

RICHLAND COUNTY COUNCIL DEVELOPMENT & SERVICES COMMITTEE

Bernice G. Scott
District 10

Joyce Dickerson
District 2

Norman Jackson, Chair
District 11

Val Hutchinson
District 9

Bill Malinowski
District 1

*June 26, 2007
4:00 PM*

**Richland County Council Chambers
County Administration Building
2020 Hampton Street**

Call to Order

Approval of Minutes – May 22, 2007: Regular Session Meeting [Pages 3 – 5]

Adoption of Agenda

I. Items for Action

- A. A resolution to request that the South Carolina General Assembly and the South Carolina Congressional Delegation continue to support the manufacturing sector, the working families of South Carolina, and strong national trade policy, and to take swift and responsive actions to halt unlawful barriers to fair and free trade**
[Pages 7 – 10]
- B. Intergovernmental Agreement between Richland County and the Town of Irmo regarding implementation of Town's Phase II NPDES storm water permit**
[Pages 11 – 12]
- C. Request to approve amended guidelines to the Neighborhood Matching Grant Program**
[Pages 13 – 17]
- D. Petition to close a frontage road near Killian Road**
[Pages 18 – 20]
- E. Community Development: Requested to approve the Five-Year Consolidated Plan after the thirty (30) day public comment period**
[Pages 21 – 22]

- F. Request to award a contract to the lowest responsive bidder for the Owens Field Pavement Rehabilitation Project**
[Pages 23 – 24]
- G. Request to approve a change order in the amount of \$42,400 to allow for the evaluation of Chapter 26 Land Development Ordinance and drafting additional language to the Ordinance to include National Pollutant Discharge Elimination (NPDES) Reissued Permit**
[Pages 25 – 27]
- H. An ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-203, Stormwater Management; so as to provide for a new subsection “(E)”, entitled “Stormwater Management Industrial and High Risk Runoff Inspection Guidelines”**
[Pages 28 – 39]

II. Items for Discussion / Information

- A. Review of county billboard ordinance**
[Pages 40 – 43]
- B. Clear cutting ordinance**
[Pages 44 – 46]

III. Items Pending Analysis

- A. Request to allow the Administrator to negotiate the acceptance of the Town of Eastover’s water and sewer system for ownership, operation and maintenance by Richland County**
- B. Comprehensive Sewer Extension Policy**
- C. Fair Housing Incentives**
- D. Approval of Construction Contract for the Paving of 2.15 Miles of Dirt Roads in the North Paving Contract**
- E. Pet Licensing Fees**
- F. Local Affordable Housing Trust Fund**
- G. Joint City-County Planning Commission**
- H. Franchise Fees for the Installation of Utilities in Unincorporated Areas of Richland County**

I. Request to Declare all Unincorporated Areas of Richland County as a Water District

Adjournment

Staffed by: Joe Cronin

**Richland County Council
Development and Services Committee
May 22, 2007
3:00 PM**



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

Members Present:

Chair: Norman Jackson
Member: Joyce Dickerson
Member: Valerie Hutchinson
Member: Bill Malinowski
Member: Bernice G. Scott

Others Present: L. Gregory Pearce, Jr., Kit Smith, Joseph McEachern, Paul Livingston, Milton Pope, Tony McDonald, Joe Cronin, Larry Smith, Amelia Linder, Teresa Smith, Geo Price, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 3:05 p.m.

APPROVAL OF MINUTES

April 24, 2007 (Regular Session) – Mr. Malinowski requested that the minutes be amended to show the results of the vote on the item regarding Sewer Extension Authority.

Mr. Malinowski moved, seconded by Ms. Scott, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF AGENDA

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

ITEMS FOR ACTION

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10,

Parking in Residential Zones of the County; so as to prohibit the parking of motor vehicles in the front yard in certain residential zoning districts – Mr. Malinowski moved, seconded by Ms. Scott, to deny this item. A discussion took place. The vote in favor was unanimous.

An Ordinance Authorizing the Amendment of a Development Agreement Between Richland County, South Carolina and Lake Carolina Development, Inc. to Reflect the Addition of Land to the Lake Carolina PUD-2 - Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Ordinance Authorizing the Granting of a Sanitary Sewer Easement to the City of Columbia Across County-Owned Property on Elder's Pond Drive – Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Ordinance Authorizing the Granting of a Water Line Easement to the City of Columbia across County-Owned Property on Elder's Pond Drive – Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to Consider a Petition to Close a Portion of Hobart Road – A discussion took place. Ms. Scott moved, seconded by Ms. Scott, to forward this item to Council with a recommendation for approval. The vote was in favor.

Discussion of the Use of Fill in Floodplain Areas – Ms. Scott moved, seconded by Mr. Malinowski, to defer this item. A discussion took place.

Ms. Dickerson made a substitute motion, seconded by Ms. Hutchinson, to forward this item to Council without a recommendation. The motion failed.

The vote on the main motion was unanimous.

Ms. Scott moved, seconded by Ms. Hutchinson, to reconsider this item. The vote in favor was unanimous.

Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council without a recommendation and to inform Council prior to the meeting if the item is not ready to go forward. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Update on Clear Cutting Fines and Rezoning Requests – Mr. Pope stated that the committee members should have received a memo from Anna Almeida explaining how the process for site development works and the County's enforcement authority.

Update on Judicial Decisions Regarding Local Smoking Ordinances – Mr. Pope stated that he recommended that council not take up consideration of a smoking ordinance until the Supreme Court made a decision regarding this issue.

ITEMS PENDING ANALYSIS

Request to Allow the Administrator to Negotiate the Acceptance of the Town of Eastover's Water and Sewer System for Ownership, Operation and Maintenance by Richland County – This item is still pending analysis.

Sewer Extension Policy – This item is still pending analysis.

Fair Housing Incentives – This item is still pending analysis.

Approval of Construction Contract for the Paving of 2.15 Miles of Dirt Roads in the North Paving Contract – This item is still pending analysis.

ADJOURNMENT

Ms. Scott moved, seconded by Ms. Dickerson, to adjourn.

Mr. Jackson moved, seconded by Ms. Scott, to reconvene.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to adjourn.

The meeting adjourned at approximately 3:47 p.m.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject: Resolution in Support of Free and Fair Trade

A. Purpose

Council is requested to consider a resolution in support of free and fair trade.

B. Background / Discussion

During the council meeting on May 15, 2007, Councilman Damon Jeter referred to the D&S Committee consideration of resolution encouraging state and federal lawmakers to halt unlawful barriers to free and fair trade.

The legal department has drafted the attached resolution at Mr. Jeter's request. The resolution requests "that the South Carolina General Assembly and the South Carolina Congressional Delegation continue to support the manufacturing sector, the working families of South Carolina, and strong national trade policy, and to take swift and responsive action to halt unlawful barriers to fair and free trade."

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the resolution calling on state and federal lawmakers to halt unlawful barriers to free and fair trade.
2. Do not approve the resolution.

E. Recommendation

This request is at the discretion of County Council.

Referred by: Damon Jeter **Department:** Council Motion **Date:** 05/24/2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. No financial impact.

Legal

Reviewed by: Amelia Linder

Date: 6/12/07

Recommend Council approval Recommend Council denial
Comments regarding recommendation: Both alternatives are legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 6/13/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)**

**A RESOLUTION OF THE
RICHLAND COUNTY COUNCIL**

A RESOLUTION TO REQUEST THAT THE SOUTH CAROLINA GENERAL ASSEMBLY, AND THE SOUTH CAROLINA CONGRESSIONAL DELEGATION CONTINUE TO SUPPORT THE MANUFACTURING SECTOR, THE WORKING FAMILIES OF SOUTH CAROLINA, AND STRONG NATIONAL TRADE POLICY, AND TO TAKE SWIFT AND RESPONSIVE ACTIONS TO HALT UNLAWFUL BARRIERS TO FAIR AND FREE TRADE.

WHEREAS, \$136 billion in wages is expected to shift from the U.S. to low-cost nations by 2015; these American jobs go to workers who are paid just pennies per hour in unsafe conditions, and who receive no medical or other benefits; and

WHEREAS, manufacturing is a vital part of the American economy, providing tens of millions of families with jobs; and

WHEREAS, each American manufacturing job results in the creation, on average, of four additional jobs; and

WHEREAS, the United States trade deficit reached an all-time record for the fifth consecutive year, exceeding \$763 billion in 2006; and

WHEREAS, industries that once were the pride of their communities and employed generations of the same families have lost jobs to foreign nations where labor is artificially cheap, where currency is illegally manipulated, and where environmental standards are not enforced, rendering domestic manufacturing unable to compete; and

WHEREAS, South Carolina's manufacturing sector has lost nearly 100,000 jobs since 1998, resulting in chronic high unemployment in many South Carolina counties and inflicting serious harm to every sector of the state's economy;

NOW, THEREFORE, BE IT RESOLVED by the Richland County Council that on behalf of the citizens and business of Richland County, by this resolution encourages the South Carolina General Assembly and the Congressional Delegation of South Carolina to stake a strong position on behalf of fair and free trade. Free trade can only succeed if the rule of law is diligently applied; and

BE IT FURTHER RESOLVED that the Richland County Council urges citizens of Richland County to support strong trade policy and act in a manner that can best help preserve, protect and defend the jobs and economy of Richland County.

ADOPTED THIS the ____ day of _____, 2007.

Joseph McEachern, Chair
Richland County Council

ATTEST this ____ day of _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

Richland County Council Request of Action

Subject: Richland County Stormwater IGA with the Town of Irmo

A. Purpose

Council is requested to support the pursuit of an Intergovernmental Agreement between Richland County and Town of Irmo towards implementation of Town's Phase II NPDES storm water permit.

B. Background / Discussion

Town of Irmo is partly in Richland County and partly in Lexington County. As per the Federal regulations, Town of Irmo is required to operate under an NPDES Phase II permit and the Town recently obtained a permit, from DHEC, through Lexington County. Town had teamed up with Lexington County not only in procuring a permit but also desires to delegate the implementation of a section of the permit that involves; Construction Site storm water runoff control, plan reviews, land disturbance permits, inspections, enforcement on new construction, etc. The Town wishes to perform the remaining part of the permit by themselves. As per a meeting held on May 29, 2007, all the involved public entities (namely Richland County, Lexington County and Town of Irmo) are in agreement with this proposed plan of action.

An Inter Governmental Service Agreement describing the logistics of implementing the plan of action is being worked out between Richland County and Town of Irmo. Council is requested to support the process and authorize Richland County Administrator/designee to represent Richland County in moving forward with the agreement.

DHEC has set a deadline for compliance of September 1, 2007 and it is imperative we have an indication of council approval, at this time, in order to effect an agreement by the deadline.

C. Financial Impact

No funds are being required to support the request. However, there might be a change in standards, regulations and enforcement for Richland County's portion of the Town of Irmo. Lexington County would be totally responsible for all items listed above and any development in the Town limits would be subject to Lexington County's requirements including development fees.

D. Alternatives

1. Approve the process as presented and as required to be completed per Richland County's current NPDES permit for compliance. It is in best interests of Richland County to see Town of Irmo in compliance.

2. Do not approve the process and risk non-compliance of the Town of Irmo's NPDES Phase II permit.

E. Recommendation

It is recommended that Council approve the request to support the process in developing an Inter Governmental Agreement between Richland County and Town of Irmo towards implementation of Town's Phase II NPDES Permit.

Submitted by: Srinivas Valavala, Richland County DPW Stormwater Manager
Howard Boyd; P.E. County Engineer, Richland County DPW

Recommended by: Tony Mc. Donald, Richland County Assistant Administrator on behalf of Teresa C. Smith; P.E. Richland County DPW Director

Department: Public Works **Date:** 06/04/2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation based on concept of developing an MOU. If it is possible to determine a compliance cost we would recommend that consideration be given in the MOU to some shared-cost recovery methodology based on cost to implement and monitor compliance since the current millage that supports the Storm Water program is not levied in the Town of Irmo.

Legal

Reviewed by: Amelia Linder

Date: 6/13/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend that the Legal Department review the MOU prior to its execution.

Administration

Reviewed by: Tony McDonald

Date: 6/22/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the process as outlined above, with the MOU to be brought back to the Council for approval once it has been completed and agreed upon at the staff level.

Richland County Council Request of Action

Subject: Neighborhood Matching Grant Guidelines

A. Purpose

The Neighborhood Improvement Program administers a matching grant program for neighborhood associations/home owner associations within unincorporated Richland County. At this time the grant guidelines do not give clear stipulations for grantees in submission of grant applications. Updated guidelines as well as new stipulations need to be adopted to hold associations accountable to the Richland County Neighborhood Improvement Program and Richland County Neighborhood Council.

B. Background / Discussion

The Richland County Neighborhood Improvement Program would like to amend the matching grant program guidelines to require the following:

1. Limit grant awards to \$2,500.00 per fiscal year per association
2. Limit grant award to \$500.00 per fiscal year per association for grants dealing with “legal issues”
3. Limit grant opportunities to real/true neighborhood associations/home owners associations thus requiring “partnership” with ineligible organizations as stipulated in the guidelines and application
4. Require membership of associations in the Richland County Neighborhood Council (RCNC)
5. Require associations to qualify as members of RCNC by attending three (3) consecutive meetings prior to applying for grant funds.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the new guidelines. If Richland County Council chooses to **approve** the request to change the Neighborhood Improvement Matching Grant Guidelines, they will be stipulated as attached.
2. Do not approve the new guidelines. If Richland County Council chooses to **not approve** the Neighborhood Improvement Matching Grant Guidelines, the existing guidelines will remain in place.

E. Recommendation

It is recommended that Council approve the request to update the Richland County Neighborhood Improvement Program Matching Grant guidelines to include the aforementioned changes.

Recommended by: Tiaa B. Rutherford **Department:** Neighborhood Improvement Program
Date: June 5, 2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 6/13/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives appear to be legally sufficient; therefore, this request is at Council's discretion.

Administration

Reviewed by: Tony McDonald

Date: 6/13/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:



DRAFT GUIDELINES/INSTRUCTIONS FOR NEIGHBORHOOD MATCHING GRANT PROGRAM

What are Neighborhood Matching Grants

The Neighborhood Improvement Program awards grants to neighborhood-based organizations to do projects that will make their neighborhoods better places to live, work, play, and shop. These projects may physically improve neighborhoods or help neighborhood organizations become stronger. Public safety, education, and recreational initiatives can also receive grants. *All projects must comply with applicable Federal, State, County, and City codes.*

Your organization will compete for grants with other organizations however; priority will be given to those neighborhood organizations that are members of the Richland County Neighborhood Council (RCNC). ***The maximum amount of funds to be awarded by the Neighborhood Improvement Program will be \$2,500.00 per neighborhood association.*** You must match funds awarded with contributions of volunteer time, cash, or in-kind donations of goods and services that are at least equal to the total amount of funds requested. The County will reimburse the organization for materials and supplies purchased. All requests for payment or reimbursement must be accompanied by receipt or invoice.

Projects will be evaluated on:

- The quality of the project (Is it well planned and ready to implement? What is the intended benefit?).
- Neighborhood participation and contribution.
- Need for the project.

Who may apply?

Neighborhood-based resident organizations that are members of the Richland County Neighborhood Council (RCNC) may apply. The organization must be open to anyone that lives in the neighborhood regardless of race, creed, color, religion, sex, age, national origin, or physical and mental disability and must actively seek membership from everyone in the neighborhood.

Partnerships are encouraged. Ineligible organizations may participate by forming partnerships with a qualified neighborhood organization. The neighborhood must be the lead applicant and play the most important role.

What Kinds of Projects are Eligible?

To be eligible, projects must:

- ✓ Provide a public benefit to the neighborhood and its residents.
- ✓ Involve neighborhood people directly in all phases.
- ✓ Be achievable by June 30th of the current fiscal year.

The five project categories and examples of possible projects are:

❖ Neighborhood Improvement

Playgrounds and minor park improvements, minor physical improvements to community structures, community gardens, beautification projects, and neighborhood signs;

❖ Neighborhood Organization Development

Activities that create new neighborhood organizations or increase membership in existing organizations to include newsletters and program flyers;

❖ Neighborhood Education/Recreation Initiatives

Activities that promote after-school tutoring, adult education, career training, literacy, parenting, and health education; or, neighborhood-sponsored activities for children, outdoor events, festivals, and after-school recreational programs;

❖ Public Safety

Neighborhood crime-watch signs, drug awareness and fire safety programs, and other programs that prevent or reduce crime;

❖ Legal Issues

Legal services that enhance organization development such as revising/updating neighborhood/homeowner association covenants can receive a grant however; **grants for legal issues will be limited to \$500.00.**

Who May Not Apply/What Kind of Projects are Ineligible?

Individuals, single businesses, county-wide organizations, social service, fraternal and religious organizations, universities, foundations, political groups, and public agencies are ineligible to receive funding from the Richland County Neighborhood Matching Grant Program.

Ineligible projects include:

- Operating budget expenses
- Purchasing computers or software materials
- The payment of professionals (for example, all beautification projects must be completed by the neighborhood residents or volunteers, not by professional landscapers).

The Neighborhood Contribution

To qualify your organization must match the funds you request from the Neighborhood Improvement Program. The value of your neighborhood contribution must be equal to or greater than the total dollars you are requesting in your application.

Neighborhoods may come up with the matching contributions in a variety of ways:

- Volunteer labor (valued at \$10 per hour).
- Cash.
- Donated supplies, equipment, or professional services.

GENERAL INSTRUCTIONS: Please type or print clearly. Please answer each question completely. You may use additional sheets if necessary. If the question does not apply to your project, please put “N/A” (not applicable). **AN APPLICATION FORM IS ATTACHED FOR YOUR CONVENIENCE.**

COMPLETING THE APPLICATION:

Before you begin filling out the application:

- Is it an eligible project?
- If not, what changes are needed to make it eligible?
- Do you have the time, energy, and commitment from the residents of the neighborhood to complete the project?
- Does your project require partnerships in order for the job to be effectively and efficiently carried out?

If you need help with the application or have questions, contact Tiaa B. Rutherford, Neighborhood Planner, at (803) 576-2166.

APPLICATION DEADLINE: Applications will be accepted throughout the County’s fiscal year (July 1 – June 30), as funds are available.

Please mail or bring completed application to:

**Neighborhood Improvement Program
Richland County Planning & Development Services
P.O. Box 192
2020 Hampton Street
Columbia, SC 29202**

Richland County Council Request of Action

Subject: Petition to Close Frontage Road Near Killian Road

A. Purpose

County Council is requested to approve, deny or make a recommendation with respect to a Petition to Close a frontage road near Killian Road in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14. The road is more particularly described in the Petition For Abandonment and Closure of Roads filed in the case of *Crossings Development, LLC vs. South Carolina Department of Transportation, and Richland County*, Civil Action No.: 07-CP-40-2010.

B. Background / Discussion

Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14 requires the County Attorney to consult with the County's Planning, Public Works and Emergency Services departments and to forward the request to abandon or close a public road or right-of-way to County Council for disposition. The petition was filed in circuit court on March 29, 2007.

C. Financial Impact

There is no apparent financial impact associated with this request.

D. Alternatives

1. Approve the request to close the frontage road near Killian Road.
2. Do not approve the request and contest the matter in circuit court.

E. Recommendation

As this is a litigation matter exempt from disclosure pursuant to S.C. Code of Laws Ann. Section 30-4-40(7), recommendation may be provided in accordance with the executive session prescriptions of 30-4-70.

Recommended by: Bradley T. Farrar **Department:** Legal **Date:** 05/17/07

F. Reviews

Emergency Services

Reviewed by: Michael Byrd

Date: 06/15/2007

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Public Works

Reviewed by: Teresa Smith

Date: 6/21/2007

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: DPW has not identified any concerns related to closing the Killian Frontage Road.

Planning

Reviewed by: Donny Phipps

Date: 6/19/2007

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The Killian Crossing PDD development is adjacent to Frontage Road which terminates at one of the developments out-parcels therefore making it difficult for the County to extend the road any further

Finance

Reviewed by: Daniel Driggers

Date: 6/19/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 6/19/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives appear legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 6/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Killian Frontage Road



Richland County Council Request of Action

Subject: Community Development Five-Year Consolidated Plan

A. Purpose

Council is requested to approve the Consolidated Plan after the thirty (30) day public comment period has been concluded in order to continue to receive the Community Development Block Grant and HOME funds.

B. Background / Discussion

Richland County has been receiving HUD federal funds for the past five years. The County is required to update the Five-Year Consolidated Plan in order to continue the funding. The Plan will cover the period of October 1, 2007 through September 30, 2011.

Due to size of the draft report, Council received a copy of the executive summary and the 2007 Annual Action Plan. The draft will be available on the Richland County web page. There is a required 30-day public comment period that is required and the Community Development will be responsible for ensuring that process. The public comment period begins June 25, 2007 and ends July 24, 2007. Written comments are to be submitted to Sherry Wright Moore before the ending date. Council must approve the Plan before submitting to HUD.

The Plan must be submitted to HUD by August 15, 2007. As a result of Council's summer schedule, Council must approve the plan on July 31, 2007 (this will allow for the completion and consideration of any comments received. As a result, HUD will review the Plan for consideration and approval. Once approved, Richland County will receive notification to proceed with the 2007 Annual Action Plan, beginning October 1, 2007.

A copy of the Executive Summary was mailed to council previously. Additional copies will be available prior to the committee meeting.

C. Financial Impact

By approving this Consolidated Plan, Richland County anticipates receiving approximately \$2,005,567 in CDBG and HOME funds. This five-year plan outlines the need for one additional staff (see Executive Summary – code enforcement program). CDBG funds will cover the personnel cost.

D. Alternatives

1. Give final approval to the Consolidated Plan after the thirty-day public comment period which ends July 24, 2007 and receive substantial federal grant funds to continue the efforts of the Community Development Department.

2. Do not approve the Consolidated Plan and lose federal grant dollars and the opportunity to improve the quality of life for eligible citizens.

E. Recommendation

It is recommended that the Committee forward this item on to Council for consideration of approval following the thirty-day public comment period.

Recommended by: Sherry Wright Moore **Department:** Community Development
Date: 6/12/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/13/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 6/14/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 6/14/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject: Owens Field Pavement Rehabilitation Project

A. Purpose

County Council is request to grant permission to the Procurement Director to award the runway rehabilitation contract to the lowest responsive bidder. Services rendered to the County for improvements by the selected contractor are reimbursable through the FAA and State Aeronautics Commission at a maximum of 97.5%. Council has approved the Counties 2.5% funding through the fiscal year 07 budget process. This contract will be executed only after the grant approvals are received.

B. Background / Discussion

The companies that responded to the request for bid will be reviewed by LPA, the County's selected airport engineering firm, and staff. The runway and a portion of the apron are deteriorating to a point that repairs are frequent to aid in reducing safety and liability concerns for Richland County. The FAA and State Aeronautics divisions agree that this work is necessary and will be supported by available funding over the next several years. The primary areas of concern will be addressed in this phase 1 project with remaining pavement rehabilitation, phase 2, funding to be available in FY08. After this period the entire airports pavement life is expected to gain 15 years of life expectancy.

C. Financial Impact

The end result impact to the County will be 2.5% of the total cost of the project. Council approved a budget of \$76,876 in the FY07 budget and the County's portion of the financial responsibility will not exceed the budgeted amount.

D. Alternatives

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

1. Approve the request to award a contract to the lowest responsive bidder to make major pavement improvements to this facility.
2. Do not approve permission award a contract to the lowest responsive bidder and lose all funding for facility improvement from the FAA and State agencies. Forfeiting these funds will require that the County fund the multi-million dollar project for runway repairs as the failing pavement is becoming a safety concern that will continue to deteriorate.

E. Recommendation

It is recommended for County Council to approve recommendation #1 and allow award of the construction contract to the lowest responsive bidder.

Recommended by: John Hixon **Department:** DPW - Facilities & Grounds **Date:** 6/11/07

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 6/14/07
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Funds are available in the current budget.

Finance

Reviewed by: Rodolfo Callwood Date: 6/14/07
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder Date: 6/14/07
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald Date: 6/15/07
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval contingent upon award of FAA grant.

Richland County Council Request of Action

Subject: NPDES Change Order

A. Purpose

Council is requested to approve the evaluation of Chapter 26 Land Development Ordinance and drafting additional language to the Ordinance to include National Pollutant Discharge Elimination (NPDES) Reissued Permit. A change order in the amount of \$42,400 is requested to cover the increased cost.

B. Background / Discussion

Richland County executed a Corrective Action Plan (CAP) and submitted it to DHEC addressing findings on Richland County's performance regarding the National Pollutant Discharge Elimination System (NPDES) Permit items. DHEC recently issued Richland County a second five year permit which was effective from September 11, 2006 through September 10, 2011. This reissued permit also covers two Co-Permittees, the Town of Arcadia Lakes and City of Forest Acres, for NPDES Phase II regulations. Department of Public Works Stormwater Management Division awarded the development of Stormwater Management Plan (SWMP) in March 2007 to B.P. Barber and Associates. Project was awarded for a total cost of \$68,700. The program is under development and is slated to be completed before September 11, 2007. Once the SWMP is completed, Chapter 26 Land Development Ordinance need to be evaluated with respect to SWMP and re-issued permit, and additional language need to be drafted for Richland County to be able to implement the permit for compliance. Since the Ordinance evaluation and updating is quite correlated to SWMP development, a change of order is being proposed for the project with below involved costs.

C. Financial Impact

Evaluating chapter 26 and drafting new language as per NPDES Phase I & II regulations will be performed by B.P Barber. This amount was budgeted in FY07 budget and needs Council approval in moving forward with the change of order. B. P Barber proposed performing the work with below costs. The total cost of the project including the below change of order is \$111,100.00

Item		Total
Original Contract for Stormwater Management Plan Revision		\$68,700
Evaluation of Chapter 26 Ordinances	\$24,600	
Drafting New Chapter 26 Ordinance Language	\$17,800	

Total Change Order request		\$42,400
Total Cost of Project including requested change of order		\$111,100

D. Alternatives

1. The Council approves the request as presented by the Department of Public Works as, upon review of the scope of work, cost estimates and other attributes from B.P. Barber, the estimated cost of \$42,400.00 appears to be reasonable. Based on the SWMP plan developed, the Ordinance has to be amended as soon as possible for Richland County to be able to implement/enforce the SWMP.
2. Do not approve the change of order and return to the Department of Public Works. Anticipate delay in implementation of NPDES reissued permit items because of lack of particular NPDES re-issued permit language due to the fact that the project is to be bid. Also more costs involved in addressing the change of order since new firm has to develop from scratch. .

E. Recommendation

It is recommended that Council approve the request to evaluate Chapter 26 Land Development Ordinance to include NPDES Reissued Permit general language and draft new language per Phase I and II regulations to B.P. Barber & Associates Inc.

Submitted by: Srinivas Valavala, Richland County DPW Stormwater Manager

Recommended by: Teresa C. Smith, P.E. Richland County DPW Director

Department: Public Works

Date: 05/30/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/15/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 6/15/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 6/18/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Any amendments to Chapter 26 would have to go through the Planning Commission. I also highly recommend that the Public Works Department work with the Planning and Development Services Department in drafting amendments to Chapter 26.

Administration

Reviewed by: Tony McDonald

Date: 6/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject: Chapter 26 Land Development Ordinance Amendment

A. Purpose

Council is requested to approve the Chapter 26 Land Development Ordinance Amendment to include NPDES Reissued Permit General Language and Industrial and High Risk Runoff Program/Inspections Language.

B. Background / Discussion

Richland County executed a Corrective Action Plan (CAP) and submitted it to DHEC addressing findings on Richland County's performance regarding the National Pollutant Discharge Elimination System (NPDES) Permit items. DHEC recently issued Richland County a second five year permit which was effective from September 11, 2006 through September 10, 2011. This reissued permit also covers two Co-Permittees, the Town of Arcadia Lakes and City of Forest Acres, for NPDES Phase II regulations. As part of the implementation of the permit:

Chapter 26 Land development Ordinance has to be revised to reflect general language that refers to adoption of the NPDES permit Phase I and Phase II regulations. This will allow Richland County Staff immediate implementation and enforcement of the permit (Attachment A). However, specific language will need to be added to reflect the specific requirements of each program in the permit.

The Department of Public Works Stormwater Management Division recently completed the development of Industrial and High Risk Runoff Inspections Program (IHR) which is the first program requiring Ordinance revisions (Attachment B). For the Richland County personnel to be able to effectively implement the program, additional language needs to be added to the existing Chapter 26 Land Development Ordinance reflecting IHR inspections, violations and enforcement relating to the inspections. The new language inclusion should be added below the general language of the NPDES permit adoption (Attachment B).

C. Financial Impact

No additional funds are being required to support the request. However, violation of said Ordinance may result in Civil or Criminal Penalties to the violator.

D. Alternatives

1. Approve amendment as presented by the Department of Public Works as required to be completed per Richland County's current NPDES permit for compliance.

2. Do not approve revision and return to the Department of Public Works and risk non-compliance with NPDES reissued permit items for lack of the general language and permit enforcement authority.

E. Recommendation

It is recommended that Council approve the request to amend Chapter 26 Land Development Ordinance to include NPDES Reissued Permit general language and Industrial and High Risk Runoff Program/Inspections Language.

Submitted by: Srinivas Valavala, Richland County DPW Stormwater Manager

Recommended by: Teresa C. Smith, P.E. Richland County DPW Director

Department: Public Works

Date: 05/30/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 6/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Based on Public Works Director's recommendation. Approval would not add any additional cost to program.

Planning

Reviewed by: Anna Almeida

Date: 6/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 6/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: A draft ordinance is attached for Council's consideration.

Administration

Reviewed by: Tony McDonald

Date: 6/15/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Attachment A

ORDINANCE REVIEW

Sec. 26-203. Stormwater management.

(10) Stormwater Management NPDES Permit Compliance

The Land Development Ordinance adopts SCDHEC re-issued National Pollutant Discharge Elimination System (NPDES) permit in its entirety. This adoption includes individual programs developed as part of implementation of NPDES permit. NPDES permit was effective from September 11, 2006 through September 10, 2011. The duration of the adoption of NPDES permit will be for a term of five (5) years, and will be automatically renewed for a like term unless the Ordinance amended by Council for an intent to terminate. Richland County Personnel, Director of Public Works, Stormwater Management Personnel or designee may enforce any of the violations in regards to SCDHEC delegated Richland County's NPDES storm water discharge permit programs or language. The individual programs and their legalities are further discussed through Sec 26-203-10-a

- I. The Director of Department of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing, and any other NPDES related tasks. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times.
- II. In the event that the Richland County or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

Violations

Upon determination that a violation of any of the provisions of this article or the NPDES permit has occurred, the Richland County personnel may give timely actual notice at the property where the violation has occurred and shall give written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the time line (depending on the violation and is left to the discretion of the inspector) to correct deficiencies, if appropriate. There shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

Penalties

In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense.

Attachment B

Sec. 26-203-10-a

a. Industrial and High Risk Runoff Program

The county may review industrial storm water pollution preventions plan(s), as required under National Pollutant Discharge Elimination System (NPDES) storm water discharge permit, while outfall monitoring indicates a suspected violation or proactively in its routine water quality checks as per below guidelines:

- II. The Director of Department of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling and testing. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times.
- III. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the director. The director shall promptly seek issuance of an administrative search warrant.
- IV. In the event that the director or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.
- V. Inspection reports shall be maintained in a permanent file located in the Storm Water Management Division.
- VI. At any time during an inspection or at such other times as the director or his designee may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the director or his designee has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL TRADE SECRET." The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event the director does not agree with the trade secret designation, the material shall be temporarily designated a trade secret, and the owner or representative may request an appeal of the director's decision in the manner in which all such appeals are handled in this article.

VII. All trade secret material which are prepared or obtained by or for the director shall be marked as such and filed in a secure place separate from regular, non-secret files, and documents. Reports from samples prepared or obtained by or for the director or submitted for laboratory analysis shall be marked as such and treated in the same manner as other trade secret material. Trade secret material shall not be divulged by the director to anyone other than:

- 1) Other employees of the county or employees of the state or federal governments engaged in an inspection or enforcement proceeding involving the designated material; and
- 2) To administrative or judicial courts upon order to so divulge the material to the court.

Monitoring

The director may require the person responsible for any private property or premises, including, but not limited to, any private property or premises which is or may be the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high-risk facility, or the source of an illicit discharge, at that person's expense, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such discharge in accordance with such methods, at such locations, and intervals as the director shall prescribe, and provide periodic reports relating to the discharge. To the extent practicable, the director shall recognize and approve the sampling procedures and test methods established by 40 CFR 136.

Best management practices

Industrial facilities and high risk facilities may be required to implement, at their own expense, structural and/or nonstructural BMPs, as appropriate, to prevent the discharge of pollutants to the Richland County MS4. To the extent practicable, the director shall recognize that storage and handling of significant materials, material handling equipment or activities, intermediate products or industrial machinery in such a manner that they are not exposed to stormwater is an effective BMP. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.

Violations

Upon determination that a violation of any of the provisions of this article or the Storm Water Management Plan (SWMP) has occurred, the director may give timely actual notice at the property where the violation has occurred and shall give written notice to the violator. This notice shall specify: the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies, if appropriate. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.

Providing false information and tampering prohibited

- a) It shall be unlawful for any person to provide false information to the director or anyone working under the director's supervision when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any inspection, recordkeeping or monitoring requirement carried out or imposed under this article.
- b) It shall be unlawful for any person to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.

Penalties

In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense.

(Ord. No. 074-04HR, § V, 11-9-04; Ord. No. 065-05HR, § X, 9-20-05)

Secs. 26-204 - 26-220. Reserved.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VIII, RESOURCE PROTECTION STANDARDS; SECTION 26-203, STORMWATER MANAGEMENT; SO AS TO PROVIDE FOR A NEW SUBSECTION “(E)”, ENTITLED “STORMWATER MANAGEMENT INDUSTRIAL AND HIGH RISK RUNOFF INSPECTION GUIDELINES”.

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 VIII, Resource Protection Standards; Section 26-203, Stormwater Management; is hereby amended to provide for a new subsection, to read as follows:

(e) Stormwater management industrial and high risk runoff inspection guidelines.

(1) The county may review industrial storm water pollution preventions plan(s), as required under a facility's National Pollutant Discharge Elimination System (NPDES) storm water discharge permit, when outfall monitoring indicates a suspected violation or proactively in its routine water quality checks as per below guidelines:

a. The Director of Department of Public Works, Stormwater Management Personnel or designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing. The personnel shall duly notify the owner of said property or the representative on site, and the inspection shall be conducted at reasonable times.

b. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall immediately report the refusal and the grounds to the director. The director shall promptly seek issuance of an administrative search warrant.

c. In the event that the director or the designee reasonably believes that discharges from the property into the Richland County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

- d. Inspection reports shall be maintained in a permanent file located in the Storm Water Management Division.
- (2) At any time during an inspection or at such other times as the director (or his/her designee) may request information from an owner or representative, the owner or representative may identify areas of its facility or establishment, material or processes which contains or which might reveal a trade secret. If the director (or his/her designee) has no clear and convincing reason to question such identification, all material, processes and all information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL TRADE SECRET." The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event the director does not agree with the trade secret designation, the material shall be temporarily designated a trade secret, and the owner or representative may request an appeal of the director's decision in the manner in which all such appeals are handled in this article.
- (3) All trade secret material which are prepared or obtained by or for the director shall be marked as such and filed in a secure place separate from regular, non-secret files, and documents. Reports from samples prepared or obtained by or for the director or submitted for laboratory analysis shall be marked as such and treated in the same manner as other trade secret material. Trade secret material shall not be divulged by the director to anyone other than:
- a. Other employees of the county or employees of the state or federal governments engaged in an inspection or enforcement proceeding involving the designated material; and
- b. To administrative or judicial courts upon order to so divulge the material to the court.
- (4) Monitoring. The director may require the person responsible for any private property or premises, including, but not limited to, any private property or premises which is or may be the source of a stormwater discharge associated with industrial activity, or the source of a discharge from a site of industrial activity, or the source of a discharge from a high-risk facility, or the source of an illicit discharge, at that person's expense, to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods, sample such discharge in accordance with such methods, at such locations, and intervals as the director shall prescribe, and provide periodic reports relating to the discharge. To the extent practicable, the director shall recognize and

approve the sampling procedures and test methods established by 40 CFR 136.

- (5) Best management practices. Industrial facilities and high risk facilities may be required to implement, at their own expense, structural and/or nonstructural BMPs, as appropriate, to prevent the discharge of pollutants to the Richland County MS4. To the extent practicable, the director shall recognize that storage and handling of significant materials, material handling equipment or activities, intermediate products or industrial machinery in such a manner that they are not exposed to stormwater is an effective BMP. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section.
- (6) Violations. Upon determination that a violation of any of the provisions of this article or the Storm Water Management Plan (SWMP) has occurred, the director may give timely actual notice at the property where the violation has occurred and shall give written notice to the violator within 15 days. This notice shall specify: the nature of the violation, the proposed penalty, and the amount of time in which to correct deficiencies, if appropriate. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes.
- (7) Providing false information and tampering prohibited.

 - a. It shall be unlawful for any person to provide false information to the director or anyone working under the director's supervision when such person knows or has reason to know that the information provided is false, whether such information is required by this article or any inspection, recordkeeping or monitoring requirement carried out or imposed under this article.
 - b. It shall be unlawful for any person to falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this article.
- (8) Penalties. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense.

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 _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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



LAMAR ADVERTISING OF COLUMBIA

W. Scott Shockley
Vice President and General Manager

April 19, 2007

Mr. Norman Jackson
Chairman, DNS Committee
Richland County Council
2020 Hampton Street
Columbia SC 29204

Dear Mr. Jackson,

On selective locations in Lexington County and the City of Columbia, we have been deploying an exciting new Digital technology on our billboards. This technology is not only a tremendous opportunity for the business community but it also provides a voice for the community for critical events. Unfortunately, current code prevents this technology from being utilized in Richland County.

For your consideration, I have included specific language that we would like to present to the DNS committee to be offered as a text amendment to the current sign ordinance. I look forward to the opportunity to meet with you committee to explain this technology in greater detail.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Scott Shockley".

W. Scott Shockley

1221 ATLAS ROAD • COLUMBIA, SC 29209
PHONE (803) 647-9122 • TOLL FREE 877-495-2627
FAX (803) 647-0849

PROPOSED AMENDMENTS

Sec. 26-180 Signs

May 25, 2007

Proposed amendments in italics

- (o) Nonconforming signs. All legal nonconforming signs in existence as of the effective date of this chapter may be continued, shall be maintained in good condition and may be changed as hereinafter provided. However, a nonconforming sign shall not be:
- (1) Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered; *and also, and notwithstanding any provision of this chapter, a digital display device may be installed upon, or removed from, a legal nonconforming off-premise sign structure to replace, or be replaced by, a legal nonconforming off-premise sign; and any measurement of light output from such a digital device shall be made no less than twenty-one (21) feet from the face thereof.*
 - (2) Structurally altered so as to prolong the life of the sign; *provided, and notwithstanding any provision of this chapter, a legal nonconforming off-premise sign structure may be structurally altered as may be necessary or convenient to support a digital display device installed, or to be installed, as provided in this section.*
 - (3) Expanded, *except as provided in this section.*
 - (4) Reestablished after discontinuance for sixty (60) or more successive days.
 - (5) Reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost of the sign structure, *exclusive of the value of any digital display device.*

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-07HR

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; SUBSECTION (O), NONCONFORMING SIGNS; SO AS TO ALLOW DIGITAL DISPLAY DEVICES .

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 26-180, Signs; Subsection (o) is hereby amended to read as follows:

- (o) *Nonconforming signs.* All legal nonconforming signs in existence as of the effective date of this chapter may be continued and shall be maintained in good condition. However, a nonconforming sign shall not be:
- (1) Changed to another type or shape of nonconforming sign; provided, however, the copy, content, or message of the sign may be changed so long as the shape or size of the sign is not altered; in addition, a digital display device may be installed upon or removed from or may replace a legal nonconforming off-premise sign, as long as any measurement of light output from such digital device shall be made no less than twenty-one (21) feet from the face thereof.
 - (2) Structurally altered so as to prolong the life of the sign; provided, however, the structure of a legal nonconforming off-premise sign may be altered as necessary or convenient in order to support a digital display device, as provided by paragraph (1) above.
 - (3) Expanded; except as provided in this subsection (o).
 - (4) Reestablished after discontinuance for sixty (60) or more successive days.
 - (5) Reestablished after damage or destruction, where the estimated expense of reconstruction exceeds fifty percent (50%) of the appraised replacement cost of the sign in its entirety, exclusive of the value of any digital display device.

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 _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Item for Discussion

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, RULES OF CONSTRUCTION/DEFINITIONS; AND ARTICLE IV, AMENDMENTS AND PROCEDURES; AND ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS, SECTION 26-171, GENERAL; SO AS TO LIMIT THE RE-ZONING AND/OR DEVELOPMENT OF LAND THAT HAS BEEN CLEAR CUT.

WHEREAS, clear cutting means the felling and removal of most, if not all, of the trees from a given tract of land; and

WHEREAS, clear cutting can destroy an area's ecological integrity in a number of ways, including:

1. The destruction of buffer zones that reduce the severity of flooding by absorbing and holding water; and
2. The elimination of fish and wildlife species due to soil erosion and habitat loss; and
3. The removal of underground worms, fungi and bacteria that condition soil and protect plants growing in it from disease; and
4. The destruction of aesthetic values and recreational opportunities; and

WHEREAS, it is the desire of County Council to be good stewards of undeveloped land in unincorporated areas of Richland County for the benefit of all citizens;

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include a definition for "Clear cutting", as follows:

Clear cutting/clear cut. The felling and removal of most, if not all, of the trees from a given tract of land.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-52, Amendments; Subsection (b), Initiation of proposals; Paragraph (2), Zoning Map Amendments; Subparagraph a, Initiation; is hereby amended to read as follows:

(2) *Zoning map amendments.*

a. *Initiation.* Amendments to the zoning map of the county may be initiated by:

1. Adoption of a motion by the Richland County Planning Commission.
2. Adoption of a motion by the Richland County Council.
3. Initiation by the Richland County Planning Director or the Richland County Administrator.
4. The filing of an application by the property owner(s) or their authorized agent; provided, however, no application will be accepted for two (2) years on any property that has been clear cut, with extensive replacement of trees, or for five (5) years on any property that has been clear cut, without extensive replacement of trees.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-171; is hereby amended to read as follows:

Sec. 26-171. General.

This article sets forth standards for land development in the unincorporated areas of Richland County, South Carolina, concerning a variety of different development issues. These standards are designed to ensure the compatibility of development within the county and to implement the policies found in the county's comprehensive plan. The applicability of the standards set forth in this article may vary based on the use, location, and zoning district (as set forth in this chapter). The criteria set forth in this article, as with all other requirements, must be satisfied before an application for development will be approved. In addition, no application for development will be accepted for two (2) years on any property that has been clear cut, with extensive replacement of trees, or for five (5) years on any property that has been clear cut, without extensive replacement of trees.

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

SECTION VI. Effective Date. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY
OF _____, 2007.

Michelle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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