

**Special Called Meeting  
July 12, 2016 - 6:00 PM  
Council Chambers**

**Call to Order**

- 1** The Honorable Torrey Rush

**Invocation**

- 2** The Honorable Greg Pearce

**Pledge of Allegiance**

- 3** The Honorable Greg Pearce

**Approval of Minutes**

- 4** May 17, 2016 - {Deferred at June 7, 2016 Council Meeting} [PAGE 8]
- 5** Regular Session: June 21, 2016 [PAGES 9-18]
- 6** Special Called Meeting: June 28, 2016 [PAGES 19-20]
- 7** Zoning Public Hearing: June 28, 2016 [PAGES 21-23]

**Adoption of Agenda**

8

**Report of the Attorney for Executive Session Items**

- 9 a. Department of Revenue Update  
b. DHEC Appeal: Solid Waste Permit

**Citizen's Input**

- 10 For Items on the Agenda Not Requiring a Public Hearing

**Report of the County Administrator**

11

**Report of the Clerk of Council**

- 12 a. Coroner's Office Dedication, July 14th, 4:00 p.m., 6300 Shakespeare Road  
b. Special Called Meeting: July 26

**Report of the Chairman**

13

**Open/Close Public Hearings**

- 14 a. An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to \$340,000 of General Fund Balance to be used as initial funding for projects related to the flood recovery. Funds used will be reimbursed as Federal, State or as funding is provided to the County on a reimbursable basis  
b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise

Procurement Requirements; Section 2-644, Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation; Subparagraph 5; so as to increase the contract value for sheltered markets

### **Approval of Consent Items**

- 15** An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to \$340,000 of General Fund Balance to be used as initial funding for projects related to the flood recovery. Funds used will be reimbursed as Federal, State or as funding is provided to the County on a reimbursable basis [SECOND READING] [PAGES 24-26]
- 16** An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; Section 2-644, Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation; Subparagraph 5; so as to increase the contract value for sheltered markets [SECOND READING] [PAGES 27-29]
- 17** 16-11MA  
Angel Lara  
RU to GC (.51 Acres)  
11214 Broad River Rd.  
02600-04-20 [SECOND READING] [PAGES 30-31]
- 18** 16-14MA  
Harold Johnson  
RM-HD to OI (2.13 Acres)  
3800 Elberta St.  
06105-01-15 [SECOND READING] [PAGES 32-33]
- 19** 16-19MA  
Darshy Mehta  
OI to GC (4.5 Acres)  
1623 Barbara Drive  
17011-02-0267 [SECOND READING] [PAGES 34-35]
- 20** 16-20MA  
Aaron Shealy  
RU to GC (1.13 Acres)  
1610 Dutch Fork Rd.  
02411-02-04 [SECOND READING] [PAGES 36-37]

- 21** Recycling Collection Agreements with Richland District One, Richland District Two and District 5 of Lexington and Richland Counties [PAGES 38-41]
- 22** Council Motion Regarding Engineering and Construction Assistance from the South Carolina National Guard [PAGES 42-44]
- 23** An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to codify the 2015 Editions of the International Residential Code, the International Building Code, the International Fire Code, the International Plumbing Code, the International Fuel Gas Code, the International Mechanical Code, the International Existing Building Code, the International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2014 National Electrical Code; and to correctly reflect the 2015 International Residential Code and the 2015 International Building Code in other sections of Chapter 6 [FIRST READING] [PAGES 45-53]
- 24** Emergency Services: Equipment Purchases for Remounting Ambulances, Stretcher & EKG Upgrades [PAGES 54-59]
- 25** Community Development: Approval of FY 16-17 Budgets within the FY 16-17 Annual Action for Community Development Department Federal Funds [PAGES 60-63]
- 26** Support Services: Guidance for Maintenance of Non-County Owned Property between the Administration Facility and Hampton & Harden Streets [PAGES 64-73]
- 27** Finance Department: Approval of Council Donations [PAGE 74-76]

### **Report of Development and Services Committee**

- 28** City of Columbia Request for Easement – Decker Blvd. [PAGES 77-86]

### **Report of Administration and Finance Committee**

- 29** Council Motion Regarding the Development of a Business License Ordinance for Hospice Agencies [PAGES 87-93]
- 30** Community Development: Allocation of HOME funds to the Columbia Housing Authority [PAGES 94-101]

- 31 Conservation Department: RCCC purchase of Upper Mill Creek Tract [PAGES 102-124]

### **Report of Rules and Appointments Committee**

#### **Notification of Vacancies**

- 32 a. Accommodations Tax Committee - 3 (One applicant must have a background in the Cultural Industry; other two applicants must have a background in the Lodging Industry)
- b. Community Relations Council - 3
- c. Hospitality Tax Committee - 3
- d. Internal Audit - 1 (Applicant must be a CPA)
- e. Business Service Center Appeals Board - 3 (Two applicants must have a background in business; other applicant must be a CPA)
- f. Board of Assessment Appeals - 1
- g. Planning Commission - 1
- h. CMRTA - 1

#### **Notification of Appointments**

- 33 Employee Grievance Committee - 1 [PAGES 125-128]
- b. Camilla H. Gill
- c. Tynika N. Legette
- 34 Community Relations Council - 2 [PAGES 129-130]
- a. Colie L. Lorick, Jr.
- 35 Hospitality Tax Committee - 4 [PAGES 131-132]
- a. Charles Aiken

#### **Items for Action from Rules and Appointments**

- 36 a. Based on Richland County guideline and grievance procedure I move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council meeting. This also include any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council. [JACKSON and MALINOWSKI] [PAGES 133-138]

### **Other Items**

- 37 A Resolution to Appoint and Commission Caleb C. McBride as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County { VECTOR CONTROL } [PAGE 139]

### **Citizen's Input**

- 38 Must Pertain to Items Not on the Agenda

### **Executive Session**

### **Motion Period**

- 39 a. Develop an ordinance that addresses the difference between Urban, Suburban and Rural as in certain land development codes one size does not fit all.  
Note: Building a shed in a field in a rural setting should not necessarily require developing parking ADA compliance, lighting and planting of trees and shrubbery in an existing open field currently and has been used used for years for chosen activities. It creates expensive cost and places a burden on developing or improving rural communities. On a full scale development then all codes should be met but in this case only safety and building codes. [JACKSON and DIXON]
- b. Motion to rescind the action on the following item from the May 17, 2016 Council meeting: "Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus – Communities – Columbia, LL, and other related matters" [JACKSON]

### **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.

**REPORT OF 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 real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus – Communities – Columbia, LL, and other related matters** – Mr. Livingston stated the committee recommended First Reading by Title Only.

<b>FOR</b>	<b>AGAINST</b>
Rush	Rose
Livingston	Malinowski
Manning	Dixon
Jackson	
Pearce	
Dickerson	

The motion for approval failed.



# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MEETING

June 21, 2016  
6:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:01 PM

#### INVOCATION

The Invocation was led by the Honorable Norman Jackson

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce stated that Mr. Bob Murphy who had served on the East Richland Public Service Commission for many years had passed away.

#### APPROVAL OF MINUTES

**Regular Session: May 17, 2016** – Mr. Jackson moved, seconded by Mr. Manning, to defer approval of the portion of the minutes related to the following item: “Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits to Haven Campus Communities – Columbia, LLC, and other related matters”. The vote was in favor.

**Regular Session: June 7, 2016** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF AGENDA

Mr. Rush stated a “Personnel Matter” needed to be added under the Report of the Chair.

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



#### Committee Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Damon Jeter  
Paul Livingston  
Bill Malinowski  
Jim Manning  
Seth Rose

#### Others Present:

Tony McDonald  
Kimberly Roberts  
Daniel Driggers  
Kevin Bronson  
Larry Smith  
Beverly Harris  
Warren Harley  
Rob Perry  
Ismail Ozbek  
Roxanne Ancheta  
Michelle Onley  
Tracy Hegler  
Jeff Ruble  
Nancy Stone-Collum  
Chanda Cooper  
Brandon Madden  
Charlie Fisher  
Quinton Epps

**REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION**

Mr. Smith stated the following items were potential Executive Session Items:

- a. Department of Revenue Update**
- b. Library Lease Agreement**
- c. Item 23(a) – “Design-Build Intersection Project: Right-of-Way Acquisition”**
- d. Items 23(b) – “Bluff Road Widening Phase I Project: Right-of-Way Acquisition”**
- e. Personnel Matter**

Mr. Pearce inquired about which lawsuit would be discussed under the Department of Revenue Update.

Mr. Smith stated the action that was taken by the Department of Revenue is in response to the County’s lawsuit; therefore, there is only one ongoing lawsuit.

**EXECUTIVE SESSION**

*Council went into Executive Session at approximately 6:08 p.m.  
and came out at approximately 6:14 p.m.*

**CITIZENS’ INPUT**

**(For Items on the Agenda Not Requiring a Public Hearing)**

Mr. Andy Yassinsac and Ms. Pamela Greenlaw spoke in opposition of the Palmetto Utilities item.

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. Introduction of Transportation Penny Program Interns** – The Transportation Penny Program Summer interns introduced themselves to Council.
- b. Palmetto Utilities** – Mr. Harley stated included in the agenda packet is a revised agreement to be considered by Council. The significant changes are: (a) The discharge of 3 MGD into Spears Creek would be for a maximum of 10 years. Previously it was a discharge of 3 MGD in perpetuity. (b) Palmetto Utilities would construct the Wateree Pipeline, at such time as it is deemed appropriate.

Mr. Pearce stated this agreement would limit on the amount of discharge and moves the pipeline to more of a priority.

**Richland County Council  
Regular Session Meeting  
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Page Three**

Mr. Pearce moved, seconded by Mr. Jackson, to authorize Richland County Administration to pursue the amendment of the 2006 Agreement and any other agreements appropriate to effectuate the above plan, in conjunction with Palmetto, Kershaw County, DHEC and any other appropriate parties.

Ms. Dixon inquired about the water seepage Mr. Yassinsac referred to in his comments.

Mr. Harley stated Palmetto Utilities has been working with DHEC to address the concerns regarding the "Rapid Infiltration Basins" located in Kershaw County.

Mr. Malinowski inquired if Palmetto Utilities has a permit to discharge into Spears Creek.

Mr. Stone with Palmetto Utilities stated they are in the process of applying and obtaining the permit.

**FOR                      AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

The vote in favor was unanimous.

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

**Employee Recognition** – Ms. Dixon recognized Ms. Chanda Cooper on being awarded the 2016 SC Project Learning Tree "Jerry L. Shrum Outstanding Educator of the Year".

- c. **Retirement** – Mr. McDonald updated Council on the transition plan. Council members expressed their appreciation on Mr. McDonald's dedication to the County over the years.

**REPORT OF THE CLERK OF COUNCIL**

- a. **Community Relations Council Annual Luncheon and Awards Presentation, June 22<sup>nd</sup>, 12 noon, Columbia Metropolitan Convention Center** – Ms. Onley reminded Council of the Community Relations Council Annual Luncheon.
- b. **July Schedule: Regular Session – July 12<sup>th</sup>; Committee and Zoning Public Hearing – July 26<sup>th</sup>** – Ms. Onley reminded Council of the July meeting schedule.

### REPORT OF THE CHAIR

- a. **Personnel Matter** – This item was taken up in Executive Session.
- b. **No Tie July** – Mr. Rush reminded Council of the “No Tie July” tradition.

### OPEN/CLOSE PUBLIC HEARINGS

- **Developing a Multi-County Park with Fairfield County; authorizing the execution and delivery of an agreement governing the Multi-County Park; authorizing the inclusion of certain property located in Richland County in the Multi-County Park; authorizing the execution of an intergovernmental agreement; and other related matters** – No one signed up to speak.

### APPROVAL OF CONSENT ITEMS

- **16-13MA, George H. Reed, Jr., RS-MD to RU (3.21 Acres), 2127 Long Trail Drive, 24800-06-67 [THIRD READING]**
- **16-16MA, Wand Morris, RU to GC (0.45 Acres), 413 Killian Road, 17400-02-08 [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to modify the special requirements for “Bars and Other Drinking Places” [THIRD READING]**

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

### THIRD READING

**Developing a Multi-County Park with Fairfield County; authorizing the execution and delivery of an agreement governing the Multi-County Park; authorizing the inclusion of certain property located in Richland County in the Multi-County Park; authorizing the execution of an intergovernmental agreement; and other related matters** – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

**FOR**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

**AGAINST**

The vote in favor was unanimous.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**A Resolution consenting to and ratifying the assignment by Navistar, Inc. and Navistar Component Holdings, LLC to Pure Power Technologies, Inc. of certain property tax incentive agreements and other matters related thereto** – Mr. Livingston stated the committee recommended approval of this item. The vote in favor was unanimous.

## RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF APPOINTMENTS

- a. **Employee Grievance – 1** – Mr. Malinowski stated the committee recommended appointing Mr. James Hill. The vote in favor was unanimous.

### II. ITEMS FOR ACTION FROM RULES AND APPOINTMENTS

- a. **Based on Richland County guideline and grievance procedure move that after all grievance committee hearings are held within the required timeline that the Administrator update and notify Council at the next available Council meeting. This also includes any notices of lawsuits or legal matters. Note: Recently Council was notified of a ruling more than one year later. If there is a timeline for the employee, the chair of the grievance committee and the committee then there must be a timeline to notify Council [JACKSON and MALINOWSKI]** – This item was held in committee to allow Administration to draft language.

## REPORT OF THE BLUE RIBBON COMMITTEE

- a. **Approval of HMGP Eligible Projects** – Mr. Rush stated the committee met on June 9<sup>th</sup> and reviewed the draft outline of the implementation plan of Community Development Block Grant-Disaster Recovery (CDBG-DR) funding. The committee also reviewed HMGP Project List. The committee unanimously recommended Council consider and approve the adoption of the HMGP Projects. If approved, staff will proceed with developing the full application with the SCEMD.

The vote in favor of adoption of the HMGP Projects was unanimous.

- b. **An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to \$340,000 of General Fund Balance to be used as initial funding for projects related to the flood recovery. Funds used will be reimbursed as Federal, State or as funding is provided to the County on a reimbursable basis [FIRST READING]** – Mr. Bronson stated staff is requesting to pre-fund the staffing needs to complete the application for the HMGP projects. HMGP and CDBG-DR funds will be used to reimburse the expenses.

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

Ms. Dickerson inquired about how many positions staff is requesting.

Mr. Bronson stated the County would pay TetraTech to complete the activities. The County currently has three (3) Disaster Recovery Specialists that the State provided. The Disaster Recovery Specialists primarily do ground level work.

Mr. Jackson inquired if TetraTech was still hiring local businesses.

Mr. Bronson stated TetraTech typically hire local contractors to assist with the public input meetings.

Mr. Jackson inquired about how the \$1.5 million for TetraTech was spent.

Mr. Harley stated TetraTech assisted the County with assessing the damage, as well as, financial recovery services. To date, the County has been able to collect about \$1.2 million from FEMA.

The vote in favor was unanimous.

### **REPORT OF THE DECKER CENTER AD HOC COMMITTEE**

- a. Recommendation to move forward on Furniture package** – Mr. Manning stated the committee recommended moving forward with the furniture package.

Mr. Malinowski inquired about why there is a need for a washing machine in the building.

Mr. Fosnight stated this item was left on the drawings in error.

Mr. Malinowski inquired if the State and City pay property taxes to the County.

Mr. McDonald stated government-owned properties are tax exempt.

Mr. Malinowski inquired then why does the County have to pay sales tax on the purchase of the furniture.

Mr. McDonald stated the County is not exempt from paying sales taxes.

**FOR**                      **AGAINST**

Rose  
Malinowski  
Dixon  
Jackson  
Pearce  
Rush  
Livingston  
Dickerson  
Manning  
Jeter

The vote in favor was unanimous.

**REPORT OF THE OFFICE OF SMALL BUSINESS OPPORTUNITY AD HOC COMMITTEE**

- a. **SLBE Ordinance Revision: Sheltered Market Cap (\$250k → \$500k)** – Mr. Manning stated the increase will provide SLBEs with an opportunity to bid on larger contracts, increase their profit margins and help them gain experience on larger projects. The committee unanimously recommended approval of the amended ordinance. The vote in favor was unanimous.

- 1. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; Section 2-644, Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation; Subparagraph 5; so as to increase the contract value for sheltered markets [FIRST READING]**

- b. **County Annual Asphalt/Concrete Contracts** – Mr. Manning stated there exists an opportunity for the County to purchase asphalt and/or concrete in order to reduce the burden on small local contractors assuming upfront material purchase costs. This may save taxpayer dollars by reducing the risk on small local contractors and by establishing a fixed unit price between the County and the supplier. The committee unanimously recommended exploring a County contract to provide asphalt and/or concrete. Staff will bring back to Council once available.

Mr. Jeter inquired if the County currently has asphalt/concrete contracts in place.

Mr. McDonald stated the current contracts are through Public Works for County projects.

The vote in favor was unanimous.

- c. **SLBE Goals—Extend Countywide July 1, 2016** – Mr. Manning stated the funding for the OSBO Division was transferred from the Transportation Penny Program to the General Fund. The committee unanimously recommended directing SLBE Goals to extend Countywide to include Engineering, where applicable, as of July 1, 2016.

Mr. McDonald stated the concept of the SLBE goals was to engage as many small local businesses as possible in the Transportation Penny program. It was discussed from the beginning to eventually to expand the goals to all projects.

The vote in favor was unanimous.

- d. **On Call Maintenance Contract for Public Works** – Mr. Manning stated there exists an opportunity to implement and/or expand the SLBE participation in on-call maintenance contracts (i.e. sidewalk grinding, road striping and dust control). The committee unanimously recommends Public Works, as well as other applicable departments, research the implementation and/or expansion of on-call maintenance contracts. Staff will bring back to Council information once available. The vote in favor was unanimous.

### REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. **Design-Build Intersection Project: Right-of-Way Acquisition** – Mr. Livingston stated the committee recommended moving forward as discussed in Executive Session. The vote in favor was unanimous.

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

- b. **Bluff Road Widening Phase I Project: Right-of-Way Acquisition** – Mr. Livingston stated the committee recommended moving forward as discussed in Executive Session. The vote in favor was unanimous.

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

### OTHER ITEMS

- a. **A Resolution to appoint and commission Manolo Ibarra-Pineda as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County {ANIMAL CARE}** – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

### CITIZENS' INPUT (Must Pertain to Items Not on the Agenda)

Mr. Toney Forrester continued his “story” from the previous Council meeting.

### EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:29 p.m.  
and came out at approximately 8:03 p.m.*

- a. **Department of Revenue Update** – No action was taken.
- b. **Library Lease Agreement** – Ms. Dickerson moved, seconded by Ms. Dixon, to proceed as discussed in Executive Session. The vote in favor was unanimous.

Mr. Rose moved, seconded by Ms. Dixon, to reconsider this item. The motion failed.

- c. **Personnel Matter** – No action was taken.

### MOTION PERIOD

- a. **Amend the Hospitality Tax Ordinance to provide for the establishment of individual Council District “Directed Accounts” on an annual basis, the funding for which will be determined after all Ordinance mandated accounts have been funded [PEARCE]** – This item was referred to the A&F Committee.



- b. **Move that Council adopt a resolution commending Debee Early, Vice President of Community Services, LRADAC, for her service to the citizens of Richland County on the occasion of her retirement [PEARCE]** – Mr. Pearce moved, seconded by Ms. Dixon, to adopt a resolution commending Debee Early for her service to the citizens of Richland County. The vote in favor was unanimous.
- c. **Move that Council direct the Economic Development Committee to begin discussions with the University of South Carolina as to the sale of the Innovista Parking Garage that USC is now interested in purchasing [PEARCE]** – This item was referred to the Economic Development Committee.
- d. **A resolution recognizing Booker T. Washington High School on its 100-year anniversary for the significant contributions made to our community [LIVINGSTON]** – Mr. Livingston moved, seconded by Mr. Manning, to adopt a resolution recognizing Booker T. Washington High School on their 100-year anniversary. The vote in favor was unanimous.
- e. **Move that the County Administrator assign a staff member to evaluate the possibility of either purchasing or leasing solar panels for all County owned buildings where the installation of this equipment would result in significant savings. This request is based on recent changes in State law that have resulted in a more competitive solar market in South Carolina. [PEARCE]** – This item was referred to Administration for staff to evaluate the matter.

### ADJOURNMENT

The meeting adjourned at approximately 8:06 PM.

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Torrey Rush, Chair

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Greg Pearce, Vice-Chair

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Joyce Dickerson

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Julie-Ann Dixon

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Norman Jackson

**Richland County Council  
Regular Session Meeting  
Tuesday, June 7, 2016  
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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Jim Manning

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Seth Rose

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### SPECIAL CALLED MEETING

June 28, 2016  
6:35 PM  
Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:35 PM

#### EXECUTIVE SESSION

*Council went into Executive Session at approximately 6:35 p.m. and came out at approximately 6:57 p.m.*

- a. **Personnel Matter** – Ms. Dixon moved, seconded by Ms. Dickerson, to proceed as discussed in Executive Session. The vote in favor was unanimous.

#### ADJOURNMENT

The meeting adjourned at approximately 6:59 PM.

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Torrey Rush, Chair

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Greg Pearce, Vice-Chair

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Julie-Ann Dixon

\_\_\_\_\_  
Norman Jackson



#### Committee Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Paul Livingston  
Bill Malinowski

#### Others Present:

Tony McDonald  
Warren Harley  
Kimberly Roberts  
Kevin Bronson  
Larry Smith  
Brandon Madden  
Michelle Onley  
Dwight Hanna  
Quinton Epps  
Bill Peters  
Roxanne Ancheta  
Beverly Harris  
Rudy Curtis  
Hayden Davis  
Geo Price  
Tracy Hegler

**Richland County Council  
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Tuesday, June 28, 2016  
Page Two**

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Jim Manning

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Seth Rose

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Vacant

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### ZONING PUBLIC HEARING

June 28, 2016  
7:00 PM  
County Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 7:00 PM

#### ADDITIONS/DELETIONS TO THE AGENDA

Ms. Hegler stated there were not additions/deletions to the agenda.

#### ADOPTION OF THE AGENDA

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

#### MAP AMENDMENTS

##### **16-11MA, Angel Lara, RU to GC (.51 Acres), 11214 Broad River Rd., 02600-04-20 [FIRST READING]**

Mr. Rush opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item.

The vote in favor was unanimous.

##### **16-14MA, Harold Johnson, RM-HD to OI (2.13 Acres), 3800 Elberta St., 06105-01-15 [FIRST READING]**

Mr. Rush opened the floor to the public hearing.

Ms. Janice Pratt and Mr. Harold Johnson spoke in favor of this item.

The floor to the public hearing was closed.



#### Committee Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Paul Livingston  
Bill Malinowski

#### Others Present:

Warren Harley  
Kimberly Roberts  
Tracy Hegler  
Michelle Onley  
Tommy DeLage  
Geo Price  
Larry Smith

**Richland County Council  
Zoning Public Hearing  
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Page Two**

Ms. Dickerson moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

**16-17MA, Derrick J. Harris, Sr., RU to OI (1.83 Acres), 7708 Fairfield Rd., 12000-02-22 [FIRST READING]**

Mr. Rush opened the floor to the public hearing.

Mr. Derrick Harris spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Rush moved, seconded by Mr. Jackson, to defer this item until the July Zoning Public Hearing. The vote in favor was unanimous.

**16-18MA, Kenneth Williams, RS-MD to OI (.3 Acres), 1809 Spotswood Dr., 07407-04-17 [FIRST READING]**

Mr. Rush opened the floor to the public hearing.

Mr. Kenneth Williams spoke in favor of this item.

Ms. Patricia Williams and Mr. Dick Grover spoke in opposition of this item.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Mr. Malinowski, to deny the re-zoning request. The vote in favor was unanimous.

**16-19MA, Darshy Mehta, OI to GC (4.5 Acres), 1623 Barbara Drive, 17011-02-02 [FIRST READING]**

Mr. Rush opened the floor to the public hearing.

Mr. Darshy Mehta spoke in favor of this item.

The floor to the public hearing was closed.

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

**16-20MA, Aaron Shealy, RU to GC (1.13 Acres), 1610 Dutch Fork Rd., 02411-02-04 [FIRST READING]**

Mr. Rush opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 7:23 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

## Richland County Council Request of Action

**Subject:**

An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate up to \$340,000 of General Fund Balance to be used as initial funding for projects related to the flood recovery. Funds used will be reimbursed as Federal, State or as funding is provided to the County on a reimbursable basis

FIRST READING:	June 21, 2016
SECOND READING:	July 12, 2016 {Tentative}
THIRD READING:	July 26, 2016 {Tentative}
PUBLIC HEARING:	July 12, 2016 {Tentative}



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. GF\_3

AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE UP TP \$340,000 OF GENERAL FUND BALANCE TO BE USED AS INITIAL FUNDING FOR PROJECTS RELATED TO THE FLOOD RECOVERY. FUNDS USED WILL BE REIMBURSED AS FEDERAL, STATE OR AS FUNDING IS PROVIDED TO THE COUNTY ON A REIMBURSABLE BASIS.

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. Approval would appropriate up to three hundred forty thousand dollars (\$340,000) to be used as initial funding for projects related to the County Flood recovery efforts. Therefore, the Fiscal Year 2016-2017 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2016 as amended:	\$157,467,077
Appropriation of General Fund unassigned fund balance:	\$ <u>340,000</u>
Total General Fund Revenue as Amended:	\$157,807,077

EXPENDITURES

Expenditures appropriated July 1, 2016 as amended:	\$157,467,077
Flood Project funding:	\$ <u>340,000</u>
Total General Fund Expenditures as Amended:	\$157,807,077

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2016.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

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

OF \_\_\_\_\_, 2016

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

RICHLANDCOUNTYATTORNEY'S OFFICE

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

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

## Richland County Council Request of Action

**Subject:**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; Section 2-644, Affirmative Procurement Initiatives for Enhancing SLBE and Emerging SLBE Contract Participation; Subparagraph 5; so as to increase the contract value for sheltered markets

FIRST READING:	June 21, 2016
SECOND READING:	July 12, 2016 {Tentative}
THIRD READING:	July 26, 2016 {Tentative}
PUBLIC HEARING:	July 12, 2016 {Tentative}

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-16HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE X, PURCHASING; DIVISION 7, SMALL LOCAL BUSINESS ENTERPRISE PROCUREMENT REQUIREMENTS; SECTION 2-644, AFFIRMATIVE PROCUREMENT INITIATIVES FOR ENHANCING SLBE AND EMERGING SLBE CONTRACT PARTICIPATION; SUBPARAGRAPH 5; SO AS TO INCREASE THE CONTRACT VALUE FOR SHELTERED MARKETS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 7, Small Local Business Enterprise Procurement Requirements; Sec. 2-644, Affirmative procurement initiatives for enhancing SLBE and emerging SLBE contract participation; Subsection (5); is hereby amended to read as follows:

(5) *Sheltered market.*

a. The director of procurement and the appropriate county contracting officer may select certain contracts which have a contract value of ~~two~~ five hundred ~~fifty~~ thousand (\$~~250,000~~ 500,000) dollars or less for award to a SLBE or a joint venture with a SLBE through the sheltered market program. Similarly, the director of procurement and the appropriate county contracting officer may select certain contracts that have a value of fifty thousand (\$50,000) dollars or less for award to an emerging SLBE firm through the sheltered market program.

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 \_\_\_\_\_, 2016.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

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Michelle Onley  
Assistant Clerk of Council

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

## Richland County Council Request of Action

**Subject:**

16-11MA  
Angel Lara  
RU to GC (.51 Acres)  
11214 Broad River Rd.  
02600-04-20

FIRST READING: June 28, 2016  
SECOND READING: July 12, 2016 {Tentative}  
THIRD READING: July 26, 2016 {Tentative}  
PUBLIC HEARING: June 28, 2016

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-16HR

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 # 02600-04-20 FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 02600-04-20 from RU (Rural District) zoning to GC (General Commercial) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2016.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

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

Public Hearing:                    June 28, 2016  
First Reading:                    June 28, 2016  
Second Reading:                 July 12, 2016 (tentative)  
Third Reading:

## Richland County Council Request of Action

**Subject:**

16-14MA  
Harold Johnson  
RM-HD to OI (2.13 Acres)  
3800 Elberta St.  
06105-01-15

FIRST READING: June 28, 2016  
SECOND READING: July 12, 2016 {Tentative}  
THIRD READING: July 26, 2016 {Tentative}  
PUBLIC HEARING: June 28, 2016



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-16HR

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 # 06105-01-15 FROM RM\_HD (RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT) TO OI (OFFICE & INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 06105-01-15 from RM-HD (Residential Multi-family High Density) zoning to OI (Office & Institutional) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2016.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

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

Public Hearing:                    June 28, 2016  
First Reading:                    June 28, 2016  
Second Reading:                 July 12, 2016 (tentative)  
Third Reading:

## Richland County Council Request of Action

**Subject:**

16-19MA  
Darshy Mehta  
OI to GC (4.5 Acres)  
1623 Barbara Drive  
17011-02-0267

FIRST READING: June 28, 2016  
SECOND READING: July 12, 2016 {Tentative}  
THIRD READING: July 26, 2016 {Tentative}  
PUBLIC HEARING: June 28, 2016

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-16HR

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 # 17011-02-0267 FROM OI (OFFICE & INSTITUTIONAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17011-02-0267 from OI (Office & Institutional Density) zoning to GC (General Commercial District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2016.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

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

Public Hearing:                    June 28, 2016  
First Reading:                    June 28, 2016  
Second Reading:                 July 12, 2016 (tentative)  
Third Reading:

## Richland County Council Request of Action

**Subject:**

16-20MA  
Aaron Shealy  
RU to GC (1.13 Acres)  
1610 Dutch Fork Rd.  
02411-02-04

FIRST READING: June 28, 2016  
SECOND READING: July 12, 2016 {Tentative}  
THIRD READING: July 26, 2016 {Tentative}  
PUBLIC HEARING: June 28, 2016

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-16HR

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 # 02411-02-04 FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 02411-02-04 from RU (Rural) zoning to GC (General Commercial) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2016.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016.

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

Public Hearing: May 24, 2016  
First Reading: May 24, 2016  
Second Reading: June 7, 2016 (tentative)  
Third Reading:

## Richland County Council Request of Action

**Subject:**

Recycling Collection Agreements with Richland District One, Richland District Two and District 5 of Lexington and Richland Counties

June 28, 2016 - The Committee recommended that Council authorize staff to engage in discussions and negotiations with Richland District One, Richland District Two and District Five of Lexington and Richland Counties to develop an agreement to have their schools added to the County's curbside recycling collection routes and provide recycling roll carts. Staff will bring the agreement(s) back to Council for their consideration.

## Richland County Council Request of Action

**Subject:** Recycling Collection Agreements with Richland District One, Richland District Two  
And District 5 of Lexington and Richland Counties

### **A. Purpose**

County Council is requested to authorize staff to discuss with the appropriate representatives of the aforementioned school districts respective agreements that would provide a mechanism for potentially funding the purchase of startup roll carts and first-year County curbside collection service via contracted haulers for schools that fall within the unincorporated area of Richland County who are on collection routes and could easily have service provided. The county could be the source for roll cart purchases by the districts if needed in the future.

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

Sonoco Recycling and the Solid Waste & Recycling Department have assisted the aforementioned school districts in developing effective, long-term recycling programs for the past 15 years. In recent years, substantial changes in the recycling market have required that Sonoco restructure its business model. Before the shift in the market, Sonoco provided containers for collection and transportation of materials to the Sonoco processing facility. Based on these changes, Sonoco is no longer able to provide containers or transportation for recyclable materials.

In an effort to maintain our level of success in the school recycling programs, we engaged in exploratory discussions with the aforementioned school districts regarding an alternate pathway for continued programs without interruption, including adding school districts to Richland County curbside contractor recycling routes. The concept included the county providing roll carts to each school district via our contract with the cart manufacturer. For the most part this would be a one-time expenditure until more schools are brought on board or the existing schools significantly increase their recycling efforts. The degree to which the county might need to assist financially with the purchase of roll carts is yet to be determined. Under the conceptual agreement, recyclable materials will be delivered to Sonoco pursuant to the County's current contract with Sonoco. As such, the County proposes to manage school-generated recyclable materials consistent with the terms of our current sliding contract with Sonoco.

Funding for collection of recyclable materials is an annual and ongoing expenditure which is also unsettled due to the time line of the budget process. Some or all of the school districts may need county financial assistance to begin the transition.

There are an estimated 25 schools in District One, 36 schools in District Two and 10 schools in District 5 that may need assistance representing an estimated 399 roll carts that would require service. The cost of collection to the County is estimated at five dollars (\$5) per roll cart per month. For District One the projected monthly collection cost is estimated to be \$600 (\$5 x 120 carts), for District Two \$1150 (\$5x230 carts) and District 5 \$245 (\$5 x 49 carts). Startup roll cart costs are estimated at \$7,000 for District One, \$13,000 for District Two, and \$3,200 for District 5.

The expected implementation timeline of an agreement between the County and the aforementioned school districts would coincide with the end of Sonoco's agreement with the districts which is the end of the school year or more realistically during the summer well before school starts.

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

None.

**D. Financial Impact**

The annual collection costs are estimated at \$7,200 (\$5 x 120 carts x 12 mos.) for District One, \$13,800 (\$5 x 230 carts x 12 mos.) for District Two, and \$2,940 (\$5 x 49 carts x 12 mos.) for District 5 based on the available data. The start-up costs for new roll carts is estimated at \$7,000 for District One, \$13,000 for District Two, and \$3,200 for District 5 and would include setup costs for district specific carts. If the county provided funding for all three schools for cart purchases and collections for the first year, the cost is estimated at \$47,140. Solid Waste & Recycling should have sufficient funding in the budget to manage these costs on a one time basis.

**E. Alternatives**

1. Authorize staff to engage in discussions and negotiations with the aforementioned school districts to develop an agreement to have the schools added to the county’s curbside recycling collection routes and provide recycling roll carts. The negotiations would establish reimbursement schedules to the County for both collection costs and roll cart purchase costs as well as any defining any startup financial assistance to be provided by the county.
2. Deny staff authorization to engage in discussions and negotiations with the aforementioned school districts to develop an agreement to have the schools added to the County’s recycling collection routes and provide recycling roll carts at County cost.

**F. Recommendation**

We feel it is in the best interest of the County to support the school districts to maintain the recycling efforts. We believe the use of our contract haulers is the most economically feasible means. The degree of assistance to the school districts is a discretionary decision for Council.

Recommended by: Rudy Curtis  
Department: Solid Waste & Recycling  
Date: 6/07/16

**Finance**

Reviewed by: <u>Daniel Driggers</u>	Date: 5/22/16
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Recommend approval of Alternative 1 and authorize staff to engage in discussions and negotiations with each district to develop an agreement. We would encourage the negotiation to include an alternative that will result in the partnership being cost neutral to the County. Once staff has discussed with the districts, the agreements would come back to Council to review the terms and commitment.

**Sustainability**

Reviewed by: <u>Jamelle Ellis</u>	Date: 6/8/16
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: <u>Elizabeth McLean</u>	Date: 6/15/16
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion.	



**Administration**

Reviewed by: Kevin Bronson

Date: 6/15/16

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval to proceed in discussions and negotiations with the school districts.

## Richland County Council Request of Action

**Subject:**

Council Motion Regarding Engineering and Construction Assistance from the South Carolina National Guard

June 28, 2016 - The Committee recommended that Council direct staff to request engineering and construction assistance from the South Carolina National Guard for the dams located within the County that were damaged by the October 2015 flooding event and remain in disrepair.

## Richland County Council Request of Action

**Subject:** Council Motion Regarding Engineering and Construction Assistance from the South Carolina National Guard

### **A. Purpose**

County Council is requested to consider a Council motion relative to requesting engineering and construction assistance from the South Carolina National Guard.

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

At the June 7, 2016 Council meeting, Council member Jackson brought forth the following motion:

“Because of the natural disaster the 1000 year flood. I move that Richland County request engineering and construction assistance from the South Carolina National Guard.”

Council approval of this motion would direct staff to request engineering and construction assistance from the South Carolina National Guard for dams located within the County that were damaged by the October 2015 flooding event and remain in disrepair.

Obtaining legal advice regarding liability and other associated items as a result of approving this request is recommended.

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

- June 7, 2016 – Motion made by Council member Jackson.

### **D. Financial Impact**

There are no direct financial costs associated with requesting engineering and construction assistance from the South Carolina National Guard. However, there are potential costs associated with the National Guard providing assistance to repair dams.

### **E. Alternatives**

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

### **F. Recommendation**

This is a policy decision for Council.

Recommended by: Norman Jackson

Department: Council District 11

Date: 6/7/16

### **G. Reviews**

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

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

### **Finance**

Reviewed by: Daniel Driggers

Date: 6/21/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Approval is recommended but is at Council's discretion. Based on the ROA, requesting the assistance from the National Guard will not have any direct financial impact to the County. Projects would receive additional approval once funding is determined.

### **Risk Management**

Reviewed by: Brittney Hoyle

Date: 6/21/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Approval is recommended, but this is a policy decision for Council. Recommendations regarding potential liability will require additional information about the scope of work the SC National Guard would perform.

### **Public Works**

Reviewed by: Ismail Ozbek

Date: 6/21/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council Discretion. Expectation of maintenance by County due to County involvement and potential Liability needs to be evaluated by Legal.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 6/23/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; Legal is unaware of any liability issues with requesting assistance from the National Guard, which is the purpose of the ROA. Liability issues related to work will need to be vetted when more information is available.

### **Administration**

Reviewed by: Roxanne Ancheta

Date: June 23, 2016

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration recommends that staff meet with the National Guard to determine what assistance with dams, if any, may be available to the County. Staff would then report this information back to Council for further direction.

## Richland County Council Request of Action

**Subject:**

Building Services: Adoption of the 2015 Code Editions

June 28, 2016 - The Committee recommended that Council approve the request to amend Chapter 6 of the Richland Council Code of Ordinances to adopt the 2015 editions of the South Carolina Residential Code, South Carolina Building Code, South Carolina Plumbing Code, South Carolina Mechanical Code, South Carolina Fire Code, South Carolina Fuel Gas Code, South Carolina Existing Building Code, International Swimming Pool and Spa Code, International Property Maintenance Code and the 2014 National Electrical Code.

## Richland County Council Request of Action

**Subject:** Building Services: Adoption of the 2015 Code Editions

### **A. Purpose**

County Council is requested to adopt and codify the 2015 editions of the International Codes with Modifications and the 2015 South Carolina Residential Code, South Carolina Building Code, South Carolina Plumbing Code, South Carolina Mechanical Code, South Carolina Fire Code, South Carolina Fuel/Gas Code, South Carolina Existing Building Code, International Swimming Pool and Spa Code, International Property Maintenance Code and the 2014 National Electrical Code, into the Richland County Code of Ordinances.

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

On October 1, 2013, County Council adopted the 2012 editions, including Ch. 1 (Administration), of the International Residential Code, the International Building Code, the International Plumbing Code, the International Mechanical Code, the International Fire Code, the International Fuel/Gas Code, International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2011 National Electrical Code.

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

Pursuant to its authority in Section 6-9-40 and in Section 6-9-50 of the SC Code of Laws, the South Carolina Building Codes Council recently adopted the 2015 editions of the International Residential Code, International Building Code, International Plumbing Code, International Mechanical Code, International Fire Code, International Fuel/Gas Code, International Existing Building Code, International Swimming Pool and Spa Code, International Property Maintenance Code and the 2014 National Electrical Code, all such codes to go into effect throughout the state on July 1, 2016 with modifications and the South Carolina versions of the 2015 International Codes.

This is a staff-initiated request, as adopting and codifying the 2015 editions of the International Codes with modifications and 2015 editions of the, South Carolina Residential Code, South Carolina Building Code, South Carolina Plumbing Code, South Carolina Mechanical Code, South Carolina Fire Code, South Carolina Fuel/Gas Code, South Carolina Existing Building Code, International Swimming Pool & Spa Code, International Property Maintenance Code and the 2014 National Electrical Code, will allow the public to have more readily available access to the correct building codes in effect at any particular time.

### **D. Financial Impact**

There is no financial impact associated with this request.

## **E. Alternatives**

1. Approve the request to amend Chapter 6 of the Richland Council Code of Ordinances to adopt the 2015 editions of the International Codes with Modifications and the 2015 editions of the, South Carolina Residential Code, South Carolina Building Code, South Carolina Plumbing Code, South Carolina Mechanical Code, South Carolina Fire Code, South Carolina Fuel Gas Code, South Carolina Existing Building Code, International Swimming Pool and Spa Code, International Property Maintenance Code and the 2014 National Electrical Code by approving the attached ordinance. If this alternative is chosen, the County Code of Ordinances will be consistent with State law, and it will be easier for Building and Fire Inspectors to enforce, as they can then cite the proper section of the County's Code.
2. Do not approve the request to amend Chapter 6 of the Richland Council Code of Ordinances by approving the attached ordinance, which adopts the 2015 editions of the International Codes with Modifications and the 2015 editions of the, South Carolina Residential Code, South Carolina Building Code, South Carolina Plumbing Code, South Carolina Mechanical Code, South Carolina Fire Code, South Carolina Fuel Gas Code, South Carolina Existing Building Code, International Swimming Pool and Spa Code, International Property Maintenance Code and the 2014 National Electrical Code. If this alternative is chosen, the County and its citizens will still have to comply with the current editions of the aforesaid Codes, but it will conflict with the information provided regarding which building codes are currently in effect in Richland County and adopted by the State.

## **F. Recommendation**

It is recommended that Council approve the request to adopt and codify the 2015 editions of the International Codes with Modifications and the 2015 editions of the, South Carolina Residential Code, South Carolina Building Code, South Carolina Plumbing Code, South Carolina Mechanical Code, South Carolina Fire Code, South Carolina Fuel Gas Code, South Carolina Existing Building Code, International Swimming Pool and Spa Code, International Property Maintenance Code and the 2014 National Electrical Code by approving the attached ordinance, so that this information can be placed into the Richland County Code of Ordinances and on the internet, therefore being more available to interested citizens.

Recommended by: Donny Phipps  
Department: Building Codes & Inspections  
Date: 6/14/16

## **G. Reviews**

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

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

## **Finance**

Reviewed by: Daniel Driggers

Date: 6/14/16

Recommend Council approval  
Comments regarding recommendation:

Recommend Council denial

**Legal**

Reviewed by:  
 Recommend Council approval  
Comments regarding recommendation:

Date: 6/14/16  
 Recommend Council denial

**Administration**

Reviewed by:  
 Recommend Council approval  
Comments regarding recommendation:

Date: 6/15/16  
 Recommend Council denial



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-16HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO CODIFY THE 2015 EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE 2014 NATIONAL ELECTRICAL CODE; AND TO CORRECTLY REFLECT THE 2015 INTERNATIONAL RESIDENTIAL CODE AND THE 2015 INTERNATIONAL BUILDING CODE IN OTHER SECTIONS OF CHAPTER 6.

WHEREAS, State Law enables the South Carolina Building Codes Council to regulate the adoption and enforcement of building codes in the state of South Carolina; and

WHEREAS, the South Carolina Building Codes Council has mandated that the 2015 editions of the International Residential Code, the International Building Code with Modifications, the International Fire Code, the International Plumbing Code, the International Fuel Gas Code, the International Mechanical Code, International Existing Building Code, International Swimming Pool and Spa Code, the International Property Maintenance Code and the 2014 National Electrical Code; are to be used for commercial and/or residential construction, effective July 1, 2016; and

WHEREAS, the South Carolina Building Codes Council has established South Carolina editions of the International Residential, Fire, Plumbing, Mechanical, Fuel Gas, and Existing Building Codes, which are the 2015 versions of the International Codes with South Carolina modifications; and

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

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-82, Adopted; is hereby amended to read as follows:

**Sec. 6-82. Adopted.**

(a) There is hereby adopted by the County Council the ~~2012~~ 2015 South Carolina Residential Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2015 South Carolina Residential Code is the published version of the 2015 International Residential Code with South Carolina Modifications and may be referenced interchangeably. The construction, alteration, repair, or demolition of every one- and two- family dwelling structure and accessory structures shall conform to the requirements of this Code.

(b) There is hereby adopted by the county council the ~~2012~~ 2015 South Carolina Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2015 South Carolina Building Code is the published version of the 2015 International Building Code with South Carolina Modifications and may be

referenced interchangeably. The construction, alteration, repair, or demolition of every building or structure (other than a one or two family dwelling structure) shall conform to the requirements of this Code.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-96, Purpose; is hereby amended to read as follows:

**Sec. 6-96. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all electrical installations that are not regulated by the ~~2012~~ 2015 edition of the South Carolina Residential Code.

**Sec. 6-97. Adopted.**

The workmanship, construction, maintenance, or repair of all electrical work shall conform to the requirements set forth in the ~~2011~~ 2014 edition of the National Electrical Code, published by the National Fire Prevention Association.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; Section 6-113, Purpose; is hereby amended to read as follows:

**Sec. 6-113. Purpose.**

The purpose of this article is to apply the provisions of the ~~2012~~ 2015 edition of the South Carolina Fire Code to all buildings and structures that are not regulated by the ~~2012~~ 2015 edition of the South Carolina Residential Code. The 2015 South Carolina Fire Code is the published version of the 2015 International Fire Code with South Carolina Modifications and may be referenced interchangeably.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; Section 6-114, Adopted; applicability, etc.; Subsection (a); is hereby amended to read as follows:

(a) There is hereby adopted by the county council the ~~2012~~ 2015 edition of the South Carolina Fire Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-125, Purpose; is hereby amended to read as follows:

**Sec. 6-125. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designated to convey or carry the same gas appliances, and regulating the installation and maintenance of appliances designated to use such gas as a fuel, in all buildings and structures that are not regulated by the ~~2012~~ 2015 edition of the South Carolina Residential Code.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-126, Adopted; is hereby amended to read as follows:

**Sec. 6-126. Adopted.**

There is hereby adopted by the county council the ~~2012~~ 2015 edition of the South Carolina Fuel/Gas Code, and all amendments thereto, as published by the International Code Council, Inc. The 2015 South Carolina Fuel/Gas Code is the published version of the 2015 International Fuel/Gas Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance, or repair of all gas work shall conform to the requirements of this Code.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-139, Purpose; is hereby amended to read as follows:

**Sec. 6-139. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all mechanical systems and other related appurtenances that are not regulated by the ~~2012~~ 2015 edition of the South Carolina Residential Code.

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-140, Adopted; is hereby amended to read as follows:

**Sec. 6-140. Adopted.**

There is hereby adopted by the county council the ~~2012~~ 2015 South Carolina Mechanical Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2015 South Carolina Mechanical Code is the published version of the 2015 International Mechanical Code with South Carolina Modifications and may be referenced interchangeably. The installation of mechanical systems, including alterations, repair, replacements, equipment, appliances, fixtures, and/or appurtenances shall conform to these Code requirements

SECTION IX. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-153, Purpose; is hereby amended to read as follows:

**Sec. 6-153. Purpose.**

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all plumbing and other related appurtenances that are not regulated by the ~~2012~~ 2015 edition of the South Carolina Residential Code.

SECTION X. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-154, Adopted; is hereby amended to read as follows:

**Sec. 6-154. Adopted.**

There is hereby adopted by the county council the ~~2012~~ 2015 South Carolina Plumbing Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2015 South Carolina Plumbing Code is the published version of the 2015 International Plumbing Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance or repair of all plumbing work shall conform to the requirements of this Code.

SECTION XI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; is hereby amended to read as follows:

**Sec. 6-168. Adoption and requirements.**

There is hereby adopted by the county council the ~~2012~~ 2015 International Swimming Pool and Spa (ISPSC) Code with Modifications, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction, maintenance or repair of all work shall conform to the requirements of this Code.

In addition to the requirements imposed by the ~~2012~~ 2015 edition of the International Swimming Pool and Spa (ISPSC) Building Code with Modifications, the following administrative requirements are hereby enacted:

- (1) A licensed swimming pool contractor shall be responsible for securing a permit from the County Building Official for the installation of any in-ground swimming pool or spa.
- (2) In the event an approved wall, fence, or other substantial structure to completely enclose the proposed pool is not in existence at the time an application is made for the permit to install a pool, it shall be the responsibility of the property owner to have the enclosure installed prior to the final inspection and, further, to ensure that said structure remains in place as long as the swimming pool exists.

SECTION XII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; Section 6-182, Adoption; is hereby amended to read as follows:

**Sec. 6-182. Adopted.**

The ~~2012~~ 2015 edition of the International Property Maintenance Code and all amendments thereto, as published by the International Code Council, Inc., is hereby adopted verbatim and incorporated by reference.

SECTION XIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Code; Section 6-82 Adoption; is hereby amended by the addition of paragraph (c), to read as follows:

- (c) There is hereby adopted by the County Council the 2015 South Carolina Existing Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2015 South Carolina Existing Building Code is the published version of the 2015 International Existing Building Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance or repair of existing buildings shall conform to the requirements of this Code.

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

SECTION XVI. Effective Date. This ordinance shall be effective from and after July 1, 2016.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

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

OF \_\_\_\_\_, 2016

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

## Richland County Council Request of Action

**Subject:**

Emergency Services: Equipment Purchases for Remounting Ambulances, Stretcher & EKG Upgrades

June 28, 2016 - The Committee recommended that Council approve the three (3) sole source purchases for the remounting of ten (10) ambulances, 14 Stryker Stretchers and adding Phillips Telemetry links to the existing Phillips EKG monitors in the amount of 1,258,015.20.

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

**Subject:** Emergency Services: Equipment Purchases for Remounting Ambulances, Stretcher & EKG Upgrades

### **A. Purpose**

The purpose of this report is to obtain Council approval to award three (3) sole source purchases: (1) Remount ten ambulances (2) Purchase fourteen Stryker Stretchers and (3) Add Phillips Telemetry links to existing Phillips EKG monitors.

These are sole-source procurements and each exceeds \$100,000, with the purchases totaling \$1,258,015.20. Funding is available in the EMS capital bond account. No other funds are needed.

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

EMS (Emergency Services) has ambulances that have exceeded the end of their life cycle. Over sixteen years ago EMS began to replace ambulances using the same manufacturer to establish continuity and standardization in the fleet. Standardization provides benefits in parts acquisition, maintenance, service, training and familiarization of equipment locations for Paramedics. The ambulances we have are “modular” which means the large patient compartment can be removed from the chassis, refurbished and remounted on a new chassis. That saves about \$30,000 per ambulance. The EMS ambulance fleet is manufactured by Taylor Made Ambulances. Sending the old ambulances back to the Taylor Made factory for remounting will insure the vehicles are returned to “new” condition with a new warranty.

EMS uses Stryker stretchers to move and transport patients in all of the ambulance vehicles. As the existing stretchers age (some are over 10 years old) they can no longer be repaired and must be replaced. We are beginning the process of replacing the stretchers and intend to replace some each year. Fourteen (14) Strykers will be replaced now with the remainder replaced over time. It is important to continue to use the same stretcher manufacturer because of continuity of operations for emergency workers and existing support hardware, stretcher mounting devices and small replacement parts are the same resulting in an overall decrease in replacement costs.

EMS currently transmits patient EKG telemetry to hospital emergency departments using stand-alone third party devices and technology that is over 10 years old. The older devices and technology create numerous challenges for field use. At the time EMS began transmitting EKG's to emergency department physicians, this was the only option available. The manufacturer of the existing EKG monitors that EMS uses (Phillips) now has technology available to integrate this function into the EKG monitor which results in a better, sharper and clearer EKG strip for the physician to see prior to the patient arriving in the emergency department. It is also quicker for the Paramedics to use in the field. The transmission of EKG's from the field to the receiving physician is essential in the treatment of heart and trauma patients when time is critical.

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

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

**D. Financial Impact**

The impact to the County is \$1,258,015.20.

Funding is available in EMS Bond account 1338995000 / 13380200.

No other funds are needed.

There is a significant cost savings for remounting an existing modular patient compartment on a new chassis. Also, there is a significant expense to continue to repair vehicles that are old and “out of contract.” “Out of contract” means that because of the age of the vehicle, it is no longer supported under the First Vehicles regular contract. Costs associated with repairs must be paid out of regular budget funds as the repairs are made. Removing ten vehicles that are “out of contract” will help contain increasing repair costs.

The remount cost per vehicle is as follows:

New Chassis and Remount/Refurbish (Tax Included)	\$ 88,440.00
-----	
Cost for 10 Vehicles	\$ 884,400.00

-----

The cost breakdown for the Stryker Power-Pro XT Stretcher is as follows:

	\$ 18,037.60
-----	
Cost for 14	\$ 252,526.40
Tax	20,202.11
-----	
Total	\$272,728.51

Includes seven (7) year warranty, Oxygen Tank Holder, Back Rest Pouch, Head End Storage Flat, Equipment Hook, and Replacement batteries

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The cost breakdown for the Phillips MRx Wireless EKG Link For EKG Monitors is as follows:

Cost for 49 units to include support system	\$ 93,413.60
Tax	7,473.09
-----	



Total \$100,886.69

**E. Alternatives**

1. Approve the three (3) sole source purchases for the remounting of ten (10) ambulances, 14 Stryker Stretchers and adding Phillips Telemetry links to the existing Phillips EKG monitors in the amount of 1,258,015.20.
2. Do not approve the three (3) sole source purchases for the remounting of ten (10) ambulances, 14 Stryker Stretchers and adding Phillips Telemetry links to the existing Phillips EKG monitors in the amount of 1,258,015.20.
3. Approve a combination of the three (3) sole source purchases for the remounting of ten (10) ambulances, 14 Stryker Stretchers and / or adding Phillips Telemetry links to the existing Phillips EKG monitors.

**F. Recommendation**

It is recommended that Council approve the purchase to: Remount 10 ambulance vehicles from Taylor Made Ambulance Company for a cost of \$884,400, Purchase 14 Stryker Stretchers for \$272,728.51, Purchase EKG Telemetry System from Phillips for \$100,886.69 using funding from the EMS Bond account.

Recommended by: Michael A. Byrd  
Department: Emergency Services  
Date: 06-08-16

**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 6/15/16  
✓ Recommend Council approval  Recommend Council denial  
Comments regarding recommendation:

Funds are available as stated for EMS replacement vehicles/equipment.

**Procurement**

Reviewed by: Christy Swofford Date: 6/16/16  
✓ Recommend Council approval  Recommend Council denial  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 6/16/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, Procurement's needs to advise the County whether these items are appropriate for sole source purchases pursuant to the Richland County purchasing ordinance.

**Administration**

Reviewed by: Kevin Bronson

Date: 6/16/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Image of Stryker Power-Pro XT Stretcher



## Richland County Council Request of Action

**Subject:**

Community Development: Approval of FY 16-17 Budgets within the FY 16-17 Annual Action for Community Development Department Federal Funds

June 28, 2016 - The Committee recommended that Council approve the FY 16-17 estimated budgets for the CDBG (Community Development Block Grant Program) and HOME (HOME Investment Partnerships Program) funds. Their FY 16–17 estimated budgets are subject to be reviewed and amended by Council in September 2016 after the public comment period for the budgets has ended.

## Richland County Council Request of Action

Subject: Community Development: Approval of FY 16-17 Budgets within the FY 16-17 Annual Action for Community Development Department Federal Funds

### **A. Purpose**

County Council is requested to approve the itemized budgets for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) federal funds for FY 16-17.

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

Each Fiscal Year, the Community Development Department is required to submit an action plan to HUD relative to their CDBG and HOME funds budgets.

These budgets are not allocating County general funds, but involve federal funds. The upcoming year's budget will be included in the proposed FY 16-17 Annual Action Plan which will be submitted to the US Department of HUD by August 14, 2016.

A public meeting will be advertised and held in July 2016. Please note this public meeting is not required to be a part of a Council meeting, but is still open to Council and the public to attend. The Annual Action Plan; however, does require Council action through an endorsement and/or approval of the plan.

Although this request is more of an internal mandate than a HUD requirement, Council approval of this request will strengthen the action plan and provide public support.

The CDBG and HOME budgets reflect FY 16-17 funds under the Annual Action Plan section. Given that the Action Plan is due to HUD by August 15, 2016, and no Council meetings are scheduled during that month, Council approval of this item is being requested at this time.

Community Development will supply a copy of the full action plan to Council upon HUD approval.

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

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

## D. Financial Impact

Please see the estimated draft budgets below for both CDBG and HOME funds:

<b>FY 16-17 CDBG Project</b>	<b>\$1,327,782.00</b> <b>Grant Total</b>
“Bricks & Mortar” Projects/Applications to County	\$205,165.00
Trinity/St. Lawrence Place (Homeless Shelter)	\$ 30,000.00
Hollywood Hills Project (Sewer continuation)	\$100,000.00
Comet/Central Midlands Transit (Bus Shelter)	\$ 16,000.00
CHA - Section 3 Job Development/Job Training Skills	\$ 25,000.00
HOME Project Delivery	\$ 80,000.00
Five Year Consolidated Plan	\$ 85,000.00
Shakespeare Crossing – Infrastructure	\$210,000.00
Olympia Museum – Phase II/III	\$ 25,000.00
United Way – Richland Restores	\$103,283.00
Dept. of Corrections/Men’s Re-entry Initiative	\$ 50,000.00
Contingency (10% of Grant for Unforeseen Costs)	\$132,778.00
Administration (not to exceed 20%)	\$265,556.00

<b>HOME Grant Award for FY 16-17</b>	<b>\$ 507,826.00</b> <b>Total Grant Amount</b>
CHDO Set Aside Programmatic and Operating Funds - Countywide	\$251,304.00
Housing Rehab Program (owner-occupied only) - Countywide	\$170,000.00
RCHAP (down payment assistance for 1 <sup>st</sup> time homebuyers) - Countywide	\$150,000.00
Administration (not exceed 10%)	\$ 50,782.00
<i>*HOME Match from County Funds</i>	\$ 114,260.00

\* The only financial impact to the County is the HOME match requirement. The amount of HOME Match is \$114,260 and is required from the General Fund. The County has provided the required match amount since the HOME program began in 2002.

## E. Alternatives

1. Approve the FY 16-17 estimated budgets for CDBG and HOME to be found in the FY 16-17 Action Plan due to HUD by August 15, 2016. These funds are grant funds from the U.S. Department of HUD.

2. Do not approve the estimated FY 16-17 budgets for CDBG and HOME and the funds will not be entered by Finance Department. Subsequently, the funds could be rescinded or not spent timely, thereby creating additional areas of concern for the County. These funds are grant funds from the US Department of HUD.

**F. Recommendation**

It is recommended by the Community Development Department that Council approve the FY 16-17 budgets for CDBG and HOME to be found in the FY 16-17 Action Plan due to HUD August 15, 2016.

Recommended by: Valeria Jackson  
Department: Community Development  
Date: 6/9/2016

**G. Reviews**

**Finance**

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

Date: 6/15/16  
 Recommend Council denial

**Grants**

Reviewed by: Natashia Dozier  
✓ Recommend Council approval  
Comments regarding recommendation:

Date:06/15/16  
 Recommend Council denial

**Legal**

Reviewed by: Elizabeth McLean  
 Recommend Council approval  
Comments regarding recommendation: Policy decision left to Council's discretion.

Date: 6/16/16  
 Recommend Council denial

**Administration**

Reviewed by: Warren Harley  
✓ Recommend Council approval  
Comments regarding recommendation:

Date: 6/16/16  
 Recommend Council denial

## Richland County Council Request of Action

**Subject:**

Support Services: Guidance for Maintenance of Non-County Owned Property between the Administration Facility and Hampton & Harden Streets

June 28, 2016 - The Committee recommended that Council direct staff to determine the legal basis for the City of Columbia Ordinance, Article VIII Sidewalk Maintenance, and subsequently negotiate a memorandum of understanding to include the level of responsibility that Council is willing accept for this property.



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

**Subject:** Support Services: Guidance for Maintenance of Non-County Owned Property between the Administration Facility and Hampton & Harden Streets

### **A. Purpose**

County Council is requested to provide staff with direction relative to making improvements and engaging in perpetual maintenance to the grounds on the leading edge of the sidewalk and highway curbs along Hampton and Harden streets, and extending the entire block that encompasses the Administration Complex (please see the attached aerial map detailing this area) located at 2020 Hampton Street.

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

Recently, a citizen was injured on one of the steps of the brick pavers that connect the border sidewalk around the Administration Complex to the Hampton and Harden Streets curb. This incident resulted in a lawsuit against the County, Sayad vs. Richland County.

Sayad vs. Richland County was discussed during Executive Session at the November 17, 2015 Council meeting. Council directed staff to proceed as discussed in Executive Session.

Based on staff research, the property along the curbs of Hampton and Harden Streets is not owned by the County (please see the attached aerial photo depicting the County property line). There are no documents discovered to indicate any agreement, such as an easement from the City to the County, Right of Way (ROW) conveyance, Memorandum of Understanding (MOU), or an Intergovernmental Agreement (IGA).

Furthermore, there is no documentation indicating that the County has accepted any responsibility for this area which is outside of the County's property boundary.

The SC Department of Transportation (DOT) has documentation that indicates that their maintenance responsibilities end at the edge of the street curb.

Given that this property is not owned by the County, the Support Services Department does not have the authority to make repairs or improvements, nor are they funded to do so.

Please note that City Ordinance, Chapter 8, addresses city sidewalks and ROW's (see attached ordinance – Article VIII Sidewalk Maintenance). This ordinance states that the adjoining property owner is responsible for cleaning and ensuring an obstruction free area and typical grounds maintenance such as grass cutting. However, there are some concerns amongst staff relative to the legal basis for such a requirement.

The City has refused to repair, much less improve, the brick pavers (photo included). However, it has been determined and stated by the City that they perform all tree maintenance in this area. In recent years, they have removed dead/sick trees, and replanted what was removed along both Hampton and Harden streets. These actions indicate that the City accepts some level of responsibility for this area.

At this time, staff has taken the position to not make any repairs, improvements, or perform typical maintenance in this area until an understanding is achieved between the City and County through a formal agreement, or until direction is given by Council.

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

- November 17, 2015 - Council directed staff to proceed as discussed in Executive Session relative to the pending litigation of Sayad vs. Richland County.

The request for guidance is a Staff initiated request. Council direction will help guide future actions relative to this matter.

### **D. Financial Impact**

The financial impact of this request is contingent upon the direction given to staff by Council.

Below are the estimated costs of potential options:

1. The cost to maintain and potentially improve the area by repairing the brick pavers, installing a weed barrier (anti-growth matting) and new mulch, is estimated at **\$64,500**.

It should also be noted that the existing brick pavers contribute little to no positive effect on the pedestrian movement from the city owned parking on Hampton and Harden streets to the County facility. This is due to the sidewalks being located in the center of many parking spaces and not in-between spaces, i.e., the route (end of brick walkway) is blocked by the parked vehicle (please see attached photo). This photo also depicts the City owned and maintained parking meters within the area in question.

2. The cost to remove the brick pavers, minor grading, installation of anti-growth matting, and mulching of this area is estimated at **\$134,000**.
3. The cost to create designated walkways from the City parallel parking along Hampton and Harden streets, which should include the installation of an additional curbside sidewalk with connectors to the existing sidewalk is estimated at **\$253,000**.

Funding above the approved facility maintenance budget will need to be identified to complete any of the abovementioned tasks that Council determines to be appropriate for the County to undertake.

### **E. Alternatives**

1. Direct staff to determine the legal basis for the City ordinance noted in the discussion section, and subsequently negotiate a memorandum of understanding which includes the level of responsibility that Council is willing accept for this property. Staff recommends that this alternative include any short-term direction for aesthetic maintenance, such as noted in alternative #2.
2. Direct staff to maintain the aesthetics of the area that is not county owned property through such normal maintenance as debris removal, grass cutting, and weed removal, only. This will leave the brick pavers in a state of disrepair until such time the County has an

understanding with the City as to responsibility of this area. This action may indicate that the County is taking some ownership and liability.

3. Direct staff to maintain the area that is not county owned property and remove the current brick pavers, restore the area to a 100% mulched area not intended for any pedestrian traffic, leading from the City parking spaces to the Administration and Health Complex, normal grounds maintenance such as debris removal, grass cutting, and weed removal. This action may indicate that the County is taking some ownership and liability. This decision would require funding to be identified to cover the anticipated cost.
4. Direct staff to maintain the area that is not county owned property, remove current brick pavers, install new sidewalks to provide best possible access from the City street parking to the Administration and Health Complex and restore the remaining areas to mulched areas not intended for pedestrian traffic. Staff will complete normal grounds maintenance such as debris removal, grass cutting, and weed removal. This action may indicate that the County is taking some ownership and liability.
5. Direct staff to not make any repairs, improvements, or perform typical maintenance in this area.

#### **F. Recommendation**

It is recommended that Council approve alternative #1 and direct staff to determine the legal basis for the City ordinance noted in the discussion section, and afterwards, negotiate an understanding of responsibility with the City of Columbia based on Council direction that includes the level of responsibility that Council is willing accept. This alternative should also include any short-term direction for aesthetic maintenance

Recommended by: John Hixon

Department: Support Services

Date: 6/13/816

#### **G. Reviews**

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

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

#### **Finance**

Reviewed by: Daniel Driggers

Date: 6/14/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Finance supports the Facility and Grounds Director recommendation of alternative one. As stated, if projects are approved, we would provide funding options based on the level of funding needed.

### **Risk Management**

Reviewed by: Brittney Hoyle

Date: 6/15/2016

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

In addition to the lawsuit referenced above, this area is the subject of another recent claim against the County. Because we do not own the property in question, our liability analysis turns to maintenance responsibility. Accordingly, I support the recommendation of alternative one to determine and define responsibility.

### **Support Services**

Reviewed by: John Hixon

Date: 6/16/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### **Legal**

Reviewed by: Elizabeth McLean

Date: 6/23/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This property does not belong to the County. It is our understanding that this area is City property. Legal has already given its opinion on this issue and has nothing further to add. Policy decision left to Council's discretion.

### **Administration**

Reviewed by: Roxanne Ancheta

Date: June 23, 2016

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: If staff receives no direction on this matter, everything will remain as-is. This means that the steps of brick pavers will remain in disrepair, and roped off. Staff will continue to not make any improvements, or perform typical maintenance in this area.

Obviously, by allowing the brick pavers and this general area to remain in their current state of disrepair, we may continue to receive claims, as mentioned above by the Risk Manager. ("In addition to the lawsuit referenced above, this area is the subject of another recent claim against the County.")

Therefore, it is at this time that staff recommends alternative #1, which will determine and define responsibility.





Walkway - Center  
of Parking space

City Parking  
Meters

**Columbia, South Carolina, Code of Ordinances >> - CODE OF ORDINANCES >> Chapter 8 - ENVIRONMENTAL HEALTH AND SANITATION >> ARTICLE VIII. SIDEWALK MAINTENANCE >>**

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**ARTICLE VIII. SIDEWALK MAINTENANCE <sup>[8]</sup>**

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Sec. 8-331. Duties of property owners.

Sec. 8-332. Notice to correct conditions.

Sec. 8-333. Failure to comply with notice.

Sec. 8-334. Correction of conditions by city.

**Sec. 8-331. Duties of property owners.**

- (a) It shall be the duty of all owners of property in the city upon which sidewalks have been laid to keep such walkways clean and free from obstruction. Owners of property shall report defective conditions in sidewalks to the city manager or director of public services.
- (b) All persons who own real estate in the city which abuts upon any street right-of-way shall be required to keep that portion of the right-of-way which lies between the property line and the street side of the gutter of the adjoining street free from unsightly vegetation or other things which would mar or detract from the beauty and cleanliness of the street upon which their property abuts. Any owner of business or institutional property who shall place or allow grass to grow upon the portion of the right-of-way lying between the property line and the curblin of the street upon which his real estate abuts shall keep such grass properly mowed and free from rubbish of all kinds. If such owners are not in the possession of their property, then this section shall apply to their tenants or those who have possession or control of the property.

*(Code 1979, § 9-3030)*

**Sec. 8-332. Notice to correct conditions.**

Whenever the public services department of the city, or its duly authorized agent or representative, shall find that any property owner or other person with possession or control of property has failed to comply with the provisions of section 8-331, the public services department may serve upon the owner, lessee or occupant of the premises, or upon the agent or representative of the owner of such land having control thereof, notice to comply with the provisions of this article. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such notice in the United States mail properly stamped and directed to the person to whom the notice is addressed, or to post a copy of the notice upon the premises subject to the notice.

*(Code 1979, § 9-3031)*

**Sec. 8-333. Failure to comply with notice.**

If the person to whom the notice is directed under the provisions of section 8-332 fails or neglects to correct, or cause to be corrected, the deficiencies identified in the notice within ten days after such notice has been served, or deposited in the United States mail, or posted upon the premises, such person shall be guilty of a misdemeanor, punishable, upon conviction, in accordance with section 1-5.

*(Code 1979, § 9-3032)*

**Sec. 8-334. Correction of conditions by city.**

Violations of section 8-331 not corrected pursuant to section 8-333 may be corrected by a duly authorized agent of the city, and the cost of doing so shall be charged to the owner or occupant or other person in control of the property.

*(Code 1979, § 9-3033)*

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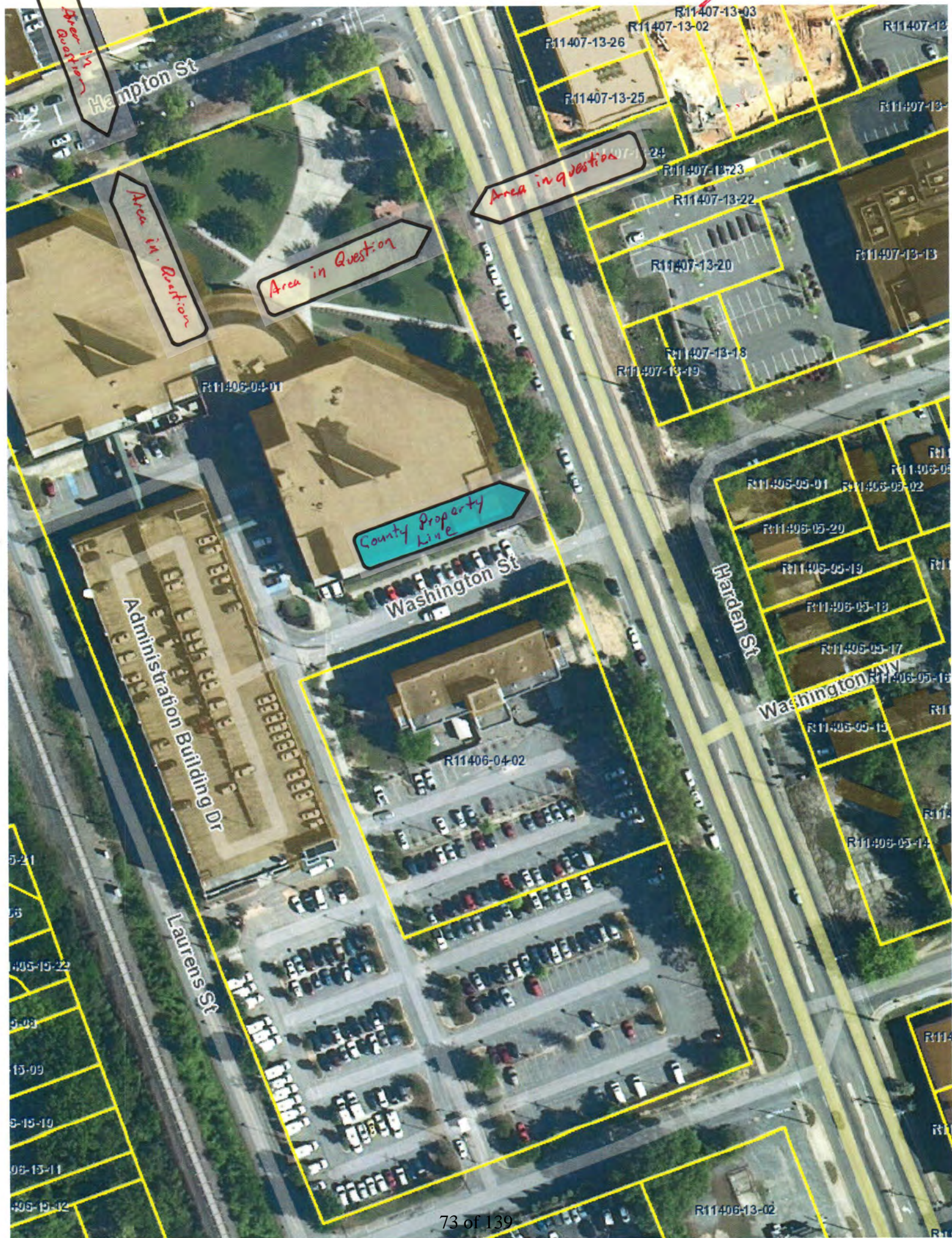
**FOOTNOTE(S):**

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-- (8) --

**Cross reference**— *Streets, sidewalks and other public places, ch. 22. [\(Back\)](#)*





Area in Question

Area in Question

Area in Question

Area in Question

County Property Line

Hampton St

Washington St

Administration Building Dr

Lauren's St

Harden St

Washington Ave

R11407-13-03  
 R11407-13-02  
 R11407-13-26  
 R11407-13-25  
 R11407-13-24  
 R11407-13-23  
 R11407-13-22  
 R11407-13-20  
 R11407-13-18  
 R11407-13-19  
 R11406-04-01  
 R11406-05-01  
 R11406-05-02  
 R11406-05-20  
 R11406-05-19  
 R11406-05-18  
 R11406-05-17  
 R11406-05-16  
 R11406-05-15  
 R11406-05-14  
 R11406-04-02  
 R11406-13-02

## Richland County Council Request of Action

**Subject:**

Finance Department: Approval of Council Donations

June 28, 2016 - The Committee recommended that Council approve the donations to outside organizations made during FY16 in the amount of \$1,650. Council approval included approving a payment related to flood damage to County owned property in the amount of \$16,151.

# Richland County Council Request of Action

**Subject:** Finance Department: Approval of County Donations

**A. Purpose**

In order to be in compliance with State law, Council is asked to approve donations to outside organizations made during FY16.

**B. Background / Discussion**

The State of South Carolina adopted the following budget proviso for FY16:

**110.6.** *(AS-TREAS: Transparency-Political Subdivision Appropriation of Funds)*

*(A) A political subdivision receiving aid from the Local Government Fund may not:*

- (1) appropriate money to any entity unless that appropriation appears as a separate and distinct line item in the political subdivision's budget or in an amendment to the political subdivision's budget; or*
- (2) except in cases of emergency or unforeseen circumstances, donate funds to a non-profit organization unless the amounts donated are appropriated on a separate and distinct line item in the political subdivision's budget or an amendment to the political subdivision's budget, that includes the names of the entities to which the donations are being made. In cases of emergencies or unforeseen circumstances, a political subdivision may donate funds to a non-profit organization if the amount and purpose of the proposed donation and the nature of the emergency or unforeseen circumstances necessitating the donation are announced in open session at a public meeting held by the governing body of the political subdivision and the funds are not delivered to the organization for five days following the announced intent to make the donation.*

*(B) A political subdivision receiving aid from the Local Government Fund may not appropriate money to any entity without the requirement that the entity provides at the end of the fiscal year a detailed description of the purposes for which the money was used.*

The State of South Carolina has mandated that donations be approved by the governing body and appear in the budget. Therefore, Finance has reviewed FY16 expenditures through April 26, 2016 and attempted to identify all donations that were not previously approved by the Council:

Council Member	Post Date	Description	Amount
Jeter	9/15/2015	NEW CASTLE CLEAN SWEEP	\$200.00
Jeter	9/16/2015	EAU CLAIRE COMMUNITY	\$500.00
Rush	8/3/2015	DEP. KEITH ANNUAL BACK TO S. BASH	\$100.00
Washington	8/3/2015	MT. PILGRIM BAPTIST CELEBRATE	\$250.00
Washington	9/9/2015	EASTOVER YOUTH – ICE CREAM SOC.	\$300.00
Washington	10/13/2015	DELTA SIGMA THE – MS. RED&WHITE	\$100.00
Jackson	9/17/2016	HICKORY RIDGE	\$200.00
	4/22/2016	PINEWOOD LAKE FOUNDATION (This is a payment related to flood damage to County owned property)	\$16,151.00

**C. Legislative / Chronological History**

None.

**D. Financial Impact**

There is no financial impact associated with this request as the payments have already been made.

**E. Alternatives**

1. Approve this recommendation to comply with State Law.
2. Do not approve and fail to be in compliance with State Law.

**F. Recommendation**

The donations above are the only ones that have been identified by Budget as being paid outside of full-Council approval. Therefore, it is recommended that Council formally approve the donations as required. The Grants Manager will be responsible for obtaining the detailed description as to how the funds were used, per 110.6 (B).

Recommended by: Daniel Driggers

Department: Finance

Date: May 9, 2016

**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/9/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/18/16

Recommend Council approval

Recommend Council denial

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

**Administration**

Reviewed by: Tony McDonald

Date: May 19, 2016

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Approve the aforementioned donations to comply with State Law.

## Richland County Council Request of Action

**Subject:**

City of Columbia Request for Easement – Decker Blvd.

June 28, 2016 - The Committee forwarded this item to Council without a recommendation.

# Richland County Council Request of Action

**Subject:** City of Columbia Request for Easement – Decker Blvd.

**A. Purpose**

County Council is requested to grant an easement to the City of Columbia for portion of County owned property located on the northeastern side of Decker Blvd.

**B. Background / Discussion**

The City of Columbia, pursuant to the attached letter dated May 2, 2016, is requesting an easement for a portion of Decker Blvd. located at TMS# 16908-08-06.

The City wants to make water line improvements along Decker Blvd. to better serve their citizens in this area.

The letter (and easement) is attached with this ROA.

**C. Legislative / Chronological History**

5/2/16 – Letter from the City of Columbia requesting the easement.

**D. Financial Impact**

There is no financial impact associated with this request.

**E. Alternatives**

1. Approve the request to grant easement to the City of Columbia.
2. Do not approve the request for an easement from the City of Columbia.

**F. Recommendation**

It is recommended that Council approve the request to grant easement.

Recommended by: Warren Harley  
Department: Administration  
Date: June 2, 2016

**G. Reviews**

**Finance**

- |  |   |
|--|---|
| Reviewed by: <u>Daniel Driggers</u>                            | Date: 6/3/16                                      |
| <input checked="" type="checkbox"/> Recommend Council approval | <input type="checkbox"/> Recommend Council denial |
| Comments regarding recommendation:                             |   |

**Utilities**

- |  |   |
|--|---|
| Reviewed by: <u>Shahid Khan</u>                                | Date: 6/6/2016                                    |
| <input checked="" type="checkbox"/> Recommend Council approval | <input type="checkbox"/> Recommend Council denial |
| Comments regarding recommendation:                             |   |

**Legal**

Reviewed by: Elizabeth McLean  
 Recommend Council approval

Date: 6/15/16

Recommend Council denial

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

**Administration**

Reviewed by: Warren Harley  
 Recommend Council approval

Date: 6/15/16

Recommend Council denial

Comments regarding recommendation:



We Are Columbia

# CITY OF COLUMBIA

## Department of Utilities and Engineering

1136 Washington Street | P.O. Box 147  
Columbia, South Carolina 29217  
Phone: 803-545-3400 Fax: 803-733-8674

May 2, 2016

Re: Off-site Water Line to Serve  
Elementary School #20; Located on  
the northeastern side of Decker Blvd,  
Columbia, South Carolina 29223;  
Richland County TMS# 16908-08-  
06 CF#335-19

### **SECOND ATTEMPT**

Richland County  
2020 Hampton Street  
Columbia, SC 29205

To Whom It May Concern,

The City of Columbia is continuously working to improve the public accommodations of its citizens. Therefore, a water line improvement project along a portion of your property has been designed in order to meet current demands.

Our records indicate that you are the owner of Richland County tax map number 16908-08-06. In order to complete the improvements in this area, we are requesting an easement on a portion of your property located on the northeastern side of Decker Blvd.

Enclosed is the easement and exhibit depicting part of your property and the location and dimension of the easement you are being requested to grant. Please review and contact me at (803) 545-3234 or email me at [nljohnson@columbiasc.net](mailto:nljohnson@columbiasc.net) within ten (10) days from the date of this letter to discuss. The easement is required to be executed in the presence of an attorney. The City can provide an attorney to witness/notarize your signature by appointment at no cost to you.

Thank you for your cooperation in this matter.

Yours very truly,

Natalia Lia Johnson  
Right-of-Way Agent

NLJ  
Enclosures

[www.columbiasc.net](http://www.columbiasc.net)



STATE OF SOUTH CAROLINA )

EASEMENT

COUNTY OF RICHLAND )

For and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, the receipt of which is hereby acknowledged, RICHLAND COUNTY (also hereinafter referred to as "Grantor") does hereby grant unto the CITY OF COLUMBIA (also hereinafter referred to as "Grantee"), its successors and assigns, a permanent, exclusive easement variable feet in width (6.1' to 12.3' to 18.3'), together with the right of ingress and egress at all times for the purpose of constructing, operating, reconstructing and maintaining a water main and with the right to remove shrubbery, trees and other growth from the easement area provided that the property will be restored as nearly as practicable to its original condition upon completion of the construction and any trees which must be removed shall be moved from the premises, and any damaged shrubbery will be replaced with the same variety from nursery stock, said easement to run through the property which Grantor owns or in which Grantor has an interest, situate, lying and being:

In the State of South Carolina, County of Lexington, near the City of Columbia, located at the northeastern side of Decker Boulevard, Columbia, South Carolina 29223, and being further identified as a portion of Richland County tax map number 16908-08-06, as shown on tax maps prepared by the office of the Richland County Tax Assessor, 2016 Edition.

A permanent, exclusive easement for a water main, variable feet in width; said easement beginning on the common boundary of the northeastern property corner of the subject property and the northwestern property corner of TMS# 16908-08-01, n/f OLG Properties, LLC; thence extending therefrom in a southerly direction along the eastern property line of the subject property, for a distance of sixty-four and four tenths (64.4) feet to a point twenty-three and eight tenths (23.8) feet north of the southernmost property corner of the subject property; thence turning and extending therefrom in a southwesterly direction along the subject property, for a distance of seventeen and eight hundredths (17.08) feet to intersect the southwestern property line of the subject property at a point eighteen and twenty-two hundredths (18.22) feet northwest of the southernmost property corner of the subject property; thence turning and extending therefrom in a northwesterly direction along the southwestern property line of the subject property, for a distance of six and one tenth (6.1) feet to intersect the southwestern property corner of the subject property; thence turning and extending therefrom in a northerly direction along the western property line of the subject property, for a distance of eighteen and three tenths (18.3) feet to a point thirty-eight and ninety-three hundredths (38.93) feet south of the northwestern property corner of the subject property; thence turning and extending therefrom in a northeasterly direction along the subject property, for a distance of ten and nine tenths (10.9) feet to a point; thence turning and extending therefrom in a northerly direction along the subject property, for a distance of thirty-seven and eight tenths (37.8) feet to intersect the common boundary of the southeastern right-of-way of Trenholm Road Extension and the northwestern property line of the subject property at a point twelve and three tenths (12.3) feet southwest of the northeastern property corner of the subject property; thence turning and extending therefrom in a northeasterly direction along the common boundary of the

1

APPROVED AS TO FORM

*MAG Elizabeth*  
 \_\_\_\_\_  
 Legal Department City of Columbia, SC

southeastern right-of-way of Trenholm Road Extension and the northwestern property line of the subject property, for a distance of twelve and three tenths (12.3) feet to intersect the northeastern property corner of the subject property, also being the point of beginning; thence terminating. Be all measurements a little more or less.

This easement being more clearly shown and delineated on an easement drawing for Off-site Water Line to Serve Elementary School #20, drawing 4 of 4, dated March 29, 2016, prepared by RB Todd Consulting Engineers for the City of Columbia, South Carolina and being on file in the office of the Department of Utilities and Engineering, City of Columbia, South Carolina under City file reference #335-19.

A copy of said easement drawing being attached hereto and made a part hereof as Exhibit "A".

NLJ  
EASEMENT 4 of 4

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

TO HAVE AND TO HOLD the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind the Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the said premises unto Grantee, its successors and assigns against the Grantor and Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the hand and seal of the Grantor by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

**RICHLAND COUNTY**

\_\_\_\_\_  
(1<sup>st</sup> Witness Signature)

By: \_\_\_\_\_  
(Signature)

Name: \_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(2<sup>nd</sup> Witness Signature)

Title: \_\_\_\_\_  
(Print Title)

STATE OF \_\_\_\_\_ ) ACKNOWLEDGEMENT  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_

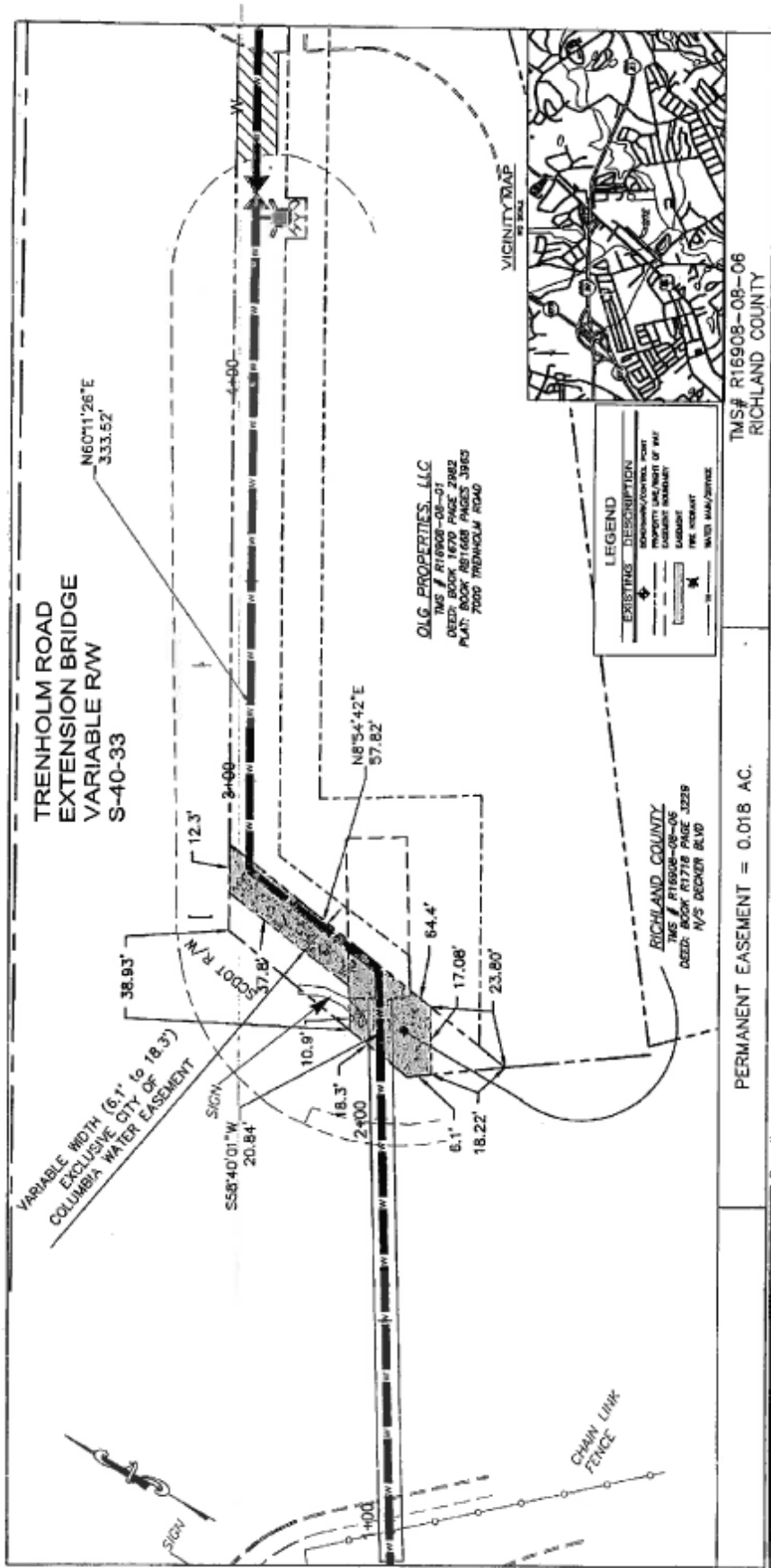
(Name & Title of Officer)

of \_\_\_\_\_ on behalf of the within-named Grantor.  
(City & State)

\_\_\_\_\_  
(Notary's Signature)

NOTARY PUBLIC FOR: \_\_\_\_\_  
(State)

MY COMMISSION EXPIRES: \_\_\_\_\_  
(Date)



**TRENHOLM ROAD  
EXTENSION BRIDGE  
VARIABLE RW  
S-40-33**

**OLG PROPERTIES, LLC**  
TMS # R16908-08-01  
DEED: BOOK 1670 PAGE 2982  
PLAN: BOOK 1670 PAGE 3965  
7000 TRENHOLM ROAD

**RICHLAND COUNTY**  
TMS # R16908-08-06  
DEED: BOOK R1778 PAGE 3228  
N/S DECKER BLVD

**LEGEND**

EXISTING	DESCRIPTION
+	BOUNDARY/ADJACENT POINT
—	PROPERTY BOUNDARY OF RW
—	BOUNDARY (SHOWN)
—	THE EASEMENT
—	WATER MAIN/SEWER

VICINITY MAP

TMS# R16908-08-06  
RICHLAND COUNTY

PERMANENT EASEMENT = 0.018 AC.

Figure No. 4 of 4  
DATE: 03-28-2016  
PROJECT: 13-333

**CRBTODD**  
CONSULTING ENGINEERS  
7436 Broad River Road, Suite 212  
Irmo, S.C. 29063  
Tel. 803.781.3141  
Fax. 803.781.3142  
www.rbtodd.com



REFERENCE AND NOTES:  
THE HEREON SHOWN IS SUBJECT TO ANY AND ALL CONDITIONS, RESTRICTIONS, EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.  
THE HEREON SHOWN IS BASED ON FIELD LOCATIONS AND INFORMATION SUPPLIED BY GLENN ASSOCIATES SURVEYING, INC.  
RICHLAND COUNTY TAX MAP SHEET 16908, 2016 EDITION

**ATTORNEY CERTIFICATION**

I, \_\_\_\_\_, an attorney licensed to practice in the State of \_\_\_\_\_ do hereby certify that I supervised the execution of the attached Off-Site Water Main Easement 4 of 4 - N/E Side of Decker Boulevard, Columbia, South Carolina to Serve Elementary School 20 with Richland County as Grantor and the City of Columbia, as Grantee this day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
State Bar Number: \_\_\_\_\_

Aerial View of TMS#169-08-06



## Richland County Council Request of Action

**Subject:**

Council Motion Regarding the Development of a Business License Ordinance for Hospice Agencies

June 28, 2016 - The Committee recommended that Council approve increasing the cremation fee or the autopsy fee.

## Richland County Council Request of Action

**Subject:** Council Motion Regarding the Development of a Business License Ordinance for Hospice Agencies

### A. Purpose

Council is to consider a Council motion regarding the development of a business license ordinance for hospice agencies.

### B. Background / Discussion

At the April 19, 2016 Council meeting, Mr. Pearce brought forth the following motion:

“The Coroner is reporting a large increase in the number of Hospice agency clients that pass away without funeral arrangements resulting in the County having to bear the expense of disposition of the individual's remains. To combat this problem, the Coroner is requesting that Council consider an Ordinance possibly directed toward Hospice agency business licenses that would require some type of escrow account for use at the time of the clients death. This Motion is for the County Administrator to determine which departments, working with the Coroner, need to craft such an Ordinance and initiate necessary activity to bring an Ordinance back to Council for consideration”

The BSC (Business Service Center) Director Pam Davis and the Coroner Gary Watts met on May 17, 2016 to discuss the Coroner’s needs that this business license ordinance is intended to address. The conclusion from this meeting is that the fundamental need is for more users of the Coroner’s Office services to pay for those services, to help fund the provision of services to those who are unable to pay for those services.

There are several different options to address this fundamental need. Because the Coroner’s Office jurisdiction is the geographic boundaries of Richland County, the most effective options will be those which impact the entire geographic area, rather than only the County’s unincorporated areas, as with the County’s business license ordinance.

Additionally, hospice companies in Richland County care for no more than 50% of people before they pass away, as discussed on the following pages. Therefore, any option considered to help fund post-mortem services for the indigent would be more effective if it is not limited to hospice companies.

The options described below are not exclusive and may be considered alone or in conjunction with other options.

**Option 1: Cremation Fee.** Several counties in South Carolina, including Richland County, charge a cremation fee for a body being cremated. We charge a \$20 fee to issue a permit to funeral crematories when a body is cremated. The Coroner’s office does not cremate bodies.

It is recommended that this fee be raised each year in relation to the Consumer Price Index (CPI), as directed by Council during the budget process, and doubled for non-resident cremations, to help fund indigent cremations. Currently, the permit fee is not automatically



adjusted in relation to the CPI. Greenville charges \$30 for a cremation permit. Charleston charges \$25 for a cremation permit. Lexington charges \$50 for the cremation permit. It is suggested that the County increase their permit fee to \$50, which will be automatically adjusted in relation to the CPI in future years.

Due to the great number of hospice companies in Richland County, the Coroner believes that many people outside of Richland County come into Richland County for this hospice care and then pass away within Richland County. (More information on hospice companies is provided on the following pages.)

Another aspect of this option is to allocate these funds from the cremation fee to be used solely for the purpose of indigent cremations, the very purpose of charging this fee. This strengthens the relationship between the source of the funds coming in and the purpose for which these funds were collected, i.e., to cover the associated costs of indigent cremations.

**Option 2: Autopsy Fee.** Autopsies are given at the discretion Coroner's office, which is based on the circumstances of the case. Richland County already charges an autopsy fee of \$500, for the autopsy report to non-law enforcement and non-family members. The Coroner does not charge a fee for performing the autopsy. However, the cost of an average autopsy in 2015 in Richland County was approximately \$3,000. It is recommended that this fee be raised each year in relation to the Consumer Price Index (CPI), as directed by Council during the budget process, and doubled for autopsies of non-residents, to help fund indigent autopsies.

Charleston County charges \$100 for the autopsy report if it is requested.

Lexington County charges \$150 for the autopsy report. However, their report is free for the family.

The County's cost is not adjusted in relation to CPI at this time.

Another aspect of this option is to allocate these funds from the autopsy fee to be used solely for the purpose of indigent autopsies, the very purpose of charging this fee. This strengthens the relationship between the source of the funds coming in and the purpose for which these funds were collected, i.e., to cover the associated costs of indigent autopsies.

**Option 3: Fees for Burial Permits.** Richland County Code Section 2-278 (a)(6) states that the coroner "shall issue a burial permit." It is recommended that this permit be issued, a fee be charged for that permit, and the fee increased each year in relation to the Consumer Price Index (CPI), as directed by Council during the budget process, and doubled for burials of non-residents to help fund indigent burials.

The Coroner's office does not charge a fee for the burial permit. If it is determined that the Coroner's office can charge a fee for a burial permit for each person buried, then a cost recommendation will be developed.

Another aspect of this option is to allocate these funds from the burial permits to be used solely for the purpose of indigent burials. This strengthens the relationship between the source of the

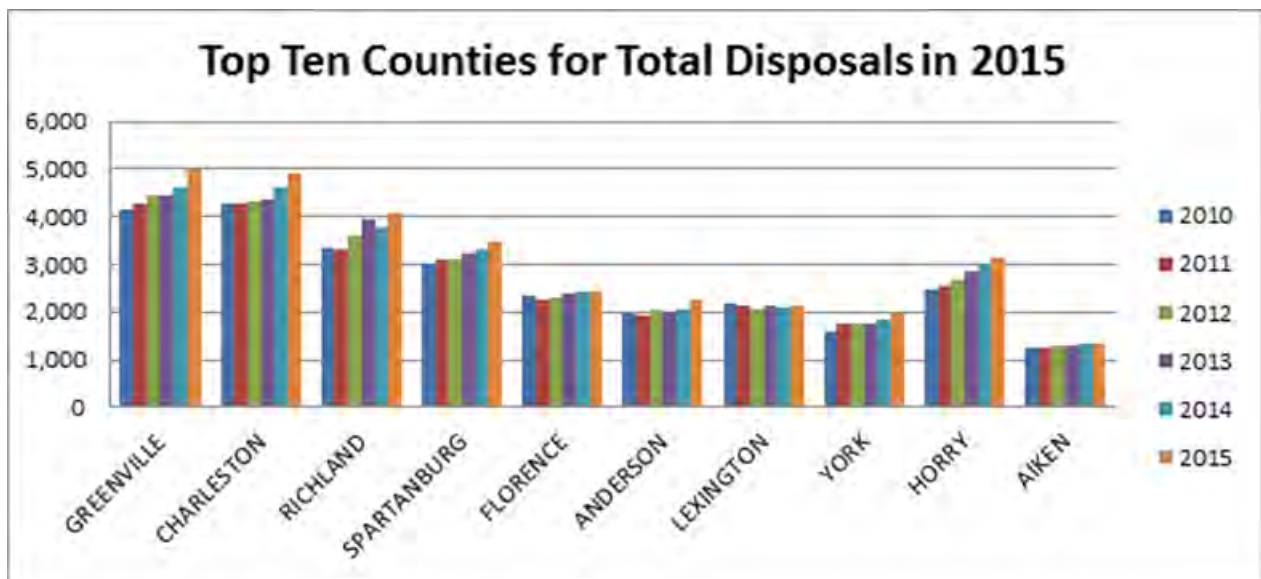
funds coming in and the purpose for which these funds were collected, i.e., to cover the associated costs of indigent burials.

### **The Incentive**

Charging or raising these fees for Coroner’s Office services will provide additional incentive to those using these services to find alternatives to using the Coroner’s Office as a standard method of body disposal. An example of finding ways to avoid these fees is for funeral homes to be selected and identified prior to a death. When a funeral home is selected in advance of a death, that funeral home is then responsible for transportation, cremation, and burial of the body – rather than the Coroner’s Office. This benefits those who would otherwise pay these costs. The Coroner’s Office would also benefit, as it would gain more funding as well as time to provide services to those who really need it.

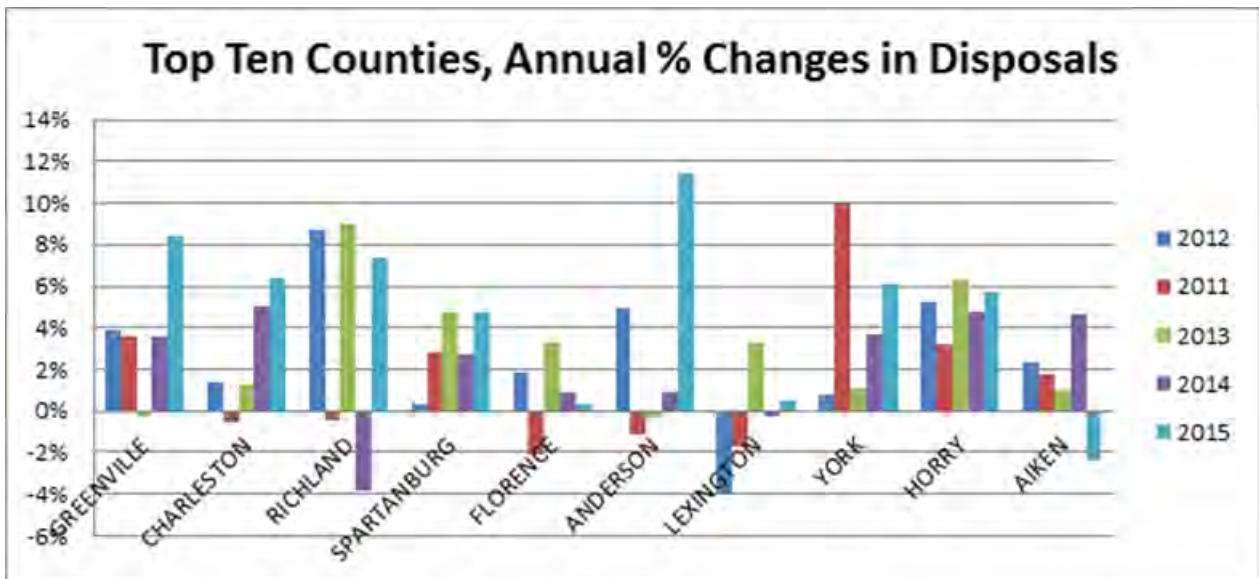
### **The Need**

The US Census estimates that roughly ten percent (10%) of people in South Carolina 65 years and over have income in the past twelve months which fell below the poverty level. Richland County, with a higher population, will have a higher population of this group of people. The facts bear this out: Richland County is third in the state, behind Greenville and Charleston Counties, for total number of body disposals in 2015. Greenville, Charleston and Lexington counties, as do most counties, utilize cremation and autopsy fees.



For Richland County with about 4,000 disposals in 2015, this would mean about 400 people who died in Richland County were indigent.

These numbers are trending upward across these counties, indicated by the annual change over time, as shown below:



### Hospice Care

Home-health care, which includes hospice companies, is big business. Richland County itself has forty (40) businesses licensed as home-health care companies, along with eight (8) nursing care facilities. The total revenue generated in 2015 for these businesses was \$102.1 million.

DHEC, which licenses twenty-nine (29) hospice care companies throughout South Carolina, has eight (8) of them, or 28%, in Richland County alone.

Likewise, LLR shows twenty-six (26) licensed funeral homes in Richland County, eighteen (18) or 69% of which are in the City of Columbia.

For as large as this industry is, hospice companies care for only 45% - 50% of people who pass away. The Association for Home & Hospice Care of SC indicated that approximately 1,800 – 2,000 hospice patients are cared for in Richland County every year. Out of Richland County’s roughly 4,000 body disposals in 2015, then, only 45% - 50% of people used hospice care beforehand.

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

- April 19, 2016 – motion brought forth by Mr. Pearce

### **D. Financial Impact**

The financial impact to Richland County will depend upon what option, or options, are approved and to what levels. In order to offset some of the costs incurred by the Coroner’s Office, Council may consider directing the revenues associated with the fees back into the Coroner’s Office budget.

### **E. Alternatives**

1. Approve none, or one or more, of the four options described above.

2. Approve whether none, or one or more, of the above mentioned fees are to be raised, and if so, to what level.
3. Approve whether none, or one or more, of the above mentioned fees are to be doubled for non-residents.
4. Approve whether none, or one or more, of the above mentioned fees are to be increased by the CPI as part of the annual budget process. At this time, the fees are not adjusted in relation to CPI.
5. Approve whether none, or one or more, of the above mentioned revenues are to be allocated specifically for the Coroner's Office services to be used solely for the purpose for which they were collected.

**F. Recommendation**

This is a policy decision of Council.

Recommended by: Greg Pearce  
 Department: County Council District 6  
 Date: April 19, 2016

**G. Reviews**

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

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

**Finance**

Reviewed by: <u>Daniel Driggers</u>	Date: 6/15/16
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Request is a policy decision for Council.

**Coroner**

Reviewed by: <u>Gary Watts</u>	Date: 6/20/16
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Business Service Center**

Reviewed by: <u>Pam Davis</u>	Date: 6/2/16
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: These are policy decisions subject to Council's discretion. I do recommend, however, that the business license ordinance <u>not</u> be amended to address funding services by the Coroner's Office for the indigent, as amending the business license ordinance will not resolve or mitigate this need.	

**Legal**

Reviewed by: Elizabeth McLean

Date: 6/23/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Whether to change the fees related to the Coroner's services are a policy decision left to Council's discretion; "the revenue derived from a service or user fee imposed to finance the provision of public services must be used to pay costs related to the provision of the service or program for which the fee was paid." This office cannot, however, recommend an amendment to the business license ordinance as it relates to hospice care.

### **Administration**

Reviewed by: Kevin Bronson

Date: 6/23/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration supports the Coroner's efforts to find financial means to cover the disposition of unclaimed human remains through the increase in an existing fee such as the Cremation Fee or Autopsy Fee or the creation of a new Burial Permit Fee.

## Richland County Council Request of Action

**Subject:**

Community Development: Allocation of HOME funds to the Columbia Housing Authority

June 28, 2016 - The Committee recommended that Council approve the allocation of HOME (HOME Investment Partnerships Program) funds from the Community Development Department in the amount of \$200,000 to the Columbia Housing Authority (CHA) to construct up to six (6) new scattered site homes to provide affordable housing.

## Richland County Council Request of Action

**Subject:** Community Development: Allocation of HOME funds to the Columbia Housing Authority

### **A. Purpose**

County Council is requested to approve the allocation of HOME funds from the Community Development Department in the amount of \$200,000 to the Columbia Housing Authority (CHA) to construct up to 6 new scattered site homes just off the site of the Gonzales Gardens' footprint.

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

Richland County Community Development received a request (see attached letter) from the CHA to use current County HOME funds to construct up to 6 new scattered site homes.

The City of Columbia's Community Development Department funded the CHA through a low interest loan for this same purpose in the amount of \$643,000 (see attached letter).

If approved by Council, Community Development would provide the \$200,000 to CHA through low interest loan, similar to the City of Columbia.

The total cost for this project is \$1,543,488.00.

CHA's non-profit arm, Columbia Housing Authority Development Corporation (CHAD), will oversee the project. CHAD has been in existence for fifteen years and has worked in the past on property acquisition, rehab development and new construction of affordable housing.

These homes are a part of scattered-site plan to aid in addressing the Gonzales Gardens public homes demolition. Gonzales Gardens' current property had 274 families of which 110 families are remaining to be moved prior to demolition starting. CHA is completing this project with Neighborhood Choice grant. CHA's goal is to begin demolition this fall. This scattered site project reflects joint-venture, leveraging and regionalism.

CHAD intends to offer the homes for owner-occupied to families between 50-80% of Area Median Income. Mortgages for very low families will be made affordable for families with the CHA Housing Choice Homeownership Vouchers. Plans for the proposed units are for 3 and 4 bedroom single family housing.

The locations of the units are as follows:

- 1331, 2532 & 2508 Washington Street
- 1223, 1327 & 1515 Manning Avenue
- 1321, 1327 & 1329 McDuffie Ave
- 1326 & 1328 House Street

**C. Legislative / Chronological History**

- May 9, 2016 – CHA requests to apply for County HOME funds

**D. Financial Impact**

The funding for the project will come from federal HOME funds via the Community Development Department.

No County funds are associated with this request.

**E. Alternatives**

1. Approve the request to fund \$200,000 in HOME funds to CHA/CHAD to construct up to 6 homes as noted above.
2. Do not approve the request to fund \$200,000 in HOME funds to CHA/CHAD to construct up to 6 homes as noted above.

**F. Recommendation**

It is recommended that Council approve the request to fund \$200,000 in HOME funds to CHA/CHAD to construct up to 6 homes as noted above.

Recommended by: Valeria Jackson  
 Department: Community Development  
 Date: 6/9/16

**G. Reviews**

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

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

**Finance**

Reviewed by: Daniel Driggers Date: 6/15/16  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Grants**

Reviewed by: Natashia Dozier Date: 06/15/16  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 6/16/16  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation: Policy decision left to Council’s discretion, as long as Community Development ensures that this request is an appropriate use of HOME funds.



**Administration**

Reviewed by: Warren Harley

Recommend Council approval

Comments regarding recommendation:

Date: 6/16/16

Recommend Council denial



# THE HOUSING AUTHORITY

of the City of Columbia, South Carolina  
1917 HARDEN STREET \* COLUMBIA, S.C. 29204 1015  
TELEPHONE (803) 254-3886  
TDD (803) 256-7762  
[www.chasc.org](http://www.chasc.org)

GRANTS AND  
COMMUNITY DEVELOPMENT  
2016 MAY 16 PM 4:59

May 9, 2016

Valeria Jackson  
Richland County Community Development  
2020 Hampton Street Suite 3063  
Columbia, SC 29204

Re: Letter of Intent

Dear Ms. Jackson:

Please accept this letter of intent of the Housing Authority of the City of Columbia, SC (CHA) to submit an application for \$200,000 in HOME Funds from Richland County.

Our intended use of the funds will be to construct new homes just off site of the Gonzales Gardens footprint as a jump start to the revitalization of the Gonzales area. We have acquired lots to construct 12 new single family affordable homes for prospective eligible homebuyers in the new development.

We appreciate your consideration this proposal to assist in the funding of new quality affordable housing in an area of Columbia/Richland County in dire need of revitalization.

For question regarding the logistics of the application, contact Julia Prater at (803) 254-3886 Ext. 204 or [jprater@chasc.org](mailto:jprater@chasc.org).

Sincerely,

Gilbert Walker  
Executive Director



## Commitment Letter

Date: April 7, 2016

Columbia Housing Authority Developments Inc.  
1917 Harden Street  
Columbia SC 29204

Project: East Central Scattered Infill Housing

Dear Mr. Gilbert Walker:

This letter is to advise you that your loan application to the City of Columbia HOME Investment Partnerships Program has been approved subject to the following terms:

Total Amount Awarded	<u>\$643,488.00</u>
Loan Amount	<u>\$643,488.00</u>
Interest Rate	<u>1.00%</u>
Amortization Term	<u>30 years (360 months)</u>
Payments	<u>\$2,069.71</u>

**Payments deferred with Zero (0%) interest for the first 12 months after project completion. Not to exceed twelve (12) months from date of signing of Owners Agreement with the City Of Columbia.**

This approval is subject to the following terms and conditions:

1. The following documentation is required prior to closing:
  - a. Corporate Authorization to Borrow authorizing appropriate officers to sign on behalf of the corporation.
  - b. Satisfactory abstract and title opinion
  - c. Satisfactory Lien Search
  - d. Owners Agreement between the City Of Columbia and Columbia Housing Authority Development
  - e. Verification of other funding necessary to complete the project.
  - f. Satisfactory Appraisal of the subject properties.
  
2. Execution of all required loan documents:
  - a. Opinion Letter from borrower's attorney
  - b. Promissory Note
  - c. Mortgage and Security Agreement
  - d. Loan Agreement
  - e. Survey

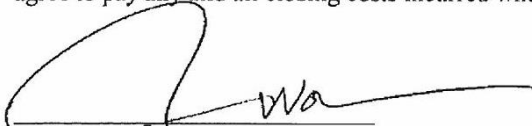
3. Closing costs expenses may be disbursed by the City Of Columbia, but will be deducted from the total amount awarded.
4. Proof of Adequate Insurance with City Of Columbia 1225 Lady Street Suite 102 Columbia SC 29201 listed as loss payee.

Please sign and return one copy of this letter indicating your acceptance of these terms and acknowledgement that you are responsible for any closing costs incurred whether the loan closes or is withdrawn.

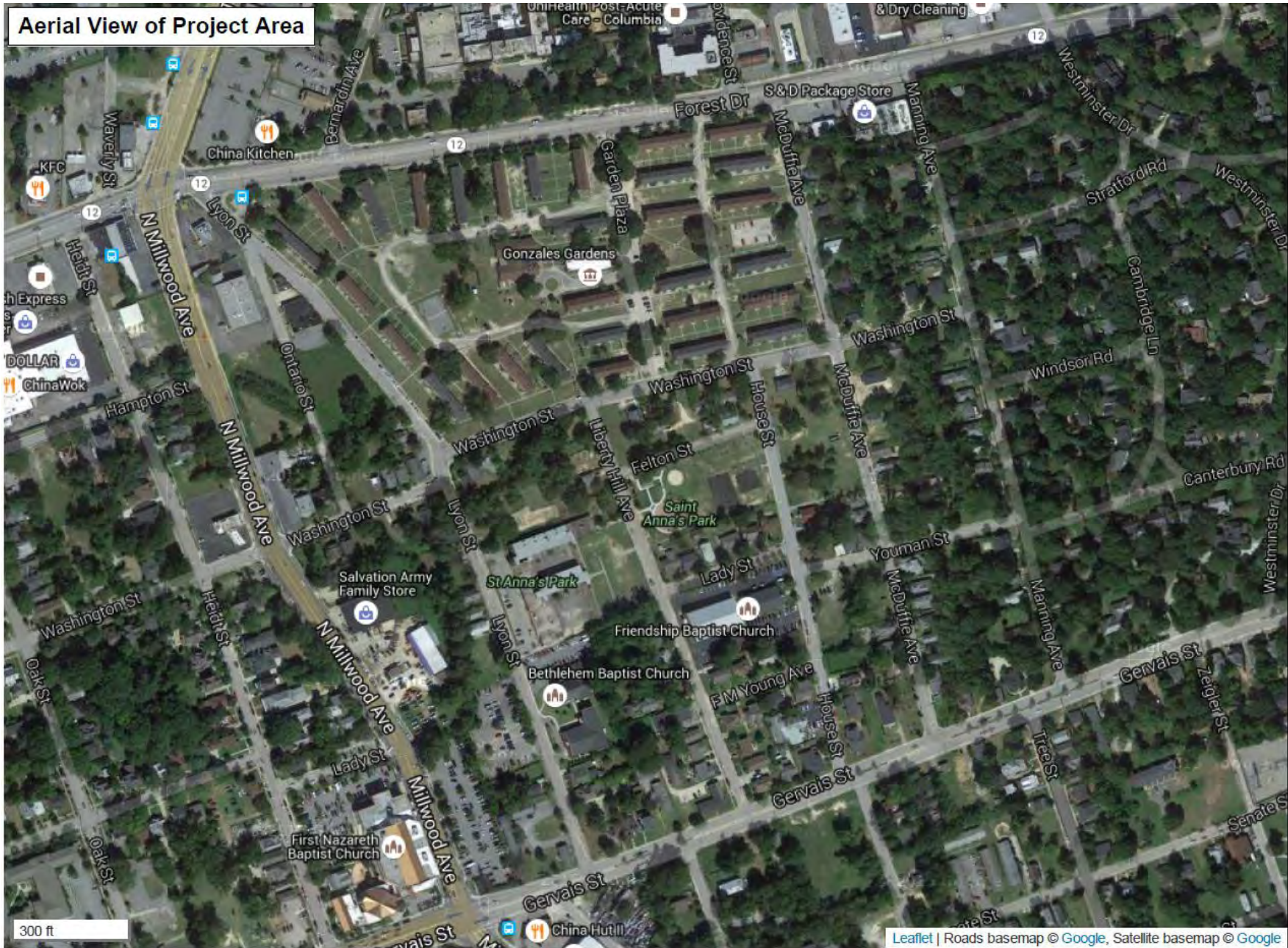
Sincerely,

***Deborah Livingston***  
Director, Community Development

I, Gilbert Walker, hereby agree to and accept the terms of this loan offered in this commitment letter and agree to pay any and all closing costs incurred whether the loan is closed or withdrawn.

  
(Gilbert Walker/Executive Director)

4-8-10  
(Date)



## Richland County Council Request of Action

**Subject:**

Conservation Department: RCCC purchase of Upper Mill Creek Tract

June 28, 2016 - The Committee forwarded this item to Council without a recommendation. Staff will provide the financing plan for the purchase of this property to Council prior to their next Council meeting.

## Richland County Council Request of Action

**Subject:** Conservation Department: RCCC purchase of Upper Mill Creek Tract

### **A. Purpose**

Richland County Conservation Commission (RCCC) requests County Council (Council) approve the final purchase agreement for 769 acres (R21200-01-01) adjacent to the existing Mill Creek Mitigation Bank (MCMB) property for mitigation, conservation, and tourism development purposes.

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

Council directed staff to move forward with the purchase of the 769 acre Upper Tract (TM# R21200-01-01) immediately north and adjacent to the Mill Creek Mitigation Bank property (see Appendix). Staff has reached a final agreement (Appendix), contingent upon legal approval, on the purchase price at the appraised amount of \$2,250,000 (Appendix) with the seller and is prepared to enter into a final agreement (Appendix) to purchase the parcel. RCCC has been allowing funds to accumulate in the RCCC Acquisition Fund established for the purpose of funding acquisitions.

The RCCC is currently selecting a contractor to produce a comprehensive framework and plan for this property and others to establish nature-based recreation and tourism in the Lower Richland area to encourage capture some of the \$6 million spent locally by the approximately 130,000 tourists who visit the Congaree National Park each year. The selected contractor will develop conceptual maps and plans, both property specific and for the envisioned tourism hub, which will provide a basis for the establishment, operation and long-term maintenance for the proposed tourist destination. The 769 acres is adjacent to the MCMB property and includes a large house, lake access, and upland areas which all can be used to develop activities to generate tourism.

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

January 25, 2016 - RCCC voted unanimously to proceed with negotiations

March 3, 2015 - Council directed staff to move forward with purchase negotiations at its meeting

March 22, 2016 Administrative & finance Committee – placed on consent agenda.

April 5, 2016 - Council directed staff to move forward as discussed in Executive Session

### **D. Financial Impact**

The initial deposit will be made from the RCCC Acquisition Fund and annual payments will be made from the RCCC operating budget to pay back an internal loan from the County. Revenues from the development of the property's mitigation potential as well as other resources will be used by the Conservation Department to help repay the loan and develop, operate and maintain the property, while ensuring the County's long term mitigation needs are met. A land management plan will be developed to ensure long-term operation and maintenance needs can be covered by the Conservation Department and revenues generated from the property.

**E. Alternatives:**

1. Approve the final purchase agreement for the Upper Tract in the amount of \$2,250,000. The purchase would be made using an internal loan from the Hospitality Tax Fund Balance. Any revenues generated from the property will be returned to the Conservation Department to cover any operation and maintenance expenses associated with the property. Council approval of this item is contingent upon legal review and approval of the purchase agreement. This purchase will contribute to enhancing the investment made in the Mill Creek Mitigation Bank property and maximizing the economic development opportunities which would come from the creation of an eco-tourism destination in Lower Richland.
2. Do not approve the final purchase agreement of the Upper Tract and reduce the opportunity to maximize the economic development opportunities related to the recreational and tourism amenities of the Mill Creek Mitigation Bank property.

**F. Recommendation**

It is recommended Council approve the purchase of the 769-acre Upper Tract adjacent to the Mill Creek Mitigation Bank for conservation, mitigation, and recreational purposes.

Recommended by: Quinton Epps

Department: Conservation

Date: June 9, 2016

**G. Reviews**

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

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/10/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Multiple financing options for the purchase have been discussed, however no formal decision has been made on which option is preferred by Council.

Additionally, given the multiple pressures currently being placed on the General Fund Reserves, I would recommend as an alternative that the County redirect the idle bonds funds that were issued for the now inactive “Sports Arena” project. This would be a good utilization of available funds that are currently costing the County for interest cost of carrying the debt.

Final approval by Council would need to formalize the method and terms of the financing/payment plan.



**Legal**

Reviewed by: Elizabeth McLean

Date: 6/24/16

Recommend Council approval

Recommend Council denial

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

Legal has completed its review of the agreement.

**Administration**

Reviewed by: Warren Harley

Date: 6/24/16

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**AGREEMENT FOR THE  
PURCHASE AND SALE OF REAL ESTATE**

THIS AGREEMENT ("Agreement"), entered into this \_\_\_\_ day of July, 2016 (the "Effective Date"), by and between MILL CREEK MITIGATION HOLDINGS LLC, a Delaware limited liability company ("Seller"), and RICHLAND COUNTY, SOUTH CAROLINA, a South Carolina political subdivision ("Purchaser");

WITNESSETH:

For and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound, agree as follows:

**1. PURCHASE AND SALE**

Upon the terms and conditions hereinafter set forth, Seller agrees to sell and Purchaser agrees to purchase 768.69 +/- acres of land comprised of 1 parcel located along the southwest side of Old Bluff Road (S-40-734) approximately 1.75 miles from SC Hwy 48 (Bluff Road) in Richland County, SC also known as Parcel R21200-01-01 and further described as "Tract 1" on Exhibit "A" attached hereto together with any improvements (the "Property").

**2. EARNEST MONEY**

Purchaser shall pay to the Escrow Agent (as hereinafter defined) \$50,000 upon execution hereof by Purchaser (such amount and any interest thereon, and shall be referred to herein as the "Earnest Money"). Said sum shall be held by the Escrow Agent and applied or disbursed in accordance with the terms of this Agreement. The Earnest Money shall be deposited by Escrow Agent in an interest bearing account for the benefit of Purchaser.

**3. PURCHASE PRICE**

The purchase price ("Purchase Price") for the Property to be paid by Purchaser to Seller at the closing and consummation of the purchase and sale of the Property (the "Closing" and the date of such Closing, the "Closing Date") shall be:

**TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$ 2,250,000.00)**

Subject to possible adjustment as follows: if the actual acreage determined by a survey of the Property obtained by Purchaser after the Effective Date and reasonably acceptable to Seller shows that the Property actually contains more or fewer than 768.69 +/- acres, the Purchase Price shall be adjusted upward, or downward, as applicable by the amount equal to \$2,923.00 per acre.

3.1. The Purchase Price shall be paid by Purchaser at Closing by immediately available funds, less a credit for the Earnest Money.

3.2. The Purchase Price shall be adjusted to reflect the prorations between Purchaser and Seller in Paragraph 6 below.

#### **4. CLOSING**

The Closing shall be held on July 15, 2016 (or the next succeeding business day if such day is not a business day) at a location mutually agreeable to the parties.

#### **5. CONVEYANCE OF TITLE**

- 5.1. At the Closing, Seller shall convey to Purchaser "good and marketable fee simple title" to the Property by General Warranty Deed. "Good and marketable fee simple title" is insurable by a title insurance company acceptable to Purchaser issued at standard rates as compared to comparable real property in Richland County, South Carolina and without exception other than the Permitted Exceptions as defined herein. To the extent Seller owns any mineral rights, Seller shall convey such rights through a quitclaim deed. Permitted Exceptions shall mean (i) the exceptions described in Exhibit D attached hereto and incorporated herein by reference thereto, and (ii) any additional exceptions set forth in the owner's policy of title insurance issued in connection with this transaction.
- 5.2. At the Closing, Seller shall execute and deliver to Purchaser the Limited Warranty Deed, a standard form owner's affidavit and a certificate with respect to Seller's non-foreign status sufficient to comply with the requirements of Section 1445 of the Internal Revenue Code, commonly known as the Foreign Investment in Real Property Tax Act of 1980, and all regulations applicable thereto ("FIRPTA"). In addition, Seller shall execute and deliver such other documents as Purchaser may reasonably require to effect or complete the transaction contemplated by this Agreement and for Seller to obtain an owner's policy of title insurance for the benefit of Purchaser.
- 5.3. Seller shall pay (i) the State of South Carolina Transfer Tax; (ii) Seller's attorney's fees and consultant fees; and (iii) the premiums for Purchaser's owner's policy of title insurance. Purchaser shall pay (i) recording fees; (ii) all escrow fees; and (iii) Purchaser's attorneys' fees and consultant fees. All other closing costs shall be allocated between Purchaser and Seller in accordance with local custom.
- 5.4. At the Closing, Purchaser shall execute and deliver to Seller such documents as Seller may reasonably require to effect or complete the transaction contemplated by this Agreement.
- 5.5. The parties acknowledge that (a) Seller intends to demolish and remove a dam, identified on Exhibit F attached hereto and made a part hereof (the "Dam") on a contiguous parcel of property and place the discarded materials and debris created from the demolition of the Dam on the Property (the "Dam Demolition"), and (b), the Dam Demolition may occur after the Closing. During the Inspection Period, Purchaser and Seller agree in good faith to negotiate a license agreement, the final form of which to be executed at Closing, granting Seller the right to enter upon the Property and store and/or bury the materials created by the Dam Demolition on the Property in exchange for

nominal consideration (the "License Agreement"). The execution and delivery of the License Agreement to Seller shall be a condition precedent to Seller's obligation to deliver to Purchaser title to the Property at Closing.

## **6. PRORATIONS**

At the Closing, all ad valorem property taxes and assessments of any kind on the Property for the year of the Closing shall be prorated between Purchaser and Seller as of midnight of the day prior to Closing. Such proration shall be based upon the latest ad valorem property tax, bills, assessments and millage rates available. There shall be no other prorations.

## **7. INSPECTION**

Seller will make available (or cause to be made available) to Purchaser to the extent within the possession of Seller or Seller's agents, all materials and information listed on Exhibit B attached hereto (all such materials, information, reports and other items requested by Purchaser of Seller in the possession of Seller or Seller's agents being herein called the "Deliveries"). Seller will deliver (or caused to be delivered) to Purchaser the Deliveries within five (5) business days following the Effective Date. If this Agreement is terminated or the Closing does not occur by the Closing Date, then within five (5) business days after written request by Seller to Purchaser, Purchaser shall return all Deliveries and copies thereof to Seller.

Purchaser and its agents and representatives shall have until Closing (the "Inspection Period") in which to examine title, inspect and review the Property at Purchaser's expense to determine the suitability of the Property for Purchaser's intended use, including, without limitation, verification of zoning, utility usage and impact fees, and environmental assessments. Seller shall allow Purchaser and Purchaser's consultants or agents reasonable access to the Property (and all information relating thereto other than materials protected by the attorney-client privilege or attorney or proprietary work product), at such times and following such advance notice as may be reasonable under the circumstances, for the purpose of conducting Purchaser's due diligence review. During the Inspection Period, Purchaser (or Purchaser's consultants or agents) shall review the Deliveries, perform non-intrusive testing of the land and improvements, conduct interviews with the Property's property management and lease holders, and undertake such other review and inspections as Purchaser believes are necessary to evaluate the Property, provided that such inspections, testing and interviews are conducted in accordance with the terms of this Agreement. Purchaser acknowledges that it is expressly agreed and understood that Purchaser shall have sole responsibility for verifying the accuracy of all information furnished by Seller. Neither Seller nor its consultants make any representations or warranties, expressed or implied, as to the accuracy, completeness or technical adequacy of any or all information furnished by Seller, including, without limitation, the Deliveries.

In the event Purchaser determines, in its sole discretion, that the Property is not suitable for its intended use, Purchaser shall have the right to terminate this Agreement by giving written notice to Seller of such termination prior to the expiration of the Inspection Period. If Purchaser so terminates this Agreement prior to Closing, (i) the Earnest Money shall be deemed non-refundable except in the event of Seller's default, and (ii) Purchaser shall deliver to Seller all Deliveries and any other information developed by or on behalf of Purchaser during the Inspection Period, and this Agreement shall thereupon become null and void, and neither party shall have any further rights or obligations hereunder except as expressly provided.

Purchaser shall be liable for the actions, omissions and safety of its employees, agents and guests while the same are inspecting the Property. No entry upon the Property by any of the Purchaser Parties shall have any

detrimental impact upon or interfere with the Property. Each entry by the Purchaser Parties, or any of them, upon the Property shall be subject to and in accordance with any and all, and none of the Purchaser Parties shall commit, suffer or permit a violation or breach of any or all, of the documents affecting or encumbering title to the Property or the use or occupancy thereof. In addition, if Purchaser desires to enter upon the Property prior to the Closing to perform other inspections or for any other reason, Purchaser shall provide Seller with at least three (3) days' prior written notice of such entry. Purchaser will keep the results of any Phase I environmental assessment obtained by Purchaser, if any, confidential and will cause the company performing said assessment to do so as well. No Phase II environmental testing of the Property, soil sampling or punching or other invasive or intrusive testing shall be completed without Seller's prior written consent, to be granted or withheld by such parties in their respective discretion. The rights of Seller to make claims under the insurance required under this paragraph with respect to matters occurring at or prior to Closing, Purchaser's liabilities accruing or arising at or prior to Closing in connection with any Purchaser Party's access or entry upon the Property and the non-disclosure and confidentiality provisions of this paragraph, shall expressly survive Closing (and not merge with or into the Deed or any other Closing Document) and any termination of this Agreement.

## **8. LEASES**

The existing Leases as described in Exhibit C already paid to Seller for the period during which the Closing is to occur will be prorated between Purchaser and Seller as of midnight of the day prior to Closing and credited to Purchaser at closing. All other Leases will accrue to Purchaser after Closing. Any Lease Agreements associated with the Leases will be assigned to Purchaser upon closing; notwithstanding the foregoing, to the extent a Lease Agreement is terminable and Purchaser requests in writing that such Lease Agreement be terminated as of Closing, Seller shall terminate such Lease Agreements. Provided however, the termination of such lease shall be contingent upon the closing of the transactions contemplated herein and the termination date may occur ten days after the Closing. A list of Leases covering the Property is attached as Exhibit C.

## **9. NOTICES**

All notices, demands and deliveries of surveys and any and all other communications that may be or are required to be given to or made by either party to the other in connection with this Agreement shall be in writing and shall be deemed to have been properly given if delivered in person, or sent by overnight commercial courier or by registered or certified mail, return receipt requested, or electronic mail to the addresses set out below or at such other address as specified by written notice and delivered in accordance herewith:

SELLER:

Mill Creek Mitigation Holdings LLC  
c/o Lyme Timber Company LP  
23 South Main Street  
Hanover, NH 03755  
Attention: David Hoffer  
E-mail: dhoffer@lymetimber.com

With a copy to:

Rip Sanders  
Bernstein and Bernstein, LLC  
1019 Assembly Street  
Columbia, South Carolina 29201

Email: rip@bblawsc.com

PURCHASER:

Richland County, South Carolina  
Conservation Director  
P.O. Box 192  
Columbia, SC 29201

With a copy to:

Ken Driggers  
P.O. Box 50294  
Columbia, SC 29250

For the purposes of this Agreement, the time of actual delivery, as evidenced by a signed receipt therefore, if made in person, or one day after deposit in the ordinary course of business, if by overnight commercial courier, or the date of postmark, if by mail, shall be deemed the date of any notice, demand or delivery or the date of sending, if by electronic mail so long as such notice is given by another method permitted hereunder. Rejection or other refusal to accept or inability to deliver because of changed address of which no written notice was given shall be deemed to be receipt of such notice, demand or delivery. By giving at least five (5) days prior written notice thereof to all other parties hereto, a party hereto may from time-to-time and at any time change its mailing address hereunder.

## **10. REAL ESTATE COMMISSIONS**

Purchaser and Seller represent and warrant each to the other that they have not discussed this Agreement or the subject matter hereof with, and have not engaged in any fashion or any connection with this transaction the services of any real estate or other broker, agent or salesman so as to create any legal right in any such broker, agent or salesman to claim a commission or similar fee with respect to the purchase and sale of the Property contemplated by this Agreement. The provisions of this Paragraph shall survive the Closing or any termination of this Agreement.

## **11. ASSIGNMENT**

Purchaser shall not have the right to assign this Agreement to any person(s), partnership or corporation, without the prior written consent of Seller; provided, however, Seller agrees to consent to the assignment of the Agreement to an entity which is an affiliate or client of Purchaser, provided however, Purchaser shall remain jointly and severally liable to Seller for Purchaser's obligation in this Agreement.

## **12. DEFAULT**

In the event the transaction contemplated hereby is not closed because of Purchaser's default, the Earnest Money shall be retained by Seller as liquidated damages and not as a penalty. The retention of the Earnest Money shall be Seller's sole remedy in the event of Purchaser's default at or prior to the Closing Date. Seller and Purchaser agree that the actual damages to Seller in the event of such breach are impractical to ascertain as of the date of this Agreement and the amount of the Earnest Money is a reasonable estimate thereof.

In the event the transaction contemplated hereby is not closed because of Seller's default, then as its sole and exclusive remedy, Purchaser may terminate this Agreement and receive a refund of the Earnest Money. Notwithstanding any of the foregoing to the contrary, in no event whatsoever, shall Purchaser have the right to money damages of any kind as a result of any default by Seller under any of the terms of this Agreement prior to Closing. In no event shall Seller be liable to Purchaser for any punitive, speculative or consequential damages. For avoidance of doubt, any failure to satisfy a condition to Closing shall not in itself constitute a breach of this Agreement.

### **13. ESCROW AGENT**

The Escrow Agent referred to above shall be Bernstein & Bernstein Law Firm, 1019 Assembly Street, Columbia, SC 29201, Attn: Rip Sanders. The Escrow Agent shall not be charged with any knowledge until such facts are communicated to the Escrow Agent in writing. The Escrow Agent shall not be required to institute or maintain any litigation unless indemnified to its satisfaction for its counsel fees, costs, disbursements and all other expenses and liabilities to which it may, in its judgment, be subjected in connection with such action, except with respect to matters arising out of the gross negligence or willful misconduct of Escrow Agent. Upon failure of Purchaser to comply with the requirements as set forth herein and pursuant to Paragraph 12 hereof, Escrow Agent shall be empowered to dispose of the Earnest Money as provided for in said paragraph without incurring any liability. In the event of a dispute between Seller and Purchaser which cannot be resolved, Escrow Agent shall have the option to deposit the Earnest Money into a court of competent jurisdiction pending resolution of the deposition of said funds and to interplead Seller and Purchaser in respect thereof, and upon depositing said funds, Escrow Agent shall bear no further responsibility.

### **14. POSSESSION**

Seller shall, by a bill of sale or other instrument conveying title to the same, deliver actual possession of the Property together with improvements and certain machinery and equipment, more particularly described on Exhibit E attached hereto and incorporated herein by reference thereto (the "Equipment"), to Purchaser at Closing. The Equipment shall be sold on an "as is where is" basis, and Seller makes no representation or warranty as to the condition or the functionality of such Equipment.

### **15. CONDITION OF PROPERTY**

Purchaser acknowledges that prior to expiration of the Inspection Period it and its representatives will have fully inspected the Property or will have been provided with an adequate opportunity to do so, are or will be fully familiar with the condition thereof, and that the Property will be purchased by Purchaser in an "as is" and "where is" condition and not in reliance on any agreement, understanding, condition, warranty (including, without limitation, warranties of habitability, merchantability or fitness for a particular purpose, but not including title warranty) or representation made by Seller or any agent, employee, member, officer or principal of Seller or any other party as to the condition of the Property or the areas surrounding the Property, or as to any other matter whatsoever, including, without limitation, (a) the value, nature, quality or condition of the Property, including, without limitation, the water, soil and geology, (b) any income to be derived from the Property, (c) the suitability of the Property for any and all activities and uses which Purchaser may conduct thereon, (d) the compliance by Seller or the Property with any laws, rules, ordinances or regulations of any applicable governmental authority or body, (e) the habitability, merchantability, marketability, profitability or fitness for a particular purpose of the Property (Purchaser affirming that Purchaser has not relied on Seller's skill or judgment to select or furnish the Property for any particular purpose, and that Seller makes no warranty that the property is fit for any particular purpose), (f) compliance with any environmental

requirements, environmental protection, pollution or land use laws, rules, regulations, orders or other requirements, including the existence in, on, under, or in the vicinity of the property of hazardous materials, (g) zoning to which the Property or any portion thereof may be subject, (h) the availability of utilities to the Property or any portion thereof including, without limitation, water, sewage, gas and electric, (i) usages of the adjoining property, (j) access to the Property or any portion thereof, (k) the value, size, location, title to, or physical or financial condition of the Property or any portion thereof, or any income, expenses, charges, liens, encumbrances, rights of claims on or affecting or pertaining to the Property or any part thereof, (l) the condition or use of the Property or compliance of the Property with any or all past, present or future federal, state or local ordinances, rules, regulations or laws, building, fire or zoning ordinances, codes or other similar laws, (m) the existence or non-existence of underground storage tanks or the condition thereof or the existence or status of any permits therefor, (n) any other matter affecting the stability or integrity of the land, (o) the potential for development of the property, (p) the existence of vested land use, zoning or building entitlements affecting the Property, or (q) any other attribute or matter of or relating to the Property. Purchaser acknowledges that, except as otherwise expressly elsewhere provided in this Agreement or any document delivered at closing, neither Seller, nor any agent, member, officer, employee or principal of Seller nor any other party acting on behalf of Seller has made or shall be deemed to have made any such agreement, condition, representation or warranty either expressed or implied. This Paragraph 15 shall survive Closing and delivery of the closing documents, and shall be deemed incorporated by reference and made a part of all documents delivered by Seller to Purchaser in connection with the sale of the Property.

## **16. ANTI-TERRORISM/ANTI-MONEY LAUNDERING**

Neither Purchaser nor any of its affiliates (i) is listed on any Government Lists, (ii) has been determined by competent authority to be subject to the prohibitions contained in Presidential Executive Order No. 13244 (September 23, 2001) or in any enabling or implementing legislation or other Presidential Executive Orders in respect thereof, (iii) is a person or entity who has been previously indicted for or convicted of any felony involving a crime or crimes of moral turpitude or for any violation of the Patriot Act, or (iv) is currently under investigation by any governmental agency for alleged criminal activity. Purchaser has no reason to believe that this transaction, including, without limitation, the source of its funds, would result in a violation by Purchaser of the Patriot Act, OFAC Laws and Regulations, or any other anti-terrorism or anti-money laundering laws or regulations, including, without limitation, the Bank Secrecy Act, as amended, or the Money Laundering Control Act of 1986, as amended.

**"Government Lists"** shall mean (i) the Specially Designated Nationals and Blocked Persons List maintained by the OFAC, as such list is maintained from time to time, (ii) the Denied Persons List and the Entity List maintained by the United States Department of Commerce, (iii) the List of Terrorists and List of Disbarred Parties maintained by the United States Department of State, (iv) any other list of terrorists, terrorist organizations or narcotics traffickers maintained pursuant to any of the OFAC Laws and Regulations, (v) any other similar list maintained by the United States Department of State, the United States Department of Commerce or any other governmental authority or pursuant to any Executive Order of the President of the United States of America, and (vi) any list or qualifications of "Designated Nationals" as defined in the Cuban Assets Control Regulations, 31 C.F.R. Part 515, as all such Government Lists may be updated from time to time.

**"OFAC"** shall mean the Office of Foreign Assets Control, United States Department of the Treasury, or any other office, agency or department that succeeds to the duties of the Office of Foreign Assets Control, United States Treasury Department of the Treasury.

**"OFAC Laws and Regulations"** shall mean any lists, laws, rules, sanctions and regulations maintained by the OFAC pursuant to any authorizing statute, Executive Order or regulation, including the Trading with the



Enemy Act, 50 U.S.C. App. 1-44, as amended from time to time, the Iraqi Sanctions Act, Publ. L. No. 101-513; United Nations Participation Act, 22 U.S.C. § 287c, as amended from time to time, the International Security and Development Cooperation Act, 22 U.S.C. § 2349 as-9, as amended from time to time, the Cuban Democracy Act, 22 U.S.C. §§ 6001-10, as amended from time to time, the Cuban Liberty and Democratic Solidarity Act, 18 U.S.C. §§ 2332d and 2339b, as amended from time to time, and the Foreign Narcotics Kingpin Designation Act, Publ. L. No. 106-120, as amended from time to time.

**"Patriot Act"** shall mean the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, Public Law 107-56 (October 26, 2001), as the same may be amended from time to time, and corresponding provisions of future laws.

## **17. SURVIVAL OF CERTAIN PROVISIONS**

All terms, provisions, conditions or obligations set forth in Paragraphs 7, 8, 10,15, 16, 17 and 18 of this Agreement shall survive the Closing and shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns. Except as set forth in the preceding sentence, the provisions of this Agreement shall not survive the Closing, but shall merge into the documents executed and delivered at the Closing.

## **18. MISCELLANEOUS**

18.1. This Agreement shall be governed by and construed and enforced in accordance with substantive laws of the State of South Carolina. Purchaser and Seller agree that any dispute arising out of this Agreement shall be adjudicated in the state courts of Richland County, South Carolina and in no other forums, and for that purpose, Purchaser and Seller hereby submit to the exclusive jurisdiction of such state courts of South Carolina. PURCHASER AND SELLER EXPRESSLY WAIVE TRIAL BY JURY WITH RESPECT TO ANY ACTION, CLAIM, SUIT OR PROCEEDING OF OR ARISING OUT OF THIS AGREEMENT.

18.2. Time is of the essence in complying with the terms, conditions and agreements of this Agreement.

18.3. This Agreement contains the entire agreement of the parties hereto with respect to the subject matter hereof and no representations, inducements, promises or agreements, oral or otherwise, between the parties and not expressly stated herein, shall be of any force or effect.

18.4. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and assigns.

18.5. Any amendment to this Agreement shall not be binding upon Purchaser and Seller unless such amendment is in writing and duly executed by both Purchaser and Seller.

18.6. If any legal action, arbitration or other proceeding is brought for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with any of the provisions of this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorneys' fees and expenses, and all other costs and expenses incurred in such action or proceeding, in addition to any other relief to which such party may be entitled.

18.7. Seller and Purchaser shall, from time to time, at the other's reasonable request and without further consideration, execute and deliver or cause to be executed and delivered such other instruments of conveyance and transfer and take such other actions as the other party may reasonably require to more effectively convey, transfer and vest in Purchaser, and to put Purchaser in possession of, the Property or to otherwise effectuate the transaction contemplated by this Agreement.

18.8. This Agreement may be executed in any number of counterparts, any or all of which may contain the signature of only one of the parties, and all of which shall be construed together as a single instrument. Signature and acknowledgement pages may be detached from the counterparts and attached to a single copy of this document to physically form one document.

The provisions of this Agreement are solely for the benefit of Seller and Purchaser, and no other person or entity is a third party beneficiary of this Agreement.

18.9. Each party to this Agreement hereby expressly waives any right to trial by jury of any claim, demand, action or cause of action (1) arising under this Agreement or any other instrument, document or agreement executed or delivered in connection therewith, or (2) in any way connected with or related or incidental to the dealings of the parties hereto or any of them with respect to this Agreement or any other instrument, document or agreement executed or delivered in connection herewith, or the transactions related hereto or thereto, in each case whether now existing or hereafter arising, and each party hereby agrees and consents that any such claim, demand, action or cause of action shall be decided by court trial without a jury, and that any party to this Agreement may file an original counterpart or a copy of this paragraph with any court as written evidence of the consent of the parties hereto to the waiver of their right to trial by jury.

18.10. Each of the persons signing below on behalf of Purchaser or Seller, respectively, represents and warrants that the undersigned has been authorized on behalf of Purchaser or Seller, as the case may be, to enter into and execute this Agreement on such entity's behalf.

*[remainder of page left intentionally blank]*

IN WITNESS WHEREOF, Seller and Purchaser have caused this instrument to be executed, under seal, as of the day and year first above written.

**SELLER:**

**MILL CREEK MITIGATION HOLDINGS LLC,**  
a Delaware limited liability company

By: LTC Management LLC, its manager

By: \_\_\_\_\_  
David P. Hoffer, Managing Member

**PURCHASER:**

**RICHLAND COUNTY, SOUTH CAROLINA**  
a South Carolina political subdivision

By: \_\_\_\_\_  
Anthony McDonald  
County Administrator

**EXHIBIT A**  
**Legal Description**

All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in Richland County, South Carolina, being identified as "Tract 1 – 768.69 Acres" on that certain plat prepared for Mill Creek Mitigation Holdings LLC, Richland County, R.C. McEntire, Jr., Claude W. Smith, W.D. Morris and S. Stanley Juk, Jr., prepared by Larry W. Smith, S.C.P.L.S. No. 3724, Associated E&S, Inc., and recorded on February 18, 2014, in the office of the Register of Deeds for Richland County, South Carolina, in Book 1926, at Page 1541, which survey is specifically incorporated herein by reference and reference to said survey is craved for the particulars as to metes, courses, distances, size, shape, dimensions, measurements, bounds and boundaries.

**TOGETHER WITH:**

Easement and other real property rights, privileges and benefits created by or arising under that certain Easement dated September 14, 1983, from Little Claytor Partnership, a South Carolina general partnership, to Phillip C. Chappell, Jr., George Bellinger and Mill Creek, a South Carolina general partnership, and recorded on September 14, 1983, in the Office of the Register of Deeds for Richland County, South Carolina, in Deed Book D-663 at Page 202.

**AND TOGETHER WITH:**

Easement and other real property rights, privileges and benefits created by or arising under that certain Easement Agreement dated February 23, 2001, by and among George K. Bellinger, Jr., Jane B. Wannamaker, Elizabeth Bellinger Moseley, and Mill Creek Partnership, a South Carolina general partnership, and recorded on February 23, 2001, in the aforesaid records in Book 486 at Page 2970.

## **EXHIBIT B**

### **LAND ACQUISITION DUE DILIGENCE "DELIVERIES"**

#### **1) PROPERTY INFORMATION**

- a) Most recent survey of the Property indicating boundaries of all land parcel(s) contained within the Property, the location of any above ground improvements, road ways, easements, etc., a computation of the acreage of each parcel, the location of any flood plain, and the location of existing utilities.
- b) Any existing environmental reports
- c) Aerial photographs of the site
- d) Any wetland and/or stream mitigation and restoration feasibility studies or other relevant information
- e) Any cultural resources reports

#### **2) OPERATIONAL INFORMATION**

- a) List and copy of any leases or licenses
- b) List and copy of any maintenance/service contracts
- c) List of any pending legal action involving the Property(s) or Owner.
- d) Copy of real estate tax bill for previous year and current year's invoices (if available)

#### **3) OTHER INFORMATION**

- a) Existing title report or title commitment
- b) List of any pending tax judgments, special assessments, or mechanics liens

## **EXHIBIT C**

### LIST OF LEASES

1. Hunting Lease

Name of Lessee: Deer Hunter, LLC

Lease Amount: \$10,000.00 annual lease payment

Specific Property Leased: All of Property, subject to certain limitations

Term of Lease: Through April 27, 2016, terminable by Seller/lessor with 10 days prior written notice. Such Lease may be renewed by Seller, but Seller will retain the right to terminate such Lease with 10 days prior written notice.

## **EXHIBIT D**

1. Taxes and assessments for the year 2016 and subsequent years, which are liens not yet due or payable.
2. Easement dated September 14, 1983, from Mill Creek, a South Carolina general partnership, to Little Claytor Partnership, a South Carolina general partnership, and recorded in the Office of the Register of Deeds for Richland County, South Carolina, on September 14, 1983, in Deed Book D-663 at Page 199.
3. Terms, conditions and obligations contained in Easement dated September 14, 1983, from Little Claytor Partnership, a South Carolina general partnership, to Phillip C. Chappell, Jr., George Bellinger and Mill Creek, a South Carolina general partnership, and recorded in the aforesaid records on September 14, 1983, in Deed Book D-663 at Page 202.
4. License Agreement dated September 14, 1983, by and between Mill Creek, a South Carolina general partnership, Little Claytor Partnership, a South Carolina general partnership, Hubert Claytor, M.D., James E. Claytor, M.D., Carolyn Marguerite Claytor, Linda Claytor Boyer, Gerald Guy Edward Manning, and Frank Lykes Claytor, and recorded in the aforesaid records on March 22, 1984, in Deed Book D-686 at Page 700. (However, no exception is made for the rights or interests of Gerald Guy Edward Manning, deceased.)
5. Right-of-Way Easement dated March 13, 1984, from Mill Creek, a South Carolina general partnership, to Tri-County Electric Cooperative, Inc., a cooperative corporation, and recorded in the aforesaid records on December 3, 1984, in Deed Book D-719 at Page 993.
6. Right-of-Way Easement dated June 5, 1984, from Mill Creek, a South Carolina general partnership, to Southern Bell Telephone and Telegraph Company, and recorded in the aforesaid records on June 28, 1985, in Deed Book D-747 at Page 980.
7. Right-of-Way Easement dated July 10, 1984, from Jane McDowell Hopkins to Southern Bell Telephone and Telegraph Company, and recorded in the aforesaid records on June 28, 1985, in Deed Book D-747 at Page 984.
8. Right-of-Way Easement dated October 10, 1983, from Jane M. Hopkins to Tri-County Electric Cooperative, a cooperative corporation, and recorded in the aforesaid records on January 12, 1984, in Deed Book D-677 at Page 788.
9. Easement Agreement dated February 23, 2001, by and among George K. Bellinger, Jr., Jane B. Wannamaker, Elizabeth Bellinger Moseley and Mill Creek Partnership, a South Carolina general partnership, and recorded in the aforesaid records on February 23, 2001, in Book 486 at Page 2970.
10. Matters shown as affecting "Tract 1 – 768.69 acres" on that certain plat prepared for Mill Creek Mitigation Holdings LLC, Richland County, R.C. McEntire, Jr., Claude W. Smith, W.D. Morris and S. Stanley Juk, Jr., prepared by Larry W. Smith, S.C.P.L.S. No. 3724, Associated E&S, Inc, and recorded on February 18, 2014, in the office of the Register of Deeds for Richland County, South Carolina, in Book \_1926, at Page 1541.
11. Rights of riparian owners, including littoral rights, governmental entities and the public in and to the use of navigable waters and to the uninterrupted flow thereof and any claim by the state or federal

government to land formerly or presently comprising the bottom land of navigable waters arising from the change of boundaries due to artificial accretion or filled lands.

12. Temporary Access Easement, dated April 30, 2015, by and between Seller and Almond Forest Products, Inc.
13. Hunting Lease, dated April 30, 2015, by and between Seller and Deer Hunter, LLC.



**EXHIBIT E**

List of Equipment

1. Ford Tractor, Model 7610, Serial # BC 14717
2. Burroughs Model T1106 Sprayer
3. 14 foot Bush Hog 3200 Series
4. 7 foot Hardee Model T-984-LT
5. Lawn Mower
6. Two plows
7. Miscellaneous household furniture
8. Miscellaneous kitchen utensils

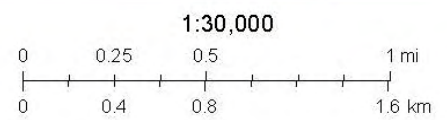
**EXHIBIT F**

[Attach map showing location of dam.]

# Mill Creek Tracts



March 1, 2016



## EXECUTIVE SUMMARY

<b>Present Use</b>	Agricultural-Timberland	
<b>Property Location</b>	West side of Old Bluff Road, Hopkins, SC 29061	
<b>Property Owner</b>	Mill Creek Mitigation Holdings, LLC	
<b>Date of Report</b>	April 5, 2016	
<b>Effective Date of Appraisal</b>	March 31, 2016	
<b>Purpose of Appraisal</b>	Provide opinion of Market Value "As Is"	
<b>Property Rights Appraised</b>	Fee Simple Estate	
<b>Intended Use</b>	The purpose of rendering a decision relative to internal use and/or property disposition.	
<b>Intended User</b>	The intended user is Nancy Stone-Collum, Conservation Department of Richland County.	
<b>Zoning</b>	RU - Rural District	
<b>Tax Map Reference</b>	R21200-01-01	
<b>Land Size</b>	768.69 acres	33,484,136 square feet
<b>Improvements</b>	Hunting Lodge and sheds	
<b>Tax Appraised Value</b>	<b>Tax Appraised Market Value</b>	<b>Tax Appraised with Ag-Use Value</b>
	\$1,000,100	\$98,400
<b>Census Tract</b>	118, Richland County, SC	
<b>Highest and Best Use</b>	As Vacant: Agricultural Use	
	As Improved: Agricultural Use with secondary recreational uses	
<b>Appraisal Procedures</b>	Sales Comparison Approach	
<b>APPROACHES TO VALUE</b>		
		<b>As of March 31, 2016</b>
<b>Sales Comparison Approach</b>		<b>\$2,250,000</b>
<b>FINAL OPINION OF MARKET VALUE "AS IS"</b>		<b>\$2,250,000</b>



**EMPLOYEE GRIEVANCE COMMITTEE APPLICATION**

Must be a Richland County Government Employee to apply.

Name: CAMILLA H. GILL

Home Address: 206 WOODBURY DRIVE, WINNSBORO SC 29180

Telephone: (home) 803-260-1188 (work) 803-576-2650

Office Address: 2020 HAMPTON ST, COLA., SC 29202

Email Address: CHGILL1983@AOL.COM OR GILLC@RCGOV.US

Educational Background: SOME COLLEGE/ MIDLAND TECH & COLA COLLEGE

Professional Background: COLA HOUSING AUTHORITY & FIRST CITIZENS BANK

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: EMPLOYEE GRIEVANCE COMMITTEE

Reason for interest: IT IS MY DESIRE TO SERVE AND ASSIST AS AN LIASION  
FOR MY PEERS AND RICHLAND COUNTY.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:  
I CONSIDER MYSELF A PEOPLE PERSON AND A GOOD LISTENER. I AM ALSO  
ABLE TO MAKE GOOD DECISION BASED ON THE INFORMATION I AM GIVEN.

Presently serve on any County Committee, Board or Commission? NONE

Any other information you wish to give? I ALSO HAVE GOOD CUSTOMER SVC. SKILLS

Recommended by Council Member(s): NONE

Hours willing to commit each month: MAXIMUM ALLOWED TO COMPLETE THE TASK

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing

through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No \_\_\_\_\_

### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Amelia H. Hill  
Applicant's Signature

1-13-2016  
Date

**Return to:**  
Clerk of Council, Post Office Box 192, Columbia, SC 29202. You may fax the form to (803) 576-2136 or email: [rccoco@rcgov.us](mailto:rccoco@rcgov.us)  
For more information call (803) 576-2060.

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: <u>1-14-16</u>	Received by: <u>[Signature]</u>
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

2



## EMPLOYEE GRIEVANCE COMMITTEE APPLICATION

Name: TYNIKA N LEGETTE

Home Address: 1568 RABON FARM LANE 606, 29223

Telephone: (home) 803-665-1899 (work) 803-576-3246

Office Address: 201 JOHN MARK DIAL DRIVE

Email Address: LEGETTET@RCGOV.US

Educational Background: 2 years of college

Professional Background: 13 years Correctional Officer

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: EMPLOYEE GRIEVANCE COMMITTEE

Reason for interest: I have 13 years of experience with the county. I have carried the role as a Detention Supervisor for 8 years.  
I feel my experience and training skills will be effective on the grievance committee.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:  
CERTIFICATES OF TRAINING ON LEADERSHIP SKILLS, ADVANCE SUPERVISORY SKILL TRAINING, SCCJA CERTIFICATION,  
disciplined, intelligent, self confident, trust worthy

Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give? EMPLOYEED WITH THE COUNTY FOR 13 YEARS

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: \_\_\_\_\_

### CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing

through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

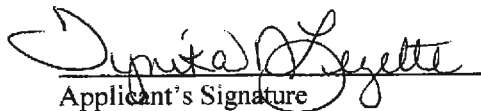
Yes  No

#### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes  No

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Applicant's Signature

8-7-2015  
Date

**Return to:**  
Clerk of Council, Post Office Box 192, Columbia, SC 29202. You may fax the form to (803) 576-2136 or email: [rcoco@rcgov.us](mailto:rcoco@rcgov.us)  
For more information call (803) 576-2060.

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

2





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**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Colie L. Lorick, Jr.

Home Address: 7 Whithorn Way, Blythewood, SC 29016

Telephone: (home) (803) 754-3762 (work) (803) 760-9069

Office Address: 3420 N. Beltline Blvd. Columbia, SC 29204

Email Address: pastorlorick@yahoo.com

Educational Background: A.S.--Tool & Die Design, Certificate Courses--Religion

Professional Background: Pastor, Youth & Community Services Coordinator, SC Attorney Gen.

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Community Relations Council

Reason for interest: I desire a 2<sup>nd</sup> term to continue to advance the causes and address the needs of the community.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: I am involved in the community as an advocate for various causes, especially those related to our youth (crime, education, etc.).

Presently serve on any County Committee, Board or Commission? CRC Board

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: Eight

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing

through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

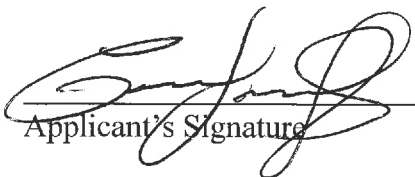
Yes \_\_\_\_\_ No X \_\_\_\_\_

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


  
Applicant's Signature

6/17/16  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: <u>6-20-16</u>	Received by: 
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Charles Lavaughn Aiken

Home Address: 1335 Elm Abode Terrace Columbia, SC 29210

Telephone: (home) \_\_\_\_\_ (work) 803-513-4893/cell

Office Address: 1335 Elm Abode Terrace Cola. SC 29210

Email Address: caiken1216@aol.com \_\_\_\_\_c\_\_\_\_\_

Educational Background: Associate Degree

Professional Background: Business Owner

Male      Female      Age: 18-25      26-50      Over 50

Name of Committee in which interested: Hospitality Committee

Reason for interest: I have keen interest in helping to see Richland County economy grow.

Your characteristics/qualifications, which would be an asset to Committee, Board or  
Commission: Business Owner, Care Pro Health Service for 30years. Sold my company in 2010.  
Provided health care services to seniors in SC and Georgia.

Presently serve on any County Committee, Board or Commission? \_\_\_\_\_

Any other information you wish to give? Father of Ms.America, Kimberly C. Aiken 1993

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: 5

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

*Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.*

Yes \_\_\_\_\_ No \_\_\_\_\_

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes \_\_\_\_\_ No \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Charles P. Aiken  
Applicant's Signature

7/6/2016  
Date

**Return to:  
Clerk of Council, Post Office Box 192, Columbia, SC 29202.  
For information, call 576-2060.**

**One form must be submitted for each Committee, Board or Commission on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

## Employee Performance

### **Grievance Procedure**

This procedure is adopted in accordance with the County and Municipal Employees Grievance Procedures Act, sections 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended.

A grievance is defined as any complaint by a Regular employee that s/he has been treated unfairly, unlawfully or in violation of his/her rights under county policies, with regard to any matter pertaining to his/her employment by the County. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion.

Matters involving compensation are not proper subjects for consideration under the grievance procedure except as they may apply to alleged inequities within an agency or department of the County. Employee performance appraisal ratings may not be the subject of a grievance before the grievance committee.

If a Regular employee believes that he/she has not received or been credited with or has otherwise lost benefits to which he/she is entitled, he/she must present his/her grievance in accordance with this procedure, or such wages or benefits may be forfeited.

Only Regular employees may appeal his/her grievance to the Richland County Grievance Committee. Employees in their initial probationary period of County employment may appeal up to the level of Department Head and no further in the process. Department Heads may appeal up to the Assistant County Administrator responsible for their area of operations.

An employee who feels that he/she has a grievance must follow the following procedure:

Discuss the grievance with his/her immediate Supervisor. If his/her Supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Follow the chain of command, appealing to each successive level of supervision. At each level each Supervisor will have two (2) work days to render a decision. The Supervisor has two days to review the grievance, respond to the grievance and forward to the next level of supervision in the chain of command. If a Supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee may appeal to the next level of supervision.

If the Department Head in which the employee is employed denies the grievance, this decision is final as to any grievance brought by an employee in their initial probationary period of County employment.

## Employee Performance

An employee, other than one serving an initial probationary period, may appeal to the employee grievance committee the denial of his/her grievance by the Department Head, by filing a written request for appeal with Human Resources Department. This must be done within fourteen (14) calendar days of date that the facts on which the grievance are based become known to the employee. The written request for appeal must include the purpose of the appeal and what recommendation is requested of the grievance committee.

HUMAN RESOURCES DEPARTMENT will assist the employee in preparing the appeal, if requested.

Within ten (10) days of receipt of the employee's request, the Chair of the Grievance Committee should schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department and HUMAN RESOURCES DEPARTMENT.

### **The Employee Grievance Committee**

The County Council will appoint a committee composed of seven (7) employees to serve for staggered terms of three (3) years, except that the members appointed initially will be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms will expire each year.

A member will continue to serve after the expiration of his term until a successor is appointed.

Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term will be for the unexpired term.

Any member may be appointed for succeeding terms at the discretion of the County Council.

All members will be selected on a broadly representative basis from among County employees



## Employee Performance

Members employed in the same department as the grieving employee and members who have formed an opinion on the issues prior to the hearing, will not participate in that employee's hearing.

The Council will qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the Employee Grievance Committee. In the event three (3) or more permanent members of the committee are disqualified or otherwise unable to participate in a grievance proceeding, such that a quorum of the committee as required by this section would otherwise be unavailable, a sufficient number of alternate members should be called to constitute a quorum so that the grievance may be heard.

Alternate members may seek appointment as interim or permanent committee members as vacancies occur, in which event the council will designate replacement for such alternate members so chosen for full membership on the committee.

The committee annually will select its own chair from among its members. The chair will serve as the presiding officer at all hearings which s/he attends, but may designate some other member to serve as presiding officer in his/her absence. The chair will have authority to schedule and to re-schedule all hearings.

A quorum consists of at least five (5) members, and no hearings may be held without a quorum.

The presiding officer will have control of the proceedings. He/She will take whatever action is necessary to ensure an equitable, orderly and expeditious hearing. Parties will abide by his/her decisions, except when a committee member objects to a decision to accept or reject evidence, in which case the majority vote of the committee will govern.

The committee has the authority to call for files, records and papers which are pertinent to the investigation and which are subject to the control of the County Council; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the service of a recording secretary at its discretion. The committee has no authority to subpoena witnesses, documents or other evidence, nor will any County employee be compelled to attend any hearing. All proceedings will be tape-recorded by the Legal Department. Witnesses, other than the grieving employee and the department representative, will be sequestered when not testifying. All witnesses will testify under oath.

All hearings will be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings will be subject to the control and disposition of County Council.

## Employee Performance

Neither the grieving employee nor the department may be assisted by advisors or by attorneys during the hearing itself. The Committee may, in its discretion, request the assistance of counsel to advise the committee in dealing with any legal issues that arise in the course of considering a grievance. HUMAN RESOURCES DEPARTMENT will provide assistance in reading written materials to the committee at the request of a grieving employee.

When a grievance involves disciplinary action, the employee must receive a reasonably specific and detailed written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time twenty-four (24) hours or more before the commencement of the hearing. The department will make the first presentation.

In grievances not involving disciplinary actions, the employee must establish to the Grievance Committee that a right existed and that it was denied him/her unfairly, illegally or in violation of a County policy. The employee will make the first presentation.

In all grievances, the grieving employee and the department will each be limited to one (1) hour of initial presentation. The party required to make the first presentation will be entitled to a ten (10) minute rebuttal of the other party's presentation. The chair will appoint someone on the committee as timekeeper.

In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs and other physical evidence. Presentations will be made by the grieving employee (with reading assistance from HUMAN RESOURCES DEPARTMENT, if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the Committee. While either party may request that the Committee ask certain questions of witnesses or address parties, the Committee is not required to do so.





## Employee Performance

Except as provided below, within twenty (20) days after hearing an appeal, the Committee will make its findings and recommendation and report such findings and recommendation in writing to the County Administrator. After considering the Committee's findings and recommendations, the County Administrator will forward to the County Council both the Committee's findings and recommendations and his evaluation and recommendation. If the Council approves the findings and the recommendation of the Committee, a copy of the decision will be transmitted to the employee and to the head of the particular department involved along with notice that Council approved the decision. If, however, the Council disagrees in any respect with the findings or recommendation, the Council will make its own decision without further hearing, and that decision will be final. Copies of the Council decision will be transmitted to the employee and to the head of the particular department involved.



If the Administrator, in his/her sole discretion, believes that he/she is unable to give Council an objective recommendation and evaluation of the grievance, he/she will forward the Committee's findings and recommendations without adding his/her own evaluation and recommendation.

In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside County government, the Committee will, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the official approves, the recommendation of the Committee will be his/her decision and a copy of the decision will be communicated by the Committee to the employee. If, however, the official rejects the decision of the Committee, the official will make his/her own decision without further hearing, and that decision will be final. A copy of the Official's decision should be communicated to the employee.

Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the County or an elected or appointed official to terminate any employee when the County or respective elected or appointed official considers such action to be necessary for the good of the County.

## Current

“Except as provided below, within twenty (20) days after hearing an appeal, the Committee will make its findings and recommendation and report such findings and recommendation in writing to the County Administrator. After considering the Committee’s findings and recommendations, the County Administrator will forward to the County Council both the Committee’s findings and recommendations and his evaluation and recommendation.”

## Proposed

“Except as provided below, within twenty (20) days after hearing an appeal, the Committee will make its findings and recommendation and report such findings and recommendation in writing to the County Administrator. After considering the Committee’s findings and recommendations, the County Administrator, or his / her designee, will forward to the County Council both the Committee’s findings and recommendations and his Administration’s evaluation and recommendation. Administration will have up to 30 days from receipt of the information from the Committee to provide County Council with this information at a Council Meeting. If, however, Administration is unable to provide Council with the information within the specified timeline because of Council’s Meeting schedule, or unforeseen circumstance (which must be discussed with, and approved by the Council Chair), the information must be provided at the next available Council Meeting (Regular Session or Special Called).”

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION CALEB C. MCBRIDE AS  
A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY,  
GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.**

**WHEREAS**, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

**WHEREAS**, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

**NOW, THEREFORE, BE IT RESOLVED THAT** Caleb C. McBride is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this County, including the enforcement of the County’s vector control regulations and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, Caleb C. McBride shall not perform any custodial arrests in the exercise of his duties as a code enforcement officer. This appointment shall remain in effect only until such time as Caleb C. McBride is no longer employed by Richland County to enforce the County’s animal care regulations.

**ADOPTED THIS THE 12th DAY OF JULY, 2016.**

\_\_\_\_\_  
Torrey Rush, Chair  
Richland County Council

Attest: \_\_\_\_\_  
Michelle Onley  
Assistant Clerk of Council