

RICHLAND COUNTY

DEVELOPMENT & SERVICES COMMITTEE AGENDA

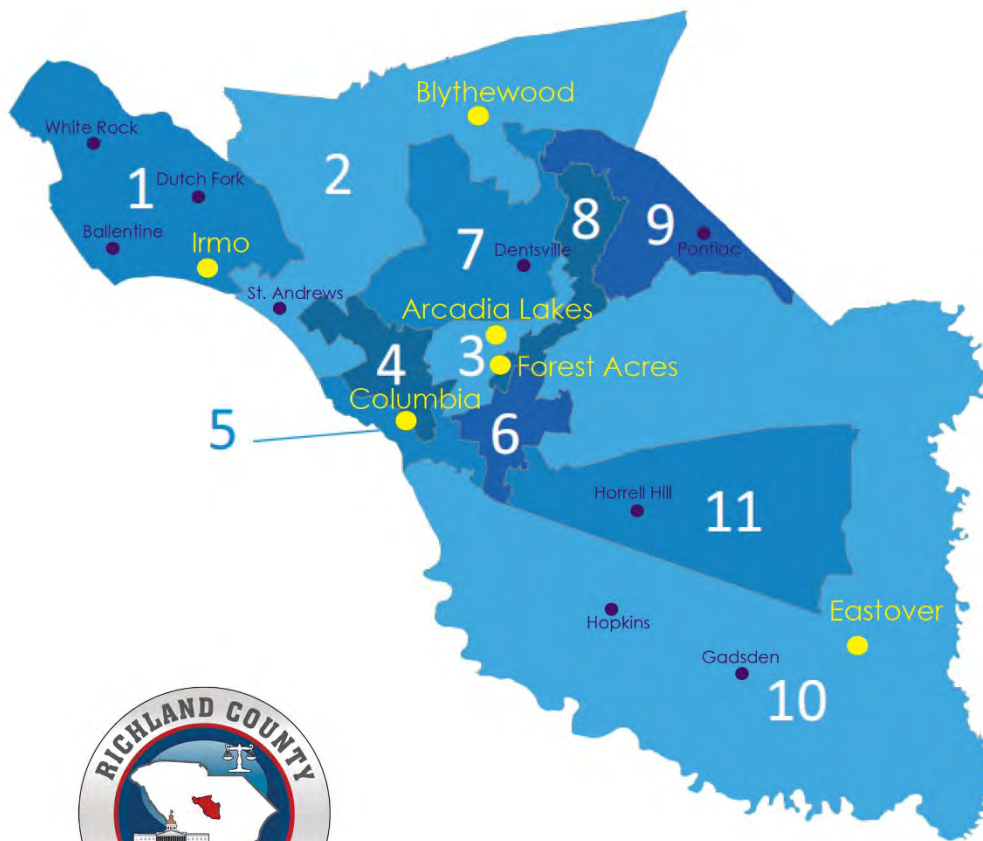


TUESDAY, DECEMBER 19, 2017

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

December 19, 2017 – 5:00 PM
Council Chambers
2020 Hampton Street
Columbia, SC 29204

Yvonne McBride
District 3

Gwen Kennedy
District 7

Seth Rose (Chair)
District 5

Chip Jackson
District 9

Dalhi Myers
District 10

1. **CALL TO ORDER**

The Honorable Seth Rose,
Chair, Development &
Services Committee

2. **APPROVAL OF MINUTES**

- a. Development & Services Committee Meeting: November 16, 2017
[Pages 6-17]

The Honorable Seth Rose

3. **ADOPTION OF AGENDA**

The Honorable Seth Rose

4. **ITEMS FOR ACTION**

The Honorable Seth Rose

- a. Petition to Close Portion of Old Percival Rd/Spears Creek Rd.
[Pages 18-19]
- b. Deed to the City of Columbia for water lines serving the Ballentine
Branch Library [Pages 20-28]
- c. Transfer Deed for Hollywood Hills Sewer Lines to City of
Columbia Utilities [Pages 29-40]
- d. 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 [Malinowski and Myers] [Pages 41-43]
- e. 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] [Pages 44-115]
- f. 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

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.

ponds that have trees growing in them which causes flooding during a bad storm [N. Jackson] [Page 116]

- g. Council Motion: To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions i.e. impassible bridges, roads etc. Working with recreation centers, school districts, churches and other civic centers to qualify and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process.
Note: Shelters to include overnight stay, storage and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. Jackson] [Pages 117-118]
- h. 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] [Page 119]
- i. 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] [Pages 120-121]
- j. Council 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 [N. Jackson] [Pages 122-124]

5. **ITEMS PENDING ANALYSIS – PAGE 125**

- a. Council Motion: Direct Legal to research what is required to enact a parking ordinance in communities/subdivisions [McBride]
- b. 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]
- c. Council Motion: Move to review the existing “cat” ordinance and remove the last sentence of the ordinance. [Pearce]

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

November 16, 2017 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29204

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

OTHERS PRESENT: Joyce Dickerson, Bill Malinowski, Greg Pearce, Norman Jackson, Brandon Madden, Michelle Onley, Shahid Khan, Ismail Ozbek, Michael Byrd, Tracy Hegler, Synithia Williams, Jamelle Ellis, Shane Kitchens, Will Simon, Brad Farrar, Geo Price, and Larry Smith

1. **CALL TO ORDER** – Mr. Rose called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. October 24, 2017 – Mr. C. Jackson moved, seconded by Ms. Myers, to approve the minutes as distributed. The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Mr. C. Jackson moved, seconded by Ms. Myers, to adopt the agenda as published. The vote in favor was unanimous.
4. **ITEMS FOR ACTION**
 - a. Council Motion: Move to examine the EMS Department and receive a report on its current status [ROSE] – Mr. Rose stated Mr. Byrd was requested to provide hard numbers regarding the needs of the EMS Department.

Mr. Byrd stated in the agenda packet is a memo to Mr. Seals outlining the expenses and issues the EMS Department is attempting to address through the strategic initiative and the 2nd Year budget. Through the strategic initiative we have been identified \$2.5 million for funding capital needs for this year, which is awaiting Council's final approval on the repurposing bond process.

Mr. Rose stated he believes this passed the A&F Committee last month and is presently at the Council level.

Mr. Byrd stated the additional funds that are needed for the remaining portion of this budget year have been identified through the strategic initiative and by working with administrative staff and the Executive Committee Team. They have identified funding for any potential operational shortfalls to carry them through the budget year. Also, they are looking at several other incentives: night shift differential pay, salary gap, holiday pay, etc.

Mr. C. Jackson inquired of Mr. Byrd as to which bullet point he was presently on in the memo. He further stated Mr. Byrd enumerated the \$2.5 million, but it appears Mr. Byrd skipped over the

bullet points in the middle of the memo. It was requested that Mr. Byrd go back and cover those items.

Mr. Byrd stated Council was aware the absorbing the additional cost of dependent health coverage was a major step for all County departments, including EMS. They currently have \$200,000 in funding available in this budget year for equipment. Mr. Seals has given them an additional 8 positions, which they are working on filling now. As a part of the strategic initiative \$200,000 has been set aside for tuition reimbursement and other programs to increase the starting salaries for EMS, as well as, 5% raise for all incumbents. They are working with HR on the completion of the Comp & Class study, which they hope will show they need to made additional improvements in salaries.

Mr. C. Jackson inquired if there was an itemized budget that identifies how the \$200,000 for equipment is to be spent.

Mr. Byrd stated they are halfway through that process and are currently working on that.

Mr. Rose inquired if it was fair to say the first bullet points are already being implemented.

Mr. Byrd responded in the affirmative.

Mr. Rose stated that brings them down to the nightshift differential pay, salary gap pay, and holiday pay.

Ms. Myers inquired about the total amount that has been added to the budget to address the bullet points in the top half of the memo.

Mr. Madden stated if you combine the totals that are there, you are looking at upward of \$3 million to address capital, personnel, wages and equipment needs at mid-budget.

Mr. Byrd stated HR is studying the issues of differential pay, salary gap pay and holiday pay to determine if there is any best practices.

Mr. C. Jackson inquired once that has been resolved, if that would be something that would be recommended for implementation in the next fiscal year's budget or, as Ms. Myers suggested, mid-year and picking it up now.

Mr. Madden stated staff, including ESD management and the ECT, have been engaged in putting the details in with these initiatives. When you are dealing with pay there are certain things for IRS purposes that has been fine-tuned, so you are not crossing any lines with benefits that are not properly recorded. Once that is done, staff is prepared to provide a recommendation to Council through the committee process.

Mr. C. Jackson inquired if that would be this fiscal year or next fiscal year.

Mr. Madden stated it would be in this fiscal year, unless there is a reason why it would be more advantageous to discuss it during Council's normal budgetary process.

Mr. Byrd stated personnel is also a part of the strategic initiative. Mr. Seals has stated they will add 24-48 new positions between this and the next budget year. Operations needs continue to rise. They have identified several areas of potential shortfalls, including medical supplies. Mr. Seals has identified funds that will assist in dealing with any shortfalls this fiscal year.

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Mr. Pearce stated, with regard to supplies, that is not totally a financial situation, but an availability problem.

Mr. Byrd stated there is some availability problems. They have to seek out alternatives. For example, there is one major drug manufacturer that is located in Puerto Rico that has been offline, so there have been potential shortages in some of those medications.

Mr. Pearce inquired about the narcan situation.

Mr. Byrd stated he believes it is presently stable.

Facilities have been identified and they have been working on those for several years. There have been space studies and cost estimates done with projections of approximately \$25 million for the Emergency Services facilities, which includes the potential for a 911 Center. That project has now been incorporated into the master facilities and needs assessment and plans.

Mr. Rose inquired as to when that happened.

Mr. Byrd stated it has been in the Renaissance program for several months.

Mr. Rose inquired if it would stand on its own.

Mr. Byrd stated he does not believe all of the details have been worked out, so that is something they are continuing to work with Administration on.

Mr. Madden stated they have been actively engaged in a comprehensive facility needs assessment. In addition to ESD, they have been examining all of County's operations, including those that fall outside of Council's directives, but we provide office space for by the State. What we want to do is present a plan that addresses all those needs. ESD and EMS is included in that, as well.

Mr. Byrd stated the Administrator's Office, Finance, Budget and ECT members have been working to ensure that we will not have any budget shortfalls the remaining part of this budget year.

Mr. Rose stated he wants to know, as a County Councilman, what are the needs of the department. His point is he does not want it to be so much that we are not going to have a shortfall. He wants to ensure that we are not just adequate, but that we have what we need. Maybe that means purchasing something else. That is what he is looking for guidance on, what are the needs of the department. He does not want something to happen and them say, "This committee vetted this issue and we did not have what we needed." As Director of this agency, he requested Mr. Byrd to tell him, what his needs are to be a top notch department? What do you need right now? Because he does not want us to be inadequate. He wants us to have the best. As he recalls, the last time we were talking about the need for 48 positions almost immediately.

Mr. Byrd stated they do need the positions. Mr. Seals is working hard to make that happen.

Mr. Rose stated the 48 does not include the 8. The plan is to hire additional 48 employees over the next 2 years, but he inquired if those employees are needed today.

Mr. Byrd stated realistically there is approximately 6 months left in this fiscal year. They can get geared up for the next positions by the time the new fiscal year begins. He further stated they have to recruit people and that is very difficult right now.

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Mr. Rose stated he was hoping to hear this is the needs (i.e. personnel, supplies, etc.). He inquired if there is some top notch thing needed in ambulances the County does not presently have that needs to be funded.

Mr. Byrd stated there are some things that are needed, but those are funded in the \$2.5 million and the \$200,000. They are concerned about potential shortfalls in several operational accounts: communication expenses, uniforms and equipment, laundry and linen, and medical supplies. Working with the strategic initiative those funds have been identified to be available for the rest of the current budget year.

Mr. Rose inquired if they are going to continue to order.

Mr. Byrd stated they are going to continue to order the needed supplies and equipment.

Ms. Myers inquired if it was Mr. Byrd's opinion the EMS Services, as they stand today with the additional \$3 million given to the department mid-budget, we stand ready and no one should be nervous at night about the department. She reiterated that Mr. Byrd stated there were potential budget shortfalls, so currently there is no budget shortfall.

Mr. Byrd stated that is correct and they will continue to order supplies and equipment they need.

Ms. Myers stated with the assurance the County will pay those supplies because if they are needed for EMS we are certainly not going to let the bills stand out and not order.

Mr. Byrd stated Mr. Seals has been very clear about that.

Ms. Myers stated she agrees with Mr. Rose. We want to be sure everything the department needs to operate at topflight capability is provided. She inquired if the additional positions and \$3 million in funding will sustain the department until the Comp & Class study is completed and the needs evaluation is finished.

Mr. Byrd responded in the affirmative. He stated they are in the process of determining what the needs are for the next budget year.

Mr. Malinowski inquired about who made up the County's Executive Committee Team.

Mr. Byrd stated the Executive Committee Team is made up of the department directors and they meet every Monday to go over tactical and strategic challenges.

Mr. Pearce stated it seems to him the most critical issue is the number of people we have employed. All the money in the world can be appropriated, but if the people are not out there for the job that continues to present a problem.

Mr. Byrd stated the number of paramedics available are very few and they would have to compete with other agencies to attract those paramedics to come to work for us.

Mr. Pearce stated the media reported that Calhoun County has raised their salaries. He is fearful we are going to get into a bidding wars where we raise our salaries and they raise theirs to keep their people. He believes the initiative he spoke to Mr. Byrd about regarding a job pool or career lab needs some priority attention. The suggestion is, we have an EMT training program here locally, and a part of Mr. Seals' package was to provide some incentive to pay tuition for that. Once

you come in as an EMT you need a career ladder and you want to move up to be a paramedic, but there is no way to become a paramedic in Columbia.

Mr. Byrd stated there is a training center for the Midlands region. It is not located in Richland County. The center is located on Leaphart Road in Lexington. There are 5 employees currently enrolled in class. An additional 15 candidates will start the program in January.

Mr. Pearce inquired if there would be any benefit to having a training facility in Richland County.

Mr. Byrd responded in the affirmative. He thinks there is an option for that and there have been preliminary discussions with the institution to do something.

Mr. Pearce stated there is a Medical University, a hospital with one of the finest simulation centers in the southeast, and a technical college that presently prepares the EMTs here. He inquired if there were people going to EMT school and if their positions are competitive.

Mr. Byrd stated currently the County is not paying for anyone to go to EMT school. Our emphasis now is putting EMTs into paramedic training.

He stated he does not want us to lose sight of the fact that we can provide this money and have those positions sitting there, but if there is no one applying for the job those positions are not going to do us any good.

Mr. Byrd stated he believes Mr. Pearce is right and there needs to be a career line. He hopes that is addressed in the Comp & Class study.

Mr. Pearce stated he believes that is the point Mr. Rose was making. We do not want to be an adequate EMS. We want to have an exceptionally good quality emergency program. The only way we are going to do it is to have people willing to come here to work for us for a period of time and make their careers here.

Mr. Byrd stated that is why the other incentives mentioned earlier is important.

Mr. C. Jackson stated although he agrees with Mr. Pearce. He believes a comprehensive look at all of the issues that would cause persons not to come into or leave our organization needs to happen. He states although he thinks pay and inadequate pool have an effect, the culture, climate, and morale within the organization impacts if a person wants to come into, stay within and take advantage of a career ladder within our organization needs to be a part of the discussion. To exclude any of those would be doing a disservice. Excluding the career path may not work. In his opinion, excluding the fact there needs to be a serious look at how people feel about their organization, we would have the same problem.

Mr. Byrd stated he agrees and they have tried to identify some of those things and make corrections.

Ms. Dickerson stated Mr. Pearce's comments addressed some of her issues. She agrees having money is one thing and having the personnel to do the job is another. How the program is set up is important. And how you design the program where it attracts and retains employees. Then they can look at way of growing and promoting employees. Having a quality program with the finances needed need is important to her.

Mr. Malinowski stated we need to find out what percentage of employees in this particular profession stay and make a career out of it with other counties. He believes we need that prior to coming up with a package to offer someone. In fact the statistical data shows that only 10% ever stay and make a career anywhere.

Mr. Byrd stated SC DHEC, as well as the SC EMS Association, are independently, but concurrently are looking into those exact issues because it not only affects us. It affects the entire State.

Mr. Rose stated it is his understanding right now Mr. Byrd is satisfied with all of the things the Administrator has put in place. He inquired if the committee is being requested to do anything at this time.

Mr. Byrd stated, from the perspective of the agenda, he request this be accepted as information. He also requested support whenever this come before Council for the 2nd year of the Biennium budget process.

Mr. Rose inquired at this time, based on staff, if Mr. Byrd feels he is on target.

Mr. Byrd responded in the affirmative. He stated they need to get the 8 positions filled and that should get them close to the next budget.

Mr. Pearce stated he is not a member of the committee, but he would encourage the committee to request to have a quarterly report, so this issue stays in the forefront and allow Council to monitor the progress.

Mr. Rose stated that is an excellent idea.

Mr. C. Jackson moved, seconded by Ms. Myers, to incorporate into the minutes a request that there be a quarterly report by the Director of EMS to this committee, which will then be forwarded to full Council.

Mr. Rose stated there is a motion on the floor to accept Mr. Byrd's report as his recommendation, as information only, and there be a standing quarterly report from the EMS Director to the committee beginning in January 2018.

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

The vote in favor was unanimous.

- b. Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County [MALINOWSKI] – Mr. Rose inquired if the IGA requested by the committee had been drafted.

Mr. Madden stated staff prepared a draft IGA and provided back to committee, as directed. The recommendation of the committee will be taken to full Council and proceed from there.

Mr. Rose requested Mr. Madden to outline the major points of what the IGA is to accomplish.

Mr. Madden stated essentially the IGA is attempting to put more teeth into the committee's directive. Initially, there was a letter provided by the City to the committee, which was reviewed.

The letter lacked the teeth needed to make it substantial. This is an attempt to be more of a substantial push for what the committee requested.

Ms. Myers stated the IGA is pretty true to the statute and what we are all supposed to be doing, but in Section 3 there is no time limit on how quickly the Administrator has to respond to the City. Many of the developers raised that as an issue that it might take some time. She inquired if we intentionally did not include a time limit for the Administrator to respond or if that was just an omission and staff would like a recommendation from the committee.

Mr. Smith stated there is not a timeframe in Section 3. There is one in Section 2. They were operating from what was actually in the letter that was sent. In Section 2, it contemplates that there would be an annual meeting and review of the City's plans they had for capital improvements that may affect the County in our service area. Those plans would be reviewed and, at that point, we would get some idea about any concerns we had. Apparently, once we got their plans we were required to meet within 30 days to discuss the plan if we disagreed. Section 3 talks about the fact, once the plan is reviewed, before the City can implement, construct or extend any lines they still have to get written approval from the County Administrator and/or County Council. Depending on how Council wants to set it up. This document is still a work in progress, if you will. We attempted to take the letter from the City and put it in some type of form that would bind both the County and the City. Certainly any recommendations the committee has to amend the IGA we will carry out your directive.

Ms. Myers inquired if the Planning Department had been consulted to find out how long it would take them to look at something and give Mr. Seals a recommendation.

Mr. Madden stated that specific question was not posed to the department, but we can do that.

Ms. Myers requested that a discussion take place with the Planning Department to determine what they consider a reasonable time for them to give a recommendation. The Administrator is not going to know as much as that team will and that is going to be where the bottleneck, if there is one, happens. Putting time limits around it may be helpful.

Mr. Rose inquired if this would come to Council for approval or is it just Mr. Seals and the Executive team. When they say consent is required, whose consent?

Mr. Madden stated, as a best practice, items that come to the Administrator typically would come before Council either through the committee process or directly to Council for action and/or information. In this instance, the intent is for it to come to Council via the Administrator. Once received the County Administrator would transmit the request through this agreement to Council or committee for review and feedback.

Mr. Rose inquired if it had been determined that Richland County is a service provider. He stated when he tried to wrap his brain around this, we do not have a water system. The statute refers to a service provider.

Mr. Smith stated he believes what the statute says is if we are not providing that service in our service area. While the County is not a large water service provider, there are certain sections in the County in our designated service area where we do provide that service. Obviously, we do not provide it in every part of our designated service area but it is provided for by the County in certain parts of our service area.

Ms. Myers stated, for example, SCE&G and all of the co-ops have assigned service territory. They do not all provide service in every corner of those territories, but the service territory has been assigned to them. So it is their right to provide service in that territory. If SCE&G wants to run a line in Tri-County Electric Co-op's territory they have to get permission because the territories are designated. By analogy, what happened in this plan was the County was assigned the territory that is unincorporated in Richland County and the City was assigned the boundaries of the City. There may be parts of the City where they are not technically providing service, but we cannot by right go there and the converse is true with the County. She believes the service territory designation does not mean we are currently running lines and providing service. It is our designated territory.

Mr. Malinowski stated there are 2 similar motions that will likely be coming to this committee recommending the County revisit providing water service to certain areas of Richland County. Without getting something in place, we will never be able to act on those motions or determine where, or if, we want to provide any type of water service because we never know what is going to happen from one day to the next. If we continue to drag this one out, like we have for approximately a year, then we will never come to any resolution on it because we keep sending it back for a tweak here and tweak there. He further stated if he was the City he would sitting there grinning like a Cheshire cat saying "well as long as they keep it in that committee, keep running the lines all over the place." We are not restricting them and he does not know if there is any legal remedy to go back and have them pull up the lines. He believes we need to begin to make some decisions and do it soon.

Mr. C. Jackson stated he would caution us not to overcomplicate the matter and muddy it. He believes there 2 issues. One issue is the builders and contractors who are attempting to do business are willing to comply with whatever ordinance is in place in order for them to be able to do their work and do their business. And then there is another issue about whether or not we believe there is any encroachment going on by the City, as it relates to being a water provider and services being provided. As he understood the motion the first time it came through, there needed to be approval given to authorize the City to be able to run those lines. Without that approval it would be unauthorized. If we now are going to talk about whether or not we even want them to have a right to even be able to do it in the first place, he believes that is a legitimate question and point to be raised. He is not sure, based upon the existing motion before the committee that is specifically what this speaks to. His point is, he would hope there would be the possibility of some sort of dual track. When a request was made to the City, the City would then simultaneously make that request to the County. Whatever amount of time it took for the City to respond, we would use that as the same litmus for the length of time it would take for us to respond. If our response reached the City in a favorable way, then the individual or organization would be notified. If it was unfavorable, again within that same timeframe, they would be notified. He would hope, like Mr. Malinowski said, we would not start dragging this out to the point that we go from a very simplistic request, and a reasonable turnaround time, to becoming really complicated in trying to determine whether or not we are going to prevent any encroachment by the City.

Mr. Rose stated maybe there is a way the IGA is drafted that could spell out how requests come in and it is running a simultaneous track rather than they are done with the process.

Mr. C. Jackson inquired if the City had an opportunity to review and give feedback on the IGA.

Mr. Madden responded they have not. The intent was to receive feedback from the committee first and then provide it to the City.

Mr. Rose moved, seconded by Ms. Myers, to work into the IGA the time response (i.e. simultaneous track outlined by Mr. C. Jackson) and forward to the City for their feedback.

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

The vote in favor was unanimous.

- c. 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] – Mr. Madden stated included in the agenda packet is a brief narrative on the motion and what staff is currently doing regarding this. There are a few issues to be considered when it comes to unapproved or unpermitted work. Any specific questions regarding this item should be directed to Ms. Hegler.

Ms. Hegler stated staff is looking for direction on this item. Currently if we find out work is being done that unapproved, unpermitted or has any violations of our standards we do cite them. If you are requesting to do more than that, we need direction.

Mr. N. Jackson stated Alexander Pointe, a development in his district, has a stormwater system was built without approval from the County. The entrance to the subdivision was built without approval from SCDOT. They have built over 200 houses and it is too late for DOT to move the entrance. There are only two 12-in. pipes carrying the water from the subdivision. It needs four 48-in. pipes. The developer did not get permission. There was not a study done and they built it. The County is going back and checking all the records and now the citizens have to pay for what they did. We met with legal for approximately 3 hours and legal told them to do their job. His point is we have bad apples sometimes. If we have rules and you do not abide by those rules and do something that is going to cause additional expense by the citizens, he does not believe that developer should be able to get a permit to build another house in Richland County until they pay to correct the problem. They should not say well it is too late. The development is about 8 years old and they are going to build another 200 houses in the same area, but they are not going to worry about it. A school bus almost overturned, with children in it. SCDOT has to block the road when it rains heavy because the children could drown or there could be a terrible accident because they did not follow the rules. He stated he is not trying to punish anyone. He is just saying, if you do not do the right thing there should be some rules to say you cannot do anything else until you clear it up. If the County has a contract with a contractor and they refuse to complete it or do it right, at the end of the day, we are telling them you will never get another contract until you do the right thing. So what is the difference in holding developers accountable for doing things wrong or their misdoing? They should be do the right thing and there should be rules or a policy to protect the citizens so they do not have to pay for the developer's mistakes.

Ms. Dickerson stated she has a rural community in her district that put up pools on top of septic tanks. The developer did not come to Council for a zoning change, so it was developed based on the rural standards.

Ms. Hegler stated the standards staff enforce are the ordinances and regulations that Council put in place. At that point of development, it does not come to you. We are checking the plans to ensure they meet those codes and ordinances. If they do, we are required to approve it. If they did not come before us, which is what she believes Mr. N. Jackson is addressing, when we find out about them we do have the authority to cite and fine. It may be a case where we need to go back and investigate that to ensure they did everything properly. Not all plans come before Council, but re-zonings do.

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Ms. Dickerson stated that would also create a problem with roads. Basically, what happened to those developments because they developed them rural there were road problems later the County would not accept those roads because they had not come up to standard. Had they gone through the proper zoning, we probably could have addressed that issue. She inquired if that rule applies when they build rural and do not come before Council. And they do not get a zoning change and they build these roads that are substandard.

Mr. N. Jackson stated if he was to go and build a house today and did not get a permit from the County he would have to tear it down. If the building inspector comes and I'm building a shed and did not get a permit from the County, I have to tear it down. He has seen where we have problems and 20 years later we are taking over some roads in a development, but it was not build to standard. At the time, they got away with it and we have to pay to take it over. The citizens are the ones that suffer. They should be held accountable. He is not sure what we have in the policy to hold them accountable. If they say it's too late now and they do not have any money, but they continue to build Phase III and IV that is a problem.

Mr. Rose inquired if we have inspections that are real time or is that something that needs to be beefed up? He knows we have legal recourses. For example, if we catch someone in the act of not building to specifications, we can then get Mr. Smith to obtain an injunction, etc. through the court process. To address the concerns, we need to be sure we are being proactive to catch the noncompliance and not 20 years down the line. He inquired if we are actively going around and checking as the building is taking place.

Ms. Hegler stated they have inspections at all stages. She stated if you notice in the motion there are comments about developers and builders. These are different stages of development. Different teams review them and there are different inspectors for each. Assuming they came through and got a permit for it, they are actively inspecting it so they can catch it if there is a violation of the ordinances. If a building is being built that they do not know about, that did not come through them, they rely on hearing about it from others. They are actively inspecting construction site, buildings being built and insuring approved plans are being done to specifications.

Mr. Rose moved, seconded by Mr. C. Jackson, to hold this item in committee and request Ms. Hegler to provide the existing language so the committee can analyze the language to determine if it needs to be beefed up.

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

The vote in favor was unanimous.

- 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] – Mr. Madden stated staff is seeking additional direction. In addition to what staff is currently doing, are there any suggestions or directives from the committee or Mr. N. Jackson related to this motion?

Mr. N. Jackson stated he had spoken to legal about what has been happening. Usually in a development the developer manages the homeowners' association until it is 100% built out. They have rules or governance of the development. Apparently some of the companies that manage these homeowner associations does not have board members, bylaws, etc. When the homeowners ask what they are doing with the regime fee or annual fees the homeowners get no response, but are threatened by the management company they will put a lien on their property if they do not

Development and Services

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pay. He has constituents complaining this is unfair and inquiring about what they need to do to hold them accountable. He stated he needs information from staff or legal if there is anything Richland County can do in the initial plan development when the plans are submitted to the County or when they register the governance with the Clerk of Court's Office. Or if there is any recourse for the citizens. His understanding so far is that if they do not a board or bylaws they cannot force the homeowners to pay a fee, unless that is established.

Mr. Rose stated the committee was out of time and requested Mr. Madden to incorporate Mr. N. Jackson's comments.

Mr. Rose moved, seconded by Ms. Myers, to hold all remaining action items in committee.

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

The vote in favor was unanimous.

- e. To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions i.e. impassible bridges, roads, etc. Working with recreation centers, schools districts, churches and other civic centers to qualify and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process. NOTE: Shelters to include overnight stay, storage and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. JACKSON] – This item was not taken up.
- f. 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] – This item was not taken up.
- g. Petition to Close Portion of Old Percival Rd/Spears Creek Rd – This item was not taken up.
- h. Deed to the City of Columbia for water lines serving the Ballentine Branch Library – This item was not taken up.

5. **ITEMS PENDING ANALYSIS**

- a. Council Motion: Develop an emergency plan with SCDOT to immediately repair Rabbit Run Road and Bitternut Road. Developers' constant neglect to repair the storm drainage system causes dangerous flooding. A school bus almost overturned in the flood this morning (April 24, 2017) on Rabbit Run Road. We cannot afford to endanger the lives of citizens, especially school children because of neglect [N. JACKSON] – No action was taken.
- b. Council Motion: Direct Legal to research what is required to enact a parking ordinance in communities/subdivisions [McBRIDE] – No action was taken.
- c. 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] – No action was taken.

Development and Services

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- 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] – No action was taken.
 - e. 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 [MALINOWSKI and MYERS] – No action was taken.
6. **ADJOURNMENT** – The meeting adjourned at approximately 6:00 PM.



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

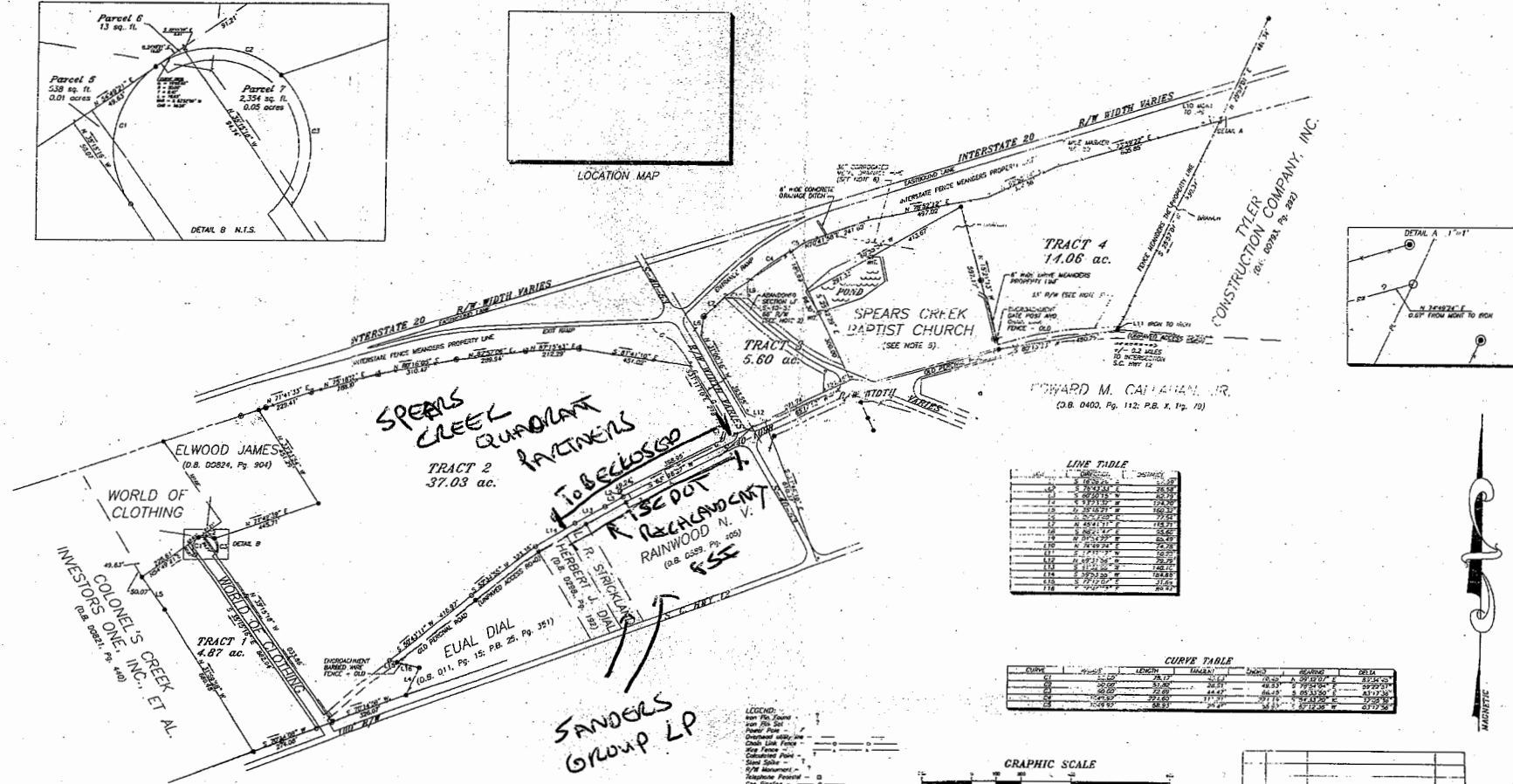
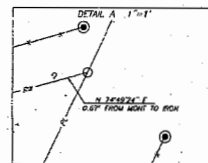
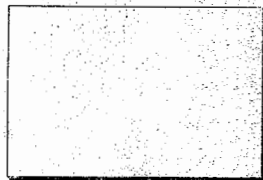
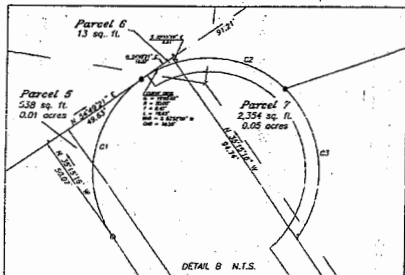
1. Approve petitioner's request to close the subject road and direct Legal to answer the suit accordingly.
2. Deny petitioner's request to close the road, state reasons for such denial, and direct Legal to answer the suit accordingly.

Staff Recommendation

Council discretion

Submitted by: Lauren Hogan – Legal Department

Date: 11/13/17

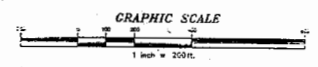


LINE TABLE

LINE NO.	START STATION	END STATION	LENGTH	BEARING
1	0+00	0+10	10.00	N 89° 15' 00" E
2	0+10	0+20	10.00	N 89° 15' 00" E
3	0+20	0+30	10.00	N 89° 15' 00" E
4	0+30	0+40	10.00	N 89° 15' 00" E
5	0+40	0+50	10.00	N 89° 15' 00" E
6	0+50	0+60	10.00	N 89° 15' 00" E
7	0+60	0+70	10.00	N 89° 15' 00" E
8	0+70	0+80	10.00	N 89° 15' 00" E
9	0+80	0+90	10.00	N 89° 15' 00" E
10	0+90	1+00	10.00	N 89° 15' 00" E

CURVE TABLE

CURVE NO.	START STATION	END STATION	LENGTH	TANGENT	CHORD	DELTA
1	0+00	0+100	100.00	100.00	100.00	180° 00' 00"
2	0+100	0+200	200.00	200.00	200.00	180° 00' 00"
3	0+200	0+300	300.00	300.00	300.00	180° 00' 00"
4	0+300	0+400	400.00	400.00	400.00	180° 00' 00"
5	0+400	0+500	500.00	500.00	500.00	180° 00' 00"



I hereby certify that to the best of my knowledge and belief the data on which this survey is based is 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

C.A. HOLLAND SURVEYORS, INC. 1701 FAIR STREET - CAMDEN, SC 29202 S.C. REG. # 8358 - INC. REG. # 1-3049 TELEPHONE: 803/536-2100 FAX: 803/536-2100	REFERENCES/NOTES: 1. SCND File No. 40,538, Sheets 38 to 42, 103 & 104, and deed of acquisition referenced therein, C.2.5.6.3 2. SCND File No. 40,312, Sheets 16 to 17, and deed of acquisition referenced therein, O.0.1.6.48 3. SCND File No. 40,526, Sheet 16, and deed of acquisition referenced therein, O.2.21.67 4. SUBJECT PROPERTY - O.B. 0251, Pg. 589; O.B. 0246, Pg. 340; P.B. 50, Pg. 3723 Plat by Jas. C. Covington, C.E., prepared for Lark and Lowrance, dated 8-25-25 Plat by Jas. C. Covington, C.E., prepared for Spears Creek Baptist Church, dated 7-4-51 5. Unable to obtain documentation of a drainage easement for this pipeline from SCND R/W Office.	PROJECT: PROPERTY SURVEY	CLIENT: WILLIAM B. BOYLE	TITLE:
	LOCATION: Located approximately two miles south of Florio, SC TAX MAP NO.: 28800-06-11	DATE: May 15, 1990 Drawn by: South Carolina County: Richland	DATE: 10/27/90 NO.: 1 DATE: 10/27/90 DESCRIPTION: ADDED PARCELS 5 & 7 BY: RW	



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

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

Agenda Item

An Ordinance authorizing deed to the City of Columbia for water lines serving the Ballentine Branch Library, Dutch Fork Road; Richland County TMS#03303-01-06 & 02 (Portion); CF#336-15.

Background

In April of this year, the Library's attorneys contacted the County about obtaining a deed for Water Lines serving the Ballentine Library Branch. At that time, the requested was for an extremely expedited time line, which the County could not accommodate. In the interim, the Library was able to obtain temporary water services from the City until such time as the Deed could be obtained, so as to not delay opening of the Library branch. Unfortunately, the item was never placed on a Council agenda. Thus, the request from April is now before Council.

Issues

The Library needs permanent water service from the City for the Ballentine Library Branch on Dutch Fork Road.

Fiscal Impact

None anticipated.

Past Legislative Actions

None known at this time.

Alternatives

1. Approve the ordinance (attached) deeding water lines to the City of Columbia servicing the Ballentine Library Branch.
2. Do not approve the ordinance and find alternate water service for the Ballentine Library Branch.

Staff Recommendations

It is recommended that the ordinance be approved and the water lines deeded.

Submitted by: Legal Department

Date: 11/14/17

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-17HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA
FOR CERTAIN WATER LINES TO SERVE THE BALLENTINE BRANCH
LIBRARY DUTCH FORK ROAD; RICHLAND COUNTY TMS #03303-01-06
& 02 (PORTION).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to certain water lines to The City of Columbia, as specifically described in the attached DEED TO WATER LINES FOR BALLENTINE BRANCH LIBRARY DUTCH FORK ROAD; RICHLAND COUNTY TMS#03303-01-06 & 02 (PORTION); CF#336-15, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle Onley
Assistant Clerk of Council

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

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

DEED TO WATER LINES FOR BALLENTINE
BRANCH LIBRARY DUTCH FORK ROAD;
RICHLAND COUNTY TMS#03303-01-06 & 02
(PORTION); CF#336-15

RICHLAND COUNTY

to

CITY OF COLUMBIA

FOR VALUE RECEIVED, Richland County (also hereinafter referred to as "Grantor") of Columbia, South Carolina, does hereby bargain, sell, transfer and convey unto the City of Columbia (also hereinafter referred to as "Grantee"), its successors and assigns, all of Grantor's rights, title and interests in and to the below described water lines:

All those certain water lines, the same being 6" in diameter including valves, valve boxes, fire hydrants, meter boxes, service lines to meter boxes and easement boundaries, lead to fire hydrants lines (including 6" DIP) and all components to complete the system.

All metes, courses, bounds and measured distances described herein are approximate. The precise metes, courses, bounds and measured distances are more particularly described and shown on City File #336-15, which is incorporated herein by specific reference thereto.

A 6" water line beginning at a 24"x6" tapping sleeve, valve and tie to an existing 24" City water line (CF#220-22), located in the southern right-of-way of Dutch Fork Road (US Hwy. #76), one hundred seventy-five (175) feet south of the southwestern corner of "Library Building"; thence extending therefrom in a northerly direction crossing Dutch Fork Road and onto the subject property, for a distance of one hundred two (102) feet to a 45° bend, located on the subject property seventy-three (73) feet south of the southwestern corner of said "Library Building"; thence turning and extending therefrom in a northeasterly direction along the subject property, for a distance of twenty-one (21) feet to a meter valve, located on the subject property one hundred two (102) feet southwest of the southeastern corner of "Library Building"; thence terminating.

ALSO, a 6" water line beginning at a 6"x6"x6" tee on the aforescribed 6" water line, located on the subject property one hundred thirteen (113) feet southwest of the southeastern corner of "Library Building"; thence extending therefrom in a northwesterly direction along the subject property, for a distance of thirteen (13) feet to a fire hydrant, located on the subject property one hundred ten (110) feet southwest of the southeastern corner of said "Library Building"; thence terminating.

Be all measurements a little more or less.

The Grantor hereby agrees to be responsible for repairs of all damage to water lines, sanitary sewer lines, curb cocks, meter boxes, all fittings and fire hydrants hereby conveyed which arise out of the operation of any equipment or vehicles under control of the Grantor, its contractor, agent or any other party acting on behalf of the Grantor in connection with the initial installation of streets, paving, curbs and gutters, storm drainage lines, sanitary sewer lines, utility lines, final grading or improvements in the development of property served by said water lines and the Grantor shall either effect necessary repairs or reimburse the City for the cost of repairs at the option of the City.

This conveyance also includes an exclusive easement on all water lines and appurtenances heretofore described and as shown on the herein-referenced record drawings for the purpose of ingress, egress, operation, reconstruction, repair and maintenance of said water lines. The Grantor hereby agrees that no future construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without prior approval of the City Engineer. Also granted herein is an easement over lands of Grantor for access, ingress and egress across all private drives, alleys, buffers, roadways, common areas and parking areas for operation, maintenance, reconstruction, extension of services and repair of all water lines for this development.

APPROVED AS TO FORM

1

NAH 3/15/17

Legal Department City of Columbia, SC

This conveyance also includes all water line easements shown on a set of record drawings for Ballentine Branch Library, in Richland County and near the Town of Irmo, South Carolina, dated October 16, 2015, last revised March 13, 2017, prepared for Richland County by Cox and Dinkins, Inc., McTilden Atkins, III, S.C.P.E. #23105 and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under file reference #336-15.

These water lines are more clearly delineated on a set of record drawings for Ballentine Branch Library, in Richland County and near the Town of Irmo, South Carolina, dated October 16, 2015, last revised March 13, 2017, prepared for Richland County by Cox and Dinkins, Inc., McTilden Atkins, III, S.C.P.E. #23105 and being on file in the Office of the Department of Engineering, City of Columbia, South Carolina under file reference #336-15.

bdm

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

TO HAVE AND TO HOLD the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind the Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns against the Grantor and Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

And Grantor, warrants that Grantor is the lawful owner of the subject property and has the right to convey same; and that the property is free and clear of any and all liens and encumbrances of whatsoever kind or nature, except those set forth hereinabove.

WITNESS the hand and seal of the Grantor by the undersigned this _____ day of _____, 2017.

WITNESSES:

RICHLAND COUNTY

(Witness #1 Signature)

By: _____
(Signature)

(Witness #2 Signature)

Name: _____
(Print Name)

Title: _____
(Print Title)

STATE OF)
)
COUNTY OF)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by _____ of _____
(Name of Officer and Title)

_____ on behalf of the within-named Grantor.
(City and State)

(Notary's Signature)

NOTARY PUBLIC FOR STATE OF _____

MY COMMISSION EXPIRES _____

ATTORNEY CERTIFICATION

I, _____, an attorney licensed to practice in the State of _____ do hereby certify that I supervised the execution of the attached Deed to Water Lines for Ballentine Branch Library with Richland County as Grantor and the City of Columbia, as Grantee, this _____ day of _____ 20_____

State Bar Number and License#: _____

TMS # 03303-01-02 & 06

Property Address: 1200 DUTCH FORK ROAD, IRMO, SC 29063; BALLENTINE BRANCH LIBRARY; CF#336-15 (ALL PHASES & FUTURE DEVELOPMENTS)

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

DECLARATION OF COVENANT

THIS DECLARATION OF COVENANT is made this _____ day of _____, 2017 by RICHLAND COUNTY

(CHECK APPLICABLE TERM)

- a corporation, limited liability corporation, or company, incorporated under the laws of the State of _____ (Insert name of State of incorporation)
- general/~~limited partnership~~ (Strike inapplicable term) an individual doing business as _____ (Insert name doing business as)
- individual(s),
- church, non-profit organization, educational institution, recreation commission, governmental body politic & other

hereinafter referred to as Declarant.

WHEREAS, Declarant is the owner of real property which is described on "Exhibit A" which is attached hereto and incorporated herein by specific reference thereto, the same being hereinafter referred to as real property; and,

WHEREAS, the real property is not contiguous to the City limits of the City of Columbia, South Carolina; and,

WHEREAS, Declarant has requested that the City of Columbia provide sewer and/or water service to the real property; and,

WHEREAS, Declarant has entered into a Water Service Contract or Sewer Service Contract or Water Main Extension Agreement or Sanitary Sewer Agreement with the City of Columbia in order to secure water or sewer service to the real property from the City of Columbia; and,

WHEREAS, the City of Columbia, for and in consideration of providing water or sewer service to the real property, which is not contiguous to the City of Columbia City limits, has required the Declarant to agree to cause the real property to be annexed to the City of Columbia in the event the real property, or any portion thereof, becomes contiguous to the City limits of the City of Columbia; and,

WHEREAS, Declarant desires to insure future compliance with such contractual agreement made with the City of Columbia;

NOW THEREFORE, the Declarant hereby declares as follows:

IMPOSITION OF COVENANT

From this day forward, the real property shall be held, transferred, sold or conveyed subject to the covenant contained herein which is for the purpose of providing future water or sewer service to the real property by the City of Columbia. The covenant shall touch and concern and run with title to the real property. This Declaration of Covenant and all provisions hereof shall be binding on all persons or entities having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, and shall inure to the benefit of each owner thereof. The enumerated covenant shall be deemed a covenant and not a condition.

APPROVED AS TO FORM

1

NMM 03/21/2017
 City of Columbia, SC

COVENANT

At any future time should any part of the real property become contiguous to the City limits of the City of Columbia, all then current owner(s) of the entire parcel of real property will petition to have the real property annexed into the City of Columbia by submitting a proper and sufficient annexation petition at such time as the City of Columbia makes a written request to the then current owner(s) to submit the petition for annexation required by this Covenant.

ENFORCEMENT OF COVENANT

Failure of the owner(s) to submit the petition for annexation required by the Covenant upon written request by the City of Columbia to cause such real property to be annexed into the City of Columbia upon any portion thereof becoming contiguous to the City limits of the City of Columbia will result in a termination of water or sewer service to all of the real property until such time the owner(s) of the real property cause the real property to be annexed into the City of Columbia. Additionally, this Covenant may be enforced by an action for specific performance. In addition to the remedies specifically set forth herein, all public and private remedies allowed by law or in equity against anyone in violation of this Covenant shall be available. All of the remedies set forth herein are cumulative and not exclusive. Any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia shall be entitled to bring an action for enforcement of the Covenant at such time as the City of Columbia has made the written request upon the then current owner(s) to submit a proper and sufficient annexation petition as required by the Covenant and the then current owner(s) have failed to submit the aforesaid petition within thirty (30) days of the written request.

The failure of any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia to bring an action to enforce this Covenant shall not operate as a waiver of the right to do so for any subsequent violations or of the right to enforce any other part of this Covenant at any future time. The failure of any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia to exercise or to delay in exercising any right or remedy available hereunder or at law or in equity shall not operate as a waiver. Notice of default or violation shall not be deemed as a condition precedent to the exercise of any right or remedy available hereunder or at law or in equity. Should any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, or the City of Columbia fail to bring action for enforcement of this Covenant or seek any other remedy allowed at law or in equity such shall not create any liability for the recovery of damages for the failure to so act.

DURATION OF COVENANT

This covenant shall run with the land and shall be binding upon any person or entity having any right, title or interest in the real property, or any portion thereof, including Declarant and/or Declarant's respective successors, successors in title, heirs, personal representatives and assigns, as the case may be, forever.

INTERPRETATION

In interpreting words in this Declaration of Covenant, unless the context shall otherwise provide or require, singular shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

The headings are included for purposes of convenient reference and such shall not affect the meaning or interpretation of this Declaration of Covenant.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Covenant on the day and year first above written.

WITNESSES:

(Signature of Witness #1)

(Signature of Witness #2)

DECLARANT:

RICHLAND COUNTY

BY: _____
(Signature)

Name: _____
(Print or Type Name)

Title: _____
(Print or Type Title)

STATE OF _____)
))
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by _____ of _____ (Name of Officer and Title) on behalf of the within-named Declarant. (City and State)

(Notary's Signature)

NOTARY PUBLIC FOR STATE OF _____

MY COMMISSION EXPIRES _____

bdm



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

Agenda Item

Request to Transfer Deed for Hollywood Hills Sewer Lines to City of Columbia Utilities

Background

Hollywood Hills is located in District 7, near the Crane Creek community off the Fairfield Road and I-20 exchange. Community Development Grant Funds (CDBG) were used to fund this project, including construction, tap fee connections and other associated soft costs. This public infrastructure project will benefit twenty-seven (27) households with necessary upgraded sewer service. Necessary easements, permits, and other essential requirements have been secured by the project engineer to begin the work on the project. The project is now 80% completed.

The County is ready to transfer the system over to the City of Columbia (Attachment A). Once approved and executed, the City will issue a letter to SC DHEC giving approval to release the Operation and Maintenance Letter. The procured contractor, CJ Jackson, can then proceed and complete sewer tie out and request the Permit to Operate, completing the system and making it operational.

At project onset, the County did not have public sewer lines to connect and subsequently Council approved an Intergovernmental Agreement (IGA) between the City of Columbia and Richland County. This IGA (Attachment B) memorialized the process, protects both parties, and provides a list of responsibilities during and after the project's completion for both entities.

Issues

As determined by the Community Development and Planning Department, there are no issues at this time.

Fiscal Impact

If approved by County Council, there is no financial impact to County General funds. The project is 100% federally funded with HUD CDBG funding. Sufficient CDBG funding is available for this project.

Ongoing City monthly billing will be paid by the owner for the new system.

Past Legislative Actions

This is a multi-phased project. County Council approved sufficient CDBG funding on July 1, 2014; July 28, 2015; and July 13, 2016. In addition, Council approval of an IGA between the County and the City took place on April 19, 2016.

Alternatives

1. Approve the deed transfer for the Hollywood Hills Sewer Project to the City.
2. Do not approve deed transfer for the Hollywood Hills Sewer Project to the City.
3. Do not approve the deed transfer and do not continue with the project. However a significant amount of federal funds have already been committed and expended.



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

Staff Recommendation

It is recommended that Council approve the transfer deed.

Submitted by: Tracy Hegler, Community Development and Planning Director

Date: 11/21/17

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

DEED TO SANITARY SEWER LINES FOR HOLLYWOOD HILLS SEWER SYSTEM IMPROVEMENTS (WAKEFIELD ROAD, DAYTON STREET AND STANFORD STREET); RICHLAND COUNTY TMS#11807-08-21, 22, 39, 40 & 42 (PORTION); CF#188-09B

RICHLAND COUNTY
to
CITY OF COLUMBIA

FOR VALUE RECEIVED, Richland County (also hereinafter referred to as "Grantor"), of Columbia, South Carolina does hereby bargain, sell, transfer and convey unto the City of Columbia (also hereinafter referred to as "Grantee"), its successors and assigns, all of Grantor's right, title and interest in and to the below described sanitary sewer lines:

All those certain sanitary sewer lines, the same being 8" in diameter including manholes, manhole castings, service lines to easement boundaries and cleanouts, and all components to complete the system.

All metes, courses, bounds and measured distances described herein are approximate. The precise metes, courses, bounds and measured distances are more particularly described and shown on City File #188-09B, which is incorporated herein by specific reference thereto.

An 8" sanitary sewer line beginning at a tie to an existing 8" City sanitary sewer line (CF#31-104; Hollywood Hills) at an existing manhole, Station 0+00, located on Richland County TMS#11807-08-40, n/f Rice, approximately twenty-three (23) feet southwest of the northeastern property corner of said TMS#11807-08-40; thence extending therefrom in a southeasterly direction along said TMS#11807-08-40, for a distance of seven and five tenths (7.5) feet to MH, Station 0+07.50 (also referred to as Core Hole Existing MH), located on said TMS#11807-08-40, twenty-six and one tenth (26.1) feet southwest of the northeastern property corner of said TMS#11807-08-40; thence extending therefrom S00°38'37"E along said TMS#11807-08-40, for a distance of seventy and two tenths (70.2) feet to MH, Station 0+77.70, located in the outer perimeter of the northern right-of-way of Dayton Street cul-de-sac, approximately seven (7) feet south of the southeastern property corner of said TMS#11807-08-40; thence turning and extending therefrom S47°51'37"E along the outer perimeter of the northeastern right-of-way of Dayton Street cul-de-sac, for a distance of forty-eight and three tenths (48.3) feet to MH, Station 1+26.00 located in the outer perimeter of the southeastern right-of-way of Dayton Street cul-de-sac, approximately forty-eight (48) feet southwest of the southeastern property corner of said TMS#11807-08-40; thence terminating.

ALSO, an 8" sanitary sewer line beginning at an existing MH, Station 0+00 (also referred to as MH 0+77.70; Dayton St), located in the outer perimeter of the northern right-of-way of Dayton Street cul-de-sac, approximately seven (7) feet south of the southeastern property corner of Richland County TMS#11807-08-40, n/f Rice; thence extending therefrom in a southwesterly direction along Richland County TMS#11807-08-22, n/f Jones and Richland County TMS#11807-08-39, n/f PM4Life Group, LLC and crossing a portion of Wakefield Road (S-40-1828) right-of-way, for a distance of two hundred ninety-one and ninety-six hundredths (291.96) feet to MH, Station 2+91.96, located in Wakefield Road right-of-way, twenty-five and two tenths (25.2) feet southwest of the northwestern property corner of said TMS#11807-08-39; thence turning and extending therefrom S19°08'51"W along Wakefield Road and generally parallel to said TMS#11807-08-39, for a distance of one hundred fifteen (115) feet to MH, Station 4+06.96, located in Wakefield Road right-of-way, approximately fifty-seven (57) feet southwest of the southwestern property corner of said TMS#11807-08-39; thence extending therefrom S35°41'38"W along Wakefield Road

APPROVED AS TO FORM

Legal Department City of Columbia, SC

right-of-way and generally parallel to Richland County TMS#11807-08-37, n/f Coleman and TMS#11807-08-36, n/f Tucker, for a distance of two hundred eighty-four (284) feet to MH, Station 6+90.96, located in Wakefield Road right-of-way approximately sixty (60) feet southwest of the southwestern property corner of said TMS#11807-08-36; thence turning and extending therefrom S27°24'34"W along Wakefield Road right-of-way, for a distance of one hundred eighty (180) feet to MH, Station 8+70.96, located in Wakefield Road right-of-way thirty and five tenths (30.5) feet northwest of the northwestern property corner of Richland County TMS#11807-08-33, n/f Dozier; thence turning and extending therefrom S19°18'57"W along Wakefield Road right-of-way and generally parallel to said TMS#11807-08-33, for a distance of one hundred fourteen (114) feet to MH, Station 9+84.96, located in Wakefield Road right-of-way, twenty-eight (28) feet southwest of the southwestern property corner of said Richland County TMS#11807-08-33; thence terminating.

ALSO, an 8" sanitary sewer line beginning at an existing MH, Station 0+93, located in the outer perimeter of the northwestern right-of-way of Stanford Street (S-40-2246), twenty-one and four tenths (21.4) feet southwest of the southeastern property corner of Richland County TMS#11807-08-15, n/f Stepping Stone Ministries, Inc.; thence extending therefrom S58°33'55"W along the outer perimeter of the northwestern right-of-way of Stanford Street, for a distance of two hundred (200) feet to MH, Station 2+93.00, located in the outer perimeter of the northwestern right-of-way of Stanford Street, approximately thirty-seven (37) feet southeast of the southwestern property corner of TMS#11807-08-17, n/f Greenhog LLC; thence turning and extending therefrom S29°16'24"W crossing Stanford Street, for a distance of thirty-seven (37) feet to MH, Station 3+30.00, located in Stanford Street right-of-way twenty-nine and five tenths (29.5) feet southeast of the southwestern property corner of said TMS#11807-08-17; thence turning and extending therefrom S69°43'26"W along Stanford Street right-of-way, for a distance of one hundred seventy-one (171) feet to MH, Station 5+01.00, located in Stanford Street right-of-way twenty-two and three tenths (22.3) feet northwest of the northeastern property corner of Richland County TMS#11807-08-12, n/f Grant; thence turning and extending therefrom S55°46'29"W along the outer perimeter of the southeastern right-of-way of Stanford Street and into Stanford Street right-of-way, for a distance of three hundred forty (340) feet to MH, Station 8+41.00, located in the outer perimeter of the southeastern right-of-way of Stanford Street, twenty-seven and six tenths (27.6) feet northwest of the northeastern property corner of Richland County TMS#11807-08-08, n/f Odom; thence extending therefrom S34°45'11"W along the outer perimeter of the southeastern right-of-way of Stanford Street, for a distance of ninety-six and fifty-four hundredths (96.54) feet to MH, Station 9+37.54, located in Stanford Street right-of-way, thirty-six and five tenths (36.5) feet southwest of the northeastern property corner of Richland County TMS#11807-07-07, n/f Brown; thence turning and extending therefrom S35°43'19"W along Stanford Street right-of-way, for a distance of eighty-two (82) feet to MH, Station 10+19.54, located in Stanford Street right-of-way, twenty-seven and three tenths (27.3) feet southwest of the northernmost property corner of Richland County TMS#11807-07-06, n/f Rivers; thence turning and extending therefrom S33°27'02"W along Stanford Street right-of-way, for a distance of ninety-eight (98) feet to MH, Station 11+17.54, located in Stanford Street right-of-way thirty-six and two tenths (36.2) feet northeast of the easternmost property corner of said TMS#11807-08-30, n/f Shuler; thence turning and extending therefrom S29°33'50"W along Stanford Street right-of-way, for a distance of one hundred eleven (111) feet to MH, Station 12+28.54, located in Stanford Street right-of-way thirty-one and five tenths (31.5) feet southeast of the southernmost property corner of said Richland County TMS#11807-08-30; thence turning and extending therefrom S53°25'56"W along Stanford Street right-of-way, for a distance of seventy-four (74) feet to MH, Station 13+02.54, located in Stanford Street right-of-way, thirty-nine and four tenths (39.4) feet northeast of the northeastern property corner of Richland County TMS#11807-07-04, n/f Scott; thence turning and extending therefrom in a southwesterly direction along Stanford Street right-of-way, for a distance of two hundred seventy-four (274) feet to MH, Station 15+76.54, located in Stanford Street right-of-way, twenty-six and seven tenths (26.7) feet northwest of the northeastern property corner of Richland County TMS#11807-07-01, n/f Solomon; thence terminating.

Be all measurements a little more or less.

The Grantor hereby agrees to be responsible for repairs of all damage to water lines, sanitary sewer lines, curb cocks, meter boxes, all fittings and fire hydrants hereby conveyed which arise out of the operation of any equipment or vehicles under control of the Grantor, its contractor, agent or any other party acting on behalf of the Grantor in connection with the initial installation of streets, paving, curbs and gutters, storm drainage lines, sanitary sewer lines, utility lines, final grading or improvements in development of property served by said sanitary sewer lines, and the Grantor shall either effect necessary repairs or reimburse the City for the cost of repairs at the option of the City.

This conveyance also includes an exclusive easement on all sanitary sewer lines and appurtenances heretofore described and as shown on the herein-referenced record drawings for the purpose of ingress, egress, construction, operation, repair, reconstruction and maintenance of said sanitary sewer lines. The Grantor hereby agrees that no future construction (including, but not limited to, buildings, paving, pipe lines or other utilities) will be allowed within the limits of this easement without prior approval of the City Engineer. Also, granted herein is an easement for access, ingress and egress over all private alleys, driveways, roadways, common areas and parking areas for operation, maintenance, reconstruction and repair of all sanitary sewer lines for this development.

This conveyance also includes all sanitary sewer line easements shown on a set of record drawings for Hollywood Hills Sewer System Improvements (Wakefield Road, Stanford Street & Dayton Street), in Richland County and near the City of Columbia, South Carolina, dated August 28, 2017, last revised October 30, 2017, prepared for Richland County by Hill Engineering, LLC, Daniel B. Hill, S.C.P.E. #6097, and being on file in the office of the Department of Engineering, City of Columbia, South Carolina under file reference #188-09B.

These sanitary sewer lines are more clearly delineated on a set of record drawings for Hollywood Hills Sewer System Improvements (Wakefield Road, Stanford Street & Dayton Street), in Richland County and near the City of Columbia, South Carolina, dated August 28, 2017, last revised October 30, 2017, prepared for Richland County by Hill Engineering LLC, Daniel B. Hill, S.C.P.E. #6097, and being on file in the office of the Department of Engineering, City of Columbia, South Carolina under file reference #188-09B.

(REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

TO HAVE AND TO HOLD the aforesaid rights to the Grantee, its successors and assigns, as aforesaid, forever.

And the Grantor does hereby bind the Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the said premises unto the Grantee, its successors and assigns against the Grantor and Grantor's successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

And Grantor warrants that Grantor is the lawful owner of said property and has the right to convey same; and that the property is free and clear of any and all liens and encumbrances of whatsoever kind or nature, except those set forth hereinabove.

WITNESS the hand and seal of the Grantor by the undersigned this _____ day of _____, 2017.

WITNESSES:

RICHLAND COUNTY

(Witness Signature #1)

By: _____
(Signature)

(Witness Signature #2)

Name: _____
(Print or Type Name)

Title: _____
(Print or Type Title)

STATE OF)

ACKNOWLEDGEMENT

COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017 by _____ of _____
(Name of Officer and Title) (City and State)

on behalf of the within-named Grantor.

(Notary's Signature)

NOTARY PUBLIC FOR STATE OF _____

MY COMMISSION EXPIRES _____

ATTORNEY CERTIFICATION

I, _____, an attorney licensed to practice in the State of _____ do hereby certify that I supervised the execution of the attached Deed to Sanitary Sewer Lines for Hollywood Hills Sewer System Improvements; Wakefield Road, Dayton Street & Stanford Street with Richland County, as Grantor and the City of Columbia, as Grantee, this _____ day of _____ 20_____.

State Bar Number and License#: _____

MH 13+02.54
 RIM = 314.99
 8" INV IN = 307.84
 8" INV OUT = 307.80
 E 815777.4
 N 1993462.7

N/F
 WATEREE PLAZA LP
 N/S CRAWFORD RD
 R11807-07-27

N/F
 MABLE SCOTT
 120 STANFORD ST
 R11807-07-04

NOTE:
 WATER AND SEWER S
 TO BE PER TEN STAT

MH 15+76
 RIM = 317
 8" INV OL
 E 815731.
 N 199319.

MH 13+71.54
 RIM = 315.96
 IN = 308.35
 UT = 308.30
 E 815757.6
 N 1993396.6

N/F
 ESTELLE COUNTS
 119 STANFORD ST
 R11807-08-31

N/F
 HELEN D GARDNER
 112 STANFORD ST
 R11807-07-03

N/F
 PATRICK GOODMAN
 108 STANFORD ST
 R11807-07-02

N/F
 CARL L SOLOMON
 100 STANFORD ST
 R11807-07-01

N/F
 WESLEY KENNEDY SR LIFE ESTATE
 6700 WAKEFIELD RD
 R11807-08-32

N/F
 HENRY DOZIER
 6710 WAKEFIELD RD
 R11807-08-33

SCALE



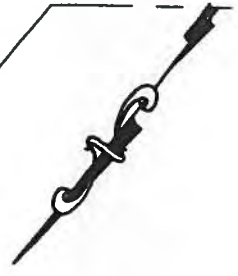
ET)
 50 ft.

LIMITS OF RESURFACING
 (TYP.)

N/F
 JOHNNY & TOMMIE PEAY
 6718 WAKEFIELD RD
 R11807-08-34

WAKEFIELD RD
 S-40-1828
 S19° 18' 57"W
 114.00'

FAIRFIELD RD
 US 321



BENCHMARK
 PINE ELEV = 278.28
 MH 0+77.70 (DAYTON)
 MH 0+00 (WAKEFIELD)
 RIM = 273.14
 8" INV IN = 265.86
 8" INV IN = 265.86
 8" INV OUT = 265.82
 N 816500.4
 E 1993786.4

N/F
 WILLIE C. YOUNG
 8 DAYTON ST
 R11807-08-21

N/F
 CHARLES D JENKINS
 149 STANFORD ST
 R11807-08-24

N/F
 JOHN J MOORE SR
 5 DAYTON ST
 R11807-08-23

MH 1+26.00
 RIM = 275.03
 8" INV OUT = 268.49
 E 816468.0
 N 1993822.2

N/F
 LEON H. & MICHAEL H. JONES**
 DAYTON ST
 ** PO BOX 4732
 COLA, SC 29240 **
 R11807-08-22

N/F
 THE MOYE
 COMPANY LLC
 9 DAYTON ST
 566 NORTH BROWN ST
 W. COLA 29169 **
 R11807-08-42

SEWER SERVICE CONNECTION

EXCLUSIVE 7.5'
 CITY OF COLUMBIA
 SEWER EASEMENT

N70° 49' 53"E
 7.50'

S89° 04' 32"W
 140.58'

N/F
 SSES JOHNSON, QUINTESSA
 A RICHARDSON, DANIELLE
 HARDSON
 HILLVALE DR
 107-08-04

N/F
 MINNIE R RICE
 6806 WAKEFIELD RD
 ** 209 GILES RD
 GEORGETOWN, SC 29440 **
 R11807-08-40

N/F
 PM4LIFEGROUP, LLC
 6752 WAKEFIELD RD
 ** 283 SHERINGHAM RD,
 COLA, 29212 **
 R11807-08-39

0+07.50
 = 266.22
 = 259.89
 = 259.80
 816570.6
 993785.6
 SET "A"

MH 1+40.58
 RIM = 274.41
 8" INV IN = 267.16
 8" INV OUT = 267.11
 E 816498.1
 N 1993645.8

EXCLUSIVE 15'
 CITY OF COLUMBIA
 SEWER EASEMENT

N/F
 STANLEY RICHARDSON
 104 HILLVALE DR
 COLUMBIA, SC 29212 **
 R11807-08-03

N/F
 RUDENE BURTON
 6810 WAKEFIELD RD
 R11807-08-41

NEW 8" SS
 MH 2+91.96
 RIM = 290.13
 8" INV IN = 280.88
 8" INV OUT = 280.83
 E 816495.7
 N 1993494.5

S89° 05' 16"W
 151.38'

N/F
 SC HOME HOLDINGS
 153 HILLVALE DR
 ** 131 MORNINGLO DR
 COLUMBIA, SC 29210 **
 R11807-08-02

N/F
 THOMAS S ODOM
 6814 WAKEFIELD RD
 ** 222 ARMOUNT RD
 COLUMBIA, SC 29212 **
 R11807-08-01

LIMITS OF RESURFACING (TYP.)

N/F
 LILLIE B PRICE
 LIFE ESTATE
 W/S WAKEFIELD RD
 R11807-04-09

ATTACHMENT B

RESOLUTION NO.: R-2016-033

Authorizing the City Manager to execute an Intergovernmental Agreement between the City of Columbia and Richland County for the Hollywood Hills Sewer Project

BE IT RESOLVED by the Mayor and City Council this 19th day of April, 2016, that the City Manager is authorized to execute the attached Intergovernmental Agreement between the City of Columbia and Richland County, or on a form approved by the City Attorney, for the Hollywood Hills Sewer Project.

ORIGINAL
STAMPED IN RED

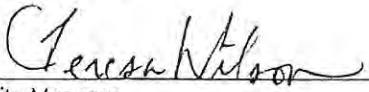
Requested by:

Assistant City Manager Gentry



Mayor

Approved by:



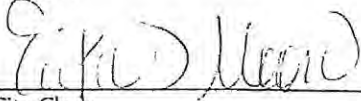
City Manager

Approved as to form:




City Attorney

ATTEST:



City Clerk

Introduced: 4/19/2016
Final Reading: 4/19/2016

CERTIFIED
TRUE COPY


CITY CLERK 5/3/16

Hollywood Hills Sewer Project

Intergovernmental Agreement between Richland County and the City of Columbia

WHEREAS, Richland County is funding and securing an independent contractor for the construction and updating of the sanitary sewer lines and mains for the Hollywood Hills neighborhood near the intersection of Farrow Road and Wakefield Road; and

WHEREAS, Richland County is using Community Development Block Grant Funds (hereafter referred to as CDBG) for funding; and

WHEREAS, following construction and completion of the sanitary sewer lines and mains by the contractor, the City of Columbia will accept a deed of the sanitary sewer lines and mains for ownership, operation and maintenance into perpetuity.

NOW, THEREFORE in consideration of the mutual covenants and obligations herein contained, including the attachments, and subject to the terms hereinafter stated, the parties hereto understand and agree as follow:

1. Richland County is responsible for funding and securing an independent contractor for the construction of the sanitary sewer lines and mains for the Hollywood Hills neighborhood near the intersection of Farrow Road and Wakefield Road, see Exhibit A (attached hereto).
2. Richland County agrees to provide CDBG Federal Funds to complete this project, subject to the terms and conditions of this Contract, applicable laws, regulations and all other Federal and County requirements.
3. Richland County will adhere to the City of Columbia's detailed plans outlined in a letter dated July 14, 2015, signed by Sparty Hammett on July 22, 2015, see Exhibit A.
4. Once construction has been completed and Richland County is satisfied with final inspections in accordance with Exhibit A Paragraph 7, Richland County will deed over the infrastructure to the City of Columbia for perpetual maintenance of the system. Richland County will have no further maintenance responsibilities related to this project.

- 5. All future responsibilities, including liability, will be accepted by the City of Columbia after the deed has been signed over by Richland County including, but not limited to, enforcing any warranties involving equipment or work during construction by the independent contractor as required by the City of Columbia plans and specifications.
- 6. This agreement constitutes the entire agreement between Richland County and the City of Columbia and supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written.

Tony McDonald
Richland County

5/11/16
Date

[Signature]
Witness 11 May 2016
Date

[Signature]
Witness _____
Date

[Signature]
Richland County Attorney's Office
Approved as to LEGAL form ONLY
NO Opinion Rendered As To Content

[Signature]
City of Columbia

4-29-2016
Date

[Signature] 4/29/16
Witness _____
Date

[Signature]
Witness _____
Date

APPROVED AS TO FORM
[Signature]
Legal Department City of Columbia, SC



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

Agenda Item

Council Motion Dated Nov 07, 2017:

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* [Malinowski and Myers] – This item was referred to the D&S Committee

Note: Briefing Document, only addresses *the highlighted* subject matter only. The water aspects of the motion will be covered through separate briefing.

Background

Located in the area known as the Midlands in the State of South Carolina, Richland County encompasses a land area of 757.07 square miles and a population of 407,051 residents, as of July 1, 2015. Population growth projections indicate that the Midlands region will have a population of one million by 2035. As the population increases, so will demand for services including utility services.

In the interest of the constituents and per direction from Richland County Council, staff has been working on Lower Richland Sewer Project which once completed was intended to become a back bone of the sewer service to the South East Richland County.

Records indicate that during a community meeting in Hopkins, beginning in October 2005, concerns were discussed regarding the need for utility services to the South East portion of the County. Those discussions began to involve other community stakeholders, including the government of Richland County, resulting in County Council voting to proceed with the development and implementation of a wastewater treatment plan for Lower Richland during its October 5, 2010 meeting deliberations. Subsequently, the following actions occurred:

- Commissioned an engineering study to CDM Smith Consulting, which recommended the viability and a concept design for the Southeast Richland Sewer Project. The consultant completed the study on August 20, 2012.
- CDM Smith, the Consultant of the Record performed engineering analysis and financial analysis of multiple scenarios, working closely with the staff and county leadership. The recommended a project layout was approved and slated for funding through multiple federal and state agencies, including USDA loans, Rural Infrastructure grants, and State Revolving Fund. The design included installation of multiple lift stations & sewer lines of varying sizes and capacities. All lift stations were intended to be installed on private properties, requiring easements from property owners for the stations and some sewer lines as well.
- Based on project layout and engineering study completed by CDM Smith, USDA issued a Letter of Conditions for financing the project as defined by CDM PER. County Council adopted USDA Letter of Conditions in February 2013.
- On March 20, 2014, the County solicited and commissioned consultancy services for detail engineering of the "Project Approved Layout." The County awarded the contract to Joel Wood and Associates, who is the Engineer of Record for final construction plans and documents.

- Since March 2014 to date there had been several protests, blockades and resistance to the project which resulted in stoppage of work and permits reviews delaying the Procurement of Contracting services and commencement of construction.
- On May 13, 2016, DHEC issued “Permit to construct” authorizing the commencement of Construction of the project.
- However, within the 2 weeks of issuance of “Permit to Construct”, DHEC’s decision was challenged at DHEC Board and afterwards in Administrative Law Court (ALC), putting the project on hold.
- In November 2016, the ALC issued a judgment upholding the issuance of the permit and allowing the commencement of construction per DHEC approval.
- However, controversies on the project increased, requiring Richland County and Council’s review of the project in a “holistic” manner.

Issues

The project as permitted requires several Lift Stations to be constructed on sites requiring acquisition of private properties in residential neighborhoods and most of which are concentrated in Hopkins area.

The project, as approved, had divided opinions amongst residents in Lower Richland since its inception such as extreme levels of resistance including, challenging the project’s existence and permit to construct, and law suits. As such, this project has experienced delays, effectively halting the project.

The key to the success of this project remains completely dependent on the costumers and residents intended to benefit from the project and their acceptance of the project. Proceeding with project “as is” without regaining public trust and establishing good relationships with the community retains the probability of serious consequential impacts in the long run.

Being mindful of the aforementioned information, in order to address the public discontent, political divide, and, most importantly, the public trust and project success, staff revisited the original project design and its viability. This re-examination of the original project approach included a more “intentional” focus on the public relations need in order to mitigate the concerns of the residents in the Lower Richland community in addition to log term success of the program. With that said, Staff is recommending to redesign the LRSP to Southeast Sanitary Sewer Program (SESSP).

Subject to Council’s approval, the SESSP will align the Sanitary Sewer Master Plan for Southeast Richland County and will be completed in two phases (see attached map for Phase 1 & 2):

1. Phase 1 to commence Engineering Design during the first quarter in 2018.
2. Phase 2 would begin in October 2022.

Fiscal Impact

The estimated cost for Phase 1 will be \$17 million and anticipated cost for Phase 2 of the project will be \$12 million. The financing packet would include bonds, and Federal or public funding sources and possible cost sharing of beneficiaries such as School District One and McEntire Joint National Guard Base.

Past Legislative Actions

Noted in the Background section.

Alternatives

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

Staff Recommendation

- Staff recommends approval to proceed with Southeast Sanitary Sewer Program (SESSP).
- Solicit Engineering Design for the project.
- Finalize negotiations with City of Columbia the takeover of unincorporated service area near the intersection of Garners Ferry and Lower Richland Blvd via an agreement which will be presented to Council for its review.

Submitted by: Utilities Department – Shahid Khan

Date: 11/5/17



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

Agenda Item

Building permits of Developers and Builders

Background

On May 16, 2017, the Honorable Norman Jackson made the following 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 [Jackson]

The County currently cites and stops work on projects that are unapproved or unpermitted per Sec. 6-31 (Buildings and Building Regulations); 26-272 (Land Development) and the County's DHEC National Pollutant Discharge Elimination System Permit.

However, there is no ordinance that allows the County to halt work by a developer/builder that is properly approved and permitted, even if the developer/builder has citations on other work in the County.

New Information requested at November 16, 2017 meeting:

Citation Process and Requirements is attached

Issues

Unapproved or unpermitted work by developers

Fiscal Impact

N/A

Past Legislative Actions

N/A

Alternatives

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

Building Inspections:

Sec. 6-31. Powers and duties.

In addition to the authority given pursuant to Section [2-224](#) of this Code, the building codes and inspections director, or his/her duly authorized representative(s) (hereinafter "director" or "building official"), shall have the following powers and duties:

(a) *Right of entry.* The building official may enter any building, structure, or premises to perform any duty imposed upon him/her by this chapter. In single-family and apartment dwellings, entry of occupied areas will be by permission of the occupant.

(b) *Stop work orders.* Upon notice from the building official that work on any building, structure or installation is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or his/her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the building official.

(c) *Revocation of permits.* The building official may revoke a permit or approval, issued under the provisions of this chapter in case there was any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. In all cases no permit fee shall be refunded.

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

(e) *Determination of alternate materials and alternate methods of construction.* The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate is approved and its use authorized by the building official. The building official shall approve any such alternate, provided he/she finds that the proposed design is satisfactory and complies with the intent and purpose of this chapter, and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire-resistance, durability, and safety. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the building official, the evidence and proof are not sufficient to justify approval, the applicant may refer the entire matter to the building codes board of appeals.

(f) *Reports.* The building official shall submit an annual report and other reports as requested by his/her immediate supervisor covering the work of his/her activities. He/she shall incorporate in his/her annual report a summary of the decisions of the building codes board of appeals during the same period.

(g) *Records.* The building official shall keep, or cause to be kept, a record of the business of the building codes and inspections department. The records of the building codes and inspections department shall be open to public inspection during normal working hours.

(Code 1976, § 7-1003(a)--(e), (g), (h); Ord. No. 1821-88, § I, 12-13-88; Ord. No. 012-09HR, § I, 3-3-09; Ord. No. 0004- 12HR, § III, 2-7-12; Ord. No. 016-13HR, § I, II, 4-2-13)

Land Development:

Sec. 26-271. Duties regarding enforcement.

The Richland County Zoning Administrator, unless specifically set forth otherwise in this chapter, is hereby authorized to enforce the provisions of this chapter. The administrator shall be entitled to inspect all properties subject to this chapter at all reasonable times in order to determine compliance or non-compliance with the terms and provisions hereof.

(Ord. No. 074-04HR, § V, 11-9-04)

Sec. 26-272. Penalties for violations.

(a) *Liabilities for violations.* Any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any buildings, structure, sign or sign structure, or develops, grades, or otherwise alters property in violation of this chapter shall be subject to penalties in accordance with this article.

(b) *Criminal penalties.* Any person who violates the terms of this chapter or fails to comply with any of the requirements of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues after due notice shall be considered a separate offense. The owner or tenant of any building, structure, sign, use premises or part thereof, and any architect, surveyor, engineer, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties set forth herein.

(c) *Injunctive relief and other remedies.* In addition to, or in lieu of, the other remedies set forth in this article, the zoning administrator, in the event of a violation of this chapter, or other appropriate authority of the county, or an adjacent or neighboring property owner who would be specially damaged by a violation, may institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. In case a building, structure, or land is or is proposed to be used in violation of this chapter, the county zoning administrator may, in addition to other remedies, issue and serve upon a person pursuing the activity a stop work order requiring such person to stop all activities in violation of this chapter.

(Ord. No. 074-04HR, § V, 11-9-04)

Sec. 26-273. Enforcement procedure.

(a) *Notice of violation.* When an authorized county official finds violations of this chapter, it shall be the duty of said official to notify the person alleged to be in violation. Such notice of violation shall be in writing and sent by certified or registered mail or delivered by personal service. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. The notice of violation shall include an opportunity to cure the violation within a prescribed period of time. For violations of the floodplain regulations contained in this chapter, the notice shall also indicate that a hearing will be held before the flood coordinator at a designated place and time. Such place and time shall be no later than twenty (20) days after the date of the notice, at which time the owner or occupant shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.

(b) *Extension of time to cure.* Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the county official charged with the duty of enforcing the regulation(s) being violated may grant a single extension of time, not to exceed a period of thirty (30) days, in which the alleged violator may cure or correct the violation before the county takes further action.

(c) *Failure to cure.* If the violator (or land owner if the violator cannot be ascertained) fails to take prompt corrective action in the prescribed time, then the county may pursue the penalties and remedies set forth above.

(d) *Revocation of permits.* In the event of a violation of any regulation of this chapter, the county official charged with the duty of enforcing the particular regulations, may stop any development of, use of, or activity on property by the revocation of applicable permits.
(Ord. No. 074-04HR, § V, 11-9-04)

County's DHEC National Pollutant Discharge Elimination System Permit:

Section 9d of the County's MS4 Permit titled "Construction Site Runoff describes the County's enforcement requirements. It is attached in full (Attachment A), but the specific language reads:

d. *Construction Site Enforcement:*

Permittee must develop an Enforcement Response Plan (ERP). The ERP must contain a description of how Permittees would use specific type of responses to address various types of violation. The ERP shall include, but is not limited to:

- i. Types of response;
 - (a) Verbal warnings,
 - (b) Written notices, and
 - (c) Escalated enforcement measures such as citations, fines, stop work orders, etc.
- ii. Specific strategies for escalating enforcement response, where necessary, to address persistent, repeat or escalating violations.
- iii. Ensure ERP is reasonably effective in reducing pollutant discharges to the MEP and to protect water quality.
- iv. Require notices of termination (NOT) when construction activities are closed (final stabilization). This can be done in conjunction with as-built plans, occupancy permits or similar actions. Once final site stabilization is verified, Post-construction maintenance responsibilities commence as required in this permit.

The section does not provide operating procedures for enforcement; we are to defer to the Enforcement Response Plan (ERP) also attached (Attachment B). In summary the process we follow for stormwater violation enforcement is:

- Notice of Violation
- Warning letter/ticket
- Summons to Magistrate's Court
- Stop Work Order
- Withhold or Revoke Business License

2. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and non-compliance with permit conditions. (See subparts II.A, above, and II.F & I, below, in this permit).
- e. Each *ANNUAL REPORT* shall,
- i. Keep current the list of active industrial users in Richland County,
 - ii. In the event monitoring data indicates runoff pollution attributable to industrial run off, steps must be taken in the subsequent reporting period to effectively address runoff from the sites so identified.
 - iii. Include the findings in items II.B.8.a, b & c, above, and,
 - iv. Detailed analyses produced in section II.B.8.c, above, must be part of the *fourth ANNUAL REPORT*.
 - v. Report the percent of industrial facilities inspected during the current reporting period.

9. *Construction Site Runoff*

Permittees shall continue to implement a program to reduce erosion and sedimentation at construction sites to achieve the "effective prohibition" and "MEP" standards from Section 402(p)(3)(B) of the Clean Water Act and to be consistent with South Carolina Pollution Control Act, Title 48, Chapter 1 of the Code of Laws of South Carolina. Storm water discharges during land disturbance activities shall comply with:

- Applicable sections of SC Regulation 61-9 pursuant to the South Carolina Pollution Control Act (48-1-10, et seq, S.C. Code of Laws, 1976);
- SC Regulations 72-300 and 72-400 pursuant to 14-48.10 et. Seq., SC Code, 1976, as amended;
- SC Regulations 61-68 Water Classification and Standards and 61-69 Classified Waters promulgated by SCDHEC pursuant to the South Carolina Pollution Control Act (48-1-10, et seq, S.C. Code of Laws, 1976); and
- The requirements set in the SCDHEC *Bureau of Water Antidegradation for Activities Contributing Nonpoint Source Pollution to Impaired Waters - Maintaining Water Quality Through Storm Water Controls of November 1999* or later, as updated.

Special consideration shall be given to: highly sensitive waters, areas in proximity to drinking water intakes, wetlands, watersheds for which a TMDL has been approved, areas of development and significant redevelopment where Antidegradation for Activities Contributing Nonpoint Source Pollution to Impaired Waters applies and to any watershed draining to an impaired waterbody.

a. *Site Planning and Non-structural & Structural Best Management Practices:*

Permittees shall continue requiring the use and maintenance of appropriate structural and non-structural best management practices to reduce pollutants discharged to the MS4 during the time of construction.

Permittees shall continue implementing construction practices and standards through local ordinance addressing storm water runoff water quality control requirements for all new development and significant redevelopment within MS4. Clearing, grading and land disturbance shall be limited to preserve existing vegetation, including trees, and pervious soils that attenuate, treat and infiltrate rainfall and runoff.

b. *Site Specific Plan Review and Regulatory Procedures:* Permittees must continue implementing, and enforcing a program to reduce pollutants in any stormwater runoff to their MS4 from construction activities. Construction activity for the purpose of this permit includes, at a minimum:

- Clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre
- Clearing, grading, and excavating that result in disturbance of less than one acre of total land area that is part of a larger common plan of development or sale (LCP)

The program must continue implementing:

- i. Practices to review construction drawings prior to construction approval to ensure that sediment and erosion control measures during the land disturbance and stormwater management practices are completed and adequate
- ii. Ordinances, or other regulatory mechanisms, requiring erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State, Tribal, or local law;
- iii. Requirements for construction site operators to implement specific erosion and sediment control BMP;
- iv. Requirements for the design, installation and maintenance of effective pollution prevention measures for construction site operators to:
 - (a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge,
 - (b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on site to precipitation and to stormwater runoff that may cause adverse impacts to water quality, and,

- (c) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- (d) The following discharges from construction sites are prohibited:
 - (1) Wastewater from washout of concrete, unless managed by an appropriate control;
 - (2) Wastewater from washout and cleanout of stucco, paint, from release oils, curing compounds and other construction materials;
 - (3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and,
 - (4) Soaps or solvents used in vehicle and equipment washing.
- v. Requirements for each operator of a construction activity to prepare and submit a site specific Stormwater Pollution Prevention Plan (SWP3), in accordance with the NPDES General Permit for Stormwater Discharges from Construction Activities (SCR100000) or subsequent issuance, prior to the disturbance of land for the MS4 to review and approve;
- vi. Plan Review. Permittee must implement site plan review procedures that at a minimum meet the following:
 - (a) Make clear to operators of construction activity that they are prohibited from commencing construction activity until they receive of written approval of the plans.
 - (b) Approve SWP3 containing appropriate site-specific construction control measures that effectively meet all regulatory requirements in Section II.B.9 of this permit. The Department has issued an effective NPDES General Permit for Storm Water Discharges from Construction Activities, SCR10000. All construction activity in the State of South Carolina is required to comply with this general permit. To avoid duplication of efforts, Stormwater Management / Erosion Sediment and Reduction Plans reviewed and approved consistent with the technical requirements of SCR100000 and good faith implementation of this element is expected in the SWMP annual review (Sections II.H & VI.A.3.c.vi(i)).
 - (c) The SWP3 must include the rationale used for selecting control measures, including how the control measure protects a waterway or stormwater conveyance.
 - (d) Permitted MS4 must use qualified individuals, knowledgeable in the technical review of SWP3 to conduct reviews.
 - (e) Document the review of each SWP3 plan using a checklist or similar process.

- (f) Procedures for SWP3 review, including the review of pre-construction site plans, for construction activity that discharge pollutant(s) of concern to sensitive waters including, but not limited to, wetlands, TMDL waters and to waters on the 303(d) List of Impaired Waters must identify potential water quality impacts the permitted discharges may have. The SWP3 shall limit sediment discharges to the MEP, shall protect water quality. Procedures for SWP3 review shall:
- (1) Incorporate consideration of potential water quality impacts,
 - (2) Include the review of construction site plans,
 - (3) For construction projects that disturb less than 25 acres, carefully evaluate all selected BMPs and their ability to control the pollutant(s) of concern.
 - (4) For construction projects that disturb 25 acres or more, require a written quantitative and qualitative assessment showing that the selected BMP will control the discharge of the pollutant, or pollutants, of concern from construction and post construction within a TMDL watershed, or to a water on the 303(d) List of Impaired Waters, and,
 - (5) Require that SWP3 prepared by construction activity applicants for SMS4 review and approval must demonstrate that stormwater discharges will neither cause nor contribute to a violation of water quality standards.

The most current TMDL / 303(d) List is available at:

<http://www.scdhec.gov/tmdl>

c. *Construction Site Inspections*

MEP for this component of the Construction Site Runoff element is to ensure; that adequate measures are in place prior to the commencement of construction activity, that will continue to be implemented to protect water quality and that any water quality-related requirement of this element is followed as contained in the approved plans.

- i. Permittees must maintain an inventory of all active construction projects. The inventory must be continuously updated as new projects are permitted and projects are completed. The inventory must contain relevant contact information for each project (e.g., name, address, phone, developer, etc.), the size of the project and area of disturbance. Permittees must make the inventory available to SC DHEC upon request. As part of this inventory,
 - (a) Permittees must **track the number of inspections** for the inventoried construction sites throughout the reporting period to verify that the sites are inspected at the minimum frequencies required,
 - (b) Document inspections and enforcement activities for each site in the inventory.

- (c) Include the developer / company name, in the inventory.
 - (d) Include the number of disturbed acres in the inventory.
- ii. Permittees must implement procedures for inspecting construction projects in accordance with the frequency specified in table II.B.9.c.ii.

Table II.B.9.c.ii
Construction Site Inspection Frequency

Site	Inspection Frequency
a. All sites 5 acres or larger in size	All new approvals must be inspected initially within the first two weeks of commencement of land disturbing activity.
b. All sites one (1) acre or larger that discharge to a tributary listed by the state/tribe as an impaired water for sediment, turbidity, or BIO under the CWA section 303(d)	
c. All sites determined to be a significant threat to water quality*	All active sites shall be inspected at least monthly during construction. All inactive sites shall be inspected at least bi-monthly
d. All other construction sites with one (1) acre or more of soil disturbance not meeting the criteria specified in a, b, or c above	Inspection must occur at least monthly
e. Final Inspection	Inspect all permitted projects to ensure that all graded areas have reached final stabilization and that all temporary control measures are removed and permanent stormwater management BMP are permitted as required
* In evaluating the threat to water quality, the following factors must be considered: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-stormwater discharges; past record of non-compliance by the operators of the construction site; proximity to sensitive water bodies; and, other factors relevant to MS4.	

- iii. Permittees must adequately inspect all phases of construction. At a minimum, inspections must occur following installation of initial BMP, during active construction, and after final site stabilization.

- iv. Once final site stabilization is verified, the transition where post-construction maintenance responsibilities commence shall be clearly defined in Notices of Termination (NOT), as-built plans, or similar procedures.
- v. Permittees must have trained and qualified inspectors. Permittees must continue to implement:
 - (a) Procedures to notify building permit applicants, in developments subject to the stormwater regulations, of their application responsibilities under the NPDES permitting program for construction site runoff.
 - (b) An effective communication process with construction contractors to educate them on areas in which improvements are needed and to enforce any required actions.
 - (c) Training programs for inspectors (regardless of specialty) who are likely to be on site during earth moving activities in proper erosion control techniques.
 - (d) Retain at least one Certified Stormwater Operator/Inspector on staff at all times (these individuals shall be either field supervisors, heavy equipment operators actively involved in County earth moving activities, or engineering staff responsible for specifying erosion control measures for Permittees activities)
 - (e) Provide permit applicants with notice of the availability of training for construction projects involving significant earth moving activities.
 - (f) Include a summary of procedures in the *ANNUAL REPORT* for incorporation into the SWMP and conduct presentations to professional organizations associated with the construction industry to discuss proper site management for water quality, see II.B.10.a.i(k).
- vi. Permittee must also continue to follow, and revise as necessary, written procedures outlining the inspection and enforcement procedures. Inspections of construction sites must, at a minimum:
 - (a) Check for coverage under SCR100000 by requesting a copy of any application or Notice of Intent (NOI), the stamped approved stormwater pollution prevention plan or other relevant application form during initial inspections.
 - (b) Review the applicable stormwater pollution prevention plan and conduct a thorough site inspection to determine if control measures have been selected, installed, implemented, and maintained according to the plan.
 - (c) Assess compliance with the permittee's ordinances and permits related to stormwater runoff, including the implementation and maintenance of designated minimum control measures.

- (d) Assess the effectiveness of control measures.
- (e) Visually observe and record non-stormwater discharges, potential illicit connections, and potential discharge of pollutants in stormwater runoff.
- (f) Provide a written or electronic inspection report generated from findings in the field.

d. *Construction Site Enforcement:*

Permittee must develop an Enforcement Response Plan (ERP). The ERP must contain a description of how Permittees would use specific type of responses to address various types of violation. The ERP shall include, but is not limited to:

- i. Types of response;
 - (a) Verbal warnings,
 - (b) Written notices, and
 - (c) Escalated enforcement measures such as citations, fines, stop work orders, etc.
 - ii. Specific strategies for escalating enforcement response, where necessary, to address persistent, repeat or escalating violations.
 - iii. Ensure ERP is reasonably effective in reducing pollutant discharges to the MEP and to protect water quality.
 - iv. Require notices of termination (NOT) when construction activities are closed (final stabilization). This can be done in conjunction with as-built plans, occupancy permits or similar actions. Once final site stabilization is verified, Post-construction maintenance responsibilities commence as required in this permit.
- e. Every *ANNUAL REPORT*, Richland County shall report on,
- i. Effectiveness of the Stormwater Management Division enforcement response plan.
 - ii. Improvements to the Standard Operating Procedures (SOP) for the Construction Site Runoff Element that:
 - (a) Standardize the enforcement escalation procedures for non-compliant sites;
 - (b) Implement the SOPs for conducting inspections;
 - (c) Implement the schedules for inspections, including, but not limited to, frequency and triggers;
 - (d) Implement the SOPs for contacting other County agencies regarding MS4 items; and,
 - (e) Document inspection and enforcement activities for each active site.

Section	Requirement	Deadline
II.E, H.4	Roles and Responsibilities of Permittees	
II.G	Fiscal Resources	
II.H	SWMP Review and Modifications	
IV.B.4	Implementation Plan Last Existing TMDL Tier	
IV.B.5.b.i(a)(8)	Monitoring & Assessment Plan if New TMDL	
IV.B.5.b.i(b)(3)(4)	Update/Progress if New TMDL Assessment Plan	
II.B.3.g, IV.B.6.d IV.B.8.d.iv(b) IV.E.3.d.ii(b)(2)	BMP Implementation Industrial Road Runoff BIO or DO (BOD ₅ & NH ₃ N) , if applicable	
IV.B.6.f	TMDL Implementation Progress	
IV.C.5	Water Quality Controls Implemented Last 303(d) Tier	
IV.E.1	Monitoring Plans, if any, Results TMDL watersheds	
IV.E.1 a.iii & b.ii	Implemented Monitoring Plans	
IV.E.2.a IV.E.3.d.ii(a)	New TMDL Monitoring Plans, if any Monitoring Stations Established, as needed	
IV.E.3.c	Sediment, Macro & DO (BOD ₅ & NH ₃ N) , TMDL, 303, Sensitive	
IV.E.3.d.i(b) IV.C.2 & D.5.c	Water Quality Corrected, if applicable First 303(d) Tier & First Sensitive Tier	
IV.E.3.d.i(b) IV.C.3, D.6.c&d	Monitoring Program Evaluated /Updated, if necessary Second 303(d) Tier & Second Sensitive Tier	
IV.E.3.d.i(b) IV.E.3.d.ii(b)(2) IV.C.3 & D.6.c&d	Report Monitoring Results, if applicable Third 303(d) Tier & Third Sensitive Tier	

Richland County Enforcement Response Guide for Stormwater Management and Floodplain Management Programs

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INTRODUCTION

The purpose of this Enforcement Response Guide (Guide) is to provide Richland County’s Stormwater Management Division and Floodplain Management Division staff with guidance for inspections as well as enforcing the Stormwater Management Program, Floodplain Management Program, and Richland County Ordinance. The guidance in the Guide does not carry the force of law. It is intended to provide a framework for ensuring fair and consistent enforcement of the Richland County Stormwater Management and Floodplain Management Programs.

Richland County reserves the right to modify this Guide at any time without public notice. In addition, Richland County may deviate from this Guide as it deems necessary in order to carry out the intent of the Richland County Stormwater Management Program, Floodplain Management Program, and Richland County Ordinance.

OVERVIEW OF ENFORCEMENT PROGRAM

The following Enforcement Response Guide provides inspection procedures and defines a range of appropriate enforcement actions based on the nature and severity of noncompliance events and other relevant factors. The County may initially rely on informal actions such as a warning ticket or "Notice of Violation" (NOV) where violations are non-significant or when the violator is cooperative in resolving its problems. However, when the violation is significant and/or when the violator does not promptly undertake corrective action, the County must respond with more severe enforcement responses which may include legal proceedings. Similarly, when the violator fails to return to compliance following the initial enforcement response, the County may need to "escalate" its enforcement response in a follow-up (more stringent) action, which may include fines assessed daily for each violation. The Stormwater General Manager will initiate and supervise all enforcement actions originated by the Stormwater Management Division. The County Engineer and Engineering Inspector Supervisor will initiate and supervise all enforcement actions originated by the Engineering Division. The Floodplain Manager will initiate and supervise all enforcement actions originated by the Floodplain Division.

Enforcement measures will be initiated by the Stormwater Management Division Inspectors, Stormwater General Manager, Engineering Division Inspectors, County Engineer, or Floodplain Manager in each instance that non-compliance is detected.

The County will also evaluate appropriate enforcement responses in the context of the violator's prior violations. For example, if the violator continues its minor non-compliance despite informal enforcement measures (that is, despite issuance of repeated warning tickets or NOVs), the County will adopt a more stringent approach. Similarly, if a violator has committed several types of violations, the County response must address each violation. **Since stormwater and floodplain management enforcement is a matter of strict liability**, the knowledge, intent, or negligence of the violator will not normally be taken into consideration.

The enforcement response selected must also be appropriate to the violation. This determination is often a matter of common sense. For example, while a verbal warning may be an appropriate response for incomplete recordkeeping, illegal dumping merits a more immediate and stringent response. The County will normally consider the following criteria when determining a proper response:

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on the receiving water
- Effect of the violation on the stormwater system
- Compliance history of the violator
- Good faith of the violator
- Response to any previous order or failed report

The County begins its enforcement process by identifying a violation. Once a violation is identified, the County must determine the appropriate response. This response will be proportionate to the violation's severity, promote compliance in a timely manner, and be authorized under State law and Richland County's Ordinance as filed with the State of South Carolina.

Five (5) basic enforcement responses will be available to the County and will be described briefly in the following section. These five (5) enforcement responses are:

1. Notice of Violation
2. Warning Letter/Ticket
3. Summons to Magistrate's Court
4. Stop Work Order
5. Withhold or Revoke Business License

BASIC ENFORCEMENT RESPONSES

Richland County has the authority to enforce their ordinance and programs developed in order to meet the requirements of their Stormwater NPDES permit and the Floodplain Overlay Ordinance. The maximum fine Richland County may impose for a violation is \$1,092.50 per violation per day. Once a ticket is written by a Richland County inspector, it is sent to the Magistrate in order for a court date to be scheduled. The ticket may be made null at any time prior to the scheduled court appearance.

Appendix A includes tables which outline a range of appropriate enforcement actions based on the nature and severity of noncompliance events and other relevant factors. Richland County may deviate from this guidance as it deems necessary in order to carry out the intent of the Richland County Stormwater Management Program, Floodplain Management Program, and Richland County Ordinance.

3.1 Notice of Violation (NOV)

The NOV is an official communication from the County to the non-compliant violator which informs the violator that a stormwater or floodplain program violation has occurred. The NOV is an appropriate initial response to non-significant violations. In the case of significant non-compliance, an NOV may also be issued prior to issuing a ticket which summons the offender to magistrate's court. The NOV's purpose is to notify the violator of the violation(s); it may be the only response necessary in cases of infrequent and generally minor violations. If the violator does not return to compliance following receipt of the NOV, the County must proceed to more stringent enforcement measures. The NOV should be written and delivered to the violator immediately upon detection of the violation. The NOV should be received by the violator no later than seven (7) working days after discovery of the non-compliance. The NOV should either be hand delivered by County personnel or be sent to the violator via certified mail. Construction can commence but the contractor must work towards corrective actions. A card is posted onsite

if it shall result in immediate compliance as the work is being completed. An example of an NOV is included in Appendix B.

3.2 Warning Letter/Ticket

The warning letter/ticket is an official communication from the County to the non-compliant violator which informs the violator that a stormwater or floodplain management program violation has occurred. The warning letter/ticket is an appropriate initial response to non-significant violations. In the case of significant non-compliance, a warning letter/ticket may also be issued prior to issuing a ticket which summons the offender to magistrate's court. The warning letter/ticket's purpose is to notify the violator of the violation(s); it may be the only response necessary in cases of infrequent and generally minor violations. If the violator does not return to compliance following receipt of the warning letter/ticket, the County must proceed to more stringent enforcement measures. The warning letter/ticket should be written and delivered to the violator immediately upon detection of the violation. The warning letter/ticket should be received by the violator no later than seven (7) working days after discovery of the non-compliance. The warning letter/ticket should either be hand delivered by County personnel or be sent to the violator via certified mail. Construction can commence but the contractor must work towards corrective actions. An example of a warning letter/ticket is included in Appendix B.

3.3 Summons to Magistrate's Court

Richland County has the authority to charge any person violating any provision of the County ordinance with a misdemeanor punishable within the jurisdictional limits of magistrate's court. Each day of a violation shall constitute a new and separate offense. The maximum fine Richland County may impose for a violation is \$1,092.50 per violation per day.

3.3.1 Court Room Procedures

Magistrate's Court hears civil cases involving landlord tenant issues and injury or property damage where the claim is under \$7,500.00. Ticket books are issued by the Court Administration Office at 1400 Huger Street in Columbia. To get new ticket books, contact the Court Administrator with the amount of books needed and arrange for pick up.

Some Richland County Public Works officials have been commissioned by Richland County Council as code enforcement officers, and as such, have the ability to issue citations to magistrate's court. If the defendant requests a jury trial, immediately notify the Stormwater Manger and Public Works Director. Jury trials will be referred to the Richland County Legal Office for review. Bench trials will be tried by the Public Works Commissioned officer who issued the ticket. Any non-commissioned Public Works employees who have direct knowledge or information related to the case are to be called as witnesses.

Before court the officer must put together a complete file on the case which includes the Richland County Public Works Court Evidence Checklist (Appendix C), inspection reports, information on all correspondence with the accused (e.g. emails, voice messages, certified letters, etc.), pictures, witness information (if applicable), and sections of the ordinance that the defendant is accused of violating. The defendant and all witnesses will be notified of the court date and given a reminder call the day before.

3.4 Stop Work Order

The purpose of a stop work order is to "stop" the owner/permittee and or contractor/developer from all land-disturbing activity. Stop Work Orders shall be submitted in writing and a card posted onsite immediately. The County shall give written notice to the violator within seven (7) working days of the inspection. An example of stop work order is included in Appendix B.

3.5 Withhold or Revoke Business License

In the event of repeated non-compliance by a business or industry, the Richland County Stormwater or Floodplain Division can notify the Business License Department of the non-compliance, and the County can withhold or revoke the business license of the non-compliant business.

INSPECTION PROCEDURES

For all inspections conducted by County employees, documentation is critical to ensure that the County is able to present the required evidence to a judge in the event a violator is issued a summons. Documentation should include pictures from every inspection, dates for each violation, records of inspections, records of any actions taken (i.e., every letter, NOV, warning ticket, etc.), and sample results from a certified laboratory with chain of custody, if applicable.

4.1 Construction Inspections

Richland County inspectors are authorized by Richland County to inspect and enforce the requirements of the Stormwater Management Program, Floodplain Management Program, and Richland County Ordinance. The inspectors shall be:

- Authorized to conduct inspections and file reports for periodic inspections as necessary during construction to assure compliance with the approved plans.
- Authorized to furnish the permittee or agent the results of inspections in a timely manner after the completion of each required inspection.
- Authorized to issue a NOV to the permittee or agent when any portion of the work does not comply with the approved plans.
- Authorized to issue a Stop Work Order to the permittee or agent when any portion of the work does not comply with the approved plans.
- Authorized to pursue Civil Litigation as a result of unsafe conditions, working without a permit, unsatisfactory work progress, or other non-compliance.
- Authorized to conduct a final inspection upon the completion of the project to determine if the completed work is constructed in accordance with the approved set of design plans and/or as-built plans certified by the permittee's registered professional engineer.

Richland County inspectors shall conduct periodic site inspections on all land disturbing activities. The person responsible for the land disturbing activity must arrange for the

appropriate representatives to attend a Richland County pre-construction meeting and shall notify the Richland County inspector before the initiation of construction and upon project completion. After the project completion is certified by a design professional, a final inspection will be conducted to ensure compliance with the approved Land Disturbance Permit. Richland County inspectors shall enforce the following inspection items:

- Ensure that the approved set of plans and associated (onsite) stormwater pollution prevention plan are located on the project site and are properly being followed and implemented.
- Ensure that active construction sites are inspected for compliance with the approved plans on a regular basis.
- Provide the person financially responsible (or designee) for the land disturbing activities a written report after every inspection.
 - Date and location of the site inspection
 - Compliance status of “pass” or “fail”
 - List of deficiencies and time frames by which to correct
 - Pictures on the report for some of the urgent deficiencies
- Notify the person financially responsible (or designee) for the land disturbing activities in writing within seven (7) working days after the issuance of a violation (posted card) order including:
 - Nature of violation
 - Proposed penalty
 - Required corrective actions, and
 - Time period for adequately correcting the deficiencies

In addition to the above criteria, construction of individual structures located within the special flood hazard area will also be inspected by Richland County staff to ensure compliance with the permitted activities. The same criteria, as the above, outline compliance with Land Disturbance Permits and will be enforced.

Follow-up actions for continuing or recurring violations will be taken within 60 days of the initial enforcement response.

4.1.1 Third Party Inspections

Third party inspectors shall conduct inspections for compliance of the approved set of plans and approved stormwater pollution prevention plan during the construction phase (until Notice of Termination is processed by Richland County) of a project.

- Every seven (7) calendar days and within 24-hours after each rainfall event that produces ½ inches or more of precipitation.
- At the request of Richland County
- At the request of the permittee, and
- Due to a complaint of any construction impacts
- Reports must be placed in the construction box onsite within 72 hours of completion and must be e-mailed to pwconstructionreports@rcgov.us within 72 hours of completion.

The third party inspector also has the freedom to make unscheduled inspections to assure compliance with the plans.

4.2 Post-Construction Inspections

The purpose of post-construction inspections is to ensure that permanent stormwater management Best Management Practices (BMPs) are working properly and remain functional. In accordance with the maintenance agreement signed by the owner or lessee, all post-construction BMPs shall be maintained and records of such activities shall be kept and made available upon request by the Richland County Stormwater Division.

Richland County inspectors are authorized to enter onto a property to conduct a post-construction inspection. A copy of the inspection report shall be sent to the owner.

Upon refusal by any property owner to allow an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas where no objections are raised. The inspector shall immediately report the refusal and grounds to the Stormwater Manager.

The owner of the post-construction BMP will be notified in writing within 3 working days when a violation(s) is observed. Both Warning Tickets and NOVs will include the following information:

- i. Nature of the violations along with pictures of the violation
- ii. Proposed penalty,
- iii. Required corrective actions, and
- iv. The time period for adequately correcting the violations.

The inspector also has the freedom to make unscheduled inspections to assure compliance with the agreed to maintenance schedules.

4.3 Facility Inspections

Richland County personnel will conduct onsite inspections of all facilities as required by their NPDES permit and Stormwater Programs. These inspections will include a review of all records, BMPs and control measures. The inspector will review any self-monitoring reports that are required by a user to determine if BMPs or control measures are required.

4.4 IDID Inspections

Richland County is notified of complaints, which are potential Illicit Discharge and Improper Disposals (IDIDs) via One Stop, phone call, or e-mail. When the County is notified, an inspector is sent to investigate the potential IDID within 24 hours. The procedures for investigation and follow up are the same as those detailed below for IDID detected during dry weather screening.

In addition Richland County inspectors are authorized by Richland County to conduct dry weather screening. Inspectors should reference Richland County's Standard Operating Procedures for the Illicit Discharge Detection and Elimination (IDDE) Program. During the course of conducting the screening, illicit discharges may be discovered. If flow is present from the outfall during dry weather screening, a preliminary illicit discharge investigation should be performed. This initial testing requires no equipment, but it is important in determining the priority of the IDID investigation on the site. First note the quantity of flow. This is simply a qualitative estimate – **trickle, low but steady flow**, or **significant discharge**. The initial test should also include:

- Visual analysis
 - Does the discharge appear to be clear?
 - Is there any discoloration, rust, or suspended sediment?
 - Is there sheen to the discharge, i.e., does it look oily?
 - Does the discharge contain floating debris?
 - Does the water appear foamy?

The Richland County Standard Operating Procedures for the IDDE Program provides detailed information on conducting the visual analysis as well as documentation for the inspection. Staff observing an illicit discharge should document with photos and information should be recorded including the time, date, location, and type of discharge. Any obvious illicit discharges noted during the field screening should be reported to the Stormwater Manager. A follow-up IDID investigation should be scheduled. The minimum investigation requirements include:

- Report immediately the occurrence of any dry weather flows believed to be an immediate threat to human health or the environment to DHEC Emergency Response, 1-888-481-0125.
- Consider illicit discharges suspected of being sanitary sewage and/or significantly contaminated to be **HIGH PRIORITY** and address in a timeframe consistent with the Richland County Storm Water Management Plan (SWMP).
- Delay suspected cooling water, wash water, or natural flows until after all discharges suspected of having potential to adversely impact human health or water quality have been investigated, eliminated and/or resolved.

- Track all illicit discharge investigations and document at a minimum the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.

Once potential illicit discharges have been identified through the dry weather screening process, follow-up IDID screening should be performed on all of the outfalls exhibiting visible discharge. Priority should be used to determine the most effective means of tracing the discharges. Details on prioritization are included in the Richland County Standard Operating Procedures for the IDDE Program.

Once the outfalls have been categorized, investigation should begin with the HIGH PRIORITY areas. IDID investigation should proceed to initially identify the pollutant that has resulted in the chemical or physical nature of the discharge. Details on site testing are included in the Richland County Standard Operating Procedures for the IDDE Program. Richland County inspectors should conduct a source investigation for IDIDs. Details on conducting the source investigation are included in the Richland County Standard Operating Procedures for the IDDE Program.

In order to be able to effectively implement the procedures in this Enforcement Response Guide, Richland County must establish or have already established the legal authority to carry out the enforcement actions.

5.1 General Enforcement Provisions

Chapter 26 of the Richland County Code of Ordinances (Chapter 26) contains provisions for the enforcement of several of the programs discussed in this document. Enforcement authority for the Delegated Qualifying Local Program (QLP), Stormwater Pollution Prevention Plans, Illicit Discharge Detection and Elimination Program, Stormwater Structural Controls and Refuse Control and Illegal Dumping is included in this Chapter.

In addition to enforcement authority specific to each program, Chapter 26 also contains general enforcement provisions for all programs included in the chapter. Specifically, Section 26-272(a) discusses liabilities for violations, stating “[a]ny person who...alters property in violation of this chapter shall be subject to penalties in accordance with this article.” In addition, Section 26-272(b) contains provisions allowing the County to utilize criminal penalties against any person who violates Chapter 26.

Section 26-272(c) allows the county to utilize “injunctive relief and other remedies” as necessary for the enforcement of the provisions of Chapter 26. These remedies may be used either in addition to other remedies or in lieu of, at the discretion of Richland County officials.

5.2 Land Development Ordinance

The Richland County ordinance incorporates all of the programs required by the Richland County NPDES stormwater permit. The ordinance provides Richland County with the authority to enforce their NPDES permit and the required programs.

APPENDIX A

RICHLAND COUNTY
INDUSTRIAL RUNOFF PROGRAM
ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Unauthorized Discharge (No Permit Coverage)	
1. Failure to obtain coverage under the General Permit for Industrial Activities, when required. No environmental or stormwater system damage	Phone call; NOV with NOI form (Copy DHEC on correspondence.)
2. Failure to obtain coverage under the General Permit for Industrial Activities, when required. Environmental or stormwater system damage	Fine and Summons to Magistrate's Court
3. Continuing unpermitted discharge due to no coverage under the General Permit for Industrial Activities, when required	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
B. Unauthorized Discharge	
1. Illegal discharge to the stormwater system, no intent, no environmental or stormwater system damage	NOV in the form of the inspection form findings with timeframe to have resolved
	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License

NATURE OF VIOLATION		ENFORCEMENT RESPONSES
B. Unauthorized Discharge Continued		
2. Illegal discharge to the stormwater system, no intent, environmental or stormwater system damage	Fine and Summons to Magistrate's Court	
	Withhold or Revoke Business License	
3. Illegal discharge to the stormwater system, intent, no environmental or stormwater system damage	Fine and NOV in the form of the inspection form findings with timeframe to have resolved.	
	Fine and warning letter/ticket with timeframe to comply	
	Fine and Summons to Magistrate's Court	
	Withhold or Revoke Business License	
4. Illegal discharge to the stormwater system, intent, environmental or stormwater system damage	Fine and Summons to Magistrate's Court	
	Withhold or Revoke Business License	
C. Recordkeeping		
1. No Stormwater Pollution Prevention Plan (SWPPP), as required.	NOV in the form of the inspection form findings with timeframe to have resolved. (Copy DHEC on correspondence.)	
	Warning letter/ticket with timeframe to comply	
	Fine and Summons to Magistrate's Court	

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
C. Recordkeeping Continued	
2. Incomplete records for SWPPP (e.g., inspection records, annual certifications, non-stormwater discharge certification, or training records), when required.	NOV in the form of the inspection form findings with timeframe to have resolved
	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
D. Monitoring	
1. Incomplete monitoring records, when required. No intent.	NOV in the form of the inspection form findings with timeframe to have resolved.
	Warning letter/ticket with timeframe to comply using form
	Fine and Summons to Magistrate's Court
2. Incomplete monitoring records, when required. Intent.	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
3. No monitoring conducted, when required.	NOV in the form of the inspection form findings with timeframe to have resolved
	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
E. Failure to Implement BMPs	
1. Failure to implement BMPs or control measures specified from an inspection or based upon self-monitoring results	Fine and warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court

RICHLAND COUNTY
PESTICIDE, HERBICIDE & FERTILIZER PROGRAM
ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Use of Non-Certified or Not Documented Applicators	
1. Use of non-certified applicators (licensed through Clemson University Department of Pesticide Regulation (DPR)) for private property owners (e.g., golf courses, country clubs, subdivisions, etc.)	Notify Clemson University Department of Pesticide Regulation
2. Use of non-certified applicators (licensed through Clemson University Department of Pesticide Regulation (DPR)) – Repetitive	Notify Clemson University Department of Pesticide Regulation
3. Use of non-certified applicators (licensed through Clemson University Department of Pesticide Regulation (DPR)) for Richland County owned facilities	Internal notification to Division Manager
	Internal notification to Department Manager
	Internal notification to Assistant County Administrator
4. Use of applicators that documentation was not provided for at private property owners (e.g., golf courses, country clubs, subdivisions, etc.)	Notify Clemson University Department of Pesticide Regulation
B. Failure to Implement BMPs	
1. Failure to implement BMPs or control measures specified from an inspection	Fine and warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate’s Court

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
C. Recordkeeping and Postings	
1. Failure to maintain proper documentation for applicators	NOV in the form of the inspection form findings with timeframe to have resolved. Warning letter/ticket with timeframe to comply Fine and Summons to Magistrate's Court
2. Failure to post signs in application areas that expose the general public	NOV in the form of the inspection form findings with timeframe to have resolved Warning letter/ticket with timeframe to comply Fine and Summons to Magistrate's Court
D. Spills	
1. Spill or leak of PHFs in Richland County-owned facility	Internal notification to Division Manager Internal notification to Department Manager Internal notification to Assistant County Administrator
2. Spill or leak of PHFs in privately owned facility (e.g., golf courses, country clubs, subdivisions, etc.), no environmental or stormwater system damage	NOV in the form of the inspection form findings with timeframe to have resolved Warning letter/ticket with timeframe to comply
3. Spill or leak of PHFs in privately owned facility (e.g., golf courses, country clubs, subdivisions, etc.), environmental or stormwater system damage	Fine and NOV in the form of the inspection form findings with timeframe to have resolved Warning letter/ticket with timeframe to comply Fine and Summons to Magistrate's Court

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
E. Improper Citizen Application	
1. Citizen(s) applying PHFs near surface waters or right before a rain event	Public education using brochures
	Warning letter/ticket

RICHLAND COUNTY
 WET WEATHER SAMPLING & MONITORING PROGRAM
 ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT
A. Non-Point Sources Identified	
1. A community, business, or industry is identified as the potential cause of non-point source pollution through wet weather monitoring. (e.g., fecal coliform from a chicken plant)	Public education with brochures, public meetings, etc.
	For business or industry with continued non-point source contribution, may add to the Industrial Program and may require BMPs or control measures

RICHLAND COUNTY
 ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM
 ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT
A. Illicit Discharge, No intent	
1. Illicit connection of a wastewater system to the stormwater system	Certified NOV to the wastewater system with timeframe to comply
	Fine and Summons to Magistrate's Court
2. Leaking sanitary sewer lines	Certified NOV to the wastewater system with timeframe to comply
	Fine and Summons to Magistrate's Court
3. Large-scale car washes not connected to the wastewater sewer system (e.g., not individual homeowners washing cars in driveway or yard)	Certified NOV with timeframe to comply. (Copy the applicable wastewater system on correspondence.)
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
4. Failing septic tanks resulting in sewage being introduced to the stormwater system	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
5. Major illicit discharge such as: gray water discharge, swimming pool backwash, etc. with significant environmental impact (Does not include those discharges allowed by Sec 26-203.b(2).d)	Fine and warning letter/ticket with timeframe to have illicit discharge tied into sanitary sewer or septic tank
	Fine and Summons to Magistrate's Court
6. Minor illicit discharge such as: gray water discharge, swimming pool backwash, etc. with the potential for environmental impact (Does not include those discharges allowed by Sec 26-203.b(2).d)	Warning letter/ticket with timeframe to have illicit discharge tied into sanitary sewer or septic tank
	Fine and Summons to Magistrate's Court

NATURE OF VIOLATION	ENFORCEMENT
B. Illicit Discharge, Intent	
1. Large-scale car washes not connected to the wastewater sewer system (e.g., not individual homeowners washing cars in driveway or yard)	Fine and warning letter/ticket with timeframe to comply. (Copy the applicable wastewater system on correspondence.)
	Fine and Summons to Magistrate's Court
2. Major illicit discharge such as: gray water discharge, swimming pool backwash, etc. with significant environmental impact (Does not include those discharges allowed by Sec 26-203.b(2).d)	Fine and Summons to Magistrate's Court
3. Minor illicit discharge such as: gray water discharge, swimming pool backwash, etc. with the potential for environmental impact (Does not include those discharges allowed by Sec 26-203.b(2).d)	Fine and warning letter/ticket with timeframe to comply. (Copy the applicable wastewater system on correspondence.)
	Fine and Summons to Magistrate's Court

RICHLAND COUNTY
CONSTRUCTION PROGRAM
ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Construction Site Violations	
1. Not implementing BMPs or control measures as specified in RC approved plans	Verbal warning during inspection with a certified NOV giving 14 days to correct the violation
	Fine and Stop Work Order
	Fine and Summons to Magistrate's Court
2. Unable to provide inspection reports during an inspection by RC staff	Verbal warning during inspection with a follow up certified NOV giving 14 days to correct the violation
	Fine and Stop Work Order
	Fine and Summons to Magistrate's Court
3. Failing BMPs (such as fallen silt fences)	Verbal warning during inspection with a certified NOV giving 14 days to correct the violation
	Fine and Stop Work Order
	Fine and Summons to Magistrate's Court
4. Unable to provide SWPPP	Verbal warning during inspection with a certified NOV giving 14 days to correct the violation
	Fine and Stop Work Order
	Fine and Summons to Magistrate's Court

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Construction Site Violations Continued	
5. Tracking sediment from site onto roadways	<p>Verbal warning during inspection with a certified NOV giving 14 days to correct the violation</p> <p>Fine and Stop Work Order</p> <p>Fine and Summons to Magistrate's Court</p>
6. General litter on site (discarded building materials, food wrappers, etc.)	<p>Verbal warning during inspection with a certified NOV giving 14 days to correct the violation</p> <p>Fine and Summons to Magistrate's Court</p> <p>Stop Work Order</p>
7. Not maintaining BMPs as required in stormwater construction permit	<p>Verbal warning during inspection with a follow up certified NOV giving 14 days to correct the violation</p> <p>Fine and Stop Work Order</p> <p>Fine and Summons to Magistrate's Court</p>
8. Not having a SWPPP as required	<p>Verbal warning during inspection with a follow up certified NOV giving timeframe to correct the violation</p> <p>Fine and Stop Work Order</p> <p>Fine and Summons to Magistrate's Court</p>
9. Incomplete records for SWPPP (e.g., dates for clearing, grubbing, etc., non-stormwater discharge certification)	<p>Verbal warning during inspection with a follow up certified NOV giving 14 days to correct the violation</p> <p>Fine and Stop Work Order</p> <p>Fine and Summons to Magistrate's Court</p>

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Construction Site Violations Continued	
10. Illegal discharge to the stormwater system	Warning letter/ticket and notify Stormwater Management Division of illegal discharge
	Stop Work Order
	Fine and Summons to Magistrate's Court

RICHLAND COUNTY
POST CONSTRUCTION PROGRAM
ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Post Construction Violations	
1. Not operating and/or maintaining BMPs or control measures as required, no intent, no environmental or stormwater system damage	NOV
	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
2. Not operating and/or maintaining BMPs or control measures as required, no intent, environmental or stormwater system damage	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
3. Not operating and/or maintaining BMPs or control measures as required, intent, no environmental or stormwater system damage	Fine and NOV with timeframe to comply
	Fine and warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
4. Not operating and/or maintaining BMPs or control measures as required, intent, environmental or stormwater system damage	Fine and Summons to Magistrate's Court

RICHLAND COUNTY
 SANITARY SEWER OVERFLOWS (SSOs)
 ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Sanitary Sewer Overflows (SSOs)	
1. Non-significant, enters water body or stormwater sewer system	Review SSO Form submitted by wastewater system to ensure it was noted that SSO entered water body or stormwater sewer system
2. Recurring at same location	Copy DHEC on correspondence to wastewater system. Issue should be resolved through DHEC's Enforcement Division.
3. Action not taken to minimize or reduce amount of SSO	Copy DHEC on correspondence to wastewater system. Issue should be resolved through DHEC's Enforcement Division.

RICHLAND COUNTY
 SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) PROGRAM
 ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Spill event	
1. Spill that reaches stormwater conveyance	NOV in the form of the inspection form findings with timeframe to have resolved
	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
2. Failure to notify Richland County of a spill event that reaches a water body	NOV in the form of the inspection form findings with timeframe to have resolved
	Fine and Warning letter/ticket (if repeat offender)
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
3. Failure to notify Richland County Stormwater Division of a spill event that reaches a water body	Internal notification to Division Manager
	Internal notification to Department Manager
	Internal notification to Assistant County Administrator
4. Spill from a Richland County owned facility that reaches stormwater conveyance	Internal notification to Division Manager
	Internal notification to Department Manager
	Internal notification to Assistant County Administrator
B. Recordkeeping	
1. Incomplete records for SPCC (e.g., inspection forms, training, plan certification(s), etc.)	NOV in the form of the inspection form findings with timeframe to have resolved
	Fine and Warning letter/ticket (if repeat offender)
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
B. Recordkeeping Continued	
2. Incomplete records for SPCC (e.g., inspection forms, training, plan certification(s), etc.) for Richland County owned facility	Internal notification to Division Manager
	Internal notification to Department Manager
	Internal notification to Assistant County Administrator
C. Secondary Containment	
1. Lack of required secondary containment	NOV in the form of the inspection form findings with timeframe to have resolved.
	Fine and Warning letter/ticket (if repeat offender)
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
2. Lack of required secondary containment for Richland County owned facility	Internal notification to Division Manager
	Internal notification to Department Manager
	Internal notification to Assistant County Administrator

RICHLAND COUNTY
 STORMWATER POLLUTION PREVENTION PLANS (SWPPPs)
 ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Unauthorized Discharge	
1. Illegal discharge to the stormwater system, no intent, no environmental or stormwater system damage	NOV in the form of the inspection form findings with timeframe to have resolved
	Fine and Warning letter/ticket (if repeat offender)
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
2. Illegal discharge to the stormwater system, no intent, environmental or stormwater system damage	Fine and Warning letter
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
3. Illegal discharge to the stormwater system, intent, no environmental or stormwater system damage	Fine and Warning letter/ticket
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
4. Illegal discharge to the stormwater system, intent, environmental or stormwater system damage	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
B. Recordkeeping	
1. No Stormwater Pollution Prevention Plan (SWPPP), as required.	NOV in the form of the inspection form findings with timeframe to have resolved. (Copy DHEC on correspondence.)
	Fine and Warning letter/ticket
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
B. Recordkeeping Continued	
2. Incomplete records for SWPPP (e.g., inspection records, annual certifications, non-stormwater discharge certification, or training records), when required.	NOV in the form of the inspection form findings with timeframe to have resolved
	Fine and Warning letter/ticket
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
C. Monitoring	
1. Incomplete monitoring records, when required. No intent.	NOV in the form of the inspection form findings with timeframe to have resolved
	Fine and Warning letter/ticket
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
2. Incomplete monitoring records, when required. Intent.	Fine and Warning letter/ticket
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
3. No monitoring conducted, when required.	NOV in the form of the inspection form findings with timeframe to have resolved
	Fine and Warning letter/ticket
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License
D. Failure to Implement BMPs	
1. Failure to implement BMPs or control measures specified from an inspection or based upon self monitoring results	Fine and Warning letter/ticket
	Fine and Summons to Magistrate's Court
	Withhold or Revoke Business License

RICHLAND COUNTY
 STORMWATER STRUCTURAL CONTROLS INSPECTION
 ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Operation and Maintenance	
1. Not properly operating and maintaining private detention ponds or other structures (e.g., ditch cleaning, catch basin/head wall repair, inlet cleaning, minor channel repair work, storm sewer cleaning, and vegetation control)	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court
2. Not making required repairs to the stormwater system when Richland County does not have an easement (e.g., blow out)	Warning letter/ticket with timeframe to comply
	Fine and Summons to Magistrate's Court

RICHLAND COUNTY
MISCELLANEOUS VIOLATIONS
ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Not obtaining stormwater-related permits	
1. Failure to obtain an encroachment permit	Stop Work Order
	Fine and Summons to Magistrate's Court
2. Failure to obtain coverage under the DHEC General Stormwater permit for construction activities	Stop Work Order (Copy DHEC on correspondence.)
	Fine and Summons to Magistrate's Court
3. Failure to obtain a land disturbance permit	Stop Work Order
	Fine and Summons to Magistrate's Court
4. Disturbing wetlands without a permit.	Notify DHEC and the Army Corps of Engineers for enforcement actions

RICHLAND COUNTY
REFUSE CONTROL & ILLEGAL DUMPING PROGRAMS
ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Illegal Dumping	
1. Dumping tires, appliances, etc. into streams, ditches or other waterways	Warning letter/ticket and Richland County's Stormwater General Manager is copied. A fine is also levied per violation.
	Fine and Summons to Magistrate's Court
2. Spill on roadway of hydraulic oil, etc. which enters into streams, ditches or other waterways	Fine and notify Richland County's Stormwater General Manager
B. Littering	
1. Littering which enters into streams, ditches or other waterways	Fine per violation
C. Improper Disposal	
1. Disposal of paint, oil, grease, etc. down the storm drain	Copy DHEC on correspondence. Issue should be resolved through DHEC's Enforcement Division. Contact Richland County's Stormwater Management Division.
2. Improper storage of paint, oil, grease, etc. which is in close proximity to a storm drain or water body	Copy DHEC on correspondence. Issue should be resolved through DHEC's Enforcement Division. Contact Richland County's Stormwater Management Division.
3. Improper storage of paint, oil, grease, etc. which is in close proximity to a storm drain or water body by a Richland County facility	Contact Richland County's Stormwater Management Division Manager
	Internal notification to Department Manager
	Internal notification to Assistant County Administrator

RICHLAND COUNTY
 FLOODPLAIN MANAGEMENT PROGRAM
 ENFORCEMENT RESPONSE GUIDE

NATURE OF VIOLATION	ENFORCEMENT RESPONSES
A. Illegal Dumping	
1. Failure to obtain a floodplain development permit or construction out of compliance with permitted plan set.	Stop Work Order
	Fine and Summons to Magistrate's Court

APPENDIX B

Example Notice of Violation

Stormwater Management Division



Department of Public Works
Stormwater Management Division

NOTICE OF VIOLATION

Date: _____

Name of Responsible Party: _____

Project: _____

Address: _____

City, State Zip code: _____

Permit No: _____

Violated Ordinance Section(s): _____

This Notice of Violation (NOV) serves as a warning concerning activities on the above mentioned site.

The issuance of this NOV is based on the results of a Richland County inspection carried out on _____. A verbal warning was also given to _____ at the time of the inspection. A copy of our inspection report detailing the deficiencies is enclosed with this NOV.

You have until _____ to correct the deficiencies noted on the inspection report. At that time our inspector will revisit your site. Failure to comply with this NOV will result in an escalation of enforcement which could include **fines**.

If you have any questions concerning this warning, you may contact our office at 803-576-2465.

Signed by: _____

Printed Name: _____

Engineering Division



Notice of Violation

RICHLAND COUNTY Department of Public Works Engineering Division

NPDES Storm Water Construction Compliance Inspection Report

Notice of Violation



PASS FAIL

PHOTOS

Type of Inspection:

Project Name: Portrait Hills
Phase/Tract: Phase 1
Inspector: Web Lyons
2nd Inspector: Gary Gamble
Weather Conditions: Sunny
Time of Inspection: 0930 (1.75 hr)
Date of Inspection: 150401
Tentative Re-Inspection: 150415

- Pre-Construction Follow-Up
Sediment & Erosion Control
Proof Roll
Curb and Gutter
Subgrade
Base Course
Final Inspection
Follow up Inspection (Complaint)
Follow up Inspection (Requires Detailed Notes)
As-Built Verification
70% Cover Achieved

1) Are the following items available?

- SWPPP
Land Disturbance Permit/Approved Plans
NOI
Copy of the General Permit
DHEC Coverage Letter
(N/A) for All -Less than (1) Acre
(N/A) for All Documentation Verified On:

2) Are inspections being conducted and on-site? Yes No

Inspector: Jesse DeFrance Contractor:

- 3) Is the Construction Entrance/Exit properly installed according to plans?
4) Is the perimeter silt fence and/or other controls properly installed?
5) Is construction activity following the phasing and sequencing?
6) Has construction activity on the site ceased for 14 days or more?
7) Are litter construction debris, oils, fuels, building products & construction chemicals being properly addressed and/or removed?

Notice of Violation

Deficiencies/Corrections

(If applicable, provide location and date to be completed)

Notice of Violation

Previous findings: (Repeat)

- 1. SD 3 has been installed in Pond 1. Add baffle and apron per plans.
2. Pond 3 is incomplete. It still needs grading according to the plans.
3. Install all rock apron per design and location on approved plans at outlet locations.
4. SD 36 has the pipe installed in box to go to Pond 2. The pipe is not visible nor is the forebay.
5. Install silt fence around Lots 5, 6 & 9 as per Individual Lot NOI.
6. Contractors leaving from entrance that is not an approve construction entrance and is tracking in the road.
7. Inlet protection to be installed at all curb and gutter inlets.
8. SD 30 the curb has been wash out underneath. Need to repair.

Deficiencies/Corrections

~~(If applicable, provide location and date to be completed)~~

Additional comments:

- 1. Rough grading of the road
- 2. Curb and gutting going in.
- 3. All onsite documents for all phases of protect will be kept end on site in box. Location has been discussed. Documents will be place at location by end of week.

Site is being issued a Notice of Violation for construction sequence violation. Pond 1 (baffle missing) and Pond 3 is not complete. These pond need to be completed prior to building of homes.

Site Information:

- Roadway: Rough layout
- Curb and Gutter: Installing
- Sidewalks:
- Signage:
- Striping:
- Storm Drain: Installing
- Pond: Installed (final grade of Pond 3 not complete)

If you have any questions or concerns regarding any information presented on this report, please contact the inspector at (803) 457-0606 or Chief Inspector (803) 576-2385

Webster H. Lyons 04/01/2015

Inspector Date

THE ABOVE DEFICIENCIES MUST BE CORRECTED AND SUPPORTING DOCUMENTATION REVIEWED AND APPROVED PRIOR TO FINAL APPROVAL OR PLACEMENT OF BASE MATERIAL.

THESE DEFICIENCIES SHOULD BE CONSIDERED TO BE THE MINIMUM COMPLIANCE REQUIREMENTS; ANY SITE OR PLAN DEFICIENCY WILL BE CONSIDERED A NON-COMPLIANCE ISSUE WHETHER OR NOT IT IS IDENTIFIED ON THIS REPORT

I AGREE THAT THE ABOVE REFERENCED INSPECTION DID OCCUR AND HAVE COMMUNICATED ALL DEFICIENCIES.

NOTES & REFERENCES:

1. PHASE ONE: 23.93 TOTAL AC. TO BE SUBDIVIDED INTO 30 SINGLE FAMILY RESIDENTIAL LOTS INCLUDING COMMON AREA AND RECREATIONAL AREA.
2. PHASE TWO: 9.05 TOTAL AC. TO BE SUBDIVIDED INTO 27 SINGLE FAMILY RESIDENTIAL LOTS AND COMMON AREA.
3. PHASE THREE: 8.62 TOTAL ACRES TO BE SUBDIVIDED INTO 24 SINGLE FAMILY RESIDENTIAL LOTS AND COMMON AREA.
4. 41.60 TOTAL ACRES TO BE DIVIDED INTO 81 SINGLE FAMILY RESIDENTIAL LOTS, RECREATIONAL AREA AND COMMON AREA.
2. A PORTION OF RICHLAND COUNTY TAX MAP SHEET 01700, BLOCK 4, LOT 12 ZONED PDD.
3. I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL # 45079C 0070 K, DATED SEPTEMBER29, 2010, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, PHASES ONE, TWO, THREE AND THE RECREATIONAL AREA IS LOCATED IN ZONE X, NOT A DESIGNATED 100-YEAR FLOOD PRONE AREA.
4. AREAS SHOWN AS "COMMON AREA" ARE APPROXIMATE. THE OWNER/DEVELOPER RESERVES THE RIGHT TO MODIFY, WITHIN APPLICABLE RICHLAND COUNTY REGULATIONS, THE SHAPE AND SIZE OF THE COMMON AREA.
5. EACH CONTRACTOR OR SUBCONTRACTOR SHALL OBTAIN COPIES OF ALL APPROVAL LETTERS, PERMITS AND APPROVED PLANS RELATING TO HIS PORTION OF THE CONSTRUCTION. CONTRACTORS OR SUBCONTRACTORS SHALL NOT BEGIN ANY WORK UNTIL HAVING POSSESSION OF ALL SAID LETTERS, PERMITS AND PLANS. THE CONTRACTOR SHALL REQUEST A PRECONSTRUCTION CONFERENCE WITH THE OWNER AND ENGINEER.
6. BENCHMARK: NAIL IN TREE IN THE SOUTHEAST CORNER OF THE DEVELOPMENT 870' ± EAST OF THE INTERSECTION OF PORTRAIT HILL DRIVE WITH BROAD RIVER ROAD, ELEVATION = 412.22 MSL (NAVD 88 DATUM)
7. TOTAL DISTURBED AREA:
RECREATIONAL AREA = 4.1 ACRES
PHASE ONE = 21.4 ACRES
PHASE TWO = 8.4 ACRES
PHASE THREE = 6.8 ACRES
8. ALL PONDS SHALL HAVE A PERMANENT WATER AND A FLAT BOTTOM (NO CROSS SLOPE ON BOTTOM)
9. GRASS SWALES NEED TO BE STABILIZED WITHIN SEVEN (7) DAYS OF COMPLETED CONSTRUCTION.

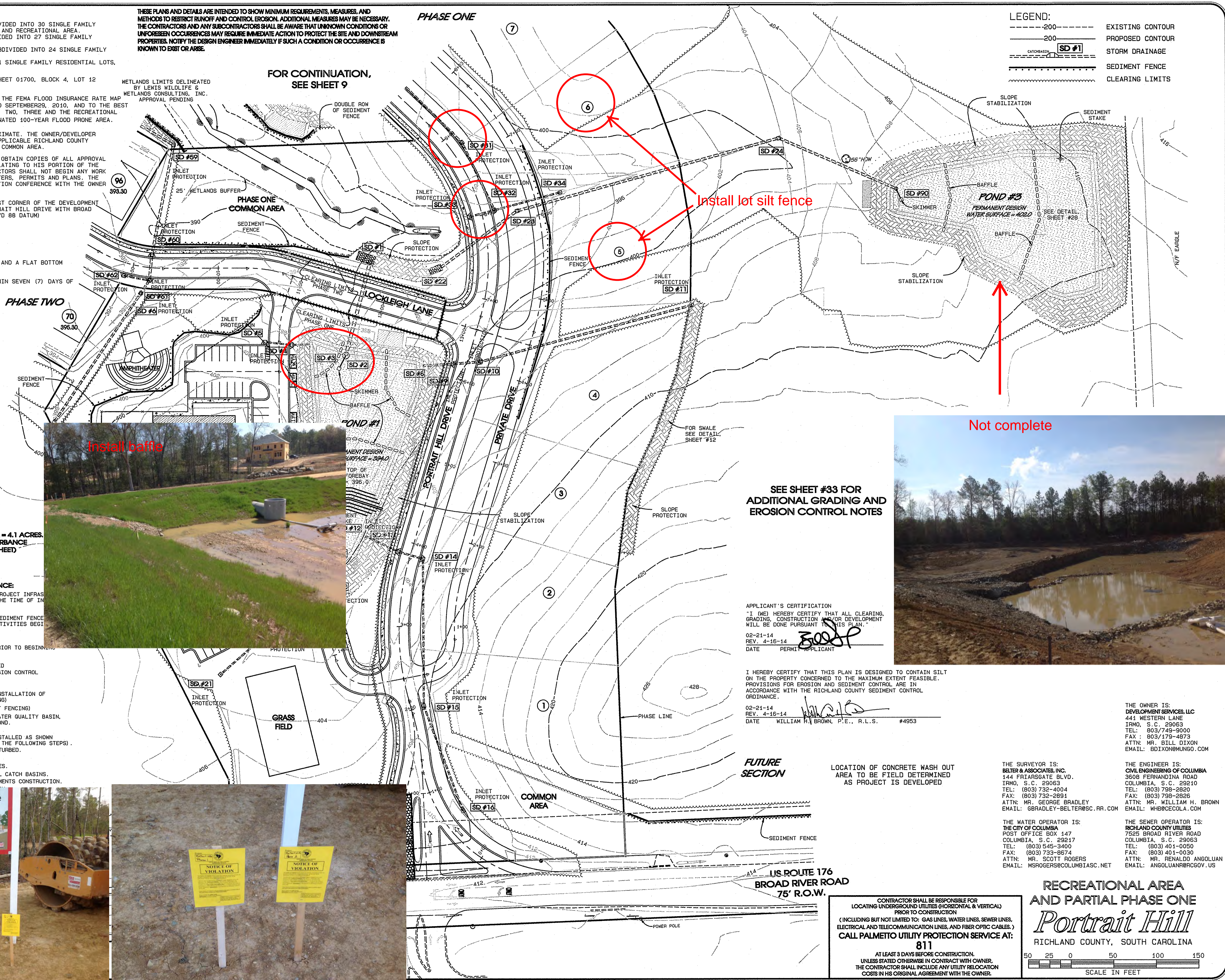
THESE PLANS AND DETAILS ARE INTENDED TO SHOW MINIMUM REQUIREMENTS, MEASURES, AND METHODS TO RESTRICT RUNOFF AND CONTROL EROSION. ADDITIONAL MEASURES MAY BE NECESSARY. THE CONTRACTORS AND ANY SUBCONTRACTORS SHALL BE AWARE THAT UNKNOWN CONDITIONS OR UNFORESEEN OCCURRENCES MAY REQUIRE IMMEDIATE ACTION TO PROTECT THE SITE AND DOWNSTREAM PROPERTIES. NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF SUCH A CONDITION OR OCCURRENCE IS KNOWN TO EXIST OR ARISE.

PHASE ONE

FOR CONTINUATION, SEE SHEET 9

LEGEND:

---	EXISTING CONTOUR
- - - -	PROPOSED CONTOUR
---	STORM DRAINAGE
---	SEDIMENT FENCE
---	CLEARING LIMITS



DISTURBED AREA FOR RECREATIONAL AREA = 4.1 ACRES. ONLY A SINGLE STAGE OF LAND DISTURBANCE IS REQUIRED (AS SHOWN ON THIS SHEET)

RECREATIONAL AREA CONSTRUCTION SEQUENCE:

1. THE ANTICIPATED TIME FOR COMPLETION OF THE PROJECT INFRASTRUCTURE SHOWN ON THESE DRAWINGS IS SIX MONTHS FROM THE TIME OF INITIAL DISTURBANCE.
- ALL PERIMETER CONTROLS (CONSTRUCTION EXIT, SEDIMENT FENCE) SHALL BE IN PLACE BEFORE ANY OTHER EARTH-MOVING ACTIVITIES BEGIN.
1. RECEIVE NPDES COVERAGE FROM DHEC.
2. ON-SITE PRE-CONSTRUCTION MEETING.
3. NOTIFY RICHLAND COUNTY OFFICE 48 HOURS PRIOR TO BEGINNING OF LAND DISTURBANCE ACTIVITIES.
4. INSTALL GRAVEL CONSTRUCTION EXIT.
5. MAINTAIN THROUGHOUT OTHER STAGES AS NEEDED.
6. CONSTRUCT AND MAINTAIN ALL NECESSARY EROSION CONTROL MEASURES BEFORE BEGINNING EACH SEQUENCE.
7. IDENTIFY ALL TREES TO BE PROTECTED.
8. CLEARING AND GRUBBING AS NECESSARY FOR INSTALLATION OF PERIMETER CONTROLS (e.g., SEDIMENT FENCING)
9. CLEARING AND GRUBBING ONLY IN AREAS OF WATER QUALITY BASIN, OUTFALL PIPE AND ROADWAY ACCESS TO THE POND.
10. CONSTRUCT BASIN AS SHOWN ON THIS SHEET. (OUTLET STRUCTURES MUST BE COMPLETELY INSTALLED AS SHOWN ON THE DETAIL SHEET BEFORE PROCEEDING TO THE FOLLOWING STEPS).
11. CLEAR AND GRUB REMAINING AREAS TO BE DISTURBED.
12. ROUGH GRADING.
13. INSTALL UTILITIES AND STORM DRAINAGE LINES.
14. INSTALL TEMPORARY INLET PROTECTION AT ALL CATCH BASINS.
15. PAVEMENT, BUILDING AND REMAINING IMPROVEMENTS CONSTRUCTION.

SEE SHEET #33 FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES

APPLICANT'S CERTIFICATION
I (WE) HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN.
02-21-14
REV. 4-16-14
DATE PERMIT APPLICANT

I HEREBY CERTIFY THAT THIS PLAN IS DESIGNED TO CONTAIN SILT ON THE PROPERTY CONCERNED TO THE MAXIMUM EXTENT FEASIBLE. PROVISIONS FOR EROSION AND SEDIMENT CONTROL ARE IN ACCORDANCE WITH THE RICHLAND COUNTY SEDIMENT CONTROL ORDINANCE.
02-21-14
REV. 4-16-14
DATE WILLIAM H. BROWN, P.E., R.L.S. #4953

FUTURE SECTION
LOCATION OF CONCRETE WASH OUT AREA TO BE FIELD DETERMINED AS PROJECT IS DEVELOPED

THE OWNER IS:
DEVELOPMENT SERVICES, LLC
441 WESTERN LANE
IRMO, S.C. 29063
TEL: (803) 732-4004
FAX: (803) 732-2991
ATTN: MR. GEORGE BRADLEY
EMAIL: GBRADLEY@BELTERSC.RR.COM

THE ENGINEER IS:
CIVIL ENGINEERING OF COLUMBIA
3608 FERNANDINA ROAD
COLUMBIA, S.C. 29210
TEL: (803) 798-2820
FAX: (803) 798-2826
ATTN: MR. WILLIAM H. BROWN
EMAIL: WHB@CECOLA.COM

THE WATER OPERATOR IS:
THE CITY OF COLUMBIA
POST OFFICE BOX 147
7525 BROAD RIVER ROAD
COLUMBIA, S.C. 29217
TEL: (803) 545-3400
FAX: (803) 733-8674
ATTN: MR. SCOTT ROGERS
EMAIL: MSROGERS@COLUMBIASCI.NET

THE SEWER OPERATOR IS:
RICHLAND COUNTY UTILITIES
7525 BROAD RIVER ROAD
COLUMBIA, S.C. 29063
TEL: (803) 401-0050
FAX: (803) 401-0030
ATTN: MR. RENEALDO ANGLUJAN
EMAIL: ANGLUJAN@RCGOV.US

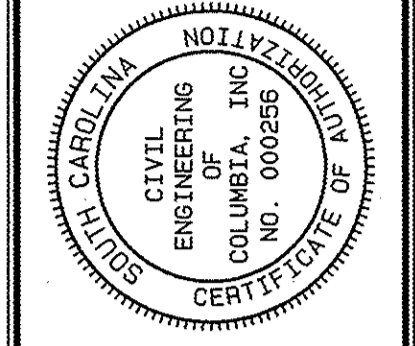
CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING UNDERGROUND UTILITIES (HORIZONTAL & VERTICAL) PRIOR TO CONSTRUCTION (INCLUDING BUT NOT LIMITED TO: GAS LINES, WATER LINES, SEWER LINES, ELECTRICAL AND TELECOMMUNICATION LINES, AND FIBER OPTIC CABLES.)
CALL PALMETTO UTILITY PROTECTION SERVICE AT: 811
AT LEAST 3 DAYS BEFORE CONSTRUCTION. UNLESS STATED OTHERWISE IN CONTRACT WITH OWNER, THE CONTRACTOR SHALL INCLUDE ANY UTILITY RELOCATION COSTS IN HIS ORIGINAL AGREEMENT WITH THE OWNER.

RECREATIONAL AREA AND PARTIAL PHASE ONE
Portrait Hill
RICHLAND COUNTY, SOUTH CAROLINA

SCALE IN FEET
50 25 0 50 100 150

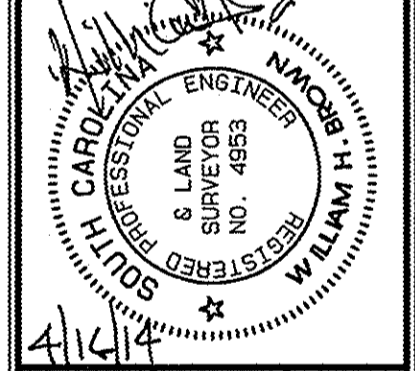


NO.	DATE	DESCRIPTION	BY	REVISION
1	4-16-14	RICHLAND CO. LETTER 3-28-14		



CIVIL ENGINEERING OF COLUMBIA
CONSULTING ENGINEERING, SURVEYING AND PLANNING
3608 FERNANDINA ROAD, COLUMBIA, SOUTH CAROLINA 29210
TELEPHONE (803) 798-2820 FAX (803) 798-2826

ANY CERTIFICATIONS, WARRANTIES, OR GUARANTEES FOR A SPECIFIC CLIENT FOR A SPECIFIC PURPOSE, SIGNED BY THE ENGINEER OR SURVIVOR OF RECORD, SHALL BE LIMITED TO THE PROJECT, STANDARD, AND REASONABLE CARE WERE USED IN PREPARATION OF THESE DOCUMENTS. IS STRICTLY PROHIBITED.



RECREATIONAL AREA AND PARTIAL PHASE ONE POLLUTION PREVENTION PLAN

PREPARED FOR:
DEVELOPMENT SERVICES, LLC
IRMO, SOUTH CAROLINA

CHECKED BY: [Signature]

JOB NUMBER: 13074

SCALE 1" = 50'
DATE FEB. 24, 2014
DRAWN M. DINKINS
DESIGNED M. DINKINS
DRAWING NUMBER 8 of 33

PHASE ONE CONSTRUCTION SEQUENCE:

THE ANTICIPATED TIME FOR COMPLETION OF THE PROJECT INFRASTRUCTURE SHOWN ON THESE DRAWINGS IS SIX MONTHS FROM THE TIME OF INITIAL DISTURBANCE.

ALL PERIMETER CONTROLS (CONSTRUCTION EXIT, SEDIMENT FENCE, ETC.) MUST BE IN PLACE BEFORE ANY OTHER EARTH-MOVING ACTIVITIES BEGIN.

1. RECEIVE NPDES COVERAGE FROM DHEC.
2. ON-SITE PRE-CONSTRUCTION MEETING.
3. NOTIFY RICHLAND COUNTY OFFICE 48 HOURS PRIOR TO BEGINNING LAND DISTURBANCE ACTIVITIES.

STAGE ONE

4. INSTALL GRAVEL CONSTRUCTION EXIT. MAINTAIN THROUGHOUT OTHER STAGES AS NEEDED.
5. CONSTRUCT AND MAINTAIN ALL NECESSARY EROSION CONTROL MEASURES BEFORE BEGINNING EACH SEQUENCE.
6. IDENTIFY ALL TREES TO BE PROTECTED.
7. CLEARING AND GRUBBING AS NECESSARY FOR INSTALLATION OF PERIMETER CONTROLS (E.G., SEDIMENT FENCINGS).
8. INSTALL PERIMETER CONTROLS (E.G., SEDIMENT FENCINGS).
9. CLEARING AND GRUBBING ONLY IN AREAS OF WATER QUALITY BASINS, OUTLET PIPES AND ROADWAY ACCESS TO THE PONDS.
10. CONSTRUCT BASINS AS SHOWN ON THIS SHEET. (OUTLET STRUCTURES MUST BE COMPLETELY INSTALLED AS SHOWN ON THE DETAIL SHEET BEFORE PROCEEDING TO THE FOLLOWING STEPS).

STAGE TWO

11. CLEAR AND GRUB REMAINING AREAS TO BE DISTURBED.
12. ROUGH GRADING.
13. INSTALL UTILITIES AND STORM DRAINAGE LINES.
14. INSTALL TEMPORARY INLET PROTECTION AT ALL CATCH BASINS.
15. ROADWAY CONSTRUCTION.

STAGE THREE

16. CLEAR INDIVIDUAL LOTS FOR LOT CONSTRUCTION (2.9 AC.).
17. FINAL GRADING AND VEGETATIVE STABILIZATION.
18. FINAL INSPECTION BY GOVERNING AGENCIES.
19. REMOVAL OF TEMPORARY EROSION CONTROL STRUCTURES.

NOTES & REFERENCES:

1. PHASE ONE: 23.93 TOTAL AC. TO BE SUBDIVIDED INTO 30 SINGLE FAMILY RESIDENTIAL LOTS INCLUDING COMMON AREA AND RECREATIONAL AREA.
2. PHASE TWO: 9.05 TOTAL AC. TO BE SUBDIVIDED INTO 27 SINGLE FAMILY RESIDENTIAL LOTS AND COMMON AREA.
3. PHASE THREE: 8.62 TOTAL ACRES TO BE SUBDIVIDED INTO 24 SINGLE FAMILY RESIDENTIAL LOTS AND COMMON AREA.
4. 41.60 TOTAL ACRES TO BE DIVIDED INTO 81 SINGLE FAMILY RESIDENTIAL LOTS, RECREATIONAL AREA AND COMMON AREA.
5. I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL # 45079C 0070 K, DATED SEPTEMBER 29, 2010, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, PHASES ONE, TWO, THREE AND THE RECREATIONAL AREA IS LOCATED IN ZONE X, NOT A DESIGNATED 100-YEAR FLOOD PRONE AREA.
6. AREAS SHOWN AS "COMMON AREA" ARE APPROXIMATE. THE OWNER/DEVELOPER RESERVES THE RIGHT TO MODIFY WITHIN APPLICABLE RICHLAND COUNTY ORDINANCES.

APPLICANT'S CERTIFICATION

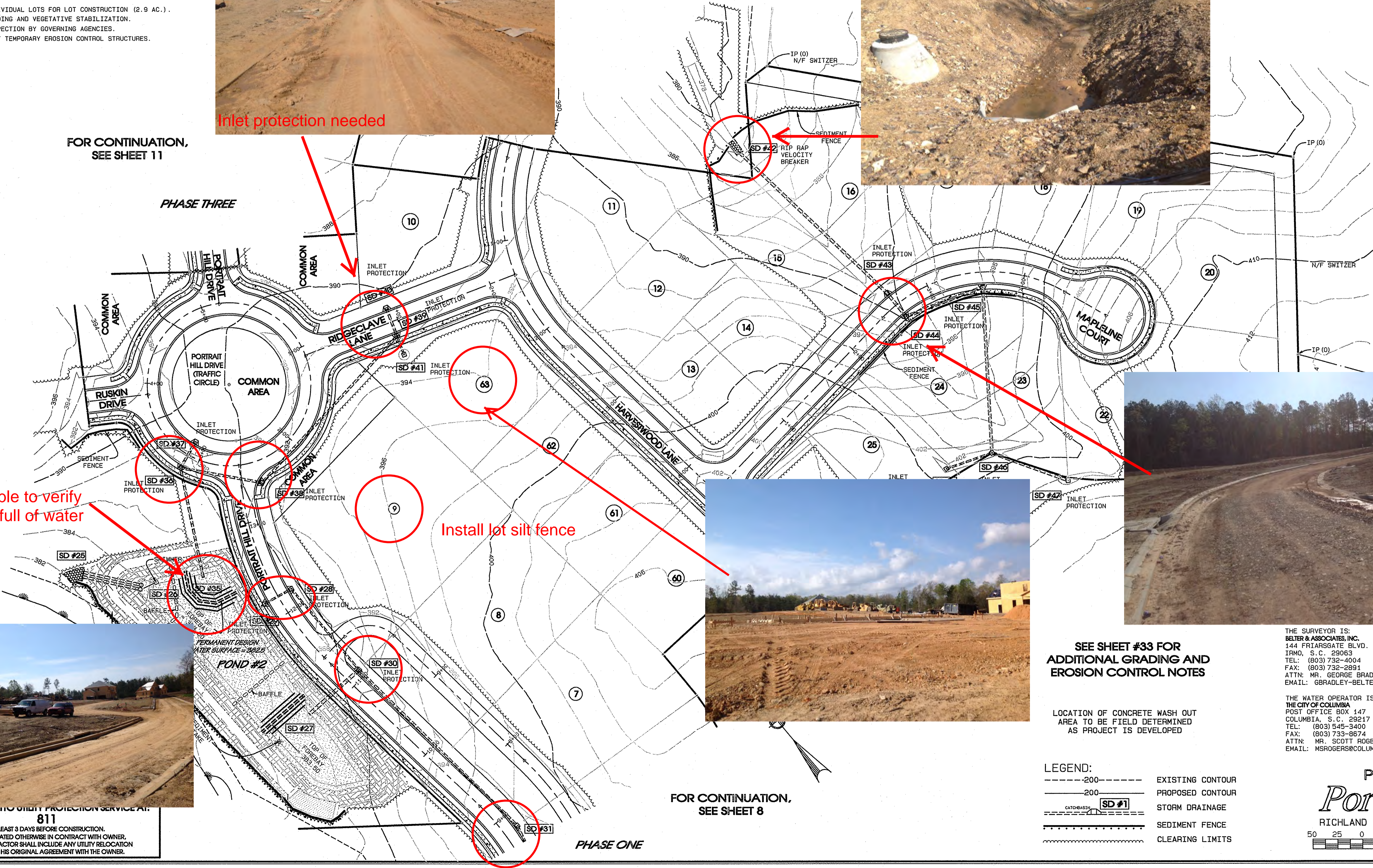
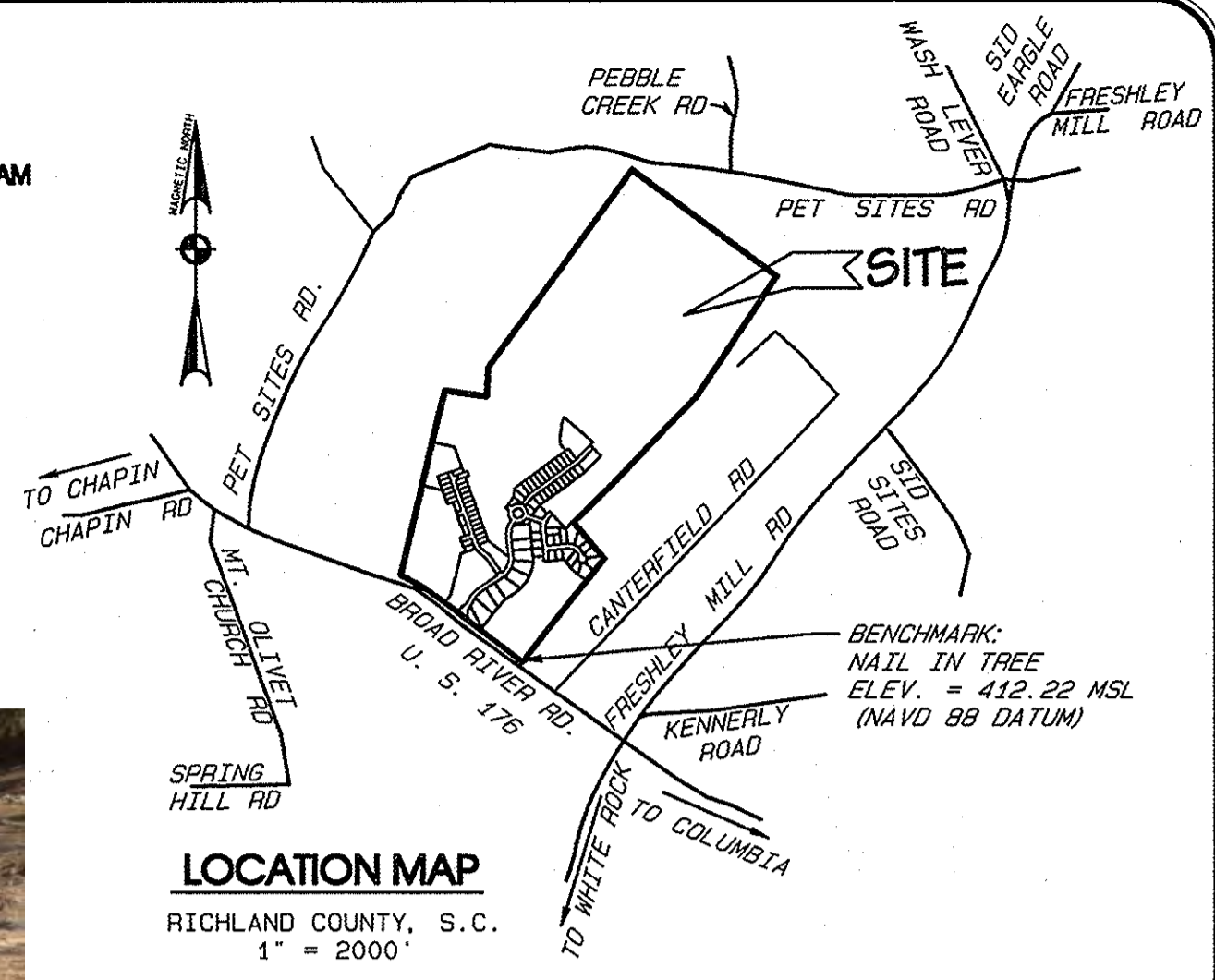
I (WE) HEREBY CERTIFY THAT ALL CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE DONE PURSUANT TO THIS PLAN.

02-21-14
REV. 4-16-14
DATE PERMIT APPLICANT

I HEREBY CERTIFY THAT THIS PLAN IS DESIGNED TO CONTAIN SILT ON THE PROPERTY CONCERNED TO THE MAXIMUM EXTENT FEASIBLE. PROVISIONS FOR EROSION AND SEDIMENT CONTROL ARE IN ACCORDANCE WITH THE RICHLAND COUNTY SEDIMENT CONTROL ORDINANCE.

02-21-14
REV. 4-16-14
DATE WILLIAM H. BROWN, P.E., R.L.S. #4953

THESE PLANS AND DETAILS ARE INTENDED TO SHOW MINIMUM REQUIREMENTS, MEASURES, AND METHODS TO RESTRICT RUNOFF AND CONTROL EROSION. ADDITIONAL MEASURES MAY BE NECESSARY. THE CONTRACTORS AND ANY SUBCONTRACTORS SHALL BE AWARE THAT UNKNOWN CONDITIONS OR UNFORESEEN OCCURRENCES MAY REQUIRE IMMEDIATE ACTION TO PROTECT THE SITE AND DOWNSTREAM PROPERTIES. NOTIFY THE DESIGN ENGINEER IMMEDIATELY IF SUCH A CONDITION OR OCCURRENCE IS KNOWN TO EXIST OR ARISE.



FOR CONTINUATION, SEE SHEET 11

FOR CONTINUATION, SEE SHEET 8



CALL FARMER UTILITY PROTECTION SERVICE AT 811 AT LEAST 3 DAYS BEFORE CONSTRUCTION. UNLESS STATED OTHERWISE IN CONTRACT WITH OWNER, THE CONTRACTOR SHALL INCLUDE ANY UTILITY RELOCATION COSTS IN HIS ORIGINAL AGREEMENT WITH THE OWNER.

SEE SHEET #33 FOR ADDITIONAL GRADING AND EROSION CONTROL NOTES

LOCATION OF CONCRETE WASH OUT AREA TO BE FIELD DETERMINED AS PROJECT IS DEVELOPED

LEGEND:

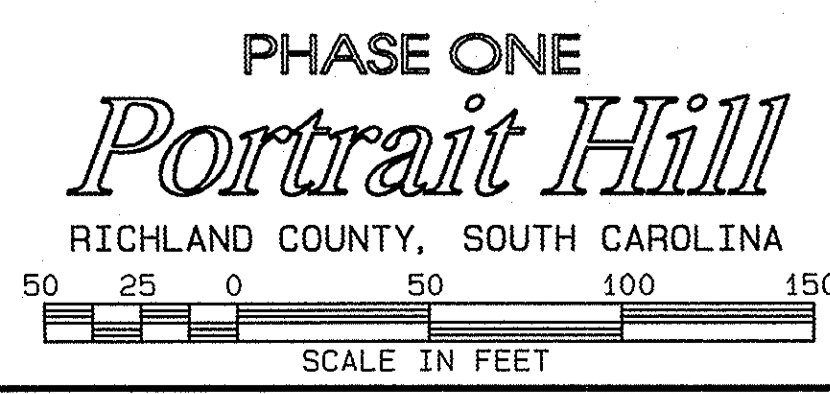
--- 200 ---	EXISTING CONTOUR
--- 200 ---	PROPOSED CONTOUR
--- SD #1 ---	STORM DRAINAGE
---	SEDIMENT FENCE
---	CLEARING LIMITS

THE SURVEYOR IS:
BELTER & ASSOCIATES, INC.
144 FRIARS GATE BLVD.
IRMO, S.C. 29063
TEL: (803) 732-4004
FAX: (803) 732-2894
ATTN: MR. GEORGE BRADLEY
EMAIL: GBRADLEY@BELTERSC. RR.COM

THE ENGINEER IS:
CIVIL ENGINEERING OF COLUMBIA
3608 FERNANDINA ROAD
COLUMBIA, S.C. 29210
TEL: (803) 798-2820
FAX: (803) 798-2826
ATTN: MR. WILLIAM H. BROWN
EMAIL: WHB@CECOLA.COM

THE WATER OPERATOR IS:
THE CITY OF COLUMBIA
POST OFFICE BOX 147
COLUMBIA, S.C. 29217
TEL: (803) 545-3400
FAX: (803) 733-8674
ATTN: MR. SCOTT ROGERS
EMAIL: MSROGERS@COLUMBIASC.NET

THE SEWER OPERATOR IS:
RICHLAND COUNTY UTILITIES
7525 BROAD RIVER ROAD
COLUMBIA, S.C. 29063
TEL: (803) 401-0050
FAX: (803) 401-0030
ATTN: MR. RENALDO ANGLUJAN
EMAIL: ANGLUJAN@RRCOV.GOV.US



NO.	DATE	DESCRIPTION	BY
1	14-10-14	RICHLAND CO. LETTERS 9-28-14	KJD

CIVIL ENGINEERING OF COLUMBIA
CONSULTING ENGINEERING, SURVEYING AND PLANNING
3608 FERNANDINA ROAD, COLUMBIA, SOUTH CAROLINA 29210
TELEPHONE (803) 798-2820 FAX (803) 798-2826

PHASE ONE POLLUTION PREVENTION PLAN

PREPARED FOR: DEVELOPMENT SERVICES, LLC
IRMO, SOUTH CAROLINA

CHECKED BY: *[Signature]* JOB NUMBER: 13074

DATE: FEB. 24, 2014
DRAWN: M. DINKINS
DESIGNED: M. DINKINS
DRAWING NUMBER: 9 OF 33

Floodplain Management Division

**CERTIFIED MAIL
VIOLATION NOTICE**

(Date)

(Owners Name and Address)

Subject: Stop Work Notice or Notice of Violation

Site Address:

Permit Number:

Dear _____:

On (type date of inspection) the Richland County Floodplain Inspector posted a Stop Work Notice or Notice of Violation on your property at (type site address of violation) for (type description of violation).

As of this date, no permits have been issued to clear the Stop Work Notice or Notice of Violation. You must apply for any required permits and approvals, pay all associated fees and/or take necessary action to correct the violation by **date** (30 days of this notice). At that time our inspector will revisit your site. No permits, licenses, or other entitlements may be issued by any County Department until this violation has been cleared. Failure to comply with this Notice of Violation will result in an escalation of enforcement which could include **fines**.

If you have any questions concerning this warning, you may contact our office at 803-576-2150.

Signed by: _____

Printed Name: _____

Warning Letter/Ticket



Richland County Solid Waste Code Enforcement

Officer's Name _____

Officer's Contact# _____

Citizen's Information

Name _____

Address _____

DL# _____

Tag# _____

Type of Violation _____

WARNING

**Potential fine up to \$1,092.50
and/or 30 days in jail**

Ordinance Violation# _____

Date of Violation _____

Compliance by Date _____

Citizen's Signature:

Note: This warning is for the violations set forth herein and may be used in conjunction with other evidence in future cases involving the same or similar violations.

Ticket# XXXXXX

Stop Work Orders

Engineering Division



Department of Public Works
Engineering Division

STOP WORK ORDER

Date: _____

Name of Responsible Party: _____

Project: _____

Address: _____

City, State Zip code: _____

Permit No: _____

Violated Ordinance Section(s): _____

You are hereby served notice that you are in violation of Chapter 26 of the Richland County Code of Ordinances at the abovementioned site. A "**STOP WORK**" order is being posted on this property effective **IMMEDIATELY**. In addition, a civil penalty in the amount of \$1,092.50/day per violation may be issued if Richland County so deems it appropriate.

The issuance of this Order is due to failure to comply with a Notice of Violation issued on _____ and the results of a Richland County follow up inspection completed on _____. A copy of our inspection report is enclosed with this violation.

Your site must be inspected by a Richland County Inspector prior to resuming any construction activity. Any activity other than work leading to compliance with this Stop Work Order will result in the issuance of a civil penalty in the amount of **\$1,092.50/day per violation and/or jail time**. At a minimum, work may not be resumed at this site sooner than 48 hours of the issuance of this Order.

If you have questions concerning this Order you can contact our office at 803-576-2412.

Signed by: _____

Printed Name: _____

Floodplain Management Division

STOP WORK ORDER

Date: _____

Name of Responsible Party: _____

Project: _____

Address: _____

City, State Zip code: _____

Permit No: _____

You are hereby served notice that you are in violation of Chapter 26 of the Richland County Code of Ordinances at the abovementioned site. A "**STOP WORK**" order is being posted on this property effective **IMMEDIATELY**. In addition, a civil penalty in the amount of \$1,092.50/day per violation may be issued if Richland County so deems it appropriate.

The issuance of this Order is due to failure to comply with a Notice of Violation issued on _____ and the results of a Richland County follow up inspection completed on _____. A copy of our inspection report is enclosed with this violation.

Your site must be inspected by a Richland County Inspector prior to resuming any construction activity. Any activity other than work leading to compliance with this Stop Work Order will result in the issuance of a civil penalty in the amount of **\$1,092.50/day per violation and/or jail time**. At a minimum, work may not be resumed at this site sooner than 48 hours of the issuance of this Order.

If you have questions concerning this Order you can contact our office at 803-576-2150.

Signed by: _____

Printed Name: _____

APPENDIX C



Richland County Public Works Court Evidence Checklist

File Folder Checklist for Court Cases

- Property owner information: Address (Richland County), phone number, etc.
- Copy of County Ordinance with section referencing violation
- Copy of Inspection Report(s)
- Copy of Notice of Violation Letter
- Copy of photos of non-compliance issues
- Copy of correspondence with Property owner:
[] Phone texts [] emails [] letters [] voicemails
- Copy of Record Drawings or Approved Construction plans
- Copy of Aerial GIS Map
- Copy of Tax Records
- Copy of the property owners Driver License information
- Copy of warning ticket
- Copy of citation ticket
- Witness contact information: Address, Phone number, etc.
- Copy of signed Permanent Stormwater Maintenance Agreement

Complainant/Witness

Name: _____

Address: _____

City: _____ Zip Code: _____

Telephone Number: _____

Complainant/Witness

Name: _____

Address: _____

City: _____ Zip Code: _____

Telephone Number: _____

*Call all witnesses the day before court to remind them of the location and time and ensure they are coming.



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

Agenda Item

Homeowners' 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 [N. 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 Homeowners' Associations

Fiscal Impact

N/A

Past Legislative Actions

None.

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



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

Agenda Item

Emergency Shelters / Facilities

Background

On September 12, 2017, the Honorable Norman Jackson made the following motion:

To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions i.e. impassible bridges, roads etc. Working with recreation centers, school districts, churches and other civic centers to qualify and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process. Note: Shelters to include overnight stay, storage and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. Jackson]The County currently cites and stops work on projects that are unapproved or unpermitted per Sec. 6-31 (Buildings and Building Regulations); 26-272 (Land Development) and the County's DHEC National Pollutant Discharge Elimination System Permit.

Following Hurricane Matthew in 2016, the County's Executive Committee Team began working with the City of Columbia to identify "Calamity" shelters that could be used during periods of adverse weather to house residents that are in need of shelter and / or assistance. This collaborative effort is ongoing.

Issues

Emergency shelters/facilities

Fiscal Impact

N/A

Past Legislative Actions

None.

Alternatives

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

Staff Recommendation

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

Submitted by: Councilman Norman Jackson, District 11
Date: September 12, 2017



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

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

Agenda Item

Water runoff ordinance

Background

On May 16, 2017, the Honorable Bill Malinowski made the following 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]

Current County standards require the post construction runoff rate not exceed that of pre-construction.

In addition, staff has been drafting updates to our land development design manual, which includes standards for stormwater runoff. Some proposed standards may include additional regulations than required in our MS4 permit from DHEC. Staff plans to vet those standards with stakeholders starting in 2018, before submitting text amendments to County Council.

Issues

N/A

Fiscal Impact

N/A

Past Legislative Actions

N/A

Alternatives

1. Amend the County's current ordinance.
2. Do not amend the County's current ordinance.

Staff Recommendation

Council discretion.

Proposed by: Vice-Chairman Malinowski

Date: May 16, 2017



RICHLAND COUNTY GOVERNMENT

Office of the County Administrator

Development & Services Meeting December 19, 2017 Briefing Document

Agenda Item

Re-allocate funding used to increase the General Fund balance farther above the minimum policy

Background

During its October 17, 2017 meeting deliberations, Councilman Manning brought forth the following 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”

One of the initiatives of Biennium Budget I was the restoration of the County’s General Fund balance. According to County policy, the General Fund balance should not fall below 20% nor exceed 35% of the total General Fund expenditures for the previous fiscal year.

Presently, the County is meeting the minimum standard for its policy. Biennium Budget I fund balance goal is 24% by the end of fiscal year 2017-2018 and 26% by the end of fiscal year 2018-2019.

An accurate figure for the County’s General Fund balance will be available upon the completion of the fiscal year 2017 CAFR (Comprehensive Annual Financial Report). This report is expected to be available in January – February 2018.

County’s Financial Policy vis-à-vis the General Fund:

General Fund: The minimum undesignated General Fund balance should be maintained at a level sufficient to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures. As a financial goal, the General Fund balance for Governmental Accounting Standards Board (GASB) #34 reporting purposes should equal a minimum of 20% and maximum of 35% of the total audited General Fund expenditures for the previous fiscal year.

The cash portion of the reported General Fund balance should equal at least 4 months operating expenditures. These funds are needed in the County's general operating cash account for the purpose of funding the County's operations throughout the fiscal year. Any General Fund balance determined to be in excess of the financial goals for fund balance and for investment strategies may be available for expenditure, but only under specific qualifications. These qualifications include uses for one-time capital and special project costs and should never be used to fund operating costs. One-time capital and special projects should be carefully considered to insure that they add to the efficiency, development or cost effectiveness of the County. Unpredicted, one-time expenditures directly caused by and related to natural or man-made disasters may be considered necessary for prudent use of excess fund balance.

Issues

None.

Fiscal Impact

Contingent upon Council action taken regarding the motion. Any funds re-allocated from the County's General Fund shall require a budget amendment.

Past Legislative Action

June 8, 2017 – Council approved Biennium Budget I; FY2017-18

July 13, 2017 – Council approved Biennium Budget I; FY2018-19

Alternatives

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

Staff Recommendation

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

Proposed by: Councilman Jim Manning, District 8

Date Proposed: October 18, 2017



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

Agenda Item:

Residential structure separation

Background:

On Tuesday, November 14, 2017, 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

- b. 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.
- c. 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 ^{a, b}	≥ 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. Consider the motion and proceed accordingly.
2. Consider the motion and do not proceed.

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

Development & Services Committee Meeting December 19, 2017 Items Pending Analysis – Status Updates

- a. 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]

Status Update: This motion was brought forth by Vice-Chairman Malinowski during Council's March 7, 2017 meeting deliberations. This item was considered by the Committee during its October 24, 2017 meeting and was deferred to allow Mr. Hanna time to go back and research the success and failures of the Greenville and State individualized leave pool. Staff is research the additional information and will present a debriefing for the Committee's consideration upon completion of its research.

- b. 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: Move to review the existing Community Action Team (CAT) ordinance and remove the last sentence of the ordinance. [Pearce]

Status Update: This motion was brought forth by Councilman Pearce during Council's December 12, 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.