

RICHLAND COUNTY COUNCIL DEVELOPMENT & SERVICES COMMITTEE

Bernice G. Scott
District 10

Joyce Dickerson
District 2

Norman Jackson, Chair
District 11

Val Hutchinson
District 9

Bill Malinowski
District 1

*April 24, 2007
4:00 PM*

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

Call to Order

Approval of Minutes – March 27, 2007: Regular Session Meeting [Pages 4 – 6]

Adoption of Agenda

Presentations

A. Air Quality and Non-Attainment Issues in the Columbia Area
Myra Reece, SCDHEC Bureau of Air Quality

B. City Readiness Initiative
Leslie Orr [Page 7]

I. Items for Action

A. Request to approve a Memorandum of Understanding with Clemson University's Institute for Economic and Community Development for the purpose of developing a 5 year strategic plan
[Pages 8 – 14]

B. Request to approve change order #2 for the 2006 resurfacing project (awarded to Sloan Construction Company, Inc.) to authorize the resurfacing/repair of the SCDOT portion of Mallet Hill Rd
[Pages 15 – 16]

- C. Request to allow the Administrator to negotiate the acceptance of the Town of Eastover’s water and sewer system for ownership, operation and maintenance by Richland County**
[Pages 17 – 20]

- D. Funding options and prioritization for electric traffic signals on new and existing county roads**
 - 1. Funding Options for Electric Traffic Signals**
[Pages 22 – 23]

 - 2. Proposed Traffic Signal Prioritization Policy**
[Pages 24 – 26]

- E. Request to approve the installation and maintenance of a traffic signal at the intersection of Summit Parkway and Summit Ridge Drive**
[Pages 27 – 29]

- F. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to the Rothstein Tract, Walmart Shopping Center and the upgrade of several existing system components**
[Pages 30 – 54]

- G. Request for approval of a Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision**
[Pages 55 – 71]

- H. Request for approval of a Sanitary Sewer Extension Agreement for sewer service to River Shoals Subdivision**
[Pages 72 – 84]

- I. Request to approve the award of a construction contract to Sloan Construction Company, Inc. for the Paving Program (South Contract)**
[Pages 85 – 87]

- J. Request to place sewer extension authority under Richland County Council**
[Pages 88 – 89]

- K. Request to place subdivision authority under the Richland County Planning Commission**
[Pages 90 – 122]

II. Items for Discussion / Information

There are no items for discussion / information.

III. Items Pending Analysis

- A. Update on clear cutting fines and rezoning requests**
- B. Update on judicial decisions regarding local smoking ordinances**
- C. Sewer Tap Fees for Affordable Housing**
[Referred by Council motion on April 3, 2007]
- D. Fair Housing Incentives**
[Referred by Council motion on April 3, 2007]
- E. Approval of Construction Contract for the Paving of 2.15 Miles of Dirt Roads in the North Paving Contract**
[Deferred on June 27, 2006]

Adjournment

Staffed by: Joe Cronin

**Richland County Council
Development and Services Committee
March 27, 2007
5:00 PM**



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

Members Present:

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

Others Present: L. Gregory Pearce, Jr., Kit Smith, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Joe Cronin, Larry Smith, Amelia Linder, Chief Harrell, Michael Byrd, Jennifer Dowden, John Hixon, Daniel Driggers, Anna Almeida, Michael Criss, Geo Price, Andy Metts, Teresa Smith, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 5:16 p.m.

APPROVAL OF MINUTES

February 27, 2007 (Regular Session) – Ms. Hutchinson moved, seconded by Ms. Scott, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that supplemental information had been distributed regarding Item I. B. and the Fill and Floodplain Ordinance should be added as Item III. E.

ITEMS FOR ACTION

Request to Approve Amendments to the 911 Communications Center Consolidation Agreement Between Richland County and the City of Columbia – Ms. Scott moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval, but to hold the item in Council pending further legal review. A discussion took place.

The vote in favor was unanimous.

Emergency Services: Request for Approval of Stretcher and EKG Equipment Purchases

A discussion took place. Ms. Dickerson moved, seconded by Ms. Scott, to forward this item to Council with a recommendation for approval and to provide funding options for the EKG Equipment at the Council meeting. The vote in favor was unanimous.

An Ordinance Authorizing the Granting of a Sanitary Sewer Right-of-Way Easement to the City of Columbia Across Property Identified as a portion of TMS# 17400-09-15, to serve the Killian Crossroads Development

– Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request for Approval of a Sanitary Sewer Extension Agreement for Sewer Service to the Rothstein Tract, Walmart Shopping Center and the upgrade of several existing system components

– Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval.

Mr. Malinowski made a substitute motion, seconded by Ms. Hutchinson, to defer this item until the next committee meeting. A discussion took place.

Ms. Hutchinson offered the following friendly amendment to the main motion: to ensure that the will not be a negative impact on the rate structure.

Mr. Malinowski withdrew his substitute motion.

The vote in favor was unanimous.

Request for Approval of a Sanitary Sewer Extension Agreement for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision

- Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request for Approval of a Sanitary Sewer Extension Agreement for Sewer Service to River Shoals Subdivision

– Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote was in favor.

Funding Options and Prioritization for Electric Traffic Signals on New and Existing County Roads

1. **Funding Options for Electric Traffic Signals** – Ms. Hutchinson moved to forward to Council the funding option of an additional \$1.00 road maintenance fee and other grant opportunities. The motion died for lack of a second.

Ms. Scott moved, seconded by Ms. Dickerson, to hold this item in committee and work with staff regarding the definitions and their recommendations. The vote in favor was unanimous.

2. **Proposed Traffic Signal Prioritization Policy** – Ms. Hutchinson moved to forward to Council with a recommendation for approval. The motion died for lack of a second.

Ms. Scott moved, seconded by Ms. Dickerson, to hold this item in committee and work with staff regarding the definitions and their recommendations. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Upgrade on Clear Cutting Fines and Rezoning Requests – Hold in committee.

Strategic Plan MOU – Hold in committee.

Update on Judicial Decisions Regarding Local Smoking Ordinances – Hold in committee.

ITEMS PENDING ANALYSIS

Request to Place Sewer Extension Authority Under Richland County Council – This item is still being analyzed.

Request to Place Subdivision Authority Under the Richland County Planning Commission – This item is still being analyzed.

Town of Eastover Sewer Collection System – This item is still being analyzed.

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

Amendments to the Fill and Floodplain Ordinance – This item is still being analyzed.

ADJOURNMENT

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

The meeting adjourned at approximately 6:10 p.m.

Submitted by,

Norman Jackson, Chair



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

March 12, 2007

Dear County Council Member:

DHEC Region 3 is coordinating a new initiative sponsored by Health and Human Services and the Centers for Disease Control and Prevention. The City Readiness Initiative (CRI) is related to Homeland Security and applies to the Columbia Metropolitan Statistical Area (MSA), which includes Calhoun, Kershaw, Fairfield, Lexington, Richland and Saluda counties. It is one of 72 areas in the United States to receive this funding.

The Cities Readiness Initiative is a federal effort designed to increase bioterrorism preparedness in the nation's larger cities. CRI planning is designed to improve the ability of MSA cities and counties to deliver medication and medical supplies during a large-scale public health emergency, such as a bioterrorist attack or a naturally occurring pandemic. The goal is to save lives in these selected cities by rapidly dispensing medication to the entire population.

To minimize loss of life, CRI will develop plans to support mass dispensing of drugs to 100% of the identified population within 48 hours of a decision to do so. Points of Dispensing (PODs) are the traditional method of providing prophylaxis.

Our Region 3 CRI Team requests the opportunity to provide a short presentation to County Council during your Public Safety Committee meeting. I have enclosed a document for your review.

I look forward to the opportunity for our DHEC, Region 3, Public Health Preparedness staff, and CRI Program Team to share this program information with Council.

Please contact Leslie Lander Orr, 576-2748, with possible dates or questions. We look forward to hearing from you soon.

Thank you.

Sincerely,

Floyd E. Bell, Jr., PhD
Public Health Director, DHEC Region 3

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Region 3

Serving Chester, Fairfield, Lancaster, Lexington, Newberry, Richland and York Counties
Columbia Public Health Office • 2000 Hampton Street • Columbia, SC 29204 • Phone: (803) 576-2900 • www.scdhec.gov

RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Request to approve a Memorandum of Understanding with Clemson University's Institute for Economic and Community Development for the purpose of developing a 5 year strategic plan

A. Purpose

Council is request to approve an MOU with Clemson University's Institute for Economic and Community Development for the purpose of developing a 5 year strategic plan for the County.

B. Background / Discussion

During the 2007 annual retreat, Council directed the County Administrator to look into the feasibility of forming a partnership with Clemson University's Institute for Economic and Community Development (CIECD) for the purpose of developing a strategic plan for the county. Following an initial meeting with county staff, Dr. Mac Horton and Mr. Ben Boozer spoke to the Development and Services committee on January 23, 2007 and explained the strategic planning services that they could offer to the county. The committee directed staff to have a follow up meeting with representatives from the institute to develop a scope of services and determine any related costs to be assumed by the county.

Staff met with representatives from the CIECD in February 2007 to discuss the scope of services, timeline, and costs relating to the development of a strategic plan. The county presented a draft scope of services and timeline, based on the citizen-centered model used in Prince William County, Virginia, for consideration by the CIECD. The proposed draft incorporated several phases to be conducted over a yearlong process:

- Phase 1:** Data Collection
- Phase 2:** Data Analysis
- Phase 3:** Council Work Sessions
- Phase 4:** Task Force Meetings / Drafting of Strategic Plan
- Phase 5:** Council Consideration and Adoption
- Phase 6:** Implementation
- Phase 7:** Evaluation

Following the meeting, CIECD staff reviewed the information and presented the County Administrator with a draft proposal for the development of a strategic plan for Richland County. In its proposal, the CIECD offered to undertake most of the responsibilities listed under each of the phases, such as holding community meetings in each council district, working with council and appointed task forces, and assisting in annual evaluation of the plan's implementation. The scope of services was presented to the D&S committee in February 2007, which gave it a favorable recommendation, and was approved by the full council in March 2007.

Since March 2007, county staff and the CIECD have worked to develop an MOU that will bind both parties to the objectives as set forth in the scope of services. If approved by council, the CIECD is expected to begin work on Phase I of the strategic plan as early as May 2007, with a projected completion date of April 2008.

C. Financial Impact

According to the MOU, the Clemson Institute for Economic and Community Development will bear the full cost of implementing the scope of services, with a few exceptions.

Under the MOU, staff will be responsible for developing issue papers during Phase II (data analysis) of the planning process. These issue papers are an informational tool used by members of council and staff when considering and prioritizing issues for inclusion into the strategic plan. Issue papers will illustrate the current state of the top ten issue areas identified by citizens during community meetings, and provide baseline statistics which the county can use to evaluate progress in future years. Due to staffing limitations, the County Administrator has recommended that this function can be undertaken largely by interns from local graduate programs hired during the summer months. The cost of hiring interns may be absorbed in the Administrator's budget.

The MOU also requires the county to appoint a staff member to act as the primary liaison between the county and the CIECD, as well as provide marketing support for the dissemination of information regarding community meetings. These requests can be fulfilled without any additional staffing or funding needs.

Additionally, the county would be responsible for any work requested that would require the use of consultants.

D. Alternatives

1. Approve the MOU with Clemson University's Institute for Economic and Community Development for the purpose of developing a 5 year strategic plan for the County.
2. Do not approve the request.

E. Recommendation

Approval of this item is at the discretion of County Council.

Recommended by: Joe Cronin **Department:** Administration **Date:** April 10, 2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/17/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation is provided above and is left to Council discretion. We would recommend that if approved that Council include the identification of a funding source for some funding level or a funding plan to accommodate the exceptions mentioned in the Financial Impact section to include any requirement for additional consultants.

Legal

Reviewed by: Amelia Linder/Brad Farrar Date: 4/20/07

Recommend Council approval Recommend Council denial

Comments regarding recommendation: No recommendation, as it is unclear what the MOU is intended to accomplish other than that the parties may work together toward “strategic planning.” The purpose of any strategic plan, the areas such a plan might cover and the specifics of any such plan are unspecified. Further recommend deleting the provision that: “the County agrees to cover the cost of any activity not included in the attached scope of services,” as that is an open-ended potential commitment of the County treasury toward a proposal that is conceptually vague.

Administration

Reviewed by: J. Milton Pope Date: 4/20/07

Recommend Council approval Recommend Council denial

Comments regarding recommendation: Recommend approval...this initiative will be the County’s “Blue-print” for a productive and progressive future.

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
**THE CLEMSON UNIVERSITY INSTITUTE FOR ECONOMIC AND COMMUNITY
DEVELOPMENT
(CIECD)**
AND
**RICHLAND COUNTY
(COUNTY)**

WHEREAS, the CIECD is physically located in Northeast Richland County, and

WHEREAS, the CIECD has as its mission, building the capacity of South Carolina communities through strategic planning and technical assistance, and

WHEREAS, the CIECD wishes to be a responsible and productive partner in the future of Richland County, and

WHEREAS, the County desires to conduct a citizen based strategic planning process as a vital component of their planning for the future, and

WHEREAS, the County wishes to accomplish this planning activity at minimum cost to the taxpayers of the County,

NOW, THEREFORE BE IT RESOLVED THAT THE CIECD AND THE COUNTY ENTER INTO THIS MOU for the purpose of establishing a partnership between the two entities leading to the development of a comprehensive strategic plan for the County.

FURTHER, in the interests of this partnership, the County agrees to designate a primary contact through whom the CIECD will work in scheduling, logistics, and the promulgation of the process leading to the development of said strategic plan.

FURTHER, the County agrees to provide such maps, previous planning studies, and other pertinent documents appropriate to the successful promulgation of the strategic planning process.

FURTHER, the County agrees to make available such staff as may be useful in the marketing of the public input sessions.

FURTHER, the County Council agrees to devote one or more work sessions to their role in the development of the strategic plan

FURTHER, the County agrees to cover the cost of any activity not included in the attached scope of services.

FURTHER, the CIECD agrees to undertake this planning project in May of 2007 and complete the process no later than April 30, 2008.

FURTHER, the CIECD agrees to conduct a minimum of 22 public input sessions to include two in each Council district to get public involvement in the process.

FURTHER, the CIECD agrees to provide baseline data, trends analysis, and other statistical information to inform the public input process.

FURTHER, the CIECD agrees to provide trained facilitators for the public input sessions.

FURTHER, the CIECD agrees to provide monthly reports to the County on progress relating to the strategic planning process.

FURTHER, the CIECD agrees to handle all logistical issues associated with the public input process.

FURTHER, the CIECD agrees to facilitate the entire planning process at no cost to the County except for additions to the scope of services.

FURTHER, the CIECD agrees to deliver 25 bound copies of the final report to the County no later than April 30, 2008.

AGREED TO THIS _____ DAY OF MARCH, 2007

Dr. John Kelly, Vice-President
Clemson University Public Service
and Agriculture

Joseph McEachern
Chairman, Richland County Council

Scope of Services
FOR
THE DEVELOPMENT OF A STRATEGIC PLAN FOR RICHLAND COUNTY

It is proposed that Richland County enter into a partnership with Clemson University through its Institute for Economic and Community Development located in Columbia for the purpose of developing a 5 year strategic plan for the County.

This process would begin on April 1, 2007 and be completed by March 31, 2008 and would follow the scope of services detailed below:

The Clemson Institute for Economic and Community Development would:

- > Conduct at least 2 public meetings in each of the eleven County Council Districts to determine issues important to the residents of those districts
- > Conduct other fact finding exercises as may be deemed appropriate.
- > Based on the citizen input determine priority issues facing the County
- > Summarize the citizen responses.
- > Meet with County Council in a work session to review the citizen response and reach consensus on the 5 most critical and strategic issues
- > Work with County staff to develop white papers on each of the prioritized issues
- > Meet with Council to craft a vision, mission and values statements.
- > Work with Council to create 5 task forces (one for each issue area) to include Council members (2) representatives of municipalities, civic groups, non-profits, business representatives, university representatives and citizens at large
- > Facilitate the task forces in the development of goals, strategic objectives and measurable outcomes for each issue area.
- > Compile the task force outputs into a draft strategic plan
- > Meet with Council to review, revise, and refine the draft strategic plan.
- > Provide opportunities for citizen comment on the proposed plan during a special public hearing.
- > Work with County Council and staff to adopt the plan.
- > Conduct annual evaluations of implementation progress.

This effort will be staffed by the Clemson Institute for Economic and Community Development and selected field staff. The CIECD staff will be responsible for all logistics and marketing for the public meetings.

The County agrees to provide such maps, planning studies or such other documents as may be necessary for the successful promulgation of this partnership effort.

The County also agrees to designate a primary contact through with the CIECD will work in scheduling meetings with County Council and will assist the CIECD with marketing the meetings and will develop the white papers indicated above.

The Clemson Institute for Economic and Community Development will bear the full cost of implementing the scope of services described above. Should the County request additional work that might require the hiring of outside consultants, that cost must be borne by the County.

RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: 2006 Roadway Resurfacing Project Change Order #2

A. Purpose

County Council is requested to approve change order #2 for the 2006 Resurfacing project that was awarded to Sloan Construction Company, Inc. to authorize the resurfacing/repair of the SCDOT portion of Mallet Hill Rd.

B. Background / Discussion

Mallet Hill Road is divided into two sections, County maintained and DOT maintained. The County portion of Mallet Hill Road is included in the base bid for this project. SCDOT has expressed an interest in having its portion of Mallet Hill Road resurfaced in concurrence with the county work. A separate PIN (36521) has been programmed by the CTC for this additional construction included in this CO#2 in the amount of \$286,381.01.

C. Financial Impact

The South Carolina Department of Transportation requested funding for the resurfacing of the SCDOT portion of Mallet Hill from the County Transportation Committee (CTC) on March 5, 2007. The CTC approved the request for \$286,381.01 and therefore the funds adequate to pay for the construction of the DOT portion of Mallet Hill Road. The County will not incur any costs for the SCDOT portion of the work covered by this CO#2.

D. Alternatives

There are two alternatives that exist for this project and are as follows:

1. Approve change order #2 for the resurfacing of the SCDOT portion of Mallet Hill Road.
2. Do not approve change order # 2 and forfeit the funds back to the SCDOT C Fund program.

E. Recommendation

It is recommended that County Council approve change order # 2 for the resurfacing of the SCDOT portion of Mallet Hill Road

Recommended by: Teresa Smith, PE **Department:** Public Works **Date:** 04/10/07

F. Reviews

Finance

Reviewed by: Daniel Driggers
 Recommend Council approval

Date: 4/13/07
 Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/13/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 4/16/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 4/18/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The increased cost for the proposed change order will be funded by the State / CTC rather than by Richland County.

RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Town of Eastover Water and Sewer System

A. Purpose

The purpose of this report is for County Council to authorize the County Administrator to negotiate accepting the Town of Eastover's water and sewer system for ownership, operation and maintenance.

B. Background

In 1998, Richland County and the Town of Eastover entered into an agreement for wastewater treatment in and around the Town of Eastover. Under the agreement, the Town is to operate and maintain the internal wastewater collection system within the Town limits and the County will provide wholesale treatment of the Town's wastewater in a County operated treatment facility near the Wateree River. The Town is to make monthly payments to the County for treatment based on actual flows measured in town.

The Town has failed to make monthly payments to the County for treatment since February 2003. As of March 2007, the Town is in arrears by \$130,254.62. In addition to the unpaid user fees, the Town committed to pay for the restoration cost of the damage caused by the discharge of solids from the Town's abandoned wastewater treatment plant to the County's regional wastewater treatment plant. That amount was determined to be \$139,684.95. Therefore, the total due Richland County through March 2007 is \$269,939.57. Several meetings have been held with the Town in an attempt to resolve the issue of unpaid fees. To date, the issue is unresolved. During the last meeting, the idea of transferring the entire water and wastewater system to the County for ownership, operation, maintenance and billing was discussed. The Town Council has subsequently discussed and approved this idea and has made a formal request to the County to take over the systems. This request included a request to forgive all debt owned to the County by the Town.

C. Discussion

The County is currently receiving no revenue from the Town while the cost of operating the wastewater treatment plant continues. The treatment plant is being operated at a minimum level as a result of the lack of funds which jeopardizes its ability to meet DHEC established discharge limits. Additional funding must be provided to sustain satisfactory operation of the treatment facility.

In a letter dated April 13, 2007, the Mayor of Eastover has made a formal request to the County Administrator to begin negotiations for the transfer of the Town of Eastover's water and wastewater systems to the County. Administration is requesting authorization from

County Council to begin negotiations. Once negotiations are complete, a final report and request for final action will be submitted to County Council for consideration.

D. Alternatives

1. Enforce the terms of the Intergovernmental Agreement and require the Town to pay the outstanding user fees, repair cost and current user fees.
2. Authorize the County Administrator to conduct negotiations with the Town of Eastover for the complete transfer of the water and wastewater systems to the County. A final report and recommendation will follow at a later County Council meeting.

E. Financial Impact

The financial impact will be determined during the negotiation and will be reported to County Council at a later meeting with a recommendation.

F. Recommendation

It is recommended that the County Administrator be authorized to negotiate the transfer of both the Town of Eastover’s water and wastewater systems to the County for ownership, operation and maintenance. A final report and a recommendation will be presented to County Council for consideration at a later meeting.

Recommended by: Andy H. Metts Department: Utilities Date 4/18/07

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: _____
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: _____

Legal

Reviewed by: Amelia Linder Date: 4/20/07
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Both alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald Date: 4/20/07
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Recommend that the Council authorize the County Administrator to negotiate the transfer of the sewer and water systems, with a final agreement to be brought back to the Council for approval.



TOWN OF EASTOVER

Mayor
Christopher K. Campbell, Sr.

Mayor Pro Tem
Cleveland Wilson, Jr.

Town Attorney
K. Winchester Gaines

Town Council
Walter Jones
Odell Weston
Anthony Gibson

Town Clerk
Cynthia Shiver

Police Chief
Timothy Ford

April 13, 2007

Milton Pope
County Administrator
2020 Hampton Street
Post Office Box 192
Columbia, SC 29201

Dear Mr. Pope,

On behalf of the Town of Eastover, congratulations on your recent appointment and we look forward to working with you in the years to come. I also want to thank you for the time and patience that you've showed in working on this Eastover water/Sewer issue.

A few years ago at its July 11, 2005 Council meeting the Eastover Town Council voted unanimously to transfer ownership and operation of the wastewater (sewer) system to Richland County. At our March 21, 2007 Council Meeting, Town Council voted overwhelmingly to transfer ownership and operation of the water system as well.

With this letter we are requesting that you place before County Council our request to transfer operations of the Utility System to Richland County. We understand that you will need to inspect the Eastover System and assure the condition and viability of the utility. We ask that you do this as quickly as possible.

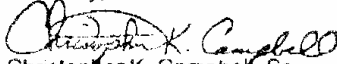
We also ask that Council authorize you to negotiate with me, other details of the transfer to include: possible franchise fees; future taps available to the town; prior claims of damage; grants already received for the system; debt service issues, etc.

We know that it may be difficult, but we would like to work towards resolving this issue by June 30th, 2007. Like you our fiscal year starts July 1st. I understand that we may not be able to transfer everything by that date, but hopefully we can have a completed agreement by that date.

Post Office Box 58 624 Main Street Eastover, South Carolina 29044
(803) 353-2281 (803) 353-8178 Fax
(info@eastover-sc.com)

Please, continue to work with me on this.

Sincerely,


Christopher K. Campbell, Sr.
Mayor, Town of Eastover

Cc: Mayor Pro Tem Cleveland Wilson
Odell Weston-Councilmember
Walter Jones-Councilmember
K. Winchester Gaines-Town Attorney
Jay Cates-Water Systems, Inc.
Georgianna Graham-HPG

TOWN OF EASTOVER SANITARY SEWER SYSTEM						RENT DUE TO EASTOVER FM RICHLAND COUNTY			DAMAGE CAUSED BY EASTOVER \$ 139,684.95.. PREV LOAN \$ 30000.00		TOTAL OWED FOR MONTHLY SEWER & SEWER DAMAGE
MONTH	INV #	BILLED	PAID	DATE	BALANCE	RENT DUE	CK #	PAID	PAID	BALANCE	
Mar-02		1,181.25	(1,181.25)		-					169,684.95	169,684.95
Apr-02		2,117.50	(2,117.50)		-	3166.66	99049396	3166.66		169,684.95	169,684.95
May-02		2,306.25	(2,306.25)		-	3166.66	99049396	3166.66		169,684.95	169,684.95
Jun-02		2,231.25	(2,231.25)		-	3166.66	99049396	3166.66		169,684.95	169,684.95
Jul-02		3,806.25	(3,806.25)		-	3166.66	99049396	3166.66		169,684.95	169,684.95
Aug-02		3,423.75	(3,423.75)		-	3166.66	99049396	2166.66	(1,000.00)	168,684.95	168,684.95
Sep-02		4,752.50	(4,752.50)		-	3166.66	99049396	2166.66	(1,000.00)	167,684.95	167,684.95
Oct-02		2,850.00	(2,850.00)		-	3166.67	99049813	2166.66	(1,000.00)	166,684.95	166,684.95
Nov-02		4,638.75	(4,638.75)		-	3166.67	99050670	2166.67	(1,000.00)	165,684.95	165,684.95
Dec-02		5,137.50	(5,137.50)		-	3166.67	99052403	2166.67	(1,000.00)	164,684.95	164,684.95
Jan-03		3,877.50	(3,877.50)		-	3166.67	99053168	2166.67	(1,000.00)	163,684.95	163,684.95
Feb-03		9,960.00	(9,960.00)		-	3166.67	99053940	2166.67	(1,000.00)	162,684.95	162,684.95
Mar-03		5,222.50	-		5,222.50	3166.67	99054698	2166.67	(1,000.00)	161,684.95	166,907.45
Apr-03		5,567.50	-		10,790.00	3166.67	99055584	2166.67	(1,000.00)	160,684.95	171,474.95
May-03		8,551.25	-		19,341.25	3166.67	99056664	2166.67	(1,000.00)	159,684.95	179,026.20
Jun-03		6,916.67	-		26,257.92	3166.67	99057514	2166.67	(1,000.00)	158,684.95	184,942.87
CR		(1,634.58)	-		24,623.34						
Jul-03	04-17	6,916.67			31,540.01	3,166.67	99058971	2,166.67	(1,000.00)	157,684.95	189,224.96
Aug-03	04-17	6,916.67	-		38,456.68	3,166.67	99059389	2,166.67	(1,000.00)	156,684.95	195,141.63
Sep-03	04-25	3,314.38			41,771.06	3,166.67	99060181	2,166.67	(1,000.00)	155,684.95	197,456.01
Oct-03	04-30	3,496.50			45,267.56	3,166.67	99060988	2,166.67	(1,000.00)	154,684.95	199,952.51
Nov-03	04-48	4,213.67			49,481.23	3,166.67	99062053	2,166.67	(1,000.00)	153,684.95	203,166.18
Dec-03	04-69	3,668.25			53,149.48	3,166.67	99063033	2,166.67	(1,000.00)	152,684.95	205,834.43
Jan-04	04-102	3,360.49			56,509.97	3,166.67	99063970	2,166.67	(1,000.00)	151,684.95	208,194.92
Feb-04	04-103	6,204.29	(12,000.00)	3/13/2004	50,714.26	3,166.67	99064779	2,166.67	(1,000.00)	150,684.95	201,399.21
Mar-04	04-118	3,252.53	(3,252.53)	4/20/2004	50,714.26	3,166.67	99065693	2,166.67	(1,000.00)	149,684.95	200,399.21
Apr-04	04-127	3,385.69	(3,385.69)	5/25/2004	50,714.26	3,166.67	99066881	2,166.67	(1,000.00)	148,684.95	199,399.21
May-04	04-163	8,551.25			59,265.51	3,166.67	99067772	2,166.67	(1,000.00)	147,684.95	206,950.46
Jun-04	04-163	3,659.82	(2,166.67)		60,758.66	3,166.67	99058971		(1,000.00)	146,684.95	207,443.61
Jul-04	05-02	5,377.82	(2,166.67)		63,969.81	3,166.67			(1,000.00)	145,684.95	209,654.76
Aug-04	05-17	4,184.72	(2,166.67)		65,987.86	3,166.67			(1,000.00)	144,684.95	210,672.81
Sep-04	05-33	5,408.61	(2,166.67)		69,229.80	3,166.67			(1,000.00)	143,684.95	212,914.75
Oct-04	05-46	4,575.54	(2,166.67)		71,638.67	3,166.67			(1,000.00)	142,684.95	214,323.62
Nov-04	05-68	4,575.54	(2,166.67)		74,047.54	3,166.67			(1,000.00)	141,684.95	215,732.49
Dec-04	05-86	4,870.02	(2,166.67)		76,750.89	3,166.67			(1,000.00)	140,684.95	217,435.84
Jan-05	05-98	4,870.02	(2,166.67)		79,454.24	3,166.67			(1,000.00)	139,684.95	219,139.19
Feb-05	05-117	5,883.46	(3,166.67)		82,171.03	3,166.67				139,684.95	221,855.98
Mar-05	05-139	6,832.03	(3,166.67)		85,836.39	3,166.67				139,684.95	225,521.34
Apr-05	05-153	6,089.89	(3,166.67)		88,759.61	3,166.67				139,684.95	228,444.56
May-05	05-175	3,604.70	(3,166.67)		89,197.64	3,166.67				139,684.95	228,882.59
Jun-05	05-193	3,464.50	(3,166.67)		89,495.47	3,166.67				139,684.95	229,180.42
Jul-05		6,386.99	(3,166.67)		92,715.79	3,166.67				139,684.95	232,400.74
Aug-05		6,783.86	(3,166.67)		96,332.98	3,166.67				139,684.95	236,017.93
Sep-05		4,652.34	(3,166.67)		97,818.65	3,166.67				139,684.95	237,503.60
Oct-05		4,575.54	(3,166.67)		99,227.52	3,166.67				139,684.95	238,912.47
Nov-05		4,148.73	(3,166.67)		100,209.58	3,166.67				139,684.95	239,894.53
Dec-05		4,944.59	(3,166.67)		101,987.50	3,166.67				139,684.95	241,672.45
Jan-06		3,727.45	(3,166.67)		102,548.28	3,166.67				139,684.95	242,233.23
Feb-06		5,437.21	(3,166.67)		104,818.82	3,166.67				139,684.95	244,503.77
Mar-06		5,040.16	(3,166.67)		106,692.31	3,166.67				139,684.95	246,377.26
Apr-06		5,893.21	(3,166.67)		109,418.85	3,166.67				139,684.95	249,103.80
May-06		11,811.13	(3,166.67)		118,063.31	3,166.67				139,684.95	257,748.26
Jun-06		3,947.66	(3,166.67)		118,844.30	3,166.67				139,684.95	258,529.25
Jul-06		4,268.06	(3,166.67)		119,945.69	3,166.67				139,684.95	259,630.64
Aug-06		4,412.44	(3,166.67)		121,191.46	3,166.67				139,684.95	269,939.57
Sep-06		8,135.01	(3,166.67)		126,159.80	3,166.67					
Oct-06		4,575.54	(3,166.67)		127,568.67	3,166.67					
Nov-06		3,118.34	(3,166.67)		127,520.34	3,166.67					
Dec-06		2,221.73	(3,166.67)		126,575.40	3,166.67					
Jan-07		2814.62	(3,166.67)		126,223.35	3,166.67					
Feb-07		5992.51	(3,166.67)		129,049.19	3,166.67					
Mar-07		4,372.10	(3,166.67)		130,254.62	3,166.67					

Richland County Government

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Office of the County Administrator



MEMORANDUM

TO: Richland County Council

FROM: J. Milton Pope, County Administrator

SUBJECT: Funding Options for Electric Traffic Signals

DATE: March 12, 2007

A major policy question regarding electric traffic signals will be considered by the County Council at its meeting of March 20, the question being whether the County should begin to use electric traffic signalization as a means of traffic control. Currently the County has no electric signals; all electric signals in unincorporated Richland County are owned and maintained by the South Carolina Department of Transportation.

Should the Council decide to begin using electric signals, a method to fund the installation and maintenance must be developed. The initial installation cost is estimated at \$50,000 to \$75,000 per intersection, with annual maintenance costs of \$2,000 per signal. Several funding options exist to cover these costs:

- Fund the installation and maintenance entirely from the County's General Fund through the Public Works Department's budget.
- Require the developer to fund the installation of all signals within a proposed development, with the County to fund the annual maintenance costs from the General Fund through the Public Works Department's budget.

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- Require the Homeowners Association, through regime fees, to fund the installation; the Association could also fund the annual maintenance costs, or the County could fund the maintenance from the General Fund.
- Establish an additional road maintenance fee to be charged to those communities directly benefiting from the signal.
- Establish an assessment district for communities desiring traffic signals, similar to, but on a much smaller scale than, the assessment district created for the Village at Sandhill for infrastructure improvements and maintenance.

If the Council wishes to pursue electric signalization as a traffic control measure, it is recommended that funding be addressed as follows:

- For new subdivisions, the developers would plan for and fund the installation of all electric traffic signals, and the County would provide the annual maintenance following the installation.
- For established subdivisions where a retrofit would be required, the homeowners association would fund the initial installation, presumably through regime fees or association dues, and the County would provide the annual maintenance following the installation.

Please advise if you have questions or need additional information.

PROPOSED TRAFFIC SIGNAL PRIORITIZATION

In accordance with Section 4C.01 Studies and Factors for Justifying Traffic Control Signals of the “Uniform Manual of Traffic Control Devices”

1. A traffic control signal should not be installed unless one or more of the factors described in this section are met.
2. A traffic control signal should not be installed unless an engineering study indicates that installing a traffic control signal will improve the overall safety and/or operation of the intersection.
3. A traffic control signal should not be installed if it will seriously disrupt progressive traffic flow.
4. At a location that is under development or construction and where it is not possible to obtain a traffic count that would represent future traffic conditions, hourly volumes should be estimated as part of an engineering study for comparison with traffic signal warrants and should be provided by the developer for that area.

Standard:

An engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the location shall be performed to determine whether installation of a traffic control signal is justified at a particular location.

The investigation of the need for a traffic control signal shall include an analysis of the applicable factors contained in the following traffic signal warrants and other factors related to existing operation and safety at the study location:

Warrant 1, Eight-Hour Vehicular Volume.
Warrant 2, Four-Hour Vehicular Volume.
Warrant 3, Peak Hour.
Warrant 4, Pedestrian Volume.
Warrant 5, School Crossing.
Warrant 6, Coordinated Signal System.
Warrant 7, Crash Experience.
Warrant 8, Roadway Network.

The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal.

Prioritization

Requests for traffic signals may be submitted from any number of sources, to include, but not limited to, citizens, elected officials, staff or management. All requests must include why it is felt that a traffic signal is needed.

Upon receipt of the request, a traffic signal warrant study will be conducted. Upon receipt of the study, if a signal is warranted, construction of the signal will be scheduled depending on available funds.

Should multiple requests be received for Traffic Signals and funding is not available to fulfill multiple requests, installation shall be prioritized as follows:

- Intersections meeting the conditions of Warrant 1 or 7 shall receive top priority followed by Warrant 5.
- Intersections that meet multiple warrants that include at least one of the above mentioned warrants shall be prioritized above those meeting only one of the aforementioned warrants.
- Intersections that do not meet either of the warrants above shall be prioritized based on the total number of the remaining five (5) warrants that are met.
- If warrant 1, 7 or 5 are not met, at least three of the remaining five (5) warrants must be met in order for the intersection to be signalized.

A summary of the warrants and their issue that they intended to address are as follows per Section 4C Traffic Control Signal Needs Studies from the "Uniform Manual of Traffic Control Devices"

Section 4C.02 Warrant 1, Eight-Hour Vehicular Volume

The Minimum Vehicular Volume, Condition A, is intended for application where a large volume of intersecting traffic is the principal reason to consider installing a traffic control signal.

The Interruption of Continuous Traffic, Condition B, is intended for application where the traffic volume on a major street is so heavy that traffic on a minor intersecting street suffers excessive delay or conflict in entering or crossing the major street.

The combination of Conditions A and B should be applied only after an adequate trial of other alternatives that could cause less delay and inconvenience to traffic has failed to solve the traffic problems.

Section 4C.03 Warrant 2, Four-Hour Vehicular Volume

The Four-Hour Vehicular Volume signal warrant conditions are intended to be applied where the volume of intersecting traffic is the principal reason to consider installing a traffic control signal.

Section 4C.04 Warrant 3, Peak Hour

The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street.

(This signal warrant shall be applied only in unusual cases. Such cases include, but are not limited to, office complexes, manufacturing plants, industrial complexes, or high-occupancy vehicle facilities that attract or discharge large

Section 4C.05 Warrant 4, Pedestrian Volume

The Pedestrian Volume signal warrant is intended for application where the traffic volume on a major street is so heavy that pedestrians experience excessive delay in crossing the major street.

Section 4C.06 Warrant 5, School Crossing

Support:

The School Crossing signal warrant is intended for application where the fact that school children cross the major street is the principal reason to consider installing a traffic control signal.

Section 4C.07 Warrant 6, Coordinated Signal System

Support:

Progressive movement in a coordinated signal system sometimes necessitates installing traffic control signals at intersections where they would not otherwise be needed in order to maintain proper platooning of vehicles.

(The Coordinated Signal System signal warrant should not be applied where the resultant spacing of traffic control signals would be less than 300 m (1,000 ft).)

Section 4C.08 Warrant 7, Crash Experience

The Crash Experience signal warrant conditions are intended for application where the severity and frequency of crashes are the principal reasons to consider installing a traffic control signal.

Section 4C.09 Warrant 8, Roadway Network

Installing a traffic control signal at some intersections might be justified to encourage concentration and organization of traffic flow on a roadway network.

RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Request to Install Electric Traffic Signalization at intersection of Summit Ridge Drive and Summit Parkway

A. Purpose

Council is requested to consider the proposed electric signal requested at the above named location making this the first signal to be constructed and maintained by Richland County.

B. Background / Discussion

This request is at the intersection of Summit Parkway and Summit Ridge Drive in the Summit Subdivision in the northeast portion of the county. This intersection consists of two multilane streets; Summit Parkway with four lanes and Summit Ridge Drive with three lanes. Traffic data was collected and analyzed, in the spring of 2005, by a consulting professional traffic engineer for Richland County. His analysis only considered three out of eight possible warrants categories and all three were met or exceeded. These three categories all addressed various traffic volume counts. It has been determined, by consulting traffic engineers hired by the County, that the signal is warranted.

There was a recent request of Council to approve a policy, in general, allowing such facilities on County Roads. Both of the roads at this intersection are County Roads and these two roads function as major traffic arteries for this area, especially since the Lake Carolina area was connected to the Summit area, a few months ago.

If this request is approved, Staff anticipates that construction is to be funded by the County transportation committee (CTC) and maintenance will be by the County, via independent contract. It should be noted that the SCDOT and City of Columbia, both of which have existing signal maintenance forces, etc. have initially indicated an unwillingness to take over maintenance of such signal, on a County facility, due mostly to liability concerns.

C. Financial Impact

There are currently no funds for electric traffic signalization, be it; signal design, construction, maintenance and/or repairs.

The cost of design and construction of the simplest and cheapest installation is currently estimated at \$45,000. Currently, the County Transportation Committee (CTC) has agreed to possibly fund a \$45,000 signal construction at the Summit intersection. However, CTC willingness to fund the upfront cost is conditioned upon the County Council agreeing to changing the ordinance to allow electric signals, which Council has agreed to, and Council being willing to fund the maintenance of said installation.

Typical annual maintenance cost for a signal are dictated almost exclusively by unpredictable instances such as auto accident, lightning or unpredictable malfunction. Annual electric bill and annual maintenance contract is projected to be about \$2000.

Based on our possible small initial inventory of signalized intersections, it is suggested the County would be best suited to retain an independent contractor for semi-annual maintenance and inspection. In addition, this contractor would also serve the County on an “on-call” basis for the replacement/repair of the unpredictable items. The County would set aside an initial amount of \$50,000, initially , that may or may not be used, dependent on unpredictable events. If it were an accident, the county could recoup its repair cost from the Defendant, in the accident. If the events were otherwise, the County would have to cover the expense.

This maintenance possibly could be contracted with local electrical/safety equipment type contractors. There are some who are locally available.

If more signals are brought on-line in the future, we may need to increase the amount for maintenance, if necessary, to accommodate the likelihood of significant repairs. Eventually, experience with the first couple of installations would significantly determine how much risk the County would wish to assume in determining maintenance funding levels.

D. Alternatives

The alternatives are:

1. Approve the installation of this electric traffic signal, conditioned upon CTC funding the design & construction and the County setting aside \$50,000 for signal maintenance and/or replacement.
2. Approve the installation of this electric traffic signals and the County funding the design and installation at current (average) estimate of \$50,000 and the County setting aside \$50,000 for each signal to be maintained.
3. Do not approve the installation of the electric traffic signal.

E. Recommendation

It is recommended that County Council approve option #1 above.

Recommended by: Teresa Smith, PE **Department:** Public Works **Date:** 04/10/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/16/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation however approval would require the identification of a funding source and may require a budget amendment if appropriated funds are not available.

Legal

Reviewed by: Amelia Linder

Date: 4/17/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: A funding source for the cost of construction and future maintenance of traffic signals should be identified PRIOR to approving this request. In addition, any contract being considered for maintenance of the traffic signals should be reviewed by the Legal Department prior to the County entering into same.

Administration

Reviewed by: Tony McDonald

Date: 4/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval contingent upon final approval by the Council of the ordinance amendment (received 2nd reading on April 3) allowing for traffic signalization in Richland County and upon the Council's adoption of a funding mechanism and prioritization criteria.

RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Sanitary Sewer Extension Agreement – Rothstein Tract, Walmart and other System Improvements

A. Purpose

The purpose of this report is to obtain approval of a “Sanitary Sewer Extension Agreement” for sewer service to the Rothstein Tract, Walmart Shopping Center and the upgrade of several existing system components.

B. Background

The Broad River Regional sewer system has been developed primarily by developers extending sewer lines to new subdivisions. The County has a sewer extension policy that will allow developers to recoup a portion of their investment in the sewer line extension if other property owners connect to the new sewer lines. Only main sewer trunk line and other components that are identified in the County’s sewer master plan qualify for a sewer extension agreement.

C. Discussion

The Mungo Company has partnered with three other developers to extend a sewer line to the proposed site of the Walmart Shopping Center to be constructed near Ballentine, S. C. This line will pass the proposed (one hundred five) 105 lot Mungo development at Arbor Springs. Also, a short sewer line will be extended across Highway 176 from the Waterfall Subdivision to an approved subdivision that will be constructed by Mr. Paul Clifton. In addition to these two sewer line extensions, several existing components downstream must be upgraded. They include the Hollingshed Creek pump station, the Shady Grove pump station; the Hollingshed Creek force main and the wastewater treatment plant influent system. All of these components are part of the County’s sewer master plan.

The estimated construction cost for all components identified above is \$6,098,419.99. The County’s Broad River Sewer Fund will contribute \$1,600,000.00 toward the construction of the Hollingshed Creek pump station. The remaining \$4,498,419.99 will be funded by the developers. The County previously received bids on the Hollingshed Creek pump station at approximately \$2,800,000.00. Insufficient funds were available within the County budget to proceed therefore the developers were asked to fund the difference in the construction cost.

Entering into this sanitary sewer extension agreement will be consistent with existing policies for the expansion of the Broad River Regional Sewer System.

D. Financial Impact

The Northwest Sewer Associates, LLC plans to invest \$4,498,419.99 in the extension of sewer lines and the upgrade of components of the existing sewer system. The County will contribute \$1,600,000.00 from the Broad River Sewer operations budget. No additional funds should be required. For their investment, the developers will receive sewer taps equal to the value of their investment that may be used for payment of connection fees for lots within their subdivision. The developers assume the risk of recovering their investment due to the limited life of the sewer taps.

E. Alternatives

1. Approve the Sanitary Sewer Extension Agreement as presented.
2. Disapprove the agreement. A court order exists that requires a sewer extension agreement approval with the Mungo Company or any of its affiliates.

F. Recommendation

It is recommended that County Council approve the “Sanitary Sewer Extension Agreement” for the Rothstein tract and other property off-site sanitary sewer extension and related system improvements.

Recommended by: Andy H. Metts **Department:** Utilities **Date:** 03/13/07

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 3/20/07
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval based on current practice. However Council should ensure that the agreement will not have a negative impact on the current rate structure analysis being considered with the \$32m bond issue. The rate structure includes hard revenue dollars generated from 450 new tap fees annually in order to cover the debt service requirements. Failure to meet this assumption annually may result in a user fee increase.

Legal

Reviewed by: Amelia Linder Date: 3/20/07
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Council has the discretion to approve the Agreement as presented or to amend the language of same.

Administration

Reviewed by: Tony McDonald Date: 3/23/07
 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Recommend approval based on the current sewer extension policy and based on the consistency of the proposal with the County's sewer master plan.

**SANITARY SEWER MAIN EXTENSION
AGREEMENT**

STATE OF SOUTH CAROLINA) SANITARY SEWER MAIN EXTENSION
) AGREEMENT FOR: THE ROTHSTEIN TRACT
) AND OTHER PROPERTY OFF- SITE SANITARY
) SEWER
COUNTY OF RICHLAND) EXTENSION AND RELATED SYSTEM IMPROVE-
) MENTS, RICHLAND COUNTY
) BROAD RIVER ROAD REGIONAL SEWER
) SYSTEM

THIS AGREEMENT, entered into this ____ day of February 2007, is by and between the County of Richland, State of South Carolina (hereinafter referred to as the "County"), and the Northwest Sewer Associates, LLC, (hereinafter referred to as "Developer"). This Agreement represents the whole agreement between the two (2) parties and supersedes and replaces any prior agreements, oral or written, between the parties regarding the subject matter of this Agreement.

RECITALS

WHEREAS, Developer desires to finance the design and construction of the sewer collection systems and improvements to existing systems to be known as the ROTHSTEIN TRACT AND OTHER PROPERTY OFF-SITE SANITARY EXTENSION AND RELATED SYSTEM IMPROVEMENTS SEWER PROJECT, as shown on Exhibit "A" (the "Facilities").

WHEREAS, the Developer is an "affiliate" of The Mungo Company, Inc., as defined in that certain Partial Settlement Order of the Court of Common Pleas for Richland County, dated and entered February 8, 1995, captioned *Richland County v. Blizzard, et al v. Richland County*.

WHEREAS, the Facilities generally consist of [i] improvements to the existing Shady Grove sewer pumping station (the "Pump Station Improvements"); [ii] improvements to the existing GPS pumping system at the Broad River Wastewater Treatment Facility and the Wes Bickley Screening Station ("GPS Pumps and Screening Station Improvements"); [iii] 4,544 +/- linear feet of ten (10") inch and 2,267 +/- linear feet of eight (8") inch gravity sanitary sewer line and appurtenances ("Collection System I"); [iv] 1083 +/- linear feet of fifteen (15") inch gravity sanitary sewer line and appurtenances ("Collection System II"); [v] 5,089 +/- linear feet of twenty-four (24") inch force main and appurtenances ("Force Main"); and

[vi]construction of the Hollingshed Creek Pump Station and approximately 1200 +/- linear feet of twenty-four inch (24")force main to the headworks of the treatment plant ("Hollingshed Creek Improvements"); all as shown on Exhibit A (collectively hereinafter the "Facilities"); and upon completion transfer the "Facilities" to the County for ownership, operation and maintenance.

WHEREAS, final engineering plans and specifications for the portions of the Facilities denominated as the Pump Station Improvements and Collection System I have been: [i] prepared, by a registered professional engineer licensed to practice in South Carolina; conforming to the standards and design, construction and materials normally used and required by the County; [ii] submitted to the County and the South Carolina Department of Health and Environmental Control (hereinafter "DHEC") for review, approval and issuance of a construction permit; [iii] the County and DHEC have approved said plans and specifications; and [iv] DHEC has issued construction permits for the Collection System I and Pump Station Improvements, all as listed on Exhibit "B." Plans and specifications for the portion of the Facilities denominated as the GPS Pumps and Screening Station Improvements have not been prepared, submitted or approved.

WHEREAS, County agrees to accept, own, operate and maintain the Facilities upon completion pursuant to the terms hereof.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions and terms contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I - RESPONSIBILITIES OF THE DEVELOPER

The Developer shall:

- (1) Have prepared final engineering plans and specifications for the GPS Pumps, Screening Station Improvements, Collection System II and Hollingshed Creek Improvements. These plans and specifications shall be prepared by a registered professional engineer licensed to practice in South Carolina; shall conform to standards and design, construction and materials normally used and required by the County; and shall be submitted to the County and the South Carolina Department of Health and Environmental Control (hereinafter "DHEC") for review, approval and issuance of a construction permit; it being understood that the County shall not impose requirements in excess of those imposed by DHEC in connection with the construction of the GPS Pumps, Screening Station Improvements, Collection System II and Hollingshed Creek Improvements.
- (2) Be responsible for obtaining all permits and approvals including, but not limited to, approved construction plans and SCDHEC construction permit for the GPS Pump and Screening Station Improvements, Collection System II and Hollingshed Creek Improvements.
- (3) Be responsible for obtaining any required City, County or State highway right-of-way encroachment permits, S. C. Water Resources permits, public utility permits, and any required easements on private property. All easements shall be obtained in the name of the County.

(4) Following the receipt of the construction permits from DHEC, the Developer will obtain a minimum of three (3) “quotes” from licensed utilities contractors for the construction of the Facilities. Developer may obtain “quotes” for the various portions of the Facilities separately. These “quotes” shall be the price at which the quoting contractor is willing to contract for the construction of the Facilities or portion thereof. The “quotes” shall be used to confirm the “estimated total cost” provided below. The Developer shall not be required to employ any particular contractor and may use its own resources to construct all or a part of the Facilities.

- (5) Upon satisfactory completion of all items in section 4 above, award and administer the contract to insure construction of the Facilities is in accordance with the plans and specifications approved by the County and in accordance with all applicable laws and regulations. Payment of the total cost for the Facilities shall be the responsibility of the Developer, except for the contribution of the County to the Hollingshed Creek Improvements, set forth below;
- (6) Deed good and marketable title to the Facilities, free of any liens or encumbrances, to the County upon completion of construction so that the County can legally own, maintain, and operate the Facilities, including transfer of all easements, rights-of-way, and all improvements thereon, relating to the Facilities; and
- (7) Provide as-built plans, design and construction cost data, to include a certification from the Developer's engineer of actual quantities installed and measured in the field, a lien waiver form and a list of materials installed from the Contractor installing the Facilities.
- (8) The Developer shall obtain all easements in the name of the County for all easements related to the Facilities and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. In the event the County or the Developer believes the negotiated easement cost is excessive, County staff shall place on the next available meeting agenda of its Council or an appropriate committee thereof a request that it condemn any easement not acquired through negotiation. If Council does not approve condemnation, such easements may be acquired for the negotiated price. The Developer shall be reimbursed with sewer tap certificates for easement acquisition costs whether by condemnation or negotiation.
- (9) Guarantees the work done and materials furnished by him under this project to be free from defects for a period of two (2) years from the date of the permit to operate issued by DHEC. During the years of guarantee, the Developer shall correct any defects that may develop in work done or materials furnished under this contract. Should the Developer fail to correct defects in work, materials or equipment within seven (7) days after being notified by the County, the County may correct such defects and charge the cost to the Developer. In case any defect is an emergency, the County has the right to correct same and charge the actual cost to the Developer.

ARTICLE II - RESPONSIBILITIES OF THE COUNTY

The County shall:

- (1) Review, and, if acceptable, approve engineering plans for any portion of the Facilities for which plans have not been previously approved;
- (2a) Contribute the first One Million, Six Hundred Thousand Dollars (\$1,600,000) required for the Hollingshed Creek Improvements to paid in installments upon certifications of completion by the Developer's engineer in accordance with the terms of the contract awarded pursuant to paragraph I (5) hereof.
- (2b) Periodically inspect the construction process to ensure that construction is being performed in accordance with approved plans and specifications and sound engineering standards and principles;
- (3) Within ten (10) days of final DHEC approval, accept the completed portion of the Facilities for operation and maintenance, provided the approved portion of the Facilities are constructed in accordance with this Agreement and the Developer has otherwise performed its obligations hereunder (provided, however, that such acceptance shall not constitute a waiver of any rights the County may have against the Developer for breach of its obligations hereunder);
- (4) Upon proper transfer of each portion of the Facilities to the County, issue to the Developer non-transferable (except as provided herein) sewer tap certificates as compensation for designing and constructing the portion of the Facilities transferred based on actual costs or the maximum estimated total cost as agreed below, at the option of the County as follows:
 - a. Sewer tap certificates shall be issued for the total cost to the Developer of the Facilities as the sum of the engineering fees, easement acquisition and con-demnation costs, attorney's fees and the construction cost including materials and labor. The final total cost shall be determined by the County with construction cost being based on actual quantities installed and measured in the field. The estimated total cost, exclusive of easement acquisition and condemnation costs for all the Facilities is agreed to be \$6,098,419.99, determined for each portion of the Facilities, as follows: Pump Station Improvements, \$1,242,733.10; GPS Pumps and Screening Station Improvements, \$90,000; Collection System I, \$1,150,463.87; Collection System II, \$345,078; Force Main, \$1,061,245.02; and Hollingshed Creek Improvements, \$2,208,900. Sewer tap certificates shall be calculated for each portion of the Facilities and issued for each portion upon completion of each portion of the Facilities.

It is understood and agreed that the estimated total cost for each portion of the Facilities, plus easement acquisition and condemnation costs, shall be the maximum amount that the County will credit the Developer for that portion of the Facilities.
 - b. The cost of all on-site sanitary sewers (those not included in the Facilities) shall be absorbed by the Developer with the exception of sewer lines that require over sizing to adhere to the County's Sewer Master Plan. If the County requires lines to be oversized, the Developer shall be issued sewer

tap certificates for the difference in actual construction cost of the line size required by the County and that normally required to serve Developer's project. The Developer shall make provisions during the project bid process to obtain the difference in construction cost for the oversized system. The estimated difference in construction cost for the oversized system shall be included in the estimated total cost in paragraph 4(a).

- c. The number of the sewer tap certificates as specified in Article II, paragraph 4(a) shall be determined by dividing the total construction cost for each portion of the Facilities by the County's established tap fee rate per residential equivalent in effect at the time the tap certificates are issued, except that the number of tap certificates issued for the Hollingshed Creek Improvements shall be based upon the Developer's contribution to the cost, exclusive of the County's contribution. If a fractional certificate is involved, the number of certificates to be issued shall be rounded down to the next lower whole number. The number of sewer tap certificates issued under this Agreement for each portion of the Facilities, exclusive of certificates issued for easement acquisition and condemnation cost and over sizing cost, for each portion shall not exceed the number of taps determined by dividing the estimated total cost specified above in paragraph 4(a) for each portion by the then current sewer tap price. Certificates for each portion of the Facilities will be issued upon its completion.
- d. The tap certificates issued hereunder will have a ten (10) year usable life and will have a constant value, equal to the value at the time of issuance, throughout this life. The tap certificate issue date shall coincide with the date of the South Carolina Department of Health and Environmental Control's Permit to Operate.

Prior to the expiration of any sewer tap certificates at the end of ten (10) years, at the option of the Developer, tap certificates which would otherwise expire may be: [a] sold to end users, [b] assigned to specific lots, or {c} presented to the County for redemption. Upon such presentation for redemption, the County, at its option, shall redeem the tap certificates for cash or exchange the tap certificates for new certificates. If new certificates are issued they will have a life of ten (10) years and shall be subject to the provisions hereof, including, without limitation, the rights of the Developer at the end of ten (10) years as provided in this subsection. The Developer may, but shall not be required to do so, consign any or all of the tap certificates issued for redeemed certificates to the County for sale. The County shall sell any consigned certificates alternatively (every other) with its certificates (i.e. one of the Developers certificates will be sold for each of the County's certificates sold). Proceeds from the sales of the Developers certificates will be remitted to the Developer monthly within ten (10) days after the end of the month in which the sale took place.

- e. The Developer will have the exclusive right to sell tap certificates for use within any properties served by the Facilities or any portion thereof, and

within its or its affiliates subdivisions and properties as long as it has certificates available for sale.

ARTICLE III - TERM OF AGREEMENT

Developer must begin construction within one (1) year of the date hereof and complete the Facilities and transfer the Facilities to the County within two (2) years from the date of the Agreement. Should the Developer not begin and finish its construction of the Facilities within such periods, the County may terminate this Agreement without any further liability on its part. The County reserves the right to amend or terminate this agreement in whole or in part in the event a third party needs to construct any part or all of the Facilities prior to the Developer beginning construction.

ARTICLE IV - COMPLIANCE WITH LOCAL LAWS

The Developer shall comply with all applicable laws, ordinances and codes of the State of South Carolina and the County of Richland and shall commit no trespass on any public or private property in performing any of the work embraced by this Agreement.

ARTICLE V- INDEMNIFICATION

The Developer agrees to indemnify the County for all damages, costs (including reasonable attorneys' fees), or other expenses which the County may incur as a result of a breach of the Developer's obligations hereunder.

IN WITNESS WHEREOF, the parties herein have hereunto set their hands and seal the year and day of the first above written.

WITNESSES:

COUNTY OF RICHLAND

By:

Governing Body of Richland
County
Duly Authorized Officer

WITNESSES:

NORTHWEST SEWER ASSOCIATES, LLC

By: _____

Its: _____

Revised February 13, 2007,

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE NO. 1

Personally appeared before me, the undersigned witness,
who being duly sworn says : That (s)he saw the within named
Northwest Sewer Associates, LLC., by _____, its
_____ sign, seal and as its act and deed, deliver the
within-written Agreement, and that (s)he with the other witness,
whose signature appears above witnessed the execution thereof.

SWORN to before me this the ____ day
of _____, 20 ____

_____(L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE NO. 2

Personally appeared before me, the undersigned witness,
who being duly sworn says : **That (s)he saw the within named**
Governing Body of Richland County, by its duly authorized officer
sign, seal and as its act and deed, deliver the within-written
Agreement, and that (s)he with the other witness, whose signature
appears above witnessed the execution thereof.

SWORN to before me this the ____ day
of _____, 20 _____

(L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

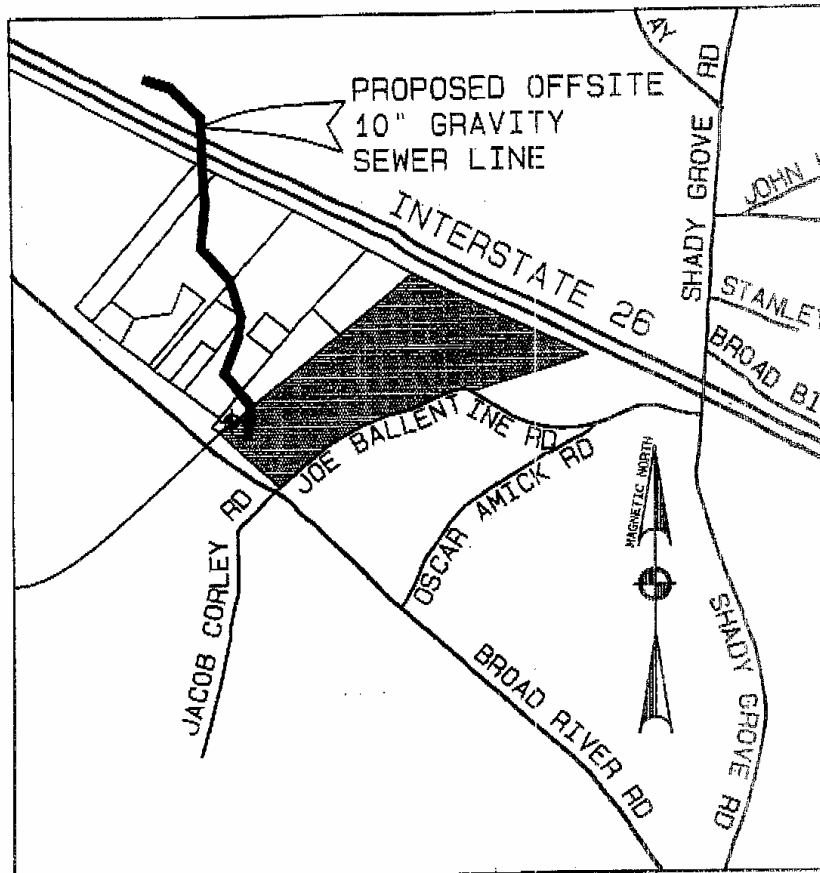
My Commission Expires _____

Table of Contents

#1's in
agreement
(ii)

(ii)	1. Rothstein Offsite Gravity Sewer Location Map Bid Document	1,150,463.87
(ii)	2. Meyers Brothers Gravity Sewer Location Map Bid Document	
(iv)	3. Clifton: 15" Gravity Sewer Location Map Easement Exhibit Cost Estimate	345,078.00
(v)	4. 24" Force Main on Kennerly Rd Cost Estimate	1,061,245.02
(i)	5. Shady Grove Road Lift Station Bid Document	1,242,733.10
(ii)	6. Wes Bickley Road Screening Station Scope of Work and Cost Estimate Pump Modification Exhibit	90,000.00
(vi)	7. Hollingshed Creek Pump Station and 24" Force Main to WWTP	2,208,900.00
		6,098,419.99

EXHIBIT 'A'



LOCATION MAP
NEAR BALLENTINE, SOUTH CAROLINA
1" = 1000'

OFFSITE SEWER TO SERVE
ARBOR SPRINGS

**CERTIFIED AS A TRUE AND CORRECT
TABULATION OF BIDS RECEIVED**

PROJECT: **SANITARY SEWER SYSTEM IMPROVEMENTS
FOR RICHLAND COUNTY UTILITIES
PREPARED FOR DEVELOPMENT SERVICES, LLC**

ROTHSTEIN OFFSITE SEWER

PLACE: **Civil Engineering of Columbia
3608 Fernandina Road
Columbia, SC 29210**

DATE: **August 9, 2006**

CONTRACTOR	BID AMOUNT	BID ORDER
Metts Construction Co.	\$597,075.50	1
M.V. Poole	\$977,965.00	2
D.S. Utilities	\$693,541.00	3

Low Bid - \$597,075.50
Engineering @ 15% 89,561.32
Contingency @ 10% 59,707.55
746,344.37

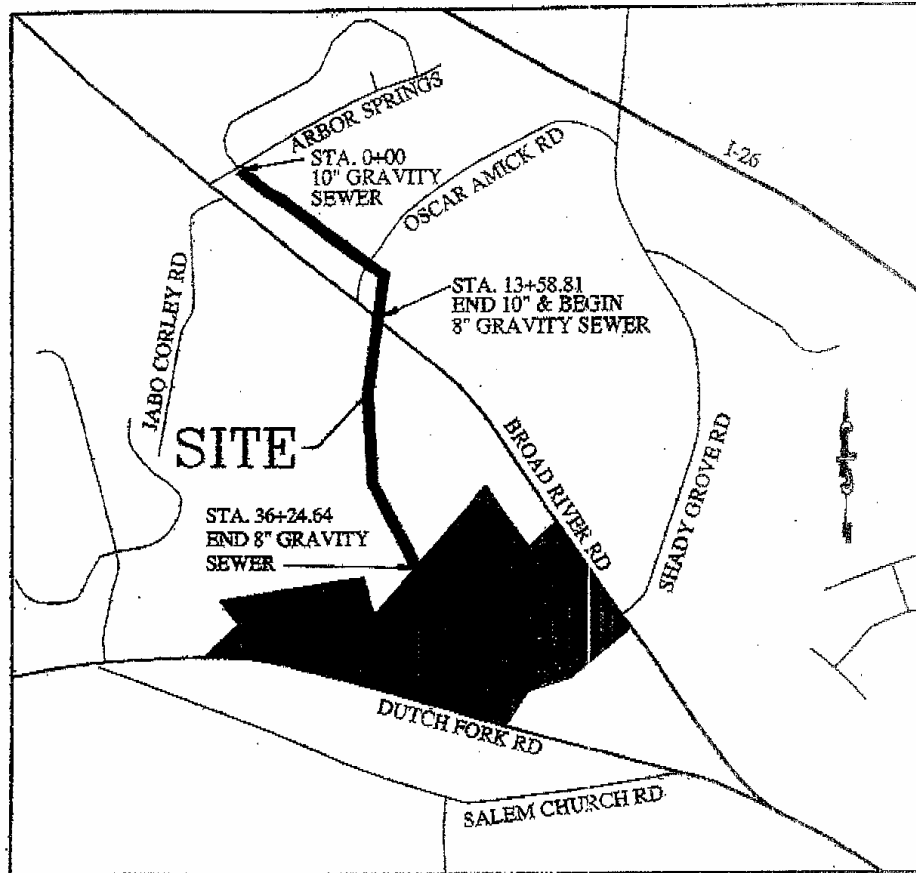


EXHIBIT "B"

SCALE: 1"=1,000'

**OFF-SITE SEWER FOR
BRIGHT-MEYERS RETAIL SHOPPING CENTER
RICHLAND COUNTY, SOUTH CAROLINA**

PREPARED BY:



PALMETTO CONSULTING ENGINEERING GROUP, INC.

CIVIL ENGINEERING DESIGN & CONSULTING

P.O. Box 212827 Columbia, South Carolina 29221 Telephone (803) 796-4562 Fax (803) 796-1070

2

OFF-SITE SEWER FOR BRIGHT-MEYERS RETAIL SHOPPING CENTER

PROBABLE CONSTRUCTION COSTS

PROJECT NO. F-1007

DATE: 01/31/07

ITEM	QUANTITY	UNIT	UNIT PRICE	EXTENDED PRICE
10" PVC Sewer Main	1216	LF	35.00	42,560.00
10" DIP Sewer Main	146	LF	63.00	9,198.00
8" PVC Sewer Main	2067	LF	32.50	67,177.50
8" DIP Sewer Main	198	LF	58.00	11,484.00
8" Stubouts	5	EA	400.00	2,000.00
Tie to Existing Manhole	1	LS	2,000.00	2,000.00
Manholes	25	EA	3,500.00	87,500.00
Wateright Manhole Frames & Lids	24	EA	400.00	9,600.00
Jack & Bore 16" Steel Casing	75	LF	300.00	22,500.00
Silt Fence (Erosion Control)	1	LS	33,400.00	33,400.00
Clear and Grubbing	1	LS	27,600.00	27,600.00
Construction Entrance	1	LS	2,900.00	2,900.00
Mobilization (including material delivery)	1	LS	8,600.00	8,600.00
Grassing	1	LS	6,900.00	6,900.00
Rock Cut (Actual Quantity Unknown)	500	CY	73.00	37,500.00
Construction Staking	1	LS	5,700.00	5,700.00
Total Construction Costs				376,818.50

Engineering Fees				17,000.00
Design & Construction Services				10,500.00
Easement Acquisition & Misc. Services				27,500.00
Total Engineering Fees				55,000.00

409,119.50

Legend

- Existing Sewer
- Division IV Sewer

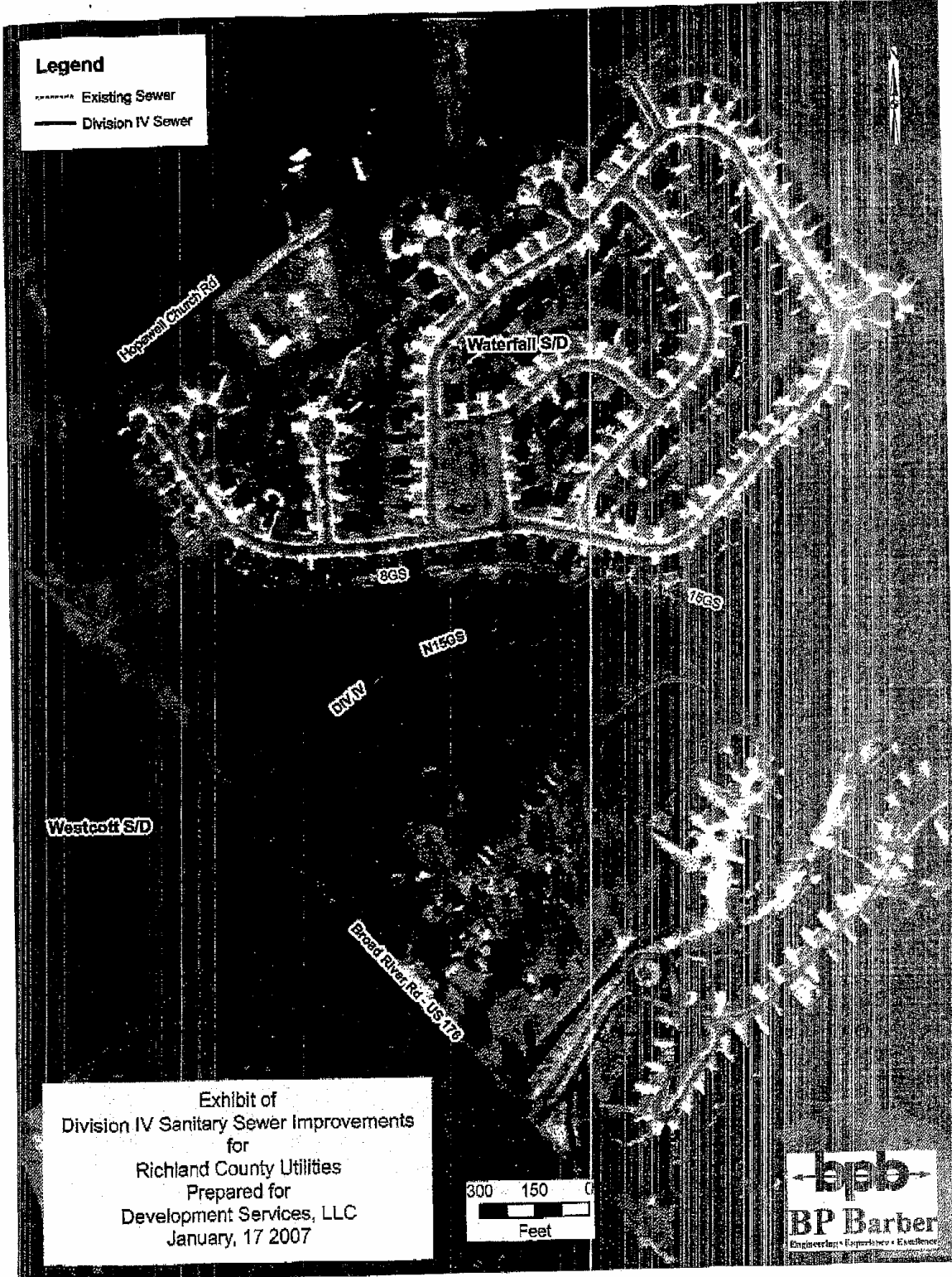
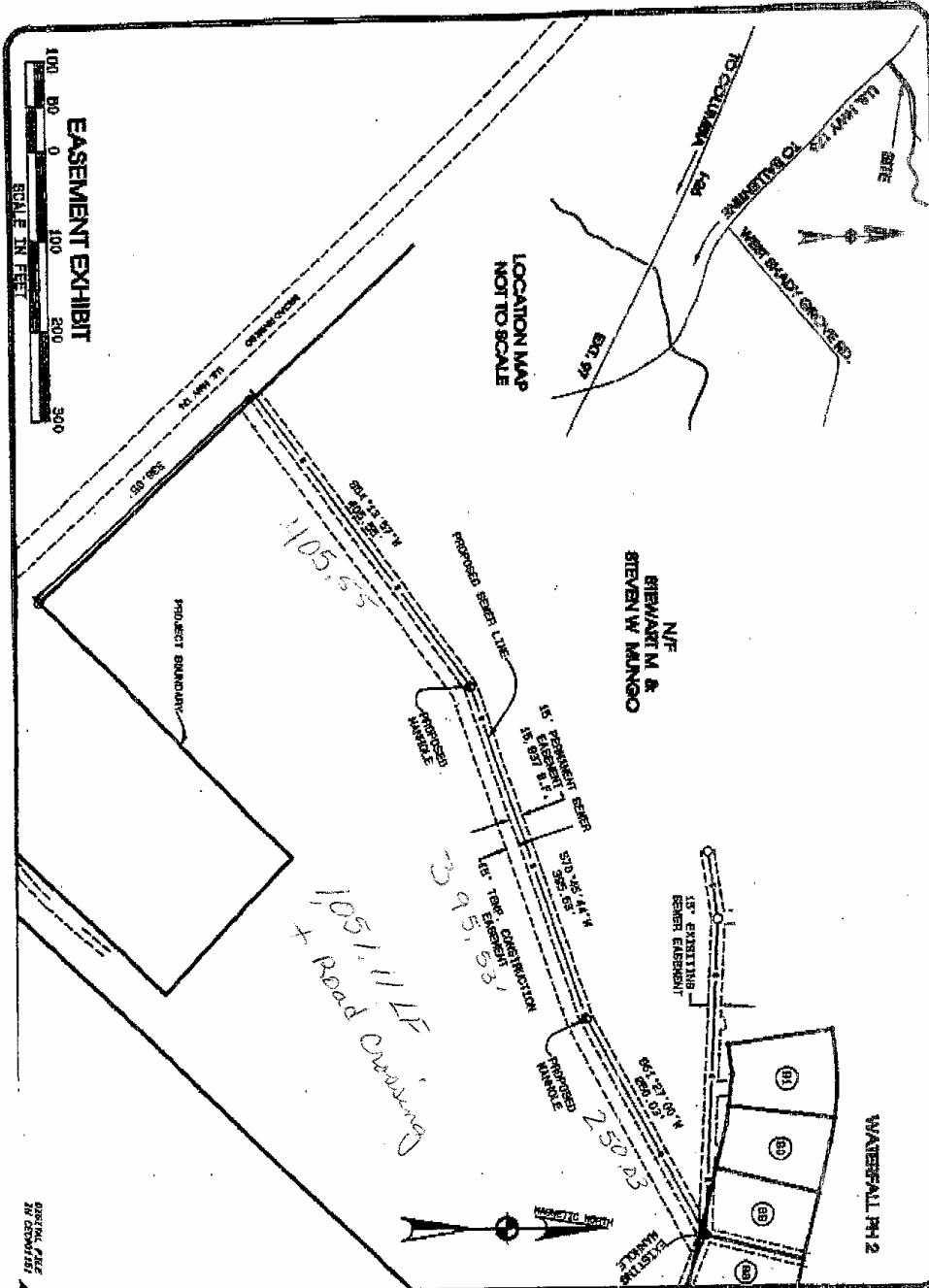


Exhibit of
Division IV Sanitary Sewer Improvements
for
Richland County Utilities
Prepared for
Development Services, LLC
January, 17 2007





**OFFSITE SANITARY SEWER EXHIBIT PREPARED FOR
RICHLAND COUNTY UTILITIES
AND SERVICES**

<p>DATE: MARCH 24, 2006</p> <p>DRAWN BY: A. BAGNAL</p> <p>SCALE: 1" = 100'</p>	<p>JOB NUMBER: 04143</p>		<p>CIVIL ENGINEERING OF COLUMBIA CONSULTING ENGINEERING SURVEYING AND PLANNING 2605 FERNANDEZ ROAD COLUMBIA, SOUTH CAROLINA 29210 TELEPHONE 803-739-0200 FAX 803-739-0206</p> <p><small>ANY CERTIFICATIONS, WARRANTIES, OR GUARANTEES EXERCISED BY THE ENGINEER OR SURVEYOR OF RECORD FOR THIS PROJECT ARE DATED AND TO EXPRESS THAT STANDARD AND REASONABLE CARE WERE USED IN THE PREPARATION OF THIS EXHIBIT.</small></p>
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3

Bailey Tract Off-site Sewer - Preliminary Cost Estimate
BPB Project No. 05362 January 17, 2007

Item	Quantity	Unit	Unit Price	Total
Division IV 15" Gravity Sewer				
15" Gravity Sewer	655	LF	\$52.00	\$34,060.00
0'-8' Deep	404	LF	\$57.00	\$23,028.00
6'-8' Deep	24	LF	\$65.00	\$1,560.00
8'-10' Deep	500	LF	\$65.00	\$32,500.00
16" Ductile Iron Pipe - Extra	35	LF	\$50.00	\$1,750.00
Concrete Encasement	110	LF	\$1,000.00	\$110,000.00
Bore & Jack 36" Steel Casing	110	LF	\$105.00	\$11,550.00
Install 18" DIP in Casing				
4' Diameter Manhole	3	EA	\$3,000.00	\$9,000.00
6'-8' Deep	3	EA	\$3,500.00	\$10,500.00
8'-10' Deep				
4' Diameter Doghouse Manhole	1	EA	\$4,000.00	\$4,000.00
6'-8' Deep	1	LS	\$1,000.00	\$1,000.00
12" Inside Drop	7	EA	\$200.00	\$1,400.00
Watertight Manhole Lid - Extra	1120	LF	\$4.00	\$4,480.00
Silt Fence	350	CY	\$75.00	\$26,250.00
Trench Rock Excavation**	1	AC	\$3,500.00	\$3,500.00
Clearing and Grubbing	1	AC	\$1,500.00	\$1,500.00
Seeding and Mulching				\$271,078.00
Subtotal				
			Engineering (15%):	\$41,000.00
			Contingency (12%):	\$33,000.00
			Total Estimated Construction Cost:	\$345,078.00

**Rock excavation based on 3'x3'x1000'/27.

0536215gravitysewerctest011707.xls

Bailey Tract Off-site Sewer - Preliminary Cost Estimate
BPB Project No. 05362 August 8, 2006

Item	Quantity	Unit	Unit Price	Total
Division I - Broad River Road Force Main				
12" PVC Force Main	10282	LF	\$45.00	\$462,690.00
12" RJ PVC Force Main	222	LF	\$55.00	\$12,210.00
12" RJ DI Force Main	330	LF	\$70.00	\$23,100.00
Bore & Jack 20" Steel Casing	568	LF	\$200.00	\$112,000.00
12" RJ DI Force Main in casing	560	LF	\$70.00	\$39,200.00
12" Plug Valve & Box	4	EA	\$2,600.00	\$10,000.00
8" Plug Valve & Box	1	EA	\$1,650.00	\$1,650.00
Sewage Air Release Valve & Manhole	6	EA	\$5,500.00	\$33,000.00
RJ DI Fittings	2627	LB	\$4.00	\$10,708.00
Remove & Replace Asphalt Roadway	25	LF	\$125.00	\$3,125.00
Resurface Asphalt Driveways	800	LF	\$30.00	\$24,000.00
Connect to 8" Force Main	1	EA	\$1,000.00	\$1,000.00
Connect to 15" Gravity Sewer	1	EA	\$10,000.00	\$10,000.00
**Rock	1650	CY	\$60.00	\$99,000.00
Division II - Kennerly Road Force Main				
24" DI Force Main	4393	LF	\$111.00	\$487,623.00
24" RJ DI Force Main	696	LF	\$133.00	\$92,568.00
Bore & Jack 36" Steel Casing	85	LF	\$500.00	\$42,500.00
24" RJ DI Force Main in casing	85	LF	\$160.00	\$13,600.00
24" RJ 90 DI Bend	3	EA	\$4,100.00	\$12,300.00
24" RJ 45 DI Bend	1	EA	\$3,020.00	\$3,020.00
24" RJ 22-1/2 DI Bend	8	EA	\$3,080.00	\$24,480.00
24" RJ 11-1/4 DI Bend	10	EA	\$3,080.00	\$30,800.00
24" RJ DI Sleeve	1	EA	\$1,800.00	\$1,800.00
Sewage Air Release Valve & Manhole	3	EA	\$6,000.00	\$18,000.00
Silt Fence	220	LF	\$3.00	\$660.00
Rip Rap at creek crossing	233	SY	\$75.00	\$17,475.00
Remove & Replace Asphalt Pavement Driveway	500	SY	\$30.00	\$15,000.00
Connect New 24" Force Main to Existing 24" Force Main	2	EA	\$2,000.00	\$4,000.00
**Rock	1200	CY	\$60.00	\$72,000.00
Division III - Shady Grove Pump Station Upgrade				
Shady Grove Pump Station Upgrade	1	LS	\$978,530.00	\$978,530.00
Subtotal				\$2,655,339.00
			Engineering (15%):	\$398,000.00
			Contingency (12%):	\$319,000.00
			Total Estimated Construction Cost:	\$3,372,339.00

$835,626$
 $+ 27\%$

 $1,061,245.02$
 $978,530$
 $* 27\%$

 $1,242,733.10$

$835,626$

Note: *Rock excavation based on 2'x2'x11000'/27. **Rock excavation based on 3'x3'x5300'/27.

**CERTIFIED AS A TRUE AND CORRECT
TABULATION OF BIDS RECEIVED**

**William H. Davis, P.E.
Project Manager**

PROJECT: SANITARY SEWER SYSTEM IMPROVEMENTS
FOR RICHLAND COUNTY UTILITIES
PREPARED FOR DEVELOPMENT SERVICES, LLC
DIVISION III
SHADY GROVE PUMP STATION UPGRADE

BPB PROJECT NO.: 05362

PLACE: B.P. Barber & Associates, Inc.
101 Research Park
Columbia, SC 29203

DATE: November 21, 2006

TIME: 2:00 PM

CONTRACTOR	BID AMOUNT	BID ORDER
McClam & Associates, Inc. 1642 Holy Trinity Church Road Little Mountain, SC 29075	\$864,020.00	1
Trussell Bros. Construction Co., Inc. 8024 Irmo Drive Columbia, SC 29212	\$949,789.00	2
Southeastern Utilities, Inc. 9589 Puddin Swamp Road Turbeville, SC 29162	\$985,000.00	3
G.H. Smith Construction, Inc. 430 Shuler Court Columbia, SC 29212	\$1,027,000.00	4

Post-It Fax Note	7671	Date	1/29/07	# of Pages	3
To	Bill Dixon	From	S. JOHNSON		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	769-5885	Fax #			

PALMETTO CONSULTING ENGINEERING GROUP, INC.
Civil Engineering Design & Consulting

January 29, 2007

Andy Metts, Director
 Richland County Utilities & Services
 3509 Fernandina Road
 Columbia, SC 29210

Re: Upgrade to Wes Bickley Screening Station and
 Hollingshed Creek Pumps at Broad River WWTP
 N-1013

Dear Mr. Metts:

As part of the improvements to allow connections to the Hollingshed Creek GPS line while the Hollingshed Creek Pump Station is under construction, the following improvements are proposed.

1. Raise the Wes Bickley Road Screening Station by 4 ft. to eliminate flooding.
2. Install 18" x 18" tapping sleeve and valve on the 18" Hollingshed Creek GPS line, extend 18" line and install three 12" lines to the suction side of the Gorman Rupp T-8 pumps. See attached drawing
3. Tap the 18" line with 2" tap and install 18" DI flanged pipe vertically. A tap will be made on the top flange to hang a pressure transducer in the 18" DIP. This pressure transducer will measure the water pressure in the pipe and control the T-8 suction pumps. An air relief valve will be installed on the top flange to vent any gases.
4. The top of the 18" vertical DIP will be in a manhole.
5. The control wires will be installed in conduit up the outside slope of the dike and a new control panel installed in the existing pump building.

The estimated costs of these items are listed below:

1. Screening station	\$10,000
2. Piping and controls for T-8 pumps	<u>\$80,000</u>
3. Total	\$90,000

M:\Documents\N-1013 Northwest Sewer Associates, LLC\Wes Bickley Screening Station and T-8 Improvements.doc

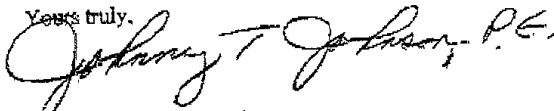
PCBG

PO Box 212327 • 1343 Garner Lane • Suite 200 • Columbia, SC 29221-2327
 (803) 798-4362 • Fax (803) 798-1678

Page Two
Upgrade to Wes Hickey Screening Station and
Hollingshed Creek Pumps at Broad River WWTP
N-1013

Please call me if you have any questions concerning this matter.

Yours truly,

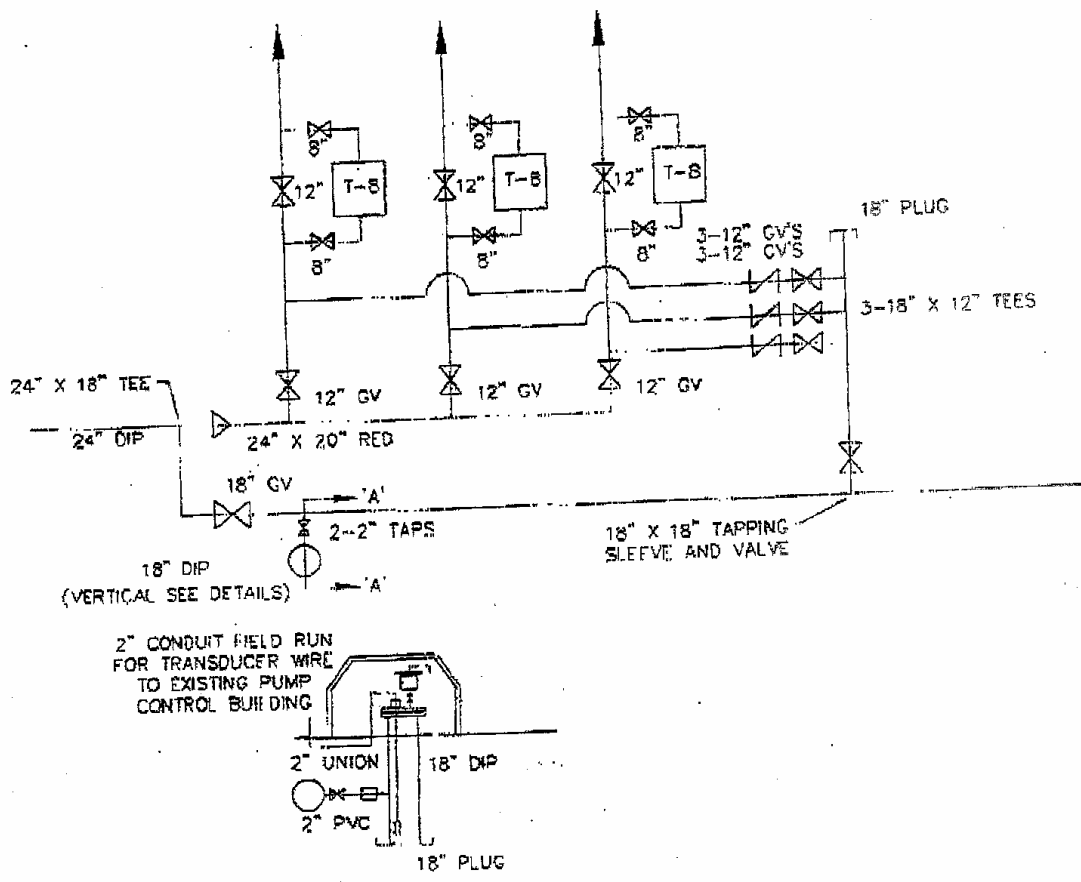


Johnny T. Johnson, P. E.

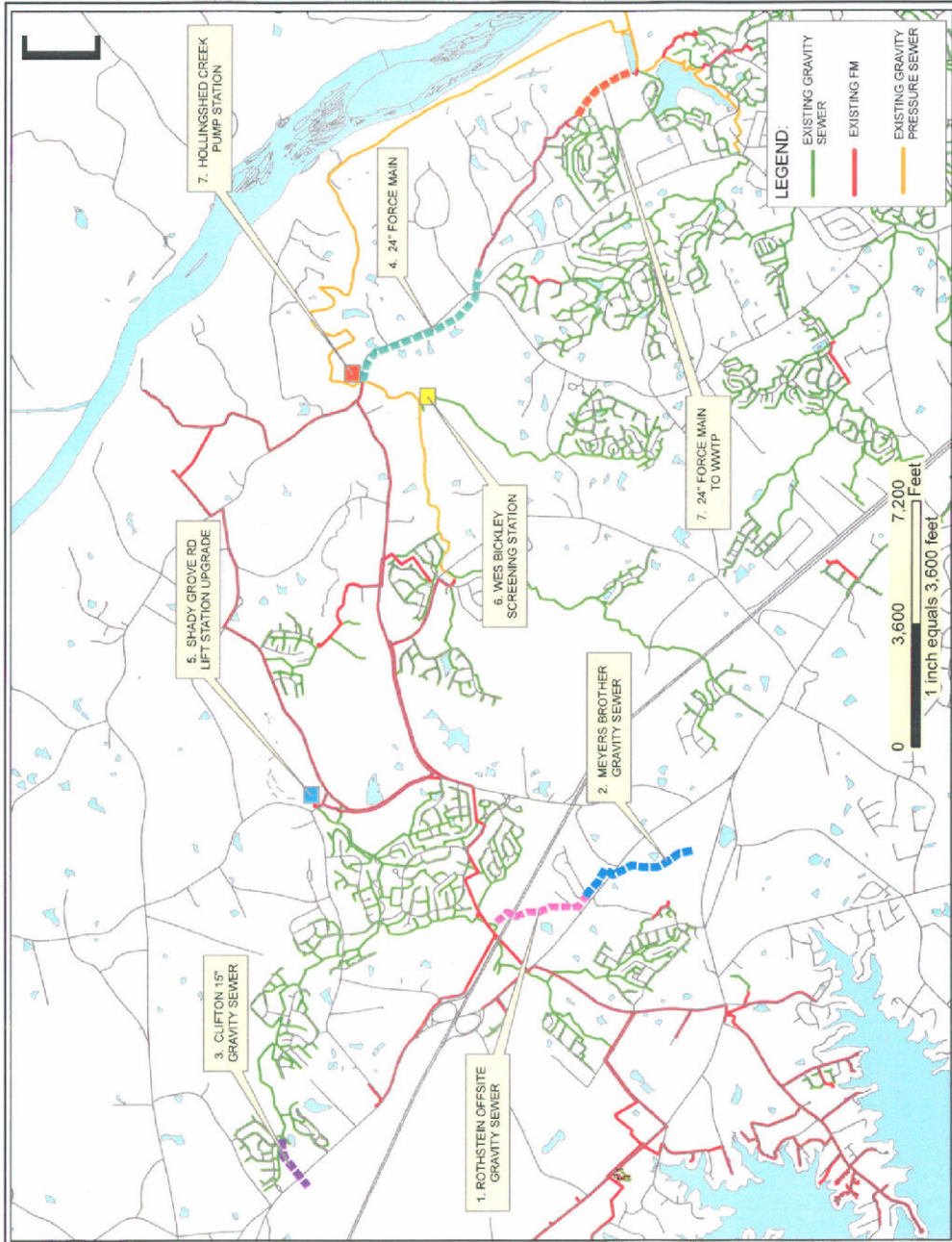
JTJ/mw

Enclosure

Co: Paul Xhajanka
Paul Clifton
Bill Dixon
Fred Gertz
Matt Sasser
Ray Peterson



BROAD RIVER WWTP T-8 PUMP MODIFICATIONS



RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Sanitary Sewer Extension Agreement – Eagles Rest Subdivision Sewer Lift Station and Odor Control Building

A. Purpose

The purpose of this report is to obtain approval of a “Sanitary Sewer Extension Agreement” for the upgrade of an existing sewer lift station and the construction of an odor control building to serve the Eagles Rest Subdivision.

B. Background

The Broad River Regional sewer system has been developed primarily by developers extending sewer lines to new subdivisions. The County has a sewer extension policy that will allow developers to recoup a portion of their investment in the sewer line extension if other property owners connect to the new sewer lines. Only main sewer trunk line and other components that are identified in the County’s sewer master plan qualify for a sewer extension agreement.

C. Discussion

The Shumaker Company is proposing to upgrade an existing Richland County Sewer lift station in order to provide sewer service to their Eagles Rest Subdivision in White Rock. The upgrade of the lift station will require the complete replacement of the existing facility and the construction of an odor control system on site. This lift station is a component of the Richland County sewer master plan and therefore should qualify for construction under a sanitary sewer extension agreement.

The Shumaker Company plans to invest approximately \$434,725.00 in the upgrade of this lift station. For their investment, the developer will receive sewer taps equal to the value of their investment that may be used for payment of connection fees for lots within their subdivision.

Entering into this sanitary sewer extension agreement will be consistent with existing policies for the expansion of the Broad River Regional Sewer System.

D. Financial Impact

The Shumaker Company will fund all cost associated with this lift station upgrade. No additional funds should be required.

E. Alternatives

1. Approve the Sanitary Sewer Extension Agreement as presented.

2. Disapprove the agreement. A court order exists that requires a sewer extension agreement approval with the Mungo Company or any of its affiliates.

F. Recommendation

It is recommended that County Council approve the “Sanitary Sewer Extension Agreement” for the upgrade of the Eagles Rest Subdivision sewer lift station and odor control building.

Recommended by: Andy H. Metts **Department:** Utilities **Date:** 03/13/07

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 3/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval based on current practice. However Council should ensure that the agreement will not have a negative impact on the current rate structure analysis being considered with the \$32m bond issue. The rate structure includes hard revenue dollars generated from 450 new tap fees annually in order to cover the debt service requirements. Failure to meet this assumption annually may result in a user fee increase.

Legal

Reviewed by: Amelia Linder

Date: 3/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council has the discretion to approve the Agreement as presented or to amend the language of same.

Administration

Reviewed by: Tony McDonald

Date: 3/23/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval based on the current sewer extension policy and based on the consistency of the proposal with the County’s sewer master plan.

SANITARY SEWER MAIN EXTENSION AGREEMENT

STATE OF SOUTH CAROLINA) SANITARY SEWER MAIN
EXTENSION

COUNTY OF RICHLAND

) AGREEMENT FOR:
) **EAGLES'S REST LIFT STATION & ODOR
CONTROL BUILDING**
) BROAD RIVER REGIONAL SEWER SYSTEM

THIS AGREEMENT entered into this _____ day of _____ 2007, is by and between the County of Richland, State of South Carolina (hereinafter referred to as the "County"), and **Shumaker Homes, Inc.**, (hereinafter referred to as "Developer"). This Agreement represents the whole agreement between the two parties and supersedes and replaces any prior agreements, oral or written, between the parties regarding the subject matter of this Agreement.

RECITALS

WHEREAS, the Developer desires to finance the design and construction of a sanitary sewer lift station to be known as the **Eagle's Rest Lift Station**, as delineated on plans prepared for Richland County Utilities, prepared by Civil Engineering of Columbia, dated _____, 2007, Project No. _____ (herein after referred to as "Facilities") and being further delineated thereon as (wetwell, pumps, piping, control panel(s), wiring, valve pit, connection to existing force main, climate control/odor control building, generator, gravel, grading, and fencing) located near the intersection of Johnson Marina Road and Lowman Home Barn Road, copies of said plans are on file in the Richland County Utilities Division, and upon completion, to transfer the Facilities to the County for ownership, operation and maintenance; and

WHEREAS, the Developer and the Mungo Company, Inc. have entered into a separate agreement for funding the construction of this lift station and therefore is an "affiliate" of the Mungo Company, Inc., as defined in that certain Partial Settlement Order of the Court of Common Pleas for Richland County, dated and entered February 8, 1995, captioned *Richland County v. Blizzard, et al v. Richland County* and

WHEREAS, County agrees to accept, own, operate and maintain the Facilities upon completion pursuant to the terms hereof.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions and terms contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I - RESPONSIBILITIES OF THE DEVELOPER

The Developer shall:

(1) Have prepared final engineering plans and specifications for the sewerage system to be constructed. These plans and specifications shall be prepared by a registered professional engineer licensed to practice in South Carolina; shall conform to standards and design, construction and materials normally used and required by the County; and shall be submitted to the County and the South Carolina Department of Health and Environmental Control (DHEC) for review, approval and issuance of a construction permit.

(4) Be responsible for obtaining all permits and approvals including, but not limited to, approved construction plans, SCDHEC construction permit, any required City, County or State highway right-of-way encroachment permits, S. C. Water Resources permits, public utility permits, and any required easements on private property. All easements shall be obtained in the name of the County. The Developer shall receive approval from the County prior to closing on the purchase of any easement.

(3) Following the receipt of the construction permits from DHEC, the Developer will obtain a minimum of three (3) “quotes” from licensed utilities contractors for the construction of the Facilities. Developer may obtain “quotes” for the various portions of the Facilities separately. These “quotes” shall be the price at which the quoting contractor is willing to contract for the construction of the Facilities or portion thereof. The “quotes” shall be used to confirm the “estimated total cost” provided below. The Developer shall not be required to employ any particular contractor and may use its own resources to construct all or a part of the Facilities.

(4) Upon satisfactory completion of all items above, award and administer the contract to insure construction of the Facilities is in accordance with the plans and specifications approved by the County and in accordance with all applicable laws and regulations. Payment of the total cost for the facilities shall be the responsibility of the Developer;

(5) Deed good and marketable title to the Facilities, free of any liens or encumbrances, to the County upon completion of construction so that the County can legally own, maintain, and operate the Facilities, including transfer of all easements, rights-of-way, and all improvements thereon, relating to the Facilities;

(6) Provide as-built plans, design and construction cost data, to include a certification from the Developer's engineer of actual quantities installed and measured in the field, a lien waiver form and a list of materials installed from the Contractor installing the Facilities, and;

(7) Be responsible for payment of sewer tap fees for properties discussed herein prior to the issuance of the permit to operate the Facilities by the SCDHEC. Sewer tap certificates issued under the terms of this agreement shall be negotiable as payment for sewer tap fees within and outside the property to be served.

- (8) Guarantee the work done and materials furnished by him under this project to be free from defects for a period of two years from the date of the permit to operate issued by S.C. DHEC. During the years of guarantee, the Developer shall correct any defects that may develop in work done or materials furnished under this contract. Should the Developer fail to correct defects in work, materials or equipment within seven (7) days after being notified by the County, the County may correct such defects and charge the cost to the Developer. In case any defect is an emergency, the County has the right to correct same and charge the actual cost to the Developer.

ARTICLE II - RESPONSIBILITIES OF THE COUNTY

The County shall:

- (1) Review, and, if acceptable, approve engineering plans for Facilities;
 - (2) Periodically inspect the construction process to ensure that construction is being performed in accordance with approved plans and specifications and sound engineering standards and principles;
 - (3) Within ten (10) days of final SCDHEC approval, accept the completed Facilities for operation and maintenance, provided the Facilities are constructed in accordance with this Agreement and the Developer has otherwise performed its obligations hereunder (provided, however, that such acceptance shall not constitute a waiver of any rights the County may have against the Developer for breach of its obligations hereunder);
- (4) Upon proper transfer of the Facilities to the County, issue to the Developer non-transferable sewer tap certificates as compensation for constructing the Facilities based on actual costs or the maximum estimated total cost as agreed below, at the option of the County as follows:
- a. Sewer tap certificates shall be issued for the total cost to the Developer of the Facilities as the sum of the construction cost including materials and labor. The final total cost shall be determined by the County with construction costs being based on the actual quantities installed and measured in the field. The estimated total cost is agreed to be **\$434,725.00**. It is understood and agreed that the estimated total cost is the maximum amount that the County will credit the Developer
 - b. The Developer shall obtain all easements in name of the County and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. The Developer shall be reimbursed with sewer tap certificates for reasonable easement acquisition cost as determined by the County.
 - f. The cost of all on-site sanitary sewers (those not included in the Facilities) shall be absorbed by the Developer with the exception of sewer lines that require oversizing to adhere to the County's sewer master plan. If the

County requires lines to be oversized, the Developer shall be issued sewer tap certificates for the difference in actual construction cost of the line size required by the County and that normally required to serve the Developer's project. The Developer shall make provisions during the project bid process to obtain the difference in construction cost for the oversized system. The estimated difference in construction cost for the oversized system shall be included in the estimated total cost in paragraph 4 (a).

- g. The number of the sewer tap certificates shall be determined by dividing the total construction cost by the County's prevailing tap fee rate at the time the SCDHEC Permit to Operate is received, currently at \$2,200.00 per residential equivalent for the area. If a fractional certificate is involved, the number of certificates to be issued shall be rounded down to the next lower whole number. It is understood that the maximum number of sewer tap certificates issued under this Agreement shall not exceed **One Hundred Ninety-seven (197)** but shall be subject to the prevailing value at the time the certificate(s) are issued, and in accordance with Paragraph (e) below.
- h. The tap certificates issued hereunder will have a five (5) year usable life and will have a constant value throughout this life, established at the time the Permit to Operate is received. The tap certificate issue date shall correspond to the SCDHEC Permit to Operate date for the Facilities. Tap certificates not sold or assigned to specific property will be void after such five (5) year period.
- f. Retain one (1) certificate issued under this Agreement for each residential lot in the Developer's development known as **Eagle's Rest**.
- g. The sewer tap certificates shall be valid for connection anywhere on the Broad River Regional sewer system.
- h. Have the right to purchase all tap certificates issued under the terms of this Agreement for the value the tap certificates were issued. If the County purchases all tap certificates mentioned herein, the County shall be relieved of any future compensation due the Developer as a result of the terms and conditions of the Agreement.

ARTICLE III - TERM OF AGREEMENT

Developer must continue construction from the date hereof and complete the Facilities and transfer the Facilities to the County within six (6) months from the date of the Agreement. Should the Developer not continue and finish its construction of the Facilities within such periods, the County may terminate this Agreement without any further liability on its part.

ARTICLE IV - COMPLIANCE WITH LOCAL LAWS

The Developer shall comply with all applicable laws, ordinances and codes of the State of South Carolina and the County of Richland and shall commit no trespass on any public or private property in performing any of the work embraced by this Agreement.

ARTICLE V - INDEMNIFICATION

The Developer agrees to indemnify the County for all damages, costs (including reasonable attorneys' fees), or other expenses, which the County may incur as a result of a breach of the Developer's obligations hereunder.

IN WITNESS WHEREOF, the parties herein have hereunto set their hands and seals the year and day of the first above written.

WITNESSES: County of Richland County

COUNTY OF RICHLAND

By: _____
County of Richland
Duly Authorized Officer

WITNESSES:

By: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE NO. 1

Personally appeared before me, the undersigned witness, who being duly sworn says : **That (s)he saw the within named Developer** sign seal and as its act and deed, deliver the within-written Agreement, and that (s)he with the other witness, whose signature appears above witnessed the execution thereof.

SWORN to before me this the _____ day
of _____, 2007

(L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE NO. 2

Personally appeared before me, the undersigned witness, who being duly sworn says :
That (s)he saw the within named County of Richland, State of South Carolina, by its duly authorized officer sign seal and as its act and deed, deliver the within-written Agreement, and that (s)he with the other witness, whose signature appears above witnessed the execution thereof.

SWORN to before me this the ____ day
of _____, 2007

(L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires _____



MEMORANDUM

DECEMBER 26, 2006

TO: RICHLAND COUNTY UTILITIES
ANDY METTS

FROM: JOHN HAUN, CIVIL ENGINEERING OF COLUMBIA

RE: EAGLES REST SUBDIVISION SANITARY SEWER LIFT STATION
AND ODOR CONTROL BUILDING

SHUMAKER HOME'S COST TO COMPLETE A SANITARY SEWER LIFT STATION IS STATED BELOW. THE COST INCLUDES COMPLETE INSTALLATION AND ENGINEERING/SURVEYING TO COMPLETE BUILDING LAYOUT AND AS-BUILTS; THIS COST IS SUPPORTED BY THE ATTACHED COST BACK-UP INFORMATION.

DESCRIPTION OF WORK	QUANTITY	UNIT TYPE	UNIT PRICE
CLIMATE CONTROL BUILDING	1	EACH	\$ 12,000.00
EMERGENCY GENERATOR	1	EACH	\$ 50,000.00
*COMPLETE LIFT STATION	1	L.S.	\$331,200.00
ROCK REMOVAL	475	C.Y.	\$ 34,275.00
ENGINEERING	1	L.S.	\$ 2,500.00
**SURVEYING	1	L.S.	\$ 4,000.00
AS-BUILT DRAWINGS	1	L.S.	\$ 750.00

*To include: wet well, pumps, piping, control panel, wiring, valve pit, connection to existing force main, gravel, grading and fencing.

**To include setting irons, staking, topo and as-built survey.

TOTAL COST FOR SHUMAKER HOMES \$434,725.00

ATTACHMENT: 6 PAGES

JHH

Dec. 22, 2006



Eagles Rest Subdivision
Sanitary Sewer Lift Station and Odor Control Building
Shumaker Homes

Sanitary Sewer Extension Agreement

Shumaker Homes's Cost for a Sanitary Sewer Lift Station and Odor Control Building For
Eagles Rest Subdivision

For: Richland County Utilities

Description Of Work	Quantity	Unit Type	Unit Price	Amount
Climate Control Building	1	Each	\$12,000	\$12,000.00
Emergency Generator	1	Each	\$50,000	\$50,000.00
* Complete Lift Station	1	L.S.	\$331,200	\$331,200.00
Rock Removal 457 C.Y.	0	Cubic Yard	\$75.00	\$34,275.00

*To Include: wet well, pumps, piping, control panel, wiring, valve pit, connection
to existing force main, gravel, grading, and fencing

TOTAL COST FOR SHUMAKER HOMES \$427,475.00

Joe Pope

**Shumaker Homes
(803) 786-9780**

5847 Shakespeare Road
Columbia, South Carolina 29223
803/786-9780
Fax: 803/786-5464
Website: www.shumakerhomes.com

FOR THE INTENDED USE OF THE PROJECT AND SHALL BE APPROVED BY ALL PERMITTING AGENCIES. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO INCLUDE COSTS OF ANY INCIDENTAL OR OTHER ITEMS NOT MENTIONED UNDER "DESCRIPTION OF WORK" (i.e. MOBILIZATION, TEMPORARY DITCHES, PIPE FITTINGS, CLEANUP, TESTING, CONSTRUCTION STAKING, ETC.). ANY COSTS FOR THESE ITEMS SHALL BE INCLUDED WITHIN THE ACTUAL ITEMS LISTED AND NOT AS SEPARATE ITEMS OR A CONDITIONAL BID.

QUANTITIES SHOWN ARE ESTIMATED. EACH BIDDER SHALL SATISFY HIMSELF AS TO THE ACCURACY OF THIS ESTIMATE. PAYMENTS SHALL BE MADE BASED ON QUANTITIES INSTALLED. ALL WORKMANSHIP, MATERIALS, INSTALLATION AND RESTORATION SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS OF RICHLAND COUNTY AND SCDHEC.

EACH BIDDER SHALL BE FAMILIAR WITH THE GUARANTEES/WARRANTY REQUIRED BY RICHLAND COUNTY.

BID

SANITARY SEWER LIFT STATION FOR PHASE ONE EAGLES REST SUBDIVISION

*** PLEASE NOTE THAT THE SEWER LINE (INCLUDING MANHOLES) BETWEEN A1 – A WILL NOT BE INCLUDED IN THIS CONTRACT ***

DESCRIPTION OF WORK	QUANTITY	UNIT TYPE	UNIT PRICE	AMOUNT
1. Climate Controlled Building	1	Each	<u>12,000</u>	<u>12,000</u>
2. Emergency Generator	1	Each	<u>50,000</u>	<u>50,000</u>
3. Complete Lift Station (To include, but not limited to: wet well, pumps, piping, control panel, wiring, valve pit, connection to existing force main, gravel, grading, fencing, etc.)	1	L.S.	<u>331,200</u>	<u>331,200</u>
4. Rock Removal				
Rippable	0	C.Y.	<u>75-</u>	<u>-</u>
Blastable	0	C.Y.	<u>75-</u>	<u>-</u>
TOTAL CONTRACT PRICE			<u>\$ 393,200-</u>	

HOLZHEIMER CONSTRUCTION, INC.
P.O. Box 571
Lexington, SC 29071-0571

B-2

(Contractor) proposes and agrees to begin the work on a date to be specified in a written order of the Owner, and to complete the amount of work herein contemplated within sixty (60) consecutive calendar days from and including the said date of commencement. The Bidder further agrees to pay as liquidated damages the sum of \$500.00 for each consecutive calendar day thereafter. It is agreed if the amount of the contract is increased, the time allowed for completion will be increased in proportion to the increase of the

CONTRACTOR'S APPLICATION FOR PAYMENT

PAGE 1 OF 2 PAGES

CAP702L

TO: SHOEMAKER HOMES / EAGLES REST
 5847 SHAKESPEARE RD.
 COLUMBIA, SC 29223
 ATTN: MR. DANNY JONES

PROJECT: EAGLES REST
 PUMP STATION @ EAGLES REST

FROM CONTRACTOR: HOLZHEIMER CONSTRUCTION
 P.O.# 571
 LEXINGTON, SC 29071

VIA ARCHITECT: CIVIL ENGINEERING
 3608 FERNANDINA RD.
 COLUMBIA, SC 29210
 ATTN: MR. MIKE DINKINS

APPLICATION NO: 4
 PERIOD TO: 10/06/2006
 CONTRACT DATE: 5/01/2006
 PROJECT NOS:

CONTRACT FOR: EAGLES REST PUMP STATION

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment as shown below, in connection with the contract, Continuation Sheet, Document CAP703, is attached.

1. ORIGINAL CONTRACT SUM	\$ 393,200.00
2. Net Change by Change Orders	\$ 34,275.00
3. CONTRACT SUM TO DATE (Line 1+ 2)	\$ 427,475.00
4. TOTAL COMPLETED & STORED TO DATE (Column G on CAP703)	\$ 385,301.00
5. RETAINAGE:	
a. 10.00 % of Completed Work (Columns D + E on CAP703)	\$ 38,531.00
b. 0.00 % of Stored Material (Column F on CAP703)	\$ 0.00
Total Retainage (Line 5a + 5b or Total in column I of CAP703)	\$ 38,531.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)	\$ 346,770.00
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$ 338,423.00
8. CURRENT PAYMENT DUE	\$ 8,347.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)	\$ 80,705.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	34,275.00	0.00
Total approved this Month	0.00	0.00
TOTALS	34,275.00	0.00
NET CHANGES by Change Order		34,275.00

Forms & Software by PEM Software 1.800.803.1315

The Undersigned Contractor certifies that to the best of the Contractor's knowledge information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: HOLZHEIMER CONSTRUCTION

By: *[Signature]* Date: 10/06/2006

State of: SC

County of: Lexington

Subscribed and sworn to before

me this 6th day of October, 2006

Notary Public: *[Signature]* My Commission Expires: EMD DEC 1 2006

June 23, 2013

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated on the Continuation Sheet in accordance with the Contract Documents, and the amount certified is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ PEL D. JONES
 (Attach explanation if amount certified differs from the amount applied for in all figures on this Application and on the Continuation Sheet that are required to conform to the amount certified.)

ARCHITECT: *[Signature]* Date: 10/17/06

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this contract.

\$ 25,000.00 APPROVED BY OWNER IN PREVIOUS MONTHS & PAID.

\$ 9,275.00 IN DISPUTE PER D. JONES 10-13-06. APPROVAL BY ENGINEER J. JONES IS GIVEN TO ALLOW THE OWNER TO CONSIDER PAYMENT

[Handwritten notes and signatures]

CAP703 DETAIL PAGE(S)

TO:
 SHOEMAKER HOMES / EAGLES REST
 5847 SHAKESPEARE RD.
 COLUMBIA, SC 29223
 ATTN: MR. DANNY JONES

FROM:
 HOLZHEIMER CONSTRUCTION
 P.O.# 571
 LEXINGTON, SC 29071

PROJECT
 EAGLES REST

PAGE 2 OF 2 PAGES

APPLICATION#: 4
 APPLICATION DATE: 10/06/2006
 PERIOD TO: 10/06/2006

CONTRACT DATE: 5/01/2006

ARCHITECTS PROJECT#:

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
1	BUILDING	12,000.00	0.00	0.00	0.00	0.00	0.00	12,000.00	0.00
2	GENERATOR	50,000.00	40,000.00	0.00	0.00	0.00	40,000.00	10,000.00	4,000.00
3	LIFT STATION	331,200.00	311,026.00	0.00	0.00	0.00	311,026.00	20,174.00	31,103.00
4	ROCK EXCAVATION WELL & VAULT TO DATE 457 CY @75	34,275.00	25,000.00	9,275.00	0.00	0.00	34,275.00	0.00	3,428.00
		427,475.00	376,026.00	9,275.00	0.00	385,301.00	42,174.00	38,531.00	



RICHLAND COUNTY
Department of Utilities
3506 Fernandina Road
Columbia, South Carolina 29210

Andy H. Metts, Director

Phone: (803) 401-0050
Facsimile: (803) 401-0030

Maintenance: (803) 401-0050
Billing: (803) 576-2094

September 15, 2006

Danny Jones
D.R. Jones Heavy Construction, Inc.
603 Chapel Road
West Columbia, South Carolina 29172

RE: Eagles Rest Climate and Odor Control Building Estimate

Dear Mr. Jones:

This letter notifies you that the Eagles Rest Climate and Odor Control Building Estimate dated received September 7, 2006 with a grand total estimate of \$54,890 has been reviewed and approved by this office.

If you have any questions, please contact me at 401-0050.

Sincerely,

Reynaldo M. Angoluan
Associate Engineer

RMA/jbf

CC: Andy H. Metts, Utilities Director

Handwritten notes:
11
DR Jones
603 Chapel Rd
West Columbia, SC 29172
RE

Shumaker Land Companies
Eagles Rest, LLC
October 10, 2006



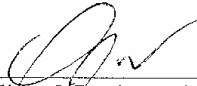
The Mungo Company
Mr. Bill Dixon
441 Western Lane
Irmo, SC 29063


Dear Bill,

This letter is written to document the agreement between Eagles Rest, LLC, a Shumaker Land Company, and The Mungo Company, to jointly construct a Climate and Odor Control Building in one structure to satisfy Richland County Department of Utilities development requirements. Eagles Rest is required to construct a Climate Control Building and The Mungo Company is required to construct an Odor Control Building. Per the attached letter, Richland County has approved placing the Odor Control and Climate Control in one building.

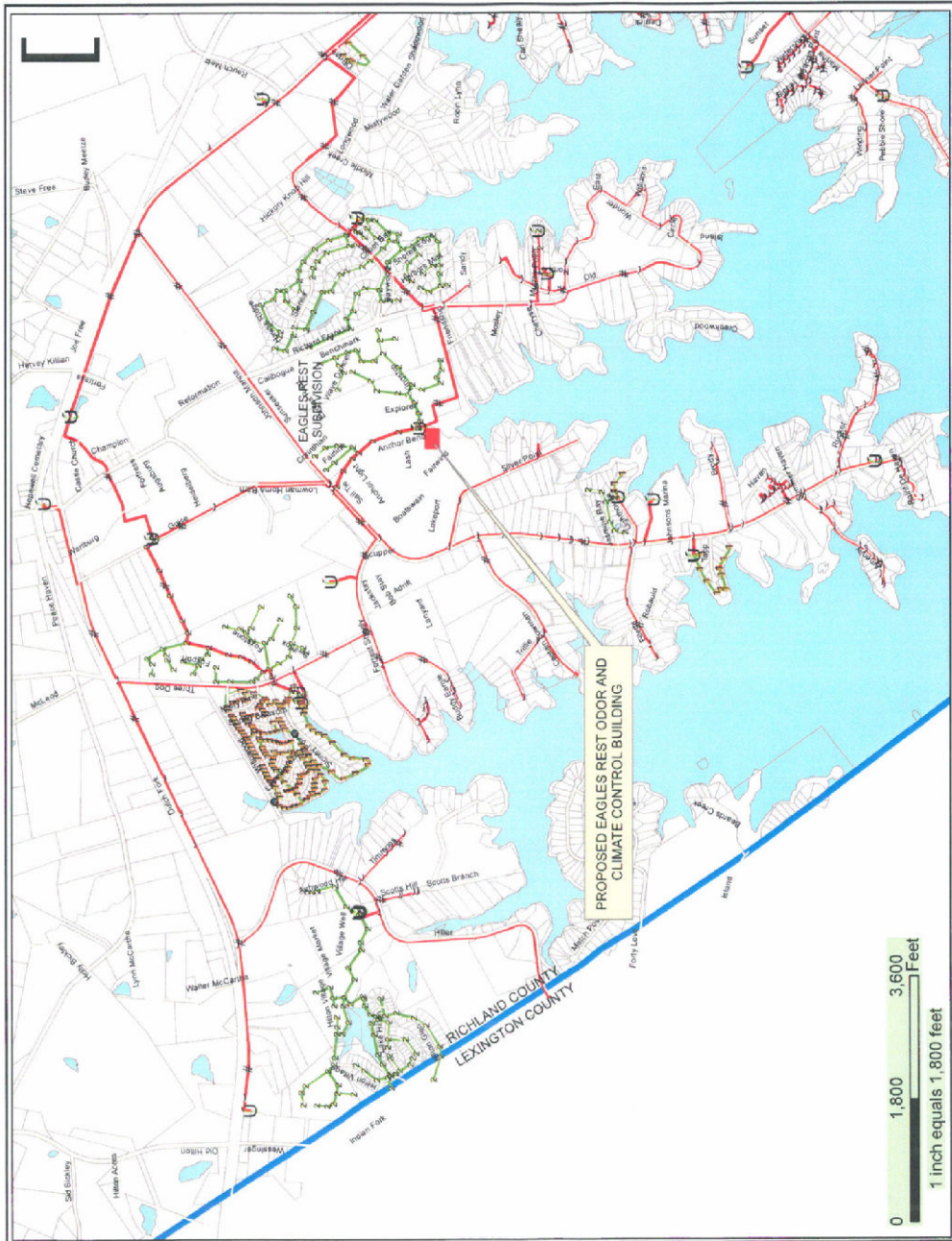
Total price for constructing the Climate and Odor Control Building is \$54,890. Eagles Rest, LLC is responsible for \$12,000 related to Climate Control and The Mungo Company is responsible for the balance of \$42,890 related to the Odor Control portion. Please sign below authorizing Eagles Rest, LLC to begin construction of the Climate and Odor Control Building and The Mungo Company to pay its responsible portion of \$42,890.

Thanks in advance for your prompt attention to this matter and let me know if you have any questions by calling me at 803-786-9780, x3032.

 /Date 10-10-06
Oliver J. Davis, Jr. CPA
Eagles Rest, LLC

 /Date 10-18-06
Bill Dixon
The Mungo Company

lakeport



RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Sanitary Sewer Extension Agreement – River Shoals Subdivision

A. Purpose

The purpose of this report is to obtain approval of a “Sanitary Sewer Extension Agreement” for sewer service to River Shoals Subdivision.

B. Background

The Broad River Regional sewer system has been developed primarily by developers extending sewer lines to new subdivisions. The County has a sewer extension policy that will allow developers to recoup a portion of their investment in the sewer line extension if other property owners connect to the new sewer lines. Only main sewer trunk line and other components that are identified in the County’s sewer master plan qualify for a sewer extension agreement.

C. Discussion

NKD, Inc. plans to construct a new subdivision along O’Sheal Road near Ballentine, S.C. This new subdivision is adjacent to an existing Richland County force main that cannot accommodate the flow from this subdivision without a system upgrade. An eighteen inch (18”) force main needs to be constructed along Kennerly Road from Eleazer Road to Old Tamah Road to accommodate the flow. This line is identified in the County’s master sewer plan and therefore should qualify for construction under a sanitary sewer extension

NKD, Inc. plans to invest approximately \$597,325.00 in upgrading this sewer force main. For their investment, the developer will receive sewer taps equal to the value of their investment that may be used for payment of connection fees for lots within their subdivision.

Entering into this sanitary sewer extension agreement will be consistent with existing policies for the expansion of the Broad River Regional Sewer System.

D. Financial Impact

NKD, Inc. will fund all cost associated with the sewer force main upgrade. No additional funds should be required.

E. Alternatives

1. Approve the Sanitary Sewer Extension Agreement as presented.
2. Disapprove the agreement.

F. Recommendation

It is recommended that County Council approve the “Sanitary Sewer Extension Agreement” for the upgrade of the sewer force main to serve the River Shoals Subdivision.

Recommended by: Andy H. Metts **Department:** Utilities **Date:** 03/13/07

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 3/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval based on current practice. However Council should ensure that the agreement will not have a negative impact on the current rate structure analysis being considered with the \$32m bond issue. The rate structure includes hard revenue dollars generated from 450 new tap fees annually in order to cover the debt service requirements. Failure to meet this assumption annually may result in a user fee increase.

Legal

Reviewed by: Amelia Linder

Date: 3/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives appear to be legally sufficient. In addition, Council has the discretion to approve the Agreement as presented or to amend the language of same.

Administration

Reviewed by: Tony McDonald

Date: 3/23/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval based on the current sewer extension policy and based on the consistency of the proposal with the County's sewer master plan.

SANITARY SEWER MAIN EXTENSION AGREEMENT

STATE OF SOUTH CAROLINA) SANITARY SEWER MAIN EXTENSION

COUNTY OF RICHLAND

) AGREEMENT FOR:
) **RIVER SHOALS-OSHEAL ROAD**
) BROAD RIVER REGIONAL SEWER SYSTEM

THIS AGREEMENT entered into this _____ day of _____ 2007, is by and between the County of Richland, State of South Carolina (hereinafter referred to as the "County"), and **NKD, Inc.**, (hereinafter referred to as "Developer"). This Agreement represents the whole agreement between the two parties and supersedes and replaces any prior agreements, oral or written, between the parties regarding the subject matter of this Agreement.

RECITALS

WHEREAS, the Developer desires to finance the design and construction of a sewer collection system to be known as the **River Shoals Force Main**, as delineated on plans prepared for Richland County Utilities, prepared by Civil Engineering of Columbia, dated _____, 2007, Project No. _____ (herein after referred to as "Facilities") and being further delineated thereon as approximately 5,300 linear feet of 18 inch force main, which begins at Eleazer Road and extends in a southerly direction along Kennerly Road to Old Tamah Road, then connecting to the existing 18 inch force main near Hollingshed Creek, copies of said plans are on file in the Richland County Utilities Division, and upon completion, to transfer the Facilities to the County for ownership, operation and maintenance; and

WHEREAS, County agrees to accept, own, operate and maintain the Facilities upon completion pursuant to the terms hereof.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions and terms contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I - RESPONSIBILITIES OF THE DEVELOPER

The Developer shall:

- (1) Have prepared final engineering plans and specifications for the collection system to be constructed. These plans and specifications shall be prepared by a registered professional engineer licensed to practice in South Carolina; shall conform to standards and design, construction and materials normally used and required by the County; and shall be submitted to the County and the South Carolina

Department of Health and Environmental Control (DHEC) for review, approval and issuance of a construction permit.

- (5) Be responsible for obtaining all permits and approvals including, but not limited to, approved construction plans, SCDHEC construction permit, any required City, County or State highway right-of-way encroachment permits, S. C. Water Resources permits, public utility permits, and any required easements on private property. All easements shall be obtained in the name of the County. The Developer shall receive approval from the County prior to closing on the purchase of any easement.
- (3) Following approval from Richland County and the receipt of the construction permit from SCDHEC, advertise the project for bids and award a contract for the construction of the facilities in accordance with the following conditions:
 - a. The project bid package must be approved for advertisement by the County's Procurement Department.
 - b. The project shall be advertised for a minimum of two weeks in The State newspaper.
 - c. Proof of advertisement shall be provided to the County prior to the bid opening.
 - d. Sealed bids shall be forwarded to the County's Procurement Department to be opened jointly by the County and the Developer, as specified in the advertisement for bids, with the Director of Procurement and the Director of Utilities or their representatives in attendance.
 - e. The contract shall be awarded to the lowest responsible bidder. The County shall determine whether bidder is responsible, and approve the award of the contract. The County shall have the authority to waive technicalities and reject any or all bids and to approve such award as, in its opinion, appears to be in the best interest of the County.
 - f. A minimum of three bids must be received prior to bid opening.
- (4) Upon satisfactory completion of all items above, award and administer the contract to insure construction of the Facilities is in accordance with the plans and specifications approved by the County and in accordance with all applicable laws and regulations. Payment of the total cost for the facilities shall be the responsibility of the Developer;
- (5) Deed good and marketable title to the Facilities, free of any liens or encumbrances, to the County upon completion of construction so that the County can legally own, maintain, and operate the Facilities, including transfer of all easements, rights-of-way, and all improvements thereon, relating to the Facilities;
- (6) Provide as-built plans, design and construction cost data, to include a certification from the Developer's engineer of actual quantities installed and measured in the field, a lien waiver form and a list of materials installed from the Contractor installing the Facilities, and;

- (7) Be responsible for payment of sewer tap fees for properties discussed herein prior to the issuance of the permit to operate the Facilities by the SCDHEC. Sewer tap certificates issued under the terms of this agreement shall be negotiable as payment for sewer tap fees within and outside the property to be served.
- (9) Guarantee the work done and materials furnished by him under this project to be free from defects for a period of two years from the date of the permit to operate issued by S.C. DHEC. During the years of guarantee, the Developer shall correct any defects that may develop in work done or materials furnished under this contract. Should the Developer fail to correct defects in work, materials or equipment within seven (7) days after being notified by the County, the County may correct such defects and charge the cost to the Developer. In case any defect is an emergency, the County has the right to correct same and charge the actual cost to the Developer.

ARTICLE II - RESPONSIBILITIES OF THE COUNTY

The County shall:

- (1) Review, and, if acceptable, approve engineering plans for Facilities;
 - (2) Periodically inspect the construction process to ensure that construction is being performed in accordance with approved plans and specifications and sound engineering standards and principles;
 - (3) Within ten (10) days of final SCDHEC approval, accept the completed Facilities for operation and maintenance, provided the Facilities are constructed in accordance with this Agreement and the Developer has otherwise performed its obligations hereunder (provided, however, that such acceptance shall not constitute a waiver of any rights the County may have against the Developer for breach of its obligations hereunder);
- (4) Upon proper transfer of the Facilities to the County, issue to the Developer non-transferable sewer tap certificates as compensation for constructing the Facilities based on actual costs or the maximum estimated total cost as agreed below, at the option of the County as follows:
- a. Sewer tap certificates shall be issued for the total cost to the Developer of the Facilities as the sum of the construction cost including materials and labor. The final total cost shall be determined by the County with construction costs being based on the actual quantities installed and measured in the field. The estimated total cost is agreed to be **\$597,325.00**. It is understood and agreed that the estimated total cost is the maximum amount that the County will credit the Developer.
 - b. The Developer shall obtain all easements in name of the County and shall advise the County prior to closing on the purchase of any easement of the

proposed purchase price. The Developer shall be reimbursed with sewer tap certificates for reasonable easement acquisition cost as determined by the County.

- i. The cost of all on-site sanitary sewers (those not included in the Facilities) shall be absorbed by the Developer with the exception of sewer lines that require oversizing to adhere to the County's sewer master plan. If the County requires lines to be oversized, the Developer shall be issued sewer tap certificates for the difference in actual construction cost of the line size required by the County and that normally required to serve the Developer's project. The Developer shall make provisions during the project bid process to obtain the difference in construction cost for the oversized system. The estimated difference in construction cost for the oversized system shall be included in the estimated total cost in paragraph 4 (a).
- j. The number of the sewer tap certificates shall be determined by dividing the total construction cost by the County's prevailing tap fee rate at the time the SCDHEC Permit to Operate is received, currently at \$2,200.00 per residential equivalent for the area. If a fractional certificate is involved, the number of certificates to be issued shall be rounded down to the next lower whole number. It is understood that the maximum number of sewer tap certificates issued under this Agreement shall not exceed **Two Hundred Seventy-one (271)** but shall be subject to the prevailing value at the time the certificate(s) are issued, and in accordance with Paragraph (e) below.
- k. The tap certificates issued hereunder will have a five (5) year usable life and will have a constant value throughout this life, established at the time the Permit to Operate is received. The tap certificate issue date shall correspond to the SCDHEC Permit to Operate date for the Facilities. Tap certificates not sold or assigned to specific property will be void after such five (5) year period.
- f. Retain one (1) certificate issued under this Agreement for each residential lot in the Developer's development known as **River Shoals**.
- g. The sewer tap certificates shall be valid for connection anywhere on the Broad River Regional sewer system.
- h. Have the right to purchase all tap certificates issued under the terms of this Agreement for the value the tap certificates were issued. If the County purchases all tap certificates mentioned herein, the County shall be relieved of any future compensation due the Developer as a result of the terms and conditions of the Agreement.

ARTICLE III - TERM OF AGREEMENT

Developer must begin construction within six (6) months of the date hereof and complete the Facilities and transfer the Facilities to the County upon completion of Phase I of the River Shoals subdivision, but not later than two (2) years from the date of the Agreement. Should the Developer not begin and finish its construction of the Facilities within such periods, the County may terminate this Agreement without any further liability on its part.

ARTICLE IV - COMPLIANCE WITH LOCAL LAWS

The Developer shall comply with all applicable laws, ordinances and codes of the State of South Carolina and the County of Richland and shall commit no trespass on any public or private property in performing any of the work embraced by this Agreement.

ARTICLE V - INDEMNIFICATION

The Developer agrees to indemnify the County for all damages, costs (including reasonable attorneys' fees), or other expenses, which the County may incur as a result of a breach of the Developer's obligations hereunder.

IN WITNESS WHEREOF, the parties herein have hereunto set their hands and seals the year and day of the first above written.

WITNESSES: County of Richland County

COUNTY OF RICHLAND

By: _____
County of Richland
Duly Authorized Officer

WITNESSES:

By: _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

PROBATE NO. 1

Personally appeared before me, the undersigned witness, who being duly sworn says : **That (s)he saw the within named Developer** sign seal and as its act and deed, deliver the within-written Agreement, and that (s)he with the other witness, whose signature appears above witnessed the execution thereof.

SWORN to before me this the _____ day
 of _____, 2007

 (L.S.)
 NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE NO. 2

Personally appeared before me, the undersigned witness, who being duly sworn says :

That (s)he saw the within named County of Richland, State of South Carolina, by its duly authorized officer sign seal and as its act and deed, deliver the within-written Agreement, and that (s)he with the other witness, whose signature appears above witnessed the execution thereof.

SWORN to before me this the ____ day
of _____, 2007

(L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires _____



CIVIL ENGINEERING of COLUMBIA

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September 1, 2006

RECEIVED

CEC# 05071

Andy Metts
Richland County Public Utilities
3506 Fernandina Road
Columbia, SC 29210

SEP 01 2006
UTILITIES AND SERVICES

Re: River Shoals Subdivision
Osheal Road, Richland County

Dear Andy;

Per our meeting at your office earlier this week, it is our understanding that the existing force main located in Osheal Road does not have adequate capacity to serve the referenced project. It is also our understanding that sufficient additional capacity could be created by installing approximately 5300 lf of new 18" force main along Kennerly Road from Eleazer Road to Old Tamah Road (see enclosed exhibit).

Please begin preparing a Sanitary Sewer Extension Agreement whereby NKD, Inc. would install this force main in exchange for Richland County tap certificates, based on the current rate of \$2,200.00 per tap. In our opinion, the cost of construction for this line will be \$597,325.00 (see enclosed Opinion of Cost). The agreement should stipulate that the proposed force main would be constructed to coincide with completion of the first phase of River Shoals.

If you need any further information, please contact me at (803) 798-2820.

Sincerely,
Civil Engineering of Columbia

William R. Flowers

Enclosures

Cc: Mr. Nick Leventis

WRF/jm

• CONSULTING ENGINEERING • SURVEYING • SUBDIVISIONS • APARTMENT SITWORK • COMMERCIAL SITWORK •
• WATER SYSTEMS • SEWERAGE SYSTEMS •

Opinion Of Cost

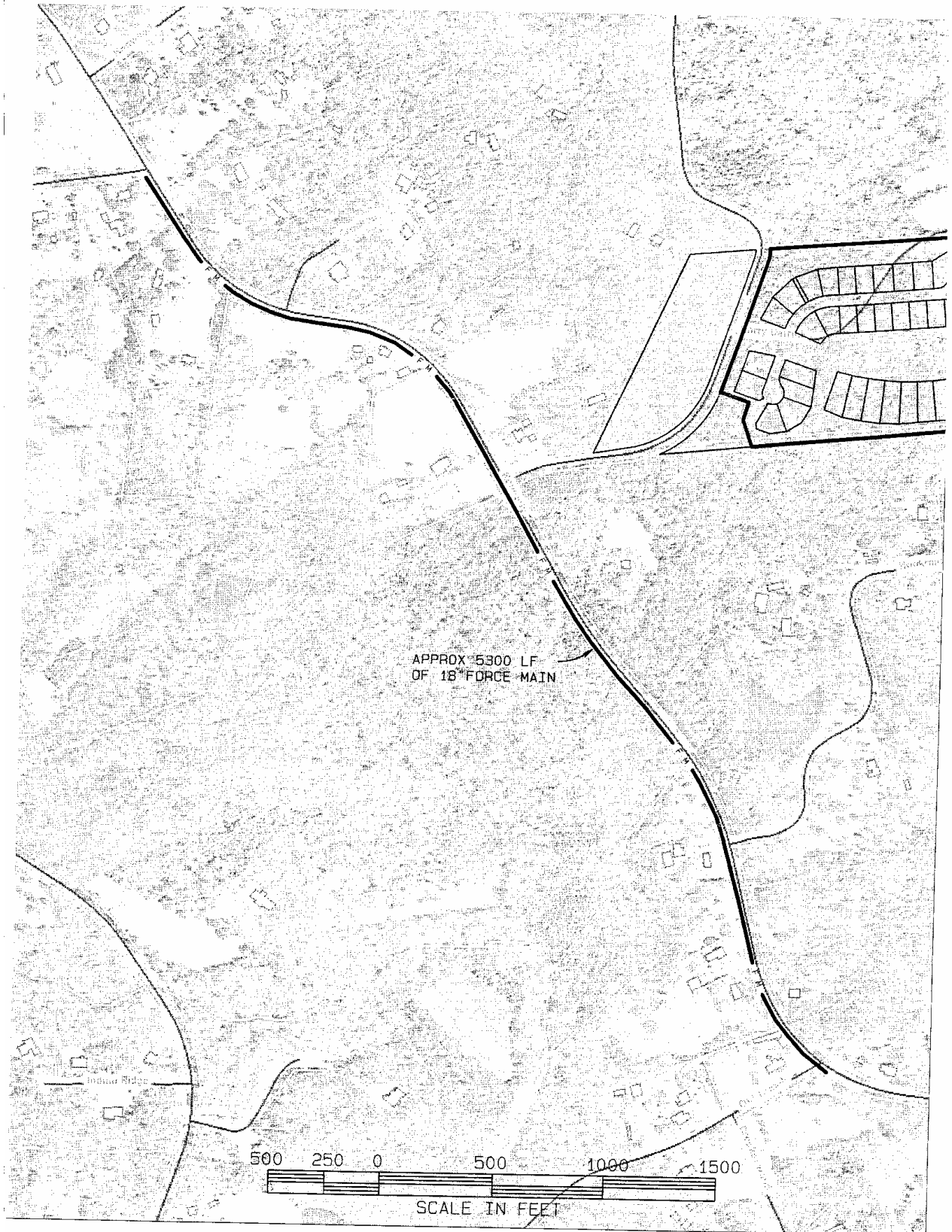
Civil Engineering of Columbia
Prepared for NKD, Inc.
Prepared by WRF

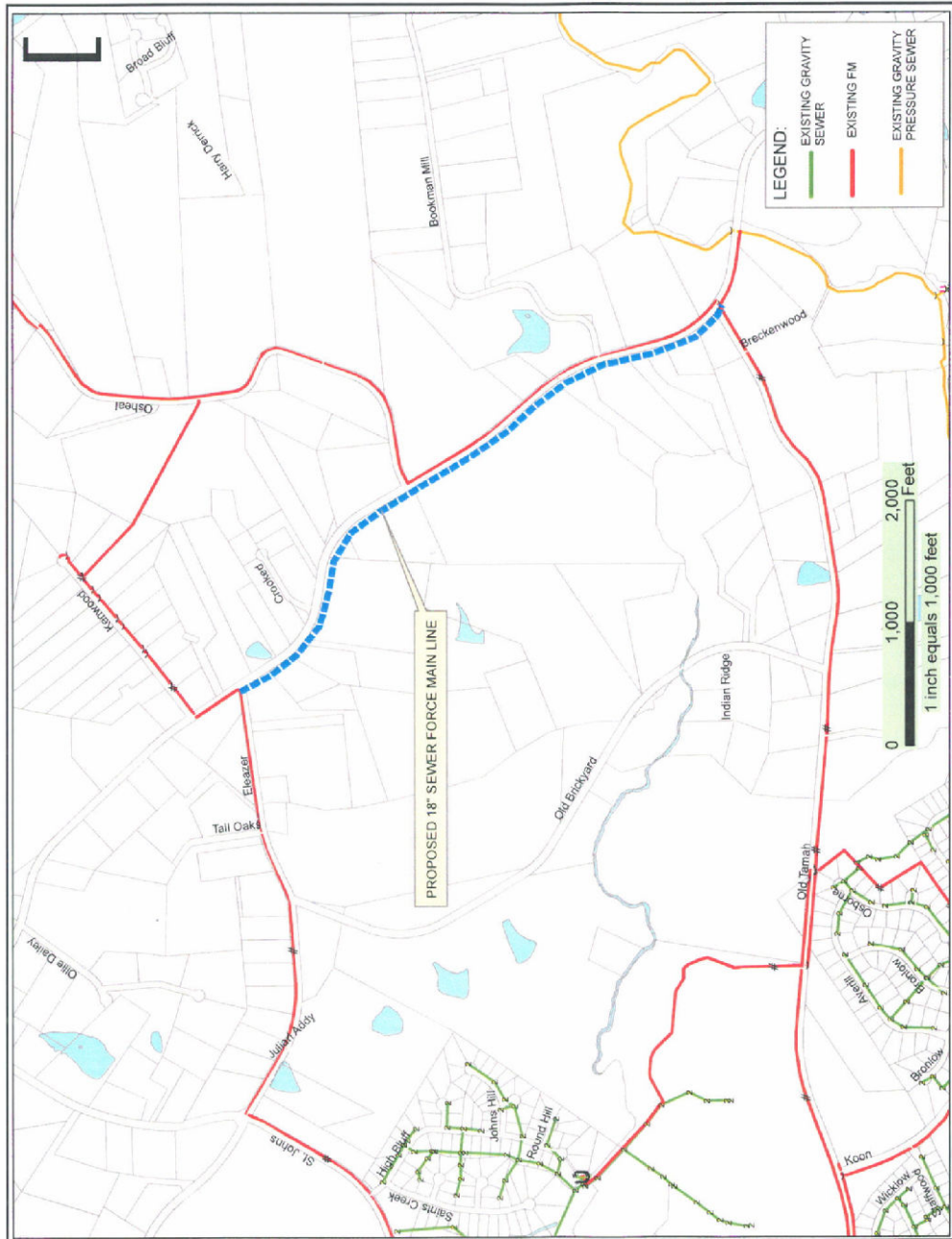
Offsite Sewer River Shoals

9/1/2006 8:18 AM
page 1 of 1

05071

Description of Work	Quantity	Unit Type	Unit Price	Total
Clearing and Grading				
Clearing & Grubbing	1.8	Acre	\$7,000.00	\$12,600.00
Total Clearing & Grading				\$12,600.00
Sediment & Erosion Control				
Silt Fence	600	L.F.	\$8.00	\$4,800.00
Total Sediment & Erosion Control				\$4,800.00
Sanitary Sewer				
18" Force Main	5300	L.F.	\$80.00	\$424,000.00
Tie to Existing 18" Stub-Out	1	L.S.	\$1,500.00	\$1,500.00
Tap 18" Existing Force Main	1	Each	\$8,000.00	\$8,000.00
Total Sanitary Sewer				\$425,500.00
Roadway				
Driveway Cut & Repair	155	S.Y.	\$50.00	\$7,750.00
Roadway Cut & Repair	25	S.Y.	\$75.00	\$1,875.00
Total Roadway				\$9,625.00
Miscellaneous				
Grassing	1.8	Acre	\$3,500.00	\$6,300.00
Rock Excavation	1000	C.Y.	\$110.00	\$110,000.00
Testing	1	L.S.	\$2,500.00	\$2,500.00
Engineering & Surveying	1	L.S.	\$26,000.00	\$26,000.00
Total Miscellaneous				\$144,800.00
Grand Total				\$597,325.00





RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Award Construction Contract, Paving Program – South Contract

A. Purpose

County Council is requested to approve the award of a construction contract to Sloan Construction Company, Inc. for the Paving Program - South Contract which will pave approximately 1.55 miles on 12 dirt roads in Richland County.

B. Background / Discussion

The Richland County Paving Program was split into two contracts, North and South, in order to allow design and construction to occur in both areas simultaneously. The South contract consists of the following 12 roads:

District 10

- Burdock Court
- Edward Street
- Jay Street
- Lakin Road
- Quarry Street
- Seabrook Avenue
- Short Way
- South Evans Street
- Tennessee Avenue
- Third Street
- Willow Wind Road

District 11

- Wilson Nixon Road

Design has been completed and right of way acquired on all of the aforementioned roads. Bids were received on April 5, 2007. Sloan Construction Company, Inc. has been determined to be the lowest responsible and responsive bidder. The following information includes the results of the bid opening:

Contractor	Bid
Carben Asphalt, Inc	1,204,665.32
Joe Singleton Company, Inc.	1,065,224.95
Rea Contracting, LLC	1,201,081.43
Sloan Construction Company, Inc.	1,055,278.64

C. Financial Impact

The County Transportation Committee (CTC) has approved “C” funds programmed by the South Carolina Department of Transportation (SCDOT) in an amount of \$1 million per year for the Richland County Paving Program for the last four (4) years. The Contractor will be paid with the “C” Funds allocation. To date, \$548,091.44 has been utilized for design. There is \$2,849,108.76 available for both the South and North paving contracts. The bid amount of \$1,055,278.64 will be utilized for this action to award the South paving contract.

D. Alternatives

There are two alternatives that exist for this project and are as follows:

1. Approve the award of contract to Sloan Construction Company Inc. in the amount of \$1,055,278.64 for the Paving Program - South Contract which will pave approximately 1.55 miles on 12 dirt roads in Richland County
2. Do not approve the award of contract to Sloan Construction Company, Inc. and forfeit the opportunity to construct the dirt roads in the Paving Program – South Contract.

E. Recommendation

It is recommended that County Council approve the award of contract to Sloan Construction Company Inc. in the amount of \$1,055,278.64 for construction of the Paving Program – South Contract.

Recommended by: Teresa Smith, PE **Department:** Public Works **Date:** 04/10/07

F. Reviews

Finance

Reviewed by: <u>Daniel Driggers</u>	Date: <u>4/13/07</u>
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date: <u>4/13/07</u>
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Legal

Reviewed by: <u>Amelia Linder</u>	Date: <u>4/16/07</u>
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Administration

Reviewed by: <u>Tony McDonald</u>	Date: <u>4/19/07</u>
-----------------------------------	----------------------

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the contract award to Sloan Construction Company. This project will be funded entirely by C Funds, or gasoline tax funds. No other County funds will be required.

RICHLAND COUNTY COUNCIL REQUEST OF ACTION

Subject: Approval of Sewer Extensions Agreements

A. Purpose

The purpose of this report is for County Council to reconsider the process by which sanitary sewer extension agreements are approved.

B. Background

For the past twenty (20) years the County has entered into numerous sanitary sewer extension agreements for the expansion of its sewer systems. Approximately 97% of the current systems have been constructed under these agreements. During the early years of developing these systems, County Council approved each agreement individually. This process became a time consuming burden upon County Council because of the number of agreements that were presented at each Council meeting. To reduce this burden, Council authorized the County Administrator to sign these agreements on behalf of the County at a meeting approximately fifteen (15) years ago. Since that time, all sewer extension agreements have been approved by the County Administrator without additional action of County Council.

C. Discussion

The present policy for approval of sewer extension agreements has worked very well for utility system expansions. The approval period was reduced considerably once the County Administrator was authorized to sign the agreements. Since sewer extension agreements are only applicable to sewer lines identified for the sewer master plan and this form of a sewer extension agreement had been predetermined, the County Administrator approval process became routine.

Over the past few months, members of County Council have asked that some sewer extension agreements be presented to Council for approval. A decision should be made by Council on whether or not to forward all sewer extension agreements to Council for approval. This will provide a clear policy for the County Administrator on the agreement approval process.

D. Financial Impact

A decision on who should approve future sewer extension agreements has no financial impact on the County.

E. Alternatives

1. Continue the present policy by authorizing the County Administrator to approval all sewer extension agreements.

2. Require that all sewer extension agreements be presented to County Council for approval.

F. Recommendation

County Councils discretion.

Recommended by: Andy H. Metts

Department: Utilities

Date 4/18/07

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/20/07

Recommend Council approval

Recommend Council denial

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

Legal

Reviewed by: Amelia Linder

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope

Date: 4/20/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration offers no objection to changing the current policy so that the Council rather than the Administrator will approve all future sewer extension agreements. It should be noted, however, that this policy change will increase the time required to have the agreements approved due to having to schedule each for consideration by the D&S Committee and subsequently by the County Council.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT, AS FOLLOWS: 1) ARTICLE III, ADMINISTRATION; SECTION 26-34, DEVELOPMENT REVIEW TEAM; 2) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; PARAGRAPH (1), LAND DEVELOPMENT COMPLIANCE REVIEW; 3) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; PARAGRAPH (2), MINOR LAND DEVELOPMENT REVIEW; 4) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SUBSECTION (B), PROCESSES; PARAGRAPH (3), MAJOR LAND DEVELOPMENT REVIEW; 5) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (B), PROCESSES; PARAGRAPH (1), ADMINISTRATIVE REVIEW; 6) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (B), PROCESSES; PARAGRAPH (2), MINOR SUBDIVISION REVIEW; 7) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-54, SUBDIVISION REVIEW AND APPROVAL; SUBSECTION (B), PROCESSES; PARAGRAPH (3), MAJOR SUBDIVISION REVIEW; AND 8) ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-59, PLANNED DEVELOPMENT REVIEW/APPROVAL; SUBSECTION (D), STAFF REVIEW; SO AS TO REQUIRE THE RICHLAND COUNTY PLANNING COMMISSION TO REVIEW AND ACT UPON APPLICATIONS FOR COMMERCIAL DEVELOPMENTS AND MAJOR SUBDIVISIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III. Administration; Section 26-34, Development Review Team; is hereby amended to read as follows:

Sec. 26-34. Development Review Team

- (a) *Established; duties.* A development review team is hereby established, which shall have the following duties:
 - (1) *Land development review.* ~~The~~ Development review team members shall review and comment on all major land development applications and minor land development applications as needed. Such review shall be made in accordance with the procedures set forth in Section 26-53 of this chapter.

- (2) *Subdivision review.* ~~The d~~Development review team members shall review and comment on all major subdivision plat applications and shall comment on minor subdivision plats as needed. Such review shall be made in accordance with the procedures set forth in Section 26-54 of this chapter.
 - (3) *Planned development review.* ~~The d~~Development review team members shall review and comment on all applications for planned developments. Such review shall be made in accordance with the procedures set forth in Section 26-59 of this chapter.
 - (4) *Assistance to the planning department.* ~~The d~~Development review team members shall review and comment on other plans or applications as requested by the planning department and shall assist the staff of the planning department with any studies or other land development matters as necessary.
 - ~~(5) *Other.* The development review team shall perform such additional powers and duties as may be set forth for the development review team of Richland County elsewhere in this chapter and other laws and regulations of the county.~~
- (b) ~~*Membership; operating procedures.* The Members of the development review team shall be appointed by the planning director. ~~It and~~ shall consist of representatives of various departments within the county. ~~The membership and operating procedures shall be as determined by the planning director. The planning director shall be a member of and shall serve as chair of the development review team.~~~~

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (1), Land Development Compliance Review; is hereby amended to read as follows:

- (1) *Land development compliance review.*
 - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.
 - b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to land

development compliance review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.

c. *Plan submittal.*

1. *Filing of application.* An application for a land development permit subject to land development compliance review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department.

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

d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies. Provided the application is complete, the following shall occur: ~~planning department, for projects not involving some other form of review, shall approve, approve conditionally, or deny the approval of the application within ten (10) days of receipt. Failure to act on those applications not involving some other form of review within ten (10) days shall result in the reimbursement of any application fee submitted to the county. Failure to act within sixty (60) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken.~~

1. The planning department, for projects not involving some other form of review, shall approve, approve conditionally, or deny the approval of the application within ten (10) days of receipt. Failure to act on those applications not involving some other form of review within ten (10) days shall result in the reimbursement of any application fee submitted to the county. Failure to act within sixty (60) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken.

2. Development review team members shall review and comment on applications for land development permits that are subject to land development compliance review at the request of the planning department.
- e. Planning commission review and action. No planning commission review and/or action is required for land development compliance review.
- f. *Public notification.* No public notification is required for land development permit issuance subject to land development compliance review.
- ~~f. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.~~
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- h. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications, which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for

four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (2), Minor Land Development Review; is hereby amended to read as follows:

(2) *Minor land development review.*

- a. *Applicability.* Minor land developments are those developments (exclusive of residential or commercial subdivisions) that do not meet the standards for applicability for “land development compliance review” or “major land development” review. If a phased project would reach the thresholds for a major land development within a five (5) year period, then the project shall be treated as a major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development (provided, however, such public purposes shall not include the dedication of new roads and/or stormwater management facilities). Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.
- b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to minor land development review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.
- c. *Plan submittal.*
 1. *Filing of application.* An application for a land development permit subject to minor land development review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department and shall be accompanied by plans drawn to scale of the development. The application and plans shall include all information requested by the department.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.

- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur:
1. ~~*Planning staff review.*~~ Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 2. ~~*Development review team.*~~ As needed, plans for development requiring minor land development review shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. ~~No formal team review shall be required.~~
 3. The planning department shall approve, approve conditionally, or deny the approval of the application within sixty (60) days of receipt. Failure to act on an application with sixty (60) days shall be considered to constitute approval. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.
- e. *Planning commission review and action.* No planning commission review and/or action is required for land development permit issuance subject to minor land development review.
- f. *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.
- ~~f. *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.~~
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, requests for variances from the requirements set forth in Article IX shall be heard by the planning commission.
- h. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor development review), which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal of the decision of the planning commission by a person who may have a substantial interest in the

decision must be taken to the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

- i. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (b), Processes; Paragraph (3), Major Land Development Review; is hereby amended to read as follows:

(3) *Major land development review.*

- a. *Applicability.* Major land developments are those developments, exclusive of residential or commercial subdivisions, which:
 1. Involve one hundred thousand (100,000) or more square feet of nonresidential floor space;
 2. Involve one hundred and fifty (150) or more multi-family residential dwelling units, lots or manufactured home spaces in a manufactured home district; and/or
 3. Involve the dedication of land to the county for open space or other public purposes.

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the county as a whole.

- b. *Pre-application procedure.* All applicants for a land development permit that is subject to major plan development approval are required to schedule a pre-application conference with the planning director prior to the preparation of development plans. This conference allows the applicant and planning staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plan requirements. The staff can also determine if any special reviews will be required. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer an opportunity to explain the proposed project and to be informed of the concerns of the neighborhood.
- c. *Plan submittal.*
 1. *Filing of application.* Applications for land development permits subject to major land development review may be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department on a form provided by the department and shall be accompanied by the required number of site plans. The application and plans shall include all information requested by the department. The schedule for submittal of applications in order to have them reviewed at established technical review team and planning commission meetings shall be maintained in the planning department.
 2. *Preparation of plans.* Site plans for developments requiring major land development review shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. Plans shall include a traffic management plan.
 3. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur:

1. ~~*Planning staff review.*~~ Plans for development requiring major land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
2. ~~*Development review team.*~~ The planning department shall present site As needed, plans for developments requiring major land development review ~~to the development review team.~~ Within thirty (30) days of receipt of a site plan from the planning department, ~~the development review team shall be reviewed by members of the county's development review team the site plans for compliance with existing federal, state and local laws and regulations, as well as for compatibility with the county's comprehensive plan. The development review team shall take one of the following three (3) actions recommendations on the application within fifteen (15) days of reviewing the site plan:~~
3. The planning department shall recommend approval, conditional approval, or denial of the site plan within forty-five (45) days of receipt of the plan and shall then schedule the matter for consideration at the next available meeting of the Richland County Planning Commission.

~~[a] — *Approval by development review team.* If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information.~~

~~[b] — *Conditional approval by development review team.* If the site plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department and if it meets all of the review team conditions, the site plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below.~~

~~[c] — *Denial by development review team.* If the site plan is denied the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections~~

~~e. and f. below and the payment of any fees established by the Richland County Council.~~

~~Appeals must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.~~

~~e. Planning commission review and action. All applications for land development permits that are subject to major land development review shall ultimately be submitted by the planning department to the planning commission for review and final action. The planning commission may: deny approval, table the application pending submittal of additional information, or approve the application for a land development permit. The decision on the land development permit application shall be by a majority vote of the commission as set forth in the bylaws of the commission.~~

~~f. Public notification. Matters involving major land developments shall be placed on the planning commission's agenda for review and action. The agenda shall then be published in a newspaper of general circulation in the county fifteen (15) days in advance of the meeting. Such notice shall contain the date, time, and place of the meeting, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter. No public notification is required for land development permit issuance subject to major land development review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.~~

~~f. Formal review.~~

~~1. Public hearing or report before planning commission. Following receipt of a report or appeal on a proposed major land development plan, the matter shall be scheduled for report or hearing by the Richland County Planning Commission. The planning commission shall consider this request at the next available meeting. There shall be no public hearing held in conjunction with a report on a development project approved by the development review team. In these cases, the commission shall receive a report on the decision~~

~~of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of the original complete submittal (minus any time taken for making changes as set forth by the development review team) shall constitute approval, unless this time period is extended by mutual agreement.~~

~~2. *Decision by planning commission.* Where an appeal has been made to them on a major land development, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application for a land development permit. The decision on the land development permit application shall be by a majority vote of the commission as set forth in the bylaws of the commission.~~

- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- h. *Appeals.* Appeals of the decisions of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved

by the planning department shall render the land development permit invalid.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (b), Processes; Paragraph (1), Administrative Review; is hereby amended to read as follows:

(1) *Administrative review.*

- a. *Applicability.* The following types of subdivisions are subject to administrative review in accordance with this section:
 1. The combination or recombination of portions of previously platted and recorded lots where the total number of lots is not increased and the resultant lots are equal to the applicable site development standards set forth in this chapter.
 2. The division of land into parcels of five (5) acres or more where it does not result in the creation of a new roadway or the widening of an existing roadway.
 3. The combination or recombination of entire lots of record where no new road or change in existing roads is involved.
 4. The division of a parcel into two (2) lots which do not result in the construction of a new road or the improvement (including, but not limited to, paving and/or widening) of an existing road; or the construction of new water facilities, other than private on-site wells; or the construction of new sewerage facilities, other than on-site septic tanks; or the construction of new storm drainage facilities, other than roadside swales and culverts; and is not in conflict with any provision or portion of the comprehensive plan, official map, or this chapter.
- b. *Pre-application procedure.* There is no pre-application procedure for administrative subdivision review. Applicants are encouraged to visit the planning department prior to requesting subdivision approval to determine what information is required for the application.
- c. *Plan submittal.*
 1. *Filing of application.* Applications for administrative subdivision review shall be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department

and shall be accompanied by a final subdivision plat containing all information as required by the department.

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

d. *Staff review.* The planning department shall review the application and subdivision plat and ~~provide a written decision regarding the request as soon as possible, but no later than thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with written notice of the application's status in this time period, the application fee shall be refunded. If the department does not provide the applicant with written notice of the application's status (approval, approval with conditions, or disapproval) within sixty (60) days after the submission date of a completed application, then the application shall be deemed approved.~~ determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies. Provided the application is complete, the following shall occur:

1. The planning department shall review the application and subdivision plat and provide a written decision regarding the request as soon as possible, but no later than thirty (30) days after the submission date of a completed application. If the department does not provide the applicant with written notice of the application's status in this time period, the application fee shall be refunded. If the department does not provide the applicant with written notice of the application's status (approval, approval with conditions, or disapproval) within sixty (60) days after the submission date of a completed application, then the application shall be deemed approved.

2. Development review team members shall review and comment on applications for administrative subdivision review at the request of the planning department.

~~e. *Planning commission review and action.* No planning commission review and/or action is required for administrative subdivision review.~~

f. *Public notification.* No public notification is required for administrative subdivision review.

~~f. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.~~

- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, variances from the requirements set forth in Article IX must be approved by the planning commission.
- h. *Appeals.* A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission. Such appeal must be made within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. The appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Approval validity/final plat/recordation.* A final plat for an approved subdivision subject to administrative review shall be recorded by the applicant, within thirty (30) days of approval, with the Richland County Register of Deeds and a copy of the recorded plat shall be provided to the planning department by the applicant for the public record. Any hold-harmless agreement, if required, shall be attached to said recorded plat and any other subsequent property transfer instruments, and shall run with the land. No building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (b), Processes; Paragraph (2), Minor Subdivision Review; is hereby amended to read as follows:

(2) *Minor subdivision review.*

- a. *Applicability.* The minor subdivision review process is required for those divisions of land that do not qualify for administrative subdivision review (see above) but which consist of less than fifty (50) lots. To be considered a minor subdivision, the dedication of land to the county for open space or other public purposes shall not be part of the development (provided, however, such public purposes shall not include the dedication of new

roads and/or stormwater management facilities). If a phased project, with fewer than fifty (50) lots in one or more phases, involves a total of fifty (50) or more lots within five (5) years of the recording of any prior phase, then the project shall be treated as a major subdivision, regardless of the size of the individual phases.

- b. *Pre-application procedure.* No pre-application conference is required prior to applying for minor subdivision review. Applicants are encouraged to call or visit the planning department prior to requesting subdivision plat approval to determine what information is required for the application.
- c. *Plan submittal.*
 - 1. *Filing of application.* An application for minor subdivision review shall be filed by the owner of the property or by an authorized agent. The application for minor subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch plan, which shall be submitted in both a paper and a digital format as specified by the County, containing all information required on the application. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.
 - 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. Provided that the application is complete, the following shall occur:
 - 1. ~~*Planning staff review.*~~ Sketch plans for development requiring minor subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 - 2. ~~*Development review team.*~~ As needed, plans for minor subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. ~~No formal team review shall be required.~~

~~The planning department shall approve, approve conditionally, or deny the approval of the sketch plan for a minor subdivision within sixty (60) days after the submission date of a completed application. If the department fails to act on the application within that time, the application shall be deemed approved. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.~~

3. The planning department shall make one of the following three (3) recommendations within sixty (60) days of receiving the sketch plan for a minor subdivision:

[a] *Approval by planning department.* If the sketch plan for a minor subdivision is recommended for approval by the planning department, staff shall schedule the matter for consideration at the next available meeting of the Richland County Planning Commission.

[b] *Conditional approval by planning department.* If the sketch plan for a minor subdivision is recommended for conditional approval, the reasons for such approval shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the plan to address the reasons for conditional approval and resubmit it to the planning department for further review and final action by the Richland County Planning Commission in accordance with the provisions of this chapter.

[c] *Denial by planning department.* If the sketch plan is recommended for denial, the reasons for denial shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the sketch plan to address the reasons for denial and resubmit it to the planning department for further review and final action by the Richland County Planning Commission in accordance with the provisions of this chapter.

e. *Planning commission review and action.* All sketch plans for minor subdivisions shall ultimately be submitted by the planning department to the planning commission for review and final action. The planning commission may: deny approval, table the application pending submittal of additional information, or approve the sketch plan for a minor subdivision. The decision on the sketch plan for a minor subdivision shall

be by a majority vote of the commission as set forth in the bylaws of the commission. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

- f. *Public notification.* ~~No public notification is required for minor subdivision plan approval.~~ Matters involving sketch plans for minor subdivisions shall be placed on the planning commission's agenda for review and action. The agenda shall then be published in a newspaper of general circulation in the county fifteen (15) days in advance of the meeting. Such notice shall contain the date, time, and place of the meeting, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.
- ~~f. *Formal review.* No formal review is required for minor subdivision plan approval.~~
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- h. *Appeals.* ~~A person who may have a substantial interest in the decision of the planning department regarding subdivision applications may appeal such decision to the Richland County Planning Commission within thirty (30) days of receipt of the decision by the property owner. The appeal shall be in writing and delivered to the planning department. Such appeal must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the basis or reason for the appeal.~~ An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- i. *Approval validity/final plat/recordation.*
 - 1. *Final plat.* Following approval of a sketch plan for a minor subdivision and the installation and acceptance of required improvements, a final plat shall be prepared and submitted. In addition, a copy of the final plat shall be submitted to the planning department in a digital format as specified by the County. The final plat application shall contain all information required by the planning department. The

planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. No later than fifteen (15) days after receipt of a complete final plat package, the planning department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Appeals shall be taken to the Richland County Planning Commission. If approved, prior to recordation, the plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a minor subdivision does not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. For subdivisions containing five or fewer parcels, the applicant shall have the option of paying a per parcel COGO (coordinate geometry) fee, as specified by the County (however, such fee shall not exceed \$50.00 per parcel), in lieu of submitting a digital sketch plan.

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

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-54, Subdivision Review and Approval; Subsection (b), Processes; Paragraph (3), Major Subdivision Review; is hereby amended to read as follows:

- (3) *Major subdivision review.*
 - a. *Applicability.* The major subdivision review process is required for all those subdivisions of land in Richland County that do not meet the requirements for exemption from the subdivision review process (See definition of “subdivision” in Section 26-22 above) and that do not qualify

for administrative or minor subdivision review (Section 26-54(b)(1) and Section 26-54(b)(2)). Any subdivision that involves the dedication of land to the county for open space or other public purposes shall be considered a major subdivision (provided, however, such public purposes shall not include the dedication of new roads and/or stormwater management facilities).

- b. *Pre-application procedure.* It is required that every applicant for major subdivision review meet with the planning department in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plans/plats for approval. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the neighborhood.
- c. *Plan submittal.*
 1. *Filing of application.* An application for major subdivision review may be filed by the owner of the property or by an authorized agent. The application for major subdivision approval shall be filed with the planning department on a form provided by the department. The application shall be accompanied by a sketch plan containing all information required on the application including a sketch of the entire proposed development even in cases where the development is occurring in phases. Sketch plans for developments requiring major land development review shall be submitted in both a paper and a digital format as specified by the County, and shall be prepared by a registered architect, engineer, landscape architect, or licensed surveyor. Plans shall include a traffic management plan.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Sketch plan review and approval.*
 1. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the application of the deficiencies within fifteen (15) days of the most recent submission date. Provided that the application is complete, the following shall occur:

[a] ~~*Planning staff review.*~~ Sketch plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter.

[b] ~~*Development review team.*~~ The planning department shall present As needed, sketch plans for major subdivision developments requiring major subdivision review to the shall be reviewed by members of the county's development review team for compliance with ~~Within thirty (30) days of receipt from the planning department, the development review team shall review the sketch plans for compliance with~~ existing federal, state, and local laws, as well as for compatibility with the county's comprehensive plan. ~~The development review team shall take one of the following three (3) actions on the application within fifteen (15) days of reviewing the sketch plan:~~

~~[c]~~ The planning department shall make one of the following three (3) recommendations on the application within forty-five (45) days of receiving the sketch plan for a major subdivision:

~~[1]~~ *Approval by planning department.* If the sketch plan for a major subdivision is recommended for approval by the planning department, staff shall schedule the matter for consideration at the next available meeting of the Richland County Planning Commission.

~~[1]~~ ~~*Approval by development review team.* If the sketch plan is approved by the development review team, the planning department shall notify the applicant and transmit the sketch plan to the planning commission for their information only.~~

~~[2]~~ *Conditional approval by planning department.* If the sketch plan for a major subdivision is recommended for conditional approval, the reasons for such approval shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the plan to address the reasons for conditional approval and resubmit it to the planning department for further review and final

action by the Richland County Planning Commission in accordance with the provisions of this chapter.

~~[2] *Conditional approval by development review team.* If the sketch plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department, and if it meets all of the review team conditions, the sketch plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the planning commission subject to the procedures for a public hearing set forth in subsections 2. and 3. below.~~

~~[3] *Denial by planning department.* If the sketch plan for a major subdivision is recommended for denial, the reasons for denial shall be provided to the applicant. The plan shall then be scheduled for consideration at the next available meeting of the Richland County Planning Commission. Alternatively, the applicant may revise the plan to address the reasons for denial and resubmit it to the planning department for further review and final action by the Richland County Planning Commission in accordance with the provisions of this chapter.~~

~~[3] *Denial by development review team.* If the sketch plan is denied, the reasons for denial shall be provided to the applicant. The sketch plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections d.2. and d.3. below, and the payment of any fees established by the Richland County Council.~~

Appeals shall only be filed by the applicant, a contiguous landowner, or an adjacent landowner, and must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.

2. Planning commission review and action. All sketch plans for major subdivisions shall ultimately be submitted by the planning department to the planning commission for review and final action. The planning commission may: deny approval, table the application pending submittal of additional information, or approve the sketch plan for a major subdivision. The planning commission shall approve the sketch plan if it finds:

[a] The proposed project complies with the policies and objectives of the county comprehensive plan.

[b] The proposed project complies with the purpose, scope, and provisions of this chapter.

[c] Traffic management plan findings and proposals are accepted by the county and needed improvements are included in the plan. This shall include all appropriate access management techniques to provide safe vehicular and pedestrian ingress and egress to and through the subject site.

[d] The county address coordinator has approved the subdivision name and addresses, and the planning commission has approved the subdivision road names. (See Section 26-183 of this chapter).

[e] The proposed project complies with the subdivision sketch plan checklist of the planning department.

3. Decision by the planning commission.

[a] The decision on the sketch plan for a major subdivision shall be by a majority vote of the commission as set forth in the bylaws of the commission, and the applicant must be notified of any actions taken.

[b] A record of all actions of the planning commission will be maintained as a public record.

[c] The applicant shall be provided with a written statement of the planning commission's action (approval, approval with conditions, or denial). Such statement shall, at a minimum, include findings of fact based on the criteria described above and shall establish the general parameters for the development of the entire area subject to the sketch plan.

The county shall not accept an application for a preliminary plan, or for roads, storm drainage or sediment/erosion control, until the sketch plan is approved.

[d] *Failure to act.* Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.

[e] *Reconsideration of proposed subdivision.* The planning commission may reconsider any decision it made on a proposed major subdivision when an applicant has submitted new facts directly related to the proposed project that have been discovered subsequent to the planning commission's sketch plan decision. Simply seeking an opportunity to make a better argument shall not warrant planning commission reconsideration of a sketch plan decision. Such alleged new factual information shall be submitted to the planning department within fourteen (14) days of the planning commission sketch plan decision to be eligible for reconsideration. The planning commission shall consider whether the request for reconsideration meets the criteria for reconsideration at the next available planning commission meeting. A request for reconsideration shall toll the time limit requirement to file an appeal pursuant to the requirements of subparagraph 6. below.

4. *Public notification.* Matters involving sketch plans for major subdivisions shall be placed on the planning commission's agenda for review and action. The agenda shall then be published in a newspaper of general circulation in the county fifteen (15) days in advance of the meeting. Such notice shall contain the date, time, and place of the meeting, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.

~~3. *Public notification.* No public notification is required for major subdivision sketch plan review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when~~

~~and how written comment may be submitted on the proposed matter.~~

~~3. *Formal review.*~~

~~[a] *Public hearing or report before planning commission.* Following receipt of a report or appeal on a proposed major subdivision sketch plan, the matter shall be scheduled by the Richland County Planning Commission. The planning commission shall consider this matter at the next available meeting. There shall be no public hearing held in conjunction with a report on a sketch plan approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of complete submittal shall constitute approval unless this time period is extended by mutual agreement.~~

~~[b] *Decision by the planning commission.* Where an appeal has been made to them on a major subdivision sketch plan, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application. The planning commission shall approve the sketch plan if it finds:~~

~~[1] The proposed project complies with the policies and objectives of the county comprehensive plan.~~

~~[2] The proposed project complies with the purpose, scope, and provisions of this chapter.~~

~~[3] Traffic management plan findings and proposals are accepted by the county and needed improvements are included in the plan. This shall include all appropriate access management techniques to provide safe vehicular and pedestrian ingress and egress to and through the subject site.~~

~~[4] The county address coordinator has approved the subdivision name and addresses, and the planning commission has approved the subdivision road names. (See Section 26-183 of this chapter).~~

~~[5] The proposed project complies with the subdivision sketch plan checklist of the planning department.~~

~~The applicant shall be provided with a written statement of the planning commission's action (approval, approval with conditions, or denial). Such statement shall, at a minimum, include findings of fact based on the criteria described above and shall establish the general parameters for the development of the entire area subject to the sketch plan. The county shall not accept an application for a preliminary plan, or for roads, storm drainage or sediment/erosion control, until the sketch plan is approved.~~

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

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

~~6. *Reconsideration of proposed subdivision.* The planning commission may reconsider any decision it made on a proposed major subdivision when an applicant has submitted new facts directly related to the proposed project that have been discovered subsequent to the planning commission's sketch plan decision. Simply seeking an opportunity to make a better argument shall not warrant planning commission reconsideration of a sketch plan decision. Such alleged new factual information shall be submitted~~

~~to the planning department within fourteen (14) days of the planning commission sketch plan decision to be eligible for reconsideration. The planning commission shall consider whether the request for reconsideration meets the criteria for reconsideration at the next available planning commission meeting. A request for reconsideration shall toll the time limit requirement to file an appeal pursuant to the requirements of subparagraph 5. above.~~

7. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of sketch plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article V (Zoning Districts and District Standards) of this Chapter, which are in effect on the date of sketch plan approval. Failure to submit an application for preliminary plan approval within this two (2) year period shall render the sketch plan approval void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 120 days prior to the expiration of the sketch plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved sketch plan that has not first been reviewed and approved by the planning department shall render the sketch plan approval invalid.

e. *Preliminary subdivision plan review and approval.*

1. *Purpose/submittal.* The purpose of the preliminary subdivision plan stage of major subdivision review is to ensure that the subdivision can be built in substantial compliance with the approved sketch plan. The preliminary plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department.
2. *Staff review.* The planning department shall review the preliminary plan submittal and determine if it is complete. The applicant shall be notified within ten (10) days of submittal as to whether or not the application is complete. Provided that the application is complete, the following shall occur:

- [a] ~~Planning staff review.~~ Preliminary plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan.
- [b] ~~Development review team.~~ Within three (3) days of mailing written notice to the applicant that the preliminary subdivision plan is complete, the department shall transmit the plan package to the appropriate development review team members for review and comment. These members shall review and get comments back to the planning department within fifteen (15) days.
- [c] ~~_____~~ No later than fifteen (15) days after receipt of all review team comments and/or permit approvals, the planning department shall transmit a report and recommendations to the applicant. Said report shall approve, approve with conditions, or deny the preliminary subdivision plan application based on written findings of fact. Approval of the preliminary subdivision plan shall not constitute final or bonded subdivision plat approval (see Sections 26-54(b)f. and g. below). Failure on the part of the planning department to act on the preliminary plat within sixty (60) days shall constitute approval.

3. ~~Planning commission review and action.~~ No planning commission review and/or action is required for bonded subdivision plans.

4. ~~3.~~ Public notification. No public notification is required for major subdivision preliminary plan review and approval.

4. ~~Formal review.~~ No formal review is required for major subdivision preliminary plan review and approval.

5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.

6. *Appeals of decisions of the planning department.* The applicant, a contiguous landowner, or an adjacent landowner may appeal a planning department decision regarding the preliminary subdivision plan to the planning commission. Such appeal must be in writing and must include the specific section of this chapter (or the specific design detail) from which the appeal is taken and the

basis or reason for the appeal. Such appeal shall be heard at the planning commission's next available meeting.

7. *Appeals of decisions of the planning commission.* A person who may have a substantial interest in a decision of the planning commission must file an appeal in the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

~~7.~~ 8. *Approval validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon written notice of preliminary plan approval for a subdivision phase, the applicant shall have a two (2) year vested right to proceed with the development of the approved subdivision phase under the requirements of Article VII (General Development, Site, and Performance Standards) and Article VIII (Resource Protection Standards) of this Chapter, which are in effect on the date of preliminary plan approval. Failure to submit an application for either bonded plat or final plat approval within this two (2) year period shall render the preliminary subdivision plan approval void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 120 days prior to the expiration of the preliminary subdivision plan approval. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the approval. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved preliminary plan that has not first been reviewed and approved by the planning department shall render the preliminary subdivision plan approval invalid. Preliminary subdivision plan approval allows the issuance of building permits or manufactured home setup permits in the name of the subdivision developer only, for one model dwelling unit per subdivision phase, as well as for a temporary construction office or storage structure or a temporary security office/quarters. However, approval must be obtained from DHEC for water supply and sewage disposal prior to building occupancy.

f. *Bonded subdivision plan review and approval.*

1. *Purpose/submittal.* The purpose of the bonded subdivision plan stage of major subdivision review is, by mutual consent of both the developer and the county, to record a bonded plat, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third parties before the construction, installation, and acceptance of all required infrastructure improvements. The county protects these third parties and assures the orderly completion of the subdivision infrastructure by choosing to accept, in accordance with the provisions in Section 26-223 of this chapter, a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the county the actual construction and installation of all improvements and utilities within a specified time period. The bonded plan shall be submitted to the planning department in both a paper and a digital format as specified by the County, and shall contain all information required by the department.
2. *Staff review.* The planning department shall review the bonded plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. Provided that the application is complete, the following shall occur:
 - [a] ~~*Planning staff review.*~~ Bonded plans for development requiring major subdivision review shall be reviewed by the planning department for compliance with the requirements of this chapter and conformity with the approved sketch plan and preliminary plan.
 - [b] ~~*Development team review.*~~ As needed, bonded plans for major subdivisions shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. ~~No formal team review shall be required.~~
 - [c] The planning department shall approve, approve with conditions, or deny the bonded subdivision plan application based on written findings of fact. Approval of the bonded subdivision plan shall not constitute final subdivision plan approval (see subparagraph g. below on final subdivision plan approval). Failure on the part of the planning department to act on the bonded plat within sixty (60) days after receiving a complete application shall constitute approval.

3. *Planning commission review and action.* No planning commission review and/or action is required for bonded subdivision plans.

4.3. *Public notification.* No public notification is required for major subdivision bonded plan review and approval.

~~4. *Formal review.* No formal review is required for major subdivision bonded plan review and approval.~~

5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.

6. *Appeals.* An applicant, or other party of interest, may appeal a planning department decision regarding the bonded subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.

7. *Approval validity/recordation.* If approved, prior to recordation, the bonded plat must be signed in the appropriate place by the land development administrator. The approval of a bonded plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A bonded plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. of this chapter, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded plat of the subject property. If the developer fails to complete the bonded infrastructure improvements and submit a complete application for final subdivision plan approval within the specified time period, the county may proceed to collect the financial surety and assume responsibility for completing the required infrastructure improvements.

g. *Final subdivision plan review and approval.*

1. *Purpose/submittal.* The purpose of the final subdivision plan stage of major subdivision review is to document the satisfactory completion of required infrastructure improvements, enable the conveyance of lots to third parties, and allow the issuance of building permits and manufactured home setup permits to third

parties. Following approval of a preliminary subdivision plan for a major subdivision, (and optionally, a bonded subdivision plan) and the installation and acceptance of required infrastructure improvements, a final plat shall be prepared and submitted in both a paper and a digital format as specified by the County. The final plat application shall contain all information required by the planning department, including written county and utility provider acceptance of all infrastructure.

2. *Staff review.* The planning department shall review the final plan submittal and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days after the most recent submission date. ~~No later than fifteen (15) days after receipt of a complete final plat package, the department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within sixty (60) days after receiving a complete application shall constitute approval.~~

[a] No later than fifteen (15) days after receipt of a complete final plat package, the planning department shall approve, approve with conditions, or deny the final plat application based on written findings of fact. Failure on the part of the planning department to act on the final plat within sixty (60) days after receiving a complete application shall constitute approval.

[b] Development review team members shall review and comment on applications for final plat approval at the request of the planning department.

- ~~3.~~ *Planning commission review and action.* No planning commission review and/or action is required for final plans for major subdivisions.

- ~~3.~~ 4. *Public notification.* No public notification is required for major subdivision final plan review and approval.

- ~~4.~~ *Formal review.* ~~No formal review is required for major subdivision final plan review and approval.~~

4. 5. *Variances.* There shall be no variance requests at this stage of major subdivision review. All variance requests shall occur during sketch plan review.

- 5.6. *Appeals.* An applicant, or other party of interest, may appeal a planning department decision regarding the final subdivision plan to the planning commission. Such appeal shall be heard at the planning commission's next available meeting.
- 6.7. *Approval validity/recordation.* If approved, prior to recordation, the final plat must be signed in the appropriate place by the land development administrator. The approval of a final plat for a major subdivision shall not automatically constitute or affect an acceptance by the county of the dedication of any road, easement, or other ground shown upon the plat. Public acceptance of the lands must be by action of the Richland County Council. A final plat for a major subdivision must be recorded by the applicant within thirty (30) days of approval with the Richland County Register of Deeds. The applicant shall provide the planning department with at least one (1) copy of the recorded plat. Except as allowed under Section 26-54(b)(3)e.7. or unless an optional bonded plat has already been approved and recorded, no building permits or manufactured home setup permits shall be issued until the department receives a copy of the recorded final plat of the subject property.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV. Amendments and Procedures; Section 26-59, Planned Development Review/Approval; Subsection (d), Staff Review; is hereby amended to read as follows:

(d) Staff review. ~~The planning department shall review the application for a PDD and determine if it is complete within fifteen (15) days of its submittal. If the application is found to be incomplete, the planning department shall notify the applicant of any deficiencies. Provided the application is complete, the following shall occur: the planning department shall schedule the matter for consideration by the development review team. Within thirty (30) days of receipt from the planning department, the development review team shall review the proposed PDD. The development review team shall take action on the application within thirty (30) days of reviewing the proposed PDD. Following the action by the development review team, the matter shall be scheduled for consideration by the planning commission. The planning department shall prepare a staff recommendation on the PDD application and the zoning map amendment. The schedule for meetings of the planning commission and applications and deadlines for the meetings shall be maintained in the planning department.~~

(1) Plans for a PDD shall be reviewed by the planning department for compliance with the requirements of this chapter.

(2) As needed, plans for PDDs shall be reviewed by members of the county's development review team for compliance with existing federal, state and

local laws and regulations, as well as for compatibility with the county's comprehensive plan.

(3) The planning department shall prepare a staff recommendation on the PDD application and the zoning map amendment within forty-five (45) days of receipt of the plan, and shall then schedule the matter for consideration at the next available meeting of the Richland County Planning Commission. The schedule for meetings of the planning commission and applications and deadlines for the meetings shall be maintained in the planning department.

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

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

SECTION XI. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

Attest this the _____ day of _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 25, 2005
First Reading: October 25, 2005 TABLED
Second Reading:
Third Reading: