RICHLAND COUNTY COUNCIL
DEVELOPMENT AND SERVICES COMMITTEE

Gwendolyn Kennedy	Damon Jeter	Norman Jackson, Chair	Jim Manning	Bill Malinowski
District 7	District 3	District 11	District 8	District 1

February 24, 2009
5:00 PM

Richland County Council Chambers
County Administration Building
2020 Hampton Street

Call to Order

Approval of Minutes

January 27, 2009: Regular Meeting — Pages 3 – 5

Adoption of Agenda

Items for Action

1. An ordinance amending the Fiscal Year 2008-09 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty eight dollars ($92,558) to provide funding for operational expenses — Pages 6 – 9

2. Request to approve the awarding of a construction services contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of $820,440.74 — Pages 10 – 12

3. Request to approve the awarding of a construction services contract to the most responsive bidder for completion of Phase I of the Lake Elizabeth capital improvement project — Pages 13 – 15

4. An ordinance amending the Fiscal Year 2008-09 Hopkins Utility System budget to appropriate thirteen thousand dollars ($13,000) for operational costs through the end of the fiscal year — Pages 16 – 17

5. Energy Audit Update — Pages 18 – 21

6. A resolution requesting that the South Carolina General Assembly continue to support meaningful incentives for recyclers in recognition of the energy and environmental benefits of recycling to our county, the state, and the nation — Pages 22 – 25

7. Request to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities — Pages 26 – 27 *(Jackson)*

8. Amendments to the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC. — Pages 28 – 30 *(Jackson)*

Items for Discussion / Information

9. Identification of "green spaces" in Richland County and their current zoning designations — Pages 31 – 33 *(Hutchinson)*

10. Smoking Ban Ordinance Clarifications and Enforcement — Pages 34 – 35

Adjournment

Staffed by: Joe Cronin

Richland County Council
Development and Services Committee
January27, 2009
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.

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Members Present:

Chair: Norman Jackson
Member: Damon Jeter
Member: Gwendolyn Davis Kennedy
Member: Bill Malinowski
Member: Jim Manning

Others Present: Paul Livingston, Valerie Hutchinson, Joyce Dickerson, L. Gregory Pearce, Jr., Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Larry Smith, Joseph Kocy, Amelia Linder, Teresa Smith, Jim Wilson, Daniel Driggers, Stephany Snowden, Jennifer Dowden, Tamara King, Geo Price, Jocelyn Jennings, Dale Welch, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 5:06 p.m.

ELECTION OF CHAIR

Mr. Malinowski moved, seconded by Mr. Jeter, to nominate Mr. Norman Jackson. The vote in favor was unanimous.

APPROVAL OF MINUTES

November 25, 2008 (Regular Session) – Mr. Jeter moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

December 16, 2008 (Special Called Meeting) – Mr. Jeter moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Manning moved, seconded by Mr. Jeter, to adopt the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

Request to accept a conservation easement from Mr. Kenneth Clark to protect 18 acres in northwest Richland County near the Broad River and I-20 – Mr. Malinowski moved, seconded by Mr. Jeter, 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. Ralph Pearson to protect 7 acres in northwest Richland County near the Broad River off Wash Lever Road – Mr. Manning moved, seconded by Ms. Kennedy, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

An Ordinance authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane – Mr. Jeter moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

An Ordinance amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; "Residential Uses" of Table 26-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to limit multi-family use in the GC General Commercial District – Mr. Kocy gave a brief overview of the amendments. This item was forwarded to the Planning Commission.

Overview of South Carolina Residential Improvement District Act (Act 350 of 2008) – Staff was draft an ordinance and schedule a work session for the committee.

Discussion of CMRTA Items:

a. **Motion to require that CMRTA bid out the system operations contract**

b. **Motion to review the current MOU with the CMRTA to create a requirement that board membership be limited to jurisdictions providing financial support to the CMRTA**

These items were to be incorporated into the proposed MOU.

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The Committee went into Executive Session at approximately 5:32 p.m. and came out at approximately 5:39 p.m.
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Motion regarding the SCE&G Landfill – Staff was directed to access the required information and bring the information back to the committee.

ADJOURNMENT

The meeting adjourned at approximately 5:40.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject: Conservation Commission Budget

A. Purpose

Council is requested to appropriate $92,558 of undesignated fund balance to the Conservation Commission Budget.

B. Background / Discussion

During the fiscal year 2008 budget rollover process, funds were eligible to be rolled over from fiscal year 2008 budget to the fiscal year 2009 budget to cover outstanding purchase orders in the Conservation Commission Budget. These funds were not rolled over and as a result, the department is requesting to appropriate $92,558 of undesignated fund balance to cover outstanding purchase orders.

C. Financial Impact

Approval of this request will result in an appropriation of $92,558 from the Conservation Commission undesignated fund balance.

D. Alternatives

List the alternatives to the situation. There will always be at least two alternatives:

1. Approve request to appropriate $92,558 to the Conservation Commission Budget.

2. Do not approve request to appropriate $92,558 to the Conservation Commission Budget.

E. Recommendation

It is recommended that Council approve the request to appropriate $92,558 to the conservation commission budget.

F. Reviews

Finance

Reviewed by: Daniel Driggers
Date: 2/18/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments: Funds are available as stated

Legal

Reviewed by: Larry Smith
Date: 2/18/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Administration

Reviewed by: Sparty Hammett
Date: 2/18/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __–09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 CONSERVATION COMMISSION BUDGET TO APPROPRIATE NINETY-TWO THOUSAND FIVE HUNDRED FIFTY EIGHT DOLLARS ($92,558) TO PROVIDE FUNDING FOR OPERATIONAL EXPENSES.

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. That the amount of ninety-two thousand five hundred and fifty eight dollars ($92,558) be appropriated to the Conservation Commission Fund Budget. Therefore, the Fiscal Year 2008-2009 Conservation Commission Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	$	643,500
Appropriation of Conservation Commission undesignated fund balance		92,558
Total Conservation Commission Fund Revenue as Amended:	$	736,058

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	$	643,500
Increase to Conservation Commisssion Budget:		92,558
Total Conservation Commission Fund Expenditures as Amended:	$	736,058

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY:_____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF_____, 2008

_____
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: FY 2008 Special Resurfacing and Full Depth Patching Project

A. Purpose

County Council is requested to approve the award of a construction contract to Rea Contracting LLC for the resurfacing and full depth patching of approximately 5 miles of paved roadway throughout Richland County.

B. Background / Discussion

The resurfacing and full depth patching list was established by Roads & Drainage Division. Please refer to the attached resurfacing and full depth patching list and attached location maps.

Florence and Hutcheson, Inc., (F&H) completed the design and specifications for the FY 2008 Special Resurfacing and Full Depth Patching Project. The project was advertised on October 9, 2008 for a period of 31 days. A pre-bid meeting was held on October 28, 2008, and bids for the project were opened on November 18, 2008.

Rea Contracting LLC has been determined to be the lowest responsible and responsive bidder. The following information includes the results of the bid opening.

Bids

Contractor	Total Bid Amount
Rea Contracting LLC	$745,855.22
Sloan Construction Company Inc.	$783,423.57
C. R. Jackson	$863,132.81
CBG Inc.	$904,214.20

DPW would also like to request council approve an addition 10% for contingencies for this project. This increase would bring the total funding request to $820,440.74.

C. Financial Impact

The Department of Public Works Road & Drainage Division account 3020735.5272 has sufficient funding for the FY 2008 Resurfacing and Full Depth Patching Project. The design fee is approximately $36,005.59, and the Engineer's estimate for the construction part of the contract is $898,143.89. Therefore, there are adequate funds to cover the construction of the FY 2008 Resurfacing and Full Depth Patching Project.

D. Alternatives

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

1. Approve the award of contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of $820,440.74.

2. Do not approve the award of contract to Rea Contracting LLC and forfeit the opportunity to resurface and full depth patch the roads on the attached list.

E. Recommendation

It is recommended that County Council approve the award of contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of $820,440.74. A recommendation by F&H to award the contract to Rea Contracting LLC is also attached.

Recommended by: David Hoops, PE **Department**: Department of Public Works
Date: 02/10/09

F. Reviews

Finance
Reviewed by: Daniel Driggers
Date: 02/12/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments: Approval based on County Engineer recommendation. We would recommend clarification of the amount requested prior to approval. The financial impact section states $934k but the recommendation states $820k. Unencumbered funds in the account is $1.1m.

Procurement
Reviewed by: Rodolfo Callwood
Date: 02/12/09
☑ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Legal
Reviewed by: Larry Smith
Date: 02/12/09
✓ Recommend Approval
☐ Recommend Denial

☐ No Recommendation
Comments:

Administration

Reviewed by: Sparty Hammett
Date: 02/12/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Richland County Council Request of Action

Subject: Award of Construction Services for Lake Elizabeth Phase I Capital Improvement Project to the Most Responsive Bidder from Richland County Department of Public Works Stormwater Management Division Budget

A. Purpose

County Council is requested to approve the award of construction services for Lake Elizabeth Phase I capital improvement project to the most responsive bidder (pending bid recommendation on February 11, 2009) from Richland County Department of Public Works Stormwater Management Division FY09 adjusted budget.

B. Background / Discussion

The Lake Elizabeth dredging project is being performed in an effort to improve water quality and restore storage capacity of the lake. This project is the implementation of the Lake Elizabeth Concept Study that was completed recently with a recommended three phased approach. Phase I of the Lake Elizabeth project is dredging Lake Elizabeth at three different hot spot locations. Phase II, which is addressing hot spot areas of Crane Creek and Phase III, which is addressing hot spot areas of Cumbess Creek are currently in design stage.

Lake Elizabeth Phase I project consists of improving the water quality of the 34 acre Lake Elizabeth located near the intersection of Wilson Boulevard and Hardscrabble Road in Richland County. Since the construction of Lake Elizabeth in the early 1930's the surrounding community has seen substantial developmental changes. Due to these developments, the majority of which have occurred upstream of the lake, a severe sediment problem has caused flooding to the residents of the Lake Elizabeth community and has created problems with water quality due to weed growth in shallow areas of the lake. Design for the Phase I of the project is complete.

Lake Elizabeth Phase One CIP Scope – Dredging of Lake Elizabeth: Removing sediment accumulations (approximately 9000 CY) at various locations within Lake Elizabeth. The project includes disposal of removed materials.

All of the necessary requirements applicable to the project (easements, permits, rights of way, utilities co-ordination, design and drawings, contract documents, specifications, public meeting etc) have been satisfactorily addressed and/or completed. Bids were solicited for the project construction services from the qualified contractors on January 11, 2009 with a due date of February 05, 2009 at 2.00p.m. The received bids will be evaluated, and most responsive bidder along with the bid cost will be recommended to the Council in the February 24, 2009 Council meeting.

C. Financial Impact

The Engineer's total estimated construction cost for the project is $342,038.00. The Public Work's Stormwater Management Division has entire funding available for this project in its FY09 adjusted budget. Council approval is needed in authorizing the award of contract to the most responsive bidder. It is to be noted that, the actual bids may come higher/lower than estimated cost of the project.

Item	**Cost in Dollars**
Engineer's Estimated Project Construction Cost for Lake Elizabeth Phase I CIP	$342,038.00
Total Estimated Project Construction Cost	**$342,038.00**

D. Alternatives

1. Approve the request in full, and exactly as presented by the Department of Public Works Stormwater Management Division. **Reason**: The request involves no new financial impacts and is completely funded in FY09 adjusted budget. Lake Elizabeth Phase I is the first phase of three phased approach to improve water quality in the Crane Creek watershed and it is long time pending project in Stormwater Management's Capital Improvement Project (CIP) program.

2. Do not approve the recommendations, and send it back to the Department of Public Works Stormwater Management Division. **Consequences:** No contract for construction services which either stalls or delays the implementation of capital improvement project.

E. Recommendation

It is recommended that Council approve the award of construction services contract for Lake Elizabeth Phase I capital improvement project to the most responsive bidder (pending recommendation on February 11, 2009) from Richland County Department of Public Works Stormwater Management Division FY09 adjusted budget. The name of the recommended responsive bidder/firm for the project and project bid cost will be presented to the Council in the February 24, 2009 Council meeting

Recommended by: David Hoops, P.E., DPW County Engineer
Srinivas Valavala, DPW Stormwater Manager
Department: Public Works **Date**: 02/09/2009

F. Reviews

Finance
Reviewed by: Daniel Driggers
Date: 2/12/09
✓ Recommend Approval

☐ Recommend Denial
☐ No Recommendation
Comments: Approval based on recommendation of County Engineer. Funds are available as stated.

Procurement
Reviewed by: Rodolfo Callwood
Date: 2/12/09
☑ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Legal
Reviewed by: Larry Smith
Date: 2/12/09
✓Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments: Approval subject to the County securing all of the necessary easements from the private property owners on the property that the county will be working on.

Administration
Reviewed by: Sparty Hammett
Date: 2/12/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Richland County Council Request of Action

Subject: Hopkins Utility System Budget Amendment

A. Purpose

County Council is requested to approve a budget amendment to cover operational cost through the remainder of FY 08-09.

B. Background / Discussion

Background: The Hopkins Utility System consists of the Albene Park water system and the Franklin Park water and sewer systems. Approximately seventy-five (75) houses are connected to and served by this system. Richland County Utilities operates this system under a receivership agreement with SC DHEC. Under the agreement, the County has the authority to charge user fees to cover operational cost.

Discussion: The current Hopkins Utility System is to be incorporated into a larger regional system that is currently under development. The new system should be operational by the end of 2009. At that time, approximately 600 user fee paying customers will be on line to offset all operational cost. Until that time, the user fees collected from the existing customers is insufficient to cover the operational cost. An additional $13,000.00 is needed to cover operational cost through the end of FY 08-09.

C. Financial Impact

The Broad River Sewer System has a fund balance with sufficient funds to lend the Hopkins Utility System $13,000.00 to support that operation. These funds can be repaid once the new regional system comes on line and has sufficient revenue to support the operational cost.

D. Alternatives

1. Do nothing. The system requires electricity, chemicals and operators to provide water and sewer service to these customers. These services must continue or the system will be shut down.

2. Approve a $13.000.00 loan from the Broad River Sewer System to the Hopkins Utility System.

3. Identify an alternate funding source for the $13,000.00.

E. Recommendation

It is recommended that $13,000.00 be loaned from the Broad River Sewer System fund balance to the Hopkins Utility System and that the Hopkins Utility System budget be

amended by $13,000.00 for FY 08-09. These funds are to be repaid once sufficient operational funds are available in the Hopkins Utility System.

Recommended by: Andy H. Metts **Department**: Utilities **Date**: 2/12/09

F. Reviews

Finance
Reviewed by: Daniel Driggers
Date: 2/13/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments: Approval would require a budget amendment

Legal
Reviewed by: Larry Smith
Date: 2/18/09
☐ Recommend Approval
☐ Recommend Denial
✓ No Recommendation
Comments: Council discretion

Administration
Reviewed by: Sparty Hammett
Date: 2/18/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Richland County Council Request of Action

Subject: Countywide Energy Savings Update

A. Purpose

The purpose of this document is to notify Council of staff's findings after reviewing the preliminary report submitted By the Siemens Company.

B. Background / Discussion

- Siemens was selected from several companies that responded to an RFQ to evaluate the County's operations and deliver a plan at no cost and no risk to the County to identify energy savings opportunities that could be guaranteed by equipment replacement that would generate energy reductions. The company was to identify these opportunities and offer a payback period of no more than 10 years to be paid directly from the energy savings to be realized.

- Council then authorized the Procurement Director to negotiate with Siemens for the purpose of developing a scope of work and create a contract to implement that scope.

- Once the preliminary study was received, Facilities Management and staff, the Procurement Director, and the Finance Director met to review the report. It was determined that Siemens study and findings stretched their proposed savings over a 12 year period allowing the impression of greater savings totals. Siemens also required an agreement to guarantee that a fee of $96,000 or a sum equal to 3% of the total developed project for services rendered would be paid to Siemens within 60 days following submittal and completion of a more detailed study whether the County chooses to implement or not.

- The result of the study was that Siemens indicated that the program will cost a total of $3.2 million dollars with annual savings in excess of $380,000 over the 12 year period with half of these savings resulting primarily from laundry and kitchen equipment upgrades at the Detention Center. Staff, in consultation with the Detention Center Director believes that these improvements that had previously been identified needed to be completed as a construction project and not just an equipment replacement project. Siemens estimated that about half of the total equipment investment would be needed to save the approximate $1.5 million in savings at the Detention Center over the next 12 years, but this implementation cost does not include new facilities that are also required. The study did not answer the needs of improving and updating the current facilities HVAC and Hot water system that would offer two improvements; one in energy savings by utilizing new efficient equipment as the primary operation and the second, keeping the current equipment in place creating backup systems.

- An estimated $1.5 million that the study identified as possible savings over the next 12 years were divided up among the remaining large facilities, but the Facilities department had already begun to implement this year's major improvement plan by upgrading the HVAC systems at the Dutch Fork, Central Court, and Administrative and Health facilities. Two of the projects have been completed and the third is in the construction phase. In the short time since the completion of one of the first two projects, a reduction in electricity consumption has already been realized. An example is where the consumption at Central Court has been reduced by 25,280kwh or a 15% reduction. This 15% equals over one full month's consumption over the same 11 month time period the previous year. Facilities was asked to suspend the controls change project by Siemens at the Administration complex to allow that work to be completed as part of the savings plan, but these funds had already been approved through the normal budget process and allocated so and there was no interest to be paid on these funds.

- The report also noted items such as installing energy efficient lighting system. This is a program that facilities have been implementing for the past five years, as much as personnel resources will allow, by changing 350 to 500 fixtures annually. Nearly every savings solution identified in the report is already underway or planned in the Capital Improvement Plan that is developed by Facilities in the normal budget process.

- The report gave little support to improving the systems at the Judicial Center. We already are aware that the updating of that facilities HVAC system will require over an estimated 9 million dollars and have relatively little payback except in reduced maintenance cost and time.

- Facilities staff have been meeting and working very closely with SCE&G annually over the past five years to insure the County is purchasing utilities at the best possible rate. We have also been meeting to identify methods of saving energy at no cost to the County by evaluating each facility history over the past three years and developing an operations plan that includes temperature settings during defined parts of the day and week. The operational changes will also improve energy reductions by programming how we bring facilities back online after a weekend and night shutdown. Facilities insures that these systems have remote access control by its staff for programming in new facilities under construction as well as have already retrofitted the DSS facility, EMS and are currently upgrading the entire Administration Complex. These new construction and retrofitting practices insure control so that facilities are taken off line when not in use and brought back up in the most efficient method. This also keeps individuals from setting thermostats that compete with each other in the same facility. Facilities is now evaluating the implementation cost of tying in facility lighting and water makeup controls for the cooing systems for input into the master Capital Improvement Plan. The controls that have been installed and currently being installed are capable of controlling may different facility functions.

- Facilities and Procurement is developing and implementing a process where all new equipment requisitioned will be evaluated by facilities staff to insure it will be energy efficient and that the current facility power distribution system can support the equipment. If changes are need to support the necessary equipment then this improvement can be planned and therefore be much more efficient in resource usage.

C. Financial Impact

To move forward with a more in-depth review that will cost $96,000 or a sum equal to 3% of the total developed project for services rendered, that must be paid to Siemens within 60 days following submittal and completion of a more detailed study whether the County chooses to implement or not.

D. Alternatives

1. Instruct staff to move forward and have Siemens conduct a more complete review at a cost of $96,000 or a sum equal to 3% of the total developed project for services rendered;

2. Instruct staff to negotiate with another firm;

3. Allow staff to continue the current plan for saving energy by utilizing the 10 year capital plan

E. Recommendation

Recommend that you allow staff to continue its current energy savings strategy with each year's budget request. Making improvements and upgrades to current facilities that reduce energy consumption.

Recommended by: John Hixon / Rodolfo Callwood **Department**: Facilities / Procurement
Date: 2/5/09

F. Reviews

Finance
Reviewed by: Daniel Driggers
Date: 2/12/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments: We support the recommendation above of alternative 3. Approval of alternative 1 will require the identification of a funding source.

Procurement
Reviewed by: Rodolfo Callwood
Date: 2/12/09
☑ Recommend Approval

☐ Recommend Denial
☐ No Recommendation
Comments:

Legal

Reviewed by: Larry Smith
Date: 2/12/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Administration

Reviewed by: Tony McDonald
Date: 2/13/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Richland County Council Request for Action

Subject: Resolution to endorse incentives for recycling in South Carolina

A. Purpose

Council is requested to consider a resolution to endorse meaningful incentives for recycling in South Carolina.

B. Background / Discussion

During the council meeting on February 3, 2009, the Clerk of Council informed members of council that she had received a request from the Moore & Van Allen Law Firm asking council to adopt a resolution asking the state legislature to "continue to pursue meaningful incentives for recyclers in recognition of the energy and environmental benefits of recycling to our county, state and nation." During the motion period, the resolution was forwarded by council to the D&S Committee for additional discussion.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the resolution.

2. Do not approve the resolution.

E. Recommendation

This request is at council's discretion.

Recommended by: Council Motion **Date**: 02/03/2009

F. Reviews

Finance
Reviewed by: Daniel Driggers
Date: 2/12/09
☐ Recommend Approval
☐ Recommend Denial
✓ No Recommendation
Comments: As stated in the financial section there is no financial impact.

Legal
Reviewed by: Larry Smith

Date: 2/18/09
☐ Recommend Approval
☐ Recommend Denial
✓ No Recommendation
Comments:

Administration

Reviewed by: Tony McDonald
Date: 2/18/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

RESOLUTION OF THE RICHLAND COUNTY COUNCIL REQUESTING THAT THE SOUTH CAROLINA GENERAL ASSEMBLY CONTINUE TO SUPPORT MEANINGFUL INCENTIVES FOR RECYCLERS IN RECOGNITION OF THE ENERGY AND ENVIRONMENTAL BENEFITS OF RECYCLING TO OUR COUNTY, THE STATE AND THE NATION.

Whereas, recycling in South Carolina protects the environment, conserves natural resources, promotes energy efficiency and supports economic development; and

Whereas, the significant energy benefits of recycling provide greater diversity and reliability to the South Carolina energy grid while protecting our natural resources. Manufacturing recycled products requires, on average, 17 times less energy than manufacturing the same products from virgin materials. In 2007, the energy saved from recycling reached 900 trillion Btu's nationwide, or the amount of energy used by nine million American households. As such, in addition to the traditionally understood benefits of recycling as a conservation and waste management tool, recycling is becoming known as an energy source to help combat the Nation's growing energy crisis; and

Whereas, by reducing the amount of energy used by industry, recycling also reduces greenhouse gas emissions. In 2007, recycling in South Carolina reduced greenhouse gas emissions equivalent to eliminating electricity usage by more than 1.7 million households for one year, preserving 110,658 acres of forest from deforestation, or conserving more than 1.5 billion gallons of gasoline; and

Whereas, reprocessing used materials to make new products and packaging reduces the consumption of natural resources. For example, for every ton of steel recycled in South Carolina, 2,500 pounds of iron ore, 1,400 pounds of coal and 120 pounds of limestone are conserved. By recycling over 4,000 tons of steel in 2006, South Carolina residents saved over 11 million pounds of iron ore, 6.3 million pounds of coal and 530 thousand pounds of limestone; and

Whereas, by converting waste into valuable products, recycling creates jobs, contributes feedstock to manufacturing and adds significant value to the South Carolina economy. In South Carolina, the recycling industry is directly responsible for more than 15,000 jobs, $1.5 billion in annual personal income and $69 million in tax revenue each year; and

Whereas, the upgrading and processing of recycled materials adds $6.5 billion annually to the State's economy. In addition, South Carolina's recycling industry will grow approximately 12 percent annually during the next five years, with an economic impact of more than $11 billion; and

Whereas, recycling reduces the amount of waste deposited in our landfills. In 2007, South Carolina recycled over 1.5 million tons of municipal solid waste, and Richland County recycled 35,010 tons of municipal solid waste. Richland County's existing landfills have an average remaining life span of just over 7.1 years based on the permitted disposal rate. The average cost to close a landfill is over $250,000 per acre. In addition to the closing costs, there are post-

closure costs which will continue for decades. As a result, South Carolinians will incur exorbitant costs if we fail to provide greater incentives for recycling at every level; and

Whereas, through the recognition and promotion of the economic, energy and environmental benefits of recycling, South Carolina's recycling industry will grow, thereby creating efficient market-based solutions to the growing energy crisis and ensuring a clean, safe, abundant and stable energy supply to the citizens of this State for years to come.

Now, Therefore, Be it resolved by the Richland County Council:

on behalf of the citizens and businesses of Richland County, by this resolution, we encourage the Richland Legislative Delegation and the South Carolina General Assembly to recognize the benefits of recycling to our environment and our economy and enact incentives to promote the recycling industry.

Richland County Council Request for Action

Subject: Purchase of Property In Lower Richland for Tourism-Related Activities

A. Purpose

Council is requested to consider a motion made by Councilman Norman Jackson regarding the purchase of property.

B. Background / Discussion

At the Special Called Council Meeting on January 22, 2009, Councilman Norman Jackson made a motion to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities. This item was forwarded to the February D&S Committee meeting.

C. Financial Impact

No financial information was provided at the time the motion was made other than the proposed funding source.

D. Alternatives

1. Direct staff to pursue the purchase of a specific piece of property in Lower Richland with Hospitality Tax funds for tourism-related activities.

2. Direct staff to pursue the purchase of property in Lower Richland for tourism-related activities after undertaking a comprehensive assessment to determine the need for the property, and its stated use(s).

3. Do not pursue the purchase of property in Lower Richland for tourism-related activities at this time.

E. Recommendation

This request is at council's discretion.

Recommended by: Councilman Norman Jackson, January 22, 2009 Special Called Council Meeting

F. Reviews

Finance
Reviewed by: Daniel Driggers
Date: 2/12/09
☐ Recommend Approval

☐ Recommend Denial
✓ No Recommendation
Comments: There is no recommendation in the ROA to add comment and not enough information provided to make a recommendation.

Legal

Reviewed by: Larry Smith
Date: 2/12/09
✓ Recommend Approval
☐ Recommend Denial
☐ No Recommendation
Comments:

Administration

Reviewed by: Roxanne Matthews
Date: February 18, 2009
☐ Recommend Approval
☐ Recommend Denial
✓ No Recommendation
Comments: The purchase of property in Lower Richland for tourism-related activities is a policy decision of Council. No Hospitality Tax funds are currently designated for this purpose. Further, staff would need direction as to the desired acreage, preferred location(s), recommended uses, etc. in order to proceed with determining appropriate sites for this use.

Richland County Council Request for Action

Subject: Landfill Settlement Agreement Amendments

A. Purpose

Council is requested to consider a motion made by Councilman Norman Jackson to amend the language of the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC.

B. Background / Discussion

During the February 3, 2009 Council Meeting, Councilman Norman Jackson made a motion to amend the language of the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC. This item was forwarded to the February Committee meeting for additional discussion.

Any amendments to the existing agreement will require the consent of both parties. A letter from the attorney representing Northeast Landfill, LLC, Weston Adams, states that his client is not willing to amend the December 17, 2008 settlement agreement. A copy of the letter is attached.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Direct staff to continue to pursue amendments to the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC.

2. Table the request due to Northeast Landfill, LLC's unwillingness to amend the December 17, 2008 settlement agreement.

E. Recommendation

This request is at council's discretion.

Recommended by: Norman Jackson **Department**: Council Motion **Date:** 02/03/09

F. Reviews

Legal

Reviewed by: Larry Smith
Date: 2/19/09
☐ Recommend Approval

☐ Recommend Denial
✓ No Recommendation
Comments:

Administration

Reviewed by: Tony McDonald
Date: 2/19/09
☐ Recommend Approval
☐ Recommend Denial
✓ No Recommendation
Comments: Amendment of the agreement is at the Council's discretion; however, it should be noted that the attorney for Northeast Landfill has indicated that his client is not willing to amend the agreement.

McAngus Goudelock & Courie LLC

ATTORNEYS AT LAW

Reply To
WESTON ADAMS, III
Direct Dial: (803) 227-2322
wadams@mgclaw.com
COLUMBIA

February 6, 2009

Larry C. Smith, Esq.
Richland County Attorney's Office
Post Office Box 192
Columbia, South Carolina 29202

RE: Northeast Landfill, LLC
Our File No.: 20587.07020

Dear Larry:

I am writing in reply to your telephone call regarding a county council member's request to amend the December 17, 2007 Settlement Agreement between Richland County and my client Northeast Landfill, LLC. As I explained in our telephone call, while my client values its good relations with Richland County and Richland County Council, Northeast Landfill, LLC is not willing to amend the December 17, 2007 Settlement Agreement. Please call if you have any questions regarding this matter.

Yours truly,

Weston Adams III

Weston Adams, III

WA/cls

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MEMORANDUM

TO: Joseph Kocy, Planning Director

FROM: Amelia R. Linder, Esq.

DATE: February 13, 2009

RE: State Parks, State Forests, and County Parks

State Parks:

According to General Counsel, B.J. Willoughby, with the S.C. Dept. of Parks, Recreation and Tourism, there are 46 State parks in South Carolina. Forty-four (44) of those parks were acquired with the use of Federal land and water conservation funds, thereby requiring that if the parks are not used as parks, an equivalent amount of acreage would have to be purchased at present day market value to replace what was lost. Also, according to Ms. Willoughby, the State has no plans at this time to sell any of the parks; that they are dealing with the current recession by limiting park hours and reducing staff numbers.

In addition, through correspondence with Phil Gaines, Director of the S.C. State Park Service (which is an entity of the South Carolina Department of Parks, Recreation & Tourism), I was again told that, "We have no plans to sell a park, while we are facing unprecedented challenges in our state and nation we continue to feel that parks are of tremendous value to our citizens and the communities and visitors that they serve. They are a vital component in the quality of life of these communities and often serve as economic engines for the region. With that being said, most parks do have some type of Federal restrictions on them, in particular LWCF restrictions. The Department of the Interior, through the National Park Service has oversight over these funds and would be consulted. Most of our parks, in addition to the LWCF restrictions have deed restrictions and reversionary clauses as well. There are many levels of public participation and oversight that are in place if ever this were to ever take place. . . . Sesqui(centennial Park) does have LWCF restrictions. The park an original CCC (Civilian Conservation Corps) park is a vital part of our Park System. We also think that it has tremendous potential to make even more of an impact on the community. We are currently looking at another LWCF grant to enhance the trail system at the park. There are a lot of opportunities to tie the part into existing trails and neighborhoods in Richland County."

Sesquicentennial Park is located in Richland County and is currently zoned "OI, Office and Institutional District".

State Forests:

According to Joel Felder, with the State Forestry Commission, Harbison State Forest is owned by the State of South Carolina and title is held by the State Budget and Control Board. Although Mr. Felder is not aware of any deed restrictions that would protect the Forest from other uses, the Forest is located entirely with Columbia City limits and Richland County would have no jurisdiction in determining its zoning designation or uses.

County Parks:

Thirty-three (33) parks are within the unincorporated areas of Richland County, and six (6) are outside of the County's jurisdiction. A break down of the parks, with their respective zoning classifications, is attached.

In addition, Ronnie Kinnett, with the Richland County Recreation Commission, has advised me that there are currently uses occurring at some of the parks that would not be allowed if the property was rezoned to a TROS Zoning District. For example, there is a sheriff's substation and a school at Crane Creek Community Center – these uses would then become legal nonconforming uses and could not be expanded; and new or additional facilities could not be constructed. Other parks offer rental space for receptions and meetings, or computer classes, or afterschool care for children. Most of the parks have either baseball fields or football/soccer fields. Some parks have batting cages, and these would not be able to be replaced should they become damaged. A more detailed listing of the uses at each park is also attached.

Richland County Parks within Unincorporated Richland County

Facility	TMS Number	Zoning
Adult Activity Center: 7494 Parklane Road, Columbia, SC James E. Clyburn Technology Center: 7492 Parklane Road, Columbia, SC 29223 Richland County Tennis Center: 7500 Parklane Road, Columbia, SC 29223	17007-01-01	RS-LD
Anna Boyd Park: 633 Anders Street, Columbia, SC 29203	14316-01-26	RU
Ballentine Community Center: 1009 Bickley Road, Irmo, SC 29063	02411-03-01	RU
Bluff Road Park: 148 Carswell Road, Columbia, SC 29209	16100-02-10	M-1
Caughman Road Park: 2800 Trotter Road, Hopkins, SC 29061 Caughman Road Tennis Center: 2800 Trotter Road, Hopkins, SC 29061	21900-11-02	RS-MD
Crane Creek Community Center: 7405 Fairfield Road, Columbia, SC 29203	11903-04-04	RS-HD
Crane Forest Park: 1220 Peachwood Drive, Columbia, SC 29203	09506-04-02	RS-HD
Cross Roads Park: 2750 McCords Ferry Road, Eastover, SC 29044	37200-01-05	RU
Denny Terrace Community Center: 6429 Bishop Avenue, Columbia, SC 29203 Denny Terrace Gymnasium: 6429 Bishop Avenue, Columbia, SC 29203	09401-07-10	RS-MD
Gadsden Community Center: 1660 S. Goodwin Circle, Gadsden, SC 29052	32400-01-02	RU
Hopkins Adult Activity Center: 150 Hopkins Park Road, Hopkins, SC 29061 Hopkins Park: 150 Hopkins Park Road, Hopkins, SC 29061	21400-01-11	RU
Jordan Memorial Boat Ramp: 611 Rosewood Drive, Columbia, SC 29201	08716-01-04	HI
Killian Park: 1424 Marthan Road, Blythewood, SC 29016	17500-04-24	RU
LinRick Golf Course and Pro Shop: 356 Campground Road, Columbia, SC 29203 Upper Richland Community Center: 280 Campground Road, Columbia, SC 29203	08100-02-05	TROS
Meadowlake Park: 600 Beckman Road, Columbia, SC 29203	14304-06-01	OI
North Springs Park: 1320 Clemson Road, Columbia, SC 29229	23000-03-03	RU
Olympia Park: 1050 Olympia Avenue, Columbia, SC 29201	08816-02-05	RM-HD/RM-MD
Perrin-Thomas Neighborhood Park: 1010 Andrews Road, Columbia, SC 29201	11211-06-77	M-1
Pine Grove Community Center: 937 Piney Woods Road, Columbia, SC 29210	06104-05-28	RU
Polo Road Park: 730 Polo Road, Columbia, SC 29223	19900-01-03	OI
Ridgewood Park: 805 Crest Street, Columbia, SC 29203	09310-05-11	RM-MD
Serenity Park: 403 Riley Street, Columbia, SC 29203	11115-07-32	RM-MD
Sharpe Road Park: 501 Sharpe Road, Columbia, SC 29203	11910-01-01	RS-LD
St. Andrews Park: 920 Beatty Road, Columbia, SC 29210	06110-04-09	RM-HD
Starlite Park: 4300 Laclair Drive, Columbia, SC 29209	13513-08-01	RS-HD
Summerhill Park: 210 Durango Avenue, Columbia, SC 29203	14510-01-20	RS-MD
Washington Park: 175 Aster Circle, Columbia, SC 29201	13603-06-46	RM-MD

Richland County Parks outside of the County's Jurisdiction

Facility	TMS Number	Jurisdiction
Blythewood Park: 126 Boney Road, Blythewood, SC 29016	15209-01-02	Blythewood
Dutch Fork Tennis Center: 1113 Friarsgate Boulevard, Irmo, SC 29063	04002-07-64	Irmo
Eastover Park: 1031 Main Street, Eastover, SC 29044	36807-10-04	Eastover
Forest Lake Park: 6820 Wedgefield Road, Columbia, SC 29206	16905-05-01	Forest Acres
Friarsgate Park: 1712 Chadford Road, Irmo, SC 29063	03210-01-46	Irmo
Trenholm Park: 3900 Covenant Road, Columbia, SC 29204	14012-02-03	Forest Acres

Richland County Council Item for Information / Discussion

Subject: Smoking Ban Ordinance – Clarifications

A. Purpose

Council is requested to consider revising the Smoking Ban ordinance to clarify Council's intent and provide policy direction to staff and the public.

B. Background / Discussion

On October 28, 2008, the County Council amended its Smoking Ban ordinance to reflect a civil penalty as required by the SC Supreme Court. Since enforcement has commenced, questions relating to the implementation and enforcement of the smoking ban have arisen that need Council direction before further enforcement can proceed as necessary.

These questions and issues are as follows:

1) Does Council intend for businesses who consistently violate the smoking ban ordinance to have the business' business license denied, revoked, or suspended? If so, how many violations should be documented prior to this action being initiated? If this is Council's intention, specific language to this effect will be needed to be added as a Smoking Ban ordinance amendment.

2) The $25 civil penalty will be written by whichever Code Enforcement Officer observes the violation. However, there is no direction as to which department shall collect this penalty. Shall this be an administrative department as the County Administrator deems appropriate, or should this be a responsibility of the County Treasurer? It is recommended that this be clarified within the smoking ban ordinance.

3) The ordinance Section 18-6 (h)(3) currently reads "Each day on which a violation of this Section occurs shall be considered a separate and distinct infraction." Is it Council's intention that, once a person or business is written a ticket on a given day, that person or business may continue to smoke or to allow smoking for the remainder of that day, since no additional tickets may be written?

   If this is not Council's intention, it is recommended that Council amend this section of the Smoking Ban ordinance to read, "Each incidence of violation (i.e., each person that a business allows to smoke, or each lighted tobacco product) of this Section shall be considered a separate and distinct infraction."

4) The current Smoking Ban ordinance does not indicate how much time an offender has to pay the $25 civil penalty. How many calendar or business days does Council intend to allow a person to pay the penalty before additional enforcement is initiated? What is Council's intention that the additional enforcement should be - a doubling of the civil penalty every ten days, for example? What is Council's intention that the final

enforcement action should be, if no civil penalties are ever paid by a person or a business for a violation?

Council's intentions regarding the payment and enforcement of the civil penalty needs to be added as a Smoking Ban ordinance amendment.

5) Is it Council's intention that every "Workplace shall post a conspicuous sign at the main entrance to the Workplace, which shall contain the words "No Smoking" and the universal symbol for no smoking", as currently required by the ordinance? If so, is this to be considered an infraction as well, with an associated $25 fine?

   If so, language to this effect needs to be added to the Smoking Ban ordinance. If it is not Council's intention that every workplace in the unincorporated County should have this signage, then it is recommended that this language be removed from the ordinance.

6) What is Council's intention in Section 18-6(h)(3) that "A violation of this Section is furthermore declared to be a public nuisance"? Is a single violation of this section a public nuisance? What is the consequence to the person or to the business of being considered "a public nuisance"? Council is recommended to clarify in the ordinance its intentions with this "public nuisance" language.

7) What is Council's intention or desire regarding the level of enforcement? If every complaint is to be investigated, i.e., sending an inspector out to determine if a violation is witnessed, this may have consequences on staffing levels as well as overtime costs.

C. Financial Impact

Any financial impact to amendments to the Smoking Ban ordinance can be projected upon the nature and scope of any amendments that are undertaken.

D. Alternatives

1. Revise the Smoking Ban ordinance to clarify Council's intentions and to answer important policy questions.

2. Leave the Smoking Ban ordinance unchanged.

E. Recommendation

It is recommended that the Smoking Ban ordinance be amended to answer, in whatever way the Council deems most appropriate, the policy questions that have been raised.

Recommended by: Pam Davis **Department**: BSC **Date**: February 10, 2009