

# **RICHLAND COUNTY**

## **DEVELOPMENT & SERVICES COMMITTEE AGENDA**

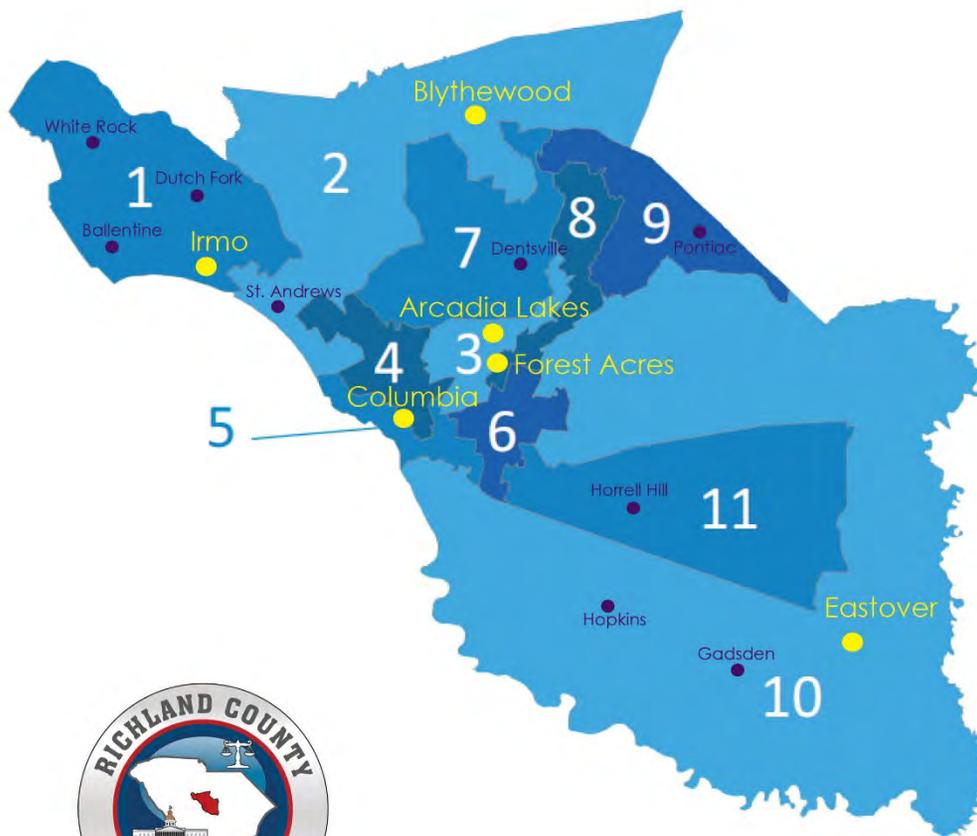


**TUESDAY, FEBRUARY 27, 2018**

**5 P.M.**

**COUNCIL CHAMBERS  
2020 HAMPTON STREET  
COLUMBIA, SC 29204**

# RICHLAND COUNTY COUNCIL 2017-2018



**VICE CHAIR**  
Bill Malinowski  
District 1



**CHAIR**  
Joyce Dickerson  
District 2



Yvonne McBride  
District 3



Paul Livingston  
District 4



Seth Rose  
District 5



Greg Pearce  
District 6



Gwendolyn Kennedy  
District 7



Jim Manning  
District 8



Calvin "Chip" Jackson  
District 9



Dalhi Myers  
District 10



Norman Jackson  
District 11



Richland County Development & Services Committee

February 27, 2018 – 5:00 PM  
Council Chambers  
2020 Hampton Street  
Columbia, SC 29204

Jim Manning  
District 8

Gwen Kennedy  
District 7

Seth Rose  
District 5

Chip Jackson  
District 9

Greg Pearce  
District 6

1. **SELECTION OF THE CHAIR** Chair, Development & Services Committee
2. **CALL TO ORDER** Chair, Development & Services Committee
3. **APPROVAL OF MINUTES** Chair, Development & Services Committee
  - a. Development & Services Committee Meeting: January 9, 2018 [Pages 1-9]
4. **ADOPTION OF AGENDA** Chair, Development & Services Committee
5. **ITEMS FOR ACTION** Chair, Development & Services Committee
  - a. Accepting a portion of Fountain Lake Road into the County Road Maintenance System [Pages 10-13]
  - b. Petition to Close Old Percival Rd.[Pages 14-16]
  - c. Richland County Release and Abandonment of Water Line at Killian's Crossing [Pages 17-26]
  - d. Council Motion: HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. Jackson] [Pages 27-28]
  - e. Proposal to improve the treatment and care of lost and abandoned animals in Richland County and Forest Acres via Councilman Manning [Pages 29-30]
  - f. Council Motion: In future housing development or construction, houses built must be at a safe distance to prevent the transfer of

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Note: Pursuant to Council Rules, Council will record non-electronic roll call voting for all votes that are not unanimous for second and third reading or one time votes; and which are not merely procedural in nature.

being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses [N. Jackson] [Pages 31-38]

- g. Council Motion: Move to review the existing “cat” ordinance and remove the last sentence of the ordinance. [Pearce] [Pages 39-55]
- h. Council Motion I move that for the reasons of transparency, integrity, accessibility, dignity, accountability and citizen respect that all County Council Work Sessions/Workshops be conducted in the newly renovated, state-of-the-art Council Chambers and Livestreamed (to include being archived on the County website). [Manning] [Page 56]

**ITEMS PENDING ANALYSIS – PAGES [57-58]**

- a. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [Malinowski]
- b. Council Motion: That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can't be built on anyway, so no credit should be given for these items [Malinowski]
- c. Conservation Commission manage County-owned historic and conservation properties [N. Jackson]
- d. I move to declare “bump stock” “bump fire stocks” “trigger crank” and “gat crank” trigger devices illegal in Richland County. NOTE: In 2010 the US Bureau of Alcohol, Tobacco, Firearms, and Explosives declared a “bump stock” is a firearm part and is not regulated as a firearm under the US Gun Control Act or the National Firearms Act. [Manning]
  - (a) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of the firearm using recoil, commonly known as “bump stocks” or “bump fire stocks”, are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court.
  - (b) Any device capable of attaching to a firearm and which repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion, commonly known as “trigger crank” or “gat crank”, are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court.

(c) Violations as stated in Section (a) or (b) above are subject to the following exceptions:

1. Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training;
2. Any "bump stock" or "trigger crank" device which is possessed by a person who is not prohibited under State or Federal law from using, owning or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon; 3. Any law enforcement officer or department which has seized a firearm, with "bump stock" or "trigger crank" attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, inside Richland County; provided, however, any law enforcement agency taking possession of a "bump stock" attached to a firearm must notify the Sheriff's Department immediately to inform them of the existence of the device, the location where it was obtained, where the device will be stored and any other facts relevant to the use or possession by any person.

6. **ADJOURN**



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



## Richland County Council

### DEVELOPMENT AND SERVICES COMMITTEE

January 9, 2018 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

COMMITTEE MEMBERS PRESENT: Seth Rose, Chair; Yvonne McBride, Gwen Kennedy, Chip Jackson, and Dalhi Myers

OTHERS PRESENT: Brandon Madden, Michelle Onley, Ismail Ozbek, Tracy Hegler, Jamelle Ellis, Shane Kitchens, Kim Williams-Roberts, Dale Welch, Gerald Seals, Beverly Harris, Stacey Hamm, Sandra Yudice, Geo Price, Dwight Hanna, Brad Farrar and Quinton Epps

1. **CALL TO ORDER** – Mr. Rose called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
  - a. December 19, 2017 – Ms. McBride moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

In Favor: Rose, McBride, Kennedy, Myers, and C. Jackson

The vote in favor was unanimous.

3. **ADOPTION OF AGENDA** – Mr. Seals requested Item #4.d. “South East Sewer Service Project” be removed from the agenda.

Ms. Kennedy moved, seconded by Ms. Myers, to adopt the agenda as amended.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**
  - a. Intergovernmental Agreement with the City of Columbia: Devil’s Ditch – Ms. Williams, Stormwater Manager, stated the Devil’s Ditch project is a project the Richland County Stormwater Dept. and the City of Columbia’s Stormwater Dept. is partnering on. A grant was received from the City of Columbia in 2010 to do engineering design plans to stabilize Devil’s Ditch. Due to the flood and subsequent storms it has eroded more since the original design plans were put together. The total project cost estimate is \$406,073.80; 67% of the cost will be covered by Richland County and 33% by the City of Columbia. Richland County’s portion is in the current Stormwater Capital Project budget. Ms. Williams further stated the delay on the project was there was difficulty obtaining easements from the property owners. One of the last easements they need went up for tax sale and is now with

the Forfeited Land Commission. They are requesting the County to take ownership of the parcel, which would allow them to have future access to continue to do maintenance on the ditch long-term.

Ms. McBride moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to approve the agreement with the City of Columbia to share the costs for the Devil's Ditch Maintenance Project at a cost of \$272,069.44 from the Stormwater Management Division's Capital Drainage Projects account, and approve accepting TMS#13707-22-04 from the Forfeited Land Commission to ease future maintenance of the project.

Mr. Malinowski noted there was not an "Attachment B" in the agenda packet. He requested the document be provided prior to this item going to Council.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

- b. Quit Claim Portion of Pear Tree Road to Adjoining Property Owners – Mr. Ozbek stated this is a request from the citizen to quit claim a portion of Pear Tree Road. Included in the agenda packet was a map of the subdivision. The highlighted portion of map indicates there is a parcel that was left for future access to an adjacent phase of the subdivision; however, the subdivision plans have changed and that parcel is no longer useable and accessible. Therefore, the property owner requested to have the parcel given back to each of the property owners.

Mr. Malinowski requested the property value of the property.

Mr. Ozbek stated the property value will likely go up by approximately 20%.

Ms. Myers stated the parcel was set aside by the developer to be a public road and be deeded to Richland County for the public good. Essentially since the development is complete and that portion will not be developed we now have Richland County owning a piece of property in the middle of the development that we would have to maintain.

Ms. Myers moved, seconded by Ms. Kennedy, to forward to Council with a recommendation to approve the request to quit claim the 50' Right-of-Way to the adjoining property owners.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

- c. Council Motion: Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project [MALINOWKI and MYERS] – Mr. Khan stated staff has looked at the requested master plan. The master plan was developed in 2002 by an outside consultant. There have been a lot of changes. The water service area by other providers has expanded. He stated he has come to a conclusion that Richland County is well positioned to supply water in certain areas where there is no existing water supply available. The map included in the agenda packet outlines the three (3) different areas where there is no water supply. A primary requirement is the designation of the water service area. If we not do so any study we do will be obsolete by the time we get to construction of the water system. Additionally, we need to look at the funding.

Ms. Myers stated for the record there has been some public dissemination of incorrect information. Her motion applied exclusively to water. It has nothing currently to do with sewer and any information to the contrary is false.

Ms. Myers moved, seconded by Mr. C. Jackson, to forward to Council with a recommendation to approve staff's recommendation to bring the process of undertaking the necessary steps to provide water service.

In Favor: McBride, Kennedy, Myers, and C. Jackson  
Opposed: Rose

The vote was in favor.

- d. Council Motion: If an employee is in need of sick leave, any employee can donate that leave to a specific person and not just a sharing pool [MALINOWSKI] – Mr. Hanna stated staff has come up with a solution that addresses Mr. Malinowski's motion and some of the concerns expressed by department directors. Staff is proposing the motion by Mr. Malinowski be approved with the understanding that elected or appointed officials have the discretion to review each circumstance and make a determination in terms of whether they thought that was appropriate for approval.

Mr. Livingston stated for clarification upon retirement employees are paid for a portion of their sick leave.

Mr. Hanna stated if the employee has accumulated at least 150 hours the employee is paid for 25% of the leave.

Mr. Livingston requested clarification on how the leave will work.

Mr. Hanna stated the particular policy before the committee is for catastrophic leave. The County has annual leave, sick leave, and advanced sick leave which is basically a loan. The consistency, in terms of the policy, will address employees not taking advantage of the leave.

Ms. Dickerson asked for clarification if this policy will apply to only those that have exhausted their sick leave.

Mr. Hanna responded in the affirmative. The employee would have to use their accrued sick leave, annual leave and, if they are eligible, advance sick leave before they could apply for catastrophic leave.

Mr. N. Jackson stated he is concerned employees that never accrue any leave because they use it as soon as they earn it will rely on the leave pool if something does happen.

Mr. Hanna stated the respective departments will have the authority to do an analysis in those situations since the elected and appointed officials or department heads would have a better idea of who may be abusing the leave.

Ms. Myers requested Mr. Hanna to explain advance sick leave and how it works.

Mr. Hanna stated advance sick leave can only be used after an employee has exhausted their sick and annual leave. Then they can, in effect, borrow up to 24 days, which would equate to 2 years (i.e. 1 day per month). Once the employee comes back to work and they begin to accrue leave the leave is paid back to the County.

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Ms. Myers stated this policy is for extreme cases where an employee would be out for a long period of time (i.e. hit by bus).

Mr. Hanna stated that is the purpose the catastrophic leave is designed for. If Council agrees to give the respective department heads the discretion to review and analysis the few case where an employee has not be as judicious in taking their leave. He believes the respective department heads can manage.

Ms. Myers stated this will be constantly monitored by department heads, so it is not as though they get the borrowed days and nobody knows what happens thereafter. She further stated some of the Council members are afraid of abuse of the policy and others not having enough time.

Mr. Hanna stated department heads would have an added incentive to monitor leave even closer.

Mr. C. Jackson inquired about how this policy meshes with short-term and long-term disability, which employees have to pay for. Does this incentivize employees to purchase short-term disability because now the employees will be able to go through the catastrophic leave pool for an extended period of time, free of charge instead of buying short-term disability? He stated it is his understanding short-term disability only pays a portion of the employee's salary and the catastrophic leave would pay the full salary.

Mr. Hanna stated the catastrophic leave would only a portion of the salary. Employees, without a doubt, will do an assessment and that would be a fact in whether they purchase short-term or long-term disability benefits. Some employers have a program where the employer pays for short-term and long-term benefits, but the County does not. He further stated the County's process is that the employee is not double paid. If they are out on worker's comp, they are not getting worker's comp and disability or sick leave at the same time.

Mr. C. Jackson inquired how long it is before short-term disability begins.

Mr. Hanna stated he believes it is 10 days.

Mr. C. Jackson stated after 10 days, if the employee does not have any more leave, the question becomes do I purchase short-term disability or do I utilize the leave pools in which I can draw down up to 30 days according to this policy, correct?

Mr. Hanna responded in the affirmative. Some protection the County has is that the option to purchase short-term disability is done during open enrollment; therefore, it is not under situation by situation basis.

Mr. C. Jackson inquired as to when the policy would go into effect.

Mr. Hanna stated it could go into effect as soon as the minutes are approved.

Mr. Livingston stated it is his understanding the basic issue before the committee is whether the employees are going to donate to a pool or to an individual.

Mr. Hanna stated responded in the affirmative.

Mr. Livingston stated there is a maximum of sick leave hours an employee can accumulate, correct?

Mr. Hanna stated that is correct. The maximum amount is 90 hours of sick leave.

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Mr. Livingston stated for clarification that if an employee reaches the maximum they do not accumulate any more leave going forward.

Mr. Hanna stated there is an annual cap, which is cut off by Finance. He stated he would not say that someone does not accrue 91 or 92 days before there is a cut off.

Mr. Livingston stated one way of not worrying about reaching that cap is to donate my hours to someone else.

Mr. Hanna stated if this item is approved the employees will be able to donate to a specific person. The current policy is an employee can donate to the pool.

Mr. Livingston expressed concern that employees can “sell” their hours to another employee.

Mr. Hanna stated it is possible that could happen, but staff is not proposing that situation.

Ms. Myers stated on p. 36 of the agenda packet Mr. Hanna states, “We occasionally have issues, but they’re not insurmountable. It’s always up to the department head whether or not to grant the donations. What helps in keeping it “honest” is that the employees have to be on an approved FMLA or extended medical leave.” As it relates to this statement, if the employee is already on FMLA or extended medial leave there is a chance their short-term disability could have begun. She questioned whether we are in an area where there is a lot of fraud.

Mr. Hanna stated he is not aware of any fraud. The policy is written in such a ways as to try to prevent that as best we can. The existing rules will be kept, but the option that an employee can donate to another employee will be added.

Ms. Myers stated there is not an unlimited amount of sick leave, even in a catastrophic pool. Therefore, it is prudent that if we are able to afford the benefit of short-term disability to take advantage of it.

Mr. C. Jackson stated his comments were driven by the potential pressure and equity of the system if he happened to be the employee that no one wants to donate to his personal pool and now people feel pressured. He inquired if there is a direct correlation between the amount of hours which can be withdrawn now from the leave pool that would be in line with the new policy? What is the maximum number of hours that can be withdrawn from the current leave pool?

Mr. Hanna stated they are not proposing to change the maximum number of hours an employee would be eligible for. The only thing being proposed is that an employee would be able to donate directly to another employee under the same criteria and conditions that currently exist.

Mr. C. Jackson stated for clarification that if an employee did not receive enough donated hours they would still be eligible for the same number of hours from the leave pool.

Mr. Hanna responded in the affirmative. In talking with other places that offer a leave pool, it was mentioned that sometimes an employee will lobby another employee to donate leave. In the County’s case, we have had adequate leave in the leave pool and it has not run.

Mr. C. Jackson inquired if staff would prefer the employees go through the leave pool first. Once the leave has been exhausted then the employee could solicit donations. What is the benefit?

Mr. Hanna stated the intent was to encourage more employees to donate. The belief was that some employees that may not wish to donate to the general pool may wish to donate to a specific employee.

Ms. McBride inquired if an employee is employed for one day is the employee eligible for the leave system the County currently has.

Mr. Hanna stated the employee would not have accrued sick or annual leave. The employee would not be eligible for advance sick leave.

Ms. McBride inquired if we implement the new policy would the employee be eligible to receive leave from another employee.

Mr. Hanna stated not unless it was approved using the same procedure the County currently has or Council wanted to change it to make someone eligible on day one. The proposed change does not change the rules other than to permit an employee to donate directly to another employee.

Mr. Malinowski stated he has had employees mention to him if there was a direct donation to someone they would willing to donate sick leave, but they did not want to donate to a general pool. As Mr. Hanna said, the pool has never run out of hours, but the advantage is if someone is willing to give directly to another employee it allows the general pool to stay where it is or increase so we do not run the risk of running low on those hours.

Ms. Myers moved, seconded by Mr. Rose, to forward to Council with a recommendation to approve staff's recommendation.

Mr. C. Jackson stated Ms. McBride made an excellent point and the group of employees in the greatest need are the ones that have been with the County for such a short period of time they have not accrued leave to be able to address an unexpected or unplanned catastrophic illness and even with the policy we have discussed would not impact them. He feels the more critical need is for the employees that have only been here a short period time and even after the passing of this policy there will still remain no vehicle for them to be able to access leave in a critical situation until they have accrued it.

Ms. Myers stated she would be willing to accept as a friendly amendment the right of newly employed employees, who are not otherwise eligible, upon approval of their department heads to borrow from this pool.

Mr. Hanna stated they could draft some rules to accommodate the motion, as amended.

In Favor: Rose, McBride, Kenney, Myers and C. Jackson

The vote in favor was unanimous.

- e. Council Motion: I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY16-17 budget produced a surplus, to EMS [MANNING] – Mr. Rose stated for clarification there is already something in place in regards to the positions.

Mr. Seals stated there is a strategic plan the County is operating under. Also, the budget is scheduled to be amended as we move forward through the 2<sup>nd</sup> year of the Biennium budget. We do not have the annual financial report yet. He stated the intent of the motion is correct, but staff has been

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looking at the entire issues of Richland County government and how we can make sure all of those issues are met. We are planning for another 48 positions in EMS.

Ms. Myers moved, seconded by Mr. C. Jackson, to reject the motion, as at this point moot.

In Favor: Rose, McBride, Myers and C. Jackson

The vote in favor was unanimous.

- f. Council Motion: In future housing development or construction, houses built must be at a safe distance to prevent the transfer or being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses [N. JACKSON] – Ms. Hegler stated the County has adopted the 2015 SC Building Codes, which are based on the minimums set by the International Building Codes Council. It does require a separation of a certain distance or those walls need to be rated specifically for the prevention of fire transfer.

Mr. N. Jackson stated he is aware the distance exists and fire retardant material is supposed to be used; however, especially in his district he has seen so many fires where the houses built within the last few years still transfer to the next house and next house catches fire. The 10' to 15' is not enough to prevent the transfer. He would like staff or the Fire Marshal to investigate a realistic safe distance that if the next door neighbor's house catches fire his house does not burn as well.

Mr. C. Jackson stated he appreciates Mr. N. Jackson's motion expressing the concern he raised. He believes that if anything we should probably get verification from either the Builder's Association or any other independent group that indicates what the International Building Code requirements are so it does not sound like it is just some ordinance by the County making that determination. He would support having someone (i.e. Fire Marshal, official from the Builder's Association, etc.) to look into that and speak to the specific language that has been codified that indicates what the minimum distance has to be.

Ms. Hegler stated staff can provide more research on why the minimum was established. Mr. N. Jackson was encouraged to get with the fire department to discuss the specific instances he is speaking about. She stated the Fire Marshal's Office is aware of the minimums and were aware this item was coming forward. She further stated it is generally accepted practice, but that does not mean we should not investigate the problem. She was not aware of the instances referenced by Mr. N. Jackson.

Mr. N. Jackson stated there are certain practices where Richland County went above and beyond and increased distances because what is in the International Building Code does not work.

Ms. Myers requested Ms. Hegler apprise the committee of the national and regional best practices. We are operating on a minimum standards. What have counties done that adopted a better, higher standard? How far have they gone? Has it improved safety? Have the fires been less damaging? Have they not jumped from house to house?

Mr. Rose moved, seconded by Ms. Myers, to bring this back to the February committee and have staff bring back the requested information.

In Favor: Rose, McBride, Kennedy, Myers and C. Jackson

The vote in favor was unanimous.

- g. Council Motion: Move to review the existing “cat” ordinance and remove the last sentence of the ordinance [PEARCE] – Mr. Pearce stated Pawmetto Lifeline brought it to his attention, and Mr. Rose’s attention, that the way the existing ordinance is written there are still too many cats being euthanized. The concern is the part of the ordinance that say once the cat is neutered is placed back in the neighborhood where it was picked up. A lot of people are not wanting the cats back in the neighborhood; therefore, the County is not doing that. Pawmetto Lifeline requested Council ask Animal Care staff to give a report as to the effectiveness of the ordinance as it is written now.

Mr. Malinowski requested more specificity regarding the “last sentence”.

Mr. Pearce stated if you disregard the part that says last sentence, the issue is putting the cats back where they were picked up.

Ms. McBride stated she does not have the ordinance, but the last sentence states that if they pick up a cat from the community and spay or neuter it then they return the cat to the community. Less than 6 months ago, she amended the last sentence to state, “unless the residents do not want the cat returned to the community.” She stated why she did that is that she looked at Greenville County’s diversion program and they have the same amendment that she had. She is surprised and disappointed that we are here less than 6 months discussing this same issue. Unless we can come up with 6 months of data showing this does not work, but more importantly if you have the data, if a resident fears a cat, if the cat is a nuisance and that resident cannot say they do not want the cat back in the community something is wrong with that. She does not see the need for further discussion on this. Also, from her research, limited programs are able to provide scientific data this is an effective program. She is not sure what kind of data we are collecting, but she believes we did an excellent job of coming up with a compromise to assist those who say it is okay to bring the cats back. She would move to reject Mr. Pearce’s motion to remove the last sentence.

Ms. Myers stated she makes these comments in great fear of both Ms. Kennedy and Ms. McBride...she has been talking back and forth with Pawmetto Lifeline and what has happened is we are at the point, as opposed to last year, month by month, there are on average a 100 more cats at the City of Columbia shelter that are being euthanized, which is the total opposite of their mission. She suggests, as a delicate compromise, is that we look at taking the cats to places where they are welcome. According to what she has been told, there are feeders in the community and when a person calls and has the cat picked up, the cat disappears from its marked territory, which does not lead to an absence of cats, but more cats because the feeder remains. She suggested gathering or having Pawmetto Lifeline to come in and speak to Council.

Mr. Rose suggested holding this in committee and inviting Pawmetto Lifeline to speak to the committee.

Ms. McBride stated Pawmetto Lifeline needs to be bring data showing what has happened in Richland County.

Ms. Kennedy stated she agrees with Ms. McBride. She inquired about doing the same thing with dogs in the neighborhood.

Mr. Rose moved, seconded by Ms. Myers, to hold this in committee and request representatives from Pawmetto Lifeline attend the next committee meeting with any data and be available to answer questions.

In Favor: Rose, Myers, C. Jackson

Opposed: McBride

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The vote was in favor.

5. **ITEMS PENDING ANALYSIS**

- a. Council Motion: If Developers, Builders, etc. cause any hardship on any community due to poor workmanship or unapproved or unpermitted work of any kind that fails, all of their building permits should be pulled and the builder not allowed to build until they fix the problem(s). The homeowners, nor the citizens, should have to pay to fix poor workmanship [N. JACKSON] – No action was taken.
- b. Council Motion: HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [N. JACKSON] – No action was taken.
- c. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [MALINOWSKI] – No action was taken.
- d. Council Motion: That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can't be built on anyway, so no credit should be given for these items [MALINOWSKI] – No action was taken.

6. **ADJOURNMENT** – The meeting adjourned at approximately 6:00 PM.



**February 27, 2018 D&S Committee Briefing Document  
Accepting a portion of Fountain Lake Road into the County Road Maintenance  
System**

**Agenda Item**

County Council is requested to accept a portion of the Fountain Lake road into the County Road Maintenance System

**Background**

The East Lake Company developed the East Lake Subdivision in the early 2000s and deeded most of the roads to Richland County and the City of Columbia. However, a portion of Fountain Lake Road remains privately owned and has fallen into disrepair. Fountain Lake Road, located near Atlas and Garners Ferry Roads, is heavily traveled.

A portion of Fountain Lake Road lies in Richland County and a portion is in the City of Columbia. The eastern terminus of the Excluded Portion being Fountain Lake Road's intersection with the right-of-way for US 76, 378 (Garners Ferry Road) and the western terminus of the Excluded Portion being the end of the current city limits of the City of Columbia, such western terminus being a distance of approximately 250 feet from such eastern terminus. The Excluded Portion is being conveyed to the City of Columbia by East Lake Company, LLC. An area map exhibit is attached to this Briefing Document.

In December 2012, the City of Columbia patched significant potholes on the section within the City limits.

During 2016 and 2017, Richland County, through the Private Property Emergency Maintenance provisions of its *Code of Ordinances*, repaired potholes on the portion in the County on three separate occasions.

**Issues**

Given the road failures and the fact that this road serves a residential subdivision, County Council is requested to accept Fountain Lake Road in its current condition into the County Road Maintenance System. This acceptance would be contingent upon the County Transportation Committee (CTC) agreeing to fund repairs in order to bring it up to standards once it is deeded to the County. Therefore, the issues to be considered as part of this action are:

- Transfer of ownership of the road;
- Its current condition;

- Repair of the road; and
- Perpetual maintenance.

The owner of the road has agreed to convene ownership of the road. Additionally, the CTC has agreed to fund repairs to the road once ownership is transferred. A copy of the commitment letter is attached to this document.

### **Fiscal Impact**

The estimated cost of the repairs needed for Fountain Lake Road is \$310,546 which will be funded using “C” Funds. Annual maintenance costs for the County section of paved road is estimated to be \$340.

### **Past Legislative Actions**

None

### **Alternatives**

1. Approve the request to accept a portion of Fountain Lake Road (that is within the County limits) into the County Road Maintenance System contingent upon the CTC committing funding for the repairs needed.

Or,

2. Do not approve the request and leave the road privately owned, substandard, and needing constant maintenance.

### **Staff Recommendation**

Staff recommends acceptance of a portion of this roadway into the County Road Maintenance System.

Submitted by: Department of Public Works

Date: January 31, 2018

# RICHLAND COUNTY TRANSPORTATION COMMITTEE

## MEMO

December 19, 2017

To: Destin Goins, Assistant Street Superintendent City of Columbia, S.C.  
Stephen Staley, PE Richland County Engineer

From: *J. C. B.*  
James C. Brown, Chairman Richland County Transportation Committee

RE: Fountain Lake Road

The Richland County Transportation Committee met on December 12, 2017 and initiated action on the request for funding the City of Columbia and Richland County proposed construction to rebuild the privately maintained section of Fountain Lake Road that begins at Garners Ferry Road.

The CTC approved the estimated amount of \$310,546.08 for this project based on contingent that this section of the road becomes a public entity. CTC funds can only be allowed and allocated for road improvement on governmental maintained roads.

It is my understanding that City of Columbia and Richland County jointly came to an agreement with the private owner to obtain ownership of the respected portion. Once the legal transfer has taken place, we will release funding towards the project.

Any further response, I can be reached at (803)576-1908.

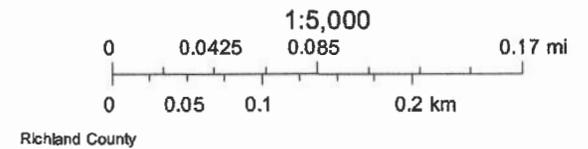
Cc: Ismail Ozbek, PE, Director of Public Works  
Chris Eversmann, PE, Deputy Director of Public Works  
Eva Prioleau, MBA, Program Service Manager  
Robert Anderson, City of Columbia Public Works  
Robert Sweat, City of Columbia Public Works

# Viewer Map



January 23, 2018

- |                       |            |              |                         |             |
|-----------------------|------------|--------------|-------------------------|-------------|
| Parcels               | Blythewood | Eastover     | <b>Inlet Structures</b> | Grate Inlet |
| <b>Municipalities</b> | Cayce      | Forest Acres | Combo Inlet             | Other Inlet |
| Arcadia Lakes         | Columbia   | Irmo         | Curb Inlet              | Yard Inlet  |



130158



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

**February 27, 2018 Development & Services Committee  
Companion Document**

**Item: Petition to Close Old Percival Rd**

During the December 19, 2018 meeting deliberations the D&S Committee held the request to Close Portion of Old Percival Rd./Spears Creek Rd. in Committee, and requested that staff provide responses to the questions raised by the Committee related thereto. This companion document transmits responses to those questions.

Council Question (Q) & Staff Answer (A):

1. Is this one of the roads that has not been repaired post-flood; therefore, would have been used but for lack of repair or money to repair?

**ANSWER:** This road was not closed or damaged due to the great flood. It has pine trees covering it and has not been used by vehicles or pedestrians for years or decades. It is really consumed by the forest.

2. Who owns that portion of the road. Mr. Smith stated it is a County-owned road?

**ANSWER:** it is our understanding from title searches relating to adjoining property and the files of the SCDOT that this portion of the road is owned by Richland County.

3. For clarification. In the write-up it says, "Petitioners contend this portion of Old Percival Rd/Spears Creek Rd has not been used in decades and is currently impassable by any vehicular or pedestrian traffic?"

**ANSWER:** This statement is correct. The actual road bed has no paved surfaces and is literally overcome by the adjoining forest. It has trees growing all over it.

4. In regards to a quit claim deed: We (the petitioner) also want to take title to this portion of the road by quit claim deed.



# RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

## Development & Services Committee Meeting December 19, 2017 Briefing Document

### Agenda Item

Petition to Close Portion of Old Percival Rd/Spears Creek Rd

### Background

County Council is requested to approve, deny or make a recommendation with respect to a Petition for Road Closing regarding Old Percival Rd/Spears Creek Rd in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14. The road is more particularly described in the attached Petition For Road Closing and Abandonment filed in the case of *Sanders Group LP v. County of Richland, South Carolina Department of Transportation, Spears Creek Quadrant Partners, US Bank National Association, and Eual and Jean Dial*, Civil Action No.: 17-CP-40-5616.

Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14 requires the County Attorney to consult with the County's Planning, Public Works and Emergency Services departments and to forward the request to abandon or close a public road or right-of-way to County Council for disposition. All afore-mentioned departments have been informed of the need for input and none have an objection. Petitioners contend this portion of Old Percival Rd/Spears Creek Rd has not been used in decades and is currently impassable by any vehicular or pedestrian traffic. Petitioners have received no objections by surrounding landowners to the closure of this road. Also, see attached plat provided by Petitioner.

### Issues

N/A

### Fiscal Impact

N/A

### Past Legislative Actions

N/A

### Alternatives

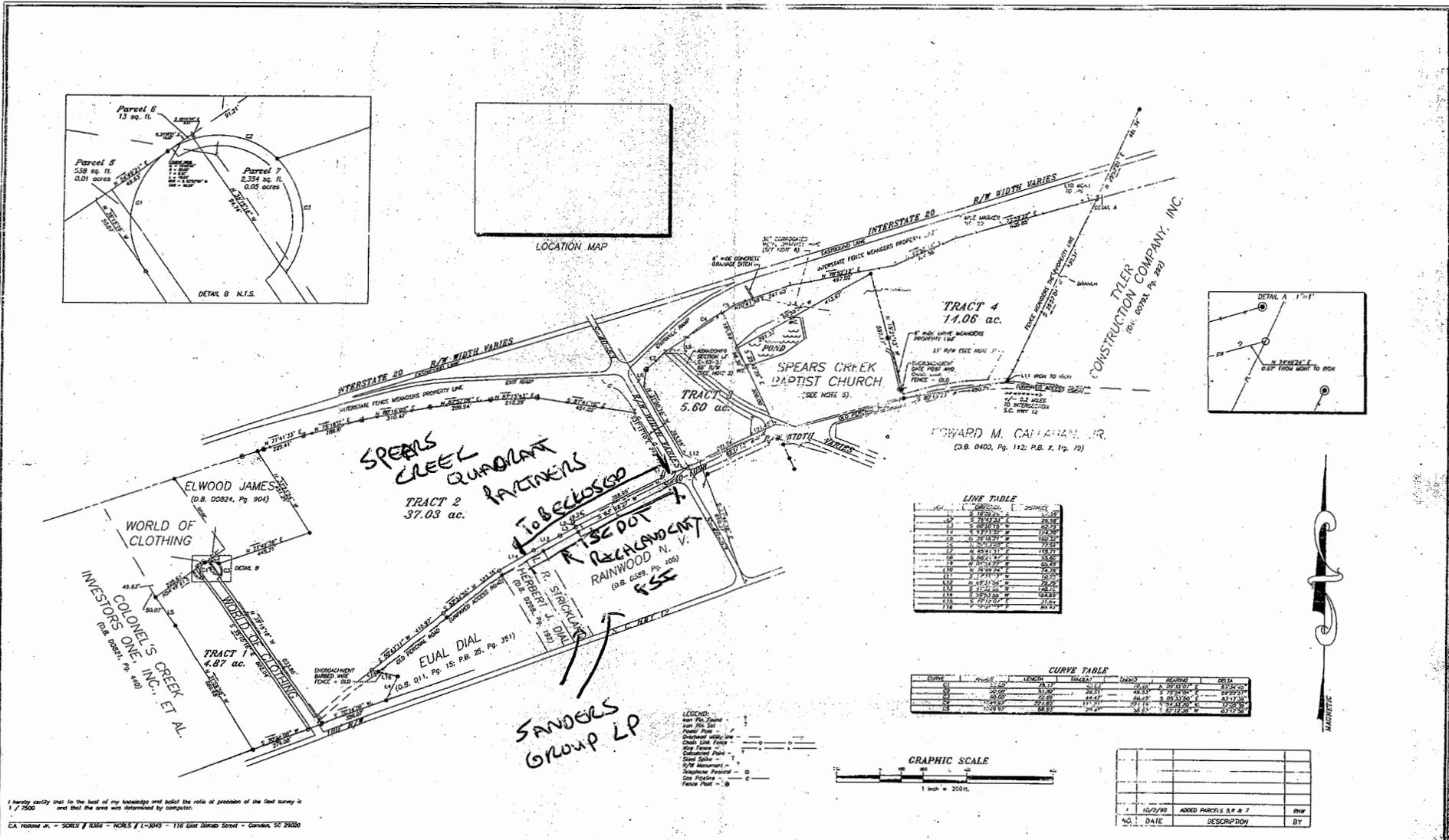
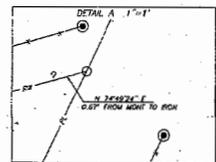
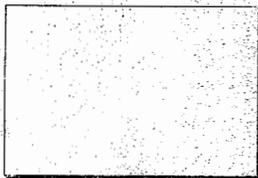
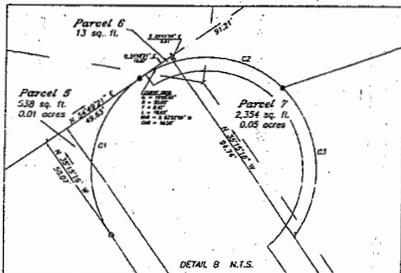
1. Approve petitioner's request to close the subject road and direct Legal to answer the suit accordingly.
2. Deny petitioner's request to close the road, state reasons for such denial, and direct Legal to answer the suit accordingly.

### Staff Recommendation

Council discretion

**Submitted by:** Lauren Hogan – Legal Department

**Date:** 11/13/17

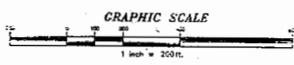


**LINE TABLE**

LINE NO.	START STATION	END STATION	LENGTH	BEARING
1	0+00	0+10	10.00	N 89° 59' 54" E
2	0+10	0+20	10.00	N 89° 59' 54" E
3	0+20	0+30	10.00	N 89° 59' 54" E
4	0+30	0+40	10.00	N 89° 59' 54" E
5	0+40	0+50	10.00	N 89° 59' 54" E
6	0+50	0+60	10.00	N 89° 59' 54" E
7	0+60	0+70	10.00	N 89° 59' 54" E
8	0+70	0+80	10.00	N 89° 59' 54" E
9	0+80	0+90	10.00	N 89° 59' 54" E
10	0+90	1+00	10.00	N 89° 59' 54" E

**CURVE TABLE**

CURVE NO.	START STATION	END STATION	LENGTH	TANGENT	CHORD	AREA	DELTA
1	0+00	0+10	10.00	10.00	10.00	0.00	0° 00' 00"
2	0+10	0+20	10.00	10.00	10.00	0.00	0° 00' 00"
3	0+20	0+30	10.00	10.00	10.00	0.00	0° 00' 00"
4	0+30	0+40	10.00	10.00	10.00	0.00	0° 00' 00"
5	0+40	0+50	10.00	10.00	10.00	0.00	0° 00' 00"
6	0+50	0+60	10.00	10.00	10.00	0.00	0° 00' 00"
7	0+60	0+70	10.00	10.00	10.00	0.00	0° 00' 00"
8	0+70	0+80	10.00	10.00	10.00	0.00	0° 00' 00"
9	0+80	0+90	10.00	10.00	10.00	0.00	0° 00' 00"
10	0+90	1+00	10.00	10.00	10.00	0.00	0° 00' 00"



NO.	DATE	DESCRIPTION	BY
1	10/27/90	ADDED PARCELS 5 & 7	RHW

I hereby certify that to the best of my knowledge and belief the facts of this survey are true and correct and that the area was determined by comparison.

C.A. Holland Jr. - SCHEP # 8868 - NCES # 1-3049 - 116 East Market Street - Camden, SC 29202

<b>C.A. HOLLAND SURVEYORS, INC.</b> 1701 FAIR STREET - CAMDEN, SC 29202 S.C. REG. # 8358 - INC. REG. # 1-3049 TELEPHONE: 803/536-1100 FAX: 803/536-1101	<b>REFERENCES/NOTES:</b> 1. SCHD File No. 40,538, Sheets 38 to 42, 103 & 104, and deed of acquisition referenced therein, C.2.5.6.3 2. SCHD File No. 40,312, Sheets 16 to 17, and deed of acquisition referenced therein, O.0.1.6.48 3. SCHD File No. 40,526, Sheet 16, and deed of acquisition referenced therein, O.2.21.67 4. SUBJECT PROPERTY - O.M. 1051, Pg. 589; O.B. 0246, Pg. 340; P.B. 50, Pg. 3723 5. Plat by Jas. C. Covington, C.E., prepared for Lark and Lowman, dated 8-25-25 6. Plat by Jas. C. Covington, C.E., prepared for Spears Creek Baptist Church, dated 7-4-51 7. Unable to obtain documentation of a drainage easement for this pipeline from SCHD R/W Office.	<b>PROJECT:</b> PROPERTY SURVEY	<b>CLIENT:</b> WILLIAM B. BOYLE	<b>TITLE:</b>  
	<b>LOCATION:</b> Located approximately two miles south of Florio, SC <b>TAX MAP NO.:</b> 28800-06-11 <b>DATE:</b> May 15, 1990 <b>Drawn by:</b> South Carolina <b>County:</b> Richland <b>SHEET:</b> 1 of 1			



**February 27, 2018 D&S Committee Briefing Document**  
**Richland County Release and Abandonment of Water Line at Killian's Crossing**

**Agenda Item**

Richland County Release and Abandonment of Water Line at Killian's Crossing

**Background**

Richland County was contacted by David Wolfe, the attorney for the developers of Killian's Crossing, regarding an abandoned water line that runs across their property. It was determined that a water line easement was obtained by Richland County with a Condemnation Order in 1986 (attached). However, the water line was never turned over to the City of Columbia, as more than likely was intended. The water line has since been moved yet the original/old water line and easement still exist. David Wolfe, on behalf of the developer, has asked both the City of Columbia and Richland County to abandon and release whatever rights they had with regards to the old water line and easement. The City of Columbia signed the release on January 29, 2018 (attached). Please also see the attached plats and highlighted water line/easement at issue.

**Issues**

If the release is not signed, the developer may have problems concerning the plans for the property. This would cause unnecessary issues for the development of this property as Richland County has no interest in this easement.

**Fiscal Impact**

N/A

**Past Legislative Actions**

N/A

**Alternatives**

Sign the release and accompanying resolution OR do not sign the release and accompanying resolution.

**Staff Recommendation**

Sign the release and accompanying resolution

**Submitted by:** Lauren Hogan – Legal Department

To Master -26-86

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Richland County, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
Sam D. Green )  
 )  
Respondent. )  
\_\_\_\_\_ )

ORDER

86-CP-40-2216

This is a condemnation action which was commenced pursuant to South Carolina Code of Laws Section 28-5-10 et. seq. ("Public Works Eminent Domain Law") by the filing of a Summons, Petition, Verification, Declaration of Taking, Notice and Lis Pendens. The subject of this action is an easement needed by Richland County, South Carolina, for the purpose of a water main in this area. The Respondent, who is the record holder of title to the subject property, was served with the Summons, Petition, Verification, Declaration of Taking, Notice and Lis Pendens on May 7, 1986, as indicated by the Certificate of Service filed with this Court.

FILED  
JUN 25 11 11 AM '86  
COURT CLERK  
RICHLAND COUNTY  
SOUTH CAROLINA

The initial hearing on this matter was held before me on June 11, 1986, at which time the Petitioner appeared through its attorney, Dennis M. Gmerik. The Respondent was also present, as was his attorney, J. Marvin Mullis, Jr.

At this hearing, testimony was taken from two witnesses for the Petitioner - Ralph B. Pearson, Richland County Engineer, and David A. Johnson, City of Columbia Engineer. Both witnesses testified as to the necessity of the taking.

This court finds and concludes as follows:

- (1) This action was properly commenced under South Carolina Code of Laws Section 28-5-10 et. seq.

- (2) The easement as described in the pleadings filed by the Petitioner is necessary for a public work project.
- (3) The Petitioner is entitled to immediate possession of the easement so that work can be commenced on this public project.
- (4) Regarding the question of the adequacy of security to be posted by the Petitioner, this Court finds and concludes that the County of Richland, in the State of South Carolina, has sufficient assets from which to pay any damage award made in this case and that the posting of security will not be required

IT IS, THEREFORE, ORDERED THAT:

- (1) The proceedings in this matter are regular and consistent with statutory requirements;
- (2) This matter shall be referred to the Master-in-Equity as a Special Master for the purpose of determining the amount of compensation, if any, due to the Respondent;
- (3) The Petitioner may take immediate possession of the easement described in its petition so that work can be commenced on this public work project; and
- (4) Richland County shall not be required to post security of the payment of any damage award in this matter.

AND IT IS SO ORDERED this the 20 day of June, 1986.

  
 BERRY L. MOBLEY, PRESIDING JUDGE  
 COURT OF COMMON PLEAS  
 FIFTH JUDICIAL CIRCUIT

Columbia, South Carolina.



#16491

STATE OF SOUTH CAROLINA)  
COUNTY OF RICHLAND )



Book 2276-3287

201805285 01/20/2018 15:00:50.163

Release - Deed

Fee: \$0.00

County Tax: \$0.00

State Tax: \$0.00



201805285

John T. Hopkins II

Richland County, SC



**CORRECTIVE**

**RELEASE AND ABANDONMENT OF A PORTION OF THE CITY'S EXISTING 10' WATER MAIN EASEMENTS ALONG RICHLAND TMS#17400-02-20 (FUTURE DEVELOPMENT & OUTPARCEL F), TMS#17402-01-02 (OUTPARCEL G-1 & A PORTION OF OUTPARCEL G) IN KILLIAN'S CROSSING; CIP PROJECT#WA335-1/2-J2; CF#220-47, CF#98-43 AND CF#290-01G**

\*The original Release and Abandonment instrument dated August 29, 2017 and recorded on September 8, 2017 in Record Bk. R2242 at Page 1973 is being re-recorded to correct a scrivener's error in paragraph four to change the easement width from 25' to 10' in width, to include revisions on the drawing as to Outparcel F and Outparcel G-1, and to change the ownership of Outparcels G and G-1 (TMS#17402-01-02).

*WHEREAS*, the City of Columbia and Richland County agreed to construct a water main from Killian Road (S-40-52) along the eastern boundary of Interstate 77 to Highway 21 for service to the Sony Corporation site. Richland County filed a condemnation action under case number 86CP402216 to obtain a 10' water easement along the subject property (currently identified as a portion of Richland County TMS#17400-02-20 and TMS#17402-01-02) from Sam D. Green. An Order was filed on June 26, 1986 in the office of the Richland County Clerk of Court granting the said 10' water easement to Richland County; and

*WHEREAS*, there is no record in the City's files of the easement being assigned to the City from Richland County; however, the City designed the water main project and maintained and operated the 16" water main constructed within the said 10' water easement from about the year 1987 until the water main was relocated for development of Killian's Crossing as shown on record drawings dated May 21, 2014, last revised October 23, 2014 (CF#290-01G) and thereby claims a prescriptive 10' water easement. A new 20' water easement and 16" water main were granted to the City of Columbia in the deed to water lines from Crossings Development, LLC, dated December 23, 2014 and recorded on January 13, 2015 in the office of the Register of Deeds for Richland County in Record Book R1999 at page 386; and

*WHEREAS*, a request has been made for release and abandonment of the 10' water easement obtained on the subject property that is no longer necessary; and

*WHEREAS*, a request has been made for the City to release and abandon the 10' prescriptive easement claimed on the subject property that is no longer necessary. Said request was approved by City Council on July 18, 2017 under Resolution number R-2017-057; NOW, THEREFORE,

*BE IT RESOLVED* by the Mayor and City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017, for and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, the receipt of which is hereby acknowledged, the City of Columbia remises, releases, and forever quitclaims unto CROSSINGS DEVELOPMENT, LLC, its successors and assigns, any and all interest in that portion of the existing prescriptive 10' City of Columbia water easement along and upon property identified as Richland County TMS#17400-02-20 and the City of Columbia remises, releases, and forever quitclaims unto KILLIAN ROAD INVESTMENT, LLC, its successors and assigns, any and all interest in that portion of the existing prescriptive 10' City of Columbia water easement along and upon property identified as Richland County TMS#17402-01-02. Said portion of the existing prescriptive 10' City of Columbia water easement being more clearly shown by a cross-hatch pattern on drawing for Release and Abandonment of Existing City Water Easement for Killians Crossing, dated May 27, 2014, prepared for the City of Columbia by Cox and Dinkins, Inc. and being on file in the office of the Department of Engineering under CF#290-01G. A copy of said drawing being attached hereto and made a part hereof as Exhibit "A".

WITNESSES:

Toby Water  
Osley Graham

CITY OF COLUMBIA

By: Cherese Wilson  
Name: Teresa Wilson  
Title: City Manager

STATE OF SOUTH CAROLINA)  
COUNTY OF RICHLAND )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 29<sup>th</sup> day of

January, 2018 by Teresa Wilson, City Manager of the City of Columbia, South Carolina.

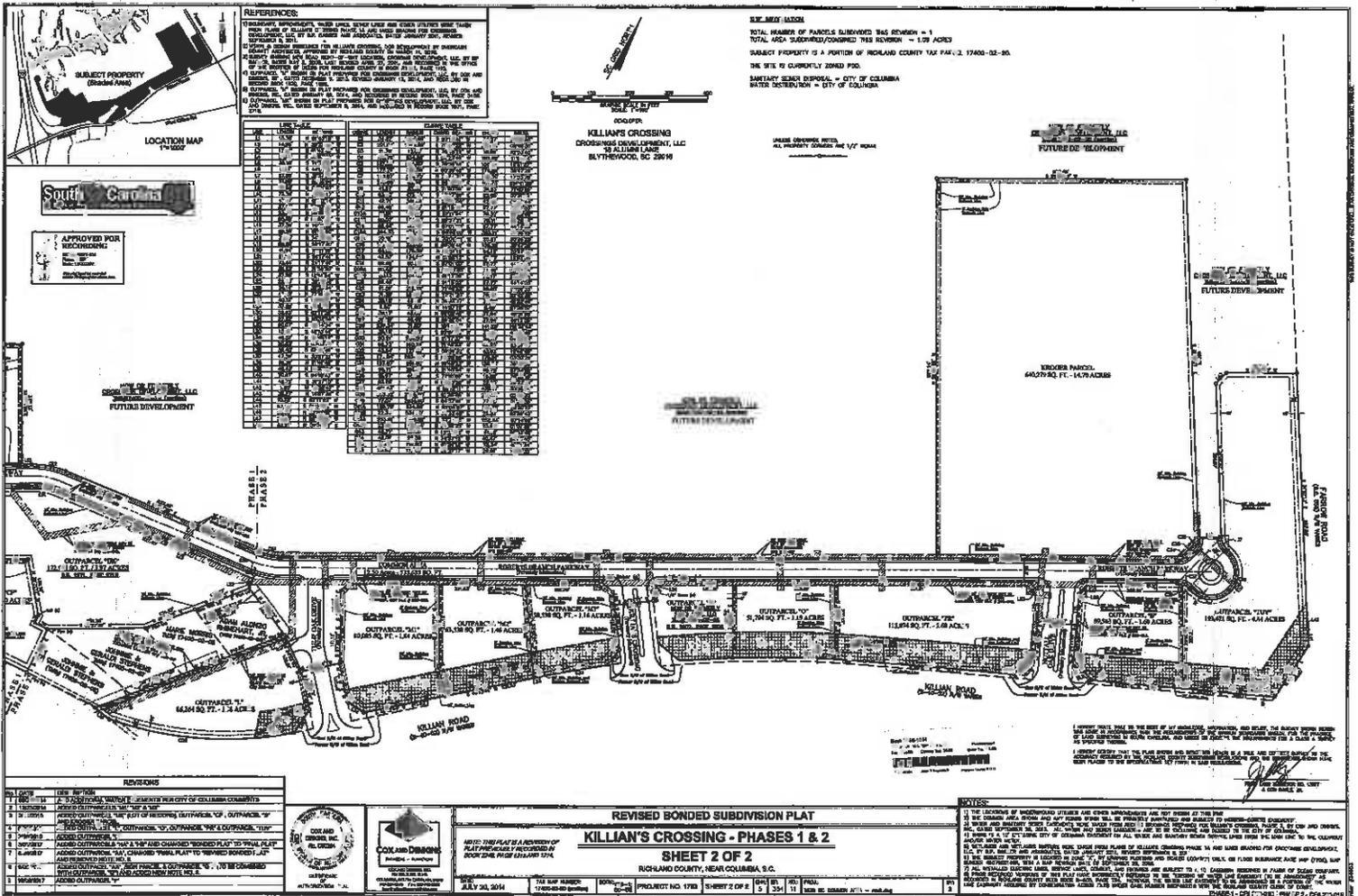
Carrie M. Davies  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: 3/8/2021

APPROVED AS TO FORM

[Signature]  
1-24-18







**REFERENCES:**  
 1. THE RECORDS OF THE CITY OF COLUMBIA, SOUTH CAROLINA, SHOWING THE ORIGINAL SUBDIVISION PLAT FOR THE SUBJECT PROPERTY, RECORDED IN THE CITY OF COLUMBIA, SOUTH CAROLINA, BOOK 1788, PAGE 104.  
 2. THE RECORDS OF THE CITY OF COLUMBIA, SOUTH CAROLINA, SHOWING THE ORIGINAL SUBDIVISION PLAT FOR THE SUBJECT PROPERTY, RECORDED IN THE CITY OF COLUMBIA, SOUTH CAROLINA, BOOK 1788, PAGE 104.  
 3. THE RECORDS OF THE CITY OF COLUMBIA, SOUTH CAROLINA, SHOWING THE ORIGINAL SUBDIVISION PLAT FOR THE SUBJECT PROPERTY, RECORDED IN THE CITY OF COLUMBIA, SOUTH CAROLINA, BOOK 1788, PAGE 104.  
 4. THE RECORDS OF THE CITY OF COLUMBIA, SOUTH CAROLINA, SHOWING THE ORIGINAL SUBDIVISION PLAT FOR THE SUBJECT PROPERTY, RECORDED IN THE CITY OF COLUMBIA, SOUTH CAROLINA, BOOK 1788, PAGE 104.  
 5. THE RECORDS OF THE CITY OF COLUMBIA, SOUTH CAROLINA, SHOWING THE ORIGINAL SUBDIVISION PLAT FOR THE SUBJECT PROPERTY, RECORDED IN THE CITY OF COLUMBIA, SOUTH CAROLINA, BOOK 1788, PAGE 104.

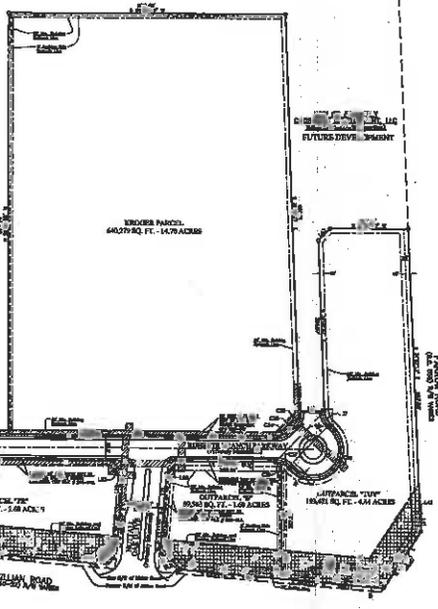
**SEE INDEX MAPS**  
 TOTAL NUMBER OF PARCELS SUBMITTED WAS REVISION # 1  
 TOTAL AREA SUBMITTED/CHANGED THIS REVISION = 1.09 ACRES  
 SUBJECT PROPERTY IS A PORTION OF RICHLAND COUNTY TAX PARCEL 17400-02-05  
 THE SITE IS CURRENTLY ZONED PUD  
 SANITARY SEWER DISPOSAL = CITY OF COLUMBIA  
 WATER DISTRIBUTION = CITY OF COLUMBIA

**KILLIAN'S CROSSING**  
 CROSSINGS DEVELOPMENT, LLC  
 12 KILLIAN LANE  
 BLYTHEWOOD, SC 29019

NAME CHANGES WITH  
 ALL PROPERTY CHANGES ARE 1/2" HIGH

**FUTURES DEVELOPMENT, LLC**  
 FUTURE USE: 'RECREATION'

**FUTURES DEVELOPMENT, LLC**  
 FUTURE USE: 'RECREATION'



**REVISIONS**

NO.	DATE	DESCRIPTION
1	07/20/2014	ISSUED FOR CITY OF COLUMBIA COMMENTS
2	07/20/2014	REVISED SUBDIVISION PLAT PER CITY OF COLUMBIA COMMENTS
3	07/20/2014	ADDED OUTLINE TO THE EAST OF REVISION, OUTLINE 'C', OUTLINE 'D', AND OUTLINE 'E'
4	07/20/2014	REVISED THE DISTANCE TO THE OUTLINE 'C', OUTLINE 'D', AND OUTLINE 'E'
5	07/20/2014	ADDED OUTLINE 'A' AND CHANGED 'WINDY PLAT' TO 'WINDY PLAT'
6	07/20/2014	ADDED OUTLINE 'B' TO CHANGING 'WINDY PLAT' TO 'WINDY PLAT'
7	07/20/2014	ADDED OUTLINE 'C' AND CHANGING 'WINDY PLAT' TO 'WINDY PLAT'
8	07/20/2014	ADDED OUTLINE 'D' AND CHANGING 'WINDY PLAT' TO 'WINDY PLAT'
9	07/20/2014	ADDED OUTLINE 'E' AND CHANGING 'WINDY PLAT' TO 'WINDY PLAT'



**REVISED BONDED SUBDIVISION PLAT**  
**KILLIAN'S CROSSING - PHASES 1 & 2**  
**SHEET 2 OF 2**  
 RICHLAND COUNTY, SOUTH CAROLINA

DATE: JULY 20, 2014  
 THE MAP NUMBER: 1788-02-05  
 PROJECT NO: 1788  
 SHEET 2 OF 2  
 TOTAL SHEETS: 2  
 DATE OF RECORD: JULY 20, 2014

**NOTES:**  
 1. THE LOCATION OF BOUNDARY LINES AND OTHER INFORMATION ARE NOT SHOWN ON THIS PLAN.  
 2. THE OWNER HAS BEEN ADVISED BY THE CITY OF COLUMBIA THAT THE CITY OF COLUMBIA HAS THE RIGHT TO REQUIRE THE CITY OF COLUMBIA TO PROVIDE A COPY OF THE ORIGINAL RECORDS OF THE CITY OF COLUMBIA TO THE CITY OF COLUMBIA.  
 3. THE CITY OF COLUMBIA HAS THE RIGHT TO REQUIRE THE CITY OF COLUMBIA TO PROVIDE A COPY OF THE ORIGINAL RECORDS OF THE CITY OF COLUMBIA TO THE CITY OF COLUMBIA.  
 4. THE CITY OF COLUMBIA HAS THE RIGHT TO REQUIRE THE CITY OF COLUMBIA TO PROVIDE A COPY OF THE ORIGINAL RECORDS OF THE CITY OF COLUMBIA TO THE CITY OF COLUMBIA.  
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 6. THE CITY OF COLUMBIA HAS THE RIGHT TO REQUIRE THE CITY OF COLUMBIA TO PROVIDE A COPY OF THE ORIGINAL RECORDS OF THE CITY OF COLUMBIA TO THE CITY OF COLUMBIA.  
 7. THE CITY OF COLUMBIA HAS THE RIGHT TO REQUIRE THE CITY OF COLUMBIA TO PROVIDE A COPY OF THE ORIGINAL RECORDS OF THE CITY OF COLUMBIA TO THE CITY OF COLUMBIA.  
 8. THE CITY OF COLUMBIA HAS THE RIGHT TO REQUIRE THE CITY OF COLUMBIA TO PROVIDE A COPY OF THE ORIGINAL RECORDS OF THE CITY OF COLUMBIA TO THE CITY OF COLUMBIA.  
 9. THE CITY OF COLUMBIA HAS THE RIGHT TO REQUIRE THE CITY OF COLUMBIA TO PROVIDE A COPY OF THE ORIGINAL RECORDS OF THE CITY OF COLUMBIA TO THE CITY OF COLUMBIA.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

RELEASE AND ABANDONMENT

Release and abandonment of a portion of Richland County's existing 10' water main easement along Richland County TMS #17400-02-20 (Future Development & Outparcel F) & TMS #17402-01-02 (Outparcel G-1 and portion of Outparcel G) in Killian's Crossing

~~RELEASE AND ABANDONMENT OF A PORTION OF RICHLAND COUNTY'S EXISTING 10' WATER MAIN EASEMENT ALONG RICHLAND COUNTY TMS #17400-02-20 (FUTURE DEVELOPMENT & OUTPARCEL F) & TMS #17402-01-02 (OUTPARCEL G-1 AND PORTION OF OUTPARCEL G) IN KILLIAN'S CROSSING~~

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**WHEREAS**, Richland County and the City of Columbia agreed to construct a water main from Killian Road (S-40-52) along the eastern boundary of Interstate 77 to Highway 21 for service to the Sony Corporation site. Richland County filed a condemnation action under case number 86CP402216 to obtain a 10' water easement along the subject property (currently identified as a portion of Richland County TMS#17400-02-20 and TMS#17402-01-02) from Sam D. Green. An Order was filed on June 26, 1986 in the office of the Richland County Clerk of Court granting the said 10' water easement to Richland County; and

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**WHEREAS**, there is no record in the County's files of the easement being assigned to the City from Richland County; however, the City designed the water main project and maintained and operated the 16" water main constructed within the said 10' water easement from about the year 1987 until the water main was relocated for development of Killian's Crossing; and,

**WHEREAS**, property owners Crossing Development, LLC, [CSRA Steakburger, LLC](#) and Killian Road Investment, LLC request a release and abandonment of the 10' water easement obtained on the subject property as it is no longer necessary;

**NOW, THEREFORE, BE IT RESOLVED** that the Richland County Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2017~~8~~, for and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, the receipt of which is hereby acknowledged, executes this release and abandonment instrument from Richland County and hereby remises, releases, and forever quitclaims unto CROSSINGS DEVELOPMENT, LLC (owner of [Future Development portion of Richland County TMS#17400-02-20](#)), [CSRA Steakburger, LLC \(owner of Outparcel F portion of Richland County TMS#17400-02-20\)](#), and KILLIAN ROAD INVESTMENT, LLC (owner of Richland County TMS#17402-01-02), their successors and assigns, any and all interest in that portion of the existing 10' Richland County water easement along and upon property identified as Richland County TMS#17400-02-20 and TMS#17402-01-02. Said 10' water easement being more clearly shown by a cross-hatch

pattern on drawing prepared by Cox and Dinkins, Inc. labeled as Revised Bonded Subdivision Plat for Killian's Crossing – Phases 1 & 2 prepared July 30, 2014, [last revised October 6, 2017](#) (Exhibit A).

WITNESSES:

RICHLAND COUNTY

\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
Joyce Dickerson  
Chair Richland County Council

STATE OF SOUTH CAROLINA )

ACKNOWLEDGEMENT

COUNTY OF RICHLAND )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2017~~8~~, by Joyce Dickerson, Chair Richland County Council.

\_\_\_\_\_  
NOTARY PUBLIC OF SOUTH CAROLINA  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL**

**A RESOLUTION REQUESTING APPROVAL FOR RELEASE AND ABANDONMENT  
OF A PORTION OF RICHLAND COUNTY’S EXISTING 10’ WATER MAIN  
EASEMENT ALONG RICHLAND COUNTY TMS #17400-02-20 (FUTURE DEVELOPMENT &  
OUTPARCEL F) & TMS #17402-01-02 (OUTPARCEL G-1 AND PORTION OF  
OUTPARCEL G) IN KILLIAN’S CROSSING**

**WHEREAS**, in 1986, Richland County and the City of Columbia agreed to construct a water main from Killian Road (S-40-52) along the eastern boundary of Interstate 77 to Highway 21 for service to the Sony Corporation site.

**WHEREAS**, Richland County filed a condemnation action under case number 86CP402216 to obtain a 10’ water easement along the subject property (currently identified as a portion of Richland County TMS#17400-02-20 and TMS#17402-01-02) from Sam D. Green. An Order was filed on June 26, 1986 in the office of the Richland County Clerk of Court granting the said 10’ water easement to Richland County; and

**WHEREAS**, there is no record in the Richland County Register of Deed or the County’s files of the easement being assigned to the City of Columbia from Richland County; however, the City designed the water main project and maintained and operated the 16” water main constructed within the said 10’ water easement from about the year 1987 until the water main was relocated for development of Killian’s Crossing; and

**WHEREAS**, property owners Crossing Development, LLC, CSRA Steakburger, LLC, and Killian Road Investment, LLC, request a release and abandonment of the 10’ water easement obtained on the subject property as it is no longer necessary;

**NOW, THEREFORE, BE IT RESOLVED** that the Richland County Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2018, for and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, the receipt of which is hereby acknowledged, executes a release and abandonment instrument from Richland County that remises, releases, and forever quitclaims unto CROSSINGS DEVELOPMENT, LLC (owner of the Future Development portion TMS#17400-02-20), CSRA Steakburger, LLC (owner of Outparcel F portion of TMS# 17400-02-20), and KILLIAN ROAD INVESTMENT, LLC (owner of TMS#17402-01-02), their successors and assigns, any and all interest in that portion of the existing 10’ Richland County water easement along and upon property identified as Richland County TMS#17400-02-20 and TMS#17402-01-02. Said 10’ water easement being more clearly shown by a cross-hatch pattern on drawing prepared by Cox and Dinkins, Inc. labeled as Revised Bonded Subdivision Plat for Killian’s Crossing – Phases 1 &2 prepared July 30, 2014, last revised October 6, 2017 (Exhibit A).

ADOPTED THIS the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Joyce Dickerson, Chair  
Richland County Council

Attest: \_\_\_\_\_  
Michelle Onley  
Assistant Clerk of Council



# **RICHLAND COUNTY GOVERNMENT**

**Community Planning & Development**

## **MEMO**

**To** Richland County Council  
**From** Tracy Hegler, AICP, Director of Community Planning and Development   
**Date** February 21, 2018  
**Subject** D&S Item Follow-up from 12/19/17 Meeting

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At its December 19, 2017 meeting, the D&S Committee requested information on when homeowners are able to take over responsibility for the Homeowners' Association related to the following motion:

HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [Norman Jackson]

Currently, state law does not regulate a time or percentage build-out when the developers must turn HOA's over to the homeowners. However, I discussed this with several developers/builders and they advised every neighborhood is different but they usually do not turn management over until near or total build-out for a couple reasons:

- The cost of maintaining all amenities often exceeds the fees collected from less than 100% of homes sold, so the developer covers those expenses until not only until the neighborhood can sustain these costs with their fees but to also to leave enough in the budget to more effectively manage the HOA.
- While the developer is still selling homes, they prefer to manage and maintain the amenities themselves. When the homeowners take over management they could make changes that would materially affect the character of the neighborhood.

Attached is the original briefing document.



**Development & Services Committee Meeting  
December 19, 2017  
Committee Briefing Document**

**Agenda Item**

Homeowner's Associations

**Background**

On May 16, 2017, the Honorable Norman Jackson made the following motion:

HOA's operated by developers or management firms should be fined if due to their poor management, and not that of the homeowners, it causes a hardship on the homeowners or community. NOTE: There are improperly maintained detention ponds that have trees growing in them which causes flooding during a bad storm [Jackson]

The County does not have the authority to intervene in private matters between homeowners and their Homeowner's Associations, making the first half of the motion related to "poor management...caus[ing] a hardship on the homeowners or community" difficult to address.

However, the County does enforce its Code of Ordinances against appropriate entities, including HOA's if they are responsible for the maintenance. Thus, if the detention ponds are not being maintained per the maintenance plan associated with the approved set of plans, the County can issue citations per: *PART II, Section 9(d) of the National Pollutant Discharge Elimination System Permit for Discharge to Surface Waters issued by the Storm Water, Construction and Agricultural Permitting Division of DHEC.*

**Issues**

Management capacity of Homeowner's Associations

**Fiscal Impact**

N/A

**Past Legislative Actions**

N/A

**Alternatives**

1. Amend the County's current land development enforcement processes.
2. Do not amend the County's current land development enforcement processes.

**Staff Recommendation**

Council discretion, however, staff will continue to enforce current ordinances.

**Submitted by:** Councilman Norman Jackson, District 11

**Date:** May 16, 2017



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

**February 27, 2018 D&S Committee  
Companion Document**

**Agenda Item**

Proposal to improve the treatment and care of lost and abandoned animals in Richland County and Forest Acres

**Background**

Pursuant to the January 18, 2018 email correspondence from Councilman Manning, Mary Reynolds proposal, as attached, regarding the treatment and care of lost and abandoned animals is being presented to the Committee for its consideration.

## INTRODUCTION

Too many stray dogs and cats. How many times have we heard that. We are all tired of hearing it. But we can't afford to be jaded.

## THE PROBLEM

Richland County has the benefit of laws that punish people who abuse or neglect babies and children or the elderly, members of our society that are helpless. But our laws to punish people who abuse or neglect animals are very weak. And those laws may take years to change. In the meantime, you have pet owners who do not spay or neuter their pets, who beat them, who starve them, or who simply dump them off on the side of the road, oftentimes not even slowing down. If the pet is lucky, it gets surrendered to the Columbia city shelter. Maybe it was too old and started peeing on the rug. People don't understand that a pet is a family member.

There are tens of thousands of cases that Richland county has to deal with every year. While there has been improvement over the years, work still needs to be done.

## THE SOLUTION

My proposal is two-fold.

I propose that County Council create a new position within the Animal Care team called Community Outreach Coordinator. The high-level function of this employee would be to perform a liaison role between Animal Care and Richland County Council, RCSD, City of Columbia Animal Services, the Richland County community, and the local pet rescue groups who work across counties to reunite pets or re-home the abandoned ones. It would be a challenging job.

Additionally, I pledge to volunteer my time to write grant proposals that would help with the expansion of our existing spay/neuter marketing programs and community education programs on responsible pet ownership. These grant proposals would be submitted to pet advocacy foundations and charities that do not require a non-profit status; municipal agencies are considered. Some foundations only accept grant proposals at specific times of the year. Other charities, like the two below, accept them year-round. Therefore, I will submit grant proposals to The Petco Foundation and PetSmart.

## BUDGET, SCHEDULE, AND FINANCING

As I skimmed through the 305-page budget document on the website to locate the information I needed, I did find the line item for Animal Care under Public Safety under General Fund. It covers the past 2 years, the current year, and 2019 as follows:

\$1,032,740  
\$1,006,110  
\$1,100,518  
\$1,112,695

After looking at the itemized page for this line item, it appears that personnel expenses and operating expenses run about 50-50. I assume personnel expenses are salaries and benefits but the details of what is included under operating expenses is not specified.

I would like to see the new position begin at the latest by the beginning of this fiscal year (July 1).

The salary of course would be negotiable, but I noticed there were two unfilled positions for Animal Care Officers in 2017. I feel that you need to fill those positions, but if you can't find any suitable candidates, then that money might be a consideration. If not, I would ask that a new line item be created in the budget for the new position.

## CONCLUSION

I'm supposed to summarize at this point, but I'm sure you'd all like me to wrap this up. So, I'll just conclude with this quote from someone I greatly admire, Mahatma Gandhi. He had some good ones, but this is my favorite.  
"The greatness of a nation can be judged by the way its animals are treated."

And please, I am begging Council to take this opportunity to improve the treatment and care of lost and abandoned animals in Richland County and Forest Acres by giving earnest consideration to the creation of this new position.

## SUBMITTED BY

Mary Reynolds  
5028 Citadel Avenue  
Columbia, SC 29206  
803-351-7700



# RICHLAND COUNTY GOVERNMENT

Community Planning & Development

## MEMO

**To** Richland County Council  
**From** Tracy Hegler, AICP, Director of Community Planning and Development  
**Date** February 22, 2018  
**Subject** D&S Item Follow-up from 1/9/18 Meeting

JH

During the January 9, 2018 meeting deliberations the D&S Committee moved to forward the below motion to the February 26, 2018 Committee meeting and requested that staff provide responses to the questions raised by the Committee related thereto. This companion document transmits responses to those questions.

In future housing development or construction, houses built must be at a safe distance to prevent the transfer of being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses [Norman Jackson].

1. What are the building code requirements related fire retardant materials and are they driven by the international building code and / or builder associations?

**A:**

The building code requirements related to fire retardant materials are established by the International Building Codes ("I"). The "I" Codes are updated every 3 years. It is a continual process where everyone in the industry can make code recommendations. Only ICC members who are jurisdictional employees are allowed to vote on any code changes. Building officials, plans examiners and inspectors actually have the last word on the actual changes that occur in the new editions every three years at the national level.

A minimum code is adopted at a state level to insure uniformity in enforcement. All jurisdictions are required to abide by the codes adopted at the state level whether they specifically adopt them by ordinance or not.

County Council adopted the 2015 South Carolina Residential Building Code; the requirements set forth in that Code are detailed in the original briefing document. This adoption is required by State Laws noted below.

### **SECTION 6-9-5.** Public policy for building codes.

(A) The public policy of South Carolina is to maintain reasonable standards of construction in buildings and other structures in the State consistent with the public health, safety, and welfare of its citizens. To secure these purposes, a person performing building codes enforcement must be certified by the South Carolina Building Codes Council, and this act is necessary to provide for certification.

2020 Hampton Street \* P.O. Box 192 \* Columbia, SC 29202  
803-576-2190

**SECTION 6-9-10.** Enforcement of building codes by municipalities and counties; applicability to electric cooperatives, Public Service Authority and certain public utility corporations; conflicts with federal manufactured housing construction and installation regulations.

(A) All municipalities, as defined by Section 5-1-20, and counties in this State shall enforce building, energy, electrical, plumbing, mechanical, gas, and fire codes, referred to as building codes in this chapter, relating to the construction, livability, sanitation, erection, energy efficiency, installation of equipment, alteration, repair, occupancy, classification, or removal of structures located within their jurisdictions and promulgate regulations to implement their enforcement. The municipality or county shall enforce only the national building and safety codes provided in this chapter.

**SECTION 1-34-10.** Purpose.

The public policy of South Carolina is to maintain reasonable and consistent standards of construction in buildings and other structures in the State in order to protect the public health, safety, and welfare of its citizens. Accordingly, all agencies should enforce the same editions of nationally recognized codes and standards for the construction, manufacture, renovation, improvement, and maintenance of structures. To effect this policy, it is intended that all state regulatory agencies enforce the same editions of nationally recognized codes.

**SECTION 1-34-30.** Adoption of latest edition of nationally recognized codes; notice requirements; public comments; agencies requiring compliance with earliest edition of a code.

(A) An agency shall adopt the latest edition of all nationally recognized codes which it is charged by statute or regulation with enforcing.

Under the provisions of Chapter 34, Title 1, an agency is required to adopt the latest edition of a nationally recognized code which it is charged by statute or regulation with enforcing by giving notice in the State Register.

The State of SC Building Codes Council adopts mandatory building codes that municipalities and counties must enforce. Given the intent of the State Codes described above, it can be assumed the minimums set force in the adopted code are consistent with the public health, safety, and welfare of its citizens.”

**2. How were the County’s minimum standards developed?**

**A:** The County’s standards for building separation were established based on the building code minimums and building setbacks were based on standard practice as adopted in the 2006 Land Development Code.

Building Separation requirements, enforced by the building division, are:

**SECTION R302**

**FIRE-RESISTANT CONSTRUCTION**

**R302.1 Exterior walls.** Construction, projections, openings and penetrations of *exterior walls* of *dwelling*s and accessory buildings shall comply with Table R302.1 (1); or *dwelling*s equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1 (2).

**Exceptions:**

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.
2. Walls of *dwelling*s and *accessory structures* located on the same *lot*.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the *lot*. Projections beyond the *exterior wall* shall not extend over the *lot line*.
4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.
6. Fire Separation Distance.

**Exception:**

- a. The minimum fire separation distance for improvement constructed on a lot shown on: (i) a recorded bonded or final subdivision plat, or (ii) a sketch plan, site plan, plan of phased development or preliminary plat approved by the local governing authority which was recorded or approved prior to the implementation of the 2012 IRC which shows or describes lesser setbacks than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setbacks, but in no event less than 3 feet.
- b. The minimum fire separation distance for improvements constructed on a lot where the local governing authority has prior to the implementation of the 2012 IRC: (i) accepted exactions or issued conditions, (ii) granted a special exception, (iii) entered into a development agreement, (iv) approved a variance, (v) approved a planned development district, or (vi) otherwise approved a specific development plan which contemplated or provided for setbacks less than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setback, but in no event less than 3 feet.

TABLE R302.1(1)  
EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside <sup>a, b</sup>	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable.

- a. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

Note, the building codes establish minimum standards for building separation, so it might also be helpful to view the County's setback requirements as adopted within Chapter 26, Land Development Code.

Richland County building setback requirements, enforced by the Zoning Administrator, are:

Zoning District	Side Setback (in feet)
RU	20
RR	20
RS-E	10
RS-LD	16', no side less than 5'
RS-MD	13', no side less than 4'
RS-HD	12', no side less than 4'

3. What are the national and / or regional best practices regarding this?

**A:** As noted previously, all SC jurisdictions are required to abide by minimum codes adopted at the state level.

The setback requirements of other similar counties in the state is compared below. The following table compares, as closely as possible, the different residential zoning districts in each County reviewed (they are not a one-to-one comparison but equivalent districts). The comparison shows Richland County's setbacks equal or exceed most other comparable districts.

	County and District	Side Setback (in feet)
<b>Rural</b>	Richland, RU/RR	20
	Charleston, RR - 30,000sf lots	15
<b>Rural Estate</b>	Richland, RS-E	10
	Horry, RS-E	15
<b>Low Density</b>	Richland, RS-LD	16, no side less than 5
	Horry, single family, 14,000sf +	10
	Berkeley, rural single family, 10,000-13,999sf	10
	Greenville, residential suburban	5
<b>Medium Density</b>	Richland, RS-MD	13, no side less than 4
	Horry, single family, 8,000sf lots	10
	Berkeley, rural single family, 6,001-9,999sf	7.5
	Greenville, 7.5, single family	5
<b>High Density</b>	Richland, RS-HD	12, no side less than 4
	Horry, single family, 6,000sf lots	10
	Berkeley, rural single family, 6,000sf and under	7.5
	Greenville, 6, single family	5

We also obtained information from Dorchester and Spartanburg counties, but it was difficult to compare their residential districts to Richland's. However, they had no residential side setbacks greater than 10 feet.

Attached is the original briefing document.



**Development & Services Committee Meeting  
December 19, 2017  
Committee Briefing Document**

**Agenda Item:**

Residential structure separation

**Background:**

On Tuesday, November 14, The Honorable Councilman Norman Jackson made the following motion.

In future housing development or construction, houses built must be at a safe distance to prevent the transfer of being affected by fire. Fire retardant materials must be used or a safe distance must be developed separating the houses.

Currently all construction has to meet the requirements of the 2015 South Carolina Residential Building Code, which was adopted by County Council in 2016. Residential structures are required to be set back at least 5' from the property line; yielding a minimum separation of 10' between structures. Different requirements exist for commercial construction. Duplexes or zero lot line structures must share a fire-resistance wall with a minimum one-hour rating.

Please see requirements below.

**SECTION R302**

**FIRE-RESISTANT CONSTRUCTION**

**R302.1 Exterior walls.** Construction, projections, openings and penetrations of *exterior walls of dwellings* and accessory buildings shall comply with Table R302.1 (1); or *dwellings* equipped throughout with an *automatic sprinkler system* installed in accordance with Section P2904 shall comply with Table R302.1 (2).

**Exceptions:**

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the *fire separation distance*.
2. Walls of *dwellings* and *accessory structures* located on the same *lot*.
3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the *lot*. Projections beyond the *exterior wall* shall not extend over the *lot line*.
4. Detached garages accessory to a *dwelling* located within 2 feet (610 mm) of a *lot line* are permitted to have roof eave projections not exceeding 4 inches (102 mm).
5. Foundation vents installed in compliance with this code are permitted.
6. Fire Separation Distance.

**Exception:**

- a. The minimum fire separation distance for improvement constructed on a lot shown on: (i) a recorded bonded or final subdivision plat, or (ii) a sketch plan, site plan, plan of phased development or preliminary plat approved by the local governing authority which was recorded or approved prior to the implementation of the 2012 IRC which shows or describes lesser setbacks than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setbacks, but in no event less than 3 feet.



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

- b. The minimum fire separation distance for improvements constructed on a lot where the local governing authority has prior to the implementation of the 2012 IRC: (i) accepted exactions or issued conditions, (ii) granted a special exception, (iii) entered into a development agreement, (iv) approved a variance, (v) approved a planned development district, or (vi) otherwise approved a specific development plan which contemplated or provided for setbacks less than the fire separation distances provided in Table R302.1(1) shall be equal to the lesser setback, but in no event less than 3 feet.

**TABLE R302.1(1)  
EXTERIOR WALLS**

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	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	N/A	< 2 feet
	Fire-resistance rated	1 hour on the underside <sup>a, b</sup>	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.  
N/A = Not Applicable.

- a. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b. Roof eave fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave provided that gable vent openings are not installed.

**Issues:**

Greater setback requirements would result in lower housing densities and could lead to sprawling development.

**Fiscal Impact:**

No direct cost to the County for amending this building requirement.

**Past Legislative Actions;**

On July 1, 2016 County Council adopted the 2015 South Carolina Residential Building Codes (ordinance attached).

**Alternatives:**

1. Amend the County’s current setback requirements in the Land Development Code to increase the minimum setback between structures.
2. Do not amend the County’s current setback requirements in the Land Development Code to increase the minimum setback between structures and continue to enforce the minimum approved by the State.



# RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

**Staff Recommendation:**

Council discretion, however, staff will continue to enforce current ordinances.

**Submitted by:** Councilman Norman Jackson, District 11

**Date:** November 14, 2017



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

**February 27, 2018 D&S Committee  
Companion Document**

**Agenda Item**

Council Motion: Move to review the existing “cat” ordinance and remove the last sentence of the ordinance

**Background**

This item was considered by the Committee during its January 9, 2018 Committee meeting. During the meeting deliberations, the Committee voted to hold this item in Committee and requested representatives from Pawmetto Lifeline attend the next Committee meeting with any data related to this matter and be available to answer questions.

As directed, staff contacted Pawmetto Lifeline. Pawmetto Lifeline CEO Denise Wilkinson accepted the invitation to attend the February 27, 2018 Committee meeting.



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

**Development & Services Committee Meeting  
January 9, 2018  
Briefing Document**

**Agenda Item**

Move to review the existing "cat" ordinance and remove the last sentence of the ordinance

**Background / Discussion:**

During its December 12, 2017 meeting deliberations, Councilman Pearce brought forth a motion to review the County's Community Cat ordinance and remove the last sentence of the ordinance.

Attached is the County's Community Cat ordinance.

**Fiscal Impact**

None at this time.

**Past Legislative Actions**

None related to this motion.

**Alternatives**

1. Consider the motion and proceed accordingly.
2. Consider the motion and do not proceed.

**Staff Recommendation:**

None as this matter is a Council motion. Staff will proceed as directed.

**Proposed by:** Councilman Gregory Pearce **Date:** December 12, 2017

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-16HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**CHAPTER 5: ANIMALS AND FOWL**

**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 Officer* shall mean any person employed by the county to enforce the animal care program.

*Animal Care Facility* shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of animals held under authority of this chapter.

*At large* shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device, or an animal on its owner's premises but not under restraint. A dog properly within the enclosed boundaries of a dog park shall not be considered at large. For the purposes of this definition, a dog park shall mean an enclosed area, owned and/or operated by the county, any municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners.

*Community Cat*, also call "free roaming cat", shall mean a domestic cat that lives outdoors full-time, has little or no human contact, is not well socialized to humans, and has no known owner.

Pets, house cats which are outside periodically, and stray cats (lost or abandoned house pets) are specifically excluded from this definition.

*Dangerous or vicious animal* shall mean:

(1) Any animal, which the owner knows or reasonably should know, has the propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any animal which attacks a human being or domestic animal one or more times without provocation, whether or not such attack occurs on the premises of the animal's owner; or

(3) Any animal, which is not under restraint, and which commits unprovoked acts and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being or domestic animal; or

(4) An animal owned, kept or harbored primarily, or in part, for the purpose of animal fighting or an animal which has been trained for animal fighting.

*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 or public 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*).

*Provocation* shall mean any act done towards an animal that a reasonable person would expect to enrage such an animal to the extent that the animal would be likely to bite or attack, including, but not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. Where an animal is attacked on its owner's property by another animal off its owner's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense or defense of others.

*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 an animal that is on the premises of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or an animal that is off the premises of its owner or keeper but is accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

*Wild or feral animal* shall mean 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.

**Sec. 5-2. Differential county and commercial pet breeder licenses; license fees; rabies vaccination tags.**

(a) It shall be unlawful for the owner of any pet to fail to obtain for any pet over four (4) months of age, a current county pet license. The owner of any pet over 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) business days in which to obtain the license.

(b) The annual license fees for fertile and sterilized pets shall be established and approved by the county council. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times.

(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) 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, shall 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 they 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 their 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 five (5) years of the date of application.

(6) License application should be made prior to any litter being delivered.

(7) A commercial pet breeder license is not transferrable to another person or location.

(8) The annual inspection fee for a county commercial pet breeder license shall be established and approved by county council. The license shall expire one (1) 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 of such license shall be determined on a case by case basis. 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 the commercial pet breeder's custody.

### **Sec. 5-3. Exemptions from differential licensing fees.**

(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 and will pay the same license fee as required for sterilized pets:

(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 a nationally recognized conformation or performance event within the past twelve months;

(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 owner of a dog which is trained to be an assistance/service dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.

(c) The county Animal Care Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this chapter and shall keep the same on file in the offices of the department for the purpose of identification.

### **Sec. 5-4. Community Cat Diversion Program**

(a) *Purpose.* It is the intent of this section to create a Community Cat Diversion Program (“Program”) within Richland County in order to reduce cat overpopulation in an effective and humane way by using the Trap, Neuter, and Return (TNR) method.

(b) *Scope.* This section shall apply only to healthy free roaming and Community Cats. Well socialized, friendly, or abandoned house pets do not qualify for the Program as they depend on humans for survival. The Superintendent of Animal Services, or his/her designee, shall make the decision as to whether a cat qualifies for the Program.

(c) *Procedures.*

(1) Any Community Cat either trapped or seized by an animal care officer or turned into the animal care facility by a citizen shall be:

- i. Assessed by a veterinarian to determine the condition of health;
- ii. Spayed or neutered, as needed;
- iii. Vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia;  
and;
- iv. Ear-tipped for identification.

(2) All cats entering the animal care facility shall be immediately assessed for Program qualification; those unqualified shall be processed in accordance with this chapter.

(3) Any Community Cat entering the Program shall be returned on the third day after spay/neutering or as soon as practicable thereafter to the area where it was trapped or seized. Any Community Cat which meets all the requirements in section (c)(1), above, that is trapped, seized, or brought to the animal care facility may be immediately returned to the same community, unless the property owner or caretaker requests the cat not be returned to that location.

(4) The county shall have no liability for cats in the Program.

(5) Community Cats are exempt from licensing and related fees.

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

(a) All animals must be kept under restraint or confinement. Any animal not so restrained or confined 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 or those cats in the Community Cat Diversion Program.

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, 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 as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. 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.

### **Sec. 5-6. Removal of excrement.**

The owner of every animal shall be responsible for the removal of any excretions deposited by his or her animal on public walks and ways, recreation areas, or private property other than that of the owner.

### **Sec. 5-7. Injured or diseased animals.**

Anyone striking a domestic animal with a motor vehicle or bicycle shall notify the county Animal Care Department who will then take action necessary to make proper disposition of the animal. Any domestic animal received by the animal 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 animal is contacted. Every effort possible shall be made to contact the owner or veterinarian of the animal via information obtained from its tag or microchip. Any such animal in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian of the animal cannot be contacted within two (2) hours. If the animal is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.

**Sec. 5-8. Nuisance animals.**

(a) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a 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 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 as lawful in Section 5-416(c);

(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.

(b) An animal that has been determined to be a nuisance by the Animal Care 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.

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

**Sec. 5-9. Animal care, generally.**

(a) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county.

(d) It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.

**Sec. 5-10. Sale of animals.**

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any animal, on any roadside, public right- of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival. Licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this subsection (a).

(b) No person shall offer an animal 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 care facility or to a licensed pet rescue organization.

**Sec. 5-11. Care of animals during transport.**

During transportation, an animal must be provided adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

**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 Care 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 for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. If an Animal

Care Officer witnesses an animal in distress and in need of immediate medical attention, the officer may exercise the authority to enter onto private property (yard only) and/or into an enclosed fenced yard to seize the animal. If the animal is not in need of immediate medical care, then a search warrant must be executed in order to enter onto private property (yard only) and/or into an enclosed fenced yard. The Animal Care 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 (10) business 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 until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care 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) business 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 Care 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 Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, 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 Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, 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.

If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility 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) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.

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

### **Sec. 5-13. Impounding; surrender.**

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals which are not positively identifiable and not redeemed within five (5) business days. Except as provided in subsection (f), below, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement 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 Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.

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

(d) 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 § 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 fourteen (14) business days from the date of mailing to redeem the animal from the animal care facility. Redemption costs will include the cost of mailing, plus any established costs, fines, fees or other charges. If the owner does not redeem the animal within fourteen (14) business days of the date of the mailing, the animal will be deemed abandoned and become 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 agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S. C. Code § 47-3-540 (Supp. 1999).

Notwithstanding the above and except as provided in subsection (f), below, positively identifiable animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement 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 at any time.

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

(f) Any animal that has been determined by the Animal Care Department to be a dangerous or vicious animal, and is not properly confined as described in Section 5-16(c), below, or is otherwise in violation of this chapter, may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal care facility and has completed and signed a surrender form or until a final uniform ordinance summons proceeding (criminal proceeding) is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized.

If the owner does not give permission, the Animal Care 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 for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. The Animal Care 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 (10) business 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, adequately confine the animal as defined in Section 5-16 (c), and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care 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) business 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 Care 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 Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, 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 Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), 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.

If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility 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) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.

Nothing in this subsection (f) shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after impoundment of the animal.

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

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

#### **Sec. 5-14. Redemption.**

(a) The owner or keeper of any animal that has been impounded under the provisions of this chapter, and which has not been determined by the Animal Care Department to be dangerous or vicious, shall have the right to redeem such pet at any time within the legal detention period

outlined in Section 5-13 upon payment of all fees established and required by the Animal Care Facility. No pet will be released without proof of inoculation and without an implanted microchip.

(b) No fertile pet shall be redeemed unless one of the exceptions Section 5-3(a) has been met. The requirement that a pet must be spayed or neutered before being redeemed shall not be waived pursuant to the exceptions in Section 5-3 (a) if the animal has been impounded more than once for a violation of this chapter. In such instances, the pet shall be spayed or neutered by the animal care facility and the costs of such shall be added to all other required redemption fees.

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

#### **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) 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.

#### **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. Nondomestic member of the family felidae;
2. Wolf-dog hybrid containing any percentage of wolf;
3. Badger, wolverine, weasel, skunk and mink;
4. Raccoon;
5. Bear;
6. Nonhuman primate to include ape, monkey, baboon, macaque, lemur, marmoset, tamarin and other species of the order primates;
7. Bat;

8. Alligator, crocodile and caiman;
9. Scorpion;
10. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;
11. Venomous reptile;
12. Any snake or other animal where the animal's behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the safety and welfare of citizens in the immediate surrounding area;
13. Any lizard over two feet which is a member of the family varanidae;
14. Any non-domesticated member of the order Carnivora;
15. Any wild or feral animal; or
16. Any animal of mixed domestication and feral lineage.

(b) It shall be lawful for any person to own, keep, harbor, act as custodian of any snake not listed in subsection 5-16(a); provided, however, it shall be unlawful to expose such snake to public view or contact, or exhibit either gratuitously or for a fee, within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).

(c) It shall be unlawful for a person owning or harboring or having the care or the custody of a dangerous or vicious animal to permit the animal to go unconfined. A dangerous or vicious animal is unconfined as the term is used in this section if the animal is 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 subsection shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.

(d) The prohibition contained in subsections (a), and (b) above, shall not apply in the following circumstances:

(1) The keeping of such 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 such 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 such animals in a bona fide, licensed veterinary hospital for treatment;

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

**Sec. 5-17. Interference with animal care officers.**

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

**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 unless the complainant authorizes the release of his or her identity.

**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.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2017.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joyce Dickerson, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2017.

\_\_\_\_\_

Michelle Onley  
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:        April 4, 2017  
Second Reading:     April 18, 2017  
Public Hearing:        May 2, 2017  
Third Reading:        May 2, 2017



**February 27, 2018 D&S Committee Briefing Document  
Live-streaming of meetings**

**Agenda Item**

Live-streaming of meetings

**Background**

During the February 6, 2018 Council meeting, Councilman Manning brought forth the following motion:

“I move that for the reasons of transparency, integrity, accessibility, dignity, accountability and citizen respect that all County Council Work Sessions/Workshops be conducted in the newly renovated, state-of-the-art Council Chambers and Livestreamed (to include being archived on the County website).”

**Issues**

1. If all meetings are live-streamed, for the best quality of the streaming, the meetings should be held in the Council Chambers.
2. If all meeting are live-streamed, the staffing level of the PIO would need to increase to allow for adequate coverage during the meetings.

**Fiscal Impact**

Contingent upon Council action with regard to this motion.

**Past Legislative Actions**

N/A

**Alternatives**

1. Consider the motion and proceed accordingly.
2. Consider the motion and do not proceed accordingly.

**Staff Recommendation**

If Council proceeds with the motion, staff would request budgetary considerations for the staffing level of PIO to appropriately carry out the directive prompted by the motion.



**February 27, 2018 Development & Service Committee Meeting  
Items Pending Analysis – Status Updates**

- a. Council Motion: Direct staff to research changing the ordinance relating to water runoff so in the future it will require environmental studies and not allow any runoff that exceeds the current runoff from the undeveloped property. This motion should be reviewed/completed and provided to the Planning Commission no later than their June meeting [Malinowski]

**Status Update:** This motion was brought forth by Vice-Chairman Malinowski during Council's May 16, 2017 meeting deliberations. This item was considered by the Committee during its December 19, 2017 meeting and held in committee for further information. Information requested and direction provided to staff at the December 19, 2017 D&S Committee meeting is under development and will be presented to Council at a future committee meeting when complete

- b. Council Motion: That the Open Space Ordinance/Regulation be revisited and changed so that only true Open Space in a development is used for a density bonus. Currently any land not usable, such as ponds, wetlands, streams, ravines and the like are attributed to open space when they can't be built on anyway, so no credit should be given for these items [Malinowski]

**Status Update:** This motion was brought forth by Vice-Chairman Malinowski during Council's November 14, 2017 meeting deliberations. Staff is researching this motion and will present a briefing document for the Committee's consideration pursuant to the completion of its research.

- c. Council Motion: Conservation Commission manage County-owned historic and conservation properties [N. Jackson]

**Status Update:** This motion was brought forth by Councilman N. Jackson during the February 6, 2018 Council meeting. Staff is researching this motion and will present a briefing document for the Committee's consideration pursuant to the completion of its research.

- d. Council Motion: I move to declare "bump stock" "bump fire stocks" "trigger crank" and "gat crank" trigger devices illegal in Richland County. NOTE: In 2010 the US Bureau of Alcohol, Tobacco, Firearms, and Explosives declared a "bump stock" is a firearm part and is not regulated as a firearm under the US Gun Control Act or the National Firearms Act. [Manning]

(a) Any device capable of being attached to a firearm for the purpose of increasing the firing rate or capabilities of the firearm using recoil, commonly known as "bump stocks" or "bump fire stocks", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court.

(b) Any device capable of attaching to a firearm and which repeatedly activates the trigger of the weapon through the use of a lever or other part that is turned in a circular motion, commonly known as "trigger crank" or "gat crank", are hereby declared unlawful and any person in actual or constructive possession of such a device is guilty of a misdemeanor punishable in magistrate court.

(c) Violations as stated in Section (a) or (b) above are subject to the following exceptions:

1. Any member of the United States military or any legally sworn law enforcement personnel while engaged in the course of their duties or in training;
2. Any "bump stock" or "trigger crank" device which is possessed by a person who is not prohibited under State or Federal law from using, owning or possessing a firearm, and the device is completely disconnected from any firearm in a manner which would render the device inoperable and stored in a separate container from the firearm or weapon;
3. Any law enforcement officer or department which has seized a firearm, with "bump stock" or "trigger crank" attached, pursuant to a lawful seizure of a weapon, as contraband or evidence of a crime, inside Richland County; provided, however, any law enforcement agency taking possession of a "bump stock" attached to a firearm must notify the Sheriff's Department immediately to inform them of the existence of the device, the location where it was obtained, where the device will be stored and any other facts relevant to the use or possession by any person.

**Status Update:** This motion was brought forth by Councilman Manning during the February 20, 2018 Council meeting. Staff is researching this matter and will present a briefing document for the Committee's consideration pursuant to the completion of its research.