



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

**JANUARY 24, 2012
5:00 PM**

**2020 Hampton Street, Columbia, SC
Council Chambers**

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Session: December 20, 2011 (pages 5-7)

ADOPTION OF AGENDA

ITEMS FOR ACTION

2. Amending Section 26-22 regarding the definition of "Accessory Use Structure (Building)" (pages 9-13)
3. FEMA Flood Mitigation Assistance Grant-Richland County All Hazard Plan (pages 15-16)

4. Purchase of One Tandem Axle Dump Truck (pages 18-19)
5. Removing the Separation Requirement for Bars and Other Drinking Places (pages 21-25)
6. Rezoning a portion of TMS numbers 09309-03-07/08/09/10 from General Commercial to Residential, Multi-Family, Medium Density (pages 27-32)
7. Sunnyside Drainage Ditch Capital Improvement Project Right-of-Way Purchase and Transfer (pages 34-36)
8. Town of Eastover Animal Care Intergovernmental Agreement (pages 38-43)

ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

9.
 - 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: December 20, 2011 (pages 5-7)

Reviews

MINUTES OF



**RICHLAND COUNTY COUNCIL
DEVELOPMENT AND SERVICES COMMITTEE
TUESDAY, DECEMBER 20, 2011
5:00 P.M.**

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

=====

MEMBERS PRESENT

- Chair: Valerie Hutchinson
- Member: Joyce Dickerson
- Member: Norman Jackson
- Member: Bill Malinowski

- Absent: Kelvin E. Washington, Sr.

ALSO PRESENT: Paul Livingston, L. Gregory Pearce, Jr., Damon Jeter, Jim Manning, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, John Hixson, Sandra Haynes, David Hoops, Hayden Davis, Amelia Linder, Geo Price, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 5:02 p.m.

APPROVAL OF MINUTES

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

ADOPTION OF AGENDA

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

ITEMS FOR ACTION

Achieve SC Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste – Mr. Malinowski moved, seconded by Mr. Jackson, to forward this item to Council with a recommendation to take no action on zero waste until all haulers contracts have been renewed and that staff be directed to maintain current program direction and activities. The vote in favor was unanimous.

Calculation of Salary for Retirement Purposes – Mr. Jackson moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to table. The vote in favor was unanimous.

Transfer of CMRTA to City of Columbia – Ms. Dickerson moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation that Council 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 and to also recommend staff to research the financial impact of what it would cost the County to dissolve the CMRTA as it is currently known and transfer ownership to the City of Columbia. The vote in favor was unanimous.

Valhalla Micro Surfacing Project – Mr. Malinowski moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation that Council approve the anticipated change order for Roadway Management Inc. for the Valhalla Microsurface project not to exceed \$86,000. The vote in favor was unanimous.

Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the “Building Code Board of Adjustments” – Mr. Malinowski moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to approve the ordinance as presented. The vote in favor was unanimous.

City of Forest Acres Animal Care Intergovernmental Agreement – Mr. Malinowski moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to approve the IGA with the City of Forest Acres regarding animal care and set a goal of January 30, 2012 for having an IGA with the Town of Eastover regarding animal care. The vote in favor was unanimous.

Animal Care Ordinance Revisions – Mr. Malinowski moved, seconded by Mr. Jackson, to forward this item to Council with a recommendation to approve the ordinance

revisions (highlighted in yellow) related to Animal Care for consistency, improved enforcement efforts, and other related matters and the remaining revisions are policy decisions of Council. The vote was in favor.

Quit Claim of Unnamed Road – Mr. Malinowski moved, seconded by Mr. Jackson, to forward this item to Council with a recommendation to approve the quit claim deed turning the unnamed road over to Ms. Bettye Gaither Byrd. The vote in favor was unanimous.

Richland County Shady Wood Lane Improvements Contract – Mr. Malinowski moved, seconded by Mr. Jackson, to forward this item to Council with a recommendation to award the contract to Cherokee, Inc. in the amount of \$360,797.00, which includes a 10% contingency, for the Shady Wood Lane Improvements. The vote in favor was unanimous.

Medical and Health Care Offices in the RU rural zoning district – Mr. Malinowski moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to approve the ordinance as drafted, and send it to the Planning Commission for their recommendation. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:40 p.m.

Submitted by,
Valerie Hutchinson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Amending Section 26-22 regarding the definition of "Accessory Use Structure (Building)" (pages 9-13)

Reviews

Richland County Council Request of Action

Subject: Amending Section 26-22 regarding the definition of “Accessory Use/Structure (Building)”

A. Purpose

To amend the Land Development Code, Sections 26-22, to redefine the term “Accessory Use/Structure (Building)”

B. Background / Discussion

On December 6, 2011, with unanimous consent, a motion was made by the Honorable Councilman Norman Jackson:

“Clarify accessory structure intent Section 26-22 of the Land Development Code”

Staff has prepared a draft ordinance that would amend the definition of “Accessory Use/Structure (Building)”.

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 Norman Jackson

Date: 12/6/11

F. Approvals

Finance

Reviewed by: Daniel Driggers

Date: 1/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Item# 2

Attachment number 1
Page 1 of 5

Planning

Reviewed by: Amelia R. Linder

Date: 1/12/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Richland County’s current definition reads as follows:

“Accessory use/structure (building). A structure or use that is clearly incidental to and customarily found in connection with a principal building or use, is subordinate to and serves that principal building or use, and is subordinate in area, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is located.”

In my opinion, this is an accurate and reasonable definition of an accessory use/structure, and is consistent with how other jurisdictions define the term.

For example, FEMA defines “accessory structures” by stating:

“Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.”

Greenville County’s definition is as follows:

“Accessory Building. An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.”

Charleston County defines the term “Accessory” as:

“A use, structure, or part of a structure customarily incidental and subordinate to the principle use of a zoning lot or of a structure. An accessory use is located on the same zoning lot as the principal use, except in the cases of off-street parking, temporary manufactured housing parks, temporary real estate sales office and temporary construction facilities.”

Planning

Reviewed by: Geonard Price

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

I concur with Amelia Linder. The current definition is reasonable and allows for the practical enforcement of the provisions of the LDC.

Changes to the current definition would essentially establish accessory structures as stand alone permitted uses.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The ROA as written is ambiguous as to what words or phrases within the current ordinance need to be clarified or redefined.

Therefore, the Legal is not in a position to make a recommendation.

Administration

Reviewed by: Sparty Hammett

Date: 1/20/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

I concur with Mr. Price and Ms. Linder. The current definition is reasonable and allows for the practical enforcement of the provisions of the LDC.

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 II, RULES OF CONSTRUCTION/DEFINITIONS; SECTION 26-22, DEFINITIONS; THE TERM “ACCESSORY USE/STRUCTURE (BUILDING).

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 II, Rules of Construction/Definitions; Section 26-22, Definitions; the term “Accessory Use/Structure (Buildings)” is hereby amended to read as follows:

Accessory use/structure (building). A structure or use that is clearly incidental or potentially incidental to and customarily found in connection with a principal building or use, is subordinate to and serves that principal building or use or could be potentially subordinate to and serve a principal building or use, and is subordinate in area, extent and purpose or could be potentially subordinate in area, extent and purpose to the principal building or principal use served. An accessory structure must be on the lot on which the principal use is or could be located.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE _____ DAY

OF _____, 2012

Michelle M. Onley
Clerk of Council

Item# 2

Attachment number 1
Page 4 of 5

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

FEMA Flood Mitigation Assistance Grant-Richland County All Hazard Plan (pages 15-16)

Reviews

Richland County Council Request of Action

Subject: FEMA Flood Mitigation Assistance Grant – Richland County All Hazard Plan

A. Purpose

County Council is requested approve a FEMA grant in the amount of \$47,501 and a cash match of \$7,920 for the Public Works Department.

B. Background / Discussion

The grant was awarded to update the flood portion of the existing local multi-hazard plan developed by the Central Midlands Council of Governments. The grant efforts will include flood risk assessment as well as identifying potential solutions to flooding within the Gills Creek watershed.

This grant was originally submitted to FEMA in 2009 and misfiled for the 2010 submittal year. It was re-submitted in the 2011 grant cycle by FEMA and has been awarded.

The grant effort is important because the identification of flood risks and potential solutions provide a strong framework for prioritizing and planning improvement efforts for the County and the Gills Creek Watershed Association. Once flood risk areas and solutions have been identified additional grants can be pursued and awarded for improvements in flood prone areas.

C. Financial Impact

The information generated will be used to plan and improve projects in the Gills Creek Watershed. The required cash match amount will come from current stormwater management funds (Account # 3022-5265). The In-kind Match will come from overall administration and the project management (Flood Coordinator) for the grant.

<u>Grant</u>	<u>Grant Funds</u>	<u>Cash Match</u>	<u>In-kind Match</u>	<u>Total Match</u>	<u>Total</u>
FEMA	\$47,501	\$7,919	\$7,920	\$15,839	\$63,340

There will be no direct financial impact once the grant is completed.

D. Alternatives

1. Approve the FEMA grant award.
2. Do not approve the grant and match.

E. Recommendation

Approve the FEMA grant award.

Recommended by: David Hoops Department: Public Works Date: 12/6/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 1/10/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Grants

Reviewed by: Sara Salley

Date: 1/11/12

✓ 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: 1/11/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend that Council approve the FEMA grant award.

Richland County Council Request of Action

Subject

Purchase of One Tandem Axle Dump Truck (pages 18-19)

Reviews

Richland County Council Request of Action

Subject: Purchase of One (1) Tandem Axle Dump Truck

A. Purpose

County Council is requested to approve a purchase in the amount of \$104,592.00 for the purchase of one (1) new 2012 International 7500 SBA 6x4 Tandem Axle Dump Truck from Carolina International Trucks. The Tandem Dump Truck will be purchased from the Roads and Drainage division of the Department of Public Works, with funds available in the FY12 budget. The budget account is 1216302000.5313.

B. Background / Discussion

This equipment is to be purchased from Carolina International Trucks through the State Contract. It is replacing AM003, a 2002 Freightliner model with more than 150,000 miles that suffered extensive damage in a rollover accident.

This truck is EPA Tier Three compliant. It meets the latest EPA emission standards for reducing nitrous oxide and particulate emissions and offers significant improvement over the older equipment. This also complies with the latest County Directive on Air Quality Policies. The engine/drive train system configuration was specified to provide more reliable and fuel efficient service throughout the life cycle of the equipment.

C. Financial Impact

The financial impact to the County will be the purchase cost of the vehicle available in the current budget of the Roads and Drainage Division of the Department of Public Works. The total cost of the truck is \$104,592.00.

2012 International 7500 Tandem Dump Truck	\$104,292.00
South Carolina Sales Tax	\$ 300.00
Total Cost	\$104,592.00

D. Alternatives

There are two alternatives available:

1. Approve the request to purchase the tandem axle dump truck for the Roads and Drainage Division of the Department of Public Works
2. Do not approve the request to purchase the tandem axle dump truck for the Roads and Drainage Division of the Department of Public Works.

D. Recommendation

"It is recommended that Council approve the request to purchase the International 7500 SBA 6X4 Tandem Axle Dump Truck from Carolina International Truck."

Recommended by: **David Hoops, PE** Department: **Public Works** Date: **11/29/11**

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 1/18/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 1/19/12

✓ 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: 1/19/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to purchase the tandem axle dump truck for the Roads and Drainage Division of the Department of Public Works.

Richland County Council Request of Action

Subject

Removing the Separation Requirement for Bars and Other Drinking Places (pages 21-25)

Reviews

Richland County Council Request of Action

Subject: Removing the Separation Requirement for Bars and Other Drinking Places

A. Purpose

To amend the Land Development Code, Sections 26-151 and 26-152, to remove the 400' separation requirement between bars and other drinking places.

B. Background / Discussion

On December 6, 2011, with unanimous consent, a motion was made by the Honorable Councilman Norman Jackson:

“Remove the 400ft separation between bars to have a more safe and friendly effective pedestrian environment.”

Staff has prepared a draft ordinance that would amend the Land Development Code, Sections 26-151 and 26-152, to remove the 400' separation requirement between bars and other drinking places.

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 Norman Jackson

Date: 12/6/11

F. Approvals

Finance

Reviewed by: Daniel Driggers

Date: 1/3/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Based on ROA, this is a policy decision for Council discretion with no financial impact.

Planning

Reviewed by: Amelia R. Linder

Date: 1-4-12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: All of the alternatives are legally acceptable, therefore this is a policy decision for Council.

Planning

Reviewed by: Geonard Price

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

The justification for the existing separation requirement between these types of businesses has not been established. The current ordinance, which requires a four hundred foot setback between the lot lines of existing bars and drinking places (which includes bars, lounges, nightclubs, jazz clubs, and taverns), effectively reduces the number of viable locations for this type of use in the unincorporated areas of Richland County.

However, by increasing the number of viable locations for all of the uses identified under the use type “bars and other drinking places”, it could lead to the grouping of nightclubs and bars in areas undergoing economic transition (see Decker Blvd.). This could hinder the future development of these areas by creating apprehension by future businesses.

A true bar (i.e., sports bar) doesn’t seem to pose many issues for an adjacent neighborhood, but a nightclub or lounge typically carries a negative connotation which has been supported the RCSD.

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: 1/19/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: As indicated in Mr. Price’s comments, if the separation requirement was eliminated, true bars do not typically create problems for adjacent neighborhoods; however, nightclubs or lounges can often create concerns.

Clusters of nightclubs and bars could also impact economic development in areas such as Decker Boulevard.

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 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; PARAGRAPH (8), BARS AND OTHER DRINKING PLACES; AND SECTION 26-152, SPECIAL EXCEPTIONS; SUBSECTION (D), STANDARDS; PARAGRAPH (2), BARS AND OTHER DRINKING PLACES; SO AS TO REMOVE THE DISTANCE REQUIREMENT BETWEEN TWO OR MORE BARS.

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 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (8), Bars and Other Drinking Places; is hereby amended to read as follows:

- (8) *Bars and other drinking places.*
- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
 - b. Lots used for drinking places shall be located no closer than ~~four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than~~ six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
 - c. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
 - d. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
 - e. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (2), Bars and Other Drinking Places; is hereby amended to read as follows:

- (2) *Bars and other drinking places.*

- a. Use districts: Office Institutional; Neighborhood Commercial.
- b. Lots used for bars or drinking places shall be located no closer than ~~four hundred (400) feet from any other lot used as a bar or drinking place, and shall be no closer than~~ six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
- c. A minimum six (6) foot high opaque fence or wall shall be erected adjacent to the property line of any abutting residences.
- d. Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property lines of any abutting residences.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE ____ DAY
OF _____, 2012

Michelle M. Onley
Assistant Clerk of Council

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

Richland County Council Request of Action

Subject

Rezoning a portion of TMS numbers 09309-03-07/08/09/10 from General Commercial to Residential, Multi-Family, Medium Density (pages 27-32)

Reviews

Richland County Council Request for Action

Subject: Rezoning a portion of TMS numbers 09309-03-07/08/09/10 from GC (General Commercial) to RM-MD (Residential, Multi-Family, Medium Density)

A. Purpose

County Council is requested to initiate the rezoning process for four (4) parcels of land – TMS numbers 09309-03-07/08/09/10 from GC (General Commercial) to RM-MD (Residential, Multi-Family, Medium Density) zoning.

B. Background / Discussion

On December 6, 2011, a motion was made and County Council forwarded a rezoning request to the January D&S Committee agenda. The parcel known as TMS # 09309-03-07 is owned by James & Geneva Pugh; the parcel known as TMS # 09309-03-08 is owned by Jessie Bookhart; the parcel known as TMS # 09309-03-09 is owned by Timely Properties, LLC; and the parcel known as TMS # 09309-03-10 is owned by Celia Martin Boykin.

The parcels are located between Monticello Road and Ridgeway Street, and each lot has a residential structure located thereon.

In addition, each parcel currently has dual zoning, to wit: GC (General Commercial) and RM-MD (Residential, Multi-Family, Medium Density). This request is to change the GC zoning so that the entire lot is zoned RM-MD.

Planning staff is in agreement that the most appropriate zoning for these four (4) parcels is the proposed RM-MD District zoning.

C. Financial Impact

None.

D. Alternatives

1. Initiate the rezoning requests for TMS # 09309-03-07/08/09/10 from GC (General Commercial) to RM-MD (Residential, Multi-Family, Medium Density) zoning and send the requests to the Planning Commission.
2. Do not initiate the rezoning requests for TMS # 09309-03-07/08/09/10 from GC (General Commercial) to RM-MD (Residential, Multi-Family, Medium Density) zoning.

E. Recommendation

Send the rezoning requests for TMS # 09309-03-07/08/09/10 to the Planning Commission.

Recommended by: Honorable Paul Livingston

Date: December 6, 2011

F. Approvals

Finance

Reviewed by: Daniel Driggers

Date: 1/3/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Based on the ROA, there is no financial impact to the request.

Planning

Reviewed by: Amelia R. Linder

Date: 1-4-12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The most appropriate zoning for these four (4) parcels is the proposed RM-MD District zoning; therefore, I recommend that Council initiate the rezoning for TMS # 09309-03-07/08/09/10 and send the matter to the Planning Commission. However, please note that pursuant to Section 26-52(f) of the Richland County Code of Ordinances, Council cannot give 1st reading to this ordinance prior to a public hearing (which would potentially be held on March 27, 2012).

Planning

Reviewed by: Geonard Price

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Although the subject parcels are partially zoned GC, they are clearly located within a residentially developed area. The commercial development of these parcels would be incompatible with the current development of the surrounding area.

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: 1/9/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to initiate the rezoning requests for TMS # 09309-03-07/08/09/10 from GC (General Commercial) to

RM-MD (Residential, Multi-Family, Medium Density) zoning and send the requests to the Planning Commission.

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR A PORTION OF EACH OF THE REAL PROPERTIES DESCRIBED AS TMS # 09309-03-07, 09309-03-08, 09309-03-09, and 09309-03-10 FROM GC (GENERAL COMMERCIAL DISTRICT) TO RM-MD (RESIDENTIAL, MULTI-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as a portion of TMS # 09309-03-07, a portion of 09309-03-08, a portion of 09309-03-09, and a portion of 09309-03-10 from GC (General Commercial District) zoning to RM-MD (Residential, Multi-Family – Medium Density District) zoning, (all as described in Exhibit A, which is attached hereto).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2012.

RICHLAND COUNTY COUNCIL

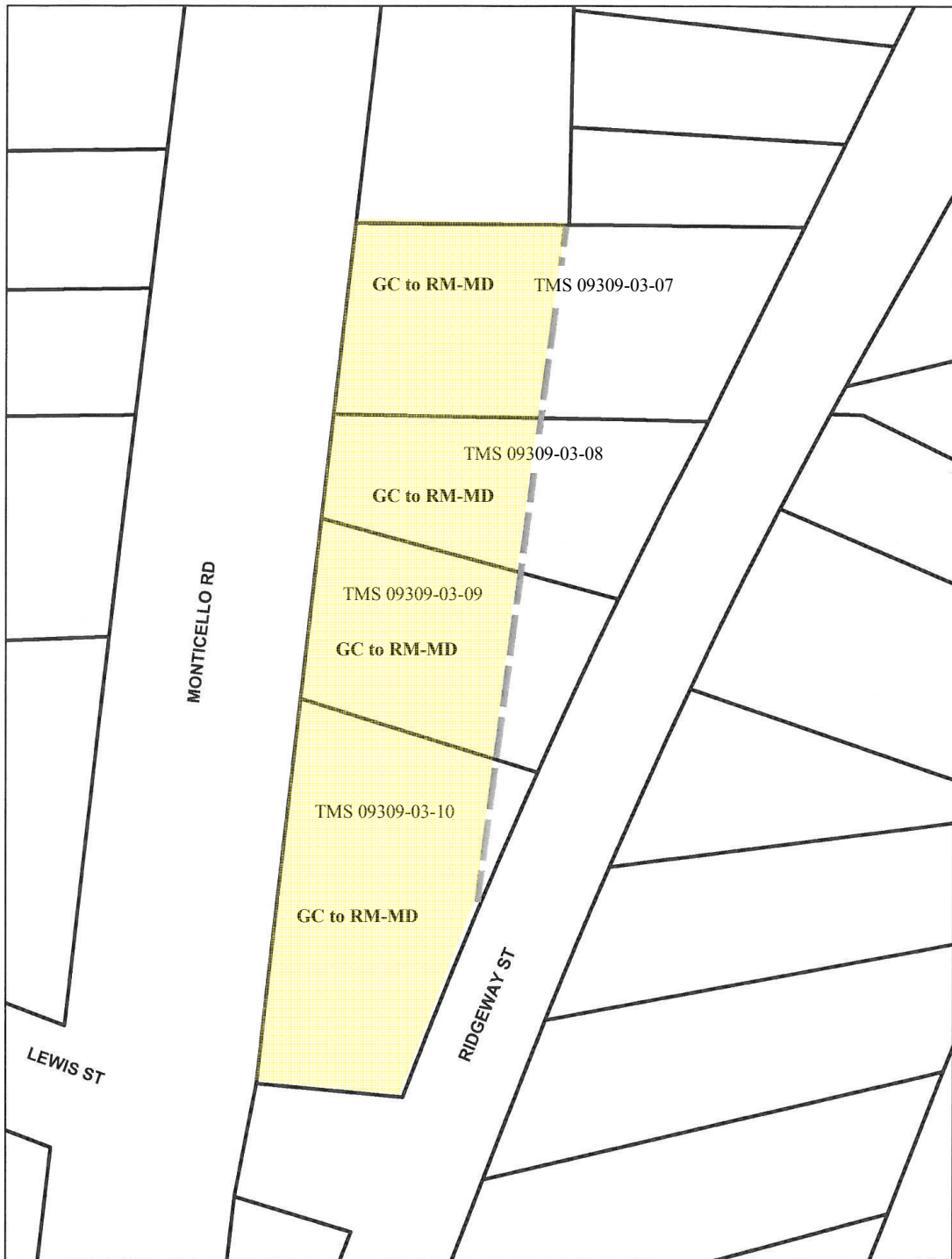
By: _____
Kelvin E. Washington, Sr., Chair

Attest this _____ day of _____, 2012.

Michelle M. Onley
Clerk of Council

Public Hearing: March 27, 2012 (tentative)
First Reading: March 27, 2012 (tentative)
Second Reading:
Third Reading:

Exhibit A



Richland County Council Request of Action

Subject

Sunnyside Drainage Ditch Capital Improvement Project Right-of-Way Purchase and Transfer (pages 34-36)

Reviews

Richland County Council Request of Action

Subject: Sunnyside Drainage Ditch Capital Improvement Project Right of Way Purchase and Transfer

A. Purpose

"County Council is requested to approve a purchase in the amount of \$6,555.00 for four Right of Way (ROW) acquisitions for the purpose of construction of Sunnyside drainage ditch (Orphanage Branch) capital improvement project. It is also being requested to approve for the transfer of the purchased ROW to South Carolina Department of Transportation (SCDOT) once the project stands complete for future maintenance."

B. Background / Discussion

The Sunnyside Drainage Ditch Capital Improvement Project is being implemented by Richland County to address erosion, flooding, and water quality concerns along an existing drainage channel in the Forest Acres community. It is to be noted that City of Forest Acres has an inter-governmental agreement with Richland County, as a co-permittee, for County to implement stormwater services to the City. The project extends from the beginning of a drainage ditch near Eastminster Drive and continues downstream to the Sunnyside Drive culvert crossing. The channel, sometimes referred to as Orphanage Branch, is located at the rear of several residential properties along Sunnyside Drive, Eastminster Drive, and Grace Hill Drive. Sections of the drainage channel are experiencing bank erosion as a result of flow velocities. Flooding is a concern upstream of the existing Sunnyside Drive pipe crossings.

In an effort to improve the existing erosion and flooding conditions, construction of multiple best management practices is being proposed:

- The existing pipe crossing at Sunnyside Drive shall be replaced with a culvert. The culvert replacement will provide for additional flow capacity and reduce upstream flooding along the drainage channel.
- Stream enhancement and stabilization BMPs shall be constructed in the upstream portions of the drainage channel. The stream enhancement structures consist of a series of cross vanes. Cross vanes are structures constructed from rock, designed to improve environmental conditions, by reducing flow velocities and providing a series of pool areas along the stream. The placement of the cross vane structures will reduce stream velocity for areas downstream in the drainage channel. The reduction in stream velocity will reduce erosion and improve water quality for downstream areas. The stream stabilization BMPs such as rip rap, rock structures are being proposed so as to prevent future erosion.

For replacing the pipe with a culvert, four (4) ROW acquisitions as shown in Table 1 are needed. More details on ROW widths, metes and bounds, and construction details are identified and are discussed on the construction plans. The proposed upstream construction requires the establishment of a 20' permanent easement with an additional 10' temporary construction easement along properties adjacent to the stream (lesser widths in areas where feasible). All the required ROW acquisitions were presented to the citizens, negotiated, deeds prepared and ready

for execution upon Council’s approval. However, there is uncertainty in obtaining all the necessary easements for the project and is not complete. The easement structure will be presented to Council at a different time upon completion and finalization.

Table 1. Sunnyside Project ROW Acquisitions			
Name	Physical Address	Tax Map Number	Amount (\$)
G. Ramon Aycock	3146 Grace Hill Rd, Columbia SC 29204	R13904-09-06	\$2,025.00
William Coleman	1400 Sunnyside Drive, Columbia, SC 29204	R13908-04-34	\$3,730.00
The Rescue Orphanage n/k/a Carolina Children's Home	3303 Maiden Lane, Columbia, SC 29204	R13907-01-01	\$0.00
Joseph F. Kligman & Vanessa Brill Kligman	1343 Sunnyside Drive, Columbia, SC 29204	R13904-09-08	\$800.00
		Total	\$6,555.00

The said funds were budgeted and are available in Stormwater Management budget. It is being requested through Council’s request of action to approve the acquisition of ROW’s on said properties so that Stormwater Management can move forward with the project in conjunction with for larger benefit of the region. Once the project is completed it is our intention to transfer the acquired ROW to SCDOT for future maintenance. SCDOT is in general agreement with the transfer and the logistics associated will be worked out upon Council’s approval of the request.

C. Financial Impact

The current engineer’s estimated construction cost for the project is \$619,976.34 excluding design and ROW acquisition costs. A total of \$815,000.00 was budgeted for the Sunnyside project and funds are available in Stormwater Management budget. The project costs, at this time, are within the estimated amount and there is no additional financial impact associated with the request. The Public Work’s Stormwater Management has entire funding available for this project in its FY12 adjusted budget.

D. Alternatives

1. Approve the request in full, and exactly as presented by the Department of Public Works.
Reason: For successful implementation of capital improvement project, improving water quality in the region and larger benefit of Community.
2. Do not approve the recommendations, and send it back to the Department of Public Works.
Consequences: there will be no ROW acquisition thereby culvert replacement in jeopardy.

E. Recommendation

"It is recommended that Council approve purchase of four Right of Way (ROW) acquisitions on properties located at 3146 Grace Hill Rd (TMS#R13904-09-06), 1400 Sunnyside Drive (TMS#R13908-04-34), 3303 Maiden Lane (TMS#R13907-01-01), and 1343 Sunnyside Drive(TMS#R13904-09-08) for County to be able to perform Sunnyside drainage improvement project so as to improve drainage and water quality in the region. It is also being recommended

to approve the transfer of the purchased ROW to South Carolina Department of Transportation once the project stands complete for future maintenance”

Recommended by: David Hoops, P.E., DPW Director

Department: Public Works Date: 01/05/2012

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 1/11/12
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 1/12/12
✓ 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: In conjunction with this recommendation, I would also recommend that the county enter into a written agreement with the DOT prior to commencing the project.

Administration

Reviewed by: Sparty Hammett Date: 1/17/12
✓ Recommend Council approval Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation: Recommend that Council approve the purchase of the right-of-way acquisitions for the Sunnyside Project.

Richland County Council Request of Action

Subject

Town of Eastover Animal Care Intergovernmental Agreement (pages 38-43)

Reviews

Richland County Council Request of Action

Subject: The Town of Eastover Animal Care Intergovernmental Agreement

A. Purpose

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

B. Background / Discussion

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

It is recommended that Richland County and the Town of Eastover have a current Animal Care IGA, which will continue to allow the Richland County Animal Care Department to provide animal care services in the Town of Eastover.

The proposed IGA is attached for your convenience. The Town of Eastover has already reviewed and approved the IGA.

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 Town of Eastover.

D. Alternatives

1. Approve the Intergovernmental Agreement with the Town of Eastover.
2. Do not approve the Intergovernmental Agreement with the Town of Eastover.

E. Recommendation

Approve the Intergovernmental Agreement with the Town of Eastover.

By: Sandra J. Haynes Department: Animal Care Date: 1-19-12

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/19/12

Recommend Council approval

Recommend Council denial

Council discretion

Comments regarding recommendation: Based on the ROA there is no financial impact associated.

Legal

Reviewed by: Larry Smith

Date: January 20, 2012

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Roxanne Ancheta

Date: January 20, 2012

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the Intergovernmental Agreement with the Town of Eastover.

K. WINCHESTER GAINES

Counselor At Law

1314 Lincoln St., Suite 302
Columbia, South Carolina 29201
Phone: (803) 252-2029
Fax: (803) 252-2027

January 10, 2012


Bar Admission
Kansas
Washington, DC
South Carolina

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

Re: IGA re: Animal Care Services

Please find enclosed the IGA for Animal Care Services executed by Mayor Lee on behalf of Eastover Town Council. Please forward to me at the above address the fully executed document with the Richland County Council Chairman's signature at your earliest convenience. Thanks.

Respectfully yours,



Kenneth W. Gaines,
Attorney at Law
Town of Eastover

Cc: File
Encl: IGA re: Animal Care Services

Item# 8

Attachment number 1
Page 3 of 6

STATE OF SOUTH CAROLINA)
)
RICHLAND COUNTY)

**INTERGOVERNMENTAL AGREEMENT
(Animal Care)**

THIS AGREEMENT entered into this ___ day of _____, 2011, is by and between Richland County (hereinafter the "County") and the Town of Eastover (hereinafter the "Town").

RECITALS

WHEREAS, the Town desires to utilize the services of the County Animal Care Department for all animal care services in the those portions of the Town within Richland County; and

WHEREAS, the County is willing to provide the Town said animal care services.

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. The Animal Care Department of the County shall provide such services to secure the enforcement and uniformity of animal control regulations within the Town in compliance with the animal control ordinances of the County and in accordance with the laws of the State of South Carolina where applicable.

The County shall provide the same degree, type and level of service as customarily provided to residents of the unincorporated areas of Richland County, which shall include, but not be limited to:

a) Field services shall include patrolling for stray, injured, nuisance and vicious animals and enforcing the County Animal Care Ordinance to include issuance of violation notices, citations and pet license applications. The County shall be responsible for the investigation and enforcement of animal cruelty, neglect and abandonment of animals. The County shall be responsible for the disposal of deceased animals prepared according to guidelines. The County shall be responsible for public education in the areas of responsible pet ownership.

b) Licensing of animals of the Town shall be in accordance with the County Ordinance. The County staff shall be responsible for maintaining records, receiving payment and issuing tags.

c) Animal Housing/Veterinary Services – County shall transport animals to locations contract or designated by the County. The County shall ensure veterinary services for sick or injured animals as set forth in veterinary contract.

d) Rabies Control – The County shall act as agent of the Town in relation to animal bites and rabies testing. Activities include but are not limited to investigation of all reported bites and quarantining of biting animals in pursuit to the Department of Health and Environmental Services of South Carolina guidelines and performing of such duties as necessary to prepare and deliver animals for rabies testing.

2. The Town shall, within a reasonable time after signing of this Agreement, amend the Town of Eastover Code of Ordinances, or enact a new ordinance to adopt the current Richland County Animal Care Ordinance, and all subsequent amendments thereto.

3. In any and all instances where an ordinance of the Town conflicts, restrains or is unreasonably burdensome to the enforcement of the Richland County Animal Care ordinance adopted by the Town, the adopted animal care ordinances shall take precedence since it is hereby declared to be the intent of the parties to give the County exclusive authority regarding the enforcement of such regulations within the territorial limits of the Town of Eastover which lie within the jurisdiction of Richland County.

4. This Agreement shall have a term of ten (10) years from the date of execution or until sooner terminated by either party upon such party giving six months written notice to the other party of its intent to terminate this agreement, and may be extended upon written agreement between the County Council for Richland County and the Town Council for Eastover.

5. This Agreement may be amended, modified or changed only upon the written agreement between the County Council for Richland County and the Town Council for Eastover.

6. The County shall continue to assess, levy, and collect property taxes from the residents of that portion of the Town of Eastover, which lies within the boundaries of Richland County 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.

7. This agreement, including all requirements and details outlined in the above paragraphs, shall apply ONLY to that portion of the Town of Eastover which lies within the

geographical boundaries of Richland County.

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

Jacquette Brown

Shirley Cowan

TOWN OF EASTOVER

By: *[Signature]*
Eastover Mayor

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