



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

**DECEMBER 20, 2011
5:00 PM**

2020 Hampton Street

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: November 22, 2011 (pages 5-6)

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Achieve SC Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste (pages 8-10)
3. Calculation of Salary for Retirement Purposes (pages 12-13)

4. Transfer of CMRTA to City of Columbia (pages 15-19)
5. Valhalla Micro Surfacing Project (pages 21-22)
6. Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the "Building Code Board of Adjustments." (pages 24-28)
7. City of Forest Acres Animal Care Intergovernmental Agreement (pages 30-34)
8. Animal Care Ordinance Revisions (pages 36-54)
9. Quit Claim of Unnamed Road (pages 56-65)
10. Richland County Shady Wood Lane Improvements Contract (pages 67-71)
11. Medical and Health Care Offices in the RU rural zoning district (pages 73-85)

ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

12. a. Curfew for Community Safety (Manning-February 2010)
 - b. Farmers Market Update (Council-May 2010)
 - c. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
 - d. Review Homeowner Association covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
 - e. 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 the use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-April 2010)
 - f. That Richland County enact a Tree Canopy ordinance and inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
 - g. Off-ramp Lighting (Rose-February 2011)
 - h. In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent with the City of Columbia) banning texting while operating a motor vehicle (Rose-April 2011)

- i. Direct staff to coordinate with SCDHEC and SCDOT a review of traffic light signal timing improvements 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 that facility (Malinowski-April 2010)

- j. Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place (Malinowski-September 2011)

- k. Review the process of the Development Review Team (Jackson-October 2011)

ADJOURNMENT



Richland County Council Request of Action

Subject

Regular Session: November 22, 2011 (pages 5-6)

Reviews

MINUTES OF



RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE TUESDAY, NOVEMBER 22, 2011 7:00 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.

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MEMBERS PRESENT

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

ALSO PRESENT: Paul Livingston, L. Gregory Pearce, Jr., Damon Jeter, Seth Rose, Jim Manning, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, John Hixson, Buddy Atkins, Stephany Snowden, Don Chamblee, Rodolfo Callwood, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 7:03 p.m.

APPROVAL OF MINUTES

October 25, 2011 (Regular Session) – Mr. Washington 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. Washington, to adopt the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

Item# 1

Proposed Amendment to Settlement Agreement with Northeast Landfill – Mr. Washington moved, seconded by Mr. Malinowski, to allow presentations by staff, Republic, and the Conservation Commission. The vote in favor was unanimous.

Mr. Washington moved, seconded by Mr. Malinowski, to extend the meeting past the hour allotted for the Committee meeting. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Mr. Malinowski, to act on Items #2 and #6 and defer action on the remaining items. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Dickerson, to hold a work session no later than December 30th and invite Republic, the Conservation Commission and staff to participate. The vote was in favor.

Achieve SC State Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste – This item was deferred until the December Committee meeting.

Calculation of Salary for Retirement Purposes – This item was deferred until the December Committee meeting.

Valhalla Micro Surfacing Project – This item was deferred until the December Committee meeting.

Old LRADAC Building Environmental Remediation and Demolition Project – Ms. Dickerson moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation to approve the award of a contract to Neo Corporation for the demolition of the LRADAC Building and a 25% contingency, which would be an additional \$87,400. The vote was in favor.

Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the “Building Code Board of Adjustments” – This item was deferred until the December Committee meeting.

Transfer of CMRTA to the City of Columbia – This item was deferred until the December Committee meeting.

ADJOURNMENT

The meeting adjourned at approximately 8:33 p.m.

Submitted by,

Valerie Hutchinson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Achieve SC Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste (pages 8-10)

Reviews

Richland County Council Request of Action

Subject: Achieve SC State Solid Waste Diversion rate of 35% within five years
And develop a long range goal for Zero Waste

A. Purpose

"County Council is requested to consider the Motion that Council and Council Staff develop and implement a plan that will enable Richland County to achieve the SC State goal of 35% solid waste diversion rate within the next 5 years and to develop a long term plan to reach the goal of "zero waste".

B. Background / Discussion

- The S.C. Solid Waste Policy and Management Act of 1991, was amended in 2000 to change the original waste reduction and recycling goals. The recycling goal was changed to 35 percent of the MSW stream with a target date of June 30, 2005. The waste reduction goal was changed to a per-capita disposal goal of 3.5 pounds per person per day with a target date of June 30, 2005. The Act has not been amended to change the target dates or goals. The state's current recycling rate is 25.5 percent.
- The Act's original recycling goal was 25 percent of the total waste stream by weight and waste reduction goal (reducing the amount of waste going to landfills and incinerators) was 30 percent of the total waste stream. Again, both goals were measured by weight and included all solid waste - not just MSW. The goals, which used fiscal year 1993 as a baseline, were met in FY 1997.
- These types of goals are normally accomplished by developing and implementing various public education programs, waste minimization programs and recycling programs. The County Solid Waste office is currently very active in providing these programs to the residents of Richland County and has received back to back awards for our public education and recycling programs the past two years.
- Currently the County Solid Waste Department has achieved a rate of 21% diversion of the solid waste stream and is on target to surpass the state goal of 35% by 2015 and it is estimated that by 2020 Richland County will reach a diversion rate of 45%.
- Several items to consider are some collection contracts are approaching expiration as these contracts are renewed or rebid the curbside program can be enhanced with programs that will increase our recycling rate.
- Adding a 96 gallon roll cart for recycling to the curbside collection program will boost our recycling and diversion rate anywhere from 10 to 15 % once it's been done County wide. This could be done with little or no extra cost to the County if it was included in the curbside collection contract negotiations.

- The Solid Waste department is currently focusing on reusable goods and multi-Family recycling as well as voluntary commercial recycling programs which will increase our diversion rates another 7 to 12 %.
- Implementing a full zero waste program will mean increasing solid waste fees to support programs associated with zero waste as well as mandating ordinances to both the residential and commercial communities. Some zero waste ordinances may require amendments to contracts such as the Landfill and Recycling processors contracts.

• **Financial Impact**

Maintaining the current direction of the County recycling program will only incur minor cost increases in the next few years.

There will be some significant financial impact associated with zero waste and the cost can only be determined based on the level of the programs implemented.

C. Alternatives

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

1. Direct staff to maintain current program direction and activities.
2. Direct staff to develop a goal to reach zero waste.

D. Recommendation

State which alternative you recommend. Be sure to include your name, department, and date. For example:

Staff recommends no action be taken on zero waste until all haulers contracts have been renewed and that staff be directed to maintain current program direction and activities.

Recommended by:	Department:	Date:
Paul F. Alcantar	Solid Waste	10/11/2011

F. Reviews

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

Finance

Reviewed by: <u>Daniel Driggers</u>	Date: 10/11/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
<input type="checkbox"/> Council Discretion (please explain if checked)	
Comments regarding recommendation: Supports the recommendation of Solid Waste Director.	

Procurement

Reviewed by: <u>Rodolfo Callwood</u>	Date: 10/11/11
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Council Discretion (please explain if checked)
Comments regarding recommendation:

Grants

Reviewed by: Sara Salley Date: 10/12/11
✓ 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: Recommend approval of staff's recommendation.

Administration

Reviewed by: Tony McDonald Date: 10/12/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Concur with the Solid Waste Director's assessment of the County's current recycling efforts and with the recommendations for expanding those efforts in the future.

Richland County Council Request of Action

Subject

Calculation of Salary for Retirement Purposes (pages 12-13)

Reviews

Richland County Council Request of Action

Subject: Calculation of Salary for Retirement Purposes

A. Purpose

The purpose of this item is to request the County Council's consideration of a motion made at the September 6, 2011, Council Meeting regarding the calculation of salary for retirement purposes.

B. Background / Discussion

At the September 6, 2011, Council Meeting, Council Member Norman Jackson introduced the following motion:

“Overtime compensation shall not be calculated towards retirement salary.”

Under this motion, employees who receive overtime compensation would not have that part of their compensation included in their annual salary for calculation of retirement benefits.

However, Richland County employees are members of the South Carolina Retirement System (SCRS), and it is the SCRS that governs what portion of an employee's salary will and will not be included in the total compensation used for calculation of retirement benefits. And in all cases, the SCRS requires that overtime compensation must be included when determining retirement benefits. The County, therefore, does not have the authority to change this requirement; it can be changed only by State legislation.

C. Financial Impact

Because the County does not have the ability to affect the change that is called for in the motion, there is no financial impact.

D. Alternatives

1. Abandon the concept of excluding overtime compensation for calculation of retirement benefits.
2. Seek an amendment to State law that would change how retirement benefits are calculated.

E. Recommendation

By: Motion by Council Member Norman Jackson

Date: September 6, 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!)

Human Resources

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Human Resources supports compliance with the applicable SCRS regulations, unless and until they are revised.

Finance

Reviewed by: Daniel Driggers

Date: 9/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Agree with HR Director

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is my understanding that the SCRS as well as the Fair Labor Standards Act regulates what earned income will be calculated as it relates to county employees for retirement purposes.

Administration

Reviewed by: Tony McDonald

Date: 9/13/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend denial as it is the SCRS rather than individual local governments that establish the rules for the calculation of salary for retirement purposes.

After further discussion with Council Member Jackson on 11/15/11, it has been determined that the issue Mr. Jackson was intending to address in his motion can be more adequately addressed through the new City/County Fire Service Agreement.

Richland County Council Request of Action

Subject

Transfer of CMRTA to City of Columbia (pages 15-19)

Reviews

Richland County Council Request of Action

Subject: Transfer of CMRTA to the City of Columbia

A. Purpose

Council is requested to consider the motion made at the October 18, 2011 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the October 18, 2011 Council Meeting by Councilwoman Dickerson:

I would like to make a motion base the historical, recent agreements and amendments regarding Richland County’s participation with Central Midlands Regional Transit Authority (CMRTA) as well as the City of Columbia of which I am including for your review to pursue the procedures process to dissolve the CMRTA as it is currently known and transfer all operational, administrative and managerial ownership to the City of Columbia; whereby the public transportation system will be known as the City of Columbia Metropolitan Transit Authority. And that, Richland County be allowed to purchase services based on the needs of the unincorporated area.

The document referenced in the motion is attached below for your convenience.

The CMRTA is currently being funded temporarily by Richland County, the City of Columbia, and Lexington County (in a limited capacity).

CMRTA Board members represent all three aforementioned jurisdictions, as well as Blythewood, Forest Acres, the Richland County Legislative Delegation, and non-voting members from West Columbia and Chapin.

It is at this time that direction from Council is requested regarding this motion.

C. Financial Impact

The financial impact of this motion is not known at this time. Direction from Council is requested. Upon direction of Council, a financial impact can be determined.

D. Alternatives

1. Approve the motion. Provide direction to staff.

2. Do not approve the motion at this time.

E. Recommendation

By: Motion by Councilwoman Dickerson, October 18, 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: 10/27/11

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

This is an item for Council discretion and is much larger than just a funding decision. However based on the ROA the potential financial implications are not provided or known at this time, therefore I would recommend that any approval include a contingency for a financial review and identification of a source for any required funding.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision of Council and is within Councils legal authority to decide. However, before making such a decision the Council may want to evaluate the pros and cons of the current proposed arrangement versus a purely contractual arrangement for services.

Administration

Reviewed by: J. Milton Pope

Date: 11-14-11

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

INTRODUCTION AND BACKGROUND

The Central Midlands Regional Transit Authority (CMRTA) assumed ownership and responsibility for public transit services in the greater Columbia, South Carolina metropolitan area on October 16, 2002. Prior to that date, the greater Columbia, South Carolina metropolitan area was the last area in the United States where the local private utility company (South Carolina Electric and Gas Company) was the owner and operator of mass transit (fixed route bus and paratransit) services.

The CMRTA was created under the State of South Carolina Code of Laws and is made up of representatives of 15 (fifteen) local jurisdictions. Membership on the CMRTA Board of Directors is distributed based on population, with Richland County having 8 members, the City of Columbia and Lexington County each having 5 members, and all small jurisdictions each having one member. In addition to the local government appointees, and in accordance with the State of South Carolina Code of Laws, each of the County Legislative Delegations is eligible to appoint a Delegation member to the CMRTA Board of Directors.

The CMRTA operating losses for the first few years were funded primarily from the temporary funding source known as the "transit-trust fund" established as a part of the original transition agreement. The "transit fund" received 4 equal installments over the first twelve months of operation, totaling \$15,000,000.00. The balances of the operating losses were funded with Federal and SCDOT-State Mass Transit dollars. Beginning in October 2003, the RTA started receiving annual contributions, for a seven (7) year period, from South Carolina Electric and Gas Company, with the final contribution from SCE&G scheduled for October 2009. Additionally, in October 2003, the City of Columbia began the provision of \$1,000,000.00 to the CMRTA for use in funding the system's operational and capital needs. The current agreement between the City and the CMRTA provides for the continued provision of \$1,000,000.00 annually until a long term dedicated local source of funding is secured. Those contributions are combined with available Federal and State funding to cover current and future operating and capital expenses. It should be noted that the City of Columbia discontinued payment of the \$90,000.00 annual contribution, provided for in the agreement between the City and the CMRTA for support of downtown trolley shuttle services, due to the discontinuation of the shuttle services in October 2005.

In November 2006, the Richland County Council voted to temporarily increase the County Road Maintenance Fee and to use up to \$2.8 million of the FY 2007 proceeds from the increase to help fund CMRTA public transit operations in Richland County. Richland County funding

support for the CMRTA began in February 2007. During the County's FY 2009 budgeting process, County Council approved the

provision of up to \$3,229,640.00 to support the CMRTA during the period July 1, 2008 – June 30, 2009.

In addition, in 2006, County Council directed a portion of the proceeds from the County Road Maintenance Fee (approximately \$500,000.) toward a comprehensive study of the overall transit/transportation and green space needs of the county. The Richland County Transportation Study was completed and presented to County Council in May 2008. The study completion schedule provided Richland County Council with approximately 75 days (until the August 15, 2008 filing deadline) to determine whether a comprehensive transportation ballot question would be included in the November 2008 general election. At the July 22, 2008 meeting, Richland County Council voted, on third reading, NOT to include a transportation funding question on the November 2008 general election ballot.

During the fall of 2008, the City of Columbia and Richland County formed an Ad-Hoc Interim Transit Funding Committee to work together to formulate a plan for interim funding to support the CMRTA until a decision can be made by the County to include a transportation funding question on the November 2010 general election ballot. At the January 2009 meeting of the Ad-Hoc Committee, Richland County presented an interim funding proposal that could sustain the CMRTA, at its present level, until July 1, 2011.

In early spring 2009, a Temporary Funding Intergovernmental Agreement (IGA) was reached between Richland County, the City of Columbia, and the CMRTA. Under the 2009 IGA, Richland County committed \$5,654,000.00 in local funding and the City of Columbia committed \$2,000,000.00 in local funding to support the operating and capital needs of the CMRTA during the period July 1, 2009 – June 30, 2011. In order to receive the above funding, several undertakings were required of the CMRTA. Those activities included: 1.) Increase the cost of bulk/agency discount passes from \$1.00 to a minimum of \$1.25, and ten-ride passes from \$10.00 to a minimum of \$12.00, no later than October 1, 2009; 2.) Continue to pursue financial participation from Lexington County and its municipalities in order to continue and/or expand regional service beyond September 30, 2010; 3.) Complete an independent study and analyses of the transit system, including, a Comprehensive Operations Analysis (COA) to study, at a minimum: ridership information, route and service location, fare structure, marketing, system operations, and operating costs, a Park-and-Ride Feasibility Study to identify and evaluate the feasibility of park-and-ride locations in various parts of the county, including:

Northeast Richland County, North Central Richland County (Blythewood, North Columbia), Northwest Richland County (Irmo, Ballentine, Chapin), and Southeast Richland County (Eastover, Hopkins), and an independent Management Performance Audit of the current system operator, Veolia Transportation. The 3 study/planning efforts had a completion deadline of February 1, 2010.

In addition, the CMRTA was required to undertake an organizational restructuring that included the following: amendments to the existing RTA Agreement and/or CMRTA Bylaws so as to limit voting membership on the CMRTA Board of Directors to jurisdictions that provide an appropriate level of funding based on the cost of providing service within those jurisdictions. Non-contributing jurisdictions may continue their membership in the CMRTA as non-voting members, and appointees from such jurisdictions may continue to serve on the CMRTA Board in an advisory capacity. The CMRTA agreed to secure the above amendments no later than September 30, 2009.

The CMRTA successfully completed all but one (1) of the requirements of the Temporary Funding Intergovernmental Agreement (IGA) within the required deadline schedule. The one (1) remaining item, the pursuit of financial participation from Lexington County and its municipalities in order to continue and/or expand regional service beyond September 30, 2010 is still underway and an Amendment to the Temporary Funding Intergovernmental Agreement (IGA) is currently being developed by legal counsel for the CMRTA, Lexington County, and Richland County. Recently (November 2010), Lexington County Council voted to provide funding to support the CMRTA services in Lexington County for the period October 1, 2010 – June 30, 2011.

In early summer, 2010, the Richland County Council voted to place a 1-cent sales tax referendum question on the ballot for the November 2010 General Election. The referendum, if successful, would provide long term funding for a comprehensive transportation system addressing local funding support needs for the CMRTA public transit system, improvements to the roadway and bridge network, and enhancements to the County's pedestrian and bicycling facilities.

Unfortunately, the 1-cent sales tax referendum failed, albeit, by a very small margin of approximately 2,200 votes, resulting in the CMRTA once again facing a local funding crisis.

Since the inception of the CMRTA, and transfer of the ownership and responsibility for the provision of public transit services, in 2002, the local elected officials, the business community and the public at large have been repeatedly made aware that a long-term dedicated source of funding is essential to sustaining the public transit system and any hope of future improvement and growth.

Richland County Council Request of Action

Subject

Valhalla Micro Surfacing Project (pages 21-22)

Reviews

Richland County Council Request of Action

Subject: Valhalla Micro Surfacing Project RC-CN-505-1112

A. Purpose

County Council is requested to approve an anticipated change order not to exceed \$86,000 for the Valhalla Micro Surface Project. This change order is for the additional full depth base repairs and new speed hump markings that were needed for the micro surfacing of Valhalla Drive.

B. Background / Discussion

Valhalla Drive was originally part of the FY2007 resurfacing project as Additive #7. The FY2007 resurfacing project was funded by the CTC for \$1.4 million dollars. When the FY2007 resurfacing project was bid, there was not enough funding to resurface all of the additives and Valhalla Drive was taken out of the contract to be a stand alone project due to insufficient funding from the CTC at that time.

The CTC now has a positive balance and has allocated \$246,205.45 dollars in funding for this project. The project bid from Roadway Management, Inc. is in the amount of \$219,856.24. This leaves a contingency of \$26,349.21 that can be used for any change orders or overruns.

Before the microsurfacing started, base repairs were made on Valhalla Drive using Full Depth Patching. Richland County staff identified the areas in need of Full Depth Patching for this project in the summer of 2011, but did not mark the commercial area between Two Notch Road and Graces Way. Due to the nature of the repairs made with the milling machine and the area that was not marked, there was an overrun of approximately 1,921 square yards of full depth patching. The unit price for Full Depth Patching is \$40/square yard per the contract with Roadway Management. This totals approximately \$76,840 in over runs for the full depth patching and an additional \$3,300 to mark the speed humps with MUTCD approved markings. There will also be some minor adjustments to the overall final quantities. The total change order will not exceed \$86,000. Since a contingency was already set up for this project, only an additional \$60,000 was requested and approved by the CTC, bringing the total funding for this project to \$306,205.45. The total contract price plus the anticipated change order will not exceed \$305,349.21.

C. Financial Impact

The CTC has approved the requested additional funding in the amount of \$60,000 to cover this change order.

D. Alternatives

Since the work has been completed and the funding approved by the CTC, there is only one (1) alternative for this ROA

- 1) Approve the Change Order for Roadway Management Inc. for the Valhalla Microsurface project not to exceed \$86,000, which brings the contract amount to \$305,349.21.

E. Recommendation

It is recommended that Council approve the anticipated Change Order for Roadway Management Inc. not to exceed \$86,000.

Recommended by: David Hoops, P.E. Department: Public Works Date: December 5, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 12/6/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommendation is based on the fact that funding is available

Procurement

Reviewed by: Rodolfo Callwood Date: 12/6/11
✓ 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: Sparty Hammett Date: 12/12/11
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommend Council approval of the Change Order for Roadway Management Inc. for the Valhalla Microsurface project not to exceed \$86,000.

Richland County Council Request of Action

Subject

Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the "Building Code Board of Adjustments." (pages 24-28)

Reviews

Richland County Council Request for Action

Subject: Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the “Building Codes Board of Adjustment”

A. Purpose

County Council is requested to approve an ordinance to amend Chapter 6, Building and Building Regulations; so as to properly reference the Building Codes Board of Appeals rather than the “Building Codes Board of Adjustment” wherever applicable.

B. Background / Discussion

On February 1, 2011, County Council enacted Ordinance No. 007–11HR, which changed the name of the “Building Codes Board of Adjustment” to the “Building Codes Board of Appeals”, among other things. When this ordinance was sent to American Legal Publishing for codification purposes, their editors notified us that there were other sections of Chapter 6 that also needed to be changed to reference the new name.

Therefore, the proposed ordinance was drafted to “clean up” a few sections of Chapter 6, so that all references were made to the Building Codes Board Appeals.

C. Financial Impact

None.

D. Alternatives

1. Approve the ordinance as presented.
2. Do not approve the ordinance.

E. Recommendation

It is recommended that County Council approve the ordinance as presented.

Recommended by: Amelia R. Linder Department: Planning Date: 10/31/11

F. Approvals

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

Finance

Reviewed by: Daniel Driggers

Date: 11/1/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Building and Inspections

Reviewed by: Donny Phipps

Date:

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: Recommendation to approve is based on representations in the ROA that this is only a name change and the change creates no other issues regarding the boards role and authority.

Administration

Reviewed by: Sparty Hammett

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the amended ordinance.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO PROPERLY REFERENCE THE BUILDING CODES BOARD OF APPEALS RATHER THAN THE “BUILDING CODES BOARD OF ADJUSTMENT” WHEREVER APPLICABLE.

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 6, Buildings and Building Regulations; Article II, Administration; Division 1. Generally; Section 6-18, Conflicts of Interest; is hereby amended to read as follows:

Sec. 6-18. Conflicts of interest.

No employee of the building codes and inspections department, except one whose only connection is as a member of the building codes board of adjustment appeals established by this chapter, shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore unless he/she is the owner of such building. No such employee shall engage in any work that is inconsistent with his/her duties or with the interests of the building codes and inspections department.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 1. Generally; Section 6-19, Liability; is hereby amended to read as follows:

Sec. 6-19. Liability.

Any officer or employee of the building codes and inspections department, or member of the building codes board of adjustment appeals, charged with the enforcement of this chapter, acting for the council in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee because of such act performed by him/her in the enforcement of any provision of this chapter shall be defended by the county attorney until the final termination of the proceedings.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (d), Determination of Requirements Not Covered by Chapter; is hereby amended to read as follows:

(d) *Determination of requirements not covered by chapter.* Any requirement necessary for the safety, strength, or stability of an existing or proposed building, structure, or installation, or for the safety of the occupants of a building, or structure, not specifically covered by this chapter, shall be determined by the building official, subject to appeal to the building codes board of adjustment appeals.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-33, Appeals From Decisions; Subsection (a), General; is hereby amended to read as follows:

(a) *General.* Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used, or when the holder of the permit claims that the provisions of this chapter do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter or any of the regulations thereunder were misconstrued or wrongly interpreted, the owner of such building or structure, or his/her duly authorized agent, may appeal the decision of the building official to the building codes board of adjustment appeals. Pending the decision of the building codes board of adjustment appeals, the building official's decision shall be considered binding.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3. Permits, Inspection and Certificate of Approval; Section 6-45, Examination of Application, Approval or Disapproval, Appeal From Disapproval; Subsection (c); is hereby amended to read as follows:

(c) The applicant may appeal the decision of the building official to the building codes board of adjustment appeals as provided herein.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3. Permits, Inspection and Certificate of Approval; Section 6-46, Conditions of Issuance; Subsection (c); is hereby amended to read as follows:

(c) All building permits shall include a completion date in which construction shall be completed. Any permit issued shall become invalid unless the work authorized by it was commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each, may be allowed in writing by the building official. Any structure that has not been completed and has had no permitted/approved/inspected work for a period of one (1) year and has allowed the structure to get in a state of disrepair due to neglect and abandonment, shall be declared debris and abated by demolition. A lien shall be placed on the property and possible legal action taken against the owner for a violation of this Article and for any costs incurred for abatement. Decisions of the Building Official may be appealed to the Building Board of Adjustments and Appeals.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4. Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-66, Craftsmen Qualification Cards; Subsection (b); is hereby amended to read as follows:

(b) Any person wishing to qualify permanently for qualification cards shall satisfy the building official of his/her competence by satisfactorily completing a written test of competence approved by the building codes board of adjustment appeals.

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4. Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-67, Illegal Work, Revocation of License; is hereby amended to read as follows:

Sec. 6-67. Illegal work; revocation of license.

Any person engaged in the plumbing, electrical, mechanical (HVAC), or gas installation business, whose work does not conform to the rules and regulations set out in this chapter, or whose workmanship or materials are of inferior quality, shall on notice from

the building official make necessary changes or correction at once so as to conform to this chapter; if work has not been so changed after ten (10) days' notice from the building official, the building official shall then refuse to issue any more permits to that person until such work has fully complied with the rules and regulations of this chapter. The building official may appear before the building codes board of adjustment appeals and request that all licenses be revoked because of continued violations. Any license issued under this chapter, upon recommendation of the building codes board of adjustment appeals, may be revoked by the county council. When the revocation of any such license is to be considered and voted upon by the council at any meeting, the person to whom the license has been issued shall have at least three (3) days' notice in writing of the time and place of such meeting together with a statement of the grounds upon which it is proposed to revoke such license.

SECTION IX. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; is hereby amended to read as follows:

DIVISION 5. BUILDING CODES BOARD OF ADJUSTMENT APPEALS

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

SECTION XII. Effective Date. This ordinance shall be effective from and after _____, 2012.

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

City of Forest Acres Animal Care Intergovernmental Agreement (pages 30-34)

Reviews

Richland County Council Request of Action

Subject: The City of Forest Acres Animal Care Intergovernmental Agreement

A. Purpose

Council is requested to approve the attached Intergovernmental Agreement (IGA) between Richland County and the City of Forest Acres regarding Animal Care.

B. Background / Discussion

Currently, the Richland County Animal Care Department provides animal care services for the City of Forest Acres, as it does for all other Richland County jurisdictions other than the City of Columbia.

It is recommended that Richland County and the City of Forest Acres have a current Animal Care IGA, which will continue to allow the Richland County Animal Care Department to provide specific services as requested by the citizens of Forest Acres and the Forest Acres Police Department.

The proposed IGA is attached for your convenience. The City of Forest Acres has already reviewed and approved the IGA.

The only other outstanding County municipality without a current Animal Care IGA is the Town of Eastover. Staff has contacted Eastover's legal counsel, Mayor, and Town Clerk on numerous occasions since September of this year, but has yet to receive a response. Staff will continue to pursue an IGA with the Town of Eastover. If an IGA is not approved, Council may choose to not perform animal care services within the Town limits of Eastover.

C. Financial Impact

There is no additional cost for the approval of this request, as the Richland County Animal Care Department currently provides animal care services to the City of Forest Acres.

D. Alternatives

1. Approve the Intergovernmental Agreement with the City of Forest Acres.
2. Do not approve the Intergovernmental Agreement with the City of Forest Acres.

E. Recommendation

Approve the Intergovernmental Agreement with the City of Forest Acres.

By: Roxanne M. Ancheta Department: Administration Date: 11-17-11

F. Reviews

Finance

Reviewed by: Daniel Driggers

✓ Recommend Council approval

Comments regarding recommendation:

Date: 11/22/11

Recommend Council denial

Legal

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Administration

Reviewed by: Roxanne Ancheta

✓ Recommend Council approval

Comments regarding recommendation: It is recommended that Council approve the Intergovernmental Agreement with the City of Forest Acres.

Date: December 14, 2011

Recommend Council denial



Frank J Brunson
MAYOR

COUNCIL
Ginger P Dukes
Charles W Feiner
Curtis L Rye Jr.
W Shell Suber Jr.

C Lee Holloway Jr.
CITY ATTORNEY

Mark Williams
CITY ADMINISTRATOR

October 13, 2011

Ms. Roxanne Matthews Ancheta
Assistant to the County Administrator
Richland County Government
P.O. Box 192
Columbia, SC 29202

Dear Roxanne:

Thank you for your assistance in updating the Animal Control services Intergovernmental Agreement between Richland County and the City of Forest Acres. Enclosed are two signed originals; if you will return one to us upon execution by the county I will be most grateful.

Sincerely,

Mark M. Williams
City Administrator

residents of the City of Forest Acres for the above services. Such assessment and levy shall not exceed that which is assessed and levied on property in the unincorporated areas of Richland County. The taxes generated by such assessment and levy shall be designated as an offset to the costs of providing these services and shall constitute the compensation to the County for the undertaking of these services.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

WITNESSES:

RICHLAND COUNTY

By: Paul Livingston, Richland
County Council Chairperson

Laura Boatright

[Signature]

CITY OF FOREST ACRES

[Signature]

By: *City Administrator*

Richland County Council Request of Action

Subject

Animal Care Ordinance Revisions (pages 36-54)

Reviews

Richland County Council Request of Action

Subject: Animal Care Ordinance Revisions

A. Purpose

Council is requested to approve several ordinance revisions relating to Animal Care for consistency, improved enforcement efforts, and 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 expedite the redemption of lost pets, as well as increase adoptions.

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

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

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

Ordinance revisions relating to the provision of clarification and consistency with the City's policies and ordinances regarding shelter operations, *which are required per the 2007 IGA*, are **highlighted in yellow** for your convenience.

Council directed the Joint County – City Animal Care Subcommittee to review the proposed ordinance amendments, 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 Commercial Breeder License revisions (Section 5-2 d) were added to the document to address the motion by Council Members Malinowski and Kennedy. These revisions are a policy decision of Council.

The Animal Care Subcommittee met, and discussed the items, per Council's directive. While the group did not reach consensus on *all* items, the group *did* recommend approval of the yellow highlighted items, which pertain to aligning the County's ordinance with that of the City's regarding shelter operations, per the requirement of the IGA.

Per the directive of the D&S Committee at its October 25 meeting, staff met twice (November 1, 15) with Mr. Malinowski regarding his comments on the proposed revisions. Revisions from those meetings have been incorporated into the document.

Administration staff and Animal Care staff also met with Legal staff on December 8 regarding the proposed revisions. Further revisions were made to the document based on that meeting.

The proposed ordinance revisions are included below for your convenience.

C. Financial Impact

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

D. Alternatives

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

E. Recommendation

It is recommended that Council approve the yellow highlighted IGA revisions. The remaining revisions (other than those clarifying definitions and scrivener revisions) are policy decisions of Council.

Recommended by: Sandra Haynes Department: Animal Care Date: 12-9-2011

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 12/12/11

Recommend Council approval

Recommend Council denial

Council Discretion (Please explain if checked)

Comments regarding recommendation: Recommendation is based on the Animal Care Director request and no financial impact as stated in section c

LegalReviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial Council Discretion (Please explain if checked)Comments regarding recommendation: All of the proposed alternatives are within Councils legal authority.**Administration**Reviewed by: Roxanne AnchetaDate: December 13, 2011 Recommend Council approval Recommend Council denial Council Discretion (Please explain if checked)Comments regarding recommendation: It is recommended that Council approve the yellow highlighted IGA revisions. The remaining revisions (other than those clarifying definitions and scrivener revisions) are policy decisions of Council.

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 animal, 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~~ ~~Care officer~~ ~~Officer~~ shall mean any person employed by the county to enforce the animal care program.

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

At large shall mean a ~~pet dog~~ running on or 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. A cat is not considered at large unless it is running off of the premises of the owner or keeper and not under the physical control of the owner or keeper.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.

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 the entry and exit and a floor so as to protect the pet from the elements of weather.

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

(Ord. No. 066-04HR, § I, 10-28-04)

Cross reference(s)--Rules of construction and definitions generally, § 1-2.

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 license fees; rabies vaccination tags~~

Sec. 5-2. Differential county and commercial pet breeder 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~~ months of age with a current county 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 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~~ Animal care ~~Care department~~ 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~~ Animal care ~~Care department~~ Department in addition to obtaining a tag.

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

(1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must 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 commercial pet breeder license.

(3) The Animal Care Department, through its Animal Care Officers, may 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.

(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 commercial pet breeder license is not transferrable to another person or location.
- (8) The inspection fee for a county commercial pet breeder license shall be one hundred (\$100.00) dollars annually. The license shall expire one year after the date of issue.
- (9) Any violations found under the provisions of this Chapter shall be grounds for the suspension of the commercial pet breeder license if deemed necessary by the Animal Care Department. Re-instatement shall be determined on a case by case basis.
- i. The commercial 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 inspection fee for the commercial pet breeder license, 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) commercial 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.

(Ord. No. 066-04HR, § I, 10-28-04)

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 at least three nationally recognized conformation or ~~performance events;~~ ~~or obedience shows within the past twelve months.~~
 3. ~~Any owner of a dog that is currently being used for hunting purposes and is properly registered with South Carolina Wildlife Department and whose owner has a valid South Carolina Hunting license.~~ 3. Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.
- (b) ~~Any individual who is handicapped and who owns a dog which is 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~~ Animal Care ~~Care department~~ 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.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION IV. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-4, Dangerous or vicious animals, is hereby amended to read as follows:

Sec. 5-4. Dangerous or vicious animals.

- (a) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined as the term is used in this section if the animal is ~~not~~ not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.
- (b) For the purposes of this section a dangerous or vicious animal shall be defined to be any one of the following:

- (1) Any animal with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or
- (2) Any animal which attacks a human being or other domestic animal one or more times without provocation whether or not such attack occurs on the premises of the animal's owner; or
- (3) An animal owned or harbored primarily or in part for the purpose of animal fighting or an animal trained for animal fighting.

(c) Any animal that has been determined to be a dangerous or vicious animal may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal ~~shelter-care facility~~ and has completed and signed a surrender form or until a hearing is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized. However, if the magistrate has determined that the owner may redeem the animal, the Animal Care Department shall release the animal upon receipt of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the ~~animal~~ Animal Shelter-Care Department and may be euthanized.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION V. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-5, Running at large – restraint, 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. This subsection shall not require domestic cats to be kept under restraint or confinement by means of a restraining device. Provided, however, this subsection shall deem a domestic cat unlawfully at large if it leaves the owner's premises unaccompanied by its owner or custodian.~~

(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) In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises

unrestrained and presents an immediate threat of bodily harm to public safety. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION VI. 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~~ Animal Care ~~Care department~~ 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. Every effort possible shall be made to contact the owner or veterinarian of the pet via information obtained from its tag or microchip. Any such pet in critical condition, as described in this section, may be humanely destroyed if the owner cannot be contacted within ~~five (5)~~ two (2) hours. If the pet is in severe pain it may be destroyed immediately.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION VII. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-8, Nuisance animals, is hereby amended to read as follows:

Sec. 5-8. Nuisance animals.

(a) The actions of an animal constitute a nuisance when an animal 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.

(b) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5.
- (2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.

- (3) Failure to maintain a dangerous animal in a manner other than that which is described in section 5-4.
- (4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.
- (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property
- (6) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
- (7) Maintaining an animal that is diseased and dangerous to the public health.
- (8) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(c) An animal that has been determined to be a habitual nuisance by the ~~animal~~ Animal care-Care department- Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(d) Every female animal in heat shall be kept confined in a building or secure enclosure in such manner as will not create a nuisance by attracting other animals.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION VIII. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-10, Sale of pets, is hereby amended to read as follows:

Sec. 5-10. Sale of pets.

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live pet, on any roadside, public right- of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.
- (b) No person shall offer a pet as an inducement to purchase a product, commodity or service.
- (c) No person shall sell, offer for sale or give away any pet under eight (8) weeks of age, except as surrender to a municipal and/or county animal ~~shelter-care facility~~ or to a licensed pet rescue organization.

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

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION IX, The Richland County Code of Ordinances; Chapter 5, Animals and Fowl; Section 5-12, Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals, is hereby amended to read as follows:

Sec. 5-12. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.

(a) If the owner does not give permission, the ~~animal~~ Animal control ~~Care officer~~ Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises. The ~~animal~~ Animal control ~~Care officer~~ Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The ~~animal~~ Animal control ~~Care officer~~ Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the ~~animal~~ Animal control ~~Care officer~~ Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the ~~animal~~ Animal shelter ~~Care~~ Department until such matter is heard before the magistrate. The magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the ~~animal~~ Animal shelter ~~Care~~ Department whereby the animal may be put up for adoption or humanely destroyed. If the magistrate orders the return of the animal to its owner, the ~~animal~~ Animal control ~~care facility officer~~ shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the ~~animal~~ Animal control ~~shelter~~ Care Department and may be placed for adoption or euthanized. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION X. 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~~Care ~~department-Department~~ 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 in consultation with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, 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~~Care ~~department-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-~~care facility.
- (c) The county may transfer title of all animals held at its animal ~~shelter-~~care facility 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 tag or rabies vaccination tag pursuant to section 5-2; or traceable 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 registered mail if attempts by telephone are not successful. 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 facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in consultation with a licensed veterinarian, 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 in consultation with a licensed

veterinarian, to constitute a danger to other animals or persons at the facility, 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~~ Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county ~~animal-Care-department~~ Department, with assurance from the owner that proper care and custody will be maintained.
- (f) Any animal surrendered to the ~~animal-shelter~~ Care Department or Animal Care facility may be adopted or euthanized at any time provided there is a completed and signed surrender ~~form~~ form on file for the animal concerned.
- (g) It shall be unlawful for any person to furnish false information on the animal surrender form.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION XI. 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~~ 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, and the cost of spaying or neutering the pet. No fertile pet shall be redeemed or adopted unless one of the criteria under the exceptions provisions in subsections 5-3(a)(1) - (3) 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) – (3) when the animal has been impounded a second time for any violations 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 \$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.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION XII 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 pet surrendered to the Animal Care Department or Animal Care facility 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 the cost of microchipping.~~

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION XIII. Sec. 5-16, is hereby re-titled and amended to read as follows:

Sec 5-16. Prohibited; exceptions

Sec. 5-16. Prohibited; exceptions.

(a) Except as provided in subsection 5-16(d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:

- (1) a. Nondomestic member of the family felidae;
- b. Wolf-dog hybrid containing any percentage of wolf;
- c. Badger, wolverine, weasel, skunk and mink;
- d. Raccoon;
- e. Bear;
- f. Nonhuman primate to include ape, monkey, baboon, macaque, lemur;
- g. Marmoset, tamarin and other species of the order primates;
- h. Bat;
- i. Alligator, crocodile and caiman;
- j. Scorpion;

- k. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;
- l. Venomous reptile; or
- m. Lizard over two feet which are members of the family varanidae.

(b) It shall be unlawful for any person to own, keep, harbor, act as custodian of, expose to public view or contact, exhibit either gratuitously or for a fee, any wild or feral animals identified in this subsection, or any animal of mixed domestication and feral lineage within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).

(c) Wild or feral animal means:

(1) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;

(2) Any non-domesticated member of the order Carnivora;

(3) The following animals which shall be deemed to be wild or feral animals per se:

- a. All nondomestic members of the family felidae;
- b. Wolves, wolf-dog hybrids containing any percentage of wolf, coyotes and foxes;
- c. Badgers, wolverines, weasels, skunks and mink;
- d. Raccoons;
- e. Bears;
- f. Nonhuman primates to include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins and other species of the order primates;
- g. Bats;
- h. Alligators, crocodiles and caimans;
- i. Scorpions;
- j. Any snakes or venomous reptile; or
- k. Lizards over two feet which are members of the family varanidae;

(d) The prohibition contained in subsections (a), (b) and (c) above, shall not apply to the keeping of wild or feral animals in the following circumstances:

(1) The keeping of wild or feral animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

(2) The keeping of wild or feral animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law.

(3) The keeping of wild or feral animals in a bona fide, licensed veterinary hospital for treatment.

(4) The keeping of wild or feral animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.

SECTION XIV. Sec. 5-17, is hereby re-titled and amended to read as follows:

Sec. 5-17. Interference with ~~animal-Animal care-Care~~officersOfficers.

It shall be unlawful for any person to interfere with, hinder, or molest an ~~animal-Animal care-Care officer-Officer~~ in the performance of his or her duty or seek to release any pet in his/her custody without his/her consent.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION XV. Sec. 5-18, is hereby re-titled and amended to read as follows:

Sec. 5-18. Complainant's identification to remain confidential.

The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential to the agency receiving the report unless the complainant authorizes the release of his or her identity.

(Ord. No. 066-04HR, § I, 10-28-04)

SECTION XVI. Sec. 5-19, is hereby added and adapted from the previous version to read as follows:

Sec. 5-19. Penalties.

(a) Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

(b) The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.

(Ord. No. 066-04HR, § I, 10-28-04)

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011.

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

Quit Claim of Unnamed Road (pages 56-65)

Reviews

Richland County Council Request of Action

Subject: Quit Claim of Unnamed Road As Shown on Plat X-9275 as 50' Road (Plat Attached)

A. Purpose

County Council is requested to approve an ordinance quit claiming a 50' road as shown on Plat X-9275.

B. Background / Discussion

On April 23, 1977 a plat was prepared for the Property of The Estate of Beverly Garrick. This property is located on St. Marks Road, being 1.2 miles South of Gadsden, SC.

The property was cut into three parcels plus a 50' road. This 50' road was to give access to the property in the back, being parcel 2. There are no houses on any of the three properties, and the road was never cut out, it was just shown on the plat mentioned above. Parcels 1 and 3 have road frontage on St Marks Road.

When the new GIS maps were created, this 50' road was included into the road system. (GIS map attached)

On August 17, One Stop Service Request #261729 was generated by Ms. Lucille Gaither, owner of parcel 1. (Service Request Attached) She was requesting the road shown on Plat X-9275 be cut out as shown on the GIS map. After doing some research, it was found that this road should not have been placed into the road system, as it was a private road, never deeded to Richland County and never was cleared as a road.

Ms Gaither, along with the owners of parcels 2 and 3 have requested the road be given back to them. It was explained that a Quit Claim would have to be prepared to make this happen. By county policy, when a quit claim is generated, the property is divided between the adjoining property owners. However, in this case, Ms. Gaither, owner of Parcel 3 and Kenneth W. Gaither, owner of Parcel 1 wish to have the entire road quit claimed to Ms. Bettye Gaither Byrd, owner of Parcel 2. This would give all three road frontage on St. Marks Road. Attached are letters from Ms. Lucille Gaither and Mr. Kenneth W. Gaither making their wishes known.

C. Financial Impact

There will no additional financial impact to Richland County. In fact this will be one less road that Richland County will have to maintain and the road will go back on the county tax rolls.

D. Alternatives

- 1. Approve the Quit Claim to Ms Bettye Gaither Byrd
- 2. Disapprove the Quit Claim. If option two is followed, in the future Richland County will have to make some decision as what to do with this road, either clear the road or quit claim it back to the adjoining property owner.

E. Recommendation

It is recommended that County Council approve this quit claim deed and turn this unnamed road over to Ms. Bettye Gaither Byrd.

Recommended By: David Hoops, Public Works Director

December 5, 2011

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 12/8/11

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: Sparty Hammett

Date: 12/14/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of the quit claim to Ms. Bettye Gaither Byrd.

[THE PURPOSE OF THIS QUITCLAIM DEED IS TO CONVEY AND RELEASE TO THE GRANTEE ANY INTEREST IN AN UNAMED ROAD AS SHOWN ON THE PLAT REFERENCED BELOW}

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 20____ by Richland County, (hereinafter "Grantor"), to Bettye Garrick Byrd (hereinafter "Grantee"). (Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

All that certain piece, parcel, lot of land in the County of Richland, State of South Carolina, approximately 1.2 miles from Gadsden, S. C. as shown on a plat prepared by Hugh F. Longshore, Jr., R. L. S. for Estate of Beverly Garrick, recorded in the Office of the R. M. C. for Richland County, in Plat Book X-9275 and shown as a 50' Road. Said road contains such metes and bounds as shown on said plat.

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

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

WITNESS my hands and seals this _____ day of _____ in the _____ year of our lord.

WITNESSES: GRANTOR

_____ By _____

(Witness #1)

Its: Paul Livingston
Chairman, Richland County Council

(Witness #2/Notary)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

**PROBATE
(Grantor)**

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

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

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

Signature of Witness #1

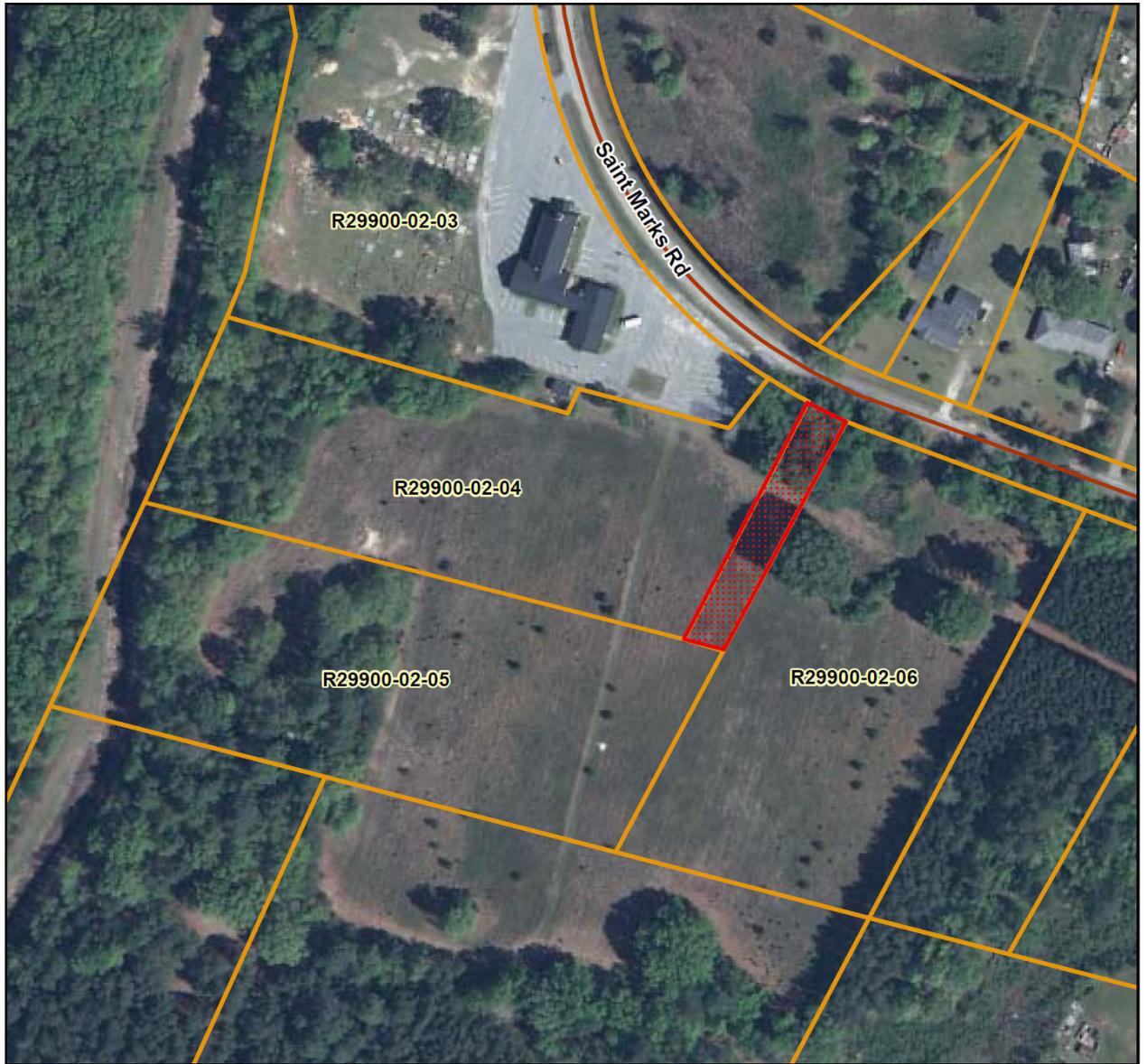
Sworn to before me this _____

day of _____, 20__

Notary Public for South Carolina

MCE _____

Quit Claim: Unnamed Right of Way off of St Marks Rd Property to be joined to TMS R29900-02-05



Legend

-  Roads
-  Parcels
-  Property - quit claim



DISCLAIMER: This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local government agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a licensing agreement.

COPYRIGHT © 2011
Richland County Public Works
400 Powell Rd.
Columbia, SC 29203



October 4, 2011
1900 Pennsylvania Ave.
Columbia, SC 29204

Randy Byrd
Right-O-Way Agent
Department of Public Works
400 Powell Road
Columbia, SC 29203

Re: Track of land between TMC R29900-02-06 and R29900-02-04

Since Richland County Public Works will not build the road and has decided to Quit Claim the 50 foot track of land designated for a road on Plat Book "X", page 9275, I Lucille Garrick Gaither grant any portion of this track due to me to be Quit Claimed to Bettye Garrick Byrd (owner of TMC R29900-02-05).

Sincerely,



Lucille Garrick Gaither

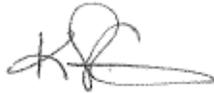
October 4, 2011
1900 Pennsylvania Ave.
Columbia, SC 29204

Randy Byrd
Right-Of-Way Agent
Department of Public Works
400 Powell Road
Columbia, SC 29203

Re: Track of land between TMC R29900-02-06 and R29900-02-04

Since Richland County Public Works will not build the road and has decided to Quit Claim the 50 foot track of land designated for a road on Plat Book "X", page 9275, I Kenneth W. Garrick grant any portion of this track due to me to be Quit Claimed to Bettye Garrick Byrd (owner of TMC R29900-02-05).

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Garrick', with a long horizontal flourish extending to the right.

Kenneth W. Garrick

Service Request Summary

Service Request Number	Assigned Department	Assign To	Status	Date Reported	Due Date	Description
261729	Roads and Drainage	Randy Byrd	Closed	8/17/2011 2:23:42PM	09/14/2011	RD General Concern/Request

Gadsden, SC 29052

Service Request Location: Saint Marks Rd

Proximity:

Caller's Name(s): Lucille Gaither
 9220 Bradford Forest Drive
 DayTime: (973)951-0266
 Evening:
 Alternate: (704)454-5121
 EMail:

Description/Comments: *****Entered: 8/17/2011 2:25:10PM** By: CumminghamK***

Ms. Gaither indicated she owns the property at tms#29900-02-04 and her brother's son owns the property at 29900-02-06. She stated there is a strip of land between the two properties which allows access to her sister's property at 29900-02-05. Ms. Gaither indicated the strip of land was a road (without a name) and has grown up and they are requesting assistance having it cut to have access to her sister's property. She stated the road in question was cut by the County. 73FD4

*****Entered: 8/17/2011 3:09:54PM** By: blizzarda***

Assigned to Mr. Byrd to determine maintenance responsibility.

*****Entered: 8/24/2011 9:14:39AM** By: MYERSA***

Ms. Gaither called to check on the status of her concern. She was reminded of the 10 to 20 working day response time and informed of the comments in the database.

*****Entered: 8/26/2011 2:53:18PM** By: BYRDR***

I went to this site at approximately 12:00 this date. As so happened, Ms. Gaither and her sister were at the site. The service request states that "the road in question was cut by the county". This is incorrect as the road was never cut as evidenced by large trees where the road is suppose to be. I told Ms. Gaither that the county could not cut this road for them as they would have to get a private contractor to do this work. She understood and thanked me. No county action.

Citizen Comments:

Richland County Council Request of Action

Subject

Richland County Shady Wood Lane Improvements Contract (pages 67-71)

Reviews

Richland County Council Request of Action

Subject: Richland County Shady Wood Lane Improvements Contract RC-501-CN-1011

A. Purpose

County Council is requested to approve the award of the Shady Wood Lane Improvements contract to Cherokee, Inc. for the paving and storm drainage improvements of Shady Wood Lane leading into the Richland County Utilities Waste Water Treatment Plant. Shady Wood Lane is an existing County owned dirt road.

B. Background / Discussion

Shady Wood Lane is a County owned and maintained dirt road. It is approximately 2,000 linear feet long and leads into the newly constructed Richland County Utilities Broad River Road Waste Water Treatment Plant (WWTP). There are five (5) residential properties that have primary access to their residence from Shady Wood Lane and twenty (20) residential lots, that back up to Shady Wood Lane. Along with the paving of Shady Wood Lane, valley gutters and a closed storm drain system with water quality and quantity features to meet SCDHEC requirements will be constructed to route the stormwater down to the end of the road at the entrance of the WWTP. Engineering Services for the Shady Wood Lane project were awarded to Genesis Consulting Group for \$36,503. The engineering services consisted of design, permitting and construction inspections. The construction project was advertised and bid on March 1, 2011. The Engineers estimate for this project was \$364,326. At this time, Cherokee, Inc. was determined to be the lowest, responsible, responsive bidder for the project with a bid of \$319,862.80. Listed below are the bid amounts from all bidders:

- Cherokee, Inc. - \$319,862.80
- McClam and Assoc. – \$337,364.95
- Walter Hunter Const. – \$365,304.00
- LAD Corp. - \$383,294.50
- C.R. Jackson, Inc. - \$411,380.00
- Sloan Construction Co. - \$414,164.40
- Plowden Const. Co - \$428,732.00
- Boggs Paving, Inc. - \$461,274.00
- Richardson Const. Co. - \$635,032.00

The ROA for the award of this contract was forwarded to Council for approval on March 2, 2011, with funding coming from Roads and Drainage's budget, but was never acted upon.

Richland County Public Works and County Council discussed paving this road since CTC funding for conventional paving in District 1 has become available. Public Works contacted the contractor to see if he would still honor his bid prices and contacted the CTC to inquire about reallocating funding from the District 1 Pin number to this project. The contractor has agreed to hold all of his bid prices. The Asphalt prices are tied to the Asphalt index and would be adjusted depending on when the project was actually paved. As of now the increase in asphalt is approximately \$8,134.50. The CTC has agreed to fund the project with the money allocated

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend that Council award this contract to Cherokee, Inc. in the amount of \$360,797.00 for the Shady Wood Lane Improvements.

Stacy Culbreath

From: JAMES BROWN
Sent: Thursday, December 01, 2011 4:09 PM
To: Stacy Culbreath
Cc: DONALD CHAMBLEE; David Hoops; DAVID CABLE; 'Barker, Julie P.'; KIM LITTLE
Subject: RE: Shady Wood Lane - CTC

Stacy, your request is granted.

Richland County Public Works have permission to move forward to pave Shady Wood Lane from River Bottom Road to the entrance of the new Wastewater Treatment plant, utilizing portion of funding from the reallocated, now defunct Sease Road Project, which was reverted back to Richland County Council District 1 "C" Funds paving, already established, under pin # 36712. This is in accordance and understanding, with the increased amount of \$8,134.50 and the 10% contingency for a total of \$327,997.30, based on the bid acceptance.

Keep me inform as you proceed along with this request and on the balance of the available funding under pin # 36712.

James C. Brown
Chairman, Richland County Transportation Committee
1701 Main Street, P.O. Box 192
Columbia, SC, 29202
(803) 576-1906

From: Stacy Culbreath
Sent: Thursday, December 01, 2011 11:14 AM
To: JAMES BROWN
Cc: DONALD CHAMBLEE; David Hoops; DAVID CABLE
Subject: Shady Wood Lane - CTC

Mr. Brown, as per our conversation today, I am sending you an email about Shady Wood Lane Paving. Below is a brief history and our request.

Public Works decided to pave Shady Wood Lane from River Bottom Road to the entrance of the new Wastewater Treatment Plant. This road is in District 1 of Richland County. We bid this project on March 1, 2011 and Cherokee, Inc won the bid with a bid of \$319,862.80. At this time, County Council decided not to proceed with this project. Also, at this time, County Council decided not to proceed with the Sease Road paving Project as set up with Pin# 36712 (\$665,755.93). This Pin # was renamed to District 1 Paving. Recently, County Council has decided to proceed with the paving of Shady Wood lane and contacted the original bidder. Cherokee, Inc is holding all of the bid prices except for the asphalt and asked for an increase of \$8,134.50 for the new price of asphalt. This brings the total bid to \$327,997.30.

Richland County would like to proceed with the contract and is asking that we use a portion of the funds in Pin#36712 (District 1 Paving). We would set the contract up with a 10% contingency for a total contract amount of \$360,797.00. This would leave \$304,958.93 remaining in Pin #36712 to be used for the paving of other dirt roads in District 1.

If you could send us something in writing letting us know that this is acceptable, we will prepare the necessary documentation for Council's approval.

Thanks.

Stacy

12/2/2011

J. Stacy Culbreath, P.E.; LEED AP
Assistant County Engineer
Richland County Public Works
400 Powell Road
Columbia, SC 29203
(p) 803-576-2409
(f) 803-576-2499
culbreaths@rcgov.us

12/2/2011

Richland County Council Request of Action

Subject

Medical and Health Care Offices in the RU rural zoning district (pages 73-85)

Reviews

Richland County Council Request of Action

Subject: Medical and Health Care Offices in the RU Rural Zoning District

A. Purpose

To amend the Land Development Code to allow Medical and Health Care Offices in the RU Rural zoning district with special requirements.

B. Background / Discussion

On September 6, 2011, with unanimous consent, a motion was made by the Honorable Councilman Bill Malinowski:

“To have staff determine the legalities of an ordinance change that would allow for public/private business partnerships to be operated on school property, specifically in the sports medicine field, and create the necessary wording”

Upon further clarification from Mr. Malinowski, staff has prepared a draft ordinance that would allow Medical and Health Care Offices to locate in the RU Rural zoning district with special requirements.

The draft ordinance is attached.

C. Financial Impact

None.

D. Alternatives

1. Approve the ordinance as drafted, and send it to the Planning Commission for their recommendation.
2. Approve an amended ordinance, and send it to the Planning Commission for their recommendation.
3. Do not approve the request.

E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Bill Malinowski

Date: 9/20/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 12/5/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Planning

Reviewed by: Amelia R. Linder

Date: 12/6/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: All of the alternatives presented are legally acceptable.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett

Date: 12/14/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: As Ms. Linder indicated, the ordinance is legally acceptable. Consideration could also be given to allowing Medical and Health Care offices in the Rural Zoning District in locations other than school campuses.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “BUSINESS, PROFESSIONAL AND PERSONAL SERVICES” OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SO AS TO PERMIT MEDICAL AND HEALTH CARE OFFICES IN THE RU RURAL DISTRICT WITH SPECIAL REQUIREMENTS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Business, Professional and Personal Services” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
<u>Business, Professional and Personal Services</u>																	
Accounting, Tax Preparation, Bookkeeping, and Payroll Services											P	P	P	P	P	P	
Advertising, Public Relations, and Related Agencies											P	P	P	P			
Automatic Teller Machines											P	P	P	P	P	P	P
Automobile Parking (Commercial)											P	P	P	P	P	P	P
Automobile Rental or Leasing																	
Automobile Towing, Not Including Storage													P	P	P	P	P
Automobile Towing, Including Storage Services															P	P	P
Banks, Finance, and Insurance Offices											P	SR	SR	P	P	P	
Barber Shops, Beauty Salons, and Related Services		SR							SR	SR	P	P	P	P	P	P	
Bed and Breakfast Homes/Inns		SR	SR						SR	SR	SR	SR	SR	SR			
Body Piercing Facilities														SR			
Building Maintenance Services, Not Otherwise Listed														P	P	P	P
Car and Light Truck Washes (See also Truck Washes)													SR	P	P	P	P
Carpet and Upholstery Cleaning Services														P	P	P	P
Computer Systems Design and Related Services											P	P	P	P	P	P	P
Clothing Alterations/Repairs; Footwear Repairs											P	P	P	P	P		
Construction, Building, General Contracting, with Outside Storage															SR	SR	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Construction, Building, General Contracting, without Outside Storage											P	P	P	P	P	P	P
Construction, Heavy, with Outside Storage															SR	SR	P
Construction, Heavy, without Outside Storage															P	P	P
Construction, Special Trades, with Outside Storage															SR	SR	P
Construction, Special Trades, without Outside Storage											P	P	P	P	P	P	P
Employment Services											P	P	P	P	P	P	
Engineering, Architectural, and Related Services											P	P	P	P	P	P	
Exterminating and Pest Control Services													P	P	P	P	
Funeral Homes and Services											P	P	P	P	P	P	
Furniture Repair Shops and Upholstery													P	P	P	P	P
Hotels and Motels													P	P	P	P	
Janitorial Services													P	P	P	P	P
Kennels		SR									SR		SR	SR	SR	SR	
Landscape and Horticultural Services		P												P	P	P	
Laundromats, Coin Operated												P	P	P	P	P	
Laundry and Dry Cleaning Services, Non-Coin Operated											P	P	P	P	P	P	P
Legal Services (Law Offices, Etc.)											P	P	P	P	P	P	
Linen and Uniform Supply														P	P	P	P
Locksmith Shops												P	P	P	P	P	
Management, Scientific, and Technical Consulting Services											P	P	P	P	P	P	P
Massage Therapists											P	P	P	P	P	P	
Medical/Health Care Offices		SR									P	P	P	P	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Medical, Dental, or Related Laboratories											P	P	P	P	P	P	
Motion Picture Production/Sound Recording														P	P	P	
Office Administrative and Support Services, Not Otherwise Listed											P	P	P	P	P	P	
Packaging and Labeling Services											P	P	P	P	P	P	P
Pet Care Services (Excluding Veterinary Offices and Kennels)											P	SR	SR	P	P	P	
Photocopying and Duplicating Services											P	P	P	P	P	P	P
Photofinishing Laboratories											P	P	P	P	P	P	
Photography Studios											P	P	P	P	P	P	
Picture Framing Shops											P	P	P	P	P	P	
Professional, Scientific, and Technical Services, Not Otherwise Listed											P	P	P	P	P	P	
Publishing Industries														P	P	P	P
Real Estate and Leasing Offices											P	P	P	P	P	P	
Recreational Vehicle Parks and Recreation Camps		SR															
Rental Centers, with Outside Storage														SR	P	P	P
Rental Centers, without Outside Storage													P	P	P	P	P
Repair and Maintenance Services, Appliance and Electronics													SR	SR	SR	SR	P
Repair and Maintenance Services, Automobile, Major															P	P	P
Repair and Maintenance Services, Automobile, Minor													P	P	P	P	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large															P		P
Repair and Maintenance Services, Boat and Commercial Trucks, Small															P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Repair and Maintenance Services, Commercial and Industrial Equipment															P	P	P
Repair and Maintenance Services, Home and Garden Equipment														P	P	P	
Repair and Maintenance Services, Personal and Household Goods												P	P	P	P	P	
Repair and Maintenance Services, Television, Radio, or Other Consumer Electronics												P	P	P	P	P	
Research and Development Services											SR			P	P	P	P
Security and Related Services														P	P	P	
Septic Tank Services													P		P		P
Tanning Salons													P	P	P		
Tattoo Facilities														P			
Taxidermists													P	P	P	P	
Theaters, Live Performances														P	P		
Theaters, Motion Picture, Other Than Drive-Ins												SE	P	P	P	P	
Theaters, Motion Picture, Drive-Ins													SE	SE	P	SE	
Tire Recapping															P		P
Travel Agencies (without Tour Buses or Other Vehicles)											P	P	P	P	P		
Traveler Accommodations, Not Otherwise Listed													P	P	P		
Truck (Medium and Heavy) Washes														P	P	P	P
Vending Machine Operators															P	P	P
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)											SR	SR	P	P	P	P	
Watch and Jewelry Repair Shops											P	P	P	P	P		

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-I	LI	HI
Weight Reducing Centers											P	P	P	P	P		

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; is hereby amended to read as follows:

- (1) Accessory Dwellings - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, M-1)
- (2) Amusement or Water Parks, Fairgrounds - (GC, M-1, LI)
- (3) Animal Shelters - (GC, M-1, LI)
- (4) Antennas - (All Districts)
- (5) Athletic Fields - (TROS, NC, RC)
- (6) Banks, Finance, and Insurance Offices – (NC, RC)
- (7) Barber Shops, Beauty Salons, and Related Services - (RU, RM-MD, RM-HD)
- (8) Bars and other Drinking Places - (RC, GC, M-1, LI)
- (9) Batting Cages - (GC, M-1, LI)
- (10) Bed and Breakfast Homes/Inns - (RU, RR, RM-MD, RM-HD, OI, NC, RC, GC)
- (11) Beer/Wine/Distilled Alcoholic Beverages – (GC)
- (12) Body Piercing Facilities – (GC)
- (13) Buildings, High-Rise, Four (4) or Five (5) Stories – (RM-HD, OI, GC)
- (14) Bus Shelters/Bus Benches - (All Districts)
- (15) Car and Light Truck Washes- (RC)
- (16) Cemeteries and Mausoleums - (RU, OI, NC, RC, GC, M-1, LI, HI)
- (17) Continued Care Retirement Communities - (RM-MD, RM-HD, OI, RC, GC)
- (18) Construction, Building, General Contracting, with Outside Storage - (M-1, LI)
- (19) Construction, Building, Heavy, with Outside Storage - (M-1, LI)
- (20) Construction, Special Trades, with Outside Storage - (M-1, LI)

- (21) Country Clubs with Golf Courses - (TROS, RU, GC, M-1, LI)
- (22) Day Care, Adult, Home Occupation (5 or fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (23) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)
- (24) Day Care, Child, Family Day Care, Home Occupation (5 or fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, GC)
- (25) Day Care Centers, Child, Licensed Centers - (RU, OI, NC, RC, GC, M-1)
- (26) Drugs and Druggists' Sundries – (GC)
- (27) Durable Goods, Not Otherwise Listed – (GC)
- (28) Dwellings, Manufactured Homes on Individual Lots - (RU, MH)
- (29) Dwellings, Manufactured Homes on Individual Lots - (RR, RS-E)
- (30) Dwellings, Single Family, Zero Lot Line, Common and Parallel - (Common: RM-MD, RM-HD, OI, GC, M-1; Parallel: RS-E, RS-LD, RS-MD, RS-HD, RM-MD, RM-HD, OI, M-1)
- (31) Electrical Goods – (GC)
- (32) Fuel Oil Sales (Non-Automotive) - (M-1, HI)
- (33) Furniture and Home Furnishings – (GC)
- (34) Golf Courses - (TROS, GC, M-1, LI)
- (35) Golf Driving Ranges (Freestanding) - (TROS, RC, GC, M-1, LI)
- (36) Go-Cart, Motorcycle, and Similar Small Vehicle Tracks - (GC)
- (37) Group Homes (9 or Less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (38) Home Occupations - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (39) Kennels - (RU, OI, RC, GC, M-1, LI)
- (40) Libraries – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)

- (41) Lumber and Other Construction Materials – (GC)
- (42) Machinery, Equipment and Supplies – (GC)
- (43) Manufactured Home Sales – (GC, M-1)
- (44) Manufactured Home Parks – (MH, M-1)
- (45) Market Showrooms - (GC)
- (46) Medial/Health Care Offices – (RU)
- (4647) Motor Vehicles, New Parts and Supplies – (GC)
- (4748) Motor Vehicles, Tires and Tubes – (GC)
- (4849) Nondurable Goods, Not Otherwise Listed – (GC)
- (4950) Paints and Varnishes – (GC)
- (5051) Pet Care Services – (NC, RC)
- (5152) Petroleum and Coal Products Manufacturing - (HI)
- (5253) Petroleum and Petroleum Products - (M-1, HI)
- (5354) Places of Worship – (RU, RR, RM-MD, RM-HD, RC)
- (5455) Plumbing and Heating Equipment and Supplies – (GC)
- (5556) Poultry Farms – (RU)
- (5657) Produce Stands – (RU)
- (5758) Public or Private Parks- (All Districts)
- (5859) Public Recreation Facilities- (All Districts)
- (5960) Radio, Television, and Other Similar Transmitting Towers – (M-1)
- (6061) Recreational Vehicle Parks and Recreation Camps – (RU)
- (6162) Rental Centers, With Outside Storage – (GC)
- (6263) Repair and Maintenance Service, Appliance and Electronics - (RC, GC, M-1, LI)

- (~~63~~64) Research and Development Services – (OI)
- (~~64~~65) Schools, Including Public and Private Schools, Having a Curriculum Similar to Those Given in Public Schools - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (~~65~~66) Sexually Oriented Businesses - (GC, HI)
- (~~66~~67) Sporting Firearms and Ammunition – (GC)
- (~~67~~68) Swim and Tennis Clubs – (TROS)
- (~~68~~69) Swimming Pools - (TROS, RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~69~~70) Tobacco and Tobacco Products – (GC)
- (~~70~~71) Utility Substations - (All Districts)
- (~~71~~72) Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services) - (OI, NC)
- (~~72~~73) Warehouses (General Storage, Enclosed, Not Including Storage of Any Hazardous Materials or Waste as Determined by Any Agency of the Federal, State, or Local Government) - (OI, NC, RC, GC)
- (~~73~~74) Warehouses (Self Storage) - (RC, GC, M-1, LI)
- (~~74~~75) Yard Sales - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)
- (~~75~~76) Zoos and Botanical Gardens – (GC, M-1)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (46) is hereby amended so as to add “Medical/Health Care Offices”, and the appropriate renumbering of all subsequent Paragraphs, beginning with Paragraph (47) as “Motor Vehicles, New Parts and Supplies”:

- (46) ~~Motor Vehicles, New Parts and Supplies.~~ Medical/Health Care Offices.
 - a. Use districts: Rural.
 - b. The medical/health care office must be located on the campus of a public school, or a private school having a curriculum similar to those given in public schools.

- c. The medical/health care office shall only be open for business Monday through Friday, and between the hours of 7:00 a.m. and 6:00 p.m...
- d. All other federal, state, and local laws shall be met.

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2012.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY
OF _____, 2012

Michelle M. Onley
Assistant Clerk of Council

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

Items Pending Analysis

Subject

- a. Curfew for Community Safety (Manning-February 2010)
- b. Farmers Market Update (Council-May 2010)
- c. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
- d. Review Homeowner Association covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
- e. 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 the use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-April 2010)
- f. That Richland County enact a Tree Canopy ordinance and inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
- g. Off-ramp Lighting (Rose-February 2011)
- h. In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent with the City of Columbia) banning texting while operating a motor vehicle (Rose-April 2011)
- i. Direct staff to coordinate with SCDHEC and SCDOT a review of traffic light signal timing improvements 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 that facility (Malinowski-April 2010)
- j. Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place (Malinowski-September 2011)
- k. Review the process of the Development Review Team (Jackson-October 2011)

Reviews