



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

**SEPTEMBER 25, 2012
5:00 PM**

2020 Hampton Street

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: July 31, 2012 (pages 4-6)

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Interchange Lighting (pages 8-9)
3. Delete the Requirement of Review Fees for Family Property (pages 11-15)
4. Road Right-of-Way Acceptance Policy (pages 17-20)

5. Amendment to Thomas and Hutton Contract for Floodplain Remapping (pages 22-23)
6. Council District limits centered on County Maintained Roads (pages 25-50)
7. Amendment to Parking Regulation (pages 52-59)
8. Proclamation Designating October 2012 as Community Planning Month in Richland County (pages 61-63)
9. Olympia Mills Community Garden (pages 65-68)
10. Option to Purchase - Decker Blvd Acquisition Project (FEMA Grant) (pages 70-71)
11. Private Maintenance on Howard Coogler Road (pages 73-74)
12. Maintenance After Annexation of Roads (pages 76-77)
13. Closing a Portion of Fonta Vista Road (pages 79-81)

ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

14. Broad River Sewer Monthly User Fees (Malinowski, May 2012)

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: July 31, 2012 (pages 4-6)

Reviews

MINUTES OF



RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE TUESDAY, JULY 31, 2012 4:00 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

Member: Valerie Hutchinson
Member: Bill Malinowski
Member: Jim Manning

Not Present: Gwendolyn Davis Kennedy
Seth Rose

ALSO PRESENT: Greg Pearce, Norman Jackson, Paul Livingston, Joyce Dickerson, Damon Jeter, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Brad Farrar, Amelia Linder, Tracy Hegler, David Hoops, Daniel Driggers, Geo Price, Dale Welch, Andy Metts, Yanisse, Adrian Silva, Rodolfo Callwood, John Hixon, Sara Salley, Melinda Edwards, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 4:11 p.m.

APPROVAL OF MINUTES

June 26, 2012 (Regular Session) – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Malinowski moved, seconded by Mr. Manning, to approve the agenda as submitted. The vote in favor was unanimous.

ITEMS FOR ACTION

Roadway Lightning on State Right of Ways for Commercial Enhancement – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item to the September Committee meeting. The vote in favor was unanimous.

Item# 1

Delete the requirement of review fees for Family Property – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item to the September Committee meeting. The vote in favor was unanimous.

Broad River Sewer Monthly User Fees – Mr. Malinowski moved, seconded by Mr. Manning, to defer this item to the September Committee meeting. The vote in favor was unanimous.

Road Right of Way and Acceptance Policy – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item to the September Committee meeting. The vote in favor was unanimous.

Curfew for Community Safety – Mr. Malinowski moved, seconded by Ms. Hutchinson, to defer this item to the September Committee meeting. A discussion took place.

Mr. Manning made a substitute motion, seconded by Ms. Hutchinson, to forward this item to the September 11th Council meeting for action on the original motion regarding District 8. A discussion took place.

Mr. Manning withdrew his substitute motion.

Mr. Manning made a substitute motion, seconded by Ms. Hutchinson, to defer this item to the September Committee meeting. The motion failed.

Mr. Malinowski made a substitute motion, seconded by Mr. Manning, to forward this item to the September 11th Council meeting without a recommendation and to include Mr. Manning's original motion regarding a curfew for District 8. A discussion took place.

The vote was in favor.

Amendment to Thomas and Hutton Contract for Floodplain Remapping – Mr. Malinowski moved, seconded by Mr. Manning, to table this item. The vote in favor was unanimous.

Amendment to Thomas and Hutton Contract for Floodway Remapping – Ms. Hutchinson moved, seconded by Mr. Manning, to forward this item to the July 31st Special Called meeting with a recommendation for approval. The vote in favor was unanimous.

Council District Limits centered on County Maintained Roads – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item to the September Committee meeting and direct the Council members impacted to meet and bring back a recommendations. The vote in favor was unanimous.

Amendment to Parking Regulation – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item to the September Committee meeting. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:00 p.m.

Submitted by,

Gwendolyn Davis Kennedy, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Interchange Lighting (pages 8-9)

Reviews

Richland County Council Request of Action

Subject: INTERCHANGE LIGHTING

A. Purpose

Provide an update to the D&S Committee. Rick Patel of the Hotel and Hospitality Assoc. will provide input on the hospitality facilities at the Richland County Interstate interchanges.

B. Background / Discussion

Improve visibility and sense of safety for the traveling public. Thru travelers feel unsafe when exiting unfamiliar unlighted interchanges. Lighted interchanges attract travelers to the hotels and restaurants located on the intersecting roads. More business for local hotels, restaurants and gas stations results in more hospitality taxes collected.

C. Legislative/Chronological History

April, May and July 2012 reports to D&S Committee

D. Financial Impact

Costs of installation not estimated at this time. Mr. Patel's presentation will discuss estimated return on installation and operation costs.

E. Alternatives

1. Determine priority locations and contract for preliminary engineering and cost estimates.
2. Do not proceed with interchange lighting.

F. Recommendation

Public Works personnel do not have expertise or experience in this area. If Council wishes to pursue this subject further it is recommended that a consultant specializing in this area be contracted to provide preliminary engineering and cost estimates so that a decision can be made based upon accurate information.

Recommended by: David Hoops Department: Public Works Date: September 10, 2012

G. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 9/14/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

Request is informational only therefore no recommendation is needed

Procurement

Reviewed by: Rodolfo Callwood

Date: 9/14/12

Recommend Council approval

Recommend Council denial

Item# 2

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 9/17/12

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: 9/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: No action recommended until additional information is provided.

Richland County Council Request of Action

Subject

Delete the Requirement of Review Fees for Family Property (pages 11-15)

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. Legislative/Chronological History

This item was deferred during the May, June, and July D&S Committee meetings in order for the committee to obtain feedback from Chairman Washington.

D. 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.

E. 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”.

F. 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

Item# 3

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

Road Right-of-Way Acceptance Policy (pages 17-20)

Reviews

Richland County Council Request of Action

Subject: Road Right of Way and Acceptance Policy

A. Purpose

Develop a policy to guide Public Works staff for:

1. The acquisition of Right of Way for the improvement of County maintained roads presently in prescriptive easements.
2. The acceptance of existing improved roads not accepted into the maintenance system.

B. Background / Discussion

At the 2012 County Council Retreat, the need to develop a County right of way policy for road improvements in prescriptive easements and an unaccepted road policy was discussed with Council. In addition, Chairman Washington has indicated that Public Works should be working to obtain right of way for dirt road paving in the event that funding becomes available. The proposed policies would give staff direction in regard to right of way for dirt roads and the acceptance of existing paved roads into the County maintenance system.

1. Richland County has 211 miles of dirt roads in its maintenance system that are not in publicly owned right of ways (prescriptive easements). To expend public funds for improvements to these roads publicly owned right of ways must be acquired. A systematic approach needs to be developed to acquire those right of ways.
 - a. Unimproved roads maintained by RC without right of way are claimed to be public roads by prescriptive easement. Maintenance responsibility is created by section 21-5. Note that subsection (a) states *dedicated for public use* and (c) *comprising the land actually maintained*. Also note that subsection (h) states *Any unpaved road **deeded** to the county under these provisions may be eligible for "C" fund improvements*.
2. Richland County has 114 miles of paved roads that were not taken into the maintenance system. In most instances the original intent was to create a public road but either the developer or the County failed to complete the acceptance process. If the County is to consider accepting these roads for maintenance a systematic approach needs to be developed. This area falls under *Sec. 21-6. Standards for streets and drainage*.
Except as provided for in sections 21-4 and 21-5 above, only those streets, roads, and drainage systems designed and constructed in accordance with the standards prescribed herein will be accepted for maintenance by the County.

C. Legislative/Chronological History

During the July Committee meeting, the committee kept this item in committee pending staff in Public Works addressing the issue of how to deal with paved roads that are not up to county standards.

D. Financial Impact

This policy has no direct financial impact but could increase the future cost of roadway maintenance.

E. Alternatives

The do nothing alternate would result in:

1. Not being able to improve existing county maintained dirt roads in prescriptive easements. Roads can only be accepted for maintenance when they have been improved at the cost of the benefiting property owners to new road standards
2. Only being able to accept existing paved roads for maintenance that meet present code and are in like new condition.

Change policy and regulations if necessary to give staff appropriate directions to address these issues.

F. Recommendation

Change policy and regulations as follow:

1. **Prescriptive easements** – Establish a policy as follows

- i. Residents petition for improvement of the road on which their property is accessed. All property owners from which right of way will be required must participate on the petition.*
- ii. Public works will perform a preliminary study and create a right of way plan and deed documents.*
- iii. Upon receipt and recording of all necessary right of way deeds the project will be placed on the pending project list to be addressed when funds are available.*
- iv. All right of way must be donated by the property owners, no right of way will be purchased without specific direction of council.*

- b. **Existing unaccepted paved roads** – Establish a policy as follows:

- i. If development records exist. If records indicate the intent during development was to accept for public maintenance and the road is in conformity to the standards at that time of construction accept for maintenance.*
- ii. If records do not exist. If the roadway is in conformity with standards at the time of construction and in a physical condition appropriate for its age and use accept for maintenance.*
- iii. If road was not constructed to standards of the time or has deteriorated beyond normal use it can be reconstructed at the expense of the benefiting property owners in accordance with section 21-5 (h)*

(h) Any road in the county, including those created as a part of a private driveway subdivision pursuant to the county's land

development regulations, may be accepted by the county and brought up to paved or unpaved road standards as set forth in this article; provided that eighty percent (80%) of all property owners within the subdivision agree to same and that all costs incurred by the county to bring the road up to county paved or unpaved standards are paid by the property owners. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a 15 year period with an interest charge equal to that paid by the county for bonds issued to fund construction. The total costs plus interest of the improvements shall be allocated between the property owners by each lot being assessed an equal share of the costs and interest. Any unpaved road deeded to the county under these provisions may be eligible for "C" fund improvements. This section appears to allow improvement to a dirt road standard that could then be upgraded to paved with C funds.

Recommended by: David Hoops

Department: Public Works

Date: 6/13/12

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 6/13/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Recommendation is based on the evaluation and review of the Public Works Director. The financial sections states that the policy does not have any direct financial impact on the County however, it could increase the future cost of roadway maintenance therefore I would recommend that the policy include the estimated impact of the future maintenance cost on the system.

Planning

Reviewed by: Tracy Hegler

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 6/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Item# 4

Legal

Reviewed by: Elizabeth McLean

Date: 6/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Under state law, to claim a prescriptive easement on a property, the County would need to prove that it had maintained the property for public use for a period of twenty years under a claim of right or adverse to the property owner's interests. If that is proven, then the County has a legal right to the property, even without a deed or right-of-way. The right-of-way would put the County in a substantially better legal position, and obviate the need to file a Quiet Title action, whereby the Court declares who the legal owner is.

Administration

Reviewed by: Sparty Hammett

Date: 6/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of the road right-of-way and acceptance policies.

Richland County Council Request of Action

Subject

Amendment to Thomas and Hutton Contract for Floodplain Remapping (pages 22-23)

Reviews

Richland County Council Request of Action

Subject: Amendment to Thomas & Hutton Contract for Floodplain Re-Mapping

A. Purpose

County Council is requested to approve an amendment in the amount of \$61,600 to the existing contract with Thomas & Hutton to Re-Map the Gills and Crane Creek Floodplain in Zone AE areas. The additional funds will be used to delineate floodways within the watersheds as required for incorporation into the Flood Insurance Rate Maps (FIRMs).

B. Background / Discussion

Richland County entered into an agreement (PO CPS 10014) with Thomas & Hutton to re-map the Zone AE areas of the Gills and Crane Creek watersheds in FY2009. During the implementation of the contract the Federal Emergency Management Agency (FEMA) and the South Carolina Department of Natural Resources (SCDNR) began another county wide re-mapping of the FIRMs projected to be completed in April 2013. In order to incorporate the Thomas & Hutton study into the FEMA/SCDNR work the county needs to amend the current contract to include the delineation of floodways; 10, 25, 50 and 500 year floodplains; as well as other FEMA requested information. Originally, Council approved a \$27,500 amendment to the contract to complete the floodway analysis and it was determined thereafter that the floodway analysis could not be completed without the additional floodplain data. The additional amount requested (\$61,600) is required to complete the items requested by FEMA. More precise and accurate floodplain definition can save the county residents significant amounts on flood insurance and increase property sales where structures are removed from the floodplain. By incorporating the Thomas & Hutton information into the FEMA/SCDNR re-mapping effort the county will save a significant amount of staff time and money because FEMA/SCDNR will QA/QC the product, provide public meetings, announcements and comments as well as address any direct potential appeals of the re-mapping efforts.

C. Legislative/Chronological History

FY 2009 – Original Contract Awarded for \$114,400

FY 2011 – FEMA/ SCDNR began county-wide Flood Insurance Rate Map (FIRM) re-mapping

FY 2012 – ROA approved by Council on July 31, 2012 to amend contract by \$27,500

D. Financial Impact

PO CPS 10014; Thomas & Hutton; Re-mapping for Gills and Crane Creek Floodplain

Original Contract: \$114,400

Recommended Amendment Amount: \$61,600

The \$61,600 will be taken from the Stormwater Management Fund.

E. Alternatives

- 1. Approve the request to amend the existing contract with Thomas & Hutton to Re-Map the Gills and Crane Creek FIRMs in Zone AE areas by \$61,600.
- 2. Do not approve, the FIRMs for the Gills and Crane Creek watersheds are not re-mapped along with most of the county during the FEMA/SCDNR re-mapping projected to be completed in April 2013.

F. Recommendation

- 1. It is recommended that Council approve the request to amend the existing contract with Thomas & Hutton to Re-Map the Gills and Crane Creek FIRMs in Zone AE areas by \$61,600.

Recommended by: David Hoops Department: Public Works Date: September 10, 2012

G. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 9/11/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 9/11/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 9/12/12
 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: 9/12/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
 Comments regarding recommendation: Recommend Council approval of the request to amend the existing contract with Thomas & Hutton to Re-Map the Gills and Crane Creek FIRMs in Zone AE areas by \$61,600.

Richland County Council Request of Action

Subject

Council District limits centered on County Maintained Roads (pages 25-50)

Reviews

Richland County Council Request of Action

Subject: Council District limits centered on County Maintained Roads

A. Purpose

Establish policy for County Maintained roads located in multiple council districts.

B. Background / Discussion

Due to recent redistricting, Public Works is preparing to reorganize and update the county road spread sheets that are utilized to prioritize paving projects. It has come to our attention that some of the new district limits now fall on the centerline of County maintained roads. If we explicitly follow the district lines portions of some roads, split along the centerline, will fall in more than one district. This could cause difficulties when allocating funds for future projects as priorities could differ in the adjacent districts, placing the portion of the road in one district on a project but the portion in the adjacent district not being prioritized high enough to be included in the project.

C. Legislative/Chronological History

In July, the D&S committee kept this item in committee. Council members are to discuss any issues they may have prior to the September committee meeting and come up with possible solutions regarding same. On September 10, 2012, staff from Public Works provided memos to Administration highlighting County maintained paved and dirt roads that are on Council District borders.

D. Financial Impact

None

E. Alternatives

1. Place any roads split by council districts in the district containing the majority of the road.
2. Use the priority rating of the district containing the majority of the road for the entire road.
3. Use the priority rating of the district containing the majority of the road to establish the project priority and require the minority district to participate.
4. List roads as they now appear on district maps and determine funding effect when issue arises.
5. Other solutions as determined by Council.

F. Recommendation

It is important that projects be constructed to logical termini. Projects should not be terminated midblock and definitely should not be constructed half width. Public Works recommends option 3, use the priority rating of the district containing the majority of the road to establish the project priority and require the minority district to participate.

Recommended by: *David Hoops* Department: *Public Works* Date: *July 17, 2015*

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 7/19/12
 Recommend Council approval Recommend Council denial
✓ Council Discretion (please explain if checked)
Comments regarding recommendation:

Recommendation based on no financial impact.

Procurement

Reviewed by: Rodolfo Callwood Date:
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Policy decision that doesn't have a Procurement impact.

Legal

Reviewed by: Elizabeth McLean Date: 7/23/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Policy decision left to Council's discretion; however, please be mindful that Section 5 of the Voting Rights Act and the preclearance process are in place to ensure that the votes of the citizens are not diluted by placement in any specific district. I know it would not be the intent, but just be careful not to enact any policy that would have the same effect, i.e. the appearance of a different level of service for different districts.

Administration

Reviewed by: Sparty Hammett Date: 7/23/12
 Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)

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Comments regarding recommendation: Recommend Council approval of option 3 - use the priority rating of the district containing the majority of the road to establish the project priority and require the minority district to participate.



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: Sparty Hammett, Assistant Administrator

From: David Hoops, Director

Date: September 10, 2012

Re: **County Maintained Paved Roads on Council District Borders**

The following paved roads are on council district borders. The exact location and limits can be seen on the attached maps.

<u>Council District</u>	<u>Road</u>	<u>Shared with Council District</u>
1	Riverwalk Way	2
2	Ivy Square Way	7
2	Ivy Square Dr	7
2	Sandmyrtle Cir	7
2	Spring Park Dr	7

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2	Tall Shadows Ln	7
2	White Cedar Dr	7
7	Ashley Crest Dr	8
7	Lee Ridge Ct	8
7	Lee Ridge Dr	8
7	Rockingham Rd	8

Original Council District Road

Shared with Council District

7	Trowbridge Rd	8
7	Columbia Club Dr W	9
7	Longtown Rd West	9
8	Branson Ct	9
8	Conifer Ct	9
8	Grandview Cir	9
8	Hollingwood Dr	9

8	Hunters Pond Dr	9
8	Lake Carolina Dr	9
8	Legion Dr	9
8	Polo Ridge Cir	9
8	Sesqui Trail	9
8	Wynnewood Rd	10
9	Genessee Valley Rd	10
9	Mallet Hill Rd	10
9	Miles Rd	10
9	Three Bears Rd	10
9	White Birch Cir	10



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: Sparty Hammett, Assistant Administrator

From: David Hoops, Director

Date: September 10, 2012

Re: **County Maintained Dirt Roads on Council District Borders**

The following dirt roads are on council district borders. The exact location can be seen on the attached maps.

<u>Council District</u>	<u>Road</u>	<u>Shared with Council District</u>
1	Bob Dorn Rd	2
2	Boyle Hill Rd	7
2	Wotten Rd	7
3	N. Chelsea Rd	8
4	Eisenhowern Dr	7

Item# 6

7	Overlook Dr	9
9	Spring Creek Rd	10

Council District Changes - Paved Roads Riverwalk Way - Districts 1 & 2



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary



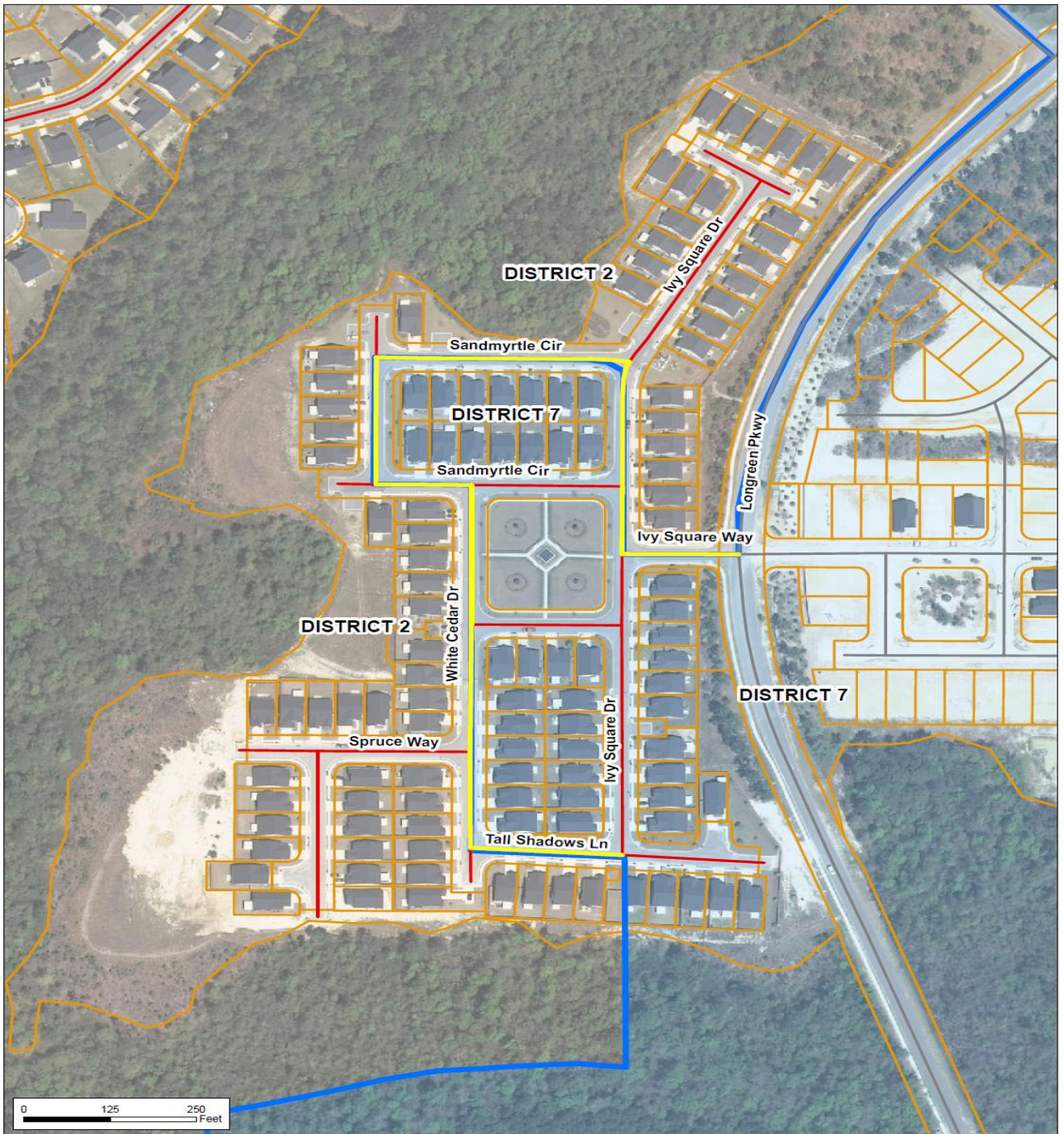
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Council District Changes - Paved Roads

Ivy Square Dr & Way, Sandmyrtle Cir, Tall Shadows Ln,
White Cedar Dr - Districts 2 & 7



- Legend**
- Interstate
 - County Paved
 - - - County Unpaved
 - Private
 - SCDOT
 - Road that is split or shares Council District Lines
 - Parcels
 - Council District Boundary

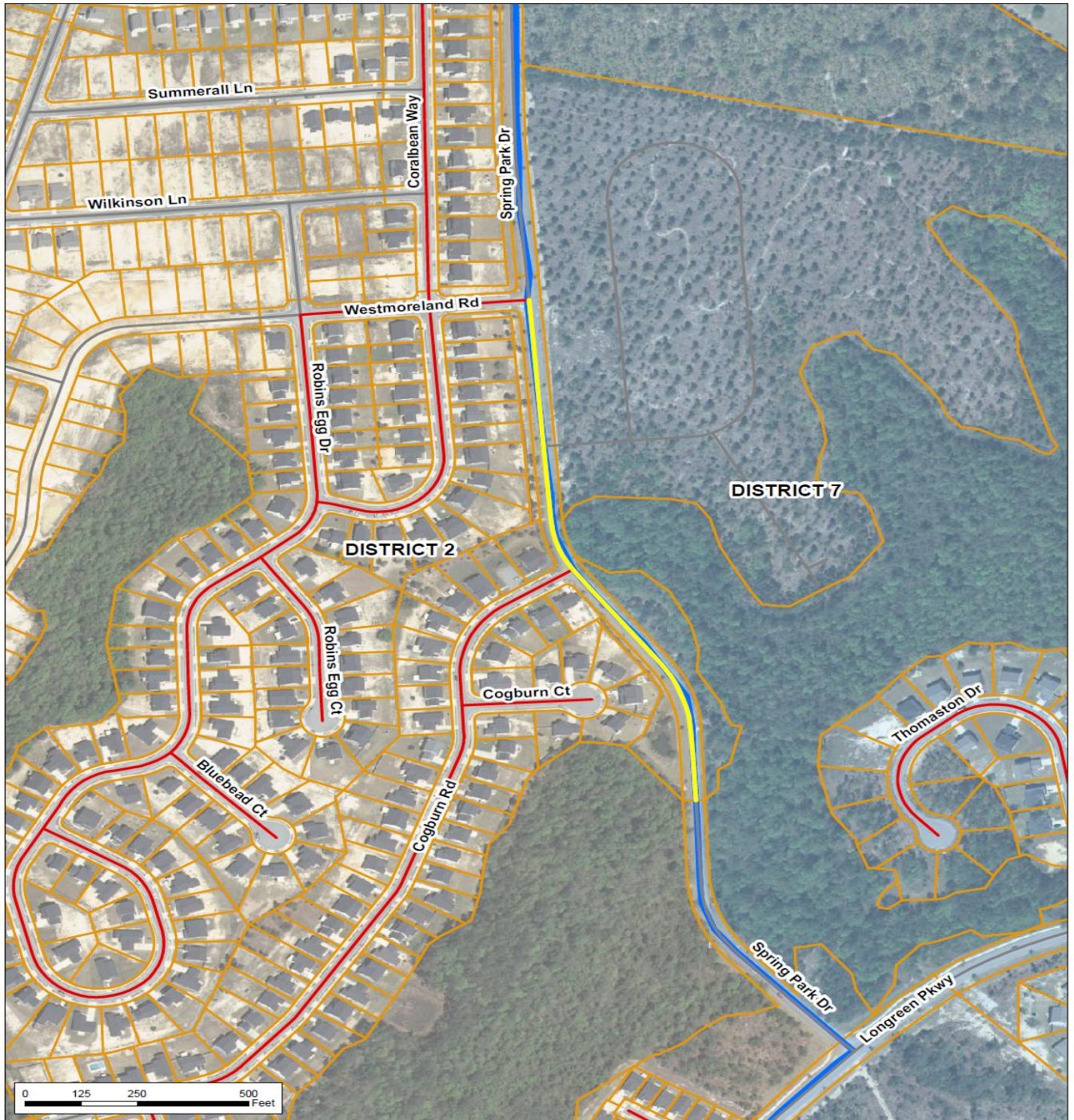


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Council District Changes - Paved Roads Spring Park Dr - Districts 2 & 7



Legend

- Interstate
- County Paved
- County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary

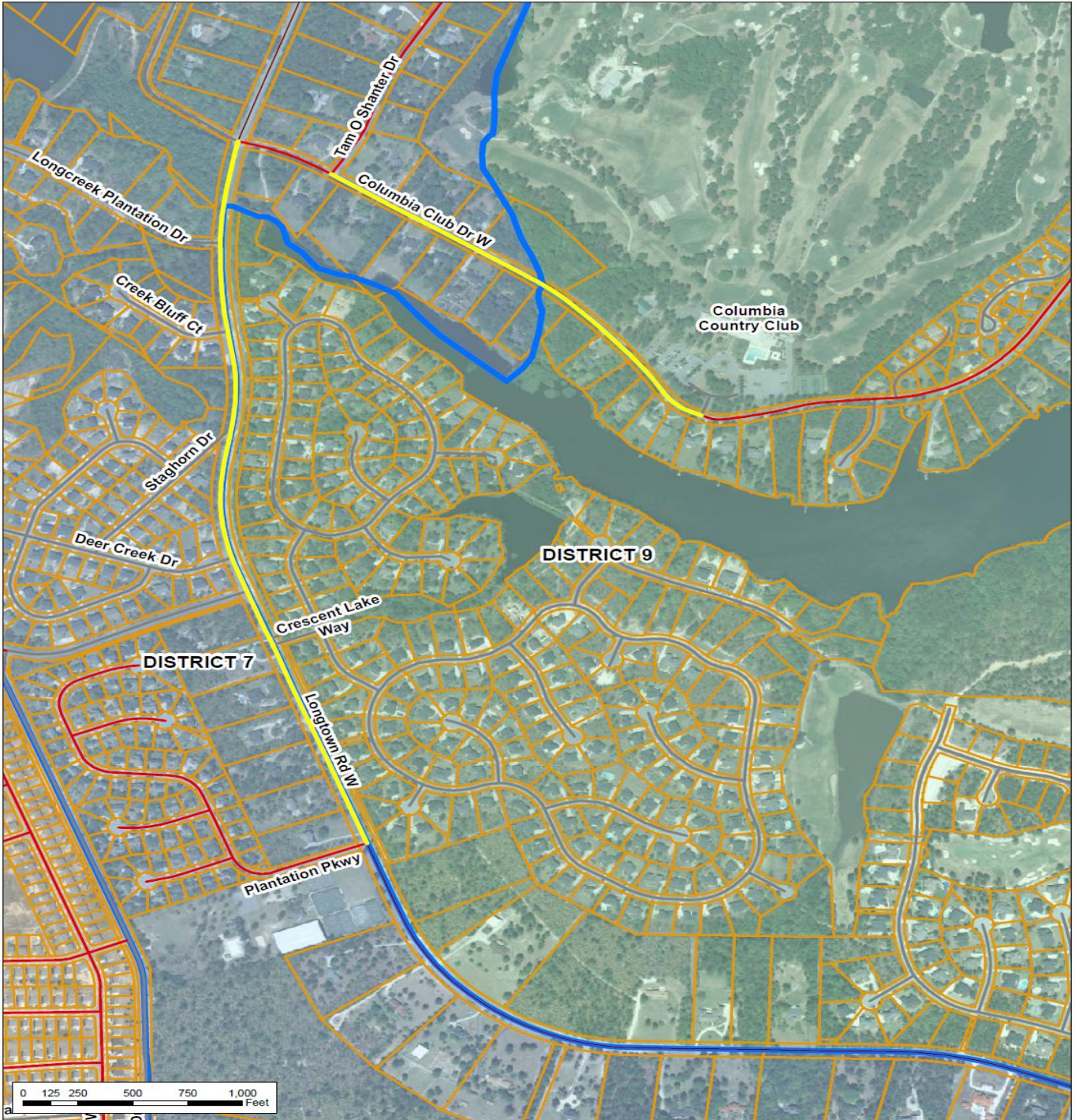


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Council District Changes - Paved Roads Longtown Rd, Columbia Club Dr W - Districts 7 & 9



- Legend**
- Interstate
 - County Paved
 - County Unpaved
 - Private
 - SCDOT
 - Road that is split or shares Council District Lines
 - Parcels
 - Council District Boundary



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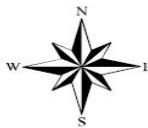
Council District Changes - Paved Roads

Ashley Crest Dr, Lee Ridge Dr, Lee Ridge Ct,
Trowbridge Rd - Districts 7 & 8



Legend

- Interstate
- County Paved
- County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary

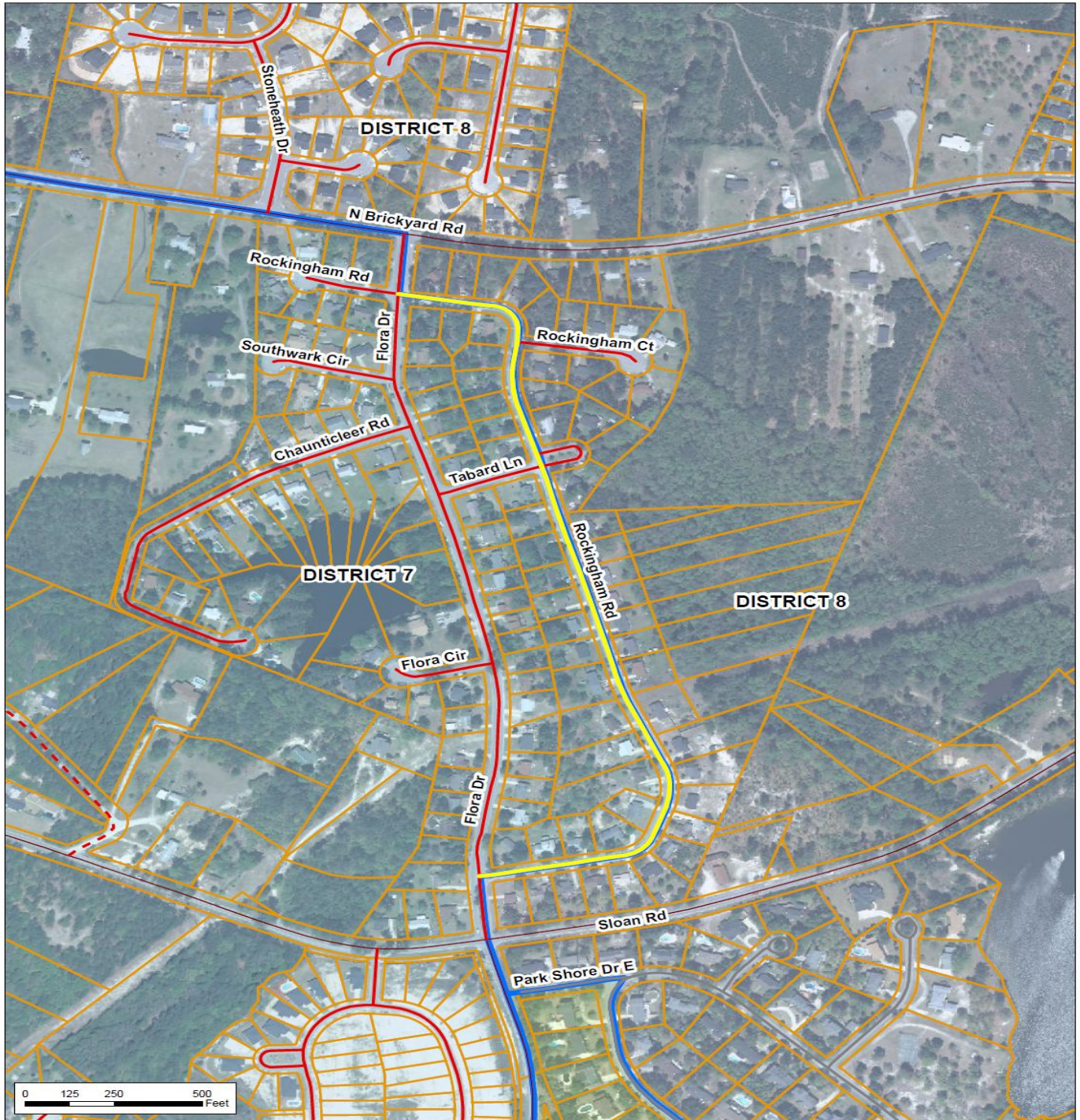


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Council District Changes - Paved Roads Rockingham Rd - Districts 7 & 8



Legend

- | | | | |
|--|----------------|--|---|
| | Interstate | | Road that is split or shares Council District Lines |
| | County Paved | | Parcels |
| | County Unpaved | | Council District Boundary |
| | Private | | |
| | SCDOT | | |



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Council District Changes - Paved Roads Wynnewood Rd - Districts 8 & 10



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary



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Council District Changes - Paved Roads Lake Carolina Dr - Districts 8 & 9



Legend

- Interstate
- County Paved
- County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary



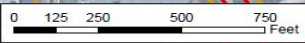
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Council District Changes - Paved Roads

Hunters Pond Dr, Conifer Ct, Grandview Cir,
Legion Dr - Districts 8 & 9



Legend

- Interstate
- County Paved
- County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary



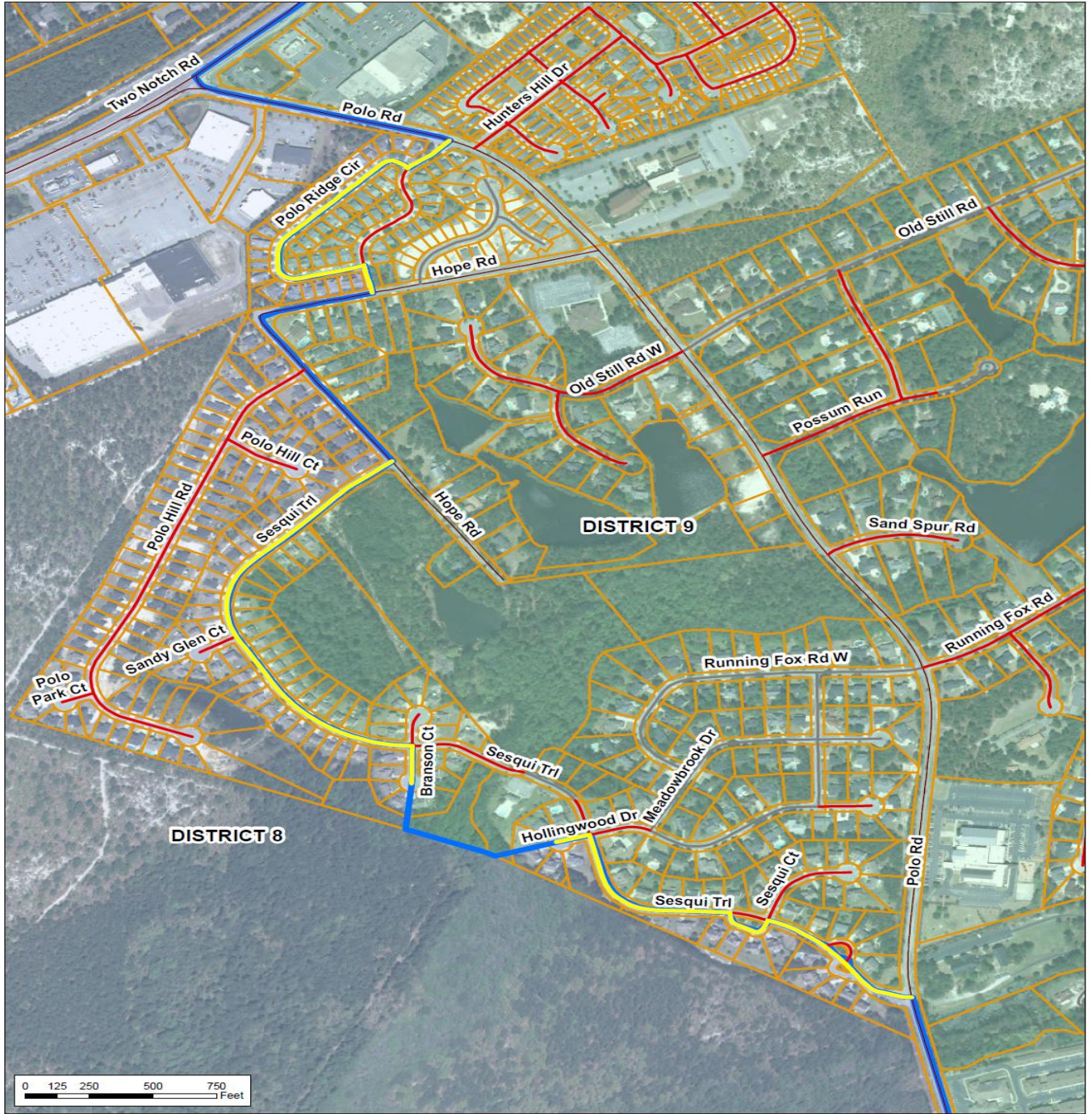
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Council District Changes - Paved Roads

Branson Ct, Hollingwood Dr, Polo Ridge Cir,
Sesqui Trl - Districts 8 & 9



Legend

- Interstate
- County Paved
- County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary



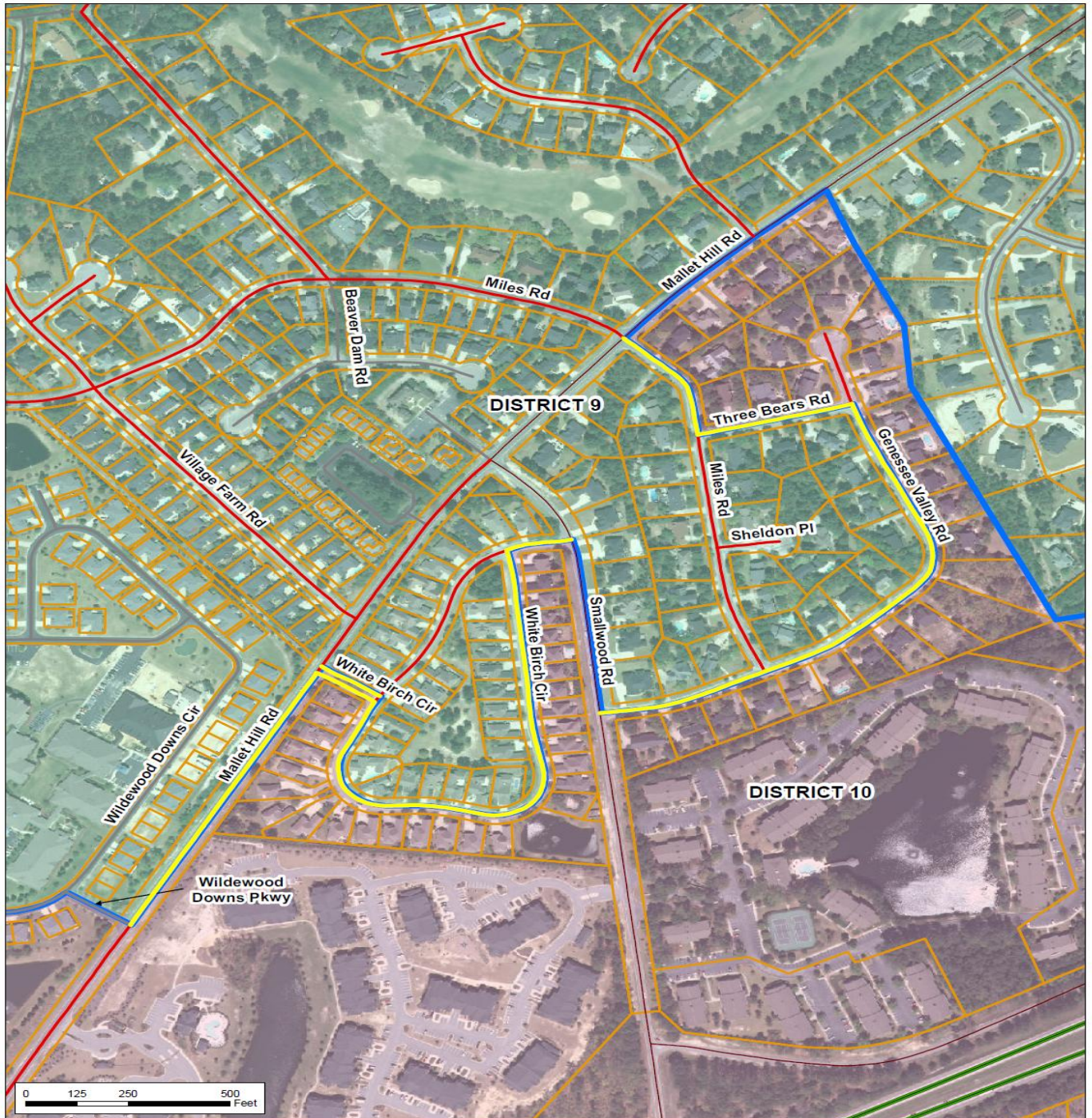
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Council District Changes - Paved Roads

Genessee Valley Rd, Mallet Hill Rd, Miles Rd,
Three Bears Rd & White Birch Cir - Districts 9 & 10



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary

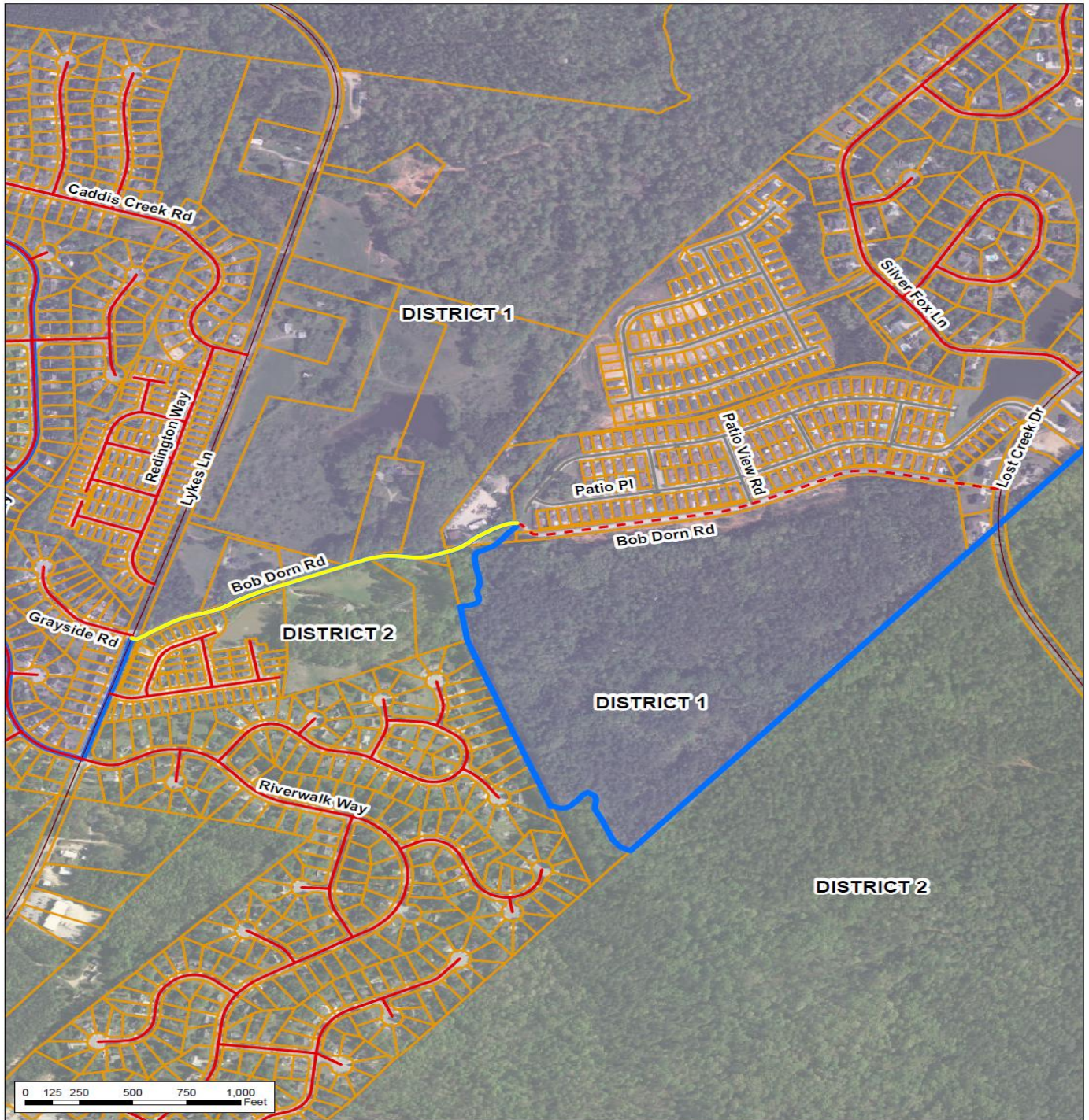


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Council District Changes - Unpaved Roads Bob Dorn Road - Districts 1 & 2



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary

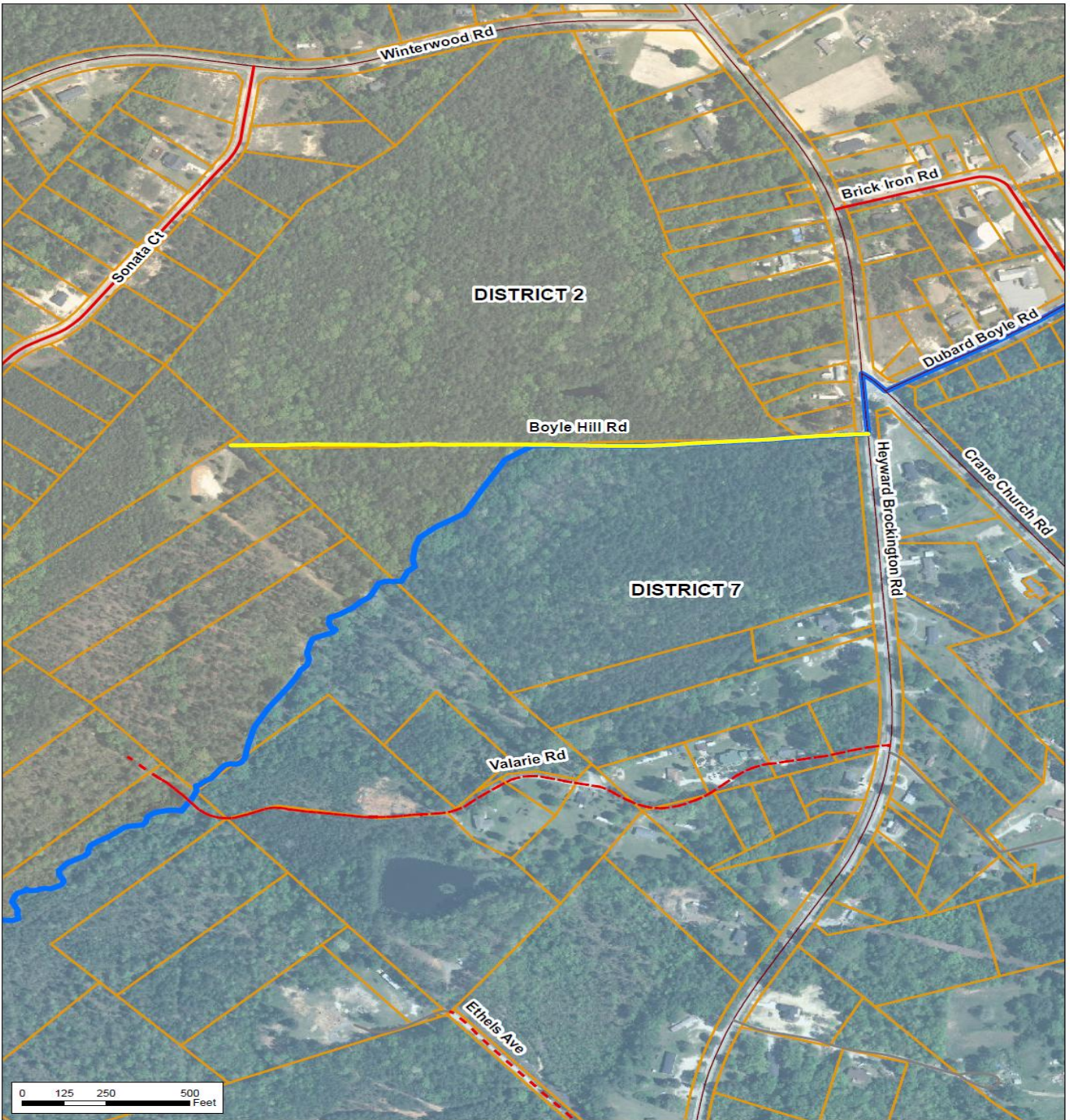


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Council District Changes - Unpaved Roads Boyle Hill Road - Districts 2 & 7



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary

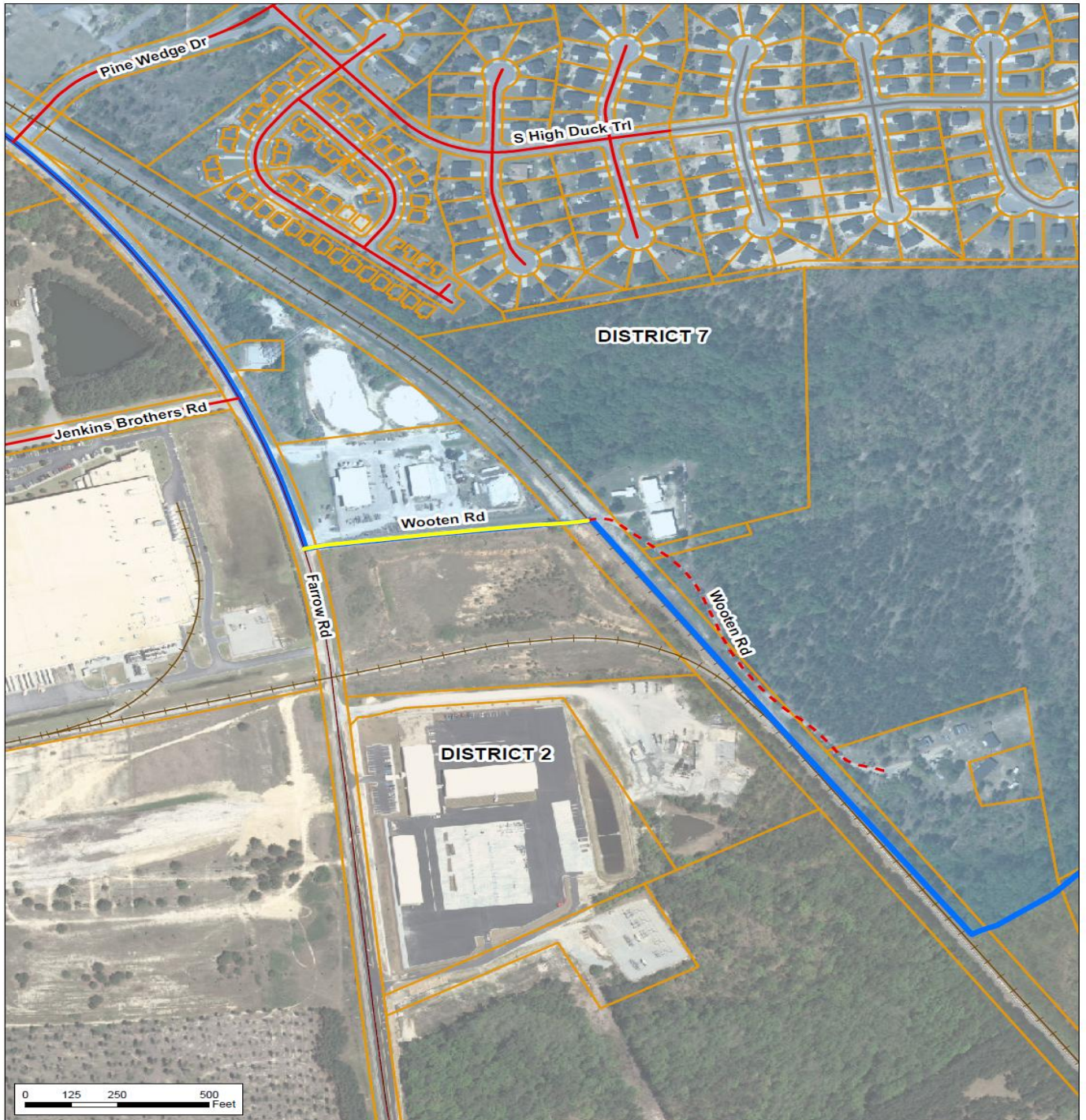


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Council District Changes - Unpaved Roads Wooten Road - Districts 2 & 7



Legend

- Interstate
- County Paved
- County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary

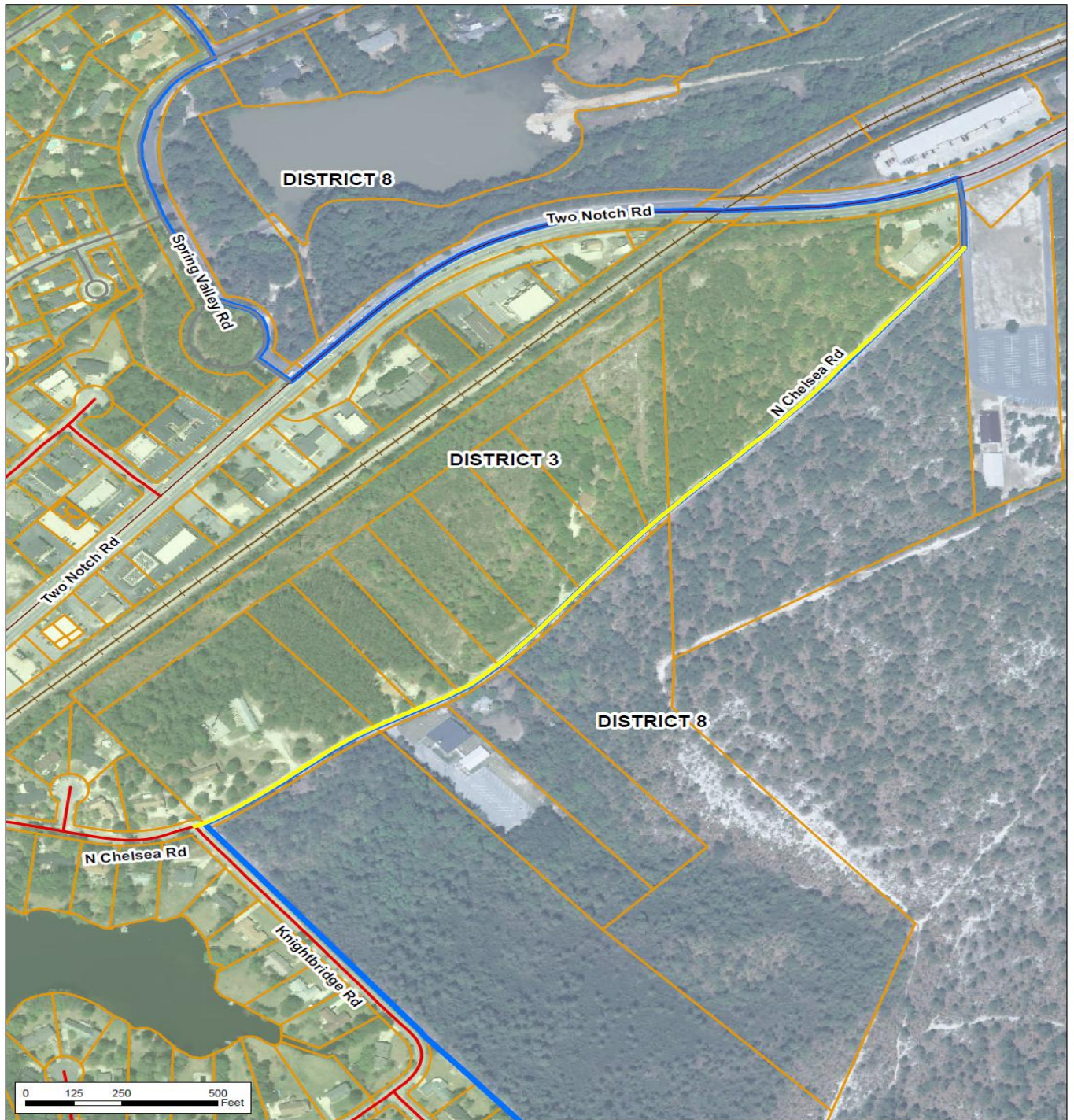


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Council District Changes - Unpaved Roads N Chelsea Road - Districts 3 & 8



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary



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Council District Changes - Unpaved Roads Eisenhower Drive - Districts 4 & 7



- Legend**
- Interstate
 - County Paved
 - - - County Unpaved
 - Private
 - SCDOT
 - Road that is split or shares Council District Lines
 - Parcels
 - Council District Boundary

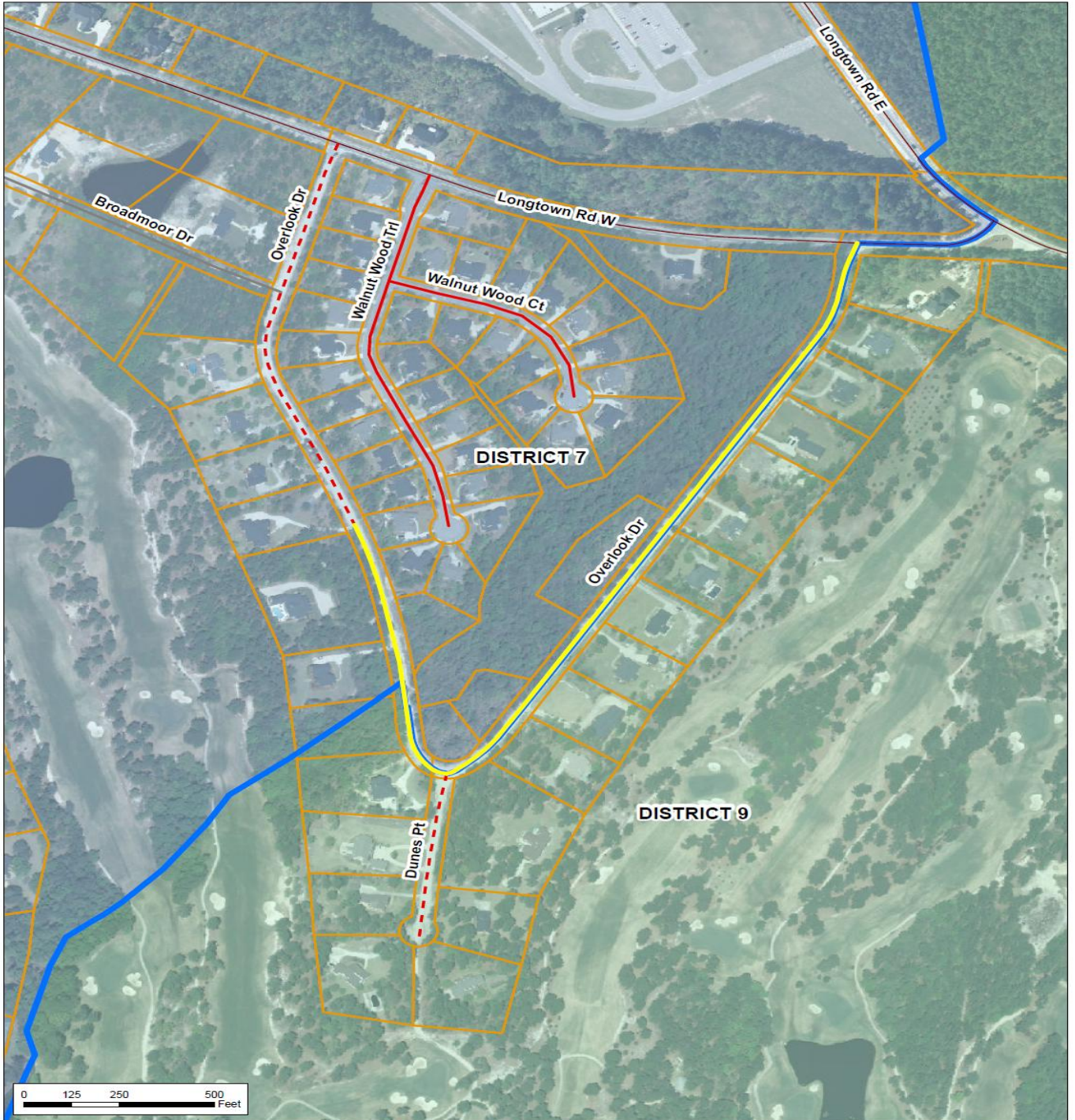


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Council District Changes - Unpaved Roads Overlook Drive - Districts 7 & 9



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary

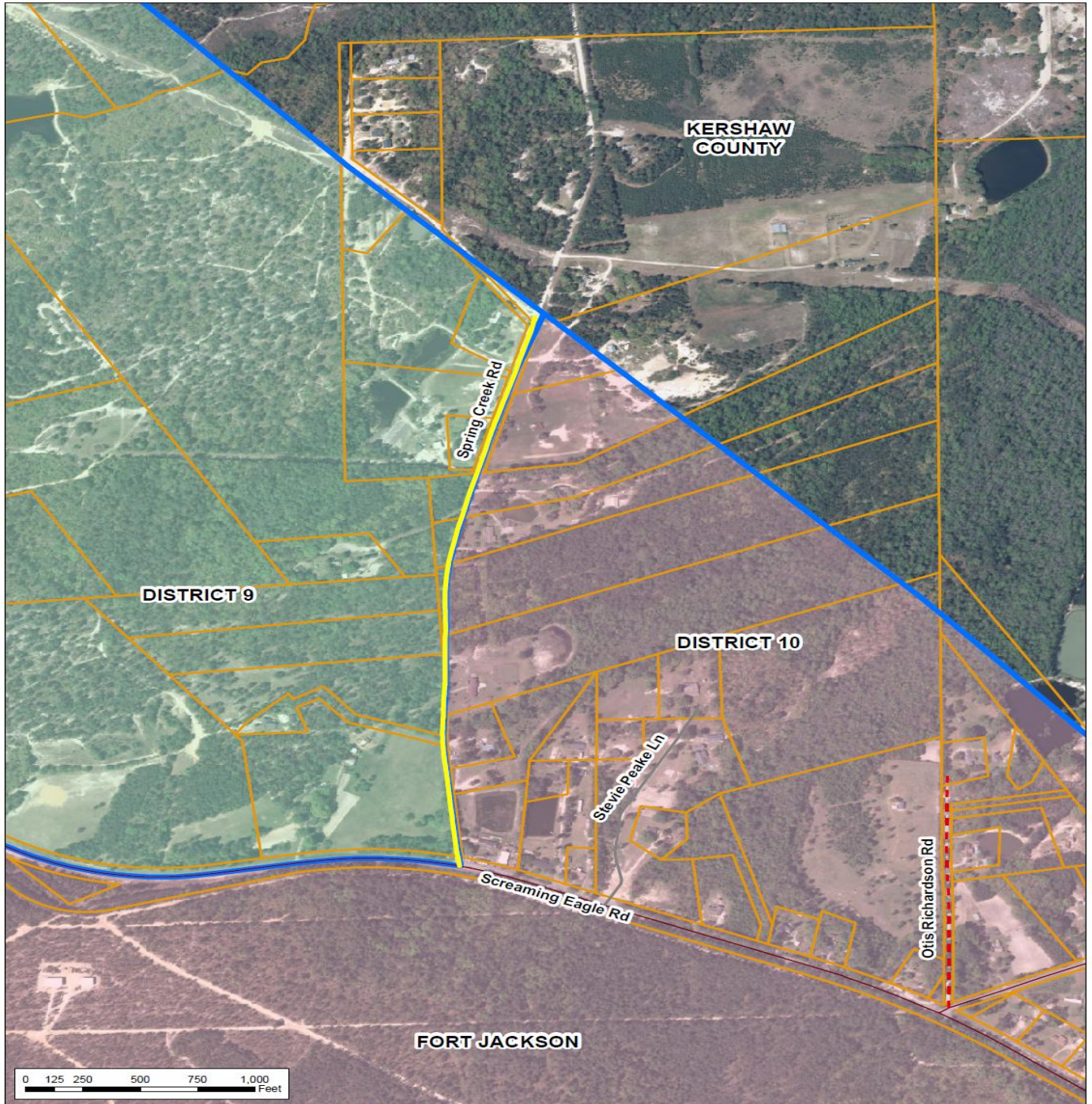


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Council District Changes - Unpaved Roads Spring Creek Road - Districts 9 & 10



Legend

- Interstate
- County Paved
- - - County Unpaved
- Private
- SCDOT
- Road that is split or shares Council District Lines
- Parcels
- Council District Boundary



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Richland County Council Request of Action

Subject

Amendment to Parking Regulation (pages 52-59)

Reviews

Richland County Council Request for Action

Subject: To amend Section 17-10 of the Richland County Code of Ordinances dealing with parking in residential zones so as to define the vehicles subject thereto

A. Purpose

This request is, per Mr. Manning's motion, to amend Section 17-10 of the Richland County Code of Ordinances dealing with parking in residential zones so as to define the vehicles subject thereto.

B. Background / Discussion

During the Motion Period of the July 18, 2012, County Council meeting, Mr. Manning made the following motion:

I move to amend Richland County Code Section 17-10: “ 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; so as to define vehicles subject thereto” as specified in the attached document.

The draft ordinance includes many changes to section 17-10. Per the D&S Committee request, both a redlined and clean copy of the draft ordinance are attached.

C. Legislative/Chronological History

During the D&S Committee meeting on July 31, 2012, the committee directed staff to include the redlined as well as a clean copy of the draft ordinance with the Request of Action.

D. Financial Impact

No known financial impact.

E. Alternatives

1. Adopt the ordinance amendment
2. Do not adopt the ordinance amendment.
3. Adopt the ordinance with revisions.

F. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean

Department: Legal

Date: 7/19/12

Item# 7

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 7/24/12
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

This is a policy decision for Council, recommendation is based on no financial impact related to approval.

Planning

Reviewed by: Tracy Hegler Date:
 Recommend Council approval Recommend Council denial
✓ Council Discretion (please explain if checked)
Comments regarding recommendation: There is no real impact to Planning or Zoning if approved.

Sheriff's Department

Reviewed by: Steve Birnie Date: 07-26-12
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 7/26/12
 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: 7/26/12
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommend Council approval of the ordinance amendment.

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

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; **SO AS TO DEFINE VEHICLES SUBJECT THERETO.**

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 17, Motor vehicles and traffic; Article II, General traffic and parking regulations; Section 17-10 is hereby amended to read as follows:

Sec. 17-10. Parking in residential and commercial zones of the county.

(a) It shall be unlawful for a truck tractor, a semi-trailer ~~having more than two (2) axles~~, or a trailer ~~having more than two (2) axles~~ to be parked on any public street, road, or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential under the Richland County Zoning Ordinance and the "Zoning Map of Unincorporated Richland County", as amended. For the purpose of this ~~section paragraph~~, the following definitions shall apply:

(1) *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles; and not so constructed as to carry a load other than a part of the weight of the vehicle and the load ~~so~~ drawn.

(2) *Semi-trailer* means every vehicle ~~having more than two (2) axles~~, with or without motive power, ~~other than a pole trailer~~, designed for carrying persons or property and for being drawn by a motor vehicle; and ~~so~~ constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(3) *Trailer* means every vehicle ~~having more than two (2) axles~~, with or without motive power, ~~other than a pole trailer~~, designed for carrying persons or property and for being drawn by a motor vehicle; and ~~so~~ constructed that no part of its weight rests upon the towing vehicle.

(4) *Vehicle* means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(5) *Motor Vehicle* means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) Except as is provided in subsection (c), below, it shall be unlawful for any truck tractor, semi-trailer or trailer to be parked, stored or located on a lot in any residential zoning district in the

Item# 7

unincorporated areas of the county [except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district] unless such truck tractor, semi-trailer or trailer is parked, stored or located in an enclosed garage or in a carport at the residence where it is parked, stored or located.

(c) Active loading, unloading and service provision exception: Notwithstanding subsection ~~(a) and~~ (b), above, truck tractors, semi-trailers or trailers that are in active use in the provision of a service or delivery or removal of property or material at or from a residence in a residential zoning district may park on the public street, road, right-of-way or lot at which the service is being provided or the delivery or removal is being made, for only the duration of the service provision or delivery or removal as provided for herein. For purposes of this section, "active loading or unloading" shall include, but not be limited to, the delivery or removal of furniture, yard trash or debris, household or building materials, tangible personal property and the like, evidenced by the active involvement (*e.g.*, the loading, unloading, service provision or supervision thereof) of the owner, operator, delivery personnel, service provider, or other person responsible for parking or causing to be parked the truck tractor, semi-trailer or trailer while the truck tractor, semi-trailer or trailer is parked on the public street, road, right-of-way or lot subject to this section. For purposes of this section, "active loading and unloading" does not include parking or "staging" a truck tractor, semi-trailer or trailer, leaving the same unattended and then engaging in loading, unloading, removal or service provision at a subsequent point.

~~(b)(d)~~ It shall be unlawful for an ~~automobile, vehicle~~, motor vehicle, or wheeled conveyance of any kind required by law to be licensed that is unlicensed, or is displaying an expired or invalid license to be parked on any public street, road, or right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or Multi-Family Residential under the Richland County Zoning Ordinance and the "Zoning Map of Unincorporated Richland County," as amended.

~~(e)(e)~~ All motor vehicles ~~and~~ trailers without a valid state-issued license plate permitting operation on public roads and highways, which are stored, parked or located on a lot in any zoning district in the unincorporated areas of the county, except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district, are required to be kept in a garage, carport, or protected from the elements by a fitted cover; provided, however, in the case of a vehicle protected from the elements by a cover, such vehicle shall not be visible from the public right-of-way. Licensed automobile dealerships, persons licensed to conduct businesses involving storage and sale of junk and scrap, trailers utilized as temporary structures in conjunction with construction activities, and vehicles used in agricultural operations and which are not operated on the public roads and highways are exempt.

~~(d)(f)~~ Any motor vehicle ~~and~~ trailer that is not capable of operating in accordance with South Carolina law ~~and~~ capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot in any residential or commercial zoning district in the unincorporated areas of the county (except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district) for more than a single period of thirty (30) consecutive days during any calendar year unless it is kept in an enclosed garage, in a carport, or protected from the elements by a fitted cover; provided, however, in the case of a vehicle protected from the elements by a cover, such vehicle shall not be visible from the public right-of-way.

~~(e)~~(g) *Penalties.* Unless otherwise prescribed by law, any owner of a motor vehicle and/or trailer violating the provisions of this section shall be deemed guilty of a misdemeanor.

~~(f)~~(h) *Administration and enforcement.* The Sheriff of ~~Richland the~~ Richland County shall be authorized to enforce the provisions of this section and to engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

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 _____.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2012

Michelle Onley
Clerk of Council

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

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

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; SO AS TO DEFINE VEHICLES SUBJECT THERETO.

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 17, Motor vehicles and traffic; Article II, General traffic and parking regulations; Section 17-10 is hereby amended to read as follows:

Sec. 17-10. Parking in residential and commercial zones of the county.

(a) It shall be unlawful for a truck tractor, a semi-trailer, or a trailer to be parked on any public street, road, or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential under the Richland County Zoning Ordinance and the "Zoning Map of Unincorporated Richland County," as amended. For the purpose of this section, the following definitions shall apply:

(1) *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load drawn.

(2) *Semi-trailer* means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(3) *Trailer* means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and constructed that no part of its weight rests upon the towing vehicle; provided, however, that a "utility trailer" used solely for the transportation of the user's personal property, not in commerce, which does not exceed a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds, may be kept in the user's residential backyard.

(4) *Vehicle* means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(5) *Motor Vehicle* means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) Except as is provided in subsection (c), below, it shall be unlawful for any truck tractor, semi-trailer or trailer to be parked, stored or located on a lot in any residential zoning district in the

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unincorporated areas of the county [except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district] unless such truck tractor, semi-trailer or trailer is parked, stored or located in an enclosed garage or in a carport at the residence where it is parked, stored or located.

(c) Active loading, unloading and service provision exception: Notwithstanding subsections (a) and (b), above, truck tractors, semi-trailers or trailers that are in active use in the provision of a service or delivery or removal of property or material at or from a residence in a residential zoning district may park on the public street, road, right-of-way or lot at which the service is being provided or the delivery or removal is being made, for only the duration of the service provision or delivery or removal as provided for herein. For purposes of this section, "active loading or unloading" shall include, but not be limited to, the delivery or removal of furniture, yard trash or debris, household or building materials, tangible personal property and the like, evidenced by the active involvement (*e.g.*, the loading, unloading, service provision or supervision thereof) of the owner, operator, delivery personnel, service provider, or other person responsible for parking or causing to be parked the truck tractor, semi-trailer or trailer while the truck tractor, semi-trailer or trailer is parked on the public street, road, right-of-way or lot subject to this section. For purposes of this section, "active loading and unloading" does not include parking or "staging" a truck tractor, semi-trailer or trailer, leaving the same unattended and then engaging in loading, unloading, removal or service provision at a subsequent point.

(d) It shall be unlawful for a vehicle, motor vehicle, or wheeled conveyance of any kind required by law to be licensed that is unlicensed, or is displaying an expired or invalid license to be parked on any public street or road, or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or Multi-Family Residential under the Richland County Zoning Ordinance and the "Zoning Map of Unincorporated Richland County," as amended.

(e) All motor vehicles or trailers without a valid state-issued license plate permitting operation on public roads and highways, which are stored, parked or located on a lot in any zoning district in the unincorporated areas of the county, except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district, are required to be kept in a garage, carport, or protected from the elements by a fitted cover; provided, however, in the case of a vehicle protected from the elements by a cover, such vehicle shall not be visible from the public right-of-way. Licensed automobile dealerships, persons licensed to conduct businesses involving storage and sale of junk and scrap, trailers utilized as temporary structures in conjunction with construction activities, and vehicles used in agricultural operations and which are not operated on the public roads and highways are exempt.

(f) Any motor vehicle or trailer that is not capable of operating in accordance with South Carolina law or capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot in any residential or commercial zoning district in the unincorporated areas of the county (except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district) for more than thirty (30) consecutive days during any calendar year unless it is kept in an enclosed garage, in a carport, or protected from the elements by a fitted cover; provided, however, in the case of a vehicle protected from the elements by a cover, such vehicle shall not be visible from the public right-of-way.

(g) *Penalties.* Unless otherwise prescribed by law, any owner of a motor vehicle and/or trailer violating the provisions of this section shall be deemed guilty of a misdemeanor.

(h) *Administration and enforcement.* The Sheriff of Richland County shall be authorized to enforce the provisions of this section and to engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

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 _____.

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin Washington, Chair

ATTEST THIS THE _____ DAY
OF _____, 2012

Michelle Onley
Clerk of Council

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

Richland County Council Request of Action

Subject

Proclamation Designating October 2012 as Community Planning Month in Richland County (pages 61-63)

Reviews

Richland County Council Request of Action

Subject: Proclamation Designating October 2012 as Community Planning Month in Richland County

A. Purpose

County Council is requested to approve a Proclamation Designating October 2012 as Community Planning Month in Richland County.

B. Background / Discussion

The month of October is designated as National Community Planning Month throughout the United States of America and its territories; and the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment.

Richland County has annually adopted a proclamation designating October as National Community Planning Month, and the attached proclamation is a continuation of that tradition.

C. Legislative/Chronological History

None.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the Proclamation and proclaim October 2012 as National Community Planning Month.
2. Do not approve the Proclamation and do not proclaim October 2012 as National Community Planning Month.

F. Recommendation

It is recommended Council approve the Proclamation and proclaim October 2012 as National Community Planning Month as submitted.

Recommended by: Tiaa Rutherford Department: Planning Date: September 5, 2012

G. Reviews

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

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Finance

Reviewed by: Daniel Driggers

Date: 9/12/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Planning

Reviewed by: Tracy Hegler

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 9/12/12

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: 9/12/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Richland County Council Request of Action

Subject

Olympia Mills Community Garden (pages 65-68)

Reviews

Richland County Council Request for Action

Subject: Olympia Mills Community Garden

A. Purpose

To approve the use of vacant land on Granby Street, owned by Richland County, for the purpose of a community garden.

B. Background / Discussion

Richland County parcel # R11202-13-01 is a Richland County owned vacant parcel on Granby Street. The tax information does not show the acreage, but the estimated lot size is approximately 1.5 acres.

“Olympia Mills Community Garden” was formed by homeowners, bordering the north and east sides of the property. They are a group of long term residents that have committed to work together. The goal of their group is to establish a community garden comprised of raised beds and an orchard where they can come together to grow food and foster community spirit. Local legend says residents of the Olympia and Pacific Mill Villages originally used this land as a vegetable garden. The Olympia Mills Community Garden group is eager to research the history and share the history and garden space with all.

Ms. Devon Jeremy is the founder and Garden Coordinator for the group. She lives across the street from the property at 465 Virginia Street and has been an Olympia Community resident since 2005.

The garden will be open to all who are willing to sign a gardening agreement modeled from the American Community Gardening Association. (See attachment A)

The first year the group anticipates using approximately 1/4 of the property. If permission is granted to use the property, they will raise money for a water tap (there is a fire hydrant on the property) and meter installation. Until they have our own water, they will connect hoses to a neighbor’s water supply. Construction of raised beds would begin immediately and they would prepare the ground to plant fruit trees in the fall. They believe that this project will help to improve their neighborhood.

The Olympia Mills Community Garden group is asking Richland County to:

- 1) Grant them permission to construct raised garden beds and compost bins;
- 2) Grant them permission to plant fruit bearing trees and bushes; and
- 3) Mow the unused portions of the property on a regular basis. (The county staff is currently mowing the field when they call to advise the grass is high).

C. Legislative/Chronological History

None.

D. Financial Impact

There is no financial impact associated with this request.

E. Alternatives

1. Approve the Olympia Mills Community Garden group’s request to use the vacant land on Granby Street for the purposes described above.
2. Deny the request to allow the group’s use of the land on Granby Street for the purposes described above.

F. Recommendation

It is recommended that County Council approve the Olympia Mills Community Garden group’s request to use the vacant land on Granby Street to construct raised garden beds and compost bins and to plant fruit bearing trees and bushes. In addition, it is recommended that Richland County agree to mow the unused portions of the property on a regular basis. (Special Services is currently mowing the field when the grass gets high and they are willing to continue mowing the property).

Recommended by: Monique McDaniels, Neighborhood Planning Date: July 24, 2012

G. Approvals

Finance

Reviewed by: Daniel Driggers Date: 9/14/12
 Recommend Council approval Recommend Council denial
 Recommend Council discretion

Comments regarding recommendation:

Recommendation based on no financial impact

Planning

Reviewed by: Tracy Hegler Date:
 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

Special Services

Reviewed by: George Wilson Date:
 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

Recommend Special Services continue to mow the grass by request.

Legal

Reviewed by: Elizabeth McLean Date: 9/20/12
 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. We may want to consider obtaining a hold harmless agreement from all those conducting activities on our property.

Administration

Reviewed by: Sparty Hammett

Date: 9/20/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval of the request with the condition that all participants sign a hold harmless agreement, as indicated by Ms. McLean.

Attachment A

Olympia Mills Community Garden
Gardener Agreement

I, _____ wish to participate in the Olympia Mills Community Garden (OMCG).

I agree to follow the rules and regulations voted on and approved by the members of the OMCG group.

I acknowledge that there will be a OMCG garden fee for expenses and that there will be a minimum of 3 community garden work sessions in which I will participate.

I agree to hold Richland County and the other members of the OMCG harmless for any liability, damage, loss or claim that occurs in connection with use of the garden by me or any of my guests.

Print Name:

Address:

Email: _____ Telephone _____

Richland County Council Request of Action

Subject

Option to Purchase - Decker Blvd Acquisition Project (FEMA Grant) (pages 70-71)

Reviews

Richland County Council Request of Action

Subject: Option To Purchase – Decker Boulevard Acquisition Project (FEMA Grant)

A. Purpose

County Council is requested to approve entering into an Option To Purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC. The purchase of the property will be contingent upon award of the Federal Emergency Management Agency (FEMA) grant.

B. Background / Discussion

Decker Boulevard Acquisition Project – The property at 2628 Decker Boulevard (Old Zorbas Restaurant) is located within the Special Flood hazard Area and contains a structure within the Floodway. Richland County proposes to purchase the property and structure (approximately 3 acres). The County will demolish the structure, remove and dispose of the debris and stabilize the area. This project will remove a structure from the Floodway reducing known flood risks, allow the property owner to realize monetary gains from the property, restore floodplain area, reduce flooding, and improve the overall quality of the area by removing a structure that has a low potential for improvement over time.

C. Legislative/Chronological History

Richland County has applied for a flood mitigation grant through FEMA. County Council approved matching funds for the FEMA Grant application in the FY2013 budget. An Option To Purchase is needed to prevent the current property owner from selling the property before the FEMA grant award in October 2012. If the FEMA grant is awarded, Richland County will implement the following project:

D. Financial Impact

Matching funds are required for this grant and were approved in FY2013 budget.

<u>Grant</u>	<u>Grant Funds</u>	<u>Cash Match</u>	<u>In-kind Match</u>	<u>Total</u>
Decker	\$644,495	\$120,988*	\$93,844	\$859,328

(* Approximately \$4,500 of this has already been paid out for appraisals and a Phase 1)

The county will forfeit the option to purchase and the provided option money (estimated to be \$500.00), if the FEMA grant is not awarded or the project does not proceed for some other reason.

E. Alternatives

1. Approve the request to enter into an Option To Purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC contingent upon award of the FEMA grant.

2. Do not approve, if property is sold to another owner before the FEMA grant can be awarded this would decrease the county's ability to purchase the property and implement the grant.

F. Recommendation

1. It is recommended that Council approve the request to enter into an Option To Purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC contingent upon award of the FEMA grant.

Recommended by: David Hoops Department: Public Works Date: 17 July 12

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 9/17/12
 Recommend Council approval Recommend Council denial
✓ Council Discretion (please explain if checked)
Comments regarding recommendation:

Budget funds are available as stated. It is recommended that prior to final approval that the County obtain information inclusive of but not limited to a current appraisal and assessment of property for any other liabilities that may affect the County

Procurement

Reviewed by: Rodolfo Callwood Date: 9/17/12
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 9/18/12
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: In general, the purchase of property is a policy decision left to Council's discretion; however, no option contract has been attached for review. This office would have to make a full review of all the documents before providing a complete opinion.

Administration

Reviewed by: Sparty Hammett Date: 9/18/12
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval of the request to enter into an Option To Purchase real property in the amount of \$550,000 situated at 2628 Decker Drive, Columbia, SC contingent upon award of the FEMA grant. Prior to final approval of the purchase, a current appraisal and assessment of the property will be completed.

Richland County Council Request of Action

Subject

Private Maintenance on Howard Coogler Road (pages 73-74)

Reviews

Richland County Council Request of Action

Subject: PRIVATE MAINTENANCE ON HOWARD COOGLER ROAD

A. Purpose

Allow a private property owner to construct non-conforming roadway improvements and maintain same on Howard Coogler Road.

B. Background / Discussion

A private property owner with property fronting on Howard Coogler Road (a county owned and maintained dirt road) requested that public works allow him to place asphalt grindings on the road. The purpose of his request is he has a tenant for his land whose operation could be negatively affected by dust and dirt from the road. He stated that he would perform the work totally at his own expense and would thereafter maintain the road. Though not fully improved, the Howard Coogler right of way does connect to another public road, also a county owned road, so we would have to treat it as a through road. The proposed improvement would use asphalt grindings to stabilize the road which would not conform to County Road standards.

The following section of the Richland County Code does allow for the abandonment of maintenance on a county road. Discussions with staff leave us with the opinion that this action is not appropriate for roads owned by the county, as the county may still be held liable for damages if it is privately maintained.

21-14 (b) *Any person or organization wishing the county to abandon maintenance on an existing county-maintained street, road or highway shall submit to the public works department a petition to do so signed by the owners of all property adjoining the road and by the owners of all property who use the road as their only means of ingress/egress to their property. The petition shall state that the property owners release and indemnify the county from any duty to maintain the road. At the recommendation of the county engineer, the county administrator shall have the authority to act on a petition that involves a dead-end road; county council shall have the authority to approve petitions under all other circumstances. If the petition is approved, the county engineer may require the property owners to place an appropriate sign alongside or at the end of the road.*

C. Legislative/Chronological History

None

D. Financial Impact

Potential liability for damages or injury for an accident on the right of way.

E. Alternatives

1. Approve the request, pending conformance to the ordinance.
2. Deny the request

F. Recommendation

Deny the request due to potential liability.

Recommended by: David Hoops Department: Public Works Date: Sept. 7, 2012

G. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

The request seems to be more related to a non-financial policy issue. It would be advisable to address the liability concerns mentioned prior to approving.

Legal

Reviewed by: Elizabeth McLean

Date: 9/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council's discretion; however, I'm not positive the above ordinance was meant to apply to county-owned roads. Perhaps a better solution would be for the resident to petition the court to close the road. If the County proceeds with the request as-is, consideration should be given to any potential liabilities and the application of the SC Code sections below:

SECTION 57-17-70. Repairs to county highways and bridges.

The governing body of each county shall take charge of and superintend the repair of the highways in the county. The bridges shall be repaired under its supervision, and the expense thereof shall be paid out of the money in the county treasury raised and appropriated for this purpose.

SECTION 57-17-80. Neglect of work on county highways and bridges.

If the members of the governing body of any county neglect to have repaired any of the highways and bridges which by law are required to be kept in repair, they shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than one hundred nor more than five hundred dollars, in the discretion of the court.

Further legal guidance provided upon request.

Administration

Reviewed by: Sparty Hammett

Date: 9/17/12

Recommend Council approval

✓ Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council denial of the request due to potential liability of allowing an improvement which does not conform to County Road standards. In regard to Ms. McLean's comment regarding the resident petitioning the court to close the road, there are several other property owners on the road that would have to be in agreement with the request.

Richland County Council Request of Action

Subject

Maintenance After Annexation of Roads (pages 76-77)

Reviews

Richland County Council Request of Action

Subject: MAINTENANCE AFTER ANNEXATION

A. Purpose

Public works has received requests from residents and the City of Columbia to maintain roads or install traffic calming devices on roads within areas that have been annexed by the city of Columbia. Public Works has taken the position that roadway and drainage maintenance responsibility become the annexing agencies. Public Works is requesting Council Direction on how to address this issue.

B. Background / Discussion

Public Works has received maintenance or traffic calming requests for roads annexed into the City of Columbia. In some instances there may be parcels still in unincorporated Richland County that front on the annexed road. Public Works is presently denying those requests.

Public Works has discussed legal implications of this issue with the County Attorney's Office. A separate report on this issue will be provided.

C. Legislative/Chronological History

None

D. Financial Impact

Maintaining streets or installing traffic calming on streets annexed into the City of Columbia will result in fewer funds available for those services on streets in unincorporated Richland County.

E. Alternatives

1. Continue to deny maintenance and traffic calming requests.
2. Respond to maintenance and traffic calming requests.
3. Attempt to negotiate an agreement with the City of Columbia defining maintenance responsibilities.

F. Recommendation

Public Works recommends alternate 3, attempt to negotiate an agreement with the City of Columbia defining maintenance responsibilities

Recommended by: David Hoops Department: Public Works Date: September 13, 2012

G. Reviews

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

Finance

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Reviewed by: Daniel Driggers

Date: 9/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Recommendation is to support the position of the Public Works Director. It seems that alternative 2 or 3 may have some undetermined financial impact therefore it would be recommended that approval include a funding strategy if approved.

Procurement

Reviewed by: Rodolfo Callwood

Date: 9/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 9/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Council discretion; legal opinion provided under separate cover.

Administration

Reviewed by: Sparty Hammett

Date: 9/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of alternative 3 - attempt to negotiate an agreement with the City of Columbia defining maintenance responsibilities.

Richland County Council Request of Action

Subject

Closing a Portion of Fonta Vista Road (pages 79-81)

Reviews

Richland County Council Request of Action

Subject: Closing a Portion of Fonta Vista Road

A. Purpose

County Council is requested to consider and make whatever recommendation(s), if any, it may have pursuant to Richland County Code of Ordinances, Chapter 21, section 21-14, regarding a petition to close a portion of Fonta Vista Road in Richland County.

B. Background / Discussion

In the circuit court case of *Larry A. Pyle et al. vs. Richland County, South Carolina et al.*, 2012-CP-40-2956, the Plaintiff seeks to have a portion of land near Fonta Vista Road closed.

Richland County Code of Ordinances (Roads, Highways and Bridges) subsection 21-14(a) requires the County Attorney to consult with and obtain approval from Planning, Public Works and Emergency Services prior to making a recommendation for disposition of a road closing petition. Here is the full text of that subsection:

Sec. 21-14. Abandonment of public roads and right-of-ways.

(a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.

The Directors of Planning, Public Works and Emergency Services do not object to the overall request to close a portion of this road. However, staff would like to ensure that the requested relief does not result in the land-locking of any parcels, including TMS#14103-03-01, does not impact the development of any parcels, including parcel TMS#14103-03-03, and that any gates that may be involved in the subject property would not impair emergency access if needed.

C. Legislative/Chronological History

Circuit Court Case of Larry A. Pyle et al. vs. Richland County, 2012

D. Financial Impact

There is no direct or present financial impact associated with this request.

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E. Alternatives

1. Approve the request to consent to judicial closing of the subject roadway with the conditions referenced in the Section B, above.
2. Do not approve the request and allow the matter to proceed through the judicial system.
3. Take no action either in favor of or opposed to the request and allow the matter to proceed through the judicial system.

F. Recommendation

This is a policy decision for Council in accordance with the governing body’s power to dispose of property interests pursuant to S.C.Code Ann. Section 4-9-30.

Recommended by: Brad Farrar Department: Legal

Date: June 18, 2012

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 9/14/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

As stated in the recommendation, this is more appropriately a policy decision for Council

Planning

Reviewed by: Tracy Hegler

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

Planning does not object to the closing, but will reiterate the request noted in the recommendation not to land-lock or impact the development potential of adjacent parcels through the closing.

Public Works

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: PW does not object to the closing, but will reiterate the request noted in the recommendation not to land-lock or impact the development potential of adjacent parcels through the closing.

Emergency Services

Reviewed by: Michael Byrd

Date:

Recommend Council approval

Recommend Council denial

XX Council Discretion (please explain if checked)

Comments regarding recommendation: Emergency Services has no objection.

Legal

Reviewed by: Brad Farrar

Date: June 18, 2012

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: See Block "F," above.

Administration

Reviewed by: Sparty Hammett

Date: 9/19/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The applicant owns all of the frontage on the road requested for abandonment, but it is in two parcels. Recommend Council approval of the abandonment with the condition that the 2 parcels be combined, so that a land-locked lot is not created.

Items Pending Analysis

Subject

Broad River Sewer Monthly User Fees (Malinowski, May 2012)

Reviews