



# RICHLAND COUNTY COUNCIL

## DEVELOPMENT AND SERVICES COMMITTEE

Gwendolyn Kennedy  
District 7

Damon Jeter  
District 3

Norman Jackson, Chair  
District 11

Jim Manning  
District 8

Bill Malinowski  
District 1

*March 24, 2009*  
*5:00 PM*

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

### **Call to Order**

### **Approval of Minutes**

February 24, 2009: Regular Meeting

Pages 3 – 5

### **Adoption of Agenda**

### **Items for Action**

1. 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 6 – 11
2. Request to approve the early renewal of a municipal solid waste contract with Waste Management, Inc. Pages 12 – 14
3. Request to consider a petition filed in circuit court to close a portion of Blaine Street and Dunston Street Pages 15 – 31
4. Request to approve a grant in the amount of \$28,000 from the South Carolina Competitive Grants Program to support the Gills Creek Watershed Restoration Project (No Personnel) Pages 32 – 34
5. Smoking Ban Ordinance Clarifications and Enforcement Pages 35 – 37

## **Items for Discussion / Information**

6. Request to dedicate a portion of road maintenance fee revenues for the paving of dirt roads *(Jackson)*
7. Request to establish a Sewer Availability Fee *(Malinowski)*
8. Request to establish a Jail Intervention Program Page 38  
*(Jackson)*

## **Adjournment**

*Staffed by: Joe Cronin*

**Richland County Council  
Development and Services Committee  
February 24, 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, L. Gregory Pearce, Jr., Kelvin Washington, Kit Smith, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Larry Smith, Joseph Kocy, Amelia Linder, Jim Wilson, Stephany Snowden, Jennifer Dowden, Srinivas Valavala, David Hoops, John Hixson, Donny Phipps, Monique Walters, Michelle Onley

**CALL TO ORDER**

The meeting was called to order at approximately 5:02 p.m.

**APPROVAL OF MINUTES**

**January 27, 2009 (Regular Session)** – Mr. Malinowski moved, seconded by Mr. Jeter, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

Mr. Jeter moved, seconded by Mr. Jackson, to move 7 & 8 to the beginning of the agenda and renumber the remaining items. The vote in favor was unanimous.

Mr. Pope stated that the 2007 Resurfacing Project needed to be added to the agenda for action.

Mr. Malinowski moved, seconded by Mr. Manning to add the 2007 Resurfacing Project to the agenda. The vote in favor was unanimous.

## ITEMS FOR ACTION

**Request to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities** – Mr. Jeter moved, seconded by Mr. Manning, to purchase the property in Lower Richland for \$2.8 million dollars with Hospitality Tax funds for tourism-related purposes based upon the last Geometrics study. A discussion took place.

The vote was in favor.

**Amendments to the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC** – Mr. Malinowski moved, seconded by Mr. Jeter, to distribute the settlement funds to a newly created non-profit community development organization in the Old McGraw Community. A discussion took place.

Mr. Malinowski clarified the motion by rephrasing it as follows: “that the settlement funds from the Northeast Landfill be released to a newly created non-profit community development organization in the vicinity of the Old McGraw community in District 10.” The vote in favor was unanimous.

**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** – A discussion took place.

Mr. Malinowski moved, seconded by Mr. Manning, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**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** – A discussion took place.

Mr. Manning moved, seconded by Ms. Kennedy, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**2007 Roadway Resurfacing Project** – A discussion took place.

Mr. Manning moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**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** – A discussion took place.

Ms. Kennedy moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**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** – Mr. Malinowski moved, seconded by Mr. Manning, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

**Energy Audit Update** – Mr. Malinowski moved, seconded by Mr. Jackson, to forward Alternative #3 to Council with a recommendation for approval. The vote in favor was unanimous.

**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** – Mr. Malinowski moved, seconded by Mr. Jeter, to defer this item until the March 24<sup>th</sup> D&S Committee meeting. The vote was in favor.

#### ITEMS FOR DISCUSSION/INFORMATION

**Identification of “green spaces” in Richland County and their current zoning designations** – This item was held in committee in order to obtain additional information.

**Smoking Ban Ordinance Clarifications and Enforcement** – This item was held in committee.

#### ADJOURNMENT

The meeting adjourned at approximately 5:45.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

## 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.

## **IMPACTS OF RECYCLING IN SOUTH CAROLINA**

Recycling in South Carolina conserves natural resources, promotes energy efficiency, protects the environment, and supports economic development.

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. Overall, \$6.5 billion in value is added annually to the state's economy through the upgrading or processing of recycled materials. In addition, the recycling industry within South Carolina will grow about 12 percent annually during the next five years, with an economic impact of more than \$11 billion. ***(Frank Hefner and Calvin Blackwell, The Economic Impact of the Recycling Industry in South Carolina, June 23, 2006)***

Recycling produces significant energy benefits, including greater diversity and reliability to South Carolina's energy grid due in part to the fact that manufacturing recycled products requires, on average, 17 times less energy than manufacturing the same products from virgin materials. ***(University of Massachusetts Amherst, Environmental Benefits of Recycling)***

Last year, 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 increasingly understood as an energy source available to combat the Nation's growing energy crisis. ***(United States EPA)***

By reducing the amount of energy used by industry, recycling also reduces greenhouse gas emissions and helps prevent global climate change. In 2007, recycling in South Carolina reduced greenhouse gas emissions and resulted in an environmental impact equivalent to eliminating electricity usage by more than 1,733,032 households for one year, preserving 110,658 acres of forest from deforestation, or conserving more than 1,537,622,535 gallons of gasoline. ***(South Carolina DHEC)***

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. ***(Christine Von Kolnitz & Karyn Kaplan, University of Oregon and Medical University of South Carolina, Recycling and Beyond at 101 (2004))***

An additional benefit of recycling is the reduction of waste deposited into our landfills. The costs associated with closing a landfill are significant. In 2007, South Carolina recycled over 1.5 million tons of municipal solid waste. Our existing landfills have an average remaining life span

of just over 12 years. Our State is looking at exorbitant costs if we fail to promote recycling at every level to help prolong the life of these landfills. 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. *(South Carolina DHEC)*

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.

## Richland County Council Request of Action

**Subject:** Waste Management Contract Renewal

### **A. Purpose**

The purpose of this report is to request the County Council's consideration of renewing the County's contract for solid waste disposal one year earlier than the established contract terms prescribe.

### **B. Background / Discussion**

In 1995, Richland County entered into an agreement with Chambers Waste Systems of South Carolina (now operating as Waste Management, Inc.) for disposal of municipal solid waste (MSW) in Richland County. The disposal agreement was for an initial term of five years, with options to renew for up to four additional five year periods. The total potential term of the agreement, therefore, is twenty-five years. Assuming the agreement is renewed to the fullest extent possible, the agreement will expire in 2020.

Exercising its options under the terms of the agreement, the County renewed the agreement in 2000 and 2005. The next renewal date would be 2010, one year from now. However, Waste Management officials have approached County Administration with a proposal to renew for the next five year period one year earlier than is prescribed. Under this proposal, the agreement would be renewed, beginning immediately, through 2015.

In return for the early renewal, Waste Management will increase the host fee it pays to the County by 50 percent. The host fee is currently \$1 per ton of waste accepted by Waste Management that is generated outside of Richland County. Waste Management is proposing to increase the host fee to \$1.50 per ton. In fiscal year 2008, the County received host fee revenue from Waste Management in the amount of approximately \$510,000. That amount would increase to \$765,000 under the new proposal, a \$255,000 increase.

Waste Management's proposal also provides that the company will implement a single stream recycling program at the County Administration Building at no cost to the County.

### **C. Financial Impact**

As indicated above, the host fee paid to the County by Waste Management would increase by 50 percent, which would generate approximately \$255,000 more in revenue per year.

### **D. Alternatives**

The following alternatives exist with respect to this request:

1. Approve the proposed early renewal of the agreement with Waste Management for MSW disposal.

2. Do not approve the proposed early renewal and wait for the prescribed renewal date of 2010.
3. Do not renew the agreement with Waste Management and bid out the County's future MSW disposal services.

**E. Recommendation**

Recommend approval of the early renewal of the agreement with Waste Management.

**Recommended by:** Tony McDonald    **Department:** Administration    **Date:** 3/2/09

**F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/13/09

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments: Recommend that approval be contingent upon evaluation of contract terms and compliance by Procurement and Legal Departments in order to reduce the County's exposure and ensure the most favorable contract terms are provided to the County.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 3/13/09

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments:

**Legal**

Reviewed by: Larry Smith

Date: 3/16/09

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments: Approval contingent upon the Council voting to renew rather than procure the services thru a bid process as well as the County's ability to negotiate a contract with them is consistent with the Council's goals and objectives in this area.

**Administration**

Reviewed by: Tony McDonald

Date: 3/16/09

Recommend Approval

Recommend Denial

No Recommendation

Comments:

## Richland County Council Request for Action

**Subject:** Petition to Close Roads/Portions of Blaine St. and Dunston St.

### **A. Purpose**

County Council is requested to consider a petition filed with the circuit court to close a portion of Blaine Street and Dunston Street, which are currently State maintained roads located in Richland County.

### **B. Background / Discussion**

Petitioner filed with the circuit court to close a portion of Blaine Street and Dunston Street, which are State maintained roads located within unincorporated Richland County. According to the petition, Plaintiff owns all of the abutting and adjoining space between Blaine Street and Dunston Street which are sought to be abandoned or closed, and such portions do not provide access to any properties other than Plaintiff's property. Petitioner requests that the court abandon or close the roadway and vest title with the Petitioner. A copy of the petition is attached for your convenience.

The Legal Department now needs Council's guidance in answering this lawsuit.

### **C. Financial Impact**

There is no known financial impact associated with this request.

### **D. Alternatives**

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

### **E. Recommendation**

Left to Council's discretion.

**Recommended by:** Elizabeth A. McLean

**Department:** Legal

**Date:** 3/10/2009

### **F. Reviews**

#### **Emergency Services**

Reviewed by: Michael Byrd

Date: 03/13/2009

✓ Recommend Approval

- Recommend Denial
  - No Recommendation
- Comments:

**Planning**

- Reviewed by: Joe Kocy  
Date: March 16, 2009
- Recommend Approval
  - Recommend Denial
  - No Recommendation
- Comments: Left to Council's discretion.

**Public Works**

- Reviewed by: David Hoops  
Date: 03/13/2009
- Recommend Approval
  - Recommend Denial
  - No Recommendation
- Comments: The two roads are not necessary to access any other private property, are not part of a public transportation system and do not contain any public utilities essential to Richland County. My recommendation is that Public Works has no interest in retaining the roads.

**Finance**

- Reviewed by: Daniel Driggers  
Date: 03/16/2009
- Recommend Approval
  - Recommend Denial
  - No Recommendation
- Comments:

**Legal**

- Reviewed by: Larry Smith  
Date: 03/16/2009
- Recommend Approval
  - Recommend Denial
  - No Recommendation
- Comments: Left to the Council's discretion.

**Administration**

- Reviewed by: Sparty Hammett  
Date: 03/18/2009
- Recommend Approval
  - Recommend Denial
  - No Recommendation
- Comments:



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Property Partners, LLC,

Plaintiff,

-vs-

South Carolina Department of  
Transportation, Richland County  
Department of Public Works and City of  
Columbia,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action. No.: 2009-CP-40-00504

**ACCEPTANCE OF SERVICE**

Due and legal service of a copy of the Amended Summons and Amended Complaint in the above-captioned action is hereby acknowledged and accepted on behalf of Richland County Department of Public Works by \_\_\_\_\_, as \_\_\_\_\_ for Richland County Department of Public Works this \_\_\_\_ day of \_\_\_\_\_, 2009.

Pursuant to Circuit Court Rule 53 of the South Carolina Rules of Civil Procedure, the undersigned does hereby stipulate that the issues in this action may be referred to the Master in Equity for Richland County, to take testimony arising under the pleadings and to make his findings of fact and conclusions of law, with authority to enter a final judgment in the cause, and with appeal, if any, being to the South Carolina Supreme Court.

The undersigned, on behalf of the Defendant, Richland County Department of Public Works, does hereby consent to an Order referring the above-entitled matter in accordance with said stipulation.

Richland County Department of Public Works

\_\_\_\_\_  
By:  
Its:

SWORN to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND )

South Carolina Property Partners, LLC,  
Plaintiff(s) )

CIVIL ACTION COVERSHEET

2009 - CP - 40 2054

vs. )

South Carolina Department of Transportation,  
Richland County Department of Public Works  
and City of Columbia, )

Defendant(s) )

(Please Print)  
Submitted By: Charles J. Webb  
Address: 1900 Barnwell Street  
Columbia, SC 29201

SC Bar #: 73757  
Telephone #: (803) 771-4400  
Fax #: (803) 779-0016  
Other:  
E-mail:

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

DOCKETING INFORMATION (Check all that apply)

\*If Action to Judgment/Settlement do not complete

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

NATURE OF ACTION (Check One Box Below)

- |   |   |   |  |
|---|---|---|--|
| <p><b>Contracts</b></p> <input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> Employment (120)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Other (199)  | <p><b>Torts - Professional Malpractice</b></p> <input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br><input type="checkbox"/> Notice/ Pile Med Mal (230)<br><input type="checkbox"/> Other (299)   | <p><b>Torts - Personal Injury</b></p> <input type="checkbox"/> Assault/Slander/Label (300)<br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Other (399) | <p><b>Real Property</b></p> <input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input checked="" type="checkbox"/> Other (499)<br><u>Road Closing</u>  |
| <p><b>Inmate Petitions</b></p> <input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Sexual Predator (510)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599)  | <p><b>Judgments/Settlements</b></p> <input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Other (799) | <p><b>Administrative Law/Relief</b></p> <input type="checkbox"/> Reinstate Driver's License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture (840)<br><input type="checkbox"/> Other (899)  | <p><b>Appeals</b></p> <input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Administrative Law Judge (980)<br><input type="checkbox"/> Public Service Commission (990)<br><input type="checkbox"/> Employment Security Comm (991)<br><input type="checkbox"/> Other (999) |
| <p><b>Special/Complex/Other</b></p> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Medical (620) <input type="checkbox"/> Out-of State Depositions (650)<br><input type="checkbox"/> Other (699) |   |   |  |

Submitting Party Signature: Charles J. Webb

Date: 02/13/2009

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

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Property Partners, LLC,

Plaintiff,

-vs-

South Carolina Department of  
Transportation, Richland County  
Department of Public Works and City of  
Columbia,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action. No.: 2009-CP-4000504

**A M E N D E D  
S U M M O N S**

JEANETTE W. McBRIDE  
C.C.P. & G.S.

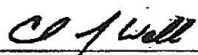
2009 FEB 13 PM 3:45

RICHLAND COUNTY  
FILED

TO THE DEFENDANTS ABOVE NAMED:

You are hereby summoned and required to answer the Amended Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Amended Complaint upon the Plaintiff at 1900 Barnwell Street, Columbia, South Carolina, within thirty (30) days from the service hereof, exclusive of the day of such service; in the event that you fail to answer the Amended Complaint within the time aforesaid, Plaintiff will apply to the Court for the relief demanded in the Amended Complaint and judgment by default will be rendered against you for the relief demanded in the Amended Complaint.

RICHARDSON, PLOWDEN & ROBINSON, P.A.

  
\_\_\_\_\_  
Frank E. Robinson, II  
Charles J. Webb  
1900 Barnwell St.  
P.O. Drawer 7788  
Columbia, SC 29202

February 13, 2009  
Columbia, South Carolina

<p>STATE OF SOUTH CAROLINA</p> <p>COUNTY OF RICHLAND</p> <p>South Carolina Property Partners, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs-</p> <p>South Carolina Department of Transportation, Richland County Department of Public Works and City of Columbia,</p> <p style="text-align: center;">Defendants.</p>	<p>IN THE COURT OF COMMON PLEAS</p> <p style="text-align: center;">C.A. No.: 2009-CP-4000504</p> <p style="text-align: center;"><b>A M E N D E D C O M P L A I N T</b></p> <p style="text-align: right;">JEANETTE W. MCBRIDE C.P. &amp; G.S.</p> <p style="text-align: right;">2009 FEB 13 PM 3:46</p>
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RICHLAND COUNTY  
FILED

Plaintiff would respectfully show unto this Court that:

1. Plaintiff South Carolina Property Partners, LLC ("Plaintiff") is a South Carolina limited liability company doing business in Richland County, South Carolina.
2. Defendant South Carolina Department of Transportation is an administrative division of the State of South Carolina and is subject to the jurisdiction of this Court.
3. Defendant Richland County Department of Public Works is an administrative division of the County of Richland and is subject to the jurisdiction of this Court.
4. Defendant City of Columbia is a municipality in the State of South Carolina and is subject to the jurisdiction of this Court.
5. Plaintiff owns all of the property abutting the eastern and western boundaries of the portion of Blaine Street that is the subject of this action. The portion of Blaine Street that Plaintiff is seeking to close is the portion running from the intersection

of Blaine Street with the northern boundary of an unopened road known as Whitlock Street and ending at property now or formerly referred to as the Atlantic Coast Line Railroad owned now or formerly by The Atlantic Land and Improvement Company in the County of Richland, near the City of Columbia, State of South Carolina, as shown on that certain subdivision plat prepared for "Allied Corporation" by L.W. Pollard, Civil Engineer dated July 6, 1946 and filed with the Richland County Register of Deeds in Plat Book L at Pages 3 and 4; said plat is attached hereto and incorporated herein by reference as Exhibit "A." Said portion of Blaine Street is further shown on an exhibit prepared for South Carolina Property Partners, LLC by Cox and Dinkins, Inc. dated January 27, 2009; ~~said exhibit is attached hereto and incorporated herein by reference as Exhibit "B."~~

6. Plaintiff owns all of the property abutting the eastern and western boundaries of the portion of Dunston Street that is the subject of this action. The portion of Dunston Street that Plaintiff is seeking to close is the portion running from the intersection of Dunston Street with the northern boundary of an unopened road known as Whitlock Street and ending at property owned by South Carolina Property Partners, LLC as shown on Exhibit "B."

8. Upon information and belief of Defendant South Carolina Department of Transportation maintains or maintained the subject portions of Blaine Street and Dunston Street as part of their road system.

9. Upon information and belief, the subject portions of Blaine Street and Dunston Street are within the County of Richland and Defendant Richland County Department of Public Works maintains or maintained the subject portions of Blaine Street and Dunston Street as part of their road system.

10. Upon information and belief, the subject portions of Blaine Street and Dunston Street are within the City of Columbia and the City of Columbia maintains or maintained the subject portions of Blaine Street and Dunston Street as part of their road system.

11. Plaintiff owns all of the property abutting and adjoining space in between Blaine Street and Dunston Street, which are sought to be abandoned and closed.

12. The portions of Blaine Street and Dunston Street that Plaintiff is seeking to close do not provide access to any properties other than Plaintiff's property.

13. Plaintiff is informed and believes that the general public will in no way be adversely affected by the closing of the subject portions of Blaine Street and Dunston Street.

14. Plaintiff seeks the abandonment and closing of the above said portions of Blaine Street and Dunston Street as described above as an interested party under Section 57-9-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended.

14. Pursuant to Section 57-9-10, *et seq.* of the Code of Laws of South Carolina 1976, as amended, Plaintiff has caused a notice of intention to file this Petition to be published in the *Columbia Star*, a newspaper published in Richland County, once a week for three (3) consecutive weeks, a copy of the notice is attached hereto as Exhibit "C" In addition, Plaintiff has provided notice of its intention to file this Petition to close to any and all parties who are named as Defendants.

14. Plaintiff is informed and believes that upon the abandonment and closing of the subject portions of Blaine Street and Dunston Street, hereinabove described, the Court should confirm that South Carolina Property Partners, LLC, hold fee simple title

to the respective parcels abutting their property running from the northern boundary of an unopened road, Whitlock Street, and ending at property now or formerly referred to as the Atlantic Coast Line Railroad and now or formerly owned by The Atlantic Land and Improvement Company, unencumbered by the rights of the public to use the subject portions of Blaine Street and Dunston Street.

WHEREFORE, the Plaintiff prays as follows:

A. That the subject portions of Blaine Street and Dunston Street being more fully hereinabove described, be forever legally abandoned and closed, unencumbered by the rights of the public to use the subject portions of Blaine Street and Dunston Street;

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B. That any and all rights which the Defendants or general public might have in and to the subject portions of Blaine Street and Dunston Street be forever barred;

C. That South Carolina Property Partners, LLC, and its successors and assigns be confirmed to hold fee simple title to the subject portions of Blaine Street and Dunston Street unencumbered by the rights of the public to use said subject portions.

D. For such other and further relief as the Court deem just and proper.

RICHARDSON, PLOWDEN & ROBINSON, P.A.

*Cl J Webb*

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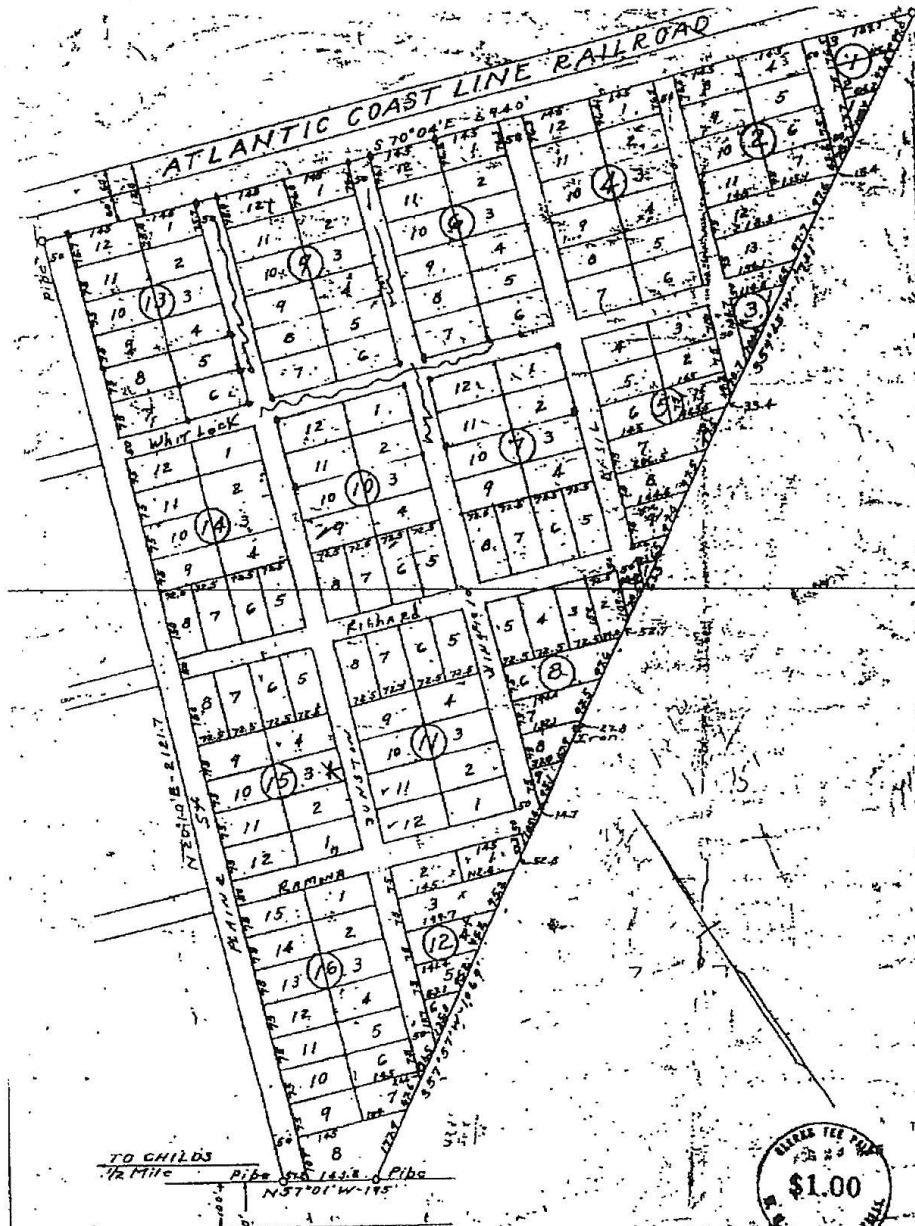
Frank E. Robinson, II  
Charles J. Webb  
1900 Barnwell St.  
P.O. Drawer 7788  
Columbia, South Carolina 29202  
Attorneys for Plaintiff (803)771-4400

February 13, 2009  
Columbia, South Carolina

**Exhibit "A"**







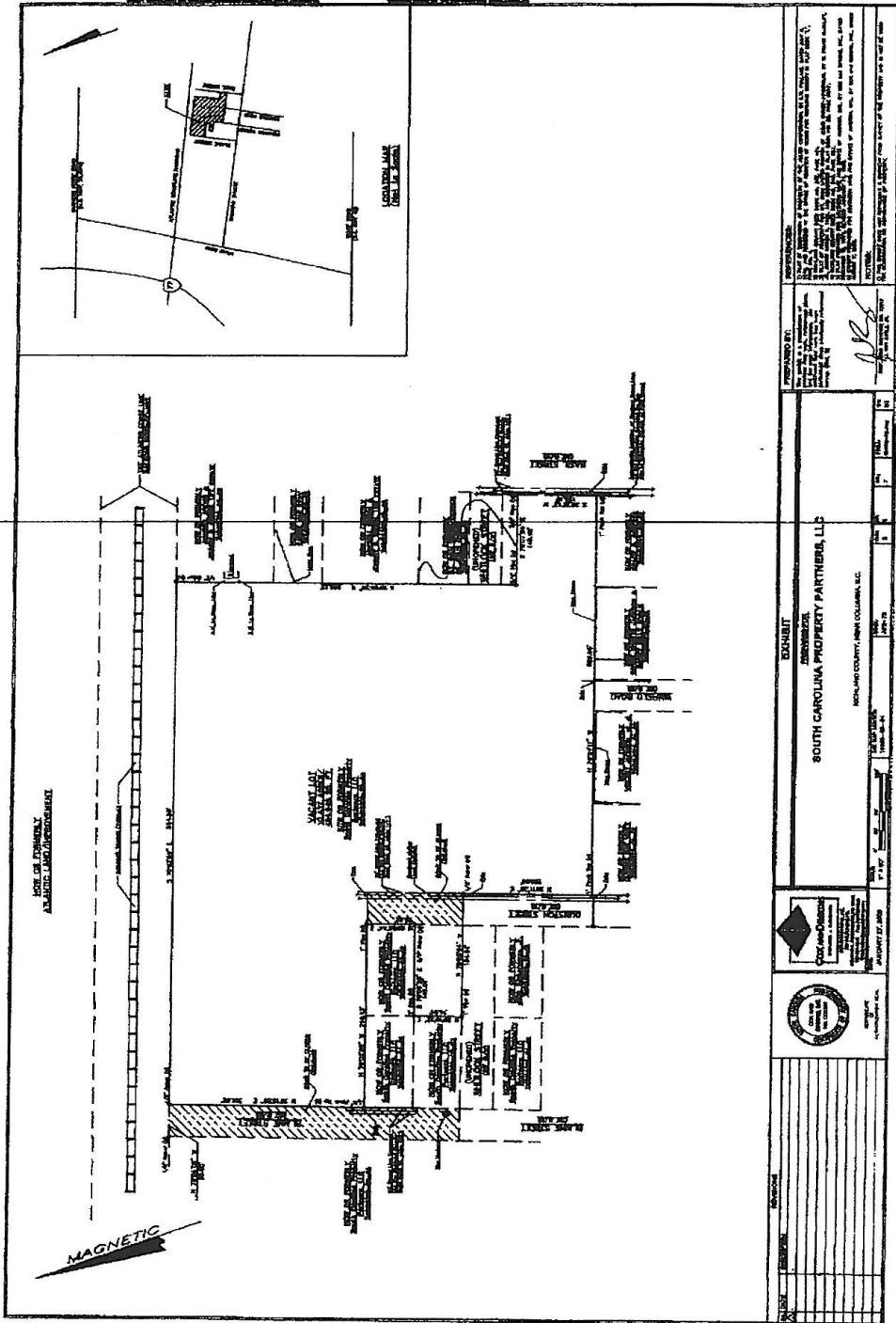
SOUTHERN RAILWAY

SUBDIVISION  
 PROPERTY OF THE  
 ALLIED CORPORATION  
 RICHLAND COUNTY  
 JULY 6, 1946 Scale 1" = 200'  
 L.W. PoHARD, Civil Engr.

Block Numbers Thus (16)  
 1/4 Acre Lots Total 52.14 Acres

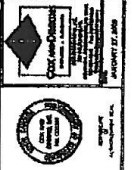
**Exhibit "B"**





PREPARED BY: [Signature]  
 DATE: 11/15/11  
 PROJECT: [Project Name]  
 SHEET NO. 1 OF 1

**EXHIBIT**  
**PROPOSER:**  
**SOUTH CAROLINA PROPERTY PARTNERS, LLC**  
 1000 COLLETT DRIVE  
 COLUMBIA, SOUTH CAROLINA 29208




**Exhibit "C"**



**NOTICE OF INTENTION TO FILE A PETITION TO CLOSE A PORTION OF DUNSTON STREET AND BLAINE STREET NEAR COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA TO ALL INTERESTED PARTIES:**  
**YOU WILL PLEASE TAKE NOTICE** that the undersigned intends to file a Petition in the Circuit Court of South Carolina, in and for the County of Richland, to close a portion of Dunston Street and a portion of Blaine Street, and streets being located about four and one-half (4 1/2) miles south of the City of Columbia, County of Richland, State of South Carolina, as shown on the plat entitled "Subdivided Property of The Allied Corporation," made by J. W. Feltard, Civil Engr., July 5, 1944, and recorded in the Office of the Register of Deeds for Richland County in Plat Book 77, Page 4, declared abandoned. The portion of Dunston Street which is to be abandoned in the proposed portion between Whitlock Street and the Railroad Tracks" known now or formerly as Atlantic Coast Line Railroad in section 22 said plat. The portion of Blaine Street sought to be abandoned is the narrow open portion that runs between Whitlock Street and the Railroad Tracks" known now or formerly as Atlantic Coast Line Railroad as shown on said plat. The said streets and property owned by South Carolina Property Partners, LLC and property owned now or formerly by John Richardson, Jr. A copy of said plat is available for inspection at the office of the Register of Deeds for Richland County or a copy of said plat and additional sheets are available at the office of the undersigned.  
 Charles J. Welch, Register  
 Richardson, Flowers & Richmond, P.A.  
 1908 Brewwell Street  
 Columbia, SC 29201  
 (803) 771-4400  
 Attorneys for South Carolina Property Partners, LLC  
 December 19, 2008

# THE COLUMBIA STAR

## COLUMBIA, SOUTH CAROLINA

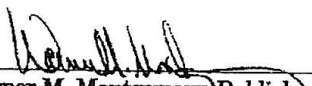
State of South Carolina  
 County of Richland

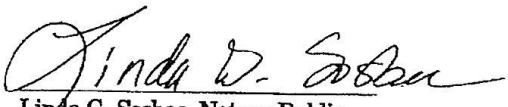
Personally appeared before me,  
**WARNER M. MONTGOMERY,**  
**PUBLISHER OF THE COLUMBIA STAR,**  
 who makes oath that the advertisement

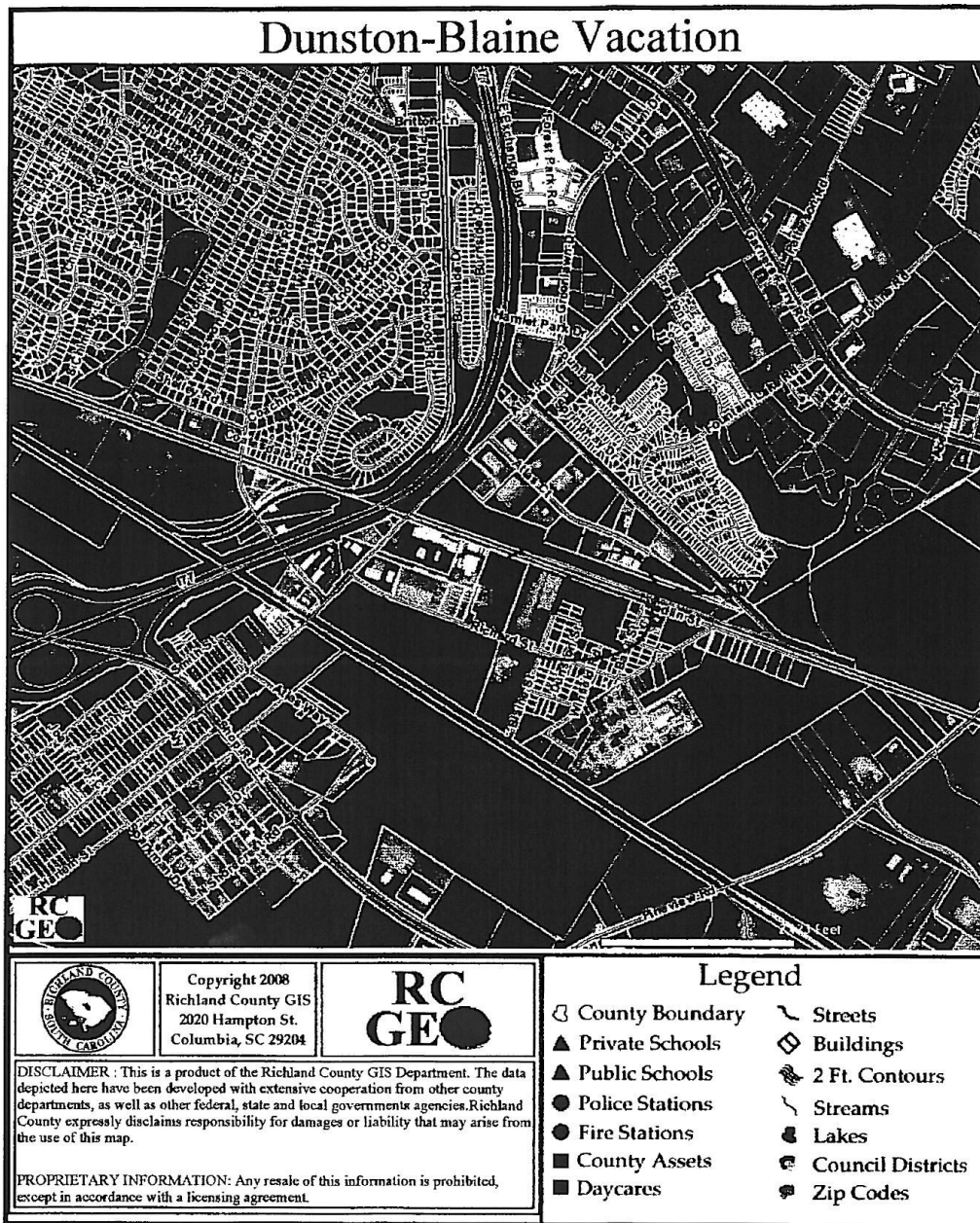
**NOTICE OF INTENTION TO FILE A PETITION TO CLOSE A PORTION OF DUNSTON STREET AND BLAINE STREET NEAR COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA**  
 SC Property Partners, LLC

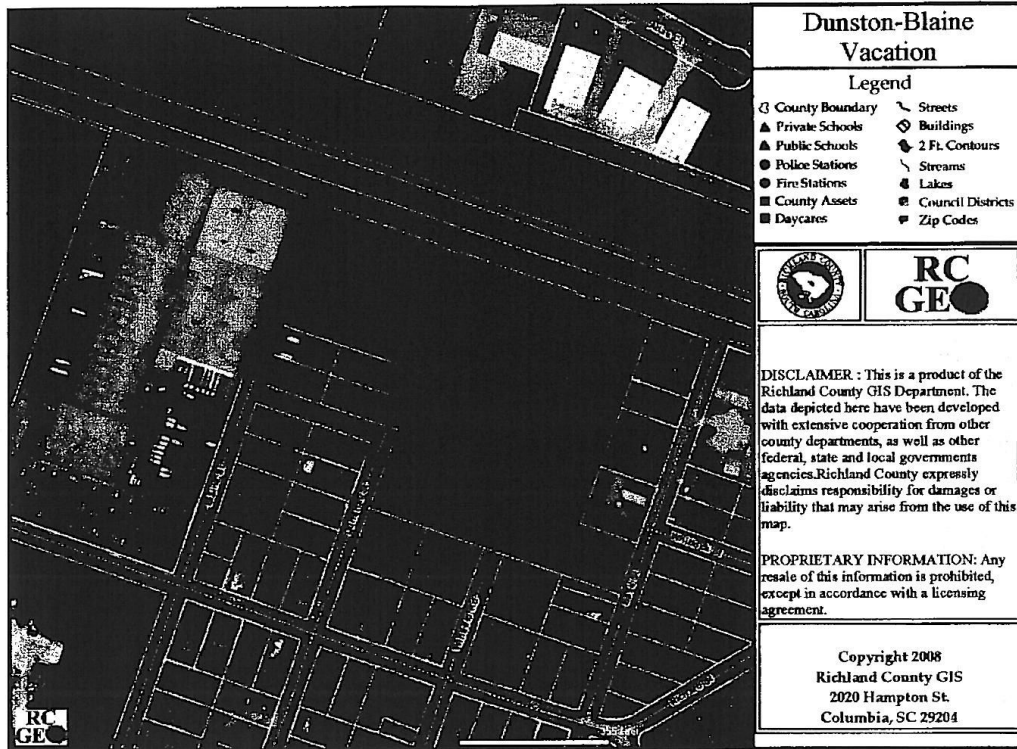
a clipping of which is attached hereto, was printed in **THE COLUMBIA STAR**, a weekly newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issues of

December 26, 2008, January 2, and 9, 2009

  
 Warner M. Montgomery, Publisher  
 Sworn to before me on this  
 9th day of January, 2009.

  
 Linda G. Sosbee, Notary Public  
 My commission expires January 29, 2011





## Richland County Council Request of Action

**Subject:** Competitive Community Grant – Gills Creek/No Personnel/Match

### A. Purpose

County Council is requested to approve the grant that was received by County in the amount of \$28,000 from the State Budget and Control Board for the implementation of a fraction of the Gills Creek Watershed Management Plan. County Council is being requested to approve grant monies since the grant proposal was not part of Grant Budget Request for 2008-2009.

### B. Background / Discussion

Gills Creek Watershed Association (GCWA) was revived in early 2007 and is one of the major voices for water quality improvements in Richland County. The Richland County Grants Administration, in association with Stormwater Management Division, had applied for a \$100,000 grant from the State Budget and Control Board to assist GCWA with funding the restoration projects in the Gills Creek Watershed. Richland County received the grant for \$28,000 in July 2008 with a due date to spend grant monies by October 31, 2009. The matching money (100%) for the grant was funded in FY 09 Stormwater Division Budget and is available for encumbrance. There is no personnel match to the grant other than project management and grant monies management by Stormwater Manager.

### C. Financial Impact

The total grant approved is \$28,000 with 100% match from Stormwater Management Division Budget

Grant Program	Costs	Match
Gills Creek Competitive Grant	\$28,000	\$28,000
Total Grant Budget Request	\$28,000	\$28,000

### D. Alternatives

1. Approve the grant and project to assist GCWA with the implementation of Watershed Management Plan.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

### E. Recommendation

It is recommended that Council approve the Competitive Community Grant for assisting GCWA with Gills Creek Watershed Management Plan Project.



**Recommended by:**  
Srinivas Valavala  
David Hoops

**Department:**  
Department of Public Works  
Department of Public Works

**Date:**  
March 17, 2009  
March 17, 2009

## F. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 03/16/2008

Recommend Approval

Recommend Denial

No Recommendation

Comments:

### Legal

Reviewed by: Larry Smith

Date: 03/17/2008

Recommend Approval

Recommend Denial

No Recommendation

Comments:

### Administration

Reviewed by: Sparty Hammett

Date: 03/18/2008

Recommend Approval

Recommend Denial

No Recommendation

Comments:

JOEL LOURIE  
SENATOR, RICHLAND AND KERSHAW COUNTIES  
SENATORIAL DISTRICT NO. 22

COLUMBIA ADDRESS:  
P. O. BOX 142  
601 GRESSETTE SENATE OFFICE BLDG  
COLUMBIA, SC 29202  
PHONE: (803) 212-6116  
FAX: (803) 212-6119  
EMAIL: JBL@SCSENATE.ORG



COMMITTEES:  
JUDICIARY  
AGRICULTURE AND NATURAL RESOURCES  
CORRECTIONS AND PENOLOGY  
GENERAL

HOME ADDRESS:  
P. O. BOX 6212  
COLUMBIA, SC 29260

November 5, 2008

Mr. J. Milton Pope  
Richland County Administrator  
P. O. Box 192  
2020 Hampton Street  
Columbia, SC 29202

Dear Milton,

Enclosed please find a \$28,000 check from the Competitive Grants Program to support the Gills Creek Watershed Restoration Project.

I am sure these funds will assist with the long term plans for cleaning up the watershed, as this is such an important asset to our community. Prior to spending this grant, please review the Competitive Community Grants guidelines at [www.bcb.sc.gov](http://www.bcb.sc.gov).

Feel free to call me with any questions you may have. I look forward to seeing you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Lourie".

Joel Lourie  
JL/mn

CC: Ms. Carol Kososki  
Mr. Elliott Powell

## Richland County Council Item for Action

**Subject:** Smoking Ban Ordinance – Clarifications

### **A. Purpose**

Council is requested to revise 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 that 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

### **F. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 3/13/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: No recommendation provided that requires comment. Finance would recommend any change that would have a financial impact be determine prior to final approval.

**Legal**

Reviewed by: Larry Smith

Date: 3/20/09

Recommend Approval

Recommend Denial

No Recommendation

Comments:

**Administration**

Reviewed by: Roxanne Matthews

Date: March 20, 2009

Recommend Approval

Recommend Denial

No Recommendation

Comments: Staff needs further guidance on the Smoking Ban ordinance. Currently, when the County is notified that a business is violating the ordinance, a certified letter and copy of the ordinance is mailed to the business informing them that they are in direct violation of the ordinance. On at least one occasion, a Code Enforcement Officer visited a business about which the County has received numerous complaints that it still allows smoking, and spoke directly to the person in charge at the time of the visit, informing them of the smoking ban. 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. Certain items for clarification may have budgetary and legal impacts, and therefore, should be thoroughly examined before amending the ordinance.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

A RESOLUTION

A RESOLUTION TO ESTABLISH A JAIL INTERVENTION PROGRAM

WHEREAS, young adults are face with many challenges from continuing their education to going out in the work force, or starting a career in the military; and yes...peer pressure; and

WHEREAS, there are many young adults that will not make the wisest choices for their future, and many may commit a crime; and

WHEREAS, while these young adults may commit crimes that they should be punished for and make retribution for their mistakes, punishment is often given at the expense of the tax payer by giving these perpetrators jail time; and

WHEREAS, there are crimes committed that facilitate the need to remove these persons from society, many are not of a violent nature; therefore, rehabilitation could be better achieved through an intervention program; and

WHEREAS, because the military is structured to promote discipline, responsibility, and the desire to achieve excellence, an intervention program with a military structure would be an ideal tool to instill in young adults the inclination to strive to promote integrity, commitment to their country, and the development of self-worth; and

WHEREAS, a jail intervention program will provide an opportunity for young adults that have committed a crime to repay society, have their record expunged, and reward them with life skills in exchange for serving jail time; and the cost to tax payers is substantially less; and

NOW THEREFORE BE IT RESOLVED that Richland County Council supports a jail intervention program for young adults that commit crimes because rehabilitation should be about preserving the lives of our young adults; and not about producing model prisoners.

ADOPTED this \_\_\_\_ day of