



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Norman Jackson	Joyce Dickerson	Valerie Hutchinson (Chair)	Bill Malinowski	Kelvin Washington
District 11	District 2	District 9	District 1	District 10

**SEPTEMBER 27, 2011  
5:00 PM**

**2020 Hampton Street, Columbia, South Carolina**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: July 26 2011 (pages 5-6)

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Valhalla Micro Surfacing Project (pages 8-9)
3. North Paving Project- Wade Kelly Road Right of Way (pages 11-12)
4. Low Traffic Volume Road Paving Program (pages 14-20)

5. Calculation of Salary for Retirement Purposes (pages 22-23)
6. Condemnation of Private Property for Use as a Drainage Easement (pages 25-26)
7. Emergency Planning Review (pages 28-31)
8. Franklin Park and Albene Park Water Systems (pages 33-34)
9. Petition to close Road/Portion of Beckham Swamp Road - Consent Order (pages 36-40)
10. Sewer Tap Certificate Policy (pages 42-50)

**ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

11. Items Pending Analysis: No Action Required-Status Report (pages 52-54)
  - a. Curfew for Community Safety (Manning-February 2010)
  - b. Farmers Market Update (Council-May 2010)
  - c. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
  - d. Review Homeowner Association Covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
  - e. To direct Public Works to review county ordinances and propose amendments that would allow the recovery cost to repair damage done to county public roads. The intent of this motion is to hold those responsible who damage the roadways due the use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-July 2010)
  - f. That Richland County enact a Tree Canopy Ordinance and Inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
  - g. Off-ramp Lighting (Rose-February 2011)
  - h. In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent with the City of Columbia) banning texting while operating a motor vehicle (Rose-April 2011)
  - i. Staff is requested to review Richland County's current ordinance as it relates to animal ownership in Richland County to determine if there is a better way of controlling the amount of animals (pets) a

person has in their possession in order to eliminate the possibility of some locations turning into uncontrolled breeding facilities or a facility for the collection of strays and unwanted animals (Malinowski and Kennedy-May 2011)

j. Direct staff to coordinate with SCDHEC and SCDOT a review of traffic signal timing improvements in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all business and residential construction that would cause a slowdown of traffic on the road servicing that facility (Malinowski-April 2010)

k. To have staff determine the legalities of an ordinance change that would allow for public/private business partnerships to be operated on school property, specifically in the sports medicine field, and create the necessary wording (Malinowski-September 2011)

l. Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place (Malinowski-September 2011)

## **ADJOURNMENT**



# Richland County Council Request of Action

**Subject**

Regular Session: July 26 2011 (pages 5-6)

**Reviews**

# MINUTES OF



## RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE TUESDAY, JULY 26, 2011 6:00 P.M.

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

=====

### MEMBERS PRESENT

Chair: Valerie Hutchinson  
Member: Joyce Dickerson  
Member: Norman Jackson  
Member: Bill Malinowski  
Member: Kelvin E. Washington, Sr.

**ALSO PRESENT:** Paul Livingston, L. Gregory Pearce, Jr., Damon Jeter, Seth Rose, Jim Manning, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Stephany Snowden, Sara Salley, Andy Metts, Dale Welch, Daniel Driggers, Valeria Jackson, Dan Chamblee, Monique Walters, Michelle Onley

### CALL TO ORDER

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

### APPROVAL OF MINUTES

**June 28, 2011 (Regular Session)** – Mr. Jackson moved, seconded by Mr. Washington, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF AGENDA

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

## ITEMS FOR ACTION

**Hopkins Community Water System Service Area Expansion** – Mr. Washington moved, seconded by Mr. Jackson, to forward this item to Council with a recommendation to approve staff's recommendation: "to approve Change Order #2 for Brigman Construction Company in the amount of \$368,522.25 and the engineers change order for Joel Wood & Associates in the amount of \$29,938.00." A discussion took place.

Mr. Malinowski moved to rebid the contract. The motion failed for lack of a second.

Mr. Washington moved, seconded by Ms. Dickerson, to call for the question. The vote was in favor.

The vote was in favor to forward a recommendation to Council for approval of staff's recommendation.

**Adoption of Analysis of Impediments (AI) to Fair Housing Choice** – Mr. Washington moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation to approve Alternative #1: "Approve the request to adopt the 2011 Analysis of Impediments as presented." The vote in favor was unanimous.

**Specialized Aviation Services Operation (SASO) advertisement** – Mr. Malinowski moved, seconded by Mr. Washington, to forward this item to Council with a recommendation to approve Alternative #1: "Approve the request to authorize issuance of an aircraft maintenance SASO Request for Proposal. The vote in favor was unanimous.

## ADJOURNMENT

The meeting adjourned at approximately 5:16 p.m.

Submitted by,

Valerie Hutchinson, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Valhalla Micro Surfacing Project (pages 8-9)

**Reviews**

## Richland County Council Request of Action

**Subject:** Valhalla Micro Surfacing Project RC-CN-505-1112

### **A. Purpose**

County Council is requested to approve the contract for the Valhalla Micro Surfacing project to Roadway Management, Inc in the amount of \$246,205.45. This is the amount the CTC has allocated for this project. This contractor is the lowest, responsible, responsive bidder.

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

Valhalla Drive was originally part of the FY2007 resurfacing project as Additive #7. The FY2007 resurfacing project was funded by the CTC for \$1.4 million dollars. When the FY2007 resurfacing project was bid, there was not enough funding to resurface all of the additives and Valhalla Drive was taken out of the contract to be a stand alone project due to insufficient funding from the CTC at that time.

The CTC now has a positive balance and has allocated \$246,205.45 dollars in funding for this project. The project bid from Roadway Management, Inc. is in the amount of \$219,856.24. This leaves a balance of \$26,349.21 that can be used for any change orders or overruns.

This project will utilize a Pavement Preservation technique called Microsurfacing. Microsurfacing is an approximate ¾” lift of asphalt overlaid onto an existing road. Microsurfacing is an alternative for resurfacing when the surface course of asphalt is in a diminished condition but the road base course and subgrade are in good condition. The subgrade and base course on most of Valhalla Drive is in good condition. There will be some areas that will be full depth patched before the microsurfacing takes place. This method will be used instead of the typical mill and resurface technique which requires the pavement to be milled to a depth of 1” to 2” and then a 1” to 2” layer of asphalt overlaid onto the exposed asphalt or base.

The areas that need full depth patching have been assessed and are part of the contract as well as the restriping of Valhalla Drive.

### **C. Financial Impact**

The Valhalla Microsurface project was bid on August 18, 2011. There were three (3) bidders. The bid amounts are listed below in order of lowest to highest. Public Works recommends awarding the contract to Roadway Management, Inc. in the amount of \$246,205.45. This contractor was the lowest, responsive, responsible bidder.

<u>Bidder</u>	<u>Amount</u>
Roadway Management Inc.	\$219,856.24
Reeves Construction	\$297,262.81
Missouri Petroleum	\$311,142.52

The funding for this project will come from the CTC. The CTC has allocated \$246,205.45 dollars to the project.

**D. Alternatives**

There are two (2) alternative for this ROA

- 1) Approve the contract for Roadway Management Inc. for the Valhalla Microsurface project in the amount of \$246,205.45
- 2) Do not Approve the contract for Roadway Management Inc. for the Valhalla Microsurface project in the amount of \$246,205.45

**E. Recommendation**

It is recommended that Council approve the request to award the contract to Roadway Management Inc. in the amount of \$246,205.45.

Recommended by: David Hoops, P.E. Department: Public Works Date: August 19, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: \_\_\_\_\_  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood Date: 9/14/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: recommendation should be to approve award of contract to the lowest, responsive and responsible bid to Roadway Management Inc. for amount bid of \$219,856.24 with a not to exceed a twelve (12%) percent contingency.

**Legal**

Reviewed by: Larry Smith Date: \_\_\_\_\_  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Recommendation of approval consistent with comments of the Procurement Director..

**Administration**

Reviewed by: Sparty Hammett Date: 9/19/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of awarding the contact to Roadway Management Inc.

# Richland County Council Request of Action

**Subject**

North Paving Project- Wade Kelly Road Right of Way (pages 11-12)

**Reviews**

## Richland County Council Request of Action

**Subject:** North Paving Project-Wade Kelly Road Right of Way

### **A. Purpose**

County Council is requested to approve the appraised payments for three (3) properties that abut up to Wade Kelly road. These three properties are the remaining Right of Way that needs to be obtained for the paving of Wade Kelly Road. All three property owners have agreed to the appraised amounts. The properties and appraised amounts are as follows:

TMS#20606-03-03 – 222 Soft Stone Drive, Blythewood, SC 29169 - \$1,700 (10,290sf or .24ac)

John M. and Melissa R. Padgett

TMS#20606-03-02 -220 Soft Stone Drive, Blythewood, SC 29169 - \$2,100 (13,098sf or .3ac)

Christopher P. And Donna M. Reliford

TMS#20606-03-01 - 218 Soft Stone Drive, Blythewood, SC 29169 - \$200 (909sf or .02 Ac)

Yancy Z. and Shamiqvia McPherson

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

Wade Kelly Road is part of the North Paving Project. Before Richland County can pave Wade Kelly Road, we had to obtain the necessary fifty (50') foot right of way needed for rural roads. These are the three remaining parcels that we had not obtained Right of Way from. We had these three properties appraised by a certified real estate appraiser. All three property owners on Soft Stone Drive, that have property that backs up to Wade Kelly Road have agreed with the appraised amounts.

The properties and appraised amounts are as follows:

TMS#20606-03-03 – 222 Soft Stone Drive, Blythewood, SC 29169 - \$1,700 (10,290sf or .24ac)

John M. and Melissa R. Padgett

TMS#20606-03-02 -220 Soft Stone Drive, Blythewood, SC 29169 - \$2,100 (13,098sf or .3ac)

Christopher P. And Donna M. Reliford

TMS#20606-03-01 - 218 Soft Stone Drive, Blythewood, SC 29169 - \$200 (909sf or .02 Ac)

Yancy Z. and Shamiqvia McPherson

### **C. Financial Impact**

CTC has allocated approximately 4 million dollars for the North and South Paving Projects. This funding will come from the CTC allocated funding for the North Paving Project. The total financial impact for this right of way acquisition is \$4,000 dollars

### **D. Alternatives**

There are two (2) alternative for this ROA

- 1) Approve the payment of the appraised amounts for the right of way for Wade Kelly Road in the amount of \$4,000.
- 2) Do not approve the payment of the appraised amounts for the right of way for Wade Kelly Road in the amount of \$4,000. This will result in not paving this portion of Wade Kelly Road.

**E. Recommendation**

It is recommended that Council approve the request to pay the appraised amounts for the right of way for Wade Kelly Road in the amount of \$4,000 dollars.

Recommended by: David Hoops, P.E. Department: Public Works Date: August 22, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 9/13/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood Date: 9/14/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith Date:  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Administration**

Reviewed by: Sparty Hammett Date: 9/19/11  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Recommend approval of the purchase of right-of-way for Wade Kelly Road.

# Richland County Council Request of Action

**Subject**

Low Traffic Volume Road Paving Program (pages 14-20)

**Reviews**

# Richland County Council Request of Action

## Subject: **LOW TRAFFIC VOLUME ROAD PAVING PROGRAM**

### **A. Purpose**

Authorize Public Works to proceed with a program of paving Richland County dirt roads that conform to the Low Traffic Volume (LTV) Criteria. The proposed paving program is to be funded by \$900,000 budgeted by Richland County in the 2012 budget and by a commitment of \$2,200,000 over the next three (3) years with \$500,000 being allocated to Richland County on March 16, 2011 for Preliminary Engineering Services by the CTC.

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

See attached Letter from CTC dated March 16,

See attached Program Outline, Public Works, June 15, 2011

Public Works proposes to administer a LTV Dirt Road Paving program in conformance with the above referenced county regulations and the July 2009 report prepared by Public Works. The report included a list of roads that conformed to the amended regulations. Public Works has identified ten (10) roads that do not have homes, churches or businesses located on them. We estimate a cost savings of \$ 625,000 would be realized to remove those roads from the program and recommend that change of scope be adopted.

### **C. Financial Impact**

Discussions with local consultants indicate that all services necessary to prepare plans for this type of program could be performed in the 10% of construction value range. Public Works is proposing that a preliminary phase of engineering would include onsite evaluation of roads and development of design and construction standards specific to this type of construction.

A preliminary program budget estimate utilizing Consultants services is:

Maximum estimated construction \$3,145 mil @ 10% =	\$315,000
On-site evaluation, design and construction standard =	<u>140,000</u>
Estimated professional services =	\$455,000
Estimated cost of Construction =	<u>3,145,000</u>
<b>Estimated total cost of Program =</b>	<b>\$3,600,000</b>

### **D. Alternatives**

Alternate I. Proceed with program.

Alternate II. Do not proceed with program.

### **E. Recommendation**

Public Works recommends proceeding with the Program.

Recommended by: David Hoops Department: Public Works Date: September 13, 2011

## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 9/15/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Procurement

Reviewed by: Rodolfo Callwood

Date: 9/15/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Legal

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Administration

Reviewed by: Sparty Hammett

Date: 9/20/11

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the Low Volume paving program with the removal of the ten (10) roads that do not have homes, churches or businesses located on them. This would lower the cost of the program by an estimated \$625,000.



March 16, 2011

Mr. David R. Hoops, P.E.  
County Engineer  
Department of Public Works  
400 Powell Road  
Columbia, South Carolina 29203

Dear Mr. Hoops:

I am pleased to inform you that the Richland County Transportation Committee (CTC) has requested the South Carolina Department of Transportation (SCDOT) to budget CTC funds for an improvement project in Richland County.

Per the CTC's approval, \$500,000.00 was allocated to Richland County Department of Public Works under local paving project **C PCN 40652**. This project is identified as preliminary engineering services for the county dirt road pave-in-place program of approximately sixteen county roadway miles. Please note that the Project Control Number (PCN) shown above will identify this project in our records and should be included on all correspondence.

Richland County Department of Public Works will have full responsibility for the procurement, construction, maintenance, and inspection of this project. **The County is expected to comply with the requirements set forth in S. C. Code of Laws, Section 12-28-2740 (Supp. 1996), and the SC Consolidated Procurement code regarding construction specifications and procurement procedures.**

SCDOT will reimburse CTC funds for eligible project costs up to the amount budgeted by the CTC, based upon the County's submission of the signed Request for Payment Invoice (form enclosed). The Request for Payment Invoice of eligible contract expenditures must be accompanied by detailed documentation of the charges. This documentation may be in the form of a canceled check, contractor's invoice, supplier's invoice, an engineer's pay estimate, or a statement of direct expenses, if County personnel accomplish the work. Each invoice shall be certified true and correct by a duly authorized representative of the County. By submission of the payment request, the agent is certifying that the work and/or materials for which the payment is requested has been incorporated into the above referenced project; that the project has been administered and constructed in accordance with the SC Consolidated Procurement code and with the requirements of S. C. Code Section 12-28-2740 (Supp. 1996); all work has been inspected and accepted by the County; and that the funds requested will be applied to the purposes for which they are requested.

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Mr. David R. Hoops, P.E.  
Page 2  
March 16, 2011

Attached is a list of **required** documentation to be submitted to the C Program Administration Office at the first request for reimbursement. If any of these requirements are not applicable to the project, then please so indicate on the attached checklist. **Failure to comply with these requirements may result in non-payment of invoices.**

We are pleased to be working with you to make this project successful. If you have any questions, please call me at 803-737-4832.

Sincerely,



Batina Feaster  
Program Coordinator  
C Program Administration

BF:bmf  
Enclosures



**RICHLAND COUNTY**  
Department of Public Works  
C. Laney Talbert Center  
400 Powell Road  
Columbia, South Carolina 29203  
Voice: (803) 576-2400 Facsimile (803) 576-2499  
<http://www.richlandonline.com/departments/publicworks/index.asp>



June 15, 2011

## **OUTLINE OF PROPOSED LOW VOLUME TRAFFIC DIRT ROAD PAVING PROGRAM (ALTERNATIVE PAVING)**

### **I. Scope of roads being addressed**

- A. The main premise of this program is that all roads to be improved lie within a publicly owned right of way. This is in conformance with RC regulations 21-20(i) (1) a and CTC Manual, Nov. 2007, "C" funds are for transportation projects on public property". A right of way policy should be established before implementation of this program defining publicly owned right of way and how it will be acquired if needed (donation-purchase).
- B. The initial effort will be addressed to the roads identified in the LTV eligible spread sheet developed by RCPW and dated June 25, 2009. Copy attached.

### **II. Controlling Regulations of the program**

- a. Section 21-3 and 21-20 of Richland Co. ordinances as amended April 30, 2009. Copy attached.
- b. AASHTO "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400) 2001. RC Code 21-20d)

### **III. Preliminary Engineering approach**

- a. Evaluate the LTV eligible list for the following:
  - i. Confirm existence of right or way.

- ii. Field evaluate for potential issues affecting construction, such as utilities, drainage structures and the potential for drainage related problems.
  - iii. Evaluate the existing roadway geometrics for conformance to AASHTO guidelines.
  - iv. Prepare an initial evaluation of recommended roads defining potential programming or construction related problems such as drainage or utility conflicts. If there are deficiencies in the existing right of way or additional right of way needed to improve geometrics of the existing road those conditions will be noted on the report.
- b. Prepare LVT design manual and construction standards. This will be performed concurrently with section a and will include:
  - i. Guidelines for evaluation of eligible roads
  - ii. Guidelines for evaluation of minimum drainage improvements
  - iii. Guidelines for evaluation of existing road base materials and options for in-place improvement/stabilization.
  - iv. Guidelines for road surface options.
- c. Community Input
  - i. In conformance with Sec. 21-20(i)(4) Public Works will notify all abutting property owners of record on eligible roads to determine local support for improving the road. If 25% or more of the property owners decline the paving of the road on which they own property, said road will be removed from the program.
  - ii. Minor right of way deficiencies will be addressed at the time of community input based upon right of way policy developed for this program.
  - iii. Subsection (5) of County Code 22-20 requires establishment of a Road Transportation Commission. This step has not been taken at this time. Whereas the scope of this first phase of the

program is already delineated this section may not be necessary until later phases.

**IV. Final Engineering and Construction**

- a. Based upon the final eligibility list and the previously developed design manual and construction details an engineering contract will be awarded to prepare construction plans and specifications.
- b. Included in the final design requirements will be geotechnical evaluation of the roads in the program with recommendations for type of construction.
- c. With direction from Public Works for road improvement options, construction plans and specifications will be prepared for public bidding.
- d. Construction contracts will be awarded and performed.

# Richland County Council Request of Action

**Subject**

Calculation of Salary for Retirement Purposes (pages 22-23)

**Reviews**

## Richland County Council Request of Action

**Subject:** Calculation of Salary for Retirement Purposes

**A. Purpose**

The purpose of this item is to request the County Council's consideration of a motion made at the September 6, 2011, Council Meeting regarding the calculation of salary for retirement purposes.

**B. Background / Discussion**

At the September 6, 2011, Council Meeting, Council Member Norman Jackson introduced the following motion:

“Overtime compensation shall not be calculated towards retirement salary.”

Under this motion, employees who receive overtime compensation would not have that part of their compensation included in their annual salary for calculation of retirement benefits.

However, Richland County employees are members of the South Carolina Retirement System (SCRS), and it is the SCRS that governs what portion of an employee's salary will and will not be included in the total compensation used for calculation of retirement benefits. And in all cases, the SCRS requires that overtime compensation must be included when determining retirement benefits. The County, therefore, does not have the authority to change this requirement; it can be changed only by State legislation.

**C. Financial Impact**

Because the County does not have the ability to affect the change that is called for in the motion, there is no financial impact.

**D. Alternatives**

1. Abandon the concept of excluding overtime compensation for calculation of retirement benefits.
2. Seek an amendment to State law that would change how retirement benefits are calculated.

**E. Recommendation**

By: Motion by Council Member Norman Jackson

Date: September 6, 2011 Council Meeting

**F. Reviews**

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

**Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Human Resources supports compliance with the applicable SCRS regulations, unless and until they are revised.

**Finance**

Reviewed by: Daniel Driggers

Date: 9/12/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Agree with HR Director

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is my understanding that the SCRS as well as the Fair Labor Standards Act regulates what earned income will be calculated as it relates to county employees for retirement purposes.

**Administration**

Reviewed by: Tony McDonald

Date: 9/13/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend denial as it is the SCRS rather than individual local governments that establishes the rules for the calculation of salary for retirement purposes.

# Richland County Council Request of Action

**Subject**

Condemnation of Private Property for Use as a Drainage Easement (pages 25-26)

**Reviews**

## Richland County Council Request of Action

**Subject:** Condemnation of Private Property for Use as a Drainage Easement

### **A. Purpose**

County Council is requested to approve the condemnation of 403 SF of private property (TMS # R22708-04-11) adjacent to Beaver Dam Rd. An appraisal was obtained for the 403 SF, and the appraised value is \$100.

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

Engineering has a project to address flooding on a citizen's property and in the road at the location of 135 Beaver Dam Rd.

The proposed solution is to install a curb inlet at the road and pipe down to an existing junction box on Mr. Zuckerberg's (citizen) property. In order to do this, we would have to cross a 20' piece of property that lies between the road right-of-way and Mr. Zuckerberg's property.

We tried for several months to obtain an easement from Mr. Ogburu, the owner of TMS # R22708-04-11. Because we were never able to get a response, Richland County Engineering sent him a certified letter informing him of our proposed work and our need for an easement. Finally, Mr. Ogburu contacted Engineering and wanted to discuss being financially compensated in return for giving the County an easement across his property. Engineering met with Mr. Ogburu to discuss compensation. During the next several weeks, we tried to make contact with Mr. Ogburu to discuss the compensation and were unable to get a further response from Mr. Ogburu. Richland County Engineering then prepared an ROA for the condemnation of this land needed for the easement. Richland County Engineering was given the direction of getting the property appraised and then preparing an ROA for the condemnation along with an appraisal value. The appraised value for this land is \$100.

### **C. Financial Impact**

The financial impact is \$100 that the County will pay for the easement crossing TMS # R22708-04-11.

### **D. Alternatives**

1. Approve the request to condemn 403 SF of private property (TMS # R22708-04-11) adjacent to Beaver Dam Rd. for \$100.
2. Do not approve the request to condemn 403 SF of private property (TMS # R22708-04-11) adjacent to Beaver Dam Rd. for \$100.

### **E. Recommendation**

It is recommended that Council approve the request to condemn 403 SF of private property (TMS # R22708-04-11) adjacent to Beaver Dam Rd. for \$100.

Recommended by: David Hoops Department: Public Works Date: August 22, 2011

## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 9/13/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Financial impact is immaterial therefore approval based on recommendation of Public Works Director.

### Procurement

Reviewed by: Rodolfo Callwood

Date: 9/14/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Condemnations are at the discretion of County Council.

### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The decision regarding condemning this property is within the discretion and legal authority of the Council. However, if this property is condemned and the parties can't reach an agreement on the fair market value of the property taken, a Circuit Court Judge or Master –In- Equity will decide what he will receive in the form of compensation. Therefore, the financial impact to the county, based on the condemnation, is unknown at this time.

### Administration

Reviewed by: Sparty Hammett

Date: 9/20/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to condemn 403 SF of private property (TMS # R22708-04-11) adjacent to Beaver Dam Rd. for \$100.

# Richland County Council Request of Action

**Subject**

Emergency Planning Review (pages 28-31)

**Reviews**

# Richland County Council Request of Action

**Subject: Emergency Planning 07092011**

## **A. Purpose**

The purpose of this report is to provide information on emergency planning. At the September 8, 2011, council meeting, Mr. Rose made a motion: “To review Richland County’s plan for responding to a natural disaster or emergency such as a flood, earthquake, hurricane, etc.”

## **B. Background / Discussion**

Each county is required by the state to establish an emergency management organization. Richland County Emergency Services Department – Emergency Management Division, provides emergency planning, mitigation, response and recovery to long term emergencies or disasters. Richland County’s Emergency Operations Plan (EOP) is the base for all planning and response to disasters or long term emergencies. The EOP is an all-hazard plan and is reviewed and certified by the South Carolina Emergency Management Division using state and federal standards. The EOP is tested and revised as needed. The EOP contains plans for components that must be addressed in each disaster or long term emergency. The EOP is divided into Emergency Support Functions (ESF’s) so that each area of a disaster is addressed:

ESF’S

Transportation

Communications

Infrastructure (Public Works)

Firefighting

Information and Planning

Mass Care, Housing and Human Services

Resource Management

Health and Medical

Search and Rescue

Hazardous Materials

Food Service

Energy

Law Enforcement

Long Term Community Recovery and Mitigation

Public Information

The lead agency for each ESF can make adjustments if needed so that the plan stays as functional as possible. Each agency will review the ESF and make recommendations for changes following the VC Summer exercise on September 28th. In addition, there are several annexes addressing specific incidents such as: State Hurricane Evacuation, Dam Failure, Debris Management, Pandemic Influenza, etc.

A Hazard Mitigation Plan is completed every five years and submitted to FEMA for approval. The Hazard Mitigation Plan looks at historic data to determine what natural disasters can and will occur in Richland County. The information is used to revise emergency plans. That process was recently completed and Council approved a resolution to accept the plan earlier this year. As our hazard mitigation plan illustrated, weather is a major issue in long term emergencies in Richland County. The Emergency Services Department will be increasing weather planning in the future.

Richland County has adopted the National Incident Management System (NIMS) for use during disaster situations and is a member of the statewide mutual aid agreement with all other governmental agencies. Richland County Emergency Services assists other agencies, businesses, hospitals and groups in emergency planning. Every year numerous drills, tabletops and exercises are conducted in conjunction with state and federal requirements:

- Communications
- Earthquake
- VC Summer
- Dam Failure
- Severe Weather
- LGR
- Decision Lines
- Haz Mat
- State Hurricane Plan
- Pipeline Emergencies
- MS-1
- Homeland Security
- NDMS
- School District Drills
- McEntire Air Base
- Westinghouse
- Columbia Metropolitan Airport
- MMRS
- Cities Readiness Initiative (Mass Immunization)

Notification of emergency personnel as well as the public is critical. Emergency Services has numerous resources used in communications including voice and data networks. Richland County has provided a disaster management and resource program (WebEOC) to Columbia, USC and others. A communications trailer can be pulled to any area to establish or re-establish communications for public safety personnel.

Emergency Services uses the following methods to notify the public of incidents or events:

- The Department's Emergency News Network-A network of two-way radios installed in newsrooms.
- Emergency Alert System – Emergency Services can initiate EAS messages from the EOC.
- Sirens (VC Summer / Dam Failure)
- ReachSC – A reverse calling system.
- Twitter and Facebook
- News Releases
- Live Interviews

## Event or Incident

All public safety agencies in Richland and surrounding counties work together daily on incidents and have developed strong working relationships. When a large scale emergency or disaster occurs, the incident command system is used and a unified command is established. A unified command means all agencies have input into the management of the incident. Coordination is established in the Richland County Emergency Operations Center (EOC) to manage the incident. Each agency sends representatives to the EOC. One agency may take the lead depending on what type event is occurring. For example, if a pandemic event is occurring, state law authorizes DHEC to become the lead agency. The Sheriff is the chief law enforcement officer in Richland County and will coordinate law enforcement. If state or federal resources are needed, the request is coordinated through the EOC and the SC Emergency Management Division.

Depending on the event, the EOC can be activated at different levels. Some emergencies only require a few agencies because the incident has a short duration. Others may be larger or last longer and may require all ESF's to stand-up. The levels of activation are:

Partial Activation

Limited Activation

Full Activation

The chairman of County Council is authorized by ordinance to declare a "State of Disaster" in Richland County. The governor can also issue a "State of Disaster" which makes state assets available to Richland County. In South Carolina, only the governor can order a mandatory evacuation.

Richland County public safety agencies handle large incidents every day that may overwhelm smaller counties. In the event that an incident occurs that requires additional resources, mutual aid can be requested from other local agencies or neighboring agencies prior to requesting state or federal assistance. For example, in the event a large scale evacuation is needed, the busses from CMRTA will be used. In the event air support is needed, medical evacuation helicopters can be used. If needed, over ten National Guard helicopters can be requested through the South Carolina Emergency Management Division. If more were needed, the Emergency Management Assistance Compact (EMAC) may be activated and other states can respond with additional assets.

In the event of a large scale deployment of personnel to an incident or for mutual aid, Richland County Emergency Services has established the Portable Utility Supply Hub (PUSH Team). PUSH assets are contained in trailers for activation and deployment to support and maintain public safety personnel teams during a disaster or long term emergency.

After an event, damage assessment teams are established with Emergency Services personnel and personnel from the Richland County Assessor's office. Damage assessment efforts are critical because it is necessary to determine the extent of damage in order to obtain a federal disaster declaration. Disaster recovery efforts follow emergency response actions. Disaster recovery is a long term process and can last years depending on the disaster.

Richland County's emergency management program is comprehensive and is tested and evaluated on a regular basis. Council is invited to come to the Emergency Services Department and visit the EOC.



# Richland County Council Request of Action

**Subject**

Franklin Park and Albene Park Water Systems (pages 33-34)

**Reviews**

## Richland County Council Request of Action

**Subject:** Franklin Park and Albene Park Water Systems

### **A. Purpose**

The purpose of this report is to seek County Council's approval to proceed with the permanent transfer of the Franklin Park and Albene Park community water systems to Richland County.

### **B. Background**

Richland County Utilities has been operating the Franklin Park and Albene Park community water systems under a receivership agreement with DHEC since July 28, 2005. Under this agreement, Richland County is appointed the temporary operator until a permanent receiver is appointed by the Courts.

Richland County is currently undertaking a water project that will provide water service to Hopkins and the surrounding community. Included in the water project are provisions for connecting all existing customers in both the Franklin Park and Albene Park subdivisions to the new water systems. Before these connections can be completed, a permanent transfer of the existing facilities to Richland County needs to be completed.

### **C. Discussion**

Under the provisions of the receivership agreement, the DHEC legal staff will assist Richland County with the court actions required to complete the permanent transfer of the existing facilities to Richland County. The purpose of this report is to request County Council's approval to proceed with the transfer of the Franklin Park and Albene Park water systems only. The Franklin Park sewer system will remain under the receivership agreement and addressed at a later date.

### **D. Financial Impact**

The Hopkins Community water system has been designed and constructed to incorporate these two existing systems into the new water system. No additional funds will be required to accept these systems on a permanent basis. Monthly revenue generated by these existing customers will help offset the operating cost of the new water system.

### **E. Alternatives**

1. Approve the permanent transfer of the Franklin Park and Albene Park water systems to the County.
2. Cancel the existing receivership agreement with DHEC for the operation of these systems.

### **F. Recommendation**

It is recommended that County Council authorize County Staff to work with the DHEC legal staff to complete the permanent transfer of the Franklin Park and Albene Park water systems to Richland County.

**Recommended by:** Andy H. Metts    **Department:** Utilities    **Date** 9/13/11

**G. Reviews**

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

**Finance**

Reviewed by: Daniel Driggers

Date: 9/14/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval but would encourage the County to consider the following contingencies in order to better protect the sustainability of the system: a) appropriately address the Hopkins system non-conformity to the council approved unified user rate in 2009. The current and future lost revenue due to non-compliance has unnecessarily exposed the County to a higher level of risk, and b) ensure that appropriate language is included with any agreement between Richland County and DHEC that would protect the County from any financial burden or unnecessary expense associated with closing the existing systems covered under the receivership agreement as the new County system comes on line.

**Procurement**

Reviewed by: Rodolfo Callwood

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The decision of accepting the responsibility of operating Albene and Franklin Park is within the discretion of the Council and is a decision that Council has the legal authority to make. However, I would recommend that the Council may want to consider what liability, if any, the county would undertake with the operation of the parks? In addition, it may be helpful to Council to know how many paying customers there are on the system and if there is sufficient revenue for the system to be self sufficient?

**Administration**

Reviewed by: Sparty Hammett

Date: 9/20/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the permanent transfer of the Franklin Park and Albene Park water systems to the County with the contingencies identified by the Finance Director.

# Richland County Council Request of Action

**Subject**

Petition to close Road/Portion of Beckham Swamp Road - Consent Order (pages 36-40)

**Reviews**

## Richland County Council Request of Action

**Subject:** Petition to close Road/portion of Beckham Swamp Road—CONSENT ORDER

### **A. Purpose**

County Council is requested to consider a petition filed with the circuit court to close a portion of Beckham Swamp Road, which is currently a State maintained road located in Richland County. Plaintiffs have proposed a Consent Order in this case that Council is also requested to consider.

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

Petitioner filed with the circuit court to close a portion of Beckham Swamp Road, which is a State maintained road located within unincorporated Richland County. According to the petition, the subject portion of the roadway abuts Petitioner's property and is not used by any abutting property owners for access to their properties. Petitioner requests that the court abandon or close the roadway and vest title with the Petitioner. A copy of the petition is attached for your convenience.

This ROA was originally drafted for the June committee meetings; however, due to concerns from Emergency Services and Public Works, it was pulled from the agenda. In the interim, Larry Smith have worked with the petitioners to make sure that Emergency Services vehicles can easily access any portion of the subject road after the road is closed. This office believes that the attached Consent Order alleviates all the concerns expressed by the departments.

See below for the relevant county ordinance regarding road closing.

### **Sec. 21-14. Abandonment of public roads and right-of-ways.**

- (a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.
- (b) Any person or organization wishing the county to abandon maintenance on an existing county-maintained street, road or highway shall submit to the public works department a petition to do so signed by the owners of all property adjoining the road and by the owners of all property who use the road as their only means of ingress/egress to their property. The petition shall state that the property owners release

and indemnify the county from any duty to maintain the road. At the recommendation of the county engineer, the county administrator shall have the authority to act on a petition that involves a dead-end road; county council shall have the authority to approve petitions under all other circumstances. If the petition is approved, the county engineer may require the property owners to place an appropriate sign alongside or at the end of the road.

**C. Financial Impact**

There is no known financial impact with this request.

**D. Alternatives**

1. Approve petitioner’s request to close the subject road and direct Legal to execute the proposed Consent Order.
2. Do not approve petitioner’s request to close the subject road and give the Legal Department guidance on how to proceed.

**E. Recommendation**

The Legal Department recommends approval of the attached Consent Order.

Recommended by: Elizabeth McLean                      Department: Legal                      Date: 9/12/11

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers                      Date: 9/14/11  
✓ Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Based on legal recommendation

**Public Works**

Reviewed by: Don Chamblee                      Date:  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

**Planning**

Reviewed by: Amelia Linder                      Date:  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

**Emergency Services**

Reviewed by: Michael Byrd                      Date:  
xxx Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

**Emergency Access to the closed portion of the road has been addressed.**

**Legal**

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Administration**

Reviewed by: J. Milton Pope

✓ Recommend Council approval

Comments regarding recommendation: Recommend approval

Date: 9-16-11

Recommend Council denial

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND ) IN THE COURT OF COMMON PLEAS  
 ) FIFTH JUDICIAL CIRCUIT  
 ) CIVIL ACTION NO. 2011-CP- 40-03072

Prospect Hill of Edisto Island, LLC, )  
 Finlay Tucker, LLC and Beckham )  
 Swamp, LLC )

Petitioner(s), )

vs. )

South Carolina Department of )  
 Transportation, Richland County )  
 and South Carolina Electric & Gas )  
 Company )

Respondent(s) )

**CONSENT ORDER**

This matter is before the Court upon the Summons and Petition for Abandonment and Closure of Road by the captioned Petitioners, seeking an Order from this Court that the portion of Beckham Swamp Road within the boundaries of Petitioners Prospect Hill of Edisto Island, LLC's and Finlay Tucker, LLC's property bearing Richland County Tax Map Numbers 13300-01-01 and 13300-01-05 and being shown as "BECKHAM SWAMP ROAD – S.C. HIGHWAY NO. 519" on that certain Division Plat prepared for Frank Hampton Farms, LLC by B.P. Barber & Associates, Inc., dated March 16, 2006, last revised March 21, 2006, and recorded in the Office of the Register of Deeds for Richland County in Plat Book 1162 at Page 387, be permanently abandoned, closed, discontinued, vacated and that any and all rights the Respondents or the public-at-large have or may have in and to the same and the obligations of South Carolina Department of Transportation to maintain the same be permanently terminated pursuant to §57-9-10, et. seq. of the South Carolina Code of Laws (1976), as amended, and further, pursuant to §57-9-20 of the South Carolina Code of Laws (1976), as amended, seeking an Order vesting fee simple title to said portion of Beckham Swamp Road in and to Petitioner Prospect Hill of Edisto Island, LLC.

It appearing that all Respondents have consented to the abandoning, closing, discontinuing, or vacating of said portion of Beckham Swamp Road, and, further, Respondents have no objection to the vesting of title in the name of the Petitioner Prospect Hill of Edisto

Island, LLC; provided in no way will the rights of Respondent, South Carolina Electric & Gas Company (SCE&G) pursuant to any easements or rights of way previously granted to Respondent, SCE&G, or otherwise obtained by Respondent, SCE&G, be adversely affected in any way, it is further acknowledged that SCE&G shall have a perpetual right of access to any of its easements and rights of ways over the abandoned portions of Beckham Swamp Road or equivalent routes and, provided further, that Respondents, SCE&G and Richland County, shall, upon request and where applicable, be provided access codes to any and all locks attached to gates and fences blocking the portion of Beckham Swamp Road being closed herein and shall not be liable to Petitioners for cutting any locks and/or removing any gates or fences on the portion of Beckham Swamp Road being closed should either of the aforesaid Respondents need to access Petitioners' property via Beckham Swamp Road, it is

ORDERED that said portion of Beckham Swamp Road be permanently abandoned, closed, discontinued, or closed, and that, pursuant to §57-9-20 of the South Carolina Code of Laws (1976), as amended, and fee simple title to said portion of Beckham Swamp Road be, and hereby is, vested in Prospect Hill of Edisto Island, LLC and that a copy of this Order be filed with the Richland County Register of Deeds; provided in no way will the rights of Respondent, SCE&G pursuant to any easements or rights of way previously granted to Respondent, SCE&G, or otherwise obtained by Respondent, SCE&G, be adversely affected in any way, it is further acknowledged that SCE&G shall have a perpetual right of access to any of its easements and rights of ways over the abandoned portions of Beckham Swamp Road or equivalent routes and, provided further, that Respondents, SCE&G and Richland County shall not be liable to Petitioners for cutting any locks and/or removing any gates or fences on the portion of Beckham Swamp Road being closed should either of the aforesaid Respondents need to access Petitioners' property via Beckham Swamp Road.

IT IS SO ORDERED.

\_\_\_\_\_  
Presiding Judge  
Fifth Judicial Circuit

Richland County, South Carolina

\_\_\_\_\_, 2011

# Richland County Council Request of Action

**Subject**

Sewer Tap Certificate Policy (pages 42-50)

**Reviews**

## Richland County Council Request of Action

**Subject:** Sewer Tap Certificate Policy

**A. Purpose**

The purpose of this report is to provide County Council an opportunity to review staff's current sewer tap certificate policy as requested by Councilman Malinowski.

**B. Background**

The Richland County Utilities Department issues sewer tap certificates as proof of payment of sewer tap fees as established by County Council. These tap certificates reserve capacity in both the wastewater collection and treatment system for the holder of the certificate. The tap certificates are redeemed upon application for a building permit for a particular piece of property.

**C. Discussion**

The sewer tap certificate policy has been developed to assist the Utilities Department in providing information to potential customers on the disposition of sewer tap certificates as it relates to their utility connections. The procedures discussed in the policy are those currently used by the Richland County Utilities Department.

**D. Financial Impact**

County Council's adoption of the sewer tap certificate policy should insure that all potential customers understand the value of the sewer tap certificates. There should be no financial impact to continue the procedures discussed in the policy.

**E. Alternatives**

1. Adopt the current sewer tap certificate policy.
2. Recommend changes to the current policy.

**F. Recommendation**

It is recommended that County Council review and adopts the sewer tap certificate policy as drafted.

**Recommended by:** Andy H. Metts    **Department:** Utilities    **Date** 9/13/11

## G. Reviews

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

### Finance

Reviewed by: Daniel Driggers

Date: 9/13/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Finance has reviewed the proposed policy and anticipate it will strengthen the internal control over the process therefore we recommend approval.

### Procurement

Reviewed by: Rodolfo Callwood

Date: 9/14/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: It's at the County Council discretion if the draft document is reviewed and if they adopt the sewer tap certificate policy as drafted.

### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The adoption of this policy is solely within the discretion of Council and is not legally required.

### Administration

Reviewed by: Sparty Hammett

Date: 9/19/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the policy, as indicated by the Finance Director, it should strengthen internal controls.

## PURPOSE:

Richland County Utilities charges a sewer tap fee to all residential and commercial customers within the Richland County sanitary sewer service area. The purpose of the fee is to assist the Utilities Department with repayment of costs associated with system expansion, daily operation and maintenance of the system(s) and maintenance of major components of the wastewater collection and treatment system.

The sewer tap fee is set and approved by Richland County Council. The current sewer tap fee is \$3,000 and is on an escalating scale by which the fee will increase to \$3,500 on August 16, 2011 and again to \$4,000 on July 16, 2013. This fee may be changed from time to time by action of the Richland County Council.

When a sewer tap fee is paid, a sewer tap certificate is issued for each residential connection or in multiples of residential equivalents if the tap fee is paid for a commercial customer. The sewer tap certificate shall be redeemed at the time of application for a building permit.

This policy is to establish documented procedures for the sale, refund, transfer, redeeming, replacement and expiration of sewer tap certificates as relates to the monetary aspect.

## DEFINITIONS:

- A. Sewer Tap Certificate – Richland County’s official document that provides proof of payment and/or satisfaction of sewer tap fee requirements.
- B. Assign – To designate for a specific use.
- C. Transfer – To move or pass from one person, group or organization to another.
- D. Expire – To come to an end or no longer be valid.
- E. Redeem – To exchange as proof of payment of a sewer tap fee when applying for a building permit.

- F. Equivalent – An equivalent is 400 Gallons Per Day (gpd) of domestic strength wastewater generated from a single unit. A residential equivalent is a single unit. A commercial equivalent is non-residential unit(s) calculated based on water consumption, land usage, building type or size as specified in the Sewer Use Ordinance.
- G. Tax Map Sequence (TMS) Number – Also known as a PID number, it is a reference number containing information necessary to identify and locate a particular property parcel.
- H. Transferor – the original holder of a tap certificate who is transferring the tap certificate’s ownership to a party other than the transferor.
- I. Transferee – the recipient of a tap certificate (the new owner) when transferred by the original tap certificate holder (transferor).
- J. Certificate of Occupancy (CO) – issued by the Building Inspections Department (a.k.a. Building Permit Office) and is necessary for legal occupancy of any new structure.

**1. PROCEDURE (PURCHASE):**

**1.1 A sanitary sewer tap fee is charged at the time of application for initial sewer service or subsequent expansion, for the specific service location (i.e. TMS number/address), by an individual property owner or developer for either an individual residential connection or a commercial connection.**

**1.2 Once a sewer tap fee has been paid, a sewer tap certificate is issued and it is permanently assigned to a specific piece of property by TMS number, with the street address supplied as supplementary information (if address is known at the time of issuance).**

**1.3 When a sewer tap fee has been paid and a tap certificate has been issued to a piece of property, which is later subdivided, the original tap certificate will remain assigned to the original TMS number and additional sewer tap fees will be due for each subdivided parcel. In this event, the Utilities Department will notify the Finance Department of the change(s), in writing, within 5 business days of Utilities’ initial knowledge of the change and impending sewer tap fees due.**

**1.4 A tap summary spreadsheet will be developed and updated as individual taps are sold or satisfied and will be used to maintain tracking information such as date issued, redemption date, inspection date and service activation. Inputting data and assigning certificate numbers will occur immediately when fees are either paid or satisfied. When refunds occur, the tap summary log will be updated immediately and the certificate number will become eligible for reissuance. By the 15<sup>th</sup> of every month, the Utilities Department will provide the Finance Department**

with a written listing of all changes/updates which have occurred in the prior calendar month including: 1) sales details (date of sale, name of purchaser, amount collected for sale, TMS number of tap sold, street address of tap sold and tap certificate number assigned to tap sale), 2) redemptions (including the date, TMS number, and tap certificate number), 3) inspections (including the date, TMS number and tap certificate number), 4) refunds (including the date and the applicable tap certificate number), 5) transfer of tap ownership (including the names of the transferor and transferee, and the original and new TMS number assigned) and 6) any updates/changes in information previously received, including purchaser name, TMS number and/or street address of tap purchase, etc. If the 15<sup>th</sup> falls on either a weekend or County holiday, this information will be provided on the business day immediately preceding the 15<sup>th</sup>.

## **2. PROCEDURE (DEPOSITS):**

**2.1** Once a sewer tap fee has been paid, a deposit summary is generated and a signed secondary review is done by an employee who is at least one authority level above the person preparing the deposit. This review will mitigate the risk that funds are misappropriated by involving a second person in the authorization and control of the deposits.

**2.2** The Utilities Department will deposit all tap fee payments with the Treasurer's Office at least two times per week, if fees have been collected that require deposits. The deposit summary will be date/time stamped as received by the Treasurer's Department. A copy of this summary will be forwarded to the Finance Department.

## **3. PROCEDURE (REFUND):**

**3.1** Written requests for refund must come through the Utilities Department and are considered on a case by case basis. Refunds are issued if all of the following conditions are met and the sewer tap certificates have not expired:

**3.1.1 The customer provides in writing a detailed explanation for the request for refund. This written explanation will include the customer's notarized signature. This notarization is for the County's protection to ensure the customer did initiate the refund request (in the event of a change, such as discovering the customer is still building on said property, etc.).**

**3.1.2. Building inspections confirms that a building permit has not been issued or has been withdrawn/refunded.**

**3.1.3. The customer is no longer building on, or purchasing the property.**

**3.1.4. Funds have been deposited into and are available in the Utilities Department Enterprise Fund sewer tap fee deferred revenue (liability) account, in an amount equal to or greater than the refund request.**

**3.1.5. The holder of the sewer tap certificate delivers the original tap certificate to the Utilities Department and the Utilities Department can verify that the tap certificate has not been redeemed, expired, lost or stolen.**

#### **4. PROCEDURE (TRANSFER):**

**4.1 Tap certificates can be transferred upon the owner (transferor) completing a Sewer Tap Certificate Assignment Request Form, which bears a notarized signature of the transferor, detailing to whom the transfer is being made (transferee). Sewer tap certificates can only be transferred if they have not been previously redeemed or have expired.**

**4.2 A customer must also present the deed of the new property along with the Sewer Tap Certificate Assignment Request Form.**

**5. PROCEDURE (EXPIRATION DATE):**

**5.1 All tap certificates will have a defined usable life from the date of issue as noted on the sewer tap certificate. These tap certificates shall remain redeemable until the expiration date. On or prior to the expiration date, the tap certificate shall be assigned to a permanent piece of property (with a specific TMS number) or it shall become null and void. In this event, the Utilities Department will notify the Finance Department of the change(s), in writing, within 5 business days of Utilities' initial knowledge of the final TMS number.**

5.2 The owner of the sewer tap certificate is responsible for notifying the Utilities Department of the property assignment prior to the expiration date.

5.3 The date of issue will coincide with the date of purchase or date of Permit-to-Operate (PTO) if issued under Sewer Extension Agreement (SEA).

**6. PROCEDURE (REDEEM):**

6.1 A tap certificate shall be redeemed at the time of application for a building permit. Tap certificates that have been previously redeemed shall be considered permanently assigned and cannot be re-assigned or transferred.

6.2 The Building Permit Office shall complete the information block on all redeemed tap certificates and return all redeemed tap certificates to the Utilities Department within five working days of the date of redemption. These tap certificates will be returned to the Utilities Department when an authorized Utilities Department employee personally receives these tap certificates at the Building Permit Office. The Director of Utilities will determine which employees are eligible for this receipt, and will provide these names to the Director of the Building Permit Office and the Director of Finance. Since the tap certificates hold a monetary value, the use of interoffice mail, in delivering these tap certificates from the Building Permit Office to the Utilities Department is prohibited and must be handled in a secure fashion.

6.3 Upon receipt of redeemed tap certificates from the Building Permit Office, the Utilities Department will immediately update the perpetual database and return the tap certificates to the fire proof filing system. The Utilities Department will notify the Finance Department, in writing, within 5 business days of receipt of any tap certificates submitted for building permits.

**7. PROCEDURE (LOST / STOLEN CERTIFICATE):**

- 7.1 If a tap certificate is lost by the bearer, a notarized letter stating the facts must be submitted to the Utilities Department.
  - 7.2 A new tap certificate will not be issued. The Utilities Department will generate a letter, bearing the original signature of the Utilities Director, indicating that the tap certificate is in place and valid, as proof of payment for the bearer. The tap certificate database will be annotated to reflect lost or stolen. Within 5 business days of the date of this letter, the Utilities Department will provide the Finance Department a copy of this letter.
  - 7.3 This letter will be substituted for the lost or stolen tap certificate and will be redeemed at the time the application for building permit is submitted. This letter will be verified by the Building Permit Office with the Utilities Department prior to acceptance. This verification must be in writing, either by e-mail to an authorized Utilities Department employee and/or a fax bearing an authorized Utilities Department employee. The Director of Utilities will determine which Utilities employees are authorized to verify the data and will provide this employee list to both the Director of the Building Permit Office and the Director of Finance. The use of verbal confirmation is strictly prohibited, as this atypical situation will need written documentation to ensure all internal controls are followed.
  - 7.4 This letter will be placed in the file to replace the lost / stolen tap certificate.
8. PROCEDURE (INVENTORY/SECURITY):
- 8.1 When new tap certificates are printed, to ensure an accurate supply of certificates on hand, immediate inventory will be performed to ensure the entire supply is accurately accounted for. On the same business day the new tap certificates are received and inventoried, the Utilities Department will notify the Finance Department, in writing, of the new tap certificate numbers printed and available for issuance.
  - 8.2 After the inventory is completed, any blank or excess un-numbered tap certificates discovered will be destroyed in a dual party environment. This will mitigate the risk of fraudulent tap certificates. Prior to this destruction, the Utilities Department must obtain approval of the County Administrator authorizing the destruction of the specified tap certificates. At the destruction, the dual parties will document the certificates destroyed and both parties will sign and date this documentation. Within one (1) business day of the destruction, the Utilities Department will notify the Finance Department, in writing, of the tap certificates destroyed.
  - 8.3 Because each tap certificate holds value, and is considered to be a controlled item, a perpetual inventory system has been developed for the hard copy certificates. All hard copies of tap certificates, prior to issuance and following redemption, will be kept on file. The holder of the tap certificate is responsible for the disposition and safekeeping of the tap certificate while in their possession. A copy of this perpetual inventory log

will be provided, on or before the last day of each calendar quarter, by the Utilities Department to the Finance Department.

8.4 Tap certificates are stored in a fireproof cabinet in a storage room that will be kept locked. Keys will be assigned to employees who are at least one authority level above the employees who accept sewer tap payments. Keys may not be loaned to nor used by any personnel to whom the keys are not originally issued. Key security should fall within the established County policy of immediately recovering and/or disabling all access tools when an employee terminates. Providing limited access to the certificates will mitigate risk of theft and misappropriation. Any tap certificate removed from the fireproof cabinet shall be signed out on the perpetual log and signed back in when returned.

9. PROCEDURE (ADDING CUSTOMERS/BILLING/REVENUE RECOGNITION):

9.1 The Building Permit Office shall not issue a Certificate of Occupancy (CO) for a building, for which a sewer tap certificates has been redeemed, until they have received a satisfactory inspection report from the Utilities Department on the sewer connection. Upon the inspection, the Utilities Department will block the sewer line from usage (ex. the insertion of an elder valve); so that the line cannot be used until a customer initiates billing.

9.2 Customers will be added to the Utility billing system once the Certificate of Occupancy (CO) has been issued. When a customer calls to establish service, the blockage device will be removed and billing will commence.

9.3 The party billed will be the party listed on the CO.

9.4 Utilities Inspectors will create a summary log of inspections performed and approved to include customer location (by TMS number and, if available, address), inspector name and approval date. The inspection log would be sent to the Finance Department by the 15<sup>th</sup> for the preceding calendar month. The Finance Department would use this log as a source document for the recognition of revenue.

# Items Pending Analysis

## **Subject**

Items Pending Analysis: No Action Required-Status Report (pages 52-54)

- a. Curfew for Community Safety (Manning-February 2010)
- b. Farmers Market Update (Council-May 2010)
- c. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)
- d. Review Homeowner Association Covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)
- e. To direct Public Works to review county ordinances and propose amendments that would allow the recovery cost to repair damage done to county public roads. The intent of this motion is to hold those responsible who damage the roadways due the use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-July 2010)
- f. That Richland County enact a Tree Canopy Ordinance and Inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)
- g. Off-ramp Lighting (Rose-February 2011)
- h. In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent with the City of Columbia) banning texting while operating a motor vehicle (Rose-April 2011)
- i. Staff is requested to review Richland County's current ordinance as it relates to animal ownership in Richland County to determine if there is a better way of controlling the amount of animals (pets) a person has in their possession in order to eliminate the possibility of some locations turning into uncontrolled breeding facilities or a facility for the collection of strays and unwanted animals (Malinowski and Kennedy-May 2011)
- j. Direct staff to coordinate with SCDHEC and SCDOT a review of traffic signal timing improvements in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all business and residential construction that would cause a slowdown of traffic on the road servicing that facility (Malinowski-April 2010)
- k. To have staff determine the legalities of an ordinance change that would allow for public/private business partnerships to be operated on school property, specifically in the sports medicine field, and create the necessary wording (Malinowski-September 2011)
- l. Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place (Malinowski-September 2011)

## **Reviews**

## **Status of Development and Services Committee Items Pending Analysis**

a. Curfew for Community Safety (Manning-February 2010)

**Status of Item a: Legal is still working with the Sheriff's Department and GIS regarding this matter. Legal will confer with Mr. Manning once they have completed their work with the Sheriff's Department and GIS.**

b. Farmers Market Update (Council-May 2010)

**Status of item b: Per discussion with the County Administrator, the site plan is still being developed. The SCRA is the project manager for this project. Once the site plan has been developed it will be brought forward to the committee. Date TBD.**

c. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens (Jackson-January 2010)

**Status of item c: Item will be presented to D&S Committee in November in conjunction with the implementation of the recommendations from the Development Review Process Analysis.**

d. Review Homeowner Association Covenants by developers and the time frame for transfer and the strength of the contracts (Jackson-September 2010)

**Status of item d: There is currently pending state legislation (S-218) that, if passed will address most of Councilmember Jackson's concerns. On March 14, 2011 the SC Senate referred SC-218 to a senate subcommittee. Discussion regarding this item will resume when the SC Legislature returns in January of 2012.**

e. To direct Public Works to review county ordinances and propose amendments that would allow the recovery cost to repair damage done to county public roads. The intent of this motion is to hold those responsible who damage the roadways due to the use of heavy vehicles, improperly parked property or other uses for which the type of roadway was not intended (Malinowski-July 2010)

**Status of item e: Public Works reviewed ordinances and policies. The general enforcement of overweight vehicles is covered by law enforcement, while issues of road damages at a specific location can be addressed through the existing Public Works encroachment permit process.**

f. That Richland County enact a Tree Canopy Ordinance and Inventory to preserve and enhance the number of trees in Richland County (Malinowski-July 2010)

**Status of item f: This item is being held in Committee pending the completion of the Development Roundtable process. It is anticipated that additional information will be available for the November D&S Committee meeting.**

g. Off-ramp Lighting (Rose-February 2011)

**Status of item g: Public Works met with representatives of the hospitality industry and lighting manufactures to discuss implementation of lighting installation in SCDOT right of way. The hospitality industry representative is going to summarize facilities at all interstate exit locations in Richland County for ranking potential exit ramps for Lighting.**

h. In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent with the City of Columbia) banning texting while operating a motor vehicle (Rose-April 2011)

**Status of item h: Staff from Legal indicated that this item should be ready for the October D&S Committee meeting.**

i. Staff is requested to review Richland County's current ordinance as it relates to animal ownership in Richland County to determine if there is a better way of controlling the amount of animals (pets) a person has in their possession in order to eliminate the possibility of some locations turning into uncontrolled breeding facilities or a facility for the collection of strays and unwanted animals (Malinowski and Kennedy-May 2011)

**Status of item i: This item should be ready for the October Committee meeting.**

j. Direct staff to coordinate with SCDHEC and SCDOT a review of traffic signal timing improvements in unincorporated Richland County and request a system of red/yellow flashing traffic signals be initiated to help reduce emissions. Unincorporated Richland County will also mandate ingress and egress turn lanes for all business and residential construction that would cause a slowdown of traffic on the road servicing that facility (Malinowski-April 2010)

**Status of item j: In August 2011, SCDOT completed their review of this request and advised that "SCDOT Policy does not advocate the usage of flash operations at stop and go traffic signals due to driver expectations." SCDOT offered to meet and discuss this further if requested.**

k. To have staff determine the legalities of an ordinance change that would allow for public/private business partnerships to be operated on school property, specifically in the sports medicine field, and create the necessary wording (Malinowski-September 2011)

**Status of item k: Staff from Legal indicated that this item should be ready for the October D&S Committee meeting.**

1. Staff, in conjunction with the Conservation Commission, will consider an ordinance change to prevent the crossing of any portion of a conservation easement with utilities unless by special exception and with specific requirements in place (Malinowski-September 2011)

**Status of item 1: The Planning Department Attorney indicated that Mr. Malinowski has agreed to give Planning staff time to draft an appropriate ordinance. This item should be ready for the October D&S Committee.**