
2006	100.6	102.2	101.9	102.2	.6	1.6	-3	.3	2.5	3.3	2.0	2.2
Excluding sales occupations¹												
2001	89.2	90.0	89.9	90.3	1.0	.9	-1	.4	3.7	3.2	2.5	2.3
2002	91.0	91.9	92.4	92.9	.8	1.0	.5	.5	2.0	2.1	2.8	2.9
2003	93.9	94.6	94.9	95.3	1.1	.7	.3	.4	3.2	2.9	2.7	2.6
2004	95.8	96.8	97.4	97.5	.5	1.0	.6	.1	2.0	2.3	2.6	2.3
2005	98.1	99.0	99.8	100.0	.6	.9	.8	.2	2.4	2.3	2.5	2.6

See footnotes at end of table.

- A. All Services shall be subject to review by the County at all reasonable times and places prior to acceptance.
- B. Any such review is for the sole benefit of the County and shall not relieve the Contractor of the responsibility of providing quality services to comply with the Agreement requirements.
- C. No review by the County shall be construed as constituting or implying acceptance. Such review shall not relieve the Contractor of the responsibility to correctly perform the Services, nor shall it in any way affect the continuing rights (including warranty rights) of the County after acceptance of the completed Services.
- D. The Contractor shall, without charge, correct or re-perform any Services found by the County not to conform to this Agreement's requirements, unless the County consents in writing to accept such Services with an appropriate adjustment in the Contract Price.
- E. If the Contractor fails to correct or re-perform any Services not found to conform to the contract requirements within a reasonable period of time after written notice to the Contractor, the County shall have the right to self-perform those Services and charge back the cost to correct or re-perform those Services to the Contractor.
- F. Final acceptance of all Services does not occur until final payment is made by the County to Contractor for all Services performed under this Agreement.

VIII. Compensation.

- A. Compensation for Contractor's Program Related Services (Task I, Exhibit B).
1. The County agrees to pay the Contractor for the performance of the Services described in Task I of Exhibit B to this Agreement, including all items necessary to accomplish and complete the Services, in accordance with all terms and conditions as stated herein and on the following basis:
 2. Compensation for Task I of the Services as provided in Exhibit B shall be Six Million, Twenty Thousand Dollars (\$6,020,000.00) and no/cents for each year of this Agreement, to be invoiced by Contractor to the County in twelve equal monthly installments.
 3. Compensation for Task I of the Services shall be identical for every renewal year of this Agreement through its fifth year unless this Agreement is terminated prior to that time.
 4. Compensation for Task I was based on 2014 wage rates. The Contractor shall be eligible on the following dates for cost of wage increases to be added to the compensation from the base rate established at the date of this Agreement. (The base rate is the salary of the respective position as of the date of this Agreement.) The dates on which the Contractor shall be eligible for the increase are January 1, 2016 and January 1 of each subsequent year of this Agreement.

Wage rate increases shall be calculated for each position based on the US Bureau of Labor Statistics, NAICS as most applicable to each position, plus two (2%) of the base salary for each such position. Wage rate increases shall be limited to those PDT positions assigned full-time to the Program (as mutually agreed to between the County and the Contractor) and physically located in the PDT office.

5. Invoicing for Contractor's Program Services shall be in accordance with Section VIII, H. below.

6. In the event the Program Cost increases by ten (10%) percent or more, then the Program Management Fee may be equitably adjusted.

B. Compensation for Project Specific Services (Tasks II-III; V-VI, Exhibit B).

1. The County agrees to pay the Contractor for the performance of the Services described in Tasks II-II; and V-VI of Exhibit B to this Agreement, including all items necessary to accomplish and complete the Services, in accordance with all terms and conditions as stated herein and on the following basis:

2. For each Project (or group of Projects collectively if it would be more efficient), the Contractor, if assigned Tasks by the Contract Management Officer, shall be compensated as follows.

a) For each Project, the Contractor has prepared a "Budget Project Cost." The County must agree to the Budget Project Cost. Each Project's initial Budget Project Cost is attached hereto as Exhibit C. Recognizing that the initial Budget Project Cost listed in Exhibit C may have changed over time, the Contractor shall for each Project submit a proposed Budget Project Cost which the County in its sole discretion may accept.

b) The Contractor's compensation for each Project will be determined based on what Tasks as provided for in Exhibit B the Contractor performs for each Project listed on Exhibit C.

c) The Contractor shall be compensated for its Tasks based on a percentage of total cost of each Project.

d) The Contractor for each Project shall establish a "Milestone" list of Project activities as part of the schedule for such Project and the Contractor shall submit a proposed payment schedule for each "Milestone" in each Project's schedule for the Project.

e) The Contractor shall provide detail in its monthly invoices for each Project so that the County can to its satisfaction account for and understand the different Projects and corresponding charges for each.

shall be developed to federal standards to ensure funding eligibility.

- D. Once the CTIP is approved the PDT will develop and maintain an executive level project and program status reporting system with remote access for the PDT and the County. This program shall be tablet compatible. Members of the County IT, GIS, Transportation, Finance, Planning, Procurement, Public Works, and legal staff shall be consulted regarding format and content while the program status reporting system is being developed. The PDT should anticipate a minimum of four (4) meetings with County staff in the development of the reporting system. The PDT should also include in this contract upgrades and management to this reporting system over the duration of this Agreement.
- E. In conjunction with the CTIP approval, the PDT shall develop a master schedule for design, right-of-way acquisition and construction for all projects with milestone dates for submittals and reviews.
- F. The PDT shall include within the CTIP a master financial plan to include expenditures, projected revenues, and bonding as well as other sources of funding applied to the overall Program. This should be used to assist in determining the best schedule to complete projects effectively. The plan shall be updated monthly to reflect changes in project cost estimates, projected revenues and expenditures. This financial information shall be loaded into the CTIP and be included in the final, developed reporting system. The PDT shall also make a recommendation to the County for future bonding to complete the Program in a timely manner.
- G. The PDT shall provide a proper level of staffing for the Program activities. Staffing levels may fluctuate with project activity but the PDT shall maintain a base level of staff in the PDT office to accommodate all phases of the program. Any fluctuation in staffing shall be approved by the County. Staff may be offsite or provided by sub consultants. The County shall approve or disapprove of any future consultants not contained in the RFQ submission. The PDT shall provide additional staff as necessary to provide for an orderly flow of the work.
- H. The County understands that the PDT may not track personnel costs on an hourly basis, However, the PDT shall provide on a quarterly basis a report providing its best, good faith estimate of the total hours dedicated exclusively by the PDT to the Program for the prior month within a ten (10%) percent +/- accuracy.
- I. The staffing positions agreed to between the County and the PDT are:

POSITION		POSITION	
* Principal	BILL	* Web Designer	TIM BURKE
Program Manager	DAVID	Construction Manager	CLEM
Deputy Program Manager	SUNNY/ROBERT	Program Controls	J MANDLY
Program Administrator	KEVIN	Scheduler	TRISH
Project Manager	JERASS	* Senior Estimator	ROBERT
Project Manager	ANTHONY	Estimator	GERALD

Assistant Project Manager	PERRY	* Accountant Manager	BOB
Assistant Project Manager	SCOTT	Accountant	CHANEL
Assistant Project Manager	DAVEN	* Procurement Manager	DALE
Assistant Project Manager	BEN	Assistant Procurement Manager	NANCY
* Public Information Director	DARRELL	Office Manager	DENISE
Assistant Public Information Director	MILOLE	Secretary	FELICIA
* Outreach Manager	HEYWARD	Project Utility manager	RANDY
* Outreach Strategist	RANIA	ROW Manager	TIM
* Senior Traffic Engineer	JOHN		

Intern Coordinator AMANDA

I-2 Project Controls and Scheduling

- A. The PDT shall develop a system to organize and maintain all project related files. This includes a system for file transfers that may include, but is not limited to a program ftp site, ProjectWise, or similar approved program. This data shall be accessible remotely and shall become the property of the County at the completion of the Contract.
- B. The PDT shall participate in regularly scheduled progress meetings with County Management, County Council, Transportation Advisory Committee (TPAC), Ad Hoc Transportation Committee, Ad Hoc Dirt Road Committee, SCDOT, municipalities, local and regional transportation committees, and the general public as necessary. The PDT shall be tasked with preparation of agendas, any presentation materials and follow-up meeting minutes as required. The PDT's Program Manager shall attend meetings as deemed appropriate by the County. The Program Manager shall also attend such additional meetings as directed by the County. The PDT can anticipate the following meetings monthly: TPAC, Ad Hoc Transportation Committee, Ad Hoc Dirt Road Committee, and SCDOT coordination meeting. The PDT shall also be available on an on-call status to attend County Council Meetings.
- C. The PDT shall investigate other sources of funding for the planned projects. These other sources of funding may include, but are not limited to: TIGER Grants, TAP funds, SCDOT Match funds, etc. The PDT shall budget to produce one TIGER, one State Infrastructure Bank and one TAP Grant yearly. The PDT shall also budget production of SCDOT Match Program applications bi-yearly. Project budgets may be increased through these additional funds.
- D. The PDT shall coordinate with other government entities (OGE's), including coordination with the Central Midlands Regional Transit Authority. Activities may include submittals required during project phasing, listing each subject project with regulatory agencies involved, and similar actions. For the purposes of this contract the PDT shall anticipate quarterly meetings with OGE's.
- E. The PDT shall establish standard specifications for enhancement items County wide in an effort to establish continuity. At a minimum this shall include, but is not limited to lighting, ADA detectable warning ramps, cross-walks, receptacles, and bike racks.

EXHIBIT E

RICHLAND COUNTY SALES TAX TRANSPORTATION PROGRAM PERSONNEL RATE SCHEDULE (RATES FOR 2014 calculated at 2.87 DPE)		
Position Code	Position	Hourly Rates
	PROGRAM MANAGEMENT	
100	Program Manager	\$ 233
101	Deputy Program Manager	\$ 219
102	Assistant Program Manager	\$ 180
103	Program Administrator	\$ 173
104	Principal	\$ 276
	PUBLIC INFORMATION	
200	Public Information Director	\$ 200
201	Public Relations Director	\$ 121
202	Outreach Lead Strategist	\$ 220
203	Outreach Manager	\$ 121
204	Web Designer	\$ 125
	PROCUREMENT	
300	Procurement Director	\$ 225
301	Procurement Manager	\$ 67
302	SWMBE Manager	\$ 108
	PROJECT CONTROLS	
400	Project Controls Director	\$ 178
401	Financial Controls	\$ 150
402	CPM Scheduler	\$ 101
403	TEAMS Coordinator	\$ 138
	DESIGN	
500	Principal Architect	\$ 180
501	Senior Architect	\$ 153
502	Architect	\$ 126
503	Principal Engineer	\$ 180
504	Senior Engineer	\$ 158
505	Engineer	\$ 130
506	Junior Engineer	\$ 64
507	Engineering Technician	\$ 118
508	Senior Structural Engineer	\$ 157
509	Structural Engineer	\$ 121
510	Senior Traffic Engineer	\$ 118

EXHIBIT E

COST ESTIMATING		
600	Preconstruction Svcs. Director	\$174
601	Senior Estimator	\$133
602	Estimator	\$104
603	Quantity Surveyor	\$66
ENVIRONMENTAL		
700	Senior Geologist	\$189
701	Geologist	\$128
702	Senior Hydrologist	\$151
703	Hydrologist	\$102
704	Senior Environmentalist	\$114
705	Senior Biologist	\$189
706	Biologist	\$128
707	Environmental P. E.	\$180
708	Environmental Technician	\$118
CONSTRUCTION/INSPECTIONS		
800	Construction Manager	\$181
801	Project Manager	\$144
802	Assistant Project Manager	\$90
803	Senior Inspector	\$104
804	Inspector	\$93
805	Junior Inspector	\$63
806	Safety Compliance Officer	\$90
RIGHT-OF-WAY ACQUISITION		
900	Right-of-Way Principal	\$180
901	Right-of-Way Manager	\$160
902	Right-of-Way Agent/Mentor	\$60
903	Right-of-Way Protégé	\$60
904	Project Manager	\$145
905	Attorney Mentor	\$200
906	Attorney Protégé	\$200
SURVEY & MAPPING		
1000	Director	\$166
1001	Lead Utility Coordinator/Eng. IV	\$131
1002	Asst. Utility Coordinator/Eng. III	\$123
1003	Asst. Utility Coordinator/Eng. II	\$117
1004	Technical Assistant	\$96
1005	Lead Prof. Land Surveyor	\$109
1006	Asst. Prof. Land Surveyor	\$93
1007	Surveyor Tech III	\$72
1008	Surveyor Tech II	\$52

EXHIBIT E

1009	Survey CAD Technician I	\$70
1010	GIS Specialist	\$95
	ACCOUNTING	
1100	Accounting Manager	\$173
1101	Accountant	\$94
1102	Accounting Clerk	\$58
	LEGAL	
1200	Attorney	TBD
1201	Legal Assistant	TBD
	SUPPORT STAFF	
1300	Contract Administrator	\$90
1301	Clerical	\$72
1302	Intern	\$54
1303	Student Intern	\$43
Notes: 1. Overtime premium is 1.5 of above rates . 2. Rates are subject to annual adjustment per Agreement. 3. Hourly cost = Base Rate x 2.875 (based on 2014 wages)		

End of Exhibit



Administration & Finance Committee Meeting Briefing Document

Agenda Item

Request from the University of South Carolina's Center for Applied Innovation and Advanced Analytics to partner and implement (including funding) a project that would provide rural internet to those areas of unincorporated Richland County that do not have access to broadband.

Background

Technology plays a pivotal role in the way businesses operate, how institutions provide services and where consumers choose to live, work and play. The success of a community has become dependent on how broadly and deeply the community adopts technology resources, including access to reliable, high-speed networks, digital literacy of residents, and the use of online resources locally for business, government and leisure.

Despite a growing dependence on technology, the 2010 Census reports that 27% of Americans do not have a high-speed connection at home. Additional studies also indicate that 19.1 million children do not have broadband at home, and 6.1 million of those children live in low-income households.

In this environment, deploying broadband infrastructure, services and applications presents many challenges. Nevertheless, the universal adoption and meaningful use of broadband is necessary to advance twenty-first century technologically empowered communities. Every sector of a community requires the power of broadband and related applications to function at the highest capacity.

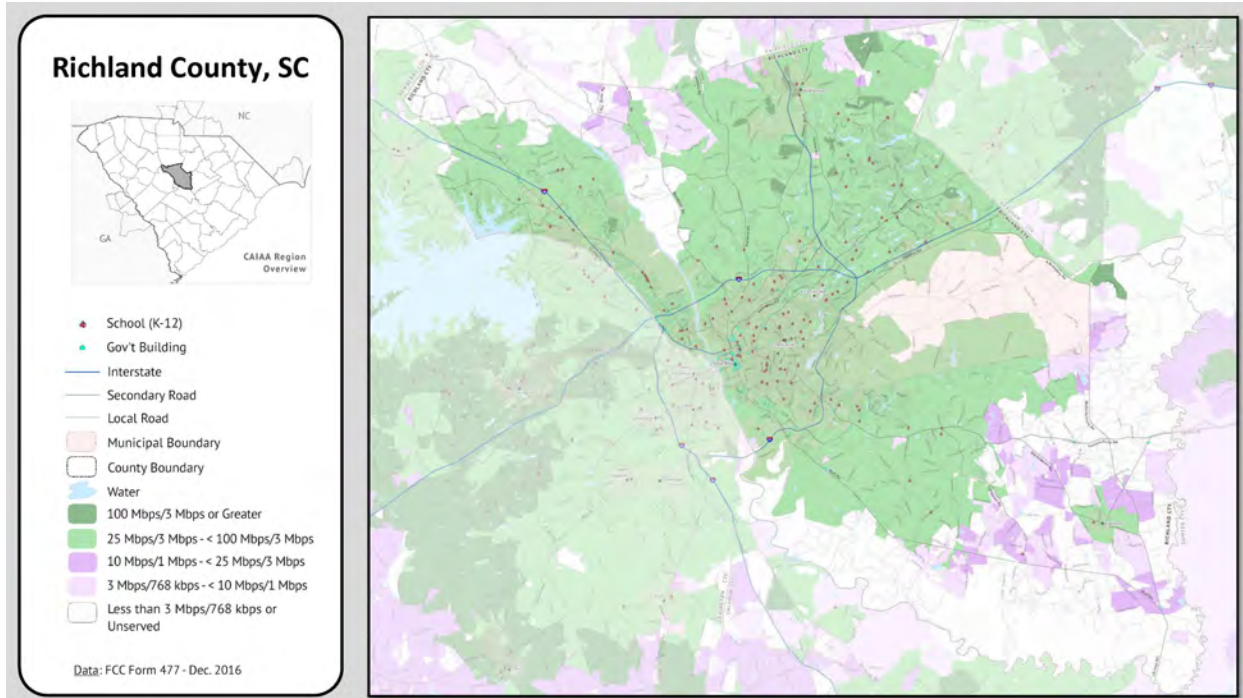
Locally, this issue is quite real. In our region, 434,902 residents (6.3%) and 160,615 households lack access to high speed service (defined as 25Mbps download speed and 3Mbps upload speed). Of those, 267,908 (3.9%) representing 97,030 households lack access to even basic service.

Through a grant, the University of South Carolina's Center for Applied Innovation and Advanced Analytics (CAIAA) has been researching the need for internet access in the state's rural areas and has developed a plan to provide that access. CAIAA is a public-private partnership that works with regional government, academia, and business for developing demand skills, accelerating research innovations into markets, and driving regional economic development.

Broadband access refers to the physical connection to high-speed infrastructure.

CAIAA partnered with IBM to develop a plan for providing access to these underserved areas. The plan generally assesses the local need, proposes technology to address the need and identifies necessary partners. Specific to Richland County, the need is great. 9.3% of our residents lack access to high-speed internet (75,377) and 5% lack access to basic internet (40,486).

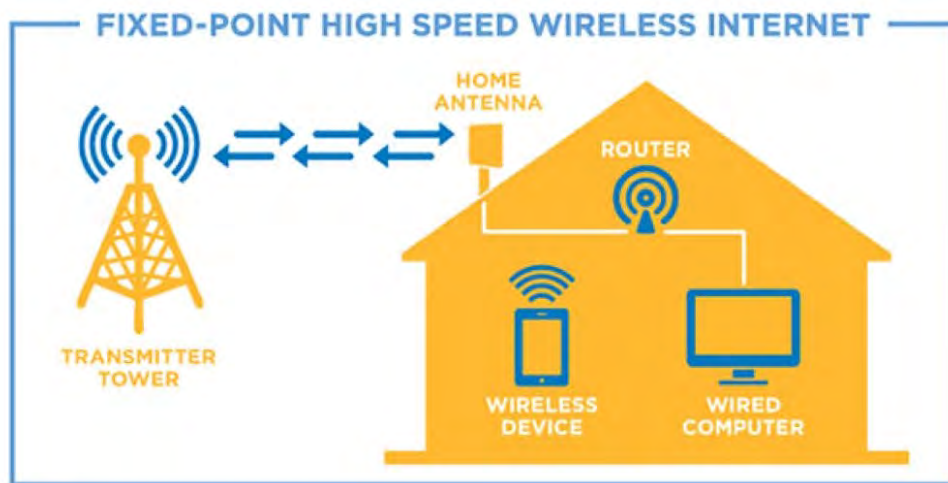




Note: The white and purple shades indicate slow or no access.

Deploying broadband to rural locations requires sophisticated use of wireless technology. While it is not cost effective to dig up hundreds of miles of roads to reach a few residents, the nation's top providers are instead using what is known as fixed wireless technology to reach rural residents.

Simply put, an antenna is mounted on top of a transmitter tower and a small receiving antenna is placed on the customer's premises. Fixed wireless is capable of delivering speeds of up to 30Mbps but is dependent on the customer's distance from the tower and direct line-of-sight placement.

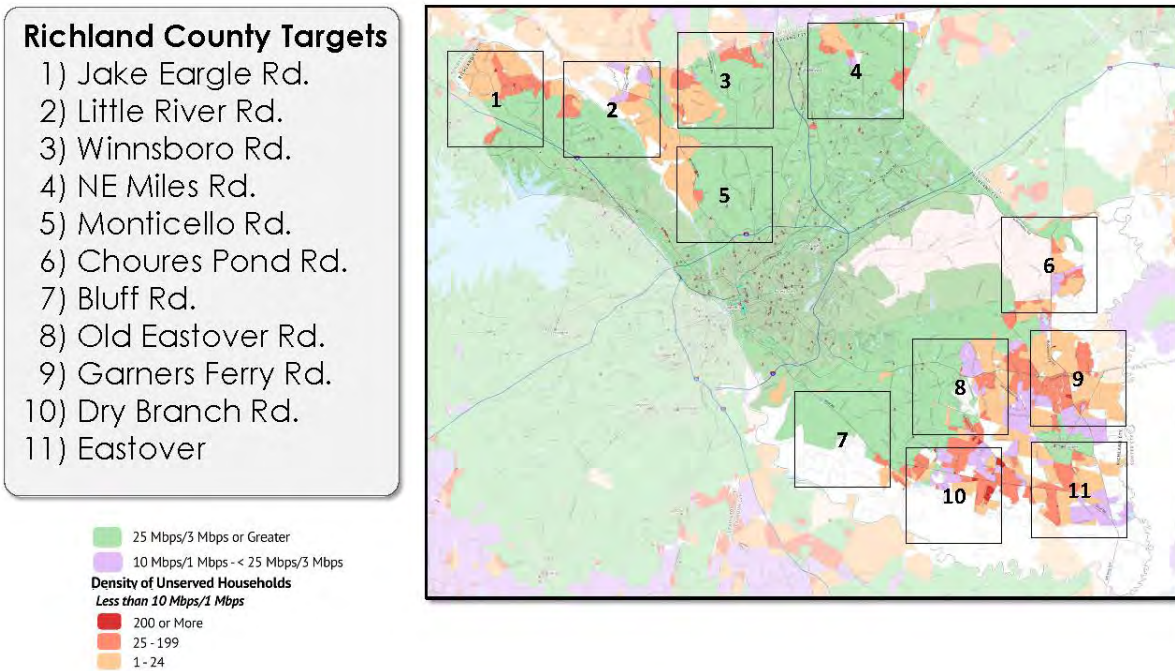


South Carolina is fortunate to have a large number of towers (650+) which are owned and operated by our public broadcasting and education network, SCETV. Many of these towers were placed in service in

the 1980's and 1990's and are no longer needed. Most are in great condition, are movable and can be re-purposed as a transmitter source to solve a major part of SC's rural broadband problem. SCETV has already partnered with CAIAA on this project.

CAIAA has further researched to identify target areas (areas of high residential density and poor service) to determine the optimal placement of each SCETV tower.

The figure and table below highlight 11 such target areas in Richland County, where the density of unserved households would justify a need for wireless technology to provide internet access. Each area represents a 10 square mile footprint.



Richland County Targets	Population	Residents < 25/3	Households < 25/3	Residents < 10/1	Households < 10/1	Fixed Assets	Moveable Assets	CAF Blocks
1) Jake Eargle Rd.	9,454	1,106	421	1,099	418			16
2) Little River Rd.	12,578	610	264	599	259			28
3) Winnsboro Rd.	1,702	429	187	401	173			13
4) NE Miles Rd.	24,719	381	143	359	135			11
5) Monticello Rd.	7,434	71	30	71	30			0
6) Choures Pond Rd.	5,496	1,489	581	1,316	514			40
7) Bluff Rd.	1,357	414	173	414	173			14
8) Old Eastover Rd.	5,060	1,206	446	886	333			17
9) Garners Ferry Rd.	1,929	1,888	751	1,392	555			44
10) Dry Branch Rd.	1,522	1,457	535	1,132	418			40
11) Eastover	1,875	813	326	554	224			34
TOTAL	73,126	9,864	3,857	8,223	3,232			243

The next step is to partner with the County team, if approved and a service provider, in addition to SCETV, to:

- field verify each of the 11 areas;
- identify existing transmitter sources, such as water towers;
- identify the optimal location for relocating SCETV towers to each target area;
- identify a local broadband vendor to provide last mile service to the underserved areas; and
- implementation of the above including the engineering and construction work required to relocate the tower.

CAIAA predicts a maximum of 25 towers or transmitter assets will be needed to ensure all of Richland County residents have access to high speed internet.

The goal is for Richland County to be the first in the state to be 100% green, meaning access is available to all residents.

Issues

Lack of internet access in parts of unincorporated Richland County.

Fiscal Impact

The cost to relocate an SCETV tower is roughly \$50,000 each. Relocating 25 SCETV towers to reach all portions of the County currently without broadband access is estimated, therefore, to not exceed \$1.25M. Sources of funding could be a combination of Hospitality Tax, General Fund, and CDBG and could also include private partners. However, if approved, Council may consider utilizing a portion of the revenue proceeds from the sale of the 1400 Huger St. property to fund this project in its entirety. The sale of the property, which is in its due diligence period, could close as soon as September 2018. The sale price for the property is \$4M.



Past Legislative Actions

N/A

Alternatives

1. Approve the project, enter into a partner agreement with CAIAA, identify funding and proceed accordingly.
2. Consider the project and do not proceed.

Staff Recommendation

Staff recommends approval of this project to provide rural internet access to all of unincorporated Richland County and all components required to implement it. Any funding source requiring an amendment would be brought back to Council for consideration.



**A RESOLUTION OF THE COUNTY COUNCIL OF
RICHLAND COUNTY, SOUTH CAROLINA RELATING TO
INCENTIVES FOR AFFORDABLE LOW INCOME RENTAL
HOUSING DEVELOPMENTS AND OTHER MATTERS
RELATED THERETO.**

WHEREAS, the provision of assistance to private-sector companies who acquire, develop, renovate, or construct safe and affordable housing for residents of Richland County, South Carolina (“**County**”) is a valid and public purpose of the County; and

WHEREAS, the United States Department of Housing and Urban Development (“**HUD**”) conducts several housing assistance programs, including tenant vouchers, rental assistance payments under Section 8 of the National Housing Act and various credit enhancement or mortgage insurance programs, to help satisfy the growing need for affordable rental housing, but HUD has moved away from direct public funding of low income rental housing projects and has turned to the private sector to satisfy the growing need for affordable rental housing; and

WHEREAS, HUD annually computes and publishes fair market rent levels for use in its housing assistance programs, which is calculated by adding shelter rent and utilities of privately owned, decent, and safe rental housing of a modest nature with suitable amenities (“**Gross Rent**”); and

WHEREAS, the increase in Gross Rent of rental housing in the County has far exceeded the increase in wages in the County in recent years, especially for low-wage earners, making it difficult for low-income individuals and families to secure safe and affordable housing in the County; and

WHEREAS, it has been requested that the County Council of the County (“**County Council**”) adopt a policy setting out financial incentives to support the development of affordable low income rental housing facilities in the County;

NOW, THEREFOR, BE IT RESOLVED, by the County Council of Richland County, South Carolina, in meeting duly assembled, as follows:

1. **Findings.** The County Council hereby finds and determines that a shortage of safe and affordable rental housing for low income residents of the County exists. Development of safe and affordable rental housing for low income residents of the County will reduce blight, reduce crime and promote the general welfare of the residents of the County. Tax incentives by the County to promote the development of safe and affordable rental housing for low income residents of the County serve a valid public purpose and are an appropriate exercise of governmental power by County Council.

2. **Economic Development Policy.** County Council hereby declares its desire to promote development of safe and affordable rental housing for low income residents of the County. County Council will consider requests from private and governmental developers for property tax incentives to promote the development of safe and affordable rental housing for low income

residents of the County. In its consideration of requests for such tax incentives, the Economic Development Committee of the County is directed to consider all of the facts and circumstances relating to such development, including, without limitation, the following factors:

A. The location of the proposed development and the degree to which the development will reduce blight in the County;

B. The degree to which the development will increase access to affordable housing for residents of the County, taking into consideration the number of units in the development reserved for low- and very-low income tenants, as defined by HUD;

C. Whether the proposed development will receive financial assistance from HUD or from the South Carolina State Housing Finance and Development Authority and the type and extent of such support;

D. Whether the proposed development is sponsored by a governmental housing sponsor, such as the Housing Authority of the City of Columbia, or a non-profit housing corporation and whether any for profit sponsor of the proposed development is a South Carolina organization;

E. The accessibility of retail, educational and transportation services to the proposed development; and

F. Whether the development will be subject to an Agreement as to Restrictive Covenants or other recorded agreement requiring the development to remain affordable housing for a period of at least 20 years.

3. **General Matters; Effective Date.** All actions previously taken by the County Council, its committees and staff of the County in connection with evaluation and delivery of tax incentives to promote the development of safe and affordable rental housing for low income residents of the County are hereby ratified and confirmed. This policy will be liberally applied by the County to accomplish the goals stated herein and will be effective from the date of its adoption.

*[Signature Page Follows
Remainder Intentionally Blank]*

ADOPTED, this ___ day of July, 2018.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

Chair, County Council of Richland County,
South Carolina

ATTEST:

Clerk to Council, Richland County,
South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned, Clerk to Council of Richland County, South Carolina (the “*County*”), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct, and verbatim copy of Resolution No. ____ adopted by the County Council of Richland County (the “*County Council*”) on July __, 2018, having been adopted at a duly called and properly held meeting at which a quorum of County Council was present and remained present throughout the meeting.

The meeting held on July __, 2018, was a [special][general] meeting of the County Council for which notice had been previously given pursuant to and in conformity with Chapter 4, Title 30 of the Code of Laws of South Carolina 1976, as amended. For such meeting, an agenda including the consideration of the Resolution was posted in the administrative offices of the County, posted on the County’s public website, and provided to news media, in each case at least 24 hours prior to the commencement thereof.

The original of the Resolution is duly entered in the permanent records of the County, in my custody as Clerk.

The Resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of the County of Richland, South Carolina, this __ day of July, 2018.

(SEAL)

Clerk to Council
Richland County, South Carolina

SOUTH CAROLINA

)

)

A RESOLUTION

RICHLAND COUNTY

)

COMMITTING TO NEGOTIATE A FEE-IN-LIEU OF *AD VALOREM* TAXES AGREEMENT BETWEEN RICHLAND COUNTY AND PROJECT MONOPOLY; IDENTIFYING THE PROJECT; AND OTHER MATTERS RELATED TO PROJECT MONOPOLY

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“Act”) to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”) with respect to economic development property, as defined in the Act;

WHEREAS, PROJECT MONOPOLY, an entity whose name cannot be publicly disclosed at this time (“Sponsor”), desires to invest capital in the County in order to establish a manufacturing facility in the County (“Project”);

WHEREAS, the Project is anticipated to result in an investment of approximately \$19,300,000,000 in taxable real and personal property and the creation of approximately 25 new, full-time equivalent jobs; and

WHEREAS, as an inducement to the Sponsor to locate the Project in the County, the Sponsor has requested that the County negotiate an agreement (“Agreement”), which provides for (i) FILOT Payments using an assessment ratio of 6% and a fixed millage rate at a rate of 469 mills for a period of thirty (30) years; and (ii) special source revenue credits in the amount of 43% of the FILOT Payments for the first five years after the project has been placed in operation and 20% per year thereafter (the “SSRC”), as defined in the Act, each of (i) and (ii) to be provided for a period of thirty (30) years; and

WHEREAS, as an additional inducement to the Sponsor to locate the Project in the County, the County desires to provide additional incentives and commitments as further described herein.

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

Section 1. This Resolution is an inducement resolution for this Project for purposes of the Act. The recitals above are incorporated in this resolution by reference.

Section 2. County Council agrees to enter into the Agreement, which provides for FILOT Payments with respect to the portion of the Project which constitutes economic development property for a period of thirty (30) years using an assessment ratio of 6% and a fixed millage rate of 469 mills and the SSRC as described herein for a period of 30 years. The further details of the FILOT Payments and SSRC and the agreement will be prescribed by subsequent ordinance of the County to be adopted in accordance with South Carolina law and the rules and procedures of the County.

Section 3. County Council identifies and reflects the Project by this Resolution, therefore permitting expenditures made in connection with the Project before the date of this Resolution to qualify as economic development property, subject to the terms and conditions of the Agreement and the Act.

Section 4. The County also makes the following commitments to induce the Company to locate in the County:

- a. at least 15 acres of land at no cost generally identified as “±15 acres” on Exhibit A attached hereto (the “Property”);
- b. an option for five (5) years on an adjoining at least 15 acres of land generally identified as “±15 acres expansion area” on Exhibit A for a price of not exceeding \$25,000 per acre with a right of first refusal for an additional five (5) years after expiration of the option for a price of not exceeding \$25,000 per acre;
- c. all utilities will be provided at the Property boundary at no cost to the Sponsor no later than March 31, 2019.

Section 5. This Resolution is effective after its approval by the County Council.

RESOLVED: July 24, 2018

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to County Council

EXHIBIT A

Conceptual Site Plan Describing the Property

~#4815-4415-1660 v.2~



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

REQUEST OF ACTION

Subject: FY19 - District 11 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$155,000** for District 11.

B. Background / Discussion

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

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

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

Pursuant to Budget Memorandum 2017-1 each district Council member was approved \$164,850.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 11 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$164,850
FY2018 Remaining Amount	\$ 4,850
Believe N Me2 – Sunsplash Concert	\$ 50,000
Pinewood Lake Park Foundation- Wet N Wild, Halloween Horror Night, Lights of Christmas	\$ 80,000
SC Gospel Fest – Annual SC Gospel Fest	\$ 25,000
Total	\$155,000
Remaining Balance	\$ 14,700

C. Legislative / Chronological History

- 2nd Reading of the Budget – May 25, 2017
- Regular Session - May 15, 2018
- 2nd Reading of the Budget-

D. Alternatives

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

E. Final Recommendation

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



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

REQUEST OF ACTION

Subject: FY19 - District 7 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$155,000** for District 7.

B. Background / Discussion

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

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

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

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

Initial Discretionary Account Funding	\$164,850
FY2018 Remaining Amount	\$ 157,850
SC Gospel Quartet – Concert, boxing match, play, and fashion show.	\$ 150,000
Total	\$150,000
Remaining Balance	\$172,000

C. Legislative / Chronological History

- 2nd Reading of the Budget – May 25, 2017
- Regular Session - May 15, 2018
- 2nd Reading of the Budget-

D. Alternatives

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

E. Final Recommendation

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



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

REQUEST OF ACTION

Subject: FY19 - District 9 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$132,000** for District 9.

B. Background / Discussion

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

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

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

Pursuant to Budget Memorandum 2017-1 each district Council member was approved \$164,850.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 9 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$164,850
FY2018 Remaining Amount	\$ 34,850
Auntie Karen	\$ 15,000
Bojangles Holiday Tournament	\$ 10,000
Edventure	\$ 35,000
Columbia Museum of Art	\$ 10,000
Columbia City Ballet	\$ 20,000
Historic Columbia	\$ 15,000
Performer Summer Basketball League	\$ 7,000
Richland Ballet	\$ 20,000
Total	\$132,000
Remaining Balance	\$67,000

C. Legislative / Chronological History

- 2nd Reading of the Budget – May 25, 2017
- Regular Session - May 15, 2018
- 2nd Reading of the Budget-

D. Alternatives

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

E. Final Recommendation

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