



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott
District 10

Joyce Dickerson
District 2

Norman Jackson, Chair
District 11

Val Hutchinson
District 9

Bill Malinowski
District 1

September 25, 2007
5:00 PM

Richland County Council Chambers
County Administration Building
2020 Hampton Street

Call to Order

Approval of Minutes

- A. July 24, 2007: Regular Meeting [Pages 3 – 5]

Adoption of Agenda

I. Items for Action

- A. Proclamation to designate October as Community Planning Month in Richland County [Pages 6 – 8]
- B. Revision of Area Master Plan Boundaries:
1. Candlewood Master Plan [Pages 9 – 11]
 2. Crane Creek Master Plan [Pages 12 – 14]
 3. Trenholm Acres Master Plan [Pages 15 – 17]
- C. Sanitary sewer main extension agreement for Kingston Village off-site gravity sewer (B & C Development Co., LLC) [Pages 18 – 27]
- D. An ordinance amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II. General Traffic and Parking Regulations; Section 17-10, Parking in [Pages 28 – 36]

Residential Zones of the County; So as to prohibit the parking of motor vehicles in the front yard in certain residential zoning districts

- E. Approval of the installation of an electric traffic signal at the intersection of Summit Ridge and Summit Parkway (FY08 Electric Traffic Signalization Program) [Pages 37 – 38]

II. Items for Discussion / Information

- A. Sunday alcohol sales [Page 39]
- B. Local housing trust fund update
- C. Demolition of manufactured and mobile homes built prior to 1976
- D. Moratorium on new subdivisions with 50 or more lots

Adjournment

Staffed by: Joe Cronin

**Richland County Council
Development and Services Committee
July 24, 2007
3:30 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: Joseph McEachern, Kit Smith, Paul Livingston, Mike Montgomery, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Amelia Linder, Anna Almeida, Jennie Sherry-Linder, Tiaa Rutherford, Michael Criss, Jim Wilson, Teresa Smith, Daniel Driggers, Jennifer Dowden, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 3:48 p.m.

APPROVAL OF MINUTES

June 26, 2007 (Regular Session) – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Scott moved, seconded by Ms. Hutchinson, to adopt the agenda as distributed.

ITEMS FOR ACTION

Extension of temporary receivership agreement for the operation of the Franklin Park water and sewer systems and the Albene Park water system – Ms. Hutchinson moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Request to accept a conservation easement from Mr. G. P. Monroe and Mrs. Virginia Monroe for 70 acres located in the Pontiac Community – Mr. Malinowski moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Request to approve four firms (Kimley Horn & Associates; URS; Jordan Jones & Goulding; Fuss & O'Neill) as pre-qualified vendors for planning consulting services related to the update of the Imagine Richland 2020 Comprehensive Plan - Ms. Scott moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Request for approval to sign and process the Declaration of Covenant with the City of Columbia to allow for future annexation of the Elders Pond EMS/Fire Station – Ms. Dickerson moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Request to authorize the awarding of a construction contract to the successful bidder for the Richland County C&D Landfill Phase IV (Cell 1) Project in an amount not exceed the approved capital project budget of \$1,466,305 – Ms. Dickerson moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

Mr. Malinowski offered the following amendment: to approve this item pending analysis of the lowest bid.

Ms. Dickerson accepted the amendment.

The vote in favor was unanimous.

Request to close a portion of Old Bluff Road – Ms. Scott moved, seconded Ms. Dickerson, to forward this item to Council with a recommendation for approval. A discussion took place.

Ms. Scott amended her motion to state that the road would be closed if there was no landowner in opposition of the road closing. The vote in favor was unanimous.

Request to approve the purchase of an articulated dump truck for use in the Richland County C&D Landfill in the amount of \$259,475 from Caterpillar, Inc. – Mr. Malinowski moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval.

The vote in favor was unanimous.

A resolution in support of forming a joint Planning Commission with the City of Columbia

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

The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Update on Overgrown Lots – Ms. Teresa Smith gave a brief update on how the Public Works Department is addressing the issue of overgrown lots by working with the Ombudsman’s Office, Sheriff’s Department and County Attorney’s Office.

Disposition of Sheriff Vehicles – Mr. Pope stated that the Fleet Manager is presently managing all of the County vehicles and ensures that all vehicles are used the maximum amount of time by the County before they are auctioned off.

ADJOURNMENT

The meeting adjourned at approximately 4:45.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject: Proclamation for County Council to designate October as Community Planning Month

A. Purpose

Council is requested that council designate the month of October as Community Planning Month.

B. Background / Discussion

The American Planning Association encourages as cities and municipalities to celebrate the achievements of planning this October during the second annual National Community Planning Month. Each year APA and its members, chapters, divisions, and professional institute sponsor National Community Planning Month to raise the visibility of planning efforts in communities across the U.S., and throw a spotlight on the many residents, leaders, officials, and professionals who contribute to making great communities.

Today's great communities offer better choices for where and how people work and live. They are enjoyable, safe, and desirable. They are places where people want to be. Three important building blocks of great communities are the streets, the neighborhoods, and the people who help make communities special. Planners play a key role in facilitating the process of making a community's character and qualities stand out.

Planners are instrumental in addressing the everyday challenges of maintaining a balance between demands of growth and change, and residents' needs and desires. To help us recognize the daily achievements of planners, we invite you to join with APA in celebrating locally this year's National Community Planning Month sub themes:

- Great Streets, Great Neighborhoods
- Greening Streets and Neighborhoods
- People Making Great Streets and Great Neighborhoods

C. Financial Impact

There are no other financial impacts associated with this request, besides the purchase of a banner that will be purchased through the Neighborhood Improvement Program budget.

D. Alternatives

1. Approve the proclamation.
2. Do not approve the proclamation.

E. Recommendation

It is recommended that Council approve the request to designate October as Community Planning Month.

Recommended by:
Tiaa B. Rutherford

Department:
Neighborhood Improvement

Date:
July 31, 2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/14/07

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Tony McDonald

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

COMMUNITY PLANNING MONTH
PROCLAMATION

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the *(State, City, or County)* of _____ *(insert name of state, city, or county)*; and

WHEREAS, We recognize the many valuable contributions made by professional community and regional planners of the _____ *(State or City or County)* of _____ *(insert name of state, city, or county)* and extend our heartfelt thanks for the continued commitment to public service by these professionals;

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2007 is hereby designated as **Community Planning Month** in the _____ *(State or City or County)* of _____ *(insert name of state, city, or county)* in conjunction with the celebration of National Community Planning Month.

Adopted this _____ Day of _____, 2007.

Chief Elected Official (SEAL)

Clerk

Richland County Council Request of Action

Subject: Candlewood Master Plan Area

A. Purpose

County Council is requested to approve the change in planning area to exclude a portion of Fisher's Pond and include Cane Bridge neighborhood.

B. Background / Discussion

On July 20, 2007, the Neighborhood Improvement Program held the Candlewood Master Plan Kick-Off Meeting with the consultants Jordan Jones and Goulding Inc., and the Technical Steering Committee to include representatives from the Candlewood neighborhood and Councilwoman Val Hutchinson. At the request of the Candlewood community representatives, portions of the planning were requested to be changed due to the lack of connectivity and relevance to the community. Councilwoman Hutchinson agreed with the requested change. Please see the attached maps to see the change in planning area.

C. Financial Impact

Staff is anticipating a change order in the contract with Jordan Jones and Goulding, Inc. due to the change in planning area after the signing of contracts. However, at this time, a financial impact has not been delineated. The Neighborhood Improvement Program will absorb all financial impact with neighborhood improvement budget.

D. Alternatives

1. Approve the request to change the planning area for Candlewood Master Plan.
2. Do not approve the request.

E. Recommendation

It is recommended that Council approve the request to change the planning area for Candlewood Master Plan.

Recommended by:
Tiaa B. Rutherford

Department:
Neighborhood Improvement

Date:
July 31, 2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/14/07

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: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

NEIGHBORHOOD PLANNING AREAS



LEGEND

- County Boundary

LOCATION

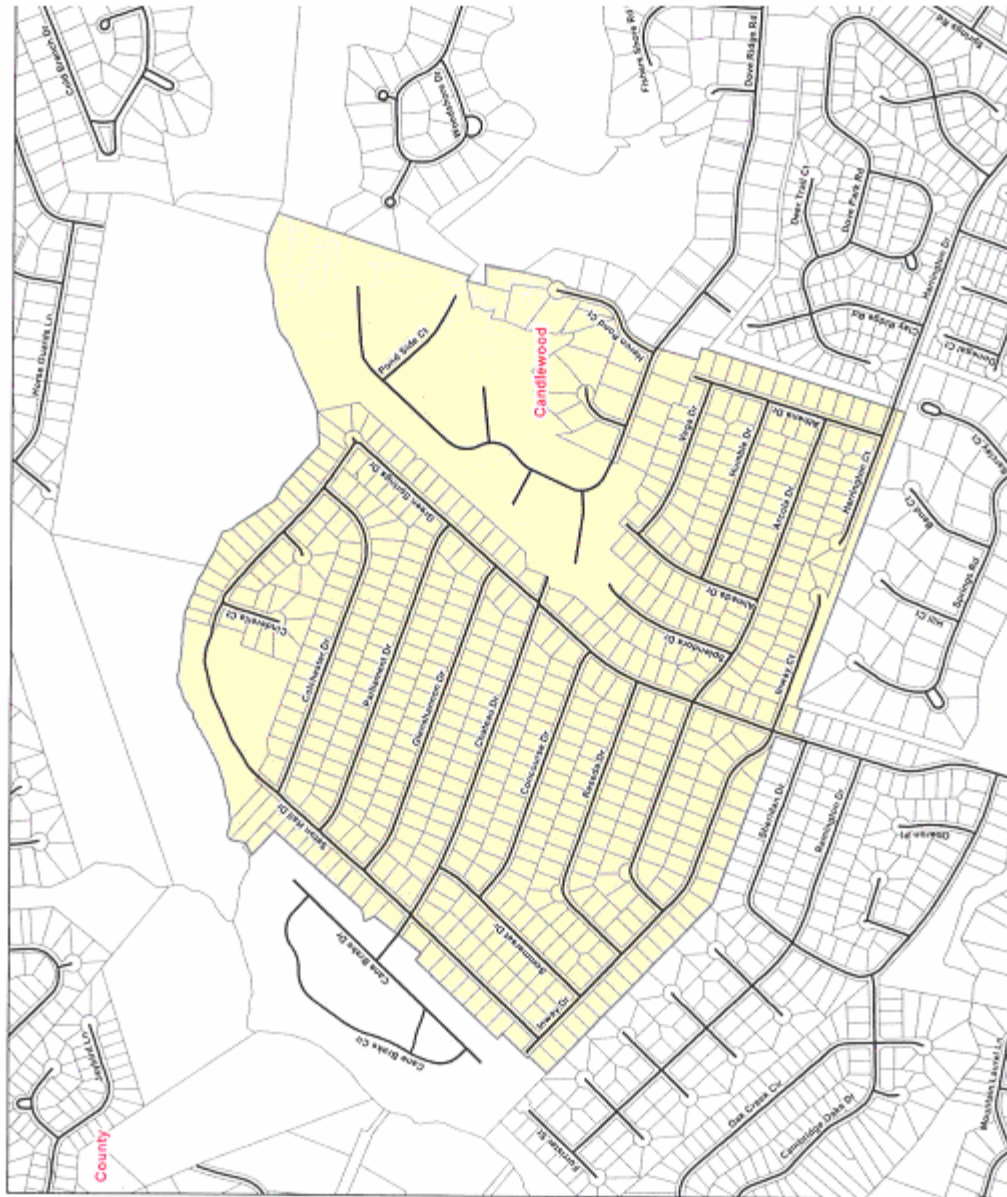
- Broad River / Heights / Riverview Terrace
Village at River's Edge
- Candlewood
- Crane Creek
- Decler Blvd / Woodfield Park
- Dutch Square / Lower Broad River
- Hopkins
- Lower Richland / Garner's Ferry
- Piney Grove / St. Andrews
- Spring Hill
- Trenchum Acres

OTHER MAP ELEMENTS

- Parolets
- Major Lakes & Rivers

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ROWAN COUNTY GEOGRAPHIC INFORMATION SYSTEMS
4000 Bechtel Drive, Suite 100
2020 Harrison Street
Columbia, NC 28034
201/792-2100



Richland County Council Request of Action

Subject: Crane Creek Master Plan area change

A. Purpose

County Council is requested to approve the change in planning area to include vacant parcels.

B. Background / Discussion

The Crane Creek Master Plan is in progress with the Kick-off meeting taking place on May 15, 2007 and the design Charrette taking place on July 21, 2007. The planning area was changed prior to award of contract to Jordan Jones and Goulding, Inc. however Richland County Council needs to approve the change.

C. Financial Impact

Staff is not anticipating a change order in the contract with Jordan Jones and Goulding, Inc.

D. Alternatives

1. Approve the request to change the planning area for Crane Creek Master Plan.
2. Do not approve the request.

E. Recommendation

It is recommended that Council approve the request to change the planning area for Crane Creek Master Plan.

Recommended by:
Tiaa B. Rutherford

Department:
Neighborhood Improvement

Date:
July 31, 2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/14/07

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

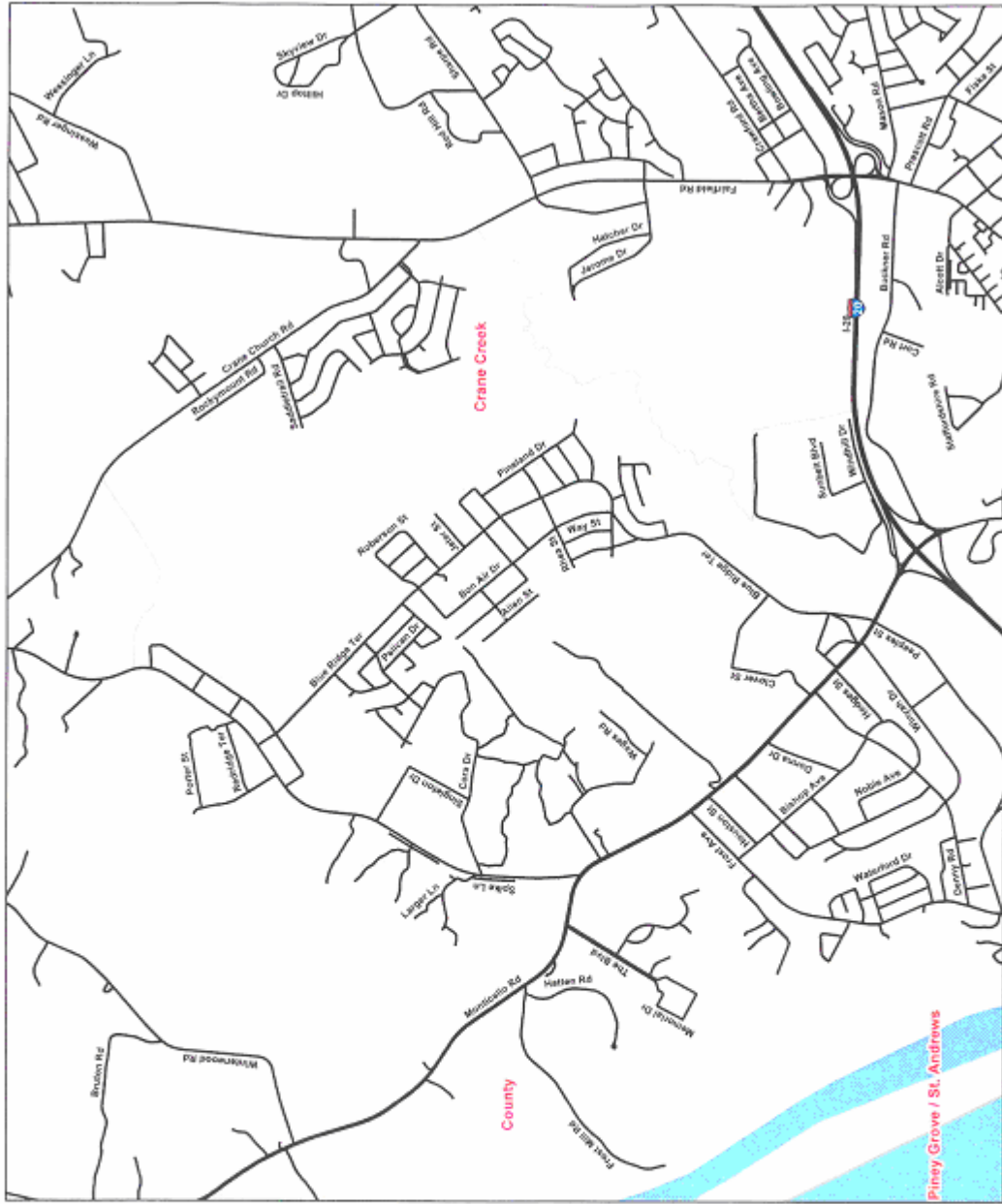
Reviewed by: Tony McDonald

✓ Recommend Council approval

Comments regarding recommendation:

Date: 9/14/07

Recommend Council denial



NEIGHBORHOOD PLANNING AREAS



- LEGEND**
- County Boundary
 - Board Area Heights / Riverway Terrace
 - Wedge at Rivers Edge
 - Camelwood
 - Crane Creek
 - Denker Blvd / Woodfield Park
 - Dutch Square / Lower Board Over
 - Highland
 - Lower Nicholas / Gardens Entry
 - Pinesy Grove / St. Andrews
 - Spring Hill
 - Transition Aztec

OTHER MAP ELEMENTS

- Major Lakes & Rivers

Map prepared by the City of Fort Collins, Colorado, Planning Department. The map is for informational purposes only and does not constitute a contract or warranty of any kind. The City of Fort Collins, Colorado, Planning Department is not responsible for any errors or omissions on this map. The City of Fort Collins, Colorado, Planning Department reserves the right to modify this map at any time without notice.



Richland County Council Request of Action

Subject: Trenholm Acres/Newcastle Master Plan area

A. Purpose

County Council is requested to approve the change in planning area to include the Columbia Place Mall property and out parcels.

B. Background / Discussion

On July 20, 2007, the Neighborhood Improvement Program held the Trenholm Acres/Newcastle Master Plan Kick-Off Meeting with the consultants Jordan Jones and Goulding Inc., and the Technical Steering Committee to include representatives from the Trenholm Acres and Newcastle neighborhoods and Councilman Damon Jeter. At the request of the Trenholm Acres and Newcastle community representatives and with guidance from Jordan Jones and Goulding, Inc. team, portions of the planning area were requested to be changed and include the Columbia Place Mall property and out parcels. Councilman Jeter agreed with the requested change. Please see the attached maps to see the change in planning area.

C. Financial Impact

Staff is anticipating a change order in the contract with Jordan Jones and Goulding, Inc. due to the change in planning area after the signing of contracts. However, at this time, a financial impact has not been delineated. The Neighborhood Improvement Program will absorb all financial impact with neighborhood improvement budget.

D. Alternatives

1. Approve the request to change the planning area for Trenholm Acres/Newcastle Master Plan.
2. Do not approve the request.

E. Recommendation

It is recommended that Council approve the request to change the planning area for Trenholm Acres/Newcastle Master Plan.

Recommended by:
Tiaa B. Rutherford

Department:
Neighborhood Improvement

Date:
July 31, 2007

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 9/14/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/14/07

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

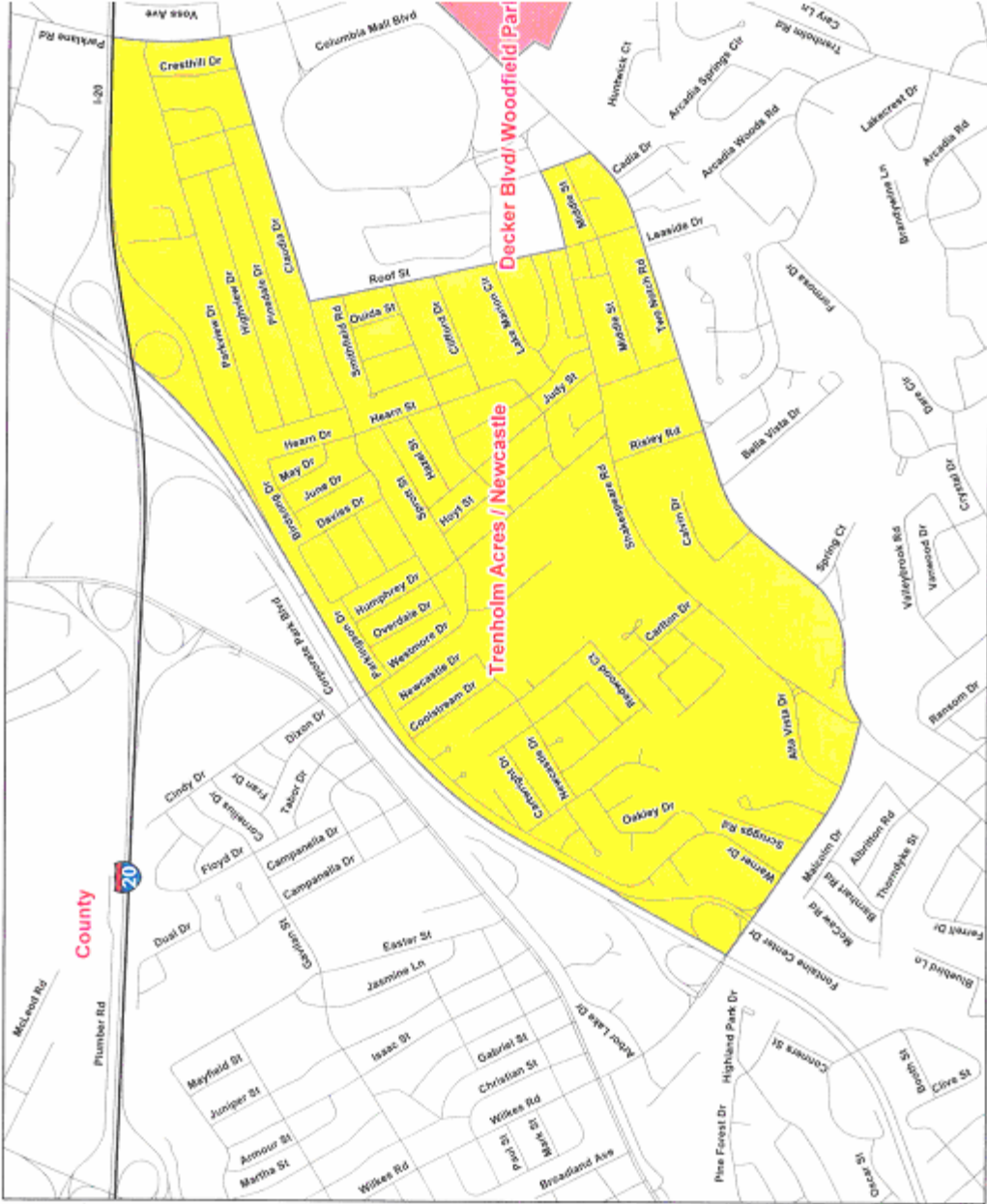
Reviewed by: Tony McDonald

Date: 9/14/07

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:



NEIGHBORHOOD PLANNING AREAS



LEGEND

- County Boundary
- LOCATION**
- Broad River Heights / Riverview Terrace
- Village at River's Edge
- Candlewood
- Crane Creek
- Decker Blvd / Woodfield Park
- Dutch Square / Lower Broad River
- Hopkins
- Lower Richland / Gamers Ferry
- Piney Grove / St. Andrews
- Spring Hill
- Trenholm Acres / Newcastle

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Richland County Council Request of Action

Subject: Sanitary Sewer Extension Agreement – Kingston Village Off -Site Gravity Sewer

A. Purpose

The purpose of this report is to obtain approval of a “Sanitary Sewer Extension Agreement” for the construction of an 8-inch gravity sewer line to serve the Kingston Village 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 B&C Development Company, LLC is proposing to construct an 8 inch gravity sewer line to serve their new subdivision known as Kingston Village. This 8 inch sewer line is identified in the County’s sewer master plan as a line needed to serve the drainage basin in which the Kingston Village subdivision is located. It will extend from an existing sewer line at the Dutch Fork Middle School to the project site. The extension of this sewer line and the construction of this subdivision will be infill for a part of the community that is surrounded by properties that currently have sewer service available. Entering into a sanitary sewer extension agreement for the construction of this sewer line will be consistent with existing policies for the expansion of the Broad River Regional Sewer System.

The B&C Development Company, LLC plans to invest approximately \$218,303.00 in the construction of this sewer line. 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 the lots within their subdivision. Future customers that connect to this line will pay sewer tap fee directly to the County.

D. Financial Impact

The B&C Development Company, LLC will fund all cost associated the construction of this sewer line. 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 construction of the Kingston Village Off-Site Gravity Sewer.

Recommended by: Andy H. Metts **Department:** Utilities **Date:** 09/11/07

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 9/14/07
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder Date: 9/14/07
 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: 9/18/07
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: It is recommended that this request be approved. It should be noted that Administration is currently reviewing the County’s sewer extension policy, as directed by a previous Council motion, and the results will be presented later this fall.

SANITARY SEWER MAIN EXTENSION AGREEMENT

STATE OF SOUTH CAROLINA) SANITARY SEWER MAIN EXTENSION
) AGREEMENT FOR:
) KINGSTON VILLAGE OFF-SITE GRAVITY
SEWER
COUNTY OF RICHLAND) 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 **B & C Development Co., LLC**, (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 **Kingston Village Off-site Gravity Sewer**, as delineated on plans prepared for B & C Development Co., LLC, prepared by Genesis Consulting Group, dated July 31, 2007, revised August 20, 2007, Project No. 07-051 (herein after referred to as "Facilities") and being further delineated thereon as approximately 3,440 linear feet of 8-inch PVC pipe and ten (10) sanitary sewer manholes, which are located on properties on or near Old Tamah Road north of Interstate I-26, beginning at the proposed Kingston Village Subdivision traveling along easterly approximately parallel to Old Tamah Road to the existing 8-inch gravity sewer serving the Dutch Fork Middle School, 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.

- (2) 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.
- (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 DHEC 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, labor, and engineering. 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 Two Hundred Eighteen Thousand Three Hundred Three Dollars (**\$218,303**). 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.
- c. 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 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).
- d. The number of the sewer tap certificates shall be determined by dividing the total construction cost by the County's established tap fee rate of four thousand dollars (\$4000.00) 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 **fifty-four (54)** plus an equivalent number of taps attributed to easement acquisition as noted in paragraph (4)b above.
- e. The tap certificates issued hereunder will have a five (5) year usable life and will have a constant value of \$4000.00 throughout this life. 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 **Kingston Village**.
- 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 within one (1) year 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 _____, 20____

(L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

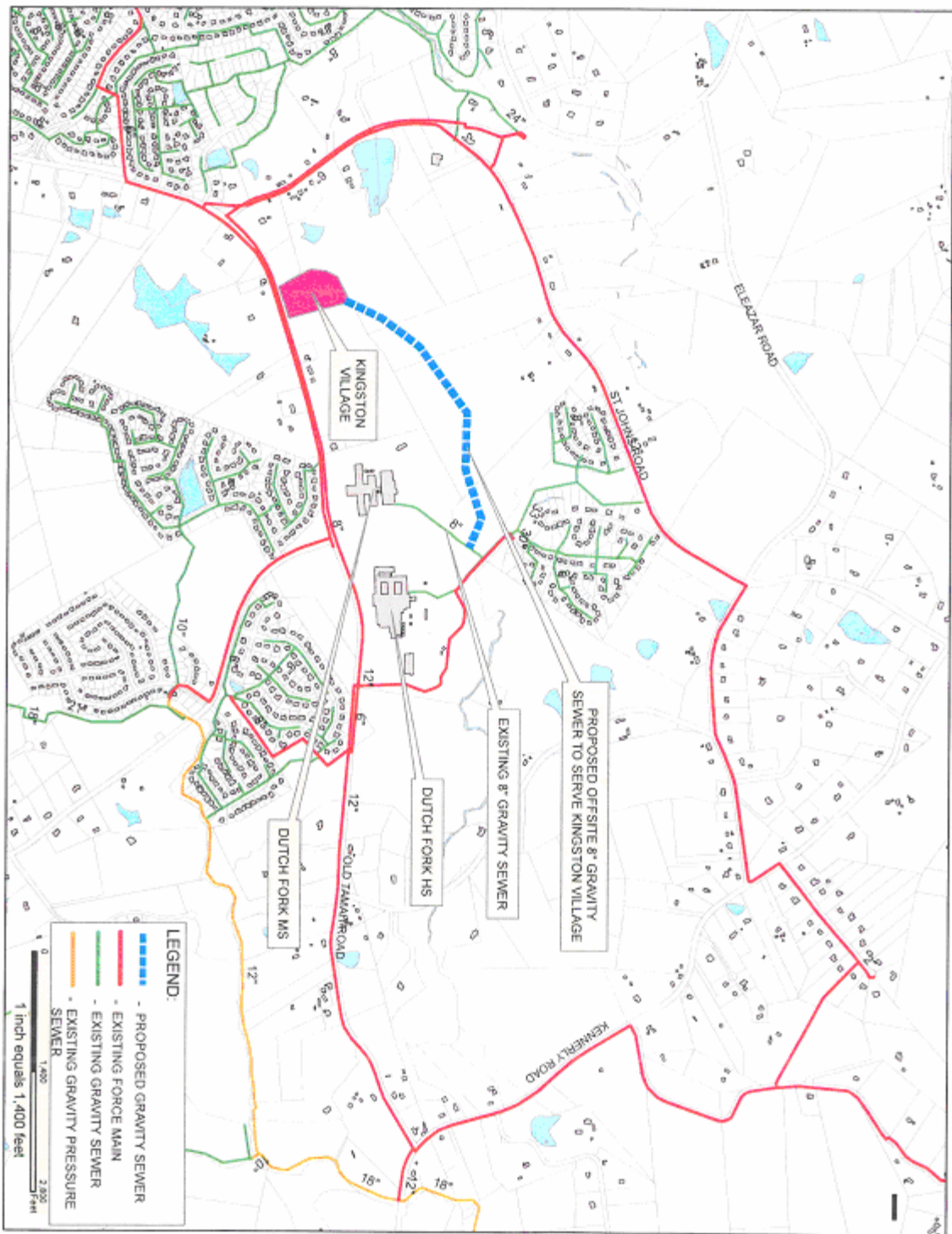
PROBATE NO. 2

Personally appeared before me, the undersigned witness, who being duly sworn says :
That (s)he saw the within named 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 _____, 20____

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

My Commission Expires _____



Richland County Council Request of Action

Subject: Parking Ordinance Amendment

A. Purpose

Council is asked to amend Chapter 17 of the Richland County Code of Ordinances to prohibit the parking of vehicles in the front yard of any property zoned RS-LD, RS-MD, or RS-HD. This subsection is not intended to prohibit the temporary parking of a motor vehicle upon a driveway.

B. Background/Discussion

During the Council meeting of June 6, 2006, Councilman Mike Montgomery made a motion to consider the prohibition of parking in front yards in residential areas in unincorporated Richland County.

Legal staff developed an amendment to the existing parking ordinance and the request was considered by the D&S Committee on June 27, 2006. The D&S Committee reviewed the ordinance and referred it to the full council without recommendation. Council gave first reading to the amended ordinance on July 11, 2006. The ordinance was deferred during second reading on July 18, 2006, and was ultimately tabled on July 25, 2006.

During the council meeting on April 17, 2007, Mr. Montgomery made a request to remove the ordinance from the table and send it back to the D&S Committee. On May 22, 2007, the D&S Committee again considered the ordinance. The committee voted unanimously to deny the request, and no further action was taken.

During the council meeting on September 11, 2007, Mr. Montgomery again forwarded the parking ordinance to the D&S Committee for consideration.

If adopted, the amended ordinance currently before council will prohibit the parking of any motor vehicle, including, but not limited to, automobiles, trucks, vans, buses, motorcycles, all-terrain or similar off-road vehicles, recreational vehicles, motor homes, campers or camping trailers, trailers, boats, and jet skis within the front yard of any property zoned RS-LD, RS-MD, or RS-HD. Provided, however, the amendment is not intended to prohibit the temporary parking of a motor vehicle upon a driveway.

For the purpose of enforcing the ordinance, the ordinance also outlines definitions for the following terms:

- Driveway
- Primary front yard
- Secondary front yard
- Street-facing façade of the principal building

C. Financial Impact

There will be a financial impact associated with this request due to increased enforcement requirements. A dollar amount has not been determined at this point.

D. Alternatives

1. Approve the amendment to the ordinance prohibiting the parking of motor vehicles in the front yard of any property zoned RS-LD, RS-MD, or RS-HD, excluding temporary parking on driveways.
2. Do not approve the amendment to the ordinance prohibiting the parking of motor vehicles in the front yard of any property zoned RS-LD, RS-MD, or RS-HD, excluding temporary parking on driveways.

E. Recommendation

This request was made by council motion, and is therefore at the discretion of County Council.

Recommended by: Council Motion **Date:** September 11, 2007

F. Reviews

Planning

Reviewed by: Geonard H. Price

Date: 5/18/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: I would like clarity on a couple of issues.

The language seems to indicate that any parking in the front yard, except for temporary parking, is prohibited (17-10 (e) and 17-10 (e) (2)) in a residentially zoned district. The definition of temporary parking seems to require that the vehicle leave and return approximately once a day. Therefore, if a licensed vehicle is parked for more than week, it would be in violation of this section.

Also, section 26-173 (f) (1) and (2) of the Land Development Code, prohibits the parking of recreational vehicles, boats and travel trailers in front of the principal structure on a residentially zoned lot. Therefore, there would be dual enforcement of these types of vehicles regarding parking in the front yard.

Finance

Reviewed by: Daniel Driggers

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is left to Council discretion.

Legal

Reviewed by: Amelia Linder

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This amendment conflicts with existing language found in Chapter 26 at Section 26-173 (f); therefore, if it is Council's desire to approve this request, I recommend also amending Section 26-173 (f). Both sections [Section 26-173 (f) and Section 17-10] should be consistent in order to avoid potential confusion. It should also be noted that Council Rule 5.2 states, inter alia, "If an ordinance does not receive the three (3) readings required within a twelve-month period, it is dead. If the ordinance is reintroduced after the twelve-month period, it must be submitted to the three reading process." Therefore, if approved, the attached ordinance would be "starting over" with a pending first reading.

Administration

Reviewed by: Tony McDonald

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision and, therefore, left to the discretion of the Council; however, the Council needs to be aware of ambiguities and/or conflicts with existing ordinances. The Legal and Planning Departments will brief the D & S Committee on these issues at Tuesday's meeting.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-10, PARKING IN RESIDENTIAL ZONES OF THE COUNTY; SO AS TO PROHIBIT THE PARKING OF MOTOR VEHICLES IN THE FRONT YARD IN CERTAIN RESIDENTIAL ZONING DISTRICTS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones of the County; is hereby amended to read as follows:

Section 17-10. Parking in residential zones of the county.

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

1. *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn.
2. *Semi-trailer* means every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
3. *Trailer* means every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

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

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

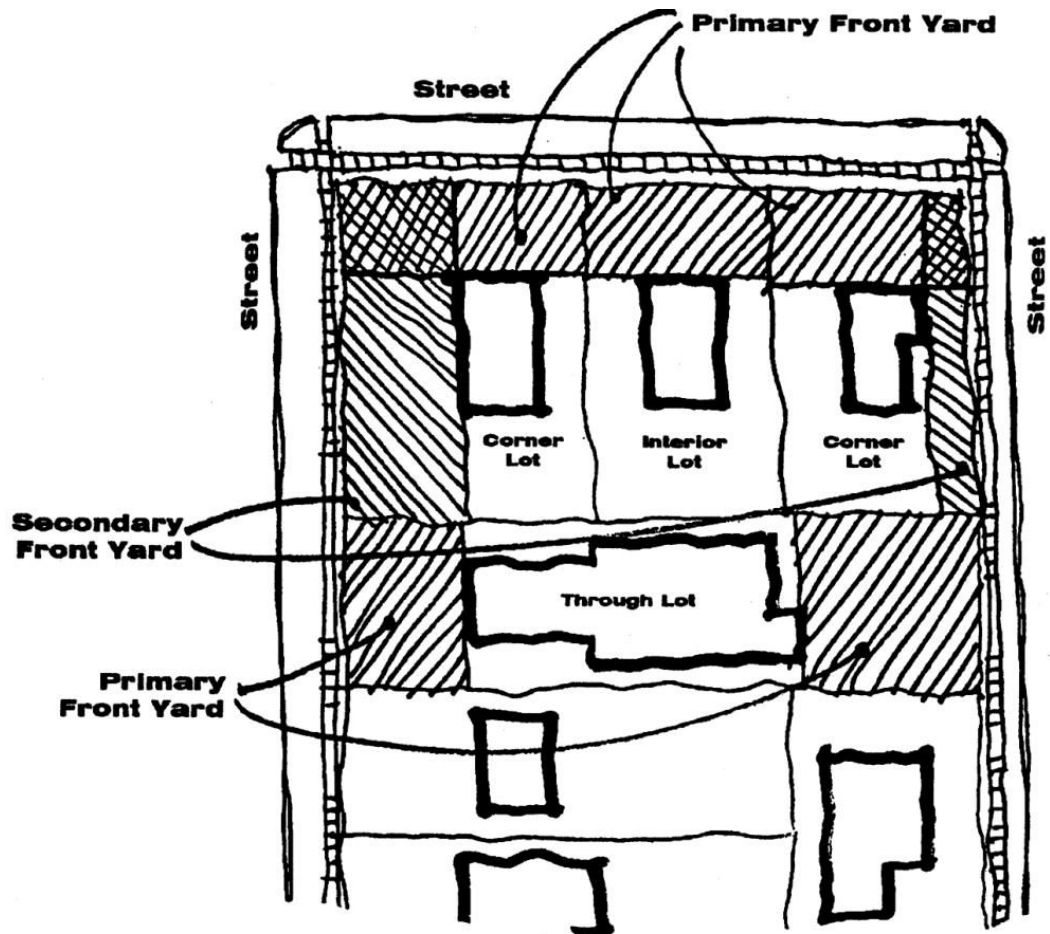
d. Any motor vehicle and/or trailer that is not capable of operating in accordance with South Carolina law and/or capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot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

e. Parking within the front yard of any property zoned RS-LD, RS-MD, or RS-HD is prohibited.

1. Definitions. For purposes of this subsection only, the following words and phrases shall have the following meaning:

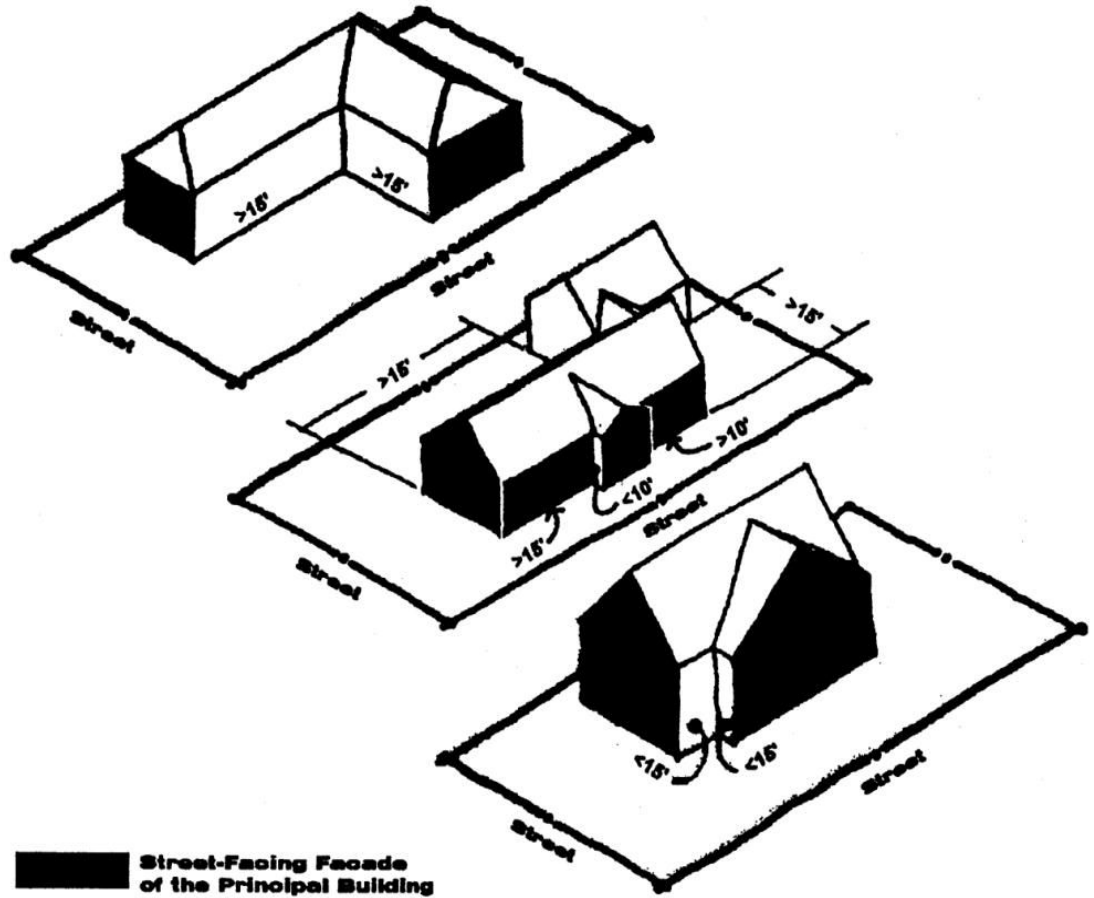
Driveway means an area improved in accordance with paragraph 3, below, leading from a street or alley to a parking space.

Primary front yard means that area between the street-facing facade of the principal building, the front lot line, and either both side lot lines (for interior lots and through lots) or a side lot line and the secondary front lot line (for corner lots). See graphic figure below:



Secondary front yard means that area between the street-facing facade of the principal building, the secondary front lot line, the front lot line, and the rear lot line. See graphic figure above.

Street-facing facade of the principal building means any facade of the principal building which approximately parallels a street lot line(s), exceeds ten feet in length, and is located within 15 feet of that portion of, or is, the facade of the principal building closest to the corresponding street lot line. See graphic example below:



Temporary parking means that the vehicle leaves from and returns to the property approximately once per business day in conjunction with a trip, visit, errand, or other similar reason.

2. No person shall park a motor vehicle of any description, including, but not limited to, automobiles, trucks, vans, buses, motorcycles, all-terrain or similar off-road vehicles, recreational vehicles, motor homes, campers or camping trailers, trailers, boats, and jet skis within the front yard of any property zoned RS-LD, RS-MD, or RS-HD. Provided, however, this subsection is not intended to prohibit the temporary parking of a motor vehicle upon a driveway.

3. Driveways shall be paved with asphalt, brick, concrete, or covered with pervious material such as crushed stone, gravel, or mulch.

4. Where the driveway is covered with a pervious material, such material shall be confined to the driveway with a device expressly designed for such purposes including but not limited to bricks, railroad ties, and plastic/PVC landscaping borders. The pervious material shall be renewed or replaced as reasonably necessary to maintain a neat and orderly appearance.

e. f. Penalties: Unless otherwise prescribed by law, any owner and/or operator of a motor vehicle and/or trailer violating the provisions of this Section shall be deemed guilty of a misdemeanor. In addition, any owner and/or occupant of the residential property on which a motor vehicle and/or trailer is parked in violation of this Section shall be deemed guilty of a misdemeanor.

f. g. Administration and enforcement: The sheriff of the county shall be authorized to enforce the provisions of this Section, and may engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2007

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject: FY08 Electric Traffic Signalization Program

A. Purpose

Council is requested to consider the selection and implementation of electric signal requests at intersections as analyzed by the Department of Public Works. The intersections submitted for consideration were:

- Holly Ridge Lane (County) and LongTown Road (S40-1051) (Dickerson)
- Piney Woods (S40-674) and Piney Grove (S40-1280) (Dickerson)
- Clemson Road (S40-52) and Winslow Way (County) (Dickerson)
- Steeple Ridge Road (County) and Kennerly Road (S40-58) (Malinowski)
- Summit Ridge Drive (County) and Summit Parkway (County) (Hutchinson)
- Richland Co. industrial Park/Clemson Road Widening (S40-52) (Administration)

B. Background / Discussion

In June 2007, council approved a policy allowing electronic traffic signals on County roads, using the requirement that both roads forming the intersection for electronic signals must County roads, an initial screening of the requests was performed. This screening found that the only intersection that met the initial requirements of the two County roads forming the intersection was Summit Ridge Drive and Summit Parkway. All other intersections were made up of one SCDOT road and one County Road. (The request regarding Richland County Industrial Park was a request for widening and not a signal.)

The intersection of Summit Parkway and Summit Ridge Drive in the Summit Subdivision consists of two multi-lane 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. If approved, DPW will move forward with updating the information and finalizing plans to signalize the intersection to address vehicle and pedestrian traffic as appropriate.

C. Financial Impact

There are currently funds available for electric traffic signalization, be it; signal design, construction, maintenance and/or repairs, as approved by Council in the FY08 Budget.

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 fund \$45,000 of the cost of signal construction at the Summit intersection.

D. Alternatives

The alternatives are:

A. Installation and Maintenance

1. Approve signalization of the intersection of Summit Parkway and Summit Ridge Drive, and authorize updating the traffic data and finalization of the design and construction plans to address vehicle and pedestrian traffic appropriate.
2. Disapprove the installation of the Summit electric traffic signal.

E. Recommendation

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

Recommended by: Teresa Smith, PE

Department: Public Works

Date: 09/07/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/19/07

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Tony McDonald

Date: 9/19/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The Council appropriated \$250,000 for signalization in the FY 08 budget. Any cost beyond the \$45,000 provided by the CTC would come from this appropriation; therefore, no additional funds are required.

Richland County Council Item for Information/Discussion

Subject: Sunday Alcohol Sales

SECTION 61-2-80. Exclusive authority to regulate; construction.

The State, through the department, is the sole and exclusive authority empowered to regulate the operation of all locations authorized to sell beer, wine, or alcoholic liquors, is authorized to establish conditions or restrictions which the department considers necessary before issuing or renewing a license or permit, and occupies the entire field of beer, wine, and liquor regulation except as it relates to hours of operation more restrictive than those set forth in this title.

Nothing contained in this section may be considered as prohibiting judicial appeals from decisions of the administrative law judge division, as authorized by Chapter 23 of Title 1, nor as limiting the authority of the courts in interpreting and applying the laws of this State relating to matters administered by the department.

Amelia R. Linder, Esq.
Assistant County Attorney