



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Julie-Ann Dixon	Bill Malinowski	Norman Jackson (Chair)	Jim Manning	Seth Rose
District 9	District 1	District 11	District 8	District 5

**MAY 28, 2013  
5:00 PM**

**2020 Hampton Street**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: April 23, 2013 [PAGES 3-6]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Community Use of County Facilities [PAGES 7-16]
3. Department of Public Works Purchase of Small Motor Grader for Asphalt Crew [PAGES 17-21]
4. Amendments to Section 21-13 Emergency Maintenance of Roads [PAGES 22-26]

5. Sunnyside Drainage Ditch Capital Improvement Project Right of Way Purchase and Transfer [**PAGES 27-30**]
  
6. Review Priority Investment Areas in Council District One [**PAGES 31-34**]
  
7. Review categorizing zoning districts that allows for more "sub-categories" in the various districts and eliminate general categories [**PAGES 35-39**]

## **ADJOURNMENT**



# Richland County Council Request of Action

## **Subject**

Regular Session: April 23, 2013 [**PAGES 3-6**]

## **Reviews**

**MINUTES OF**



**RICHLAND COUNTY COUNCIL  
DEVELOPMENT AND SERVICES COMMITTEE  
TUESDAY, APRIL 23, 2013  
5:00 P.M.**

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

=====

**MEMBERS PRESENT**

Chair: Norman Jackson  
Member: Julie-Ann Dixon  
Member: Bill Malinowski  
Member: Jim Manning

Absent: Seth Rose

**ALSO PRESENT:** Kelvin E. Washington, Sr., Paul Livingston, Greg Pearce, Torrey Rush, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Amelia Linder, Justine Jones, Brad Farrar, John Hixon, Valeria Jackson, Jocelyn Jennings, Rodolfo Callwood, Donny Phipps, David Hoops, Melinda Edwards, Nancy Stone-Collum, Anna Lange, Chanda Cooper, Monique Walters

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

**March 26, 2013 (Regular Session)** – Mr. Manning moved, seconded by Mr. Malinowski, to approve the minutes as amended. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

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

**ITEMS FOR ACTION**

**Building Safety Month Proclamation** – Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the proclamation. The vote in favor was unanimous.

**Lease Agreement with Clemson and Sandhill Research Center** – Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council a recommendation to approve the request to approve the request to enter into a lease agreement with the deletion of the following language: **Utilities and Maintenance**. “The County shall be responsible for the cost of all utilities on the property during the lease Term.” A discussion took place.

The vote in favor was unanimous.

**Use of Eminent Domain to Acquire Property for Completion of Monticello Road Streetscape Construction** – Mr. Manning moved to defer this item in committee. The motion died for lack of a second.

Mr. Manning moved, seconded by Mr. Malinowski, to forward to Council with a recommendation of a negotiated purchase based on the appraisal, and if the negotiated purchase is not achieved consideration of alternate acquisitions proposals. The vote in favor was unanimous.

**New Road for the Brookfield Subdivision** – Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request to approve the IGA with the issuance of a sidewalk with the SCDOT and take over ownership of the new road once it is constructed. The vote in favor was unanimous.

**Reallocation of Funds for Cemetery Survey** – Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council with a recommendation to reallocate \$41,000 from RCCC Professional Services to Chicora Foundation grant line item to complete the county-wide cemetery survey. The vote in favor was unanimous.

**Adoption of the following Four Resolutions from the April 2, 2013 Council Meeting: (1) A Resolution Honoring Ginny Waller as the 2013 recipient of the Francis Marion University and SC Association of Nonprofit Organizations’ (SCANPO) Award [MANNING]; (2) Resolution honoring Deputy Sheila Aull for heroism in the line of duty; and honoring the Cedar Creek Community for their donation of \$1,500 to purchase additional lifesaving vests for deputies [DICKERSON]; (3) Resolution to recognize Richland County as a Purple Heart County [WASHINGTON]; (4) Resolution recognizing Cameron Wesley as the first African American Postmaster in the State of South Carolina [JACKSON]** – Mr. Malinowski moved, seconded by Mr. Manning, to forward to Council with a recommendation to approve the request to adopt all of the proposed Resolutions with following correction to #4: replace “the State of South Carolina” with “the Town of Whitmire”. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council a recommendation to forward the Legal Departments recommendations to the Rules and Appointments Committee. The vote in favor was unanimous.

**Review the Ordinance on Trash Bagging on Yard Debris** – Mr. Malinowski moved, seconded by Ms. Dixon, to defer this item in committee. The vote in favor was unanimous.

**Ordinance Amendment for Town of Irmo Roadway Maintenance** – Mr. Malinowski moved, seconded by Ms. Dixon, to defer this item in committee. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 6:00 p.m.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Community Use of County Facilities [PAGES 7-16]

**Reviews**

# Richland County Council Request of Action

**Subject:** Community Use of County Facilities

**A. Purpose**

County Council is requested to approve a policy for the use of County facilities.

**B. Background / Discussion**

In the past, communities and community organizations have requested use of County facilities for various functions, including the use of parking lots. The County Administration has considered these on a case-by-case basis. For legal protection and clearer guidance to the community, we are asking Council to approve a general policy that would be applicable to groups desiring the use of County property for their temporary activities.

**C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

**D. Financial Impact**

There would be no expenditure of County funds to approve this general policy. However, if Council wishes to charge a fee for the use of County facilities, that would generate revenue for the County.

**E. Alternatives**

1. Approve the request to develop a policy for the use of County facilities. If this alternative is chosen, all groups desiring to use County facilities would know what to expect. In addition, if an MOU or other contract is required of such groups, the County could insert some protective measures, such as a hold-harmless clause.
2. Do not approve the request to develop a policy for the use of County facilities, but rather, allow the County Administrator to make a determination on a case-by-case basis. If this alternative is chosen, the County is less protected legally from potential claims and will require an unknown amount of Administrator time to review each case.
3. Do not approve the request to develop a policy for the use of County facilities and do not allow communities to use County facilities. If this alternative is chosen, community members will not be able to use County facilities which are sometimes underutilized after hours.

**F. Recommendation**

It is recommended that Council approve the request to develop a policy for the use of County facilities.

**G. Reviews**

**Finance**

Reviewed by Daniel Driggers:  
 Recommend Council approval

Date: 2/13/13  
 Recommend Council denial

Item# 2

Comments regarding recommendation: Recommend approval of alternative one and encourage the County to pursue developing a policy that clearly defines the County's position. If the policy includes options for use of facilities, I would encourage the County to consider including an assessment fee at some level that has at least two components; (1) a service fee for the facility and (2) an amount that at a minimum will recover any costs to the County during use. While the service fee (1 above) may not generate much money for the County, requiring a fee often encourages responsible use. For item (2) above, use of facility may require items such as; management oversight, security, insurance liability, additional staff time for cleaning, cleaning supplies, utility costs, etc. and should be recovered based on usage.

### **Risk Management**

Reviewed by: David Chambers

Date: 2/28/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request is left to Council discretion. There are already for-profits and non-profits with places available for public use. The development of a policy for the use of County facilities, if approved, should include the following recommended provisions:

- (1) A Hold-Harmless Agreement;
- (2) a contract with the following stipulations: no fireworks, no alcohol, no smoking, no drugs, no violence or weapons of any kind, limits on hours of use, requirements for clean-up, including proper disposal and prohibited littering;
- (3) establish limitations on which facilities can be used and the hours for such use;
- (4) establish limitations on the organizations able to use County facilities (i.e., churches, neighborhood associations, school groups, Homeowners Associations).

A draft policy and contract is attached as an appendix for Council's review.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 3/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Whether to allow use of County facilities by the public is a policy decision left to Council's discretion; however, I recommend proceeding with caution. I agree with Mr. Chamber's comments on the whole, except number 4, which brings up Constitutional questions. The policy allows discretion by the Administrator for uses that are inappropriate, again bringing up Constitutional issues (freedom of speech, freedom of religion, etc.).

As to the hold harmless, such a document would only be as good as those who sign it, meaning that the hundreds of visitors to an event on County property would still pose a liability risk.

In conclusion, along with general liability and security concerns which would need to be addressed, the potential Constitutional issues are numerous.

### **Administration**

Reviewed by: Sparty Hammett

Date: 3/18/13

Item# 2

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to develop a policy for the use of County facilities.

## **“RICHLAND COUNTY PUBLIC BUILDING USE POLICY”**

Richland County is cognizant of the numerous requests for the use of County public facilities. As a public government entity, Richland County is dedicated to the principals of fairness and non-discrimination for the public use of its facilities.

While it is the policy of Richland County to permit, allow and make available to the public certain of its public facilities, there is a need for coordination of such requests. Any group of citizens, organizations or other gatherings may request the use of specific county facilities, to wit:

- The Decker Center “Community Room”
- The Decker Center “parking lot” (available from 5:00 p.m. to 8:30 a.m. Monday thru Friday, and on Saturday and/or Sunday)
- Pinewood Lake Park facilities

In order to make a request for the use of one of the above facilities, the following procedure shall be followed:

1. Contact the Richland County Administration Office and make a written request for the specific time, date and place to be used.
2. Complete a “Use of Public Facility” form and a “Vendor Information” form, if applicable. These can be obtained under “Forms” at [richlandonline.com](http://richlandonline.com) or by calling the County Administrator’s Office, 576-2050 between 9:00 AM and 5:00 PM, Monday through Friday, excluding holidays. Applications should be sent to County Administrator, Attn: Executive Administrative Assistant, PO Box 192, Columbia, SC 29202.
3. Return the completed form with payment of \$300.00 for the facility usage fee, of which \$250 is refundable if there is no damage and if no extraordinary clean-up is required of County personnel. Additional charges may be assessed depending on the use required and the amount of utilities consumed. Notification of the availability of the facility requested will be confirmed by the Administrator’s office, in writing or by phone.
4. It shall be the responsibility of the event organizer to coordinate the event with appropriate County staff in a manner allowing sufficient time so as to not impede normal County operations. No less than three (3) business days for community room use and no less than three (3) full weeks for outside vendors and/or events.

All requests for use of public facilities will be handled on a “first come” basis, and will be subject to the availability of the facility requested. Normal business functions and use of County Facilities shall not be interrupted.

If the expected use of the facility shall require administrative personnel to be present after normal business hours, or if, in the opinion of the administration, security will be required, additional charges will be assessed. Charges will be based upon the actual out-of-pocket expenses incurred by the County for the use of personnel and for the cost of utilities.

## **FACILITY RULES**

1. Absolutely no weapons are allowed on County premises or in any public facility unless required by an authorized Law Enforcement Officer.
2. Absolutely no alcoholic beverages or illegal drugs are allowed on or in any public facility that is located on County property.
3. Absolutely no use of tobacco products is allowed on or in any public facility that is located on County property, except in designated areas.
4. Absolutely no activity involving unsafe use or providing a security concern will be permitted. Examples of such prohibited uses are fireworks, athletic events, and carnival-type rides.
5. All posted facility rules must be adhered to at all times, and the event organizers/officials are responsible for enforcement of all property rules.
6. Do not rearrange furniture or furnishings in the facility. If chairs or tables are temporarily relocated, these items must be replaced to their original location before you leave.
7. You and your organization will be jointly responsible for clean-up, including proper disposal of unused or unwanted items (no littering). You may lose a portion of your deposit if the County has to clean up after you.
8. You, your organization, and all other users will be jointly responsible for the cost of damages to the facility that is a direct or indirect result of the use of the facility by you and/or your organization.
9. You and/or your organization will be responsible for all costs related to County Support Services personnel required to support any event occurring outside normal operating hours of 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding holidays, or for any costs incurred due to utilizing a County service supplier in the event County personnel are not available during normal work hours or for any County personnel called in outside normal operating hours to make repairs on the facility or the facility's operating infrastructure, such as HVAC, electrical, and plumbing. The County's personnel's primary function must be the support of normal County operations. These costs will be calculated and invoiced from thirty (30) to sixty (60) days of the event.
10. You and/or your organization will be responsible for the payment of the facility usage fee prior to use of the facility. If your event will include vendors, you must

Item# 2

provide proof of all business information, including licensing, health and certificate dates and corresponding grades issued. All food vendors must have a current health certification from DHEC. All vendors must be on-site and set up in a manner that meets all required regulatory agency requirements. All events shall be subject to inspection and enforcement action, such as closure of the event or fines as determined appropriate by County or State personnel, including regulatory agencies.

11. You and/or your organization will be responsible for arranging for security and the payment of security costs and related administrative costs, and for the amount of utilities consumed.
12. You and/or your organization will be responsible for signing an Indemnification and Hold Harmless agreement. All officers of your organization must sign this agreement as to officers and personally. The County must be added as an additional insured to the organization's general liability insurance or to a liability policy for the event. The user must also provide certification of insurance for worker's compensation and vehicle liability. The executed Indemnification and Hold Harmless agreement and certifications satisfactory to the County must be delivered to the County at least three (3) business days prior to the event date for community room use and three (3) full weeks prior to any outside event request. The requirement for general liability, vehicle liability insurance and workers' compensation insurance may be waived for non-commercial entities, e.g. neighborhood associations. In addition, a list of other users of the facility and the activities they will perform must be delivered to the County at least three (3) business days prior to the event date.
13. In the event of a problem encountered with the facility or an emergency, the following numbers are to be called:

911 - for all emergencies

(803) 576-2050 - Richland County Administration (8:30 a.m. to 5:00 p.m., Mon. thru Fri.)

(803) 575-2450 – Support Services Department, Division of Facilities (7:30 a.m. to 4:00 p.m., Mon. thru Fri.)

**PUBLIC REQUEST FOR USE OF PUBLIC FACILITY**

\_\_\_\_\_  
Name of Organization

\_\_\_\_\_  
Address of Organization

\_\_\_\_\_  
City / County

\_\_\_\_\_  
State / Zip

\_\_\_\_\_  
Individual or Group Contact Person

\_\_\_\_\_  
Individual or Group Telephone Number

\_\_\_\_\_  
Other Contact Person

\_\_\_\_\_  
Telephone Number

Clearly state the purpose for this request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How many persons do you anticipate will attend this function? \_\_\_\_\_

Facility requested: \_\_\_\_\_

Date and time of function:

\_\_\_\_\_  
Month / Day / Year From: \_\_\_\_\_ A.M.- To: \_\_\_\_\_ P.M.  
Timeframes

The undersigned agrees to abide by the facility rules and regulations, of which I have been given a copy. Persons providing false or misleading formation will be prosecuted. The undersigned further agrees to pay all costs, damages and usage fees as may be determined; and that each user will meet all applicable licensing, health and safety requirements, and any user not doing so will not participate.

The undersigned further agrees to indemnify and to hold harmless Richland County, its employees, officers, agents, contractors, subcontractors, and successors and assigns from and against any and all liability, damages, losses, costs, expenses, demands, claims, suits, actions and causes of action as a result of \_\_\_\_\_'s (*name of organization*) use of the facility.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Organization's Representative

\_\_\_\_\_  
Printed Name of Organization's Representative

Facility usage fee received on \_\_\_\_\_ in the amount of \$300.00 or \$ \_\_\_\_\_

Received by: \_\_\_\_\_

Date approved: \_\_\_\_\_

Date Rejected: \_\_\_\_\_

**Item# 2**



# Richland County Council Request of Action

**Subject**

Department of Public Works Purchase of Small Motor Grader for Asphalt Crew **[PAGES 17-21]**

**Reviews**

## Richland County Council Request of Action

**Subject:** Purchase of Volvo G930B Motor Grader for Roads and Drainage Division

### **A. Purpose**

County Council is requested to approve a purchase in the amount of \$167,260.00 for a new motor grader for the Roads and Drainage Division of the Department of Public Works. The Volvo G930B will be purchased from ASC Equipment, located in Cayce, South Carolina. The equipment will be purchased from the State contract, Contract #5400004309. The cover page from the contract is attached as Appendix 1.

### **B. Background / Discussion**

The equipment will be replacing AL003, a 2001 Komatsu Motor Grader that is well beyond the 8 year/ 7500 hour life cycle standard for this unit, and has become increasingly expensive to maintain. Over \$9,000.00 has been spent since the middle of fiscal year 2011-2012 to repair this unit, including such items as clutch and transmission repairs, brake fluid leaks, electrical repairs, and tires.

The new equipment is EPA Tier IV compliant, meeting the latest federal standards reducing nitrous oxide and particulate emissions. This purchase complies with the County directive on Air Quality policies.

### **C. Legislative / Chronological History**

An initial request to purchase a replacement for the old Komatsu motor grader was brought before the Development and Services Committee on May 22, 2012, in the amount of \$211,794.00. A motion to move the item to full Council with a recommendation to approve the purchase passed unanimously.

At the regular session County Council meeting on June 5, 2012, questions arose regarding the emissions capability and the cost of the equipment. The item was deferred to the June 19 meeting to allow staff time to research and address the concerns expressed by Council.

The request for the motor grader purchase was subsequently withdrawn from the June 19 Regular Session County Council agenda.

The original purchase was pursued through another contract because the State contract was not available for this equipment at the time. The State initiated a bid process to renew the motor grader contract and the State awarded the bid solely to ASC Volvo, in Cayce, South Carolina. The contract information was posted in November, 2012. Base requirements were drawn up for the equipment and a meeting was held with the State contract vendor to design the unit to better meet the needs of the County. The State contract holder, ASC Equipment, provided the quote upon which this request is based, which is the second attachment. This purchase is therefore requested from the new State contract.

**D. Financial Impact**

The financial impact on the County will be \$167,260.00 which is the cost for the purchase of the motor grader which is available in the budget of the Roads and Drainage Division of the Department of Public Works.

Volvo G930B Motor Grader	\$166,960.00
South Carolina Sales Tax	\$ 300.00
Total Cost of Equipment	\$167,260.00

**E. Alternatives**

There are two alternatives available for County Council:

1. Approve the request to purchase the Volvo G930B Motor Grader for the Roads and Drainage Division, at a cost of \$167,260.00, from the current South Carolina Procurement State Contract.
2. Do not approve the request to purchase the Volvo G930B Motor Grader for the Roads and Drainage division, requiring the Public Works department to continue operating the current unit with increased maintenance costs and downtime.

**F. Recommendation**

It is recommended that County Council approve the State contract purchase of the Volvo G930B motor grader in the amount of \$167,260.00 from ASC Volvo.

Recommended by: David Hoops      Department: Public Works      Date: 5/16/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers	Date: 5/17/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Procurement**

Reviewed by: Rodolfo Callwood	Date: 5/17/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: Larry Smith	Date: 5/20/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Administration**

Reviewed by: Sparty Hammett	Date: 5/21/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

## Appendix 1

Cheryl Patrick, Procurement Manager  
[CPatrick@mmo.sc.gov](mailto:CPatrick@mmo.sc.gov)  
Tele: (803) 737-5717

Materials Management Office  
1201 Main Street, Suite 600  
Columbia, South Carolina 29201

Section: R  
Page: 102  
Date: 08/13/2012

**MAKE:** VOLVO  
**MODEL:** G930B (Motor Grader) .....[Click Here to See Contractor's Offer](#)

**VENDOR:** ACS Construction Equipment USA, Inc.  
2303 Airport Blvd.  
Cayce, SC 29033

**CONTACT NAME:** Tom Moore

**PHONE NO.:** (803) 791-0740

**E-MAIL ADDRESS:** [tom.moore@ascvolvo.com](mailto:tom.moore@ascvolvo.com)

**VENDOR NO.:** 7000056458

**F.E.I.N.:** 20-1862082

**CONTRACT NO.:** 4400005538

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2303 Airport Blvd  
 Cayce, SC 29033  
 Office: (803) 791-0740 Fax: (803-) 791-9920

## QUOTE

**TO:** Richland County  
 400 Powell Road  
 Columbia, SC 29203

**Date of Issue:** 03/18/2013

**ATTN:** Bill Peters (Fleet Service Manager)

**Proposal Ref.:**

*Sales, Service, Parts and Rental of Construction Equipment.*

Quantity	Description	Unit Price	Total
1	<b>SCMMO Statewide Motor Grader Contract SC MMO Solicitation # 5400004309</b>		
	<b>Volvo G930B Motor Grader</b>	SCMMO Base Price	\$ 153,499.00
	<b>Options:</b>	<b>Option Number</b>	
	HTE1160 11 Speed forward/ 6 speed reverse Transmission	GD31001	\$ 1,234.00
	Auto Shift for Transmission	GD31003	\$ 1,510.00
	Reversing Fan	GD34009	\$ 809.00
	Opening Lower Front	GD43001	\$ 605.00
	Air Suspension Seat-Cloth	GD46003	\$ 1,103.00
	Radio & CD Player	GD47001	\$ 865.00
	Collapsible Lunch Box & Drink Container	GD49107	\$ 111.00
	Blade Lights (4)	GD55002	\$ 371.00
	1550 CCA AGM High Capacity Battery	GD59202	\$ 785.00
	#2 Circuit to front LH Side	GD62001	\$ 283.00
	Mid Mount Scarifier, w/5 teeth	GD12775100	\$ 5,785.00
	<b>Total Price with Options</b>		\$ 166,960.00
<b>SC SALES TAX</b>		\$ 300.00	
<b>Overall Total Including Tax</b>		\$ 167,260.00	

Quotations: This quotation is not binding until accepted by an officer of ASC. Items quoted are subject to all local, state and federal taxes. Prices quoted are subject to change due to manufacturers adjustments.

**Shipment:** TBD

**Terms:** Cash

**By:** CHARLES FRICK

Item# 3

# Richland County Council Request of Action

**Subject**

Amendments to Section 21-13 Emergency Maintenance of Roads [**PAGES 22-26**]

**Reviews**

# Richland County Council Request of Action

## Subject: Amendments to Section 21-13. Emergency Maintenance of Roads

### A. Purpose

Amend section (c) to allow Public Works to provide emergency maintenance to residents of private road subdivisions (see Appendix A).

### B. Background / Discussion

Under the authority of Sec. 21-13 Public Works provides emergency maintenance on roads not part of our road maintenance system. Public Works has noted that approximately 25 % of the requests come from residents on private road subdivisions, which are presently exempted by this section. In our experience this class of roads have been some of the worst inspected.

### C. Legislative / Chronological History

Existing ordinance

#### **Sec. 21-13. Emergency maintenance of roads.**

(a) No work may be performed on any roadway not already maintained by the county unless the county administrator determines that access to such roadway is necessary for the performance of one or more public functions, the following conditions exist:

(1) Such a roadway is the only access for one or more property owners or residences, and

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

(3) At least one (1) of the properties to be accessed is used as a primary residence.

(b) Any work pursuant to this section will be done on a one-time basis only. In such cases, the county department of public works is limited to the minimum improvements that will allow full and immediate access to the affected residences. Crusher-run, gravel, pipe or other materials will not be routinely provided.

(c) This section is not applicable to roads providing access to private driveway subdivisions that were created under the county's land development regulations.

### D. Financial Impact

45 emergency maintenance requests were received in the past year which resulted in 16 actual responses. We estimate the average response to cost \$700 in labor and materials. We estimate the volume of responses would increase by 10 with acceptance of the requested amendments, resulting in an increased expense of \$7,000 per year.



## Appendix A

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-13HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SECTION 21-13, EMERGENCY MAINTENANCE OF ROADS; SO AS TO DELETE SUBSECTION (C) IN ITS ENTIRETY.

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

SECTION I. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Article I, In General; Section 21-13, Emergency Maintenance of Roads; is hereby amended to read as follows:

### **Sec. 21-13. Emergency maintenance of roads.**

(a) No work may be performed on any roadway not already maintained by the county unless the county administrator determines that access to such roadway is necessary for the performance of one or more public functions, the following conditions exist:

- (1) Such a roadway is the only access for one or more property owners or residences, and
- (2) Emergency medical services, sheriff department vehicles and other county vehicles cannot, in the lawful performance of their duties, gain full and immediate access to at least one (1) residence unless road scraping is performed, and
- (3) At least one (1) of the properties to be accessed is used as a primary residence.

(b) Any work pursuant to this section will be done on a one-time basis only. In such cases, the county department of public works is limited to the minimum improvements that will allow full and immediate access to the affected residences. Crusher-run, gravel, pipe or other materials will not be routinely provided.

~~(c) This section is not applicable to roads providing access to private driveway subdivisions that were created under the county's land development regulations.~~

Item# 4

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2013.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

\_\_\_\_\_  
Michelle Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

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

Item# 4

# Richland County Council Request of Action

**Subject**

Sunnyside Drainage Ditch Capital Improvement Project Right of Way Purchase and Transfer [**PAGES 27-30**]

**Reviews**

## Richland County Council Request of Action

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

### **A. Purpose**

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

### **B. Background / Discussion**

Richland County Council Regular Session dated February 21, 2012 the Sunnyside Drainage Ditch Capital Improvements Project Right-of-Way Purchase and Transfer – Mr. Pearce Moved, Second by Mr. Jackson, to defer until staff is ready to bring item back. The vote in favor was unanimous. Richland County staff is ready to bring this item back to Council.

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

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

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

For replacing the pipe with a culvert, four (4) ROW acquisitions as shown in Table 1 are needed. More details on ROW widths, metes and bounds, and construction details are identified and are discussed on the construction plans. The proposed upstream construction requires the establishment of a 20' permanent easement with an additional 10' temporary construction easement along properties adjacent to the stream (lesser widths in areas where feasible). All the required ROW acquisitions were presented to the citizens, negotiated, deeds prepared and ready for execution upon Council's approval. However, there is uncertainty in obtaining all the necessary easements for the project and is not complete. The easement structure will be presented to Council at a different time upon completion and finalization.

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

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

**C. Legislative – Chronological History**

This is a staff-initiated request, therefore, is no legislative history.

**D. Financial Impact**

The current engineer's estimated construction cost for the project is \$619,976.34 excluding design and ROW acquisition costs. A total of \$815,000.00 was budgeted for the Sunnyside project and funds are available in Stormwater Management budget. The project costs, at this time, are within the estimated amount and there is no additional financial impact associated with the request. The Public Work's Stormwater Management has entire funding available for this project in its FY12 adjusted budget. The project scope has been reduced because of the inability to obtain upstream easements from private property owners. The amount budgeted will remain the same until the engineer provides the reduced cost estimate.

**E. Alternatives**

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

**F. Recommendation**

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

Recommended by: David Hoops      Department: Public Works      Date: 05/06/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers      Date: 5/7/13  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean      Date: 5/7/13  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Policy decision left to Council’s discretion. Staff/Admin has been informed that something in writing is needed from SCDOT to insure that they will maintain the ROW’s after completion.

**Administration**

Reviewed by: Sparty Hammett      Date: 5/7/13  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: The SCDOT has indicated that they will accept the right-of-way and retain maintenance responsibility.

# Richland County Council Request of Action

**Subject**

Review Priority Investment Areas in Council District One **[PAGES 31-34]**

**Reviews**

# Richland County Council Request of Action

**Subject:** Review Priority Investment Areas in Council District One

**A. Purpose**

County Council is requested to direct staff to review the Priority Investment Areas in Council District One and consider their restructuring.

**B. Background / Discussion**

Priority Investment Areas (PIA's) were created in the County's Comprehensive Plan, as provided by Chapter 29 South Carolina Local Government Comprehensive Planning Enabling Act of 1994, specifically as follows:

**SECTION 6 29 510. Planning process; elements; comprehensive plan.**

(D) A local comprehensive plan must include, but not be limited to, the following planning elements:

9) a priority investment element that analyzes the likely federal, state, and local funds available for public infrastructure and facilities during the next ten years, and recommends the projects for expenditure of those funds during the next ten years for needed public infrastructure and facilities such as water, sewer, roads, and schools. The recommendation of those projects for public expenditure must be done through coordination with adjacent and relevant jurisdictions and agencies.

For the purposes of this item, “adjacent and relevant jurisdictions and agencies” means those counties, municipalities, public service districts, school districts, public and private utilities, transportation agencies, and other public entities that are affected by or have planning authority over the public project. For the purposes of this item, “coordination” means written notification by the local planning commission or its staff to adjacent and relevant jurisdictions and agencies of the proposed projects and the opportunity for adjacent and relevant jurisdictions and agencies to provide comment to the planning commission or its staff concerning the proposed projects. Failure of the planning commission or its staff to identify or notify an adjacent or relevant jurisdiction or agency does not invalidate the local comprehensive plan and does not give rise to a civil cause of action.

The County's PIA's were identified using the following two guidelines:

- by using a general radius around an intersection or highway interchange
- by analyzing developable parcels, planned or permitted projects, utilizing census information and proximity/access to water and sewer.

The County's Comprehensive Plan identifies thirteen priority investment areas in the Future Land Use Map (see the Land Use Element of the County’s Comprehensive Plan). These areas indicate where growth should be concentrated enabling a mix of housing types and costs, a variety of uses, pedestrian-friendly design, and the inclusion of open space. Capital projects

identified in this Element should be scheduled supporting initiatives in the priority investment areas.

Modifying the PIA's in any way would be considered an amendment to the adopted Comprehensive Plan and require the following steps must be taken in accord with S.C. Code § 6-29-520 and § 6-29-530.

**1. Resolution.** By majority vote, the planning commission must adopt a resolution recommending the plan or element to the governing body for adoption. The resolution must refer explicitly to maps and other descriptive material intended by the commission to form the recommended plan.

**2. Minutes.** The resolution must be recorded in the planning commission's official minutes.

**3. Recommendation.** A copy of the recommended comprehensive plan or element must be sent to the local governing body being requested to adopt the plan. In addition, a copy must be sent to all other legislative or administrative agencies affected by the plan.

**4. Hearing.** Before adopting the recommended plan, the governing body must hold a public hearing after publishing at least 30 days notice of the time and place of the hearing in a general circulation newspaper in the community.

**5. Ordinance.** The governing body must adopt the comprehensive plan or element by Ordinance per S.C. Code § 6-29-530. The governing body cannot approve the plan on final reading of the ordinance until the planning commission has recommended the plan.

#### **C. Legislative / Chronological History**

On April 16, 2013, Council approved a motion sponsored by the Honorable Bill Malinowski as follows:

“Staff is requested to review with Councilman Malinowski the Priority Investment Areas (PIA's) in Richland County, District 1, and consider their restructuring. The current PIA's came about through some type of staff creative writing with no input from the council member representing the area nor the citizens. While there are areas that can be considered for the use if PIA application it needs to be done on a more selective basis and not on random generalizations as was previously done.”

#### **D. Financial Impact**

There is no financial impact associated with this request.

#### **E. Alternatives**

1. Approve the request to direct staff to review the Priority Investment Areas in Council District One.
2. Do not approve the request to direct staff to review the Priority Investment Areas in Council District One.

**F. Recommendation**

Recommended by: Honorable Bill Malinowski Department: County Council Date: 4/22/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 5/6/13

Recommend Council approval

Recommend Council denial

Recommend Council approval

Comments regarding recommendation:

Request is for direction and based on no financial impact

**Planning**

Reviewed by: Tracy Hegler

Date: 5/7/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is an activity that the Planning Department would undertake as part of the update to certain elements of the Comprehensive Plan, as directed by Council during the 2013 retreat. Every single amendment to the Comprehensive Plan will require public hearings and adoptions; therefore it may be more efficient to evaluate PIA's on a County-wide level during our regular update process.

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/8/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 5/22/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

Review categorizing zoning districts that allows for more "sub-categories" in the various districts and eliminate general categories [**PAGES 35-39**]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Allow More Sub-Categories in the Various Zoning Districts

### **A. Purpose**

County Council is requested to direct staff to review the zoning categories and consider allowing more sub-categories in the various zoning districts.

### **B. Background / Discussion**

Establishing Zoning Districts is provided for in Chapter 29 South Carolina Local Government Comprehensive Planning Enabling Act of 1994, specifically as follows:

SECTION 6-29-720. Zoning districts; matters regulated; uniformity; zoning techniques.

(A) When the local planning commission has prepared and recommended and the governing body has adopted at least the land use element of the comprehensive plan as set forth in this chapter, the governing body of a municipality or county may adopt a zoning ordinance to help implement the comprehensive plan. The zoning ordinance shall create zoning districts of such number, shape, and size as the governing authority determines to be best suited to carry out the purposes of this chapter. Within each district the governing body may regulate:

- (1) the use of buildings, structures, and land;
- (2) the size, location, height, bulk, orientation, number of stories, erection, construction, reconstruction, alteration, demolition, or removal in whole or in part of buildings and other structures, including signage;
- (3) the density of development, use, or occupancy of buildings, structures, or land;
- (4) the areas and dimensions of land, water, and air space to be occupied by buildings and structures, and the size of yards, courts, and other open spaces;
- (5) the amount of off-street parking and loading that must be provided, and restrictions or requirements related to the entry or use of motor vehicles on the land;
- (6) other aspects of the site plan including, but not limited to, tree preservation, landscaping, buffers, lighting, and curb cuts; and
- (7) other aspects of the development and use of land or structures necessary to accomplish the purposes set forth throughout this chapter.

(B) The regulations must be made in accordance with the comprehensive plan for the jurisdiction, and be made with a view to promoting the purposes set forth throughout this chapter. Except as provided in this chapter, all of these regulations must be uniform for

each class or kind of building, structure, or use throughout each district, but the regulations in one district may differ from those in other districts.

(C) The zoning ordinance may utilize the following or any other zoning and planning techniques for implementation of the goals specified above. Failure to specify a particular technique does not cause use of that technique to be viewed as beyond the power of the local government choosing to use it:

(1) "cluster development" or the grouping of residential, commercial, or industrial uses within a subdivision or development site, permitting a reduction in the otherwise applicable lot size, while preserving substantial open space on the remainder of the parcel;

(2) "floating zone" or a zone which is described in the text of a zoning ordinance but is unmapped. A property owner may petition for the zone to be applied to a particular parcel meeting the minimum zoning district area requirements of the zoning ordinance through legislative action;

(3) "performance zoning" or zoning which specifies a minimum requirement or maximum limit on the effects of a land use rather than, or in addition to, specifying the use itself, simultaneously assuring compatibility with surrounding development and increasing a developer's flexibility;

(4) "planned development district" or a development project comprised of housing of different types and densities and of compatible commercial uses, or shopping centers, office parks, and mixed-use developments. A planned development district is established by rezoning prior to development and is characterized by a unified site design for a mixed use development;

(5) "overlay zone" or a zone which imposes a set of requirements or relaxes a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries;

(6) "conditional uses" or zoning ordinance provisions that impose conditions, restrictions, or limitations on a permitted use that are in addition to the restrictions applicable to all land in the zoning district. The conditions, restrictions, or limitations must be set forth in the text of the zoning ordinance; and

(7) "priority investment zone" in which the governing authority adopts market-based incentives or relaxes or eliminates nonessential housing regulatory requirements, as these terms are defined in this chapter, to encourage private development in the priority investment zone. The governing authority also may provide that traditional neighborhood design and affordable housing, as these terms are defined in this chapter, must be permitted within the priority investment zone.

Making modifications to the County's Zoning Districts would require a text amendment.

**C. Legislative / Chronological History**

On April 16, 2013, Council approved a motion sponsored by the Honorable Bill Malinowski as follows:

“Staff is requested to take an in depth look at current Richland County zoning requirements and consider categorizing them in a way to allow for more sub-categories in the various zoning districts. Uses permitted should be worked on for a more cohesive/like basis to eliminate the general categories currently in existence.”

**D. Financial Impact**

There is no financial impact associated with this request.

**E. Alternatives**

1. Approve the request to direct staff to consider having more sub-categories in the various zoning districts.
2. Do not direct approve the request to direct staff to consider having more sub-categories in the various zoning districts.

**F. Recommendation**

Recommended by: Bill Malinowski      Department: County Council      Date: 4/22/13

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers	Date: 5/15/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Planning**

Reviewed by: Tracy Hegler	Date: 5/20/13
<input type="checkbox"/> Recommend Council approval	<input checked="" type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

The Planning Department believes the County’s zoning districts and allowable land uses should be updated. However, this effort would be better informed after the Comprehensive Plan elements have been updated to provide the appropriate guidance for zoning and land use decisions. It is the intent of the Department to begin updating certain elements of the Comp Plan, such as the Future Land Use Element, as directed by Council at their 2013 retreat, this year.

**Legal**

Reviewed by: Larry Smith	Date: 5/20/13
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Administration**

Reviewed by: Sparty Hammett      Date: 5/23/12

Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Recommend denial until the  
Comprehensive Plan is updated.