



- e. CMRTA IGA Update
- f. Hopkins Water Project; Ordinance to Close Out RDA Loan [Pending Action Item - By Title Only] [**PAGE 25**]

## **Report Of The Clerk Of Council**

## **Report Of The Chairman**

- 7. a. Personnel Matter: Administrator's Evaluation
- b. Personnel Matter: Council

## **Approval Of Consent Items**

- 8. 11-06MA, Pallay R. Desai, RU to NC (.76 Acres), 9401 Wilson Blvd., 14700-03-33 [**SECOND READING**] [**PAGE 28**]
- 9. 11-07MA, Richland County, TROS to RS-LD (12.49 Acres), Longcreek Plantation, 20406-02-01(p) [**SECOND READING**] [**PAGE 30-32**]
- 10. Proposed Commission for the Aging [**PAGES 34-45**]
- 11. Purchase of a 15 ton long track Hydraulic Excavator [**PAGES 47-48**]
- 12. Water main easement to the City of Columbia (n/w side of Westmoreland Road) [**FIRST READING**] [**PAGES 50-59**]
- 13. Sanitary Sewer Main Easement to the City of Columbia northern side of Cogburn Road [**FIRST READING**] [**PAGES 61-69**]
- 14. Annual Action Plan for Community Development Department Funds Approval of Budgets Request [**PAGES 71-73**]
- 15. Hazard Risk Assessment and Hazard Mitigation Plan [**PAGES 75-79**]
- 16. Richland County Judicial Center Jury Deliberation and Associated Bathroom ADA Renovations [**PAGES 81-83**]
- 17. Richland County Laurens Street Garage Revitalization-Phase Three [**PAGES 85-87**]
- 18. Setoff Debt Gear Participation for applicable Direct Report County Departments [**PAGES 89-104**]
- 19. Setoff Debt GEAR Participation for Treasurer/Tax Collector [**PAGES 106-111**]
- 20. Sheriff's Headquarters Parking Lot Revitalization Project [**PAGES 113-115**]
- 21. Veterans Treatment Court Grant and Required Match [**PAGES 117-119**]

### **Third Reading Items**

22. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; so as to delete certain setback requirements for bars and other drinking places [**PAGES 121-122**]

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

23. Smoking Ban Ordinance Amendment "Reasonable Distance" [**FIRST READING**] [**PAGES 124-127**]
24. Purchase of Two Tandem Axle Dump Trucks [**PAGES 129-130**]
25. Request to approve emergency purchase of landfill trash compactor [**PAGES 132-133**]
26. Waste Management C&D Contract Renewal [**PAGES 135-136**]
27. Ordinance regarding inspection of occupied structures [**FIRST READING**] [**PAGES 138-142**]
28. Amending Chapter 26 to address landscaping of non-profit organizations [**PAGES 144-147**]
29. Creating an independent review task force to improve the business climate in the City of Columbia and Richland County [**PAGES 149-153**]
30. Hopkins Community Water System Service Area Expansion [**PAGES 155-164**]

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

31. Responses from RFP to Employee and Retiree Group Benefit Services [**PAGES 166-194**]

### **Citizen's Input**

32. Must Pertain to Items Not on the Agenda

### **Executive Session**

### **Motion Period**

### **Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: June 21, 2011 [PAGES 5-12]



# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JUNE 21, 2011 6:00 p.m.

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

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### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Member	Kelvin Washington

Absent                      Gwendolyn Davis Kennedy

**OTHERS PRESENT** – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Larry Smith, Anna Fonseca, Amelia Linder, Daniel Driggers, Dale Welch, Sara Salley, Lillian McBride, John Hixson, Michael Byrd, Anna Lange, Dwight Hanna, Monique McDaniels, Melinda Edwards, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

### INVOCATION

The Invocation was given by the Honorable Damon Jeter

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Damon Jeter

**APPROVAL OF MINUTES**

**Regular Session: June 7, 2011** – Ms. Hutchinson moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Mr. Smith stated that the Fire Audit Update needed to be added to the agenda for under the Report of the Attorney for Executive Session Items.

Mr. Livingston stated that a Personnel Matter relating to the Clerk of Council’s Office needed to be added under the Report of the Chairman.

Mr. Malinowski moved, seconded by Ms. Dickerson, to amend the agenda to move Item #8 under Approval of the Consent Items, to add Employee Grievance Committee process under Discussion from Rules and Appointments Committee and to waive Council’s Rules to allow Items #23-27 to remain on the agenda. The vote in favor was unanimous.

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

**REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS**

=====  
**Council went into Executive Session at approximately 6:13 p.m. and came out at approximately 6:49 p.m.**  
=====

- a. **Redistricting Ad Hoc Committee Update** – Mr. Smith reminded Council that Second Reading and the Public Hearing will be held at a Special Called meeting on June 28<sup>th</sup> at 7:30 p.m. and Third Reading will be held on July 26<sup>th</sup>.
- b. **CMRTA** – No action was taken.
- c. **Midlands Housing Alliance MOU** – Proceed as directed in Executive Session.
- d. **Fire Audit Update** – No action was taken.

## CITIZENS' INPUT

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**GFOA Award** – Mr. Pope stated that the GFOA Certificate of Achievement for Excellence in Financial Report was awarded to the Finance Department.

**Decker Mall Update** – Mr. Pope stated that the closing has been scheduled for the end of the month.

**CMRTA Update** – Mr. Pope stated the CMRTA Board stated during their Special Called meeting last week there is a budgetary shortfall for Fiscal Year 2011 and Fiscal Year 2012 and commented on the presentation by Mr. Derrick Huggins.

**Legislative Contact Program** – Mr. Pope requested that Council forward a list of their legislative contacts to staff for inclusion in the Legislative Contact Program.

**Employee Recognition** – Mr. Pope recognized Mr. Rick Rodden for his years of service to Richland County and wished him well upon his retirement.

**Fire Audit Update** – This item was taken up during Executive Session.

## REPORT OF THE CLERK OF COUNCIL

No report was given.

## REPORT OF THE CHAIRMAN

**Personnel Matter: County Administrator** – This was taken up during Executive Session.

**Personnel Matter: Clerk of Council's Office** – This was taken up during Executive Session.

## PRESENTATIONS

**Palmetto Health** – Mr. Stan Hixon expressed Palmetto Health's appreciation to Richland County for the \$211,900 EECBG dollars utilized for the solar panel project.

**Tige Watts, President NUSA** – Mr. Tige Watts presented Richland County with a 4<sup>th</sup> place nationwide award for its Broad River Road Neighborhood Master Plan.

### APPROVAL OF CONSENT ITEM

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; and Article VII, General Development, Site, and Performance Standards; Section 26-179, Pedestrian, Bicycle, and Transit Amenities; so as to require new sidewalks to be ADA compliant and to allow for exemptions to the requirement of providing sidewalks under certain conditions [THIRD READING]**

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

### THIRD READING

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; so as to create a new section that would allow off-premise weekend directional signs under certain conditions** – Mr. Manning moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

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

### SECOND READING

**An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$79,000 of General Fund Undesignated Fund Balance to Clerk of Court for the purchase of additional shelving in Family Court, Civil Records, Criminal Records and the Archives Room** – Ms. Dickerson moved, seconded by Mr. Manning, to approve this item. The vote was in favor.

### REPORT OF RULES AND APPOINTMENTS COMMITTEE

#### I. NOTIFICATION OF VACANCIES

- Building Codes Board of Adjustments & Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.
- Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

- c. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.
- d. **Library Board—4** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous
- e. **Music Festival Commission—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

## II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—5** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- b. **Appearance Commission—2** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments and Appeals—5** – Mr. Malinowski stated that the committee recommended appointing Ms. Lasenta Lewis-Ellis; Mr. Robert K. Foster, III, PE; and Mr. William Bailey Kauric. The vote in favor was unanimous.
- d. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- e. **Hospitality Tax Committee—2** – Mr. Malinowski stated that the committee recommended appointing Mr. Scott M. McCarthy. The vote in favor was unanimous.
- f. **Internal Audit Committee—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.

## III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Central Midlands Council of Governments Letter re: Additional Board Member** – Mr. Malinowski stated that the committee recommended appointing Mr. Pope as the additional board member. The vote in favor was unanimous.

- b. **Electronic Participation** – This item was held in committee.
- c. **Employee Grievance Process** – This item was held in committee pending the proposed language from staff.

**OTHER ITEMS**

**Memorandum of Understanding between the Columbia Film Society and Richland County, South Carolina** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

**Memorandum of Understanding between EdVenture Children’s Museum and Richland County, South Carolina** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

**Memorandum of Understanding between Historic Columbia Foundation and Richland County, South Carolina** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

**Memorandum of Understanding between the Township Auditorium and Richland County, South Carolina** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

**Board of Elections and Voter Registration** – Mr. Washington moved, seconded by Mr. Jackson, to approve this item. The vote was in favor with Mr. Jeter abstaining from the vote due to a possible conflict of interest on file in the Clerk of Council’s Office.

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

**CITIZEN’S INPUT**

No one signed up to speak.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 7:18 p.m. and came out at approximately 7:52 p.m.**  
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- a. **Personnel Matter: Administrator** – No action was taken.
- b. **Personnel Matter: Clerk of Council’s Office** – Mr. Pearce moved, seconded

by Ms. Dickerson, to approve the Administrator's recommendation to implement a salary adjustment for the two current Clerk of Council employees, retroactive to the date they assumed their additional duties. The vote in favor was unanimous.

#### MOTION PERIOD

**Motion to increase the current starting salary of Detention Officers from \$25,745 to the average salary of the seven largest South Carolina counties (\$28,890 in 2009). This \$3,145 increase would assist the Detention Center in recruiting quality employees; reduce the number of vacancies; and reduce or eliminate the need for scheduled overtime. (Financial impact to be determined by Administration.)**  
**[JACKSON]** – This item was referred to the A&F Committee.

**Move that Council establish a committee to determine space and usage allocation for the county Government Complex located in the old Decker Mall on Richland County's International Corridor** **[MANNING]** – Mr. Manning moved, seconded by Mr. Washington, to direct the Chair to appoint a committee to determine space and usage for the County's Government Complex located in the old Decker Mall. The vote in favor was unanimous.

#### ADJOURNMENT

The meeting adjourned at approximately 7:56 p.m.

\_\_\_\_\_  
Paul Livingston, Chair

\_\_\_\_\_  
Damon Jeter, Vice-Chair

\_\_\_\_\_  
Gwendolyn Davis Kennedy

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

\_\_\_\_\_  
Valerie Hutchinson

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

\_\_\_\_\_  
Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Seth Rose

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley



# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: June 28, 2011 [PAGES 14-16]

## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, JUNE 28, 2011 7:00 p.m.

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

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#### **MEMBERS PRESENT:**

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Member	Kelvin E. Washington, Sr.

**OTHERS PRESENT:** Anna Fonseca, Amelia Linder, Sparty Hammett, Holland Leger, Brian Cook, Geo Price, Brenda Carter, Milton Pope, Tommy DeLage, Monique Walters, Michelle Onley

#### **CALL TO ORDER**

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

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

There were no additions or deletions.

## MAP AMENDMENT

### **11-06MA, Pallay R. Desai, RU to NC (.76 Acres), 9401 Wilson Blvd., 14700-03-33**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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

### **11-07MA, Richland County, TROS to RS-LD (12.49 Acres), Longcreek Plantation, 20406-02-01(p)**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to give First Reading approval to this item and direct staff to include the boundary survey at Second Reading and the two cart paths that were erroneously marked LD be remarked at TROS. The vote in favor was unanimous.

## TEXT AMENDMENT

### **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; so as to delete certain setback requirements for bars and other drinking places**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Jackson moved, seconded by Ms. Hutchinson, to give First Reading approval to this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to amend the ordinance to eliminate the required distances. A discussion took place.

Ms. Hutchinson made a second substitute motion, seconded by Ms. Dickerson, to amend the ordinance to eliminate the 600 ft. requirement for places of worship, but maintain the distance requirement for the schools. A discussion took place.

The vote in favor was unanimous.

### **PRESENTATION**

**TishlerBise, Chris Cullinain – Effects of Road Impact Fees on the Price of Affordable Housing** – Mr. Cullinain gave a brief presentation to Council.

### **ADJOURNMENT**

The meeting adjourned at approximately 7:35 p.m.

Submitted respectfully by,

Paul Livingston  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Special Called Meeting: June 28, 2011 [PAGES 18-20]

# MINUTES OF



## RICHLAND COUNTY COUNCIL SPECIAL CALLED MEETING TUESDAY, JUNE 28, 2011 7:30 p.m.

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

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### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Gwendolyn Davis Kennedy
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

**OTHERS PRESENT** – Milton Pope, Sparty Hammett, Stephany Snowden, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 9:36 p.m.

### PUBLIC HEARING

**An Ordinance Establishing New Electoral Districts for the Election of Members of Richland County Council pursuant to the United States Census of 2010 and in compliance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended**

No one signed up to speak.

## SECOND READING

**An Ordinance Establishing New Electoral Districts for the Election of Members of Richland County Council pursuant to the United States Census of 2010 and in compliance with Section 4-9-90 of the South Carolina Code of Laws, 1976, as amended** – Mr. Manning moved, seconded by Ms. Hutchinson, to approve Revised Map #4. A discussion took place.

Mr. Livingston made a substitute motion, seconded by Mr. Jeter, to approve Revised Map #1. A discussion took place.

The substitute motion failed.

The vote in favor of the main motion was unanimous.

## ADJOURNMENT

The meeting adjourned at approximately 7:51 p.m.

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Paul Livingston, Chair

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Damon Jeter, Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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Seth Rose

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley



# Richland County Council Request of Action

**Subject**

- a. Pending Contractual Matter

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

## **Subject**

- a. Smoking Ban Quarterly Update **[PAGE 24]**
- b. Mike Cinnamon Proclamation
- c. Economic Development Director
- d. Decker Mall Update
- e. CMRTA IGA Update
- f. Hopkins Water Project; Ordinance to Close Out RDA Loan [Pending Action Item - By Title Only] **[PAGE 25]**



## Richland County Business Service Center

2020 Hampton Street, Suite 1050  
P.O. Box 192  
Columbia, SC 29202

Phone: (803) 576-2287  
Fax: (803) 576-2289  
[bsc@rcgov.us](mailto:bsc@rcgov.us)  
<http://www.rcgov.us/bsc>

### MEMORANDUM

**TO:** J. Milton Pope, County Administrator; County Council

**FROM:** Pam Davis

**DATE:** 6/27/2011

**SUBJECT:** Smoking Ban Report – for 2<sup>nd</sup> quarter of 2011

- Number of Complaints Received: 0
- Number of Businesses referenced in complaints: 0
- Business Type(s) referenced in complaints: n/a
  
- Number of Inspections: 0
- Tickets Issued: 0

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
SECOND SUPPLEMENTAL ORDINANCE NO. \_\_\_\_\_

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A HOPKINS WATERWORKS SYSTEM IMPROVEMENT REVENUE BOND, SERIES 2011, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF RICHLAND COUNTY, SOUTH CAROLINA, IN AN AMOUNT NOT TO EXCEED \$2,033,000; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTE; PROVIDING FOR FORM AND DETAILS OF THE BOND; PROVIDING FOR THE PAYMENT OF THE BOND; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

# Richland County Council Request of Action

**Subject**

- a. Personnel Matter: Administrator's Evaluation
- b. Personnel Matter: Council

# Richland County Council Request of Action

**Subject**

11-06MA, Pally R. Desai, RU to NC (.76 Acres), 9401 Wilson Blvd., 14700-03-33 [**SECOND READING**] [**PAGE 28**]

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

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 # 14700-03-33 FROM RU (RURAL DISTRICT) TO NC (NEIGHBORHOOD 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 # 14700-03-33 from RU (Rural District) zoning to NC (Neighborhood 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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

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

Public Hearing: June 28, 2011  
First Reading: June 28, 2011  
Second Reading: July 5, 2011 (tentative)  
Third Reading:



# Richland County Council Request of Action

**Subject**

11-07MA, Richland County, TROS to RS-LD (12.49 Acres), Longcreek Plantation, 20406-02-01(p) **[SECOND READING] [PAGE 30-32]**

**Notes**

First Reading: June 28, 2011  
Second Reading:  
Third Reading:  
Public Hearing: June 28, 2011

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

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 A PORTION OF THE REAL PROPERTY DESCRIBED AS TMS # 20406-02-01 FROM TROS (TRADITIONAL RECREATION OPEN SPACE DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 20406-02-01 from TROS (Traditional Recreation Open Space District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning, (all as described in Exhibit A, which is attached hereto).

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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

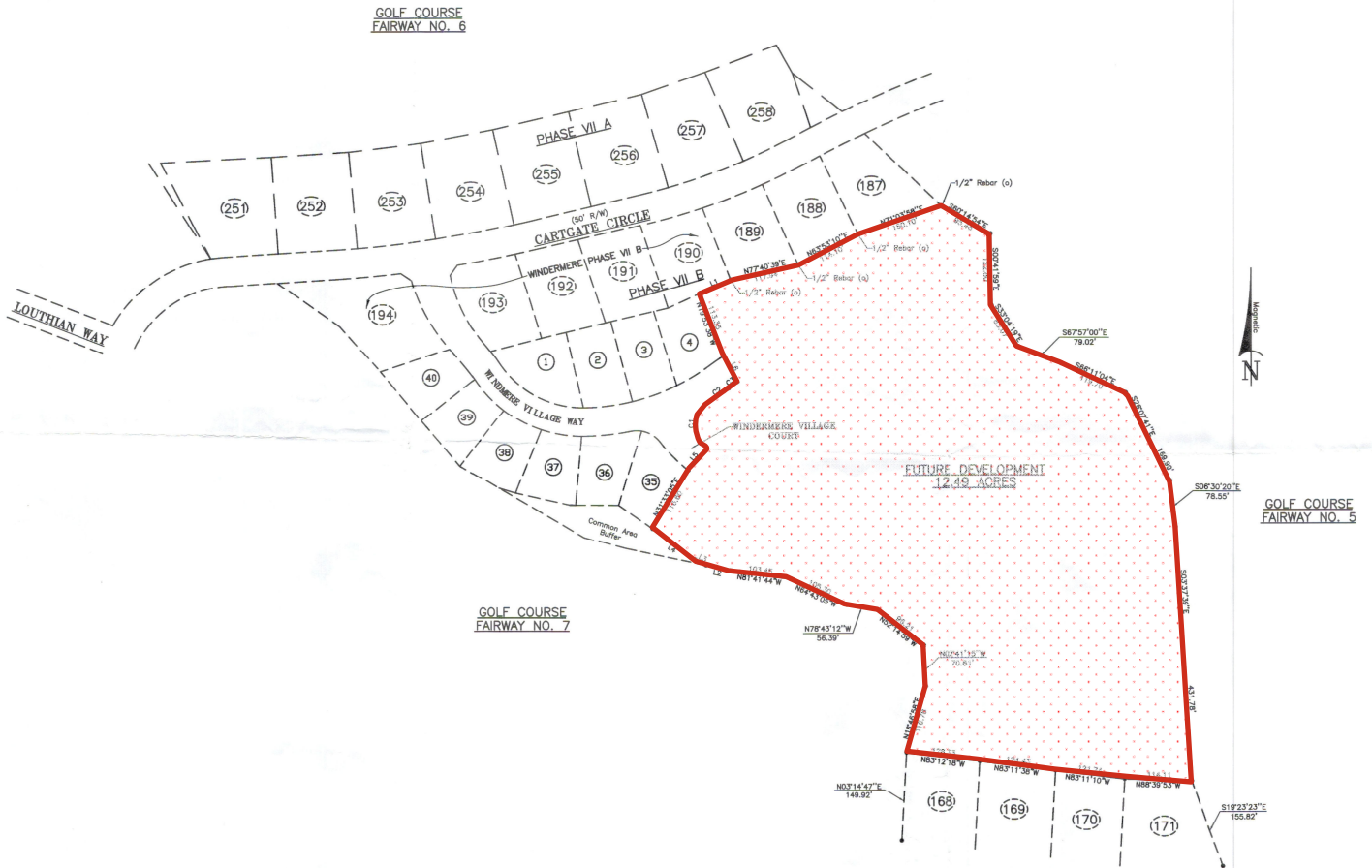
By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

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

Public Hearing: June 28, 2011  
First Reading: June 28, 2011  
Second Reading: July 5, 2011 (tentative)  
Third Reading:

Exhibit A



## Exhibit A, continued

### METES AND BOUNDS LAND DESCRIPTION:

All that certain piece, parcel or tract of land containing 12.49 acres as shown on "Composite Sketch Plan Prepared For The Village At Windermere, Phase II, dated September 8, 2008, located in the State of South Carolina, County of Richland, near the City of Columbia and being more particularly described as follows:

Beginning at a 1/2" rebar (0), being the southeastern lot corner of lot 4, The Village at Windermere, Phase I, thence running along Lot 4 N19°53'38"W for a distance of 113.35' to a 1/2" rebar (o); thence turning and running along Lot 190, Windermere, Phase VII-B, (Phase VII-B) N65°24'52"E for a distance of 55.88' to a 1/2" rebar (o); thence running along Lot 189, Phase VII-B N77°40'39"E for a distance of 117.94' to a 1/2" rebar (o); thence running along Lot 188, Phase VII-B N63°53'10"E for a distance of 114.10' to a 1/2" rebar (o); thence running along Lot 187, Phase VII-B N71°03'58"E for a distance of 150.10' to a 1/2" rebar (o); thence turning and running along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S60°14'54"E for a distance of 95.46' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S00°41'59"E for a distance of 122.80' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S33°04'19"E for a distance of 83.07' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S67°57'00"E for a distance of 79.02' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S66°11'04"E for a distance of 119.70' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S26°07'41"E for a distance of 169.99' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S06°30'20"E for a distance of 78.55' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.5 S03°37'39"E for a distance of 431.78' to a 1/2" rebar (o); thence turning and running along Lot 171, Windermere At Longcreek Plantation, Phase 6 (Phase 6) N88°39'53"W for a distance of 114.11' to a 1/2" rebar (o); thence running along Lot 170, Phase 6 N83°11'10"W for a distance of 121.74' to a 1/2" rebar (o); thence running along Lot 169, Phase 6 N83°11'38"W for a distance of 124.43' to a 1/2" rebar (o); thence running along Lot 168, Phase 6 N83°12'18"W for a distance of 128.33' to a 1/2" rebar (o); thence turning and running along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N16°46'58"E for a distance of 116.78' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N02°41'15"W for a distance of 70.61' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N52°14'59"W for a distance of 96.21' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N78°43'12"W for a distance of 56.39' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N64°43'05"W for a distance of 105.30' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N81°41'44"W for a distance of 103.45' to a 1/2" rebar (o); thence continuing along property of now or formerly Fairways Development General Partnership, Golf Course Fairway No.7 N78°19'11"W for a distance of 42.66' to a 1/2" rebar (o); thence turning and running along Common Area Buffer of The Village at Windermere, Phase I N61°31'49"W for a distance of 20.36' to a 1/2" rebar (o); thence continuing along Common Area Buffer of The Village at Windermere, Phase I N54°05'39"W for a distance of 89.53' to a 1/2" rebar (o); thence turning and running along Lot 35, The Village at Windermere, Phase I N31°33'05"E for a distance of 116.60' to a 1/2" rebar (o); thence running along the southeastern end of right of way of Windmere Village Court N39°28'10"E for a distance of 50.00' to a 1/2" rebar (o); thence turning and running along the eastern right of way of Windmere Village Court on a curved line with a radius of 50.00' and a chord bearing of N03°50'18"E for a chord distance of 81.74' to a 1/2" rebar (o); thence continuing along the eastern right of way of Windmere Village Court on a curved line with a radius of 395.23' and a chord bearing of N56°03'19"E for a chord distance of 38.14' to a 1/2" rebar (o); thence continuing along the eastern right of way of Windmere Village Court on a curved line with a radius of 275.00' and a chord bearing of N55°21'33"E for a chord distance of 18.26' to a 1/2" rebar (o); thence turning and running along the northeastern end of the right of way of Windmere Village Court N28°14'05"W for a distance of 50.13' to a 1/2" rebar (o); the point of beginning.

# Richland County Council Request of Action

**Subject**

Proposed Commission for the Aging [PAGES 34-45]

**Notes**

June 28, 2011 - The D&S Committee directed staff to request regular reports from the Council of Governments and Recreation Commission and provide this information to Council. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Motion: Proposed Commission for the Aging

**A. Purpose**

Council is requested to consider the motion made at the May 3, 2011 Council Meeting, and direct staff as appropriate.

**B. Background / Discussion**

The following motion was made at the May 3, 2011 Council Meeting by Councilman Jackson:

**Richland County develop a Commission for the Aging: Address the aging population needs and improve quality of life. Work with the office on aging at Lt. Governor's Office and serve as recommending body to County Council [Jackson]:** Forwarded to the Development and Services Committee. **ACTION: ADMINISTRATION**

Staff contacted Anna Harmon, Regional Long-Term Care Ombudsman Program Manager at the Central Midlands Council of Governments, who stated that her office investigates reports of abuse, neglect, exploitation, quality of care issues and residents' rights issues on behalf of vulnerable adults in long-term care facilities. This program collaborates with other agencies as appropriate and makes appropriate referrals to agencies that investigate / survey facilities related to abuse, neglect, exploitation, and quality of care issues. This program provides advocacy, mediations and consultations regarding long-term care issues. Ombudsman staff conducts routine visits to long-term care facilities to ensure that residents are receiving quality care and to address issues observed during these visits. Ombudsman staff conducts trainings and in-services. Ombudsman staff provides resources to Resident/Family Councils in long-term care facilities. Ombudsman staff provides information related to advance directives, long-term care placement, resident rights and the Omnibus Adult Protection Act.

Staff also contacted Sharon Seago, Director of the Central Midlands Area Agency on Aging. Ms. Seago stated that two committees – the Regional Aging and Disability Advisory Committee and Silver Haired Legislators – meet on a regular basis regarding pertinent items related to seniors. The COG Board appoints representatives to the Regional Aging Advisory Committee, and the Silver Haired Legislators members elect themselves. Meetings are open to the public, and vacancies on the Committees occur quite regularly.

Attached below are the Richland County representatives on these committees.

**CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS  
REGIONAL AGING AND DISABILITY ADVISORY COMMITTEE**

- Earl F. Brown, Jr. (*Committee Vice-Chair*)
- Ellen H. Cooper
- Susan W. Elwood
- Dr. Roland Emerson Haynes, Ph.D.
- Sandra Jones, R.N.
- Larry Reed

**SILVER HAired LEGISLATORS & ALTERNATES 2011-2013**

- Marjorie L. Johnson
- Barbara Kelley
- Alan D. Roblee, Recorder
- Arthur H. Streich
- Ms. Hannah Timmons
- Ms. Jean R. Bridges
- Ms. Jettiva Belton
- Mr. Charles Blakely
- Mr. Bernard S. Gaudi

In addition to these Committees, individuals may apply to become a volunteer of the South Carolina's Volunteer Friendly Visitor Program, sponsored by the Lieutenant Governor's Office on Aging and the Central Midlands Long Term Care Ombudsman Program. The goal of the Visitors' Program is to improve the quality of life for residents in long-term care facilities through communication and visits. They agree to visit at least once weekly (2 – 4 hours per week) and report concerns and observations to LaToya Buggs-Williams, Ombudsman Investigator (Central Midlands Council of Governments). There is a mandatory, comprehensive training process for these volunteers (14 – 16 hours of certification training, exam, orientation to the facility and staff, and 8 hours of re-certification training throughout each year of volunteer service), who visit the assigned facility accompanied by a Certified

Ombudsman, before beginning their weekly visits. Please find attached information regarding the Friendly Visitor Program.

Staff also contacted the City of Charleston Mayor's Office on Aging, per a recommendation from Anna Harmon (CMCOG). The Mayor's Office on Aging (MOA) was created in 1999 to focus attention on senior issues. The office was established to advocate for the aging population and develop public policy to improve the lives of the aging citizens of the City of Charleston. MOA also acts as a community clearinghouse of resource information for our aging Charlestonians. A staff member dedicates 50% of her time to the Commission on Aging. (The remaining 50% of her time is spent on ADA Compliance.) Her salary and office supplies (postage, paper, etc.) total approximately \$23,000 annually.

The S.C. Lt. Governor's Office on Aging administers federal funds received through the Older Americans Act and the State of South Carolina. These funds are distributed to ten regional Aging and Disability Resource Centers (ADRCs)/Area Agencies on Aging (AAAs) who then contract with local providers for services such as: home delivered and congregate meals, transportation, home care services, social adult day care services, respite and disease prevention/health promotion. Staff is also available to present informative educational programs to groups or staff of other agencies.

Services such as information and referral, family caregiver support, Long Term Care ombudsman, education and training, legal service, disaster planning and insurance counseling are provided at each of the ADRCs.

The Lt. Governor's Office on Aging offers numerous programs:

- SCAccess - searchable database of services in South Carolina
- Medicare and SHIP - health insurance options for the elderly
- Ombudsman - improving the quality of life and care
- Health and Safety - tips for maintaining a healthy lifestyle
- Family Caregiver Support Program - offering help to caregivers
- Alzheimer's Resource Coordination Center - helping individuals affected by Alzheimer's disease

Numerous opportunities to serve on committees / commissions related to the aging population are available through the S.C. Lt. Governor's Office on Aging:

- Advisory Council on Aging - All welcome
- Adult Protection Coordinating Council
- ARCC Advisory Council - Alzheimers Resource Coordination Center Advisory Council
- ElderCare Trust Advisory Board
- CARE Commission - Advises the Lieutenant Governor on issues critical to the senior community
- Silver Haired Legislature - Addressing issues for the older population



Because there are multiple existing avenues of participation for Richland County citizens, and in an effort to not duplicate services, it is recommended that Council direct staff to forward information regarding senior services to those interested in participating in this environment.

**C. Financial Impact**

There is no financial impact associated with this request at this time, as it is recommended that staff serve in a clearinghouse / recommending capacity.

**D. Alternatives**

1. Direct staff to forward information regarding senior services to those interested in participating in this environment.
2. Do not direct staff to do anything at this time.

**E. Recommendation**

It is recommended that Council direct staff to forward information regarding senior services to those interested in participating in this environment.

By: Roxanne M. Ancheta Date: May 11, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 5/11/11

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

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith Date:

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

Comments regarding recommendation:

**Administration**

Reviewed by: J. Milton Pope Date:

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

Comments regarding recommendation: Recommend approval...



May 10, 2011

Thank you for your interest in South Carolina's Volunteer Friendly Visitor Program, sponsored by the Lieutenant Governor's Office on Aging and the **Central Midlands Long Term Care Ombudsman Program**.

Over sixty percent (60%) of the residents of long term care facilities in South Carolina have no visitors. They have no family or friends who are available to visit them or spend time with them, and the lack of social contact and a support system often results in depression and decline.

The function of the Friendly Visitor in residential facilities is to provide encouragement and meets an essential need. Your efforts and commitment to this program will make a significant difference in the lives of many. Your presence will diminish the sense of isolation that these residents experience and helps them achieve a sense of self-determination.

Because our Volunteer Friendly Visitors serve vulnerable adults in long term care residential settings, all applicants must complete a screening process. The application process includes completion of the application, an interview, a background check (civil and criminal), and character reference checks. Once selected as a Volunteer Friendly Visitor, an exceptional training program is provided that includes classroom and on-the-job training. This program has been implemented to ensure that the volunteers are equipped with the fundamental tools necessary to develop the skills that are needed to succeed in working with residents.

Enclosed, you will find the following information and application forms for this program:

- Friendly Visitor Position Description
- South Carolina Friendly Visitor Program Application
- Authorization for Release of Information Background Report

Volunteers are invaluable assets to any organization and we want your experience in this volunteer program to be well worth your time and effort. Please complete the enclosed forms and return them as soon as possible. This is the initial step to becoming a Volunteer Friendly Visitor and we will contact you as soon as the information is processed.

If you have any questions or need further information, please contact LaToya Buggs-Williams, at (803) 376-5389 or 1-800-391-1185 or by email at [lbuggs@centralmidlands.org](mailto:lbuggs@centralmidlands.org). We are looking forward to having you join us in our Volunteer Friendly Visitor Program.

**Central Midlands  
Long Term Care Ombudsman Program  
236 Stoneridge Drive  
Columbia, SC 29210**

**Lieutenant Governor's Office on Aging  
1301 Gervais St., Suite 200  
Columbia, SC 29201**



Thank you for your interest.

Sincerely,

LaToya Buggs-Williams  
Ombudsman Investigator

Enclosures



**VOLUNTEER FRIENDLY VISITOR  
Position Description**

The Volunteer Friendly Visitor's goal is to improve the quality of life for residents in long-term care facilities through communication and visits.

**Location: Long Term Care Facilities:** The program will concentrate in Community Residential Care Facilities (CRCF'S) and Skilled Nursing Facilities.

**Qualifications:** Age 18 and older and interested in improving the quality of life in long-term care facilities. Have the ability to communicate with vulnerable adults, a genuine care and concern for older adults, problem-solving skills, and empathy, dependable, exercise good judgment and have available transportation.

**Specific Duties:**

- Visit residents in assigned facilities 2-4 hours per week.
- Empower residents and their families to advocate on behalf of the resident.
- Advocate for the residents by addressing resident rights with appropriate facility staff.
- Provide information about residents' rights and LTCO services.
- Participate in Resident and Family Councils upon request.
- Function as a resource to residents and their families
- Maintain communication with the Regional Ombudsman's office.
- Report any suspected, alleged, or actual cases of abuse, neglect, or exploitation to the Regional Ombudsman's office as required by law.
- Maintain confidentiality.
- Keep accurate records and submit monthly reports to the Regional LTCO program.
- Participate in ongoing continuing education training.
- Perform other duties as assigned by the Regional Ombudsman.
- Volunteers do NOT provide personal services, assist with eating or feeding, provide food or beverages, or any other responsibility that is managed by the facility staff.
- Friendly Visitors do NOT investigate complaints, mediate disputes, or involve themselves in any controversy with families or facility staff. Refer complaints to the Regional Ombudsman or Volunteer Coordinator

**Requirements:** Application, interview, criminal background and reference checks, 14-16 hours of certification training, exam, orientation to the facility and staff and 8 hours of re-certification training throughout each year of volunteer service.

**Hours:** Flexible

**Time Frame:** Two to four hours per week

**Time Commitment:** One Year

**Supervision:** Regional Long Term Care Ombudsman Program





FRIENDLY VISITOR PROGRAM APPLICATION

Region: 4 Date: \_\_\_\_\_

**ALL INFORMATION PROVIDED ON THIS APPLICATION IS CONFIDENTIAL**

**Personal Information:**

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Previous Address (if less than 5 years at current address): \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: Home: \_\_\_\_\_ Work \_\_\_\_\_  
Fax: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_  
Social Security Number: \_\_\_\_\_ Sex: Male \_\_\_\_\_ Female \_\_\_\_\_  
Occupation & Employer: \_\_\_\_\_  
Date of Birth: \_\_\_/\_\_\_/\_\_\_ Education: \_\_\_\_\_

**Days and Times You Are Available to Volunteer:**

Days: \_\_\_\_\_  
Times: \_\_\_\_\_

**Volunteer Activities:**

Friendly Visitor: \_\_\_\_\_ Data Entry: \_\_\_\_\_ Intake: \_\_\_\_\_ Speaker/Presenter: \_\_\_\_\_  
Volunteer Experience: \_\_\_\_\_

Are you willing to make a one year commitment as a volunteer? Yes \_\_\_\_\_ No \_\_\_\_\_

Do you have your own transportation? Yes \_\_\_\_\_ No \_\_\_\_\_

Form of Transportation \_\_\_\_\_

Why are you interested in volunteering with the Ombudsman Program? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Lieutenant Governor's Office on Aging

How did you learn about the Friendly Visitor Program?

Newspaper: \_\_\_\_\_ LTCO Staff: \_\_\_\_\_ AARP: \_\_\_\_\_ Poster: \_\_\_\_\_ Brochure: \_\_\_\_\_ Other: \_\_\_\_\_

Do you have friends or relatives connected with a long-term care facility? Yes \_\_\_\_\_ No \_\_\_\_\_

Do you have a conflict of interest (work for a facility/family member in a facility, etc.?) Yes \_\_\_\_\_ No \_\_\_\_\_

Have you been employed by a long-term care facility within the past year? Yes \_\_\_\_\_ No \_\_\_\_\_

Have you ever been convicted of a criminal offense? Yes \_\_\_\_\_ No \_\_\_\_\_

Special Interests or Hobbies: \_\_\_\_\_

\_\_\_\_\_

Special Skill, Training, Languages, Etc \_\_\_\_\_

\_\_\_\_\_

**Work History:**

Organization: \_\_\_\_\_ Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Dates: \_\_\_\_\_

Organization: \_\_\_\_\_ Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Dates: \_\_\_\_\_

Organization: \_\_\_\_\_ Position: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Dates: \_\_\_\_\_

**References: Personal or Professional (Non-relatives):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Name \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

I authorize the SC State Long Term Care Ombudsman Program to contact references that I have listed.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Resume or additional comments may be submitted in addition to application.



Lieutenant Governor's Office on Aging



### Authorization for Release of Information Background Report

For the purpose of evaluating my qualifications to be a Friendly Visitor to vulnerable adults within a long term care residential care facility through South Carolina Volunteer Friendly Visitor Program, I consent to the Lieutenant Governor's Office on Aging or its agents conducting a background check which may include but is not limited to investigation of my employment history, educational background, criminal history, military records, credit history, Department of Social Services records, Department of Health and Environmental Control records, and Department of Motor Vehicle records.

Below, I have provided my full name, date of birth and social security number for this purpose. I understand and agree that if I choose not to provide this information or otherwise refuse to consent and authorize this background check, any conditional offer will be withdrawn and I will not be allowed to participate in the Volunteer Friendly Visitor Program.

I may receive complete disclosure about the nature and scope of the background check and any information received by the Lieutenant Governor's Office on Aging or its agents during this background check by submitting a written request to the Lieutenant Governor's Office on Aging or its agents within 45 days of their receipt of such report. All information received by the Lieutenant Governor's Office on Aging or its agents as a result of this background check will be maintained confidentially and not released to anyone for any purpose except as I personally designate in writing. The Lt. Governor's Office or its agents may disclose copies of all results of this background check to the decision maker in a lawsuit, grievance, or other proceeding initiated by me or on my behalf or as required by law.

I understand that a photocopy or facsimile of this signed document shall be as valid as the original document and authorizes the Lieutenant Governor's Office on Aging or its agents to perform the background check as stated above.

I hereby release the Lieutenant Governor's Office on Aging and its agents from all claims or liabilities that might arise from the inquiry into or disclosure of such information, including claims under any federal, state, or local civil rights law and any claims for defamation or invasion of privacy. I authorize all persons who may have information relevant to this research to disclose such information to the Lieutenant Governor's Office on Aging or its agents, and I hereby release all persons from liability because of true and accurate disclosure.

May we contact your present employer? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_ Applicants Signature \_\_\_\_\_

Full Name (print): \_\_\_\_\_ D/O/B \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, and Zip: \_\_\_\_\_





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Deborah L. Bower  
*Executive Director*

2817 Millwood Avenue  
Columbia, South Carolina 29205  
803/ 252-7734 fax 803/ 929-0349  
<http://www.seniorresourcesinc.org>

May 12, 2011

Councilman Norman Jackson  
265 King Charles Road  
Columbia, SC 29209

Dear Councilman Jackson:

While reading the Actions Report for the May 3, 2011 County Council Meeting, I noticed that you have suggested that Richland County develop a Commission for the Aging to "address the aging population needs and improve quality of life". As the Executive Director of Senior Resources Inc., I am excited to learn of your interest in meeting the needs of this ever increasing population and would like to have the opportunity to speak with you, and/or the Development and Services Committee, to provide historical and current information on the services and programs currently available in Richland County. I feel it would be beneficial to include Sharon Seago, Aging Director of the Central Midlands Area Agency on Aging in any conversations that include senior programs and services as it is their responsibility to develop the Aging Area Plan for the Central Midlands Region, which includes Richland County.

Senior Resources, Inc., a 501©3 non-profit organization, was chartered in 1967 as a Council on Aging. For almost 44 years we have provided In-Home and Community Based services for seniors in Richland County. These services are funded through federal funds, local funds, state funds, grant-writing, fundraising activities, donations, client payments, independent contracts, etc. Our Meals on Wheels, Wellness Centers, Home Care, Transportation and Physical Fitness programs are primarily funded through grants secured through the Central Midlands Area Agency on Aging with money allocated by the Lt. Governor's Office on Aging. As a contractual agency of Richland County the funds allocated to Senior Resources, helps us meet the matching funds required for these programs as well as other federally funded senior programs that we provide in Richland County. The primary goal of all of our programs and services is to keep seniors engaged and independent as long as possible allowing seniors to remain in their own homes and in their own communities, delaying and in some cases eliminating

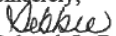
RICHLAND COUNTY  
ADMINISTRATOR'S OFFICE  
MAY 13 AM 9:59

Funded in Part by: Central Midlands Council of Governments / City of Columbia / Corporation for National & Community Service / Donations & Contributions  
Richland County Council / SC Department of Health and Human Services / United Way of the Midlands



the need for institutionalization. You are absolutely correct; it is all about "Quality of Life".

If you have questions or would like to speak to me in regard to Senior Resources, Inc.'s role in providing services in Richland County, please feel free to contact me. I have included both our Annual Report and my business card. I look forward to hearing from you.

Sincerely,  
  
Deborah L. Bower  
Executive Director

cc: M. Pope

# Richland County Council Request of Action

## **Subject**

Purchase of a 15 ton long track Hydraulic Excavator **[PAGES 47-48]**

## **Notes**

June 28, 2011 - The D&S Committee recommended that Council approve the purchase of an excavator but also direct Procurement to make inquiries outside the State to see if a better price can be obtained with a preference for purchasing an excavator that is made in America. The vote in favor was unanimous.

# Richland County Council Request of Action

**Subject:** Purchase of a 15 Ton Long Track, Zero Turn Hydraulic Excavator

**A. Purpose**

County Council is requested to approve a purchase in the amount of \$106,539.90 for the purchase of a new Hyundai 15-ton zero turn excavator, Model Number R145LCR-9, from Stafford Equipment, in West Columbia. The purchase is for the Roads and Drainage Division of the Department of Public Works, with funds available in the FY11 budget. The budget accounts are split funding applying \$16,539.90 from 12163020735.5314 and \$90,000.00 from to account 1100300000.5314.

**B. Background / Discussion**

The new excavator will be replacing a Caterpillar 330 CL, a 2004 model weighing 37 tons. The new equipment will be much smaller and lighter, increasing transportability and efficiency, making it a more suitable piece of equipment for a greater number of worksites. It will also use less fuel while meeting the latest EPA Tier Three emissions standards, dramatically reducing nitrous oxide and particulate emissions, as called for in the Richland County Directive on Air Quality Policies, issued last year. The zero-turn designation means that the cab/engine compartment can turn nearly within the radius of the tracks, significantly reducing the opportunity to strike a worker or damage property in the work area.

A bid process was conducted by Procurement, and the most responsive and responsible bidder was determined to be Stafford Equipment, in West Columbia, who offered the Hyundai Model R145LCR-9 15 ton zero turn excavator. Their cumulative score was highest among eight potential suppliers who participated in the bid process.

**C. Financial Impact**

The financial impact to the County will be the purchase of the excavator, available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the excavator is \$106,539.00.

2011 Hyundai 15 Ton Zero Turn Excavator	\$ 99,570.00
South Carolina Sales Tax	\$ 6,969.90
Total Cost	\$106,539.90

**D. Alternatives**

There are two alternatives available:

1. Approve the request to purchase the 15 ton zero turn excavator for the Roads and Drainage division of the Department of Public Works.
2. Do not approve the request to purchase the 15 ton zero turn excavator for the Roads and Drainage Division of the Department of Public Works.

**E. Recommendation**

It is recommended that Council approve the request to purchase the Hyundai Mode R145LCR-9 15 Ton Zero Turn Excavator from Stafford Equipment.

Recommended by: David Hoops Department: Public Works Director Date: 06/14/11

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 6/16/11  
✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood Date: 6/17/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith Date:  
✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett Date: 6/21/11  
✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

# Richland County Council Request of Action

**Subject**

Water main easement to the City of Columbia (n/w side of Westmoreland Road) [**FIRST READING**] [**PAGES 50-59**]

**Notes**

June 28, 2011 - The D&S Committee recommended that Council grant the water main easement to the City of Columbia. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Water Main Easement to the City of Columbia (n/w side of Westmorland Road)

**A. Purpose**

County Council is requested to approve a Water Main easement to the City of Columbia on property owned by Richland County (n/w side of Westmorland Road).

**B. Background / Discussion**

In 2010, Brickyard-Longtown, LLC (Stewart Mungo) donated a parcel of land to the County for conservation purposes. The land is titled in the Richland County Conservation Commission, but as the Commission is not a separate legal entity, title lies with Richland County. The Commission was approached by the City of Columbia requesting a water main easement over the subject property.

Please see the attached easement and plat to further identify the location of the requested easement. It appears from the plat that the water line is going to service the Brookhaven Subdivision.

**C. Financial Impact**

There is no known financial impact with this request.

**D. Alternatives**

1. Grant the easement to the City of Columbia (approve the attached ordinance)
2. Do not grant the easement to the City of Columbia (do not approve the attached ordinance)

**E. Recommendation**

Council discretion.

Recommended by: Elizabeth McLean

Department: Legal

Date: 6/14/11

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation is based on no financial impact to the County as stated in the ROA.

**Conservation Commission**

Reviewed by: James Atkins

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Water main was installed previously by the Mungo Company. The easement is needed to transfer the line to the City of Columbia.

**Public Works**

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Watermain is already in place, no further disruption will occur.

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 6/20/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend granting the water main easement to the City of Columbia. The water main is already installed.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND )

**EASEMENT**

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 Conservation Commission (also hereinafter referred to as "Grantor") does hereby grant unto the said City of Columbia (also hereinafter referred to as "Grantee"), its successors and assigns, an easement and right-of-way (I) variable feet in width (0' to .83') and (II) variable feet in width (33.03'x29.9'x62.65'), 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 right-of-way and construction 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 and right-of-way to run through property which the Grantor owns or in which the Grantor has an interest, situate, lying and being:

In the State of South Carolina, County of Richland, northeast of the City of Columbia, located along the northwestern side of Westmoreland Road, Columbia, South Carolina 29229, and being further identified as a portion of Richland County tax map number 17500-03-67, as shown on tax maps prepared by the office of the Richland County Tax Assessor, 2011 Edition.

(I) A permanent, exclusive easement for a water main, variable feet in width, the perimeter measurements of said easement beginning at a point along the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property at a point fourteen and four tenths (14.4) feet S32°42'11"W of an iron pin along the common boundary of Westmoreland Road and subject property and approximately two hundred (200) feet southwest of the western property corner of Lot 818, Brookhaven, Phase 10 as shown on water record drawings for Brookhaven, Phase 10, on file in the Office of the Department of Utilities and Engineering, City of Columbia under City File reference #276-02L; thence extending therefrom N48°07'17"W along the subject property, for a distance of eighty-three hundredths (0.83) feet; thence turning and extending therefrom N41°27'19"E crossing the subject property, for a distance of twenty-six and sixteen hundredths (26.16) feet to intersect the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property and gradually decreasing to zero (0) feet in width; thence turning and extending therefrom S38°26'40"W along the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property, for a chord distance of fifteen and sixty-five hundredths (15.65) feet; thence turning and extending therefrom S41°26'07"W along the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property, for a distance of ten and fifty-three hundredths (10.53) feet to the point of beginning; thence terminating.

(II) Also, a permanent, exclusive easement for a water main, variable feet in width, the perimeter measurements of said easement beginning at a point along

APPROVED BY  
CITY OF COLUMBIA  
LEGAL DEPT. *13/25/11*



the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property fifty-seven and two hundredths (57.02) feet N29°57'08"E of said iron pin along the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property; thence extending therefrom N24°46'21"E along the subject property, for a distance of thirty-three and three hundredths (33.03) feet; thence turning and extending therefrom N35°40'33"E crossing the subject property, for a distance of twenty-nine and nine tenths (29.9) feet to intersect the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property; thence turning and extending therefrom S29°57'08"W along the common boundary of the northwestern right-of-way of Westmoreland Road and the subject property, for a distance of sixty-two and sixty-five hundredths (62.65) feet to 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 plat for Water Line Easement for Brookhaven, Phase 10, sheet 1 of 1, dated March 7, 2011, prepared by Civil Engineering of Columbia, Inc., 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 file reference #276-02L.

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

A partial copy of record drawings for Brookhaven, Phase 10, City File reference #276-02L referenced herein and being attached hereto and made a part hereof as Exhibit "B".

(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 through the Grantor or Grantor's successors or assigns.

WITNESS the hand and seal of the Grantor by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

WITNESSES: RICHLAND COUNTY CONSERVATION COMMISSION

\_\_\_\_\_  
(1<sup>st</sup> witness) By: \_\_\_\_\_  
(Signature)  
Name: \_\_\_\_\_  
(Print Name)  
Title: \_\_\_\_\_  
(Print Title)  
\_\_\_\_\_  
(2<sup>nd</sup> witness)

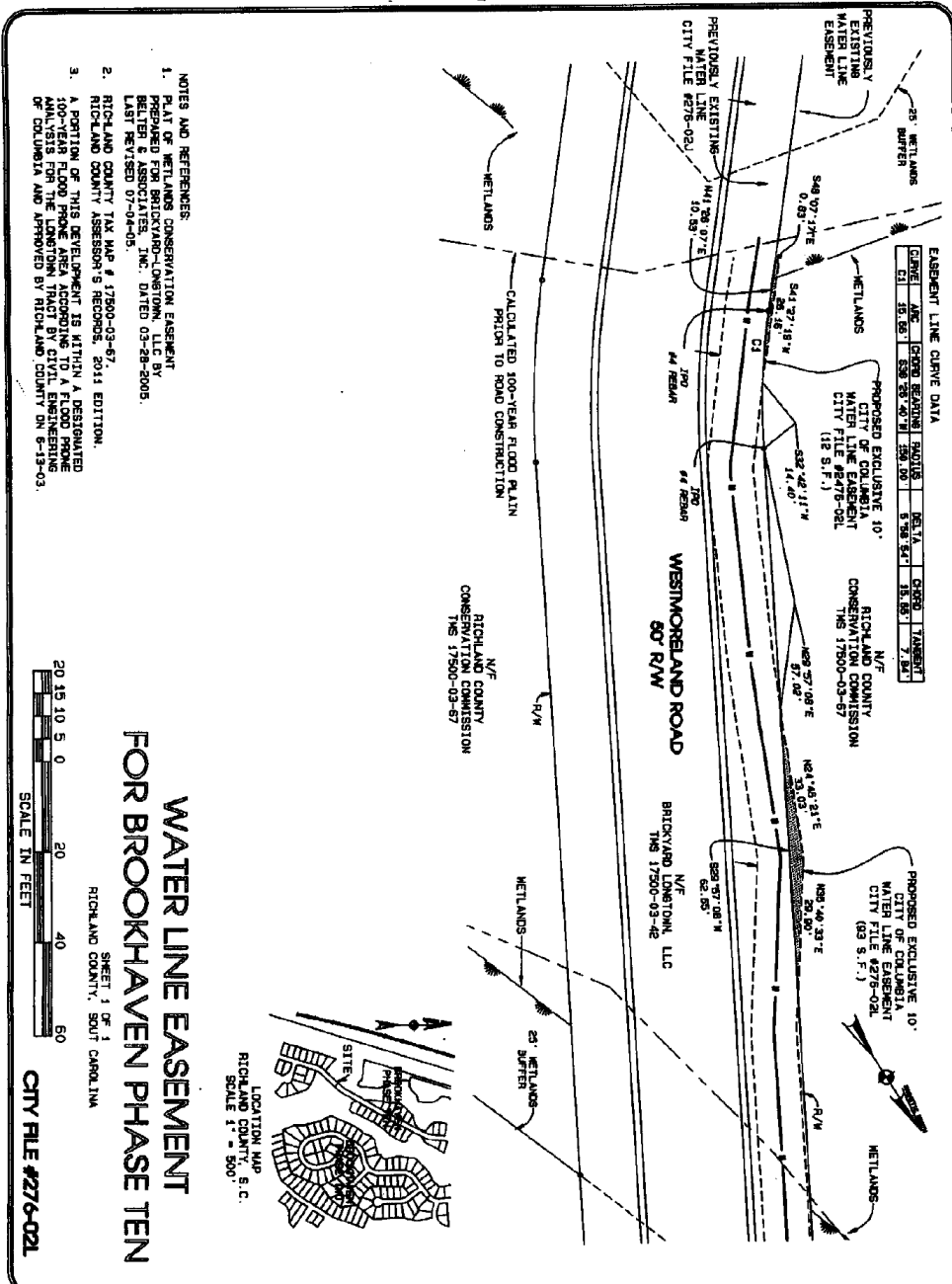
STATE OF SOUTH CAROLINA) ACKNOWLEDGEMENT  
COUNTY OF )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_ of \_\_\_\_\_  
Name & Title of Officer City & State  
on behalf of the within-named Grantor.

\_\_\_\_\_  
(Notary's Signature)  
NOTARY PUBLIC FOR: \_\_\_\_\_  
(State)  
MY COMMISSION EXPIRES: \_\_\_\_\_  
(Date)

EASEMENT 1 of 1.doc

**EXHIBIT A**



**EASEMENT LINE CURVE DATA**

CURVE	ARC	CHORD BEARING	ANGLE	DELTA	CHORD	TANGENT
C1	59.06'	S39°58'40\"	109.00'	5.98°34'	18.05'	7.84'

- NOTES AND REFERENCES:**
1. PLAN OF WETLANDS CONSERVATION EASEMENT PREPARED FOR BRICKYARD-LONGTON, LLC BY BELTZER & ASSOCIATES, INC. DATED 03-28-2005. LAST REVISED 07-04-05.
  2. RICHLAND COUNTY TAX MAP # 17500-03-57.
  3. RICHLAND COUNTY ASSESSOR'S RECORDS, 2011 EDITION.
- A PORTION OF THIS DEVELOPMENT IS WITHIN A DESIGNATED 100-YEAR FLOOD PRONE AREA ACCORDING TO A FLOOD PRONE ANALYSIS FOR THE LONGTON TRACT BY G. COLLETT, ENGINEER-1 OF COLUMBIA AND APPROVED BY RICHLAND COUNTY ON 03-19-03.

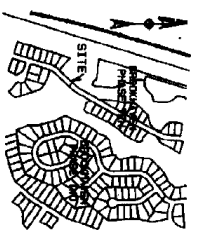


**WATER LINE EASEMENT FOR BROOKHAVEN PHASE TEN**

SHEET 1 OF 1  
RICHLAND COUNTY, SOUTH CAROLINA

CITY FILE #276-021

LOCATION MAP  
RICHLAND COUNTY  
SCALE 1" = 500'



NO.	DATE	REVISION DESCRIPTION	BY

DATE: MARCH 7, 2011  
JOB NUMBER: 05089  
DRAWN: HDE  
SCALE: 1" = 20'

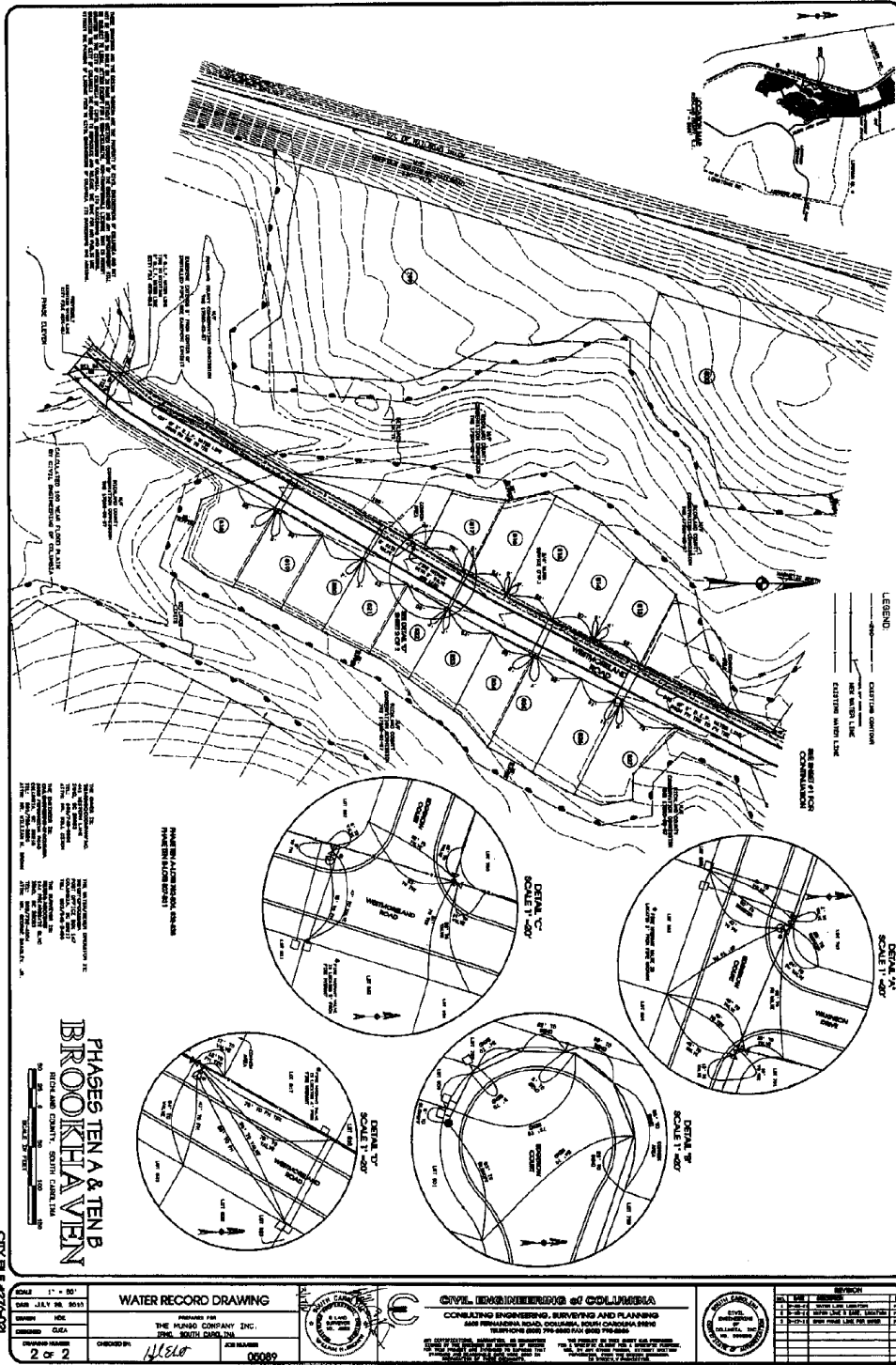


PREPARED FOR  
**CITY OF COLUMBIA**  
COLUMBIA, SOUTH CAROLINA



**CIVIL ENGINEERING OF COLUMBIA**  
CONSULTING ENGINEERING SURVEYING AND PLANNING  
3408 FERNANDINA ROAD COLUMBIA, SOUTH CAROLINA 29210  
TELEPHONE (803) 796-0820 FAX (803) 796-0826

**EXHIBIT B**



Item# 12

Attachment number 1  
Page 7 of 10

**ATTORNEY CERTIFICATION**

I, \_\_\_\_\_, an attorney licensed to practice in the State of South Carolina do hereby certify that I supervised the execution of the attached Easement with Richland County Conservation Commission as Grantor and the City of Columbia, as Grantee, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-11HR

AN ORDINANCE AUTHORIZING EASEMENT TO THE CITY OF COLUMBIA  
FOR A WATER MAIN TO SERVE THE BROOKHAVEN SUBDIVISION;  
RICHLAND COUNTY TMS #17500-03-67.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant an easement to a water main to The City of Columbia for a portion of Richland County TMS #17500-03-67, as specifically described in the Easement, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

\_\_\_\_\_  
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**

Sanitary Sewer Main Easement to the City of Columbia northern side of Cogburn Road [**FIRST READING**] [**PAGES 61-69**]

**Notes**

June 28, 2011 - The D&S Committee recommended that Council grant the sewer easement to the City of Columbia. The vote in favor was unanimous.



## Richland County Council Request of Action

**Subject:** Sanitary Sewer Main Easement to the City of Columbia (northern side of Cogburn Road)

**A. Purpose**

County Council is requested to approve a Sanitary Sewer Main easement to the City of Columbia on property owned by Richland County (northern side of Cogburn Road).

**B. Background / Discussion**

In 2010, Brickyard-Longtown, LLC (Stewart Mungo) donated a parcel of land to the County for conservation purposes. The land is titled in the Richland County Conservation Commission, but as the Commission is not a separate legal entity, title lies with Richland County. The Commission was approached by the City of Columbia requesting a sanitary sewer main easement over the subject property.

Please see the attached easement and plat to further identify the location of the requested easement. It appears from the plat that the sewer line is going to service the Brookhaven Subdivision.

**C. Financial Impact**

There is no known financial impact with this request.

**D. Alternatives**

1. Grant the easement to the City of Columbia (approve the attached ordinance)
2. Do not grant the easement to the City of Columbia (do not approve the attached ordinance)

**E. Recommendation**

Council discretion.

Recommended by: Elizabeth McLean

Department: Legal

Date: 6/14/11

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation is based on no financial impact to the County as indicated in the ROA.

**Conservation Commission**

Reviewed by: James Atkins

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The sewer main was installed previously by the Mungo Company. The easement is needed to transfer the main to the City of Columbia.

**Public Works**

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Sewer main is in place, no further disruption will occur. Easement is needed for future maintenance.

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 6/20/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of granting the sewer easement to the City of Columbia. The sewer main is already in place, and the easement is needed for maintenance.

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND )

EASEMENT

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 Conservation Commission (also hereinafter referred to as "Grantor") does hereby grant unto the said City of Columbia (also hereinafter referred to as "Grantee"), its successors and assigns, an easement and right-of-way variable (0' to 11.51') feet in width, together with the right of ingress and egress at all times for the purpose of constructing, operating, reconstructing, and maintaining a sanitary sewer main and with the right to remove shrubbery, trees and other growth from the right-of-way and construction 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 and right-of-way to run through property which the Grantor owns or in which the Grantor has an interest, situate, lying and being:

In the State of South Carolina, County of Richland, located along the northern side of Cogburn Road, Columbia, South Carolina 29229, and being further identified as a portion of Richland County tax map number 17500-03-67, as shown on tax maps prepared by the office of the Richland County Tax Assessor, 2010 Edition.

A permanent, exclusive easement for a sanitary sewer main, variable feet in width, the perimeter measurements of said easement beginning at a point along the common boundary of the subject property and the northwestern property line of Richland County TMS#17511-02-52, n/f Kodali, fourteen and nineteen hundredths (14.19) feet S26°50'46"W of the northern property corner of said TMS#17511-02-52; thence extending therefrom N26°50'46"E along the common boundary of the subject property and the northwestern property lines of Richland County TMS#17511-02-52, 53 (n/f Powell), 54 (n/f Jennings) and 55 (n/f Remelus), for a distance of two hundred thirty-six and six tenths (236.6) feet to a point along the northwestern property line of said TMS#17511-02-55, fifty-five and eight hundredths (55.08) feet N26°50'46"E of the western property corner of said TMS#17511-02-55; thence turning and extending therefrom S29°15'42"W along the subject property, for a distance of two hundred thirty and sixty-three hundredths (230.63) feet; thence turning and extending therefrom S30°45'18"E crossing the subject property, for a distance of eleven and fifty-one hundredths (11.51) feet to a point along the common boundary of the subject property and the northwestern property line of said TMS#17511-02-52, 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 plat for Sewer Easement to Serve Brookhaven Phase 10, sheet 6 of 6, dated January 13, 2011, prepared by Civil Engineering of Columbia, Inc., for the City of Columbia, South Carolina and being on file in the Office of the Department of

APPROVED BY  
CITY OF COLUMBIA  
LEGAL DEPT.

Utilities and Engineering, City of Columbia, South Carolina under file  
reference #276-02L.

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

(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 through the Grantor or Grantor's successors or assigns.

WITNESS the hand and seal of the Grantor by the undersigned this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

WITNESSES:

RICHLAND COUNTY CONSERVATION COMMISSION

\_\_\_\_\_  
(1<sup>st</sup> witness)

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

\_\_\_\_\_  
(2<sup>nd</sup> witness)

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

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

STATE OF SOUTH CAROLINA)  
COUNTY OF \_\_\_\_\_ )

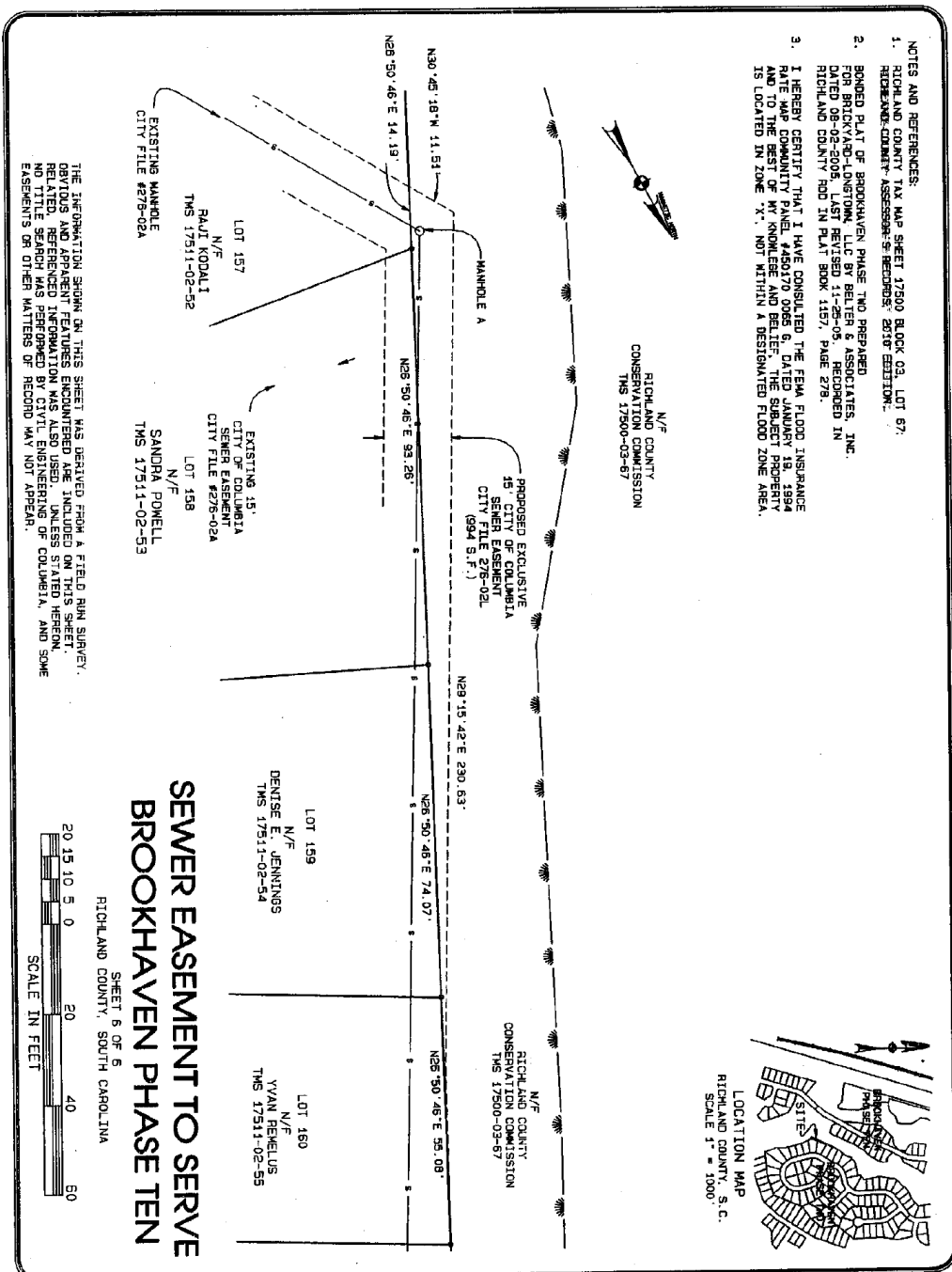
ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_ of \_\_\_\_\_ on behalf of the within-named Grantor.  
Name & Title of Officer City & State

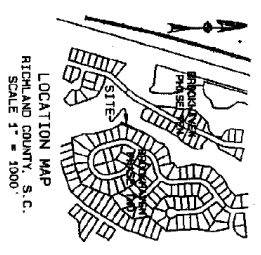
\_\_\_\_\_  
(Notary's Signature)

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

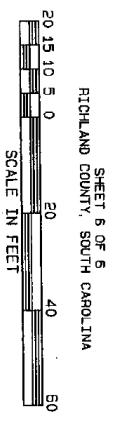
MY COMMISSION EXPIRES: \_\_\_\_\_  
(Date)



- NOTES AND REFERENCES:
1. RICHLAND COUNTY TAX MAP SHEET 17500, BLOCK 03, LOT 67, RICHLAND COUNTY ASSESSOR'S RECORDS, 2010 EDITION.
  2. BOUNDED PLAT OF BROOKHAVEN PHASE TWO PREPARED FOR BRICKYARD-LONGTOWN, LLC BY BELTER & ASSOCIATES, INC. DATED 05-02-2008, LAST REVISED 11-25-09, RECORDED IN RICHLAND COUNTY BOB IN PLAT BOOK 1157, PAGE 279.
  3. I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL #450170 0085 G, DATED JANUARY 19, 1994 AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS LOCATED IN ZONE 'X', NOT WITHIN A DESIGNATED FLOOD ZONE AREA.



**SEWER EASEMENT TO SERVE  
BROOKHAVEN PHASE TEN**



THE INFORMATION SHOWN ON THIS SHEET WAS DERIVED FROM A FIELD RAIN SURVEY. OBVIOUS AND APPARENT FEATURES ENCOUNTERED ARE INCLUDED ON THIS SHEET. RELATED REFERENCED INFORMATION WAS ALSO USED. KNOWN UNLESS STATED OTHERWISE. NO TITLE SEARCH WAS PERFORMED. RECORD MAY NOT APPEAR. EASEMENTS OR OTHER MATTERS OF RECORD MAY NOT APPEAR.

		<p>PREPARED FOR <b>CITY OF COLUMBIA UTILITIES &amp; ENGINEERING</b> COLUMBIA, SOUTH CAROLINA</p> <p><b>CIVIL ENGINEERING OF COLUMBIA</b> CONSULTING ENGINEERING SURVEYING AND PLANNING 3608 FERNANDINA ROAD COLUMBIA, SOUTH CAROLINA 29210 TELEPHONE (803) 798-2820 FAX (803) 798-2820</p> <p>ANY CERTIFICATIONS, WARRANTIES, OR GUARANTEES SIGNED BY THE ENGINEER OR SURVEYOR OF RECORD FOR THIS PROJECT ARE INTENDED TO EXPRESS THAT STANDARD AND REASONABLE CARE WERE USED IN PREPARATION OF THIS DOCUMENT.</p>												
<table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>REVISED BY</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>01-13-11</td> <td>REV PER CITY</td> <td>E-MAIL 1-13-11</td> </tr> <tr> <td>2</td> <td>01-13-11</td> <td>REV PER CITY</td> <td>E-MAIL 1-13-11</td> </tr> </table>	NO.	DATE	REVISED BY	DESCRIPTION	1	01-13-11	REV PER CITY	E-MAIL 1-13-11	2	01-13-11	REV PER CITY	E-MAIL 1-13-11	<p>DATE: DEC. 16, 2010</p> <p>DRAWN: HDE</p> <p>SCALE: 1" = 20'</p>	<p>JOB NUMBER</p> <p><b>05089</b></p>
NO.	DATE	REVISED BY	DESCRIPTION											
1	01-13-11	REV PER CITY	E-MAIL 1-13-11											
2	01-13-11	REV PER CITY	E-MAIL 1-13-11											

Revid Copy 01/13/11

276-02L

**ATTORNEY CERTIFICATION**

I, \_\_\_\_\_, an attorney licensed to practice in the State of \_\_\_\_\_, do hereby certify that I supervised the execution of the attached Easement with Richland County Conservation Commission as grantor and the City of Columbia, as grantee, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
State Bar or License Number: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-11HR

AN ORDINANCE AUTHORIZING EASEMENT TO THE CITY OF COLUMBIA FOR SANITARY SEWER MAIN TO SERVE THE BROOKHAVEN SUBDIVISION; RICHLAND COUNTY TMS #17500-03-67.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant an easement to a sanitary sewer main to The City of Columbia for a portion of Richland County TMS #17500-03-67, as specifically described in the Easement, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2011.

\_\_\_\_\_  
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**

Annual Action Plan for Community Development Department Funds Approval of Budgets Request **[PAGES 71-73]**

**Notes**

June 28, 2011 - The A&F Committee recommended that Council approve the FY11-12 estimated budgets for CDBG and HOME to be found in the FY11-12 Action Plan. The vote in favor was unanimous.

# Richland County Council Request of Action

## Subject: Annual Action Plan for Community Development Department Funds Approval of Budgets Request

### A. Purpose

The Community Development (CD) Department is requesting Council to review and approve the itemized budgets for CDBG and HOME funds for FY 11-12. These budgets will be included in the proposed FY 11-12 Action Plan due to the US Department of HUD by August 15, 2011. The Action Plan is currently being crafted by the CD Department. A public hearing will be advertised and take place in August prior to the plan's submission. For purposes of appropriate Council endorsement and/or approval of the plan, this will require Council action. The completed FY 11-12 Action Plan will be submitted for Council endorsement and/or approval in Fall 2011.

### B. Background / Discussion

- This is more of an internal mandate than HUD requirement, but Council action will strengthen the plan as well as provide public support.
- The CDBG and HOME budget process was approved by Council at a previous Council Meeting this year. This ROA is for the actual funds and drafted projects that will be completed with the FY 11-12 funding.
- The total grant amounts for CDBG and HOME budgets will be approved within the overall County's FY 11-12 budget process this year during the budget process. No other action has been taken by Council on CDBG and HOME budgets.
- This approval is requested because the Action Plan is due August 15<sup>th</sup> and Council will be on break at that time. The full Action Plan in its entirety will be brought back before Council in Fall 2011.

### C. Financial Impact

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

<b>CDBG For FY 11-12</b>	<b>\$1,265,130</b>
Master Planned Area Projects (25% set-aside)	\$317,000
Ongoing: Emergency Repair	\$200,000
Ongoing: HMIS Match	\$30,000
Ongoing: Five Year Consolidated Plan	\$100,000
Ongoing: MHA/Transitions – for Operating Funds	\$50,000
Ongoing: Marketing and Fair Housing Needs	\$5,104
Ongoing: Job Development	\$80,000
Ongoing: Neighborhood Revitalization Program	\$100,000
RFA/RFQ Process Projects	\$130,000
Administration (not to exceed 20%)	\$253,026

<b>HOME Budget FY 11-12 *</b>	<b>\$559,045</b>
CHDO Set Aside and Operating Funds	\$203,140
Funds earmarked for Multi-Unit, rental and/or Tenant Based Rental, etc. from RFA/RFQ Process	\$300,000
Administration (not exceed 10%)	\$55,905

\* The only financial impact is the HOME match requirement. The amount of HOME is \$559,045 and after deducting some required items, the County will provide the 25% match, not to exceed \$112,321.00. County has provided the required match amount since the HOME program began in 2002.

**D. Alternatives**

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

1. Approve the FY 11-12 estimated budgets for CDBG and HOME to be found in the FY 11-12 Action Plan due by August 15, 2011. These funds are grant funds from the U.S. Department of HUD.
2. Do not approve the estimated FY 11-12 budgets for CDBG and HOME and the funds will not be entered by Finance. 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.

**E. Recommendation**

It is recommended by the Community Development Department that Council approve the FY 11-12 estimated budgets for CDBG and HOME to be found in the FY 11-12 Action Plan due by August 15, 2011.

Recommended by: *Valeria Jackson*                      Department: *Community Development*                      Date: *June 14, 2011*

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers                      Date: 6/15/11  
 Recommend Council approval                       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Procurement**Reviewed by: Rodolfo Callwood

Date: 6/16/11

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

Comments regarding recommendation:

**Grants**Reviewed by: Sara Salley

Date: 6/16/11

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

Comments regarding recommendation:

**Legal**Reviewed by: Larry Smith

Date:

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

Comments regarding recommendation:

**Administration**Reviewed by: Sparty Hammett

Date: 6/20/11

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

Comments regarding recommendation: Recommend approval of the FY 11-12 estimated budgets for CDBG and HOME to be found in the FY 11-12 Action Plan.

# Richland County Council Request of Action

**Subject**

Hazard Risk Assessment and Hazard Mitigation Plan **[PAGES 75-79]**

**Notes**

June 28, 2011 - The A&F Committee recommended that Council approve the resolution to adopt the revised "All Natural Hazards Mitigation Plan" as recommended by the Central Midlands Council of Governments. The vote in favor was unanimous.

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

**Subject:** Hazard Risk Assessment and Hazard Mitigation Plan

### **A. Purpose**

The purpose of this report is to seek Council's approval of a resolution to adopt the revised "All Natural Hazards Mitigation Plan" as recommended by Central Midlands Council of Government.

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

Each county is required to submit to FEMA, for approval, every 5 years, an All Natural Hazard Risk Assessment and Hazard Mitigation Plan. County Council's adoption by resolution will allow Richland County to receive hazard mitigation grants after a natural disaster. The current plan was submitted and approved in 2004. All 4 counties, Newberry, Richland, Lexington and Fairfield were due; therefore the Central Midlands Council of Governments (CMCOG) took the lead and prepared the document based on their information and information received from the participating jurisdictions. CMCOG completed the review using a grant.

The participating jurisdictions in Richland County are:

Richland County  
City of Columbia  
City of Forest Acres  
Town of Arcadia Lakes  
Town of Blythewood  
Town of Irmo

The goals of the plan are to:

1. Increase the county's internal capacity to initiate and sustain emergency response operations during and after a natural disaster and thereby mitigate the effects of hazardous events.
2. Protect the most vulnerable populations, buildings and critical facilities in the county through the implementation of cost-effective, environmentally sound, and technically feasible mitigation projects.
3. Protect the public health, safety and welfare by increasing the public awareness and understanding of existing hazards and by fostering both individual and public responsibility in the mitigation of risks through the techniques available to minimize vulnerability to those hazards.
4. Maintain the economic vitality of the county in the face of natural disasters.
5. Inventory and map all structures in flood plains and assess properties that are or may be repetitive loss properties

## STRUCTURE OF THE FINAL DOCUMENT:

The plan is formatted so that the general public can easily follow the process used to:

- a. Describe and profile the natural hazards that most affect and concern each county
- b. Assess vulnerable populations and assets in each county
- c. Assess risks varying from one county to another in the region
- d. Identify, evaluate and analyze specific goals, mitigation actions and projects that would reduce the effects of identified hazards
- e. Devise an action plan for prioritizing, implementing, and administering recommended mitigation actions and projects
- f. Outline a procedure to monitor, evaluate, and update the hazard mitigation within a five-year period
- g. Devise the process that participating jurisdictions could use to incorporate plan recommendations into local plans and capital improvements programs
- h. Explanation of the means recommended ensuring continued public involvement in the ongoing mitigation planning process

The revised plan was submitted to FEMA in 2010, and approved last month. A public meeting is being held on June 13, 2011, at 6:00 PM at the Central Midlands offices. The comprehensive plan that includes information on the four counties is over 500 pages and can be accessed at [www.cmcog.org](http://www.cmcog.org).



DRAFT RESOLUTION

**All Natural Hazards Mitigation Plan Adoption Resolution  
Resolution # \_\_\_\_\_ Adopting the All Natural Hazards Risk Assessment and  
Mitigation Plan for the Central Midlands Region of South Carolina**

Whereas, Richland County recognizes the threat that natural hazards pose to people and property; and

Whereas, undertaking hazard mitigation actions before disasters occur will reduce the potential for harm to people and property and save taxpayer dollars; and

Whereas, an adopted all hazards mitigation plan is required as a condition of future grant funding of mitigation projects; and

Whereas, Richland County participated jointly in the planning process with the other units of government in the Central Midlands region of South Carolina to prepare an all hazards mitigation plan;

Whereas, Richland County is aware that revision and updating of the plan is critical for active and effective hazard mitigation and that Richland County will monitor and record hazard related data and events that can be used to update the all natural hazards mitigation plan;

Now, therefore, be it resolved, that the Richland County Council hereby adopts the All Natural Hazards Risk Assessment and Mitigation Plan for the Central Midlands Region in its entirety as an official plan and will undertake annual recording of hazard events, their impact duration and cost.

Be it further resolved, that the Central Midlands Council of Governments, accepting the All Natural Hazards Risk Assessment and Mitigation Plan from the Central Midlands Regional Risk Assessment and Hazard Mitigation Committee, will submit on behalf of the participating counties and municipalities the adopted All Natural Hazards Plan to the Federal Emergency Management Agency officials for final review and approval.

Date \_\_\_\_\_

Certifying Official

Signature of County Council Chairman

It is important to have an approved plan so that following a disaster, Richland County will be eligible for mitigation grants. If we do not have an adopted and approved plan, Richland County will not receive mitigation grant funding.

**C. Financial Impact**

The cost of preparing the plan was paid by Central Midlands using a grant. There is no cost to Richland County. However, not having an adopted plan could result in ineligibility for future mitigation grants.

**D. Alternatives**

1. Approve the request to adopt by resolution the All Natural Hazards Risk Assessment and Hazard Mitigation Plan
2. Do not approve the resolution and possibly miss the opportunity to receive mitigation grants following a disaster.

**E. Recommendation**

It is recommended that Council pass a resolution to adopt the plan.

Recommended by: Michael A. Byrd    Department: Emergency Services    Date: 06/07/11  
Wayne Shuler    Central Midlands

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers    Date: 6/8/11  
✓ Recommend Council approval     Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Based on recommendation by E/S

**Procurement**

Reviewed by: Rodolfo Callwood    Date: 6/8/11  
 Recommend Council approval     Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Grants**

Reviewed by: Sara Salley    Date: 6/9/11  
✓ Recommend Council approval     Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald

Date: 6/9/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend adoption of the proposed Resolution in order to remain in compliance with FEMA regulations and to maintain the County's eligibility for FEMA grant funds following natural disasters.

# Richland County Council Request of Action

**Subject**

Richland County Judicial Center Jury Deliberation and Associated Bathroom ADA Renovations [**PAGES 81-83**]

**Notes**

June 28, 2011 - The A&F Committee recommended that Council award a contract to Lindler Construction Company in the amount of \$292,562. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Richland County Judicial Center Jury  
Deliberation and Associated Bathroom ADA Renovations

### A. Purpose

Council is requested to authorize the expenditure of budgeted funds to renovate six (6) Jury Deliberation rooms and associated twelve (12) bathrooms to meet current Federal American Disabilities Act (ADA) standards at the Richland County Judicial Center.

### B. Background / Discussion

Currently, the 30 year old Richland County Judicial Center at 1701 Main Street, in downtown Columbia, has six (6) Jury Deliberation rooms and the twelve (12) associated bathrooms that do not meet the current standards listed in the federal American Disabilities Act (ADA). This project is one we identified several years ago, and began funding as a multi-year project. We have continued to add funding over the years and reached a point where we can make major improvements in an efficient manner.

It was determined that the first priority at the Judicial Center was the renovation of the Jury Deliberation bathrooms due to security concerns. By renovating the bathrooms to meet the 2010 ADA code, disabled jurors will be able to utilize the restroom within the secured area of the building, opposed to the public access areas which they currently use. This work will be accomplished during off-hours (night and weekends) to minimize the impact to the function of the Judicial Center. In addition, the work will be completed in phases to allow 2/3<sup>rd</sup> of the jury deliberation rooms to remain operational while 1/3<sup>rd</sup> of the rooms to undergo renovations. All work will be coordinated with the Clerk of Court to ensure we reduce the impact to the judicial services provided within the building. This project should be considered as the first phase with additional improvements to come in the courtrooms, witness stands and the jury box areas.

The result of the responses is as follows:

<b>Responder</b>	<b>Base Bid</b>	<b>Alternate #1</b>	<b>Total Bid</b>
Structioneers Diversified, LLC	\$317,400. <sup>00</sup>	\$7,500. <sup>00</sup>	324,900
Lindler Construction Company, Inc.	\$285,751. <sup>00</sup>	\$6,811. <sup>00</sup>	292,562

Support Services recommends award of a contract to Lindler Construction Company, Inc., the lowest responsive and responsible bidder whose bid complies materially with the specifications and requirements as publicized.

### C. Financial Impact

The encumbrance request for this project, including Alternate #1 and contingencies, is Three Hundred Fifty One Thousand Seventy Five Dollars. (\$351,075.<sup>00</sup>) Council has already approved the project concept by approving funding beginning with the 2007 fiscal year. The contingency is requested due to the complexity of remodeling an aged facility and all associated work being performed outside normal work hours.

There are no additional funds requested for this project. The project's funding has already been identified as funded through the normal budget process.

#### D. Alternatives

1. Authorize the Procurement Director to enter into a contract with Lindler Construction Company, Inc., the lowest responsive and responsible bidder whose bid complies materially with the specifications and requirements as publicized.
2. Do not approve the expenditure of the funds and leave the six jury deliberation rooms and the 12 associated bathrooms at the Judicial Center in their current condition. Though this option may save money in the short-term, however it continues to exposes Richland County to security issues created by wheel chair bound jurors having to-utilize the public restrooms outside the court secure area.

#### E. Recommendation

It is recommended by Support Services that Council authorize alternative 1.

Recommended by: John Hixon Department: Support Services Date: 6-10-11

#### F. Reviews

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

##### Finance

Reviewed by: Daniel Driggers Date: 6/15/11  
✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Funds are available as stated.

##### Procurement

Reviewed by: Rodolfo Callwood Date: 6/16/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

##### Grants

Reviewed by: Sara Salley Date:  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**Reviewed by: Larry Smith

Date:

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

Comments regarding recommendation:

**Administration**Reviewed by: Tony McDonald

Date: 6/16/11

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

Comments regarding recommendation: Recommend approval of the award of a contract to Lindler Construction Company. As indicated, funding for this project has been appropriated over the course of the past several years; no additional funding is being requested.

# Richland County Council Request of Action

**Subject**

Richland County Laurens Street Garage Revitalization-Phase Three **[PAGES 85-87]**

**Notes**

June 28, 2011 - The A&F Committee recommended that Council award a contract to Carolina Restoration and Waterproofing, Inc. in the amount of \$158,178. The vote in favor was unanimous.



## Richland County Council Request of Action

**Subject:** Richland County Laurens Street Garage Revitalization- Phase Three

### A. Purpose

Council is requested to approve the Department of Support Service and Procurement to enter into a construction contract with the lowest, most responsive, responsible bidder for the third phase of the Laurens Street Parking Garage revitalization project. The purpose of the project is to prevent water that is currently entering the structure from infiltrating into structural components and create a negative impact on the structure. In addition, the scope of work addresses the structural components of the Department of Public Health's crosswalk. The suggested contractor was selected through the competitive bid process, including the engineer's professional recommendation from all submittals.

### B. Background / Discussion

The division of Facilities & Ground, under the Department of Support Services, has been funding the multi-year, multi-phases of the parking garage revitalization project over the past several years by utilizing only the funding available in parking garage fund balance after normal maintenance and operations have been satisfied. The first phase, to prevent water intrusion into the EMS HQ, was completed in 2008. The second phase was completed in January of this year. It addressed water intrusion throughout the entire facility and installed several floor drains.

The third phase of this revitalization project will install a high traffic waterproofing product on the top deck. This will prevent water from infiltrating into the concrete structure that could cause future structural damage. Furthermore, the structural components of the crosswalk that leads to the Public Health building will also be addressed as was completed on the Administration side during Phase 2. Additionally, the contractor will repaint the faded parking space striping on all decks of the parking structure.

The design for this project was completed by the professional consulting/engineering firm Carl Walker, which specializes in revitalization of parking structures. Also, the engineering firm, working with Department of Support Services, will oversee the project to ensure the County's interests are protected by ensuring contractor quality and compliance of the design.

The result of the top four of eleven RFP responses is as follows:

Responder	Base Bid
Carolina Restoration and Waterproofing	\$149,798.00
L-J, Inc.	\$177,986.50
Stone Restoration	\$179,400.26
Baker Roofing	\$185,285.00

All bids were considered however, the other seven RFP responders had higher bids, and the four lowest bidders provided enough experience & diversity to allow for a competitive selection.

### C. Financial Impact

There are no additional funds requested for this phase of the project. All funds necessary to complete phase three were approved during the budget process within the Parking Garage Enterprise Fund 2140363000. The total estimated cost for this construction phase of the project is \$158,178, which includes a contingency of \$8,380 or just over five percent (5%) of the project cost.

### D. Alternatives

1. Authorize Procurement and Support Services Departments to enter into and award a contract with Carolina Restoration and Waterproofing Incorporated, who has been determined to be the most responsive responder for the sum of \$149,798 plus an approximate 5% contingency of \$8,380, giving a total project construction cost of \$158,178.
2. Do not approve the expenditure of the funds and leave the Laurens Street Parking Garage in its current condition. Though this option may save money in the short-term, however it continues to exposes the structure to water infiltration and possible future structural failure and inordinate repair cost.

### E. Recommendation

It is recommended by Support Services that Council authorize alternative 1.

Recommended by: John Hixon                      Department: Support Services                      Date: 6/2/11

### F. Reviews

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

#### Finance

Reviewed by: Daniel Driggers                      Date: 6/2/11  
✓ Recommend Council approval                       Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Project and funds are included in the budget as indicated.

#### Procurement

Reviewed by: Rodolfo Callwood                      Date: 6/3/11  
 Recommend Council approval                       Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald

Date: 6/6/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the award of a contract to Carolina Restoration and Waterproofing, Inc. Funds have been appropriated in the FY 12 budget for this project.

# Richland County Council Request of Action

## **Subject**

Setoff Debt Gear Participation for applicable Direct Report County Departments [**PAGES 89-104**]

## **Notes**

June 28, 2011 - The A&F Committee recommended that Council approve the MOUs to authorize all applicable direct report Richland County departments to use the Debt Setoff and GEAR programs offered by the South Carolina Association of Counties to collect delinquent money owed to Richland County for all applicable debt. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Setoff Debt / GEAR Participation for All Applicable Direct Report County Departments

### A. Purpose

County Council is requested to approve two MOU's authorizing **all** applicable direct report County Departments to use the provisions of the Setoff Debt Collection Act and Governmental Enterprise Accounts Receivable Collections (GEAR) Program in the collection of applicable debt lawfully owed to Richland County.

### B. Background / Discussion

The **Setoff Debt Collection Act**, Chapter 56 of Title 12 of the South Carolina Code (1976), authorizes public entities to participate in the state's Setoff Debt Collection Program. As a participant in the Setoff Debt Collection Program, County entities submit delinquent debts to SCAC for possible matches against state **income tax refunds** due their debtors. Monies, which otherwise may have gone uncollected, are returned to the counties this way.

**Governmental Enterprise Accounts Receivable Collections (GEAR)** is a collection program, authorized by S.C. Code § 12-4-580 (enacted in 1996), that allows the Department of Revenue to use setoff debt *and* **additional collection tools, such as payment plans, wage garnishments, and bank levies** to collect bad debts for public entities.

Further information regarding the Setoff Debt and GEAR programs are contained below.

Richland County currently participates in the Setoff Debt and GEAR programs for collection of its delinquent ambulance debts. Council recently approved the use of the Setoff Debt / GEAR programs for the Community Development Department.

Delinquent debt currently being submitted in SC by cities and counties for the Setoff Debt and GEAR programs include, but are not limited to: ambulance service debt; water service debt; sewer service debt; business license debt; community development / housing debt; recreation department debt; and many others. Per the SCAC, 176 public entities (special purpose districts; municipalities; counties; recreation agencies, etc.) across the State participate in Setoff Debt and/or GEAR as a collection tool. All of the 46 South Carolina counties participate in Setoff Debt and/or GEAR in some manner, per the SCAC. Please find attached a document outlining types of debt submitted by County Departments / Special Purpose Districts, as well as the breakout of types of debt submitted in counties with a population of 100,000 and greater. This information was provided to us by the SCAC.

By allowing **all** applicable direct report County departments to submit **all** applicable delinquent debt to the Setoff Debt and/or GEAR programs, Richland County will be able to collect on previous "uncollectible" debt. Direct report departments wishing to participate in the Setoff Debt and/or GEAR Programs must be approved by the Administrator.

To participate in these programs, Council must approve two MOU's (one for Setoff Debt and one for GEAR). These documents are attached below for your convenience.

It is at this time that staff is requesting Council's approval for Richland County's participation in Setoff Debt and GEAR for all applicable direct report County departments for all applicable delinquent County debts, via the approval of the attached MOU's.

**C. Financial Impact**

The Setoff Debt program does not have any cost to the County other than associated staff time involved in the process of submittal of the debts to SCAC. The SC Department of Revenue charges a 28.5% fee, paid by the County entity, for debts that are collected via the GEAR Program. Currently, the County receives approximately **\$1,200,000 annually** from Setoff Debt / GEAR for ambulance debt. If Council approves participation for all applicable direct report departments for all applicable debts, the financial impact to the County will be increased revenues due to these collection measures for delinquent debt rightfully owed the County.

**D. Alternatives**

1. Approve the MOU's to authorize all applicable direct report Richland County departments to use the Debt Setoff and GEAR Programs offered by the South Carolina Association of Counties to collect delinquent money owed to Richland County for all applicable debt.
2. Do not approve.

**E. Recommendation**

It is recommended that Council approve the MOU's to authorize all applicable direct report Richland County departments to use the Debt Setoff and GEAR Programs offered by the South Carolina Association of Counties to collect delinquent money owed to Richland County for all applicable debt.

**Recommended by:** J. Milton Pope, Administrator **Date:** June 20, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 6/23/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council, in part, to determine the appropriate level of collection method to be utilized for County services. From a fiscal management perspective I would recommend approval. If approved, I would recommend that Council consider adding a section to designate what approval is required prior to items being submitted to the program. The intent would be an effort to create continuity in the application of the collection method and centralize the process. Additionally it may be appropriate to establish at standard of what age debt would be eligible for submission through the program. For example; would an outstanding amount be submitted after 90 days, 6-months or 1 year?

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:, This is a policy of Council regarding the adoption of this program to apply to all County direct report departments. However, any department that currently has an established procedure for adjudicating these issues needs to ensure that there is no conflict between the all ready established procedure and the adoption of this process

**Administration**

Reviewed by: J. Milton Pope

Date:6-24-11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

## Setoff Debt

The [Setoff Debt Collection Act](#), Chapter 56 of Title 12 of the South Carolina Code (1976), authorizes public entities to participate in the state's Setoff Debt Collection Program.

Using a 1992 amendment to the Setoff Debt Collections Act, SCAC has been assisting county governments and other county entities to participate in the Setoff Debt Collection Program. County entities submit delinquent debts to SCAC for possible matches against state income tax refunds due their debtors. SCAC acts as a clearinghouse between county governments and the S.C. Department of Revenue for the processing of these debts and returns the money to the counties. Monies, which otherwise would have gone uncollected, are returned to the counties this way.

- 🍌 **SCAC Services are FREE to participating entities.** Fees are added to the debt for SCAC and the SC Department of Revenue and paid by the debtors.
- 🍌 SCAC provides free software and technical assistance to participating entities to manage their debt data. (View all [SCAC services for debt collection](#).)
- 🍌 Entities must have valid Social Security Numbers for individuals to submit an account.
- 🍌 Debts must be at least \$50, or multiple accounts must sum to \$50, to be submitted to the Setoff Debt program.
- 🍌 There is a one-time placement of debts into the Setoff Debt program each year. SCAC sends the data files to the SC Department of Revenue each December.
- 🍌 Entities must follow due process procedures for debtors, as defined in the statute (see [Setoff Debt Collection Act](#)). Entities must provide notice and an opportunity to be heard to debtors.
- 🍌 Entities must meet the deadlines for sending letters and submitting their data file. (See [Dates to Note](#).)
- 🍌 Any age debt can be submitted to Setoff.
- 🍌 After January 1, the SC Department of Revenue matches the data in the debt files with the state income tax returns. SCDOR processes three matches a week from January through June and one match a week from July through December.



## GEAR

**Governmental Enterprise Accounts Receivable Collections (GEAR):** is a collection program, authorized by S.C. Code § 12-4-580 (enacted in 1996), that allows the Department of Revenue to use setoff debt and additional collection tools, such as payment plans, wage garnishments and bank levies to collect bad debts for public entities. SCAC has been assisting counties and other special purpose districts with GEAR collections since 2001.

- 🍌 The GEAR program is administered similar to the individual income tax refund setoff debt collection program. SCAC provides free software and technical assistance to participating entities to manage their GEAR data.
- 🍌 Governmental entities can opt to use Setoff Debt, GEAR, or both programs. Entities have flexibility in deciding which accounts to put into the GEAR program and/or the setoff debt collection program. SCAC assists in maintaining separate data files and financial files for each program.
- 🍌 GEAR allows continued collections when a debtor does not have an income tax return. With GEAR, governmental entity debt is treated like any State tax debt, subject to the same collection tools available to DOR such as levy and garnishment. This allows a higher collection rate for larger debts.
- 🍌 Using GEAR, entities can lighten administrative burden to staff. SCAC assists entities with the daily program and data operations. SCDOR, using a customer service focus, sends collection notices, handles phone inquiries, sets up payment schedules, and makes collections.
- 🍌 **SCAC Services are FREE to participating entities.** SCDOR charges a 28.5% fee, paid by the entities, for debts that are collected.
- 🍌 The initial collection rate with GEAR has been 11% to 27%, depending upon the debt type.
- 🍌 Must have a valid Social Security Number for individuals to submit an account.
- 🍌 Debts must be at least \$300, or multiple accounts must sum to \$300, to be submitted to the GEAR program.
- 🍌 Entities must follow due process procedures for debtors, as defined in the statute (see [Setoff Debt Collection Act](#)). Entities must provide notice and an opportunity to be heard to all new debtors. SCDOR provides notification for any garnishments.

- 👉 Entities must meet the deadlines for sending letters and submitting their data file. (See [Dates to Note.](#))
- 👉 There is a one-time placement of debts into the GEAR program. Debts will rollover to the next year until paid in full, or removed at the request of the entity.
- 👉 Subject to the statutes of limitations, any age debt can be submitted to GEAR.
- 👉 After January 1, entities receive monthly GEAR payments and reports.

**Counties / Special Purpose Districts Participating in Debt Setoff /  
GEAR Programs  
Source: SCAC**

**County Departments / Special Purpose Districts Participating in Debt Collection Programs**

#	County Department / SPD
39	EMS
54	Hospital entities
54	Courts (including Clerk of Court and Magistrates)
8	Delinquent Tax
21	Public Works/ Water and Sewer
21	Behavioral Health / ADA
	Other functions:
2	User Fees/ Business License/Hospitality
3	Housing
1	Recreation (inactive in 2011)
1	Jail
1	School District (Employee fees)

**County entities with population over 100,000**

**AIKEN**

Aiken County EMS  
Aiken County Magistrates  
Aiken County Public Works

**BEAUFORT**

Beaufort County Magistrates  
Beaufort County EMS  
Beaufort Memorial Hospital / Departments  
Beaufort-Jasper Water & Sewer Authority

**BERKELEY**

Berkeley County Clerk of Court  
Berkeley County EMS  
Berkeley County Summary Courts  
Berkeley County Water & Sanitation

**CHARLESTON**

Charleston Co. Housing Authority  
Charleston Co. Summary Courts  
Charleston County Clerk of Court  
Charleston County DAODAS  
Charleston County EMS  
Charleston County Revenue Collections  
Charleston County Stormwater Collections

James Island Public Service District  
North Charleston Sewer District

**DORCHESTER**

Dorchester County ADA  
Dorchester County EMS  
Dorchester County Water & Sewer  
Dorchester Magistrate Courts

**FLORENCE**

Florence County ADA  
Florence County Finance  
Florence County Magistrates  
Lower Florence County Hospital / Departments

**GREENVILLE**

Greenville County Clerk of Court  
Greenville County EMS  
Greenville Hospital System / Departments  
Greenville Summary Courts  
The Phoenix Center (GCCADA)

**HORRY**

Horry County Clerk of Court  
Horry County Fire Rescue  
Grand Strand Water & Sewer Authority  
Horry County Business License/Hospitality (new for 2012)

**LEXINGTON**

Lexington County EMS  
Lexington Medical Center

**PICKENS**

Pickens County Detention Center  
Pickens County EMS

**RICHLAND**

Richland County EMS  
Richland Memorial Hospital  
Richland School District One

**SPARTANBURG**

SJWD Water District  
Spartanburg ADA  
Spartanburg County Clerk of Court  
Spartanburg County Magistrate Court  
Starr-Iva Water & Sewer  
Wellford Rescue 21  
Westview-Fairforest Fire & Rescue-3

**SUMTER**

Sumter County Clerk of Court  
Sumter County EMS

Sumter County Shiloh Water System  
Sumter County Summary Court  
Sumter Housing Authority

YORK

York Rescue Squad  
Fort Mill Rescue Squad  
Keystone Substance Abuse Services

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

SOUTH CAROLINA )  
ASSOCIATION OF COUNTIES )  
(SCAC) )  
AND )  
\_\_\_\_\_)  
(Name of Claimant Agency)

**MEMORANDUM OF  
UNDERSTANDING AND AGREEMENT**

**PARTICIPATION  
IN THE  
SETOFF DEBT  
COLLECTION PROGRAM**

This AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between the above referenced Claimant Agency and the South Carolina Association of Counties (SCAC) in furtherance of Act No. 114, 1999 S.C. Acts codifying the 1999 amendments to the Setoff Debt Collection Act, S.C. Code §12-56-10 *et seq.*

WHEREAS, the Setoff Debt Collection Act, S.C. Code §12-56-10 *et seq.* (2003), authorizes the South Carolina Department of Revenue, hereinafter Department, to render assistance to collect any delinquent account or debt owing to any Claimant Agency by the Department's setting off any income tax refunds due a debtor by the sum certified by the Claimant Agency as a delinquent debt; and

WHEREAS, THE Claimant Agency desires to enter into this Agreement with SCAC in order to participate in the Setoff Debt Collection Act to increase the collection rate of delinquent debts owed to Claimant Agency; and

WHEREAS, SCAC is a political subdivision for purposes of the Setoff Debt Collection Act and is authorized to submit claims on behalf of its members, other political subdivisions and Claimant Agencies as defined in S.C. Code §12-56-10 *et seq.* (1999);

NOW, THEREFORE in consideration of the mutual covenants and agreements, terms and

conditions contained herein, it is hereby understood and agreed by and between the Claimant Agency and SCAC that:

1. The Claimant Agency is a state agency, board, committee, commission, public institution of higher learning, political subdivision of the State South Carolina, South Carolina Student Loan Corporation, a housing authority established pursuant to Articles 5, 7, and 9 of Chapter 3 of Title 31 of the South Carolina Code or a member of SCAC and is authorized to participate in the Setoff Debt Collection Act.

2. The Claimant Agency hereby designates, appoints, and authorizes SCAC to process for submission to the Department the Claimant Agency's delinquent debts.

Delinquent debt means any sum due and owing Claimant Agency, including collection costs and administrative fees, court costs, fines, penalties, and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made. Delinquent debt does not include sums owed to a county hospital when the hospital and the debtor have entered into a written payment agreement and the debtor is current in meeting the obligations of the agreement.



3. SCAC agrees to submit delinquent debts to the Department. The Claimant Agency is responsible for complying with the notice and appeal provisions and other requirements of the Setoff Debt Collection Act.

4. Upon execution of this Agreement, Claimant Agency shall file a "Participation Form" with SCAC designating a Setoff Debt Coordinator with SCAC. The Setoff Debt Coordinator shall be the designated contact between SCAC and Claimant Agency for all communications and is authorized by Claimant Agency to carry out the requirements of the Setoff Debt Collection Act, S.C. Code §12-56-10 *et seq.* (2003). The Setoff Debt Coordinator shall supply SCAC with any and all information which in the opinion of SCAC is necessary for the proper implementation of this Agreement.

5. The Claimant Agency shall use SCAC's "Entity User Setoff Debt Software Program" or an ASCII file or Excel file layout specified by SCAC to prepare diskettes or electronic transfer files referred to herein as "debt files" and "adjustment to debt files." If, in the opinion of SCAC, changes to the "Entity User Setoff Debt Software Program" or specifications for an ASCII file or Excel file are necessary to carry out this program, SCAC shall timely notify the Claimant Agency. The Claimant Agency covenants and agrees that it shall immediately implement any changes required by SCAC.

SCAC shall not accept a debt file or adjustment to debt file that is not prepared as specified by SCAC. SCAC will accept debt files on diskettes or files that are electronically transferred through SCAC's File Transfer Protocol (FTP) software. Paper hard copies shall not be accepted.

Each "debt file" submitted to SCAC is deemed to bear a certification that the debts are owed and due the Claimant Agency, for which prior efforts to collect have been made, and which Claimant Agency instructs SCAC to submit to the Department for collection from a

debtor's tax refund. Each "adjustment to debt file" is deemed an authorization to SCAC to notify Department to reduce a previously submitted debt to the amount stated. A "debt file" and an "adjustment to debt file" shall have the certification provided in paragraph 6 affixed to it.

6. SCAC is not, and shall not be liable for a wrongful or improper setoff. Each "debt file," supplemental "debt file" or "adjustment to debt file" shall have affixed to it a "Certification Form" provided by SCAC which states:

"I hereby certify that the Claimant Agency for whom the attached data diskette was prepared has complied with all the requirements of the Setoff Debt Collection Act; that the Claimant Agency has properly given each individual debtor whose name appears in the data diskette the notice of intention to set off and the Claimant Agency's appeal procedures pursuant to S.C. Code §12-56-62; that the information contained in the attached data diskette has been reviewed by me and is, to the best of my knowledge and belief, true, correct, and complete."

7. Not less than thirty (30) days before filing a debt file with SCAC, Claimant Agency shall provide the debtor with the statutory notice advising the debtor of Claimant Agency's intention to cause the debtor's tax refund to be set off.

8. Only after the required statutory thirty (30) day notice is provided to debtor by Claimant Agency may Claimant Agency transmit a "debt file" to SCAC. Debt files shall be received in the SCAC offices on or before November 1 of the preceding calendar year in which the refund would be paid.

9. Upon receipt of Claimant Agency's "debt file," SCAC shall compile the information and submit the data to the Department on or before the close of business a December 15.



10. Debts totaling less than fifty (\$50.00) dollars per individual at the time the debt is first submitted to SCAC for setoff may not be submitted. This provision does not prohibit submitting in subsequent years, under ¶ 12 of this Memorandum, those debts which were fifty (\$50.00) or more when first submitted to SCAC even though, in subsequent years, that debt is less than fifty (\$50.00) because of successful interception(s) resulting in partial payment of the delinquent debt.

If a debtor is due a refund of more than twenty-five dollars (\$25.00), the Department sets the tax refund off in the amount of the delinquent debt plus twenty-five dollars (\$25.00).

Pursuant to the S.C. Code § 12-56-63 of the Setoff Debt Collection Act, as amended, the South Carolina Department of Revenue shall add to each debt setoff the sum of \$25 to defray its administrative cost, and SCAC, as claimant agent for the Entity, shall add \$25 to each "successful interception" as provided below, which shall be retained by SCAC to defray its administrative costs.

"Successful interception" means the Department matched a debt submitted by SCAC against a tax refund for interception and payment towards a delinquent debt owed to Claimant Agency. Payment shall be made as provided in paragraph 11.

11. Payment to SCAC by Claimant Agency for each successful interception is made as follows: SCAC will add the amount of the debt due Claimant Agency in the amount of twenty-five dollars ( 25.00) and retain said twenty-five dollars (\$25.00); provided, however, SCAC will not collect more than twenty-five dollars (\$25.00) from any one individual in a calendar year.

12. In the event of partial payment of a delinquent debt, the balance of the debt may be submitted in a following year and twenty-five

dollars (\$25.00) shall be paid to SCAC for successful interception of a tax return in a subsequent year notwithstanding the previous year's interception and payment.

13. Claimant Agency acknowledges that Claimant Agency is responsible for the notice and hearing requirements of the Setoff Debt Collection Act and that SCAC is exempt from these provisions of the Setoff Debt Collection Act. The Claimant Agency affirms to SCAC that it will comply with the notice and hearing procedures required by S.C. Code §12-56-10 *et seq.*

14. The Claimant Agency shall file an "Appointment of Hearing Officer" form with SCAC certifying the appointment of a hearing officer. If the appointed hearing officer is unable to serve at any time, the Claimant Agency shall appoint another officer and file a new "Appointment of Hearing Officer" form with SCAC.

15. Within seven (7) calendar days of Claimant Agency's receipt of a debtor's Notice of Protest, the Claimant Agency shall send the Notice of Protest to the Department and send a copy to SCAC. At the same time, Claimant Agency shall notify SCAC with an "adjustment to debt file" diskette marking the protested delinquent debt as a protest account.

The Claimant Agency shall conduct a protest hearing in conformity with S.C. Code §12-56-65 and shall provide the Department and SCAC with a copy of the "Certification of Hearing" and "Decision of Hearing Officer" no later than seven (7) calendar days from the date these forms are executed by the hearing officer. If further appeal is taken, Claimant Agency shall immediately file copies of all pleadings and papers with the Department and SCAC.

Upon resolution of a protest, Claimant Agency shall notify SCAC of the resolution of the protest by sending an "adjustment to debt file"



diskette either reducing the balance or taking the debt out of protest status.

16. If the Claimant Agency is found to be entitled to no part of the amount of a setoff, it shall make a refund to the debtor in an amount equal to the amount of the debt plus the fee to the Department and the fee paid to SCAC along with interest, if any, as required by the Setoff Debt Collection Act.

17. SCAC shall remit to the Claimant Agency through a check or an electronic bank deposit funds received from the Department within a reasonable time from the date of receipt from the Department. Thereafter, SCAC shall provide the Claimant Agency an accounting of the funds collected which will include the name of the debtor, the debtor's social security number, and the amount of the setoff. The Claimant Agency shall provide debtors with proper notice of payment and balance, if any, as required by the Setoff Debt Collection Act.

18. The Claimant Agency shall hold SCAC free and harmless and shall indemnify SCAC against any and all damages, claims, causes of action, injuries, actions, liabilities, or proceedings arising from the performance of SCAC.

19. This Memorandum of Understanding and Agreement shall remain and continue in full force and effect from year to year unless modified or terminated in writing by either party upon ninety (90) days written notice to the other party; provided, however, that any debts submitted by the Claimant Agency to SCAC shall continue to be covered under the terms and conditions of the agreement until SCAC is notified by the Department that it has completed the collection cycle for that setoff year.

20. This Memorandum of Understanding is solely between SCAC and the Claimant Agency and is not intended to benefit any other person or entity. No debtor and/or taxpayer or their

spouse, family member, successor or assign is intended to be a third party beneficiary of this Memorandum of Understanding.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding and Agreement to be properly executed on the day and year first above written.

Attest:

**On Behalf of the Claimant Agency:**

By:

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

**On behalf of the S.C. Association of Counties:**

By:

Signature \_\_\_\_\_

Michael B. Cone, Executive Director  
Post Office Box 8207  
Columbia, SC 29202  
(803) 252-7255

At Columbia, South Carolina  
this \_\_\_\_ day of \_\_\_\_\_, 200\_\_



STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 SOUTH CAROLINA )  
 ASSOCIATION OF COUNTIES )  
 (SCAC) )  
 AND )  
 )

MEMORANDUM OF  
 UNDERSTANDING AND AGREEMENT  
 PARTICIPATION  
 IN THE  
 GEAR COLLECTIONS  
 PROGRAM

\_\_\_\_\_  
 (Name of Claimant Agency)

This AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between the above referenced Claimant Agency and the South Carolina Association of Counties (SCAC), in furtherance of the S.C. Code §12-4-580 (2003) hereinafter the Governmental Enterprise Accounts Receivable Collections (GEAR) Program.

WHEREAS, the provisions of S.C. Code §12-4-580 authorize the South Carolina Department of Revenue (Department) to collect any liabilities owed a Claimant Agency; and

WHEREAS, the Department has all the rights and powers of collection allowed it under Title 12 of the South Carolina Code of Laws for the collection of taxes and all such rights and powers authorized the Claimant Agency to which the liability is owed including waiver of a debt in whole or in part; compromises that facilitate the collection of the debt; wage garnishment, payment agreements; levy and seizure of bank accounts or any other intangible asset; the issuance of a lien which will encumber all of the debtor's property; both real and personal, tangible and intangible, revocation of any sales tax license; and placement with private collection agencies to resolve the debt; and

WHEREAS, the parties to this Agreement are Governmental Entities as defined in S.C. Code §12-4-580 and are authorized to participate in the GEAR Program; and

WHEREAS, the Claimant Agency desires to enter into this Agreement with SCAC in order to participate in the GEAR Program in order to increase the collection rate of liabilities owed to the Claimant Agency; and

NOW, THEREFORE in consideration of the mutual covenants and agreements, terms and conditions contained herein, it is hereby understood and agreed by and between the Claimant Agency and SCAC that:

1. The Claimant Agency is a Governmental Entity entitled to participate in the GEAR Program as defined in S.C. Code §12-4-580(D)(1) and has provided an attorney's opinion letter to SCAC certifying same.
2. The Claimant Agency hereby designates, appoints and authorizes SCAC to submit to the Department liabilities owed the Claimant Agency for collection under the GEAR Program as provided herein and under the Policies and Procedures now and hereafter adopted by the Department.
3. Participants in the GEAR program will, upon execution of this Agreement, file a GEAR program Participation Form with SCAC enrolling the Claimant Agency in the program. The form shall designate a GEAR Collections Coordinator who may be the same person designated as the Setoff Debt Collection Coordinator. The GEAR Collections Coordinator shall be the designated contact for all communications by and between SCAC and the Claimant Agency. The Coordinator shall be a person authorized by the Claimant Agency to carry out the requirements of this Agreement; the requirements of S.C. Code §12-4-580 and S.C. Code §12-56-10 *et seq.*, the Setoff Debt Collection Act.



4. A debt file, and adjustments thereto, shall be prepared as required by SCAC in the specified format and transferred to SCAC on a diskette or as an electronic transfer.
5. Each debt file submitted to SCAC, including adjustments to accounts at the Department, shall have attached to it a signed "Certification" form.
6. The Claimant Agency shall give the debtor notice, opportunity to be heard, and appeal, as defined in S.C. Code § 12-4-580 (E).
7. By giving a debtor the notice, as required by the Department and the statutory law of the State of South Carolina, and upon filing the debt with SCAC for submission to the Department, the Claimant Agency directs the Department to collect the debt directly by any of the methods herein mentioned.
8. For purposes of the GEAR Program, debts incurred less than one (1) calendar year prior to the notice sent to the Debtor referred to in paragraph 7 shall not be submitted. Only those debts or debt balances in an amount equal to or greater than three hundred (\$300.00) dollars shall be submitted for collection by the Department through the GEAR program.
9. For each debt successfully recovered in whole or in part through the GEAR program, the Department is entitled to twenty-eight and one half percent (28.5%) of the amount of the debt recovered. SCAC shall be entitled to a fee of twenty-five dollars (\$25.00) for each debt successfully recovered in whole or in part.

Pursuant to the S.C. Code § 12-56-63 of the Setoff Debt Collection Act, as amended, the South Carolina Department of Revenue shall add to each debt setoff the sum of \$25 to defray its administrative cost, and SCAC, as claimant agent for the Entity, shall add \$25 to each debt successful recovered which shall be retained by SCAC to defray its administrative costs, provided, however, SCAC will not collect more than twenty-five dollars (\$25.00), under the GEAR program, from any one individual in a calendar year. If the debt is

also submitted under the Setoff Debt Collection Program, an additional \$25 fee will be charged.

10. The Claimant Agency warrants that it will fully comply with the notice and appeals procedures as more fully set forth by S.C. Code § 12-4-580.
11. If a Claimant Agency is found to be entitled to no part of a debt is has previously collected, it shall make a refund to the debtor in an amount equal to the amount of the debt plus all fees paid to the Department and any funds paid to SCAC along with interest.
12. SCAC shall remit to the Claimant Agency the funds received from the Department, less funds due SCAC, within a reasonable time from the date of receipt from the Department.
13. The Claimant Agency shall hold SCAC free and harmless and shall indemnify SCAC against any and all damages, claims, causes of action, injuries, actions, liabilities, or proceedings arising from the performance of SCAC.
14. This Memorandum of Understanding and Agreement shall remain and continue in full force and effect from year to year unless modified or terminated in writing by either party upon thirty (30) days written notice to the other party; provided, however, that any debts submitted by the Claimant Agency to SCAC shall continue to be covered under the terms and conditions of the agreement until SCAC is notified by the Department that it has completed its collection efforts.

IN WITNESS WHEREOF, the parties hereby have caused this Memorandum of Understanding and Agreement to be properly executed on the day and year first above written.

**On Behalf of the Claimant Agency:**

By:  
Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**On Behalf of S.C. Association of Counties:**

By:  
Signature: \_\_\_\_\_

Michael B. Cone, Executive Director  
P.O. Box 8207  
Columbia, SC 29202  
(803) 252-7255

Date: \_\_\_\_\_

# Richland County Council Request of Action

## **Subject**

Setoff Debt GEAR Participation for Treasurer/Tax Collector **[PAGES 106-111]**

## **Notes**

June 28, 2011 - The A&F Committee recommended that Council approve the Resolution to authorize the Treasurer/Tax Collector Office to use the Debt Setoff and GEAR programs offered by the South Carolina Association of Counties to collect delinquent money owed to Richland County for applicable debt. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Setoff Debt / GEAR Participation for Treasurer / Tax Collector Office

### A. Purpose

County Council is requested to approve a Resolution authorizing the Treasurer / Tax Collector Office to use the provisions of the Setoff Debt Collection Act and Governmental Enterprise Accounts Receivable Collections (GEAR) Program, in the collection of delinquent real and personal property taxes, and potentially other applicable debt lawfully owed to Richland County.

### B. Background / Discussion

The Setoff Debt Collection Act, Chapter 56 of Title 12 of the South Carolina Code (1976), authorizes public entities to participate in the state's Setoff Debt Collection Program. As a participant in the Setoff Debt Collection Program, County entities submit delinquent debts to SCAC for possible matches against state income tax refunds due their debtors. Monies, which otherwise may have gone uncollected, are returned to the counties this way.

Governmental Enterprise Accounts Receivable Collections (GEAR) is a collection program, authorized by S.C. Code § 12-4-580 (enacted in 1996), that allows the Department of Revenue to use setoff debt *and* additional collection tools, such as payment plans, wage garnishments, and bank levies to collect bad debts for public entities.

Richland County currently participates in the Setoff Debt and GEAR programs for collection of its delinquent ambulance debts. Council recently approved the use of the Setoff Debt / GEAR programs for the Community Development Department.

By allowing the Treasurer / Tax Collector Office to submit applicable delinquent debt to the Setoff Debt and/or GEAR programs, Richland County will be able to collect on previous "uncollectible" debt.

Further information regarding the Setoff Debt and GEAR programs are contained below.

To participate in these programs, Council must approve a Resolution specifically allowing the Treasurer / Tax Collector Office to use the procedures provided in Chapter 56, Title 12 (The Setoff Debt Collection Act), as the possible initial step in the collection of delinquent taxes. This document is attached below for your convenience.

Council's approval for the Treasurer / Tax Collector Office to participate in Setoff Debt and GEAR for applicable delinquent County debts is requested, via the approval of the attached Resolution.

### C. Financial Impact

The Setoff Debt program does not have any cost to the County other than associated staff time involved in the process of submittal of the debts to SCAC. The SC Department of Revenue charges a 28.5% fee, paid by the County entity, for debts that are collected via the GEAR Program. Currently, the County receives approximately **\$1,200,000 annually** from Setoff Debt

/ GEAR for ambulance debt. If Council approves participation for the Treasurer / Tax Collector Office for all applicable debts, the financial impact to the County will be increased revenues due to these collection measures for delinquent debt rightfully owed the County.

**D. Alternatives**

1. Approve the Resolution to authorize the Treasurer / Tax Collector Office to use the Debt Setoff and GEAR Programs offered by the South Carolina Association of Counties to collect delinquent money owed to Richland County for applicable debt.
2. Do not approve.

**E. Recommendation**

It is recommended that Council approve the Resolution to authorize the Treasurer / Tax Collector Office to use the Debt Setoff and GEAR Programs offered by the South Carolina Association of Counties to collect delinquent money owed to Richland County for all applicable debt.

**Recommended by:** David A. Adams, Treasurer **Date:** June 20, 2011

**Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 6/23/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council, in part, to determine the appropriate level of collection method to be utilized for County services. From a fiscal management perspective I would recommend approval. This is an alternative collection method and will not generate new revenue however it would assist to improve the collection rate and timeliness of collection for the County.

**Legal**

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: I would recommend approval of the Resolution for the limited purpose of authorizing the Treasurer to implement an alternative method of collecting real and personal property taxes should he choose to do so. However, the state law that permits this alternative method, limits its application to the collection of debts for real and personal property taxes, and doesn't apply to the collection of any other type of debt. Therefore, the language in the Resolution should be limited to this alternate method of collection being used only to collect debts owed for nonpayment of real or personal property taxes.

**Administration**

Reviewed by: J. Milton Pope

Date: 6-24-11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval

## Setoff Debt

The [Setoff Debt Collection Act](#), Chapter 56 of Title 12 of the South Carolina Code (1976), authorizes public entities to participate in the state's Setoff Debt Collection Program.

Using a 1992 amendment to the Setoff Debt Collections Act, SCAC has been assisting county governments and other county entities to participate in the Setoff Debt Collection Program. County entities submit delinquent debts to SCAC for possible matches against state income tax refunds due their debtors. SCAC acts as a clearinghouse between county governments and the S.C. Department of Revenue for the processing of these debts and returns the money to the counties. Monies, which otherwise would have gone uncollected, are returned to the counties this way.

- 🍌 **SCAC Services are FREE to participating entities.** Fees are added to the debt for SCAC and the SC Department of Revenue and paid by the debtors.
- 🍌 SCAC provides free software and technical assistance to participating entities to manage their debt data. (View all [SCAC services for debt collection](#).)
- 🍌 Entities must have valid Social Security Numbers for individuals to submit an account.
- 🍌 Debts must be at least \$50, or multiple accounts must sum to \$50, to be submitted to the Setoff Debt program.
- 🍌 There is a one-time placement of debts into the Setoff Debt program each year. SCAC sends the data files to the SC Department of Revenue each December.
- 🍌 Entities must follow due process procedures for debtors, as defined in the statute (see [Setoff Debt Collection Act](#)). Entities must provide notice and an opportunity to be heard to debtors.
- 🍌 Entities must meet the deadlines for sending letters and submitting their data file. (See [Dates to Note](#).)
- 🍌 Any age debt can be submitted to Setoff.
- 🍌 After January 1, the SC Department of Revenue matches the data in the debt files with the state income tax returns. SCDOR processes three matches a week from January through June and one match a week from July through December.



## GEAR

**Governmental Enterprise Accounts Receivable Collections (GEAR):** is a collection program, authorized by S.C. Code § 12-4-580 (enacted in 1996), that allows the Department of Revenue to use setoff debt and additional collection tools, such as payment plans, wage garnishments and bank levies to collect bad debts for public entities. SCAC has been assisting counties and other special purpose districts with GEAR collections since 2001.

- 🍌 The GEAR program is administered similar to the individual income tax refund setoff debt collection program. SCAC provides free software and technical assistance to participating entities to manage their GEAR data.
- 🍌 Governmental entities can opt to use Setoff Debt, GEAR, or both programs. Entities have flexibility in deciding which accounts to put into the GEAR program and/or the setoff debt collection program. SCAC assists in maintaining separate data files and financial files for each program.
- 🍌 GEAR allows continued collections when a debtor does not have an income tax return. With GEAR, governmental entity debt is treated like any State tax debt, subject to the same collection tools available to DOR such as levy and garnishment. This allows a higher collection rate for larger debts.
- 🍌 Using GEAR, entities can lighten administrative burden to staff. SCAC assists entities with the daily program and data operations. SCDOR, using a customer service focus, sends collection notices, handles phone inquiries, sets up payment schedules, and makes collections.
- 🍌 **SCAC Services are FREE to participating entities.** SCDOR charges a 28.5% fee, paid by the entities, for debts that are collected.
- 🍌 The initial collection rate with GEAR has been 11% to 27%, depending upon the debt type.
- 🍌 Must have a valid Social Security Number for individuals to submit an account.
- 🍌 Debts must be at least \$300, or multiple accounts must sum to \$300, to be submitted to the GEAR program.
- 🍌 Entities must follow due process procedures for debtors, as defined in the statute (see [Setoff Debt Collection Act](#)). Entities must provide notice and an opportunity to be heard to all new debtors. SCDOR provides notification for any garnishments.

- 📍 Entities must meet the deadlines for sending letters and submitting their data file. (See [Dates to Note.](#))
- 📍 There is a one-time placement of debts into the GEAR program. Debts will rollover to the next year until paid in full, or removed at the request of the entity.
- 📍 Subject to the statutes of limitations, any age debt can be submitted to GEAR.
- 📍 After January 1, entities receive monthly GEAR payments and reports.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

A RESOLUTION

A RESOLUTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE COUNTY AND THE SOUTH CAROLINA ASSOCIATION OF COUNTIES RELATING TO THE SOUTH CAROLINA ASSOCIATION OF COUNTIES BEING AUTHORIZED AND DESIGNATED AS THE CLAIMANT AGENT FOR THE COUNTY PURSUANT TO THE SETOFF DEBT COLLECTION ACT OF 2003, AS AMENDED, AND TO AUTHORIZE THE COUNTY TREASURER / TAX COLLECTOR OF RICHLAND COUNTY TO USE THE PROCEDURES PROVIDED IN CHAPTER 56, TITLE 12 AS A POTENTIAL INITIAL STEP IN THE COLLECTION OF DELINQUENT TAXES.

WHEREAS, the Setoff Debt Collection Act of 2003, as amended, (South Carolina Code Section 12-54-10), allows the South Carolina Department of Revenue to render assistance in the collection of delinquent accounts or debts owing to the County; and,

WHEREAS, S.C. Code Ann. § 12-51-40(e) authorizes, in the alternative and subject to the prior approval of the county governing body, the County Treasurer / Tax Collector to use the procedures provided in Chapter 56, Title 12 (The Setoff Debt Collection Act), as the initial step in the collection of delinquent taxes.

WHEREAS, the County Council wishes to increase the collection rate of debts that are due and owing to the County by availing itself of the Setoff Debt Collection Act of 2003, as amended,

WHEREAS, County Council has reviewed and approved the Memorandum of Understanding and Agreement designating the South Carolina Association of Counties to serve as the claimant agent;

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Richland in session assembled that the Memorandum of Understanding and Agreement between the County and the South Carolina Association of Counties relating to the Association serving as the claimant agent pursuant to the Setoff Debt Collection Act of 2003, as amended, is approved. A copy of the Memorandum of Understanding and Agreement is incorporated herein by reference.

SIGNED this \_\_\_\_ day of July 2011.

\_\_\_\_\_  
Paul Livingston  
Richland County Council

ATTEST this \_\_\_\_ day of July 2011

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

# Richland County Council Request of Action

**Subject**

Sheriff's Headquarters Parking Lot Revitalization Project [**PAGES 113-115**]

**Notes**

June 28, 2011 - The A&F Committee recommended that Council approve the award of a contract to Lane Construction Corporation (REA Contracting) in the amount of \$250,691.76 for the Sheriff's Headquarters parking lot revitalization. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Sheriff's Headquarters Parking Lot Revitalization Project

### A. Purpose

Council is requested to authorize the expenditure of budgeted funds to revitalize the Sheriff's Headquarters Parking lot that has long outperformed its expected life serviceability and has started to fail in numerous locations. The work includes removing the existing paving, reworking and fortifying the sub-base, and replacing the asphalt per the engineers design.

### B. Background / Discussion

The current paving at the Sheriff's Headquarters has failed to a point where ongoing repair work has become ineffective, time consuming, and cost prohibitive. All indications show the existing parking lot is the original, installed when the building was constructed in 1975. As we have continued to make multiple repairs, it has become futile to continue this course of action as the parking lot has reached the end of its manageable lifecycle. With the asphalt paving being in such poor condition, the most effective method to address the failing paving is to remove the existing paving, rework and fortify the sub-base, and provide an asphalt top coat.

The paving design for the entrances are per the DOT's standards. The alternates require the entire parking lot to be paved, striped, and reestablish curb height and install ADA compliant pedestrian transitions. All of the items noted are included in alternate "C" that has been determined to be in the best interest to the County.

The result of the responses is as follows:

<b>Responder</b>	<b>Base Bid</b>	<b>Alternate #C</b>	<b>Total Bid</b>
The Lane Construction Corporation Doing Business as: REA Contracting	\$43,473. <sup>60</sup>	\$184,428. <sup>00</sup>	\$227,901. <sup>60</sup>
Bogg's Paving, Inc.	\$49,029. <sup>00</sup>	\$208,122. <sup>00</sup>	\$257,151. <sup>00</sup>
Richardson Construction Company of Columbia, SC	\$133,800. <sup>00</sup>	\$287,640. <sup>00</sup>	\$421,440. <sup>00</sup>
L-J, Inc.	\$43,720. <sup>60</sup>	No Bid	\$43,720. <sup>60</sup>
Shady Grove Construction, LLC	\$48,441. <sup>20</sup>	No Bid	\$48,441. <sup>20</sup>

Support Services recommends award of contract to The Lane Construction Corporation doing Business as REA Contracting, the lowest responsive and responsible bidder whose bid complies materially with the specifications and requirements as publicized.

The Department of Support Services has been and will continue to coordinate very closely with the Sheriff's command staff to phase the necessary work into multiple stages to allow the emergency and enforcement services to continue without interruption from this facility.

### C. Financial Impact

The total cost for this project is \$227,901.60 plus 10% contingency totaling \$250,691.76. Council has already approved the project concept by approving funding in the 2011 fiscal year budget.

There are no additional funds requested for this project. The project's funding has been established.

### D. Alternatives

1. Authorize the Procurement Director to enter into a contract with The Lane Construction Corporation doing Business as REA Contracting the lowest responsive and responsible bidder whose bid complies materially with the specifications and requirements as publicized.
2. Do not approve the expenditure of the funds and leave the Sheriff's Headquarters parking lot in its current condition. Though this option may save money in the short-term, however it continues to expose Richland County to potential higher future cost due to rising material and labor cost, along with additional failures that could affect the safety of persons crossing the parking lot.

### E. Recommendation

It is recommended by Support Services that Council authorize alternative 1.

Recommended by: John Hixon Department: Support Services Date: 6/14/11

### F. Reviews

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

#### Finance

Reviewed by: Daniel Driggers

Date: 6/15/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Funds are available in the capital projects fund as stated.

#### Procurement

Reviewed by: Rodolfo Callwood

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**Reviewed by: Larry Smith

Date:

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

Comments regarding recommendation:

**Administration**Reviewed by: Tony McDonald

Date: 6/16/11

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

Comments regarding recommendation: Recommended approval of the award of a contract to Lane Construction Corporation (REA Contracting). Funding is available for the project; no additional funding is required.

# Richland County Council Request of Action

**Subject**

Veterans Treatment Court Grant and Required Match [**PAGES 117-119**]

**Notes**

June 28, 2011 - The A&F Committee recommended that Council approve a Veterans Court Grant from the Department of Justice's Discretionary Drug Court Program, if awarded, for the Solicitor's Office in the amount of \$367,016 and the required match of \$91,754. The vote in favor was unanimous.



## Richland County Council Request of Action

**Subject:** Approval of Veterans Treatment Court Grant and Required Match

### **A. Purpose**

County Council is requested to approve a Veterans Treatment Court grant from the Department of Justice's Discretionary Drug Court Program for the Solicitor's Office in the amount of \$367,016 and the required match of \$91,754 for a **three year period** for the purpose of assisting veterans who have criminal charges. This grant opportunity became available after the FY2012 budget process.

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

The Solicitor's Office is requesting Drug Court Discretionary Grant funds to implement a Veterans Treatment Court to assist non-violent veteran offenders where intervention and treatment may be an alternative to incarceration. This includes not only the use of drugs and alcohol, but mental illness, homelessness, family issues, and other social issues leading the veteran in the criminal justice system. The goal of this court is to address the root causes of these issues. Not only to successfully rehabilitate veterans by diverting them from the traditional criminal justice system but providing them with the tools they need in order to lead a productive and law-abiding lifestyle.

This unique court is similar to the "drug court model" but has several major differences. The first significant difference is that only veterans are in this specialized court (Richland County has 33,607 veterans). Unlike Drug Court, qualifying Veterans have access to all VA funded programs. The cost is transferred from the defendant, local taxpayer, or state funds to existing federally funded programs. A second distinction from Drug Court is that VTC is not limited to drug issues, but may also be applied to alcohol related crimes. It can further include other non-violent crimes where intervention and treatment may be an alternative to incarceration. Therefore mental illness, homelessness, family issues, and other social issues leading the veteran into the criminal justice system can be addressed at their root causes. The last distinction from Drug Court is the early means of intervention. This program will include law enforcement assistance in early identification of potentially qualifying veterans.

The use of Veteran Peer Mentors will act as a type of "Battle Buddy" to the Veteran. The volunteer Mentor will encourage, mentor and attend court dates with the Veteran. The VA will be responsible for selecting, training and assigning a Veteran Peer Mentor to the Veteran that is receiving treatment through the VTC program. Voluntary mentors for this program can be found from Veteran Service organizations, such as the VFW, American Legion, and other well established organizations. There are 18 veteran service chapters in Richland County.

The grant provides for salary and fringe benefits for a Veterans Treatment Court Coordinator, travel expenses to attend yearly, mandatory Drug Court Program Office training, contract services for drug/alcohol collection and analysis, computer and office/computer supplies.

**C. Financial Impact**

Richland County will need to provide \$91,754 matching funds for a **three year period** for this program.

<b>Funding Program:</b> Veterans Treatment Court (VTC)	<b>Grant Portion</b>	<b>Match Portion</b>	<b>Total</b>
<b>Year 1</b>	<b>\$94,329</b>	<b>\$31,443</b>	<b>\$125,772</b>
<b>Year 2</b>	<b>\$90,467</b>	<b>\$30,155</b>	<b>\$120,622</b>
<b>Year 3</b>	<b>\$90,467</b>	<b>\$30,155</b>	<b>\$120,622</b>
<b>TOTALS</b>	<b>\$275,262</b>	<b>\$91,754</b>	<b>\$367,016</b>

**D. Alternatives**

1. Approve the request to accept the Drug Court Program Office funds, if awarded and the matching funds.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

**E. Recommendation**

It is recommended that Council approve the request to accept the Drug Court Program Office funds and approve the matching funds required as outlined by the funding agency.

Recommended by: Sol. Dan Johnson      Department: Solicitor’s Office      Date: June 14, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers      Date: 6/16/11  
 Recommend Council approval      ✓ Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: This is a funding decision for Council to consider. My recommendation is based on the fact that funding was not included in the FY12 adopted budget and no funding source is identified in the ROA but is not related to the merits of the program. One option for Council to consider would be the use of General Operating Fund Balance. Approval would require the identification of funds and a budget amendment. Council should consider that approval would be a three year financial commitment on the grant match. It is unclear if the County would be required to pick-up and fund the position after the grant ends.

**Procurement**

Reviewed by: Rodolfo Callwood      Date: 6/17/11  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation:

**Grants**Reviewed by: Sara Salley

Date: 6/17/11

 Recommend Council approval Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: Funding decision is at Council's discretion seeing that this grant became available after the FY12 budget process began. The County will not be required to pick up the positions once the grant ends.

**Legal**Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

 Recommend Council denial Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**Reviewed by: Sparty Hammett

Date: 6/20/11

 Recommend Council approval Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: The decision to fund the three-year grant match is at the discretion of Council. As indicated by the Finance Director, funding the grant would require the identification of funds and a budget amendment. The County would not be required to fund the position after the grant ends.

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; so as to delete certain setback requirements for bars and other drinking places **[PAGES 121-122]**

## **Notes**

First Reading: May 3, 2011  
Second Reading: June 28, 2011  
Third Reading:  
Public Hearing: June 7, 2011  
2nd Public Hearing: June 28, 2011

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; SO AS TO DELETE CERTAIN SETBACK REQUIREMENTS FOR BARS AND OTHER DRINKING PLACES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (8), Bars and Other Drinking Places; Subparagraph b.; is hereby amended to read as follows:

- b. Lots used for drinking places shall be located no closer than ~~four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.~~ four hundred (400) feet to any lot which contains a school (public or private) or a place of worship.

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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2011

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 3, 2011  
First Public Hearing: June 7, 2011  
Second Public Hearing: June 28, 2011  
Second Reading: June 28, 2011  
Third Reading: July 5, 2011 (tentative)

# Richland County Council Request of Action

**Subject**

Smoking Ban Ordinance Amendment "Reasonable Distance" **[FIRST READING] [PAGES 124-127]**

**Notes**

June 28, 2011 - The D&S Committee voted to send this item to Council without a recommendation. The vote in favor was unanimous.

## Richland County Council Item for Action

**Subject:** Smoking Ban Ordinance Amendment – “Reasonable Distance”

### A. Purpose

Council is requested to consider the Motion made by Honorable Councilmember Manning at the Council meeting of April 5, 2011 which reads, “**Ban smoking within a specified distance from a main entrance of a business or public building.**”

### B. Background / Discussion

During the Motion Period in the Council Meeting of April 5, 2011, Honorable Councilmember Manning made a motion to “Ban smoking within a specified distance from a main entrance of a business or public building.”

The current smoking ban ordinance language relating to this issue, Section 18-6(g) reads as follows:

(g) *Reasonable Distance.* Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means.

Specifying a distance from a work space within which no smoking shall occur will also help protect employees and the general public from having to walk through second-hand smoke in order to enter or exit a business or other work area.

While most municipalities in Richland County with smoking ban ordinances in place use the “reasonable distance” language (Blythewood is the sole exception, which specifies a ten foot distance), municipalities in Lexington County with smoking ban ordinances in place include a specific distance, ten (10) feet.

Richland County’s policy, for its public buildings, states that smoking is prohibited within twenty feet (20’) of any entrance, public access points, or air intakes.

On April 13, via email, the Honorable Mr. Manning notified staff that he knows that Aiken, Lexington, and York Counties have distance specifications, and that the average from these jurisdictions is fifteen (15) feet. In addition, per Mr. Manning, fifteen (15) feet is the minimum distance as recommended in a model ordinance promulgated by the ANR (Americans for Nonsmokers’ Rights).

A draft ordinance is attached that would use this distance of 15’ in amending Section 18-6 (g).



**C. Financial Impact**

None.

**D. Alternatives**

1. Amend the smoking ban ordinance as recommended to specify that no smoking shall occur within fifteen (15) feet of any entrance or air intakes.
2. Amend the smoking ban ordinance to specify a different distance. Greater distances will provide greater protections to employees and the general public, but lesser distances will be less of a restriction on business operations.
3. Do not amend the smoking ban ordinance at this time.

**E. Recommendation**

It is recommended that Council amend Section 18-6 (g) of the smoking ban ordinance to require a 15’ smoking distance from doors and air intakes.

**Recommended by:** Pam Davis    **Department:** Business Service Center    **Date:** 4-11-11

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 4/14/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Roxanne M. Ancheta

Date: April 20, 2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council amend Section 18-6 (g) of the smoking ban ordinance to require a 15’ smoking distance from doors and air intakes.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_ - 11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-6, SMOKING OF TOBACCO PRODUCTS; SUBPARAGRAPH (G), REASONABLE DISTANCE; SO AS TO PROHIBIT SMOKING WITHIN TWENTY (20) FEET OF A DOOR USED AS AN ENTRANCE TO OR EXIT FROM AN ENCLOSED AREA WHERE SMOKING IS PROHIBITED.

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 18, Offenses; Section 18-6, Smoking of Tobacco Products; Subparagraph (g); is hereby amended to read as follows:

(g) *Reasonable Distance.* Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means. In addition, smoking is prohibited within fifteen (15) feet of any door used as an entrance to or exit from an enclosed area where smoking is prohibited and from any air intake, so as to ensure that tobacco smoke does not enter through the entry and to help protect employees, the general public, and others from having to walk through tobacco smoke in order to enter or exit a business or other work area. This distance shall be measured from the center of the door in question.

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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2011

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

Item# 23

Attachment number 1  
Page 3 of 4

RICHLAND COUNTY ATTORNEY'S OFFICE

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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**

Purchase of Two Tandem Axle Dump Trucks **[PAGES 129-130]**

## **Notes**

June 28, 2011 - The D&S Committee recommended that Council approve the purchase of two Tandem Axle Dump Trucks but also direct Procurement to make inquiries outside of the State to see if a better price can be obtained with a preference for purchasing Dump Trucks that are made in America. The vote was in favor.

# Richland County Council Request of Action

**Subject:** Purchase of Two (2) Tandem Axle Dump Trucks

**A. Purpose**

*County Council is requested to approve a purchase in the amount of \$202,476.00 for the purchase of two (2) new M2-112 Freightliner tandem axle dump trucks from Columbia Truck Center. They will be purchased for the Roads and Drainage division of the Department of Public Works, with funds available in the FY11 budget. The budget account is 1216302000.5313.*

**B. Background / Discussion**

The new units will include an addition to the Ballentine Camp fleet, and a replacement for AK006, a 2000 Chevrolet C7500. The Ballentine camp was never fully equipped when originally established and the new vehicle will only bring that camp up to necessary equipped level. These trucks are EPA Tier Three compliant, meeting the latest EPA emission standards for reducing nitrous oxide and particulate emissions, offering significant improvement over the older equipment. This also complies with the latest County Directive on Air Quality Policies. The engine/drive train system configuration was specified to provide more reliable and fuel efficient service throughout the life cycle of the equipment.

A bid process was conducted by Procurement, and the most responsive and responsible bidder was determined to be Columbia Truck Center, who offered a 2011 Freightliner model M2-112 truck. Their cumulative score was the highest of five potential suppliers who participated in the process.

**C. Financial Impact**

The financial impact to the County will be the purchase cost of the vehicles, available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the two trucks is \$200,000.00.

2011 Freightliner M2-112 Dump Truck	\$ 100,938.00
South Carolina Sales Tax	\$ 300.00
Total Cost (per unit)	\$101,238.00
Total Cost (two units)	\$202,476.00

**D. Alternatives**

There are two alternatives available:

1. Approve the request to purchase the tandem axle dump trucks for the Roads and Drainage Division of the Department of Public Works
2. Do not approve the request to purchase the tandem axle dump trucks for the Roads and Drainage Division of the Department of Public Works.

**D. Recommendation**

It is recommended that Council approve the request to purchase two Freightliner M2-112 tandem axle dump trucks from Columbia Truck Center.

Recommended by: David Hoops Department: Public Works Director Date: 06/14/11

## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 6/15/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Funds are available in FY11 as stated. However, due to timing of the request and the fiscal year closeout it is important to note that if the item is not received by 6/30/11 the budget funds would be rolled over to FY12 and the purchase recorded as appropriate.

### Procurement

Reviewed by: Rodolfo Callwood

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Administration

Reviewed by: Sparty Hammett

Date: 6/16/11

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the purchase of the two trucks. As the Finance Director indicated, the funds will have to be rolled over to FY12 if the purchase is made after 6/30/11.

# Richland County Council Request of Action

**Subject**

Request to approve emergency purchase of landfill trash compactor [**PAGES 132-133**]

**Notes**

June 28, 2011 - The D&S Committee recommended that Council approve the emergency purchase of a landfill trash compactor from the Road Machinery Company in the amount of \$522,207. The vote was in favor.

# Richland County Council Request of Action

**Subject:** Request to approve emergency purchase of landfill trash compactor

## A. Purpose

*"County Council is requested to approve the Emergency purchase of a landfill Trash Compactor "*

## B. Background / Discussion

- On March 23, 2011 a fire in the engine compartment of the landfill trash compactor broke out, despite the fire suppression the 2004 caterpillar 826-G landfill trash compactor was a total loss.
- As per our landfill permit we are required to have a landfill trash compactor operational and on site during operating hours.
- At present payment for a rental unit is currently being provided for a limited time by our insurance company and will soon run out. The current rental rate for this unit is \$12,500 per month.
- We have received payment from the insurance Company for the depreciated value of the 2004 caterpillar 826-G landfill trash compactor and solid waste has identified funds necessary for the purchase of the new landfill compactor.
- Procurement has gone through the emergency bid process with the following results;

Al jon	Road Machinery	Industrial Tractor	Blanchard Machinery
\$556,897	\$522,207	\$467,204	\$559,877
45-60 days	60-90 days	60 days	196 days

After evaluating all bids and specifications and it was determined that the most advantages Bid for the County was for a Terex compactor from Road Machinery. The Terex was not the lowest bid however in reviewing the specifications it was determined that the Terex was best suited for our operation because of the compaction rate it offered. Better compaction equals longer life of the landfill cell, resulting in long term savings. Road Machinery has also agreed to discontinue charging us for the rental unit upon receipt of a purchase order for the Terex Machine.

## C. Financial Impact

No additional funds are requested to support this purchase. *The County has received \$169,000 from the insurance company and Solid Waste has identified funds within our budget necessary for the purchase.*

## D. Alternatives:

1. Approve the request for emergency purchase of a Terex Landfill Trash Compactor from Road Machinery.
2. Do not approve request and continue to rent a landfill compactor at a rate of \$12,500 per month.

## E. Recommendation

*"It is recommended that Council approve alternative 1 for the emergency purchase.*

Recommended by:  
*Paul F. Alcantar*

Department:  
*Solid Waste Department*

Date:  
*06/13/2011*



## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 6/15/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Funds are available as stated. However, due to timing of the request and the fiscal year closeout it is important to note that if the item is not received by 6/30/11 the budget funds would be rolled over to FY12 and the purchase recorded as appropriate.

### Procurement

Reviewed by: Rodolfo Callwood

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Administration

Reviewed by: Tony McDonald

Date: 6/16/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommended approval as proposed. Although the recommended bidder is not the lowest, it is the most responsive, responsible bidder in that its compactor more adequately meets the needs for which it is being purchased. Funding is available as indicated.

# Richland County Council Request of Action

**Subject**

Waste Management C&D Contract Renewal [**PAGES 135-136**]

**Notes**

June 28, 2011 - The D&S Committee recommended that Council approve the renewal of the Waste Management C&D disposal services contract for the period from July 1, 2011 until June 30, 2012. The vote was in favor.

## Richland County Council Request of Action

**Subject:** Waste Management C&D Contract renewal

### A. Purpose

*"County Council is requested to approve the renewal of the Waste Management C&D disposal services Contract for the period from July 1, 2011 until June 30, 2012.*

### B. Background / Discussion

- In April of 2010 as a result of a bid process for Construction and demolition disposal services a contract was awarded to Waste Management Inc. The contract is entering its second year and requires renewal yearly.
- Council is requested to approve the contract renewal for construction and demolition disposal services with Waste Management Inc. for the period of July 1, 2011 thru June 30, 2012
- Renewal of this contract will maintain the current price for disposal throughout June 30, 2012

### C. Financial Impact

All funds have been budgeted for our annual expense and there is no *financial impact associated with this request.*

### D. Alternatives:

1. Approve the request to renew the current contract with Waste Management Inc.
2. Do not approve request: Which could result in rebidding for C&D services and paying a higher rate for disposal.

### E. Recommendation

*"It is recommended that Council approve the request to renew the current contract with Waste Management for C&D disposal services."*

Recommended by:

*Paul F. Alcantar*

Department:

*Solid Waste Department*

Date:

*06/13/2011*

### F. Reviews

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

#### Finance

Reviewed by: Daniel Driggers

Date: 6/15/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Based on no additional funds required and the recommendation of the Solid Waste Director.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The proposal will extend the existing contract with Waste Management for C & D waste disposal for a second year. Funds have been appropriated for this contract in the FY 12 budget.

# Richland County Council Request of Action

**Subject**

Ordinance regarding inspection of occupied structures **[FIRST READING] [PAGES 138-142]**

**Notes**

June 28, 2011 - The D&S Committee voted to send this item to Council without a recommendation. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Ordinance regarding inspection of occupied structures

### **A. Purpose**

To enact an ordinance that states inspections of occupied structures for the purpose of minimum code compliance for unsafe housing will not be provided.

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

It has been the Department's practice to inspect vacant and abandoned residential property to include mobile homes in Richland County. The work load for vacant structures is approximately 600 housing cases with one unsafe housing inspector. Currently we have assigned two building inspectors to the Unsafe Housing Division to assist in the work load and inspections. We have a very limited number inspected occupied residential code cases at this time. Our procedure has been not to inspect occupied structures for the following reasons unless there is a life safety concern:

Tenant-occupied structures are usually landlord/tenant disputes which can usually be resolved through the Magistrates Court.

- Landlords try to use our office as an eviction process to avoid eviction costs and the time it takes to have the tenant removed.
- Tenants use our office to confirm or verify code violations which the landlord would be required to repair, if the tenant used the court system.
- We have had very good luck with referring the landlord and the tenant to using the Tenant/Landlord act and settling their concerns in court on their own.

Performing inspections on tenant-occupied structure would need to be done in a manner which is consistent with fair housing requirements and which assures all persons their rights under Title VIII of that act of April 11, 1968 (Public Law 90-284), commonly known as the Civil Rights Act of 1968 and Title VI of the Civil Rights Act of 1964.

Owner-occupied structures are usually civil disputes between neighbors or property regime and their board of directors. Most of the complaints are exterior code violations, to include, care of premises or abandoned vehicles. These concerns can and will be inspected and handled through the ombudsman's office as requested and needed. In the event that a tenant or owner occupied structure is in need of repair and that life safety is apparent the Building Official does have the authority to take immediate action.

Again, it has been Unsafe Housing's course of action to refrain from performing inspections on occupied structures.

**C. Financial Impact**

None, if approved. However, if we are required to inspect occupied structures, there will be the cost of additional inspectors and administrative personnel, vehicles and equipment to cover Richland County. The cost is estimated at \$160,000 for two (2) inspectors, one (1) administrative/records assistant, two (2) vehicles and equipment, desks & etc.

**D. Alternatives**

1. Approve the Ordinance, which would state that inspections of occupied structures are not to be performed.
2. Do not approve the Ordinance, and allow staff to continue to administratively not inspect occupied structures and handled on a case by case as needed basis.
3. Do not approve the Ordinance and direct staff to inspect occupied structures.

**E. Recommendation**

Recommend approval of Alternative 1.

**F. Approvals**

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

**Finance**

Reviewed by: Daniel Driggers Date: 5/23/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: This is a policy and funding decision for Council on appropriate inspection requirements and the mechanism for funding the approved process.

**Building Codes and Inspections**

Reviewed by: Donny Phipps Date:  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Planning**

Reviewed by: Amelia Linder Date:  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Recommend approval of Alternative 1.

## Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The ROA as written discusses those situations where these structures are being occupied by tenants in a landlord/ tenant type arrangement and the difficulty in doing inspections under those circumstances. However, the ordinance makes no distinction as to whether or not the occupant of the structure has to be a tenant or the owner of the structure. The language of the ordinance wouldn't require the county to do any inspections as long as it was occupied, no matter who the occupant was. Therefore, it is unclear as to why most of the discussion regarding this matter would center on landlord/tenant issues, but the requirement for no inspections would not be limited to just landlord/tenant structures. In addition, the language of the ordinance suggests that the only time that an inspection would be in order is in a life or death situation. In some instances the only way that you may have to determine if you have a life or death situation is thru an inspection.

If the Council wants to appropriate the funds to hire the inspectors to ensure that these structures are safe and meet the code requirements, it is within their discretion to do so.

## Administration

Reviewed by: Sparty Hammett

Date: 6/21/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of Alternative 1 – approving the ordinance. The ordinance addresses still performing inspections in situations addressed in Sections 108 and 109 of the International Property Maintenance Code. These usually come from damages due to storms, wind, lightening & etc. that are covered by section 109.1 imminent danger. It could include failure to maintain and weather conditions that causes the building to have structural failure due to roof leaks, open windows and/or siding. It also could be gas, electrical or plumbing issues that could be found to be dangerous to life, health, property or safety of the public or occupants of the structure as covered in Section 108.1.1 unsafe structures.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 3, PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL; SECTION 6-52, INSPECTIONS REQUIRED; SO AS TO NOT REQUIRE INSPECTION OF OCCUPIED STRUCTURES UNLESS THERE ARE SAFETY CONCERNS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-52; Inspections Required; is hereby amended to read as follows:

(a) The building official shall inspect or cause to be inspected at various intervals all construction, installation and/or work for compliance with the provisions of this chapter.

(b) Notwithstanding subsection (a), above, inspections of occupied structures for the purpose of code compliance for unsafe housing will not be provided, unless the structure is determined to be unsafe as stated in Sections 108 and 109 of the International Property Maintenance Code.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2011

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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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**

Amending Chapter 26 to address landscaping of non-profit organizations [PAGES 144-147]

## **Notes**

June 28, 2011 - **The motion to approve the ordinance, as drafted, and send it to the Planning Commission for their recommendation failed.**

## Richland County Council Request of Action

**Subject:** Amending Chapter 26 to address landscaping of non-profit organizations

### A. Purpose

To amend the Land Development Code to exempt non-profit organizations from the vehicular surface area landscaping requirements.

### B. Background / Discussion

On May 17, 2011, with unanimous consent, a motion was made by the Honorable Councilman Norman Jackson, as follows:

“Motion to address the effect of landscaping of non profit organizations vs. commercial properties and certificate of occupancy. (Rural vs. Urban Landscaping)”

A draft ordinance is attached, which would exempt non-profit organizations from the vehicular surface area landscaping requirements.

### C. Financial Impact

None.

### D. Alternatives

1. Approve the ordinance as drafted, and send it to the Planning Commission for their recommendation.
2. Approve an amended ordinance, and send it to the Planning Commission for their recommendation.
3. Do not approve the request.

### E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Norman Jackson

Date: 5/17/11

### F. Approvals

#### Finance

Reviewed by Daniel Driggers:

Date: 6/14/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation is based on no financial impact to the County.

**Planning**

Reviewed by: Amelia Linder

Date: 6/15/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: All of the alternatives appear to be legally sufficient, therefore this request is at the discretion of Council.

**Planning**

Reviewed by: Anna Fonseca

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Non-profits can potentially be any kind of business located in any area of the county; to exempt them from the section of the code which deals with landscaping vehicular surface areas would not improve the visibility of corridors and streetscapes. Landscaping vehicular surface areas reduces the amount of heat being emitted from asphalt and other surfaces, provides shade for vehicles, and sends a positive message to citizens patronizing the site.

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

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

**Administration**

Reviewed by: Sparty Hammett

Date: 6/21/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend denial of the proposed ordinance. The motion was made to address the needs of a church; however, as indicated by the Planning Director, non-profits can include a variety of different businesses throughout the County. The proposed ordinance would exempt all non-profits from landscaping vehicular surface areas.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-176, LANDSCAPING STANDARDS; SUBSECTION (A), PURPOSE AND APPLICABILITY; PARAGRAPH (2), APPLICABILITY; SUBPARAGRAPH A.; SO AS TO EXEMPT NON-PROFIT ORGANIZATIONS FROM VEHICULAR SURFACE AREA LANDSCAPING REQUIREMENTS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-176, Landscaping Standards; Subsection (a), Purpose and Applicability; Paragraph (2), Applicability; Subparagraph a.; is hereby amended to read as follows:

- a. Any new development must fully comply with the pertinent requirements of this section unless specifically exempted elsewhere in this chapter.

*Exemptions:* These requirements shall not apply to:

1. *Single-family detached and two-family dwellings.* Individual single-family detached and two-family dwellings that are located on separate lots recorded with the Richland County Register of Deeds office, and any existing lots zoned for single-family or two-family dwellings shown by a recorded plat on or before July 1, 2005, shall not be subject to the requirements set forth in this section. However, the construction in a subdivision of single-family or two-family homes shall be subject to buffer transition yards (Section 26-176(f)); tree protection (Section 26-176(j)), excluding street protective yards; and completion and maintenance (Section 26-176(k)).
2. *Public and private utilities.* Public and private utilities are not subject to the requirements of this section, except when a land development permit or subdivision approval is required. Such utilities may include, but are not limited to, storm drainage installation, road construction, water and sewer construction, and electric, gas, communications, and other similar service installations.
3. *Existing structures and vehicular surface areas.* Existing buildings, structures, and vehicular surface areas are exempt from the requirements of this section, unless they are involved in new construction or expansion as explained in Section 26-176(a)(2)b. below.

4. *Non-profit organizations.* Non-profit organizations are not subject to the requirements of subsection (g), below, regarding “vehicular surface area landscaping”, but are subject to all other requirements of this section.

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 \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2011.

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

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

# Richland County Council Request of Action

**Subject**

Creating an independent review task force to improve the business climate in the City of Columbia and Richland County [**PAGES 149-153**]

**Notes**

June 28, 2011 - The D&S Committee recommended that Council create an independent review task force to improve the business climate in the City of Columbia and in Richland County. The vote was in favor.



## Richland County Council Request of Action

**Subject:** Creating an independent review task force to improve the business climate in the City of Columbia and in Richland County

### **A. Purpose**

To create an independent review task force to improve the business climate in the City of Columbia and in Richland County.

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

On May 17, 2011, with unanimous consent, a motion was made by the Honorable Councilman Paul Livingston, as follows:

“To discuss the Greater Columbia Chamber request to create an independent review task force to improve the business climate in the City of Columbia and Richland County”

On May 12, 2011, the Greater Columbia Chamber of Commerce sent a letter, which was signed by Mike Brenan (Chair) and Ike McLeese (President), to the Honorable Paul Livingston. The letter stated that:

“Many business owners have expressed frustration over problems encountered while navigating the government approval process. Most of these problems are related to bureaucratic delays and the unnecessarily cumbersome processes within the various departments responsible for approvals and permits required for current or planned projects.”

And:

“The Chamber, in conjunction with the City, has researched this issue at length, surveying more than 250 local businesses over the past two years. We found that the approval process at the City or County ranked last among all government services. Economic development was rated the worst business climate element. And more than 40 percent of respondents said the problems associated with the approval process detract from the community’s attractiveness as a place to do business.”

“That negative reputation is undoubtedly hurting our ability to attract and retain businesses. As a result, we are losing countless jobs and investments.”

The Chamber’s letter concluded by stating:

“So we are suggesting to you, as the leaders of your respective councils, that we join together to create an independent review task force that will begin the process of improving the approval process. It is our hope that this task force can study the issue and identify short-term and long-term changes that can be approved independently by both councils and implemented by your respective staffs.”

“It is absolutely imperative that this task force be representative of the entire community, including council members, administrative staff, business leaders and city and county residents. It is only through this equal partnership that we will be able to bring about positive, lasting reform.”

It is proposed that the review task force be comprised as follows:

## **BUSINESS FRIENDLY TASK FORCE**

### COMPOSITION

Chamber of Commerce Appointees:

1. Chairman or Designee
2. President or Designee
3. Private resident

City of Columbia Appointees:

1. Member of Council
2. Chief Administrator or Designee
3. Private Resident

Richland County Appointees:

1. Member of Council
2. Chief Administrator or Designee
3. Private Resident

### PURPOSE

The objective of the Task Force will be to form a partnership between the Business Community, the City of Columbia and Richland County in order to work together to enhance our community's business friendly environment and to improve our reputation to increase our ability to attract and retain businesses. The Task Force will focus on the following:

1. Review government approval processes.
2. Identify strengths and weaknesses with the processes.
3. Recommend methods to improve the processes.
4. Establish measurable standards to increase speed, accuracy, consistency and customer service.

**C. Financial Impact**

None.

**D. Alternatives**

1. Create an independent review task force to improve the business climate in the City of Columbia and in Richland County
2. No not create an independent review task force to improve the business climate in the City of Columbia and in Richland County.

**E. Recommendation**

This request is at Council’s discretion.

Recommended by: Honorable Paul Livingston                      Date: 5/17/11

**F. Approvals**

**Finance**

Reviewed by Daniel Driggers:    Date: 6/15/11  
 Recommend Council approval                       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Recommendation is based on there being no financial impact to the County.

**Planning**

Reviewed by: Anna Fonseca    Date:  
 Recommend Council approval                       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Currently the Planning & Development Services is analyzing the approval and permitting process.

**Planning Attorney**

Reviewed by: Amelia Linder    Date: 6/15/11  
 Recommend Council approval                       Recommend Council denial  
                     Council Discretion (please explain if checked)  
 Comments regarding recommendation: Both of the alternatives appear to be legally sufficient, therefore this request is at the discretion of Council.

**Legal**

Reviewed by: Larry Smith    Date:  
 Recommend Council approval                       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett

Date: 6/20/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval. Staff is in the process of completing a Development Review Process Analysis, and input is being obtained from the development community regarding how to make the process more efficient and effective. Additional feedback from the Task Force would be beneficial in making improvements.

At the June 21, 2011 Economic Development Committee meeting, the members voted to forward the following motion by Councilman Rose to the D&S Committee to be considered in conjunction with the Chamber's Business Friendly Task Force item:

Motion that Chairman Livingston place on the Economic Development Committee agenda, the task of reviewing the Richland County business license fee and this fees impact on job creation and business recruitment within Richland County. Said Committee to review the competitiveness of our business license fee in regards to both calculation and surrounding/neighboring Counties. Such review to include input & data from the Columbia Chamber of Commerce as well as other relevant entities. The findings from this review to be submitted to full Council once said review is completed. [Rose]

Further, per the City of Columbia, the Business Friendly Task Force item was deferred at the City Council Meeting on June 21 because the Mayor was absent. This item will carry forward to the City Council Meeting on **July 19**.

# Richland County Council Request of Action

## **Subject**

Hopkins Community Water System Service Area Expansion [**PAGES 155-164**]

## **Notes**

June 28, 2011 - The D&S Committee recommended that Council approve change order #2 for Brigman Construction Company in the amount of \$368,522.25 and the engineers change order for Joel Wood & Associates in the amount of \$29,938. The vote was in favor.

**Richland County Council Request of Action**

**Subject:** Hopkins Community Water System Service Area Expansion

**A. Purpose**

The purpose of this report is to seek County Council’s approval to expand the service area of the Hopkins Community Water System and to provide water service to additional households within the limits of the project budget.

**B. Background**

The Hopkins Community Water Project was initiated by County Council to address a contaminated groundwater source in the Hopkins Community. A defined project boundary was established and water system plans were developed for the defined area. The project is currently under construction with approximately 95% of the water distribution system complete and 90% of the elevated tank construction complete.

The initial project budget was \$ 4, 814,000. The breakdown of funding sources and amounts are as follows:

Richland County	\$ 388,000
Rural Development Loan	\$2,033,000
Rural Development Grant	\$1,793,000
SC DHEC Grant	<u>\$ 600,000</u>
Total Project Cost	\$ 4,814,000

**C. Discussion**

Due to the current economic conditions, the construction industry is very competitive and the construct bid prices came in considerably less than the engineer’s estimate. Therefore a surplus of project funds are available that can be used to expand the current service area.

During the project’s initial stages, many community meetings were held to inform and solicit customers for the new water system. Many property owners within the community committed to connecting to the water system when it became available. Most of these properties are within the initial service area boundary but numerous others are outside of the initial boundary area.

The Utilities Department staff has prepared a water extension cost analysis that compares the cost of several line extensions to the number of confirmed and potential customers that can be served by each line extension. From this information, a cost per customer and a system expansion plan has been developed based on the lowest cost per customer. The recommended system expansion plan would construct additional water lines along the lower portion of Lower Richland Boulevard and along Edmunds Farm Road. The total cost of a change order to include these line extensions is \$368,522.25. The potential number of customers that can be served by these line extensions is 74. In addition to the construction

change order, an engineering change order in the amount of \$29, 938.00 would be required to design the additional line extensions.

Rural Development has reviewed and approved the proposed changes to the contract provided the change order documents are approved by County Council and forwarded to their office for execution.

**D. Alternatives**

1. Approve both the construction and engineering change orders.
2. Approve alternate line extension.
3. No action

**E. Financial Impact**

The current budget and encumber fund status is as follows:

<b>Total Project Funds</b>	<b>4,814,000.00</b>
Engineering Fees	(311, 220.00)
Division I Construction Cost (water line)	(3,077,547.53)
Division I Construction Cost (tank)	(774,000.00)
Project Advertising	(2,705.00)
Right-of-Way Acquisitions	(5,000.00)
Hopkins Elementary School Electrical	(5,000.00)
AECOM (railroad encroachment permit)	(4,200.00)
Norfolk Railroad (insurance @ bore site)	(3,000.00)
Change Order No. 1	(56,437.33)
Rural Development Loan Interest (to be encumbered)	<u>(60,000.00)</u>
<b>Unencumbered Project Funds</b>	<b>514,890.14</b>
Proposed Change Order # 2 Construction	(386,522.25)
Proposed Change Order Engineering (for CO # 2 above)	<u>(29,938.00)</u>
<b>Remaining Project Funds</b>	<b>98,429.89</b>

The Rural Development Letter of Conditions required the Richland County funded contribution to be first expended followed by the Rural Development Loan and SC DHEC Grant with the Rural Development Grant being the last expended. Any remaining Rural Development funds will be considered Rural Development grant funds and refunded to Rural Development.

**F. Recommendation**

It is recommended that County Council approve Change Order # 2 for Brigman Construction Company in the amount of \$368,522.25 and the engineers change order for Joel Wood & Associates in the amount of \$29,938.00.



**Recommended by:** Andy H. Metts    **Department:** Utilities    **Date** 6/14/11

**Finance**

Reviewed by: Daniel Driggers

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Request is to redirect capital project dollars and is project funding decision left to Council discretion. Funds are unencumbered as stated therefore I would recommend approval based on the availability of funds. I would recommend that the County take the necessary caution to ensure that the original project scope can be completed within the existing budget funds as part of the approval.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 6/17/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision of Council. However, the information provided in the ROA indicates that the cost for acquisition of right –of-way would be \$5,000.00. There is no information provided as to how many parcels are going to have to be acquired or whether or not the cost of acquiring the property necessary to expand the project is based on formal appraisals that have been done.

**Administration**

Reviewed by: Sparty Hammett

Date: 6/21/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of change Order # 2 for Brigman Construction Company in the amount of \$368,522.25 and the engineers change order for Joel Wood & Associates in the amount of \$29,938.00. If the Rural Development grant funds are not expended, per the conditions of the agreement, they will have to be refunded to Rural Development.

## Hopkins Water Extension Cost Analysis

### Extension 1 - Lower Richland Blvd.

Total cost of Extension	<b>\$ 316,923.21</b>	Cost per Customer
Confirmed Customers	23	\$ 13,779.27
*Potential Customers (Homes)	61	\$ 5,195.46

### Extension 2 - Vandoval Road

Total cost of Extension	<b>\$ 247,666.30</b>	Cost per Customer
Confirmed Customers	10	\$ 24,766.63
*Potential Customers (Homes)	33	\$ 7,505.04

### Extension 3 - Cabin Creek Rd.

Total cost of Extension	<b>\$ 352,914.80</b>	Cost per Customer
Confirmed Customers	10	\$ 35,291.48
*Potential Customers (Homes)	57	\$ 6,191.49

### Extension 4 - Minervaville Rd.

Total cost of Extension	<b>\$ 144,771.43</b>	Cost per Customer
Confirmed Customers	5	\$ 28,954.29
*Potential Customers (Homes)	12	\$ 12,064.29

### Extension 5 - Clarkson Rd.

Total cost of Extension	<b>\$ 324,750.04</b>	Cost per Customer
Confirmed Customers	1	\$ 324,750.04
*Potential Customers (Homes)	3	\$ 108,250.01

### \*\*Extension 6 - Allbene Park

Total cost of Extension	<b>\$ 133,003.73</b>	Cost per Customer
Pre-existing/Confirmed Customers	40	\$ 3,325.09
*Potential Customers (Homes)	40	\$ 3,325.09

### Extension 7 - Edmonds Farm Rd.

Total cost of Extension	<b>\$ 51,599.04</b>	Cost per Customer
Confirmed Customers	7	\$ 7,371.29
*Potential Customers (Homes)	13	\$ 3,969.16

\* Potential Customers includes Confimed Users, which have signed up for service, as well as properties within the service area which have homes on them.

\*\* Allbene Park is an existing water system which is served by RCU. By installing a new water system in the community RCU can avert three issues: the existence of asbestos pipes, potentail failure of the aging system, and the legal issues associated with the acquisition of the system.

UNITED STATES DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT AND  
FARM SERVICE AGENCY

ORDER NO.	TWO
DATE	JUNE 6, 2011
STATE	SC
COUNTY	RICHLAND

**CONTRACT CHANGE ORDER**

CONTRACT FOR	DIVISION I Hopkins Community Water System Improvements
OWNER	RICHLAND COUNTY

To TOM BRIGMAN CONTRACTORS, INC.

(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
Lower Richland Blvd. Extension	\$	\$
Edmunds Farm Road Extension	-----	\$316,923.21
	-----	\$51,599.04
TOTALS	\$ 0.00	\$368,522.25
NET CHANGE IN CONTRACT PRICE	\$ 0.00	\$368,522.25

JUSTIFICATION:

To extend water distribution lines into areas not previously served and provide water service connections.

The amount of the Contract will be (Decreased) (Increased) By The Sum Of: Three hundred sixth-eight thousand five hundred twenty-two & 25/100 Dollars (\$ 368,522.25 ).

The Contract Total Including this and previous Change Orders Will Be: Three million, five hundred two thousand five hundred seven & 11/100 Dollars (\$ 3,502,507.11 ).

The Contract Period Provided for Completion Will Be (Increased) (Decreased) (Unchanged): 60 Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested _____	(Owner)	_____	(Date)
Recommended <u>Jed C. Wade</u>	(Owner's Architect/Engineer)	<u>6/6/11</u>	(Date)
Accepted _____	(Contractor)	_____	(Date)
Approved by Agency _____	(Name and Title)	_____	(Date)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to U.S. Department of Agriculture, Clearance Officer, STOP 7602, 1400 Independence Avenue, S.W., Washington, D.C. 20250-7602. Please DO NOT RETURN this form to this address. Forward to the local USDA office only. You are not required to respond to this collection of information unless it displays a currently valid OMB control number.

POSITION 6

ORIGINAL BORROWER'S CASE FOLDER

Form RD 1924-7 (Rev. 2-97)

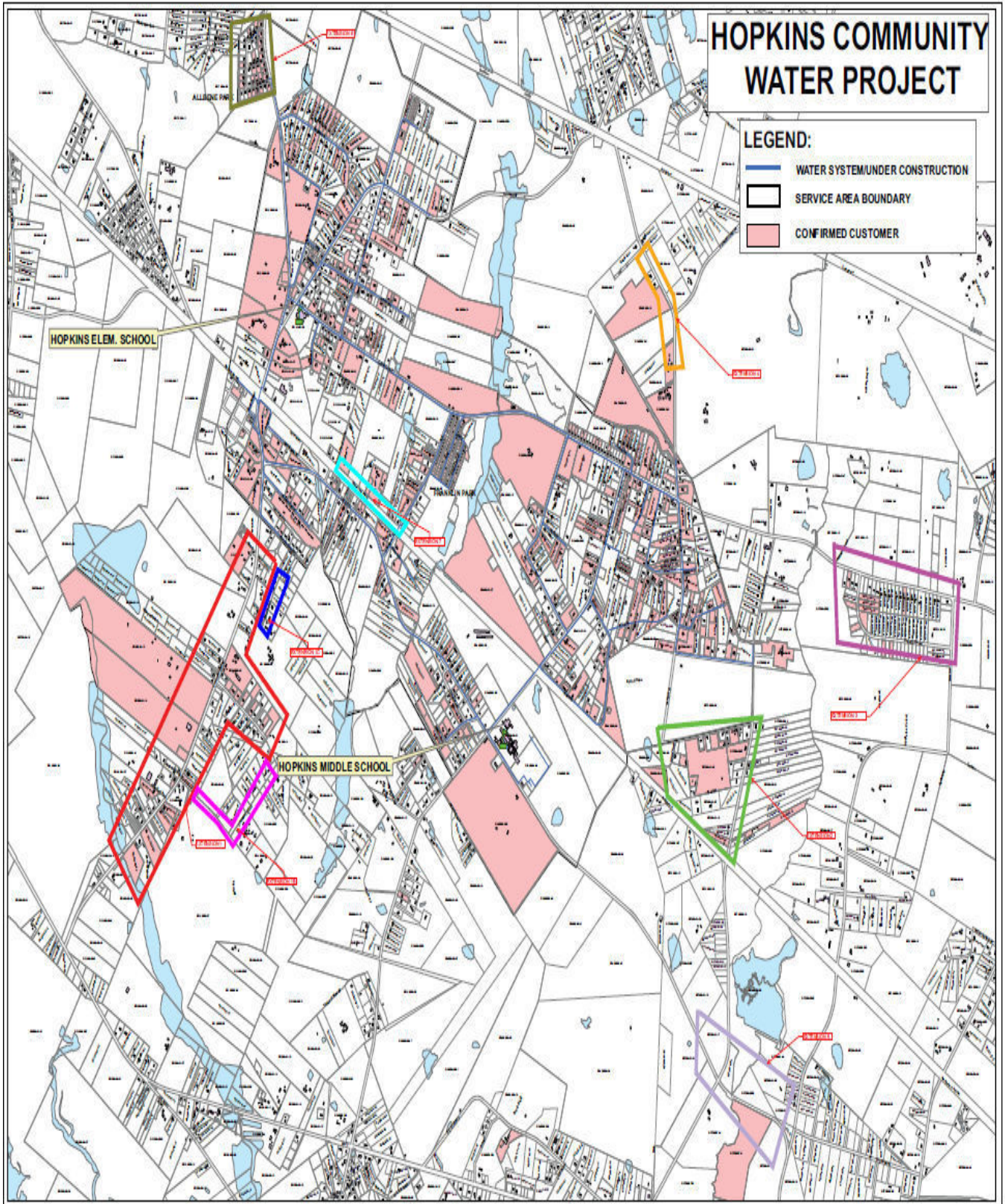
HOPKINS COMMUNITY WATER SYSTEM  
DIVISION I

CHANGE ORDER NUMBER TWO										
EDMUNDS FARM ROAD EXTENSION										
ITEM NO.	DESCRIPTION	CONTRACT QUANTITY		ORIGINAL UNIT PRICE	UPDATED UNIT PRICE	ACTUAL QUANTITY		DIFFERENCE	INCREASES/DECREASES	
1	Mobilization	1	LS	\$40,755.00		1	LS	1	LS	\$500.00
2	Clear R/W	47.4	AC	\$220.23		48.4	AC	1	AC	\$220.23
3	Traffic Control	1	LS	\$33,000.00		1	LS	1	LS	\$250.00
4	Construction Staking	1	LS	\$550.23		1	LS	1	LS	\$500.00
9	6" (C900 DR 18) PVC Complete, Installed, Tested, Sterilized, & Approved For Use	21,800	LF	\$6.78	\$8.98		LF	2400	LF	\$21,552.00
15	6" Gate Valve & Box	31	EA	\$730.39		32	EA	1	EA	\$730.39
19	Standard Fire Hydrant Assembly Per Detail	42	EA	\$2,523.29		43	EA	1	EA	\$2,523.29
23	Directional Drill 6" HDPE (SDR 11) Under Culvert Complete, Installed, Tested, Sterilized, & Approved For Use	680	LF	\$29.01		830	LF	150	LF	\$4,351.50
28	6" Restrained Joint DIP At End Of Directional Drill	480	LF	\$22.90	\$27.15	600	LF	120	LF	\$3,258.00
41	3/4" Service Connection With Pressure Reducing Valve, Including 3/4"x 5/8" Meter	381	EA	\$619.71		387	EA	6	EA	\$3,718.26
43	3/4" Copper Tube Size (PR 200) Service Tubing	17,900	LF	\$3.30		19750	LF	1850	LF	\$6,105.00
43 A	1" IPS (PR 200) Service Tubing	0	LF		\$3.40	1,275	LF	1,275	LF	\$4,335.00
47	Macadam Base Material In Driveways & At Mailbox	1,718	TNS	\$26.10		1728	TNS	10	TNS	\$261.00
48	Valve Box Protector Rings	152	EA	\$22.77		153	EA	1	EA	\$22.77
53	Sediment & Erosion Control	1	LS	\$24,970.00		1	LS	1	LS	\$500.00
54	Seeding, Fertilizer, & Mulch	47.4	AC	\$1,271.60		48.4	AC	1	AC	\$1,271.60
NA	Tie To Existing 8" Line	0	LS	\$1,500.00		1	LS	1	LS	\$1,500.00
<b>Total</b>									<b>\$51,599.04</b>	

HOPKINS COMMUNITY WATER SYSTEM  
DIVISION I

CHANGE ORDER NUMBER TWO								
EXTENSION 1 - LOWER RICHLAND BLVD								
ITEM NO.	DESCRIPTION	CONTRACT QUANTITY	ORIGINAL UNIT PRICE	UPDATED UNIT PRICE	ACTUAL QUANTITY	DIFFERENCE	INCREASES/ DECREASES	
1	Mobilization	1 LS	\$40,755.00		1 LS	1 LS		\$500.00
2	Clear R/W	47.4 AC	\$220.23		50.6 AC	3.2 AC		\$704.74
3	Traffic Control	1 LS	\$33,000.00		1 LS	1 LS		\$500.00
4	Construction Staking	1 LS	\$550.23		1 LS	1 LS		\$500.00
7	10" (C900 DR 18) PVC Complete, Installed, Tested, Sterilized, & Approved For Use	16,500 LF	\$14.16	\$18.66	24,000 LF	7500 LF		\$139,950.00
9	6" (C900 DR 18) PVC Complete, Installed, Tested, Sterilized, & Approved For Use	21,800 LF	\$6.78	\$8.98	24,400 LF	2600 LF		\$23,348.00
13	10" Gate Valve & Box	32 EA	\$1,524.29		37 EA	5 EA		\$7,621.45
15	6" Gate Valve & Box	31 EA	\$730.39		33 EA	2 EA		\$1,460.78
19	Standard Fire Hydrant Assembly Per Detail	42 EA	\$2,523.29		49 EA	7 EA		\$17,663.03
21	Directional Drill 10" HDPE (SDR 11) Under Culvert Complete, Installed, Tested, Sterilized, & Approved For Use	680 LF	\$48.05		880 LF	200 LF		\$9,610.00
26	10" Restrained Joint DIP At End Of Directional Drill	480 LF	\$33.99	\$41.99	720 LF	240 LF		\$10,077.60
30	Bore & Jack 18" Steel Casing With 10" Restrained Joint Ductile Iron Carrier Pipe	760 LF	\$152.93	\$164.93	860 LF	100 LF		\$16,493.00
41	3/4" Service Connection With Pressure Reducing Valve, Including 3/4"x 5/8" Meter	381 EA	\$619.71		401 EA	20 EA		\$12,394.20
43	3/4" Copper Tube Size (PR 200) Service Tubing	17,900 LF	\$3.30		28,600 LF	10700 LF		\$35,310.00
43 A	1" IPS (PR 200) Service Tubing	0 LF		\$3.40	8,010 LF	8,010 LF		\$27,234.00
44	Bore 3/4" Service Tubing Under Pavement No Casing	6,690 LF	\$7.92		6,840 LF	150 LF		\$1,188.00
46	Saw Cut, Remove, & Replace Asphalt In Driveways	4,800 SY	\$29.54		4,960 SY	160 SY		\$4,726.40
47	Macadam Base Material In Driveways & At Mailbox	1,718 TNS	\$26.10		1,753 TNS	35 TNS		\$913.50
48	Valve Box Protector Rings	152 EA	\$22.77		159 EA	7 EA		\$159.39
53	Sediment & Erosion Control	1 LS	\$24,970.00		1 LS	1 LS		\$500.00
54	Seeding, Fertilizer, & Mulch	47.4 AC	\$1,271.60		50.6 AC	3.2 AC		\$4,069.12
NA	Tie To Existing 10" Line	0 LS	\$2,000.00		1 LS	1 LS		\$2,000.00
<b>Total</b>								<b>\$316,923.21</b>







Main Office

2160 Filbert Highway  
York, SC 29745

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Clover, SC 29710

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Fax.: (803) 628-2891

Kings Mountain, NC

104 N. Dilling St.  
Kings Mountain, NC  
28086

P.O. Box 296  
Clover, SC 29710

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

March 11, 2011

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

**REF: REQUEST FOR AN AMENDMENT TO ENGINEERING  
CONTRACT BETWEEN JOEL E. WOOD & ASSOCIATES AND  
RICHLAND COUNTY**

Dear Mr. Metts:

This letter is to request an amendment to the contract between Richland County, SC and Joel E. Wood & Associates, L. L. C. dated June 15, 2006. The amendment is to cover the additional cost for normal and customary engineering services required to apply for an SCDHEC Permit to Construct and SCDOT Encroachment Permits for extensions to the Hopkins Community Water System. These lines were not included in the original scope of the Hopkins Project. The total increase in the Contract will be \$29,938.00 and the breakdown of the cost is as shown below:

Extension #1 Lower Richland Blvd.	\$17,125.00
Extension #6 Allbene Park	\$ 8,378.00
Edmunds Farm Road	\$ 3,693.00
Changes to Wells and Chemical Feed	<u>\$ 742.00</u>
Total	\$29,938.00

We are prepared to begin this work upon your notice to proceed and should you have any questions or need additional information please contact me.

Sincerely,

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

Joel E. Wood, P.E.,  
Managing Partner  
Enc.



# Richland County Council Request of Action

**Subject**

Responses from RFP to Employee and Retiree Group Benefit Services **[PAGES 166-194]**

**Notes**

June 28, 2011 - The A&F Committee voted to send this item to Council without a recommendation and directed the Human Resources Director to present this information to Council. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Responses from RFP to Employee and Retiree Group Benefit Services

### A. Purpose

County Council is being asked to approve and authorize staff to negotiate and award contracts to the recommended vendors in response to RFP. Vendors responded to the RFP seeking to provide the following group employee and/or retiree services to Richland County;

- Health Insurance for Employees
- Health Insurance for Early Retirees (pre 65 years old)
- Dental Insurance for Employees
- Dental Insurance for Early Retirees
- Life Insurance and AD&D for Employees
- Life Insurance and AD&D for Early Retirees
- Voluntary Supplemental Life (Paid by Employee or Retiree)
- Voluntary Dependent Life (Paid by Employee or Retiree)
- EAP (Employee Assistance Program) for Employees and Dependents
- Voluntary Short Term Group Disability (Paid by Employee)
- Voluntary Long Term Group Disability (Paid by Employee)
- Wellness Incentive Program
- Flexible Spending Accounts for Employees

### B. Background / Discussion

The County authorized Human Resources to hire a consultant, Wells Fargo Insurance Services, to assist with developing, publishing, collecting, analyzing, and making recommendations on responses to a RFP for several employee services. WFIS received responses from many vendors for employee and retiree services. The responding vendors for each service were narrowed down to a list of finalists. All finalists for the health insurance services were invited to come on site to Richland County and make a presentation to County Administration, Finance, and Human Resources. Each finalist was then asked to provide their best and final offer. You will find a brief company profile on each vendor finalist that is under consideration.

It is important to note, the current RFP responses do **not** include Medicare retirees (retirees 65 or older currently on the Medicare Advantage). Medicare operates on a calendar year, January – December. The CMS (Center for Medicare & Medicaid Services) does not release information on Medicare until later in the calendar year; therefore vendors are not able to provide responses until they have information from CMS relating to federal Medicare contributions. The County plans to proceed with the RFP for Medicare Advantage retirees during July 2011.

The County requested all vendors responding to the RFP to provide a response that matched our current benefit plan. Each health insurance vendor finalist benefits match our current plan (i.e. deductible, out of pocket, co-insurance, office visits, emergency room, outpatient facility charges, inpatient facility charges, etc.). There will be some variation in the tier that prescription drugs will fall into, which always occurs with different vendors based on various factors such as negotiate contracts between the vendor and the company handling the pharmacy benefits.

Human Resources requested the consultant complete a detailed and comprehensive comparative analysis on all prescription drugs. The comparison was done by comparing the current prescription drug plan and each finalist vendor's prescription drug plan. This is commonly called a Disruption Report in the industry. In addition, Human Resources drilled down further to have an analysis performed on the top 30 prescriptions based on both number of scripts written and the total dollars spent during the May 2010 – April 2011 period.

Based on the direction of Council, Human Resources requested the consultant perform a comparative analysis on a Tier Income Range Plan Design. In short, employees in the lowest income range would have a richer health plan and employees in the highest County income range would have to contribute more to the cost of their health insurance via out of pocket contributions (i.e. higher deductibles, higher co-pays, higher maximum out of pockets, etc.). **Note: Please see pages 5 and 6 of this document for additional comments by the consultant on the tiered health proposal.**

Health care claims are one of the driving factors in the escalating cost of health care premiums. And mitigating the skyrocketing escalation of claims is the only leverage the County has to reduce the upward trend for health care costs. Shifting additional health care cost (premiums or out of pocket expenses) to employees or retirees does not reduce the actual cost of health care (it only transfers some of the cost from the County to the employee or retiree).

After years of research and study, the County is now prepared and proposes to implement and integrate into our health plan an optional wellness incentive program as a strategic part of our health insurance plan. An eligible employee or retiree can continue to receive health insurance paid by the County at 100% contingent upon them completing a few items that have been identified as being beneficial to the employee's or retiree's personal health by health care professionals. Employees and retirees who do not participate in the incentive plan will pay about \$25.00 per month (see attachment for details). The wellness incentive plan does not exclude any employee based on a medical condition, illness, injury, or disability.

Attached, you will find a pie chart that illustrates the contribution of the County and employees to the total cost of health care premiums over the past year. Because it is important to understand and visualize that employees and retirees currently contribute

in two ways, by premiums (i.e. for dependents) and with the out of pocket costs they pay (i.e. deductibles, co-pays, office visit changes, etc.).

**C. Financial Impact**

See Attachment

Specific vendor names along with their specific cost responses relating to potential contractual proposal will be provided to County Council during executive session.

**D. Alternatives**

1. Remain with current vendors and not approve the wellness incentive program.
2. Approve and authorize staff to implement wellness incentive program and negotiate and award contracts to the recommended vendors.
3. Approve vendors other than current vendors or recommended vendors and authorize staff to implement wellness incentive plan.
4. Not authorize staff to implement wellness incentive plan.

**E. Recommendation**

It is recommended that County Council approve option # 2 based on the recommendation and justification provided by the consultant, WFIS.

Recommended by: Human Resources Department

Date: June 6, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 6/16/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Available funds are included in the FY12 adopted budget to support the recommendation. Therefore I would recommend approval based the review and recommendation of the HR Director and consultant for vendor and program selection.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 6/17/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval       Recommend Council denial

Council Discretion (please explain if checked)

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

**Administration**

Reviewed by: Tony McDonald

Date: 6/23/11

Recommend Council approval       Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of Alternative 2 as outlined above. The selection of vendors is the result of a lengthy competitive process by which all proposals were thoroughly reviewed and analyzed by both in-house staff and an outside consultant. Funding has been appropriated in the FY 12 budget.

## **TIERED PLAN DESIGN BASED ON INCOME CONSULTANT'S ANALYSIS COMMENTS**

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Concerning a Tiered Health Plan in terms of tiering the employee payroll contributions and charging higher premiums to those of higher incomes, please know that it will not produce cost savings. This practice is simply a cost shifting mechanism and specifically shifts a greater share of the cost to high income earners ( yet to be defined). Basically, it is a progressive tax, much like our federal tax code. Where this type of strategy differs from the current marketplace solutions is in the fundamental issue of addressing cost, and it's obvious lack of a direct link to unhealthy lifestyles and medical/pharmacy claims. It does nothing to move the consumer towards accountability for health status and work place performance.

The generally accepted goal for employee premiums, when used as an incentive tool, is to link the consumer's "increase or decrease" in payroll contributions to things like: tasks , events, and outcomes that will (generally speaking) influence their health status and engaging them in a behavior change such as: walking more, eating less or more appropriate caloric intake. For instance, both the State of SC and NC 's health plans have surcharges on smoking and Body Mass Index (BMI). Neither use income as a determinate in pricing their employees premiums. Income is not used in the cost of life insurance nor home owners nor auto. In all cases, the insurer is attempting to price risk. Risk as it relates to health insurance is best correlated to claim cost, which is best correlated to health status. You want to solve high premiums influence health status.

For a pure financial sense, let's assume if you did ignore common practices and prevailing marketplace strategies and decided to implement an "income tiered program" and tax employees earning more than \$100,000 at 100% of the premium. (Please note you would never have your employees pay 100% , but we do this to show the futility of the concept as anything more than a cost shifting, and never a influence of behavior). So, the programs insurers 2700 employees of which 270 are retirees under the age of 65. So, such a strategy would introduce a new burden on administration since the County does not have access to retiree income. Yet, if implemented, it would need to include retirees and therefore somehow the County would need to collect and validate combined total income of those former employees under the exact same plans and program. That issue aside, of the remaining 2400 employees approximately 25 of them earn more than \$100,000 per year. The current single rate (fully insured rate paid to the insurer) is \$495. Assuming the highly compensated employee pays 100% of this cost for the entire year, the annual sum total for all of them is \$148,000. The cost of the programs is approximately \$14.5 million. So, this strategy would redistribute 1% of the annual premium for 2700 employees onto the 25 employees. There are no savings. This is premium redistribution or cost shifting. Our assumption is that the only reason Richland County would consider a tiered payroll deduction based on salary would be for the purpose of shifting more dollars to higher income earners and thereby reducing the cost to the County. If savings is the goal, the burden of administration more than outweighs

the projected 1% savings if this plan were to be adopted. Obviously if the County charged this group of employees 100% of the cost they would decline coverage and purchase it elsewhere assuming good health. In fact, studies suggest that charging a consumer more than 30% of the single rate starts to erode enrollment and the “rich healthy” employees will decline. So, at best you could assume 30% of the \$148,000, or approximately \$45,000.

As to the why it cost more? Basically, the increase in benefit design for 30% of your people is not entirely offset by the benefit reduction for 32% of the people. While the populations are nearly the same, the “value” of the change in benefits is not. My last 2 statements on the summary slide try to address this fact. When you have more time, look at those statements and let me know if they explain the reason for the \$300,000 in additional cost.

Employee contributions based on salary alone are not often implemented. Some combination of salary and employment longevity have been used in a complex metrics where length of service affords a lower price and salary drives a higher price. Employers doing such are often very large and have robust HRIS systems. Those are rare strategies and complex to administer. Also noteworthy, ACA appears to steer employers towards an employee contribution strategy for medical and Rx coverage that will consider income, must especially those under 400% of poverty. The outcomes of such a complex employee premium structure are not well known nor are comprehensive studies available in the marketplace to determine the outcome of ACA subsidies, employer pricing based on salary, and the availability of coverage from a state sponsored exchange. While the County will eventually comply with ACA in this area at the appropriate compliance date, this topic remains a redistribution of cost, not a cost savings discussion.

Richland County Government - 2011/2012 Medical/Rx Plan Design(s), assignment based on Salary

Summary Consideration:

	Est. Annual Enrollment	BCBSSC Est. Annual Cost
2010/11 current plan annual cost	1647	\$10,559,537
2011/12 current plan annual cost ("renew as is")	1647	\$12,590,205
2011/12 convert to medical plan assignment based on salary	1647	\$12,874,814

Observation and outcomes:

- \* Medical plan assignment salary does not save money. As conceived, it will cost an additional \$285,000 to the County and add cost for 32% of employees
- \* Medical plan assignment by salary does redistribute the cost and creates winners/loser as compared to current
- \* Medical plan assignment by salary does not address the link between claim cost, risk factors, age, and health status.
- \* Salary is poor indicator of claim cost or claim risk.

The Winners / Loser of moving to Medical Plan assignment by Salary:

Salary bands given to Wells Fargo	Enrollment by salary	% of Total Enrollment	Additional Annual Cost (Savings)	Winner/ Loser	Based on Avg Claim Cost winner/loser, expressed peppy
Under \$30,000	489	30%	\$445,331	winner	\$692.45
\$30,000 to \$40,000	820	38%	\$0	breakeven	(\$293.19)
\$40,000 to \$80,000	502	30%	(\$142,162)	loser	(\$713.88)
Over \$80,000	26	2%	(\$18,581)	loser	
Total (Net/Additional Cost)	1647	100%	\$284,609		

\*Under the tiered plan(s), no adjustments to employee payroll contribution have been studied nor considered herein.

\* Ghost Rates, tiered premiums for both the current plan renewal and the Tiered Income Ranges provided by BCBSSC

\*Plan design(s) for the Tiered Income Range plans were designed in 2010 by Staff & BCBSSC

\* RC health plan could lose "grandfathered" status under the Health Care Reform law by changing from our current Health Insurance Plan design to the Tiered Income Range Plan

\* Reductions (changes) to the deductible and other benefit feature are not linear. Keep in mind as deductibles and OOP increase the number of people that might reach that level reduces. **Important Note:** In order to balance the "improved" benefits for those making less than \$30,000 per year, the benefit reduction for the 2 classes of salary above \$40,000 would need to be more significant than illustrated - perhaps as much as double the proposed plan reductions.



### **WellPath**

WellPath is a marriage of three separate plans with varying histories in North Carolina, including Principal Health Care of the Carolinas which was purchased by Coventry Health Care, Inc. ("Coventry") in 1998. This purchase brought Coventry into Charlotte. In early 2000, Coventry assumed certain business of Kaiser Permanente, nearly doubling its membership. In October 2000, Coventry purchased WellPath, bringing Coventry into the Raleigh, NC, Market. In January 2001, Coventry Health Care of the Carolinas and WellPath merged to become **WellPath**. Our members are covered through an extensive network including over 11,700 physicians and 75 hospitals.

WellPath is a subsidiary of Coventry Health Care, Inc., a national managed health care company based in Bethesda, Maryland operating health plans, insurance companies, network rental/managed care services companies, and workers' compensation services companies. More information is available on the Internet at [www.cvty.com](http://www.cvty.com).

WellPath's business model is locally-focused yet backed by the support of Coventry, a Fortune 500 Company. WellPath's CEO, CFO, Medical Directors, Provider Contracting, Underwriting and Marketing leadership operate locally to provide employer groups with the service availability they require.

Coventry Health Care, Inc. (Coventry), WellPath's parent company, is a financially strong company with a conservative balance sheet and outstanding record of profitable growth. As a publicly traded company that operates in a heavily regulated industry, considerable public information exists on the financial progress and results of Coventry. As but two examples, excellent sources of information are Coventry's Annual Report and required SEC filings, of which updated versions can always be easily accessed through our website [www.cvty.com](http://www.cvty.com). A.M. Best ratings fall into one of three broad categories: *Secure*, *Vulnerable* or *Not rated*. Each of Coventry's subsidiaries, including WellPath, has received a score deemed by A.M. Best to be in the category of *Secure*. A.M. Best describes *Secure* health care organizations as having a strong or good long-term ability to meet their obligations to members and policyholders. Those classified in the *Secure* rating categories maintain a level of financial strength that is "not vulnerable to unfavorable changes in the business, economic or regulatory environment".

### **Cigna**

CIGNA's businesses rank among the largest health care and related employee benefits organizations in the United States. Our extensive group insurance experience and expertise provides employers with expert resources, world-class claim facilities, and wide-ranging products and services to help attract and retain employees. The scope of our products offers employers a new degree of flexibility for future planning and growth.

The Life Insurance Company of North America (LINA) and CIGNA Life Insurance Company of New York (CLICNY) are the underwriting companies used most often by CIGNA for life, accident, and disability insurance. LINA and CLICNY are wholly owned subsidiaries of CIGNA Corporation.

### **Stability, Experience and Financial Strength**

At CIGNA, results matter. We have a proven track record in client retention and growth. In fact, we've had a 90+ percent client retention rate the last four years.

- **Group disability insurance** – Top 5 long-term-disability carrier with more than 40 years of experience. We have 4,900+ policies covering 6.1+ million lives.
- **Group accident insurance** – Top 2 provider with more than 80 years experience. We have 7,000+ group policies covering 9.6+ million lives.
- **Group life insurance (Term and Universal)** – Top 5 carrier in new sales with more than 90 years experience. We have 4,300+ Group Life contracts covering 14.6+ million lives.

### **Standard**

Over the course of a century, Standard Insurance Company has earned a reputation for personal service, financial strength and high quality insurance products. From our home office staff to the sales and service representatives in our local offices across the country, everyone at The Standard is dedicated to helping you by providing creative and effective solutions to meet your employee benefit needs.

### **Simple: Making it easy for you**

Whether you have two eligible employees or thousands, we put all our strengths to work to help you create a cost-effective benefits package — for you and for them.

**Find the benefits you want and need.** We offer understandable, comprehensive products configured to meet your needs. You'll find a full range of disability, life, dental and vision insurance, individual and voluntary insurance products, and retirement plans.

**Comprehensive contract pricing and no surprises.** We strive to offer the best value, going beyond the formulas, using a long-term pricing philosophy.

**Dedicated contacts — no outsourced call centers.** Our experienced employees deliver **strong, empathetic and personalized service.** We pride ourselves on our **expert claims-handling, accurate, fair and prompt payments, and clear, accessible appeals process.**

**Account support tailored for you.** You'll enjoy customized administration, implementation and enrollment services. And you'll benefit from insightful reporting, industry benchmarking and program recommendations.

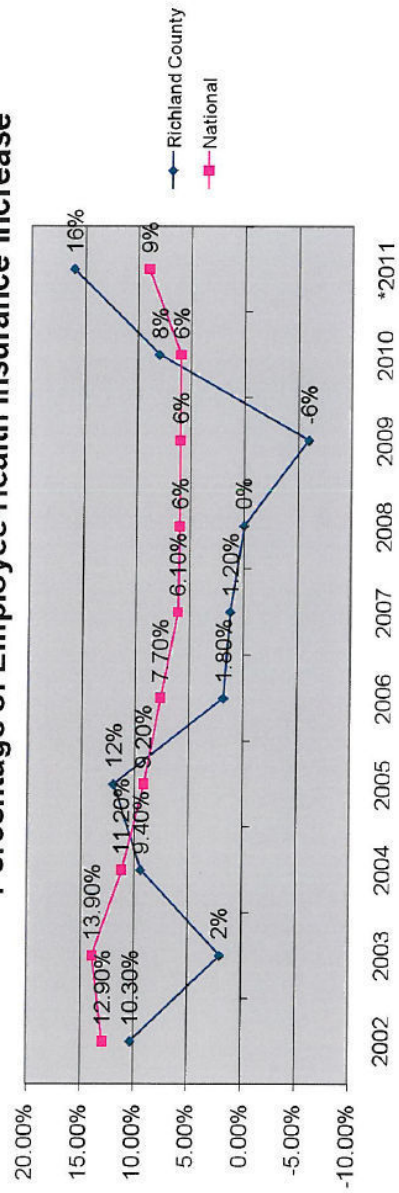
### **Local: Supporting you where you do business**

We have over 40 offices across the nation to serve our customers. Our representatives are committed to their communities and have an insider's understanding of local needs.

### **Dependable: A track record you can trust**

- **More than 100 years** of history and **five decades** of employee benefits experience
- More than **27,100** group insurance policies in force with over **\$1.8 billion** in force premium<sup>1</sup>
- Recognized as a **top 10** provider of group Long Term, Short Term Disability and Life insurance based on in force premium<sup>2</sup>
- Over **91%** of our business is employee benefits, letting us focus on what our customers really need
- Our **first group insurance customer** is still with us — after 58 years

## Richland County Percentage of Employee Health Insurance Increase



{-----CCP-----} {-----BCBS-----}

\*2% of increase by RC, 4% paid by employees, 10% covered by changes in plan; wellness efforts resulted in \$1.495 million reduction in premiums.

### Richland County Wellness Incentive Program 2011

There are many Richland County employees that have serious diseases, smoke, use tobacco products, are obese, don't exercise, have poor diets, and don't comply with the doctor's orders, and/or don't take their medication. This can result in absences, lower productivity, and even death.

#### Problem/Issue:

Healthcare premiums are projected to double over the next 10 years (2009-2019). Richland County is continuing to deal with the same health insurance issues that plague the United States as a whole – almost double digit national increases in premiums every year. Throughout the country, employers are working to try to mitigate the impact of these health care increases. It has been found over the past ten years that one of the best ways to improve the overall health of employees and therefore decrease premium increases has been to tie wellness incentives to the health care plan (with dollars spent usually returning a 3:1 ratio in investment). Over the past 5 years, we have been working to create a culture of wellness. After years of investing HRD sweat equity into our wellness program, we are ready to (and must begin) to tie those efforts into actual incentive dollars to improve employee overall health.

#### Solution:

We have decided that one solution to mitigating the escalating health care cost issue is to develop a Richland County Wellness Incentive Plan. See Attachment.

#### What Will Happen if We Don't Do Anything?

The number of employees with health problems and severity of such problems will continue to increase as a result of obesity, smoking, and lack of exercise, poor dietary habits, and failure to properly manage health conditions. If we continue at the current pace of health care increases, over the next ten years, health care costs are expected to double. This would take our health care premiums to over 20 million dollars per year. The 20 million does not include GASB 45 liability.

#### What Are the Other Alternatives to Address the Problem?

There are other options to address the problem as well which the Human Resources Department is constantly evaluating, which include:

- Cost-shifting to employees (requiring employees to pay more of the cost.)
- Plan design changes
  - These are very popular with employers. However, they do not address the cause of health care issues nor the cost of health care
- Eliminating health insurance and giving employees dollars to purchase their own insurance.
  - This increases employee awareness of the cost. However, does not improve their health.

#### What are the obstacles, human resources, and cost resources needed to implement proposal?

- The main obstacle to implementing the program in the past was that our vendor didn't have the resources to manage eligibility for us and we haven't had a full time Wellness Coordinator.
- We anticipate the first year, as with all major changes, the plan will be met with some stiff resistance
- It will take several members of the HR Department, in coordination with our vendor, to implement and manage this program. Estimated time frame is 10 hours per week for at least six months.
- The primary goal is the overall improvement of employee's health improved attendance and increases productivity. However it is possible the program will actually save the County money because every employee that chooses not to participate will be paying \$600 per year (\$25 per pay period) out of the total cost of the premiums.

#### What will be the result of implementing the proposal?

The overall health of employees should improve. Employees will become better informed on personal health, health care issues, wellness, and health care costs. The result of implementing the proposal *should* help the County decrease the rate of escalation overall claims (and therefore premiums) costs due to the improved overall wellness of employees. Less disease means employers can lower their plan utilization, thus lowering health benefits costs, and in turn, increasing profits. There are additional benefits too, such as increased productivity, fewer workers' compensation claims, better attendance, and improve morale. The survey will also provide the County will valuable information on the wellness issues facing our employee population.

This program will have several key benefits for employees:

- Many of them will be made aware of health conditions that they did not know they have and begin addressing those concerns.
- Many of them will now be eligible for free one-on-one counseling for tobacco use or weight loss concerns
- Employees at high-risk for serious health conditions (or those who already have such conditions) will be made aware of their risks and offered one-on-one counseling to help improve their health and manage their conditions.
- Provide an immediate financial incentive for employees to lose weight or properly manage a healthy weight.
- Provide an immediate financial incentive for employees to quit tobacco use.

The County is currently spending \$10 million on health claims but only invests less than \$5,000 annually on wellness and prevention.



## Richland County 2011-2012 Health Plan Contributions and Wellness Incentives

During the new plan year beginning October 1, 2011, all Richland County employees enrolled in the PPO Health Plan will be required to contribute \$25 per pay period (\$600 per year) toward the cost of their health insurance. Employees can earn this \$25 per pay period as a Wellness Incentive Credit through participation in the Wellness Incentive Plan.

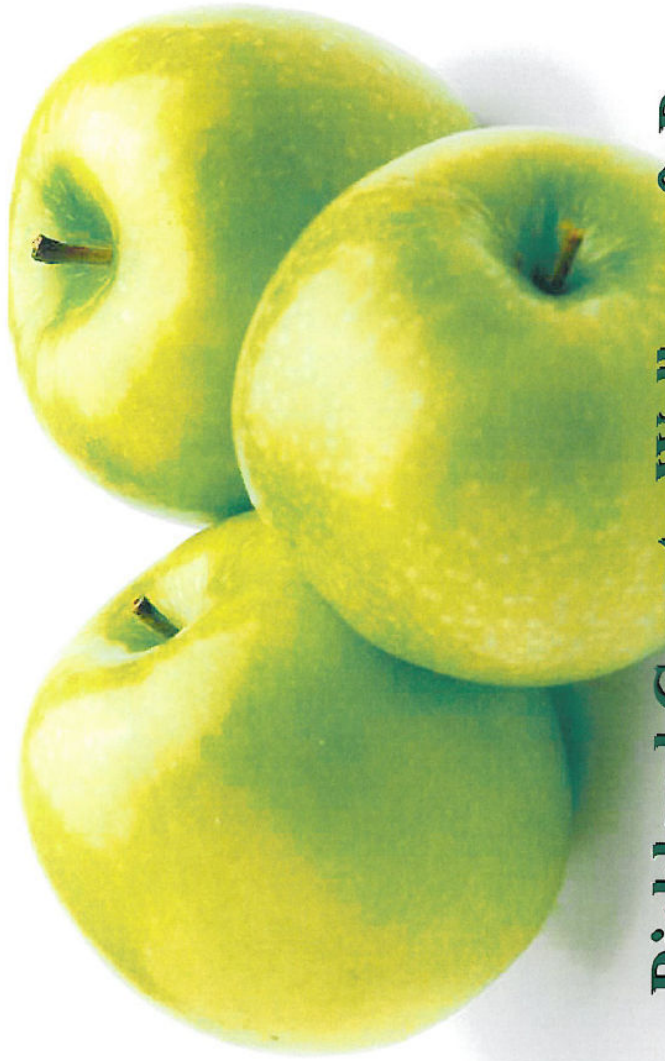
### WELLNESS INCENTIVE PLAN

Employees must complete all four activities to obtain \$600 credit toward their premium reduction.

Activity	Goal	Reasonable Alternative Standards
Completion of Biometric Screening	Biometric Screenings	A letter from a physician stating completion of biometric screening.
Completion of Personal Health Assessment Survey	Can be completed during HR scheduled event or at employee's convenience.	Paper copy of survey will be made available if computer assessment is not reasonable.
Non-High Risk Identification or Enrollment in Health Management Program	Not identified as high risk by healthcare provider. No further action is required.	If identified as high risk, enrollment must occur by and 4 counseling sessions must be completed.
Commitment as Non-Tobacco User and Body Mass Index (BMI) under 30 or Enrollment in Lifestyle Management Programs & commitment	Commitment as non-tobacco user and BMI under 30 as identified in the Personal Health Assessment. No further action is required.	If BMI over 30 and/or a tobacco user, enrollment in Lifestyle Management Program must occur and counseling sessions must be completed. If enrolled in Lifestyle Management Program, employee must also commit to continue to try to stop smoking and/or continue to strive for a BMI under 30 throughout the rest of the health plan year.

- New employees – must promise by signature that within the first 6 months of employment they will meet the criteria as set above in order to get their credit for the current plan year.
- Early Retirees –guidelines are the same as for regular employees.
- This document does not constitute an employment agreement nor does it serve as a contract. The plan can be discontinued or canceled at anytime.
- Richland County does not receive any HIPPA regulated information on individual employees, all data received by Richland County is in aggregate form.
- Richland County reserves the sole discretion to cease paying the Wellness Incentive Credit at any time and/or request reimbursement if the County determines the employee falsified any wellness records or has not been compliant with programs as agreed.
- The County may seek verification to confirm compliance.

If it is unreasonably difficult due to a medical condition for you to achieve these goals, or if it is medically inadvisable for you to attempt to achieve these goals, call us and we will work with you to develop another way to get the discount.



# **Richland County Wellness & Benefits**

## **Strategic Plan**

*Getting Ahead of the Trend*



## The Current Health Care Model Is Flawed

- Our healthcare system is designed to treat sick people rather than strategically keep people healthy or from getting worse
- Insurers focus on the price of care more than the reason for utilization, employee health habits, and treatment outcomes
- Healthcare consumers receive little support or guidance in how to use medical services efficiently
- Generally, public employers have not invested in promoting good health and reducing demand for services
- Generally public employers have not acted to promote health care quality, medical outcomes, and patient management



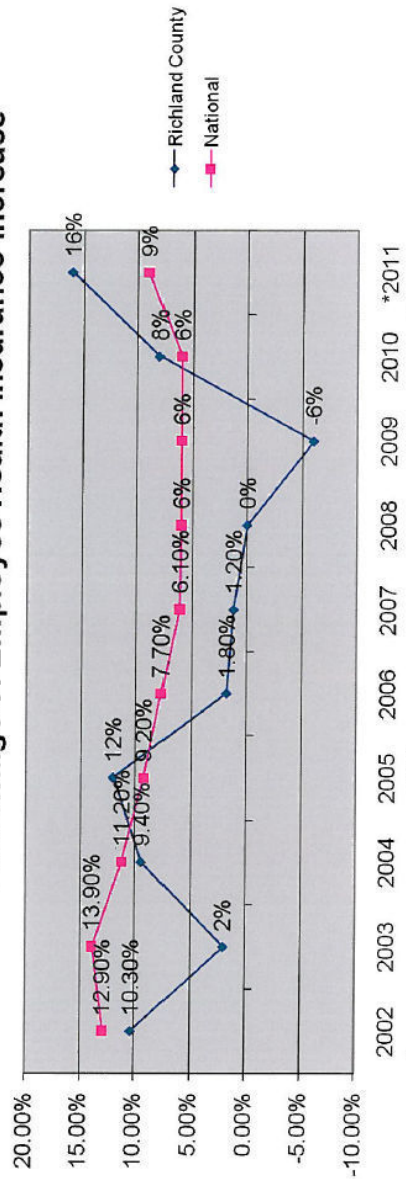
**The old fixes of cost shifting and more managed care are no longer enough.**





# Understanding Our Past Can Help Us Plan the Future

## Richland County Percentage of Employee Health Insurance Increase



{-----CCP-----} {-----BCBS-----}  
 \*2% of increase by RC, 4% paid by employees, 10% covered by changes in plan; wellness efforts resulted in \$1.495 million reduction in premiums.





Many Initiatives...But Little Coordinated Strategy

Health Risk Assessment  
(HRA) Questionnaire

Onsite flu shots

Walking Incentives

EAP counseling  
Annual mammogram and Pap  
smear payable thru medical plan

Lunch & Learn's

Biometric Screenings with  
Blood pressure checked and blood drawn

Health Fair



# It's Time for a New Paradigm

The old paradigm of health care cost containment has lost its effectiveness

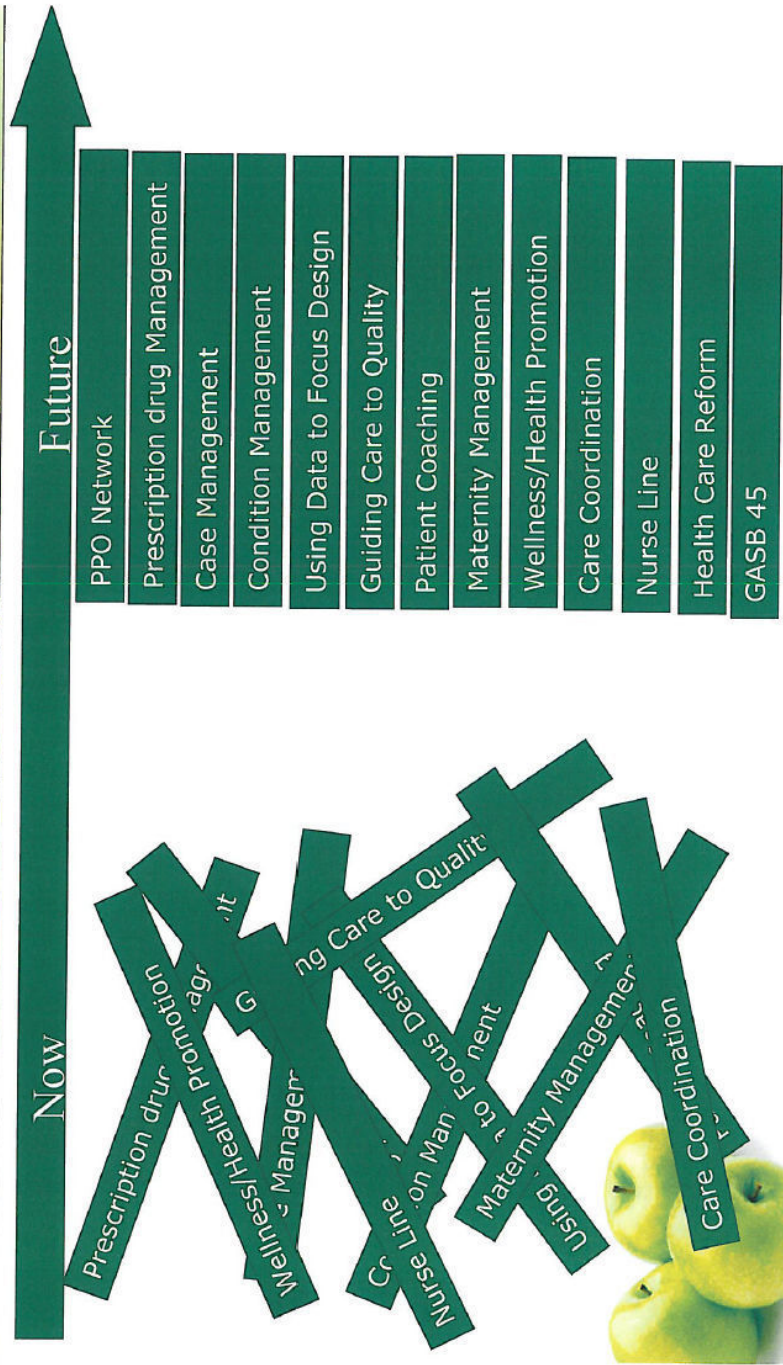
- Network management and contracting for discounts are no longer effective cost management tools
- Plan design can no longer be the total solution for cost containment

We need a new paradigm, based on:

- Promotion of healthy living to eliminate claims from ever happening
- Proactive County engagement with the employee to promote better health and manage disease states
- Promote employee ownership for health to make better decisions about health care
- Preventive care and health promotion
- Improving poor employee and retiree health habits



# Moving to Total Health Management



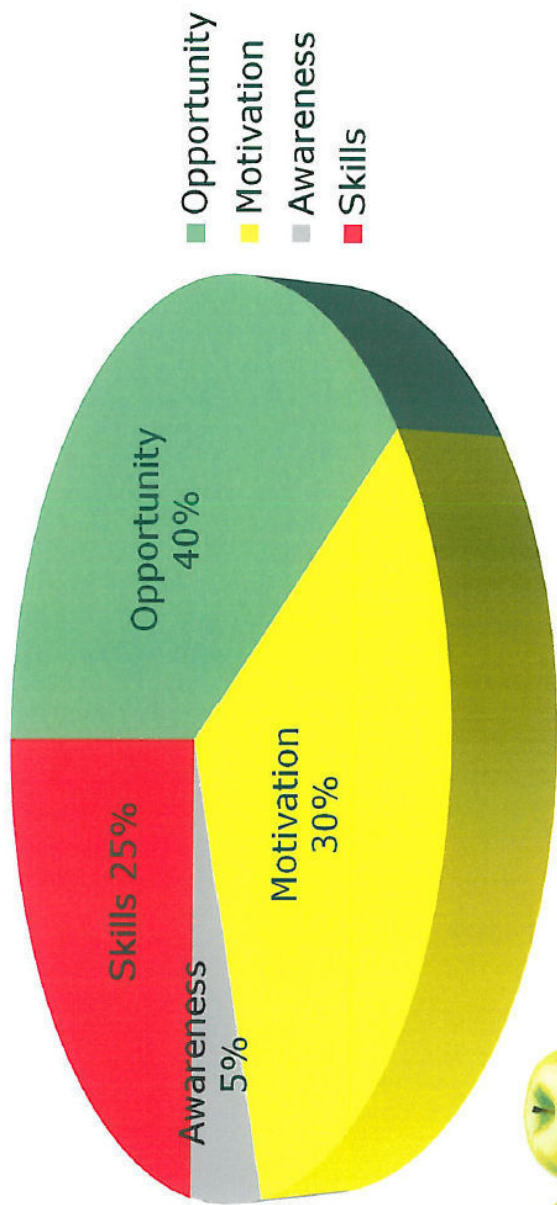


# In a THM World, Players Assume New Roles

	<b>CURRENT ROLE</b>	<b>NEW ROLE</b>
County	Financial and Fiduciary oversight	Facilitator, Advocate Leader
Employee	Passive, Sheltered, Entitled	Active, Informed & Motivated Consumer
Medical Provider	Dominant and Directed	Empowered, Accountable Caregiver
Insurer/HMO	Overseer and Gatekeeper	Case Manager
Quality Metrics Administration	Network Level	Consumer Level
	Disconnected Paper	Integrated Electronic



# AMSO BEHAVIOR CHANGE MODEL



# Awareness "Engage the Head & Heart"

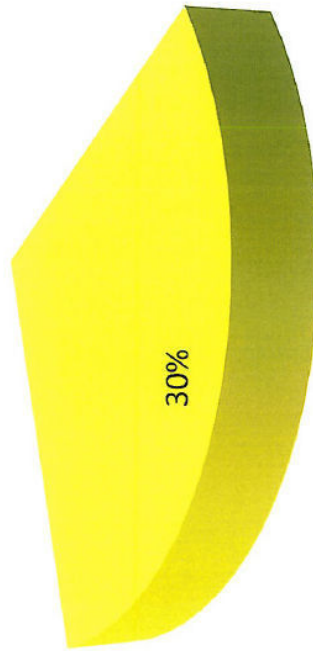
- Email
- Newsletter
- Website
- Face to Face
- Publications
- Testimonials
- Health Fair



# Motivation

“Motivate the feet by providing incentive”

- Incentive Program





# Skills "Build Skills with Hands"



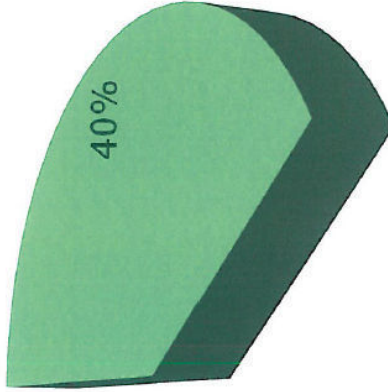
- Teach Performing Skills
- Teach Planning Skills
- Teach Communicating
- Teach Coping





# Opportunity "Leverage the Backbone"

- Healthy Nutrition
- Promote Activity
- Tobacco Prohibition



# Richland County's Approach to Promoting Healthy Lifestyles

## STRATEGIC DIRECTION:



IMPROVE Health



DECREASE Absenteeism Presenteeism



INCREASE Productivity



DECREASE Health Care Costs

### Assess Health

- Personal Health Risk Assessment
- Medical, Rx & Behavioral Health Claims for Aggregate Analysis
- On-Site Screenings
  - Pulmonary Lung Assessment
  - Bone Density Screening
  - Derma Skin Analysis
  - Mammograms
  - Prostate Screenings

### Improve Health

- Condition Management Programs
  - Asthma
  - Diabetes
  - COPD
  - Hypertension
  - CAD
  - CHF
  - Cholesterol
- Health Improvement Programs
  - Blood Pressure
  - Cholesterol
  - Fitness
  - Nutrition
  - Stress Management
  - Tobacco Cessation
  - Weight Management

### Get Support

- Health Pregnancy
  - Complex Care
  - Congenital Heart Disease
  - Transplant
- Make Your Move
  - Rich Health
  - Flu Shots
  - Walking Works
- Men's Health Day
- Women's Health Day
- Nurse Line
- Health Fair
- EAP



# Effective Wellness Programs

- Segal 3/1/11
- High wellness index companies:
  - 70% score - \$3,329
  - 30% score - \$4252



# Effective Wellness Programs

- How to get a 70% Score:
  - Strategic Plan
  - Shared Vision with Vendors
  - Wellness Leader and Committee
  - Dedicated Leadership Support



## Effective Wellness Programs

- Research indicates it takes 3 to 5 for full impact of wellness programs to be realized





# Strategic Plan

- Analysis of environment
- Analysis of RC
- Comparisons of the two
- Evaluation of Effective Plans
- Gaps in RC Plans
- What is needed to close those gaps
  - Over 250 Items – 2009-2015
  - Our Top Level Priorities



# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda