



Richland County Council

Regular Session October 20, 2015 - 6:00 PM Council Chambers

Call to Order

- 1** The Honorable Torrey Rush

Invocation

- 2** The Honorable Greg Pearce

Pledge of Allegiance

- 3** The Honorable Greg Pearce

Presentation of Resolutions/Proclamations

- 4**
 - a. A Resolution establishing October 25-31, 2015 as End Child Hunger SC Week in Richland County [RUSH]
 - b. A Proclamation recognizing Disability Employment Awareness Month [MANNING]

Approval of Minutes

- 5** Special Called Meeting: October 12, 2015 [PAGES 7-26]

Adoption of Agenda

- 6**

Report of the Attorney for Executive Session Items

- 7**
 - a. Flooding/Disaster Response - Contractual/Legal



Richland County Council

Citizen's Input

- 8 For Items on the Agenda Not Requiring a Public Hearing

Report of the County Administrator

- 9 a. Stormwater Management Plan Update
b. Community Planning Month Spirit Week

Report of the Clerk of Council

- 10 a. 2016 Council Retreat [ACTION] [PAGE 27]

Report of the Chair

- 11 a. Letter of Support - State's Property acquisition

Open/Close Public Hearings

- 12 a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-20, Road Paving Program; so as to add language regarding a design exception for paved surface width

b. In support of the re-issuance by the South Carolina Jobs Economic Development Authority of its variable rate demand Healthcare Facilities Revenue Bonds (Eau Claire Cooperative Health Center Project), Series 2006A, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the original principal amount of approximately \$4,262,536

Approval of Consent Items

- 13 An Ordinance Amending the Richland County Code of Ordinances, Chapter 19, Parks and Recreation; so as to delete the entire Chapter [SECOND READING] [PAGES 28-32]

Third Reading Items

- 14 An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-20, Road Paving Program; so as to



Richland County Council

add language regarding a design exception for paved surface width [PAGES 33-41]

Report of the Development & Services Committee

- 15 Department of Public Works: Private Pond Policy [PAGES 42-57]

Report of Economic Development Committee

- 16 a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain additional real property located in Richland County; the execution and delivery of a First Amendment to that certain Credit Agreement between Richland County and CD/Park7 Columbia SC High Rise Owner LLC to include such additional property as part of the project site described therein; and other related matters [FIRST READING BY TITLE ONLY] [PAGES 58-59]

Report of Rules & Appointments Committee

Notification of Appointments

- 17 Board of Zoning Appeals - 1 [PAGES 60-66]
- a. Patrick E. Pinckney
 - b. Aaron Dupree
 - c. Shane Ousey

Notification of Vacancies

- 18 a. Music Festival - 1
- b. Accommodations Tax Committee - 1 (Applicant must have a background in the Cultural Industry)

Rules and Appointments: Items for Action

- 19 Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other



Richland County Council

"public body" as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] [PAGE 67]

- 20 Modify the Rules of Council to allow Council to respond to citizens during the Citizens' Input portion of Council meetings [PEARCE] [PAGE 68]
- 21 Grievance Committee [PAGES 69]
- 22 Council Rule 1.4 Closed Meetings [PAGE 70]

Other Items

- 23 Eau Claire JEDA Bonds Resolution [PAGES 72-74]

Citizen's Input

- 24 Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

- 25 a. Move to enact a resolution encouraging all utility companies that own and/or operate transmission line right of ways in Richland County to adopt Integrated Vegetation Management (IVM) techniques as set out by ANSI standard A300. Rationale: Per the Environmental Protection Agency, "IVM is generally defined as the practice of promoting desirable, stable, low-growing plant communities-that will resist invasion by tall-growing tree species-through the use of appropriate, environmentally sound, and cost-effective control methods." An added benefit to this technique is that it offers a protective environment for wildlife to flourish. The American National Standards Institute has been in existence since 1918. Its primary goal is the "enhancement of global



Richland County Council

competitiveness of U.S. business and the American quality of life by promoting and facilitating voluntary consensus standards and conformity assessment systems and promoting their integrity." While utilities in Richland County appear to maintain their transmission right of ways using some of the techniques set forth under the ANSI standard, none of them use them all, and none of them fully follow the standard. Standards are there for a reason: because they are best practices. Richland County has hundreds of square miles of transmission right of way, and it needs to be utilized to its full capacity to promote the health of our citizens and our wildlife habitat. [ROSE]

b. Move that Richland County support and assist private dams rebuild during this disaster. Requesting assistance from the National Guard and Army Corps of Engineer [JACKSON]

Adjournment



Richland County Council



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

SOUTH CAROLINA

SPECIAL CALLED MEETING MINUTES

October 12, 2015
6:00 PM
County Council Chambers

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

CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:01 PM

Mr. Pearce moved, seconded by Ms. Dickerson, to broadcast the Special Called Meeting.
The vote in favor was unanimous.

INVOCATION

The Invocation was led by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

POINT OF PERSONAL PRIVILEGE – Ms. Dixon thanked staff and her fellow Council members for wearing purple in recognition of Domestic Violence Awareness Month and to remind everyone to wear pink to next week's Council meeting in honor of Breast Cancer awareness.

PRESENTATION OF PROCLAMATIONS

National Community Planning Month Proclamation [MANNING and RUSH] – Mr. Manning presented members of the Planning Commission and Planning Staff with a proclamation in honor of National Community Planning Month.

POINT OF PERSONAL PRIVILEGE – Mr. Rush recognized City Councilwoman Tameika Isaac Devine was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Rush thanked all the First Responders, Law Enforcement, County Staff and Council members for their service during the historic flooding event.

POINT PERSONAL PRIVILEGE – Ms. Dickerson recognized Chief Aubrey Jenkins and the Richland County Coroner, Gary Watts, were in the audience.



Committee Members Present

Torrey Rush, Chair
Greg Pearce, Vice Chair
Joyce Dickerson
Julie-Ann Dixon
Norman Jackson
Damon Jeter
Paul Livingston
Bill Malinowski
Jim Manning
Seth Rose
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Daniel Driggers
Sparty Hammett
Warren Harley
Dwight Hanna
Beverly Harris
Monique McDaniels
Kimberly Roberts
Rob Perry
Brandon Madden
Roxanne Ancheta
Cheryl Patrick
Rudy Curtis
Michelle Onley
Stacy Culbreath
Quinton Epps
Michael Byrd
Chris Gossett
Donny Phipps
Brad Farrar
Chris Eversmann
Tracy Hegler
Cheryl Johnson
Ashley Powell
Ismail Ozbek
Andrea Bolling
Synthia Williams

POINT OF PERSONAL PRIVILEGE – Mr. Rush recognized the Treasurer, Mr. David Adams, was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized the Auditor, Mr. Paul Brawley, was in the audience.

APPROVAL OF MINUTES

Regular Session: September 15, 2015 – Ms. Dixon moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing; September 22, 2015 – Mr. Pearce moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called Meeting: October 6, 2015 – Ms. Dickerson moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Washington moved, seconded by Mr. Livingston, for unanimous consent to add a motion to the agenda to adopt a resolution honoring the railroad workers and the SCDOT worker that lost their lives while assisting the Lower Richland area during the flooding event. The vote in favor was unanimous.

Mr. Pearce stated it was pointed out the incorporated municipalities of the County would need to request in writing (i.e. email, letter) if they wish for the County to assist them. In addition, County Council would also need to approve those requests. Since this is a time sensitive matter, Council should extend the help to the municipalities as soon as possible.

Mr. Pearce moved, seconded by Mr. Washington, to extend help to the municipalities that request the County's assistance, as soon as possible.

Mr. McDonald stated Mr. Pearce was correct that a request from the municipalities is needed if they wish the County to take them under their umbrella in recovery and FEMA reimbursement efforts. It is Mr. McDonald's suggestion that Council give blanket approval for the municipalities (i.e. Forest Acres, Eastover, Arcadia Lakes, and Blythewood) that wish the County to assist them.

Mr. Farrar stated if FEMA or the Federal government requires a written memorialization (i.e. MOU or IGA) the applicants need to understand that may be part of the request process and it is going to be pro forma.

Mr. Pearce clarified his motion as follows: "Whatever is required from FEMA in order for the County to extend services to incorporated municipalities that are not servicing themselves."

Mr. Washington inquired if the municipalities will be required to do a disaster declaration.

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Special Called Meeting
Tuesday, October 12, 2015
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Mr. Farrar stated it is his understanding the County's declaration pertains to the geographical area of the County.

Mr. McDonald stated the City of Columbia is pursuing their own recovery efforts and have contracted with a firm similar to the County.

Mr. McDonald stated if Irmo were to ask for assistance it would only be eligible for the Richland County portion.

The vote in favor was unanimous to extend services to the incorporated municipalities that request the County's assistance in writing.

Mr. McDonald requested the following items be added under the Report of the County Administrator: (1) SCDOT Contractor List: Road Repairs and (2) Inclement Weather Days for Employees.

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

A Proclamation recognizing Pregnancy and Infant Loss Awareness Month [RUSH] – Mr. Rush presented a proclamation to Ms. Christy Boulder in honor of Pregnancy and Infant Loss Awareness Month.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Farrar stated the following items were potential Executive Session Items:

- a. **“Motion to request Legal Department access potential liability of permitting human occupied watercraft at Pinewood Lake”**
- b. **Elm Abode Drainage**
- c. **1033 Law Enforcement Support Office (LESO) Program – Litigation Update**
- d. **Personnel Matter**
- e. **SCDOT Contractor List**

POINT OF PERSONAL PRIVILEGE – Mr. Washington recognized Elevations and thanked them for their assistance during the flood clean up. Mr. Washington also thanked his son for all of his hard work since the flooding.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson recognized the leader of Elevations.

POINT OF PERSONAL PRIVILEGE – Mr. Manning requested a photo of the Elevations group be taken by the PIO Office.

**CITIZENS' INPUT
(For Items on the Agenda Not Requiring a Public Hearing)**

Ms. Minnie Green thanked Mr. Washington for his assistance during and after the flooding event.

Mr. Washington moved, seconded by Mr. Jackson, to extend Ms. Green's time past the 2 minutes allowed. The vote in favor was unanimous.

Mr. Jim McCauley thanked Council for the Pinewood Lake facility.

Ms. Brenda Miller thanked Mr. Washington and brought it to Council's attention the temporary barricades are too easily moved and there are residents that still need assistance with food and cleaning supplies.

Ms. Dickerson requested that anyone that knows citizens that are in need to let Council and/or staff know so that assistance can be arranged for them.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Stormwater Management Plan Update** – This item was deferred.
- b. Presentation of FY16 Budget Book**– Mr. McDonald presented the budget book to Council and thanked Finance staff. The budget document has also been placed on the County website.
- c. SCDOT Contractor List** – Mr. McDonald stated throughout the course of the last week, it has been discussed the potential of utilizing the SCDOT Contractor list. The list has been compiled and competitively procured; FEMA approved and meets the qualifications for doing construction work on DOT roads, which makes it eligible for FEMA reimbursement. Staff is requesting Council authorize the use of the SCDOT Contractor list instead of procuring a separate list. The County would focus on using local vendors to do the work. By utilizing the existing SCDOT Contractor list, construction and/or repairs could begin within 90-120 days. The County is committed to using local vendors to do the work.

Mr. McDonald further stated the County is responsible for contracting and repairing County roads and SCDOT is responsible for the DOT roads.

Mr. Washington requested staff research if the vendors on the County's SLBE/DBE list have to be certified by DOT to be on the County's list.

Mr. Jeter requested the SCDOT Contractor list be forwarded to Council.

Mr. Pearce moved, seconded by Ms. Dixon, to utilize the SCDOT approved contractor list in addition to, not in lieu of any lawful procurement processes the County may undertake. The vote in favor was unanimous.

- d. Inclement Weather Days for Employees** – Mr. McDonald stated it is his recommendation that Council forgive the inclement weather days and not charge the employees any leave time (i.e. annual, sick, etc.).

Mr. McDonald stated there is a policy in place to address compensation for those employees that were required to work during the County's closing. Furthermore, the County will be able to apply for reimbursement from FEMA for those costs.

Mr. Rose inquired if there was any kind of compensation for the exempt employees that worked during the inclement weather days.

Mr. McDonald stated staff will research this matter, but it may require a policy declaration by County Council.

The vote in favor was unanimous to forgive the inclement weather days for the employees.

REPORT OF THE CLERK OF COUNCIL

2016 County Council Meeting Dates – This item was deferred until the November 6th Council Meeting.

2016 Council Retreat – This item was deferred until the October 20th Council Meeting, per Mr. Manning's request.

POINT OF PERSONAL PRIVILEGE – Mr. Washington thanked his fellow Council members for supporting him during the flood event.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson thanked Mr. Washington for his tireless work during the flood event.

REPORT OF THE CHAIRMAN

Personnel Matter – This item was deferred.

Richland County VC Summer Exercise Review – Mr. Rush stated it was ironic that a few weeks ago an exercise was held with the EOC Office to simulate if the nuclear plant went down and then they were faced with a real disaster situation during the flood event. The EOC Office was commended by their Federal observers for their response during the VC Summer Exercise. Mr. Rush further commended the office for a job well done during the flood event.

Delay of Tax Payment Penalties – The Treasurer, David Adams, and the Auditor, Paul Brawley, outlined the possibility of delaying the tax payment penalties for 30 days for the citizens of Richland County to assist the citizens during the recovery process from the floods.

Ms. Dickerson inquired if the penalties could be delayed more than 30 days.

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Mr. Adams stated if the payments were delayed more than 30 days it could have an adverse effect on the County's finances.

Mr. Pearce inquired as to how the County plans to deal with the houses that have been decimated by the flooding.

Mr. Adams stated it is his understanding the Department of Revenue is attempting to write opinions about the appeal and assessment process for those citizens affected by the disaster.

Mr. Pearce then inquired about what citizens need to do that had their vehicles totaled due to the flood.

Mr. Brawley stated the first step is to contact their insurance company. If the taxes are due now or in the next month on those vehicles, they should pay the current tax bill and transfer the tag.

Mr. Manning inquired if a home burned down how would the County handle this matter?

Mr. Brawley stated the Assessor, according to State statute, has the ability to go in and reduce the value of the property.

Ms. Dixon requested the Auditor provide the information in writing to citizens regarding how to handle their totaled vehicles. Mr. Brawley is to provide the information the Public Information Office.

Mr. Livingston stated he would recommend moving forward with the recommendation from the Treasurer and Auditor and if there is some way to assist the citizens that were affected by the floods pursue those alternatives as well.

Mr. Adams stated he will follow-up with Department of Revenue to find out if there is more that can be done to assist the citizens on a more individual basis.

Mr. Manning stated maybe the lobbyist could work with the Legislative Delegation to draft a proviso to the State statute to address this matter.

Mr. Livingston moved, seconded by Mr. Pearce, to approve the recommendation of the Treasurer and Auditor. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce thanked the Treasurer for his personal relief efforts.

Richland County Strategic Planning Session – Mr. Rush stated last week there was an emergency session held where Council discussed first steps as it relates to the disaster. In the near future, a strategy planning session needs to be held to discuss long-term goals.

Mr. Washington stated he agreed with the Chair's recommendation. The consultant needs to be tasked with capturing the data points as soon as possible. The gathered data will be critical to the County moving forward.

The Clerk's Office will forward potential dates to Council.

POINT OF PERSONAL PRIVILEGE – Mr. Manning stated there a number of activities in recognition of Planning Month that are scheduled throughout the next few weeks.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce thanked the Chair, his family, Mr. McDonald and Ms. McDaniels for their tireless devotion to the County during the recent disaster.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Authorizing a deed to Hangar Preservation Development, LLC, for approximately 2.29 Acres of land, constituting a portion of Richland County TMS # 13702-09-01A – No one spoke at the public hearing.**

APPROVAL OF CONSENT ITEMS

- **Conservation Department: Conservation Easement on Back Swamp Road**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V., County Departments; Division 8, Information Technology; Section 2-261, Geographic Information System (GIS); so as to eliminate the fees for GIS data [DENIAL]**
- **Accommodations Tax Grant Reallocation for a Book Festival**
- **Richland County Conservation Department Request to Negotiate Property Purchase/Donation**
- **Conservation Department: Reallocation of Grant Funds**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 19, Parks and Recreation; so as to delete the entire Chapter [FIRST READING]**

Mr. Pearce moved, seconded by Mr. Jackson, to approve the consent items. The vote in favor was unanimous.

THIRD READING ITEMS

An Ordinance Authorizing a deed to Hangar Preservation Development, LLC, for approximately 2.29 acres of land, constituting a portion of Richland County TMS # 13702-0901A – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. Malinowski stated the ROA document contained inaccurate or missing information.

Mr. Eversmann, Airport Director, stated the reason staffing indications are not included is this was a recommendation directly from the Airport Commission to County Council. The Legal Department has reviewed and approved the document.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsider this item. The motion for reconsideration failed.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-20, Road Paving Program; so as to add language regarding a design exception for paved surface width – Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item with the following amendment: “The dirt road must be equal to or less than 1,000 feet in total length”

Mr. Perry stated to clarify that doing a design exception is not to pave more roads or save money, but to find ways to get the roads that classified in the funded category paved.

The minimum pavement width on these roads would be 15 feet on these roads.

Mr. Malinowski amended his motion to include the provision that any road over 500 feet, staff will consider installing traffic calming methods.

Mr. Perry stated a joint meeting of Emergency Services, Public Works and the Legal Department was held to insure the 15 feet width would be adequate to provide service to the citizens of Richland County.

The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT & SERVICES COMMITTEE

- a. Department of Public Works: Private Pond Policy** – Mr. Jackson moved, seconded Ms. Dixon, to approve this item.

Mr. Malinowski stated he had submitted a recusal form to the Clerk’s Office for this item.

Mr. McDonald stated the County has a private pond policy in place now. This item would tighten up the regulations and provides for those ponds that are owned by homeowner associations or individuals.

Mr. Washington made a substitute motion, seconded by Ms. Dixon, to defer this item. The vote in favor was unanimous with Mr. Malinowski recusing himself from the vote.

- b. Motion to request Legal Department assess potential liability of permitting human occupied watercraft at Pinewood Lake** – Mr. Pearce moved, seconded by Ms. Dixon, to defer action on this item until after Executive Session. The vote in favor was unanimous.
- c. Motion to name Courtroom 2b in the Judicial Center the Ada Harper James Courtroom** – Mr. Rose moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski made a substitute motion, seconded by Ms. Dixon, to deny this item.

<u>FOR</u>	<u>AGAINST</u>
Dixon	Rose
Malinowski	Dickerson
Pearce	Washington
Rush	Jeter
Livingston	Jackson
Manning	

The vote was in favor.

REPORT OF THE ADMINISTRATION & FINANCE COMMITTEE

- a. Solid Waste – Award of Contract for Solid Waste Engineering Services** – Mr. Washington moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

Mr. Jackson moved, seconded by Ms. Dixon, to reconsider this item. The motion for reconsideration failed.

- b. Human Resources – Domestic Violence Policy** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve this item and any additional legal questions to be addressed prior to the policy being inserted into the handbook. The vote in favor was unanimous.
- c. Sheriff’s Department – Budget Amendment for the Purchase of Security Cameras** – Mr. Washington moved, seconded by Mr. Rose, to approve this item.

Mr. McDonald stated the committee did not ask for a funding recommendation, but his recommendation would be one of the following options: (1) Go forward with purchase from the Sheriff’s budget and watch the budget throughout the fiscal year. If a problem develops during the fiscal year, Administration will address it at that time; or (2) to appropriate funding from Fund Balance.

Mr. Livingston made a substitute motion, seconded by Ms. Dickerson, to support the Administrator’s recommendation. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Mr. Pearce, to reconsider this item. The motion for reconsideration failed.

- d. Extension of Lease Agreement for the County Magistrate Office** – Mr. Pearce stated the committee recommendation was for approval.

Mr. Malinowski made a friendly amendment to have the Legal Department to review the lease for accuracy.

<u>FOR</u>	<u>AGAINST</u>
Dixon	
Malinowski	
Rose	
Jackson	
Pearce	
Rush	
Livingston	
Dickerson	
Washington	
Manning	
Jeter	

The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. Board of Zoning Appeals – 1** – This item was held in committee.

- b. **Accommodations Tax - 1 (Applicant must have a background in the Cultural Industry)** – This item was held in committee.

II. NOTIFICATION VACANCIES

- a. **Building Codes Board of Adjustment & Appeal - 3** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. **East Richland Public Service Commission - 1** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- c. **Hospitality Tax Committee - 2** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- d. **Accommodations Tax Committee - 2 (One position is at large; the other applicant must have a background in lodging)** – Mr. Malinowski stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- e. **Internal Audit Committee - 1 (Applicant Must be CPA)** – Mr. Malinowski stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- f. **Music Festival Commission - 1** – This item was held in committee for additional clarification.

III. ITEMS FOR ACTION

- a. **Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County. The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Roberts Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligations to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON]** – This item was held in committee.
- b. **Modify the Rules of Council to allow Council to respond to citizens during the Citizens’ Input portion of Council meetings [PEARCE]** – This item was deferred.

- c. **Grievance Committee** – This item was deferred.
- d. **Council Rules of Richland County Updates** – Mr. Malinowski stated the committee recommended adoption of the changes to the Council Rules. The vote in favor was unanimous.
- e. **Citizens’ Input and Public Hearing Sign-In Sheets** – Mr. Malinowski stated this item was referred to the Ordinance Review committee.

REPORT OF TRANSPORTATION AD HOC COMMITTEE

- a. **Supplemental Intergovernmental Agreement-Clemson Road Widening Project** – Mr. Livingston stated the committee recommended approval of this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- b. **Construction Contract – Vista Greenway Phase II (Lincoln Tunnel)** – Mr. Livingston stated the committee recommended approval of a contract in the amount of \$1,476,396.22 with AOS Specialty Contractors to construct the Lincoln Tunnel Greenway. The contract includes a total of 89% DBE participation.

Mr. Perry stated AOS Specialty Contractors is located in Lexington, South Carolina. Chao & Associates and Taylor Brothers, which are on the County’s DBE and SLBE lists, are listed as subs on the project. Lane Construction and Grant Electrical are also subs on the project, but are not listed as DBE or SLBE contractors.

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FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Dickerson, to reconsider this item. The motion for reconsideration failed.

OTHER ITEM

A Resolution Authorizing the issuance and sale of not to exceed \$50,000,000 General Obligation Bond Anticipation Notes (Transportation Sales and Use Tax), Series 2015, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the notes; delegating to the County Administrator certain authority related to the notes; providing for the payment of the notes and the disposition of the proceeds thereof; and other matters relating thereto – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. McDonald stated the purpose of this item is to refund the original \$50 million bond issued for the Penny projects since the County has not reached that level as yet.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce noted the property which was designated in 2002 as the “Green Diamond” property has been almost completely covered in water during the flood event.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson thanked Ms. Beverly Harris for her service.

**CITIZENS’ INPUT
(Must Pertain to Items Not on the Agenda)**

No one signed up to speak.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 8:12 p.m.
and came out at approximately 8:39 p.m.*

- a. **“Motion to request Legal Department assess potential liability of permitting human occupied watercraft at Pinewood Lake** – Mr. Pearce moved, seconded by Mr. Manning, to adopt the Department of Natural Resources guidelines for watercraft on ponds.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- b. **Elm Abode Drainage** – Mr. Livingston moved, seconded by Ms. Dickerson, to direct staff to legally enforce an easement as discussed in Executive Session.

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FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Washington
Manning
Jeter

AGAINST

The vote in favor was unanimous.

- c. 1033 Law Enforcement Support Office (LESO) Program – Litigation Update** – Mr. Pearce moved, seconded by Mr. Jeter, to adopt the recommendation of the Legal Department as outlined below:

Richland County Council received a briefing on the National Defense Authorization Act 1033 Law Enforcement Support Office (LESO) program administered by the United States Department of Defense, and a lawsuit the Richland County Sheriff is a party to in federal court in Illinois involving some property available to law enforcement agencies through that program. The case name is Win Win Aviation vs. Richland County, South Carolina Sheriff's Department, et al.

Richland County is not a party to the lawsuit just mentioned, and County Council takes no position on the possible settlement of that case, whether it represents an appropriate resolution of the matter, or on the facts and circumstances of the lawsuit.

Richland County is not paying the legal fees for the Sheriff or for any party involved in this lawsuit, nor has it been asked to do so.

Richland County is not providing a legal defense to any parties involved in this case, nor has it been asked to do so.

Richland County is not acquiring title to any property in connection with this case, nor has it been asked to acquire any property.

The Sheriff has requested that County Council approve the expenditure of funds held on deposit for the Sheriff's Department's benefit pursuant to S. C. Code Ann. Section 44-53-520, "Forfeitures." These monies law enforcement agencies such as RCSD take custody of through their law enforcement activities, such as drug seizures and the like.

As provided for in Section 44-53-530(g):

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All forfeited monies and proceeds from the sale of forfeited property...must be retained by the governing body of the local law enforcement agency of prosecution agency and deposited in a separate, special account in the name of each appropriate agency. These accounts may be drawn on and used only by the law enforcement agency or prosecution agency for which the account was established.

These accounts must not be used to supplant operating funds in the current or future budgets. Expenditures from these accounts for an item that would be a recurring expense must be approved by the governing body before purchase..."

As the requested purchase is not a recurring expense, under this state law section there is no requirement for the County governing body to approve this expenditure.

Subsection 44-53-530(i) provides, "An expenditure from these accounts must be made in accordance with the established procurement procedures of the jurisdiction where the account is established."

Richland County Code of Ordinances Section 2-593. Contract authority, provides in part:

Purchases in excess of thirty thousand dollars (\$30,000.00) shall be reviewed and approved by the county council prior to acceptance.

The Sheriff is requesting to use seized funds to purchase a 2013 Cessna 206TC outfitted with extensive law enforcement avionics. The Sheriff advises that "fixed wing aircraft and avionics have been supporting narcotics and criminal interdiction and locating missing persons, murder suspects and seizing drugs and money successfully for the last two years; at no equipment costs to the County."

He further advises that RCSD "continues to find innovative ways to reduce crime and capture criminals. Over the last two years the Sheriff's Department has used a Cessna Aircraft that has led to countless drug seizures and the arrests of murder, assault and fugitives from justice. The use of this aircraft has assisted state, local and federal law enforcement in making the streets of Richland County safer."

"The contract the Sheriff intends to enter into is to purchase a Cessna 206 for \$808,000. RCSD would make a \$108,000 down payment on October 1, 2015 and pay off the plane over 7 years using seizure funds accessed through our work on Federal Task Forces and local crime suppression efforts."

County Council is being asked to approve the expenditure of these funds that the Sheriff deems to be in the best interests of his Office in furtherance of his law enforcement mission.

Other than the briefing we just received, and the ministerial release of funds that only the Sheriff may use under state law in furtherance of those law enforcement activities authorized in the forfeitures statute, Richland County has no role in this matter.

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All questions about the lawsuit, the 1033 program, the expenditure of forfeiture funds or any other aspect of this matter should be directed to the Sheriff.

With this background and understanding Council's limited role in the approval process for the use of forfeiture funds as provided for under state law, I move to approve the Sheriff Department's use of up to \$808,000 in furtherance of law enforcement activities as described in the State of South Carolina's forfeiture statute.

Mr. Malinowski inquired as to what would happen if the Sheriff's Department's fund plan falls short and the aircraft isn't paid off in the number of years specified in the above motion.

Mr. Farrar stated it has been confirmed with the Sheriff's Department and there are funds available to make the initial payment, as well as, some additional payments.

<u>FOR</u>	<u>AGAINST</u>
Dixon	Malinowski
Rose	Rush
Jackson	Manning
Pearce	
Livingston	
Washington	
Dickerson	
Jeter	

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Jackson, to reconsider this item. The motion failed.

- d. **Flooding/Disaster Response – Contractual/Legal** – Mr. Washington moved, seconded by Mr. Jackson, to direct the Administrator to bring back a recommendation to Council as directed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

- a. **To have Richland County remove the lien off of the property located at 1420 Joe Frazier Court contingent upon the property owner donating the land to the Atlas Road Community Organization [WASHINGTON]** – This item was referred to the D&S Committee.
- b. **A Resolution establishing October 25-31, 2015 as End Child Hunger SC Week in Richland County [RUSH]** – Mr. Manning moved, seconded by Ms. Dixon, to adopt a resolution establishing October 25-31, 2015 as End Child Hunger SC Week in Richland County. The vote in favor was unanimous.
- c. **Move Council and Staff to create three new CASA caseworker positions [JETER, DIXON, PEARCE, and ROSE]** – This item was referred to the A&F Committee.

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- d. Move to fund the Governor's Cup Road Race in the amount of \$7,000, which is the amount the County funded this organization in FY15. The funding is requested to come from the "Undesignated" Hospitality Tax line item [ROSE and DICKERSON] – This item was referred to the A&F Committee.
- e. Request an additional \$89,000 for Famously Hot New Year [DIXON] – This item was referred to the A&F Committee.
- f. Move for a resolution honoring the life and heroism of Forest Acres Police Officer Gregory Alia and to declare December 14th as Officer Gregory Alia day in Richland County [ROSE, MANNING, PEARCE and JETER] – Mr. Pearce moved, seconded by Mr. Rose, to adopt a resolution honoring the life and heroism of Forest Acres Police Officer Gregory Alia and to declare December 14th as Officer Gregory Alia day in Richland County. The vote in favor was unanimous.
- g. In suburbs or subdivisions the maximum height for grass should be 12 inches similar to the City of Columbia. Richland County has one of the tallest height in the Midlands of 24 inches [JACKSON] – This item was referred to the Ordinance Review Ad Hoc Committee.
- h. Because of the time sensitiveness of this item, I make a motion to direct the County Administrator to perform a flood map impact study immediately where outcomes to be used to assist staff and guide the County in its role as flood plain manager and its potential obligation to correct any inconsistencies in the mapping to protect out Citizens. I propose the study be engaged immediately to meet the 90-day comment period. And the study outcome will identify inconsistencies in the mapping (if any) and will provide remedies and course of action to help us help the impacted property owners respond and preserve any rights they may have under the law [WASHINGTON] – Mr. Washington requested that Motions (h) and (j) be combined.
- Mr. Washington moved, seconded by Mr. Jackson, to direct the County Administrator to report back to Council at the next meeting. The vote in favor was unanimous.
- Mr. Washington moved, seconded by Mr. Jackson, to reconsider this item. The motion for reconsideration failed.
- i. To change the way vehicles are taxed by Richland County to a more accurate/fair assessment value by using the current month "Black Book" value. Background: DMV furnishes the "Black Book" value to the tax office in January of each year. This means everyone is assessed a higher tax value on their conveyance due to the inaccurate value used with only one value used for the entire year. "Black Book" values are updated monthly so taxpayers are currently paying too much and need to pay the fair market value at the time of evaluation, not based on a January evaluation [MALINOWSKI] – This item was referred to the A&F Committee.
- j. Direct the Administrator to perform a study through our Flood Disaster Contractor. In light of the historic flooding, this Council needs to be proactive in doing everything we

possible can to restore our community from the ravages of the flooding. And restore the good faith of our County being a safe place to live, work and play—now and in the future. the starting point is to be smart, proactive and to understand the storm and its impacts on the rise of water in our creeks and streams. I propose a flood map impact and vulnerability study be immediately performed with study outcomes tailored to identify crucial flood level locations along all impacted areas—leading to recommendations with identification of capital improvements (using Federal dollars to maximum extent possible) and policies we can enact now to minimize future flood potential impacts. We need crews to methodically go out and measure high water marks as a start. It is my considered opinion the flood elevation flood-line high water mark survey task work would focus in the rural inaccessible areas—and be used as a calibration mark to correlate to the FEMA mapped floodways and flood zones. The survey is not a duplication of effort and can be combined, later with high water surveys being conducted by State and Federal agencies largely in the metropolitan areas
[WASHINGTON] – Mr. Washington requested that Motions (h) and (j) be combined.

Mr. Washington moved, seconded by Mr. Jackson, to direct the County Administrator to report back to Council at the next meeting. The vote in favor was unanimous.

Mr. Washington moved, seconded by Mr. Jackson, to reconsider this item. The motion for reconsideration failed.

- k. **Motion for the Guard to rebuild County roads through Innovative Readiness Training (IRT) Projects after they get off State active duty [JACKSON]** – This item was referred to the D&S Committee.
- l. **I move that Council review the bond on the Penny Tax program to increase the capacity if needed to prioritize roads and bridges to be rebuilt and repaired for emergency purposes if necessary [JACKSON]** – This item was referred to the Transportation Ad Hoc Committee.
- m. **Honoring Hopeton Caven dedicating his life to public service and mentoring leaders to improve quality of life [JACKSON]** – Mr. Pearce moved, seconded by Ms. Dixon, to adopt a resolution honoring Hopeton Caven for dedicating his life to public service and mentoring leaders to improve quality of life. The vote in favor was unanimous.
- n. **Resolution honoring the railroad workers and SCDOT worker that lost their lives while assisting the Lower Richland area after the flooding event** – Mr. Jackson moved, seconded by Ms. Dixon, to adopt a resolution honoring the railroad workers and SCDOT worker that lost their lives assisting in the Lower Richland area during the flood recovery. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 9:08 PM.

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Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

Kelvin E. Washington, Sr.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

Retreat Locations:

1. Madren Conference Center, Clemson, SC *{AVAILABLE – January 27-29, 2016}*
2. Newberry Firehouse Conference Center, Newberry, SC *{AVAILABLE – January 20-22, 2016}*
3. Wild Dunes Resort, Isle of Palms, SC *{AVAILABLE – January 20-22, 2016}*
4. Embassy Suites, Myrtle Beach, SC *{AVAILABLE – January 20-22, 2016}*
5. YMCA of Columbia, Lexington, SC *{AVAILABLE – January 27-29, 2016}*
6. Embassy Suites, Charleston, SC *{AVAILABLE – January 27-29, 2016}*
7. Embassy Suites, Columbia, SC *{AVAILABLE – January 27-29, 2016}*
8. Parklane Adult Activity Center, Columbia, SC
{AVAILABLE – January 22-23, 2016; January 28-29, 2016}
9. Richland County Administration Building, 4th Floor Conference Room
{AVAILABLE – January 22-23, 2016; January 28-29, 2016}

Richland County Council Request of Action

Subject:

An Ordinance Amending the Richland County Code of Ordinances, Chapter 19, Parks and Recreation; so as to delete the entire Chapter [SECOND READING]

Richland County Council Request of Action

Subject: Deletion of Chapter 19, Parks and Recreation

A. Purpose

County Council is requested to consider an ordinance deleting Chapter 19, Parks and Recreation, from the Code of Ordinances in its entirety.

B. Background / Discussion

It has come to the attention of the Legal Department (through Mr. Pearce) that Chapter 19, Parks and Recreation, contains obsolete/inaccurate language which should be deleted from the Code of Ordinances in its entirety. The Chapter contains only three numbered paragraphs (see below) which deal with the creation of the Richland County Recreation Commission, the appointment of the members of that body, and the creation and appointment of the Columbia Music Festival Commission. Per state law (local legislation), these duties and functions belong to the State and not the Richland County Council.

CHAPTER 19: PARKS AND RECREATION*

ARTICLE I. IN GENERAL

Sec. 19-1. The Recreation Commission of Richland County.

There is hereby created the Recreation Commission of Richland County, which shall have a governing body that is appointed by the county council.
(Ord. No. 2061-90, § I, 12-18-90)

Secs. 19-2--19-10. Reserved.

ARTICLE II. RECREATION COMMISSION

Sec. 19-11. Appointive powers of council.

The county council hereby assumes the appointive powers and authority for the membership of the governing body of the county recreation commission, pursuant to section 4-9-170 of the Code of Laws of South Carolina, 1976.
(Code 1976, § 2-7073; Ord. No. 637-79, § 1, 1-1-80)

Secs. 19-12--19-22. Reserved.

ARTICLE III. COLUMBIA MUSIC FESTIVAL

Sec. 19-23. Appointive powers of commission.

The county council hereby assumes the appointive powers and authority for the membership of the governing body of the Columbia Music Festival, pursuant to section 4-9-170 of the Code of Laws of South Carolina, 1976.
(Code 1976, § 2-7071; Ord. No. 637-79, § 1, 1-1-80)

C. Legislative / Chronological History

None. Staff initiated.

D. Financial Impact

None.

E. Alternatives

1. Adopt the ordinance deleting Chapter 19, Parks and Recreation.
2. Do not adopt the ordinance deleting Chapter 19, Parks and Recreation.

F. Recommendation

Recommended by: Elizabeth McLean

Department: Legal

Date: 9/8/15

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 9/18/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation based on review of Legal Department.

Legal

Reviewed by: Elizabeth McLean

Date: 9/16/15

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Roxanne Ancheta

Date: September 16, 2015

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As the information currently contained in the Richland County Code of Ordinances is inaccurate, it is recommended that it be removed.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 19, PARKS AND RECREATION; SO AS TO DELETE THE ENTIRE CHAPTER.

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

SECTION I. The Richland County Code of Ordinances; Chapter 19, Parks and Recreation; is hereby deleted in its entirety and reserved for future use.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chairperson

ATTEST THIS THE ____ DAY

OF _____, 2015.

S. Monique McDaniel
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject:

An Ordinance Amending the Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-20, Road Paving Program; so as to add language regarding a design exception for paved surface width

First Reading: September 15, 2015

Second Reading: October 12, 2015

Third Reading: October 20, 2015 {Tentative}

Public Hearing: October 20, 2015 {Tentative}



Design Exception addition to Dirt Road Paving Ordinance

Discussion Points:

Included in the March 3, 2015 Council agenda was a motion from Mr. Washington which was forwarded to this committee: "Have the Richland County Transportation Department explore the development of a "Pave-In-Place" ordinance to be included in the Penny Sales Tax Program."

This motion was discussed in the Dirt Road Committee Agenda held on April 28th, and held in committee with the guidance to route an ROA through departments to solicit input on its feasibility. The ROA was routed by the Transportation Department on May 13th, and began legal review on May 20th. This item was on the last Dirt Road Ad Hoc Committee Agenda held on July 21st, and deferred by the Committee until the September meeting at the request of the legal department to allot further time to study the topic.

The Transportation Department is in support of limited "Pave-In-Place" for roads that meet the following criteria:

- Less than 500' in length
- Classified as Low-volume by traffic volume
- Are not classified as through roads

If this criteria is adopted with the intent to allow design exceptions for paved roadway width it could apply to a total of 34 roads countywide and 26 roads listed as funded by the Dirt Road Paving Ordinance formula.

September 8th Dirt Road Committee Meeting:

During the September 8th Dirt Road Committee Meeting the Committee directed staff to bring back the ordinance the Legal Department worked up to add Design Exceptions to the Road Paving Ordinance and that document is included in your agenda. In addition, staff was directed to add this ordinance as a first reading item for the September 15th Council Agenda. Furthermore, staff was to study how many more roads would be eligible for these Design Exceptions if the maximum length were increased to 750' and 1,000'. That information is also included in this agenda. To summarize this is how many roads would be eligible for these design exceptions should the maximum length change:



<u>Length</u>	<u>Total Number of Eligible Roads</u>
500'	34
750'	70
1,000'	121

September 15th Council Committee Meeting:

On September 15th Council approved first reading of the ordinance amendment and directed staff to add the amendment to the existing road paving ordinance for second reading. In addition, Council asked staff to show what the projected cost savings may be if the maximum road length proposed by staff for design exceptions was increased to 750' or 1,000'. Design exceptions are not intended for use as cost savings, but only in the event that an obstacle such as a home hinders converting a dirt road to a paved road with the existing design requirements. Keeping the maximum length of road that can be considered for this design exception at 500' continues to be the recommendation from staff in an effort to ensure low vehicular speeds along any road paved with a design exception. However, below is a table that illustrates what savings may be realized should the maximum roadway length be increased.

Maximum Roadway Length (Feet)	Total Number of Eligible Roads	Number of Funded Roads Eligible	Approximate Savings (Dollars)
500'	34	26	\$154,841
750'	70	51	\$463,035
1,000'	121	79	\$1,071,796

**This assumes reducing pavement width by 3' down to total paved roadway of 15'*

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; SECTION 21-20, ROAD PAVING PROGRAM; SO AS TO ADD LANGUAGE REGARDING A DESIGN EXCEPTION FOR PAVED SURFACE WIDTH.

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

SECTION I. The Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-20, Road paving program; is hereby amended to read as follows:

Sec. 21-20. Road paving program.

(a) Road construction and paving projects administered by the county and funded from public funds shall be accomplished in accordance with a consistent, systematic program established and administered by the Director of Transportation, in conjunction with and with the support of the Director of Public Works, or his/her designee. Such program shall have the following basic characteristics:

- (1) Only county maintained roads with recorded Easement and Right-of-Way Deeds will be paved utilizing public funds,
- (2) All county maintained dirt roads are eligible for paving, and
- (3) Paving will be accomplished in priority order at a rate permitted by availability of funding.

(b) The county engineer, or his/her designee, will acquire and maintain the following data on all roads proposed for paving:

- (1) Name;
- (2) County road number;
- (3) Map location code;
- (4) Beginning and ending points;
- (5) Length in miles and hundredths of a mile; and

(6) Council district.

(c) In addition, the following data pertaining to the roads priority for paving will be obtained and recorded for each road:

- (1) Number of homes accessed from the road;
- (2) Number of businesses accessed from the road;
- (3) Number of churches accessed from the road;
- (4) Maintenance difficulty factor; and
- (5) "Through road" factor.

For the purpose of determining the number of homes, business and churches accessed from a road, only those on parcels with no existing paved road frontage will be counted except when the distance from the paved road to the building exceeds 1,320 feet.

(d) Roads will be prioritized in accordance with the following procedure:

A road's priority for paving will be established by the lowest cost per occupant, church, or business. Lowest cost per occupant (P) is calculated by the formula:

$$P = \frac{\text{Cost}}{H+B+C+T}$$

Where:

H = Number of points accredited for homes.

One point is accredited for each home accessed from the road. This will include mobile homes as well as permanent homes. It should be noted that the number of homes on a road is an indicator of the number of people using it as well as the importance of the road as a possible school bus route.

B = Number of points accredited for businesses.

Two points are accredited for each business accessed from the road. To be eligible for these points, a business must occupy a building separate from any residence and rely on the road for either customer traffic or routine use by company vehicles.

C = Number of points accredited for churches.

Two points are accredited for each church accessed from the road.

T = Through road factor. If the road is a through road, two points are accredited to T. If the road is not a through road, zero points are accredited to T.

L = Length of the road in miles and hundredths.

Cost = Estimated Cost (\$800,000 per mile x L).

(e) A road's paving may be given top priority provided that all costs incurred by the county to pave it are paid by its adjacent property owners. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a fifteen (15) year period with an interest charge equal to that paid by the county for bonds issued to fund construction. The county council may elect to have the total costs, plus interest, of the improvements allocated between the property owners either by a front footage assessment ratio, or by each lot being assessed an equal share of the costs and interest. Establishment of this assessment shall require approval of eighty percent (80%) of the property owners.

(f) Highways, streets or roads constructed or paved under the county's jurisdiction and maintained by the county shall meet the design and construction standards contained in section 21-6, above.

(g) The Director of Transportation or his/her designee, in conjunction with and with the support of the county engineer, or his/her designee, shall, establish appropriate alternate design and construction standards for low volume rural roads as a means of ensuring maximum cost effectiveness of road paving funds.

(h) Road paving funds will be distributed by county council district based on that district's portion of total county dirt road mileage. Pro rata fund distribution will be calculated as follows:

$$\text{District dirt road paving funds} = \text{Total dirt road paving funds} \times \frac{\text{district dirt road mileage}}{\text{Total dirt road mileage}}$$

Mileage refers to dirt road mileage in the county road maintenance system (i.e. public dirt roads that are routinely maintained by county public works forces). Roads will be selected for paving based on distribution/availability of funds and priority within that council district, as determined by the uniform road rating system contained in this section.

(i) The Alternative Maintenance Paving Program shall consist of two categories, Pave-In-Place and Alternative Surface Treatment, which are defined as follows:

- (1) The Pave-In-Place Program shall allow for the placement of hot mix asphalt on low volume/light duty dirt roads that meet the following criteria:

- a) The road must be within a publicly dedicated right-of-way of a minimum width of 50 feet. A right-of-way width of no less than 30 feet may be considered if in the judgment of the Director of Public Works a safe roadway with adequate drainage may be constructed.
 - b) The road base may be reinforced by the use of Portland cement stabilization of the in-place materials or other stabilization products determined by the Director of Public Works to be equal or better.
 - c) The road to be improved shall not interconnect existing streets or serve developable vacant land that would result in the potential of exceeding 400 vehicles per day. The road shall not serve existing businesses or vacant land zoned for business uses that would generate traffic exceeding 400 vehicles per day or truck traffic exceeding 24 vehicles per day.
 - d) Roads improved under this section may conform to AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (2001) for horizontal and vertical alignment if determined by the Director of Public Works to be appropriate for the local situation.
 - e) Roadway bases reinforced by the above method shall be overlaid with 1½ inches of hot mix asphalt surface course. The paved surface width shall be no less than 22 feet. A pavement width of no less than 18 feet may be considered if in the judgment of the Director of Public Works a safe roadway with adequate drainage may be constructed.
- (2) Alternative Surface Treatment allows for the placement of materials other than asphalt as the travel surface for road ways. Types of Alternative Surface Treatment may include:
- a) Triple Treatment Surface Course;
 - b) Rubberized Asphalt;
 - c) Milled Asphalt.
- (3) Roads in the Alternative Maintenance Paving Program may be improved by geographical location in lieu of the priority list referenced in the aforementioned section of this ordinance to reduce mobilization cost. The decision shall be at the discretion of the Director of Transportation.
- (4) In order to incorporate community input before roads are paved, notice shall be sent by the County Transportation Department, by mail to all abutting property owners whose property would be affected by any such change. A

return receipt from the last known address of all property owners will be required. Each such owner shall have thirty (30) days to respond. If twenty-five (25%) percent or more of all such property owners decline said road paving, then the subject road shall not be paved.

(j) *Design exceptions for dirt road paved surface widths less than eighteen (18) feet.*

Design exceptions for paved surface widths less than the minimum eighteen (18) feet may be considered for dirt roads, as follows:

- (1) The dirt road must be equal to or less than 1,000 feet in total length.
- (2) The road must be classified as low volume by traffic volume per the County Low Volume Design Manual dated November 2013 which equates to traffic volumes less than 400 vehicles per day.
- (3) The road must not be classified as a through road.
- (4) If a dirt road being considered for paving meets the criteria for design exception stated in paragraphs (j) (1), (2), and (3), above, then following steps must be taken before a design exception is approved:
 - a) The Director of Transportation and the Director of Public Works shall take a scoping visit and conduct a design field review of the road to identify conflicts that may preclude installing a minimum paved surface width of eighteen (18) feet.
 - b) Staff shall obtain and review crash data for the road by number and types of crashes, including fatal crash rate.
 - c) A Design Exception Form shall be completed documenting the proposed design exception and the justifications therefore.
 - d) Then, when he/she deems it appropriate, the Director of Transportation shall make a recommendation for a paved surface width design exception to the Director of Public Works. The Director of Public Works shall make the final determination of whether to approve the paved surface width design exception and shall maintain a record of all approvals and denials.
- (5) Regardless of the above, in no case shall a paved surface width be allowed less than fifteen (15) feet.
- (6) The Director of Transportation shall consider adding traffic calming measures to dirt road paving projects in conjunction with any approved design exception for roads that exceed 500 feet in total length.

(7) The above design exception shall apply only to paved surface widths of dirt roads in limited circumstances and shall not allow for exceptions to any other design, asphalt, drainage, or construction standards.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chairperson

ATTEST THIS THE ____ DAY
OF _____, 2015.

S. Monique McDaniel
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: September 15, 2015
Public Hearing: October 12, 2015
Second Reading:
Third Reading:

Richland County Council Request of Action

Subject:

Department of Public Works: Private Pond Policy

September 22, 2015 – The Committee recommended that Council approve the updated Private Pond Policy. Staff will provide Council with a redlined version of the changes included in the updated Policy and additional clarification on the definitions included in the updated policy prior to the October 6, 2015 meeting.

Richland County Council Request of Action

Subject: Department of Public Works Private Pond Policy

A. Purpose

County Council is requested to approve the update to the County's Private Pond Policy (policy), which first went into effect on May 3, 2005 and was reviewed internally by Public Works Staff reviewed and updated on May 3, 2010.

B. Background / Discussion

Requests for the County to maintain privately owned ponds and dry detention basins are a frequent occurrence. The current policy states the County will assistance with cleaning of privately owned lakes by removing sediment that can be reached by County equipment from the pond bank. In some cases the County performed maintenance that goes beyond the scope of this policy, such has hiring engineering firms and contractors to remove sediment from the entire lake, or installing sediment trapping structures. These larger scale maintenance practices were completed on a case-by-case basis with no baseline evaluation to justify which ponds would receive greater maintenance.

Since the adoption of the policy in 2005 and the review of the policy in 2010, the equipment the Public Works Department once had to provide maintenance from the bank was transferred to another department. The equipment transfer eliminated the need for Public Works to seek special permits to transport the equipment from site to site, and the other department utilizes the equipment onsite daily. The loss of the equipment is one reason maintenance performed on privately owned lakes is contracted out to a third party. The other reason for contracts is the work on large scale lakes entails applying permits from the Army Corp of Engineers and approval through the South Carolina Department of Health and Environmental Control which requires engineering studies and plans.

The attached revised policy not only uses a matrix that will give clear guidance on when a pond will qualify for County maintenance assistance, the policy also includes a 50% cost share for the owner of the privately owned lake/pond.

The policy also includes a section which details the County's maintenance responsibilities related to dry detention ponds. This section on dry ponds helps address requirements the County has through the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase I permit. The NPDES MS4 Permit requires the Public Works Stormwater Division to inspect post construction Stormwater best management practices, such as dry detention basins. Many are owned and should be maintained by private owners or a Home Owners Association (HOA). When inspection reports or Notice of Violations are sent to the owner with required maintenance activities, the owner or HOA often requests the County to take the pond into the County's maintenance system and handle it responsibility. The County currently maintains 48 dry detention basins and contracts the maintenance of those ponds out to a private contractor. The revised policy specifies that the County will maintain the infrastructure related to the pond (inlets, outlets, dams, emergency spillways, etc.). This covers infrastructure repair that a HOA or private owner may not be able complete, and is in line with the current

County Ordinance that states the County shall maintain the roads and Stormwater infrastructure in a subdivision.

The policy clearly defines that maintenance does not include cosmetic maintenance such as tree removal, litter control, or wildlife control, which are not requirements of the NPDES permit. Out of the 48 ponds that require maintenance by the County's contractor, the majority of the work is aesthetic (tree and litter removal) and only three ponds have required infrastructure repair.

C. Legislative / Chronological History

May 3, 2005 Richland County Council Meeting: Council unanimously approved the Private Pond Policy.

May 3, 2010: Private Pond Policy was reviewed internally by Public Works Staff.

D. Financial Impact

Since 2007, the Public Works Stormwater Division has spent \$1,721,497 providing maintenance on privately owned lakes/ponds. This cost does not include time/labor of Public Works staff, only engineering and contractor fees. If the current policy was in place, and all of the ponds listed met the criteria for County assisted maintenance, the cost would have been cut in half.

The Public Works Stormwater Division currently spends an average of \$39,633 per year on maintenance of the 48 County owned dry detention basins. The County currently inspects 244 privately owned dry detention basins located in subdivisions. If the County were to include these additional 244 ponds into its contract for yearly routine maintenance the estimated cost will be \$330,000/year. This does not include costs associated if the ponds require an initial cut to bring them up to County standards.

E. Alternatives

1. Approve the request to create a streamlined matrix for evaluating if the County will assist with the maintenance of privately owned lakes and dry detention basins. When a privately owned lake meets criteria for maintenance, the County will be guaranteed a 50% cost match by the lake owner.
2. Do not approve and continue to maintain privately owned lakes and dry detention basins on a case-by-case basis with no standard baseline for evaluation and at full cost to the County.

F. Recommendation

It is recommended that Council approve the request to adopt the revised Private Pond Policy.

Recommended by: Synithia Williams

Department: Public Works Stormwater Division

Date: 8/31/2015

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 8/31/15

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Public Works

Reviewed by: Ismail Ozbek

Date: 9/1/2015

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 9/16/15

Recommend Council approval

Recommend Council denial

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

Comments on the policy: 1) Even on dry detention basins, a public benefit needs to be articulated before using County funds.
2) The purpose mentions that “the cost share amount will be based on the amount of public benefit achieved by the lake/pond in question which is determined through evaluation by County staff. Cost share is determined on a case by case basis and allocated as funding allows.” However, in the policy it appears to say that costs will be split 50-50. Should be clarified. If some other cost split is to happen, then that needs to be made clear in the policy and the matrix.

Administration

Reviewed by: Sparty Hammett

Date: 9/16/15

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval, and agree with Legal’s comments – a public benefit needs to be shown and cost share will be 50-50.

Current Private Pond Maintenance Policy with the Redlined Changes

<p><u>Department of Public Works</u> <u>Private Pond Maintenance Policy</u> DRAFT 09-24-2015 DEPARTMENT OF PUBLIC WORKS BEST MANAGEMENT PRACTICE STANDARD</p>			
TITLE:	Private Pond Maintenance Policy	NUMBER OF PAGES:	4 5
EFFECTIVE DATE:	May 3, 2005	LEAD AGENCY:	Stormwater Management
PREPARED BY:	Rocky Archer, PE Synithia Williams Stormwater Manager	AUTHORIZED BY:	Christopher S. Eversmann, PE Ismail Ozbek Public Works Director
REFERENCES:	None	REVIEW DATE:	May 3, 2010 10/6/2015

I. Purpose

- a. To establish a criteria and considerations that will allow Richland County to perform appropriate maintenance activities at private ponds/lakes in order to mitigate or reduce the negative impact of connection of public drainage systems to private water bodies. This policy will also determine what, if any, public benefit is derived from the private pond/lake such as flood control, pollution control, and/or safety.
- b. To establish procedures for when the County may cost share for maintenance activities on the lake/pond to help maintain as a stormwater asset. The cost share amount will be based on the amount of public benefit achieved by the lake/pond in question which is determined through evaluation by County staff. Cost share is determined on a case by case basis and allocated as funding allows
- c. To outline procedures for county assistance with the maintenance of private detention basins in a single family residential subdivision. Maintenance assistance will be based on the amount of public benefit achieved by the private detention basin.

~~To establish criteria and considerations that will allow Richland County to perform appropriate maintenance activity at private ponds in order to mitigate or reduce the negative impact of connection of private water bodies to public drainage systems~~

II. Definitions

- a. A. Dry detention basins – Depressions that are excavated for the purpose of detaining excess stormwater runoff from newly developed land. Basins are also created to act as holding area for the initial runoff of stormwater in order to allow sediment and pollutants to settle out from the stormwater medium. Dry detention basins may serve the same function as a pond, but there are significant differences. As their name suggests, they are most often dry (i.e. – lack standing water). Also, they are not considered an amenity to the community.
- b. Homeowners Association (HOA) - An organization in a subdivision, planned community or condominium that makes and enforces rules for the properties in its jurisdiction.
- c. Perpetual maintenance – Long term and continual responsibility for the maintenance of a pond, lake, detention or retention area.
- d. Pond – A water body that, under normal circumstances, retains water. This water may be stormwater runoff or groundwater from an active spring. They may be naturally occurring or constructed. Ponds are considered an amenity (as opposed to infrastructure). However, they may be integrated into a drainage system.
- e. Pond Owners Association – An organization in a subdivision, planned community or condominium that makes and enforces rules for the pond or lake in its jurisdiction.
- f. Private water bodies – Receiving waters (most often ponds, lakes, or basins) that are privately owned by individuals or an association for which Richland County has no ownership or formal maintenance responsibilities. Private water bodies may be integral to public drainage systems.
- g. Property Owner (Owner) – A holder or proprietor of land.
- h. Public drainage system – A stormwater conveyance system whose maintenance is the responsibility of a public entity that provides area drainage to a publicly maintained road network. Private water bodies may be integral to these systems.
- i. Water of the state – Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction.¹

~~Dry detention basins – Depressions that are excavated for the purpose of detaining excess stormwater runoff from newly developed land. Basins are also created to act as holding areas for the initial runoff of stormwater in order to allow sediment and pollutants to settle out from the stormwater medium. Dry detention basins may serve the same function as a pond, but there are significant differences. As their name suggests, they are most often dry (i.e. – lack standing water). Also, they are not considered an amenity to the community. As~~

¹ South Carolina Code of Laws Section 48-1-10

~~such, they are considered infrastructure and, in the case of residential subdivisions, are deeded to the County for perpetual maintenance.~~

- ~~B. Pond — A water body that, under normal circumstances, retains water. This water may be stormwater runoff or groundwater from an active spring. They may be naturally occurring or constructed. Ponds are considered an amenity (as opposed to infrastructure). However, they may be integrated into a drainage system.~~
- ~~C. Private water bodies — Receiving waters (most often ponds, lakes or basins) that are privately owned by individuals or an association for which Richland County has no ownership or formal maintenance responsibilities. Private water bodies may be integral to public drainage systems.~~
- ~~D. Public drainage system — A stormwater conveyance system whose maintenance is the responsibility of a public entity that provides area drainage to a publicly maintained road network. Private water bodies may be integral to these systems.~~
- ~~E. Waters of the state — Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction; *South Carolina Code of Laws Section 48-1-10.*~~

III. Background/Introduction

Maintenance of the dam and pond of privately owned wet ponds/lakes is the responsibility of the private owner(s). A pond and dam may qualify for County funded improvements and maintenance only when it is determined by the County that the pond/lake provides significant public benefits, such as flood control, pollution control, and/or safety.

Dam structures subject to the SC Dams and Reservoirs Safety Act are under the jurisdiction of the SC Department of Health and Environmental Control. Dam modifications required by the State do not qualify for County funding unless the County Engineer determines appropriate public benefits, as described in Matrix, can also be achieved in accordance with this policy.

The control of algae, nuisance aquatic weeds, mosquitoes, fish kills, and trash removal does not qualify as a public benefit through this policy. In 1990, the Environmental Protection Agency (EPA) established The National Pollutant Discharge Elimination System (NPDES) to reduce the quantity of pollutants that may be transported through the Storm Sewer Systems to “Waters of the State”. The South Carolina Department of Health and Environmental Control (SCDHEC) Bureau of Water issued a NPDES Permit to Richland County in April 2000. In compliance with that Permit, Richland County has inventoried stormwater drainage systems and the locations to which they outfall into waters of the state.

In the process of performing this inventory, Richland County has identified or been made aware of several areas of concern with respect to private water bodies. These water bodies are in existence for a variety of reasons including recreation, aesthetics, and utility (water supply and power

generation). Concurrently, stormwater retention or detention is also accomplished. It is not uncommon for these private water bodies to be integral to public drainage systems. As such, they may be adversely affected by both controllable and uncontrollable factors that include adjacent development, discharge from public road drainage network, above average rainfall, and topography of the watershed.

IV. Problem Pond and Lake Policy Criteria

ALL of the following criteria must be met in order to qualify for consideration.

- a. Adjacent development with public road or drainage network discharges stormwater runoff into the pond;
- b. Maintenance activity will not disturb any wetland area;
- c. Property owners must grant and sign easement agreements to access each of the established discharge points and surrounding area if needed by County;
- d. There is no existing maintenance easement already in place;
- e. The pond is currently managed by an established home or pond owner's association with a point of contact;
- f. The pond/lake was not constructed as a regulatory requirement associated with residential or commercial development;

The owners dedicate temporary drainage and/or conservation easements AND hold harmless agreements at no cost to the County and sign maintenance agreements, as determined appropriate by the County Engineer. Among the more negative effects on these private water bodies from their integration with the area public drainage system are deposits of sediment carried by stormwater flowing into them (or siltation). The accumulation of sediment reduces pond volume and alters or obstructs the natural or designed stormwater flow path. Sedimentation can also impair water quality by providing a medium for the transportation of pollutants into the pond.

Some ponds are dedicated to Richland County at the time of development. This occurs predominantly in residential developments in which the roads and drainage system are to be maintained by Richland County. Whereas other ponds remain private, pre-date any formal maintenance policy, or are natural waters-of-the-state. Consequently, consideration for public maintenance of these ponds has not, heretofore, been addressed.

V. Policy Pond and Lake Additional Criteria

At least ONE of the following criteria must be met in order to qualify for evaluation.

- a. The pond/lake must provide, or be able to provide, a significant flood control benefit downstream of the structure, that represents cost avoidance to the County in the construction and maintenance of drainage infrastructure;

- b. The pond/lake is part of a larger, comprehensive watershed management plan, or water quality plan;
- c. The pond/lake must provide the opportunity to remove at least 10,000 pounds of pollutants annually;

The dam must pose a significant health or environmental threat or hazard to public property or County citizens.

~~In order to mitigate or reduce the negative impact of connection of private water bodies to public drainage systems, it is necessary to develop criteria and considerations that will allow Richland County to perform appropriate maintenance activity at private ponds. These criteria and considerations are as follows:~~

~~Adjacent development with public road or drainage network discharges stormwater runoff directly into the pond, and;~~

~~The pond or lake should not be “isolated” or contained within a single property, and;~~

~~Maintenance activity will not disturb any wetland area, and;~~

~~Property owners must grant and sign easement agreements to access each of the established discharge points and surrounding area, and;~~

~~Hold harmless agreements must be obtained from property owners or Pond Owners Association.~~

~~Other considerations that may facilitate County participation for maintenance:~~

~~The presence of a perennial stream flowing through the pond,~~

~~G. — The pond is currently managed and maintained by an established Pond Owner’s Association with a point of contact.~~

VI. Procedure Pond and Lake Implementation

- a. Qualified ponds/lakes will be evaluated by Public Works staff to determine the extent of public benefits that would be achieved by the maintenance;
- b. Qualified ponds/lakes and dams will be ranked by criteria including cost/benefit ratios, flood control benefits, water quality benefits, safety, infrastructure needs, and coordination with other County investments and policies. The attached matrix will be utilized to determine if the pond is eligible for County assistance;
- c. Ponds that meet qualifications and the work required can be accomplished by County staff will be added to the County’s project’s list in the order that the project is received;

- d. The highest ranking pond improvement projects will be input into the County's Capital Improvement Projects (CIP) matrix and ranked according to the benefits provided based on other CIP projects. There is no guarantee the pond will rank high against other CIP projects;
- e. For projects requiring engineering study and evaluation, the County will cost share, as funding allows, with the pond/lake owners for study and construction not to exceed 50% of the cost of the project and pending approval from Richland County Council;
- f. If the project ranks high and the Pond/Home Owner's Association commits 50% of the funds, the project will be submitted for County funding in accordance with the County's Capital Improvement budgeting process;
- g. The pond owner is responsible for acquiring all necessary permits before any work begins;
- h. All easements and hold harmless agreements shall be recorded prior to any maintenance activity is performed.

VII. Privately Owned Dry Detention Basins

- a. Dry detention basins are the responsibility of the property owner. The County will inspect dry detention basins yearly to ensure compliance with the Stormwater Management Ordinance and the pond maintenance agreement;
- b. Dry detention basins located in a single family residential subdivision that have been adequately maintained by the owner or homeowners association may qualify for maintenance assistance from the County. Maintenance assistance will consist of:
 - i. Repair of structural features of the detention basin including: inlets, outfall structure, emergency spill way, dam;
- c. The owner or home owners association may petition to the County for assistance with maintenance of the structural features of the dry detention pond;
- d. County maintenance does not include litter removal, landscaping including the removal of trees, wildlife control;
- e. The County can refuse maintenance if the owner or home owners association has not performed any of the required maintenance as agreed upon in the pond maintenance agreement;
- f. This will be a one-time maintenance.

Private Pond Policy Matrix			
<u>Attribute</u>	<u>Unit</u>	<u>Amount</u>	<u>Weight</u>
<u>Public Benefit</u>	-	<u>0</u>	<u>40</u>
<u>County Drainage System Contributes</u>	-	-	<u>10</u>
<u>Safety Hazard if Maintenance Not Completed</u>	-	-	<u>15</u>
<u>Public Health Hazard</u>	-	-	<u>15</u>
-	-	-	-
<u>Pond Function</u>	-	<u>0</u>	<u>25</u>
<u>Watershed Size</u>	<u>Acres</u>	-	<u>10</u>
<u>HOA Actively Managing Pond</u>	-	-	<u>15</u>
-	-	-	-
<u>Pond Management</u>	-	<u>0</u>	<u>20</u>
<u>Did owner do modifications that effect function</u>	<u>Y/N</u>	-	<u>5</u>
<u>Ease of access to clean</u>	-	-	<u>15</u>
-	-	-	-
<u>Maintenance Requirement</u>	-	<u>0</u>	<u>15</u>
<u>County Staff Can Perform</u>	-	-	<u>10</u>
<u>Engineering Study Required</u>	-	-	<u>5</u>
-	-	-	-
<u>Total</u>	-	<u>0</u>	<u>100</u>

Original Private Pond Maintenance Policy



DEPARTMENT OF PUBLIC WORKS
BEST MANAGEMENT PRACTICE STANDARD

STANDARD # **26.17.1(O)**

TITLE: Private Pond Maintenance Policy	NUMBER OF PAGES: 4
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EFFECTIVE DATE: Pending	LEAD AGENCY: Stormwater Management
PREPARED BY: Rocky Archer, PE Stormwater Manager	AUTHORIZED BY: Christopher S. Eversmann, PE Public Works Director
REFERENCES: None	REVIEW DATE: Effective Date plus (5) years

I. Purpose

To establish criteria and considerations that will allow Richland County to perform appropriate maintenance activity at private ponds in order to mitigate or reduce the negative impact of connection of private water-bodies to public drainage systems

II. Definitions

- A. Dry detention basins – Depressions that are excavated for the purpose of detaining excess stormwater runoff from newly developed land. Basins are also created to act as holding areas for the initial runoff of stormwater in order to allow sediment and pollutants to settle out from the stormwater medium. Dry detention basins may serve the same function as a pond, but there are significant differences. As their name suggests, they are most often dry (*i.e.* – lack standing water). Also, they are not considered an amenity to the community. As such, they are considered infrastructure and, in the case of residential subdivisions, are deeded to the County for perpetual maintenance.
- B. Pond – A water body that, under normal circumstances, retains water. This water may be stormwater runoff or groundwater from an active spring. They may be naturally occurring or constructed. Ponds are considered an amenity (as opposed to infrastructure). However, they may be integrated into a drainage system.
- C. Private water-bodies – Receiving waters (most often ponds, lakes or basins) that are privately owned by individuals or an association for which Richland County has no ownership or formal maintenance responsibilities. Private water-bodies may be integral to public drainage systems.

- D. Public drainage system – A stormwater conveyance system whose maintenance is the responsibility of a public entity that provides area drainage to a publicly maintained road network. Private water-bodies may be integral to these systems.
- E. Waters of the state - Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction; *South Carolina Code of Laws Section 48-1-10*.

III. Background

In 1990, the Environmental Protection Agency (EPA) established The National Pollutant Discharge Elimination System (NPDES) to reduce the quantity of pollutants that may be transported through the Storm Sewer Systems to “Waters-of-the-State”. The South Carolina Department of Health and Environmental Control (SCDHEC) Bureau of Water issued a NPDES Permit to Richland County in April 2000. In compliance with that Permit, Richland County has inventoried stormwater drainage systems and the locations to which they outfall into waters-of-the-state.

In the process of performing this inventory, Richland County has identified or been made aware of several areas of concern with respect to private water-bodies. These water bodies are in existence for a variety of reasons including recreation, aesthetics, and utility (water supply and power generation). Concurrently, stormwater retention or detention is also accomplished. It is not uncommon for these private water-bodies to be integral to public drainage systems. As such, they may be adversely affected by both controllable and uncontrollable factors that include adjacent development, discharge from public road drainage network, above average rainfall, and topography of the watershed.

IV. Problem

Among the more negative effects on these private water-bodies from their integration with the area public drainage system are deposits of sediment carried by stormwater flowing into them (or siltation). The accumulation of sediment reduces pond volume and alters or obstructs the natural or designed stormwater flow path. Sedimentation can also impair water quality by providing a medium for the transportation of pollutants into the pond.

Some ponds are dedicated to Richland County at the time of development. This occurs predominantly in residential developments in which the roads and drainage system are to be maintained by Richland County. Whereas other ponds remain private, pre-date any formal maintenance policy, or are natural waters-of-the-state. Consequently, consideration for public maintenance of these ponds has not, heretofore, been addressed.

V. Policy

In order to mitigate or reduce the negative impact of connection of private water-bodies to public drainage systems, it is necessary to develop criteria and considerations that will allow Richland County to perform appropriate, limited maintenance activity on private ponds. These criteria and considerations are as follows:

- A.** Adjacent development with public road or drainage network discharges stormwater runoff directly into the pond, and;
- B.** The pond or lake should not be “isolated” or contained within a single property, and;
- C.** Maintenance activity will not disturb any wetland area, and;
- D.** Property owners must grant and sign easement agreements to access each of the established discharge points and surrounding area, and;
- E.** Hold harmless agreements must be obtained from property owners who provide access easements and the Pond Owners Association.

Other considerations that may facilitate County maintenance participation:

- F.** The presence of a perennial stream flowing through the pond, or;
- G.** Recommendation by County Public Works Staff and approval by County Council.

VI. Procedure

Upon agreement of listed criteria, the County can proceed with the corrective action needed. In order to effectively resolve the problem, the County must first assess the stormwater runoff discharge points and then develop a plan to meet that particular need. County staff will determine the need for structural repair, the extent of sedimentation, or the amount of debris removal.

All easement and hold harmless agreements shall be recorded prior to any maintenance activity is performed.

All dredging activity performed by the County will be limited to the furthest extent of determined sedimentation that can be practically reached using excavation equipment organic to the County Public Works fleet.

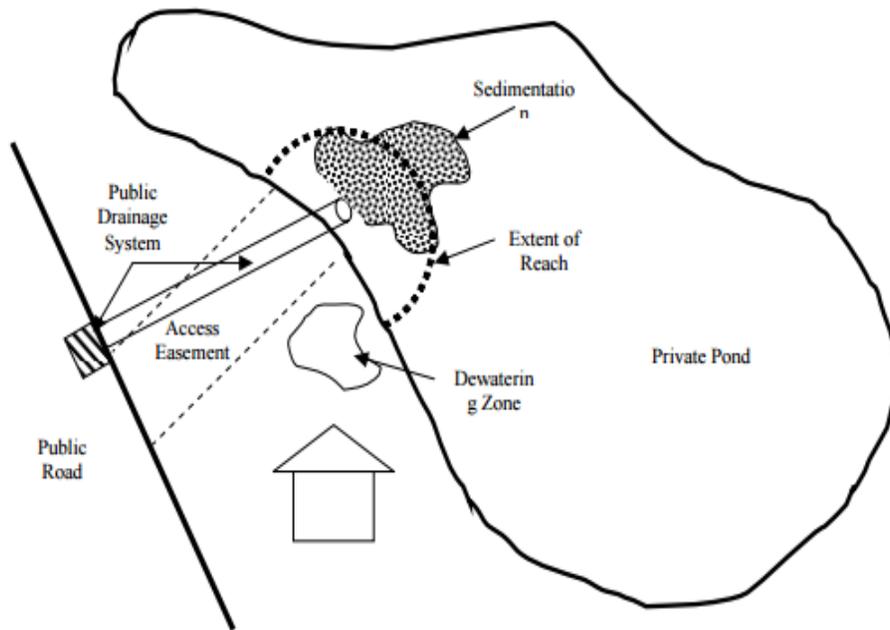


Figure 1. Typical outfall sediment removal activity components.

The Department of Public Works is continuing to locate and identify potential sites for the retrofit of Best Management Practices (BMP's) to improve stormwater quality. Outfall sites that need frequent maintenance may be considered.

These BMPs can be physical or non-physical. Physical BMPs may include installation of structures or planting of natural vegetation to assist in removing sediment, debris, and pollutants. Non-physical BMPs consist of education and awareness. County staff will meet with the community and provide guidance on how each individual can do their part to promote positive stormwater management.

By publication of this policy, Richland County assumes no obligation or liability associated with maintenance activity on private ponds.

Richland County Council Request of Action

Subject:

Report of the Economic Development Committee

a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain additional real property located in Richland County; the execution and delivery of a First Amendment to that certain Credit Agreement between Richland County and CD/Park7 Columbia SC High Rise Owner LLC to include such additional property as part of the project site described therein; and other related matters [FIRST READING BY TITLE ONLY]

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. [_____]

AUTHORIZING THE EXPANSION OF THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCLUDE CERTAIN ADDITIONAL REAL PROPERTY LOCATED IN RICHLAND COUNTY; THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO THAT CERTAIN CREDIT AGREEMENT BETWEEN RICHLAND COUNTY AND CD/PARK7 COLUMBIA SC HIGH RISE OWNER LLC TO INCLUDE SUCH ADDITIONAL PROPERTY AS PART OF THE PROJECT SITE DESCRIBED THEREIN; AND OTHER RELATED MATTERS.



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Patrick E. Pinckney
Home Address: 1402 Brennen Rd., Columbia, SC 29206
Telephone: (home) (803) 960-2287 (work) (803) 754-8667
Office Address: 420 McNulty Ave., Blythewood, SC
Email Address: pat.pinckney@yahoo.com
Educational Background: Denmark Tech - 2 yr. degree
Professional Background: Barber

Male [checked] Female [] Age: 18-25 [] 26-50 [checked] Over 50 []

Name of Committee in which interested: Board of Zoning Appeals, Service Center Appeals
Reason for interest: To become more involved in my community and to begin my political interests

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: interact well with people, good listener, honest, hard worker, dedicated, work to find solutions

Presently serve on any County Committee, Board or Commission? no

Any other information you wish to give? have been a business owner
Recommended by Council Member(s): Mary Lynn Kinley - Fairfield County Council
Hours willing to commit each month: as many as possible within work schedule

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

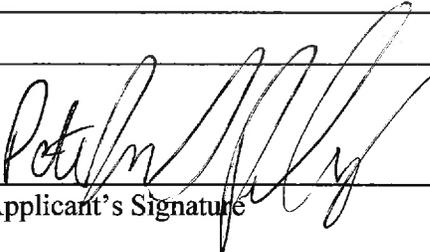
Yes No

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes No

If so, describe: _____


Applicant's Signature

7/8/15
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

2



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Aaron Dupree

Home Address: 1674 Woodlake Drive, 29206

Telephone: (home) 803-466-3037 (work) 803-744-6859

Office Address: 1333 Main Street, Suite 210, Columbia, SC 29201

Email Address: aaron.dupree@cbre.com

Educational Background: Bachelor of Business Administration from Baylor University

Professional Background: Commercial Real Estate Broker at CBRE

Male Female Age: 18-25 **26-50** Over 50

Name of Committee in which interested: Board of Zoning Appeals

Reason for interest: Eager to improve the business/overall community, as well as the process through which the county requires its citizens to navigate.

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

Pragmatic business person who works with people and companies in real estate and zoning matters on a regular basis.

Presently serve on any County Committee, Board or Commission? No. _____

Any other information you wish to give? _____

Recommended by Council Member(s): Seth Rose and Torrey Rush

Hours willing to commit each month: 3-4

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ X _____ No _____

If so, describe: As a commercial real estate broker, it is possible that one of my clients, or a client of my company, would come before this board with a real estate project that could potentially result in a commission for me and/or my company. _____



Applicant's Signature

8-11-15 _____
Date

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only		
Date Received: _____	Received by: _____	
Date Sent to Council: _____		
Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied <input type="checkbox"/> On file



**APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION**

Applicant must reside in Richland County.

Name: Shane Ousey

Home Address: 279 Quiet Pond Way

Telephone: (home) 803-397-8877 (work) 803-743-0600

Office Address: 4910 Trenholm Road Columbia 29206

Email Address: _shane.p.ousey@gmail.com

Educational Background: B.A.- Organizational Communications M.S. – Administration

Professional Background: Retired US Army LTC – 26 years retired Dec 2014 , Homeowner’s Association Management and Development – 1 year, Member of SC House/Senate Joint Committee on HOA legislation, VP of Cooper’s Pond HOA

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Board of Zoning Appeals

Reason for interest: Living in one of the fastest growing section of Richland County I am very conscious of how the development and zoning will impact the community and environment and want to be able to contribute to the decisions involving that developemnt

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission: I have vast experience in leadership and decision making at the strategic level as well as experience in dealing with community members. Me or my family members have lived in NE Richland County for over 10 total years and have seen the growth and the benefits/drawbacks it can bring to the community first hand. I have the ability to grasp the second and third order effects of strategic decisions and to balance needs of various constituencies.

Presently serve on any County Committee, Board or Commission? NO

Any other information you wish to give? NO

Recommended by Council Member(s): _____

Hours willing to commit each month: 5-10 or as needed

CONFLICT OF INTEREST POLICY

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Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____ No _____

If so, describe: As an HOA manager I work with many Developers on projects that could require a zoning decision

Shane Cleary
Applicant's Signature

Sept 11, 2015
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

Ordinance providing for the appointment of Ex Officio members to the public whose membership is appointed by the governing body of Richland County

“The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Robert’s Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically.”

[Washington]

SCAC Response:

July 14, 2015

County Council is authorized by the state code to enact rules of procedure. There are no statutes in the state code that I can find that prohibit the council from enacting specific rules for the appointment of members ex officio to county boards/commissions.

While I found nothing in the code to prohibit the council rule you discussed, I would address this issue with your county attorney.

John K. DeLoache
Staff Attorney
SC Association of Counties
PO Box 8207
Columbia, SC 29202
(803) 252-7255 toll free in SC 1-800-922-6081
Fax (803) 252-0379

Richland County Council Request of Action

Subject:

Modify the Rules of Council to allow Council to respond to citizens during the Citizens' Input portion of Council meetings [PEARCE]

September 15, 2015 – Council Meeting Motion:

Mr. Malinowski stated the committee recommended amending the language as follows: (1) The Clerk's Office will have available for the public the Council's contact information, as listed on the County's website; and (2) to allow the Chair to advise citizens to speak with staff.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item until the October 6th Council meeting. The vote in favor was unanimous.

The Employee Grievance Committee

The County Council will appoint a committee composed of seven (7) employees to serve for staggered terms of three (3) years, except that the members appointed initially will be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms will expire each year.

A member will continue to serve after the expiration of his term until a successor is appointed.

Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term will be for the unexpired term.

Any member may be appointed for succeeding terms at the discretion of the County Council.

All members will be selected on a broadly representative basis from among County employees

Members employed in the same department as the grieving employee and members who have formed an opinion on the issues prior to the hearing, will not participate in that employee's hearing.

The Council will qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the Employee Grievance Committee. In the event three (3) or more permanent members of the committee are disqualified or otherwise unable to participate in a grievance proceeding, such that a quorum of the committee as required by this section would otherwise be unavailable, a sufficient number of alternate members should be called to constitute a quorum so that the grievance may be heard.

Alternate members may seek appointment as interim or permanent committee members as vacancies occur, in which event the council will designate replacement for such alternate members so chosen for full membership on the committee.

The committee annually will select its own chair from among its members. The chair will serve as the presiding officer at all hearings which s/he attends, but may designate some other member to serve as presiding officer in his/her absence. The chair will have authority to schedule and to re-schedule all hearings.

A quorum consists of at least five (5) members, and no hearings may be held without a quorum.

Current:

1.4 Closed Meetings

The Council may go into executive session after a motion to do so is made, seconded, and receives a majority plus one vote of those members present.

The Chair shall, in announcing executive sessions pursuant to Section 30-4-70(a) of the Code of Laws of South Carolina, cite the specific code section supporting the executive session. In preparing the agenda, the Chair shall cite the specific code section and shall announce the specific purpose of the executive session.

For the purposes of this section, “specific purpose” means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of Section 30-4-70 of the South Carolina Code of Laws, in such terms that the public could identify the parties to a contract, the person being appointed to a public body, the location of any real property being sold or purchased, the parties and specific subject upon which legal advice is being received, and the subject matter of any administrative briefing. In no event shall the Chair announce the name of a classified employee whose employment is being discussed in executive session or the location of any security devices.

The County Council may hold executive sessions for the purpose of hearing from local and/or state development boards concerning the location of industry when neither the name of the industry nor the location of the property is to be revealed.

Proposed:

1.4 Closed Meetings

The Council may go into executive session as provided for in the South Carolina Freedom of Information Act, as amended. ~~after a motion to do so is made, seconded, and receives a majority plus one vote of those members present.~~

~~The Chair shall, in announcing executive sessions pursuant to Section 30-4-70(a) of the Code of Laws of South Carolina, cite the specific code section supporting the executive session. In preparing the agenda, the Chair shall cite the specific code section and shall announce the specific purpose of the executive session.~~

~~For the purposes of this section, “specific purpose” means a description of the matter to be discussed as identified in items (1) through (5) of subsection (a) of Section 30-4-70 of the South Carolina Code of Laws, in such terms that the public could identify the parties to a contract, the person being appointed to a public body, the location of any real property being sold or purchased, the parties and specific subject upon which legal advice is being received, and the subject matter of any administrative briefing. In no event shall the Chair announce the name of a classified employee whose employment is being discussed in executive session or the location of any security devices.~~

~~The County Council may hold executive sessions for the purpose of hearing from local and/or state development boards concerning the location of industry when neither the name of the industry nor the location of the property is to be revealed.~~

Richland County Council Request of Action

Subject:

Eau Claire JEDA Bonds Resolution

County Council is requested to hold a joint public hearing with the South Carolina Jobs-Economic Development Authority (JEDA) in connection with JEDA's re-issuance of its 5,940,000 original principal amount Variable Rate Demand Healthcare Facilities Revenue Bonds (Eau Claire Cooperative Health Center Project), Series 2006A to benefit Eau Claire Cooperative Health Center. County Council is also requested to adopt a resolution supporting the bond issuance as required by Title 41, Chapter 43 of the Code of Laws of South Carolina 1976, as amended (the "Enabling Act").

RESOLUTION

IN SUPPORT OF THE RE-ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS VARIABLE RATE DEMAND HEALTHCARE FACILITIES REVENUE BONDS (EAU CLAIRE COOPERATIVE HEALTH CENTER PROJECT), SERIES 2006A, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE ORIGINAL PRINCIPAL AMOUNT OF APPROXIMATELY \$4,262,536.

WHEREAS, the South Carolina Jobs-Economic Development Authority (the "*Issuer*") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended (the "*Act*"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State of South Carolina; and

WHEREAS, the Issuer is further authorized by Section 41-43-110 of the Act to issue revenue and revenue refunding bonds payable by the Issuer solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

WHEREAS, the Issuer and Eau Claire Cooperative Health Center, Inc., a South Carolina nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 ("*Borrower*"), entered into an Inducement Agreement dated February 16, 2006 (the "*Inducement Agreement*"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Issuer pursuant to the Inducement Agreement, the Issuer proposes, subject to such approval of Fairfield County, Lexington County and Richland County as may be required by law, to reissue its \$6,265,000 original principal amount of its Variable Rate Demand Healthcare Facilities Revenue Bonds (Eau Claire Cooperative Health Center Project), Series 2006A (the "*Bonds*"), outstanding in the approximate principal amount of \$4,262,536, under and pursuant to Section 41-43-110 of the Act, to defray the cost of (i) refunding a portion of the \$3,000,000 original principal amount Variable/Fixed Rate Secured Promissory Notes (the "*2004 Debt*"); (ii) defraying a portion of the costs of constructing a women's health center and pediatric urgent care facility, located at 1228 Harden Street, Columbia, SC; (iii) funding a debt service reserve fund; and (iv) paying all or a portion of the costs of issuance of the Bonds. The proceeds of the 2004 Debt were used to, among other purposes, finance or refinance the acquisition, development, and rehabilitation by the Borrower of: (A) a healthcare facility located in Fairfield County known as Ridgeway Family Practice, 755 U.S. Highway 21S, Ridgeway, South Carolina; (B) healthcare facilities located in Lexington County known as: 1) Brookland Community Pediatrics, 500 North 12th Street, West Columbia, SC; 2) Brookland-Cayce Medical Practice, 1115 State Street, Cayce, SC; and 3) Pediatrics of Batesburg/Leesville, 120 West Church Street, Batesburg-Leesville, SC; and (C) a healthcare facility located in Richland County known as Waverly Women's Healthcare, 1228 Harden Street, Columbia, SC (the "*Projects*"); and

WHEREAS, the Borrower and NBSC, a division of Synovus Bank, as successor by merger with The National Bank of South Carolina, as purchaser of the Bonds, have requested certain amendments to the Bonds, which require the reissuance of the Bonds for federal tax purposes; and

WHEREAS, the County Council of Richland County and the Issuer have on this date jointly held a public hearing, duly noticed by publication on October 1, 2015, in The State, a newspaper having general

circulation in Richland County, not less than 15 days prior to the date hereof, at which all interested persons have been given a reasonable opportunity to express their views;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Richland County, South Carolina, as follows:

SECTION 1. It is hereby found, determined and declared that (a) the Projects will continue to subserve the purposes of the Act, (b) the Projects are anticipated to continue to benefit the general public welfare of Richland County by providing services, employment, recreation or other public benefits not otherwise provided locally, (c) the Projects will give rise to no pecuniary liability of Richland County or a charge against its general credit or taxing power, (d) the amount of bonds required for the purposes described herein is approximately \$4,262,536, and as a part thereof the amount of bonds required to finance or refinance the Projects is approximately \$4,262,536; and (e) the documents to be delivered by the Borrower and the Issuer with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) whether reserve funds of any nature will be established with respect to the retirement of the Bonds and the maintenance of the Projects (and, if any such reserve funds are to be so established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Projects and carry all proper insurance with respect thereto.

SECTION 2. The County Council of Richland County supports the Issuer in its determination to re-issue the Bonds a portion of the proceeds of which will used be to defray the costs related to the re-issuance of the Bonds.

SECTION 3. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this resolution shall take effect and be in full force from and after its adoption.

Adopted this ____ day of _____, 2015.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Chairman, County Council

ATTEST:

By: _____
Clerk to County Council

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned Clerk of the County Council of Richland County, South Carolina, do hereby certify that the foregoing is a true, correct and verbatim copy of a Resolution duly adopted at a meeting of said County Council held on _____, 2015, at which meeting a quorum was at all times present.

WITNESS MY HAND this ____ day of _____, 2015.

Clerk to County Council of
Richland County, South Carolina