



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

**OCTOBER 26, 2010
5:00 PM**

**2020 Hampton Street, Columbia, South Carolina
Council Chambers**

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: September 28, 2010 [pages 5-7]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe [pages 9-18]
3. Animal Care Ordinance Amendments [pages 20-27]

4. Broad River Capital Project Close Out [pages 29-30]
5. Construction Services Phase II Security Enhancements Jim Hamilton LB Owens Airport [pages 32-36]
6. Farmers Market Update [pages 38-44]
7. Motion re: Number of Animals, Breeding and/or Stray Facilities [pages 46-47]
8. No Through Truck Traffic on Olympia Ave from Heward Street to Bluff Road [pages 49-50]
9. Professional Services Work Authorization Jim Hamilton LB Owens Airport [pages 52-69]
10. Purchase/Sale of Wetlands around Carolina Bay/Mistletoe Bay (Conservation Banking) [pages 71-78]
11. Quit Claim, Laurelwood Lane and Campbell Road [pages 80-81]
12. Quit Claim, portions of Lake Dogwood Circle [pages 83-84]
13. Tree Preservation [pages 86-89]

ITEMS FOR DISCUSSION / INFORMATION

14. Review of Homeowner Association Covenants [pages 91-100]
15. Richland County explore the benefits of accepting SCDOT roads into the County system. Maintenance, resurfacing, etc.[pages 102-103]
16. Richland County have in place a Grease Trap Ordinance that all commercial food preparation customers using Richland County sewer systems shall have traps inspected and pumped out every two months or sooner [pages 105-114]

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: September 28, 2010 [pages 5-7]

Reviews

**Richland County Council
Development and Services Committee
September 28, 2010
5:00 PM**



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

Members Present:

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

Others Present: Joyce Dickerson, L. Gregory, Pearce, Jr., Valerie Hutchinson, Kit Smith, Kelvin Washington, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Anna Almeida, Amelia Linder, David Hoops, Stephany Snowden, Jim Wilson, Brian Cook, John Hixson, Dale Welch, Sandra Haynes, Ray Peterson, Daniel Driggers, Andy Metts, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 5:00 p.m.

APPROVAL OF MINUTES

July 27, 2010 (Regular Session) – Ms. Kennedy moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Jackson recommended that Items 4, 5, 7, 8, 12, 15 and 16 be moved to the beginning of the agenda with #16 being taken up first.

Mr. Malinowski requested that #17 be moved to Items for Action.

Mr. Malinowski moved, seconded by Ms. Kennedy, to adopt the agenda as amended. The vote was in favor.

ITEMS FOR ACTION

Subdivision of Heir Property – Mr. Jackson moved, seconded by Mr. Manning, to forward this item to Council a recommendation to treat heir property separate from developers and include in the building of the dirt roads a standard where vehicles can pass properly. The vote in favor was unanimous.

Arcadia Lakes Floodplain Management Services Agreement – Mr. Jeter moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval of the amended language. The vote in favor was unanimous.

Broad River Sewer Monthly User Fees – Mr. Malinowski moved, seconded by Ms. Kennedy, to forward this item to Council with a recommendation to direct staff to exhaust all possibilities to determine who within the County's service area receives water from the City of Columbia in order to begin metered usage in the County. A discussion took place.

The vote was in favor.

Farmers' Market Update – Mr. Malinowski moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation to direct staff to determine if the County may build a farmers market on the County portion of the property and to determine the cost to include a possible public/private partnership. A discussion took place.

The vote in favor was unanimous.

Minimum Requirements for the Completion of Infrastructure – Mr. Malinowski moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation to table. The vote in favor was unanimous.

Old Garners Ferry Road Bridge Repair – Mr. Jeter 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.

Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe
– This item was deferred to the October committee meeting.

Animal Care-Ordinance Revisions – This item was deferred to the October committee meeting.

Construction Services Phase II Security Enhancements Jim Hamilton LB Owens Airport – This item was deferred to the October committee meeting.

No through Truck Traffic on Olympia Ave. from Heyward Street to Bluff Road – This item was deferred to the October committee meeting.

Professional Services Work Authorization Jim Hamilton LB Owens Airport – This item was deferred to the October committee meeting.

Proposal that Richland County Enact a Tree Canopy Ordinance and inventory to preserve and enhance the number of trees in Richland County – This item was deferred to the October committee meeting.

Quit Claim, Laurelwood Lane and Campbell Road – This item was deferred to the October committee meeting.

Quit Claim, Portions of Lake Dogwood Circle – This item was deferred to the October committee meeting.

Review of Homeowner Association Covenants – This item was deferred to the October committee meeting.

ITEMS FOR DISCUSSION/INFORMATION

Proposal that Richland County shall have in place a Grease Trap Ordinance that all commercial food preparation customers using Richland County Sewer Systems shall have traps inspected and pumped out every two months or sooner – This item was held in committee.

Purchase/Sale of Wetlands around Carolina Bay/Mistletoe Bay – This item was held in committee.

ADJOURNMENT

The meeting adjourned at approximately 6:00 p.m.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe [pages 9-18]

Reviews

Richland County Council Request for Action

Subject: Amend Ord 008(a)-10HR which authorized a Quit-Claim Deed to Aramide Mitchell and Malika R. Snipe

A. Purpose

This request is to amend ordinance 008(a)-10HR, passed February 2, 2010, which authorized a quit-claim deed to Aramide Mitchell and Malika R. Snipe.

B. Background / Discussion

On February 2, 2010, Council passed an ordinance quit-claiming a portion of Hunter's Road to Aramide Mitchell and Malika R. Snipe. The ordinance and deed were drafted to give each person a 50% share in the property. According to Randy Byrd of the Public Works Department, the intent of the previous ROA was actually to give each person half of the property, not a 50% share of the whole property.

Council is now requested to amend the previous ordinance and authorize the execution of new deeds to Aramide Mitchell and Malika R. Snipe, giving each half of the Hunter's Road property. The previous deeds were never recorded nor given to the grantees, so there will not be any confusion or re-recording issues.

C. Financial Impact

No known financial impact.

D. Alternatives

1. Amend the previous ordinance and pass two separate ordinances quit-claiming the proper property to each grantee.
2. Do not amend the previous ordinance.

E. Recommendation

Amend ordinance 008(a)-10HR.

Recommended by: Elizabeth A. McLean

Department: Legal

Date: 9/9/10

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by Daniel Driggers:

✓ Recommend Council approval

Comments regarding recommendation:

Date: 9/11/10

Recommend Council denial

Item# 2

Attachment number 1
Page 1 of 10

Legal

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Administration

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 9/13/10

Recommend Council denial

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-10HR

AN ORDINANCE AMENDING ORDINANCE 008(a)-10HR AND AUTHORIZING A QUIT-CLAIM DEED TO MALIKA R. SNIPE FOR A PORTION OF HUNTER’S ROAD, AN UNPAVED ROAD IN THE RICHLAND COUNTY ROAD MAINTENANCE SYSTEM.

WHEREAS, on February 2, 2010, Council passed Ordinance 008(a)-10HR granting a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter’s Road; and

WHEREAS, such ordinance and deed gave each grantee a 50% interest in the described property; and

WHEREAS, it was the intent of County Council to grant to each grantee 100% interest in separate properties; and

WHEREAS, the Council now desires to amend the ordinance and deed to make the above change;

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

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of Hunter’s Road in Richland County, South Carolina, to MALIKA R. SNIPE, as specifically described in the attached quit claim deed, which is incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of _____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

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

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this _____ day of _____, 20_____

THIS

SPACE

LEFT

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WITNESSES:GRANTOR

(Witness #1)

By _____
Its: Chairman, Richland County Council

(Witness #2/Notary)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

**PROBATE
(Grantor)**

Personally appeared before me _____ and
(Name of Witness #1)
made oath that (s)he saw the within named _____

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

_____ witnessed the execution thereof
(Name of Witness #2/Notary

Signature of Witness #1

Sworn to before me this _____

day of _____, 20__

Notary Public for South Carolina

MCE _____

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-10HR

AN ORDINANCE AMENDING ORDINANCE 008(a)-10HR AND AUTHORIZING A QUIT-CLAIM DEED TO ARAMIDE MITCHELL FOR A PORTION OF HUNTER'S ROAD, AN UNPAVED ROAD IN THE RICHLAND COUNTY ROAD MAINTENANCE SYSTEM.

WHEREAS, on February 2, 2010, Council passed Ordinance 008(a)-10HR granting a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter's Road; and

WHEREAS, such ordinance and deed gave each grantee a 50% interest in the described property; and

WHEREAS, it was the intent of County Council to grant to each grantee 100% interest in separate properties; and

WHEREAS, the Council now desires to amend the ordinance and deed to make the above change;

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

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of Hunter's Road in Richland County, South Carolina, to ARAMIDE MITCHELL, as specifically described in the attached quit claim deed, which is incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

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

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this _____ day of _____, 20_____

THIS

SPACE

LEFT

BLANK

WITNESSES:GRANTOR

(Witness #1)

By _____
Its: Chairman, Richland County Council

(Witness #2/Notary)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

**PROBATE
(Grantor)**

Personally appeared before me _____ and
(Name of Witness #1)
made oath that (s)he saw the within named _____

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

_____ witnessed the execution thereof
(Name of Witness #2/Notary

Signature of Witness #1

Sworn to before me this _____

day of _____, 20__

Notary Public for South Carolina

MCE _____

Richland County Council Request of Action

Subject

Animal Care Ordinance Amendments [pages 20-27]

Reviews

Richland County Council Request of Action

Subject: Animal Care – Ordinance Revisions

A. Purpose

Council is requested to approve several ordinance revisions relating to Animal Care for consistency, improved enforcement efforts, and animal housing.

B. Background / Discussion

The County and City have co-located animal services into one facility for the efficiency of operations, and to provide streamlined services for customers that will expedite the redemption of lost pets and increase adoptions.

According to the July 31, 2007 Intergovernmental Agreement between the County and City, the City's policies and ordinances shall apply to any and all operations of the Animal Shelter. The section is enclosed below for your convenience.

3. Shelter Policies. The City's policies and ordinances, as may from time to time be amended, will apply to any and all operations of the Animal Shelter, including but not limited to the disposition of animals received at the Animal Shelter, adoption, redemption and spay/neuter, which are listed by way of illustration and not limitation. Prior to any change of Animal Shelter policies relating to animal care management, the City Manager and the County Administrator will confer as to the proposed change and mutually agree to the change before such policy is adopted and implemented by the City.

Currently, there are differences between the City and County's animal care ordinances. These differences sometimes cause conflicts with animal redemptions and other matters, and confusion amongst unincorporated Richland County and City of Columbia residents. Amending the County's ordinance to reflect the language in the City's ordinance in certain sections will allow smoother day-to-day operations for both entities, and will provide a clearer understanding of the animal care ordinances for Richland County citizens.

C. Financial Impact

Revisions to the animal care ordinance are not expected to have any financial impact.

D. Alternatives

1. Adopt the animal ordinance revisions as recommended
2. Adopt some of the ordinance revisions and/or develop new revisions.
3. Leave the ordinance as currently written.

E. Recommendation

It is recommended that Council approve the recommended revisions as presented.

Recommended by: Sandra Haynes Department: Animal Care Date: 05/26/2010

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 9/16/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation; Council discretion

Administration

Reviewed by: Roxanne M. Ancheta

Date: September 21, 2010

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Amending the County's Animal Care ordinance to reflect language in the City's ordinance in certain sections will allow smoother day-to-day operations for both entities, and will provide a clearer understanding of the animal care ordinances for Richland County citizens.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. ____-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 5, ANIMALS AND FOWL, SO AS TO CLARIFY SECTIONS DEALING WITH AUTHORITY OF OFFICERS, CONDITIONS OF IMPOUNDMENT, REDEMPTION OF ANIMALS AND OWNER RESPONSIBILITIES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-1, Definitions; is hereby amended to read as follows:

Sec. 5-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

Abuse shall mean the act of any person who deprives any pet of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal care officer shall mean any person employed by the county to enforce the animal care program.

Animal shelter *Animal care facility* shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this chapter.

At large shall mean a pet running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

- (1) Has a property right in an animal;

- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her.

Pet shall mean a domestic dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Shelter shall mean any structure appropriately sized for the pet to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for entry and exit and a dry floor so as to protect the pet from the elements of weather.

Under restraint shall mean a pet that is on the premises of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or a pet that is off the premises of its owner or keeper but is accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

SECTION II. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

Sec. 5-3. Exemptions from differential licensing.

(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet but will pay only a fee of four dollars (\$4.00) for each license and will not be required to have the pet spayed/neutered:

- (1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;
- (2) Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events; ~~or~~

~~(3) Any owner of a dog that is currently being used for hunting purposes and is properly registered with the South Carolina Wildlife Department the South Carolina Department of Natural Resources and whose owner has a valid South Carolina hunting license.~~

(b) Any individual who is handicapped and who owns a dog which is used for seeing, hearing, or other such assistance purposes shall be required to obtain an annual license but shall not be required to pay any license fee.

(c) The county animal care department shall obtain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

SECTION III. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

Sec. 5-5. Running at large – restraint.

(a) All domestic animals must be kept under restraint or confinement. Any domestic animal not so restrained will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered.

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, or lure courses shall not be considered "at large."

(c) If an animal care officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal onto private property; provided, however, that the officer shall not pursue the animal into a fenced yard or private dwelling. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint.

SECTION IV. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-7, Injured or diseased pets; is hereby amended to read as follows:

Sec. 5-7. Injured or diseased pets.

Anyone striking a pet with a motor vehicle or bicycle shall notify the county animal care department who will then take action necessary to make proper disposition of the pet. Any pet received by the animal ~~shelter~~ care facility in critical condition from wounds, injuries, or disease ~~may receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Any such pet in critical condition, as described in this section,~~ may be humanely destroyed if the owner cannot be contacted within ~~five~~ two (~~5~~ 2) hours. If the pet is in severe pain it may be destroyed immediately.

SECTION V. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-13, Impounding; is hereby amended to read as follows:

Sec. 5-13. Impounding.

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The animal care ~~department~~ facility may, thereafter, make available for adoption or humanely destroy impounded animals not redeemed within five (5) days. Animals impounded at the City of Columbia Animal Shelter, which are deemed by the superintendent of animal services to

constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(b) When a person arrested is, at the time of the arrest, in charge of an animal, the county animal care department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal shelter.

(c) The county may transfer title of all animals held at its animal shelter after the legal detention period has expired and its owner has not claimed the animal.

~~(d) Immediately after impounding a pet that is wearing a rabies tag, a county license tag, or another identification tag, or a pet that has an implanted identification microchip or an obvious identification tattoo, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the county reflecting its disposition.~~

A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license or tag or rabies vaccination tag pursuant to section 5-2; or a traceable registration number, tattoo or microchip pursuant to S.C. Code Ann. 47-3-510 (Supp. 1999).

The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by regular mail and registered mail that the animal has been impounded. The owner has 14 days from the date of mailing to contact the shelter for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees or other charges. If the owner does not make contact within 14 days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care department. For animals impounded at the City of Columbia Animal Shelter, the superintendent of animal services shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S.C. Code Ann. 47-3-540 (Supp. 1999). Notwithstanding the above, animals impounded at the City of Columbia Animal Shelter, which are deemed by the superintendent of animal services to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(e) Any animal found "at large" may be impounded by the animal care officer and may not be redeemed by its owner unless such redemption is authorized by the county animal care department, with assurance from the owner that proper care and custody will be maintained.

(f) Any animal surrendered to the animal shelter may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

SECTION VI. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-14, Redemption; is hereby amended to read as follows:

Sec. 5-14. Redemption.

(a) The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within five (5) days upon payment of a fee as follows:

(1) For a pet that has been properly inoculated, licensed, microchipped, and neutered or spayed, the fee shall be \$10.00.

(2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation, ~~the cost of microchipping the pet a \$20.00 microchipping fee,~~ and the cost of spaying or neutering the pet. No fertile pet shall be redeemed ~~or adopted~~ unless, ~~at the time of impoundment, the pet was properly licensed with Richland County and one of the criteria under the exceptions provisions in subsections 5-3 (a) (1) – (23) was applicable and applied by Richland County at the time of licensing.~~ No pet will be released without proof of inoculation and without an implanted microchip.

(b) In addition to the redemption fee, an impound fee of \$20.00 and a board fee of ~~seven~~ six dollars (~~\$76.00~~) per day per pet shall be paid by the owner or keeper when a pet is redeemed.

(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

SECTION VII. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-15, Adoption; is hereby amended to read as follows:

Sec. 5-15. Adoption.

(a) Any animal impounded under the provisions of this chapter may at the end of the legal detention period be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) ~~All adult pets adopted from the animal shelter shall be spayed or neutered, and inoculated against rabies.~~ Any adult pet surrendered to the shelter may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) Fees for the adopted pets will be the same as those established for the redemption of impounded pets, together with a reasonable fee for microchipping.

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

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

SECTION X. Effective Date. This ordinance shall be effective from and after _____.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2010.

Michelle 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

Broad River Capital Project Close Out [pages 29-30]

Reviews

Richland County Council Request of Action

Subject: Broad River Capital Project Close Out

A. Purpose

The purpose of this report is to seek County Council’s approval of a budget amendment to re-encumber funds to close out existing contracts.

B. Background

The Broad River Wastewater Treatment Plant Capital Project has been a multi-year construction project. This project was funded by revenue bonds. The funds obtained from the bonds were invested in interest bearing accounts where they have accumulated significant interest over the years. Currently there is approximately \$700,000.00 in unencumbered fund balance and accrued interest available for use.

C. Discussion

During the budget process of transferring a multi-year capital project from one fiscal year to the next, a few existing contracts had outstanding balances that need to have funds re-encumbered for the current year. These contracts are as follows:

<u>Vendor</u>	<u>Description</u>	<u>Contract Balance</u>
American Engineering	O & M Manual Development	37,200.00
M. B. Kahn	Operations Building Construction	28,631.00
American Engineering	Construction Management	66,000.00
B. P. Barber	Sludge Dryer Installation	6,489.25
Applied Building Sciences	Structural Evaluation	<u>3,142.00</u>
Total		<u>75,462.25</u>

A budget amendment is recommended in the amount of \$75,462.25 in the Broad River Capital Project budget number 2110367003 to re-encumber the funds to close out the above existing contracts. These are not additional expenses but are only balances on previously existing contracts.

D. Alternatives

1. Approve the re-encumbrance of funds from the project fund balance to close out the above mentioned contracts.
2. Identify another source of funds to close out the projects.

E. Financial Impact

Funds are available in the project fund balance to re-encumber the funds for the current fiscal year to close out the existing contracts.

F. Recommendation

It is recommended that \$75,462.25 be re-encumbered from the Broad River Capital Project fund balance to close out the previously existing contracts.

Recommended by: Andy H. Metts **Department:** Utilities **Date** 10/12/10

G. Reviews

Please indicate your recommendation with a before routing to the next recipient. Thanks.

Finance

Reviewed by: Daniel Driggers

Date: 10/13/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As stated the project has approximately \$700k in interest earned that has not been appropriate. All appropriated project funds have been expended and the request is for an appropriation of a portion of those funds to pay vendors for services already received. Therefore we would recommend approval in order to satisfy those commitments.

Procurement

Reviewed by: Rodolfo Callwood

Date: 10/14/10

Recommend Council approval
denial

Recommend Council

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date: 10/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date: 10/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject

Construction Services Phase II Security Enhancements Jim Hamilton LB Owens Airport [pages 32-36]

Reviews

Richland County Council Request of Action

Subject: Construction Services / Phase II Security Enhancements

A. Purpose

County Council is requested to approve a contract for construction services with A3 Communications of Irmo, SC for the installation of sliding gates and operators at Jim Hamilton – LB Owens Airport (CUB).

B. Background / Discussion

Airport security enhancements were previously initiated using unspent Federal (FAA) grant funds from AIP Grant 3-45-0017-012-2008. These improvements included the installation of 13 security cameras, software, an identification badge production system, and the purchase of two sliding gates. The sliding gates were delivered and are on site, but sufficient funds were not available for their installation. These improvements constituted Phase I Security Enhancements and were installed by A3 Communications of Irmo, SC.

This contract will provide for the installation of these gates which will achieve a uniform standard with the other three sliding gates at the airport. The two gates that will be replaced operate slowly, have a long cycle time, and are operated by old and obsolete gate operators.

C. Financial Impact

The funding for this project will be primarily provided by grant funds as follows:

Federal (FAA)	95%	\$39,550	AIP Grant accepted
State (SCAC)	2.5%	\$ 1,041	Grant applied for
Local (RC)	2.5%	\$ 1,042	Awaiting second reading approval
Total	100%	\$41,633	

Federal funds have been issued in AIP Grant 3-45-0017-016-2010. State funds have been applied for, and Local funds will be provided with the approval of the grant matching funds budget amendment.

D. Alternatives

The alternatives available to County Council follow:

1. Approve the request to authorize executing a contract for Phase II Security Enhancements construction services. This will permit the installation of two sliding, motorized gates which will enhance reliability, security, and maintenance at the airport.

2. Do not approve the request to authorize executing a contract for Phase II Security Enhancements construction services. There will be no enhancement to reliability, security, and maintenance at the airport.

E. Recommendation

It is recommended that Council approve the request to authorize executing a contract for Phase II Security Enhancements construction services conditional upon receipt of State Grant Funds and Local match.

Recommended by: Christopher S. Eversmann, PE Department: Airport Date: September 14, 2010

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers Date: 9/17/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 9/17/10
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Grants

Reviewed by: Sara Salley Date: 9/17/2010
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Approval of the contract contingent upon review and approval of Procurement and Legal.

Administration

Reviewed by: Tony McDonald Date: 9/17/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:



communications

1038 Kinley Rd, Bldg B - Irmo SC, 29063
t. 803-744-5022 f. 803-731-6046

QUOTE

Number AAAQ2024

Date Jul 15, 2010

Proposal For	
Hamilton-Owens Airport Chris Eversman 1400 Jim Hamilton Blvd Columbia, SC 29205 USA	
Phone	803-771-7915
email	EVERSMANNC@rcgov.us

Ship To	
Hamilton-Owens Airport Chris Eversman 1400 Jim Hamilton Blvd Columbia, SC 29205 USA	
Phone	803-771-7915
email	EVERSMANNC@rcgov.us

Owens Airport - Phase II Airport Security Upgrade

A3 Contact	P.O. Number	Ship Via	Terms
Brian Powell		Our Service Truck	Net 30

Qty	Description	Unit Price	Ext. Price
Secura Key			
2	Secura Key ST-SKACPLE 2 Door Panel w/LGE Enclosure	\$671.99	\$1,343.98
2	Secura Key ST-SKWLSMOD Ser to WRLSS LAN Adaptor F/SKACP	\$503.99	\$1,007.98
1	Secura Key ST-SKNETMLD MLTI-Location TCP/IP/Dial-UP Software	\$374.39	\$374.39
2	IM-1270 12V 7 AMP BATTERY	\$22.67	\$45.34
2	MB-MGT1640 16 Volt AC 40 VA TRANSFORMER	\$8.39	\$16.78
2	Secura Key ST-RKWS Prox Card Reader -SNGL Gang	\$158.39	\$316.78
80	Professional Services - Cabling Technician - Installation	\$75.00	\$6,000.00
	SubTotal		\$9,105.25
HP Desktop with Upgraded Video Card for Viewing Axis Camera Station			
1	HP Business Desktop 6000 Pro PRO MT E8500 3.16G 4GB 250GB DVDRW W7P/XPP, Intel Core 2 Duo E8500 3.16 GHz - 4 GB DDR3 SDRAM - Gigabit Ethernet - Windows 7 Professional - Micro Tower	\$866.35	\$866.35
1	HP Quadro NVS 295 Graphics Card SMART BUY NVIDIA QUADRO NVS 295 PCIE 256MB 2PORT DVI-D GRAPHICS, nVIDIA Quadro NVS 295 - 256 MB GDDR3 SDRAM - PCI Express x16	\$119.39	\$119.39
1	HP Essential LE1901wm Widescreen LCD Monitor 19IN WS LCD 1440X900 1000:1 LE1901WM VGA DVI BLK TILT 19" - 1440 x 900 @ 60 Hz - 16:10 - 5 ms - 0.284 mm - 1000:1 - Black	\$181.63	\$181.63
2	Professional Services - Network Engineering Installation	\$150.00	\$300.00

Continued On Next Page ...

PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES FOR EACH ACTIVITY INVOLVED - GENERALLY ALL HARDWARE COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE YEAR WARRANTY, COVERING PARTS AND LABOR FOR HARDWARE ONLY AND ON A DEPOT BASIS - WE SPECIFICALLY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR WITH REGARD TO ANY LICENSED PRODUCTS - WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT - MINIMUM 15% RESTOCKING FEE WITH ORIGINAL PACKAGING

07/16/10 12:03:08

Page 1 of 2

Item# 5

Attachment number 1
Page 3 of 5

Qty	Description	Unit Price	Ext. Price
	SubTotal		\$1,467.37
	Palmetto Southern Gate Equipment and Installation		
1	Palmetto Southern Gate - Equipment	\$19,158.30	\$19,158.30
	2- 222 Ext 1.7 ST Slide operator HD Fast 2 HP, 230V, 1 Ph; 20"/Sec Travel Speed		
	2-Base Extension		
	2-Aluminum Rail		
	2-Infrared Photo Beam		
	4-Loop Detector, 12-24 AC/DC		
	4-Harness Loop Detector		
	1-Gooseneck Stand, 42" Car Height-FOR GATE#4 ONLY		
	7-6" Sch 40 Galvanized Steel Post W/ Yellow Sleeve-ONE BOLLARD ALREADY EXIT@GATE#4		
1	Palmetto Southern Gate - Installation	\$9,339.00	\$9,339.00
1	Palmetto Southern Shipping	\$550.00	\$550.00
	SubTotal		\$29,047.30
	Total		\$39,619.92
		Sub-Total	\$39,619.92

Qty	Description - Optional Items	Unit Price	Ext. Price
	Palmetto Southern UPS/Batterybackup for Gate #2		
1	03M-DCPS-120	\$4,620.00	\$4,620.00
	DC Power Supply 120 W/ 2 100 Amp Hour Batteries and 25 Amp Charger		
1	NS-Electrical Supplies	\$151.20	\$151.20
	Electrical Wiring (2 Ga) & Supplies		
1	Install	\$3,062.40	\$3,062.40
	Labor to Remove Existing Operator and Gate #2. Rework Existing Power Wiring to Run Through UPS into New Operator. Install New Operator, Reconnect all Existing Wiring, Accessories and Test		
	SubTotal		\$7,833.60

Thank you for the opportunity to provide this quote. A3 communications strives to offer the best value in products and services. If you have any questions concerning this quote please contact Brian Powell at 803.744.5022.

Shipping and Handling is not Included in Quote

Delivery 10-14 Days after receipt of order

Sub-Total	\$39,619.92
Ship/Handling	\$0.00
Sales Tax	\$2,012.65
Total	\$41,632.57

PRICES BASED UPON TOTAL PURCHASE - ALL DELIVERY, TRAINING OR CONSULTING SERVICES TO BE BILLED AT PUBLISHED RATES FOR EACH ACTIVITY INVOLVED - GENERALLY ALL HARDWARE COMPONENTS PROPOSED ABOVE ARE COVERED BY A LIMITED ONE YEAR WARRANTY, COVERING PARTS AND LABOR FOR HARDWARE ONLY AND ON A DEPOT BASIS - WE SPECIFICALLY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTIES OR WITH REGARD TO ANY LICENSED PRODUCTS WE SHALL NOT BE LIABLE FOR ANY LOSS OF PROFITS, BUSINESS, GOODWILL, DATA, INTERRUPTION OF BUSINESS, NOR FOR INCIDENTAL OR CONSEQUENTIAL MERCHANTABILITY OR FITNESS OF PURPOSE, DAMAGES RELATED TO THIS AGREEMENT. MINIMUM 15% RESTOCKING FEE WITH ORIGINAL PACKAGING



Project Overview-Phase II Security Enhancements

Phase II of the security enhancements to Hamilton-Owens Airfield will build on the platform that was installed by A3 Communications in November 2009. This platform included the Cisco Wireless Mesh Network that allows the transport of data across the airport grounds.

Secura Key products will be added to provide access control on Gates #1 and #4. New card readers will be installed at these remote gate locations. These new readers will use wireless hardware to connect to the WAN and will provide the ability to have traffic reports on the gates usage. New software will need to be installed on a server in the terminal that currently runs the SK-NET software. This software is from Secura Key and will give the airport the ability to produce reports on all gates. It is recommended that a new Dell computer be installed to run the SK-Net software. This new computer also has an upgraded video card that will improve the viewing of the Axis Surveillance Cameras. 100 Secura-Key cards are also included for badge production.

Palmetto Southern will be a subcontractor under A3 Communications and provide installation of the gates and gate controllers. The cost of their equipment and install is included in our base quote.

Optional equipment listed on the quote includes the UPS/Battery Backup.

Personal training is an integral part of the project. Training on the Secura-Key software will be provided by A3 Communications.

A3 Communications, Inc.
Corporate: 1038 Kinley Road, Bldg B • Irmo, SC 29063
Charleston: 7091 Rivers Ave., Ste G • N. Chas, SC 29406
Greenville: 231 Blackstock Rd. • Inman, SC 29349
(803) 744-5000 Corporate • (843) 767-7773 Charleston • (864) 672-0273 Greenville

Richland County Council Request of Action

Subject

Farmers Market Update [pages 38-44]

Reviews

Richland County Council Request of Action

Subject: Farmers' Market Items

A. Purpose

Council is requested to consider the two farmers' market items currently before the D&S Committee, and provide direction to staff with regards to these items.

B. Background / Discussion

At the February 23, 2010 D&S Committee meeting, the Committee voted to defer and combine two farmers' market items pending legislative approval of the proposed Joint Resolution.

The Joint Resolution received passage on June 16, 2010. The Joint Resolution clarifies that Richland County can continue to use the County's existing stream of hospitality tax revenues to pay off the bonds issued by the County to acquire the tract of land that was intended for use as the new State Farmers' Market. This legislation also clarifies that the tract can be used for economic development purposes. The Joint Resolution is attached below for your convenience.

The following two farmers' market items are back before the D&S Committee for consideration and direction.

The most recent actions taken by Council in September and October 2010 have been highlighted in yellow.

Item 1:

The following occurred at the November 24, 2009 D&S Committee Meeting:

Pineview Property Follow up – The committee recommended that this item be moved to the December Committee meeting as an action item. Staff is to gather information on regional markets legislation / appropriations. Mr. Jackson stated that he has information, including sketches, that he will provide to staff.

The following information was obtained from the South Carolina Association of Counties regarding the regional markets legislation / appropriations.

From: Josh Rhodes [mailto:Josh@scac.state.sc.us]

Sent: Wednesday, December 02, 2009 2:31 PM

To: Randy Cherry

Subject: Regional Farmers' Market

Mr. Cherry,

Yesterday you called asking whether the state has made appropriations to regional farmer's markets, more specifically Richland County's. **The state has not made any**

such appropriation to the regional farmer's markets directly or through the Department of Agriculture. In fiscal year 2006, the state appropriated funds, including \$15 million in Capital Reserve Funds, for the relocation of the state farmers' market. The relocation was originally going to be within Richland County but in 2008, the legislature passed a resolution authorizing the relocation to be in Lexington County. In that resolution, which is attached, the state allowed the Department of Agriculture to use the \$15 million for the relocation to Lexington County. The Department, through a public-private agreement, had enough capital to cover the cost of the relocation so they proposed to the legislature that the \$15 million be used to aid regional farmers' markets. In that same year the state saw severe revenue reductions so they recommitted the \$15 million to the state general fund and did not move forward with the Department's proposal. This was the only proposal to make state appropriations to regional farmers' markets, including Richland County's, and no such appropriations have been made. I hope this helps and please let me know if I can be of any further assistance.

http://www.scstatehouse.gov/sess117_2007-2008/bills/1066.htm

Thanks,
Joshua C. Rhodes
Staff Attorney, SC Association of Counties

At the **December 22, 2009 D&S Committee Meeting**, the D&S Committee recommended that staff obtain cost figures and sketches regarding a Farmer's Market on the Pineview Property.

At the **January 5, 2010 Council Meeting**, Council deferred the item to the January 19, 2010 Council Meeting.

At the **January 19, 2010 Council Meeting**, Council rescinded the following action that was approved at the November 3, 2009 Council meeting: "Council voted to suspend consideration of using public funds to invest in a Richland County farmers' market, and to work with current local markets in promotional activities." This item was then forwarded to the February Development and Services Committee.

At the **February 23, 2010 D&S Committee Meeting**, the committee voted to defer and combine this item with item #2 (below) pending legislative approval of a Joint Resolution which will allow the County to continue paying for the bonds used to purchase the property with hospitality tax money.

Item 2:

The following motion was made at the February 2, 2010 Council Meeting by Councilman Jackson:

Explore utilizing the Shop Road/Pine View Road property (Farmers Market Land) with Public/Private partnership. After spending so much of the people's

money, we should not let this property sit, grow weeds and become an eyesore. This is a perfect opportunity to invite potential businesses and entrepreneurs to come up with ideas and financing mechanism to fund and develop viable projects. We cannot afford to sit and wait and do nothing.

This item was forwarded to the February Development and Services Committee.

At the **February 23, 2010 D&S Committee Meeting**, the committee voted to defer and combine this item with item #1 (above) pending legislative approval of a Joint Resolution which will allow the County to continue paying for the bonds used to purchase the property with hospitality tax money.

As previously stated, the Joint Resolution received passage on June 16, 2010.

At the **July 27, 2010 Special Called Council Meeting**, Council requested staff meet with SCRA and give an update regarding these conversations to the D&S Committee in September. Council also directed staff to receive any public proposals for this property.

Staff has talked with SCRA, which has informed the County that they are currently soliciting proposals from interested firms who will assist the County and SCRA in the development of the Master Plan for the site. SCRA will inform the County when the proposals have been received, and staff will update the Council at that time.

Furthermore, no public proposals for the property have been presented to Administration at this time.

At the **September 28, 2010 D&S Committee Meeting**, the Committee recommended that Council direct staff to determine if the County can build a farmers' market on the Richland County portion of the property, and determine how much it would cost to enter into a possible public-private partnership for such a project. The Committee also directed staff to provide Council with a copy of the Joint Resolution and settlement documents.

On **September 29, 2010**, the County Administrator resent to Council via email the farmers' market chronology, Joint Resolution, and all lawsuit settlement documents.

At the **October 5, 2010** Council Meeting, Council referred this item back to the D&S Committee.

Therefore, it is at this time that the aforementioned two farmers' market items are back before the D&S Committee for consideration and direction.

C. Financial Impact

There is no financial impact associated with this request at this time, as further information and direction from Council will need to be obtained before a financial impact can be determined.

D. Alternatives

1. Provide direction to staff regarding the farmers' market items.
2. Do not provide direction to staff regarding the farmers' market items at this time.

E. Recommendation

Council discretion.

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 7/12/10

Recommend Approval Recommend Denial No Recommendation

Comments:

Legal

Reviewed by: Larry Smith Date: 7/13/10

Recommend Approval Recommend Denial No Recommendation

Comments: Council discretion

Administration

Reviewed by: J. Milton Pope Date: 7/13/10

Recommend Approval Recommend Denial No Recommendation

Comments: Council discretion

S*1190 (Rat #0227) **Joint Resolution, By Leatherman**

Similar(H 4506)

A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS' MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT. - ratified title

02/17/10 Senate Introduced and read first time SJ-8
02/17/10 Senate Referred to Committee on Finance SJ-8
03/03/10 Senate Committee report: Favorable with amendment
Finance SJ-14
03/04/10 Scrivener's error corrected
04/13/10 Senate Committee Amendment Adopted SJ-22
04/13/10 Senate Read second time SJ-22
04/14/10 Scrivener's error corrected
04/14/10 Senate Read third time and sent to House SJ-72
04/15/10 House Introduced and read first time HJ-31
04/15/10 House Referred to Committee on Judiciary HJ-31
05/12/10 House Committee report: Favorable Judiciary HJ-8
05/19/10 House Debate adjourned until Thursday, May 20, 2010 HJ-26
05/20/10 House Read second time HJ-16
05/20/10 House Unanimous consent for third reading on next
legislative day HJ-17
05/21/10 House Read third time and enrolled HJ-1
05/25/10 Ratified R 227
05/28/10 Vetoed by Governor
06/02/10 Senate Veto overridden by originating body Yeas-26
Nays-13 SJ-183
06/03/10 House Debate adjourned on Governor's veto HJ-49
06/15/10 House Veto sustained Yeas-50 Nays-51 HJ-69
06/15/10 House Motion noted- Rep. Jennings noted a motion to
reconsider the vote whereby the Veto was sustained
06/16/10 House Reconsidered HJ-8
06/16/10 House Veto overridden Yeas-85 Nays-19 HJ-10

VERSIONS OF THIS BILL

[2/17/2010](#)
[3/3/2010](#)
[3/4/2010](#)
[4/13/2010](#)
[4/14/2010](#)
[5/12/2010](#)

A JOINT RESOLUTION TO MAKE CERTAIN FINDINGS BY THE GENERAL ASSEMBLY IN REGARD TO THE SETTLEMENT OF LITIGATION INVOLVING A SITE ACQUIRED BY THE STATE OF SOUTH CAROLINA IN RICHLAND COUNTY FOR THE PROPOSED STATE FARMERS' MARKET, AND TO CONFIRM AND VALIDATE THE USE OF SPECIFIC TRACTS OF LAND RECEIVED BY THE SOUTH CAROLINA RESEARCH AUTHORITY, AND RICHLAND COUNTY AS PART OF THE SETTLEMENT, AND THE USE OF CERTAIN REVENUES TO MEET OBLIGATIONS CONTINUING UNDER THE SETTLEMENT.

Be it enacted by the General Assembly of the State of South Carolina:

Findings

SECTION 1. The General Assembly finds that:

(1) The Commissioner of Agriculture (commissioner) settled the case captioned as Richland County v. State of South Carolina and South Carolina Department of Agriculture, 2008-CP-40-5723, involving a dispute concerning ownership of approximately one hundred forty-six acres of land (tract) and formerly acquired for the proposed State Farmers' Market.

(2) In connection with the settlement, the commissioner entered into and executed a mutual consent order and other appropriate documents dismissing with prejudice the referenced case and any related claims that the State of South Carolina may have in connection therewith.

(3) In connection with the settlement, the commissioner transferred on behalf of the State approximately one hundred nine acres of the tract to the South Carolina Research Authority (SCRA) and approximately thirty-seven acres of the tract to Richland County.

(4) In connection with the settlement, the commissioner and Richland County agreed that clarification should be sought with respect to the use of the tract by the SCRA and the county.

Use of property

SECTION 2. The approximately one hundred nine acres of the tract transferred to the South Carolina Research Authority shall be used in accordance with the powers granted to the authority pursuant to its enabling act, as contained in Chapter 17, Title 13 of the 1976 Code, including, but not limited to, Section 13-17-70(5), and the approximately thirty-seven acres of the tract transferred to Richland County shall be used in accordance with the powers granted to Richland County pursuant to Section 4-9-30 of the 1976 Code, including, but not limited to, Section 4-9-30(2). Notwithstanding any other provision of law, the original acquisition of and continuing repayment of any outstanding obligations related to the tract constitute an authorized use of those revenues specified in Article 7, Chapter 1, Title 6 of the 1976 Code; however, once the original acquisition and all outstanding original obligations related to the tract are paid in full, revenues collected pursuant to Article 7, Chapter 1, Title 6 of the 1976 Code must be used only for the purposes set forth in Article 7, Chapter 1, Title 6 of the 1976 Code.

Time effective

SECTION 3. This joint resolution takes effect upon approval by the Governor.

Ratified the 25th day of May, 2010.

Vetoed by the Governor -- 5/28/2010.

Veto overridden by Senate -- 6/2/2010.

Veto overridden by House -- 6/16/2010. -- T.

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Richland County Council Request of Action

Subject

Motion re: Number of Animals, Breeding and/or Stray Facilities [pages 46-47]

Reviews

Richland County Council Request of Action

Subject: Motion re: Number of Animals, Breeding and/or Stray Facilities

A. Purpose

Council is requested to consider a motion made at the October 5, 2010 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the October 5, 2010 Council Meeting by Council members Malinowski and Kennedy.

Staff is requested to review Richland County's current ordinance as it relates to animal ownership in Richland County to determine if there is a better way of controlling the amount of animals (pets) a person has in their possession in order to eliminate the possibility of some locations turning into uncontrolled breeding facilities or a facility for the collection of strays and unwanted animals. [Malinowski and Kennedy]: This item was forwarded to the Development and Services Committee.

Under the current Richland County ordinance Chapter 5, Animals and Fowl, there is no limit to the number of animals a person may own.

The following language in the ordinance touches on the sale of pets.

Sec. 5-10. Sale of pets.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live pet, on any roadside, public right- of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.

(b) No person shall offer a pet as an inducement to purchase a product, commodity or service.

(c) No person shall sell, offer for sale or give away any pet under eight (8) weeks of age, except as surrender to a municipal and/or county **animal** shelter or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, municipal and/or county **animal** shelters, and licensed pet rescue organizations are exempt from the requirements of this section.

(Ord. No. 066-04HR, § I, 10-28-04)

It is at this time that staff is requesting direction from Council with regards to this motion.

C. Financial Impact

There is no financial impact associated with this request at this time.

D. Alternatives

1. Approve the motion and direct staff as appropriate
2. Do not approve the motion.

E. Recommendation

Staff is requesting direction from Council with regards to this motion.

Recommended by: Sandra Haynes Department: Animal Care Date: 10/11/2010

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 10/14/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: recommendation is based on ROA requesting direction for staff.

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Roxanne Ancheta

Date: October 14, 2010

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council direct staff with regards to this motion.

Richland County Council Request of Action

Subject

No Through Truck Traffic on Olympia Ave from Heward Street to Bluff Road [pages 49-50]

Reviews

Richland County Council Request of Action

Subject: No through Truck Traffic on Olympia Ave from Heyward Street to Bluff Road

A. Purpose:

A Council Member has requested that additional “No Thru Truck Traffic” signs be erected on Olympia Avenue. As per Sect. 17-9. Through Truck Traffic Prohibited, Olympia Ave. from Heyward Street to Bluff Road is to have no through truck traffic.

B. Background/ Discussion:

Olympia Ave. is a SCDOT maintained roadway. There currently are existing “no Thru Traffic” signs on Bluff Road, Rosewood Drive and Huger Street leading up to Olympia Ave. Public Works has contacted the SCDOT to inquire about the erection of additional “No Thru Truck Traffic” signs and were verbally told no. Public Works then took the initiative to submit an official Encroachment Permit application for the erection of four (4) additional signs on September 13, 2010.

C. Financial Impact:

The financial impact will be the cost of materials and labor for the installation of the signs. The total cost is estimated at \$500 dollars.

D. Alternatives:

The alternatives available are

1. Await a response to the written application. Additional signage will be installed if approved.
2. If SCDOT denies the written application, no other action can be taken.

E. Recommendation:

The Engineering Department has applied for the Encroachment Permit as of September 13, 2010.

Recommended By: David R. Hoops, P.E.

Department: Public Works Date: 9-13-2010

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

FinanceReviewed by: Daniel Driggers

Date: 9/16/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Based on Engineering recommendation

LegalReviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Recommendation for approval contingent upon SCDOT approval of the encroachment permit. In addition there should be some agreement with SCDOT regarding maintenance of the signs prospectively.

AdministrationReviewed by: Sparty Hammett

Date: 9/20/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject

Professional Services Work Authorization Jim Hamilton LB Owens Airport [pages 52-69]

Reviews

Richland County Council Request of Action

Subject: Professional Services Work Authorization

A. Purpose

County Council is requested to approve Work Authorization # 27 from the LPA Group, Incorporated of Columbia, SC for professional services associated with airspace tree penetration removal in the runway approaches at Jim Hamilton – LB Owens Airport (CUB).

B. Background / Discussion

Airspace imaginary surfaces surround all sides of all airport runways. These imaginary surfaces must be free of penetrations which can become a hazard to air travel. Over the years, trees have been allowed to grow up and penetrate these imaginary surfaces. As the recipient of Federal grant funds for airport development, we are obligated to take actions necessary to remove these tree penetrations. Additionally, the staffs of the Federal Aviation Administration and the South Carolina Aeronautics Commission have directed that removal of these tree penetrations is our highest priority in order to ensure air safety. Removal of these airspace tree penetrations will also permit the development of improved aircraft approaches to the airport in the future.

This work authorization will provide for obtaining avigation easements, conducting ground survey, permitting, design, and preparation of plans and specifications which must be accomplished before the penetrating trees can be removed.

Construction (*i.e.* – tree removal) will be accomplished in a future phase with funding to be provided in next year’s Airport Improvement Program (AIP) grant cycle.

C. Financial Impact

The funding for this project will be primarily provided by grant funds as follows:

Federal (FAA)	95%	\$137,342	AIP Grant accepted
State (SCAC)	2.5%	\$ 3,614	Grant applied for
Local (RC)	2.5%	\$ 3,615	Awaiting second reading approval
Total	100%	\$144,571	

Federal funds have been issued in AIP Grant 3-45-0017-016-2010. State funds have been applied for, and Local funds will be provided with the approval of the grant matching funds budget amendment.

D. Alternatives

The alternatives available to County Council follow:

1. Approve the request to authorize Work Authorization # 27. This will permit initiation of the project to remove tree penetrations from the airspace imaginary surfaces surrounding the airport. This will ensure timely compliance with Federal airspace standards, air safety, and development of improved approaches.
2. Do not approve the request to authorize Work Authorization # 27. This will delay initiating the project to remove tree penetrations from the airspace imaginary surfaces surrounding the airport. This will cause delayed compliance with Federal airspace standards, a degradation of air safety, and will not permit the development of improved approaches.

E. Recommendation

It is recommended that Council approve the request to authorize Work Authorization # 27 conditional upon receipt of State Grant Funds and Local match.

Recommended by:	Department:	Date:
Christopher S. Eversmann, PE	Airport	September 14, 2010

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: <u>Daniel Driggers</u>	Date: 9/17/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date: 9/17/10
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Grants

Reviewed by: <u>Sara Salley</u>	Date: 9/17/2010
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Legal

Reviewed by: <u>Larry Smith</u>	Date:
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Administration

Reviewed by: <u>Tony McDonald</u>	Date: 9/17/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

RICHLAND COUNTY, SOUTH CAROLINA

Work Authorization for Professional Services

02380058
(Project Identification No.)

No. 27 (Twenty-Seven)
(Work Authorization No.)

It is agreed to undertake the following work in accordance with the provisions of our Prime Agreement for Professional Services dated February 1, 2007.

A. Description of Assignment:

The **CONSULTANT** shall provide basic and special engineering services, as described in Attachments A, B, C, and D for the **2010 Tree Obstruction Removal Project at Jim Hamilton – L.B. Owens Airport**, herein after referred to as the **PROJECT**.

SCOPE OF SERVICES

Basic Services:

1. The **CONSULTANT** shall provide Design Phase services (Meetings and Coordination) in accordance with Exhibit "B", Section I, Paragraphs B and C of the Prime Agreement.
2. The **CONSULTANT** shall provide Design Phase services (Construction Project Manual/Specifications) in accordance with Exhibit "B", Section I, Paragraphs B and C of the Prime Agreement.
3. The **CONSULTANT** shall provide Design Phase services (Engineer's Estimate) in accordance with Exhibit "B", Section I, Paragraphs B and C of the Prime Agreement.
4. The **CONSULTANT** shall provide Design Phase services (Production of Construction Drawings) in accordance with Exhibit "B", Section I, Paragraphs B and C of the Prime Agreement.

Special Services:

5. The **CONSULTANT** shall provide SCDHEC Land Disturbance Pre-Construction Permitting for the **PROJECT** as described in Exhibit "B", Section II, Paragraph A.1, of the Prime Agreement.
6. The **CONSULTANT** shall provide DBE Plan Services for **PROJECT** as described in Exhibit "B", Section II, Paragraph A.9, of the Prime Agreement.
7. The **CONSULTANT** shall provide services for the Development of Sketches and Graphics for Meetings for the **PROJECT** in accordance with Exhibit "B", Section II of the Prime Agreement.

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9/14/2010

8. The **CONSULTANT** shall provide Project Formulation/Development for the **PROJECT** in accordance with Exhibit "B", Section II of the Prime Agreement.
9. The **CONSULTANT** shall provide Field Survey for the **PROJECT** as described in Exhibit "B", Section II, Paragraph A.2, of the Prime Agreement.
10. The **CONSULTANT** shall provide Avigation Easement Acquisition Assistance for the **PROJECT** in accordance with Exhibit "B", Section II of the Prime Agreement.

B. Basis of Compensation/Period of Services:

The **CONSULTANT** shall be paid the following:

1. For BASIC SERVICES (Meetings and Coordination) as outlined in Section A-1 above, the **OWNER** shall pay the **CONSULTANT** on the basis of actual hours worked by discipline times the hourly rate for that discipline up to a maximum Not-To-Exceed amount of **Eighteen Thousand Four Hundred Dollars and No Cents (\$18,400.00)** as shown in Attachment A.
2. For BASIC SERVICES (Construction Project Manual/Specifications) as outlined in Section A-2 above, the **OWNER** shall pay the **CONSULTANT** the lump sum fee of **Nine Thousand Eight Hundred Eighty One Dollars and No Cents (\$9,881.00)** as shown in Attachment A.
3. For BASIC SERVICES (Engineer's Estimate) as outlined in Section A-3 above, the **OWNER** shall pay the **CONSULTANT** the lump sum fee of **Three Thousand Three Hundred Twelve Dollars and No Cents (\$3,312.00)** as shown in Attachment A.
4. For BASIC SERVICES (Production of Construction Drawings) as outlined in Section A-4 above, the **OWNER** shall pay the **CONSULTANT** the lump sum fee of **Thirty Four Thousand Four Hundred Fifteen Dollars and No Cents (\$34,415.00)** as shown in Attachment A.
5. For SPECIAL SERVICES (SCDHEC Land Disturbance Pre-Construction Permitting) as outlined in Section A-5 above, the **OWNER** shall pay the **CONSULTANT** the lump sum amount of **Twelve Thousand Six Hundred Seventy Two Dollars and No Cents (\$12,672.00)** as shown in Attachment A.
6. For SPECIAL SERVICES (DBE Plan Services) as outlined in Section A-6 above, the **OWNER** shall pay the **CONSULTANT** the lump sum amount of **Eight Thousand Five Hundred Seventy Four Dollars and No Cents (\$8,574.00)** as shown in Attachment A.

7. For SPECIAL SERVICES (Development of Sketches and Graphics for Meetings) as outlined in Section A-7 above, the OWNER shall pay the CONSULTANT on the basis of actual hours worked by discipline times the hourly rate for that discipline up to a maximum Not-To-Exceed amount of **Seven Thousand One Hundred Sixty Dollars and No Cents (\$7,160.00)** as shown in Attachment A.
8. For SPECIAL SERVICES (Project Formulation/Development) as outlined in Section A-8 above, the OWNER shall pay the CONSULTANT the lump sum amount of **Five Thousand One Hundred Eighty Four Dollars and No Cents (\$5,184.00)** as shown in Attachment A.
9. For SPECIAL SERVICES (Field Survey) as outlined in Section A-9 above, the OWNER shall pay the CONSULTANT the lump sum amount of **Thirteen Thousand Two Hundred Dollars and No Cents (\$13,200.00)** plus a lump sum subconsultant administrative fee of **One Thousand Three Hundred Twenty Dollars and No Cents (\$1,320.00)** for a total lump sum amount of **Fourteen Thousand Five Hundred Twenty Dollars and No Cents (\$14,520.00)** as shown in Attachment A.
10. For SPECIAL SERVICES (Avigation Easement Acquisition Assistance) as outlined in Section A-10 above, the OWNER shall pay the CONSULTANT the lump sum amount of **Twenty Seven Thousand Six Hundred Eighty Five Dollars and No Cents (\$27,685.00)** plus a lump sum subconsultant administrative fee of **Two Thousand Seven Hundred Sixty Nine Dollars and No Cents (\$2,769.00)** for a total lump sum amount of **Thirty Thousand Four Hundred Fifty Four Dollars and No Cents (\$30,454.00)** as shown in Attachment A.

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Agreed as to scope of services and budget:

For: **RICHLAND COUNTY, SC**

For: **THE LPA GROUP INCORPORATED**

Date: _____

Date: _____

Attachments: A - Manhour Breakdown & Fee Estimate
B - Specific Scope of Services
C - DBE Program FFY 2011-2013 Construction Goal Scope of Services
D - Clearance Easement Acquisition Assistance Scope of Work
E - Scope of Work Sketch

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ATTACHMENT A
 MANHOURLY BREAKDOWN & FEE ESTIMATE
 THE LPA GROUP INCORPORATED
 2010 TREE OBSTRUCTION REMOVAL PROJECT
 JIM HAMILTON - LB OWENS AIRPORT

TASK	PRINCIPAL	SR. ENGR.	ENGR.	DESIGNER	TECH.	TECH. ASST.	TRAVEL	LODGING	PER DIEM	SUPPLIES	REPRO.	POSTAGE	TASK COST	ASSUMPTIONS / REMARKS
1 Meetings and Coordination														
a. Kickoff Meeting	0	0	4	4	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000
b. Coordination with City re Tree Ordinance	0	0	10	4	0	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000 includes 2 local meetings
c. Coordination with County re Tree Ordinance	0	0	10	4	0	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000 includes 2 local meetings
d. General Coordination Throughout Project	0	0	96	32	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$13,344
TASK SUBTOTAL	0	0	80	44	0	26	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$18,344 Proposed to be Hourly, Not Fee-based
2 Construction Project Manual Specifications														
a. Final Erod Control Documents	0	0	8	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,704
b. Technical Specifications	0	0	8	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,704
TASK SUBTOTAL	0	0	16	32	0	48	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$9,408 Proposed to be Lump Sum
3 Engineer's Estimate of Probable Construction Costs														
a. 35% Subtotal	0	0	4	8	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,440
b. 80% Subtotal	0	0	2	4	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$896
c. Final Subtotal	0	0	2	4	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$896
TASK SUBTOTAL	0	0	4	8	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,336 Proposed to be Lump Sum
4 Design Tasks for Production of Construction Drawings														
a. Develop Baseline from GIS Data and Raw Survey	0	0	4	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,272
b. Cover	0	0	4	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,272
c. Project Layout Plan	0	0	4	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,272
d. Project Safety and Phasing Plan	0	0	4	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,272
e. General Notes and Quantities Plan	0	0	4	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,272
f. Accession Plan	0	0	4	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,272
g. Accession Removal Plans	0	0	10	40	0	60	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,680
h. Erosion Control Design & Plans	0	0	12	48	0	72	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$10,680
i. Erosion Control Details	0	0	8	32	0	48	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,128
j. Temporary Erosion Control Details	0	0	6	24	0	36	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,424
k. Quality Control Review	0	0	4	16	0	24	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$3,424
TASK SUBTOTAL	0	0	56	224	0	336	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$34,416 Proposed to be Lump Sum
TOTAL BASIC SERVICES	0	0	56	81	0	192	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$66,008

ATTACHMENT A
 MANHOOR BREAKDOWN & FEE ESTIMATE
 THE LPA GROUP INCORPORATED
 2010 TREE OBSTRUCTION REMOVAL PROJECT
 JIM HAMILTON - L.B. OWENS AIRPORT

TASK	PRINCIPAL	Sr. ENGR.	ENGR.	DESIGNER	TECH.	TECH. ASST.	TRAVEL	LOADING	PER DIEM	DIRECT'S	REPRO.	POSTAGE	TASK COST	ASSUMPTIONS/REMARKS
SPECIAL SERVICES														
1. SCHED LIQUID Disbursement Pre-Construction Permitting	0	0	32	48	24	12	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Assumes only 1 permit will be required for all areas considered to be "disturbed". No permit fees are included. Proposed to be Lump Sum
TASK SUBTOTAL	0	0	32	48	24	12	\$0	\$0	\$0	\$0	\$0	\$0	\$12,572	
2. DBE Plan Services a. FY 2011-2013 DBE Goal	0	48	0	0	0	2	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0.574/hour and FY10 actuals, no FY10 DBE goal. Proposed to be Lump Sum
TASK SUBTOTAL	0	48	0	0	0	2	\$0	\$0	\$0	\$0	\$0	\$0	\$214	
3. Develop Sketches and Graphics for Meetings	0	0	8	16	40	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,150 Allowance Proposed to be Hourly, Not-To-Exceed
TASK SUBTOTAL	0	0	8	16	40	0	\$0	\$0	\$0	\$0	\$0	\$0	\$7,180	
4. Project Formulation/Development	0	0	30	6	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,154 Proposed to be Lump Sum
TASK SUBTOTAL	0	0	30	6	0	0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,154	
TOTAL SPECIAL SERVICES	0	48	230	259	256	20	\$0	\$0	\$0	\$0	\$2,265	\$200	\$68,249	
ESTIMATED PRINTING/REPRODUCTION COSTS														
25% Submit 2 CUB, 2 LPA	4	SET 1 @	14	Sheet and	Blank	Specification**								
80% Submit 2 CUB, 2 LPA, 1 PA, 1 DOA	6	SET 2 @	22	Sheet and	Blank	Specification**								
Final Submit 2 CUB, 2 LPA, 1 PA, 1 DOA, 2 placemats	5	SET 3 @	22	Sheet and	Blank	Specification**								
**Specification reproduction estimated @	\$1.50	1/8" x 11"	1/8" x 11"	\$1.50	1/8" x 11"	\$1.50								
***Specification reproduction estimated @	\$31.50	1/8" x 11"	1/8" x 11"	\$31.50	1/8" x 11"	\$31.50								
SUBTOTAL SPECIAL SERVICES FEES - LPA														
SUBTOTAL SPECIAL SERVICES FEES - LPA														
SUBTOTAL TANT SPECIAL SERVICES														
Field Survey Rights (Contr. 16, Detail research, Prop. Line survey, Exhibit prep., etc.) (Survey Only)														
Administrative Fee (10%)														
Charter/Statement Acquisition Agent (THC, Inc.)														
Administrative Fee (10%)														
GRAND TOTAL														
													\$144,571	

**ATTACHMENT B
SPECIFIC SCOPE OF SERVICES
FOR
2010 TREE OBSTRUCTION REMOVAL PROJECT
AT THE
JIM HAMILTON – L.B. OWENS AIRPORT**

This is an exhibit attached to and made a part of the **AGREEMENT** between the **OWNER** and the **CONSULTANT** for professional consulting services for the **2010 TREE OBSTRUCTION REMOVAL PROJECT** (hereinafter referred to as **PROJECT**) at the Jim Hamilton – L.B. Owens Airport (hereinafter referred to as **AIRPORT**). The **CONSULTANT** shall perform the Basic and Special professional services under this **AGREEMENT** as indicated below.

GENERAL

Penetrations to the Airport's Part 77 imaginary surfaces have been identified. A portion of these identified penetrations have been previously been removed. This project will continue the effort to remove the tree obstructions. In general, this **PROJECT** will include analyzing existing aerial obstruction data, performing ground survey to identify specific trees to be removed, preparation of obstruction removal plan drawings, permitting, and avigation easement acquisition. Per previous consultation with ATL-ADO planning staff, a 34:1 approach surface will be the basis of tree penetration removal for Runway 31 and a 20:1 approach surface will be the basis of tree penetration removal for Runway 13.

The **CONSULTANT** will provide the following specific scope of work tasks in this **AGREEMENT**, which have been determined through various scoping meetings, discussions, and emails with the **OWNER**, FAA, and SC Aeronautics Commission:

BASIC SERVICES

1. Meetings and Coordination
2. Preparation of Construction Project Manual/Specifications
3. Preparation of Engineer's Estimate of Probable Construction Costs
4. Preparations of Construction Drawings

SPECIAL SERVICES

1. SCDHEC Land Disturbance Pre-Construction Permitting
2. Preparation of FY 2011-2013 DBE Goal
3. Development of Sketches and Graphics for Meetings
4. Project Formulation/Development
5. Field Survey
6. Avigation Easement Acquisition Assistance

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The following assumptions form the basis of this **AGREEMENT**:

- Two local meetings with the City of Columbia are included.
- Two local meetings with the Richland County are included.
- Only one land-disturbance permit will be required for all areas considered to be "disturbed".
- DBE Plan Update for FFY 2011- 2013 will be based on previous DBE plan.
- Development of sketches and graphics for meetings is included as an Not-To-Exceed allowance. Should additional sketches and graphics be needed, then a fee for those services will be negotiated under a separate work authorization.
- Richland County will provide the following services: payment of fees associated with permitting, public or media relations, grant financial management & quarterly reporting, any GIS data that may be useful, legal resources, and payment of costs associated with public advertising.
- Engineer's Report will not be required due to nature of project.
- USACOE 404 Permitting will not be required.
- Tree Survey requiring a certified Arborist will not be required
- Aerial obstruction data gathered by SC Aeronautics Commission in 2008 will be used as initial determination of number of obstructions and parcels affected.
- The initial determination of the number of obstructions and parcels affected is shown in Attachment E and is the basis of this scope and fee proposal.
- Obstructions in the RW 31 approach will be evaluated against a 34:1 FAA Part 77 surface.
- Obstructions in the RW 13 approach will be evaluated against a 20:1 FAA Part 77 surface.
- Obstructions not in either runway approach will be evaluated against a 7:1 FAA Part 77 transitional surface.
- A 10 feet buffer under the Part 77 surface being evaluated will be used in determining obstructions.
- All affected parcel property plats will be able to be obtained and will be found to accurate enough to be referenced as an exhibit attachment to the proposed easement.
- Several property corners per affected parcel will be able to be found, therefore allowing the existing plat to be inserted and rotated properly.
- Using the found property corners and the existing plats will allow recordable easement exhibits to be created without the need for a complete boundary survey and plat preparation.
- Surveys will be accomplished using the State Plane coordinate system and NAD83.
- Fifty percent of all affected parcel property owners will be willing to donate the easement.
- The 50% of property owners not willing to donate an easement will be negotiated with under a future Work Authorization.
- Appraisal services will not be required in this Work Authorization because it is the desire of the Airport to try to obtain as many easements as possible through donations.
- The affected parcel property owners have but one option for obstruction mitigation: complete tree removal and stump grinding flush with the ground.
- Design submittals will be at 35%, 95% and Final (100%).

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- Obstructions on property owned by Richland County, the "railroad" and VIP Developers will not be required to be individually identified since it the desire to "clearcut" these areas.
- An obstruction data point as provided in the SCAC aerial obstruction survey may represent a cluster of trees.
- Only tree obstructions are being considered with this project.
- Parcels that have obstructions only in the approaches as well as parcels that have obstructions in and out of the approaches are included.
- There are only ten parcels that meet the above criteria.

The **CONSULTANT** will **NOT** provide the following in this **AGREEMENT**:

- Re-design services associated with meeting a construction budget.
- Geotechnical services.
- Construction Phase Services.
- Evaluation of existing pavement conditions.
- Recommendations for pavement rehabilitation.
- Drainage system design and/or hydraulic modeling.
- Design or upgrades to airfield navigational aid systems.
- Permitting not specifically included.
- Design or upgrades to taxiways or runways (pavement or electrical).
- Landscaping or irrigation design.
- Historical or Archaeological surveys.
- Environmental field work.
- Jurisdictional waters and/or wetlands permitting and mitigation services.
- Airside and/or Landside master planning services.
- Design services related to utilities.
- Design or coordination of existing structure demolition and/or removal or environmental/hazardous material assessment.
- Aerial surveys, photography, or mapping services.
- Engineer's Report.
- Zoning Ordinance Review & Recommendations.
- USACOE 404 Permitting.
- Tree Survey requiring services of a certified Arborist.
- Design or coordination for obstruction lighting.
- Attendance at Council or public Meetings.
- Public/Media Relations.
- Financial management, quarterly reporting and closeouts of grants.
- Permitting Fees.
- Environmental Assessment.
- Complete property boundary surveys and plat preparation for affected parcels.
- Obstruction Identification and parcel research on parcels other than those shown on Attachment E.
- Post-construction obstruction verification surveys.
- Appraisal services.

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- Easement acquisition services beyond those affected parcels shown on the attached sketch.
- Easement value negotiations since the assumption is that easements will be donated by 50% of the property owners.
- Development of Landscape Ordinance Compliance Plan.
- Categorical Exclusion Checklist Preparation & Coordination.
- SCDOT Encroachment Permitting.
- FAA/State Grant Services.
- Field Exploration to Visit Parcels.
- Coordination with Railroad or SCDOT.
- Bidding Phase Services.
- Preparation of FAA Form 7460-1 Notice of Proposed Construction or Alteration.

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Item# 9

Attachment number 1
Page 12 of 18

ATTACHMENT C

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FFY 2011-2013 DISADVANTAGED BUSINESS ENTERPRISE 'CONSTRUCTION' GOAL SCOPE OF SERVICES

**JIM HAMILTON - L.B. OWENS AIRPORT
COLUMBIA, SOUTH CAROLINA**

I. INTRODUCTION

This scope of services represents a plan-in-progress for the purpose of securing public comment, and to meet compliance standards of the Code of Federal Regulations (CFR) relating to the participation of socially or economically disadvantaged individuals or organizations (Disadvantaged Business Enterprises [DBEs]) in the public procurement process. The Disadvantaged Business Enterprise Program (the Plan) sets forth the Preliminary Compliance Plan for airports using the revised standards of 49 CFR Part 26, *Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs*.

Effective March 5, 2010, the United States Department of Transportation (US DOT) amended 49 CFR Part 26 which now requires recipients to submit for review DBE goals for federally funded contracting opportunities every three (3) years rather than annually. If overall goals are set on a fiscal year basis, the DBE goal is to be submitted to the FAA by August 1 at three-year intervals. Recipients are required to conduct annual reviews to account for changes that may warrant a modification of the overall goal. Further, a recipient must submit to the operating administration (Federal Aviation Administration (FAA)) for approval of any significant adjustment made to the goal during the three (3) year period based upon changed circumstances (f)(1).

Annual reports of actual construction participation, however, still must be provided to the FAA by December 1 via the FAA's electronic database (DOORS). This statistical data is to be used to determine compliance with DBE goals, as well as to adjust race-conscious and race-neutral DBE participation.

Participation goals, methods of attainment, and other portions of the Plan are subject to revision following a 45-day public comment period that commences with the date of publication of the Plan, and subsequent federal review. The provisions contained within the Plan relate to all public contracts to be accomplished with US DOT grant assistance, including FAA AIP and South Carolina Aeronautics Commission (SCAC), for which the federal share is \$250,000 or greater during fiscal years 2011 through 2013.

PROJECT OBJECTIVE

The overall purpose of this document is to establish an airport 'Construction'¹ goal for DBE participation on US DOT-assisted airport contracts at the Jim Hamilton-L.B. Owens Airport, Columbia, South Carolina for the fiscal years 2011 through 2013, which starts on October 1, 2010, in accordance with US CFR 49 Part 26. Therefore, THE LPA GROUP INCORPORATED (LPA) will assist Richland County (County) and airport management in the development and submittal of the FYs 2011-2013 DBE Construction Goal.

¹ The 'Construction' goal includes any engineering design, planning, environmental, security, financial, construction, etc. contracts which may be eligible for FAA/DOT federal funding.

ATTACHMENT C

In order to obtain federal funding equal to or in excess of \$250,000, Richland County, as the Owner of the Jim Hamilton-L.B. Owens Airport (CUB), must sign assurances that the airport and County will comply with 49 CFR Part 26, and will provide DBEs an equal opportunity to receive and participate in US DOT assisted contracts.

As a provision of all public contracts to be accomplished with US DOT grant assistance for which the federal share is \$250,000 or greater, Richland County must develop a Disadvantaged Business Enterprise 2011-2013 Goal Program which will accomplish the following:

- Ensure nondiscrimination in the award and administration of US DOT assisted contracts.
- Create opportunities in which DBEs can compete fairly for US DOT assisted contracts.
- Ensure the DBE program is narrowly tailored in accordance with applicable law.
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
- Help remove barriers to participation of DBEs in US DOT assisted contracts.
- Assist the development of firms that can compete successfully in the market place outside the DBE program.

Further, the maximum feasible portion of the overall "construction" goal must be obtained using race-neutral means of facilitating DBE participation.

Implementation of the FAA DBE Construction Goal is accorded the same priority as compliance with all other legal obligations currently incurred by Richland County in its financial assistance agreements with the US DOT. Therefore Richland County must disseminate this policy statement to all components of their organization. Further, Richland County must distribute this statement to DBE and non-DBE business communities as well as make it available for public screening and comment.

ELEMENTS

Element 1: Fiscal Year 2011-2013 DBE Construction Goal - August 1, 2010

Task 1.1 Preliminary Coordination - Client and FAA

This task includes preliminary coordination with County and airport staff, contractors, FAA and South Carolina Aeronautics Commission (SCAC) personnel necessary for development of FFYs 2011-2013 DBE Construction Goal (October 1, 2010-September 30, 2013) for the Jim Hamilton - L.B. Owens Airport pursuant to the revised standards of 49 CFR 26.

Task 1.2 Client Meeting and Data Collection

This task is intended to identify and obtain all required contract, financial, and DBE information necessary to determine the overall DBE goal for US DOT-assisted contracts at CUB through fiscal year ending 2013. As a result, this will require a meeting/conference call with County and airport staff to obtain information on US DOT assisted airport related projects expected to be awarded in Fiscal Years 2011, 2012 and 2013 including any monies received through the 2009 American Recovery and Reinvestment Act (ARRA).

ATTACHMENT C

If ARRA funds were obtained for use on planned FYs 2011 through 2013 projects, then a separate disadvantaged business enterprise goal must be developed specifically for ARRA funded projects. According to the Federal Aviation Administration and US DOT, projects must be identified separately within the DBE program and specific goals must be developed associated with those projects. Actual DBE and non-DBE participation associated with 2009 ARRA funds must also be reported separately from total actual annual DBE participation.

To determine the DBE construction goal, LPA will identify, using local information and SCDOT DBE Directory information:

- Services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community in order to make reasonable efforts to use these institutions and to encourage prime contractors on US DOT-assisted contracts to make use of these institutions;
- The County's Normal Market Area for aviation related projects, which is defined as the area or combination of areas where at least 70-75 percent of historical contract dollars were spent. In the case of South Carolina, FAA recommends that the market area consist of the entire state;
- Anticipated FY 2011, 2012 and 2013 US DOT Assisted Contracts based upon a review of the Capital Improvement Projects planned for fiscal year ending 2013, including those already started; those to be started before September 30, 2013; or those projects which were started prior to fiscal year 2011 but will be completed before September 30, 2013; as well as meetings with County and airport staff, SCAC, and current project contractors, and
- DBE and Non-DBE Contractors and sub-contractors within the normal market area ready, willing and able to accommodate US DOT-assisted project demand requirements for FYs 2011 through 2013.

Task 1.3 Community Outreach

Based upon discussions with FAA Civil Rights, additional effort is being placed upon public participation and outreach as outlined in Section 26.45 (g). Therefore, prior to determining the DBE goal percentage for Fiscal Years 2011 through 2013, LPA must review any DBE outreach programs provided by the County, local disparity studies, as well as consult with minority, women's and general contractor groups, community organizations and other officials or organizations, including SCAC and Richland County, to obtain information related to the availability of disadvantaged and non-disadvantaged business opportunities and any potential discrimination which may impact opportunities for DBEs, in addition to identifying and applying the County's efforts to establish a level playing field for DBE participation on airport projects.

Task 1.4 Evaluation of DBE Construction Goal

This task will include the evaluation of the overall DBE construction goal for federally funded US DOT assisted airport contracts for fiscal years 2011 through 2013, including that projection of the portion of the goal that is expected to be met through race-neutral means, and must establish contract goals to meet any portion of the overall goal that cannot be met using race-neutral means.

LPA will determine the DBE construction goal percentage for fiscal years 2011 through 2013 by comparing available DBE contractors and subcontractors and non-DBE contractors and subcontractors for US DOT assisted projects. Once the base number has been determined, the overall goal is compared to historic DBE goal percentages on similar projects from FYs 1999-2009, if available, to provide a

ATTACHMENT C

weighted total percentage and the contract fee available for DBEs, as well as the percentage and contract fee associated with the overall race-neutral contract goals for the airport system.

Task 1.5 Report Preparation, Review and Submittal

This task involves the preparation of the DBE Airport Construction Goal Report for Fiscal Years 2011-2013, which includes the DBE Construction Goal Determination and Methodology as well as copies of the County's Organizational Chart and SCDOT DBE Directory. An interim review will be produced, which is subject to revision after a 30-day review, 45-day public comment period. The County is responsible for advertising the goal and goal methodology to allow interested parties to review and provide comments. Following the 45-day comment period, any information received will be incorporated into the report.

Task 1.6 Follow-up Coordination - Client and FAA

Following the 45-day comment period and upon receipt of all public comments, LPA will submit a finalized copy of the report including a copy of the DBE Goal Advertisement to FAA Civil Rights Office for review and approval. If no comments are received prior to October 1, 2010, the County may use this established goal for airport related projects with federal funding greater than \$250,000. If any comments or questions are received from FAA, LPA will address and resubmit to the client and FAA for final approval. Copies of the Final Report will be sent to the airport and Richland County as well as kept on file at LPA's offices in Tampa, Florida.

II. SCHEDULE

LPA will assist the County in the preparation and submittal of required documentation for both the FFY 2011-2013 DBE Goal Report and FFY 2010 DBE Actual Construction participation requirements as outlined in 49 Code of Federal Regulations Part 23 and Part 26. Submittal dates to the FAA Office of Disadvantaged Business are as follows:

- **FFYs 2011-2013 DBE Construction Goal - August 1, 2010**

This project will begin immediately following issuance of Notice to Proceed. Copies of FFYs 2011-2013 DBE Construction Goal will be submitted to the County no later than 45 days prior to the date listed above.

FFYs 2011-2013 DBE Construction Goal requires a 30-day public review and **45-day** public comment period prior to the August 1, 2010 submittal date otherwise the County will be deemed as non-compliant by the FAA Civil Rights Office. Following the comment period, LPA will incorporate any relevant comments and submit the documentation to Richland County for final approval and signature. At that time, the County DBE Officer must provide a signed copy, including a copy of the public advertisement, to FAA Civil Rights Office, Atlanta FAA Regional Headquarters for review and approval. Or if the County prefers, submit all data to THE LPA GROUP for submittal to FAA in the County's name. Any changes to the documentation required by FAA following this review will be performed by LPA and resubmitted to the FAA and Richland County for final acceptance.

Hard copies of FFYs 2011-2013 Construction Goal submittals will be provided to County and airport management and copies (electronic and hard) will be maintained at LPA's Tampa Florida Office.

ATTACHMENT D

Jim Hamilton L.B. Owens Airport, Columbia, South Carolina
Clearance Easement Acquisition Process – PHASE I (10 Easements)– AVIGATION EASEMENT
DONATIONS:

Preliminary Title Reports: To be provided at start of project by County Attorney. (see *Attorney Services* below).

Initial Contact: After receipt of the titles the Acquisition Agent will contact each property owner to explain the acquisition process and request a "right of entry" form in order to allow the surveyor and agent to perform necessary services. Upon receipt of the executed right of entry forms, THC will contact the surveyor and issue a contract and notice to proceed for surveyor services relative to the identified parcels.

Engineering Services

The LPA Group will supply the Surveyor with ground elevations, airspace encroachment limits to determine the airspace height restriction limits, and zoning height restrictions already in place by the City/County, as well as site the tree or tree clusters encroaching into the airspace on every parcel. The engineering firm (LPA Group) and the Surveyor will work together to produce the "Airspace Drawing" which shows the height restrictions over each parcel and determine which restriction takes precedence (current City/County zoning on height restrictions or FAA restrictions) Encroaching tree(s) and or tree clusters will be marked on the ground to show the property owner which trees are affected. We will need certified plats in full size (2 sets), half-size (2 sets) and 8 1/2" x 11" and 11" x 17" electronically.

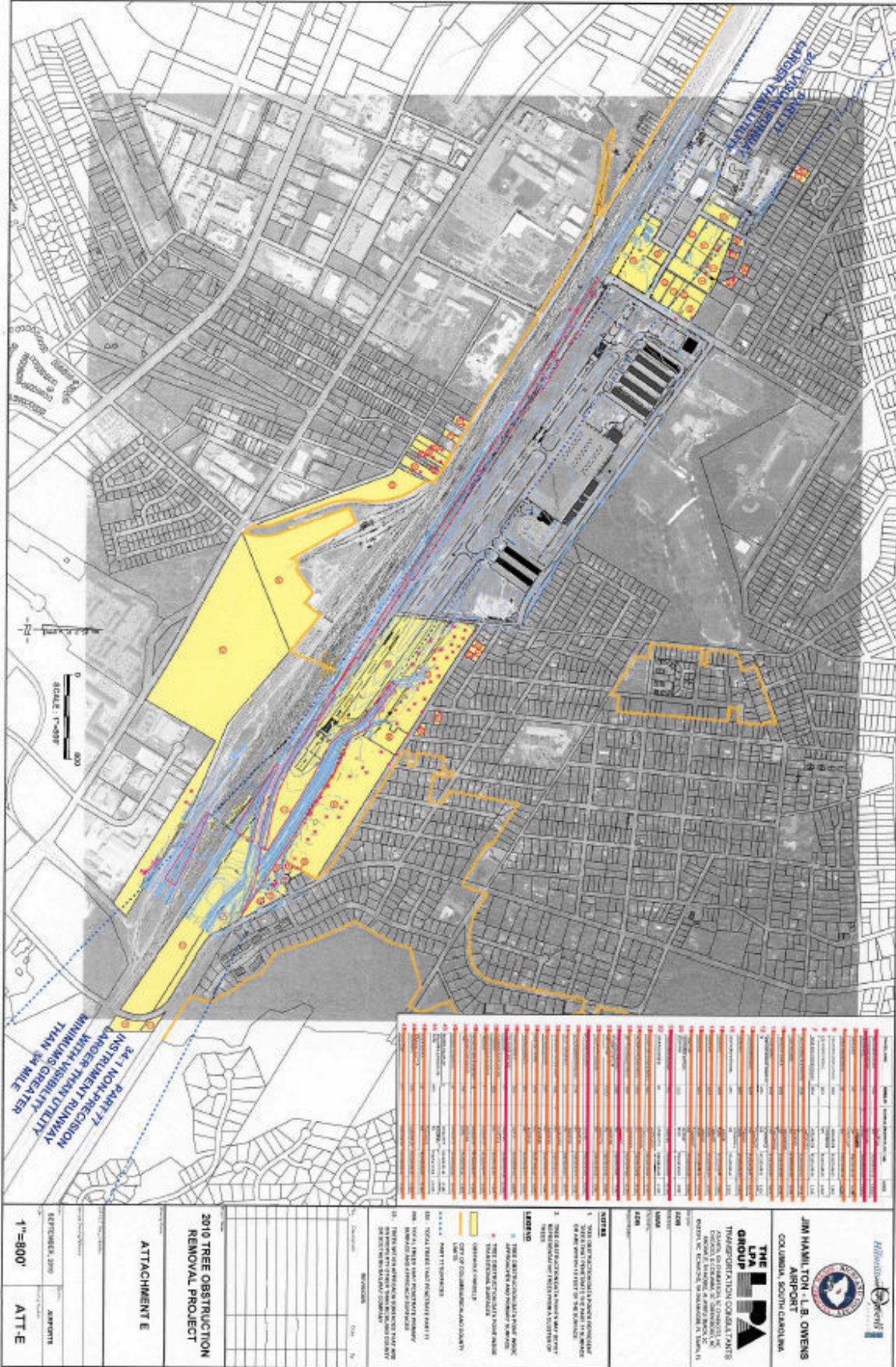
Interview: Upon completion of the Airspace Drawing, THC will arrange a meeting with the property owner to accomplish the following:

1. The interview contact with the property owner will be to request an avigation easement donation over their property for the safety of the traveling public. The airport will remove the encroaching tree(s) and grind the stump(s) for clearance of trees encroaching in the air surface.
2. Options (special stipulations on option) will be to retain the timber and/or replace trees and property owners will be asked to sign the avigation easement (multiple copies for recording purposes) and will be informed that the donation form and easement documents will be recorded in the Richland County Courthouse. The property owner will receive a copy of the recorded documents and a copy of the recorded documents will be placed in the parcel file for the project.

Prepare Final File: Upon completion of the project, the THC Project Manager will audit each parcel file internally to ensure that all documentation is complete and ready for final submittal to the Agency.

Miscellaneous Meetings, Planning, and Program Management: These tasks will be performed as needed throughout the acquisition process with the Agency, their representatives and sub-consultants, etc.

Attorney Services: Professional legal services, provided by the County (*This assumes the Attorney has no conflict of interest with the parcel owners and possesses condemnation experience*), for the donation of the easement will include performing title examinations, covering a period sufficient to identify current owners of the property and meet local title insurance requirements. Updated titles may be required if information is obtained which shows documents not recorded prior to the preliminary title report. All easements will be recorded once donation is made and recorded copies distributed to property owner and to THC for the parcel file.



PART 77 INSTRUMENT RUNWAY WIDER THAN 60 FEET WITH VERTICAL CLEARANCE GREATER THAN 50 FEET

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2010 TREE OBSTRUCTION REMOVAL PROJECT

ATTACHMENT E

SEPTEMBER, 2009

1" = 800'

ATT-E

THE LPA GROUP
TRANSPORTATION CONSULTANTS
COLUMBIA, SOUTH CAROLINA

JIM HAMILTON - L.B. OWENS AIRPORT
COLUMBIA, SOUTH CAROLINA

Legend

- 1. TREE OBSTRUCTION TO BE REMOVED
- 2. TREE OBSTRUCTION TO BE MAINTAINED
- 3. TREE OBSTRUCTION TO BE MAINTAINED WITH SPECIAL TREATMENT
- 4. TREE OBSTRUCTION TO BE MAINTAINED WITH SPECIAL TREATMENT AND PROTECTED BY A FENCE
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Richland County Council Request of Action

Subject

Purchase/Sale of Wetlands around Carolina Bay/Mistletoe Bay (Conservation Banking) [pages 71-78]

Reviews

Richland County Council Request of Action

Subject: Conservation Banking

A. Purpose

County Council is requested to approve the Wetland Mitigation Banking proposal in Lower Richland as described in the Central Midlands Technical Report to protect valuable natural resources, restore wetlands, buffer streams, create passive recreation, and generate funding through the mitigation banking process in volunteer partnerships with private landowners.

B. Background / Discussion

County Council and staff had previously identified a valuable ecological area near Lower Richland Boulevard and Hwy 378 containing a Carolina Bay, wetlands, and perennial streams in the Cabin Branch Watershed. Council requested a formal technical report and recommendation from Central Midlands to evaluate ecological features, wetland restoration requirements, landowner interest, and a financial report on the banking process. Central Midlands had already established a regional banking program with the Army Corp of Engineers to assist local governments and private citizens. Central Midlands is prepared to seek tentative approval from The Army Corp of Engineers to validate the wetlands bank and credits on behalf of Richland County. Private – Public Partnerships would be developed with volunteer landowners.

C. Financial Impact

The Central Midlands Report reflects an initial investment for restoration efforts in a private - public partnership and a substantial cost return during the banking process. Initial funding from County Council would be considered in the upcoming budget cycle for FY2012.

D. Alternatives

1. Approve the request to adopt the Loam Plains Mitigation Bank Proposal in Lower Richland. This will protect valuable natural and historic resources, restore wetlands, maintain rural landscape character of the area, create green space for passive recreation and education, and generate a funding source to complete the mitigation plan in partnership with private landowners.
2. Do not approve - will allow high density development, reduce green space, remove wildlife habitat, impair a natural Carolina Bay, reduce funding opportunities for long term conservation and resource protection in other areas of the county, and change our rural landscape character forever.

E. Recommendation

"It is recommended that Council approve the request to adopt the Wetland Mitigation Proposal as recommended by Central Midlands."

Recommended by: Department: Date: 10-12-2010

Anna Almeida, Director Planning
Carol Kososki, Chair Conservation Commission
Jim Wilson, Staff Environmental Program Manager
Quinton Epps, Staff Flood Plain Manager

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers Date: 10/19/10
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: No recommendation due to time constraints on the ROA process. Based on just receiving the information, Finance has not been provided a reasonable amount of time to review and a recommendation. Therefore we would request additional time to research the proper accounting treatment, any liability created through the establishment of an LLC, etc prior to providing a recommendation to Council.

Procurement

Reviewed by: Rodolfo Callwood Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: No recommendation; Procurement have not receive any information on this project to substantiate recommendation .

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: No recommendation; Council discretion

Administration

Reviewed by: Sparty Hammett Date: 10/19/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval of moving the concept of mitigation banking forward using private-public partnerships. Funding associated with the project would be addressed through the FY2012 budget process. Prior to the funding request, staff will work with the Finance Director to address concerns regarding proper accounting treatment and any liability associated with mitigation banking.

Southeastern Environmental Solutions, Inc.

131 Mayland Court, Irmo, SC 29063

Office/Mobile (803) 238-9464 email: sesirmo@gmail.com

Email Transmittal

Date: October 8, 2010

To: Mr. Wayne Shuler
Mr. Norman Whitaker
Central Midlands Council of Governments
236 Stoneridge Drive
Columbia, SC 29210

From: Shannon Smith, President

Re: **Technical Memo – Phase 4c**
Loam Plains Mitigation Bank

Southeastern Environmental Solutions, Inc. (SES) is pleased to provide Central Midlands Council of Governments (CMCOG) with this Revised Draft Technical Memo that incorporates directions provided by Richland County (County) in their letter, dated August 10, 2010, and subsequent emails. The information is based on the general assumption that the County plans to develop landowner partnerships for mitigation. Specific items addressed in our memo to you include:

1. Background Information: Site Selection Process/Criteria
2. Financial Analysis for the preferred Mitigation Bank option (see attached spreadsheet and map)
3. Anticipated Timeline over the Next 5-7 Years
4. Suggested Business Partnership Relationship and Distribution of Bank Revenues

- **Background Information: Site Selection Process/Criteria**

In August of 1997, SES established the Broad River Mitigation Bank for Richland County government projects. This bank was used to compensate for impacts to wetlands elsewhere in the County and saved the taxpayers over \$95,000 in fees that a private sector bank would have charged for mitigation credits. Because the bank consisted solely of preservation credits and did not contain any restoration credits, SES recommended that the County consider establishing mitigation banks in various watersheds to compensate for impacts associated with public works and infrastructure projects. However, due to budgetary constraints at the time, the County was not able to conduct the inventory of properties needed to derive a list and map of suitable mitigation properties.

Subsequently, SES approached CMCOG to see if they would be interested in establishing mitigation banks within the Midlands as part of their comprehensive planning services. As a regional stakeholder in water quality issues, the CMCOG recognized that regional natural resource management was necessary to complement the leadership role it had already been taking in transportation, utilities, and economic development planning. Therefore, in 2003 SES began working with the CMCOG to conduct a pilot study to determine the feasibility of establishing multiple mitigation banks in the Midlands. At that time, CMCOG did not have any specific sites in mind, nor did they have a goal of restoration/protection of aquatic resources in any particular watershed within its 4-county region.

As the project progressed and more information became available, SES recommended that the CMCOG take a comprehensive, systematic approach to finding mitigation bank property. In the

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Attachment number 1
Page 3 of 8

past, this approach had not been possible for any one local government in the Columbia metropolitan area to undertake due to the overlap of ecosystem, watershed, and political boundaries. However, it became clear that CMCOG-sponsored mitigation banks could resolve this because the CMCOG encourages municipal/county governments to work together for the good of the region. Consequently, CMCOG decided to work with SES to evaluate mitigation opportunities in various ecosystems and watersheds within Richland, Lexington, Fairfield, and Newberry counties.

The first step was a series of meetings with Federal, State, County, and local natural resource professionals to develop conservation goals and target watersheds within the CMCOG region. One of the things upon which group members agreed was an approach that would locate restoration/protection opportunities in rural areas instead of urban ones due to land costs, storm water runoff issues, and the likelihood of long-term success relative to future urban sprawl. To increase the likelihood of finding properties in need of restoration, SES focused study efforts on rural areas approximately one watershed away from the edge of moderately populated areas. Various GIS layers were then selected, revealing ecological patterns and preferred watersheds that appeared ideal for further bank feasibility studies. The result was maps and narrative descriptions for several sites assumed to contain the top restoration and protection opportunities in the Midlands.

SES and CMCOG worked closely with local Soil and Water Conservation Districts to find the best way to contact owners of the aforementioned properties. Some owners were interested in discussing conservation opportunities on their land, while others were nonresponsive. In the end, Mr. Ted Hopkins was contacted and asked whether he and the other owners of adjacent/nearby family lands might be interested in working with the CMCOG to explore the possibility of mitigation banking. He was very receptive to further discussions, indicating that his family has deep ties to the land dating back to the late 1770's and that they would like to leave a positive legacy in the Lower Richland Community.

Several studies were conducted on the land to investigate its conservation potential. Delineations of aquatic areas indicated a few hundred acres of wetlands and about 2 miles of streams to be present on Hopkins family lands straddling Air Base Road. This delineation was approved by the Corps of Engineers for all of the sites studied at the time. The condition of these wetlands varied greatly - those along the streams were in almost pristine condition, while many of the Carolina Bay wetlands had man-made alterations, such as ditches, fill, and replacement of native hardwood species with pine trees and nuisance grass species. Wetland boundaries were surveyed using a GPS, and the acreages of both pristine and restorable wetlands were quantified. In addition, botanical studies indicated the presence of several rare statewide species of concern that were being overshadowed by the grasses. These studies suggested that removing planted pines and invasive grasses by cutting, controlled burning, and ditch plugging could allow these rare species to flourish. This could also create ideal habitat for a few Federally listed endangered plants. These studies led SES to conclude that the Hopkins family properties contain an ideal number of conservation projects for Richland County. Subsequent financial analysis indicated that if the properties were combined, they would also make a good wetland mitigation bank.

Therefore, by early 2006, SES presented a draft mitigation plan to the South Carolina Mitigation Bank Review Team (MBRT). This group is made of about 10 Federal/State natural resource agencies and is now known as the Interagency Review Team (IRT). Their charge is to review mitigation proposals, construction of restoration projects, and success monitoring to make sure that they meet all the criteria established by the US Army Corps of Engineers (Corps), US Environmental Protection Agency (EPA), and South Carolina Department of Health and Environmental Control (SCDHEC). Their initial response was positive, and they appreciated both the site selection process as well as the magnitude of the Bank's size and its conservation opportunities. Since then, the IRT has also visited the site and has requested that SES:

- Delineate boundaries of any additional wetlands that would be included in the Bank
- Conduct baseline monitoring to demonstrate how some of the wetlands are impaired, and
- Provide a Draft Prospectus in their new format to outline the proposed conservation projects

- **Financial Analysis for the Preferred Option** – An analysis of 4 options with various mitigation bank boundaries and assumptions was provided during a meeting with CMCOG and County staff on June 23, 2010. Based on an analysis of these options, SES recommended that the County include all mitigation sites on both sides of Air Base Rd (the “All Sites” option). This would generate the most credits, especially the restoration/enhancement type which can generate more revenue. To keep upfront costs down, restoration projects could be done using a phased approach. Projects that are predicted to have the highest probable economic yields and ecological restoration success rates would be included in the first phase.

County staff agreed and subsequently directed CMCOG and SES to complete the analysis based on the assumption that all previously studied Sites would be included within the Bank boundaries and that the highest possible mitigation credits would be awarded to these conservation projects by the South Carolina Interagency Review Team (IRT). Bank Phases are as shown on the attached map.

- **Phase 1** – As soon as the wetland mitigation bank is approved by the IRT, all of the land within Phase 1 will be protected forever through a conservation easement, providing the citizens of Richland County with an ecotourism destination that will improve and maintain the water quality and wildlife habitat just upstream from Congaree National Park.
 - Most of the properties within Phase 1 are located north of Air Base Road, between Lower Richland Boulevard and Cabin Branch. The exception to this is Site 2a, a Carolina Bay located south of the road. This site would also be included in Phase 1 due to its immediate restoration potential (as evidenced by over 2 years of ground water level data we have collected there.)
 - Another Phase 1 site with restoration potential is Site 10, a drained Carolina Bay currently being used for agricultural purposes.
 - At this time, we do not know what type of credits the IRT will award Mistletoe Bay, the largest Carolina Bay wetland in Richland County; therefore, that site would most likely be a later restoration effort in Phase 1.
 - Another ecological treasure in Phase 1 that would be protected from future development encroachments is a one-mile long stretch of wetlands on the north side of Airbase Road, adjacent to Cabin Branch. This section of swamp is located just south of Garner’s Ferry Road (behind Defender Industries) and forms the headwaters of the stream/wetland system. Protecting this drainage feature is excellent for maintaining the near pristine water quality and wildlife habitat that eventually drains into Congaree National Park.

In summary, Phase 1 would consist of approximately 377 acres of wetlands and upland buffers combined and could generate about 560 wetland mitigation credits. This could result in a potential NET profit of about \$5.2 million.

- **Phase 2** - All of the properties within Phase 2 are located south of Air Base Road:
 - Phase 2 sites with restoration potential include Sites 4/5, 7, and 8, which are partially drained Carolina Bays from which timber is periodically harvested.
 - The Cabin Branch wetland/stream system continues for about another mile on the Hopkins family properties south of Airbase Road. Uplands adjacent to this swamp are also included in land from which timber has been periodically harvested. By including the swamp and an adjacent upland buffer corridor in the Bank, a significant area would be protected from further land disturbing activities. In addition, the protected land would

serve as a water quality filter from potential erosion resulting from future nearby development.

In summary, Phase 2 would consist of approximately 70 acres of wetlands and upland buffers combined in the Carolina Bay sites and could generate at least 135 wetland mitigation credits. This could result in a potential NET profit of over \$1.9 million. The Cabin Branch stream/wetland system south of Airbase Road would still need to be evaluated to determine the potential NET profit from protecting this natural resource. However, it would be similar to the northern portion of Cabin Branch (~125 acres of wetlands/upland buffer combined, ~165 wetland credits, and ~\$1 million in revenue).

The NET profit projections shown above included construction costs estimated by a professional engineer (PE) that were based on a design-build approach. Actual bids for the construction work may vary (be higher or lower). However, we think that the quality of the project will be better with a design-build approach because it will take less time to get the work done, and it should cost less in the long run because we won't have to generate change orders with a contractor any time something unexpected comes up. Preliminary cost estimates from our restoration specialist are included in the attached spreadsheets.

Using these recommendations, we estimate that about 700 wetland mitigation credits could be generated within the Phase 1 and 2 wetland sites that have been delineated, with an anticipated NET profit of approximately \$7.1 million over the life of the Bank. (Revenues from Cabin Branch South would be in addition to this.)

- **Timeline** – see the attached IRT timeline for a general idea of the length of the Banking process. Then add approximately 5-7 years of monitoring at the end of it because credits are generally released by the IRT on a schedule that corresponds with meeting success milestones for conservation efforts. It is common to receive up to 30% of the total credits in the Bank during the first year after the Banking Instrument is approved and construction associated with the restoration work is complete. Based on the number of credits the IRT will award for each Site, SES will work with the COG/County to develop a strategy for the exact timing of the phases. However, it is usually prudent to initiate baseline monitoring for Phase 2 Sites during Phase 1 activities.
- **Work Needed to Complete Current Contract** - As part of our current contract with the COG, SES will complete the Draft Prospectus based on the Bank boundaries selected by the County. Prior to submittal, SES would meet with the Corps informally to discuss the content of the Draft Prospectus and make sure we are providing all information necessary to get the Prospectus on Corps Public Notice. In the Prospectus, roles would be suggested as follows:
 - Bank Owner - Richland County Mitigation Banking Partnership
 - Bank Sponsor - Central Midlands Council of Governments
 - Long Term Steward - Richland County Conservation Commission, COG, or a local land trust such as Congaree Land Trust or Community Open Land Trust; and
 - Bank Operator - SES
- **Work Needed to Finish Establishing the Bank** - Under the next contract amendment with the COG, SES will finalize the Prospectus, prepare the Mitigation Banking Instrument, and do all steps necessary to get the Bank approved by the IRT. COG would be reimbursed by the County. The cost for these services is included in the attached spreadsheets; however, SES will provide more detailed information once the County has decided the nature of the business partnership they will develop with the landowner.
- **Suggested Business Partner Relationship** - Once the Bank is approved by the IRT, we suggest that the County and COG set up an LLC for the Bank (either one that includes Ted Hopkins or one that does not). Because of its regional role in the Midlands, we would recommend that the COG be

managing member of the LLC. Since the County would be included in a partnership with the landowner for the land containing the Bank, this business structure would show the IRT that the workings of the Bank will be objective and above the perceived influence of local politics. Two areas where this will really matter are monitoring the success of restoration activities and tracking the sale of credits to make sure the Bank is not selling more credits than what the IRT has released in any given year. In addition, we think that Bank management by a regional planning organization like the COG would cause the IRT to be more open minded about an umbrella banking concept for adding more mitigation sites in the future.

- **Operating the Bank** - Once the Bank is approved, SES will contract with the LLC to do the restoration, monitor the Bank's success, and operate the Bank (facilitate credit sales and provide annual reports until all credits have been sold).
- **Distribution of Bank Revenues** - When credits sell, each member of the LLC would first be reimbursed for any costs associated with the Bank. Then NET profits could be divided in a way approved by all members of the LLC.
- **County's Next Step** - County reviews our financial analysis and decides how to proceed with the establishment of landowner partnerships. County verifies that suggested roles are acceptable for inclusion in the Draft Prospectus.

Proposed Loam Plains Wetland Mitigation Bank - Plan 1*

See attached map for Phase 1 and Phase 2 boundaries in the Bank

	Phase 1	Phase 2	Totals Over Life of the Bank
Area of wetlands and upland buffers combined (acres)**	377.15	70.05	447.20
Anticipated Wetland Mitigation Credits	559.61	135.10	694.71
Estimated Gross Revenue	\$6,009,106.50	\$1,958,950.00	\$7,968,056.50
Estimated Cost	\$812,258.50	\$92,497.00	\$904,755.50
Estimated NET Profit	\$5,196,848.00	\$1,866,453.00	\$7,063,301.00
Wetland Area (acres)	285.50	49.75	335.25
Upland Buffer Area - acres (100ft wide)	91.65	20.30	111.95
Total Mitigation Area (acres)	377.15	70.05	447.20
Estimated Gross mitigation revenue/acre for all mitigation sites combined	\$15,932.94	\$27,965.02	\$17,817.66
Estimated mitigation cost/acre for all mitigation sites combined	\$2,153.67	\$1,320.44	\$2,023.16
Estimated NET mitigation profit/acre for all mitigation sites combined	\$13,779.26	\$26,644.58	\$15,794.50
Notes	*Plan 1 assumes that Mistletoe Bay is Awarded Restoration and Preservation Credit in Phase 1	*Plan 1 assumes that Sites 4/5, 7, and 8 are Awarded Restoration and Preservation Credit in Phase 2	**Acreages shown above do NOT include other uplands within parcels which may also need to be included with the mitigation land. In addition, Phase 2 acreages do not include the southern portion of the Cabin Branch Swamp system (~125 acres of wetlands/upland buffers)

Costs **did NOT** include the following: (1) land costs (unknown to SES), (2) legal fees associated with drafting the conservation easement (it was assumed that this would be done by either COG or County legal staff), (3) a stewardship donation to a private land trust (it was assumed that either the COG or RCCC would hold the conservation easement), and (4) surveying of individual parcel boundaries

Cost estimates **DID** include the following: restoration design by a P.E. and construction of all restoration projects, baseline monitoring and 5 years of post-construction monitoring for the restored Sites and 2 Reference Sites, surveying/platting of wetland and upland buffer boundaries by a RLS, mapping and coordination with legal staff to complete the Conservation Easement, completion of Prospectus and Banking Instrument documents, meetings with Project Team, COG/County, and IRT, review of Annual Monitoring Reports, preparation of Annual Credit Release Requests, maintenance of Bank Accounting Records, documentation of Credit Sales, and the COG investment in the project from Phases 1-4c.

Phase 2 revenues would actually be much higher once credits from the portion of the Cabin Branch swamp south of Airbase Road are determined and added in. This area would need to be delineated and surveyed by GPS to quantify wetland/upland buffer acreages, as well as potential credits, which would be similar to those generated by the northern portion of Cabin Branch (~165). Estimated revenues would also be similar (~\$1 million in addition those shown above.)

Richland County Council Request of Action

Subject

Quit Claim, Laurelwood Lane and Campbell Road [pages 80-81]

Reviews

Richland County Council Request of Action

Subject: Quit Claim, All of Laurelwood Lane and All of Campbell Road

A. Purpose:

County Council is requested to consider a quit-claim deed by which Richland County releases its interest in part of the right of way for unimproved roads, Laurelwood Lane and Campbell Road to “The Palmetto Trust for Historic Preservation”.

B. Background/ Discussion:

Laurelwood Lane and Campbell Road were taken into the Richland County system in 1988, but was never developed or paved. The adjacent property owner has expressed an interest in having the property quit claimed to them for future development.

C. Financial Impact:

Section 21-14 of the Richland County Code of Ordinances states that:

“The County Council may require the grantee(s) to pay up to the fair market value, as determined by the County Assessor’s Office, in exchange for the conveyance of the right of way.

D. Alternatives:

The alternatives available are

1. Grant the quit claim without compensation
2. Grant the quit claim but require compensation
3. Deny the quit claim.

E. Recommendation:

The Engineering Department recommends quit-claiming this portion of right of way back to the adjoining property owner. Quit-claims in the past have been granted both with and without compensation. If the quit-claim is approved, the compensation issue will be left up to the County Council.

Recommended By: David R. Hoops, P.E.

Department: Public Works Date: 9-1-2010

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 9/20/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation: Council discretion.

Administration

Reviewed by: Sparty Hammett

Date: 9/21/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject

Quit Claim, portions of Lake Dogwood Circle [pages 83-84]

Reviews

Richland County Council Request of Action

Subject: Quit Claim, Portion of Lake Dogwood Circle

A. Purpose:

County Council is requested to consider a quit-claim deed by which Richland County releases its interest in part of the right of way for an unimproved section of Lake Dogwood Circle from the northeast corner of TMS# R35881-04-05 to the spillway for Murray Pond located on TMS# R35481-03-01 to Mr. Jack A. Bryant of 619 Hallman Wagon Road Leesville, SC 29070.

B. Background/ Discussion:

Lake Dogwood Circle was taken into the Richland County system in 1989, but was never developed or paved. The adjacent property owner has expressed an interest in having the property quit claimed to them for future development.

C. Financial Impact:

Section 21-14 of the Richland County Code of Ordinances states that:

“The County Council may require the grantee(s) to pay up to the fair market value, as determined by the County Assessor’s Office, in exchange for the conveyance of the right of way.

D. Alternatives:

The alternatives available are

1. Grant the quit claim without compensation
2. Grant the quit claim but require compensation
3. Deny the quit claim.

E. Recommendation:

The Engineering Department recommends quit-claiming this portion of right of way back to the adjoining property owner. Quit-claims in the past have been granted both with and without compensation. If the quit-claim is approved, the compensation issue will be left up to the County Council.

Recommended By: David R. Hoops, P.E.

Department: Public Works Date: 9-1-2010

F. Reviews:

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing.
Thank you!)

Finance

Reviewed by: Daniel Driggers

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation : Council discretion

Administration

Reviewed by: Sparty Hammett

Date: 9/20/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject

Tree Preservation [pages 86-89]

Reviews

Richland County Council Request of Action

Subject: Tree Preservation

A. Purpose

County Council has requested that planning staff and the Conservation Commission evaluate policies for tree protection in Richland County.

B. Background / Discussion

Councilman Bill Malinowski suggested County Council look into better tree protection and preservation. The development roundtable is currently reviewing the protection of trees in relation to development. There is still a need to address forested land that is unrelated to development because the condition of the County's land cover affects its air and water quality. Regulatory requirements have the County at a stage where we need to address sustainable programs for and water quality and our forest canopy cover plays a critical role in this effort. Studies by other counties have quantified the impacts of reduced forest canopy in terms of effects on the environment as well as monetary costs. A baseline study like this for Richland County is critical to fully understand the value of this natural resource and the effects of a loss of forest canopy. This study is a prerequisite before adopting an effective tree ordinance.

C. Financial Impact- \$160,000 Tree Canopy Study with Environmental and Economic Analysis

The Planning Department Staff will contract for a county wide tree canopy study and digital maps to create a baseline of tree information for an ordinance and compare with documents of other counties and municipalities. This study should include but not limited to: tree canopy, floodplain, wetlands, connectivity, conservation of protected areas, greenways, environmental impacts, and economic impacts.

D. Alternatives

1. **Approve the request** to fund a forest canopy study and tree protection program starting in FY 2012.
2. Do not approve will allow large areas of forests to be removed, resulting in the reduction of air and water quality, green space, wildlife habitat, and rural character.

E. Recommendation

It is recommended that County Council approve and fund a forest canopy study to establish this baseline inventory and tree protection program in FY 2012 in order to develop a tree ordinance.

Recommended by:

Department: Planning

Date: 9-10-10

Councilman Malinowski
Anna Almeida, Director
Carol Kososki, Chair

County Council
Planning Department
Conservation Commission

F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by Daniel Driggers:

Date: 9/13/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation due to funding source not being identified. Approval will require the identification of funds and may require a budget amendment based on the source of funding.

Procurement

Reviewed by: Rodolfo Callwood

Date: 9/13/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation: Council discretion

Administration

Reviewed by: Sparty Hammett

Date: 9/20/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. If Council desires to enact an ordinance to enhance tree protection, documenting the existing tree canopy would be a first step. As indicated by the Finance Director, there is no current funding source for the cost of the Tree Canopy Study.

Staff would recommend consideration of Conservation Commission funding in the FY12 budget process. There are three Development Roundtable principles that relate directly to this motion – Principle #19 – Clearing and Grading; Principle #20 – Tree Conservation; and an unnumbered new principle – Natural Resource Protection Inventory. The Development Roundtable process is scheduled to be completed by mid-December and presented to Council by the 2nd meeting in January. This information would be available to use in the budget process in determining whether additional tree protection measures are needed.

MEMORANDUM

TO: ANNA ALMEIDA, SPARTY HAMMETT
FROM: JIM WILSON
RE: PROCESS TO ENACT A TREE PROTECTION ORDINANCE
DATE: SEPTEMBER 1, 2010

The Conservation Commission and Planning were asked to investigate how Richland County could pursue a tree protection policy. Our community's rich vegetative land cover is a special resource. This legacy is often over looked, but contributes greatly to our way of life. An effort to protect this legacy is an excellent step toward keeping Richland County livable as we develop. Protecting trees improves water and air quality in Richland County. Rural and Urban areas need different considerations for tree protection.

We have outlined a process for moving toward tree protection rather than a simple regulatory ordinance. Often Richland County land use proposals become controversial, resulting in a less than effective program. Trees are important to our citizens and a program built on education and public support has a better chance for success.

The Commission proposes the following process:

Prepare an Inventory of the Current situation

This initial evaluation should note areas of priority for preservation such as wooded 100 year floodplains, wooded stream corridors, wooded slopes, buffer zones, and aesthetically or environmentally fragile areas. Mapping of these areas can lead to comprehensive planning and identify potential areas likely to be adversely affected by development activities.

The inventory would include:

- 1) Identification and location of the types of vegetation which occur in Richland County;
- 2) Identification of any unique ecosystems;
- 3) Location of particularly large and/or historic trees;
- 4) Profiles of the existing trees including species and size distributions

Assess Resource and Educate the Public

Information discovered in the inventory process provides the basis of moving toward a tree protection program. With quality information planners can make decisions that support a true, effective program.

A good inventory, maintained in a quality data management system, will allow planners to understand the resource and recommend how best certain trees should be protected. This careful analysis is a crucial step in the program.

The information in the inventory also provides the information for an effective public education campaign. If Richland County residents understand the quality and value of our trees they will support steps to ensure they remain part of our quality of life. A good public education will make this importance clear to the community. A small budget of \$5,000 should be earmarked for this campaign.

Develop and Publicize Goals for the Program

Determining the goals and scope will be an important part of developing any regulatory ordinance. The scope of the tree protection program may impact any number of elements of County life. It may cover only projects undertaken by the County, or it could also include work by utility companies, private residential, commercial or industrial projects. There may be a minimum size for a project to be regulated. An ordinance may regulate only tree preservation or may also include replacement and new planting.

Before moving into the ordinance phase Richland County should determine and express the goals for the program. Once the goals are aired and consensus is reached, the technical ordinance drafting can proceed along a steady path.

Draft Ordinance and Implement Program

The key implementation step for the Tree Protection Program is to draft an ordinance that is publically supported, able to be administered by the County and achieves the goals established by Council. The ordinance could be developed in house, or outside counsel could be employed for state of the art technical assistance.

Enacting an ordinance alone will not necessarily translate to an effective program. Resources and focus must be given to the program to make sure it helps us reach our goals. Planning and Zoning staff will require education on how best to implement the program.

The Conservation Commission is happy to assist planning and administration take the next step and write a tree protection program. A round table format could be used to solicit information from technical staff and citizens. The goal would be to complete a study in next year's funding cycle with a round table recommendation by December 15, 2011. An Ordinance could be staffed and approved by Council by June 30th, 2012. Please let us know how we can further assist.

Richland County Council Request of Action

Subject

Review of Homeowner Association Covenants [pages 91-100]

Reviews

South Carolina General Assembly
118th Session, 2009-2010

Download [This Bill](#) in Microsoft Word format

~~Indicates Matter Stricken~~
Indicates New Matter

S. 30

STATUS INFORMATION

General Bill

Sponsors: Senator Jackson

Document Path: I:\council\bill\agm\19310ab09.docx

Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Judiciary**

Summary: S.C. Homeowners' Association Act

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/10/2008	Senate	Prefiled
12/10/2008	Senate	Referred to Committee on Judiciary
1/13/2009	Senate	Introduced and read first time <u>SJ-86</u>
1/13/2009	Senate	Referred to Committee on Judiciary <u>SJ-86</u>
1/23/2009	Senate	Referred to Subcommittee: Malloy (ch), Ford, Massey, S.Martin, Mulvaney

View the latest [legislative information](#) at the LPITS web site

VERSIONS OF THIS BILL

12/10/2008

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 52 TO TITLE 27 SO AS TO ENACT THE SOUTH CAROLINA HOMEOWNERS' ASSOCIATION ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the "South Carolina Homeowners' Association Act".

SECTION 2. Title 27 of the 1976 Code is amended by adding:

"CHAPTER 52

South Carolina Homeowners' Association Act

Section 27-52-110. As used in this chapter:

(1) 'Adjudicatory panel' means a committee composed of association members appointed by the board of directors for the purpose of conducting a hearing pursuant to Sections 27-52-170 and 27-52-180. A member of the adjudicatory panel may not be a member of the board of directors.

(2) 'Assessment' means a sum of money payable to the association, to the developer or other owner of common areas, or to recreational facilities or other properties serving lots or units by the owners of one or more lots or units as authorized in governing documents.

(3) 'Board of directors' means the executive body of a homeowners' association or a committee that exercises the power of the executive body by resolution or bylaw.

(4) 'Common area' means all property within a community owned or leased by an association or dedicated for use or maintenance by the association or its members, regardless of whether title has been conveyed to or retained by the association.

(5) 'Declarant' means the person or entity signing the declaration and its successors or assigns who may submit property to a declaration.

(6) 'Declaration' means an instrument, including an amendment or supplement to the instrument, however denominated, that subjects land comprising a community to the jurisdiction and control of a homeowners' association in which owners of the lots or units, or their association representatives, must be members.

(7) 'Department' means the South Carolina Department of Consumer Affairs.

(8) 'Governing document' means the master deed or master lease, restrictive covenants, declaration, articles of incorporation, bylaws, rules and regulations, or amendments to them, and other documents that determines a right or obligation of a homeowner or that otherwise governs the management or operation of an association.

(9) 'Homeowners' association' or 'association' means an incorporated or unincorporated entity upon which responsibilities are imposed, to include managing, maintaining, or improving the property and of which the voting membership is comprised of persons owning separate lots or units who are required to

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pay assessments to the association for the purposes delineated in the declaration and governing documents of the association.

(10) 'Lot' means a plot or parcel of land designated for separate ownership or occupancy that is shown on a recorded subdivision plat for a development or has its boundaries described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, and that is not a common area.

(11) 'Member' means a member of a homeowners' association, and may include, but is not limited to, a lot or unit owner or an association representing lot or unit owners or a combination thereof, and includes a person or entity obligated by the governing documents to pay an assessment.

(12) 'Person' means an individual, corporation, partnership, association, unincorporated organization, or other form of entity, however organized, including a nonprofit organization.

(13) 'Unit' means property in a horizontal property regime pursuant to Section 27-31-10 et seq.

Section 27-52-120. A person may not act as a homeowners' association without first receiving a certificate of registration from the department.

Section 27-52-130. (A) Upon filing a declaration, the declarant must file an application for a preliminary registration with the department on a form prescribed by the department. The application must be in writing, under oath, and, at a minimum, contain:

- (1) the name, address, and telephone number of the declarant;
- (2) the name, address, and telephone number of the declarant's employer;
- (3) the anticipated number of lots or units to be included in the homeowners' association; and
- (4) a copy of the declaration, master deed, or master lease and restrictive covenants.

(B) An application for preliminary registration must be accompanied by a nonrefundable fee of one hundred dollars.

(C) Upon the formation of the homeowners' association's board of directors and the imposition of assessments, the homeowners' association must submit an application for registration pursuant to Section 27-52-140.

Section 27-52-140. (A) A homeowners' association shall submit an application for registration to the department on a form prescribed by the department. The application must be in writing, under oath, and, at a minimum, contain:

- (1) the name, address, and telephone number of the association;
- (2) the name of each community manager and the name of any other person who is authorized to manage the common areas of the community;
- (3) the name, address, and telephone numbers of the members of the board of directors of the homeowners' association;

- (4) the name, address, and telephone numbers of the officers of the homeowners' association, if any;
 - (5) the current number of lots or units governed by the homeowners' association;
 - (6) the assessments required to be paid by members of the homeowners' association;
 - (7) a copy of the homeowners' association's declaration, articles of incorporation, bylaws, rules, and any amendments to them; and
 - (8) a copy of the disclosure a member is required to give a potential buyer pursuant to Section 27-52-200.
- (B) If a document required to be submitted by this section exceeds twenty pages, the copy must be reproduced on both sides of the paper.
- (C) An application for registration must be accompanied by a nonrefundable fee of ten dollars for each lot or unit in the community governed by the association.
- (D) A certificate of registration is valid for one year from the date of issue. A certificate of registration must be renewed annually by filing with the department, at least thirty days before expiration of the registration, a complete renewal application containing the information the department requires to determine the existence and effect of material changes from the information contained in the applicant's original application, annual reports, or previous renewal application. A renewal application must be accompanied by a nonrefundable fee of ten dollars for each lot or unit in the community governed by the association. The department may impose a late penalty of ten dollars a day for each day the renewal application is past due.

Section 27-52-150. (A) Meetings of the homeowners' association must be held in accordance with the provisions of the bylaws at least once each year after the formation of the association. The bylaws must specify an agent of the association who shall, at least twenty-one days in advance of an annual or regularly scheduled meeting and at least ten days in advance of another meeting, send each member notice of the meeting. The notice must contain the time, place, and purposes of such meeting, including the general nature of proposed amendment to the declaration or bylaws, budget change, and proposal to remove a director or officer. Notice either must be personally delivered to all members, sent by United States postage, prepaid mail to each lot or unit's mailing address, or to an address otherwise specified in writing by the member, or sent by electronic means to an address specified in writing by the member. Notice also must be conspicuously posted no less than forty-eight hours in advance of the meeting in a common area that is reasonably calculated to be available to the majority of the members.

- (B) A meeting of the board of directors, including a subcommittee or other committee of, must be open to all members of record. The open meeting requirement does not apply to a meeting between the board and its attorney with respect to proposed or pending litigation where the content of the discussion would otherwise be governed by attorney-client privilege.
- (C) A member has the right to attend all meetings of the board and to speak for a reasonable amount of time on a matter placed on the agenda. The board may adopt reasonable rules to govern the rights of members to speak and the frequency and duration of member statements.
- (D) Unless otherwise required by statutory law, a quorum of the board is present throughout a meeting of the association if members constituting one-third of the voting interests are present in person or by

proxy at the beginning of the meeting.

(E) An amendment to a governing document of the association cannot be made unless two-thirds of the association's voting interests, either voting in person or by proxy, approve the amendment.

Section 27-52-160. (A) The homeowners' association shall maintain and preserve in its office complete and accurate books, accounts, and records as the department may reasonably require to determine if the association is complying with the provisions of this chapter and rules and regulations adopted in furtherance of its provisions. The books, accounts, and records must be maintained in accordance with generally accepted accounting principles, be apart and separate from another business in which the organization is involved, and retained for at least three years.

(B) At a minimum, each of the following items, as applicable, must be maintained and held in a place easily accessible to the homeowners' association's members:

- (1) a copy of plan, specification, permit, or warranty related to improvements constructed on the common areas or other property that the association is obligated to maintain, repair, or replace;
- (2) a copy of the association's declaration, bylaws, articles of incorporation, rules, and any amendments to them;
- (3) the minutes of all meetings of the board of directors and of the members;
- (4) a current roster of all members, their mailing addresses, and lot or unit identifications. The association also shall maintain the electronic mailing address or alternate mailing address designated by members to receive notice pursuant to Section 27-52-150;
- (5) all of the association's insurance policies or a copy of them;
- (6) a current copy of all contracts to which the association is a party, including management agreement, lease, or other contract under which the association has an obligation or responsibility;
- (7) a copy of a bid received by the association in the past year for work to be performed;
- (8) a copy of the association's annual budget for the past three years; and
- (9) the financial and accounting records of the association, including records of receipts and expenditures, a current accounting for each member, association tax returns, and financial reports.

(C) The association's records must be maintained in this State and be open to inspection and available for photocopying by members or their authorized agent at reasonable times and places within five business days after receipt of a written request stating the specific books and records the member requests of the association. A member who is denied access to official records is entitled to ten dollars per day for the association's failure to comply. The calculation begins on the eleventh business day after receipt of the written request.

(D) The homeowners' association shall prepare an annual budget. The budget must reflect the estimated revenues and expenses for that year and the estimated surplus or deficit as of the end of the current year. The budget must delineate all fees or charges for recreational amenities. The association shall provide each member with a copy of the budget or written notice to the member's lot or unit

Item# 14

mailing address or alternate address provided in writing by the member that the budget is available pursuant to Section 27-52-160(C).

(E) The homeowners' association shall prepare an annual financial report within ninety days after the close of its fiscal year. The association shall provide each member with a copy of the budget or written notice to the member's lot or unit mailing address or alternate address provided in writing by the member that the financial report is available pursuant to Section 27-52-160(C).

(F) A homeowners' association annually shall, on or before April fifteenth, file a written report with the department relating to the operation of the association during the preceding calendar year. The report must be made under oath on a form prescribed by the department. The department may impose a late penalty of ten dollars a day for each day the report is past due.

Section 27-52-170. (A) A homeowners' association shall not charge or attempt to collect an assessment or fine from a member that is not set forth in the governing documents.

(B) The association's governing documents must prescribe the manner in which expenses are shared and specify the member's proportional share thereof for annual assessments and special assessments. An association may not charge a member an annual assessment that is more than twenty percent greater than the previous year's assessments without the approval of two-thirds of the members of the association.

(C) An association may impose a charge for the late payment of assessments. A payment by a member is considered late if it is unpaid thirty or more days after its due date, unless a longer period is permitted in the governing documents. A charge for the late payment of assessments is limited to the greater of fifteen dollars or ten percent of the assessment.

Section 27-52-180. (A) An association may not suspend privileges or services provided by the association during a period that assessments or other amounts due and owing in relation to the assessment remain unpaid for a period of thirty days after the member received notice of the unpaid amount and received an opportunity to be heard. The notice must be sent certified mail, return receipt requested, to the member's lot or unit's mailing address or address otherwise specified in writing by the member and contain:

- (1) a statement of any amount the association claims is due;
- (2) a description of how the homeowner may remedy the situation;
- (3) a date and time for the member's hearing before the adjudicatory panel;
- (4) information on the availability of nonbinding mediation through the department pursuant to Section 27-52-190; and
- (5) provide the department's current address, telephone numbers, and website address.

(B) Before a homeowners' association may file suit or take other action against a member homeowner for a violation of governing documents other than failure to pay an assessment, the association must, in addition to compliance with other law and the governing documents, provide notice and opportunity for a hearing. The notice must be sent certified mail, return receipt requested, to the member's lot or unit's mailing address or address otherwise specified in writing by the member and contain:

- (1) the specific alleged violation;
- (2) a date, time, and place for the member's hearing before the homeowners' association's adjudicatory panel;
- (3) the availability of nonbinding mediation through the department pursuant to Section 27-52-190; and
- (4) the department's current address, telephone numbers, and website address.

(C) The adjudicatory panel must hold the hearing within thirty days after the association sends the required notice to the member. The association shall provide the member notice of the date, time, and place of the hearing at least fourteen days prior to the hearing date. The member may request postponement which must be granted for good cause shown.

(D) If the adjudicatory panel of the homeowners' association finds a violation of governing documents, other than the failure to pay an assessment, it may impose a fine not to exceed one hundred dollars for a violation. A fine may be levied on the basis of each day of a continuing violation with a single notice and opportunity for a hearing, except that no such fine shall exceed one thousand dollars in the aggregate unless otherwise provided in the governing documents.

Section 27-52-190. (A) A member may seek nonbinding mediation through the department for disputes involving the association's governing documents or disputes involving a monetary amount of at least two hundred fifty dollars. The request for mediation must be submitted on a form prescribed by the department and be accompanied by a nonrefundable fee of fifty dollars. Once a request for mediation is received, the department shall send a notice of date, time, and place for the mediation to the member and the board of directors of the homeowners' association.

(B) For an action instituted by a member, notice of the dispute must be given to the board of directors of the association at least fourteen days prior to the member submitting a request for mediation to the department.

(C) If the member submits a request for mediation as a result of receiving a notice required by Sections 27-52-180(A) or 27-52-180(B), the member, within thirty days of the adjudicatory panel hearing, must submit a request for mediation to the department and copy the association on the request. If the member chooses not to be heard by the association's adjudicatory panel, the member must, within thirty days of receiving the notice, submit a request for mediation to the department and copy the association on the request.

(D) Upon receiving the notice of the request for mediation, the homeowners' association may not take any adverse action against the member until after the mediation occurs.

Section 27-52-200. (A) A member must give all prospective buyers a written disclosure indicating that the lot or unit being sold is in a community under the control and jurisdiction of a homeowners' association. The disclosure must include the most current telephone number and address of the association.

(B) Within ten days after receipt of a written notice of a pending sale, and before the sale of the lot or unit, the member shall mail or deliver to a potential purchaser a packet containing a:

- (1) copy of the bylaws and the rules of the association;
 - (2) copy of the declaration;
 - (3) dated statement containing:
 - (a) the telephone number and address of a principal contact for the association, which may be an association manager, an association management company, an officer of the association, or another person designated by the board of directors;
 - (b) the amount of the common regular assessment and the unpaid common regular assessment, special assessment or other assessment, fee, or charge currently due and payable from the selling member;
 - (c) a statement as to whether a portion of the lot or unit is covered by insurance maintained by the association;
 - (d) the total amount of money held by the association as reserves;
 - (e) a statement as to whether the records of the association reflect an alteration or improvement to the lot or unit that violates the declaration. The association is not obligated to provide information regarding alterations or improvements that occurred more than six years before the proposed sale. Nothing in this subitem relieves the seller of a lot or unit from the obligation to disclose alterations or improvements to the lot or unit that violate the declaration, nor precludes the association from taking action against the purchaser of a lot or unit for violations that are apparent at the time of purchase and that are not reflected in the association's records;
 - (f) statement regarding whether the member has knowledge of an alteration or improvement to the lot or unit that violates the declaration;
 - (g) statement by the member and the association containing case names and case numbers for pending litigation with respect to the lot or unit filed by the association against the member or filed by the member against the association; and
 - (h) statement that provides 'I hereby acknowledge that the declaration, bylaws, and rules of the association constitute a contract between the association and me (the purchaser). By signing this statement, I acknowledge that I have read and understand the homeowner's association's contract with me (the purchaser). I also understand that as a matter of South Carolina law, if I fail to pay my homeowner's association assessments, the homeowner's association may foreclose on my property.' The statement must be signed by the purchaser and forwarded to the association within fourteen days of the sale of the lot or unit;
 - (4) a copy of the current operating budget of the association; and
 - (5) a copy of the most recent annual financial report of the association. If the report is more than ten pages in length, the association may provide a summary of the report in lieu of the entire report.
- (C) If the disclosure summary is not provided to a prospective purchaser before the purchaser executes a contract for the sale of property governed by covenants that are subject to disclosure pursuant to this section, the purchaser may void the contract by delivering to the selling member written notice canceling the contract within three days after receipt of the disclosure summary or prior to closing, whichever

occurs first. This right may not be waived by the purchaser and terminates at closing.

(D) A purchaser who does not receive the information required by subsection (A) of this section or a seller who is damaged by the failure of the member or the association to disclose the information required by subsection (A) of this section may pursue all remedies at law or in equity against the member or the association, whichever failed to comply with subsection (A) of this section, including the recovery of reasonable attorney's fees.

(E) The association may charge the member a reasonable fee to compensate the association for the costs incurred in the preparation of statements furnished by the association pursuant to this section. The association shall make available to any interested party the amount of the pre-sale disclosure fee.

(F) For purposes of this section, unless the context otherwise requires, 'member' means the seller of the lot or unit title and excludes any South Carolina licensed real estate salesperson or real estate broker who is acting as a salesperson or broker and also excludes a trustee of a deed of trust who is selling the property in a trustee's sale.

Section 27-52-210. A homeowners' association owes to its members a duty of utmost care, honesty, and loyalty, including the duty of due diligence when handling matters of the association.

Section 27-52-220. (A) The department may enforce the provisions of this chapter and investigate a suspected violation.

(B) The department's investigation may require a registered person, unregistered person, or an applicant to:

(1) respond to questions concerning activities regulated under this chapter; and

(2) provide relevant records. The records must be made available to the department within three business days of a request unless the department grants an extension. The department may inspect records on-site.

(C) Upon finding that a person has violated a provision of this chapter, the department may impose an administrative fine of no more than five hundred dollars for a violation and not more than five thousand dollars for a series of violations arising from the same set of transactions or occurrences.

(D) Upon finding that an action of an association may be in violation of this chapter, or of a law or regulation of this State or of the federal government or an agency of them, the department, after reasonable notice to the association and an opportunity for the association to be heard, shall order the association to cease and desist from the action.

(E) If the association fails to appeal the cease and desist order of the department and continues to engage in the action in violation of the department's order, the association is subject to a penalty of not less than one thousand nor more than two thousand five hundred dollars, in the discretion of the department, for each action the association takes in violation of the department's order. The penalty provision of this section is in addition to and not instead of other provisions of law applicable to an association's failure to comply with an order of the department.

Section 27-52-230. (A) A person who has exhausted all administrative remedies available with the department and who is aggrieved by the department's determination is entitled to a contested case

hearing before the Administrative Law Court as provided in Section 1-23-600(D) and judicial review as provided in Sections 1-23-380(B) and 1-23-610. This section does not limit use of or the scope of judicial review available under other means of review, redress, relief, or trial de novo as provided by law. A preliminary, procedural, or intermediate action or ruling of the Administrative Law Court is reviewable immediately if review of the final decision of the Administrative Law Court does not provide an adequate remedy.

(B) Contested case proceedings are instituted by filing a request for a contested case hearing with the Administrative Law Court according to the rules of procedure of the Administrative Law Court. A copy of the request for a contested case hearing must be served on the administrator and all parties of record. The final decision of the administrative law judge may be appealed as provided in Sections 1-23-380 and 1-23-610.

Section 27-52-240. The department may promulgate regulations necessary to effectuate the purposes of this chapter.

Section 27-52-250. A fee collected by the department must be retained by it."

SECTION 3. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this chapter, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect January 1, 2009.

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This web page was last updated on Monday, November 23, 2009 at 2:37 P.M.

Richland County Council Request of Action

Subject

Richland County explore the benefits of accepting SCDOT roads into the County system. Maintenance, resurfacing, etc.[pages 102-103]

Reviews



RICHLAND COUNTY

Department of Public Works

C. Laney Talbert Center

400 Powell Road

Columbia, South Carolina 29203

Voice: (803) 576-2400 Facsimile (803) 576-2499

<http://www.richlandonline.com/departments/publicworks/index.asp>



MEMO

To: Sparty Hammett, Assistant Administrator
Fr: David Hoops, Director
Re: Richland County assumption of maintenance of SCDOT roads.

Date: October 18, 2010

On October 12, 2010 I met with Thad Brunson, Tony Magwood and Walter Reed of the SCDOT. The following topics of this subject were covered:

1. We will review this request based upon the assumption that only the secondary roadway system is being considered. An estimate of the mileage will be developed.
2. The SCDOT maintenance area cost will be determined from their work orders system. These costs are labor, equipment and materials and SCDOT would not realize a cost savings without reduction of their labor force. There was no method to transfer the funding for maintenance to Richland County identified.
3. The SCDOT resurfacing costs for the subject roads vary yearly as funds are available. The ability to transfer these funds would also be questionable.
4. Bridge maintenance is performed and funded on a state wide basis. There is no identified annual funding for the Richland County area. Bridges in the state system will need significant maintenance and improvements in the future.
5. SCDOT will attempt to provide the data discussed within two weeks of this meeting date.

Richland PW staff has estimated the mileage of roadways being considered is approximately 800 to 1,000 miles. Our present paved road inventory is 550 miles. More than doubling our paved road inventory would require a substantial increase in the Roads and Drainage staff.

Richland County is also not adequately funding resurfacing of its' present paved road inventory. With 550 miles of roadway and a useful life of 25 years we should be performing resurfacing or major life extending maintenance on 22 miles of road per year on average. To maintain that pace

would require expenditures of \$ 2 to 3 million per year. We are presently averaging less than \$1 million per year. Without a significant increase in funding we would fall further behind on the long term upkeep of the system.

Richland County Council Request of Action

Subject

Richland County have in place a Grease Trap Ordinance that all commercial food preparation customers using Richland County sewer systems shall have traps inspected and pumped out every two months or sooner [pages 105-114]

Reviews



RICHLAND COUNTY
Department of Utilities
7525 Broad River Road
Irmo, South Carolina 29063

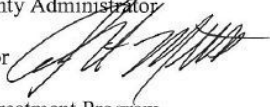
Andy H. Metts, Director

Phone: (803) 401-0050
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24 hr Maintenance: (803) 401-0050
Billing: (803) 576-2094

MEMORANDUM

October 18, 2010

TO: Sparty Hammett, Assistant County Administrator
FROM: Andy H. Metts, Utilities Director 
SUBJECT: Richland County Industrial Pretreatment Program

Richland County, in response to a requirement of the County's wastewater treatment plant operating permit, must develop and implement an industrial pretreatment program for its wastewater systems. This program is governed by South Carolina Regulation 61-9.403.

The County has retained B.P. Barber and Associates to assist with the development of the Industrial Pretreatment Program, the associated Code of Ordinance modification and update the Richland County Public Sanitary Sewer and Water Regulation and Specification Manual. They have completed the draft Industrial Pretreatment Program and the propose Code of Ordinance changes and have submitted both to South Carolina DHEC for review and comments. DHEC's comments were received a few days ago and are currently being incorporated into the draft program for further review by the County Legal Department, Administration and eventually County Council. A final draft will be presented to the County's Legal Department for review within a week of this memo.

The development of this program represents a significant change to the Utilities Department's operating procedure. The program will require all commercial and industrial users to operate under an industrial permit. This permit program must be monitored and enforced by Utilities Department Staff. A enforcement and penalty schedule will be presented to County Council for approval as part of the pretreatment program.

One of the items that is addressed in the draft pretreatment program is prohibitions and limitations of various substances that can be discharged into public sewers. Division 2, Section 24-86 and 87 of the draft Chapter 24 of the Richland County Code of Ordinances, (a copy is attached as attachment "A"), defines the prohibitions and limitations.

You will note in Section 24-87, paragraph 13, that one prohibited substance is “Any water or waste containing more than one hundred (100) milligrams per liter of fat, oil, grease, exclusive of soap”. You will also note in Section 24-119 Construction Guidelines, paragraph 1 & 3 (see attachment “B”), that the minimum standards for the construction of sewer and connections shall be in conformance with the current edition of the Southern Plumbing Code (see attachment “C”). Also note in paragraph #3 that “County approved grease, oil and sand traps or interceptors shall be provided for food service establishments or operations, vehicular service facilities and car washes.....” It is further stated that the continuous operation of maintenance of these traps or interceptors is the owners’ responsibility at his expense.

Oil and grease traps are constructed in many different shapes, sizes and of varying technologies. Some may work with simple gravity technology while others may use mechanical or chemical technology to separate the oils and grease from the waste stream. Most all are designed to be self-monitoring if by no other means than simply backing up when they require servicing. The implementation of the industrial pretreatment program will place all the oil and grease traps on the County sewer system on a regular monitoring schedule depending upon the type and size of the operation.

Currently all establishments that have oil and grease traps installed on the County sewer system are monitored by the County staff. Most all grease traps are pumped on a regular basis by the owners prior to any notification by the County staff. We have had few problems with oil or grease from the commercial customers connected to our sewer system. We do have regular sewer line blockages that are caused by grease but most all of these blockages are in residential subdivisions where grease is not trapped and is commonly discharged through the kitchen sinks. In these areas it is very hard to identify one customer that is contributing to the problem. When an area is identified the customers in that area are personally notified of the grease problem and reminded that grease is a prohibited substance from discharge into public sewers.

As mentioned above, our consultant is finalizing the Industrial Pretreatment Program, the Code of Ordinance modifications and the Richland County Sewer and Water Regulation and Specification Manual. These documents will be made available to Administration and County Council for review and appropriate action as soon as they are completed by the consultant. All should be completed within a few weeks.

I hope this provides some insight into how oils, fats and grease are addressed on our sewer system. If you would like additional information, please contact me.

AHM/jbf

Attachments

(6) To enable Richland County to comply with its NPDES permit conditions and any and all other Federal or State laws to which the POTW is subject,

(7) To provide for fees for the equitable distribution of the cost of management, operation, maintenance and improvements of the POTW and interceptor trunk lines; and

(8) To provide for an enforcement response plan with procedures for investigating and responding to instances of industrial user noncompliance with these Ordinances, any permits issued under these Ordinances, or with any other applicable law or regulation.

These Ordinances provide for the regulation of direct and indirect contributors to the wastewater system through:

- (a) Enforcement of general requirements applicable to all users;
- (b) Issuance of permits to certain non-domestic users stipulating the conditions for use of the County's facilities;
- (c) County monitoring, compliance and enforcement activities and user reporting;
- (d) Establishing administrative review procedures; and
- (e) Setting of fees for the equitable distribution of costs resulting from the operation of the County's facilities by users and the programs established herein.

These Ordinances shall apply to all users of Richland County and to persons outside the County who are, by contract or agreement with the County, or users of the County POTW.

DIVISION 2. GENERAL LIMITATIONS

Section 24-86. Sanitary Sewers

No person shall cause or permit to be discharged into the public sewer any uncontaminated storm water, surface drainage, subsurface drainage, groundwater, roof runoff, condensate, deionized water, cooling water, or other unpolluted water of any kind unless approved by the County.

Section 24-87. Prohibitions and Limitations

Except as hereinafter provided, no person shall discharge into the public sewers:

- (1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to persons, property, or the operation of the

Publicly-Owned Treatment Works, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.2 1. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which are a fire hazard to the system.

(2) Any noxious or malodorous solids, liquids, or gases which either singly or by interaction with other substances are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

(3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feather, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, mud or glass grinding or polishing wastes.

(4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

(5) Any liquids having a pH lower than 6.0 or higher than 9.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the waste treatment works.

(6) Any radioactive isotopes in concentration greater than that permitted by the latest regulations published in the "Federal Register." (See United States Atomic Energy Commission, Rules and Regulations, Title 10, Atomic Energy, Part 20.) Any radioactive isotopes without obtaining a special permit from the County in compliance with applicable State or Federal regulations.

(7) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference but in no case wastewater with a temperature at the introduction into the POTW which exceeds 66°C (150°F) or which causes the influent to the treatment plant to exceed 40°C (140°F).

(8) Any garbage that has not been ground or shredded; provided, ground paper products shall not be discharged into the sewer system.

(9) Any material, which would cause the sewage sludge to be:

- (a) Reactive
- (b) Toxic,
- (c) Ignitable, or
- (d) Corrosive

Within the guidelines established by EPA and SCDHEC.

(10) Any waters or wastes having a BOD concentration in excess of three hundred (300) milligrams per liter, except as hereinafter provided.

(11) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(12) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(13) Any water or waste containing more than one hundred (100) milligrams per liter of fat, oil, or grease, exclusive of soap.

(14) Any trucked or hauled pollutants, except as permitted by the County and at discharge points designated by Richland County.

(15) Any sludge, screenings, or other residues from the pretreatment of industrial wastes.

(16) Any medical wastes, except as specifically authorized by Richland County in a wastewater discharge permit.

(17) Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.

(18) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a Categorical

Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

(19) Any substance, which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards, including causing the treatment plant's effluent to fail a toxicity test.

(20) Any wastewater, which causes a hazard to human life or creates a public nuisance.

(21) Any ashes, cinders, sand, mud, straw, shavings, lint, glass, rags, metals, feathers, tar, plastics, wood, paunch manure, insulation materials, fibers of any kind, stock or poultry feeds, processed grains, viscera or other solid or viscous substance capable of causing obstruction to flow in sewers or interference with proper operation of waste treatment facilities.

(22) Any gasoline, benzene, naphtha or other hydrocarbon solvents or compounds, or other flammable or explosive liquids, solids, or gases.

(23) Any waters or wastes having a suspended solids concentration in excess of two hundred fifty (250) milligrams per liter, except as hereinafter provided, or containing suspended solids of such character and quantity that unusual attention or expense is required in the handling or treatment of such waste materials at the waste treatment plant.

(24) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to: dye wastes and vegetable tanning solutions.

(25) Any polluted water or waste.

(26) Any substance or flow quantity, which causes a violation of:

- (a) The Permit to Discharge issued to the Non-Domestic User; or
- (b) The terms of a contract between the County and the discharger

(27) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with any reclamation process such as a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

DIVISION 3. DOMESTIC WASTEWATER

Section 24-88. Definitions.

portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Section 24-119. Construction Guidelines

(1) The design and construction of all trunklines, pump stations, lateral systems and/or connections to the County's facilities shall be in accord with good engineering practices and construction methods. Materials of construction, manhole design, pumping stations, and all appurtenances shall be subject to approval by the County and/or the Approval Authority.

Minimum standards for the construction of sewers and connections shall be in conformance with the current edition of the Southern Plumbing Code. More rigid standards may be required by the County in special circumstances. Standards are contained in the PUBLIC SANITARY SEWER & WATER REGULATIONS AND SPECIFICATIONS MANUAL.

(2) Taps to, Additions to, and Extensions of Sewer Lines and Sewer Systems:

Refer to the PUBLIC SANITARY SEWER & WATER REGULATIONS AND SPECIFICATIONS MANUAL.

(3) Discharges from Grease, Oil and Sand Traps:

County approved grease, oil and sand traps or interceptors shall be provided for food service establishments or operations, vehicular service facilities and car washes when, in the opinion of the County, they are necessary for the proper handling and control of wastewater being discharged to public sewers containing grease, oil or sand in excessive amounts. Such traps or interceptors shall not be required for private living quarters or dwelling units, but may be required for industrial or commercial establishments, public eating places, hospitals, hotels, abattoirs, or other institutions. Such traps or interceptors shall be readily accessible for cleaning and inspection and shall be maintained by the owner at his expense and in continuous operation. Whenever County or sub-County inspection of such existing traps or interceptors results in a written notice for action on the part of the person responsible for the trap or interceptor, such action shall be completed within the compliance period granted by the inspecting authority. The owner shall provide the County, upon request, with accurate information as to the ultimate disposal location of the material pumped from the trap or interceptor.

DIVISION 6. ENFORCEMENT

CHAPTER 10
TRAPS, INTERCEPTORS AND SEPARATORS

SECTION 1001
GENERAL

1001.1 Scope. This chapter shall govern the material and installation of traps, interceptors and separators.

SECTION 1002
TRAP REQUIREMENTS

1002.1 Fixture traps. Each plumbing fixture shall be separately trapped by a water-seal trap, except as otherwise permitted by this code. The trap shall be placed as close as possible to the fixture outlet. The vertical distance from the fixture outlet to the trap weir shall not exceed 24 inches (610 mm). The distance of a clothes washer standpipe above a trap shall conform to Section 802.4. A fixture shall not be double trapped.

Exceptions:

1. This section shall not apply to fixtures with integral traps.
2. A combination plumbing fixture is permitted to be installed on one trap provided that one compartment is not more than 6 inches (152 mm) deeper than the other compartment and the waste outlets are not more than 30 inches (762 mm) apart.
3. A grease trap intended to serve as a fixture trap in accordance with the manufacturer's installation instructions shall be permitted to serve as the trap for a single fixture or a combination sink of not more than three compartments where the vertical distance from the fixture outlet to the inlet of the interceptor does not exceed 30 inches (762 mm), and the developed length of the waste pipe from the most upstream fixture outlet to the inlet of the interceptor does not exceed 60 inches (1524 mm).

1002.2 Design of traps. Fixture traps shall be self-scouring. Fixture traps shall not have interior partitions, except where such traps are integral with the fixture or where such traps are constructed of an approved material that is resistant to corrosion and degradation. Slip joints shall be made with an approved elastomeric gasket and shall be installed only on the trap inlet, trap outlet and within the trap seal.

1002.3 Prohibited traps. The following types of traps are prohibited:

1. Traps that depend on moving parts to maintain the seal.
2. Bell traps.
3. Crown-vented traps.
4. Traps not integral with a fixture and that depend on interior partitions for the seal, except those traps constructed of an approved material that is resistant to corrosion and degradation.

5. "S" traps.

6. Drum traps.

Exception: Drum traps used as solids interceptors and drum traps serving chemical waste systems shall not be prohibited.

1002.4 Trap seals. Each fixture trap shall have a liquid seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm), or deeper for special designs relating to accessible fixtures. Where a trap seal is subject to loss by evaporation, a trap seal primer valve shall be installed. A trap seal primer valve shall conform to ASSE 1018 or ASSE 1044.

1002.5 Size of fixture traps. Fixture trap size shall be sufficient to drain the fixture rapidly and not less than the size indicated in Table 709.1. A trap shall not be larger than the drainage pipe into which the trap discharges.

1002.6 Building traps. Building (house) traps shall be prohibited, except where local conditions necessitate such traps. Building traps shall be provided with a cleanout and a relief vent or fresh air intake on the inlet side of the trap. The size of the relief vent or fresh air intake shall not be less than one-half the diameter of the drain to which the relief vent or air intake connects. Such relief vent or fresh air intake shall be carried above grade and shall be terminated in a screened outlet located outside the building.

1002.7 Trap setting and protection. Traps shall be set level with respect to the trap seal and, where necessary, shall be protected from freezing.

1002.8 Recess for trap connection. A recess provided for connection of the underground trap, such as one serving a bathtub in slab-type construction, shall have sides and a bottom of corrosion-resistant, insect- and verminproof construction.

1002.9 Acid-resisting traps. Where a vitrified clay or other brittleware, acid-resisting trap is installed underground, such trap shall be embedded in concrete extending 6 inches (152 mm) beyond the bottom and sides of the trap.

1002.10 Plumbing in mental health centers. In mental health centers, pipes and traps shall not be exposed.

SECTION 1003
INTERCEPTORS AND SEPARATORS

1003.1 Where required. Interceptors and separators shall be provided to prevent the discharge of oil, grease, sand and other substances harmful or hazardous to the building drainage system, the public sewer, or sewage treatment plant or processes.

1003.2 Approval. The size, type and location of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator.

TRAPS, INTERCEPTORS AND SEPARATORS

1003.3 Grease traps and grease interceptors. Grease traps and grease interceptors shall comply with the requirements of Sections 1003.3.1 through 1003.3.4.2.

1003.3.1 Grease traps and grease interceptors required. A grease trap or grease interceptor shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotel kitchens, hospitals, school kitchens, bars, factory cafeterias, or restaurants and clubs.

1003.3.2 Food waste grinders. Where food waste grinders connect to grease traps, a solids interceptor shall separate the discharge before connecting to the grease trap. Solids interceptors and grease interceptors shall be sized and rated for the discharge of the food waste grinder.

1003.3.3 Grease trap and grease interceptor not required. A grease trap or a grease interceptor shall not be required for individual dwelling units or any private living quarters.

1003.3.4 Grease traps and grease interceptors. Grease traps and grease interceptors shall conform to PDI G101, ASME A 112.14.3 or ASME A112.14.4 and shall be installed in accordance with the manufacturer's instructions.

1003.3.4.1 Grease trap capacity. Grease traps shall have the grease retention capacity indicated in Table 1003.3.4.1 for the flow-through rates indicated.

TABLE 1003.3.4.1
CAPACITY OF GREASE TRAPS

TOTAL FLOW-THROUGH RATING (gpm)	GREASE RETENTION CAPACITY (pounds)
4	8
6	12
7	14
9	18
10	20
12	24
14	28
15	30
18	36
20	40
25	50
35	70
50	100

For SI: 1 gallon per minute = 3.785 L/m, 1 pound = 0.454 kg.

1003.3.4.2 Rate of flow controls. Grease traps shall be equipped with devices to control the rate of water flow so that the water flow does not exceed the rated flow. The flow-control device shall be vented and terminate not less

than 6 inches (152 mm) above the flood rim level or be installed in accordance with the manufacturer's instructions.

1003.4 Oil separators required. At repair garages, carwashing facilities with engine or undercarriage cleaning capability and at factories where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal.

1003.4.1 Separation of liquids. A mixture of treated or untreated light and heavy liquids with various specific gravities shall be separated in an approved receptacle.

1003.4.2 Oil separator design. Oil separators shall be designed in accordance with Sections 1003.4.2.1 and 1003.4.2.2.

1003.4.2.1 General design requirements. Oil separators shall have a depth of not less than 2 feet (610 mm) below the invert of the discharge drain. The outlet opening of the separator shall have not less than an 18-inch (457 mm) water seal.

1003.4.2.2 Garages and service stations. Where automobiles are serviced, greased, repaired or washed or where gasoline is dispensed, oil separators shall have a minimum capacity of 6 cubic feet (0.168 m³) for the first 100 square feet (9.3 m²) of area to be drained, plus 1 cubic foot (0.28 m³) for each additional 100 square feet (9.3 m²) of area to be drained into the separator. Parking garages in which servicing, repairing or washing is not conducted, and in which gasoline is not dispensed, shall not require a separator. Areas of commercial garages utilized only for storage of automobiles are not required to be drained through a separator.

1003.5 Sand interceptors in commercial establishments. Sand and similar interceptors for heavy solids shall be designed and located so as to be provided with ready access for cleaning, and shall have a water seal of not less than 6 inches (152 mm).

1003.6 Laundries. Commercial laundries shall be equipped with an interceptor with a wire basket or similar device, removable for cleaning, that prevents passage into the drainage system of solids 0.5 inch (12.7 mm) or larger in size, string, rags, buttons or other materials detrimental to the public sewage system.

1003.7 Bottling establishments. Bottling plants shall discharge process wastes into an interceptor that will provide for the separation of broken glass or other solids before discharging waste into the drainage system.

1003.8 Slaughterhouses. Slaughtering room and dressing room drains shall be equipped with approved separators. The separator shall prevent the discharge into the drainage system of feathers, entrails and other materials that cause clogging.

1003.9 Venting of interceptors and separators. Interceptors and separators shall be designed so as not to become air bound where tight covers are utilized. Each interceptor or separator shall be vented where subject to a loss of trap seal.

1003.10 Access and maintenance of interceptors and separators. Access shall be provided to each interceptor and separator for service and maintenance. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.

**SECTION 1004
MATERIALS, JOINTS AND CONNECTIONS**

1004.1 General. The materials and methods utilized for the construction and installation of traps, interceptors and separators shall comply with this chapter and the applicable provisions of Chapters 4 and 7. The fittings shall not have ledges, shoulders or reductions capable of retarding or obstructing flow of the piping.