



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Norman Jackson	Joyce Dickerson	Valerie Hutchinson (Chair)	Bill Malinowski	Kelvin Washington
District 11	District 2	District 9	District 1	District 10

**MAY 24, 2011
5:00 PM**

2020 Hampton Street, Columbia, South Carolina

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: April 26, 2011 [pages 5-7]

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Animal Care Ordinance Revisions [pages 9-28]
3. Right of Way Abandonment for Old Clarkson Road [pages 30-37]
4. Smoking Ban Ordinance Amendment "Reasonable Distance" [pages 39-42]

5. Summit Parkway Sidewalk Project [pages 44-48]
6. To adopt an ordinance banning texting while operating a motor vehicle [pages 50-54]
7. Change in Procedures for Collection of Yard Waste [pages 56-59]
8. Amending the "Heir's Subdivision of Property Ordinance" [pages 61-69]
9. Proposed Commission for the Aging [pages 71-82]

ITEMS FOR DISCUSSION / INFORMATION

10. Weekend Directional Signs [page 83]

ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

11. a. Curfew for Community Safety (Manning-February 2010)
 - b. Direct staff to coordinate with DHEC and SCDOT a review of traffic signal timing improvements and synchronization in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all businesses and residential construction that would cause a slowdown of traffic on the road servicing the facility (Malinowski-April 2010)
 - c. Farmers Market Update (Council-May 2010)
 - d. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
 - e. Review Homeowner Association Covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
 - f. To direct Public Works to review county ordinances and propose amendments that would allow the recovery cost to repair damage done to county public roads. The intent of this motion is to hold those responsible who damage the roadways due to use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-April 2010)
 - g. That Richland County enact a Tree Canopy Ordinance and Inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
 - h. Off-Ramp Lighting (Rose-February 2011)

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: April 26, 2011 [pages 5-7]

Reviews

MINUTES OF



RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE TUESDAY, APRIL 26, 2011 6:00 P.M.

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: Valerie Hutchinson
Member: Norman Jackson
Member: Bill Malinowski
Member: Kelvin E. Washington, Sr.

Absent: Joyce Dickerson

ALSO PRESENT: Paul Livingston, L. Gregory Pearce, Jr., Gwendolyn Davis Kennedy, Jim Manning, Seth Rose, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Melinda Edwards, John Hixson, Anna Fonseca, Amelia Linder, Brian Cook, Geo Price, Sandra Haynes, Pam Davis, Sara Salley, Donny Phipps, Dan Cole, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 4:13 p.m.

APPROVAL OF MINUTES

March 22, 2011 (Regular Session) – Mr. Malinowski moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Jackson moved, seconded by Mr. Malinowski, to add under Items for Action the following item: "Amending the Heir's Subdivision of Property Ordinance". The vote in favor of adopting the amended agenda was unanimous.

ITEMS FOR ACTION

Allow the subdivision of land in the RU Zoning District without the necessity of following all subdivision requirements – Mr. Jackson moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation to remove the hold harmless clause, restrictive covenants, paving and sidewalks and change the minimum right-of-way width to 50 ft. The vote was in favor.

Amend Chapter 26 to define all businesses referenced therein – Mr. Jackson moved to forward this item to Council with a recommendation to approve Alternative #1. The motion died for lack of a second.

Mr. Malinowski moved, seconded by Mr. Jackson, to forward this item to Council without a recommendation. The vote in favor was unanimous.

Amending Chapter 26 to eliminate additional setback requirements – Mr. Malinowski moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation to approve Alternative #3: “Do not approve the ordinance and leave the current setback requirements in place. The vote was in favor.

Mr. Malinowski moved, seconded by Mr. Jackson, to reconsider this item. The vote was in favor of reconsideration.

Mr. Malinowski moved, seconded by Mr. Jackson, to forward this item to Council with a recommendation to approve Alternative #2: “Approve an amended Ordinance, at the discretion of County Council; and send the ordinance to the Planning Commission for their recommendation.” The vote was in favor.

Amending the Richland County Code of Ordinances to address environmental issues – Mr. Malinowski moved, seconded by Mr. Jackson, to forward this item to Council with a recommendation to approve Alternative #2: “Direct staff to identify the various Code provisions that would need to be amended and then draft an ordinance (or ordinances) to address these issues” and forward the draft ordinance(s) to the Development Round Table.” The vote in favor was unanimous.

Animal Care Ordinance Revisions – This item was held in committee.

Right of Way Abandonment of Old Clarkson Road – This item was deferred to the May committee meeting.

Smoking Ban Ordinance Amendments—“Reasonable Distance” – This item was deferred to the May committee meeting.

Summit Parkway Sidewalk Project – This item was deferred to the May committee meeting.

To adopt an ordinance banning texting while operating a motor vehicle – This item was held in committee. This item was deferred to the May committee meeting.

Weekend directional signs – This item was deferred to the May committee meeting.

Change in Procedures for Collection of Yard Waste – This item was deferred to the May committee meeting.

Amending the Heir's Subdivision of Property Ordinance – This item was deferred to the May committee meeting.

ADJOURNMENT

The meeting adjourned at approximately 5:30 p.m.

Submitted by,

Valerie Hutchinson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Animal Care Ordinance Revisions [pages 9-28]

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, animal housing, shelter operations, and other related matters.

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, among other items, expedite the redemption of lost pets and increase adoptions.

According to the Intergovernmental Agreement (IGA) between the County and City, the City's policies and ordinances shall apply to any and all operations of the Animal Shelter. The section of the IGA regarding shelter policies 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 ordinance for Richland County citizens.

Council directed the Joint County – City Animal Care Subcommittee (established by the aforementioned IGA) to review the proposed ordinance amendments relating to shelter operations, as well as the following motion submitted 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.

The Subcommittee met, and respectfully submits its recommendations in the form of the amended ordinances (attached), as well as the recommendations below.

Specific recommendations regarding the motion by Council Members Malinowski and Kennedy are as follows:

1. The Subcommittee does **not** recommend placing a restriction on the number of animals a person in unincorporated Richland County may have. Information obtained by Richland County staff from the top 10 largest SC counties, in addition to Richland County, indicated that **none** of the counties have limits regarding the number of animals a homeowner can have. (Staff contacted the following counties: Berkeley, Charleston, Dorchester, Greenville, Horry, Lexington, Orangeburg, Spartanburg, Sumter, and York.) Per the Subcommittee, various municipalities, including the City of Columbia, place a restriction on the number of animals a person may have, but this is **not** a common practice for counties, as staff's research supports. **Again, the Subcommittee does not recommend placing a restriction on the number of animals a person in unincorporated Richland County may have. However, the Subcommittee recommends the addition of the ordinance language regarding the pet fancier license and pet breeder license to address this issue.** (Sections 5-1 and 5-2, Version #2)
2. Regarding the sale of pets, the following counties have the same, or very similar, restrictions as Richland County: Berkeley, Charleston, Dorchester, Greenville, Lexington, and York. The following counties' ordinances placed no restrictions on the sale of pets: Horry, Orangeburg, Spartanburg, and Sumter. **The Subcommittee recommends the addition of the ordinance language regarding the pet fancier license and pet breeder license to address this issue.** (Sections 5-1 and 5-2, Version #2)
3. Please note that the Richland County Animal Care Department currently enforces animal cruelty items under the current Animal Care Ordinance, and would continue to have this enforcement mechanism via the proposed ordinance amendments. (Meaning, if a location is found to have "uncontrolled breeding facilities" or is a "facility for the collection of strays and unwanted animals," in which cruelty is noted, enforcement shall occur.)

Two versions of the ordinance are attached for your convenience. One version (Version #1) solely contains the items related to the IGA between the County and City. This ordinance aligns the County's ordinance with the City's ordinance with regards to any and all operations of the Animal Shelter. The second version (Version #2) contains the aforementioned revisions per the IGA, as well as the revisions addressing the motion by Council Members Malinowski and Kennedy.

C. Financial Impact

Revisions to the animal care ordinance are not expected to have any significant financial impact. The pet fancier license and pet breeder license will bring in additional revenue, but to what extent is currently unknown.

D. Alternatives

1. Adopt the animal care ordinance revisions solely related to the IGA. (Version #1)
2. Adopt the animal care ordinance revisions containing both IGA-related items, as well as items addressing the motion by Council Members Malinowski and Kennedy. (Version #2)
3. Amend and adopt either Version #1 or Version #2.
4. Leave the ordinance as currently written.

E. Recommendation

It is recommended that Council approve the animal care ordinance revisions related to the IGA (Version #1). The ordinance revisions related to the motion by Council Members Malinowski and Kennedy are a policy decision of Council.

Recommended by: Sandra Haynes, Animal Care Director, and Louise Emmott, Chair, Richland County – City of Columbia Animal Care Subcommittee

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, the county may be asked to address questions are concerns regarding the requirement that citizens with 5 animals pay a fee for a license as opposed to citizens with 4 animals or less.

Administration

Reviewed by: Roxanne Ancheta

Date: April 21, 2011

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the animal care ordinance revisions related to the IGA (Version #1). The ordinance revisions related to the motion by Council Members Malinowski and Kennedy are a policy decision of Council.

Numerous discussions have been held with the Legal Department regarding this matter. A plethora of research and justification regarding the recommended revisions, especially regarding the pet fancier license, has also been shared with Legal in an effort to address their concerns. Staff consulted numerous jurisdictions across the nation in an effort to provide even further “justification” to Legal for the recommendations. Legal did not provide a recommended number when asked directly by staff how we should address their concerns regarding the number of animals for the fancier license. (ie, 5 pets versus 4 pets; 10 pets versus 9 pets; 15 pets v. 14 pets, etc. as referenced in Legal’s comments)

At this time, staff has addressed Legal’s issues to the best of our ability.

The pet fancier license and breeder license are proposed as a result of a motion by Council Members Malinowski and Kennedy, as well as in an effort to respond to concerns of pet overpopulation, and hoarding prone behavior, which are public health and safety concerns.

The concept of requiring a pet fancier license and breeder license with a fee is built upon the premise that by adding more regulations, we would be able to foster a more conscious effort toward responsible pet ownership and accountability, and promote greater public health and safety. We are of the opinion that a reasonable person that is faced with an added fee for a certain number of animals or intentional pet breeding behavior would seriously consider the consequences and responsibility that comes along with that option.

A fancier is defined by Merriam-Webster's Dictionary as "one that has a special liking or interest." Therefore, a pet fancier would be one that would have a special liking or interest in pets. We decided to measure this "special liking or interest" by the number of pets that are owned, as is a standard practice for jurisdictions with fancier licenses.

Using this metric, a "special liking or interest" would correlate to a number of pets being owned greater than the average number of pets per U.S. household. The pet ownership number of **5** was chosen as the threshold based on information obtained from the Humane Society of the United States (HSUS). The research was conducted by the American Pet Products Association of America (APPA) and published in their 2009 – 2010 National Pet Owners Survey.

The average household in the U.S. is reported to have **1.7** dogs and **2.45** cats. These two figures total **4.15** dogs and cats per household. Using our rationale, this would suggest that a household with more than **4.15** total pets would be exhibiting fancier tendencies. In order to allow more leniency and to use whole numbers only, it was determined to round up to the nearest whole number. This would be a total of **5** pets.

If Legal can recommend a solution to address their concerns, staff is amenable to their direction.

VERSION #1

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. ____-11HR

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 animal 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 an animal 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 floor so as to protect the pet from the elements of weather.

Under restraint shall mean an animal 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 an animal 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 5-2, Differential county license fees; rabies vaccination tags, is hereby amended to read as follows:

Sec. 5-2. Differential county pet license fees; rabies vaccination tags.

(a) It shall be unlawful for the owner of any pet to fail to provide any pet over ~~six (6)~~ four (4) months of age with a current county pet license tag. The owner of any pet over ~~six (6)~~ four (4) months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

(b) The county pet license fee for fertile pets shall be twenty dollars (\$20.00) per year. The county license fee for sterilized pets shall be four dollars (\$4.00) per year. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The animal care department shall annually provide a sufficient number of durable tags suitable for pets numbered from one (1) upwards on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times. Any pet owner who has their animal tattooed may register the tattoo number with the animal care department in addition to obtaining a tag.

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. 5-3. 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 being used for seeing, hearing or other such assistance purposes~~ owner of a dog which is trained to be an assistance dog for its owner 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~~ maintain 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 IV. 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, and other events similar in nature, 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 V. 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 VI. 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 animal care facility, which are deemed by the superintendent of animal services, or his/her designee, 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 animal care facility 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 animal care facility, the superintendent of animal services, or his/her designee, 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 animal care facility, which are deemed by the superintendent of animal services, or his / her designee, 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.

(g) It shall be unlawful for any person to furnish false information on the animal surrender forms.

SECTION VII. 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 from the shelter. No fertile pet shall be redeemed or adopted unless one of the criteria under the exceptions provisions in subsections 5-3(a)(1) - (2) has been met. No pet will be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 5-3 (a) (1) - (2) when the animal has been impounded a second time for any violation of sections 5-4; 5-5; 5-6; 5-8; 5-9; 5-10; 5-11; 5-12 or 5-13.

(b) In addition to the redemption fee, an impound fee of \$20.00 and a board fee of ~~seven~~ six dollars (~~\$7~~6.00) 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 VIII. 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 IX. 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 X. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011.

Michelle M. Onley
Assistant 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:

VERSION #2

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. ____-11HR

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.

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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 animal 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 an animal 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.

Pet breeder shall mean any person within the unincorporated areas of Richland County who having the responsibility for pets, permits the whelping of more than one litter of cats/dogs within a twelve (12) month period. A veterinarian providing services within a veterinarian client-patient relationship, and no ownership interest in the animals, is not included.

Fancier shall mean anyone who owns five (5) or more pets.

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 floor so as to protect the pet from the elements of weather.

Under restraint shall mean an animal 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 an animal 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 5-2, Differential county license fees; rabies vaccination tags, is hereby amended to read as follows:

Sec. 5-2. Differential county pet license fees; rabies vaccination tags; pet fancier license fees; pet breeder license fees.

(a) It shall be unlawful for the owner of any pet to fail to provide any pet over ~~six (6)~~ four (4) months of age with a current county pet license tag. The owner of any pet over ~~six (6)~~ four (4) months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

(b) The county pet license fee for fertile pets shall be twenty dollars (\$20.00) per year. The county license fee for sterilized pets shall be four dollars (\$4.00) per year. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The animal care department shall annually provide a sufficient number of durable tags suitable for pets numbered from one (1) upwards on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times. Any pet owner who has

their animal tattooed may register the tattoo number with the animal care department in addition to obtaining a tag.

(d) It shall be unlawful for a fancier to fail to obtain a county pet fancier license. The requirements for such a license are as follows:

- (1) A fancier is required to obtain a county pet fancier license.
- (2) The Animal Care Department, through its employee(s), will conduct an inspection of the property for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section. Subsequent permittance to inspections upon request by the Animal Care Department is expressed and understood as a condition of holding a valid and current pet fancier license.
- (3) During an inspection, an animal care officer will be looking for the following:
 - (a) The enclosure where the pets are being kept should be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - (b) The location of all pet enclosures should be in such a position so that it can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - (c) Every pet on the premises should have constant access to a clean and fresh water supply. All pets must also have an adequate amount of appropriate food to maintain each pet's normal condition of health.
 - (d) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.
- (4) The fee for a county pet fancier license shall be one hundred dollars (\$100.00) annually. The license shall expire one (1) year after the date of issue.
- (5) In addition to the pet fancier license fee, a fancier is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section. So that there is the requirement of one (1) county pet fancier license per fancier in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months.

(e) It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- (1) A person that intends to or allows the whelping of more than one (1) litter per calendar year must obtain a county pet breeder license from the Animal Care Department. Additionally, individuals engaged or intending to engage in breeding as a business, occupation, or profession must submit a completed application for and obtain a separate business license through the County's Business Service Center.

- (2) First time applicants must have all pets that have reached the age of four (4) months, currently licensed with a County pet license, before applying for the breeder license.
- (3) The Animal Care Department, through its employee(s), will conduct an inspection of the property for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section. Subsequent permittance to inspections upon request by the Animal Care Department is expressed and understood as a condition of holding a valid and current pet breeder license.
- (4) During an inspection, an animal care officer will be looking for the following:
- (a) The enclosure where the pets are being kept should be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
- (b) The location of all pet enclosures should be in such a position so that it can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
- (c) Every pet on the premises should have constant access to a clean and fresh water supply. All pets must also have an adequate amount of appropriate food to maintain each pet's normal condition of health.
- (d) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (e) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.
- (5) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within (5) years of the date of application.
- (6) License registration should be made prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties.
- (7) A pet breeder license is not transferrable to another person or location.
- (8) The fee for a county pet breeder license shall be two hundred and fifty dollars (\$250.00) annually. The license shall expire one (1) year after the date of issue.
- (9) Any violations found under the provisions of this Chapter may be grounds for the suspension of the pet breeder license if deemed necessary by the Animal Care Department. Re-instatement shall be determined on a case by case basis.

(a.) The pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.

(10) In addition to the pet breeder license fee, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section. So that there is a requirement of one (1) pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in their custody.

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. 5-3. 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 being used for seeing, hearing or other such assistance purposes~~ owner of a dog which is trained to be an assistance dog for its owner 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~~ maintain 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 IV. 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, and other events similar in nature, 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 V. 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 (2) hours. If the pet is in severe pain it may be destroyed immediately.

SECTION VI. 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 animal care facility, which are deemed by the superintendent of animal services, or his/her designee, 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 animal care facility 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 animal care facility, the superintendent of animal services, or his/her designee, 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 animal care facility, which are deemed by the superintendent of animal services, or his / her designee, 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.

(g) It shall be unlawful for any person to furnish false information on the animal surrender forms.

SECTION VII. 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 from the shelter. No fertile pet shall be redeemed or adopted unless one of the criteria under the exceptions provisions in subsections 5-3(a)(1) - (2) has been met. No pet will be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 5-3 (a) (1) - (2) when the animal has been impounded a second time for any violation of sections 5-4; 5-5; 5-6; 5-8; 5-9; 5-10; 5-11; 5-12 or 5-13.

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011.

Michelle M. Onley
Assistant 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

Right of Way Abandonment for Old Clarkson Road [pages 30-37]

Reviews

Richland County Council Request of Action

Subject: Right of Way Abandonment for Old Clarkson Road

A. Purpose

County Council is requested to support the proposed Right of Way abandonment of a portion of Old Clarkson Road from TMS #021613-02-06 to the intersection of Clarkson Road.

B. Background / Discussion

Richland County Public Works was contacted by Cox and Dinkins, consulting engineering firm, about the expansion of the New Jerusalem Baptist Church on Old Clarkson Road at the intersection of Clarkson Road. Jerusalem Baptist Church owns the property on both sides of Old Clarkson Road, where the road and right of way abandonment will occur. The expansion would entail the building of a new sanctuary and associated features. This would abandon approximately 750 feet of road and right of way from TMS# 021613-02-06 to the intersection of Clarkson Road. Once the road and right of way are abandoned, a cul-de-sac would be installed at the end of Old Clarkson Road and would lead into Jerusalem Baptist Church. Public Works has received letters of approval from all existing residents who live on Old Clarkson Road

C. Financial Impact

There is no financial impact to the County for this Road and Right of Way abandonment.

D. Alternatives

1. Approve the request to abandon a portion of Old Clarkson Road and Right of Way.
2. Do not approve the request to abandon a portion of Old Clarkson Road and Right of Way.

E. Recommendation

It is recommended that County Council approve the request to abandon a portion of Old Clarkson Road and Right of Way.

Recommended by: David Hoops, P.E. Department: Public Works Date: April 7, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/14/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

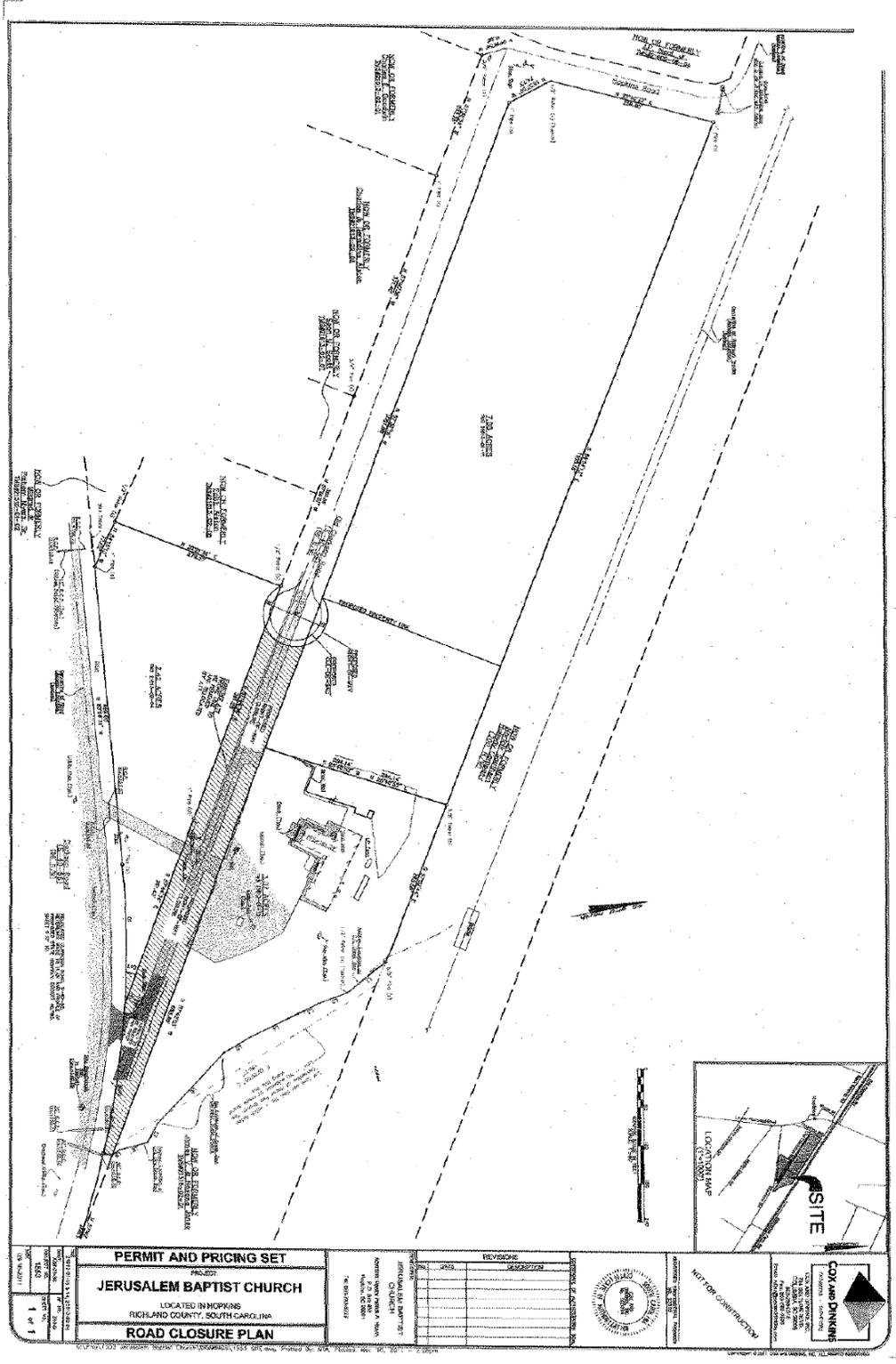
Reviewed by: Sparty Hammett

Date: 4/19/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to abandon a portion of Old Clarkson Road and Right of Way.



PERMIT AND PRICING SET PROJECT: JERUSALEM BAPTIST CHURCH LOCATED IN HOPKINS RICHLAND COUNTY, SOUTH CAROLINA ROAD CLOSURE PLAN		REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION														NOT FOR CONSTRUCTION
NO.	DATE	DESCRIPTION																	

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 116 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 783.8385.

Sincerely,



cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Item# 3

Attachment number 1
Page 5 of 8

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

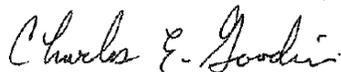
Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 104 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at (803) 783-4542

Sincerely,



cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 124 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 803-397-6468

Sincerely,



cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Saturday, August 21, 2010

Mr. J. Milton Pope
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 130 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 803-708-1048

Sincerely,

cc: Mr. Larry Smith, Esquire
Richland County Attorney
P.O. Box 192
Columbia, South Carolina 29202

Richland County Council Request of Action

Subject

Smoking Ban Ordinance Amendment "Reasonable Distance" [pages 39-42]

Reviews

Richland County Council Item for Action

Subject: Smoking Ban Ordinance Amendment – “Reasonable Distance”

A. Purpose

Council is requested to consider the Motion made by Honorable Councilmember Manning at the Council meeting of April 5, 2011 which reads, “**Ban smoking within a specified distance from a main entrance of a business or public building.**”

B. Background / Discussion

During the Motion Period in the Council Meeting of April 5, 2011, Honorable Councilmember Manning made a motion to “Ban smoking within a specified distance from a main entrance of a business or public building.”

The current smoking ban ordinance language relating to this issue, Section 18-6(g) reads as follows:

(g) *Reasonable Distance.* Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means.

Specifying a distance from a work space within which no smoking shall occur will also help protect employees and the general public from having to walk through second-hand smoke in order to enter or exit a business or other work area.

While most municipalities in Richland County with smoking ban ordinances in place use the “reasonable distance” language (Blythewood is the sole exception, which specifies a ten foot distance), municipalities in Lexington County with smoking ban ordinances in place include a specific distance, ten (10) feet.

Richland County’s policy, for its public buildings, states that smoking is prohibited within twenty feet (20’) of any entrance, public access points, or air intakes.

On April 13, via email, the Honorable Mr. Manning notified staff that he knows that Aiken, Lexington, and York Counties have distance specifications, and that the average from these jurisdictions is fifteen (15) feet. In addition, per Mr. Manning, fifteen (15) feet is the minimum distance as recommended in a model ordinance promulgated by the ANR (Americans for Nonsmokers’ Rights).

A draft ordinance is attached that would use this distance of 15’ in amending Section 18-6 (g).

C. Financial Impact

None.

D. Alternatives

1. Amend the smoking ban ordinance as recommended to specify that no smoking shall occur within fifteen (15) feet of any entrance or air intakes.
2. Amend the smoking ban ordinance to specify a different distance. Greater distances will provide greater protections to employees and the general public, but lesser distances will be less of a restriction on business operations.
3. Do not amend the smoking ban ordinance at this time.

E. Recommendation

It is recommended that Council amend Section 18-6 (g) of the smoking ban ordinance to require a 15’ smoking distance from doors and air intakes.

Recommended by: Pam Davis **Department:** Business Service Center **Date:** 4-11-11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/14/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Roxanne M. Ancheta

Date: April 20, 2011

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council amend Section 18-6 (g) of the smoking ban ordinance to require a 15’ smoking distance from doors and air intakes.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___ - 11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-6, SMOKING OF TOBACCO PRODUCTS; SUBPARAGRAPH (G), REASONABLE DISTANCE; SO AS TO PROHIBIT SMOKING WITHIN TWENTY (20) FEET OF A DOOR USED AS AN ENTRANCE TO OR EXIT FROM AN ENCLOSED AREA WHERE SMOKING IS PROHIBITED.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; Subparagraph (g); is hereby amended to read as follows:

(g) *Reasonable Distance.* Smoking outside a Workplace, and any other indoor area where smoking is prohibited, shall be permitted, provided that tobacco smoke does not enter any Work Spaces and/or Workplaces through entrances, windows, ventilation systems, or other means. In addition, smoking is prohibited within fifteen (15) feet of any door used as an entrance to or exit from an enclosed area where smoking is prohibited and from any air intake, so as to ensure that tobacco smoke does not enter through the entry and to help protect employees, the general public, and others from having to walk through tobacco smoke in order to enter or exit a business or other work area. This distance shall be measured from the center of the door in question.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

Item# 4

Attachment number 1
Page 3 of 4

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

Summit Parkway Sidewalk Project [pages 44-48]

Reviews

Richland County Council Request of Action

Subject: Summit Parkway Sidewalk Project

A. Purpose

County Council is requested to support the Summit Parkway Sidewalk Project.

B. Background / Discussion

In 2010, The Summit Commons commercial development was constructed at the intersection of Hardscrabble Road and Summit Parkway. With this development, a right turn lane was constructed on Summit Parkway to access the development off of Summit Parkway. With the installation of the right turn lane, pedestrian access was cut off from Summit Hills Circle down to the entrance of the Summit Commons Development, which then leads to Rice Creek Elementary and Ridgeview High School. When Public Works became aware of this situation, we were prepared to correct it at the full cost to the County. While Public Works was reviewing the situation, Public Works was contacted by the Summit Homeowners Association and asked if we could install a sidewalk on this section of Summit Parkway and split the construction in a 50/50 cost share. The Homeowners association would be responsible for relocating all irrigation and lighting and the associated features. Public Works would be responsible for preparing the plans and specs and would bid the construction of the sidewalk out under the Counties' procurement code. An IGA has been created and will be signed off on by both entities detailing the cost share and what each party is responsible for.

C. Financial Impact

The estimated construction cost is approximately \$40,000 and would be split evenly between Richland County and the Summit Homeowners Association. This equates to approximately \$20,000 per entity.

D. Alternatives

1. Approve the Summit Parkway Sidewalk program with a cost share with the Summit Homeowners Association.
2. Do not approve the Summit Parkway Sidewalk program with a cost share with the Summit Homeowners Association.

E. Recommendation

It is recommended that County Council approve the Summit Parkway Sidewalk Project with a cost share with the Summit Homeowners Association.

Recommended by: David Hoops, P.E. Department: Public Works Date: April 7, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a funding decision at Council’s discretion. The Financial section states that the cost to the County would be \$20k but no funding source is identified. Therefore approval would require the identification of a funding source and may require a budget amendment.

Procurement

Reviewed by: Rodolfo Callwood

Date: 4/14/11

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: This is a policy decision of Council. However, if the county decides to participate in this project, I would recommend that some agreement is entered into by the county with the Homeowners Association regarding liability and maintenance.

Administration

Reviewed by: Sparty Hammett

Date: 4/18/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the Summit Parkway sidewalk project with a cost share with the Summit Homeowners Association. The funding source for the County’s portion (\$20,000) would be existing project funds within Roads and Drainage current budget. In terms of an agreement regarding liability and maintenance referenced by the County Attorney, the project would be a County managed construction project within the County’s right-of-way.

A. The Association agrees to pay 50% of the total cost of construction within 30 days after receipt of written notification from the County.

B. The Association shall be responsible for all landscaping and irrigation that is adjacent to the sidewalk.

C. Prior to any construction work starting on the sidewalk, the Association agrees to be responsible for relocating the street lighting, any existing value boxes, and any trees and/or shrubs that the Association would like to keep, all of which is in proximity to the proposed sidewalk. Any trees and/or shrubs that remain, which would negatively impact the sidewalk, will be removed and disposed of during construction.

Section III – Limitations on Liability: The Association and its successors and assigns do hereby remise, release, acquit, and forever discharge Richland County, its employees, agents, successors, and assigns past, present, from future actions, causes of action, claims, demands, damages, costs, loss of services, expenses, compensation, third party actions, suits at law or indemnity of whatever nature, and all consequential damage on account of, or in any way arising from the services rendered under this Agreement, and further agrees to hold harmless and indemnify Richland County for any and all losses, claims, suits, and other liability arising from the services rendered under this Agreement. Specifically, the parties agree, as an essential condition of this Agreement, that the County shall have no liability as a result of the services provided hereunder or of the construction of the sidewalk.

Section IV – Warranties: The Parties hereto make no representations or warranties of any type, express or implied, except as specifically stated in this Agreement. Without limiting the foregoing, County explicitly disclaims any warranty regarding the services provided hereunder County specifically does not warrant that the products or services will increase safety or reduce the possibility of criminal activity. The warranties of merchantability and fitness for a particular purpose are specifically disclaimed.

Section V – Amendment: This Agreement may not be amended except by written agreement signed by an authorized representative of each Party.

Section VI – Representation: Each Party to the Agreement represents and warrants that it has full and complete authority to enter into and perform its respective obligations under this Agreement. Any person who executes this Agreement on behalf of any Party represents and warrants that he or she has full and complete authority to do so and that such represented Party shall be bound thereby.

Section VII – Covenants: This Agreement is an entire contract, each stipulation thereto being a part of the consideration for every other, and the terms, covenants, and conditions thereof inure to the benefit of and bind the successors and assigns of each of the parties hereto, as well as the parties themselves.

Section VIII – Entire Understanding: This Agreement contains the entire understanding of the Parties and supersedes all prior oral or written representation(s) concerning the subject matter hereof.

RICHLAND COUNTY

By: _____

(Print Name):

Title: _____

Date: _____

SUMMIT HOMEOWNERS ASSOCIATION

By: _____

(Print Name):

Title: _____

Date: _____

Richland County Council Request of Action

Subject

To adopt an ordinance banning texting while operating a motor vehicle [pages 50-54]

Reviews

Richland County Council Request for Action

Subject: To adopt an ordinance banning texting while operating a motor vehicle

A. Purpose

This request is, per Mr. Rose's motion, to adopt an ordinance (consistent with the City of Columbia's recently passed ordinance) banning texting while operating a motor vehicle.

B. Background / Discussion

During the Motion Period of the March 15, 2011, County Council meeting, Mr. Rose made the following motion:

In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent to the City of Columbia) banning texting while operating a motor vehicle.

The above referenced City of Columbia ordinance was used to create the attached ordinance. The language of the two ordinances is identical.

C. Financial Impact

No known financial impact.

D. Alternatives

1. Adopt the ordinance banning texting while operating a motor vehicle.
2. Do not adopt the ordinance.
3. Adopt the ordinance with revisions.

E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean Department: Legal Date: 4/12/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, I would recommend that there be some coordination with the Sheriff's Dept. regarding any issues that they may have related to enforcement of this ordinance.

Administration

Reviewed by: J. Milton Pope

Date: 4-20-11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The matter of regulating texting while operating a motor vehicle is a Public Safety issue that requires the input of the Chief Law Enforcement agent of the County (Sheriff Lott). Administration has contacted the Sheriff's Department and asked that they provide a representative to provide their position on this pending policy matter.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY**

ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SO AS TO PROHIBIT EMAILING OR TEXTING WHILE OPERATING A MOTOR VEHICLE.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; is hereby amended by the addition of Sec. 17-13, to read as follows:

Sec. 17-13. E-mailing or text messaging on mobile device while operating a motor vehicle.

(a) It shall be unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways within the City.

(b) For the purposes of this section, the following definitions shall apply:

Hands-free wireless electronic communication device means an electronic device, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device or a computer, that allows a person to wirelessly communicate with another person without the use of either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands-free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

Text-based communication means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

Wireless electronic communication device means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device, or a computer.

Driving or operating a motor vehicle means that the motor vehicle is moving or in motion.

- (c) This section does not apply to a person who is:
 - (1) lawfully parked or stopped;
 - (2) using a hands-free wireless electronic communication device or a voice-activated feature or function of the device;
 - (3) activating or deactivating a wireless electronic communication device or an internal feature or function of the device;
 - (4) reading, selecting, or entering a telephone number or contact in a wireless electronic communication device for the purpose of making or receiving a telephone call;
 - (5) summoning medical or other emergency assistance;
 - (6) transmitting or receiving data as part of a digital dispatch system;
 - (7) using a citizen's band radio; or
 - (8) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties;
- (d) A person who violates this section is guilty of an infraction and shall be issued a Uniform Traffic Citation assessing a civil penalty in the amount of \$100.00. The civil penalty is subject to all other applicable court costs, assessments, and surcharges, if any.
- (e) A law enforcement officer must not:
 - (1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways of the city;
 - (2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;
 - (3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or
 - (4) make a custodial arrest for a violation of this section.

(f) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the Federal Motor Carrier Safety Regulations.

SECTION II. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; is hereby amended by the addition of the following language:

Secs. 17-14—17-17. Reserved.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011

Michelle Onley
Assistant Clerk of Council

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

Richland County Council Request of Action

Subject

Change in Procedures for Collection of Yard Waste [pages 56-59]

Reviews

Richland County Council Request of Action

Subject: Change in Procedures for Collection of Yard Waste

A. Purpose

The purpose of this item is to request the County Council's consideration of a motion made at the March 15, 2011, Council Meeting regarding the curbside collection of yard waste in Richland County.

B. Background / Discussion

At the March 15, 2011, Council Meeting, Council Member Jim Manning introduced the following motion:

“I move that we change whatever is necessary so that the Talking Trash Booklet can read that Yard Trash will be picked up equivalent to 4 hoppers as opposed to 2 hoppers.”

Under the County's current solid waste collection procedures, the collectors pick up the equivalent of two rollcars of yard waste each week. Piles of yard waste that exceed this amount are picked up over multiple weeks until the piles are completely diminished. This procedure is included in the Solid Waste Ordinance as well as the contracts that the County has with the collectors.

While the County's solid waste collection service is an exceptional benefit to our citizens, with overwhelming customer satisfaction and relatively few complaints, staff is aware of and sensitive to the dissatisfaction that this procedure creates with some customers, particularly those who have large lawns and routinely place at curbside a large amount of yard waste for collection. It is clearly understood that many of the customer complaints concerning solid waste center around the fact that the collectors only pick up a portion of a large yard waste pile each week and it may take several weeks to completely diminish such a pile.

By the same token, however, staff would caution against changing the procedures in the middle of a contract term. The County's solid waste collectors have contracts with terms of five years each. The expiration date of each contract is as follows:

Area 1	All Waste	December 2013
Area 2	Waste Industries	December 2012
Area 3	Southland / Advanced	December 2014
Area 4	Waste Industries	December 2014
Area 5A	Ard's Sanitation	December 2013

Area 5B	Bruce Johnson	December 2013
Area 6	Southland / Advanced	December 2012
Area 7	Bruce Johnson	December 2013

If the collection procedure were to be changed in midstream, the Solid Waste Ordinance would have to be amended, as would the collection contracts, to account for the additional amount of yard waste to be collected. Perhaps even more significantly, the collectors would demand additional payment as their costs would likely increase significantly.

For these reasons, the staff recommends that the additional level of yard waste collection be incorporated, as an option for the Council’s consideration, into the procurement process as each contract comes up for renewal, renegotiation or rebid. In this way, the County would not have to change contracts in mid-term, would not have to pursue a budget amendment in the middle of a fiscal year to fund the additional level of service, and could more adequately plan for the increased cost (if the Council decides that the higher level of service is to be provided).

C. Financial Impact

The financial impact to the County would be increased costs for solid waste collection due to a higher level of service being provided to the customers. The extent of the increased costs could only be determined after extensive negotiations with the solid waste collectors, which, at this point, has not yet occurred.

D. Alternatives

1. Approve the motion to move to a higher level of service with respect to the collection of yard waste in Richland County.
2. Direct the staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid.
3. Continue the level of yard waste collection service as it exists today, i.e., the two rollcart equivalent.

E. Recommendation

By: Motion by Council Member Manning Date: March 15, 2011 Council Meeting

F. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 4/4/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is Council discretion. I would agree with the last paragraph of section B and recommend that additional

research and negotiation take place to determine the cost impact of the service change to the user fee and incorporate changes in service level as contracts are renewed.

Solid Waste

Reviewed by: Paul Alcantar Date: 4/12/2011
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: I agree with Mr. Driggers' comments. Prior to changing the Talkin' Trash booklet, an agreement for the change in service should be negotiated. Also this will take an ordinance change and a change to the hauler's contracts. In order to maintain consistency of service throughout the County, it may be best, if we do not implement the change until we have renegotiated with all of the haulers. Richland County currently provides free disposal of yard waste for Richland County citizens from their primary resident at the Richland County Landfill. We are currently investigating possible yard waste programs and have a containerized yard waste pilot program in place in Pine Valley/Kingswood Subdivision. Data from this pilot program may be instrumental in determining a more effective and efficient yard waste program for the County.

Procurement

Reviewed by: Rodolfo Callwood Date: 4/15/11
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: At discretion of the county council. The agreements presently allows for removal of all containerized, bundled, bagged, and boxed yard waste and an equivalent of two roll carts of loose yard waste.

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Council discretion: However, I concur with the above referenced comments regarding re-negotiating the agreements as well determining what additional costs will be incurred by the constituents for this higher level of service.

Administration

Reviewed by: Tony McDonald Date: 4/15/11
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval of Alternative #2 above, i.e., direct the staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid. In this way, as stated above, the County would not have to change contracts in mid-term, would not have to pursue a budget amendment in the middle of a fiscal year to fund the additional level of

service, and could more adequately plan for the increased cost (if the Council decides that the higher level of service is to be provided).

Richland County Council Request of Action

Subject

Amending the "Heir's Subdivision of Property Ordinance" [pages 61-69]

Reviews

Richland County Council Request for Action

Subject: Amending the “Heir’s Subdivision of Property Ordinance”

A. Purpose

County Council is requested to consider a motion to amend Ordinance No. 001-11HR, which provided for the subdivision of real property to the heirs of a deceased owner.

B. Background / Discussion

On March 15, 2011, a motion was made by the Honorable Norman Jackson, as follows:

“Amend the recently passed Heirs Property Ordinance to remove staff’s addition that includes: Restrictive Covenants (RC), Hold Harmless Agreement (HHA) and the additional 16ft right of way from 66ft back to 50ft.”

In addition, Mr. Jackson commented as follows:

“Legal was supposed to review and approve the HHA and RC prior to Planning Commission and public hearing. It was done after third reading and legal cannot find any reason for those additional burdens and neither can I. 50ft right of way as the standard for ditch sections for two lane roads. This is dirt road and requires a 20 ft passage 4 ft less than the standard 24ft paved road.”

On January 4, 2011, County Council enacted Ordinance No. 001-11HR, which provided for the subdivision of real property to the heirs of a deceased property owner. The requirements to subdivide heir property are the submission of a hold harmless agreement and a 66 foot right-of-way width. The 66 foot right-of-way width standards are required for rural roads providing for swales instead of curb and gutter. These requirements have been included in the ordinance since the initial meeting to discuss the draft on September 16, 2010. This ordinance has the following enactment history:

- 9-16-10 Staff (Anna Almeida, Geo Price, Sean Busbee, David Hoops and Sparty Hammett) met with Councilman Jackson
- 9-22-10 Staff (Anna Almeida, Amelia Linder, and Sparty Hammett) met with Probate Judge and Councilman Jackson to discuss ordinance
- 9-28-10 D&S met and recommended approval (The County Attorney recommended approval with other comments, but expressed no concern regarding the hold harmless clause that was in the ordinance)
- 9-29-10 Amelia Linder sent Probate Judge a copy of the ordinance
- 9-29-10 The Probate Judge sent Amelia Linder back her recommendations
- 10-5-10 CC met and gave 1st reading to an amended ordinance (based on the Probate Judge’s recommendations)
- 11-1-10 PC met, but deferred any action on this ordinance

- 12-2-10 PC met, but lacked a quorum so no action was taken
- 12-7-10 CC met and took the ordinance back from the PC
- 12-21-10 ZPH was held and CC gave 2nd reading to the ordinance, with direction to staff to include a definition of “heir”.
- 1-4-11 CC met and gave 3rd reading to the ordinance, as amended (with the definition of “heir” included)

- *CC – County Council
- *ZPH – Zoning Public Hearing
- *PC - Planning Commission
- *D&S – Development and Services Committee

Restrictive Covenants

There is no requirement in the ordinance that applicants submit “Restrictive Covenants” of any kind. Staff initiated this document as a way for citizens to easily meet the requirements of providing legal documentation that “the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road” and that “the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time”. In addition, the draft Restrictive Covenants included informational language, such as notifying the applicant that “subdivision plan review fees shall be waived”, “subdivision of the Property shall be exempt from the road paving requirements”, and “subdivision of the Property, and all parcels resulting from same, shall be exempt from the sidewalk requirements”. If the Council decides to direct staff not to use the Restrictive Covenants document, the ordinance requirements will have to be included in the actual Deed that a grantor uses to convey the lots, and the County Attorney will have to review each Deed that is presented to the County.

Hold Harmless Agreement

The requirement for a “hold harmless” agreement was in the initial draft ordinance and throughout the adoption process. Staff recommended and supported the inclusion of “hold harmless” language in order to provide some protection to the County in the event a subsequent grantee of the subdivided property made a claim against the County for not maintaining the road or any other action or inaction that may be perceived as the County’s responsibility. The change in the policy stance of Council to allow private dirt roads necessitated that the ordinance provide some type of legal protection for the County in the event that the roads are not properly maintained. As discussed in Committee and Council meetings recently, when dirt roads are not maintained properly they can become dangerous and impassable to emergency vehicles.

Based upon the number of emergency maintenance requests performed by Public Works on the existing private dirt roadways in Richland County, there is a high likelihood that some of the “private dirt roads” created through the Heir Property ordinance may not be maintained properly and may become impassable to emergency vehicles. The provisions in the Heir Property ordinance are in place to reduce the County’s liability. Public Works had a total of 50 requests for one-time emergency maintenance in 2010. A total of 27 of the requests were approved and completed. Per Section 21-13 of the Richland County Code, the following is one of the criteria

that has to be met – Emergency medical services, sheriff department vehicles and other county vehicles cannot, in the lawful performance of their duties, gain full and immediate access to at least one (1) residence unless road scraping is performed.

Numerous counties and cities require hold harmless or indemnification agreements to reduce liability related to construction, maintenance, and use of private roads. For example, the following is the private road requirement from the Berkeley County Code of Ordinance:

(2) *Hold harmless and indemnification agreement.* The developers must require and receive a hold harmless agreement and indemnification agreement signed by each landowner. These agreements shall be presented to and approved by the county attorney, or his designee, prior to final platting and shall operate to relieve the county of any liability or responsibility arising from the construction and use of the private street and/or drainage facility. This release shall be in favor of the county from any harm which may result from the use of the private street by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat and reference shall be made as to the character of the road on the plat.

It should also be noted that the County Attorney has recommended the use of “Hold Harmless Agreements” in other instances in the past, to wit: during an e-mail exchange on March 22, 2011 concerning the Public Works Department’s involvement in the “Celebration of Water” event planned at Columbia Park and at the Columbia Canal, the County Attorney asked “Does the county have a Hold Harmless Agreement or Indemnification Agreement a it relates to these “risky” activities?” In addition, on March 31, 2011, the County Attorney stated, “. . . the county needs to determine what options it has for protecting itself against any liability should something occur during this event”. It was exactly for this reason (protecting the county against liability) as to why the “hold harmless” agreement was included in the ordinance.

66’ Right-of-Way Width

The requirement for a minimum road right-of-way width of 66 foot was in the initial draft ordinance and throughout the adoption process. The 66 foot right-of-way width was included in the ordinance, as this is the requirement for public or private roads in accordance with Section 26-181 (b) (1) a., of the Richland County Code of Ordinance, to wit:

<i>Road Classification</i>	<i>Minimum ROW (ft)</i>	<i>Minimum Pavement Width (ft)</i>
Rural	66	22
Minor Residential	50	21
Local Residential	50	25
Local Commercial	66	36
Collector	66	36
Industrial	80	36
Arterial	100	53

Section 26-181 (b) (1) a., of the Richland County Code of Ordinance, also addresses unpaved roads – “Roads without curb and gutter shall have a minimum right-of-way of sixty-six (66)

feet, although curb and gutters shall be installed on all paved roads unless the county engineer determines that another system is acceptable.”

C. Financial Impact

The County would have more liability exposure with the deletion of the “hold harmless” requirement.

D. Alternatives

1. Approve the amendments to Ordinance No. 001-11HR.
2. Do not approve the amendments, thereby leaving the ordinance as it was enacted on January 4, 2011.

E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Norman Jackson

Date: March 15, 2011

F. Approvals

Planning

Reviewed by: Anna Fonseca

Date: 4/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: I recommend alternative #2. The hold harmless agreement protects the County from future legal action that could arise from current or future property owner’s expectations of maintenance of proposed roads. The current roadway width requirements are minimum standards which allow for the design of swales to handle storm water and future right-of-way.

Planning

Reviewed by: Amelia R. Linder

Date: 4/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The “hold harmless” requirement provides the County with some protection; and I defer to the Public Works Department regarding the road width of 66’. My recommendation is alternative #2 – leave the ordinance as enacted on January 4, 2011.

Public Works

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

I recommend that the 66' requirement for right of way be maintained. This will allow for future improvements to the roadway without the necessity to acquire additional right of way.

Legal

Reviewed by: Larry Smith

Date: 4/22/2011

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The County Attorney Office would recommend approval of the Ordinance without the requirement of a Hold Harmless Agreement (HHA) and several other proposed revisions to the process.

By way of background/discussion the County Attorney Office was not involved in any meetings, discussions or development of this ordinance.

When the item was presented for review to the County Attorney's office through the Request of Action (ROA), there was reference to a HHA that had to be acceptable to the County legal department.

However, there was no HHA presented for review.

According to the current ROA chronologically the matter was submitted to Committee on 9-28-2010.

The first time that the Legal Department was forwarded the actual HHA for review was on or about March 2, 2011.

Hold Harmless Agreement (HHA)

Upon review of the HHA, there was no language in the Agreement which provided any legal rationale as to what County interest was going to be protected by the HHA. Despite my request for a reason or rationale, none was provided.

In the current ROA the Planning Department has now suggested several reasons for the HHA. The first reason that is given is the following: A subsequent grantee may make a claim against the County for not maintaining the road.

A subsequent grantee would not have privity of contract with the County. Therefore, requiring a HHA of the applicant would not prevent a subsequent grantee from making a claim against the County. The HHA would not apply to a subsequent grantee.

The second reason is the following: To protect the County in the event roads are not properly maintained.

Pursuant to Section 21-1 (i) of the County's current ordinance, the County would be prohibited from performing maintenance of these roads. This section reads as follows:

Private Road - As it is used in this article---A private road refers to a road that is **NOT** maintained by any public entity such as the County.

The provisions of the proposed ordinance regarding heir's property reads in part as follows:

Roads in subdivision of heir property **shall not be eligible or accepted** for County maintenance.

Therefore, in order for a claim for "**improper maintenance**" to arise, the County would have to violate its own ordinance in maintaining these roads.

If the County is going to require a HHA to protect the County against claims of "**improper maintenance**", such a requirement would be more appropriate for roads that

the County has to maintain, rather than being a requirement for roads it is prohibited by its own laws from maintaining.

It is noted in the ROA that other Counties require HHA. I would agree with that position. In each one of those instances there is a clear County interest that the HHA is designed to protect. However, I am not aware that there is any County that requires that their citizens execute a HHA as a condition to subdividing their land.

In addition, I would agree that I have recommended them in certain circumstances where in my opinion we were going to be engaged in some activity that created some potential for liability to the County.

In this instance, as I understand the extent of the Ordinance we are merely approving heirs distribution of their property to their heirs with no maintenance responsibility for those roads that are created through this process.

It is my understanding through the Planning Department that the County currently has no other ordinance related subdividing property, which requires the applicant to execute a HHA.

In this instance in my opinion there has been no rational basis to suggest that this should be a requirement that should be applied in this instance.

Covenants and Restrictions

There is a suggestion that the County Attorney's Office review each deed presented to the County related to Covenants and Restrictions.

The County Attorney's Office does not have the staff to devote to such a task. In addition, the subdivision of property is a Planning function, and to the extent that the Planning Department has an Attorney or their staff, the review of the deeds should be a part of the process for that department.

Administration

Reviewed by: Sparty Hammett

Date: 4/25/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend denial in regard to removing the requirement for the hold harmless agreement and the 66 foot right-of-way requirement. Recommendation is based on the need to reduce the liability to the County associated with allowing the construction of privately maintained dirt roads through the use of the hold harmless agreement, and the current Code requirement that all roads without curb and gutter require a 66 foot right-of-way.

The background information provided in the ROA clearly addresses the staff basis for requiring a hold harmless agreement. I would like to address two of the points raised in the County Attorney's comments. (1) The County Attorney stated the following regarding other counties requiring a HHA "in each one of those instances there is a clear County interest that the HHA is designed to protect." That clear County interest is *exactly the same interest* staff is trying to protect with the HHA requirement for the heir property ordinance - reduced liability related to construction, maintenance, and use of private roads. (2) The County Attorney states "that the County currently has no other ordinance related to subdividing property, which requires the applicant to execute a HHA... in my opinion there has been no rational basis to suggest that this should be a

requirement that should be applied in this instance.” The County does not allow any other applicants to construct private dirt roads which could become a liability to the County. Clearly there is no rational basis for comparing the requirements for other applicants to heir property applicants who are being allowed the opportunity to construct a private dirt road in lieu of a paved road with sidewalks.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY**

ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SUBSECTION (D), LEGAL DOCUMENTS REQUIRED; SO AS REDUCE THE WIDTH OF THE REQUIRED ROAD AND TO DELETE THE REQUIREMENT OF A HOLD HARMLESS AGREEMENT.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; Subsection (c), Special Requirements for Private road Subdivisions; Paragraph (2), Roads; is hereby amended to read as follows:

- (2) *Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of ~~sixty-six (66)~~ fifty (50) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; Subsection (d), Legal Documents Required; is hereby amended to read as follows:

- (d) *Legal documents required.* An applicant for a subdivision of heir property shall submit:
 - (1) A copy of the certificate of appointment from the probate court.
 - (2) A copy of the probate court's order that divides the property amongst the heirs, if there is one.
 - (3) A copy of the will, if there is one.
 - (4) The necessary legal documents that:
 - a. Clearly provide permanent access to each lot.

- b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.
- c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.

~~(5) A "Hold Harmless Agreement" as to Richland County.~~

All legal documents shall be provided in a form acceptable to the county legal department.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the ____ day of _____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Proposed Commission for the Aging [pages 71-82]

Reviews

Richland County Council Request of Action

Subject: Motion: Proposed Commission for the Aging

A. Purpose

Council is requested to consider the motion made at the May 3, 2011 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the May 3, 2011 Council Meeting by Councilman Jackson:

Richland County develop a Commission for the Aging: Address the aging population needs and improve quality of life. Work with the office on aging at Lt. Governor's Office and serve as recommending body to County Council [Jackson]: Forwarded to the Development and Services Committee. **ACTION: ADMINISTRATION**

Staff contacted Anna Harmon, Regional Long-Term Care Ombudsman Program Manager at the Central Midlands Council of Governments, who stated that her office investigates reports of abuse, neglect, exploitation, quality of care issues and residents' rights issues on behalf of vulnerable adults in long-term care facilities. This program collaborates with other agencies as appropriate and makes appropriate referrals to agencies that investigate / survey facilities related to abuse, neglect, exploitation, and quality of care issues. This program provides advocacy, mediations and consultations regarding long-term care issues. Ombudsman staff conducts routine visits to long-term care facilities to ensure that residents are receiving quality care and to address issues observed during these visits. Ombudsman staff conducts trainings and in-services. Ombudsman staff provides resources to Resident/Family Councils in long-term care facilities. Ombudsman staff provides information related to advance directives, long-term care placement, resident rights and the Omnibus Adult Protection Act.

Staff also contacted Sharon Seago, Director of the Central Midlands Area Agency on Aging. Ms. Seago stated that two committees – the Regional Aging and Disability Advisory Committee and Silver Haired Legislators – meet on a regular basis regarding pertinent items related to seniors. The COG Board appoints representatives to the Regional Aging Advisory Committee, and the Silver Haired Legislators members elect themselves. Meetings are open to the public, and vacancies on the Committees occur quite regularly.

Attached below are the Richland County representatives on these committees.

**CENTRAL MIDLANDS COUNCIL OF GOVERNMENTS
REGIONAL AGING AND DISABILITY ADVISORY COMMITTEE**

- Earl F. Brown, Jr. (*Committee Vice-Chair*)
- Ellen H. Cooper
- Susan W. Elwood
- Dr. Roland Emerson Haynes, Ph.D.
- Sandra Jones, R.N.
- Larry Reed

SILVER HAired LEGISLATORS & ALTERNATES 2011-2013

- Marjorie L. Johnson
- Barbara Kelley
- Alan D. Roblee, Recorder
- Arthur H. Streich
- Ms. Hannah Timmons
- Ms. Jean R. Bridges
- Ms. Jettiva Belton
- Mr. Charles Blakely
- Mr. Bernard S. Gaudi

In addition to these Committees, individuals may apply to become a volunteer of the South Carolina's Volunteer Friendly Visitor Program, sponsored by the Lieutenant Governor's Office on Aging and the Central Midlands Long Term Care Ombudsman Program. The goal of the Visitors' Program is to improve the quality of life for residents in long-term care facilities through communication and visits. They agree to visit at least once weekly (2 – 4 hours per week) and report concerns and observations to LaToya Buggs-Williams, Ombudsman Investigator (Central Midlands Council of Governments). There is a mandatory, comprehensive training process for these volunteers (14 – 16 hours of certification training, exam, orientation to the facility and staff, and 8 hours of re-certification training throughout each year of volunteer service), who visit the assigned facility accompanied by a Certified

Ombudsman, before beginning their weekly visits. Please find attached information regarding the Friendly Visitor Program.

Staff also contacted the City of Charleston Mayor's Office on Aging, per a recommendation from Anna Harmon (CMCOG). The Mayor's Office on Aging (MOA) was created in 1999 to focus attention on senior issues. The office was established to advocate for the aging population and develop public policy to improve the lives of the aging citizens of the City of Charleston. MOA also acts as a community clearinghouse of resource information for our aging Charlestonians. A staff member dedicates 50% of her time to the Commission on Aging. (The remaining 50% of her time is spent on ADA Compliance.) Her salary and office supplies (postage, paper, etc.) total approximately \$23,000 annually.

The S.C. Lt. Governor's Office on Aging administers federal funds received through the Older Americans Act and the State of South Carolina. These funds are distributed to ten regional Aging and Disability Resource Centers (ADRCs)/Area Agencies on Aging (AAAs) who then contract with local providers for services such as: home delivered and congregate meals, transportation, home care services, social adult day care services, respite and disease prevention/health promotion. Staff is also available to present informative educational programs to groups or staff of other agencies.

Services such as information and referral, family caregiver support, Long Term Care ombudsman, education and training, legal service, disaster planning and insurance counseling are provided at each of the ADRCs.

The Lt. Governor's Office on Aging offers numerous programs:

- SCAccess - searchable database of services in South Carolina
- Medicare and SHIP - health insurance options for the elderly
- Ombudsman - improving the quality of life and care
- Health and Safety - tips for maintaining a healthy lifestyle
- Family Caregiver Support Program - offering help to caregivers
- Alzheimer's Resource Coordination Center - helping individuals affected by Alzheimer's disease

Numerous opportunities to serve on committees / commissions related to the aging population are available through the S.C. Lt. Governor's Office on Aging:

- Advisory Council on Aging - All welcome
- Adult Protection Coordinating Council
- ARCC Advisory Council - Alzheimers Resource Coordination Center Advisory Council
- ElderCare Trust Advisory Board
- CARE Commission - Advises the Lieutenant Governor on issues critical to the senior community
- Silver Haired Legislature - Addressing issues for the older population

Because there are multiple existing avenues of participation for Richland County citizens, and in an effort to not duplicate services, it is recommended that Council direct staff to forward information regarding senior services to those interested in participating in this environment.

C. Financial Impact

There is no financial impact associated with this request at this time, as it is recommended that staff serve in a clearinghouse / recommending capacity.

D. Alternatives

1. Direct staff to forward information regarding senior services to those interested in participating in this environment.
2. Do not direct staff to do anything at this time.

E. Recommendation

It is recommended that Council direct staff to forward information regarding senior services to those interested in participating in this environment.

By: Roxanne M. Ancheta Date: May 11, 2011

F. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers Date: 5/11/11

- Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:

- Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope Date:

- Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval...



May 10, 2011

Thank you for your interest in South Carolina's Volunteer Friendly Visitor Program, sponsored by the Lieutenant Governor's Office on Aging and the **Central Midlands Long Term Care Ombudsman Program**.

Over sixty percent (60%) of the residents of long term care facilities in South Carolina have no visitors. They have no family or friends who are available to visit them or spend time with them, and the lack of social contact and a support system often results in depression and decline.

The function of the Friendly Visitor in residential facilities is to provide encouragement and meets an essential need. Your efforts and commitment to this program will make a significant difference in the lives of many. Your presence will diminish the sense of isolation that these residents experience and helps them achieve a sense of self-determination.

Because our Volunteer Friendly Visitors serve vulnerable adults in long term care residential settings, all applicants must complete a screening process. The application process includes completion of the application, an interview, a background check (civil and criminal), and character reference checks. Once selected as a Volunteer Friendly Visitor, an exceptional training program is provided that includes classroom and on-the-job training. This program has been implemented to ensure that the volunteers are equipped with the fundamental tools necessary to develop the skills that are needed to succeed in working with residents.

Enclosed, you will find the following information and application forms for this program:

- Friendly Visitor Position Description
- South Carolina Friendly Visitor Program Application
- Authorization for Release of Information Background Report

Volunteers are invaluable assets to any organization and we want your experience in this volunteer program to be well worth your time and effort. Please complete the enclosed forms and return them as soon as possible. This is the initial step to becoming a Volunteer Friendly Visitor and we will contact you as soon as the information is processed.

If you have any questions or need further information, please contact LaToya Buggs-Williams, at (803) 376-5389 or 1-800-391-1185 or by email at lbuggs@centralmidlands.org. We are looking forward to having you join us in our Volunteer Friendly Visitor Program.

**Central Midlands
Long Term Care Ombudsman Program
236 Stoneridge Drive
Columbia, SC 29210**

**Lieutenant Governor's Office on Aging
1301 Gervais St., Suite 200
Columbia, SC 29201**



Thank you for your interest.

Sincerely,

LaToya Buggs-Williams
Ombudsman Investigator

Enclosures

Item# 9

Attachment number 1
Page 6 of 12



**VOLUNTEER FRIENDLY VISITOR
Position Description**

The Volunteer Friendly Visitor's goal is to improve the quality of life for residents in long-term care facilities through communication and visits.

Location: Long Term Care Facilities: The program will concentrate in Community Residential Care Facilities (CRCF'S) and Skilled Nursing Facilities.

Qualifications: Age 18 and older and interested in improving the quality of life in long-term care facilities. Have the ability to communicate with vulnerable adults, a genuine care and concern for older adults, problem-solving skills, and empathy, dependable, exercise good judgment and have available transportation.

Specific Duties:

- Visit residents in assigned facilities 2-4 hours per week.
- Empower residents and their families to advocate on behalf of the resident.
- Advocate for the residents by addressing resident rights with appropriate facility staff.
- Provide information about residents' rights and LTCO services.
- Participate in Resident and Family Councils upon request.
- Function as a resource to residents and their families
- Maintain communication with the Regional Ombudsman's office.
- Report any suspected, alleged, or actual cases of abuse, neglect, or exploitation to the Regional Ombudsman's office as required by law.
- Maintain confidentiality.
- Keep accurate records and submit monthly reports to the Regional LTCO program.
- Participate in ongoing continuing education training.
- Perform other duties as assigned by the Regional Ombudsman.
- Volunteers do NOT provide personal services, assist with eating or feeding, provide food or beverages, or any other responsibility that is managed by the facility staff.
- Friendly Visitors do NOT investigate complaints, mediate disputes, or involve themselves in any controversy with families or facility staff. Refer complaints to the Regional Ombudsman or Volunteer Coordinator

Requirements: Application, interview, criminal background and reference checks, 14-16 hours of certification training, exam, orientation to the facility and staff and 8 hours of re-certification training throughout each year of volunteer service.

Hours: Flexible

Time Frame: Two to four hours per week

Time Commitment: One Year

Supervision: Regional Long Term Care Ombudsman Program





FRIENDLY VISITOR PROGRAM APPLICATION

Region: 4 Date: _____

ALL INFORMATION PROVIDED ON THIS APPLICATION IS CONFIDENTIAL

Personal Information:

Name: _____
Street Address: _____
City, State, Zip: _____
Previous Address (if less than 5 years at current address): _____
City, State, Zip: _____
Telephone: Home: _____ Work _____
Fax: _____ E-Mail Address: _____
Social Security Number: _____ Sex: Male _____ Female _____
Occupation & Employer: _____
Date of Birth: ___/___/___ Education: _____

Days and Times You Are Available to Volunteer:

Days: _____
Times: _____

Volunteer Activities:

Friendly Visitor: _____ Data Entry: _____ Intake: _____ Speaker/Presenter: _____
Volunteer Experience: _____

Are you willing to make a one year commitment as a volunteer? Yes _____ No _____

Do you have your own transportation? Yes _____ No _____

Form of Transportation _____

Why are you interested in volunteering with the Ombudsman Program? _____

Lieutenant Governor's Office on Aging

How did you learn about the Friendly Visitor Program?

Newspaper: _____ LTCO Staff: _____ AARP: _____ Poster: _____ Brochure: _____ Other: _____

Do you have friends or relatives connected with a long-term care facility? Yes _____ No _____

Do you have a conflict of interest (work for a facility/family member in a facility, etc.?) Yes _____ No _____

Have you been employed by a long-term care facility within the past year? Yes _____ No _____

Have you ever been convicted of a criminal offense? Yes _____ No _____

Special Interests or Hobbies: _____

Special Skill, Training, Languages, Etc _____

Work History:

Organization: _____ Position: _____

Supervisor: _____ Dates: _____

Organization: _____ Position: _____

Supervisor: _____ Dates: _____

Organization: _____ Position: _____

Supervisor: _____ Dates: _____

References: Personal or Professional (Non-relatives):

Name: _____

Address: _____ Phone: _____

Name _____

Address: _____ Phone: _____

Name _____

Address: _____ Phone: _____

I authorize the SC State Long Term Care Ombudsman Program to contact references that I have listed.

Signature of Applicant: _____

Date: _____

Resume or additional comments may be submitted in addition to application.



Lieutenant Governor's Office on Aging



Authorization for Release of Information Background Report

For the purpose of evaluating my qualifications to be a Friendly Visitor to vulnerable adults within a long term care residential care facility through South Carolina Volunteer Friendly Visitor Program, I consent to the Lieutenant Governor's Office on Aging or its agents conducting a background check which may include but is not limited to investigation of my employment history, educational background, criminal history, military records, credit history, Department of Social Services records, Department of Health and Environmental Control records, and Department of Motor Vehicle records.

Below, I have provided my full name, date of birth and social security number for this purpose. I understand and agree that if I choose not to provide this information or otherwise refuse to consent and authorize this background check, any conditional offer will be withdrawn and I will not be allowed to participate in the Volunteer Friendly Visitor Program.

I may receive complete disclosure about the nature and scope of the background check and any information received by the Lieutenant Governor's Office on Aging or its agents during this background check by submitting a written request to the Lieutenant Governor's Office on Aging or its agents within 45 days of their receipt of such report. All information received by the Lieutenant Governor's Office on Aging or its agents as a result of this background check will be maintained confidentially and not released to anyone for any purpose except as I personally designate in writing. The Lt. Governor's Office or its agents may disclose copies of all results of this background check to the decision maker in a lawsuit, grievance, or other proceeding initiated by me or on my behalf or as required by law.

I understand that a photocopy or facsimile of this signed document shall be as valid as the original document and authorizes the Lieutenant Governor's Office on Aging or its agents to perform the background check as stated above.

I hereby release the Lieutenant Governor's Office on Aging and its agents from all claims or liabilities that might arise from the inquiry into or disclosure of such information, including claims under any federal, state, or local civil rights law and any claims for defamation or invasion of privacy. I authorize all persons who may have information relevant to this research to disclose such information to the Lieutenant Governor's Office on Aging or its agents, and I hereby release all persons from liability because of true and accurate disclosure.

May we contact your present employer? Yes _____ No _____

_____ Date _____ Applicants Signature _____

Full Name (print): _____ D/O/B _____

Social Security Number: _____

Address: _____

City, State, and Zip: _____





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Rick Grooms
Vice President
Robert Mason
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Patti Addison
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Kathy Moreland
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Wallace Brown
Melissa Sprouse Browne
Reggie Corley
Iris Griffin
Melissa Hallbick
Debbie Kinder
Tommy Phelps
Carmen Preston
Bonnie Shealy
Gregory Tucker

Vince Ford
Curtis Mansel
Joe Pinner
Members at Large

Deborah L. Bower
Executive Director

2817 Millwood Avenue
Columbia, South Carolina 29205
803/ 252-7734 fax 803/ 929-0349
<http://www.seniorresourcesinc.org>

May 12, 2011

Councilman Norman Jackson
265 King Charles Road
Columbia, SC 29209

Dear Councilman Jackson:

While reading the Actions Report for the May 3, 2011 County Council Meeting, I noticed that you have suggested that Richland County develop a Commission for the Aging to "address the aging population needs and improve quality of life". As the Executive Director of Senior Resources Inc., I am excited to learn of your interest in meeting the needs of this ever increasing population and would like to have the opportunity to speak with you, and/or the Development and Services Committee, to provide historical and current information on the services and programs currently available in Richland County. I feel it would be beneficial to include Sharon Seago, Aging Director of the Central Midlands Area Agency on Aging in any conversations that include senior programs and services as it is their responsibility to develop the Aging Area Plan for the Central Midlands Region, which includes Richland County.

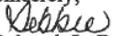
Senior Resources, Inc., a 501©3 non-profit organization, was chartered in 1967 as a Council on Aging. For almost 44 years we have provided In-Home and Community Based services for seniors in Richland County. These services are funded through federal funds, local funds, state funds, grant-writing, fundraising activities, donations, client payments, independent contracts, etc. Our Meals on Wheels, Wellness Centers, Home Care, Transportation and Physical Fitness programs are primarily funded through grants secured through the Central Midlands Area Agency on Aging with money allocated by the Lt. Governor's Office on Aging. As a contractual agency of Richland County the funds allocated to Senior Resources, helps us meet the matching funds required for these programs as well as other federally funded senior programs that we provide in Richland County. The primary goal of all of our programs and services is to keep seniors engaged and independent as long as possible allowing seniors to remain in their own homes and in their own communities, delaying and in some cases eliminating

RICHLAND COUNTY
REGISTRARS OFFICE
MAY 13 AM 9:59

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Richland County Council / SC Department of Health and Human Services / United Way of the Midlands

the need for institutionalization. You are absolutely correct; it is all about "Quality of Life".

If you have questions or would like to speak to me in regard to Senior Resources, Inc.'s role in providing services in Richland County, please feel free to contact me. I have included both our Annual Report and my business card. I look forward to hearing from you.

Sincerely,

Deborah L. Bower
Executive Director

cc: M. Pope

Richland County Council Request of Action

Subject

Weekend Directional Signs [page 83]

Reviews

Items Pending Analysis

Subject

- a. Curfew for Community Safety (Manning-February 2010)
- b. Direct staff to coordinate with DHEC and SCDOT a review of traffic signal timing improvements and synchronization in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all businesses and residential construction that would cause a slowdown of traffic on the road servicing the facility (Malinowski-April 2010)
- c. Farmers Market Update (Council-May 2010)
- d. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
- e. Review Homeowner Association Covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
- f. To direct Public Works to review county ordinances and propose amendments that would allow the recovery cost to repair damage done to county public roads. The intent of this motion is to hold those responsible who damage the roadways due to use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-April 2010)
- g. That Richland County enact a Tree Canopy Ordinance and Inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
- h. Off-Ramp Lighting (Rose-February 2011)

Reviews