



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Jim Manning	Valerie Hutchinson	Gwendolyn Kennedy (Chair)	Bill Malinowski	Seth Rose
District 8	District 9	District 7	District 1	District 5

**MAY 22, 2012
5:00 PM**

2020 Hampton Street

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: April 24, 2012 (pages 4-6)

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Broad River Rowing Center (pages 8-13)
3. Curfew for Community Safety (pages 15-16)
4. Engineering and Architectural Drawing Requirements (pages 18-24)

5. Tree Canopy Ordinance and Inventory Motion (page 26)
6. Utilities Crossing Conservation Easements in Richland County (page 28)
7. Review the process of the Development Review Team (page 30)
8. Bidding of Solid Waste Collection Services in Council District 11 (pages 32-34)
9. Roadway Lighting on State Right of Ways for Commercial Enhancement (page 36)
10. Purchase of Asphalt Paver (pages 38-40)
11. Purchase of Motorgrader (pages 42-44)
12. Purchase of Vactor Vacuum Jet Rodding Truck (pages 46-48)
13. Delete County Review Fees for Family Property (pages 50-54)
14. Direct Staff to Contact Property Owner on Council Initiated Rezoning (pages 56-57)
15. Expansion of boundaries for the proposed Spring Hills Master Plan Area (pages 59-61)
16. John Hardee Express Way Project Funding (pages 63-67)
17. Review of the Comprehensive Plan to ensure consistency (pages 69-70)

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: April 24, 2012 (pages 4-6)

Reviews

MINUTES OF



**RICHLAND COUNTY COUNCIL
DEVELOPMENT AND SERVICES COMMITTEE
TUESDAY, APRIL 24, 2012
5:00 P.M.**

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

=====

MEMBERS PRESENT

- Chair: Gwendolyn Davis Kennedy
- Member: Valerie Hutchinson
- Member: Bill Malinowski
- Member: Jim Manning
- Member: Seth Rose

ALSO PRESENT: Kelvin E. Washington, Sr., Norman Jackson, Paul Livingston, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Brad Farrar, John Hixon, Amelia Linder, Sandra Haynes, Tracy Hegler, Brian Cook, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 5:03 p.m.

APPROVAL OF MINUTES

March 24, 2012 (Regular Session) – Mr. Rose moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Manning moved, seconded by Ms. Hutchinson, to move Item #16: "Amy Barch's Turning Leaf Project" up on the agenda to become Item #2.a. The vote in favor was unanimous.

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

ITEMS FOR ACTION

Animal Care: Proposed Ordinance Revisions – Mr. Manning moved, seconded by Mr. Rose, to withdraw the motion. The vote in favor was unanimous.

Amy Barch's Turning Leaf Project – Mr. Manning moved, seconded by Mr. Rose, to forward this item to Council with a recommendation that Council approve the request to endorse Amy Barch's Turning Leaf Program and have staff bring back funding options. The vote in favor was unanimous.

Curfew for Community Safety – Mr. Manning moved, seconded by Mr. Malinowski, to hold this item in committee to allow the Committee to review the proposed ordinance. The vote in favor was unanimous.

Engineering and Architectural Drawing Requirements – Mr. Malinowski moved, seconded by Ms. Hutchinson, to hold this item in committee. The vote in favor was unanimous.

Farmers Market Update – Mr. Malinowski moved, seconded Mr. Rose, to table this item in committee, to provide updates to Council from the Economic Development committee and to direct staff to notify Council members of any meetings regarding this item. The vote in favor was unanimous.

Homeowner Association Covenants Update – Mr. Malinowski moved, seconded by Ms. Hutchinson, to table this item in committee and direct staff to provide Council any Legislative updates on this item. The vote in favor was unanimous.

Recovery of Damages to County Maintained Roads – Mr. Malinowski withdrew his motion.

Roadway Lighting on State Right of Way for Commercial Enhancement – Mr. Rose moved, seconded by Ms. Hutchinson, defer this item until the May Committee meeting. The vote in favor was unanimous.

SCDOT Traffic Signals Low Volume Flash Option – Mr. Malinowski moved, seconded by Ms. Hutchinson, to table this item in committee. The vote in favor was unanimous.

Texting While Operating a Motor Vehicle – Mr. Rose moved, seconded by Mr. Manning, to table this item in committee. The vote in favor was unanimous.

Tree Canopy Ordinance and Inventory Motion – This item was deferred until the May Committee meeting.

Utilities Cross Conservation Easements in Richland County – This item was deferred until the May Committee meeting.

Review the process of the Development Review Team – This item was deferred until the May Committee meeting.

Broad River Rowing Center – This item was deferred until the May Committee meeting.

Bidding of Solid Waste Collection Services in Council District 11 – This item was deferred until the May Committee meeting.

Resolution to designate May 2012 as Building Safety Month – Mr. Malinowski moved, seconded by Mr. Manning, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:57 p.m.

Submitted by,

Gwendolyn Davis Kennedy, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Broad River Rowing Center (pages 8-13)

Reviews

Richland County Government


County Administration Building
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202



Phone (803) 576-2050
Fax (803) 576-2137
TDD (803) 748-4999

Office of the County Administrator

MEMORANDUM

To: Members of County Council
From: J. Milton Pope, County Administrator 
Subject: Richland County Broad River Rowing Center
Date: 4-20-2012

Richland County Council requested staff meet with members of the Richland County Delegation regarding access to the Broad River Rowing facility.

History:

Richland County owns 27 acres of property along the Broad River adjacent to the Riverside Golf course near Interstate I-20. The property is currently used in partnership with the Broad River Rowing Club under a Memorandum of Agreement (MOA) adopted by County Council (see attachments).

It is important to note staff had numerous meetings and discussions with the Community prior to the adoption of the MOA to ensure use of the facility and property was consistent with adjacent neighborhood expectations.

Directive:

The directive of Council was in response to questions and concerns raised by members of the Richland County Delegation regarding access to the property. Some members of the Delegation suggested the property also be used for a fishing pier or other water craft activities because the dock on the property was initially funded by a grant from the Delegation in conjunction with the Richland County Recreation Commission.

Per the directive of Council, staff met with members of the Delegation regarding the matter and discussed all options; however, no changes materialized from these discussions. The former Chair of Council, Councilmember Paul Livingston, attempted to schedule follow-up meetings with representatives of the Delegation.

Recommendation:

Staff recommends a follow-up meeting with members of the Richland County Delegation to finalize discussions relating to the Broad River facility. If these discussions result in recommended changes and/or amendments to the current MOA, the adjacent neighborhood should be notified prior to any action taken by Council.

Item# 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

OPERATING AGREEMENT

This Operating Agreement (the "Agreement") is entered into on this 21st day of APRIL 2009 between **RICHLAND COUNTY**, South Carolina, (the "County"), and **COLUMBIA ROWING CLUB**, (the "Club").

WHEREAS, the County owns and operates the Richland County Rowing Center (the "Site"), located on the west bank of the Broad River; and

WHEREAS, the County and the Club wish to enter into an agreement for the Club's access and use of the Site;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the County and the Club agree as follows:

1. **Access Guidelines.** The Club agrees to use the Site only for official Club activities and purposes. It shall be the responsibility of the Club to ensure that the gate, when not open and in use for Club activities, shall be locked when the last Club member departs the Site. Keys to the gate may be issued to Club members, officers of the Carolina Crew, and select helpers in the Club Youth Rowing Program. The Club shall be responsible for maintaining an accurate list of all persons who are issued gate keys. Such list shall be made available to the County at the County's request. The Club will use due care in the operation of vehicles on the Site for Club purposes. All unauthorized vehicles are subject to the jurisdiction of the Richland County Sheriff's Department. If additional or "over-flow" parking is needed for any activity on the Site, it shall be the responsibility of the Club to provide such parking. Open fires, open flames, grilling, barbequing, alcoholic beverages, and activities related to the use of alcoholic beverages are hereby expressly prohibited on the Site. The hours of operation shall be from sunrise to sunset.
2. **Insurance.** At all times during the duration of this Agreement, the Club shall maintain liability insurance in an amount sufficient to cover all Club activities on or related to the use of the Site. The Club shall provide a certificate of insurance to the County indicating the amount of coverage. It shall be in the sole discretion of the County to determine if the coverage amount is sufficient to meet the requirements of this section. Once the County has approved the coverage amount in the certificate of insurance, such amount shall not be reduced during the term of this Agreement.
3. **Indemnification.** The Club shall hold harmless and shall fully and completely indemnify County from any and all claims, demands or actions brought against the Club or County by

any person, natural or corporate, arising from any act or omission on the part of the Club and related to any activity contemplated by this Agreement. Additionally, all Club members shall sign an indemnification agreement indemnifying the County and the Club from any liability arising from any Club related activities at or related to the Site.

4. **Club Safety Guidelines.** The Club agrees to establish a set of Membership Rules and Guidelines (the Guideline) concerning safety and behavior at the Site and while on the River. The Club agrees to the following specific safety training and procedures found in the Guideline related to rowing activities at or related to the Site:
 1. All Club members will be required to pass a swimming test before being allowed to row from the Site.
 2. All Club members will pass training concerning the proper procedures to be used in the event that a boat capsizes.
 3. No member will row more than 500 meters downstream of the dock toward the dam if rowing alone AND water is going over the dam as indicated by the water level indicator at the dock.
 4. No member will row downstream of the dam warning buoys under any circumstances.
 5. No Club member will be allowed to row on the River under unsafe weather or water level conditions.
 6. No alcoholic beverages will be allowed at the Site.
 7. No loud or disruptive activities will be allowed at the Site.
5. **Approval of Club Activities.** Normal day-to-day and weekly activities will be governed by this Agreement. Additional activities such as regattas to which other clubs are invited, new programs that involve a substantial increase in activity, and special events to which the public is invited will require prior approval by the Richland County Administrator. The Club shall give notice of any such activities in a reasonable time to allow the County to properly research and respond. It is understood that certain small events may offer opportunities which will call upon an acceleration of the approval process.
6. **Site Maintenance.** General day-to-day Site maintenance including trash removal will be the responsibility of the Club. Any remaining repairs will be the responsibility of the County.
7. **Term and Termination.** This Agreement shall remain in effect for a period of five (5) years from the date of execution. Either party may terminate the Agreement by giving 90 days written notice to the other party.
8. **Assignment.** Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Club without prior written consent of the County.

9. **Amendment of the Agreement.** Any amendment to this Agreement shall not be binding upon all of the parties unless such amendment is in writing and executed by all parties hereto.
10. **Notice.** All correspondence shall be sent as follows:

Columbia Rowing Club:

Columbia Rowing Club
George Park, President
720 Vintage Lane
Columbia, SC 29210

Richland County:

Richland County
Attn: County Administrator
PO Box 192
Columbia, SC 29202

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective seals the day and year first above written.

RICHLAND COUNTY

By: 

Title: County Administrator

COLUMBIA ROWING CLUB

By: 

Title: President



Item# 2

Richland County Rowing Center



Permitted

- Picnicking
- River Viewing
- Hiking (Trails Undeveloped)
- Rowing
- Leashed Pets

Prohibited

- Overnight Camping
- Open Fires
- Firearms Use
- Hunting
- Fishing from Dock
- Littering
- Swimming
- Alcoholic Beverages
- Loud Noise, Music
- Canoe Launching

To Report Maintenance Concerns, Please Call Richland County Department of Public Works (803) 576-2450

Richland County Council Request of Action

Subject

Curfew for Community Safety (pages 15-16)

Reviews

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; BY THE ADDITION OF SECTION 18-7, "HOURS OF SALE RESTRICTED FOR COMMERCIAL ESTABLISHMENTS WHICH ALLOW FOR ON-PREMISES CONSUMPTION OF BEER, ALE, PORTER AND/OR WINE;" SO AS TO PROHIBIT THE OPERATION OF COMMERCIAL ESTABLISHMENTS LOCATED WITHIN DISTRICT 8 OF RICHLAND COUNTY WHICH ALLOW FOR THE ON-PREMISES CONSUMPTION OF SAID BEVERAGES AS DEFINED BETWEEN CERTAIN HOURS OF CERTAIN DAYS.

WHEREAS, Richland County Council (the "Council") is empowered to enact regulations that provide for the general health and welfare of its citizens; and

WHEREAS, the Council is concerned about the sale and consumption of alcoholic beverages in the late night and early morning hours, and the attendant health and safety problems which may arise; and

WHEREAS, the Council has determined that it is in the best interests of the County for the general health and welfare of the community that the on-premises sale and consumption of certain alcoholic beverages be restricted between the hours of 2:00 A.M. and 6:00 A.M. Mondays through Saturdays within District 8;

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; is hereby amended by the addition of Section 18-7, Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine to read as follows:

Sec. 18-7. Hours of sale restricted for commercial establishments which allow for on-premises consumption of beer, ale, porter and/or wine within District 8.

(a) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Beer, Ale, Porter and Wine shall be defined for purposes of this section as stated in Section §61-4-10 of the Code of Laws of South Carolina 1976, as amended from time to time.

(b) Prohibition.

Commercial establishments located within the unincorporated areas of District 8 of Richland County which allow for the on-premises consumption of beer, ale, porter and/or wine shall be prohibited from operating between the hours of 2:00 A.M. and 6:00 A.M. on Mondays through Saturdays.

(c) Penalty.

Any person who violates any provision of this section shall be subject to the penalty provisions of section 1-8 of the Richland County Code of Ordinances.

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 _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin Washington, Chair

ATTEST THIS THE _____ DAY

OF _____, 2012

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

Engineering and Architectural Drawing Requirements (pages 18-24)

Reviews

Richland County Council Request for Action

Subject: Amending “Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (2), Minor Subdivision Review; so as to remove the requirement of sketch plan submittal.

A. Purpose

County Council is requested to consider an ordinance that would remove the requirement of sketch plan submittal.

B. Background / Discussion

At the Council meeting on January 5, 2010, a motion was made by the Honorable Norman Jackson, as follows:

“Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens.”

During the June 2010 D&S committee meeting, the committee deferred the item to a future committee meeting pending the results of a staff review of engineering and architectural requirements.

Planning staff has since reviewed the Land Development Code and have determined that the requirement of sketch plan submittal could be eliminated, thereby saving an additional cost for the average citizen.

A draft ordinance is attached that accomplishes this.

C. Financial Impact

Unknown.

D. Alternatives

1. Approve the amendments to Section 26-54, so as to remove the requirement of a sketch plan.
2. Do not approve the amendments, thereby requiring sketch plan submittal.

E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Norman Jackson

Date: January 5, 2010

F. Approvals

Finance

Reviewed by: Daniel Driggers

Date: 5/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

ROA is informational only. No recommendation required

Planning

Reviewed by: Tracy Hegler

Date: 5/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Planning

Reviewed by: Amelia Linder

Date: 5/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Both alternatives are legally viable.

Legal

Reviewed by: Elizabeth McLean

Date: 5/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

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

Administration

Reviewed by: Sparty Hammett

Date: 5/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to eliminate the requirement of sketch plan submittal for Minor Subdivisions. This will save an additional cost for the average citizen.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (C), PROCESSES; PARAGRAPH (2), MINOR SUBDIVISION REVIEW; SO AS TO REMOVE THE REQUIREMENT OF SKETCH PLAN SUBMITTAL.

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 26, Land Development; Article IV, amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (c), Processes; Paragraph (2), Minor Subdivision Review; is hereby amended to read as follows:

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. ~~However, a~~ A minor subdivision shall not require engineered documents pertaining to design of infrastructure or the dedication of land to the county for open space or other public purpose. If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.
- ~~b. *Pre-application procedure.* No pre-application conference is required prior to applying for minor subdivision review. Applicants are encouraged to call or visit the planning department prior to requesting subdivision plat approval to determine what information is required for the application.~~
- ~~eb. *Plan submittal. Filing of application.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. All documents/information required on the application must be submitted, including the permit fee, as established by Richland County Council.~~
- ~~1. *Filing of application.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch plan, which shall be~~

Item# 4

~~submitted in both a paper and a digital format as specified by the County, containing all information required on the application. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.~~

~~2. Fees. A permit fee, as established by the Richland County Council, shall be submitted with the application.~~

~~dc. Staff review. The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within ten (10) days after the most recent submission date. Provided that the application is complete, the following shall occur.~~

1. *Planning staff review.* ~~Sketch~~ Plans for minor subdivision development ~~requiring minor subdivision review~~ shall be reviewed by the planning department for compliance with the requirements of this chapter.

2. *Development review team.* As needed, plans for minor subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, ~~approve conditionally~~, or deny the approval of the sketch plan application for a minor subdivision within thirty (30) days after the submission date of a completed application. ~~If the department fails to act on the application within that time, the application shall be deemed approved. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.~~

~~ed. Public notification.~~ No public notification is required for minor subdivision review.

~~fe. Formal review.~~ No formal review is required for minor subdivision plan approval.

~~gf. Variances.~~ Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

~~hg. Appeals.~~ Appeals shall be made to the Richland County Planning Commission, subject to the procedures set forth in Section 26-58, and the payment of fees established by the Richland County Council. ~~A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland~~

~~County Planning Commission within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. Such appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.~~

Pursuant to the requirements of Section 6-29-1150 (c) of the South Carolina Code of Laws, any person who may have a substantial interest in the decision appeal such decision of the Richland County Planning Commission to the Circuit Court, provided that a proper petition is filed with Richland County Clerk of Court within thirty (30) days after the applicant receives written notice of the decision. An appeal shall cease all staff and review agency activity regarding the subject project. However, a reconsideration request may be heard at the same time an appeal is pending. Since an appeal to the circuit court must be based on the factual record generated during the subdivision review process, it is the applicant's responsibility to present whatever factual evidence is deemed necessary to support his/her position. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the Planning Commission may appeal by filing a notice of appeal with the Circuit Court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

h. *Approval validity/final plat/recordation.*

~~1. *Final plat.* Following approval of a sketch plan for a minor subdivision and the installation and acceptance of required improvements, a final plat shall be prepared and submitted. In addition, a copy of the final plat shall be submitted to the planning department in a digital format as specified by the County. The final plat application shall contain all information required by the planning department. The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. No later than fifteen (15) days after receipt of a complete final plat package, the planning department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Appeals shall be taken to the Richland County Planning Commission. If approved, prior to recordation, the plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a minor subdivision does not automatically constitute or affect an acceptance by the county of the dedication of~~

~~any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.~~

21. *Recordation.* A ~~final~~ plat for a minor subdivision must be recorded by the applicant within thirty (30) days of approval, with the Richland County Register of Deeds. Approval of the ~~final~~ plat shall constitute the final subdivision approval. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

32. *Approval validity.* Failure to record a ~~final~~ plat within thirty (30) days shall invalidate plat approval.

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 _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

Attest this the ____ day of _____, 2012

Michelle M. Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Tree Canopy Ordinance and Inventory Motion (page 26)

Reviews

Richland County Government

County Administration Building
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202



Phone: (803) 576-2050
Fax: (803) 576-2137
TDD: (803) 748-4999

Office of the County Administrator

MEMORANDUM

TO: Councilman Malinowski and the Development and Services Committee
FROM: Sparty Hammett, Assistant County Administrator
SUBJECT: Tree Canopy Ordinance
DATE: April 19, 2012

Motion that Richland County Enact a Tree Canopy Ordinance and inventory to preserve and enhance the number of trees in Richland County. (D&S July 2010)

This motion has been held in Committee pending review by the Development Roundtable. The Development Roundtable has forwarded recommendations to the Planning Commission regarding development principles outlined in the original Roundtable consensus report. The Roundtable process is starting again on April 23, 2012 to finish reviewing the principles and other items such as the Tree Canopy Ordinance.

Item# 5

Richland County Council Request of Action

Subject

Utilities Crossing Conservation Easements in Richland County (page 28)

Reviews

Memorandum

TO: Randy Cherry, Research Manager

FROM: James B. Atkins, Manager, Environmental Planning Division

SUBJECT: Update on Motion for Councilman Malinowski

DATE: April 16, 2012

This memo serves as an update on Councilman Malinowski's motion regarding utilities crossing conservation easements in Richland County. The motion states:

Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place (Malinowski, D&S, September 2011)

History

Councilman Malinowski spoke with Geo Price, Amelia Linder and Buddy Atkins concerning the motion in late Sept 2011, including a discussion of amended the motion to apply more broadly to parcels other than conservation easements. Mr. Malinowski wanted the item placed on the October 2011 D&S Committee agenda. Buddy indicated that staff needs to see what action the Public Service Commission (PSC) takes concerning the SCE&G 230kv transmission line in northeast RC. This hearing is scheduled for October 20, 2011. Buddy indicated that RC intervened in the case and the PSC will not issue an order until December 2011. Until this order is issued, RC is not in a position to draft an ordinance impacting utility lines since Section 6-29-540 of the South Carolina Local Government Comprehensive Planning Enabling Act exempts utility lines from review by any county Planning Commission. Therefore, this item should not be on the agenda until the matter is settled by the PSC.

Update

Richland County settled the case with SCE&G. As a result, the PSC Order did not contain any other language other than the parties agreed to settle and that the requirements of Section 58-33-160 (e) of the Utility Facility Siting and Environmental Protection Act had been met. No new case law or guidance from the PSC was contained in the order which describes whether the "proposed facility [transmission line] will conform to applicable State and local laws and regulations."

Staff has been investigating ordinance language which could be used to address Councilman Malinowski's motion. The task is to find some mechanism which "regulates" utility lines in a manner not inconsistent with Section 6-29-540 of the South Carolina Local Government Comprehensive Planning Enabling Act. This may mean placing requirements directly on landowners which restrict their ability to grant utility easements on/over/under their property without RC approval. Additional legal research is needed to craft the ordinance.

Item# 6

Richland County Council Request of Action

Subject

Review the process of the Development Review Team (page 30)

Reviews

Richland County Government

County Administration Building
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202



Phone: (803) 576-2050
Fax: (803) 576-2137
TDD: (803) 748-4999

Office of the County Administrator

MEMORANDUM

TO: Councilman Jackson and the Development and Services Committee
FROM: Sparty Hammett, Assistant County Administrator
SUBJECT: Review of the Development Review Team (DRT)
DATE: April 19, 2012

Review the process of the DRT (Jackson, D&S, October 2011)

This motion was deferred to a future Development and Services Committee meeting. The following changes have been made to the Development Review Team process since the motion was made: appointed DRT members, established pre-DRT meetings, implemented response process within 2 business days, and improved communication to Council regarding DRT projects. Staff is currently reviewing the DRT ordinance to clear up discrepancies, and staff is also reviewing the process of scheduling the DRT meetings to address concerns identified by the Business Friendly Task Force.

Item# 7

Richland County Council Request of Action

Subject

Bidding of Solid Waste Collection Services in Council District 11 (pages 32-34)

Reviews

Richland County Council Request of Action

Subject: Bidding of Solid Waste Collection Services in Council District 11

A. Purpose

The purpose of this item is to request the County Council's consideration of a motion made at the April 3, 2012, Council Meeting regarding the bidding of solid waste collection services in Council District 11.

B. Background / Discussion

At the April 3, 2012, Council Meeting, Council Member Norman Jackson introduced the following motion:

“In an attempt to achieve a better fee for the citizens of Richland County and give opportunity for local vendors, I move that the County invite bids for the garbage operations in the SE area.”

In the process of rendering a decision on this motion, the following information should be considered:

- Richland County began providing County-wide curbside collection in January of 1986.
- The County currently provides curbside collection for residents through five contracted haulers. The services provided include the collection of household garbage, yard waste, bulk items and recyclables.
- Council District 11 encompasses Solid Waste Service Areas 6 and 7.
- In October 2011, the Council authorized staff to negotiate with the hauler for Service Area 6 (10,571 homes), and those negotiations are currently underway. The existing contract for Service Area 6 expires December 31, 2012.
- The Service Area 7 (6,295 homes) contract is not due to expire until 2014.
- In the past, the County has structured the contracts for solid waste collections so that the contract terms are staggered and that they don't all come up for renewal at once. Bidding area 7 at this time would change its position in the rotation.
- Negotiation of expiring contracts or rebidding contracts provides an opportunity for enhancing our current curbside service with additional services, such as improved recycling and yard waste programs.
- Current expiring routes are Service Area 2 with 8,694 homes (serviced by Waste Industries), and Service Area 6 with 10,571 homes (serviced by Advanced Disposal). Both of these contracts expire in December 2012.

C. Financial Impact

The true financial impact associated with bidding vs. renegotiating the contracts cannot be determined unless and until bids are received. The Solid Waste Department budgets annually for all costs associated with curbside collection.

D. Alternatives

- 1. Direct staff to continue negotiations with the current contractor (Advanced Disposal) for Service Area 6.
- 2. Authorize staff to begin early negotiations with the contractor for Service Area 7.
- 3. Direct staff to rebid Service Areas 6 and 7.

E. Recommendation

As indicated above, the Council voted in October 2011 to authorize the staff to renegotiate the contract for Service Area 6. Staff has been conducting those negotiations for the past several months and has reached a preliminary agreement with the hauler (Advanced Disposal) which was to be presented to the Council later this month.

Because of the Council’s previous direction to renegotiate, and because of the fact that negotiations have all but been completed, it is recommended that Service Area 6 not be bid at this time and that the negotiation process be allowed to run its course. It should be noted that the negotiations appear to have achieved a very favorable outcome for the County in terms of cost and in terms of enhanced services.

Recommended by: Tony McDonald Department: Administration Date: 4/13/12

F. Reviews

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

Solid Waste Department

Reviewed by: Paul Alcantar Date: _____
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation:

Finance

Reviewed by: Daniel Driggers Date: 4/17/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 4/17/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Procurement haven’t been involved with the negotiations.

Legal

Reviewed by: Elizabeth McLean

Date: 4/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council's discretion; however, if the contract for AREA 7 has not expired and Council wants to re-bid it, any termination proceedings should be done only in accordance with the contract terms.

Administration

Reviewed by: Tony McDonald

Date: 4/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Based on the previous direction from County Council, it is recommended that Service Area 6 not be bid at this time and that the negotiation process be allowed to run its course.

Richland County Council Request of Action

Subject

Roadway Lighting on State Right of Ways for Commercial Enhancement (page 36)

Reviews



RICHLAND COUNTY

Department of Public Works

C. Laney Talbert Center

400 Powell Road

Columbia, South Carolina 29203

Voice: (803) 576-2400 Facsimile (803) 576-2499

<http://www.richlandonline.com/departments/publicworks/index.asp>



MEMO

To: Councilman Rose
D&S Committee of Council
From: David Hoops, Director of Public Works
Cc: Sparty Hammett, Assistant Administrator
Re: Roadway Lighting on State right of ways for Commercial Enhancement
Date: April 16, 2012

Public Works met with representatives of the hospitality industry and lighting manufacturers to discuss implementation of lighting installations in SCDOT right-of-way. The hospitality industry representative, Rick Patel, is going to summarize facilities at all interstate exit locations in Richland County for ranking potential exit ramps for lighting.

Richland County Council Request of Action

Subject

Purchase of Asphalt Paver (pages 38-40)

Reviews

Richland County Council Request of Action

Subject: Purchase of One (1) Asphalt Paver

A. Purpose

County Council is requested to approve a purchase in the amount of \$145,793.38 for one (1) new Asphalt Paver from VT LeeBoy, Inc. The Asphalt Paver will be purchased from the Roads and Drainage division of the Department of Public Works, with funds available in the FY12 budget. The budget account is 1216302000.5314.

B. Background / Discussion

This equipment is to be purchased from VT LeeBoy, Inc through the NJPA Contract. It is replacing AJ008, a 1999 Mauldin Asphalt Paver that has repeated auger, electrical, and propane system issues. The Mauldin has exceeded its 10 year industry life cycle and is not performing reliably on projects due to stop/start problems and uneven paving repairs.

This new paver is 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.

Manufacturer and Dealer information is as follows:

LeeBoy 8515B Asphalt Paver

Manufacturer:
VT LeeBoy
500 Lincoln County Parkway Ext
Lincolnton, NC 28092

Dealer:
Blanchard Caterpillar
P.O. Box 7517
Columbia, SC 29202

C. Financial Impact

The financial impact to the County will be the purchase cost of the vehicle available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the truck is \$145,793.38.

Model 8515B Asphalt Paver	\$136,255.50
South Carolina Sales Tax	\$ 9,537.88
Total Cost	\$145,793.38

D. Alternatives

There are two alternatives available:

1. Approve the request to purchase the asphalt paver for the Roads and Drainage Division of the Department of Public Works
2. Do not approve the request to purchase the asphalt paver for the Roads and Drainage Division of the Department of Public Works.

D. Recommendation

"It is recommended that Council approve the request to purchase Model 8515B Asphalt Paver from VT LeeBoy, Inc."

Recommended by: David Hoops, PE Department: Public Works Date: 05/08/12

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 5/10/12
 ✓ 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: 5/15/12
 ✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Approve alternative one to make the purchase utilizing The National Joint Powers Alliance (NJPA) a municipal buying cooperative of which Richland County Government is a member.

Legal

Reviewed by: Brad Farrar Date: 5/16/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Council discretion subject to funding and compliance with purchasing requirements.

Administration

Reviewed by: Sparty Hammett Date: 5/16/12
 ✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Recommend Council approval to purchase the asphalt paver for the Roads and Drainage Division of the Department of Public Works.



8500B Series Asphalt Pavers

8515B Asphalt Paver



8515B High Deck or Low Deck Conveyor Paver

Features include:

- Choice of Engines: 84.5 HP Kubota or 83 HP Caterpillar
- 8- to 15-foot Heated and Vibrating Legend Screed System
- Poly Pad Steel Track Drive – standard
- High Deck / Low Deck Configuration
- 12" Casted Augers
- Dual Lever Joystick Steering Control (both sides)
- Electronic Over Hydraulic Control System
- Sonic Auger Controls
- Under Auger Cut-off Plates
- Operating Light Package
- Heavy-duty Radius Hopper Wings
- Two-speed Hydrostatic Drive, Internal Brakes – standard
- Electronic Gauge and Vandalism Packages

Designed with the Paving Professional in Mind.®

Item# 10

Richland County Council Request of Action

Subject

Purchase of Motorgrader (pages 42-44)

Reviews

Richland County Council Request of Action

Subject: Purchase of One (1) 12M Motorgrader

A. Purpose

County Council is requested to approve a purchase in the amount of \$212,094.92 for the purchase of one (1) new 12M Motorgrader from Blanchard Machinery. The 12M Motorgrader will be purchased from the Roads and Drainage division of the Department of Public Works, with funds available in the FY12 budget. The budget account is 1216302000.5314.

B. Background / Discussion

This equipment is to be purchased from Blanchard Machinery through the NJPA Contract. It is replacing AL003, a 2001 Komatsu Motor grader that is well beyond the 8 year/ 7500 hour industry standard for this equipment, and is becoming increasingly expensive to maintain. Over \$9,000 has been spent in the last year for various repairs, including clutch, transmission, and brake fluid leaks, electrical and tire problems.

This machine is 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.

Manufacturer and Dealer information is as follows:

Caterpillar 12M Motorgrader

Manufacturer:

Caterpillar Corporation
100 North East Adams Street
Peoria, Illinois 61629

Local Dealer:

Blanchard Machinery
P.O. Box 7517
Columbia, SC 29202

C. Financial Impact

The financial impact to the County will be the purchase cost of the vehicle available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the truck is \$212,094.92.

12M Motorgrader	\$211,794.92
South Carolina Sales Tax	\$ 300.00
Total Cost	\$212,094.92

D. Alternatives

There are two alternatives available:

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

D. Recommendation

"It is recommended that Council approve the request to purchase 12M Motorgrader from Blanchard Machinery."

Recommended by: **David Hoops, PE** Department: **Public Works** Date: **05/08/12**

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 5/14/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation:
 Funds are already pre-encumbered by the department as stated.

Procurement

Reviewed by: Rodolfo Callwood Date: 5/15/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Approve alternative one to make the purchase utilizing The National Joint Powers Alliance (NJPA) a municipal buying cooperative of which Richland County Government is a member.

Legal

Reviewed by: Brad Farrar Date: 5/16/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Council discretion subject to funding and compliance with purchasing requirements.

Administration

Reviewed by: Sparty Hammett Date: 5/16/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Recommend Council approval to purchase the motorgrader for the Roads and Drainage Division of the Department of Public Works.

12M

Motor Grader



Cat® C6.6 ACERT™ VHP

Base Power (1st gear) – Net	118 kW	158 hp
VHP Range – Net	118-129 kW	158-173 hp
VHP Plus Range – Net	118-144 kW	158-193 hp

Gross Vehicle Weight – Base

Total	14 998 kg	33,064 lb
Front Axle	4499 kg	9,919 lb
Rear Axle	10 498 kg	23,145 lb

Moldboard

Blade Width	3.668 m	12 ft 0 in
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Item# 11

Richland County Council Request of Action

Subject

Purchase of Vactor Vacuum Jet Rodding Truck (pages 46-48)

Reviews

Richland County Council Request of Action

Subject: Purchase of One (1) Vactor Vacuum Jet Rodding Truck

A. Purpose

County Council is requested to approve a purchase in the amount of \$334,592.00 for one (1) new Vactor Vacuum Jet Rodding Truck from Public Works Equipment. The Vacuum Jet Rodding Truck will be purchased from the Roads and Drainage division of the Department of Public Works, with funds available in the FY12 budget. The budget account is 1216302000.5313.

B. Background / Discussion

This equipment is to be purchased from Public Works Equipment through the NJPA Contract. It is replacing AH001, a 1997 Ford LNT8000 Vacuum Truck. The unit has well exceeded the 10 year industry standard for the equipment and is in need of continual maintenance, with recent major repairs including hydraulic boom cylinders and internal debris tank strainers.

This new truck is 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.

Manufacturer and Dealer information is as follows:

Vactor 2100 sewer jet vacuum truck:

Manufacturer:

Vactor Corporation
1621 South Illinois Street
Streator, Il 61364

Dealer:

Public Works Equipment and Supply, Inc.
3405 Westwood Industrial Drive
Monroe, NC 28110

C. Financial Impact

The financial impact to the County will be the purchase cost of the vehicle available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the truck is \$334,592.00.

Model 2112-J4 Plus Vacuum Jet Rodding Truck	\$334,292.00
South Carolina Sales Tax	\$ 300.00
Total Cost	\$334,592.00

D. Alternatives

There are two alternatives available:

1. Approve the request to purchase the vacuum truck for the Roads and Drainage Division of the Department of Public Works
2. Do not approve the request to purchase the vacuum truck for the Roads and Drainage Division of the Department of Public Works.

D. Recommendation

"It is recommended that Council approve the request to purchase Vacuum Jet Rodding Machine from Public Works Equipment."

Recommended by: David Hoops, PE Department: Public Works Date: 05/08/12

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 5/14/12
 ✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation:

Funds are already pre-encumbered by the department as stated.

Procurement

Reviewed by: Rodolfo Callwood Date: 5/15/12
 ✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Approve alternative one to make the purchase utilizing The National Joint Powers Alliance (NJPA) a municipal buying cooperative of which Richland County Government is a member.

Legal

Reviewed by: Brad Farrar Date: 5/16/12
 Recommend Council approval Recommend Council denial
 ✓ Council Discretion (please explain if checked)
 Comments regarding recommendation: Council discretion subject to funding and compliance with purchasing requirements.

Administration

Reviewed by: Sparty Hammett Date: 5/16/12
 ✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Recommend Council approval to purchase the vacuum truck for the Roads and Drainage Division of the Department of Public Works.

VACTOR **2100**
Plus



Item# 12

Richland County Council Request of Action

Subject

Delete County Review Fees for Family Property (pages 50-54)

Reviews

Richland County Council Request for Action

Subject: Amending “Section 26-224, Certain subdivisions exempt from road standards” (family property) so as to delete the requirement of review fees.

A. Purpose

County Council is requested to consider a motion to amend Section 26-224, to remove the requirement of review fees when an applicant proposes to subdivide what is commonly referred to as “family property”.

B. Background / Discussion

On November 15, 2011, County Council enacted Ordinance No. 064-11HR, which allows the planning director, or his/her designee, to exempt subdivisions from the road construction requirements of Sec. 26-181 if the property is being transferred to the owners’ immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. Subsection (e) includes this provision:

“the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this chapter, including any and all review fees, minimum lot size, etc.”

On April 17, 2012, a motion was made by the Honorable Kelvin Washington, as follows:

“I move to direct staff to draft an ordinance that would delete any county review fees for family property (Section 26-224 of the Land Development Code), retroactive to November 15, 2011”.

A draft ordinance is attached that deletes the review fees.

C. Financial Impact

The County would not receive the fees that it would have if the ordinance is not amended. For example, typical review fees are \$400 per application, and if the Planning Department received 5 applications per year, the loss of revenue would be \$2,000 per year. However, this amount could vary from year to year.

D. Alternatives

1. Approve the amendment to Section 26-224, and delete the requirement of review fees retroactive to November 15, 2011.
2. Do not approve the amendment, thereby requiring a \$400 review fee to be paid when an applicant submits a plan to subdivide “family property”.

E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Kelvin E. Washington, Sr. Date: April 17, 2012

F. Approvals

Finance

Reviewed by: Daniel Driggers Date: 5/1/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

This is a policy decision for council discretion. The financial impact is negligible.

Planning

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

While Planning recognizes the financial impact is negligible, the department is concerned about how this policy will be received by other applicants who are required to pay.

Planning

Reviewed by: Amelia R. Linder Date: 5/4/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: This is a policy decision for Council to make.

Public Works

Reviewed by: David Hoops Date:
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Does not affect PW operating budget.

Legal

Reviewed by: Brad Farrar Date: 5/16/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: See comments from Planning. Legal guidance available pursuant to S.C.Code Ann. Sections 30-4-10 et seq. (The South Carolina Freedom of Information Act) if desired.

Administration

Reviewed by: Sparty Hammett

Date: 5/16/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: I agree with the Planning Director, the removal of fees would have minimal financial impact; however, concerns could be raised by other applicants that have to pay plan review fees.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, CERTAIN SUBDIVISIONS EXEMPT FROM ROAD STANDARDS; SO AS TO DELETE THE REQUIREMENT OF COUNTY REVIEW FEES.

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 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Certain Subdivisions Exempt From Road Standards; is hereby amended to read as follows:

Sec. 26-224. Certain subdivisions exempt from road standards.

The planning director, or his/her designee, may exempt subdivisions from the road construction requirements of Sec. 26-181 of this chapter only if the property is being transferred to the owners' immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit legal documentation satisfactory to the planning director, or his/her designee, in order to establish eligibility for this exemption. In addition, the subdivider must submit a "Hold Harmless Agreement" as to Richland County. This exemption shall apply only to initial division of property, not to subsequent sale or further subdivision by the heirs, devisees, or transferees. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels, and shall contain the following information:

- (a) Names of owners of each parcel being created; and
- (b) Purpose of the subdivision; and
- (c) A note stating that "ROAD ACCESS NOT PROVIDED"; and
- (d) A note stating "THESE LOTS/PARCELS MAY NOT BE FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY RICHLAND COUNTY".
- (e) Should the planning director, or his/her designee, exempt a proposed subdivision from the construction of the private roadway, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this section shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone). In the situation that a property owner requests exemption from road construction as outlined in this section, the property owner shall sign a statement that he/she understands

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that the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this chapter, ~~including any and all review fees, minimum lot size, etc.;~~ provided, however, all Planning Department subdivision plan review fees shall be waived.

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 retroactively from and after November 15, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

Attest this the _____ day of
_____, 2012

Michelle M. Onley
Assistant 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:

Richland County Council Request of Action

Subject

Direct Staff to Contact Property Owner on Council Initiated Rezoning (pages 56-57)

Reviews

Richland County Council Request of Action

Subject: Direct staff to contact the property owner on Council initiated rezoning matters and determine if the existing zoning will be detrimental to others.

A. Purpose

County Council is requested to direct Legal and Planning staff to contact the property owner on Council initiated rezoning matters and consider the potential impacts of the requested zoning.

B. Background / Discussion

On May 1, 2012, a motion was made by the Honorable Norman Jackson, which was forwarded to the May 22, 2012 D&S Committee agenda:

“In order to rezone property by a Council member, legal and the Planning /Zoning Office must contact the owner. If the requested zoning is a lower classification or will affect the owners plans then it must be determined if it constitutes a Taking. A criteria should be developed to determine if the existing zoning will be detrimental to the adjacent or surrounding zonings before the request is considered.”

The Planning Director presented the following amended motion to the Honorable Norman Jackson on May 1, with his approval to consider:

“In order to rezone property by a Council member, Legal and the Planning/Zoning Office must contact the owner. Council, in coordination with staff, should consider any potential impacts when making a motion to amend zoning. At the time of the motion, Council can establish criteria to determine if the amended zoning will be detrimental to adjacent or surrounding zonings before the request is considered.”

C. Financial Impact

None at this time. Potential criteria established during the rezoning request may require outside assistance for determining impacts.

D. Alternatives

1. Direct staff as described above.
2. Do not direct staff as described above.

E. Recommendation

This request is at the discretion of County Council.

Recommended by: Norman Jackson, Council Member for District 11

Date: May 1, 2012

Item# 14

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 5/8/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

This is a policy decision for council discretion. Recommendation is based on no financial impact as stated above, “None at this time. Potential criteria established during the rezoning request may require outside assistance for determining impacts.”

Planning

Reviewed by: Tracy Hegler Date:
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Planning prefers the amended motion for its ease of implementation.

Legal

Reviewed by: Elizabeth McLean Date: 5/9/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Policy decision left to Council’s discretion; however, I would recommend that Legal’s role be confined to offering counsel to Planning/Zoning staff regarding potential takings claims when the Planning Department Attorney requests assistance. I would not recommend any attorney from the County be the point of contact with an unrepresented potential adversarial constituent as this could lead to the attorney violating the Rules of Professional Conduct.

Administration

Reviewed by: Sparty Hammett Date: 5/9/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommend Council approval of the amended motion.

Richland County Council Request of Action

Subject

Expansion of boundaries for the proposed Spring Hills Master Plan Area (pages 59-61)

Reviews

Richland County Council Request of Action

Subject: Expansion of boundaries for the proposed Spring Hill Master Plan Area

A. Purpose

County Council is requested to approve the expansion of the boundary for the proposed Spring Hill Master Plan Area.

B. Background / Discussion

On May 1, 2012, a motion was made by the Honorable Bill Malinowski, which was forwarded to the May 22, 2012 D&S Committee agenda:

“Due to the fact the current Spring Hill Master Plan is in close proximity to the county lines for Newberry and Lexington I move that the Spring Hill Master Plan be increased to include the areas of Richland County that extend to those two county lines.”

The Spring Hill and Lower Richland Master Plans were scheduled to begin in spring 2012 with the firm LandDesign. As negotiated with the consultants for cost efficiency, both plans must be done simultaneously. As such, changes to either plan that requires Council approval prevents both plans from starting.

- The cost of the combined Lower Richland Master Plan (at that time referred to as the Hopkins Master Plan) and the Spring Hill Master Plan was negotiated with the consultant and approved by County Council for \$289,000 (including Optional Scope items).
- The boundaries of the original Hopkins Master Plan were extended to the Sumter County line and renamed the Lower Richland Master Plan per Chairman Washington’s request and as approved by Council.
- Council approved the additional costs of \$22,800 incurred when the Lower Richland Master Plan boundary was expanded.
- The total cost of the two master plans (the Lower Richland boundaries and the new expanded Spring Hill boundaries, combined – including Optional Scope items) will be available at the May 22 D&S Committee meeting.

C. Financial Impact

Extending the Spring Hill Master Plan boundary will cost additional money. The total cost for both master plans will be available at the May 22 D&S Committee meeting. The Neighborhood Improvement Program’s FY11-12 budget has up to \$21,000 to cover anticipated added cost.

D. Alternatives

1. Approve the expansion of the Spring Hill Master Plan boundaries and additional consultant fees.
2. Do not approve the expansion of the Spring Hill Master Plan boundaries or additional consultant fees.

E. Recommendation

This request is at the discretion of County Council.

Recommended by: Bill Malinowski, Council Member for the 1st District Date: May 1, 2012

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 5/9/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

From a financial perspective, it is impossible to make any meaningful recommendation without knowing the associated cost of the request however approval of the request is at the discretion of Council. The ROA suggest that the Neighborhood Improvement Program has \$21,000 identified and available for the change in scope. If the cost estimates exceed the amount available then an alternative funding source will need to be identified. Based on the financial position of the Neighborhood Redevelopment fund there should be more than enough dollars available for appropriation if approved.

Procurement

Reviewed by: Rodolfo Callwood Date:5/9/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Planning

Reviewed by: Tracy Hegler Date: 5/9/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Planning and the Neighborhood Improvement Program anticipates the additional cost to be under \$21,000, but will confirm the amount and funding source at the Committee Meeting. Other than cost, the new boundaries will not have a major impact on the work to be performed.

Legal

Reviewed by: Elizabeth McLean Date: 5/9/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Policy decision left to Council’s discretion.

Administration

Reviewed by: Sparty Hammett

Date: 5/9/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to expand Spring Hill Master Plan boundaries.

Richland County Council Request of Action

Subject

John Hardee Express Way Project Funding (pages 63-67)

Reviews

Richland County Council Request of Action

Subject: John Hardee Express Way Project Funding

A. Purpose

County Council is being requested to approve the resolution below to solicit Congressman Jim Clyburn's help in securing the remaining funds for the John Hardee Expressway project.

B. Background / Discussion

On May 1, 2012, Councilman Norman Jackson proposed the following:

A Resolution: The John Hardee Expressway is very important to the Midlands for future economic development. Richland and Lexington Counties have exhausted all possible funding programs to finance this project and the SCDOT has placed this program as a priority in the STIP. This is not about partisanship; it is about getting help from our congressional leaders to secure finance for the project which will bring thousands of jobs to the Midlands expanding and bringing more companies/industries to our community. I move that we ask Congressman Clyburn for help to secure the additional \$4.2 Million needed to complete the \$82 Million project.

The John N. Hardee Expressway is included in the Statewide Transportation Improvement Program (STIP) as a project that provides statewide significance. This project is consistent with the statewide long range transportation plan (MPO LRTP) and the metropolitan transportation improvement program. It was set for construction in 2006 by SCDOT but the available funding did not materialize. In 2007 the John N. Hardee Expressway (Airport Connector) was included in the System and Intermodal Connectivity Program and remains as one of the State's primary needs.

Without this project, the economic growth and stability of the region will continue to be threatened. This area is a major industrial hub for Lexington County, Richland County and the greater Columbia area. By completing this project, regional connectivity will improve and provide a direct link to one of the largest interstates in the State.

Over fifteen (15) years ago, it was recognized by community leaders in the Columbia, SC region that there was a need for a direct link from I-26 to the Airport. Currently, passengers and cargo vehicles must travel along a congested one-mile section of S.C. Route 302. This congestion has hindered airline passengers, the general public traveling through this area, and commercial traffic since none of them have direct access to I-26.

In addition to impeding these passengers going to the Airport, this traffic has hindered the economic growth in the area and around the Airport, since cargo-handling vehicles do not have direct access to I-26. One major industry near the Airport, UPS, decided to locate their Southeastern Hub in Columbia with assurance that a direct link to I-26 would be constructed in the future. Other industries in the area have chosen to locate their businesses near the Airport with the hope that a connection would be made. In addition to UPS, SCANA has decided to

relocate from downtown Columbia, closer to the Columbia Metropolitan Airport. It is anticipated that the John N. Hardee Expressway would provide a direct connection between I-26 and the Airport that would alleviate traffic congestion on S.C. Route 302 and other local roads, and facilitate access to the Airport, while providing existing travelers and industries in the area with benefits from the improved traffic flow.

C. Financial Impact

At this time, the impact on the County is not known. Funding needed for project completion: \$4.2 million.

D. Alternatives

1. Approve the request to solicit Congressman Clyburn’s help in securing the remaining funds for the John Hardee Expressway.
2. Do not approve.

E. Recommendation

1. It is recommended that Council approve the request to solicit Congressman Clyburn’s help in securing the remaining funds for the John Hardee Expressway.

Recommended by:
Councilman Norman Jackson

Date:
May 16, 2012

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 5/4/12
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Approval would be consistent with the County financial policy to consider all funding alternatives.

Grants

Reviewed by: Sara Salley Date: 5/4/12
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 5/4/12
 Recommend Council approval Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council's discretion.

Administration

Reviewed by: J. Milton Pope

Date: 5-7-12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval



Project Location:
 Greater Columbia Area
 Lexington County, SC
 2nd Congressional District



John N. Hardee Expressway Phase II
 Above: Existing Conditions
 Top Right: Road Locations
 Middle Right: Renderings of Future Phase II Project
 Bottom Right: Rendering of Future Phase II Project

Richland County Council Request of Action

Subject

Review of the Comprehensive Plan to ensure consistency (pages 69-70)

Reviews

Planning

Reviewed by: Tracy Hegler

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The Planning Department is prepared to review the Comprehensive Plan and zoning district requirements for consistency and can provide recommendations accordingly.

Legal

Reviewed by: Elizabeth McLean

Date: 5/9/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council's discretion.

Administration

Reviewed by: Sparty Hammett

Date: 5/10/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to direct staff to review Comprehensive Plan.