

RICHLAND COUNTY

DEVELOPMENT & SERVICES COMMITTEE AGENDA

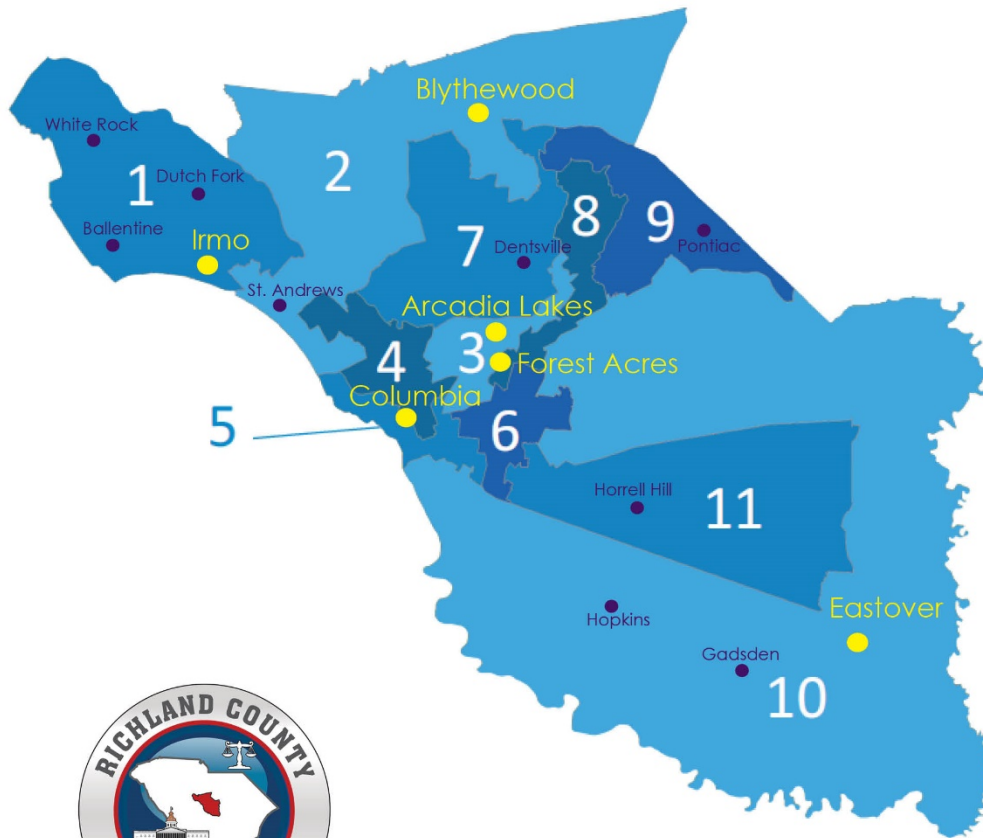


TUESDAY, NOVEMBER 16, 2017

5 P.M.

**COUNCIL CHAMBERS
2020 HAMPTON STREET
COLUMBIA, SC 29204**

RICHLAND COUNTY COUNCIL 2017-2018



VICE CHAIR
Bill Malinowski
District 1



CHAIR
Joyce Dickerson
District 2



Yvonne McBride
District 3



Paul Livingston
District 4



Seth Rose
District 5



Greg Pearce
District 6



Gwendolyn Kennedy
District 7



Jim Manning
District 8



Calvin "Chip" Jackson
District 9



Dalhi Myers
District 10



Norman Jackson
District 11



Richland County Development & Services Committee

November 16, 2017 – 5:00 PM
 Council Chambers
 2020 Hampton Street
 Columbia, SC 29204

Yvonne McBride	Gwen Kennedy	Seth Rose (Chair)	Chip Jackson	Dalhi Myers
District 3	District 7	District 5	District 9	District 10

1. **CALL TO ORDER** The Honorable Seth Rose, Chair,
Development & Services Committee

2. **APPROVAL OF MINUTES** The Honorable Seth Rose
 - a. Development & Services Committee Meeting: October 24, 2017 [PAGES 7-14]

3. **ADOPTION OF AGENDA** The Honorable Seth Rose

4. **ITEMS FOR ACTION** The Honorable Seth Rose
 - a. Council Motion: Move to examine the EMS Department and receive a report on its current status [Rose] [PAGES 15-16]

 - b. Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County [Malinowski] [PAGES 17-19]

 - c. Council Motion: If Developers, Builders, etc. cause any hardship on any community due to poor workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. Jackson] [PAGES 20-21]

 - d. Council Motion: HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. Jackson] [PAGE 22]

 - e. To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of

Note: Pursuant to Council Rules, Council will record non-electronic roll call voting for all votes that are not unanimous for second and third reading or one time votes; and which are not merely procedural in nature.

Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions i.e. impassible bridges, roads etc. Working with recreation centers, school districts, churches and other civic centers to qualify and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process.
Note: Shelters to include overnight stay, storage and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. Jackson] [PAGES 23-24]

- f. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [Malinowski] [PAGE 25]
- g. Petition to Close Portion of Old Percival Rd/Spears Creek Rd [PAGES 26-37]
- h. Deed to the City of Columbia for water lines serving the Ballentine Branch Library [PAGES 38-46]

5. **ITEMS PENDING ANALYSIS [PAGES 47-48]**

- a. Council Motion: Develop an emergency plan with SCDOT to immediately repair Rabbit Run Road and Bitternut Road. Developers' constant neglect to repair the storm drainage system causes dangerous flooding. A school bus almost overturned in the flood this morning (April 24, 2017) on Rabbit Run Road. We cannot afford to endanger the lives of citizens, especially school children because of neglect [N. Jackson]
- b. Council Motion: Direct Legal to research what is required to enact a parking ordinance in communities/subdivisions [McBride]
- c. Council Motion: I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY16-17 budget produced a surplus, to EMS [Manning]
- d. Council Motion: If an employee is in need of sick leave, any employee can donate that leave to a specific person and not just a sharing pool [Malinowski]
- e. Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of

Richland County and in conjunction with the future Lower
Richland Sewer Project [Malinowski and Myers]

6. **ADJOURN**



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council

DEVELOPMENT AND SERVICES COMMITTEE

October 24, 2017 – 5:00 PM

Decker Center

2500 Decker Boulevard, Columbia, SC 29206

COMMITTEE MEMBERS PRESENT: Seth Rose, Chair; Yvonne McBride, Gwen Kennedy, Chip Jackson, and Dalhi Myers

OTHERS PRESENT: Joyce Dickerson, Bill Malinowski, Greg Pearce, Brandon Madden, Michelle Onley, Stacey Hamm, Shahid Khan, Ismail Ozbek, Dwight Hanna, Michael Byrd, Alfonso Smith, Dale Welch, Tracy Hegler, Will Simon, and Larry Smith

1. **CALL TO ORDER** – Mr. Rose called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. September 26, 2017 – Mr. C. Jackson moved, seconded by Ms. Myers, to approve the minutes as distributed. The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Myers moved, seconded by Mr. C. Jackson, to adopt the agenda as published. The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
 - a. Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County [MALINOWSKI] – Mr. Madden stated a work session was held to discuss this item. Earlier this evening, a letter from the City of Columbia was forwarded to committee members regarding this matter.

Mr. C. Jackson requested staff to provide an overview of the letter since it was only received this afternoon and he had not had an opportunity to review the letter prior to the meeting. It was his understanding the City of Columbia had agreed to provide the County copies of requests being made, but that does not seem to be a part of the letter.

Mr. Madden stated the second paragraph of the letter states the City's Engineering Department will provide a copy of any water or sewer line extension approval letters to the County's Utility Department.

Mr. Rose inquired if that would be prior to.

Mr. Madden stated it appears it is not necessarily prior to. If Council desires, staff can request to be notified prior to any extension.

Ms. McBride inquired if the letter addresses the issue and if it has any “teeth” to it.

Mr. Smith stated it is a beginning to something that perhaps has some “teeth”. He stated to the extent the City is are willing to give the County certain information, when would the information become available and will the County have an opportunity to address it before the City does anything. It is his suggest to go back to the City and suggest to them an IGA between the entities so there is no confusion of what the process is. The IGA will have some “teeth” to the extent that it is enforced.

Ms. Myers suggested the committee to instruct the staff to do what Mr. Smith suggested. She agrees with her colleagues to go back to the City to request they provide the County with the information they stated they would provide during the work session.

Ms. Myers moved, seconded by Mr. Rose, to instruct staff to draft an IGA between the City of Columbia and the County to address the notification process of upcoming water and sewer projects in unincorporated Richland County. The vote in favor was unanimous.

Mr. C. Jackson stated he would like to have an answer and a resolution by the time the committee meets again.

- b. Council Motion: If an employee is in need of sick leave, any employee can donate that leave to a specific person and not just a sharing pool [MALINOWSKI] – Mr. C. Jackson stated the Human Resources Department researched this matter and provided a report, which is included in the agenda packet. Mr. Hanna is on hand to address any specific questions the committee may have.

Mr. Rose requested an overview of the motion and what the County and other entities policy is presently.

Mr. Hanna stated the motion revolves around what is typically referred to as a leave pool or catastrophic leave, which is different than the County’s sick leave. The County also has annual leave, as well as, advanced sick leave. Leave pool or catastrophic leave is primarily for serious cases. The percentage of pay for catastrophic leave is approximately 67%. On p. 8 of the agenda packet are examples of what other government entities do with regard to leave pool. A concern is that if it was solely determined based on whether or not another employee donated that it might get to where it was not a County benefit. It would solely be based upon an employee by employee participation. There is normally a waiting list of employees for the leave pool to be approved. If an employee wanted to donate to the leave pool it would not go directly to said employee, but it would aid in that employee’s approval, if they met the criteria.

Mr. Malinowski stated he made the motion after being approached by more than one employee. While leave pool overall is a worthwhile thing to have, it was mentioned that some employees will not just give their leave to a generic leave pool. If there is an employee they know is in need, they would be willing to donate. Even though we in fact have a “shared” leave pool that we’ve never had to deny someone from using, I think this would increase the amount of giving by employees if we also allow them to give to a specific need or specific employee.

Ms. Kennedy inquired if there are guidelines on what is a serious illness.

Mr. Hanna stated there are guidelines, but they are more driven by the length of the illness vs. the specific condition. Some of the concerns of the department heads was that employees were saving their annual leave and going to the “leave pool” for a day or two.

Mr. C. Jackson inquired if employees have a maximum number of sick leave hours or days that can be earned in a year.

Mr. Hanna sick leave is accrued a day a month. Annual leave is based on years of service.

Mr. C. Jackson inquired as to what happens if an employee exceeds the number of accrued sick leave days.

Mr. Hanna stated the maximum that can go into their sick leave bank is 90 days. If they exceed that amount they can either donate to the leave pool or the days are lost.

Mr. C. Jackson stated the County should encourage employees that are losing their days to donate to the leave pool instead of donating to a separate pool. He stated he is concerned about the potential for favoritism as a result of this selective way of giving leave to some and not to others.

Ms. McBride inquired if the County has a process called "forfeit leave".

Mr. Hanna stated he does not believe so.

Ms. McBride inquired if there is any other governmental entity, County or State, which allows a person to designate the person they would like to donate to.

Mr. Hanna stated based on the survey the State and Greenville County permit individualized leave.

Ms. McBride inquired if they have had any issues with the leave.

Mr. Hanna stated he does not know. He stated could contact them and inquire about this matter. They surveyed them to see if they offered this type of leave pool.

Ms. McBride stated she shared Mr. C. Jackson's concerns of favoritism and leaving those employees really in need without the leave necessary.

Mr. C. Jackson moved, seconded by Mr. Rose, to defer this item to allow Mr. Hanna time to go back and research the success and failures of the Greenville and State individualized leave pool. The vote in favor was unanimous.

- c. Council Motion: Move to examine the EMS Department and receive a report on its current status – Mr. Byrd introduced Dr. Bill Gerard, Medical Director; Dr. Spencer Robinson, Associate Medical Director; Mr. Alonzo Smith, Assistant Director of EMS; and Mr. Laney Bernard, Division Manager of EMS and Operations.

Mr. Byrd stated there has been a steady increase in call volume that have resulted in increased employee workload and response times. EMS Management has implemented a set of tools to maximize available resources (i.e. system status deployment system). However, additional personnel is needed to reduce the workload and improve morale. Council has not increased EMS staff in approximately 10 years. The operational budget has remained or has declined. The mission does not change nor can we put off our response to 911 calls regardless of the staffing or budget. Everyone has done an outstanding making sure we continue to meet our mission regardless of the circumstances. The workforce is very dedicated and they enjoy the lifesaving work they do; however, there are fewer people selecting EMS as a career. This makes it difficult to recruit and retain workers when other EMS services have less workload and pay more. This is not just a local issue, but a regional, State and national problem as well.

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Because of the call volume, Richland EMS workers will see more death and destruction in one shift than many EMS workers in other counties will see in a year. They will encounter blood, vomit, urine, etc. They respond to situations are out of control and often arrive before law enforcement. The instances of domestics, car crashes, fires, stabbing and gunshot scenes, as well, as overdoses are increasing. They work in all kinds of environments (darkness, sunshine, rain, sleet, cold, heat, thunderstorms). They are so busy sometimes they do not get a meal break or an opportunity to go to the restroom. They are exposed to HIV, AIDS, TB, pneumonia, meningitis, hepatitis, and other diseases. They may not even know they are exposed until several days later until the tests comes back. Seldom are they recognized for the outstanding job they do responding to the 75,000 – 80,000 per year.

All of these factors contribute to worker fatigue and morale issues. For the last 14 months we have done as many things as we think possible to do given the circumstances. We have a new division manager for operations who has been recruiting locally and nationally for EMT and paramedics. We have formed employee committees to review equipment, supplies, uniforms, and other concerns. We have staggered shifts to cover peak call times. We have revised medic protocols to be current with DHEC standards, as well as management standards. We are in the process of rewriting the standard operating guidelines. We have installed software to streamline reporting, shift scheduling and employee communication. We have finalized a plan for improved transmission of data from the field. However, that funding is pending. We have overhauled the equipment/supply function. We have installed dispersal machines in headquarters and designated a supply clerk for each shift to speed up resupply and streamline operations. We have drafts of programs to recognize our employees. We have increased our use of part-time employees up to our funding level. We have deployed shift supervisors to respond to calls. The County's Risk Manager has looked at the parking lot safety and security and has come up with a plan to improve that. Council recently reduced insurance for dependent coverage.

We continue to face numerous challenges. There is an increase risk to the employees with on scene hazards, including assault by patients and bystanders. There is a perception of decreasing benefits to County employees. The insufficient pay raises have not kept pace with the cost of living. The operational budget is not keeping pace with expenses. We have seen equipment and supply costs skyrocket. Some medications have gone up by 800% and many are on national back order. There is a continued need for improved technology and face safety and security challenges. We also need new facilities.

The questions that were posed by Council have been addressed in the report.

Mr. Rose inquired about what the immediate needs of the EMS department are.

Mr. Byrd stated the immediate need is to increase the number of workers to combat the fatigue to workers. He stated it takes 8 workers to staff one ambulance. Therefore, by adding 24 workers it will increase the number of staffed ambulances by 3. And after that, we would need to look at whether we need to increase the staff based upon workload. The starting salaries, and salaries in general, need to be increased. We are not competitive on the front end. If an employee that has been here for several years can now go to another EMS service and make the same amount or more money with less workload then some are choosing to do so. Operationally, we need more funding for supplies and equipment.

Mr. Rose inquired about the number of employees that is needed immediately.

Mr. Byrd stated realistically it would take 10-12 months to recruit 24 employees, but he would gladly accept the challenge to hire 48.

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Mr. Rose inquired about how the recent 10% increase to starting salaries and 5% increase for existing employees factors in.

Mr. Byrd stated it gets us close, but he is not sure if the County will be extremely competitive at 10%. It is a good faith effort on the part of the Administrator to get us higher than we are now and see where the Comp & Class study shows when it comes back.

Mr. Rose inquired about when the Comp & Class study will be completed.

The Comp & Class study is due to be back in April 2018.

Mr. Rose inquired where the \$2.5 million for operations that is slated to have Third Reading soon puts the County.

Mr. Byrd stated those funds are bond funds; therefore, they cannot be used for operations. Those funds will be used for capital improvements. There is a list of equipment ready to go out for proposals or to be purchased as soon as the funding is approved. This will not take care of all of the needs, but will make a good start. He further stated that one thing they have to deal with is that when they change one piece of equipment they have to change it 58 times.

Mr. Rose inquired as to the dollar figure that would be needed to be operationally whole.

Mr. Byrd stated he would like to bring that information back, but he would guess approximately \$10 – \$15 million.

Ms. Kennedy stated she would like to thank Mr. Byrd for the changes he has made to the department over the years. When she was on Council the first time there were only 4 or 5 ambulances stationed in strategic places in the County. She would like to see it the best it can be.

Ms. McBride stated she is glad we are trying to address the issues that have been raised recently. She inquired about what is needed to increase recruitment and employment immediately.

Mr. Byrd stated there are not a lot of paramedics; therefore, they know they can go just about anywhere to work. To address recruitment immediately, he would like to accelerate the Comp & Class study, which he knows is not possible. Whatever can be done to address the salaries would be greatly appreciated.

Mr. N. Jackson stated for clarification that EMS is understaffed and underequipped.

Mr. Byrd stated he would say EMS is understaffed and underpaid. And there are equipment supply challenges.

Mr. N. Jackson stated he has noticed a constant job posting for the past 2 years for EMS workers that have not been filled. He is concerned and confused where EMS is understaffed, but there has been a constant posting. He inquired if the EMS Department is aggressively trying to recruit, since there is a capacity to hire someone but no one has been hired.

Mr. Byrd stated they keep a pool of applications. EMS workers come and leave all of the time. There are people that come to work with the EMS Department who are waiting to get into medical or nursing school; therefore they keep the pool of applicants. The job posting stays up because we know we will have those vacancies to fill. The Department is very close to filling the authorized

positions, with the exception of the 8 additional positions. One of the challenges is there are fewer and fewer paramedic applications.

Mr. N. Jackson inquired as to the number of employees needed to be fully staffed and efficient. And the amount of funding needed for equipment.

Mr. Byrd stated in terms of positions the 24 or 48 and several million dollars more than the \$2.5 million. He would like to bring back a more solid number at a later date.

Mr. C. Jackson stated he would like to echo the statements by his colleagues and for him this is personal. Last November, his mother became ill at her home. The response was incredible. The attention was unbelievable and he is convinced it made a difference in her life. Then just two weeks ago at his church, Bibleway Church at Atlas Road, which has approximately 2,500 parishioners at the 11:00 Sunday service, a longstanding member became critically ill. Unfortunately, the member passed away, but the response rate was incredible and the professional service she received was unbelievable. Even though they were not able to save her life, the way they handled the situation with such dignity was amazing.

However, Mr. C. Jackson thinks it is critically important that we get specific and detailed about what the needs are. For example, during the last budget cycle what was the request? Did you request the positions? Were you denied those positions? Did you get any part of it? How much of your budget did you get over the last couple years? Have you been requesting increases? Were you denied or did you get some percentage of it? He feels that is really important because the impression the public gets is that EMS has been going woefully unattended. And there have been requests that have fell on deaf ears. He wants to ensure to set the record straight. And if in fact there are specific needs that have been quantified that can tell us exactly what is needed by this Council to ensure those professionals working for EMS get what they need to do their jobs in the most effective manner. In addition, he inquired about the connection or relationship between the EMS staff and the First Responders at the fire stations throughout the County.

Mr. Byrd stated they submit a budget every year. The budget request reflects the department's needs. They have requested positions and capital for years. They have requested what is needed to adequately fund operations. There are meetings with Budget, Finance and Administration, which is then presented to Council. When the budget process is completed they are given a budget. They are expected to make sure they can provide the services with whatever amount they are given.

In addition, Mr. Byrd stated the relationship between the Fire/First Responders and EMS is pretty good. Dr. Gerard also assists in the Fire/First Responder program, so they try to come close to using the same protocols and equipment. If Fire Service is there before EMS gets there, there is a transfer of care and equipment. It is his understanding the Fire Department is looking at making some changes in their First Responder program. It is very important and helps in a tiered response situation where First Responders, if they can get there before the paramedics, they have automatic external defibrillators, which are crucial in a life and death situation.

Mr. C. Jackson inquired if Mr. Byrd had been involved in the discussions in regards to the recommended changes the Fire Department is considering.

Mr. Byrd stated he has not been involved in detail. Dr. Gerard has been involved in those discussions.

Mr. C. Jackson inquired if Mr. Byrd has been privy to any discussions regarding the proposed new 911 Call Center.

Mr. Byrd stated he has been in meetings with the Sheriff's Department and Administration. There are issues there and he knows the Sheriff has expressed his concerns. And they have expressed their concerns as well.

Mr. C. Jackson stated it is his hope that Mr. Byrd will remain involved in the proposal by the Fire Department and the Sheriff's Department's proposed 911 Call Center.

Mr. Pearce stated historically Council only has themselves to blame for where we are, but he is not sure they can even blame themselves. There is only so much money in the pot and there is not enough money to go around. The needs are there and you short change someone you frequently, particularly when it comes to First Responders, create an emergency situation. Council's inability to meet the budget over the past several years and the way money is allocated, if there is no money there you cannot give someone something you do not have. He does not feel this problem is going to resolve itself totally by money. Mr. Byrd has already stated he has positions he currently cannot fill. Although the 10% raise will help, but that still will not put him in a competitive position. We need to look at some other kinds of creative solutions to this. He was touched by Mr. Seals' recommendation to potentially begin subsidize the education of people interested in working for us if they agree to come to work for us after they finish their education. This is actually how he went to work with the Department of Mental Health 50 years ago. They sent him to graduate school and paid for his education. He in turn had to work his time off.

Mr. Pearce inquired about the feasibility of using private ambulance services to subsidize what the County has to lessen the workload until the issue of salaries can be addressed. He realizes there are liability issues. He suggested the Chair meeting with Mr. Seals to enact an Ad Hoc Task Force to continue to monitor the hiring, etc. He does not see how throwing more money at the problem is going to help when the people are not there to hire. A concern to him is the national back orders of critical supplies.

Mr. Byrd stated there is not one presently, but they do crop up periodically and affects the supply.

Mr. Rose stated it is his understanding that money will go a long way to alleviating the issues. Instead of being creative, let's be competitive. If you properly fund the positions they will be filled. He does not want to see Richland County training workers to only see them leaving for higher paying positions at other counties. He wants to see the best and the brightest responding.

Mr. Rose moved, seconded by Ms. Myers, to hold this in committee and request Mr. Byrd, in conjunction with his staff, to bring back some hard numbers to fill the positions, how many positions are needed and the starting salaries for those positions, the operational needs, as well as facility needs. The vote in favor was unanimous.

Ms. Myers stated like Mr. C. Jackson she had an incident with her mom. There is no doubt in her mind the EMS workers saved her mother's life and she really appreciates what they do. She stated the issue of salaries are Countywide, which is why the County is undertaking a Comp & Class study. She inquired about other factors that are driving this that Mr. Byrd may need to pay closer attention to. She noted in the report it stated in some places it takes up to 45 minutes to get a person to help, which could contribute mightily to the stress level.

Mr. Byrd stated in Richland County there are 7 hospitals that we transport to. As indicated, there are areas in the County where they are 45 minutes away from a trauma center, stroke center, etc.

Ms. Myers stated she rode along with the EMS workers and her mom. The EMS workers were nervous because they knew she was having a heart attack. She stated she is in favor of providing

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additional funding, but she agrees with Mr. Pearce about finding more creative ways to address the issues. She suggested look at what we are doing across the County to inspire people to come to work for Richland County. And to not ignore the big picture.

- d. Council Motion: If Developers, Builders, etc. cause any hardship on any community due to poor workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. JACKSON] – Mr. C. Jackson moved, seconded by Ms. Myers, to defer this item to the November 16th Committee meeting. The vote in favor was unanimous.
- e. Council Motion: HOA’s operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. JACKSON] – Mr. C. Jackson moved, seconded by Ms. Myers, to defer this item to the November 16th Committee meeting. The vote in favor was unanimous.
- f. To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions i.e. impassible bridges, roads, etc. Working with recreation centers, schools districts, churches and other civic centers to qualify and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process. NOTE: Shelters to include overnight stay, storage and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. JACKSON] – Mr. C. Jackson moved, seconded by Ms. Myers, to defer this item to the November 16th Committee meeting. The vote in favor was unanimous.

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- b. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [MALINOWSKI] – No action was taken.
- c. Council Motion: Direct Legal to research what is required to enact a parking ordinance in communities/subdivisions [McBRIDE] – No action was taken.
- d. Council Motion: I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY16-17 budget produced a surplus, to EMS [MANNING] – No action was taken.

6. **ADJOURNMENT** – The meeting adjourned at approximately 5:59 PM.

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October 24, 2017

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**RICHLAND COUNTY
GOVERNMENT**
Office of the County Administrator

Memorandum

To: County Administrator Gerald Seals
From: Emergency Services Department Director Michael Byrd
Date: November 7, 2017
Subject: Status of EMS

During its October 24, 2017 meeting, the D&S Committee discussed Councilman Rose's motion to examine the EMS Department. During the meeting deliberations the Committee voted to hold this item in committee and requested that Mr. Byrd, in conjunction with his staff, bring back hard numbers relative to the needs of the department.

County Administrator Seals, in conjunction with County staff, has developed a Strategic Initiative to address the personnel and operational needs of the Department via Biennium Budget I. Recently, the following measures were been implemented:

- \$2,500,000 in funding to address capital needs
- Absorbing the additional cost of dependent health insurance coverage
- \$200,000 in funding for equipment needs
- Eight new positions
- \$200,000 to fund a Tuition Reimbursement Program
- Increase in EMS salaries (incumbents and new)
- Additional wage adjustments department wide pursuant to the completion and implementation of the countywide Comp and Class Study (completion expected April 2018)

ESD is working with the County's Executive Committee Team (ECT) to explore the following items:

- Night Shift Differential pay
- Salary Gap Pay
- Holiday Pay (EMS must pay employees holiday pay and it is not funded)

Personnel

As a part of the Strategic Initiative, the personnel increase goal for EMS is 24-48 positions over the next two years. ESD is working with the County Administrator's Office and the ECT to obtain this goal starting with an increase in positions (12 - 24) for the second year of the Biennium Budget.

Operational Needs

Operational costs continue to rise. Funding is included in the current budget through the Strategic Initiative. ESD is working with the ECT to address the additional funding needs for the second year of Biennium Budget I, inclusive of an increase (approximately \$400,000) in funding to obtain additional medical supplies.

Facility Needs

Emergency Services has purchased property for the new EMS building, Emergency Operations Center and the new 911 Center. Planning has been underway for several years. The estimated cost of the project is \$25,000,000. This project has been incorporated into the facility needs assessment and plans.

ESD Management and the County's Finance staff via the Administrator's Office will continue our ongoing efforts to make sure that the department does not experience any budgetary shortfalls.



**RICHLAND COUNTY
GOVERNMENT**
Office of the County Administrator

Memorandum

To: County Administrator Gerald Seals
From: Assistant to the County Administrator Brandon Madden
CC: County Attorney Larry Smith
Date: November 7, 2017
Subject: Draft IGA between the City of Columbia and the County

During its October 24, 2017 meeting, the D&S Committee discussed the following motion by Vice-Chairman Malinowski:

"Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County"

Subsequently, the Committee directed staff to draft an IGA between the City of Columbia and the County to address the notification process of upcoming water and sewer projects in unincorporated Richland County.

This memorandum transmits the draft agreement.

STATE OF SOUTH CAROLINA) INTERGOVERNMENTAL AGREEMENT
) BETWEEN RICHLAND COUNTY AND THE
COUNTY OF RICHLAND) CITY OF COLUMBIA
(Uilities in County Designated Service Area)

This Agreement entered into this ____ day of _____, 2017, by and between Richland County, South Carolina (the “County”), and the City of Columbia, South Carolina (the “City”), collectively the “Parties.”

WITNESSETH THAT:

WHEREAS, in 1982, the County enacted Richland County Code Section 24-11, which states that for purposes of water and sewer service “that the unincorporated areas of the county constitute a "designated service area" within the meaning of section 5-7-60 of the South Carolina Code of Laws, 1976”; and

WHEREAS, the City is now providing and desires to continue providing water and sewer utility services within the County’s Designated Service Area; and

WHEREAS, Section 5-7-60 of the South Carolina Code of Laws states “Any municipality may perform any of its functions, furnish any of its services, except services of police officers,...outside the corporate limits of such municipality by contract ... except within a designated service area for all such services of another municipality or political subdivision, including water and sewer authorities.... Provided, however, the limitation as to service areas of other municipalities or political subdivisions shall not apply when permission for such municipal operations is approved by the governing body of the other municipality or political subdivision concerned”; and

WHEREAS, for orderly and proper growth and development with the County, the County requires the City to obtain permission from the County for any water or sewer service expansion within the County’s Designated Service Area;

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants herein set forth, the parties agree as follows:

1. The City agrees that it is required, per S.C. Code Ann. Sec. 5-7-60, to obtain prior approval from the County before placing, constructing, or extending any water or sewer infrastructure in the County’s Designated Service Area, which area encompasses all unincorporated areas of Richland County. The approval is required for all CIP as well developers driven projects.

2. The City shall provide annually to the County (at a time to be mutually determined by the Parties) the City’s Annual Infrastructure Capital Improvement Plan (“Plan”). The County Administrator, the City Manager, and their respective utility personnel, will, within 30 days of receipt of the Plan, meet to discuss the Plan (“Annual Meeting”) and its appropriateness for the County’s growth and development. No less than once during each calendar year, the City shall provide an update to the Plan to the County through its Utilities Department.

3. Before implementation, construction, or extension of any water or sewer infrastructure within the Designated Service Area, the City or any entity working on behalf of the City will obtain written approval from the County Administrator and/or the County Council, as determined by the County.

The County shall, at its discretion, either give blanket approval based on the Plan (or its most recent update), or require the City to submit detailed plans for approval for each specific water or sewer infrastructure project with the Designated Service Area. Such decision shall be made by the County following the Annual Meeting. All approvals or denials shall be made in a timely manner by the County so as to allow the City time to make appropriate plans or revisions.

4. This Agreement relates only to the City's requirements per S.C. Code Ann. Sec. 5-7-60; nothing in this Agreement is intended to or does amend any state, local, or federal law related to water or sewer infrastructure placement, permitting, or construction.

5. The parties hereby acknowledge that they have reviewed this Agreement and concur that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of any provision of this Agreement.

6. If any provision of this Agreement or any obligation or agreement contained herein is determined by a court of competent jurisdiction to be invalid or unenforceable, that determination shall not affect any other provision, obligation or agreement, each of which shall be construed and enforced as if the invalid or unenforceable portion were not contained herein. That invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, obligation, or agreement shall be deemed to be effective, operative, made, entered into, or taken in the manner and to the full extent permitted by law.

7. This Agreement may be executed in several counterparts, all or any of such shall be regarded for all purposes as one original and shall constitute and be but one and the same instrument.

8. This Agreement may only be amended by written instrument signed by both parties.

9. The official executing this Agreement on behalf of the City represents and asserts actual authority to bind the City to the obligations and commitments made in this Agreement. Similarly, the official executing this Agreement on behalf of the County represents and asserts actual authority to bind Richland County to the obligations and commitments made in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____

Printed Name: Gerald Seals

Title: Interim County Administrator

City of Columbia, South Carolina

By: _____

Printed Name: Teresa Wilson

Title: City Manager



**Development & Services Committee Meeting
November 16, 2017
Committee Briefing Document**

Agenda Item

Building permits of Developers and Builders

Background

On May 16, 2017, the Honorable Norman Jackson made the following motion:

If Developers, Builders, etc. cause any hardship on any community due to poor workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. Jackson]

The County currently cites and stops work on projects that are unapproved or unpermitted per Sec. 6-31 (Buildings and Building Regulations); 26-272 (Land Development) and the County's DHEC National Pollutant Discharge Elimination System Permit.

However, there is no ordinance that allows the County to halt work by a developer/builder that is properly approved and permitted, even if the developer/builder has citations on other work in the County.

Issues

Unapproved or unpermitted work by developers

Fiscal Impact

N/A

Past Legislative Actions

None.

Alternatives

1. Amend the County's current building and land development enforcement processes.
2. Do not amend the County's current building and land development enforcement processes.

Staff Recommendation

Council discretion, however, staff will continue to enforce current ordinances.

Submitted by: Councilman Norman Jackson, District 11

Date: May 16, 2017

Staff Recommendation

Council discretion, however, staff will continue to enforce current ordinances.

Submitted by: Councilman Norman Jackson, District 11

Date: May 16, 2017



**Development & Services Committee Meeting
November 16, 2017
Committee Briefing Document**

Agenda Item

Homeowners' Associations

Background

On May 16, 2017, the Honorable Norman Jackson made the following motion:

HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. Jackson]

The County does not have the authority to intervene in private matters between homeowners and their Homeowner's Associations, making the first half of the motion related to "poor management...caus[ing] a hardship on the homeowners or community" difficult to address.

However, the County does enforce its Code of Ordinances against appropriate entities, including HOA's if they are responsible for the maintenance. Thus, if the detention ponds are not being maintained per the maintenance plan associated with the approved set of plans, the County can issue citations per: *PART II, Section 9(d) of the National Pollutant Discharge Elimination System Permit for Discharge to Surface Waters issued by the Storm Water, Construction and Agricultural Permitting Division of DHEC.*

Issues

Management capacity of Homeowners' Associations

Fiscal Impact

N/A

Past Legislative Actions

None.

Alternatives

1. Amend the County's current land development enforcement processes.
2. Do not amend the County's current land development enforcement processes.

Staff Recommendation

Council discretion, however, staff will continue to enforce current ordinances.

Submitted by: Councilman Norman Jackson, District 11

Date: May 16, 2017



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

Development & Services Committee Meeting November 16, 2017 Committee Briefing Document

Agenda Item

Emergency Shelters / Facilities

Background

On September 12, 2017, the Honorable Norman Jackson made the following motion:

To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions i.e. impassible bridges, roads etc. Working with recreation centers, school districts, churches and other civic centers to qualify and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process. Note: Shelters to include overnight stay, storage and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. Jackson]The County currently cites and stops work on projects that are unapproved or unpermitted per Sec. 6-31 (Buildings and Building Regulations); 26-272 (Land Development) and the County's DHEC National Pollutant Discharge Elimination System Permit.

Following Hurricane Matthew in 2016, the County's Executive Committee Team began working with the City of Columbia to identify "Calamity" shelters that could be used during periods of adverse weather to house residents that are in need of shelter and / or assistance. This collaborative effort is ongoing.

Issues

Emergency shelters/facilities

Fiscal Impact

N/A

Past Legislative Actions

None.

Alternatives

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

Staff Recommendation

Council discretion, however, staff will continue to enforce current ordinances.

Submitted by: Councilman Norman Jackson, District 11
Date: September 12, 2017



**Development & Services Committee Meeting
November 16, 2017
Committee Briefing Document**

Agenda Item

Water runoff ordinance

Background

On May 16, 2017, the Honorable Bill Malinowski made the following motion:

Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [Malinowski]

Current County standards require the post construction runoff rate not exceed that of pre-construction.

In addition, staff has been drafting updates to our land development design manual, which includes standards for stormwater runoff. Some proposed standards may include additional regulations than required in our MS4 permit from DHEC. Staff plans to vet those standards with stakeholders starting in 2018, before submitting text amendments to County Council.

Issues

N/A

Fiscal Impact

N/A

Past Legislative Actions

N/A

Alternatives

Amend the County's current ordinance.

Do not amend the County's current ordinance.

Staff Recommendation

Council discretion.

Proposed by: Vice-Chairman Malinowski

Date: May 16, 2017



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

Development & Services Committee Meeting November 16, 2017 Committee Briefing Document

Agenda Item

Petition to Close Portion of Old Percival Rd/Spears Creek Rd

Background

County Council is requested to approve, deny or make a recommendation with respect to a Petition for Road Closing regarding Old Percival Rd/Spears Creek Rd in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14. The road is more particularly described in the attached Petition For Road Closing and Abandonment filed in the case of *Sanders Group LP v. County of Richland, South Carolina Department of Transportation, Spears Creek Quadrant Partners, US Bank National Association, and Eual and Jean Dial*, Civil Action No.: 17-CP-40-5616.

Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14 requires the County Attorney to consult with the County's Planning, Public Works and Emergency Services departments and to forward the request to abandon or close a public road or right-of-way to County Council for disposition. All afore-mentioned departments have been informed of the need for input and none have an objection. Petitioners contend this portion of Old Percival Rd/Spears Creek Rd has not been used in decades and is currently impassable by any vehicular or pedestrian traffic. Petitioners have received no objections by surrounding landowners to the closure of this road. Also, see attached plat provided by Petitioner.

Issues

N/A

Fiscal Impact

N/A

Past Legislative Actions

N/A

Alternatives

1. Approve petitioner's request to close the subject road and direct Legal to answer the suit accordingly.
2. Deny petitioner's request to close the road, state reasons for such denial, and direct Legal to answer the suit accordingly.

Staff Recommendation

Council discretion

Submitted by: Lauren Hogan – Legal Department

Date: 11/13/17

BERNSTEIN & BERNSTEIN
ATTORNEYS AT LAW

1019 ASSEMBLY STREET (29201)
POST OFFICE BOX 583
COLUMBIA, SOUTH CAROLINA 29202
TELEPHONE (803) 799-7900
FACSIMILE (803) 799-7996
website: www.bblawsc.com
email: rip@bblawsc.com

LOWELL E. BERNSTEIN
BETH E. BERNSTEIN

ISADORE S. BERNSTEIN
(1922 - 2010)

OVERTURE E. WALKER
KNOWLTON "RIP" SANDERS

September 20, 2017

VIA CERTIFIED MAIL, RESTRICTED
DELIVERY, RETURN RECEIPT REQUESTED

Richland County Administrator
c/o Gerald Seals
2020 Hampton Street, Suite 4069
Columbia, South Carolina 29204

RECEIVED
2017 SEP 22 11:40 AM
RICHLAND COUNTY
ADMINISTRATORS OFFICE

RE: Petition for Abandonment and Closure of a portion of State Road S-40-1098, also now or formerly known as Old Percival Road and/or Spear Creek Road, in or near the City of Columbia, Richland County, South Carolina.

Dear Sir/Madam:

Please allow this letter to inform you that this firm has been retained to represent The Sanders Group, LP to bring an action to close and abandon a portion of State Road S-40-1098, in or near the City of Columbia, Richland County, South Carolina. The public record reveals that you currently own real property abutting this road.

I am hereby notifying you that a Petition to close the aforementioned road has been filed with the Richland County Clerk of Court. A copy of the Petition is enclosed herewith. Should you have any questions or concerns, please feel free to contact me.

With kind regards, I am

Very truly yours,

Knowlton (Rip) Sanders
Bernstein & Bernstein,

Litigation Notice

KS/mda

was served by

Personal Service

Personal Mail

Certified Mail

Richland County Legal Dept.

Received by: BAKER

DATE: 9/22/17

TIME: 11:40a

COUNTY OF RICHLAND

Sanders Group LP

Plaintiff(s)

vs.

County of Richland, South Carolina Department of Transportation, Spears Creek Quadrant Partners, US Bank National Association, and Eual and Jean Dial

Defendant(s)

Submitted By: Knowlton D. Sanders
Address: 1019 Assembly Street
Columbia, SC 29201

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2017-CP - 40- 05616

SC Bar #: 78765
Telephone #: 803-799-7900
Fax #: 803-799-7996
Other: _____
E-mail: rip@bblawsc.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 <u>-NI-</u> <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ | <p>Torts - Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Label (380) <input type="checkbox"/> Other (399) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic's Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input checked="" type="checkbox"/> Other (499) <u>Petition</u> |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Drv. License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture-Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate's Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) _____ | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker's Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | | | |

Submitting Party Signature: _____

Knowlton D. Sanders

Date: September 18, 2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Sanders Group LP

Petitioner,

vs.

County of Richland, South Carolina
Department of Transportation, Spears Creek
Quadrant Partners, US Bank National
Association, and Eual and Jean Dial

Respondents.

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT

) CASE NO: 2017-CP-40-_____

PETITION

PETITION FOR ABANDONMENT
AND CLOSURE OF ROAD
(Non-Jury)

2017 SEP 18 PM 2:42
JANETTE M. HODGSON
C.C.P. & G.S.
ADMITTED
FILED

The Petitioner would respectfully show unto this Court that:

1. The Petitioner, The Sanders Group, LP, is a limited partnership organized and existing pursuant to the laws of the State of South Carolina. Petitioner owns certain real property commonly known as 620 Spears Creek Church Road, Elgin, Richland County, South Carolina, designated as Richland County Assessor's Tax Map Number 28800-05-01, and containing approximately 7.29 acres.

2. That upon information and belief, the Respondents, County of Richland and South Carolina Department of Transportation, are each governmental authorities organized and existing pursuant to the laws of the State of South Carolina.

3. That upon information and belief, the Defendant Spears Creek Quadrant Partners is a South Carolina partnership organized and existing pursuant to the laws of the State of South Carolina. Defendant Spears Creek Quadrant Partners owns certain real property, containing approximately 37.03 acres and designated as Richland County Assessor's Tax Map Number 28800-06-05, located in Richland County, South Carolina.

4. That upon information and belief, the Defendant US Bank National Association is a national association whose principal address is 800 Nicolett Mall, Minneapolis, Minnesota. Defendant US Bank National Association owns certain real property commonly known as 4721 Percival Road, in or near the City of Columbia, Richland County, South Carolina, containing approximately one acre (+/-), and designated as Richland County Assessor's Tax Map Number 28800-05-04.

5. That upon information and belief, the Respondents Eual and Jean Dial, are citizens and residents of Richland County, South Carolina. Respondents Eual and Jean Dial own certain real property, commonly known as 4713 Percival Road, in or near the City of Columbia, Richland County, South Carolina, and designated as Richland County Assessor's Tax Map Number 28800-05-05.

6. The subject matter of this action is a certain portion of South Carolina State Road S-40-1098, also formerly known as Old Percival Road and/or Spear(s) Creek Road (the "Subject Portion To Be Closed.") Respondents each own property that abuts South Carolina State Road S-40-1098; provided however, that only Petitioner and Spears Creek Quadrant Partners own real property abutting the Subject Portion to Be Closed.

7. The Subject Portion to Be Closed is more particularly described in Exhibit A attached hereto and incorporated herein by reference.

8. That upon information and belief, the South Carolina Department of Transportation and the County of Richland have indicated that they do not have an interest in maintaining the Subject Portion to Be Closed, and have not materially maintained it in more than approximately twenty-five years.

9. There are no other abutting or adjoining property owners other than the Respondents named in this Petition who would be affected by the closing Subject Portion to Be Closed. Therefore, Petitioner respectfully submits that it is in the best interest of all concerned that the Subject Portion to Be Closed be judicially abandoned and closed pursuant to S.C. Code Ann. §57-9-10 and that absolute possession and title thereto be vested in Petitioner and Spears Creek Quadrant Partners pursuant to the survey shown in Exhibit B attached hereto and incorporated herein by reference.

10. Prior to the filing of this Petition, Petitioner provided notice of its intention to close the Subject Portion to Be Closed, pursuant to South Carolina Code Sections 57-9-10, by the following: a) publishing once a week for three (3) consecutive weeks in The Columbia Star, a newspaper of general circulation published in Richland County, South Carolina (the Affidavit of Publication is attached hereto and incorporated herein by reference as Exhibit C); b) posting notice along South Carolina State Road S-40-1098; and c) sending notice by Certified Mail, Return Receipt Requested to Respondents.

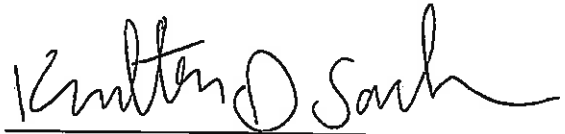
WHEREFORE, Petitioner prays for judgment as follows:

1. That the Court inquire into matters set forth herein and determine that it is in the best interest of all parties that the portion the Subject Portion to Be Closed be judicially abandoned and closed pursuant to S.C. Code Ann. §57-9-20;

2. That the Court determine that the Petitioner The Sanders Group, LP and Spears Creek Quadrant Partners, are the owners of the Subject Portion to Be Closed and that title to said portion the road be vested in the name of said Petitioner and Spears Creek Quadrant Partners pursuant to the survey attached hereto as Exhibit B;

3. That the Court direct any order granting all or part of the relief requested in this Petition to be recorded in the Register of Deeds for Richland County and that any such order be also indexed in the deed books for real property in Richland County, South Carolina; and

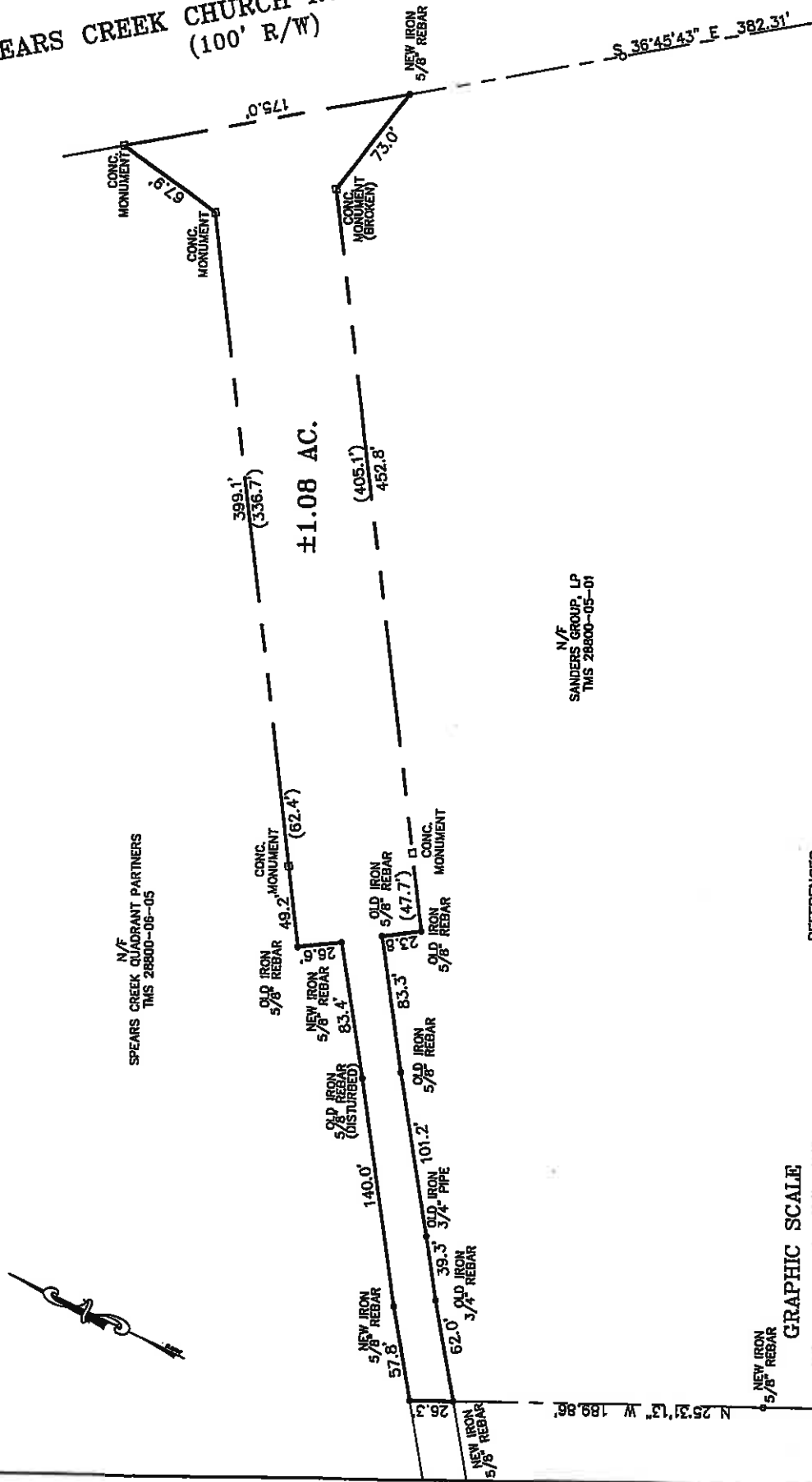
4. For such other and further relief as this Court deems just and proper.



Knowlton D. Sanders
Bernstein & Bernstein LLC
1019 Assembly Street
Columbia, SC 29201
803-799-7900
ATTORNEY FOR PETITIONER

Columbia, South Carolina
September 12, 2017

SPEARS CREEK CHURCH ROAD (S-40-53)
(100' R/W)



N/F
SPEARS CREEK QUADRANT PARTNERS
TMS 28800-06-05

N/F
SANDERS GROUP, LP
TMS 28800-05-01

EXHIBIT "A"
DATE: SEPT. 13, 2017
PROJECT No. 17040

REFERENCES:
1. A PLAT PREPARED BY ASSOCIATED E & S, INC., DATED
MAY 28, 2017.



SPEARS CREEK CHURCH ROAD (S-40-53)
(100' R/W)

(A) ±0.16 AC.
TO BE COMBINED WITH
TMS# 28800-06-05

N/F
SPEARS CREEK QUADRANT PARTNERS
TMS 28800-06-05

(B) ±0.92 AC.
TO BE COMBINED WITH
TMS# 28800-05-01

N/F
SANDERS GROUP, LP
TMS 28800-05-01

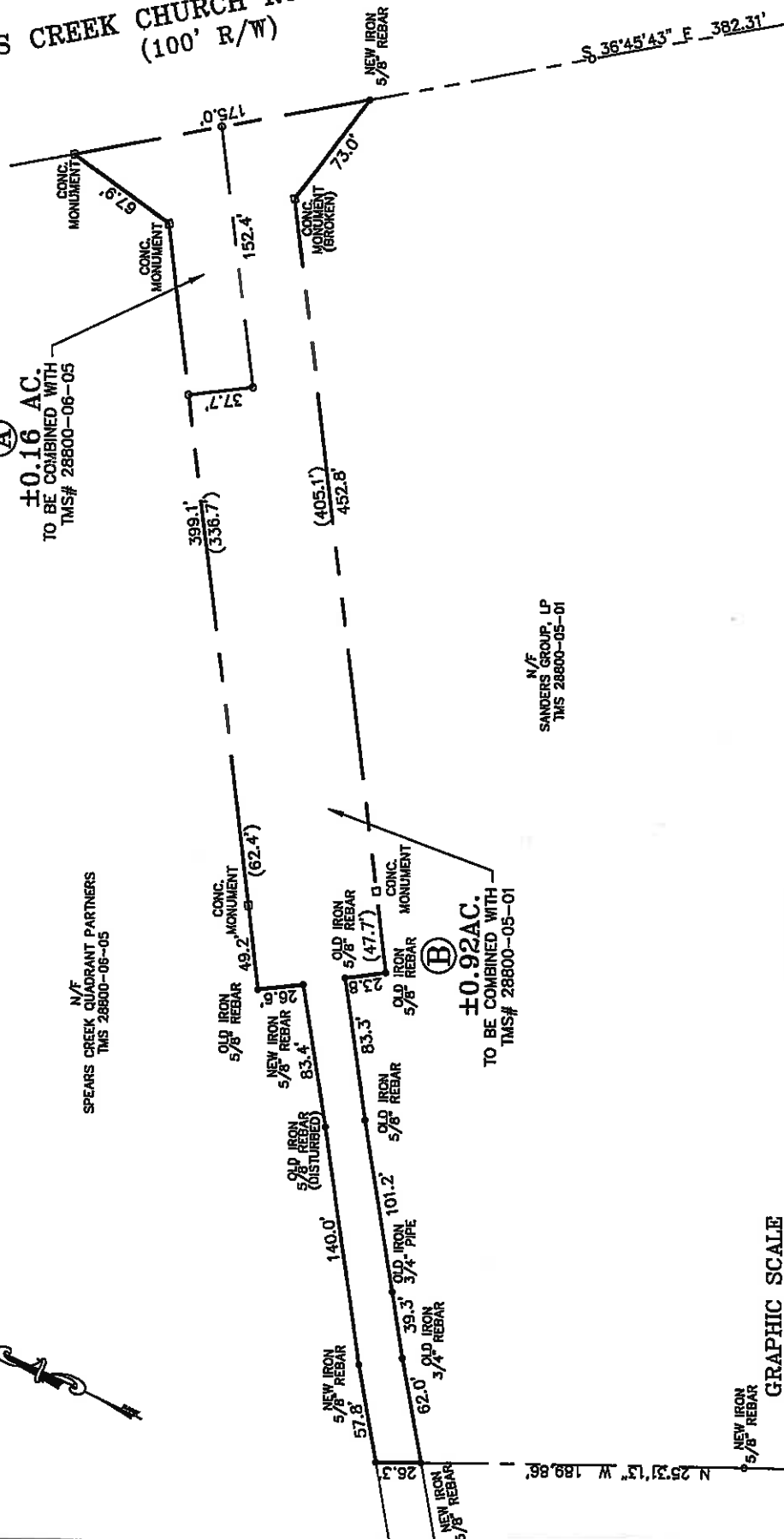


EXHIBIT "B"
DATE: SEPT. 13, 2017
PROJECT No. 17040

REFERENCES:
1. A PLAT PREPARED BY ASSOCIATED E & S, INC., DATED
MAY 28, 2017.

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

EXHIBIT "C"

THE COLUMBIA STAR

COLUMBIA, SOUTH CAROLINA

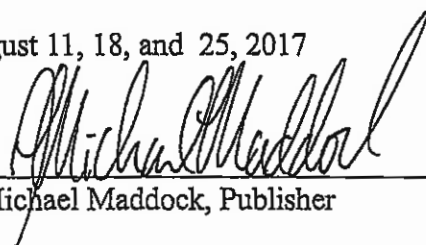
State of South Carolina
County of Richland

Personally appeared before me,
J. MICHAEL MADDOCK,
PUBLISHER OF THE COLUMBIA STAR,
who makes oath that the advertisement

NOTICE OF INTENTION TO FILE A PETITION TO CLOSE A PORTION OF SC STATE ROAD S-40-1098, ALSO NOW OR FORMERLY KNOW AS SPEAR CREEK ROAD AND/OR OLD PERCIVAL ROAD, ET AL.
TO ALL INTERESTED PARTIES

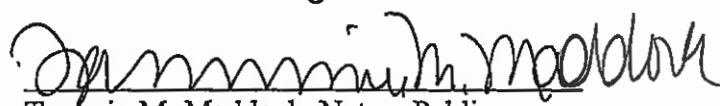
a clipping of which is attached hereto, was printed in
THE COLUMBIA STAR, a weekly newspaper of general circulation
published in the City of Columbia, State and County aforesaid, in the issues of

August 11, 18, and 25, 2017



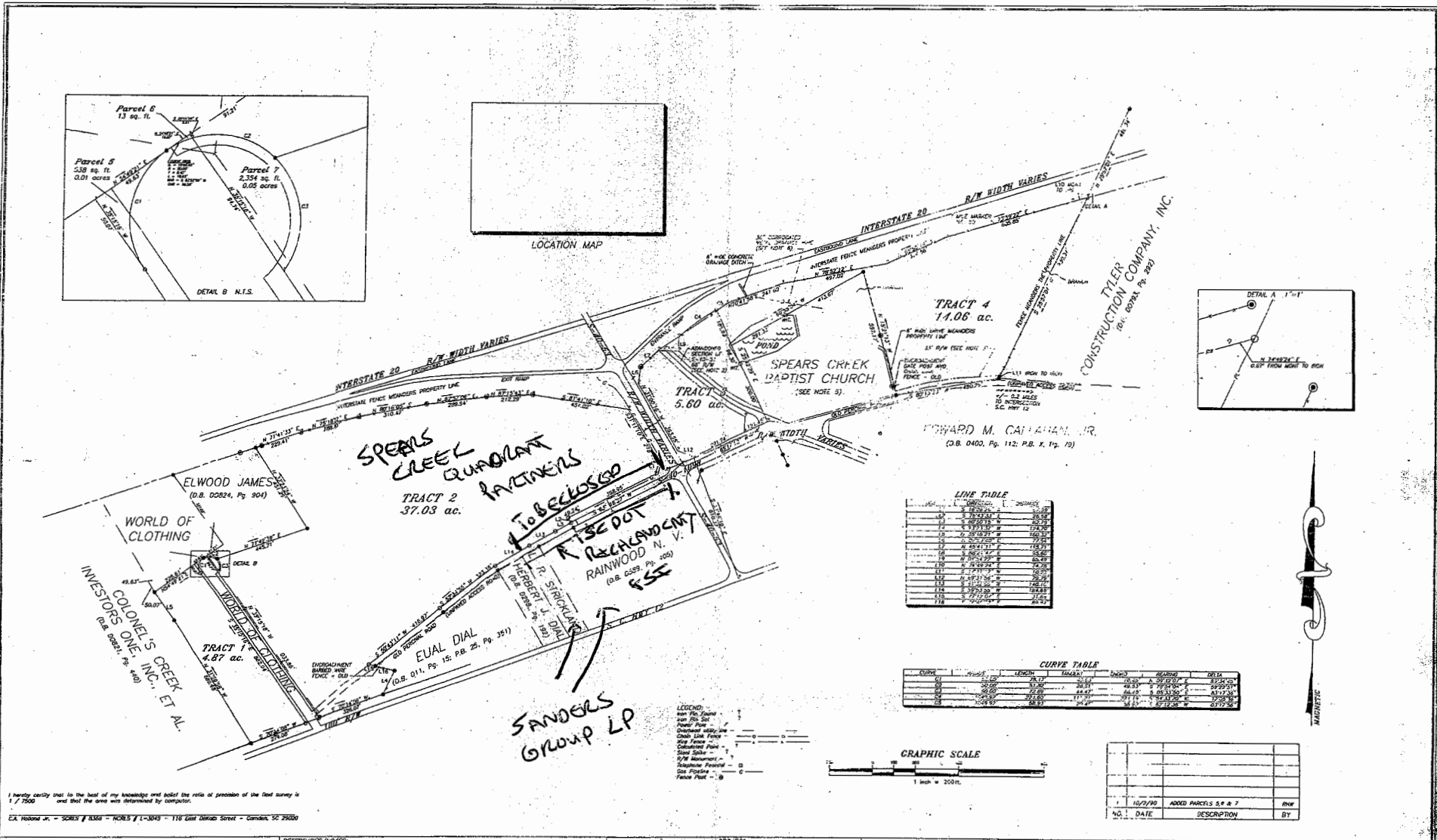
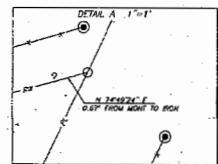
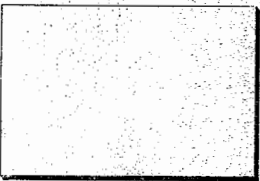
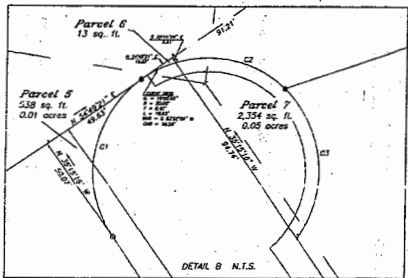
J. Michael Maddock, Publisher

Sworn to before me on this
25th day of August 2017.



Tammie M. Maddock, Notary Public
My commission expires June 27, 2026

NOTICE OF INTENTION TO FILE A PETITION TO CLOSE A PORTION OF SOUTH CAROLINA STATE ROAD S-40-1098, ALSO NOW OR FORMERLY KNOWN AS SPEAR CREEK ROAD AND/OR OLD PERCIVAL ROAD IN OR NEAR THE CITY OF COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA TO ALL INTERESTED PARTIES: YOU WILL PLEASE TAKE NOTICE that the undersigned Petitioner hereby gives notice that he intends to petition the Court of Common Pleas for the Fifth Judicial Circuit for an Order of the Court closing and forever abandoning a certain portion of South Carolina State Road S-40-1098, also formerly known as Old Percival Road and/or Spear(s) Creek Road, located in or near the City of Columbia, Richland County, State of South Carolina. The portion of State Road S-40-1098 sought to be abandoned is that portion of the road beginning from its intersection with Spears Creek Church Road (State Road S-40-58) and running in a west/southwesterly direction for 741' (+/-), ending at the new iron 5/8" rebar survey marker delineating the northwestern most corner of that certain parcel of real property bearing Richland County Tax Map Number R28800-05-02, and currently owned by The Sanders Group, LP. This Petition will be filed pursuant to section 57-9-10 of the Code of Laws for the State of South Carolina. All inquiries regarding this action should be addressed to the attorneys representing the Petitioner: Bernstein & Bernstein, LLC, 1019 Assembly Street, Columbia, South Carolina 29201 Telephone (803) 799-7900, attn: Rip Sanders, Esq., Rip Sanders, Esq., Bernstein & Bernstein Law Firm

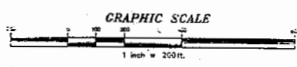


LINE TABLE

LINE NO.	START STATION	END STATION	LENGTH	AREA
1	0+00	0+10	10.00	100.00
2	0+10	0+20	10.00	100.00
3	0+20	0+30	10.00	100.00
4	0+30	0+40	10.00	100.00
5	0+40	0+50	10.00	100.00
6	0+50	0+60	10.00	100.00
7	0+60	0+70	10.00	100.00
8	0+70	0+80	10.00	100.00
9	0+80	0+90	10.00	100.00
10	0+90	1+00	10.00	100.00

CURVE TABLE

CURVE NO.	START STATION	END STATION	LENGTH	TANGENT	CHORD	AREA	PERCENT
1	0+00	0+10	10.00	10.00	10.00	100.00	100.00
2	0+10	0+20	10.00	10.00	10.00	100.00	100.00
3	0+20	0+30	10.00	10.00	10.00	100.00	100.00
4	0+30	0+40	10.00	10.00	10.00	100.00	100.00
5	0+40	0+50	10.00	10.00	10.00	100.00	100.00
6	0+50	0+60	10.00	10.00	10.00	100.00	100.00
7	0+60	0+70	10.00	10.00	10.00	100.00	100.00
8	0+70	0+80	10.00	10.00	10.00	100.00	100.00
9	0+80	0+90	10.00	10.00	10.00	100.00	100.00
10	0+90	1+00	10.00	10.00	10.00	100.00	100.00



I hereby certify that to the best of my knowledge and belief the data on this survey is true and correct and that the area was determined by comparison.

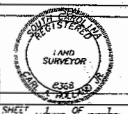
C.A. HOLLAND SURVEYORS, INC.
 1701 FAIR STREET - CAMDEN, SC 29202
 S.C. REG. # 8358 - INC. REG. # 1-3049
 TELEPHONE: 803-736-1100 FAX: 803-736-1101

- REFERENCES/NOTES:**
- SCHD File No. 40,538, Sheets 38 to 42, 103 & 104, and deed of acquisition referenced therein, C.2.5.6.3
 - SCHD File No. 40,312, Sheets 16 to 17, and deed of acquisition referenced therein, O.B. 15.48
 - SCHD File No. 40,526, Sheet 16, and deed of acquisition referenced therein, O.2.21.67
 - SUBJECT PROPERTY - O.B. 105.1, Pg. 589; O.B. 0.246, Pg. 340; P.B. 50, Pg. 3723
 - Plot by Jas. C. Covington, C.E., prepared for Lark and Lowman, dated 8-25-25
 - Plot by Jas. C. Covington, C.E., prepared for Spears Creek Baptist Church, dated 7-4-51
 - Unable to obtain documentation of a drainage easement for this pipeline from SCHD R/W Office.

PROJECT: PROPERTY SURVEY
CLIENT: WILLIAM B. BOYLE
LOCATION: Located approximately two miles south of Florio, SC
TAX MAP NO.: 28800-06-11

DATE: May 15, 1990
SCALE: 6" Scale, 1" = 200'
PROJECT: County Railroad
STATE: South Carolina

DATE: May 15, 1990
SCALE: 6" Scale, 1" = 200'
PROJECT: County Railroad
STATE: South Carolina





**Development and Services Committee Meeting
November 16, 2017
Committee Briefing Document**

Agenda Item

An Ordinance authorizing deed to the City of Columbia for water lines serving the Ballentine Branch Library, Dutch Fork Road; Richland County TMS#03303-01-06 & 02 (Portion); CF#336-15.

Background

In April of this year, the Library's attorneys contacted the County about obtaining a deed for Water Lines serving the Ballentine Library Branch. At that time, the requested was for an extremely expedited time line, which the County could not accommodate. In the interim, the Library was able to obtain temporary water services from the City until such time as the Deed could be obtained, so as to not delay opening of the Library branch. Unfortunately, the item was never placed on a Council agenda. Thus, the request from April is now before Council.

Issues

The Library needs permanent water service from the City for the Ballentine Library Branch on Dutch Fork Road.

Fiscal Impact

None anticipated.

Past Legislative Actions

None known at this time.

Alternatives

1. Approve the ordinance (attached) deeding water lines to the City of Columbia servicing the Ballentine Library Branch.
2. Do not approve the ordinance and find alternate water service for the Ballentine Library Branch.

Staff Recommendations

It is recommended that the ordinance be approved and the water lines deeded.

Submitted by: Legal Department

Date: 11/14/17

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-17HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA
FOR CERTAIN WATER LINES TO SERVE THE BALLENTINE BRANCH
LIBRARY DUTCH FORK ROAD; RICHLAND COUNTY TMS #03303-01-06
& 02 (PORTION).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to certain water lines to The City of Columbia, as specifically described in the attached DEED TO WATER LINES FOR BALLENTINE BRANCH LIBRARY DUTCH FORK ROAD; RICHLAND COUNTY TMS#03303-01-06 & 02 (PORTION); CF#336-15, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle Onley
Assistant Clerk of Council

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

DEED TO WATER LINES FOR BALLENTINE
BRANCH LIBRARY DUTCH FORK ROAD;
RICHLAND COUNTY TMS#03303-01-06 & 02
(PORTION); CF#336-15

RICHLAND COUNTY

to

CITY OF COLUMBIA

FOR VALUE RECEIVED, Richland County (also hereinafter referred to as "Grantor") of Columbia, South Carolina, does hereby bargain, sell, transfer and convey unto the City of Columbia (also hereinafter referred to as "Grantee"), its successors and assigns, all of Grantor's rights, title and interests in and to the below described water lines:

All those certain water lines, the same being 6" in diameter including valves, valve boxes, fire hydrants, meter boxes, service lines to meter boxes and easement boundaries, lead to fire hydrants lines (including 6" DIP) and all components to complete the system.

All metes, courses, bounds and measured distances described herein are approximate. The precise metes, courses, bounds and measured distances are more particularly described and shown on City File #336-15, which is incorporated herein by specific reference thereto.

A 6" water line beginning at a 24"x6" tapping sleeve, valve and tie to an existing 24" City water line (CF#220-22), located in the southern right-of-way of Dutch Fork Road (US Hwy. #76), one hundred seventy-five (175) feet south of the southwestern corner of "Library Building"; thence extending therefrom in a northerly direction crossing Dutch Fork Road and onto the subject property, for a distance of one hundred two (102) feet to a 45° bend, located on the subject property seventy-three (73) feet south of the southwestern corner of said "Library Building"; thence turning and extending therefrom in a northeasterly direction along the subject property, for a distance of twenty-one (21) feet to a meter valve, located on the subject property one hundred two (102) feet southwest of the southeastern corner of "Library Building"; thence terminating.

ALSO, a 6" water line beginning at a 6"x6"x6" tee on the aforescribed 6" water line, located on the subject property one hundred thirteen (113) feet southwest of the southeastern corner of "Library Building"; thence extending therefrom in a northwesterly direction along the subject property, for a distance of thirteen (13) feet to a fire hydrant, located on the subject property one hundred ten (110) feet southwest of the southeastern corner of said "Library Building"; thence terminating.

Be all measurements a little more or less.

The Grantor hereby agrees to be responsible for repairs of all damage to water lines, sanitary sewer lines, curb cocks, meter boxes, all fittings and fire hydrants hereby conveyed which arise out of the operation of any equipment or vehicles under control of the Grantor, its contractor, agent or any other party acting on behalf of the Grantor in connection with the initial installation of streets, paving, curbs and gutters, storm drainage lines, sanitary sewer lines, utility lines, final grading or improvements in the development of property served by said water lines and the Grantor shall either effect necessary repairs or reimburse the City for the cost of repairs at the option of the City.

This conveyance also includes an exclusive easement on all water lines and appurtenances heretofore described and as shown on the herein-referenced record drawings for the purpose of ingress, egress, operation, reconstruction, repair and maintenance of said water lines. The Grantor hereby agrees that no future construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without prior approval of the City Engineer. Also granted herein is an easement over lands of Grantor for access, ingress and egress across all private drives, alleys, buffers, roadways, common areas and parking areas for operation, maintenance, reconstruction, extension of services and repair of all water lines for this development.

APPROVED AS TO FORM

1

NAH 3/15/17

Legal Department City of Columbia, SC

This conveyance also includes all water line easements shown on a set of record drawings for Ballentine Branch Library, in Richland County and near the Town of Irmo, South Carolina, dated October 16, 2015, last revised March 13, 2017, prepared for Richland County by Cox and Dinkins, Inc., McTilden Atkins, III, S.C.P.E. #23105 and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under file reference #336-15.

These water lines are more clearly delineated on a set of record drawings for Ballentine Branch Library, in Richland County and near the Town of Irmo, South Carolina, dated October 16, 2015, last revised March 13, 2017, prepared for Richland County by Cox and Dinkins, Inc., McTilden Atkins, III, S.C.P.E. #23105 and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under file reference #336-15.

bdm

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

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

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

And Grantor, warrants that Grantor is the lawful owner of the subject property and has the right to convey same; and that the property is free and clear of any and all liens and encumbrances of whatsoever kind or nature, except those set forth hereinabove.

WITNESS the hand and seal of the Grantor by the undersigned this _____ day of _____, 2017.

WITNESSES:

RICHLAND COUNTY

(Witness #1 Signature)

By: _____
(Signature)

(Witness #2 Signature)

Name: _____
(Print Name)

Title: _____
(Print Title)

STATE OF _____)
))
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by _____ of _____
(Name of Officer and Title)

_____ on behalf of the within-named Grantor.
(City and State)

(Notary's Signature)

NOTARY PUBLIC FOR STATE OF _____

MY COMMISSION EXPIRES _____

ATTORNEY CERTIFICATION

I, _____, an attorney licensed to practice in the State of _____ do hereby certify that I supervised the execution of the attached Deed to Water Lines for Ballentine Branch Library with Richland County as Grantor and the City of Columbia, as Grantee, this _____ day of _____ 20_____

State Bar Number and License#: _____

TMS # 03303-01-02 & 06

Property Address: 1200 DUTCH FORK ROAD, IRMO, SC 29063; BALLENTINE BRANCH LIBRARY; CF#336-15 (ALL PHASES & FUTURE DEVELOPMENTS)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

DECLARATION OF COVENANT

THIS DECLARATION OF COVENANT is made this _____ day of _____, 2017 by RICHLAND COUNTY

(CHECK APPLICABLE TERM)

- a corporation, limited liability corporation, or company, incorporated under the laws of the State of _____ (Insert name of State of incorporation)
- general/~~limited partnership~~ (Strike inapplicable term) an individual doing business as _____ (Insert name doing business as)
- individual(s),
- church, non-profit organization, educational institution, recreation commission, governmental body politic & other

hereinafter referred to as Declarant.

WHEREAS, Declarant is the owner of real property which is described on "Exhibit A" which is attached hereto and incorporated herein by specific reference thereto, the same being hereinafter referred to as real property; and,

WHEREAS, the real property is not contiguous to the City limits of the City of Columbia, South Carolina; and,

WHEREAS, Declarant has requested that the City of Columbia provide sewer and/or water service to the real property; and,

WHEREAS, Declarant has entered into a Water Service Contract or Sewer Service Contract or Water Main Extension Agreement or Sanitary Sewer Agreement with the City of Columbia in order to secure water or sewer service to the real property from the City of Columbia; and,

WHEREAS, the City of Columbia, for and in consideration of providing water or sewer service to the real property, which is not contiguous to the City of Columbia City limits, has required the Declarant to agree to cause the real property to be annexed to the City of Columbia in the event the real property, or any portion thereof, becomes contiguous to the City limits of the City of Columbia; and,

WHEREAS, Declarant desires to insure future compliance with such contractual agreement made with the City of Columbia;

NOW THEREFORE, the Declarant hereby declares as follows:

IMPOSITION OF COVENANT

From this day forward, the real property shall be held, transferred, sold or conveyed subject to the covenant contained herein which is for the purpose of providing future water or sewer service to the real property by the City of Columbia. The covenant shall touch and concern and run with title to the real property. This Declaration of Covenant and all provisions hereof shall be binding on all persons or entities having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, and shall inure to the benefit of each owner thereof. The enumerated covenant shall be deemed a covenant and not a condition.

APPROVED AS TO FORM

1

NMM 03/21/2017
City of Columbia, SC

COVENANT

At any future time should any part of the real property become contiguous to the City limits of the City of Columbia, all then current owner(s) of the entire parcel of real property will petition to have the real property annexed into the City of Columbia by submitting a proper and sufficient annexation petition at such time as the City of Columbia makes a written request to the then current owner(s) to submit the petition for annexation required by this Covenant.

ENFORCEMENT OF COVENANT

Failure of the owner(s) to submit the petition for annexation required by the Covenant upon written request by the City of Columbia to cause such real property to be annexed into the City of Columbia upon any portion thereof becoming contiguous to the City limits of the City of Columbia will result in a termination of water or sewer service to all of the real property until such time the owner(s) of the real property cause the real property to be annexed into the City of Columbia. Additionally, this Covenant may be enforced by an action for specific performance. In addition to the remedies specifically set forth herein, all public and private remedies allowed by law or in equity against anyone in violation of this Covenant shall be available. All of the remedies set forth herein are cumulative and not exclusive. Any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia shall be entitled to bring an action for enforcement of the Covenant at such time as the City of Columbia has made the written request upon the then current owner(s) to submit a proper and sufficient annexation petition as required by the Covenant and the then current owner(s) have failed to submit the aforesaid petition within thirty (30) days of the written request.

The failure of any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia to bring an action to enforce this Covenant shall not operate as a waiver of the right to do so for any subsequent violations or of the right to enforce any other part of this Covenant at any future time. The failure of any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia to exercise or to delay in exercising any right or remedy available hereunder or at law or in equity shall not operate as a waiver. Notice of default or violation shall not be deemed as a condition precedent to the exercise of any right or remedy available hereunder or at law or in equity. Should any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia fail to bring action for enforcement of this Covenant or seek any other remedy allowed at law or in equity such shall not create any liability for the recovery of damages for the failure to so act.

DURATION OF COVENANT

This covenant shall run with the land and shall be binding upon any person or entity having any right, title or interest in the real property, or any portion thereof, including Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, forever.

INTERPRETATION

In interpreting words in this Declaration of Covenant, unless the context shall otherwise provide or require, singular shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

The headings are included for purposes of convenient reference and such shall not affect the meaning or interpretation of this Declaration of Covenant.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Covenant on the day and year first above written.

WITNESSES:

(Signature of Witness #1)

(Signature of Witness #2)

DECLARANT:

RICHLAND COUNTY

BY: _____
(Signature)

Name: _____
(Print or Type Name)

Title: _____
(Print or Type Title)

STATE OF _____)
))
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by _____ of _____ (Name of Officer and Title) on behalf of the within-named Declarant. _____ (City and State)

(Notary's Signature)

NOTARY PUBLIC FOR STATE OF _____

MY COMMISSION EXPIRES _____

bdm



**Development & Services Committee Meeting
November 16, 2017
Items Pending Analysis – Status Updates**

Items Pending Analysis

- a. Council Motion: Develop an emergency plan with SCDOT to immediately repair Rabbit Run Road and Bitternut Road. Developers' constant neglect to repair the storm drainage system causes dangerous flooding. A school bus almost overturned in the flood this morning (April 24, 2017) on Rabbit Run Road. We cannot afford to endanger the lives of citizens, especially school children because of neglect [N. Jackson]

Status Update: This motion was brought forth by Councilman Norman Jackson during Council May 2, 2017 meeting deliberations. Concurrently, this matter is being addressed through a coordinated effort between County Transportation staff and SCDOT. Currently, staff is working to acquiring the needed Right of Way to allow SCDOT to minimize the flooding issue by upsizing the drainage pipes. Staff intends present this item at the December D&S Committee for its consideration.

- b. Council Motion: Direct Legal to research what is required to enact a parking ordinance in communities/subdivisions [McBride]

Status Update: This motion was brought forth by Councilwoman McBride during Council's April 4, 2017 meeting deliberations. Staff has been working with Councilwoman McBride regarding this motion. Once staff's review is complete, this item will be forwarded to the Committee for consideration.

- c. Council Motion: I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY16-17 budget produced a surplus, to EMS [Manning]

Status Update: This motion was brought forth by Councilman Manning during Council's October 17, 2017 meeting deliberations. Staff is reviewing this motion and will present a debriefing for the Committee's consideration upon completion of its review.

- e. Council Motion: If an employee is in need of sick leave, any employee can donate that leave to a specific person and not just a sharing pool [Malinowski]

Status Update: This motion was brought forth by Vice-Chairman Malinowski during Council's March 7, 2017 meeting deliberations. This item was considered by the Committee during its October 24, 2017 meeting and was deferred to allow Mr. Hanna time to go back and research the success and failures of the Greenville and State individualized leave pool. Staff is research the additional information and will present a debriefing for the Committee's consideration upon completion of its research.

- f. Council Motion: Any entity placing a person in the Alvin S. Glenn Detention Center will be responsible for paying the daily fee as determined by Richland County, as well as all medical costs incurred to include mental needs [Malinowski and Myers]

Status Update: This motion was brought forth by Vice-Chairman Malinowski and Councilwoman Myers during Council's November 7, 2017 meeting deliberations. Staff is reviewing this matter and will provide a briefing document to the Committee for its review at the December Committee meeting.