

RICHLAND COUNTY
DEVELOPMENT & SERVICES
COMMITTEE AGENDA



Tuesday, JUNE 22, 2021

5:00 PM

ZOOM MEETING

The Honorable Allison Terracio, Chair

County Council District 5

The Honorable Derrek Pugh

County Council District 2

The Honorable Gretchen Barron

County Council District 7

The Honorable Cheryl English

County Council District 10

The Honorable Chakisse Newton

County Council District 11

RICHLAND COUNTY COUNCIL 2021



Bill Malinowski
District 1
2018-2022



Derrek Pugh
District 2
2020-2024



Yvonne McBride
District 3
2020-2024



Paul Livingston
District 4
2018-2022



Allison Terracio
District 5
2018-2022



Joe Walker III
District 6
2018-2022



Gretchen Barron
District 7
2020-2024



Overture Walker
District 8
2020-2024



Jessica Mackey
District 9
2020-2024



Cheryl English
District 10
2020-2024



Chakisse Newton
District 11
2018-2022





Richland County Development & Services Committee

June 22, 2021 - 5:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Allison Terracio

2. **APPROVAL OF MINUTES** The Honorable Allison Terracio
 - a. Regular Session: May 25, 2021 [PAGES 7-10]

3. **ADOPTION OF AGENDA** The Honorable Allison Terracio

4. **ITEMS FOR ACTION** The Honorable Allison Terracio
 - a. Special Revenue Fund - Hospitality Tax: RC Volley ball Complex - new group seeking Council funding (\$ 3,950,000) [PAGES 11-18]

 - b. Special Revenue Fund - Hospitality Tax: SC Kings Foundation Nexx Level Sports Center - new group seeking Council funding (\$ 9,500,000) [PAGES 19-24]

 - c. I move to name June as Pride Month in Richland County [TERRACIO]

 - d. I move to authorize the County Attorney to take any and all necessary actions, including condemnation proceedings, to acquire ownership of the roadway parcels of Aiken Hunt Circle and Oak Brook Drive that are currently not in the County’s road maintenance program. These parcels are located in the Wildewood Subdivision, and the current owner has been nonresponsive to prior requests by the Department of Public Works to acquire the roadway parcels. [MACKEY] [PAGES 25-50]

 - e. I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In

Richland County, nearly half of renters pay more than a third of their income on rent and utilities [TERRACIO] [PAGES 51-132]

**Per direction at the June 15th Council meeting, the committee will determine when to schedule a workshop to further discuss this matter.

- e. Amend the County's current ordinance, in order to allow lighting on Broad River Road [DICKERSON] [PAGES 133-231]

*Staff seeks committee direction based upon its prior recommendations and the updated information provided via an agenda briefing addendum.

- f. Adoption of the Solid Waste Management Plan [PAGES 232-325]
- g. Municipal Solid Waste Management – Collections Contract [PAGES 326-330]

5. ITEMS PENDING ANALYSIS: NO ACTION REQUIRED

The Honorable Allison Terracio

- a. I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON] [PAGES 331-348]

6. ADJOURNMENT



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.



Development and Services
May 25, 2021 -5:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Allison Terracio, Chair, Derrek Pugh, Gretchen Barron, Cheryl English, and Chakisse Newton.

OTHERS PRESENT: Paul Livingston, Bill Malinowski, Yvonne McBride, Jesica Mackey, Michelle Onley, Leonardo Brown, Tamar Black, Kyle Holsclaw, Ashiya Myers, Mike Zaprzalka, Mike Maloney, Clayton Voignier, John Thompson, Elizabeth McLean, Lori Thomas, Randy Pruitt, Stacey Hamm, Michael Byrd, Dante Roberts, Dale Welch, Lauren Hogan, Dwight Hanna, Geo Price, Andrea Mathis, Ronaldo Myers, Stephen Staley, Angela Weathersby, Bill Davis, Sandra Haynes and Brian Crooks

1. **CALL TO ORDER** – Ms. Terracio called the meeting to order at approximately 5:00 PM.

2. **APPROVAL OF MINUTES**

a. **Regular Session: April 27, 2021** – Ms. English moved, seconded by Ms. Barron, to approve the minutes as distributed.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous

3. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Ms. English, to adopt the agenda as published.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

4. **ITEMS FOR ACTION**

a. **FY2022 Dirt Road Paving Project List** – Ms. Newton moved, seconded by Mr. Pugh, to forward to Council with a recommendation to move forward with the design and paving of twelve (12) dirt roads which are listed below.

District #1: Jacquelyn Powers Circle (1,164 LF), Stanley Fort Road (298 LF); District #2: Hardy Entzminger Road (2,227 LF). Jordan Road (837 LF); District #7: Wooten Road (2,018 LF); District #9: Nature Trail (2,170 LF); District #10: Lassiter Jacobs Road (4,047 LF), S. Crosshill Circle (2,025 LF), Sara Neal Road (1,166 LF), Chappel Creek Lane (2,121 LF); District #11: Pond Arch Road (1,122 LF), Wattsland Road (2,578 LF)

These roads are not funded by the Transportation Penny Department program.

**Development & Service Committee
May 25, 2021**

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Ms. Newton inquired about how these roads were selected.

Mr. Maloney responded this goes back to the approval of the maintenance plan for the County roads. They coordinated the County's dirt road plan with the Transportation Penny Program to only pave the roads that were unfunded.

Mr. Staley stated these dirt roads are the first roads that are unfunded through the Transportation Penny Program. He noted there is a formula in the ordinance that ranked these roads based on length, if there is church nearby, the road is a cut through, and how many houses are on the roads. These were the highest ranked of the funded roads. Based on the size of the district, and the number of existing dirt roads in the district, staff tried to prorate the share of paving projects.

Mr. Maloney noted staff felt that twelve (12) roads was a fair amount in relation to the budget.

Ms. Newton inquired if the estimated cost was included in the briefing document.

Mr. Maloney stated, for the upcoming budget year, Public Works has over \$1M, which they believe will be more than enough. The first year will be mostly right-of-way and design. It will be 2023 before they will be looking for construction funds.

Mr. Pugh stated he will be meeting with staff offline to discuss his constituents concerns.

Ms. Barron stated she would like to understand how these roads are being prioritized.

Mr. Staley responded all of the dirt roads were ranked, based off of a formula in the ordinance. Public Works started their list where the unfunded roads started under the Transportation Penny Program. He stated he would be glad to meet with Council members to discuss the formula in more detail.

Ms. English noted she also would like to meet with staff to get a better understanding.

Ms. Terracio inquired if the condition of the road is also a part of the formula.

Mr. Staley responded there is a maintenance number given to the roads, which goes into the calculation.

Ms. Newton requested a list of the ranked dirt roads.

Mr. Malinowski inquired if the landowners will be queried to determine if they want their roads paved.

Mr. Staley responded that is still a part of the plan.

Ms. McBride inquired as to when the roads were ranked.

Mr. Staley responded he believes it was in 2013.

Ms. McBride inquired if there are any plans to do another study or look at the conditions of the roads.

Mr. Staley responded they are currently working on reevaluating the paved roads, but they have not discussed the dirt roads.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

**Development & Service Committee
May 25, 2021**

5. **ITEMS FOR PRELIMINARY ACTION**

- a. **I move to evaluate affordable housing options to include the option of establishing an Affordable Housing Trust Fund for Richland County as a benefit to the public. Housing is considered to be “affordable” when 30% or less of one’s income is spent on housing and utilities. In Richland County, nearly half of renters pay more than a third of their income on rent and utilities[TERRACIO]** – Ms. Terracio noted there is information in the packet from grassroots organizations, State Law, staff research, and the City of Columbia Task Force.

The City of Columbia has received a presentation from the Columbia Affordable Housing Task Force, and they are prepared to present to County Council.

Ms. Newton noted she is not clear about the requested action because the committee did not address staff’s recommendations.

Ms. Terracio stated, because many of the individuals on the Columbia Affordable Housing Task Force would be duplicative to the one the County would form, it was prudent to join in with the City’s efforts. She requested staff’s efforts be circulated to Councilmembers.

Ms. Newton stated she believes it would be premature to send something to Council since the committee has not fleshed out the proposal.

Ms. Terracio stated her intention is to invite the Affordable Housing Task Force to make a presentation to Council.

Ms. Newton stated, for clarification, this item would remain in committee.

Ms. Terracio responded in the affirmative.

Mr. Malinowski suggested a work session instead of a presentation at a Council meeting.

Ms. Terracio moved, seconded by Mr. Pugh, to invite a representative from the Affordable Housing Task Force to present at the next Council meeting.

In Favor: Pugh, Terracio, Barron, English and Newton

The vote in favor was unanimous.

6. **ITEMS FOR DISCUSSION**

- a. **I move to authorize the County Attorney to take any and all necessary actions, including condemnation proceedings, to acquire ownership of the roadway parcels of Aiken Hunt Circle and Oak Brook Drive that are currently not in the County’s road maintenance program. These parcels are located in the Wildewood Subdivision, and the current owner has been nonresponsive to prior to prior requests by the Department of Public Works to acquire the roadway parcels [MACKEY]** – Ms. Mackey stated Wildewood is an established neighborhood that has been built out for several years. The majority of the roads in the subdivision were taken over by the County. Aiken Hunt Circle and Oak Brook Drive were not turned over to the County. Over the years, the roads have deteriorated. Public Works has come in, as needed, to help with removing debris and flooding. The constituents in the neighborhood have expressed an interest in bringing these roads under the County.

Mr. Malinowski noted, according to Council Rules, this motion is not properly on the committee agenda.

Ms. Newton stated this issue has come before Council several times. We obviously want everyone’s roads to be taken care, but at the same time we have people on County roads who have been waiting to have their

roads repaired. There were some policies put into place to ensure we are not put in situations where constituents are disenfranchised.

Ms. Mackey stated, as much as we need to prioritize roads, we also need to look at the County as a whole to determine which roads are in “doughnut holes” and fell through the cracks.

Ms. McLean noted the County does not have the right to maintain or repair roads that we do not own. If these roads were left out, that is when Council votes to take roads “as is”. If the developer/owner cannot be reached, then the County would have use the condemnation process. An appraisal of the road will have to be done, and just compensation will need to be offered to the owner. If the owner turns down the offer, the County can file an action with the Court. After 30 days, if the owner does not contest the action, the County can proceed with the work.

No action was taken on this item.

7. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

a. **I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON]** – No action was taken.

b. **Amend the County’s current ordinance, in order to allow lighting on Broad River Road [DICKERSON]** – No action was taken.

5. **ADJOURNMENT** – The meeting adjourned at approximately 5:45 PM.

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Richland County Government
Administration
FY22 Richland County Hospitality Tax Program
Deadline: 5/30/2021

Rogue Volleyball Volleyball facility

Jump to: [Application Questions](#) [Budget](#) [Tables](#) [Required Attachments](#)

\$ 3,950,000.00 Requested

Submitted: 5/4/2021 11:05:18 AM (Pacific)

Project Contact

Adam Speight
adam@carolinarogue.com
Tel: 803-422-7976

Additional Contacts

none entered

Rogue Volleyball

110 Chinaberry Ln
Cayce, SC 29033
United States

Telephone 803-422-7976

Fax

Web www.CarolinaRogue.com

Club Director

Adam Speight
adam@carolinarogue.com

Application Questions [top](#)

1. Incorporation date

July 5, 2016

2. Federal ID Number

81-3119762

3. Mission Statement

To offer amateur sports programs and opportunities for all people to have the physical, mental, and moral development of amateur athletes and to promote good sportsmanship and good citizenship.

Project Information

4. Project Title

Volleyball facility

5. Project Start Date

2021

6. Project End Date

2022

7. Total Project Cost

\$3,950,000

8. Total Amount Requested

\$3,950,000

9. Describe the project and its tourism mission

Include a thorough, but concise description. Include who, what, when, where and why. Include information about innovative ideas, community support and partnerships. Describe coordination that has been completed or will be needed with other organizations.

Rogue Volleyball (501(c)3 EIN: 81-3119762) is currently leasing space with Richland County, and has been working with the Richland County Recreation Commission to propose a project to construct an indoor volleyball complex to facilitate increased demand.

This project will benefit the under-served female and youth of our area, as well as the community as a whole. Nationally, more high school aged females play volleyball (446,583) than basketball (412,407), softball (367,861) or soccer (390,482). Even in South Carolina, volleyball (4,926) tops softball (4,822), basketball (4,606), and nearly equals soccer (4,965), according to National Federation of High Schools data (www.nfhs.org).

Three different economic impact methods were used to produce a range of revenue data for the facility, ranging from \$1 million annually, to \$3 million, depending on facility size (4-6 courts).

The volleyball center will feature 4-6 indoor volleyball courts, in addition to 2-4 outdoor beach volleyball courts. The courts will be competition-ready for practices, tournaments and matches. The facility will also host Sitting Volleyball events for US Armed Forces Sitting Volleyball teams, serve as a primary facility for adaptive volleyball leagues and tournaments, and host camps and clinics from major colleges and universities.

The demand for such a facility is clear and immediate, as our organization has stretched the limits of current RCRC capacity for volleyball rentals. We will be split across several RCRC facilities next year, which is not an efficient way to facilitate the meteoric rise in volleyball's popularity. Plus, this will ease facility strain for the current RCRC facilities, allowing for expansion of existing programs, while allowing our organization to grow the RCRC rec volleyball program in a top notch building run by one of the best volleyball clubs in the country.

Rogue Volleyball would enter into a long term exclusive lease for 24,000 - 33,000 square feet of the 42,000 square foot building at 1041 Ponderosa Pointe Dr. in unincorporated Richland County. This will guarantee the county revenue, capacity, and a partnership with one of the top volleyball organizations in the country. As part of the agreement, we will run community events such as adult league and youth clinics, as well as the entire Richland County rec volleyball program, which currently does not exist (Lexington County started theirs in 2020 and had four times the amount of participants as anticipated).

This will bring a steady stream of thousands of athletes and their families to the Monticello Road corridor, which has been identified as an area of potential growth. Millions of dollars, many from out of town, will be brought into Richland County. The fact that this property sits next to the SC United soccer complex makes this entire site less of a "facility" and more of a "destination," only enhancing the appeal to future developers in the area.

This will also allow Richland County to lease the remaining 10,000 - 20,000 square feet if desired.

The Rec Commission is aware of this project and supportive of our efforts to work with the County to provide funding for the next budget cycle specifically for this project. We are asking for \$3,950,000 for building purchase and to finish construction, since it is currently a "shell" built for spec purposes, and the 6.53 acre site. There is an option to acquire the 6 acres adjoining the site for an additional \$360,000 (for 11.53 acres total) for additional development.

*NOTE: This project is not site-dependent. Another comparable site would suffice, even if no current building exists on the land. Hill Construction estimates new construction for the facility, including site work, from \$92-98 per square foot, making a comparable 42,000 s/f facility built new to be the same \$3.95 million. New construction is a viable alternative to the proposed site. The proposed site is currently available, expediting time to occupancy, but is not required, since a new facility could be constructed for the same amount.

Richland County would own the building and the land. The Rec Commission is aware of this project, and has supported its acceleration.

10. Program Locations

Please list the street address (full address) of all program locations that will be funded through H-Tax Grant funds. Please indicate if the program will be held on County property.

The property to be purchased and converted into the facility is located at 1041 Ponderosa Pointe Dr. in Columbia, South Carolina. It is in unincorporated Richland County, and Richland County (probably through the Richland County Recreation Commission) would own the property.

Additionally, 6 acres next to the property is optional at 1021 Ponderosa Pointe Dr. in Columbia.

11. Does Your Project Require Permits?

If yes, list those required permits.

Building permits to complete upfitting construction.

Tourist Information

12. Projected Full Attendance

9045 per year

13. Projected Number Of Tourists

7236 per year

14. Projected Total Meals Consumed

54,270 per year

15. Projected Total Overnight Stays

14,472 per year

16. Describe how your organization determined the numbers above and indicate the numbers of meals and room stays estimated in unincorporated Richland County.

A 6 court facility would host tournaments with 4 teams per court (24 teams), in two waves per day for a total of 48 teams.

There are 12 participants per team, for 576 total participants per tournament.

There is an average of 3.14 attendees per participant (including the participant, parent(s), sibling(s), etc.) for a total of 1,809 attendees per tournament.

We would run at least 5 tournaments per year, for 9,045 attendees per year.

Of those, 80% are from out of town, for 7,236 "tourists" per year.

Each tournament is two days, and each attendee would consume at least 6 meals per tournament (at least one on day/evening of arrival, three on the first day of the tournament, and two on the second day, usually departing before the third meal), for a total of 54,270 meals consumed per year.

As a two day tournament that starts at 8:00 am (standard start time), the 7,236 out-of-town attendees would stay overnight for two nights, for 14,472 total overnight stays per year.

17. Describe the benefit to tourism. How does this project promote and highlight unincorporated Richland County's historic and cultural venues, recreational facilities and events and the uniqueness and flavor of the local community?

This project site is next to the SC United Soccer Complex off of Monticello Road, and adding this volleyball facility would help bolster Richland County as a true sports destination. Currently, large scale volleyball tournaments are held in either Rock Hill, Spartanburg, Charleston or Myrtle Beach. Richland County is skipped because there is no volleyball-specific venue that can attract these kinds of events, which draw tens of thousands of people every year.

Women's sports have skyrocketed in the past several years in Richland County, aided by the success of high profile programs like USC Women's Basketball. While everyone is aware of the basketball history in the area, few are aware of the volleyball climate. The fact that more females play volleyball in South Carolina than basketball, and the fact that USC Women's Volleyball has advanced to the second round of the NCAA Tournament for two consecutive years, and USC Women's Beach Volleyball is a perennial top 10 team (in the fastest growing sport in NCAA history) tells a much richer, more complete story of the role female athletics plays in Richland County.

The partnership with Rogue Volleyball only helps that culture and identity. 49% of our athletes the past two seasons have been African American, we are the only volleyball organization in South Carolina history to have players commit to play in all five "Power 5" Division 1 conferences, have had multiple All-Americans (and more players named to All-American Watch Lists than all other South Carolina volleyball organizations combined), and have helped our first two graduating classes alone achieve over \$2 million in athletic scholarships. As of April 1, 2021, we have two alumni playing on the #2 ranked team in the country (University of Kentucky) and one on the #12 team (Utah) who was also a 7-time nominee for Pac 12 Freshman of the Year, and member of the Pac 12 All-Freshman Team.

Coaches from USC, Clemson, University of Kentucky, Stanford University, Illinois University, Louisville, Appalachian State, High Point, UNC, Stanford, University of Georgia, Furman, Mississippi State, College of Charleston, and several other colleges have come to Rogue practices in Columbia.

Having Rogue Volleyball - a nationally recognized and respected organization - as it's resident developing and running the local area's volleyball activities, the program will have the advantage of premier training, administration, resources, connections and development, and would considerably elevate the County's status in the sport, as well as add to the extremely rich culture of advancing female athletics, particularly in under-served areas.

For Richland County, tournaments would drive thousands of players and their families to Riverbanks Zoo, restaurants in the Vista and northeast Columbia, and help build the Monticello Road corridor and unincorporated Richland County as a hub for volleyball competition and training.

18. Describe the benefit to the community in which the project will be held.

The main issue with "mega multi-sport complexes," such as the ones that host tournaments in Rock Hill, Spartanburg, Charleston and Myrtle Beach, is that they go unused during weekdays. Tourism dollars flow in from out-of-town visitors, but the local residents still struggle to find places to play. The people in the community don't benefit directly, and dozens of athletes in those markets are still left driving hours for a decent place to practice and train.

We are first and foremost a local volleyball organization. In addition to hosting at least 5 tournaments per year, our lease agreement would include access for the community during the week. Our season is 33 weeks long, and during that time, we would be training and practicing 4-5 days per week (something that simply doesn't happen in those other complexes). Other days during the week, we will host leagues for adults in the community, and open gyms for local residents to come play.

The remaining 19 weeks of the year, we would build and run a rec volleyball program for Richland County and the Rec Commission (branded as Richland County, not Rogue Volleyball). The programming, training and structure would be handled by one of the top organizations in the country, and would provide a home to help foster the growth of the most popular female sport in the United States. Lexington County decided to finally create a rec volleyball program recently. In their first year, demand was 400% what they estimated. For volleyball to be played by more female athletes in South Carolina than basketball, the demand at the younger ages is built up beyond capacity with no outlet for rec sports like there is for basketball, soccer and softball.

Economically, the project would contribute \$2-4 million annually to the community. As stated above, the projected attendance would be 1,809 attendees per tournament. The average spending per visitor (according to Greenville, SC data) is \$385 per tournament. That would amount to \$696,465 per tournament. At 5 tournaments per year, it would create \$3,482,325 annual impact.

The benefits to the community would be massive. Not only would Richland County benefit economically, with annual impact of \$2-4 million, but the families and local athletes would benefit from having a "home" for a sport that desperately needs one. The participation statistics tell a compelling story of a group of young females that are massively under-served. We would provide rec opportunities for girls AND boys (Men's Volleyball is the second fastest-growing NCAA sport, and is one of the fastest-growing sports in high schools in South Carolina), club opportunities to advance their games and potentially gain college scholarships, and open gyms and adult leagues to promote the facility and provide places to play where resources are consolidated and consistent.

Marketing Plan

19. Outline your project's marketing plan (Include how you plan to reach tourists and work with local restaurants. Also include tracking mechanism used to determine tourist attendance.

Outline your marketing, advertising and promotional plans for your program. How will you track visitors and overnight stays? What methods are you using to track all visitors and count the number of tourists and residents that attend your event/program.

Our organization is the most nationally prominent volleyball club in South Carolina. Every high school aged volleyball player in South Carolina knows our club and our brand. However, our efforts to market and promote the project go well beyond brand equity.

We have several high school coaches who have already approached us about using the facility to host large scale high school tournaments (most are limited to 3-4 courts and single waves, where our facility would have at least 6 courts and two waves). Multiple high school tournaments during the fall would help bring even more tourists to the area than outlined earlier, and would introduce thousands of attendees to the facility each year who might not otherwise experience it. We will also work with the South Carolina High School League, and the South Carolina Independent School Association (SCISA) to host playoff tournaments and middle school championships at the facility.

We have also discussed building and running the rec volleyball program for the Richland Count Recreation Commission. Using their program marketing and databases to promote the facility for community use (open gyms, adult leagues, rec volleyball, etc.) will help both the project and the county.

Additionally, several colleges have asked when the facility would be ready, because they want to come in and do clinics. These college coaches include University of Wisconsin (current #1 team in the country), Dayton, Mississippi State, High Point University, NC State, UNC Chapel Hill, University of Louisville, University of Tennessee, Georgia Tech and Wake Forest, among others. These are all colleges that have approached us proactively to ask when a facility would be ready for them to come run camps and clinics. These would be promoted heavily through all social media channels and to all middle and high schools in the state.

Visitors and attendees are easy to track. Registrations, rosters and gate attendance are automatically verifiable, with most tournaments requiring hotel stay forms for teams. Because teams (high school or club) tend to be geographically organized, "out-of-town" estimates are easy, in addition to the hotel stay forms.

One of the appealing aspects of the project to Richland County is the County's desire to develop the Monticello Road corridor. As more restaurants are added, they will be the default meal choice for all attendees, both for tournaments and for weekday practices. Additionally, local food trucks have reached out about coming to events at a facility where their presence would allow attendees to sample local cuisine in the most convenient way possible.

Performance Measurements

20. What performance measures will you use to determine the success of advertising and marketing efforts for this project?

Metrics will come in the form of club program growth (our organization is estimating a 300% increase in athlete participation from year 1 of the facility lease to year 5), rec program growth and participation, and tournament hosting.

Our goals are 20 teams by year 5 in the facility from our organization, 50 rec volleyball participants by year 3, 5 tournaments hosted by year 5, and 2 high school tournaments hosted by year 3.

21. Provide evidence of success for similar programs/events and the capacity to make this project successful.

Similar programs are found throughout the country.

Over 1,600 clubs (not teams) in the US host tournaments in their own facility.

Locally, Upward Stars in Spartanburg has a 7-court facility that hosts multiple tournaments, and has grown to 33 teams due to this project (this is not the same facility as the Star Center which hosts larger tournaments but does not allow weekday access for the volleyball athletes).

KIVA in Louisville, KY has a 6-court facility and won 54 National Championships and boasts one of the strongest youth programs in the country.

Munciana in Muncie, IN has won 32 National Championships out of their 7-court facility.

A5 in Atlanta, GA just outgrew their 5-court facility and moved into a 13 court facility.

CUVC in Charlotte, NC operates out of a 6-court facility.

Triangle Volleyball Club in Raleigh just moved into a 7 court facility.

More than 3,000 clubs in the US have great than 10 teams in their organization.

Greater than 1,650 clubs have programs for boys (the second fastest growing men's NCAA sport). Over 1,500 clubs have beach programs (the fastest growing sport in NCAA history).

More than 2,850 clubs have Youth programs (defined as ages 7-11), and more than 1,700 clubs have "Volley Tots" programs for ages 3-7.

Greater than 1,600 clubs offer in-house leagues.

(statistics from USA Volleyball and the JVA Annual Club Survey published February 17, 2020)

Sustainability

22. What efforts are being made to increase the sustainability of this project/program and decrease the reliance on County H-Tax funding?

This would be a one-time request. No future funding is being requested.

Operating expenses will be paid by the Recreation Commission and Rogue Volleyball, as determined by the lease agreement.

Partnerships/Community Support

23. Describe your partnership efforts with similar organizations in Richland County that assist in furthering the mission of your organization. List the names of partnering organizations if applicable.

We have been working with the Richland County Recreation Commission to lease the space outlined in this project. We will also work with the Rec Commission to build and run their rec volleyball program, as well as high school volleyball programs in the County to host tournaments in the facility.

24. Will your organization's FY22 budget be significantly different than FY21? Please explain any variance over 10%.

The growth will be due to a 50% increase in teams.

Budget [top](#)

| Income Sources | Amount | Pending | Receiving |
|------------------------------------|------------------------|----------------|----------------|
| FY22 Richland County H-Tax Request | \$ 3,950,000.00 | | |
| Total | \$ 3,950,000.00 | \$ 0.00 | \$ 0.00 |

| Expense Category | County H-Tax Request | Other Sources | Total |
|--|----------------------|----------------|----------------|
| Advertising/Marketing/Promotion/Billboards | \$ 0.00 | | \$ 0.00 |
| Advertising/Marketing Related Salary | \$ 0.00 | | \$ 0.00 |
| Municipal Services/Security | \$ 0.00 | | \$ 0.00 |
| Entertainment/Speakers/Guest Artists | \$ 0.00 | | \$ 0.00 |
| Event Rentals | \$ 0.00 | | \$ 0.00 |
| Consultants/Contractors | \$ 0.00 | | \$ 0.00 |
| Total | \$ 0.00 | \$ 0.00 | \$ 0.00 |

Budget Narrative

The 42,000 square foot building and 6.53 acres at 1041 Ponderosa Pointe Drive has a sales price of \$2.1 million (information provided by Chuck W. Salley, Vice President and Director of Industrial Brokerage at Colliers).

The property is a spec building, mostly unfinished. The cost to finish the building to make it ready for use is estimated at \$1.85 million (\$50/sf to finish 32,000 square feet, with \$25/sf to "half finish" the remaining 10,000 square feet for the County to use in other ways, if it wishes. Information provided by Ray Hill of Hill Construction).

The total would be \$3.95 million.

*NOTE: This project is not site-dependent. Another comparable site would suffice, even if no current building exists on the land. Hill Construction estimates new construction for the facility, including site work, from \$92-98 per square foot, making a comparable 42,000 s/f facility built new to be the same \$3.95 million. New construction is a viable alternative to the proposed site. The proposed site is currently available, expediting time to occupancy, but is not required, since a new facility could be constructed for the same amount.

There are no additional requested funds, as "normal" operating costs will be paid by a combination of the Rec Commission and Rogue Volleyball, as determined in the lease agreement. Rogue would enter into a long-term lease (20-25 years) with the County to rent the space at published County volleyball court rates. Existing expense costs will remain for the long-term agreement, so no additional H-Tax funds will be needed outside of the normal scope of Rec Commission facility operating budgets.

As a tenant, Rogue Volleyball will be responsible for its own marketing and promotion, and current Rec Commission marketing would aid in the rec league promotions through email blasts and social media.

Tables [top](#)

Organizational Funding History

| Source | H-Tax | A-Tax | Discretionary | Other | Total |
|--------------|-------------|-------------|---------------|-------------|-------------|
| FY18 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| FY19 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| FY20 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Contributed Income & Earned Revenue

| Contributed Income | FY17 | FY18 | FY19 | FY20 |
|---------------------------------|------------------|-------------------|-------------------|-------------------|
| Municipal grants | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| County grants | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| State grants | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Federal grants | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Foundation/corporate grants | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Contributions | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Other contributed | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Contributed Income | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Earned Income | | | | |
| Admission/tickets | \$ | \$ | \$ | \$ |
| Tuition/fees | \$ 75,000 | \$ 115,000 | \$ 115,000 | \$ 141,000 |
| Publications | \$ | \$ | \$ | \$ |
| Concessions/merchandise | \$ | \$ | \$ | \$ |
| Advertising | \$ | \$ | \$ | \$ |
| Facility rental | \$ | \$ | \$ | \$ |
| Special Event fundraisers | \$ | \$ | \$ | \$ |
| Other | \$ | \$ | \$ | \$ |
| Total Earned Revenue | \$ 75,000 | \$ 115,000 | \$ 115,000 | \$ 141,000 |
| Total | \$ 75,000 | \$ 115,000 | \$ 115,000 | \$ 141,000 |

Expenses

| Expenses | FY17 | FY18 | FY19 | FY20 | Total |
|-----------------------------------|------------------|-------------------|-------------------|-------------------|-------------------|
| Program services | \$ 77,000 | \$ 111,000 | \$ 111,000 | \$ 132,000 | \$ 431,000 |
| Fundraising | \$ | \$ | \$ | \$ | \$ 0 |
| Administration/Management/General | \$ | \$ | \$ | \$ | \$ 0 |
| Other | \$ | \$ | \$ | \$ | \$ 0 |
| Total | \$ 77,000 | \$ 111,000 | \$ 111,000 | \$ 132,000 | \$ 431,000 |

Required Attachments [top](#)

Documents Requested *

IRS Determination Letter indicating 501 c 3, nonprofit charitable status

Required? Attached Documents *



[IRS Letter](#)

[IRS EIN](#)

Proof of current registration as a charity with the SC Secretary of State



[Charity Registration Receipt](#)

| | | |
|---|---|----------------------------------|
| List of organization's current Board Members/Directors | ✓ | Club leadership |
| Recent 990 tax form or if you file a 990 post-card attach a financial report showing financial status | ✓ | 990-N |
| Richland County business license or business license assessment survey form (this form shows that a business license is not needed for your organization) | ✓ | Business License |

* ZoomGrants™ is not responsible for the content of uploaded documents.

Application ID: 347921

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Richland County Government
Administration
FY22 Richland County Hospitality Tax Program
Deadline: 4/30/2021

SC Kings Foundation, Inc Nexx Level Sports Center

Jump to: [Application Questions](#) [Budget](#) [Tables](#) [Required Attachments](#)

\$ 9,500,000.00 Requested

Submitted: 4/4/2021 6:18:35 PM (Pacific)

Project Contact

Alison Hewitt
alison.aahewitt@comcast.net
Tel: 8134380020

Additional Contacts

none entered

SC Kings Foundation, Inc

701 Gervais St
Columbia, SC 29201
United States

Telephone 8134380020
Fax
Web

President/CEO

Russell C Dean
rdean92@aol.com

Application Questions [top](#)

1. Incorporation date

August 21, 2019

2. Federal ID Number

84-2758496

3. Mission Statement

The Mission of the SC KINGS FOUNDATION is to establish state of the art facilities that host series of sports events, community and civic engagement outings, mentoring activities, educational programs and empowerment trainings. The facilities and the uniquely designed mentoring programs will initiate economic growth for the target areas as well as facilitate the development of accountability and confidence that will result in networks that build trust, positively impact the target community and improve the quality of life of its residents.

Project Information

4. Project Title

Nexx Level Sports Center

5. Project Start Date

August 2021

6. Project End Date

August 2022

7. Total Project Cost

25 Million

8. Total Amount Requested

Project Description and Goals

9. Describe the project and its tourism mission

Include a thorough, but concise description. Include who, what, when, where and why. Include information about innovative ideas, community support and partnerships. Describe coordination that has been completed or will be needed with other organizations.

Year 1 Year 2 Year 3 Year 4 Year 5
 Basketball Tournaments 10 13 14 15 16
 Volleyball Tournaments 11 12 14 17 17
 Other Tournaments/Events 10 10 10 10 10
 Total Events Per Year 37 42 46 50 51

Year 1 Year 2 Year 3 Year 4 Year 5
 Non-Local Days in Market 59,017 77,745 80,900 89,377 92,897
 Room Nights 17,717 23,403 24,296 26,805 27,872

Year 1 Year 2 Year 3 Year 4 Year 5
 Total Direct Spending \$7,577,242 \$9,981,745 \$10,386,818 \$11,475,188 \$11,927,123
 Total Economic Impact \$7,577,242 \$9,981,745 \$10,386,818 \$11,475,188 \$11,927,123

Management (SFA/SFM) will be responsible for scheduling the number of tournaments need per year to make the financial goals.

10. Program Locations

Please list the street address (full address) of all program locations that will be funded through H-Tax Grant funds. Please indicate if the program will be held on County property.

7608 Broad River Road 29063

11. Does Your Project Require Permits?

If yes, list those required permits.

1. ZONING: (most important or we can't proceed with purchase of land)
 Must change Zoning from RU to Commercial
2. Richland County Construction Permit (to include the following)
 - Site Layout
 - SWPP
 - Full set of drawings
 - Boring Testing
3. Town of Irmo:
 - Business License
 - Project inspections

Tourist Information

12. Projected Full Attendance

Estimated annual daily visits - 374,305

13. Projected Number Of Tourists

Non-Local Days in Market: Year 1 - 59,017 Year 2 - 77,745 Year 3 - 80,900 Year 4 - 89,377 Year 5 - 92,897

14. Projected Total Meals Consumed

TBD

15. Projected Total Overnight Stays

Room Nights: Year 1 - 17,717 Year 2 - 23,403 Year 3 - 24,296 Year 4 - 26,805 Year 5 - 27,872

16. Describe how your organization determined the numbers above and indicate the numbers of meals and room stays estimated in unincorporated Richland County.

SFA/SFM created the economic impact report that provided data showing how Nexx Level Sports Center programming and events will impact the local economy. Taking into account the venue type and size and specific details about the community, Sports Facilities Advisory used a proprietary analytical process to translate projections from the Pro Forma to determine the impact of three items:

Non-local visitors' days in market

Room nights generated by tournament and programming attendees

The average daily expenditure of non-local visitors through purchases for lodging, dining, entertainment, retail, travel, and associated expenses.

17. Describe the benefit to tourism. How does this project promote and highlight unincorporated Richland County's historic and cultural venues, recreational facilities and events and the uniqueness and flavor of the local community?

The Nexx Level Sports Center will be able to host a huge number of basketball (AAU, YBOA, Big Shots, etc.) and volleyball (AAU, Palmetto Volleyball, USA Volleyball, etc.) tournaments, such a facility would also be able to host events from national organizations such as: USA Badminton, US Fencing, USA Judo and USA Table Tennis just to name a few. The economic benefit to our community from hosting these tourism-generating events would for the most part be " new money" because Richland County does not currently have a facility hosting these types of events .

18. Describe the benefit to the community in which the project will be held.

According to Wintergreen Research, Sports Tourism is recession resistant. It was the only segment of the travel industry with no decline in any quarter of the last recession. In 2018, youth sports was estimated to be a \$15 Billion Industry according to Wintergreen Research/Time Magazine. Based on recent estimates the sports tourism industry is a \$18 Billion industry.

Marketing Plan

19. Outline your project's marketing plan (Include how you plan to reach tourists and work with local restaurants. Also include tracking mechanism used to determine tourist attendance.

Outline your marketing, advertising and promotional plans for your program. How will you track visitors and overnight stays? What methods are you using to track all visitors and count the number of tourists and residents that attend your event/program.

There will be coordination with the major tournaments hosted by the Nexx Level Sports Facility. Participating teams will submit complete rosters of the number of attendees for the number of days for the tournaments. There will be coordination with Host hotels and local restaurants. We will do direct marketing to the major basketball, volleyball, badminton and other sports to secure tournaments.

Performance Measurements

20. What performance measures will you use to determine the success of advertising and marketing efforts for this project?

The construction performance measures will be to closely monitor the the construction budget and schedule to maintain an on time and under budget process. After opening the management team will be responsible for achieving the goals in the proforma that maximizes success.

| Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | |
|--------------------------|--------|--------|--------|--------|----|
| Basketball Tournaments | 10 | 13 | 14 | 15 | 16 |
| Volleyball Tournaments | 11 | 12 | 14 | 17 | 17 |
| Other Tournaments/Events | 10 | 10 | 10 | 10 | 10 |
| Total Events Per Year | 37 | 42 | 46 | 50 | 51 |

21. Provide evidence of success for similar programs/events and the capacity to make this project successful.

The Management firm hired to create the Pro Forma will be the management company for the project. There experience includes:

25 Million guests
\$250 Million in overnight hotel stays
700 Members

They manage, consult and have created 21 facilities around the country (indoor, outdoor and a combination of both):

Myrtle Beach Sports Center - Myrtle Beach, SC
Rocky Top Sports World - Gatlinburg, TN
The Bridge - Bridgeport, WV
Hoover Met Complex - Hoover AL
Ballparks of America - Branson, MO
Apex Sports & Events - Hillsborough, NJ
Rocky Mount Event Center - Rocky Mount, NC
Panama City Beach Sports Complex - Panama City Beach, FL
Pelican Bay Aquatics - Edmond, OK
Athletes in Action - Xenia, OH
The Highlands Sports Complex - Wheeling, WV

Sustainability

22. What efforts are being made to increase the sustainability of this project/program and decrease the reliance on County H-Tax funding?

After opening the management team will be responsible for achieving the goals in the pro forma that maximizes success.

Year 1 Year 2 Year 3 Year 4 Year 5
 Basketball Tournaments 10 13 14 15 16
 Volleyball Tournaments 11 12 14 17 17
 Other Tournaments/Events 10 10 10 10 10
 Total Events Per Year 37 42 46 50 51

The facility will also implement diverse income streams by including the following:

- REDEMPTION ARCADE
- REDEMPTION STORE
- VIRTUAL REALITY ACTIVITIES
- ESPORTS AREA
- CLIMBING COURSE

MEETING/FLEX SPACE:

- FOOD & BEVERAGE
- TUTORING, DAYCARE + AFTER SCHOOL LEASE
- MEDICAL LEASE SPACE
- FITNESS LEASED SPACE

Corporate Meetings & Trainings
 Social Events
 Consumer Shows
 Facility Rental Fees
 Parking Fees
 Group Events (Graduations, Corporate, Banquet, Etc.)
 Facility Rental Fees
 Parking Fees
 Tradeshow and Association Shows

Partnerships/Community Support

23. Describe your partnership efforts with similar organizations in Richland County that assist in furthering the mission of your organization. List the names of partnering organizations if applicable.

1. Columbia Urban League: President, J.T. McLawhorn, Project Manager, Juanita Dean-Bates
2. Big Shots, Inc.: Jeff Schnider, President, Kevin Schnider, Vice-President
3. Lineage Of Champions: Dameon Key, President
4. Columbia Basketball Officials Association: Richie Jeffcoat, President
5. Lake Murray Volleyball Club - Sue Dillon
6. Town of Irmo

24. Will your organization's FY22 budget be significantly different than FY21? Please explain any variance over 10%.

FY 2021 Budget funds will be used to secure \$16 million dollars in funding for construction and operations.

FY 2022 Budget request will be for operations only.

Budget [top](#)

| Income Sources | Amount | Pending | Receiving |
|------------------------------------|-----------------|---------|-----------|
| FY22 Richland County H-Tax Request | \$ 9,500,000.00 | | |
| Private Donations | \$ 1,000,000.00 | | |

| | | | |
|-------------------|-------------------------|-------------------------|----------------|
| Private Financing | \$ 0.00 | \$ 15,000,000.00 | |
| Total | \$ 10,500,000.00 | \$ 15,000,000.00 | \$ 0.00 |

| Expense Category | County H-Tax Request | Other Sources | Total |
|--|----------------------|----------------|----------------|
| Advertising/Marketing/Promotion/Billboards | | | \$ 0.00 |
| Advertising/Marketing Related Salary | | | \$ 0.00 |
| Municipal Services/Security | | | \$ 0.00 |
| Entertainment/Speakers/Guest Artists | | | \$ 0.00 |
| Event Rentals | | | \$ 0.00 |
| Consultants/Contractors | | | \$ 0.00 |
| Total | \$ 0.00 | \$ 0.00 | \$ 0.00 |

Budget Narrative

Land Cost \$2,000,000
 Hard Cost \$13,726,174
 Field and Sport Equipment Cost \$3,408,062
 Furniture, Fixtures, and Equipment \$1,094,987
 Soft Costs Construction \$2,436,992
 Soft Costs Operations \$2,356,947
 Working Capital Reserve TBD
 Total Uses of Funds \$25,023,161

Tables [top](#)

Organizational Funding History

| Source | H-Tax | A-Tax | Discretionary | Other | Total |
|--------------|-------------|-------------|---------------|-------------|-------------|
| FY18 | \$ | \$ | \$ | \$ | \$ 0 |
| FY19 | \$ | \$ | \$ | \$ | \$ 0 |
| FY20 | \$ | \$ | \$ | \$ | \$ 0 |
| Total | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Contributed Income & Earned Revenue

| Contributed Income | FY17 | FY18 | FY19 | FY20 |
|---------------------------------|-------------|-------------|-------------|-------------------|
| Municipal grants | \$ | \$ | \$ | \$ |
| County grants | \$ | \$ | \$ | \$ |
| State grants | \$ | \$ | \$ | \$ |
| Federal grants | \$ | \$ | \$ | \$ |
| Foundation/corporate grants | \$ | \$ | \$ | \$ |
| Contributions | \$ | \$ | \$ | \$ |
| Other contributed | \$ | \$ | \$ | \$ 148,000 |
| Total Contributed Income | \$ 0 | \$ 0 | \$ 0 | \$ 148,000 |
| Earned Income | | | | |
| Admission/tickets | \$ | \$ | \$ | \$ |
| Tuition/fees | \$ | \$ | \$ | \$ |
| Publications | \$ | \$ | \$ | \$ |
| Concessions/merchandise | \$ | \$ | \$ | \$ |
| Advertising | \$ | \$ | \$ | \$ |
| Facility rental | \$ | \$ | \$ | \$ |

| | | | | |
|-----------------------------|-------------|-------------|-------------|-------------------|
| Special Event fundraisers | \$ | \$ | \$ | \$ |
| Other | \$ | \$ | \$ | \$ |
| Total Earned Revenue | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total | \$ 0 | \$ 0 | \$ 0 | \$ 148,000 |

Expenses

| Expenses | FY17 | FY18 | FY19 | FY20 | Total |
|-----------------------------------|-------------|-------------|-------------|-------------------|------------------|
| Program services | \$ | \$ | \$ | \$ 45,000 | \$ 45,000 |
| Fundraising | \$ | \$ | \$ | \$ | \$ 0 |
| Administration/Management/General | \$ | \$ | \$ | \$ 70,000 | \$ 70,000 |
| Other | \$ | \$ | \$ | \$ | \$ 0 |
| Total | \$ 0 | \$ 0 | \$ 0 | \$ 115,000 | \$115,000 |

Required Attachments [top](#)

Documents Requested *

Required? Attached Documents *

| | | |
|---|---|---|
| IRS Determination Letter indicating 501 c 3, nonprofit charitable status | ✓ | IRS Determination Letter |
| Proof of current registration as a charity with the SC Secretary of State | ✓ | SC Secretary of State Registration |
| List of organization's current Board Members/Directors | ✓ | SC King Foundation Board Members |
| Recent 990 tax form or if you file a 990 post-card attach a financial report showing financial status | ✓ | 2019 990 |
| Richland County business license or business license assessment survey form (this form shows that a business license is not needed for your organization) | ✓ | Business license assessment survey form |

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Application ID: 347937

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Agenda Briefing Addendum

| | | | |
|------------------------------------|--|-----------------------------------|------------------------|
| Prepared by: | Michael Maloney, PE | Title: | Director |
| Department: | Public Works | Division: | Administration |
| Contributor: | Stephen Staley, PE | Title: | County Engineer |
| Contributor: | Richard Player | Title: | Right of Way Agent |
| Contributor: | Elizabeth McLean | Title: | Acting County Attorney |
| Date Prepared: | May 27, 2021 | Meeting Date: | May 25, 2021 |
| Approved for Consideration: | Assistant County Administrator | John M. Thompson, Ph.D., MBA, CPM | |
| Committee: | Development & Services | | |
| Agenda Item: | 6a. I move to authorize the County Attorney to take any and all necessary actions, including condemnation proceedings, to acquire ownership of the roadway parcels of Aiken Hunt Circle and Oak Brook Drive that are currently not in the County's road maintenance program. These parcels are located in the Wildewood Subdivision, and the current owner has been nonresponsive to prior requests by the Department of Public Works to acquire the roadway parcels. [MACKEY] | | |

COUNCIL INQUIRY#1:

Staff was requested to provide and be prepared to discuss the process by which roads are added to the County's road maintenance program and to ensure the process is fair and equitable.

Reply:

Staff follows County Ordinance - Chapter 21-21(b),

"Road resurfacing funds, for the resurfacing of existing paved roads, will be distributed by county council district based on that district's portion of total county paved road mileage."

"Roads will be selected for paving based on distribution/ availability of funds and priority within that council district, as determined by the condition analysis as maintained by public works."

1. First, distribute the funds based on the length within a District as compared to the entire County; then,
2. Prioritize those funded within the District based upon the condition index.

Within the past six months, Council has given staff direction to defer major improvements on incoming abandoned roads. Note that in the case of Aiken Hunt circle, no staff member has the cause of the missing ROW ownership. The roads appear to have been built to County's standards and are now surrounded by residents in homes that are over 30 years old. All County roads will be rated using the condition index as to its need for maintenance.

COUNCIL INQUIRY#2:

Staff was requested to provide a map of the community with roads listed in the motion

Reply:

Please see Attachment 1.

COUNCIL INQUIRY#3:

The Department of Public Works was directed to provide a historical reference related to the roads and its attempts to contact the owner.

Reply:

The DPW Right of Way Agent attempted to contact the owner via phone. Certified letters were mailed dated October 14, 2018 and October 23, 2020. Please see the attached correspondence (Attachment 2).

COUNCIL INQUIRY#4:

Provide a summary timeline and a list of actions necessary for condemnation.

Reply:

Per the County Attorney's Office, condemnation is a straightforward process; the County must have a valid public purpose and offer just compensation. Below are the general steps:

1. Obtain an appraisal of the subject property to determine "just compensation." We do not need to solicit these services as there is already an approved list.
2. Make an offer to the landowner of the appraised amount (just compensation). Attempt to settle.
3. If Landowner refuses settlement offer, file Condemnation action with court. Landowner has 30 days after service to contest the public purpose only. He cannot contest the dollar amount at this point.
4. If Landowner does not contest the public purpose, the County has the right at that time to take control of the subject property and begin making repairs, etc.
5. The Court will schedule a hearing to determine the proper value for just compensation and issue an order granting such as well as title to the subject property to the county.

The entire process would be lengthy as courts are very backed up right now; however, the beginning of the process which will allow the County to act shouldn't be more than 90 days, depending on the ability to get an appraisal completed.

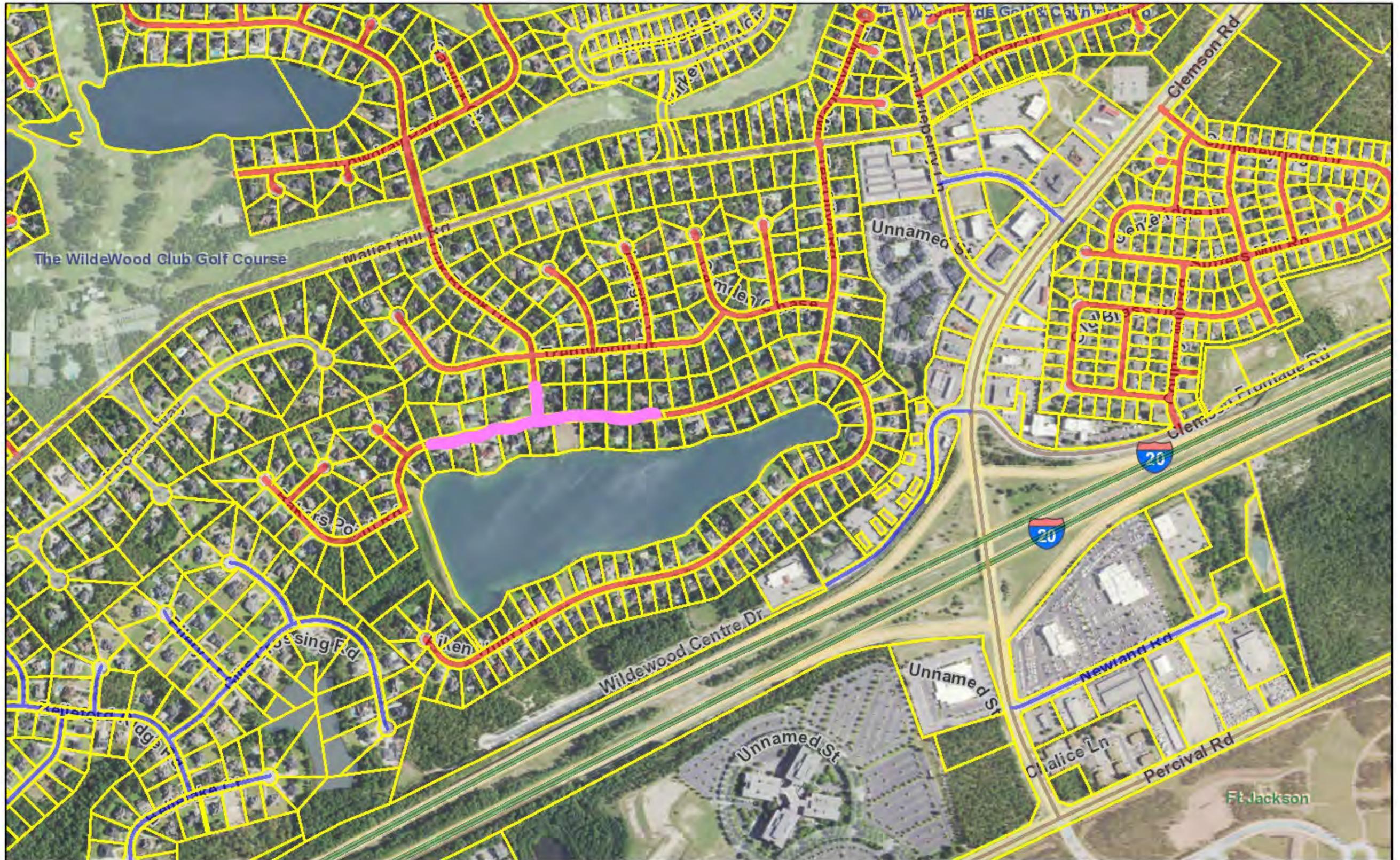
ADDITIONAL COMMENTS FOR CONSIDERATION:

None.

ATTACHMENTS:

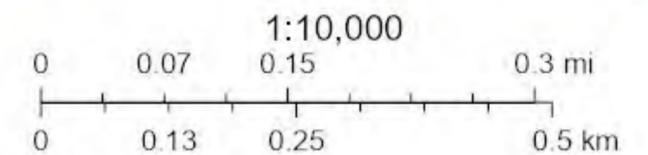
1. Map of Wildewood VII
2. Copies of Certified Correspondence

Wildewood VII



May 27, 2021

- | | | | |
|-------------------|------------|------------------|----------|
| Roads Maintenance | Columbia | Private or Other | Proposed |
| County Paved | SCDOT | Federal | Parcels |
| County Unpaved | Interstate | Out of County | |



Richland County, Richland County & NAIP

**RICHLAND COUNTY
DEPARTMENT OF PUBLIC WORKS**

400 Powell Road
Columbia, SC 29203



Sparkleberry Associates
3511 East Federal St.
Baltimore MD.
21213

10/14/2018

Re: Aiken Hunt Cir. TM# R25604-05-01

To Whom It May Concern:

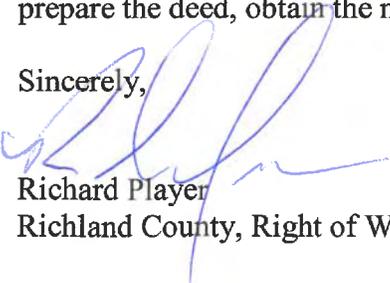
Records on file in the Assessors' Office of Richland County indicate that you or your company, own the right of way or section of right of way for roads located in Richland County as referenced above.

The issue of private ownership of these roads intended to be public was recently addressed by Richland County Council. A list of several roads that fall into this category was presented to County Council. After discussing the issue, Richland County Council is authorizing Public Works to accept the right of way for these roads on an "as is" basis. Your request for Richland County to accept these roads is on a donation basis only. No funds will be expended to purchase these parcels.

If the roads were purchased at a Richland County tax sale, the county will not reimburse you or your company for the right of way purchased. It is clearly stated in the bid packet, "know what you are bidding on".

If you would like to deed the right of way for this road or section of road to Richland County, the County will prepare the deed, obtain the necessary signatures and have the deed recorded at no cost to you.

Sincerely,


Richard Player
Richland County, Right of Way Agent



RICHLAND COUNTY GOVERNMENT
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
 400 Powell Road
 Columbia, SC 29203

CERTIFIED MAIL

U.S. POSTAGE >> PITNEY BOWES



ZIP 29204 \$005.75⁰
 02 1W
 0001375672 OCT 26 2020

91 7199 9991 7036 4015 3500

Mr. Joe Gladney
 Sparkleberry Associates
 3511 East Federal ST.
 Baltimore, MD 21213

2376

NIXIE 212 DE 1 0011/21/20
 RETURN TO SENDER
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 UNABLE TO FORWARD
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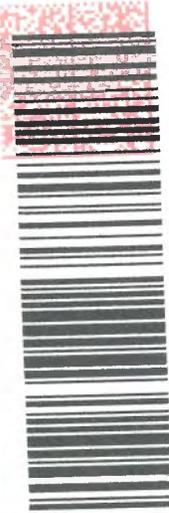
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 29203>9668
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RICHLAND COUNTY GOVERNMENT
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
 400 Powell Road
 Columbia, SC 29203

CERTIFIED MAIL

U.S. POSTAGE >> PITNEY BOWES
 ZIP 29204 \$005.75⁰
 02 1W
 0001375672 OCT 26 2020



91 7199 9991 7036 4015 3500

Mr. Joe Gladney
 Sparkleberry Associates
 3511 East Federal ST.
 Baltimore, MD 21213

Handwritten signature and initials

NIXIE 212 DE 1 0011/21/20
 RETURN TO SENDER
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**RICHLAND COUNTY
DEPARTMENT OF PUBLIC WORKS**

400 Powell Road
Columbia, SC 29203



10/23/2020

CERTIFIED MAIL

Mr. Joe Gladney

Sparkleberry Associates

3511 East Federal St

Baltimore, MD 21213

TMS 25604-05-01 Aiken Hunt Cir.

Dear Sir;

I am writing to you today concerning Aiken Hunt Circle in Richland County Columbia, SC. We would like to discuss the road and the improvements that are badly in need of. As you know, Richland County has tried on numerous occasions to contact you by phone and by certified mail to no avail. As it stands now the responsibility of this road belongs to you, meaning any repairs done to the road should be paid by you and not the citizens of Richland County since it is a privately owned road. If we do not hear from you within 30 days of the receipt of this letter we will start repairs on the road and invoice you for the full amount of the repair. Going forward we would like to discuss other options of obtaining the road, to include Richland County taking over the road by any means legally possible including condemnation.

Thank you

Richard Player

A handwritten signature in blue ink, appearing to read "R. Player", is written over the printed name "Richard Player".

Right-Of-Way Administrator

Richland County Department of Public Works

(803) 576-2418, (803) 518-1663

CC: Stephen Staley P.E.

Richland County Engineer



ISSUES BRIEFING – AFFORDABLE HOUSING

This issues briefing serves to provide information related to affordable housing within Richland County. Included below is background on affordable housing needs, along with current policies, programs, and related efforts to address the issue. Further, this issues briefing explores potential barriers for affordable housing specific to Richland County and identifies actions the County can undertake to address affordable housing needs.

BACKGROUND

Housing affordability differs based upon a variety of factors, i.e., household income, location of housing, and household size, composition, and characteristics. The standard approach for measuring housing affordability utilizes a ratio of housing costs to household income, or the thirty percent [30%] income rule. Housing is affordable when a household spends less than a thirty percent [30%] share of their gross income on housing needs. When a household spends more than this amount, housing is unaffordable and the household is “cost burdened”. Households experience a severe cost burden when housing costs equal a fifty percent [50%] share or greater of the household income. Table 1 below provides information on the number of households that are cost burdened within Richland County.

| Table 1. Richland County Housing Affordability Percentage of Household Income for Monthly Housing Costs, 2018 | | | | | | |
|--|---------------|---------------|---------------|---------------|---------------|---------------|
| Indicator | Households | Percent | Owners | Percent | Renters | Percent |
| Total | 152,227 | 100.00% | 88,369 | 100.00% | 63,858 | 100.00% |
| Below 30% | 95,665 | 62.84% | 67,635 | 76.54% | 28,030 | 43.89% |
| 30% or Above | 53,020 | 34.83% | 20,307 | 22.98% | 32,713 | 51.23% |
| Less than \$10,000: | 11,523 | 7.57% | 3,500 | 3.96% | 8,023 | 12.56% |
| Below 30% | 226 | 1.96% | 90 | 2.57% | 136 | 1.70% |
| 30% or Above | 11,297 | 98.04% | 3,410 | 97.43% | 7,887 | 98.30% |
| \$10,000 to \$19,999: | 12,642 | 8.30% | 5,394 | 6.10% | 7,248 | 11.35% |
| Below 30% | 1,643 | 13.00% | 1,044 | 19.35% | 599 | 8.26% |
| 30% or Above | 10,999 | 87.00% | 4,350 | 80.65% | 6,649 | 91.74% |
| \$20,000 to \$34,999: | 23,023 | 15.12% | 9,670 | 10.94% | 13,353 | 20.91% |
| Below 30% | 6,628 | 28.79% | 4,911 | 50.79% | 1,717 | 12.86% |
| 30% or Above | 16,395 | 71.21% | 4,759 | 49.21% | 11,636 | 87.14% |
| \$35,000 to \$49,999: | 21,983 | 14.44% | 11,799 | 13.35% | 10,184 | 15.95% |
| Below 30% | 14,025 | 63.80% | 8,189 | 69.40% | 5,836 | 57.31% |
| 30% or Above | 7,958 | 36.20% | 3,610 | 30.60% | 4,348 | 42.69% |
| \$50,000 to \$74,999: | 30,295 | 19.90% | 16,979 | 19.21% | 13,316 | 20.85% |
| Below 30% | 25,196 | 83.17% | 14,034 | 82.66% | 11,162 | 83.82% |
| 30% or Above | 5,099 | 16.83% | 2,945 | 17.34% | 2,154 | 16.18% |
| \$75,000 to \$99,999: | 18,151 | 11.92% | 13,617 | 15.41% | 4,534 | 7.10% |
| Below 30% | 17,313 | 95.38% | 12,818 | 94.13% | 4,495 | 99.14% |
| 30% or Above | 838 | 4.62% | 799 | 5.87% | 39 | 0.86% |
| \$100,000 or more: | 31,068 | 20.41% | 26,983 | 30.53% | 4,085 | 6.40% |
| Below 30% | 30,634 | 98.60% | 26,549 | 98.39% | 4,085 | 100.00% |
| 30% or Above | 434 | 1.40% | 434 | 1.61% | 0 | 0.00% |
| Not computed | 3,542 | 5.55% | 427 | 0.48% | 3,115 | 4.88% |

Source: U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates; B25095; Universe: Owner-occupied Housing Units; B25074; Universe: Renter-occupied Housing Units

As shown in Table 1, Richland County has around 53,020 households, about 35%, that are cost burdened. Over half, around 51%, of all renter households experience a cost burden for housing, while only around 23% of homeowners in the County experience the same. As presented in the chart above, as incomes increase, the cost burden decreases significantly, especially for households with incomes at and above the \$50,000 to \$74,999 range.

An important take away corresponds to a connection to the median household income [MHI] for the County. Per the most recent Census data, Richland County has an MHI of approximately \$52,159. A significant portion of cost burdened households fall within income ranges below this value. When compared to the total percent of households that experience a cost burden, lower income brackets have shares that are 1 to 63 percent points higher, showing there is a greater cost burden for lower income households than for higher income households. Additionally, renters see a greater share of unaffordability at lower incomes than owners at incomes below the MHI.

When identifying the level of affordability or the number of affordable units, income segments or thresholds become the basis for determining how much a household or family can afford, along with the cost burden method. The US Department of Housing and Urban Development [HUD] publishes income limits yearly for the certain income segments, which centers upon the ratio of family household income to the area family median income [AFMI]. These income limits, shown in Table 2 below, are based upon households and a threshold of maximum household family income, generally at eighty percent [80%], fifty percent [50%], and thirty percent [30%] of the AFMI.

| Indicator | Household Income | Monthly Income | Housing Affordability | Purchase Price |
|--------------------------------------|----------------------|--------------------|-----------------------|------------------------|
| 100% AFMI | \$72,600 | \$6,050 | \$1,815 | \$391,911 |
| Moderate Income or more: 80% or more | \$58,100 or more | \$4,842 or more | \$1,453 or more | \$313,637 or more |
| Low Income: 50% to 80% | \$36,300 to \$58,100 | \$3,025 to \$4,842 | \$908 to \$1,453 | \$195,955 to \$313,637 |
| Very Low Income: 30% to 50% | \$26,200 to \$36,300 | \$2,183 to \$3,025 | \$655 to \$908 | \$141,433 to \$195,955 |
| Extremely Low Income: 30% or less | \$26,200 or less | \$2,183 or less | \$655 or less | \$141,433 or less |

Notes: Income segments utilize the area median income [AMI] of a family of four per HUD guidelines. The "Purchase Price" assumes a 30-year mortgage with an interest rate of 3.85% and a maximum monthly expense of 30% for that segment. Any higher segment household could afford a unit within the segments below it. The "Moderate Income or more" includes Middle and Upper Income segments.

The above segments detail the level of affordability households (based upon a family of four) can assume for their housing costs. The affordability segments and the affordability breakdowns take into consideration the thirty percent [30%] housing expense for each household. Important to note here are the median home value and median gross rent. The median home value [MHV] in Richland County is approximately \$163,600. Likewise, the median gross rent [MGR] is \$982. These two cost values are important reference points in thinking about housing affordability as the median value is directly in the middle, where half is above and half is below. So just by that, one can assume there are many more units with higher rents than homes of larger values. Table 3 below details the share of units in each income segment, as delineated in Table 2, where the share of affordable units is the number of units that would be affordable to a household within that income segment.

| Table 3. Richland County Housing Affordability Percent Share of Affordable Units for Income Segments | | | | | | |
|---|--------|---------|-------------|---------|--------------|---------|
| Indicator | Units | Percent | Owned Units | Percent | Rental Units | Percent |
| Moderate Income or more: 80% or more | 26,066 | 17.12% | 16,563 | 18.74% | 9,503 | 14.88% |
| Low Income: 50% to 80% | 46,893 | 30.80% | 18,758 | 21.23% | 28,135 | 44.06% |
| Very Low Income: 30% to 50% | 33,432 | 21.96% | 17,628 | 19.95% | 15,804 | 24.75% |
| Extremely Low Income: 30% or less | 44,667 | 29.34% | 35,420 | 40.08% | 9,247 | 14.48% |
| No Cost/No Rent | 1,169 | 1.83% | 0 | 0.00% | 1,169 | 1.83% |

Source: U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates; B25063, Universe: Renter-occupied Housing Units; B25075, Universe: Owner-occupied Housing Units

Table 3 provides for the share of occupied housing units within each income segment directly. However, renters or homebuyers in other income segments can reach downward in order to find affordable units; in essence, the full share of units is the summation of all units that would fall below that segment’s maximum affordability price point. As such, the share of affordable units will increase for higher-level income segments as percent of the AFMI increases due to the lower-level segments being affordable to those of higher income. For example, while the Low Income segment only has around a 31% share of affordable units available within its range, the segment has access to around an 82% total share.

For the Extremely Low Income segment (30% or less than the AFMI), there is a total share of around 29% of units affordable to those households. There is a much greater share of owned units versus rental units, with shares of around 40% (highest overall for owned units) and 14.5%, respectively. The Very Low Income segment (30% to 50% of the AFMI) sees a share of around 22% of affordable units. The Low Income segment has the highest share of around 31%. Additionally, the Low Income segment has the highest share of rental units at 44%.

While, there are units that would be affordable to households of lower income segments, these units are not always available to households. Looking back to Table 2 and the income limits, it is evident this will not always be the case when considering the actual price point paid and the price point a household can pay without being cost-burdened. The basic gap analysis helps in determining whether the supply of housing units priced affordably for different income levels is sufficient for the number of households with incomes at those levels. The gap generally represents the amount of households who cannot find housing within their price range and are paying more than they can reasonably afford.

| Table 4. Richland County Housing Affordability Affordable Housing Gap | | | |
|--|------------|------------------|----------|
| Indicator | Households | Affordable Units | Gap |
| Median Income: 100% or less | 99,973 | 65,058 | (34,915) |
| Low Income: 80% or less | 82,323 | 50,443 | (31,880) |
| Very Low Income: 50% or less | 52,081 | 29,470 | (22,611) |
| Extremely Low Income: 30% or less | 35,988 | 4,609 | (31,379) |
| Not Computed | - | 3,542 | - |

Source: U.S. Census Bureau, 2018 American Community Survey 1-Year Estimates; B19001, Universe: Households; B25095; Universe: Owner-occupied Housing Units; B25074; Universe: Renter-occupied Housing Units

Notes: The housing gap is an approximation based upon the availability of data. The census tables utilized do not detail incomes based upon household size, which is one of the key factors for determining affordability. The level of available units also does not include vacant units that may be for rent or for sale. Only units that would otherwise be on the market and occupied are noted.

Important to consider for housing needs is the aggregate units that are not affordable. Looking at the Low Income and below, the gross number equates to the number of affordable units needed for those specific households. In terms of percent, this would mean a gap of about 20% between the total number of units and the needed number of affordable units for the Extremely Low Income segment. The total gap for affordable housing units varies slightly for each income segment, but remains relatively stable ranging from about 15% to 23% of total units. Here, the gap percentage becomes an important factor for moving forward with policy consideration. Specifically, it provides a general baseline that around 20% of future housing should be affordable for households at these income ranges to address the unaffordability of housing in the County.

COUNTY EFFORTS RELATED TO AFFORDABLE HOUSING

Richland County has various policies and programs related to affordable housing. Primarily, the Community Development Division implements the County’s efforts for affordable housing programs. These programs include the Richland County Housing Assistance Program [RCHAP], Richland Rebuilds, Operation One Touch, and like programs, funded through HUD designated funds in the form of Community Development Block Grants [CDBG] and Home Investment Partnership [HOME] funds. In addition to these programs, Richland County provides direct funds, through CDBG and HOME allocations to local non-profits and Community Housing Development Organizations [CHDO]. Through these various mechanisms, Richland County provides access and supply of affordable units to its citizens. Since 2006, the RCHAP homeowner assistance program has provided 312 families with down payment assistance in order to purchase their new home. Similarly, Richland County along with its CHDOs and Partners have helped multiple families since becoming a HUD grantee. Richland County offers in-house programs such as Operation One Touch and Richland Rebuilds that offer direct assistance to homeowners. Such programs offered assistance to 23 families in FY19-20. Tables 5 and 6 below provide a spending breakdown of CDBG and HOME funds allocated toward affordable housing initiatives going back to 2015 for external partners and internal programs.

| Table 5. Richland County Housing Affordability CDBG & HOME Allocations for CHDOs & Non-Profit Developers | | |
|---|---|--------------|
| Year | Organization Program | Funding |
| 2015 | Columbia Housing Authority Partnership (New Construction) | \$200,000.00 |
| 2016 | SC Uplift (Acquisition & Rehab) | \$75,141.53 |
| 2018 | SC Uplift (New Construction) | \$137,145.00 |
| 2018 | Richland Rebuilds | \$132,657.41 |
| 2018 | Santee Lynches CDC (Acquisition & Rehab) | \$76,239.15 |
| 2019 | Community Assistance Provider (New Construction) | \$495,135.00 |



| Table 6. Richland County Housing Affordability CDBG & HOME Allocations – Internal Programs (RCHAP – REHAB - RICHLAND REBUILDS) | | |
|---|--------------------------------|-----------|
| Year | Organization Program | Funding |
| 2015 | Community Development Division | \$428,235 |
| 2016 | Community Development Division | \$560,649 |
| 2017 | Community Development Division | \$355,000 |
| 2018 | Community Development Division | \$367,245 |
| 2019 | Community Development Division | \$328,956 |

Notes: Federal fiscal year 2019 is still on going and the funding amount listed is the amount allocated for affordable housing programs in the annual action plan.

As part of receiving CDBG and HOME funds from HUD, recipients must create a Consolidated Plan that identifies various community development and housing needs, goals, and strategies related to them. As part of this, recipients must develop a housing needs assessment within the plan. A housing needs assessment is an inventory and analysis of existing housing needs and needs anticipated because of future growth. The assessment evaluates the extent to which the current and future housing market can provide housing at various costs. The needs assessment is a critical component of working to address housing needs and issues. It takes into consideration both quantitative and qualitative measures of housing, utilizing both data types for a holistic perspective. The Community Development Division will be updating the Consolidated Plan, and performing a new needs assessment, in the coming year.

In addition to the initiatives coordinated through the Community Development Division, County Council has also made direct contributions to organizations and groups working to advance affordable housing. Specifically, Council has made General Fund allocations to various organizations going back the past several years. For Fiscal Year [FY] 16, FY17, and FY18, Council allocated to the Midlands Housing Trust Fund in the amount of \$100,000, \$100,000, and \$55,000, respectively. Council allocated \$20,000 to SC Uplift in FY 16. In FY 18, Council allocated \$200,000 to the Midlands Community Development Corporation. Likewise, Council has awarded discretionary grants and other grants to like groups for affordable housing purposes, i.e., the Central South Carolina Habitat for Humanity.

County Council put forth an economic development policy related to affordable housing in July of 2018. At the July 24, 2018 County Council meeting, the Council approved, unanimously, a resolution related to economic development incentives for affordable low-income rental housing developments. The economic development policy expresses that County Council will consider property tax incentives for the development of safe and affordable rental housing for private and governmental developers. The resolution states that the Economic Development Committee should consider certain factors in providing those incentives. These various factors include but are not limited to elements of location and ability to reduce blight, number of affordable units created, financial assistance, accessibility or inclusion of mixed uses, and restrictions on affordability for a 20-year period.

Other policy elements that County Council has adopted include goals and objectives set forth within the 2015 Comprehensive Plan. Within the Population Element, Goal #4 specifically addresses affordable housing with a strategy (4.4) to include affordable housing in Planned Development District rezoning applications. Additionally, Housing Goal #3, under the Housing Element of the Plan, looks “to create housing choices for all household types, sizes, and incomes; to allow employees the opportunity to live and work in the same area, including personal costs and societal costs”. The Plan sets forth three strategies under Housing Goal #3 for advancing affordable housing:

- 3.1: Community land trust
 - Create a community land trust program, providing a mechanism to mitigate the increasing cost of land and its impact on the cost of affordable housing.
- 3.2: Joint development of affordable housing
 - Develop affordable housing on appropriate County-owned land by seeking joint development opportunities with the private sector
- 3.3: Other incentives
 - Provide incentives to developers for including affordable housing in subdivision design

Additionally, the Plan has other goals and strategies that seek to expand housing choice and quality for County residents within the Population, Housing, and Land Use Elements.

Likewise, the Comprehensive Plan establishes various Priority Investment Areas [PIAs] throughout the county. The Priority Investment Act, included under Title 6, Chapter 29 of the SC Code of Laws, allows local governments to develop market-based incentives and to reduce unnecessary housing regulations to encourage affordable housing within PIAs.

BARRIERS TO AFFORDABLE HOUSING

Various barriers exist related to the development of affordable housing. These barriers range in their existence from regulatory barriers to financial barriers to societal barriers associated with affordable housing development. Each one poses a differing level of resistance for expanding housing choice within Richland County. These barriers in some form or fashion impede the supply of affordable housing.

REGULATORY BARRIERS

Regulatory barriers are policies, laws, regulations, or other processes implemented by governments that hinder the ability to develop housing.

Exclusionary Zoning

Exclusionary zoning is the practice by which zoning codes inadvertently limit certain types of development for a locale, excluding the type and extent of development. Zoning is inherently exclusionary, as the primary purpose is to regulate the use, dimension, and character of development. When this occurs, certain types of development become more pervasive while others are restricted, i.e., single-family housing versus multi-family housing or small lot sizes versus larger lot sizes. The Richland County Land Development Code currently limits the number of non-single-family land uses throughout zoning districts. Duplex, triplex, and quadruplex units are limited, as well as the mapping of multi-family districts. Likewise, the ability to provide these types of housing and only certain sizes becomes a limitation for development. Excluding certain types of development places a preference on one use over others within a community. This exclusionary zoning pattern limits the ability to develop affordable housing due to limitations on the uses, size, and other elements regulated by code.

Housing Vouchers & Waitlists

Another regulatory barrier for affordable housing in Richland County is the limitation of housing vouchers and reliance upon waitlists. The Columbia Housing Authority [CHA] is the area public housing authority. It is responsible for administering HUD housing vouchers and helping to provide and secure housing for low-income households and individuals. One of the ways CHA accomplishes this is through housing choice vouchers. The vouchers function as a

coupon-like funding method through HUD for providing rental assistance to low-income households in private units. One issue with vouchers is there are a limited amount available. Likewise, when residents need vouchers, they must join an available waitlist that can last several years, where waitlists are generally closed or already full. Additionally, a lottery process determines who will be recipients of the vouchers or will join a waitlist to receive them. Similarly, the private unit property owner must be willing to accept vouchers, which may not always be the case.

Other Regulatory Barriers

Another regulatory barrier for affordable housing development in Richland County is the statutory authority for development regulations, policies, and incentives to address affordable housing needs or barriers. South Carolina is a limited home rule state, where enabling legislation or other specification in the state code must exist before Counties can enact certain policies. Not having the innate ability to develop laws and regulations it needs to address locale-specific issues can be a hindrance. The limited statutory authority for methods to address affordable housing poses a problem that County must navigate carefully at times.

An additional barrier that can occur includes jurisdictional inconsistencies and inefficacy in operational processes and procedures. Conflicts can arise with how staff applies certain regulations or operational policies and is understood by the public, developer, or otherwise resident. Requirements, processes, and procedures can become hurdles themselves with how affordable housing is developed. Similarly, the process in one jurisdiction to the next or between levels of government creates difficulties for developers and residents for creating affordable housing.

FINANCIAL BARRIERS

Development Costs

Development costs include the costs of land, infrastructure, building materials, labor, and other associated construction expenses. These costs have continued to increase over the last several years. Material and labor costs for construction have seen larger increases compared to land costs, which are generally lower in Richland County due to an availability of land in most cases. Similarly, costs for affordable housing are often greater since expenses would be the same for otherwise normal housing, except for a lower return on investment due to decreased income from the sale or renting of units. Similarly, the cost of water and sewer fees can pose a hindrance for smaller-scale development and for developments outside the Columbia municipal limits.

Limited Incentives

There are a limited number of incentives available related to affordable housing development. The most common types are Low-Income Housing Tax Credits [LIHTC] and New Market Tax Credits [NMTC]. However, these tax credits have a limited availability and supply for projects. The County does not generally offer incentives to developers for affordable housing development, with the exception to certain economic development projects as referenced by the policy earlier in this brief. Additionally, HOME and CDBG funds go towards affordable housing projects and programs, among others. Those funds are limited each year and go toward a variety of different projects besides affordable housing creation.

In addition to limited incentives is the tax burden imposed within the County for how far those incentives can go. Ultimately, a developer will be looking at their bottom-line for how feasible a project is. The incentives available and offered, as well as the taxes applied, directly influence the financial structure and elements going into a developer's decision-making process. Spreading out a tax burden, as most local economic incentive packages do, still imposes the same tax level on a property, it just spreads out an overall return-on-investment over time. So in cases where a short



return is wanted or required based upon the financial set-up of a property, the tax burden and associated property tax incentives may not be enough to meet the necessary return-on-investment.

Other Financial Barriers

Other financial barriers to affordable housing include market dynamics associated with the Columbia rental market. The Columbia housing market has a large percentage of renters. Large portions of these renters are college-aged students. As a result, most of the new rental housing cater toward the college lifestyle. This affects the overall type of housing available and the pricing associated with it, i.e., having near- or at-market rent rates and leases by the room versus whole unit. Similarly, new rental housing sees a relatively high absorption rate as new units come on the market either as a created unit or as release of a pre-existing one.

Another financial barrier for affordable housing includes the personal or household incomes of Richland County citizens. While the cost of living and other prices have risen, wages and incomes have been relatively stable. Because of this, the choice for housing is limited, as noted earlier in the background section. Due to limited financial situations, households have less money to save. This lack of ability to save disenables persons and households to save for a down payment on a future home. This serves as a barrier for homeownership, which is more available with affordable options within the County. Likewise, the need for a serviceable credit history also poses a barrier to affordable housing ownership for many individuals of lower income due to a use of payday or predatory lending practices in order to have the necessary funds for everyday expenses.

SOCIETAL BARRIERS

NIMBY-ism

NIMBY-ism, an acronym for “Not In My Back Yard”, is the process of residents voicing opposition against a proposed or potential development activity within their local area. NIMBY sentiments most often relate to growth-based changes, e.g., up-zoning, or specific land uses being developed, e.g., multi-family housing. NIMBY actions by residents often pose a barrier toward affordable housing development due to the associated land uses needed, i.e., more dense housing or multi-family buildings, or other perceived land use impacts that would be beneficial to the community as a whole but viewed as a detriment because of that location decision nearby the residents. This often corresponds to development either not occurring within the intended location due to the objections posed by local residents or being located elsewhere that may not be as suitable.

Stigmatization of Affordable Housing

Affordable housing is often stigmatized as being less than and carries a negative connotation. From terms like Section 8 Housing to Low-income Housing to public/government housing, generally, public perceptions regard these as being different, other, or of lower quality. Often this stigma around affordable housing – primarily against the persons associated with it or the seeming value or quality of housing and its effects – brings about opposition to its development or expansion. The negative narrative that persists on affordable housing presents and obstacle for how, where, and why units are created.

Socio-cultural Disparities

Various socio-cultural disparities exist in Richland County that serve as barriers to County residents for affordable housing. These include literacy, language, and educational barriers related to housing, e.g., rental assistance programs, homebuyer



courses, and like programs. These socio-cultural differences become a challenge to affordable housing for residents on knowing what to look for, where to look for it, who to contact, and similar circumstances. These various barriers serve as informational barriers to many individuals who lack access to the knowledge or resource needed for addressing housing needs.

Additionally, another social disparity that poses a barrier to affordable housing is the geographic mismatch of housing, jobs, and reliable transit. Jobs and housing are often located separate from each other increasing transportation costs for households. Likewise, the County does not have a reliable transit network that reaches housing locations beyond the urban areas. This can limit access and housing choice where households must make a trade-off between costs to housing, transportation, or other expenses.

AFFORDABLE HOUSING ACTIONS

Staff believes that no single action, strategy, policy, or program will serve as a panacea in addressing the affordable housing needs within Richland County. While each tool, either currently in place or recommended for exploring, is a step in tackling the issue, each one alone will not effectively address and overcome the wide-ranging need and far-reaching barriers. As such, staff believes the various tools merit development in tandem for a comprehensive, holistic approach for expanding affordable housing to County citizens. The following explores various actions that staff believes are viable options in tackling affordable housing. Staff has begun identifying certain facets related to the application of the proposed tools by the County.

EXPANDING CURRENT EFFORTS

One recommendation by staff is to continue strengthening current efforts already underway by the County. The Community Development Division and outside partners' efforts and their programs need bolstering. The actions and outcomes performed and accomplished by the various programs need continued support and further advancement to build and grow for affordable housing. The County has the ability to provide certain incentives already, as enumerated by the economic development policy, while those incentives should expand for developers undertaking affordable housing development. Through these incentives and HOME and CDBG funds, which constitute more grassroots public-private partnerships, the County can build upon the current work to expand and retain affordable housing for County residents.

Likewise, staff recommends setting specific policy goals toward affordable housing. There is evident need for affordable housing, where developing specific policy goals and objectives is another step forward to bring accountability to the issue. One measure staff recommends in conjunction to this is establishing metrics for tracking and gauging affordable housing progress. Each goal/objective needs to be measurable whether quantitatively or qualitatively ensuring progress is trackable. Likewise, setting a specific enumerated goal for affordable units or reduction in cost-burdened households provides a direct outcome for the County to work at achieving.

In addition, staff plans to evaluate more innovative ways to provide affordable housing while maximizing funds available from HUD. Some examples include operating a Tenant Based Rental Assistance Program either in partnership with Columbia Housing Authority or through a private third-party management services entity and using a non-profit or private third-party management services entity to operate rehabilitations and rebuilds with access to private funds or other grant funds to support those projects.



LAND DEVELOPMENT CODE REWRITE

The Land Development Code [LDC] Rewrite is the process of developing and overhauling the current LDC, adopted in 2005, with a new rewritten code intended to be in line with the policy goals and objectives of the 2015 Comprehensive Plan, be more user friendly, have modernized use and development standards, and encourage green development practices. The new, proposed LDC includes more flexible land uses and removes certain size limitations on lots for overall densities. The proposed uses allow for greater flexibility in middle-type housing options, such as duplexes, triplexes, and quadruplexes as by right development within districts. As such, it proposes less exclusionary uses as noted above in the barriers.

AFFORDABLE HOUSING ADVISORY COMMITTEE

Staff recommends establishing a regularly convening Affordable Housing Advisory Committee. If pursued, the Committee will function as a recommending body to Council on affordable housing related issues. Its purpose will include identifying barriers and obstacles to affordable housing, providing solutions to address them, and regular review of policies and programs related to affordable housing for any adjustments. Likewise, the Committee can serve to establish policy goals and metrics as noted above. Staff believes this Committee should function in a similar capacity as the Blue Ribbon or Penny Advisory Committees, where the Affordable Housing Advisory Committee will be comprised of Councilpersons, staff, board and commission members, housing advocacy and development groups or organizations, and community residents with interest and knowledge regarding affordable housing.

Viability for Implementation:

- High

Implementation Timeframe:

- Short-term (Less than 6 months)

Associated Costs/Fiscal Impact:

- There are limited fiscal impacts associated with this item. Only minor administrative costs are likely to occur.

Critical Personnel:

- Lead(s): Community Planning & Development [Community Development Division, Planning Services Division] and Government & Community Services
- Support: Public Information Office, Clerk of Council, Legal

Potential Partnerships:

- Columbia Affordable Housing Taskforce, Community Relations Council, BIA of Central South Carolina, United Way of the Midlands, Central South Carolina Habitat for Humanity, MORE Justice

Multi-jurisdictional Application:

- Yes - the Affordable Housing Committee has the ability for members of other local governments to participate via memberships or appointees, depending on the final structure of the Committee. The Committee could address concerns regionally and making concerted efforts for addressing affordable at the marco-scale. Likewise,



if the Committee were to be a guide for how various initiatives develop, the group would help ensure that jurisdictional concerns were included directly.

Opportunities:

- Serve as an advisory board for affordable housing related issues
 - Recommend changes to certain policies or programs
 - Identify barriers for affordable housing
- Incorporate knowledge from local organizations, residents, and staff for varied perspectives

Issues:

- Potential to become politicized around single issues, jurisdictions, or in favor of specific interests

Best Practice Model(s):

- Town of Bluffton Affordable Housing Committee
- City of Columbia Affordable Housing Taskforce

Actions Needed:

- Determine Committee framework for operation and set-up
- Determine relevant stakeholders for membership
- Determine policy direction related to the Committee
 - Form goals/objectives for the function of the Committee
- Incorporate Committee elements into Code of Ordinances or Council Rules, as applicable
- Convene the Committee

BAILEY BILL PROVISION

The portion of SC Code of Laws known as the Bailey Bill (§4-9-195) grants the ability of local governments to provide special tax assessments for rehabilitated properties. Primarily, local governments have only included the provisions within this section for historic properties, which Richland County has adopted. However, the Bailey Bill also allows for special tax assessments for affordable rental housing, which only one local government in South Carolina has adopted as so far. The affordable housing provisions within the Bailey Bill could serve as an incentive policy for affordable housing retention and development as it has with historic properties. Staff recommends adding an affordable housing provision to County code. The enabling legislation gives relatively broad authority for local governments in determining certain aspects of the provision that caters to the specific needs and issues of the locale for greatest impact.

Viability for Implementation:

- High

Implementation Timeframe:

- Short-term (Less than 6 months)



Associated Costs/Fiscal Impact:

- There will be limited short-term fiscal impacts from the implementation of a Bailey Bill provision. By nature, properties that the provision would apply to will continue to produce the same level of tax revenue as historically observed. In the longer-term, the provision would allow for a windfall gain in revenue as properties experience redevelopment and the special assessment expires after the max allowable 20-year period. Additionally, the possibility of application fees exists as a potential revenue source for operating the program or other affordable housing efforts, e.g., housing trust fund or CLT.
- The Bailey Bill could have potential impacts on the tax burden for non-residential owner-occupied properties. The passage of Section 12 37 210(A)(47)(a) gives all owner-occupied residential property owners (legal residence classification - 4% ratio) credit on all of the school operating taxes, meaning that you are not paying any of the school district's operating taxes, only the school bonds. In most cases, taxpayers will see a reduction in their notices, which depends upon the taxable value and tax district. *This credit does not apply to the tax bills of business or personal property, or 6% property owners (land, second homeowners).* With the above tax reform, all properties at the 6% rate, personal and business property are carrying the tax burden of the School Operating tax. The School Operating fund accounts for 48.33% to 57.26% of the total millage depending on which tax district the property is located in. In theory when a property is granted relief under the Baily Bill a pre-determined value (lower than the current taxable value) is locked in for a pre-determined amount of time. As such, this increases the tax burden on the remaining 6% properties, all personal and business property, that do not have a the special assessment.

Critical Personnel:

- Lead(s): Community Planning & Development [Assessor Division, Building Inspections Division] and Auditor's Office
- Support: Community Planning & Development [Planning Services Division, Zoning & Development Services, Community Development], Economic Development, Government & Community Services, Public Information Office, Legal

Potential Partnerships:

- Columbia Housing and Development Authority, SC Housing, BIA of Central South Carolina, Affordable Housing Committee, City of Columbia Affordable Housing Taskforce

Multi-jurisdictional Application:

- Yes – the provision could address concerns regionally and making concerted efforts for addressing affordable housing at the macro-scale. Additionally, it would be beneficial for local municipalities to adopt mirroring language into their respective codes to reduce process errors and confusion both for the recipient and staff.

Opportunities:

- Retention and expansion of existing affordable housing units
- Redevelopment of vacant/abandoned structures
- Location based-application for targeting areas specifically, broad application, or case by case
- Flexibility in eligibility criteria for standards and application of the special assessment



Issues:

- Need for clarity on state statute language and any language incorporated in the ordinance so it fits the enabling legislation
- Need to develop a defined, clear process for internal operations and for applicants
- Section 8 eligibility under state statute
- Potential need to pilot and test to understand potential repercussions from the ordinance
- School tax revenue
- Adjusting tax bills via the Auditor’s Office versus keeping FMV/Assessment value records in CAMA

Best Practice Model(s):

- City of Greenville Special Tax Assessment for Low and Moderate Income Rental Property

Actions Needed:

- Develop policy goals and objectives in applying the provision
- Develop level of specificity required for application, e.g., blanket versus targeted
- Outreach and coordination with local municipalities
- Develop ordinance language for amending §23-6 to include affordable housing
 - Determine eligibility criteria
 - Determine standards for rehabilitation
 - Define process for certification
 - Define process for decertification (maturation, actions, etc.)
- Develop operational policy for certification, value-capture, and future assessment notices

AFFORDABLE HOUSING TRUST FUND

Housing trust funds are distinct funds established by local government that receive ongoing dedicated sources of public funding to support the preservation and production of affordable housing and increase opportunities for families and individuals to access affordable homes. Housing trust funds systemically shift affordable housing funding from annual budget allocations to the commitment of dedicated public revenue. While housing trust funds can also be a repository for private donations, they are not public/private partnerships, nor are they endowed funds operating from interest and other earnings. Housing trust funds stand to serve the most critical housing needs in each community – from establishing long-term affordable rental housing for families with the lowest incomes to supporting homeownership, funding new construction as well as rehabilitation that can revitalize neighborhoods, and addressing the needs of special populations.

At the May 21, 2020 Development & Services Committee, the Committee discussed the opportunity to explore an affordable housing trust fund. MORE Justice presented information making the argument for establishing an affordable housing trust fund, along with examples, enabling legislation, and a draft ordinance and referendum language. However, the Committee moved to hold the item for more information, principally, for how funding allocation could occur to the fund without a new tax. The enabling legislation for housing trust funds are found in §31-22-10, et seq. State code allows for the creation of housing trust funds in various ways with select restrictions and specific requirements of operation. One point, as noted in the Committee document by Legal, is the need for a specific dedicated funding source. Council would need to decide on a dedicated source, e.g., a general fund allocation, a special revenue fund, or local option sales tax (what staff understands as MORE Justice’s recommendation), although the fund could be supplemented with allowable

allocations as specified in the enabling legislation. Staff recommends exploration of this tool further as a viable mechanism for affordable housing development. However, in consideration of additional supplemental funds, CDBG and HOME funds may supplement a housing trust fund but would take away funds from other programming. Similarly, the need to develop a new non-profit overseeing the fund may not be necessary with the existence of the Midlands Housing Trust Fund, which Council has funded in the past.

Viability for Implementation:

- High

Implementation Timeframe:

- Medium-term (6 to 24 months)

Associated Costs/Fiscal Impact:

- Per the enabling legislation, a housing trust fund must have a dedicated funding source separate from and exclusively for the purposes of the trust. Other types of funds such as bonds, grants, and other sources can supplement it. Depending on the allocation of funding, a moderate to substantial fiscal impact is likely to occur. In addition to any dedicated revenue source, other proposed tools, i.e., the Bailey Bill and inclusionary zoning, could potentially supplement the fund.

Critical Personnel:

- Lead(s): Community Planning & Development [Community Development], Budget & Grants Management, Finance
- Support: Community Planning & Development [Planning Services Division], Government & Community Services, Public Information Office, Legal

Potential Partnerships:

- Midlands Housing Trust, Columbia Housing and Development Authority, SC Housing, BIA of Central South Carolina, Columbia Development Corporation, United Way of the Midlands, MORE Justice, SC Uplift, Central South Carolina Habitat for Humanity, Family Promise of the Midlands

Multi-jurisdictional Application:

- Yes – the provision could address concerns regionally and making concerted efforts for addressing affordable housing at the macro-scale and between jurisdictions.

Opportunities:

- Dedicated funding source for affordable housing creation and retention
- Ability to utilize public and private funding

Issues:

- Current housing trust fund exists locally (Midland Housing Trust) that would be in competition for funding and other resources

- Need to determine dedicated source of revenue

Best Practice Model(s):

- Midlands Housing Trust Fund
- Greenville Housing Trust Fund [Greenville, SC]

Actions Needed:

- Determine dedicated revenue source(s)
- Determine whether to create a new trust or modify for existing trust
- Determine operation/oversight of trust, if not modifying

INCLUSIONARY ZONING

Inclusionary zoning is a law or regulation for creating affordable housing that either mandates, or highly incentivizes, new housing developments set aside a certain percentage of units as affordable. Inclusionary Zoning is a tool for creating affordable housing opportunities that requires developers to rent or sell a percentage of their new housing units at below-market prices to families and individuals with qualifying incomes. In exchange, developers receive incentives to help offset the cost of these units, e.g., density or height bonuses, lot requirement reductions, fee reductions, expedited permitting, and tax abatements. Staff recommends exploring inclusionary zoning for the County as fully as is practicable. One issue persists in that the state has no enabling legislation that specifically addresses inclusionary zoning, making it a bit of gray area. Local governments currently have limited ability to enact inclusionary zoning, primarily through “market-based incentives for affordable housing development”. Otherwise, per an Attorney General opinion from January 14, 2019, local governments are restricted to undertake certain inclusionary zoning measures. However, Senate Bill 488 would provide direct enabling legislation for local governments to enact inclusionary zoning. This bill is currently in the Senate Committee on Judiciary. It has a companion bill, House Bill 3091, which currently resides in the House Committee on Labor, Commerce and Industry. If passed, either of these bills would provide explicit authority for local government to enact these measures to increase affordable housing.

Viability for Implementation:

- High

Implementation Timeframe:

- Medium-term (6 to 18 months)

Associated Costs/Fiscal Impact:

- There are limited fiscal impacts associated with this item. Only minor administrative costs are likely to occur unless permit or tap fees waivers are included as incentives.

Critical Personnel:

- Lead(s): Community Planning & Development [Zoning & Development Services Division, Planning Services Division]
- Support: Public Information Office, Legal, Clarion & Associates or other outside consultant as necessary



Potential Partnerships:

- BIA of Central South Carolina, SC Housing, SC Finance and Development Authority, Columbia Housing and Development Authority, SC Agency on Aging, local CHDOs and private developers

Multi-jurisdictional Application:

- Limited – the inclusionary zoning policy as ideated here would be included within the zoning ordinance either within the general development standards or as an overlay or similar district. However, other jurisdictions could create like incentives and mirror them within their own zoning codes.

Opportunities:

- Ability to create market-based incentives for affordable housing development
- Help create a supply of affordable units through private development
- Potential revenue source from fee-in-lieu options

Issues:

- Potential fiscal impacts if fee waivers are included for incentives
- Possible push back from citizens from affordable housing stigma
- Lack of limited explicit authority from enabling legislation for “inclusionary zoning” beyond “market-based incentives”

Best Practice Model(s):

- City of Charleston Workforce Housing District (Incentive Based Zoning for Affordable Housing)

Actions Needed:

- Determine best method for implementing any incentives, e.g., via overlay district, floating zone, or within general development standards
- Determine market-based incentives for affordable housing development
- Obtain feedback from local stakeholders
- Determine associated costs for a fee-in-lieu
 - Establish dedicated fee-in-lieu fund or account for fees
- Development operational policy and process for incentives and mechanisms for enforcement

COMMUNITY LAND TRUST

Community land trusts [CLT] are nonprofit, community-based organizations designed to ensure long-term housing affordability. In order to accomplish this a CLT acquires land and maintains ownership of it permanently. Homebuyers then enter into either a ground lease, long-term rental lease, or an affordability covenant for the structure. When the homeowner sells, the seller earns only a portion of the increased property value while the CLT keeps the remainder, preserving the affordability for future low- to moderate-income families. Essentially, a CLT separates the cost of land from the building or home in order to keep prices affordable for buyers. The South Carolina Community Land Trust Act of 2012 (§31-23-10, et seq., SC Code of Laws) is the enabling and statutory legislation for CLTs in the state. The Act provides for



the formation, funding, and operation of CLTs including the lease/sell structure and mechanisms for ensuring affordability. CDBG and HOME funds could supplement any future CLTs with help funding acquisition and development costs.

Viability for Implementation:

- Medium

Implementation Timeframe:

- Medium-term (12 to 24 months)

Associated Costs/Fiscal Impact:

- There are several potential costs and fiscal impacts related to this tool if implemented. Primarily, these related directly to start-up costs for the development of the CLT itself. Generally, the start-up of the CLT would include core group organization, which would have limited if any costs, community organizing, which would have minimal costs for conduction a public education campaign, and resource organization, which would have moderate to substantial costs related to securing commitment funds or lands for building. Additional, longer-term costs will depend on the financing structure for the CLT and how the County decided to invest initially and over-time. The CLT could potentially utilize fees and funds from other tools explored, i.e., the Bailey Bill, housing trust fund, and inclusionary zoning.

Critical Personnel:

- Lead(s): Community Planning & Development [Community Development Division]
- Support: Community Planning & Development [Planning Services Division, Assessor Division, Register of Deeds], Economic Development, Government & Community Services, Public Information Office, Legal

Potential Partnerships:

- Columbia Housing and Development Authority, Columbia Development Corporation, BIA of Central South Carolina, and local CHDOs, CDFIs, banks, credit unions, non-profits, and neighborhood associations

Multi-jurisdictional Application:

- Yes - the Community Land Trust has the ability for members of other local governments to participate via membership to the CLT's Board of Directors, depending on the structure of the CLT. The CLT could address concerns regionally and making concerted efforts for addressing affordable housing at the macro-scale.

Opportunities:

- Community-based, community-focused effort
- Community control of land with long-term renewable lease that can be inherited by future generations
- Removal of housing from the speculative market to retain price appreciation and maintain affordability for owner- and renter-based housing
- Preserves public and private subsidies by managing price appreciation, retaining community value, and recycling the subsidy, land, and unit
- Resale of units is capped by a formulate to ensure affordability for new owner while allowing a profit for seller

- Allows for large-scale developments through joint-ventures and public-private partnerships or smaller-scale developments by a single developer

Issues:

- CLTs are strictly defined by the SC Code of Laws (§31-23-10), where it must be a specific 501(c)(3) as either a wholly-owned or local community member-based housing development non-profit

Best Practice Model(s):

- Palmetto Community Land Trust [Charleston, SC]

Actions Needed:

- Determine organization to establish a CLT
 - Conduct campaign for a local CLT
 - Recruit organizations for serving on the CLT
 - Decide CLT structure for operation and board
 - Adopt bylaws
- Determine service area
- Determine necessary funds for CLT start-up and seeding
 - Decide upon potential funding source for start-up costs for organizing and developing the CLT
 - Decide upon longer-term seed funding for the operation of the CLT
 - Solicit outside funds
- Determine mechanism for the CLT ground-lease
- Determine initial project(s)

PRIORITY STEPS

As noted in the above, while each action can stand on its own to address affordable housing, developing and applying each in tandem is the recommended approach to address the affordable housing needs of the County. Staff proposes continuing exploring each of these tools, with the priority of steps below:

1. Establish an Affordable Housing Committee to evaluate the various initiatives and develop policy goals and objectives for moving forward.
2. Amend §23-6 of the Richland County Code of Ordinances to include provisions for the special assessment of low-income rental housing.
3. Dedicate a specific funding source for an affordable housing trust fund and work with the established Midlands Trust on a best path forward.
4. Develop market-based incentives for affordable housing units within the Land Development Code.
5. Explore the opportunity to establish a Community Land Trust in partnership with local community organizations.



ISSUES BRIEFING – AFFORDABLE HOUSING ADVISORY COUNCIL

This issues briefing serves to provide follow-up information related to an affordable housing advisory committee. Included below is background on the item, such as where the item derives, questions and comments pertaining to it, and provided direction, along with a recommended course on moving the item forward.

BACKGROUND

At the May 21, 2020 Development & Services [D&S] Committee meeting, the Legal Department submitted an item regarding a request for establishing an affordable housing trust fund. The Committee decided to hold the item in D&S in order to explore the request further. At the next D&S Committee meeting on June 23, 2020, under items pending analysis, and now sponsored by Councilperson Terracio, the Committee discussed the motion further. Staff provided information on the item, specifically, that Administration was convening an internal workgroup to address the item in a comprehensive manner related to affordable housing.

The internal workgroup developed an issues briefing related to affordable housing in the County and presented it at the July 28, 2020, D&S Committee meeting. This issues briefing included background on affordable housing needs, along with current policies, programs, and related efforts underway by the County. It also explored potential barriers for affordable housing specific to Richland County and identified actions the County could undertake to address affordable housing needs. Included in that issues briefing was the potential action for developing an affordable housing advisory committee among other recommended actions. The internal workgroup recommended to the Committee that staff continue exploring tools and actions with the affordable housing committee being the first priority.

The D&S Committee accepted this as a top priority with the following comments and questions related to such:

- What is the role or purpose of the group? There needs to be a clearly defined purpose from the beginning to avoid issues that have developed with other advisory groups.
- Would staff be looking to provide the Committee with a recommended structure and/or charter for the group? What would the group being proposed look like?
- Who all would be participating? The group needs to be sure to include advisors and not solely decision-makers, to avoid veering from a purpose.
- What would be the goals or objective of the group? There needs to be some preliminary goals around, and relating back to, the purpose of the group in terms of focus and direction.

The internal workgroup took these questions and comments as the direction for its work since the July 28 meeting. The workgroup synthesized this feedback into general tasks:

- Develop a clear purpose for the committee that lends to development of specific outcomes
- Develop a proposed structure for how the committee could function and operate, including potential make-up of the body
- Parameterize and define elements related to potential goals, objectives, data points, and work products



RESPONSES FOR COMMITTEE CONSIDERATION

Purpose:

The Affordable Housing Advisory Council [AHAC] will serve as an advocate for affordable housing development by identifying, investigating, and making recommendations to the County related to strategy, policy, programming, and services that may help reduce barriers to decent, safe, accessible, and affordable housing choices for County citizens while regularly reviewing the County's policies and procedures related to affordable housing solutions.

The AHAC will accomplish this by:

- Assessing the current and future landscape of affordable housing in Richland County by evaluating current and future programs; and
- Making recommendations to the County Council and Administrator on how to improve and enact policy, programs, standards, and regulations to preserve and develop quality affordable housing in the County.

AHAC Structure:

- The AHAC should function as a formal advisory council per Article VII, Chapter 2 of the Richland County Code of Ordinances. The AHAC should function in a manner similar to that of the Ad Hoc Blue Ribbon Committee, where it is comprised of both Councilpersons, staff, citizenry, and others in a hybrid format. Unlike the BRC, which operates to expend funding related to disaster recovery and is a staff-driven effort, the AHAC would meet regularly to discuss items per its purpose and duties as led by the AHAC itself. The AHAC would likely need to meet monthly in the start-up and beginning phases as more in depth work launches, such as creating bylaws, committees, and reports, and could move to less frequent (quarterly) meetings as it performs work on a more issue-based schedule related to proposed initiatives. As currently proposed, the AHAC would not need a dedicated funding source.
- Duties and responsibilities to be determined utilizing recommended parameters below.
- Membership:
 - Designated Councilpersons
 - Designated staff members
 - Appointed citizenry
 - Representatives from various organizations engaged in affordable housing development**
 - Midlands Housing Trust Fund
 - Central SC Habitat for Humanity
 - Columbia Housing Authority
 - Homeless No More
 - United Way of the Midlands
 - MORE Justice



- HomeWorks
- SC Appleseed Justice
- Community Relations Council of the Midlands
- The COMET
- Mutual Aid of the Midlands

*** The above is not an exhaustive list of organizations and entities but serves to provide a preliminary look at some of the various groups Council may wish to include.*

Recommended Parameters for the AHAC:

1. Affordable housing:

- Housing that is affordable to a household earning between 80% and 30% of the County's (not MSA) median income and spends no more than 30% of their gross income on housing costs.
 - Includes income limits and spending thresholds that would be consistent with HUD guidelines.
 - Housing units that are cost-restricted or market-based housing, not solely cost-restricted or subsidized
- Price points for units between \$650-\$1,350 based upon target demographic and products
- Decent, safe, and accessible
 - Decent housing meets standards for appropriate number and type of rooms, facilities, appliances, equipment, and other elements within or accompanying a unit related to habitability
 - Safe housing is free from lead, asbestos and other environmental hazards and meets County building standards
 - Accessible housing meets ADA standards and is conducive for multiple modes of transportation

2. The target demographic:

- Between 80% and 30% of the county median income per HUD income limits
 - Dictates maximum ability to pay
 - Determination of market product
 - Other programs would address households below the 30%, such as CHA and non-profit partners
- Renters and Owners
 - Addressing long-term needs as the County grows
 - Preserving existing units and producing new ones
 - Setting target based upon future needs
- 60/40 split with larger assistance focus on fixed-income individuals towards the lower end of the income range



- Does not include persons in transitional or homeless housing, as those needs are uniquely different than those solely of affordable housing and often must be addressed separately through policy and other efforts

3. The target product:

- Price points between \$650-\$1,350
- Multi-family and single-family
 - Footprint or unit-based housing is often more affordable
- Preservation of existing units and production of new ones
- Amount of square footage or number of rooms is undeterminable and would be based upon the built product and/or tools utilized and needs consideration moving forward

4. The target location or geographic area of impact:

- Need is county-wide
 - Includes primary focus upon unincorporated Richland County, with limited focus through partnerships and collaborations with municipalities
 - AH cannot feasibly be placed anywhere within the County
 - Locations would need to be accessible via and to supporting services
 - Adjacency of public transit, grocery stores, sidewalks, etc.
- Locations needs to be integrated within existing communities
- Locations for focus should be mixed-use and commercial nodes and corridors, such as activity centers as major centers for development
- Neighborhood Master Plan areas could also serve as target locations

5. Outcomes: Initiative would be about what Richland County can perform/undertake or about building partnerships for affordable housing:

- Incentives versus mandates versus funding utilization
- Public/Private Partnerships versus outsourcing to service providers versus direct government participation
- Working with partners versus working through partners
- Stakeholders versus drivers



Item Pending Analysis

| | | | |
|------------------------------------|------------------------------------|------------------------------------|-----------------------------------|
| Prepared by: | Brian Crooks, AICP | Title: | Interim Planning Services Manager |
| Department: | Community Planning and Development | Division: | Planning Services |
| Date Prepared: | February 16, 2021 | Meeting Date: | February 23, 2021 |
| Approved for Consideration: | Assistant County Administrator | Ashley M. Powell, Assoc. AIA, AICP | |
| Committee: | Development & Services Committee | | |
| Agenda Item/Council Motion: | Affordable Housing | | |

EXECUTIVE SUMMARY (NARRATIVE STATUS):

At the May 21, 2020 Development & Services [D&S] Committee meeting, the Legal Department submitted an item regarding a motion by Ms. Terracio for establishing an affordable housing trust fund. The Committee decided to hold the item in D&S in order to explore the request further. At the next D&S Committee meeting on June 23, 2020, under items pending analysis, the Committee discussed the motion further. Staff provided information on the item, specifically, that Administration was convening an Internal Workgroup to address the item in a comprehensive manner related to affordable housing.

The Workgroup developed an issues briefing related to affordable housing in the County and presented it at the July 28, 2020, D&S Committee meeting. This issues briefing included background on affordable housing needs, along with current policies, programs, and related efforts underway by the County. It also explored potential barriers for affordable housing specific to Richland County and identified actions the County could undertake to address affordable housing needs. Included in that issues briefing were recommended actions, with the first step to establish an affordable housing advisory committee. The Workgroup recommended to the Committee that staff begin exploring the affordable housing committee as the first step.

The Committee had several comments and questions related to the affordable housing committee that the Workgroup addressed in a subsequent briefing document at the September 22, 2020, D&S Committee meeting. Per the Committee's direction, the Workgroup provided more details on the recommended make-up and outlook of an "Affordable Housing Advisory Committee," including a specified purpose, general structure and potential membership, and detailed parameters for the operation and outcomes of such a committee.

The Committee accepted the Workgroup's update as information. Ms. Terracio noted that there were various similarities between what the Internal Workgroup recommended and the City of Columbia's Affordable Housing Taskforce, of which she is a member. Given the similarities, members of the Committee thought it prudent to explore how the County might partner with the City around this initiative. No additional action or further direction was provided on this item during the September 22, 2020 meeting.

No additional information or direction has been provided at subsequent Committee meetings to date.

KEY ACCOMPLISHMENTS/MILESTONES:

- Legal Department provides initial briefing document related to Ms. Terracio's motion at May 21, 2020 D&S Committee.
- Administration convenes internal working group made up of relevant staff from Community Planning & Development, Government & Community Services, and Economic Development in May of 2020.
- Internal Workgroup develops and provides initial Issues Briefing on Affordable Housing in Richland County at July 28, 2020 D&S Committee.
- D&S Committee provides direction on next steps related to exploring and establishing an Affordable Housing Advisory Committee [AHAC].
- Internal Workgroup establishes a recommended framework on the purpose, structure, and goals and objectives for the AHAC per the Committee's direction and presents it at the September 22, 2020 D&S Committee meeting.
- Await further information on how to collaborate or reduce overlap with efforts being done by the City of Columbia.

CRITICAL ISSUES:

One issue to address is the need for direction on how to move forward with the AHAC as the first priority step. The Workgroup has provided their recommended framework for establishing such a group if such is the will of Council. Based upon the most recent discussion, it seemed that Council may want to look at how this could be incorporated or established in cooperation with the City of Columbia's Affordable Housing Taskforce. Likewise, per the discussion on the item during the September meeting, staff can begin moving forward with any of the other recommended action steps, but the AHAC would need to be established to vet and further refine any recommended actions, policies, etc., brought forth by the Workgroup.

A similar issue, related to the first, is reliance upon and waiting for the City of Columbia to make any decisions. While the Workgroup agrees that the County should look to partner, assist and/or collaborate with Columbia, the County operates in a different context and should be planning as such. Similarly, the jurisdictional mismatch becomes problematic as priorities, locations, targets and implementation actions develop. A strategy or action that works for Columbia may not have relevance or applicability in unincorporated Richland County. The County, therefore, needs to take its own approach, and work similarly but in certain instances separately.

TOP RISKS/CONCERNS:

One general concern is how the recommended actions and priority steps are to be implemented. As noted in the initial briefing document, each of the actions holds merit on its own but will likely fall short in having a significant impact. In conjunction, the various actions have the ability for greater and lasting influence on affecting the climate of affordable housing in the County. As such, the risk of a haphazard or

uncoordinated implementation could be problematic in addressing the root concerns around affordable housing.

Additionally, another concern is having a defined direction for affordable housing. There needs to be an overall vision, goals and objectives established by the Council. The Workgroup made a few recommendations on this but would not recommend moving further until Council comes to consensus around a clear vision.

The lingering pandemic continues to be a concern related to the issue of affordable housing. The pandemic has already proven a potential threat in its impact on housing related issues such as looming evictions, decreases in wages/job loss and an overall increase in need for housing as refuge. The longer the pandemic continues the more pressing tending to these housing related issues will become.

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

No pending actions or deliverables exist at this time. This is to be determined at the discretion and will of the Committee.

MEMORANDUM

TO: The Honorable Paul Livingston, Chair
Richland County Council
Richland County Administrator

CC: Richland County Clerk

FR: Rev. Carey A. Grady
Rev. Dianna Deaderick
Co-Presidents of Midlands Response for Equity and Justice

Date: April 26, 2021

RE: Proposal for the Establishment of An Affordable Housing Trust Fund

The Midlands Response for Equity and Justice (MORE Justice) request of Richland County Council the adoption of a county ordinance that authorizes a new Board and office for the development and operation of a Richland County Affordable Housing Trust Fund (AHTF).

This AHTF is to provide loans and grants to for-profit and non-profit housing developers for the acquisition and capital, infrastructure and soft costs necessary for the creation of new affordable renter and owner-occupied housing, for the rehabilitation and preservation of existing multi-family residential rental housing and rental assistance and homeownership assistance to persons of very low, low and moderate income.

Pursuant to the authority granted to Richland County under the South Carolina Code of Laws Title 31 Chapter 22 (William C. Mescher Local Housing Trust Fund Enabling Act), this ordinance should accomplish the following.

- Establish the AHTF as a new nonprofit organization to encourage independence governance and private charitable donation.
- Direct the AHTF to oversee the construction of “sanitary, decent, and safe residential housing that people with lower incomes can afford to buy or rent.”
- Provide financing for the AHTF with startup funding (we propose \$2 to \$5 million) sufficient to support both an oversight board (Affordable Housing Advisory Council) and a viable administration (executive director, other staff, and consultants); and by July 2024, provide a sustainable source of annual funding (we suggest \$10 million) that will allow the AHTF to carry out the terms of its charter.
- Provide for the safeguard of funds in the same manner as the general fund or a separate utility fund established for specific purposes and include the AHTF in the required financial expense reports or annual audit.

- Give preference in the distribution of funds from the AHTF, to programs and projects that promote the development or rehabilitation of affordable housing for individuals or families with an annual income at or below fifty percent of the median income for Richland County, adjusted for family size according to current data from HUD.
- Establish the position of Richland County Affordable Housing Trust Fund (AHTF) executive director, who shall be appointed by and report to the county administrator, and his/her term of office shall be at the pleasure of the county administrator.
- Authorize the executive director to hire such staff and assistants as are necessary to the operation of the AHTF and the performance of his/her duties.
- Establish a Board of Advisors to oversee the use of AHTF funds for
 - Making loans at interest rates below or at market rates in order to strengthen the financial feasibility of proposed projects.
 - Guaranteeing of loans.
 - Providing gap financing for affordable housing developments.
 - Financing the acquisition, demolition, and disposition of property for affordable housing projects.
 - Financing construction of public improvements and utilities to aid proposed affordable residential developments.
 - Financing the rehabilitation, remodeling, or new construction of affordable housing.
 - Providing tenant and project based rental assistance.
 - Funding for acquisition and rehab in conjunction with related housing trust fund projects.
 - Funding to facilitate affordable homeownership opportunities including down payment assistance, second mortgages, closing costs, etc.
 - Providing administrative costs associated with affordable housing programs.
 - Providing interim financing of public costs for affordable housing projects in anticipation of a permanent financing source (i.e. construction financing, bond sale, etc.)
 - Allowing other uses as permitted by law and approved by the Richland County Council.
 - Determining the terms and conditions of repayment of loans and grants from the Affordable Housing Trust Fund including the appropriate security and interest, if any, should repayment be required.
- Require the Board to be governed by SC Conflict of Interest Laws
 - (https://www.lawserver.com/law/state/south-carolina/sc-code/south_carolina_code_34-28-440)

- Require an annual report to Richland County Council with accounting of all funds each year. This report must be made available to the public by posting on the Richland County website.
- All meetings of the board will be open to the public.

Affordable Housing Trust Fund (AHTF) Information Packet

Prepared by MORE Justice Housing Committee

12 April 2020

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HOUSING FACT SHEET

Prepared by the MORE Justice Housing Committee

THE “WORKING POOR” CAN’T FIND AFFORDABLE HOUSING

- More than 16,000 households in Columbia pay more than 30% of their income on rent and utilities. (Columbia City Consolidated Plan)
- In Richland County, nearly half of renters (44.8%) pay more than a third of their income on rent and utilities. (Richland County Consolidated Plan)
- A person earning minimum wage in Lexington or Richland County would have to work 89 hours a week in order to afford an average one-bedroom apartment at the average price. (NLIHC)
- Often, it is simply a one-time emergency that causes a family to not be able to pay their rent for the month, which can lead to eviction.

THERE IS NOT ENOUGH AFFORDABLE HOUSING TO MEET THE NEED

- There is a significant gap in availability of affordable rental properties for very-low income residents.
 - Rental market gaps are the difference between the number of rental units available in a given price range compared to the number of renters for whom the given price range is the maximum that can be considered affordable.
- In Richland County, less than 4,000 units are available at \$370 per month, even though this is the maximum affordable rent for 13,500 families. That means, there is only one affordable unit per every three families that desperately need it. (Richland County Consolidated Plan)
- There are more than 23,000 families currently on the waiting list for public housing through the Columbia Housing Authority. Additionally, registration for public housing programs has been closed for more than two years. (Columbia City Officials)
- Richland Two School Officials estimate that half of their 28,000 students are “housing insecure.” (Richland 2 McKinney Vento Representative)

PEOPLE ARE GETTING EVICTED AT HIGH RATES

- Columbia, SC has the 8th highest eviction rate of any city in the nation. (Eviction Lab)
- An average of 19 households are evicted every day in Richland County. In Lexington County, it is seven households. (Eviction Lab)
- The main reason that these families are getting evicted at these high rates is because rent prices are too high.
- Racial disparities in access to affordable, quality housing are commonplace – for example, while only about 25% of the local population is made up of black women, black women make up more than 90% of all those evicted in Richland County. (Newberry College Professor)

THERE ARE HIGH SOCIAL COSTS TO UNSTABLE HOUSING

- Not having access to stable housing can lead to different health and social problems.
- In Richland One and Richland Two alone, there are more than 1,500 students registered as “homeless” under the McKinney Vento Act. Homelessness or unstable/unsafe housing leads to poorer academic achievement and health outcomes. (Richland 2 McKinney Vento Rep; Newberry College Professor)
- When students move schools (for example, due to unstable housing) it takes six months to catch up. (Richland 2 McKinney Vento Representative)
- Over a six-year period in the Midlands, less than 500 chronically homeless people accumulated more than \$245 million dollars in Medicaid costs. That is nearly \$600,000 per person. Communities are finding that one way to drive down these medical costs is through the creation of safe, stable housing. (United Way of the Midlands Study)

SOURCES CITED:

- **Richland County Consolidated Plan:**
<http://www.richlandcountysc.gov/Portals/0/Departments/CommunityDevelopment/20170823RCConsolidated.PDF>
- **City of Columbia Consolidated Plan:**
<https://www.columbiasc.net/depts/communitydevelopment/Columbia%20ConPlan%2005-14-2018.pdf>
- **Eviction Lab:** evictionlab.org
- **United Way of the Midlands Healthcare and Homelessness Data Linkage Study:**
<https://www.uway.org/sites/default/files/files/Health%20Care%20and%20Homelessness.pdf>
- **National Low Income Housing Coalition (NLIHC):** <https://nlihc.org/oor/south-carolina>

The Impact of Unaffordable Housing on Children and Families

The lack of affordable housing and the threat of housing insecurity has many negative impacts on children in our communities. This insufficiency of what seems to be such a basic need causes poor school performance and increases in adverse child events/experiences.

Families are forced into crowded homes, to move from one place to another and often times risk their and their children's lives just to have a place to stay. The Department of Health and Human Services has defined housing insecurity as "high housing costs in proportion to income, poor housing quality, unstable neighborhoods, overcrowding, or homelessness".

In 2019, a total of 12,660 children were reported as homeless under the McKinney-Vento Act, while an estimated 34,335 are believed to be unreported in South Carolina. Students were arranged into 4 categories: doubled-up (living with others), hotels/motels, sheltered and unsheltered.

Children in grades kindergarten to 5th grade are the largest segment of this group, representing 52% of that 12,660. Adolescents who experience school moves are 50% more likely not to graduate from high school. Children at this age with more than 2 school moves are 2.5 times more likely to repeat a grade. High schoolers make up the next largest section, representing 24%. They have a 63% graduation rate, which is a 21% decrease compared to the average rate of 84%.

The experience of housing-insecurity also places children at risk for ACE exposure. Adverse Childhood Experiences (ACEs) are potentially traumatic events that can have negative, long-lasting effects on health and well-being. Children at risk for neglect are significantly more likely to be from families experiencing housing unaffordability and housing instability. There are also reports of physical and emotional abuse, financial exploitation and sex-trafficking while staying in shelters, on the streets, and "doubled-up" with acquaintances, family, or strangers. According to the National Center on Family Homelessness, 83% of homeless children have been exposed to at least one serious violent event by the age of 12 and almost 25 percent have witnessed acts of violence within their families.

The lack of affordable, stable housing is hurting our children. It is our duty as citizens, community members, and leaders, to do something about this.

What is an Affordable Housing Trust Fund?

Housing is considered “affordable” when 30% or less of one’s income is spent on housing and utilities costs (U.S. Department of Housing and Urban Development - HUD). Affordable Housing Trust Funds (AHTFs) are established by elected government bodies—at the city, county or state level—where a source or sources of public revenue are dedicated, by ordinance or law, to a distinct fund with the express purpose of providing affordable housing. In South Carolina, the Mescher Act (2007) requires this fund to be placed in a non-profit entity. The dedicated public revenue then leverages more money from public and private funds. On average, \$8.50 is leveraged for every \$1 dedicated to the HTF (Center for Community Change). The money in a HTF does not fund an entire project, but it is used as gap funding for developers to construct affordable housing for those with 80% or less of the Area Median Income (AMI).

The HTF is typically governed by a board that oversees and hires staff, reviews requests for proposals (RFP), and then approves/denies these requests. Requests for HTF dollars can be made by non-profit developers, for-profit developers, housing authorities, governmental agencies, and regional organizations. The funds can be distributed in a variety of forms, including, but not limited to grants, long-term, low interest loans, or forgivable or deferred loans.

The kinds of eligible activities that HTF can support are:

- new construction (single or multi-family)
- preservation/rehabilitation of existing housing (single or multi-family)
- housing for senior citizens
- transitional housing (homeless, domestic violence, ex-offenders)
- low (80% AMI), very low (50% AMI) and extremely low (30% AMI) income levels
- special needs housing

Additional Resources

- Center for Community Change: Housing Trust Fund Project
 - <https://housingtrustfundproject.org/our-project/about/>
- HUD Exchange: Housing Trust Funds
 - <https://www.hudexchange.info/programs/htf/>
- SC Mescher Act (attached)
 - <https://www.scstatehouse.gov/code/t31c022.php>

What is an Affordable Housing Trust Fund (HTF)?

What is a Housing Trust Fund (HTF)?

- HTF's are established by elected governmental bodies (at the city, county, or state level). A source or sources of public revenue are dedicated, by ordinance or law, to a distinct fund with the express purpose of providing affordable housing.
- HTF's have been enacted by hundreds of governments across the United States.
- There are more than 780 housing trust funds in existence in the US that generate more than \$1.5 billion a year for affordable housing.

How is the HTF funded?

- HTF's are funded by various public revenue sources. Housing Trust Funds are flexible in that they can be funded from multiple public revenue sources. Some examples are:
 - General fund
 - Bond proceeds
 - Grants
 - Loans from the state and federal government
 - State capital budget
 - Residential impact fees
 - Developer impact fees
 - Document recording fee
 - Tax foreclosure sale
 - Hotel/Motel tax
 - Accomodation tax
 - Inclusionary in-lieu of fees
 - Parking fees

Why are housing trust funds successful?

- HTF's are successful because of their flexibility. The public money allocated to the HTF is a down payment that is backed by sources of other public and private funds. This is called leveraging, because the money in the HTF attracts public and private funds from a variety of sources that would not be available without the trust fund.
 - Sources Leveraged by the Housing Trust Fund
 - Governmental bonds
 - Grants
 - State Funding
 - Federal Funding
 - Low Income Tax Credits
 - Philanthropic Donations
 - Bank Loans

- According to the Center for Community Change, the average amount of public and private funds leveraged for every \$1 in the HTF is \$8.50. The HTF offers a huge return on investment.
 - Examples from across the country
 - In 2004, the Milwaukee Housing Trust Fund used a \$5 million allocation and leveraged \$25 million in other funding to create 200 units of housing. The construction of these new homes resulted in: 200 jobs created during construction, \$1.2 million in new fee and tax revenue, and \$10 million into the local economy. After construction: 94 jobs remained, \$760,000 in new fee and tax revenue, and \$4.4 million in the local economy.
 - In five years, the Connecticut Housing Trust fund used \$57 million in allocations and leveraged \$519 million in other federal, state, local, and private funding to create 2,200 units. This led to over 4,000 jobs created, \$14 million in recurring state and local revenue, and hundreds of millions in economic activity.

How is the housing trust fund administered?

- **Non-Governmental Agency Model:** Typically established by governmental action and then administered by a separate nonprofit or community foundation. Under this model, a board oversees and hires the staff for the nonprofit.

How are the funds distributed?

- There are a variety of ways that funds can be distributed, but the most common are in the form of: grants, loans, forgivable or deferred loans, lines of credit, or rental assistance.
- Requests for proposals (RFP) or notices of funding availability (NOFA) are issued periodically for prospective applicants.

Who can apply for housing trust fund dollars?

- HTF's attract a diverse group of applicants: non-profit developers, for-profit developers, housing authorities, governmental agencies, and regional organizations.

What is the target income?

- Because HTF's utilize public funds, it should meet the public need.
- Most HTF's target a specific income area - generally households at 50% and below of the area median income (AMI), as defined by the U.S. Department of Housing and Urban Development (HUD).

South Carolina Legislature

South Carolina Law > Code of Laws > Title 31

South Carolina Code of Laws Unannotated

Title 31 - Housing and Redevelopment

CHAPTER 22

William C. Mescher Local Housing Trust Fund Enabling Act

SECTION 31-22-10. Legislative findings.

(A) The General Assembly finds:

- (1) Throughout this State, there is a shortage of adequate shelter for South Carolinians including the availability of an affordable residence or permanent domicile with adequate privacy, space, physical accessibility, security, structural stability and durability, and adequate electrical, plumbing, and heating systems.
- (2) Private enterprise and investment has not produced, without government assistance, the needed construction of sanitary, decent, and safe residential housing that people with lower incomes can afford to buy or rent.
- (3) The public's health, safety, and economic interests are best served by the provision of permanent affordable housing because such housing enables South Carolinians to maintain employment, assists this state's children to succeed in school, and helps this state's economic growth and prosperity.

(B) The purpose of this chapter is to authorize a local government to individually or jointly create and operate a local housing trust fund or regional housing trust fund to promote the development of affordable housing, as defined in this chapter.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

Editor's Note

2007 Act No. 19, Section 1, provides as follows:

"This chapter may be cited as the 'William C. Mescher Local Housing Trust Fund Enabling Act'."

SECTION 31-22-20. Definitions.

For purposes of this chapter:

- (1) "Affordable housing" means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed eighty percent of the median income for the local area, with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD).
- (2) "Homeless housing" means emergency, transitional, or permanent residential housing shelter for a person needing special assistance and shelter because he is homeless as defined by HUD or consistent with another definition of homelessness under which a person may receive federal financial assistance, state financial assistance, or another supportive service.
- (3) "Local housing trust fund" (LHTF) means a local government fund separate from the general fund established by the governing authority of a local municipality or county government with one or more dedicated sources of public revenue and authorized expenditures as provided in this chapter.
- (4) "Regional housing trust fund" (RHTF) means a multi-jurisdictional government fund separate from the general fund and established jointly by the governing authorities of one or more municipalities or county governments with one or more dedicated sources of public revenue and authorized expenditures as provided in this chapter.
- (5) "Special needs housing" means housing or shelter provided by private or public entities including privately operated elderly housing, nursing homes, community residential care facilities, and other special needs population housing facilities regardless of purpose or type of facility.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

SECTION 31-22-30. Authority to create Local Housing Trust Fund or Regional Housing Trust Fund.

(A) A local government, including a municipality or county, may create and operate an LHTF or RHTF by ordinance, or join an existing trust fund to implement either a local or regional program for affordable housing as defined in this chapter. A local government may jointly form a regional housing trust fund by ordinance. A regional housing trust fund created under this chapter is subject to the same requirement and has the same power as a local housing trust fund created by an individual local government.

(B) A local government that creates an LHTF or RHTF may finance the LHTF or RHTF with money available to the local government through its budgeting authority unless expressly prohibited by the law of this State. Sources of these funds include, but are not limited to, one or more of the following:

- (1) donations;
- (2) bond proceeds; and
- (3) grants and loans from a state, federal, or private source.

The local government may alter a source of funding for the LHTF or RHTF by amending the ordinance that establishes financing for the LHTF or RHTF, but only if sufficient funds exist to cover the projected debts or expenditures authorized by the LHTF or RHTF in its budget. This chapter does not create, grant, or confer a new or additional tax or revenue authority to a local government or political subdivision of the State unless otherwise provided by the law of this State.

(C) A local government operating an LHTF or RHTF shall safeguard the fund in the same manner as the general fund or a separate utility fund established for specific purposes. The LHTF or RHTF may be included in the required financial expense reports or annual audit for each local government.

(D) A local government operating an LHTF or RHTF may allocate funds to a program that promotes the development or rehabilitation of affordable housing as defined in this chapter. Regarding the distribution of funds from an LHTF or RHTF, preference must be given to a program or project that promotes the development or rehabilitation of affordable housing for an individual or family with an annual income at or below fifty percent of the median income for the local area, adjusted for family size according to current data from HUD, the development or rehabilitation of special needs housing, or the development or rehabilitation of homeless housing.

(E) LHTF or RHTF funds may be used to match other funds from federal, state, or private resources, including the State Housing Trust Fund. A local government shall seek additional resources for housing programs and projects to the maximum extent practicable. A local government shall administer its housing trust fund through new or existing nonprofit organizations to encourage private charitable donation to the funds. Where an LHTF or RHTF receives such a donation, the donation must be used and accounted for in accordance with the provisions of this chapter.

(F) An LHTF or RHTF established, utilized, or funded under this chapter must provide an annual report to the local government that created the fund. The local government shall require the LHTF or RHTF to provide an accounting of its funds each year. This report must be made available to the public by posting on the appropriate website of the local government.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

SECTION 31-22-35. Effect of legislation on existing local or regional housing trust funds.

An LHTF or RHTF existing on the effective date of this act shall not be required to alter the existing terms of its governing documents; provided, however, that any alteration or amendment to such governing documents must conform to the provisions of this act.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

SECTION 31-22-40. Conflicting laws.

The provisions of this chapter must control where inconsistent with the provisions of another law.

HISTORY: 2007 Act No. 19, Section 2, eff May 15, 2007.

Legislative Services Agency
<http://www.scstatehouse.gov>

The Public Benefits of Safe Affordable Housing

Richland County, South Carolina has a growing unmet need for safe affordable housing that, to address adequately, will require a considerable investment of public resources. However, public sentiment towards affordable housing is often negative. As verified by local political leaders, “Not in My Backyard” or NIMBY concerns, as well as concerns about higher taxes, are effective at blocking affordable housing developments. The extent of the problem, the size of the investment, and the fact that it impacts others justify providing answers to why the public should want to provide safe affordable housing to as many families as possible.

Perhaps the greatest public benefit of safe affordable housing is its role in keeping thousands of families and children from sliding into homelessness. Already, an estimated 12,426 Richland County school students experienced homelessness over the course of the 2017-18 school year, according to the U.S. Interagency Council on Homelessness (2019). But these numbers have the potential to swell even more. The Harvard Joint Center for Housing Studies (2019), reports that nearly 30% of Richland County households (44,152)¹ experience housing stress by spending over 50% of their income on housing and utilities. A medical emergency or some other unfortunate financial occurrence can place any one of these families in jeopardy of losing their homes. Homelessness already places a great deal of stress on many of our social services, schools, law enforcement, and neighborhoods. Preventing further loss of families to this unfortunate circumstance has to be one of our highest priorities.

In addition to preventing the tragedy of homelessness, safe and affordable housing creates a number of economic outcomes that benefit the public. Researchers at the Center for Housing Policy (2011) highlight the following such benefits.

- **One-time and ongoing job creation and spending** – The National Association of Home Builders (NAHB) estimates the creation of as many as 120 jobs during the construction of 100 affordable housing units. Once construction is complete, residents of these units then support as many as 30 new jobs.
- **Positive fiscal impacts for state and local governments** – Local governments tend to gain revenue from permitting and zoning fees, utilities, and property taxes. “The NAHB estimates that 100 units of affordable housing for families generate the same amount of one-time revenue as does a comparable market-

¹ 2013-2017 American Community Survey 5-Year Estimates

rate property.” The Center for Housing Policy shows that the impact of a new affordable housing development on nearby property values is more likely to be neutral or positive than negative, often leading to increased local government property tax revenues.

- **Reducing Foreclosure Risks and Associated Costs** – Low- and moderate-income households that participate in affordable homeownership programs have a much lower risk of delinquency and foreclosure than similar buyers with prime and subprime loans. Reducing foreclosures helps stabilize neighborhoods and saves governments the costs related to property maintenance and/or recovery.
- **Improving Worker and Employer Attraction and Retention** – The need for workforce affordable housing is a growing concern. The Center for Housing Policy (2011) reports survey results that show large employers acknowledging the lack of affordable housing as an impediment to their ability to hold on to qualified employees.
- **Increasing the Buying Power of Residents** – Affordable rent and mortgage payments leave affected families with residual income that is most often used on basic household needs such as food, clothing, healthcare, and transportation. These purchases support the economic viability of the local community.

The Forbes Real Estate Council (2020) notes similar benefits by observing that modern affordable housing (1) attracts diversity, (2) is built on quality that matches or exceeds that of market-rate housing, and (3) provides a boost to local, neighborhood businesses. These traits place affordable rentals in such high demand that they stay rented over a long term and thus provide profitable benefits to its developers, builders, financiers, and managers. The Council also notes that affordable housing rents are reliably paid with the support of vouchers and other subsidies. Comparably, luxury properties have occupancy rates that fluctuate with the economy.

Safe, affordable housing helps to protect public schools, one of our largest public investments. Richland County spends over a half a billion dollars each year on schools, our county’s largest expenditure. Yet, our students perform below state standards on most measures of academic achievement (see latest District Report Cards). The high number of homeless and housing insecure students in our schools contribute to this poor performance. The National Association of Realtors (2016) documents a consistent relationship between housing stability and educational

performance. Who can deny the likelihood that a child without certainty about where he or she will sleep is going to present behavioral problems at school? Whereas children in stable homes are more likely to complete high school, have lower incidents of misbehavior of all kinds, and benefit from the example of their parents successfully managing a large financial commitment by maintaining their home. Enterprise Community Partners (2014) note the detrimental effects of housing instability on educational performance. Students who experience homelessness or constant moves are likely to perform poorly not just for a school year, but throughout elementary school. School districts with a critical mass of these students often see high rates of poor performance regardless of their curricular or academic approach. As described by Enterprise Community Partners, homeless students often meet with dire consequences.

These children are more likely than their peers to drop out of school, repeat grades, perform poorly in school, disengage in the classroom, and suffer from learning disabilities and behavior problems. They may struggle to catch up due to high stress, disrupted school attendance and broken bonds with teachers and friends. These factors are compounded by the impact of traumas often associated with homelessness (family violence, economic crises, etc.).

Safe affordable housing helps to keep everyone healthy. The coronavirus pandemic illustrates our health interdependence. Circumstances that tax our health systems can create stress that impacts all parts of the system and affects all users. As explained by Enterprise Community Partners, “housing instability – including high housing costs in proportion to income, poor housing quality, overcrowding and multiple moves– has serious negative impacts on child and adult health.” The National Poverty Center (2011) documented how unstable living conditions harms both mental and physical health, especially in children. They show that individuals who experienced housing instability within a three-year period are more likely to report anxiety attacks, fair/poor self-rated health, and major or minor depression. Police and emergency room resources are likely to feel the systemic impact of this ill health. As documented by MORE Justice’s work to have law enforcement leaders implement Crisis Intervention Training, police officers are most often called to confront perceived adversarial behavior by individuals with a mental health diagnosis. This is dangerous work for police officers and can result in poor treatment of mentally ill persons. The effects of unstable housing on children are especially worrisome. A group of physicians writing in the American Journal of Public

Health (2011) concluded that “housing insecurity is associated with poor health, lower weight, and developmental risk among young children. Policies that decrease housing insecurity can promote the health of young children and should be a priority.”

Safe, affordable housing is the most efficient way to address the problem of housing insecurity. What we pay for alternative solutions is more costly and less effective. Temporary and emergency housing may rescue a family for a short period of time but does very little for their long-term security. Using jails and hospitals to deal with health issues resulting from the stress of housing insecurity is expensive and too indirect to be effective. Suspending children from school because of their lack of attention and preoccupation with housing uncertainty only buys a moment of relief for teachers and does nothing for the child.

As Richland County works to bring its revenue and expenditures in-line to prioritize affordable housing, policymakers and planners should understand the public benefits of well-designed affordable housing programs. Such programs are needed now more than ever as evidence shows an increasing number of families qualifying for housing assistance. Stable homes lead to stable communities, more effective schools, improved health, and a stronger economy. It is too expensive for us to not realize these benefits.

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Economic Impact of Housing Trust Funds

For housing to be "affordable," that generally means that a household spends 30 percent or less of its income on rent or mortgage payments and utilities. In Richland County, 45 percent of renters spend more than 30 percent of their income on housing costs. That's more than 22,000 families. As stated in Richland County's consolidated plan, there are 13,500 families who can only afford rent at \$370 a month. There are, however, less than 4,000 units available with rent that falls within those parameters.

This is not a problem limited to the very poor. Nurses, police officers, firefighters, military service members, and teachers are important – crucial – members of our community who are statistically likely to experience chronic housing affordability problems. The income earned in these fields is often insufficient for the people who work in them to be able to spend only 30 percent of their income on housing expenses. Those in minimum wage jobs are even more challenged. To afford a one-bedroom apartment at the average rent in Richland County, a person working minimum wage would have to work 89 hours a week.

For most of Richland County's ordinary people, the housing they have is not housing they can really afford. Making rent or a mortgage payment *and* paying for life's other necessities is a delicate balancing act.

The present gap between the need for affordable housing and its availability causes housing-challenged Richland County residents to have to choose between paying rent or buying groceries and paying for medical necessities. The inability of many people to afford their rent has driven up the number of evictions in Richland County – in 2018, Columbia ranked the eighth highest for the number of evictions among urban areas in the United States. Richland County averages 19 evictions every day. While not every eviction results in homelessness, many do. The economic stress on housing-challenged citizens is severe and can be catastrophic.

But the negative financial effects are not felt just by those who most obviously bear the brunt of this problem. The lack of affordable housing in Richland County is an economic drag on the whole community. The ancillary problems this generates hold back economic growth. They siphon public resources that could be put to better use if

those resources did not have to be spent addressing the spinoff problems created by the lack of affordable housing. Evictions precipitated by inability to afford housing take up an inordinate amount of the docket in our magistrates' courts, driving the need to hire more magistrates and more court staff to deal with the rising tide of eviction actions. Evictions are financially devastating for tenants, but they are also money-losers for landlords. And, of course, more people made homeless when they can no longer afford their rent means more public money spent on dealing with the homeless.

More broadly, without a sufficient supply of affordable housing, employers — and entire regional economies — are at a competitive disadvantage because of their difficulty attracting and retaining workers. When workers leave, this causes companies to have to train a new employee for the same job, incurring training costs and paying existing employees to train new ones rather than engage in economically productive activity.

Young children in families who live in unstable housing are 20 percent more likely to be hospitalized than those in stable housing. In addition, households with poor housing quality had 50 percent higher odds of an asthma-related emergency room visit during the period of one study. Other research indicates that five percent of hospital patients — who are responsible for half of the health care costs in the U.S. — are, for the most part, patients who live below the poverty line and are housing insecure. As most of these patients are uninsured and unable to pay a hefty hospital bill, these visits are not revenue-generating events for hospitals.

That is the situation Richland County is in now. We call this a quiet crisis because, despite unaffordable housing situations being quite common, those in them rarely complain. They've been in housing challenged situations so long that unaffordable housing seems normal.

It does not have to be that way. Housing trust funds are a free-market solution. There are some 800 communities with housing trust funds in the United States. Those trust funds generate positive economic activity wherever they are. They largely work by providing developers with incentives to build housing affordability into their projects (typically through real property covenants that provide for a rent maximum tied to a percentage of area median income). In exchange for obligating itself to do that, a developer receives money from the trust fund that goes to help pay the costs of the developer's project. Funding from the trust is usually sought through project-specific applications that are vetted and either accepted or denied by the trustee. When completed, the developed property provides a sustainable stock of affordable housing for the community.

An increase in affordable housing lessens the negative community-wide effects of affordable housing shortages such as the one Richland County is experiencing now. More affordable housing drives down the number of hospital visits, especially non-revenue-generating ones. And, of course, more affordable housing means more money in the pockets of those who were previously housing-challenged — money that flows into

businesses in the community. Additionally, affordable housing options in high opportunity neighborhoods create economically diverse schools, which are 22 times more likely to be high performing than are high-poverty schools.

During the construction of affordable housing — or any kind of housing, for that matter — the local economy benefits directly from the funds spent on materials, labor, and the like. Creating housing units means creating jobs for those involved in the construction. Further, if a builder is purchasing windows and doors from a local supplier, the supplier may have to spend money on materials and hire additional help to complete the order — an example of an indirect positive financial effect. Also, the construction workers, glass cutters, and landscapers are likely to spend a portion of their wages at the local grocery store, shopping mall, or restaurant. Taken together, the indirect and induced impacts of housing construction on the local economy are often called “ripple” or “multiplier” effects. These effects are maximized in localities where construction-related suppliers and other business establishments are prevalent. Richland County is such a place.

If Richland County established a housing trust funded through a two-mill property tax increase, that would mean a tax increase of roughly \$8 a year for the owner of a house worth \$100,000.00. Respectfully to any such homeowner who may object to such an increase, an examination of the negative economic effects driven by the present housing situation would show that *not* having a vigorously funded housing trust is costing that homeowner well over than \$8 a year right now.

A millage increase dedicated to a housing trust fund would provide the significant, dedicated funding that the Mescher Act requires for such a fund under South Carolina law. Funding for the trust, however, would not need to be limited to millage-based funding or even government funding. A housing trust fund would be permitted to receive funding from other local governments, such as from the City of Columbia, through government grant funding, and from donations from the private sector. The nonprofit corporation trustee would be a 501(c)(3) charitable organization, providing a tax benefit to private donors to the fund.

Richland County can't afford *not* to put a robust housing trust fund in place. As the COVID-19 crisis continues, its economic effects are only beginning to be felt. The ability of ordinary people in Richland County to afford their homes will be challenged more than ever. An already critical need will only be heightened as the effects of this crisis unfold



Text File

Introduced: 7/5/2016

Bill No: 2016-0602, Version: 4

Committee: Committee on Land Use and
Economic Development

Status: Passed Finally

Ordinance supplementing the Pittsburgh Code of Ordinances, Title Two--Fiscal, Article V--Special Funds, to add a new Chapter [232] 234, "Housing Opportunity Fund", to stabilize communities and protect the public welfare by creating the Pittsburgh Housing Opportunity Fund (the "Fund"), to create a budget obligation for the Fund, to establish the purposes for which monies in the Fund may be used; and to create a Housing Opportunity Fund Governing Board and Advisory Board.

Whereas the Council of the City of Pittsburgh finds as follows:

1. Much of the City's housing stock is older and in need of repair, and many existing and prospective homeowners lack the resources to make necessary repairs. Repairing the existing housing stock helps to stabilize neighborhoods by maintaining property values in the surrounding neighborhood, reducing the incidence of vacancy and blight, and decreasing the need for City-funded demolition.
2. Much of the City's housing stock is not energy efficient, and many property owners lack the resources to make energy efficiency improvements. Improving energy efficiency can help reduce utility costs and provide relief for families with severe housing cost burden. It can also help reduce the City's carbon footprint.
3. Many Pittsburgh neighborhoods have very low rates of homeownership and high rates of absentee-owned properties. Increasing resident ownership of housing gives people more of a stake in the upkeep of their communities and helps to stabilize neighborhoods.
4. The City is experiencing a shortage of decent, safe and sanitary housing that is affordable to extremely low-income families and individuals. The shortage of housing that is affordable to extremely low income families forces them to pay more for housing than they can afford, which reduces the supply of housing that would otherwise be available for families and individuals at other income levels and creates a ripple effect of unaffordability.
5. Over 23,000 Pittsburgh households are paying more than half of their household income on housing costs. This severe cost burden can make these households vulnerable to eviction, foreclosure, utility termination, and other hardships.
6. Many very-low income and extremely low-income families and individuals in Pittsburgh need better access to opportunity resources - such as public transportation, jobs, safe neighborhoods, high-quality schools, child care and grocery stores - that can help to improve their and their children's health, safety and economic self-sufficiency.
7. The City is also experiencing a shortage of decent, safe and sanitary housing that is accessible to people with mobility impairments and other disabilities.

8. At any given time, there is an average of more than 2000 homeless households on a waiting list for housing and homeless services in Pittsburgh and Allegheny County.
9. Existing affordable housing resources provide relatively short periods of affordability. This can cause the City to invest its limited resources into preserving the existing affordable housing stock instead of expanding the supply. Financing mission-driven developers and prioritizing permanent affordability will help maximize the effectiveness of the City's housing resources.
10. The City and its authorities have experienced steady decreases in funding from federal and state resources for investment in neighborhood development and affordable housing projects.
11. Establishing a Pittsburgh Housing Opportunity Fund will provide needed resources to help stabilize and improve Pittsburgh's neighborhoods, to support the development and preservation of affordable and accessible housing in areas with good access to public transit, jobs, good schools, child care, grocery stores and other amenities that individuals and families need to improve their and their children's health, safety and economic self-sufficiency, and to address other critical housing needs.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE CITY OF PITTSBURGH HEREBY ENACTS AS FOLLOWS:

The Pittsburgh Code, Title Two--Fiscal, Article V--Special Funds, is hereby amended by adding a new Chapter [232] 234, "*Housing Opportunity Fund*".

[232] 234.01 Definitions.

- (a) "*Accessible*" means housing that meets the design standards most recently published by the American National Standards Institute (ANSI) for Accessible Units or for Units with Accessible Communication Features, as applicable.
- (b) "*Advisory Board*" means the 17-member board described in Section [232] 234.06 of this Chapter.
- (c) "*Affordable*" means housing related expenses do not exceed 30% of a household's gross income. When used in conjunction with a specific income target (e.g., *affordable to households earning at or below 50% of AMI*), the term means housing expenses do not exceed 30% of the gross income of the highest income household within the target category. If no income target is specified, "affordable" shall be construed as referring to an income target of 80% of AMI.
- (d) "*Area Median Income*" or "*AMI*" means the median household income for the Pittsburgh metropolitan area published annually by the U.S. Department of Housing and Urban Development ("HUD").
- (e) "*Deed Restricted Affordable Housing*" means real estate that is required to be used as affordable housing for a period of time pursuant to a restrictive covenant or similar enforceable, recorded instrument, with income targets that are no higher than 80% of AMI. The term shall include, but not be limited to, HUD multifamily housing and Low Income Housing Tax Credit projects authorized by applicable law.
- (f) "*Extremely Low Income*" means having a household income that is at or below 30% of AMI.
- (g) "*Family Sustaining Rental Housing*" means rental housing that is affordable to households earning at or

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below 50% of AMI. The term shall not include lease purchase or cooperatively owned housing.

(h) “*Governing Board*” means the Urban Redevelopment Authority of Pittsburgh (“URA”) Board of Directors.

(i) “*Housing Assistance to Individuals*” means housing assistance that is provided directly to low-income persons, including but not limited to owner-occupied home rehabilitation or repair services; owner-occupied home energy efficiency upgrades; foreclosure prevention and mitigation services; and rapid rehousing services.

(j) “*Low Income*” means having a household income that is at or below 80% of AMI.

(k) “Mid and Lower Market” shall have the meaning specified in the performance measures created by the p4 Performance Measures Project in October, 2016.

(l) “*Neighborhood-Based Non-Profit*” means (1) a Non-Profit that has a substantial base of operations within the neighborhood where the housing to be funded by the Housing Opportunity Fund is located, or (2) a Tenant Association that represents the tenants in the housing to be funded by the Housing Opportunity Fund.

(m) “*Non-Profit*” means a non-profit organization that (i) is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and (ii) has providing affordable housing or combating community deterioration among its tax exempt purposes. The term shall not include a non-profit organization that is controlled by a for-profit or public entity.

(n) “*Owner-Occupant*” means a natural person with a legal or equitable ownership interest in property which is the primary residence of the person.

(o) “*Permanently Affordable*” means housing that is subject to a deed restriction, ground lease, shared equity agreement, or similar enforceable, recorded instrument that (1) in the case of rental or cooperatively owned housing, requires all current and subsequent owners to maintain the housing as affordable for a period of at least 99 years or for the life of the building, or (2) in the case of for-sale housing, restricts the resale price to subsequent home buyers to an affordable price for a period designed to maintain the housing as affordable for at least 99 years or for the life of the building.

(p) “*Preservation of Deed Restricted Affordable Housing*” means the rehabilitation, redevelopment or replacement of Deed Restricted Affordable Housing, in order to extend the long term affordability and habitability of the units, such that there is no net loss in affordability and all affordable units are maintained or replaced in locations that are no less desirable than the original location.

(q) “*Tenant Association*” means a membership association consisting of the residents of a residential development that operates democratically, is representative of all residents in the development, and is completely independent of owners, management, and their representatives. An association that otherwise satisfies the foregoing criteria shall not be disqualified solely because it has an ownership interest in the residential development.

(r) “*Very Low Income*” means having a household income that is at or below 50% of AMI.

(s) “*Universal Design*” means housing that meets the design requirements specified in Title Two, Section 265.04.1(2)(b) of the Pittsburgh Code on all floors and in all common areas and public spaces..

[232] 234.02 Establishment of the Pittsburgh Housing Opportunity Fund

Committee: Committee on Land Use and Economic Development

Status: Passed Finally

(a) The Pittsburgh Housing Opportunity Fund (“Fund”) shall be created by the Office of the Controller, **and managed by the Office of Management and Budget** as a separate fund for the purpose of supporting the development and preservation of affordable and accessible housing in the City of Pittsburgh as more particularly specified in Sections [232] 234.03 and [232] 234.04 of this Chapter. The City may appropriate revenue and the Fund may receive monies from sources as deemed appropriate and consistent with the purposes set forth in this Chapter and applicable law.

(b) It is the intent of the City Council that the Fund have a goal of \$10 million or more per year in annual revenue after a corresponding amount of budgeted legal revenue has been identified, a new legal revenue line in the said amount has been established or a combination of both.

(c) The dedication of any revenue must be consistent with the City of Pittsburgh Act 47 plan and Act 11 (Intergovernmental Cooperation Authority) agreements, as applicable, and the City’s annual five year plan. Unless Council approves a dedicated source of annual funding, the actual amount of funds shall be contingent upon annual appropriation of Council.

(d) Monies allocated for the Fund must be used exclusively for purposes consistent with this Chapter and applicable law. Therefore, any assets remaining in the Fund at the end of any fiscal year shall be carried into the next fiscal year, including all interest and income earned, as well as any repayments or forfeitures of loans and/or grants.

(e) It is the intent of this Chapter that the Trust Fund provide net new resources for affordable housing in the City of Pittsburgh, and that the Fund not be used to substitute or supplant existing resources.

[232] 234.03 Disbursement of Fund Assets

(a) Funds appropriated from the Opportunity Fund shall be consistent with an annual allocation plan (AAP), created by the Advisory and Governing Boards, as described below. The AAP shall outline the types of programs, projects, and activities that are eligible for Opportunity Fund investment. Each year the Advisory Board shall provide an opportunity for public comment on the AAP and shall submit the AAP to Council for review and approval, prior to the passage of the budget. Such programs, projects, and activities shall:

1. Preserve existing affordable housing through investments such as home rehabilitation or repair (both owner-occupied and one- to three-unit rental); down payment/closing cost assistance; homeownership counseling, pre or post purchase; foreclosure prevention and mitigation; tangled title assistance; energy efficiency; and a tenant purchase fund that supports tenants in the process of acquiring a controlling interest in expiring affordable housing.
2. Rehabilitate, redevelop, or replace existing Deed Restricted Affordable Housing in order to extend the long term affordability and habitability of the units.
3. Increase the accessibility of new and existing affordable housing to seniors and people with disabilities.
4. Increase the production of affordable housing for sale or rental so as to ensure that communities

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experiencing rapid growth and escalating housing costs continue to have Family Sustaining Rental Housing and ensure that Very Low Income families have opportunities to live in housing in areas of high opportunity or consistent with a neighborhood revitalization plan.

5. Prevent or reduce homelessness by increasing the supply of homes with supportive services available to people at imminent risk of homelessness or experiencing homelessness. The Fund can also be used for programs including rental assistance, rapid re-housing, permanent supported housing, housing first and/or other homeless housing purposes, especially for youth, families, seniors, veterans, people who are chronically homeless and those with disabilities.

6. Provide for funding projects that promote permanently affordable housing through structures such as tenant purchase, community land trusts, shared-equity or deed restrictions placed upon the land.

7. Stabilize Mid and Lower Market Neighborhoods through activities such as making affordable loan products and grants available for the construction or rehab of owner-occupied homes or financing the purchase and rehabilitation of vacant structures by Neighborhood-Based Non-Profits for affordable homeownership.

8. Advance any additional housing needs and leverage additional funding opportunities for affordable housing and neighborhood stabilization as they arise. To that end, the Governing Board may provide such additional uses and goals consistent with the purposes of this Chapter and the findings listed by City Council based upon the recommendation of the Advisory Board after public notice and an opportunity for comment.

(b) Up to 10% of annual Fund expenditures may be used for administrative expenses, which shall include the URA's reasonable and necessary cost of administration and the preparation of the Annual Audit and Report by the Governing Board and the Advisory Board pursuant to an annual budget reviewed ~~and approved~~ by the Advisory Board.

[232] 234.04 Priorities and Restrictions

(a) The AAP shall:

1. Outline an open and competitive selection process for all projects receiving Fund investment.
2. Establish evaluation criteria for awards that are consistent with the goals and purposes of this Chapter and the findings listed by City Council. At a minimum, the evaluation criteria shall include, as relevant: depth of affordability; length of affordability commitments; geographic distribution of funds; coordination with a neighborhood revitalization plan; affirmatively furthering fair housing; accessibility features; energy efficiency; cost effectiveness; readiness to proceed, and access to frequent transit and walkable/bikeable streets.
3. Set standards by which all applicants with projects of four units or more will be required to demonstrate community engagement to understand needs, align development interests, and maximize community participation and partnerships. Any project presented for community input must be documented as substantially similar to the project included in the application. At a minimum, all applicants with projects of four units or more must provide a memorandum of understanding with a Neighborhood-Based Non-Profit organization. The Governing Board may allow for exceptions where:
 - a. The rehabilitation of rental units are in exchange for enforceable

- b. commitments to accept rental assistance and provide housing for special needs populations;
- c. The project is necessary to affirmatively further fair housing and there is no Neighborhood-Based Non-Profit that is willing or available to participate;
- d. There are no Neighborhood-Based Non-Profits in the neighborhood where the project is located; or
- e. Any additional provisions consistent with this Chapter

4. Require that all housing production or preservation projects of four units or more (for sale or rental) have a Non-Profit applicant. The Advisory Board and Governing Board will give added weight to projects where a Neighborhood-Based Non-Profit Organization is a partner with the ability to approve major project decisions and acquire the property.

(b) The AAP shall set the following income targets for the overall investment of fund assets in projects, programs, and activities:

50% of funds must benefit families and individuals at or below 30% AMI.

25% of funds must benefit families and individuals at or below 50% AMI.

25% of funds should benefit families and individuals at or below 80% AMI. by providing or supporting homeownership opportunities. ~~and by providing down payment and closing cost assistance to first-time homebuyers consistent with the income targets used by the Pittsburgh Home Ownership Program (PHOP). Except for down payment and closing cost assistance, all fund assets must benefit families and individuals at or below 80% AMI.~~

1. 80% AMI may only be exceeded for funds used to provide or support homeownership opportunities by providing down payment and closing cost assistance to first-time homebuyers consistent with the income targets and policies used by the Pittsburgh Home Ownership Program (PHOP).

(c) The AAP shall set targets regarding permanent affordability for the overall investment of Fund assets in projects and the Governing Board shall develop an implementation plan for achieving the same, with review and input by the Advisory Board. Within five years, the target shall be for at least 50% of all housing produced or preserved through investments of Fund assets in the aggregate, in projects of four units or more, shall be Permanently Affordable. The AAP may allow for operating and capacity support for community land trusts in order to meet the 50% target.

(d) All other housing that is produced or preserved through an investment of Fund assets, excluding investments in projects, programs, or activities that provide Housing Assistance to Individuals, shall meet or exceed the following affordability/repayment requirements:

1. For rental housing, the minimum affordability periods required under the federal HOME

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program at 24 CFR 92.252, or such longer affordability periods as the Governing Board may adopt.

2. For for-sale housing, the Fund assets shall be in the form of a secured loan that must be repaid upon conversion of the unit to a use other than owner-occupied housing or upon sale of the unit to a purchaser who is not Low Income. The Governing Board, at its discretion, may require earlier repayment of any or all of the Fund loan and may subordinate the Fund mortgage to other financing.

3. Lease-purchase housing shall be treated as rental housing until the units are sold to the tenants, at which time the minimum affordability periods required under the federal HOME program at 24 CFR 92.254 shall apply from the date of the most recent investment of Fund assets.

(e) All new construction and all projects of four units or more receiving an investment of Fund assets shall target to meet or exceed the following goals, to the greatest extent feasible:

1. A minimum of 10% of units shall be accessible to individuals with mobility impairments and a minimum of 4% shall be accessible to individuals with sensory impairments.
2. All units shall meet visitability standards.
3. All projects shall maximize the number of units that meet Universal Design standards.

(f) All programs, projects, and activities funded by the Fund shall adhere to the City's Equal Opportunity policies and the City's obligations to Affirmatively Further Fair Housing.

(g) When Fund assets are used to preserve Deed Restricted Affordable Housing, the Governing Board shall, to the greatest extent feasible, ensure that: there is no net loss in affordability; all affordable units are maintained or replaced in locations that are no less desirable than the original location; all existing residents are given their choice to live in the redeveloped housing or receive comparable relocation housing; and replacement housing is built first or otherwise phased so that residents will not be required to make more than one move.

(h) It is the intent of this Chapter that rental projects supported by the Fund be owned and managed by responsible landlords. To that end, Fund assets shall not be disbursed for projects, programs, or activities where the property owner or related party has outstanding tax or municipal claims or has failed to comply with City codes or policies or other applicable legal obligations. The Advisory Board may make appropriate exceptions where the funds will be used to bring rental property into compliance, subject to Governing Board approval.

(i) Rehabilitation and repair services funded by the Fund shall be performed in a responsible manner and shall have obtained all required permits have been secured prior to the start of work. At a minimum, contractors performing skilled labor must demonstrate PA Home Improvement Consumer Protection Act registration, federal Environmental Protection Agency lead safe work practices certification if they will be working on a pre-1978 home and the work will disturb a coated surface, and that skilled labor will be performed or inspected by a licensed tradesperson. The Governing Board may make exceptions for property owners and volunteer or training organizations who will be self-performing non-skilled labor.

(j) All rental housing receiving an investment of Fund assets must adhere to the tenant and applicant protections required under the federal HOME program at 24 CFR 92.253, or such stronger tenant and applicant protections as the Governing Board may require, for the duration of the affordability period required under Section [232] 234.01(a)(1) of this Chapter.

[232] 234.05 Governing Board

(a) Upon adoption of a resolution accepting the responsibilities of the governing board as set forth in this chapter, The URA Board shall serve as the Housing Opportunity Fund Governing Board (the “Governing Board”). The Governing Board shall:

1. Ensure that the AAP and all decisions to fund programs, projects, and activities comply with the requirements of this Chapter and all applicable laws and ethical requirements.
2. Issue requests for proposal for Fund assistance, based on the draft requests for proposals and recommendations provided by the Advisory Board and consistent with the AAP and all applicable laws.
3. Make final decisions regarding the disbursement of fund assets, consistent with the requirements of this Chapter and based on recommendations of the Advisory Board. The Governing Board shall not approve any project for funding that has not first been reviewed and ~~recommended for approval~~ **discussed** by the Advisory Board.
4. Enter into agreements to disburse fund assets for projects, programs, and activities consistent with applicable laws.
5. Establish additional priorities consistent with the purposes and intent of this Chapter for inclusion in the AAP based on recommendations of the Advisory Board.
6. Ensure the alignment of Fund disbursements with the City’s other affordable housing resources.
7. Seek contributions from non-City sources to supplement the assets of the Fund.
8. Commission Annual Audits and Annual Reports pursuant to Section [232] 234.09 of this Chapter.

(b) The Governing Board shall meet in regular session at least quarterly and shall conduct its first meeting no later than sixty (60) calendar days after adoption of the resolution of the URA Board as described above. Meetings of the Governing Board, which may be combined with meetings of the URA Board, shall be public and shall be advertised in a manner designed to ensure that the decisions of the Governing Board are open and transparent. The Governing Board shall also provide a mechanism through which interested persons may request and receive timely notification of regular and special meetings, which shall include at a minimum a description of the material terms of financing decisions that will be under consideration. The Governing Board shall allow for public comment on matters up for deliberation at each public meeting, and shall make publicly available a summary of actions taken at each meeting within ten (10) business days. This summary will be unofficial until approved and adopted by the Governing Board.

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[232] 234.06 Advisory Board

(a) A Housing Opportunity Fund Advisory Board (the “Advisory Board”) is hereby created to:

1. Develop a draft AAP subject to approval by the Governing Board and City Council, as provided herein.
2. Provide recommendations to the Governing Board concerning additional fund priorities.
3. Prepare draft requests for proposals for Fund assistance.
4. Provide recommendations to the Governing Board concerning the disbursement of Fund assets.
5. Make recommendations to the Mayor and City Council regarding funding levels for the Fund, potential additional funding sources, and potential additional funding priorities.

(b) The Advisory Board shall initially be comprised of seventeen (17) persons appointed by the Mayor to four-year staggered terms and approved by the City Council as follows:

1. One member from the Mayor’s Office
2. One member of City Council
3. One member from the Urban Redevelopment Authority
4. One member from the Housing Authority of the City of Pittsburgh
5. One member who is a low income tenant earning less than 50% of AMI or who represents a Tenant Association, a majority of whose members are tenants who earn less than 50% of AMI.
6. One member who is a low-income homeowner earning less than 80% of AMI or who represents low income homeowners and resides in a CDBG-eligible census tract
7. One member from the non-profit community
8. One member who is homeless, formerly homeless, has a disability, or is an advocate for persons who are homeless and/or have disabilities
9. One member from the for-profit development community
10. One member from the non-profit development community
11. Five members from Neighborhood Based Nonprofits that serve a low-income population and who reside in a CDBG-eligible Census Tract in each geographic region of the city (north, south, east, west, and central).
12. One member from a lending institution
13. One member who is a fair housing advocate.

(c) The Mayor may appoint, subject to the approval of City Council, one or more additional persons to the Advisory Board as necessary to secure non-City contributions to the Fund.

(d) The Advisory Board shall meet in regular session at least quarterly and shall conduct its first meeting no later than thirty (30) calendar days after its members are appointed. Meetings of the Advisory Board shall be

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public and shall be advertised in a manner designed to ensure full and meaningful public participation in Advisory Board decisions. The Advisory Board shall also provide a mechanism through which interested persons may request and receive timely notification of regular and special meetings, which shall include at a minimum a summary of the matters that will be under consideration. The Advisory Board shall allow for public comment on matters up for deliberation at each public meeting, and shall make publicly available a summary of actions taken at each meeting within ten (10) business days. This summary will be unofficial until approved and adopted by the Advisory Board.

(e) No later than June 30 of each year, the Advisory Board shall develop a draft AAP to determine the use of funds for the following year and to govern the selection of programs, projects, and activities, consistent with the provisions of this Chapter and applicable law. The Advisory Board shall provide an opportunity for public comment and shall submit its proposed AAP to the Governing Board for review no later than August 31. The Governing Board shall review the proposed AAP to ensure that it complies with the requirements of this Chapter and to all other applicable laws and ethical requirements, and shall promptly work with the Advisory Board to correct any deficiencies. The Governing and Advisory Boards shall submit the AAP to City Council for review no later than October 31. Any decision to reject or modify the AAP must be made by City Council no later than December 31 for adoption by the Governing Board in January of the following year.

[232] 234.07 Administration and Management of Funds

(a) The City shall enter into an Intergovernmental Cooperation Agreement with the URA to provide implementation support and administer Fund assets, in a form acceptable to the City Solicitor. The agreement shall be transmitted to the City Clerk for distribution to City Council. The Agreement shall provide substantially as follows:

1. The URA will perform administrative functions related to the operations of the Fund and will provide staff support and technical assistance to the Governing and Advisory Boards.
2. Specific duties will include:
 - a. Administration and Fund management;
 - b. Technical review and underwriting of proposals;
 - c. Construction review and monitoring;
 - d. Approval of draw requests and disbursement of funds;
 - e. Loan management and servicing;
 - f. Reporting;
 - g. Compliance monitoring and enforcement;
 - h. Staff support for the Advisory and Governing Boards to assist with preparation of the draft and final AAP; and
 - i. Additional duties as may be determined by the Advisory Board and Governing Board.

3. Opportunity Fund assets shall be accounted for separately from other funds held by the City and URA.

4. Generally accepted accounting principles (GAAP) for state and local governments, as defined by the Government Accounting Standards Board (GASB), shall be used in the management of all Fund accounts.

[232] 234.08 Annual Audit and Report

(a) Within 90 days after the end of the fiscal year, the Governing Board shall commission an Annual Audit (the "Audit") of Fund income and expenditures for the previous fiscal year. The Audit shall be completed no later than 180 days after the end of the fiscal year. Copies of the Audit shall be provided to City Council, the Mayor, the Governing and Advisory Boards, and shall be made publicly available with the Annual Report. The Audit shall include an account of all administrative expenses sufficient to demonstrate that the expenses are reasonable and necessary to the administration of the Fund.

(b) The Governing Board shall commission an Annual Report on the activities of the Opportunity Fund in the previous fiscal year. The Annual Report shall be completed no later than 180 days after the end of the fiscal year. Copies of the Annual Report shall be provided to City Council, the Mayor, the Governing and Advisory Boards, and shall be made publicly available with the Audit. The Annual Report shall:

1. Provide total numbers of housing units produced, homes preserved, and households prevented from being displaced or becoming homeless as a result of Fund support.
2. List projects, programs, and activities funded through the Fund.
3. Report on funds expended and dollars leveraged by Fund funds.
4. To the extent feasible, report in aggregate form the number of households benefiting from the Fund by income level, geographic distribution, family size, and other criteria as requested by the Advisory Board.
5. Report in aggregate form rents and sale prices of units produced, the number of accessible units built, the number of such units occupied by disabled individuals, and other criteria as requested by the Advisory Board.
6. Report on Opportunity Fund expenditures in each of the income targets specified in Section [232] 234.05(a)(4) of this Chapter.

[232] 234.09 Effective Date.

This Chapter shall become effective upon enactment.

Article 8: Housing

Division 5: San Diego Housing Trust Fund

(“San Diego Housing Trust Fund” added 4-16-1990 by O-17454 N.S.)

§98.0501 Purpose and Intent

- (a) It is the intent of the City Council to create an Affordable Housing Fund as a permanent and annually renewable source of revenue to meet, in part, the housing needs of the City’s *very low*, *low*, and *median income* households. There are households which are income eligible and also possess one or more of the following characteristics; (1) they are burdened by paying more than thirty percent (30%) of their gross income for housing costs; (2) they live in overcrowded conditions; (3) they live in substandard housing units; (4) they are homeless individuals and families; or (5) they consist of individuals and families with special housing needs such as the elderly, the developmentally disabled, the mentally ill, the physically disabled, single parent households and large families.
- (b) The Affordable Housing Fund will serve as a vehicle for addressing very low, low, and median income housing needs through a combination of funds as provided for in these regulations.
- (c) It is the intent of the City Council to address a significant portion of the City’s current and projected very low, low, and median income housing need by leveraging every one dollar of City funds allocated to the Fund with two dollars of non-City subsidy capital funds.
- (d) It is further the intent of the Council to foster a mix of family incomes in projects assisted by the Fund and to disperse affordable housing projects throughout the City, in accordance with its Balanced Communities Policy and its intent to achieve a balance of incomes in all neighborhoods and communities so that no single neighborhood experiences a disproportionate concentration of housing units affordable to very low, low, and median income households.
- (e) It is the purpose and intent of this part to preserve and maintain renter and ownership housing units which are affordable to low, very low, and moderate income households and are located within the City, including federally assisted units and units located in mobile home parks.

- (f) It is the further intent of the City Council to foster and encourage the private sector to join with the public sector and the nonprofit sector to further the goals of this ordinance.

(Amended 6-3-2003 by O-19190 N.S.)

§98.0502 Establishment of the San Diego Affordable Housing Fund

- (a) There is hereby established a fund to be known and denominated as the San Diego Affordable Housing Fund. The Affordable Housing Fund shall consist of funds derived from the commercial development linkage fees paid to the City pursuant to Chapter 9, Division 6, Article 8 of the San Diego Municipal Code; revenues from the Transient Occupancy Tax as provided in Section 35.0128 of the San Diego Municipal Code; funds derived from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13; revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code; and any other appropriations as determined from time to time by legislative action of the City Council. The Affordable Housing Fund shall be administered by the San Diego Housing Commission pursuant to the provisions of this Division, the appropriation ordinances and Council policies applicable thereto.
- (b) There is also hereby established within the Affordable Housing Fund, a San Diego Housing Trust Fund account. Except for funds received from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13 and revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code, all funds received by the Affordable Housing Trust Fund, either from special funds or general fund appropriations, shall be deposited in the Housing Trust Fund account. The administration and use of monies from the San Diego Housing Trust Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.
- (c) There is also hereby established within the Affordable Housing Fund, an Inclusionary Housing Fund account. Funds received from in lieu fees paid to the City pursuant to Chapter 14, Article 2, Division 13 and revenues received from the use of a shared-equity program pursuant to Section 142.1309(e) of the San Diego Municipal Code shall be deposited in the Inclusionary Housing Fund account. The administration and use of monies from the Inclusionary Housing Fund shall be subject to all provisions under this Division related to the Affordable Housing Fund.

(“Definitions” repealed; “Establishment of the San Diego Housing Trust Fund and Trust Fund Account” renumbered from Sec. 98.0503, retitled and amended 6-3-2003 by O-19190 N.S.)

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§98.0503 Purpose and Use of Affordable Housing Fund and Monies

- (a) The Affordable Housing Fund shall be used solely for programs and administrative support approved by the City Council in accordance with Section 98.0507 to meet the housing needs of *very low income*, *low income* and *median income* households. In addition, for homeownership purposes only, these funds may be utilized to meet the housing needs of *moderate income* households where *moderate income* has the same meaning as in San Diego Municipal Code Section 113.0103. These programs shall include those providing assistance through production, acquisition, rehabilitation and preservation.
- (b) Principal and interest from loan repayments, proceeds from grant repayments, forfeitures, reimbursements, and all other income from Affordable Housing Fund activities, shall be deposited into the Affordable Housing Fund. All funds in the account shall earn interest at least at the same rate as pooled investments managed by the Treasurer. All interest earnings from the account shall be reinvested and dedicated to the account. All appropriated funds in the Affordable Housing Fund account shall be available for program expenditures as directed by the Commission and pursuant to Section 98.0507. The City’s Annual Appropriation Ordinance shall provide for the transfer of designated funds to the Affordable Housing Fund. Transfers shall be made quarterly or upon direction of the City Manager. Transferred funds shall accrue interest from the time of transfer.

(“Establishment of the San Diego Housing Trust Fund and Trust Fund Account” renumbered to Sec. 98.0502; “Purpose and Use of Housing Trust Fund and Monies” renumbered from Sec. 98.0504, retitled and amended 6–3–2003 by O–19190 N.S.) (Amended 1-23-2009 by O-19825 N.S; effective 2-22-2009.)

§98.0504 Purpose and Use of San Diego Housing Trust Fund Account

- (a) The San Diego Housing Trust Fund may be used in any manner, through loans, grants, or indirect assistance for the production and maintenance of assisted units and related facilities. The San Diego Housing Trust Fund monies shall be distributed to the target income groups according to the following guidelines:
 - (1) No less than ten percent (10%) of the funds in the San Diego Housing Trust Fund account shall be expended to provide transitional housing for households who lack permanent housing;

- (2) Not less than sixty percent (60%) of the funds in the Trust Fund account shall be expended to provide housing to *very low income* households at *affordable housing costs*.
 - (3) No more than twenty percent (20%) of the funds in the San Diego Housing Trust Fund account shall be expended to provide housing to *low income* households at *affordable housing costs*;
 - (4) No more than ten percent (10%) of the funds in the San Diego Housing Trust Fund account shall be expended to assist *median income* and *moderate income* first-time home buyers purchase a home at an *affordable housing cost* with special consideration given to those proposals (1) involving neighborhoods that are predominately *low income* with substantial incidence of absentee ownership, or (2) which further the goals of providing economically balanced communities. *Affordable housing cost*, as defined for moderate income home buyers, shall also be consistent with California Health and Safety Code section 50052.5 for those households at or exceeding 100 percent (100%) of area median income.
- (b) The San Diego Housing Commission shall ensure that a program to increase the capacity of nonprofit organizations to develop and operate housing for *very low, low, median and moderate income* households be included in the Affordable Housing Fund Annual Plan to be submitted to the City Council in accordance with Section 98.0507. Through such a program, the Housing Trust Fund may fund training programs for non-profit organizations, and provide funds for administrative support. Furthermore, the San Diego Housing Commission shall ensure that technical assistance related to the preparation of project proposals is made available to nonprofit organizations requesting such assistance.
- (c) Funds shall not be used for the operation of supporting services such as child care or social services unless:
- (1) The funds are used in connection with transitional housing or in neighborhoods where the addition of units will create the need for supportive services.
 - (2) The recipient can demonstrate to the Commission that other funds are not available, and
 - (3) No more than twenty-five percent (25%) of the loan, grant or assistance is designated for such services. Whenever such funds are disbursed from the Trust Fund account, the San Diego Housing Commission shall determine the terms and conditions which shall be attached to the grant or loan of those funds.

*(“Purpose and Use of Housing Trust Fund and Monies” renumbered to Sec. 98.0503; “Purpose and Use of San Diego Housing Trust Fund Account” added 6-3-2003 by O-19190 N.S.)
(Amended 1-23-2009 by O-19825 N.S; effective 2-22-2009.)*

§98.0505 Purpose and Use of San Diego Inclusionary Housing Fund Account

- (a) The Inclusionary Housing Trust Fund shall be used solely for programs and administrative support approved by the City Council pursuant to the provisions of Section 98.0507.
- (b) Priority for the expenditure of funds from the Inclusionary Housing Trust Fund shall be given to the construction of new affordable housing stock. The monies may also be allowed to be expended for other programs administered by the San Diego Housing Commission if approved by the City Council in the Affordable Housing Fund Annual Plan, pursuant to the provisions of this Division.
- (c) Priority for the expenditure of funds from the Inclusionary Housing Trust Fund shall be given to the Community Planning Area from which the funds were collected. The funds shall be used to promote and support the City’s goal of providing economically balanced communities.

(“Term of Affordability” renumbered to Sec. 98.0506; “Purpose and Use of San Diego Inclusionary Housing Fund Account” added 6-3-2003 by O-19190 N.S.)

§98.0506 Term of Affordability

- (a) Whenever funds from the Affordable Housing Fund are used for the acquisition, construction or substantial rehabilitation of an affordable rental or cooperative unit, the San Diego Housing Commission shall impose enforceable requirements on the owner of the housing unit that the unit remain affordable for the remaining life of the housing unit, assuming good faith efforts by the owner to maintain the housing unit and rehabilitate it as necessary. The remaining life of the housing unit shall be presumed to be a minimum of fifty-five (55) years.
- (b) Whenever funds from the Affordable Housing Fund are used for the acquisition, construction or substantial rehabilitation of ownership housing, the San Diego Housing Commission shall impose enforceable resale restrictions on the owner to keep the housing unit affordable for the longest feasible time, while maintaining an equitable balance between the interests of the owner and the interests of the San Diego Housing Commission.

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- (c) For programs funded with funds from the Affordable Housing Fund which are not described in (a) or (b) above, the Commission shall develop appropriate mechanisms to ensure affordability which shall be described in the San Diego Housing Fund Annual Plan.
- (d) The affordability restriction requirements described in this section shall run with the land and the Commission shall develop appropriate procedures and documentation to enforce these requirements and shall record such documentation in the Official Records of the Recorder of San Diego County.

(“Three Year Program” renumbered to Sec. 98.0507; “Term of Affordability” renumbered from Sec. 98.0505 and amended 6-3-2003 by O-19190 N.S.)

§98.0507 Affordable Housing Fund Annual Plan

Prior to the commencement of the fiscal year and annually thereafter, the San Diego Housing Commission shall adopt an Affordable Housing Fund Annual Plan for the use of the Affordable Housing Fund, including the Housing Trust Fund account and the Inclusionary Housing Fund account, and present it to Council for action. This document shall plan for the following fiscal year or other appropriate time frame to ensure for accurate and effective planning and budgeting of fund revenues. The Affordable Housing Fund Annual Plan shall include:

- (a) A description of all programs to be funded with funds from the Affordable Housing Fund account specifying the intended beneficiaries of the program including the capacity building program for nonprofit organizations;
- (b) The amount of funds budgeted for loans or grants to recipients who agree to participate in Commission approved Programs;
- (c) The amount of funds budgeted for administrative expenses, exclusive of legal fees. All disbursements from the Affordable Housing Fund shall be consistent with the Affordable Housing Fund Annual Plan.

(“Solicitation of Program Suggestions” renumbered to Sec. 98.0508; “Three Year Program Plan” renumbered from Sec. 98.0506, retitled and amended 6-3-2003 by O-19190 N.S.)

§98.0508 Solicitation of Program Suggestions

Each year, the San Diego Housing Commission shall solicit suggestions on the programs to be funded by the Affordable Housing Fund account in the next fiscal year from any person who has indicated such a desire in writing to the Board of Commissioners of the San Diego Housing Commission.

(“Preparation and Funding of Three-Year Program Plan” renumbered to Sec. 98.0509; “Solicitation of Program Suggestions” renumbered from Sec. 98.0507 and amended 6-3-2003 by O-19190 N.S.)

§98.0509 Preparation and Funding of Affordable Housing Fund Annual Plan

Each year, the San Diego Housing Commission shall hold three (3) public hearings to solicit testimony from the general public on programs to be funded by the Affordable Housing Fund account in the next fiscal year. A hearing shall be held in the North, South and Central areas of the City. The San Diego Housing Commission shall consider the suggestions from the neighborhood groups and the testimony from the public hearings, and cause a draft Annual Plan to be prepared for its consideration. The San Diego Housing Commission shall hold a public hearing to obtain public comments on the draft Affordable Housing Fund Annual Plan, make modifications as it deems appropriate and submit it to the Council for action. The City Council shall consider the Affordable Housing Fund Annual Plan as submitted by the San Diego Housing Commission, modify it if it so elects; approve it no later than July 31 of each year; and appropriate to fund the Affordable Housing Fund Annual Plan from the Affordable Housing Fund account or an other funding sources it chooses to consider for this purpose. These procedures and dates may be adjusted as necessary for the preparation of the first Affordable Housing Fund Annual Plan after the enactment of this Division.

(“Project Selection and Disbursement of Funds” renumbered to Sec. 98.0510; “Preparation and Funding of Three-Year Program Plan” renumbered from Sec. 98.0508, retitled and amended 6-3-2003 by O-19190 N.S.)

§98.0510 Project Selection and Disbursement of Funds

- (a) All projects considered for funding will be reviewed prior to Commission action by the local Community Planning Group or, in an area where there is no Planning Group, another community advisory group.
- (b) The San Diego Housing Commission may notify potential recipients that specified funds from the Affordable Housing Fund are available to be distributed as loans or grants through issuing requests for proposals and notices of fund availability.

(“Support of Nonprofit Organizations” repealed; “Project Selection and Disbursement of Funds” renumbered from Sec. 98.0509 and amended 6-3-2003 by O-19190 N.S.)

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§98.0511 Regulation of Recipients

Every recipient shall enter into a written agreement with the San Diego Housing Commission which sets forth the terms and conditions of the grant or loan. The agreement shall contain at least the following provisions:

- (a) The amount of funds to be disbursed from the Affordable Housing Fund.
- (b) The manner in which the funds from the Affordable Housing Fund are to be used.
- (c) The terms and conditions of the grant or loan.
- (d) The projected and maximum amount that is allowed to be charged in order for the assisted units to maintain an affordable housing cost.
- (e) A requirement that periodic reports be made to the Commission to assist its monitoring of compliance with the agreement.
- (f) A description of actions that the Commission may take to enforce the agreement.
- (g) Restrictions on the return on equity and developers fee recipients may receive, where applicable.

(“Funding of Supporting Services” repealed; “Regulation of Recipients” renumbered from Sec. 98.0512 and amended 6-3-2003 by O-19190 N.S.)

§98.0512 Publication of Program Documents

The Commission shall publish such administrative rules and guidelines as are necessary and desirable to implement the programs approved by the City Council in the Annual Plan.

(“Regulation of Recipients” renumbered to Sec. 98.0511; “Publication of Program Documents” renumbered from Sec. 98.0522 and amended 6-3-2003 by O-19190 N.S.)

§98.0513 Annual Report

- (a) The Commission shall within ninety (90) days following the close of each fiscal year prepare and submit an annual report to the City Council on the activities undertaken with funds from the Affordable Housing Fund account. The report shall specify the number and types of units assisted, the geographic distribution of units and a summary of statistical data relative to the incomes of assisted households, the monthly rent or carrying charges charged the amount of state, federal and private funds leveraged, and the sales prices of ownership units assisted. The report shall specifically contain a discussion of how well the goals of the previous year’s Annual Plan were met. The report shall also contain the information necessary to support the findings specified in Section 66001 of Chapter 5, Division 1 of Title 7 of the California Government Code.

(“Annual Report” renumbered from Sec. 98.0523 and amended 6–3–2003 by O–19190 N.S.)

§98.0514 Reserve Fund

The Commission may establish and maintain a reserve fund account subject to approval of the City Council, adequate to preserve the ability of the Affordable Housing Fund to take maximum advantage of unforeseen opportunities in assisting housing and to ensure prudently against unforeseen expenses. The amount to be maintained in this reserve fund shall be determined by the San Diego Housing Commission. The San Diego Housing Commission shall establish procedures for maintaining such a fund.

(“Reserve Fund” renumbered from Sec. 98.0524 and amended 6–3–2003 by O–19190 N.S.)

§98.0515 Financial Management

- (a) The City Auditor shall maintain a separate Affordable Housing Fund and any required related subsidiary funds and transfer the balance on deposit from such funds to the San Diego Housing Commission on a quarterly basis upon the direction from the Financial Management Director.
- (b) The San Diego Housing Commission shall maintain and report within their accounts a separate Affordable Housing Fund and the subsidy funds of the Housing Trust Fund, the Inclusionary Housing Fund, and any other required related subsidiary funds for all related financing transferred from the City and any related income. Such funds shall be accounted for and reported separately on the San Diego Housing Commission’s annual audited financial report, and such funds shall be audited for compliance with the Affordable Housing Fund Ordinance, Inclusionary Housing Ordinance, and related policies and regulations.

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The Commission shall also prepare any other reports legally mandated for financing sources of the Affordable Housing Fund.

(“Financial Management” renumbered from Sec. 98.0525 and amended 6-3-2003 by O-19190 N.S.)

§98.0516 Equal Opportunity Program

The San Diego Housing Commission shall apply its equal opportunity program to assure that contractors doing business with and/or receiving funds from the Affordable Housing Fund will not discriminate against any employee or applicant for employment because of race, color, religion, sex, handicap, age, or national origin and that equal employment opportunity is provided to all applicants and employees without regard to race, religion, sex, handicap, age, or national origin. The goals of the equal opportunity program are to ensure that all contracts achieve parity in the representation of women, minorities, and the handicapped in each contractor’s work force with the availability of women minorities, and the handicapped in the San Diego County labor market. The program shall apply to all vendors, grantees, lessees, consultants, banks, and independent corporations under contract with the San Diego Housing Commission.

(“Equal Opportunity Program” renumbered from Sec. 98.0526 and amended 6-3-2003 by O-19190 N.S.)

§98.0517 Compliance with Antidiscrimination Laws

Each contractor shall submit certification of compliance with Executive Order 11246, Title VII of the Civil Rights Act of 1964, as amended, the California Fair Employment Practice Act, and other applicable federal and state laws and regulations hereinafter enacted. Such certification shall be on forms to be provided by the Commission and shall be submitted at the time the contractor submits a bid or proposal.

(“Compliance with Antidiscrimination Laws” renumbered from Sec. 98.0527 on 6-3-2003 by O-19190 N.S.)

§98.0518 Commission Powers To Enforce

The San Diego Housing Commission may institute any action or proceeding it deems appropriate, judicial or otherwise, against recipients or other persons to carry out the provisions of this Division, to enforce the terms of any agreement related to the use of funds from the Affordable Housing Fund, or to protect the interest of the City, the San Diego Housing Commission, or intended beneficiaries of programs operated pursuant to this Division. The San Diego Housing Commission may foreclose on property assisted with funds from the Affordable Housing Fund, seek to assume managerial or financial control over property financed with funds from the Affordable Housing Fund, directly or through a receiver, seek monetary damages or seek equitable or declaratory relief.

(“Commission Powers to Enforce” renumbered from Sec. 98.0528 and amended 6-3-2003 by O-19190 N.S.)

1
2
3
4 **AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO LOW-INCOME**
5 **HOUSING; REQUESTING THAT A SPECIAL ELECTION BE HELD CONCURRENT**
6 **WITH THE NOVEMBER 6, 2012 GENERAL ELECTION FOR SUBMISSION TO THE**
7 **QUALIFIED ELECTORS OF THE CITY OF A PROPOSITION TO LIFT THE LIMIT ON**
8 **REGULAR PROPERTY TAXES UNDER CHAPTER 84.55 RCW FOR LOW-INCOME**
9 **HOUSING; DECLARING THE EXISTENCE OF AN EMERGENCY UNDER CHAPTER**
10 **84.52.105 AND REQUESTING VOTER APPROVAL OF AN ADDITIONAL PROPERTY**
11 **TAX FOR VERY LOW-INCOME HOUSING; PROVIDING FOR THE EXPIRATION OF**
12 **THE ADDITIONAL LEVIES AT THE END OF SEVEN YEARS; SETTING FORTH THE**
13 **BALLOT PROPOSITION; DESIGNATING A CITIZEN LEVY ADVISORY COMMITTEE;**
14 **AND PROVIDING FOR IMPLEMENTATION OF PROGRAMS WITH FUNDS DERIVED**
15 **FROM THE TAXES AUTHORIZED.**

16
17 **WHEREAS**, Equity and Social Justice is a legacy that the City Council has adopted
18 for the City of Bellingham;

19
20 **WHEREAS**, Supporting safe, affordable housing, supporting services for lower-
21 income residents, and providing access to problem-solving resources are the strategic
22 commitments the City Council has made to ensure Equity and Social Justice;

23
24 **WHEREAS**, a healthy community is one in which all members have access to basic
25 needs such as safe, secure and affordable homes and, despite the recent decline in home
26 purchase prices, homes remain unaffordable for a significant percentage of Bellingham
27 residents;

28
29 **WHEREAS**, households face a severe burden when housing costs (including
30 utilities) exceed 50 percent of household income;

31
32 **WHEREAS**, U.S. Census data has estimated that there are 7,400 low-income
33 households in Bellingham that face a severe housing cost burden by paying more than 50
34 percent of their income on housing costs;

35
36 **WHEREAS**, over 1,000 low-income elderly households in Bellingham pay more than
37 50 percent of their income on housing costs and face challenges in repairing their homes
38 without financial assistance;

39
40 **WHEREAS**, at any point in time, 500 people are homeless in Whatcom County,
41 according to the annual Point-in-Time Count, and 20 percent of all people experiencing
42 homelessness in Bellingham are children under 10 years of age, with adverse childhood
43 experiences that have profound and long-lasting negative consequences;

44
45 **WHEREAS**, local housing affordability efforts save public money by reducing
46 expenses for social services, emergency room medical care, triage, law enforcement and

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1 other costs associated with temporary and chronic homelessness, with two local programs
2 recently documenting that housing services resulted in increased access to mental health
3 services and a 90 percent reduction in criminal justice costs;
4

5 **WHEREAS**, recent investments of new, but very limited, grant funds resulted in
6 significant reductions in local homelessness, with 37 percent fewer homeless persons with
7 disabilities, 65 percent fewer homeless veterans, and 41 percent fewer homeless persons
8 overall;
9

10 **WHEREAS**, the Bellingham Housing Authority has 1,608 families on the waiting list
11 for public housing, 72 percent of which earn less than 30% of the Area Median Income and
12 44 percent are families with disabilities;
13

14 **WHEREAS**, the Bellingham Housing Authority has 400 households on the waiting
15 list for rental assistance vouchers, with an average waiting time to receive assistance of
16 more than four years;
17

18 **WHEREAS**, nearly one-third of Bellingham's housing stock is over 50 years old,
19 requiring repair, maintenance and weatherization that is often not affordable to low-income
20 households;
21

22 **WHEREAS**, local wages are not keeping pace with Bellingham's housing costs, with
23 average apartment rent increasing 17 percent while average wages increased only 5
24 percent since 2004,
25

26 **WHEREAS**, according to the U.S. Census, the median value of homes increased 96
27 percent from 2000 to 2010, while median family income increased just 23 percent;
28

29 **WHEREAS**, more affordable housing options near employment centers are good for
30 the environment, preventing long commutes with associated pollution, commuting
31 expenses, traffic congestion and road widening costs;
32

33 **WHEREAS**, the Countywide Housing Affordability Taskforce (CHAT) concluded its
34 18 month study and deliberation about housing affordability with a set of conclusions that
35 included among its top six recommendations the creation of additional local revenue
36 sources that assist in the delivery of homes affordable to low-income households;
37

38 **WHEREAS**, the proposed Bellingham Home Fund will result in \$21,000,000 in local
39 funding that will be used as matching money to leverage other private and public funding
40 for housing affordability, serving an estimated 8,500 families over the useful life of the
41 properties that will be assisted with the Bellingham Home Fund;
42

43 **WHEREAS**, as a condition of receiving federal funding for low-income housing, the
44 City of Bellingham administers an affordable housing program with citizen oversight,
45 including preparation of five-year strategic plans, performance measures and outcomes,
46 and annual action plans;

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1
2 **WHEREAS**, the City of Bellingham can efficiently administer the proposed
3 Bellingham Home Fund in conjunction with its existing programs that manage federal
4 funding for housing affordability;
5

6 **WHEREAS**, Chapter 84.55 RCW generally limits the dollar amount of regular
7 property taxes that a city may levy in any year, but RCW 84.55.050 allows a city to levy
8 taxes exceeding such limit by majority approval of the voters and allows a city to include in
9 the ballot proposition a limit on the purpose for which the additional taxes levied will be
10 used and to provide for the expiration of the additional taxing authority;
11

12 **WHEREAS**, the proposed additional levy is within the limitations imposed by RCW
13 84.52.043;
14

15 **WHEREAS**, RCW 84.52.105 authorizes a city to impose additional regular property
16 tax levies to finance affordable housing for very low-income households when specifically
17 authorized to do so by a majority of the voters of the taxing district voting on a ballot
18 proposition authorizing the levy; and
19

20 **WHEREAS**, RCW 35.21.685 authorizes a city to assist in the development or
21 preservation of publicly or privately owned housing for persons of low income by providing
22 loans or grants of general municipal funds to the owners or developers of the housing,
23 including loans or grants to finance the acquisition, construction or rehabilitation of low-
24 income housing, and to provide rental assistance and other supportive services, to low-
25 income persons;
26

27 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**
28

29 **Section 1. Findings.** The City Council makes the following findings and declares as
30 follows:
31

- 32 A. The City's Consolidated Plan and Housing Element of the Comprehensive Plan identify
33 insufficient safe, sanitary, and decent housing affordable to low- and very low-income
34 households to meet the present and anticipated needs of such households, including
35 homes affordable for local working people, U.S. military veterans, families with children,
36 people with limited or fixed incomes including senior citizens and people having a
37 disability.
38 B. Affordable rental housing for low-income households, including the homeless, other
39 persons with special needs, families and seniors, often requires a commitment of City
40 funds for development or preservation, or other forms of assistance.
41 C. Promoting and preserving home ownership for low-income households contributes to
42 the stability of families and neighborhoods; helps preserve the physical condition of
43 residential properties; and addresses the shortage of safe, sanitary, affordable housing
44 both by maintaining and enhancing the supply of owner-occupied housing and by
45 limiting the demand for scarce low-income rental housing that otherwise would exist
46 from households unable to afford to purchase homes or to maintain existing homes.

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- 1 D. The additional taxes to be levied under this ordinance will enable the City to provide for
2 the housing needs of low- and very low-income households and thereby work to fulfill
3 the purposes of federal, state and City laws and policies, including, without limitation,
4 the federal HOME Investment Partnerships Act, federal Community Development Block
5 Grant, the State Growth Management Act and the City's Comprehensive Plan.
6 E. An emergency exists with respect to the availability of housing that is affordable to very
7 low-income households in the City of Bellingham.

8
9 **Section 2. Definitions.** The following terms used in this ordinance shall have the
10 definitions stated below, unless the context otherwise clearly requires:

- 11
12 A. "Affordable housing" means residential housing for rental or private individual
13 ownership which, as long as the same is occupied by low-income households, requires
14 payment of monthly housing costs, including utilities, other than telephone, of no more
15 than 30 percent of the household's income.
16 B. "Low-income housing" means housing that will serve "low-income households."
17 C. "Household" means a single person, family or unrelated persons living together.
18 D. "Low-income household" means a household with income less than or equal to eighty
19 percent (80%) of median income.
20 E. "Median income" means annual median family income for the statistical area or division
21 thereof including Bellingham for which median family income is published from time to
22 time by the U.S. Department of Housing and Urban Development, or successor
23 agency, with adjustments according to household size.
24 F. "Very low-income household" means a household with income less than or equal to 50
25 percent of median income.

26
27 To the extent permitted by applicable State law, income determinations may take into
28 account such exclusions, adjustments and rules of computation as may be prescribed or
29 used under federal housing laws, regulations or policies for purposes of establishing
30 income limits, or as may be established in City housing and community development plan
31 documents consistent with federal laws, regulations or policies.

32
33 **Section 3. Proposition to Authorize Levy of Additional Regular Property Taxes;**
34 **Affordable Housing Plan.**

35
36 The City submits to the qualified electors of the City a proposition as authorized by RCW
37 84.55.050(1), to exceed the levy limitation on regular property taxes contained in Chapter
38 84.55 RCW for property taxes levied in 2012 through 2018 for collection in 2013 through
39 2019, respectively. The proposition would also authorize an additional property tax levy for
40 very low-income housing under RCW 84.52.105. The proposition would raise
41 approximately \$3,000,000 per year totaling an estimated \$21,000,000 in aggregate over a
42 period of up to seven years.

- 43
44 A. The proposition would permit the City to increase its regular property tax levy by up
45 to \$0.12 per \$1,000 of assessed valuation, resulting in a regular property tax levy of

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1 \$2.62 per \$1,000 for collection in 2013. All the levy proceeds shall be used for the
2 purposes specified in Section 5 of this ordinance.

3 B. The proposition would also authorize the City to impose an additional regular
4 property tax levy of up to \$0.24 per \$1,000 of assessed valuation for very low-
5 income housing pursuant to RCW 84.52.105. The limitations in RCW 84.52.043
6 shall not apply to the tax levy authorized by this part. All the levy proceeds shall be
7 used for the purposes specified in Section 5 of this ordinance and may not be imposed
8 by the City Council until the City adopts an affordable housing financing plan as set
9 forth in Section 6 of this ordinance.

10 C. The taxes authorized by this proposition will be in addition to the maximum amount of
11 regular property taxes the City would have been limited to by RCW 84.55.010 in the
12 absence of voter approval under this ordinance, plus other authorized lid lifts.
13 Thereafter, such levy amount would be used to compute limitations for subsequent
14 years as allowed by chapter 84.55 RCW. Pursuant to RCW 84.55.050(5), the maximum
15 regular property taxes that may be levied in 2019 for collection in 2020 and in later
16 years shall be computed as if the limit on regular property taxes had not been
17 increased under this ordinance.

18
19 **Section 4. Levy Revenues.**

20
21 A. Unless otherwise directed by ordinance, all revenues collected from the additional
22 taxes authorized pursuant to this ordinance shall be deposited initially in the Low-
23 Income Housing Fund to be used as set forth in Section 5 and as described in the Low
24 Income Housing Administrative and Financing Plans, as may be adopted by the City
25 Council under Sections 5 and 6 of this ordinance. The Finance Director is authorized to
26 create other subfunds or accounts within the Low-Income Housing Fund as may be
27 needed or appropriate to implement the purposes of this ordinance.

28 B. Pending expenditure for the purposes authorized in this ordinance, amounts deposited
29 in the Low-Income Housing Fund pursuant to this ordinance may be invested in any
30 investments permitted by applicable law. All investment earnings on the balances shall
31 be deposited into the Low-Income Housing Fund. Amounts received by the City from
32 payments with respect to loans, recovery of grants, insurance proceeds or proceeds of
33 sale or disposition of property ("program income") shall be deposited into the Low-
34 Income Housing Fund unless otherwise specified by ordinance. Any investment
35 earnings and program income derived from revenues collected from the additional
36 taxes authorized pursuant to this ordinance shall be used for the purposes set forth in
37 this ordinance and as authorized by the City Council.

38
39 **Section 5. Administration; Use of Proceeds.**

40
41 A. The levy funds shall be used to pay for affordable housing for low and very low-income
42 households, pay for affordable housing programs, and otherwise to provide for the
43 housing needs of low and very low-income households; provided that all funds raised
44 from the levy authorized by RCW 84.52.105 shall be dedicated to affordable housing
45 for very low-income households.

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- 1 B. The Planning and Community Development Department, or such other department as
2 may be designated by ordinance, shall administer programs funded with the additional
3 taxes authorized pursuant to this ordinance. Any programs adopted by the City Council
4 for use of the funds derived under this ordinance shall be referred to as "Housing Levy
5 Programs." Housing Levy Programs shall be implemented consistent with the Low
6 Income Housing Administrative and Financing Plan, as may be adopted by the City
7 Council and as may thereafter be amended from time to time.
- 8 C. Anticipated Housing Levy Programs are shown in Exhibit 1, attached hereto. The City
9 Council, upon recommendation of the Citizen Advisory Committee described in Section
10 7 of this ordinance, or upon recommendation of the Mayor or on its own motion, may
11 review the allocations to particular Housing Levy Programs and make changes to the
12 programs, including additions and deletions of programs and/or in the timing of or
13 amount of funds allocated to any program, consistent with the purposes of this
14 ordinance and applicable law. Administration funding shown on Exhibit 1 is intended to
15 be used for administration of the use of levy proceeds for all programs, including but
16 not limited to developing the Low Income Housing Administrative and Financing Plan,
17 preparing and reviewing loan and grant applications, monitoring and auditing
18 performance and compliance with loan, grant and program requirements, and paying
19 for financial accounting, legal, and other administrative services necessary to
20 implement the Housing Levy Programs.

21
22 **Section 6. Low Income Housing Administrative and Financing Plan.**

- 23
24 A. The Director of Planning and Community Development, or other such person as may
25 be designated by the Director or the Mayor, shall prepare a Low Income Housing
26 Administrative and Financing Plan ("Plan") covering all of the Housing Levy Programs.
27 The Plan shall cover the period commencing in 2013 and continue through 2019; shall
28 specify the plan for use of funds raised by the levy authorized by RCW 84.52.105; shall
29 be consistent with either the locally adopted or state-adopted comprehensive housing
30 affordability strategy, required under the Cranston-Gonzalez national affordable
31 housing act (42 U.S.C. Sec. 12701, et seq.), as amended; and shall be approved by
32 City Council prior to the additional property tax levy being imposed pursuant to RCW
33 84.52.105.
- 34 B. The expenditure of all funds raised pursuant to this ordinance shall be as set forth in
35 the Plan adopted by City Council. The City Council reserves the right to amend the
36 Plan as it may in the future be determined as necessary or appropriate. The Plan
37 should be done in coordination with the Consolidated Plan and Annual Action Plans
38 required by HUD for expenditure of HOME and CDBG funds for the benefit of low
39 income housing and community development needs in the City.
- 40 C. The City Council shall appropriate from the Low-Income Housing Fund, as part of the
41 City budget or supplementally, such monies derived from the levies authorized in this
42 ordinance as it deems necessary to carry out the Housing Levy Programs.
- 43 D. The Mayor, or other such person as may be designated by the Mayor, is authorized, for
44 and on behalf of the City, to select projects for funding and to approve, make and modify
45 loans, grants or other expenditures to carry out the Housing Levy Programs, provided
46 that such authority is subject to the appropriation of sufficient funds and consistent with

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

1 the Plan approved by City Council pursuant to Sections 5 and 6. The Mayor and his or
2 her designees are further authorized, for and on behalf of the City, to execute and
3 deliver such documents and instruments as he or she may determine to be necessary or
4 appropriate to implement the financing of specific projects or to otherwise carry out the
5 Housing Levy Programs.
6

7 **Section 7. Citizen Advisory Committee.**

8 The Community Development Advisory Board ("CDAB"), established pursuant to BMC
9 2.46.010, shall advise the City Council, Mayor and the Director of Planning and Community
10 Development regarding the Housing Levy Programs authorized by this ordinance. CDAB
11 shall advise the Mayor and City Council on the Low Income Housing Administrative and
12 Financial Plan prepared pursuant to Section 6 of this ordinance. CDAB shall also assist in
13 monitoring the progress, performance and accomplishment of Housing Levy Programs, and
14 report such findings to the Mayor and City Council, including any problems and
15 recommendations on actions to be taken so that the Housing Levy Programs are
16 conducted in a timely and efficient manner for the benefit of low-income households.
17

18 **Section 8. Election - Ballot Title.**

19 The City Council hereby requests that the Whatcom County Auditor, as *ex officio*
20 supervisor of elections, submit to the qualified electorate of the City for a vote, at the
21 November 6, 2012 general election, a proposition substantially in the form set forth in this
22 ordinance. The City Clerk is directed to certify to the Whatcom County Auditor the ballot
23 proposition to the electorate of the City in the form substantially as follows:
24

25 PROPOSITION NO. 1
26 Low-Income Housing Levy
27

28 The City of Bellingham Council adopted Ordinance No. 2012-06-033
29 concerning property taxes for low-income housing assistance.
30

31 This proposition would fund housing and housing services for
32 people with low or very low incomes, including those with
33 disabilities, veterans, seniors, and families with children by (a)
34 authorizing an increase in the City's regular property tax levy by
35 up to \$0.12/\$1,000 to \$2.62/\$1,000 of assessed value as allowed
36 by RCW 84.55; and (b) authorizing a regular property tax levy of
37 up to \$0.24/\$1,000 of assessed value under RCW 84.52.105,
38 each for seven years, generating approximately \$3,000,000
39 annually. Should this proposition be approved?
40

41 Yes?.....

42 No?

43
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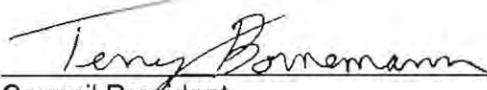
1 **Section 9. Corrections.**

2 The Bellingham City Attorney's Office or the Auditor or her designee is authorized to make
3 necessary clerical corrections to this ordinance including, but not limited to, the correction of
4 scrivener's or clerical errors, references, ordinance numbering, section/subsection numbers
5 and any references thereto.
6

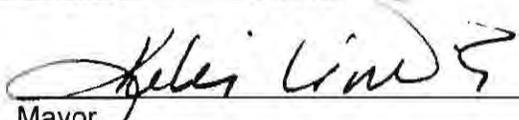
7 **Section 10. Severability.**

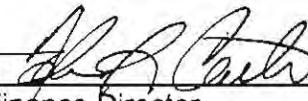
8 If any section, sentence, clause or phrase of this resolution should be held to be invalid or
9 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality
10 shall not affect the validity or constitutionality of any other section, sentence, clause or
11 phrase of this resolution.
12

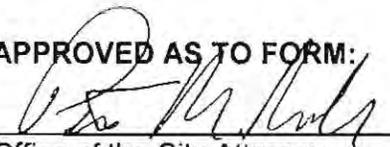
13 **PASSED** by the Council this 18th day of June, 2012.

14
15 
16 _____
17 Council President
18
19
20
21
22

23
24 **APPROVED** by me this 22nd day of June, 2012.

25
26
27 
28 _____
29 Mayor
30

31
32 **ATTEST:** 
33 _____
34 Finance Director
35

36
37 **APPROVED AS TO FORM:**
38 
39 _____
40 Office of the City Attorney
41

42
43 Published:
44
45 June 22, 2012
46

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1
2
3

EXHIBIT 1
2013 HOUSING LEVY PROGRAMS

| Program | Total Funding (7 Years) | Estimated Housing Produced/Households Assisted | Program Description/Affordability Levels |
|---|----------------------------|--|--|
| Production and Preservation of Homes | \$15,980,000 | 429 homes (serving 8,500 families over the useful life of these properties). | <ul style="list-style-type: none"> Homes for people working at minimum wage, veterans, seniors on fixed incomes, and people exiting homelessness (households at or below 30% of median income) Homes for local workers, working families up to 60% of median income Affordable and specialized homes for veterans, people with disabilities, and seniors. Rehabilitation and weatherization to increase affordability and preserve existing affordable homes |
| Rental Assistance and Support Services | \$1,880,000 | 800 homes | <ul style="list-style-type: none"> Supportive services matched to specialized homes for disabled veterans and chronically homeless individuals to help them retain their homes and reduce costly care in hospital emergency department and other inappropriate systems of care Temporary and long-term assistance to families and individuals to help preserve their housing, prevent eviction and homelessness (targeted households at or below 50% of median income) |
| Low-income homebuyer assistance | \$940,000 | 50 homes | <ul style="list-style-type: none"> Assistance to low-income homebuyers, including programs that promote long-term affordability of ownership housing (targeted to households at or below 80% of median income) |
| Acquisition and Opportunity Loans | \$940,000 | 50 homes | <ul style="list-style-type: none"> Short-term loans for strategic purchases of buildings or land for rental or homeownership housing development that will serve low-income households |
| Administration | \$1,260,000 | n/a | |

4

HOME FUND ORDINANCE

(9)

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City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

ORDINANCE

19-19

ORDINANCE NO. 19- 19

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES PART A, CHAPTER 40, CREATING A NEW ARTICLE IV TITLED THE HOPE AFFORDABLE HOUSING ACT; PROVIDING DEFINITIONS; ESTABLISHING THE HILLSBOROUGH COUNTY LOCAL AFFORDABLE HOUSING PROGRAM AND DESCRIBING THE PURPOSE THEREOF; ESTABLISHING THE HILLSBOROUGH COUNTY AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR ALLOCATION OF FUNDS FOR THE PROGRAM; PROVIDING FOR ADOPTION OF A LOCAL AFFORDABLE HOUSING FUND BIENNIAL PLAN; PROVIDING FOR THE USE OF PROGRAM FUNDS; PROVIDING FOR ADMINISTRATION OF THE PROGRAM; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County recognizes that Hillsborough County has experienced rapid population growth over the past five years and that these growth trends are predicted to continue; and

WHEREAS, such growth places pressure on the housing market and causes an increase in rents and home prices; and

WHEREAS, approximately 40% of households in Hillsborough County are considered cost-burdened because they pay more than 30% of household income for rent or mortgage costs; and

WHEREAS, cost-burdened households have less income to spend on basic needs such as food, transportation, education and medical care; and

WHEREAS, an adequate supply of safe, decent and affordable housing at all income levels is critical to healthy families, helps create and maintain jobs, and impacts the quality of life and economic prosperity of the community; and

WHEREAS, the Board of County Commissioners of Hillsborough County finds that the Federal and State funds received by the County for preserving and producing affordable housing are insufficient to meet community needs; and

WHEREAS, the Board of County Commissioners desires to establish a local program for preserving and developing affordable housing that is sufficiently flexible to meet varied and evolving housing needs and priorities while providing housing that is safe, sound, and financially viable; and

WHEREAS, it is the intent of the Board of County Commissioners that revenue sources for this local affordable housing program be identified during the County's annual budgeting process; and

WHEREAS, on April 17, 2019, the Board of County Commissioners approved a motion directing the drafting of an ordinance establishing an affordable housing trust fund; and

WHEREAS, a duly noticed public hearing was held by the Board of County Commissioners of Hillsborough County, at which public hearing all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 5TH DAY OF SEPTEMBER, 2019, AS FOLLOWS:

SECTION 1. The recitations above are true and correct and are incorporated herein by reference.

SECTION 2. The Hillsborough County Code of Laws and Ordinances, Part A, Chapter 40, is hereby amended to create a new article to be numbered Article IV and entitled the “HOPE Affordable Housing Act”, which shall hereafter read as follows:

Article IV. HOPE AFFORDABLE HOUSING ACT

Sec. - 40-93. Definitions

For the purposes of this article, the following definitions apply:

Hillsborough County Affordable Housing Trust Fund or Fund means the fund established pursuant to this article.

Hillsborough County Local Affordable Housing Fund Program or Program means the program established pursuant to this article for the purpose of promoting the preservation and production of affordable housing for very low, low and moderate income households in Hillsborough County.

Low income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

Moderate income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 100 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

Very low income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

Sec. - 40-94. Establishment of Hillsborough County Local Affordable Housing Fund Program; Purpose

There is hereby established the Hillsborough County Local Affordable Housing Fund Program (the "Program"). The Program is established for the purpose of promoting the preservation and production of affordable housing for very low, low and moderate income households in Hillsborough County.

Sec. 40-95. – Establishment of Hillsborough County Affordable Housing Trust Fund

The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a fund known as the Hillsborough County Affordable Housing Trust Fund within the accounts of the Board of County Commissioners.

Sec. 40-96. - Allocation and Use of Funds for Program; Annual Budget Preparation

(a) All monies allocated by the Board of County Commissioners for the Program shall be appropriated in the Fund. Monies deposited in the Fund, including any interest earnings on such monies and repayments of loans made from such monies, shall be used solely for the purposes of the Program as provided in this article, except that the Board of County Commissioners may determine in a public hearing, by majority vote plus one, that monies allocated to the Program but not committed or expended may be reallocated to meet another urgent community need.

(b) In preparing the proposed annual budget for each fiscal year for submission to the Board of County Commissioners, the County's Budget Officer shall insure that each such budget includes an allocation of at least \$10,000,000 in new Countywide General Fund monies for the Program and the inclusion in the Fund as an account balance of any monies previously allocated to the Program and interest earned on such monies which were not expended for the Program within the prior fiscal year.

Sec. 40-97. – Hillsborough County Local Affordable Housing Fund Biennial Plan

(a) Within three months of the adoption of this Ordinance and then biennially thereafter, the Affordable Housing Services Department shall submit a recommended Local Affordable Housing Fund Biennial Plan, which, for purposes of this article, shall be referred to as the "Plan", to the Board of County Commissioners for consideration. The recommended Plan shall be prepared by the Affordable Housing Services Department with the approval of the County's Affordable Housing Advisory Board.

(b) The Board of County Commissioners shall adopt a Local Affordable Housing Fund Biennial Plan following a public hearing. The first such Plan shall be adopted within six months of the adoption of this Ordinance, and a new Plan shall be adopted every two years thereafter

addressing the approved strategies for and uses of allocated funds. The Board of County Commissioners may consider more frequent updates to the Plan as necessary.

(c) The Plan shall include:

(1) The priorities for the expenditure of funds allocated to the Program.

(2) The strategies which will be eligible for assistance under the Program.

(3) A description of the affordability restrictions and requirements and loan and grant terms applicable for each adopted strategy.

(4) A description of how funds from the Program will be distributed among very low income, low income and moderate income households.

(6) A description of the procedure for selecting projects receiving funding under the Program.

(7) A summary of the use of the Program funds in the immediately preceding two-year period.

Sec. 40-98. - Use of Program Funds

(a) Funds allocated to the Program shall be used to provide loans and grants for projects to create and sustain affordable housing for very low, low or moderate income households in Hillsborough County.

(b) The Program shall include, without limitation, providing assistance through production, acquisition, rehabilitation and preservation of land and/or housing units for rental and homeownership activities. Program funds shall not be used for supportive housing services such as daycare or job training.

(c) Not more than 5 percent of the funds allocated to the Program may be used to cover administrative expenses.

(d) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for very low income households.

(e) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for low income households.

Sec. - 40-99. Program Administration

(a) The Program shall be administered by the Affordable Housing Services Department on behalf of the Board of County Commissioners and consistent with the adopted Plan. It shall be the responsibility of the Affordable Housing Services Department to develop and implement policies and procedures necessary for operation of the Program.

(b) The Affordable Housing Services Department shall disburse Program funds consistent with the Plan and its adopted policies and procedures, and shall monitor the use of Program funds for compliance with the purposes of the Program and the conditions pursuant to which the funds were granted or loaned. The Affordable Housing Services Department shall also maintain the financial and other records of the Program.

(c) All projects to be awarded Program funding shall be approved by the Board of County Commissioners.

SECTION 3. INCLUSION IN THE HILLSBOROUGH COUNTY CODE

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 5. FILING OF ORDINANCE AND EFFECTIVE DATE

This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of September 5, 2019, as the same appears of record in Minute Book 520 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of September, 2019.

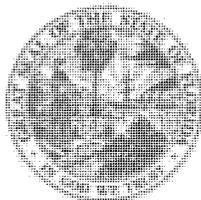
PAT FRANK, CLERK

By: Minda O.K. Ditt
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: [Signature]
Approved as to Form and Legal Sufficiency



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

September 10, 2019

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Midge Dixon

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 19-19, which was filed in this office on September 10, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ###-####**

ORDINANCE TO CREATE A HOUSING TRUST FUND FOR RICHLAND COUNTY

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES **CHAPTER 40, CREATING A NEW ARTICLE ## TITLED RICHLAND COUNTY AFFORDABLE HOUSING ACT;** PROVIDING DEFINITIONS; ESTABLISHING THE RICHLAND COUNTY LOCAL AFFORDABLE HOUSING PROGRAM AND DESCRIBING THE PURPOSE THEREOF; ESTABLISHING THE RICHLAND COUNTY AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR ALLOCATION OF FUNDS FOR THE PROGRAM; PROVIDING FOR ADOPTION OF A LOCAL AFFORDABLE HOUSING FUND BIENNIAL PLAN; PROVIDING FOR THE USE OF PROGRAM FUNDS; PROVIDING FOR ADMINISTRATION OF THE PROGRAM; PROVIDING FOR INCLUSION IN THE RICHLAND COUNTY CODE; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council of Richland County recognizes the lack of affordable housing is a major concern of its citizens; and

WHEREAS, the Council of Richland County recognizes that approximately 45% of households in Richland County are considered cost-burdened because they pay more than 30% of household income for rent or mortgage costs; and

WHEREAS, cost-burdened households have less income to spend on basic needs such as food, transportation, education, and medical care; and

WHEREAS, an adequate supply of safe, decent and affordable housing at all income levels is critical to healthy families, helps create and maintain jobs, and impacts the quality of life and economic prosperity of the community; and

WHEREAS, the Council of Richland County desires to establish a local program for preserving and developing affordable housing that is sufficiently flexible to meet varied and evolving housing needs and priorities while providing housing that is safe, sound, and financially viable; and

WHEREAS, it is the intent of the Council of Richland County that revenue sources for this local affordable housing program be identified during the County's annual budgeting process and through a county-wide public referendum; and

WHEREAS, on **(DATE)** the Council of Richland County approved a motion directing the drafting of an ordinance establishing an affordable housing trust fund; and

WHEREAS, a duly noticed public hearing was held by the Council of Richland County, at which public hearing all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF RICHLAND COUNTY OF RICHLAND COUNTY, SOUTH CAROLINA, THIS #TH DAY OF (MONTH), 2020, AS FOLLOWS:

The recitations above are true and correct and are incorporated herein by Reference #, is hereby amended to create a new article to be numbered Article # and entitled the "Richland County Affordable Housing Act", which shall hereafter read as follows:

Article #. RICHLAND COUNTY AFFORDABLE HOUSING TRUST FUND ACT

SECTION 1: Definitions

For the purposes of this article, the following definitions apply:

“Richland County Affordable Housing Trust Fund” or “Fund” means the fund established pursuant to this article.

“Richland County Affordable Housing Fund Program” or “Program” means the program established pursuant to this article for the purpose of promoting the preservation and production of affordable housing for very low and households in Richland County.

“Affordable Housing” means residential housing for rent or sale that is appropriately priced for rent or sale to a person or family whose income does not exceed 80% of the median income for the local area (AMI), with adjustments for household size, according to the latest figures available from the United States Department of Housing and Urban Development (HUD), so that no more than 30% of that person’s income is spent on rent/mortgage and utilities.

“Low-Income Household” means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households in Richland County within the Columbia, SC metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

“Very Low Income Household” means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households in Richland County within the Columbia, SC metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

SECTION 2: Establishment of Richland County Affordable Housing Fund Program and Purpose

There is hereby established the Richland County Affordable Housing Trust Fund Program (the "Program"). The Program is established for the purpose of promoting the production and preservation of affordable housing for very low- and low-income households in Richland County.

SECTION 3: Establishment of Richland County Affordable Housing Trust Fund

The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a fund known as the Richland County Affordable Housing Trust Fund within the accounts of a nonprofit organization to be created and entitled the “Richland County Affordable Housing Trust Fund.”

SECTION 4: Funding

The Affordable Housing Trust Fund shall be funded by an annual budgeted allocation of funds from the County (specificity of source) and by millage amounts determined by public referenda. Other sources of funding may include, but are not limited to:

- A. Private cash donations from individuals and corporations designated for the Richland County Affordable Housing Trust Fund.
- B. Payments from developers in lieu of participation in current or future affordable housing programs.
- C. Matching funds from a federal or state affordable housing trust fund; or a state program designated to fund an affordable housing trust fund.
- D. Principal and interest from Affordable Housing Trust Fund loan repayments and all other income from Trust Fund activities.
- E. The sale of real and personal property.
- F. Local government appropriations, development fees, and other funds as designated from time to time by the county council.
- G. Tax Increment Finance (TIF) pooled funds.

SECTION 5: Allocation and Use of Funds for Program; Annual Budget Preparation

(a) All monies allocated by the Council of Richland County for the Program shall be appropriated in the Fund. Monies deposited in the Fund, including any interest earnings on such monies and repayments of loans made from such monies, shall be used solely for the purposes of the Program as provided in this article.

(b) In preparing the proposed annual budget for each fiscal year for submission to the Council of Richland County, the County's Budget Officer shall insure that each such budget includes an allocation of at least \$500,000 in new Countywide General Fund monies for the Program and the inclusion in the Fund as an account balance of any monies previously allocated to the Program and interest earned on such monies which were not expended for the Program within the prior fiscal year.

Section 5.1: Use of Program Funds

(a) Funds allocated to the Program shall be used to provide grants and low-interest, long term loans for projects to create, rehabilitate and sustain affordable housing for very low- or low-income households in Richland County.

(b) The Program shall include, without limitation, providing assistance through production, acquisition, rehabilitation and preservation of land and/or housing units for rental and homeownership activities. Program funds shall not be used for supportive housing services such as daycare or job training.

(c) Not more than **X** percent of the funds allocated to the Program may be used to cover administrative expenses.

(d) Not less than 50 percent of the funds allocated to the Program shall be spent on affordable housing for very low-income households.

(e) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for low income households.

SECTION 6: Program Administration

(a) The Program shall be administered by a publicly chartered nonprofit organization created on behalf of the Council of Richland County and consistent with the adopted Plan. It shall be the responsibility of the Board of the nonprofit organization to develop and implement policies and procedures necessary for operation of the Program.

(b) The Board of the Richland County Affordable Housing Trust Fund shall disburse Program funds consistent with the Plan and its adopted policies and procedures and shall monitor the use of Program funds for compliance with the purposes of the Program and the conditions pursuant to which the funds were granted or loaned. The Affordable Housing Services Department shall also maintain the financial and other records of the Program.

(c) All projects to be awarded Program funding shall be approved by the Board of the Richland County Affordable Housing Trust Fund.

SECTION 7: Governance

The Program shall be administered by an administrative board of 11 members representing the following fields and interests.

1. Development/Constructions or Real-Estate
2. Banking/Finance
3. Legal
4. Non-Profit Organization
5. For-Profit Organization
6. Low-Income Individual
7. Very Low-Income Individual
8. Education and/or Medical
9. Community Advocate
10. Columbia City Council
11. Richland County Council

Section 7.1: Powers and Duties of the Board

The Program Board may use its funds to assist proposed projects or programs to develop or preserve affordable housing for persons of very low- and low- income to include:

- A. Providing gap financing for affordable housing developments.

- B. Making loans at interest rates below or at market rates in order to strengthen the financial feasibility of proposed projects.
- C. Guaranteeing of low-interest, long term loans.
- D. Financing the acquisition, demolition, and disposition of property for affordable housing projects.
- E. Financing construction of public improvements and utilities to aid proposed affordable residential developments.
- F. Financing the rehabilitation, remodeling, or new construction of affordable housing.
- G. Tenant and project based rental assistance.
- H. Funding for acquisition and rehab in conjunction with related housing trust fund projects.
- I. Funding to facilitate affordable homeownership opportunities including down payment assistance, second mortgages, closing costs, etc.
- J. Administrative costs associated with affordable housing programs.
- K. Interim financing of public costs for affordable housing projects in anticipation of a permanent financing source (i.e. construction financing, bond sale, etc.)

Section 7.2: Director

There is hereby created the position of Richland County Affordable Housing Trust Fund (AHTF) Executive Director. The Executive Director shall be hired by and report to the county administrator. The Executive Director shall be a person with education, training, skills, and/or experiences that are satisfactory to the county administrator and a majority of the Program Board.

Section 7.3: Staff, Personnel, and Compensation

The Executive Director shall have staff and assistants as are necessary to the operation of the Fund and the performance of his/her duties. They shall be subject to the county personnel system and their compensation determined accordingly.

SECTION 8: Accountability and Reporting

The Program shall report annually, or as requested, to the Richland County Council on the use of the Affordable Housing Trust Fund account including, but not limited to:

- A. The number of grants and loans made,
- B. The number and types of residential units assisted through the account,
- C. The number of households for whom rental assistance payments were provided,
- D. Amount of funds leveraged,
- E. Amount of funds used

Richland County shall provide the full report to the public annually and post the report on its website.

SECTION 9: Inclusion in The Richland County Code

The provisions of this Ordinance shall be included and incorporated in the **Richland County Code**, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the **Richland County Code**.

SECTION 10: Severability

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 11: Filing of Ordinance and Effective Date

This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

HOUSING FACT SHEET

Prepared by the MORE Justice Housing Committee (April 2020)

THE “WORKING POOR” CAN’T FIND AFFORDABLE HOUSING

- More than 16,000 households in Columbia pay more than 30% of their income on rent and utilities. (Columbia City Consolidated Plan)
- In Richland County, nearly half of renters (44.8%) pay more than a third of their income on rent and utilities. (Richland County Consolidated Plan)
- A person earning minimum wage in Lexington or Richland County would have to work 89 hours a week in order to afford an average one-bedroom apartment at the average price. (NLIHC)
- Often, it is simply a one-time emergency that causes a family to not be able to pay their rent for the month, which can lead to eviction.

THERE IS NOT ENOUGH AFFORDABLE HOUSING TO MEET THE NEED

- There is a significant gap in availability of affordable rental properties for very-low income residents.
 - Rental market gaps are the difference between the number of rental units available in a given price range compared to the number of renters for whom the given price range is the maximum that can be considered affordable.
- In Richland County, less than 4,000 units are available at \$370 per month, even though this is the maximum affordable rent for 13,500 families. That means, there is only one affordable unit per every three families that desperately need it. (Richland County Consolidated Plan)
- There are more than 23,000 families currently on the waiting list for public housing through the Columbia Housing Authority. Additionally, registration for public housing programs has been closed for more than two years. (Columbia City Officials)
- Richland Two School Officials estimate that half of their 28,000 students are “housing insecure.” (Richland 2 McKinney Vento Representative)

PEOPLE ARE GETTING EVICTED AT HIGH RATES

- Columbia, SC has the 8th highest eviction rate of any city in the nation. (Eviction Lab)
- An average of 19 households are evicted every day in Richland County. In Lexington County, it is seven households. (Eviction Lab)
- The main reason that these families are getting evicted at these high rates is because rent prices are too high.
- Racial disparities in access to affordable, quality housing are commonplace – for example, while only about 25% of the local population is made up of black women, black women make up more than 90% of all those evicted in Richland County. (Newberry College Professor)

THERE ARE HIGH SOCIAL COSTS TO UNSTABLE HOUSING

- Not having access to stable housing can lead to different health and social problems.
- In Richland One and Richland Two alone, there are more than 1,500 students registered as “homeless” under the McKinney Vento Act. Homelessness or unstable/unsafe housing leads to poorer academic achievement and health outcomes. (Richland 2 McKinney Vento Rep; Newberry College Professor)
- When students move schools (for example, due to unstable housing) it takes six months to catch up. (Richland 2 McKinney Vento Representative)
- Over a six-year period in the Midlands, less than 500 chronically homeless people accumulated more than \$245 million dollars in Medicaid costs. That is nearly \$600,000 per person. Communities are finding that one way to drive down these medical costs is through the creation of safe, stable housing. (United Way of the Midlands Study)

SOURCES CITED:

- **Richland County Consolidated Plan:**
<http://www.richlandcountysc.gov/Portals/0/Departments/CommunityDevelopment/20170823RCConsolidated.PDF>
- **City of Columbia Consolidated Plan:**
<https://www.columbiasc.net/depts/communitydevelopment/Columbia%20ConPlan%2005-14-2018.pdf>
- **Eviction Lab:** evictionlab.org
- **United Way of the Midlands Healthcare and Homelessness Data Linkage Study:**
<https://www.uway.org/sites/default/files/files/Health%20Care%20and%20Homelessness.pdf>
- **National Low Income Housing Coalition (NLIHC):** <https://nlihc.org/oor/south-carolina>

What is an Affordable Housing Trust Fund (HTF)?

What is a Housing Trust Fund (HTF)?

- HTF's are established by elected governmental bodies (at the city, county, or state level). A source or sources of public revenue are dedicated, by ordinance or law, to a distinct fund with the express purpose of providing affordable housing.
- HTF's have been enacted by hundreds of governments across the United States.
- There are more than 780 housing trust funds in existence in the US that generate more than \$1.5 billion a year for affordable housing.

How is the HTF funded?

- HTF's are funded by various public revenue sources. Housing Trust Funds are flexible in that they can be funded from multiple public revenue sources. Some examples are:
 - General fund
 - Bond proceeds
 - Grants
 - Loans from the state and federal government
 - State capital budget
 - Residential impact fees
 - Developer impact fees
 - Document recording fee
 - Tax foreclosure sale
 - Hotel/Motel tax
 - Accomodation tax
 - Inclusionary in-lieu of fees
 - Parking fees

Why are housing trust funds successful?

- HTF's are successful because of their flexibility. The public money allocated to the HTF is a down payment that is backed by sources of other public and private funds. This is called leveraging, because the money in the HTF attracts public and private funds from a variety of sources that would not be available without the trust fund.
 - Sources Leveraged by the Housing Trust Fund
 - Governmental bonds
 - Grants
 - State Funding
 - Federal Funding
 - Low Income Tax Credits
 - Philanthropic Donations
 - Bank Loans

- According to the Center for Community Change, the average amount of public and private funds leveraged for every \$1 in the HTF is \$8.50. The HTF offers a huge return on investment.
 - Examples from across the country
 - In 2004, the Milwaukee Housing Trust Fund used a \$5 million allocation and leveraged \$25 million in other funding to create 200 units of housing. The construction of these new homes resulted in: 200 jobs created during construction, \$1.2 million in new fee and tax revenue, and \$10 million into the local economy. After construction: 94 jobs remained, \$760,000 in new fee and tax revenue, and \$4.4 million in the local economy.
 - In five years, the Connecticut Housing Trust fund used \$57 million in allocations and leveraged \$519 million in other federal, state, local, and private funding to create 2,200 units. This led to over 4,000 jobs created, \$14 million in recurring state and local revenue, and hundreds of millions in economic activity.

How is the housing trust fund administered?

- **Non-Governmental Agency Model:** Typically established by governmental action and then administered by a separate nonprofit or community foundation. Under this model, a board oversees and hires the staff for the nonprofit.

How are the funds distributed?

- There are a variety of ways that funds can be distributed, but the most common are in the form of: grants, loans, forgivable or deferred loans, lines of credit, or rental assistance.
- Requests for proposals (RFP) or notices of funding availability (NOFA) are issued periodically for prospective applicants.

Who can apply for housing trust fund dollars?

- HTF's attract a diverse group of applicants: non-profit developers, for-profit developers, housing authorities, governmental agencies, and regional organizations.

What is the target income?

- Because HTF's utilize public funds, it should meet the public need.
- Most HTF's target a specific income area - generally households at 50% and below of the area median income (AMI), as defined by the U.S. Department of Housing and Urban Development (HUD).

MORE Justice Housing Committee
Affordable Housing Trust Fund Priorities

Qualities we would like to see in the Trust Fund:

- Have a significant portion of funds (around 70-75%) reserved for serving those at or below 50% AMI. (\$34,450/annually for family of four)
- Oversight Board with participation from the Richland County Council, City of Columbia Council, MORE Justice, and other nonprofit stakeholders (ex: Habitat for Humanity, Homeless No More, SC Uplift, etc.)
- Funding to be designated to housing in local municipalities (City of Columbia/Richland County).
- Funds can be used for multiple purposes, including the creation and rehabilitation of affordable housing.
- Funds will be dispersed as grants or low-interest, long and short-term loans (at or below market rate).
- Projects retain an affordability period of at least 30 years.
- Trust Fund will report annually on its activity to the oversight board, the city, and the county.
- Publicly-chartered 501c3.
- Board will be governed by SC Conflict of Interest Laws (https://www.lawserver.com/law/state/south-carolina/sc-code/south_carolina_code_34-28-440)
- All meetings of the board will be open to the public.

Affordable Housing Task Force Report

City of Columbia, South Carolina

Affordable housing is a continuum of equitable, inclusive, and quality rental and homeownership opportunities for people at every income level, which is critical to creating safe, complete, and thriving communities.

Councilwoman Tameika Isaac Devine, Chair
John Andoh, The Comet
Jeff Armstrong, Family Promise
Julie Ann Avin, MIRCI
Reggie Barner, The Barner Group
Sue Berkowitz, SC Appleseed Legal Justice Center
Brenna Bernardin, Fast Forward
Dr. Bryan P. Grady, SC State Housing
Dylan Gunnels
Tonya Isaac, North Columbia Resident
Ivory Matthews, Columbia Housing Authority

Mary Louise Resch, Habitat for Humanity
Jeff Larimore, Midlands Housing Trust Fund
Jennifer Moore, United Way
Shayla Riley, Coldwell Banker
Lila Anna Sauls, Homeless No More
Gregory Sprouse, Central Midlands COG
Councilwoman Allison Terracio, Richland County
Regina Williams, Booker Washington Heights
Lester Young, Just Leadership
Jim Zieche, More Justice
Chris Zimmer, Truist Bank

Facts:

- There is a statewide shortage of over 87,000 homes affordable and available to extremely low-income (ELI) households, those earning no more than 30 percent of area median income, according to the National Low Income Housing Coalition, making this group uniquely unlikely to have access to safe, decent, and affordable housing.
- Nearly 7,500 low-income renter households in Columbia are experiencing particularly unaffordable or substandard housing conditions, representing 30 percent of all renters citywide. This includes all cost burdened ELI renters, as well as severely cost burdened very low-income renters and all low-income renters living in homes that are overcrowded or lacking the most basic amenities.

Affordable Housing Unit Goal:

To adequately address the needs of affordable housing in our community, it is imperative that we set aggressive but realistic goals to help add or preserve affordable housing units giving special attention to low income and extremely low income resident needs. The AHTF will monitor 2021 building permits and certificates of occupancy to establish unit goals for 2022, 2023, and 2024.

Committee Priorities:

Accessibility - Julie Ann Avin, Chair

The accessibility committee will delve into solutions for making access to quality affordable housing a reality for people within special populations i.e., people with mental illness, formerly incarcerated persons, people with disabilities, seniors and other populations.

Financing - Mr. Reggie Barner, Chair

The financing committee will identify effective affordable housing financing tools that can be utilized. Current tools under consideration include, but are not limited to the City of Columbia local affordable housing tax abatement program, social impact fund for private investors, an affordable housing bond, one cent sales tax program, tax increment financing, multi-county industrial park legislation, unclaimed state funds, land banks, an affordable housing impact fee, and a county-wide trust fund.

Legal & Zoning - Sue Berkowitz and Ms. Lila Anna Sauls, Co-Chairs

The legal & zoning committee will review laws needed to advance affordable housing opportunities, laws that are an impediment to affordable housing, and zoning changes necessary to support the development of more affordable housing. Other areas of focus include mechanisms to address the issue of providing assistance and funding for persons facing eviction and innovative ideas for the reuse of abandoned properties like hotels and motels.

Partnerships - Jennifer Moore, Chair

The partnerships committee will bring together partners, such as other nonprofits and community based organizations that can help support the mission of the Affordable Housing Task Force.

Public Education & Awareness Committee - Brenna Bernadin, Chair

In collaboration with the partnerships committee, the public education & awareness committee will develop a strategy to help communicate the message of what affordable housing is and why it is needed, while working to dispel negative stereotypes about affordable housing and who we serve. We want to start a success story model. The goal is to demonstrate the worth and positive side of affordable housing, to debunk the myths, and work with opposition.

OUTREACH CATEGORIES





Agenda Briefing

| | | | |
|------------------------------------|----------------------------------|------------------------------------|-------------------|
| Prepared by: | Clayton Voignier | Title: | Director |
| Department: | Community Planning & Development | Division: | Planning Services |
| Date Prepared: | February 09, 2021 | Meeting Date: | February 23, 2021 |
| Legal Review | Elizabeth McLean via email | Date: | February 10, 2021 |
| Budget Review | James Hayes via email | Date: | February 10, 2021 |
| Finance Review | Stacey Hamm via email | Date: | February 16, 2021 |
| Approved for consideration: | Assistant County Administrator | Ashley M. Powell, Assoc. AIA, AICP | |
| Committee | Development & Services Committee | | |
| Subject: | Street Lighting | | |

STAFF’S RECOMMENDED ACTION:

Staff recommends the following:

1. Identify a funding source other than the Neighborhood Redevelopment Fund for the provision of street lighting service County-wide in accordance with §21-12 of the County Code of Ordinances.
2. Discontinue paying for street lighting service currently paid for through the Neighborhood Redevelopment Fund until such time as another appropriate funding source is identified.

Request for Council Reconsideration: Yes

FIDUCIARY:

| | | | | |
|---|-------------------------------------|-----|-------------------------------------|----|
| Are funds allocated in the department’s current fiscal year budget? | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| If no, is a budget amendment necessary? | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |

Currently, the County pays for street lighting on a select number of roadways from the Neighborhood Redevelopment Fund, GL1210650000.522000. As such, if Council were to approve the motion and choose the Neighborhood Redevelopment fund as the funding source, a budget amendment would be necessary.

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

At this time, payments for the operation of street lighting have been occurring from the Neighborhood Redevelopment Fund. For FY20, the County paid a total of \$35,511 for street lighting. This fiscal year the County has paid a total of around \$18,927 as of February 1, 2021. Staff anticipates that these figures are likely to increase moving forward, which has been the trend from prior fiscal years.

If the Neighborhood Redevelopment Fund were to continue as the funding source for street lighting service, the Neighborhood Improvement Program (NIP) in the Planning Services Division would not be able to fund many of the various neighborhood projects and programs, primarily related to Council adopted Neighborhood Master Plans.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

None.

REGULATORY COMPLIANCE:

Chapter 21 of the Richland County Code of Ordinances generally deals elements which fall under the purview of the Department of Public Works, particularly roads, drainage, and other infrastructure. The current chapter was adopted as part of an overall rewrite with amendments under Ordinance No. 005-03HR, with an effective date of January 21, 2003. Section 21-12 was first enacted as part of this amendment to Chapter 21. Section 21-12 pertains to street lighting on roadways. The Code states:

“The County shall not provide street lighting on any highway, street or road until such time as sufficient funds are appropriated to provide that service county-wide. Homeowners or homeowner’s associations may obtain street lighting through contractual arrangements with the electric utility serving their area.”

No amendments or changes have been made to this section of Chapter 21 since it was adopted. Since the ordinance was enacted, County Council has, via subsequent motions, directed that the County establish and pay for street lighting in certain areas thereof, thus entering into agreements which appear to violate the aforementioned ordinance and section of the Code.

MOTION OF ORIGIN:

“Amend the County's current ordinance, in order to allow lighting on Broad River Road.”

| | |
|-----------------------|--|
| Council Member | Joyce Dickerson, District 2 (Former Councilperson) |
| Meeting | Special Called Council Meeting |
| Date | November 10, 2020 |

STRATEGIC & GENERATIVE DISCUSSION:

In October of 2018, the Planning Services Division hosted an event entitled “Tea and Talks with Planners.” This event was held to serve as an informal setting for staff to brief Council on upcoming issues, initiatives, and projects. The event was also an opportunity for Council members to ask questions of staff about upcoming work as pertained to planning. Council members in attendance mentioned that a comprehensive lighting plan would be beneficial for the County and that it would be helpful for staff to provide information regarding such. Staff researched how the County could establish such a plan. The research consisted of what street lighting entails and how to conduct, implement, and potentially finance a lighting plan. Out of this research, an issue arose wherein staff believed the County to be in violation of its own Code of Ordinances as relates to the payment and provision of street lighting. These violations were brought to the attention of the then County Administrator.

There have been at least four motions, which were passed between February 1, 2011 and July 1, 2014, for approving and enacting lease agreements which provided street lighting. During this time, no funds were appropriated that would satisfy the requirement under Section 21-12 to provide street lighting to the entirety of the County, nor have such funds been allocated for that purpose since that time. Each of the items or motions were brought before Council after having been routed through Committees and reviewed by various Departments with no comments pointing to the street lighting provisions within County Code. Two other lighting agreements appear to have been made through County Administration

and/or Departments. In total, staff is aware of at least five lighting agreements for street lighting for which the County is paying. These include lighting agreements on Decker Boulevard, Broad River Road, Monticello Road, two lights at Susan Road near Arrowwood Drive, and a streetlight at 102 Stoney Point Lane (102 Stoney Point Lane is listed as County property, per Assessor records). Each of these roads, except Stoney Point Lane, are maintained by SCDOT.

As noted above, §21-12 states that the County will not provide any street lighting until a dedicated funding source is identified and available. The ordinance has an approval date of January 21, 2003, which predates the lighting the County is currently providing and leasing. Current practice appears to conflict with the County Code, where street lighting is being provided though no dedicated funding source is available to provide service county-wide.

Staff does not believe an amendment to the motion is warranted at this time. Staff believes the current language is appropriate but that a funding source, per the Code, needs to be identified for providing lighting service. Based upon the original motion, the request is allowable but a funding source needs to be identified that could allow the service County-wide in order for staff to proceed.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Street lighting infrastructure could be provided along Broad River Road, as it is within a Neighborhood Master Plan and therefore could potentially occur as an implementation project in the future. However, the costs for the service would need to be passed on to the businesses, homeowners, and property owners where such lighting is installed.

ATTACHMENTS:

1. Minutes from November 10, 2020 Special Called Meeting
2. Section 21-12 and Ordinance No. 005-03HR
3. Street Lighting Report (Draft Document from 2018)
4. Memorandum to then Administrator Gomeau (Sent for Routing, Feb. 2, 2019)
5. Agenda & Minutes from February 1, 2011 Council Meeting
6. Agenda & Minutes from November 13, 2012 Council Meeting
7. Agenda & Minutes from July 1, 2014 Council Meeting



Richland County Council

SPECIAL CALLED MEETING
November 10, 2020 – 6:00 PM
Zoom Meeting
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Paul Livingston, Chair; Dalhi Myers, Joyce Dickerson, Bill Malinowski, Jim Manning, Yvonne McBride, Chakisse Newton, Allison Terracio, and Joe Walker

OTHERS PRESENT: Michelle Onley, Dale Welch, John Thompson, Ashiya Myers, Larry Smith, Ashley Powell, Sandra Haynes, Leonardo Brown, Judy Carter, Brad Farrar, Tamar Black, Jennifer Wladischkin, Tariq Hussain, Michael Niermeier, Randy Pruitt, Clayton Voignier, James Hayes, Stacey Hamm, Michael Maloney, Stephen Staley, Ronaldo Myers, Michael Byrd, Kerry Smyser, Brittney Hoyle-Terry, Quinton Epps, Jeff Ruble Dwight Hanna and Geo Price

1. **CALL TO ORDER** – Mr. Livingston called the meeting to order at approximately 6:00 PM.
2. **INVOCATION** – The Invocation was led by the Honorable Joyce Dickerson.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Joyce Dickerson
4. **APPROVAL OF MINUTES**
 - a. Special Called Meeting: October 6, 2020 – Ms. Dickerson moved, seconded by Mr. Walker, to approve the minutes as distributed.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

Not Present: Kennedy

The vote in favor was unanimous.
 - b. Regular Session: October 20, 2020 – Ms. McBride moved, seconded by Ms. Terracio, to approve the minutes as distributed.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Myers and Newton

Not Present: Kennedy

The vote in favor was unanimous.
 - c. Zoning Public Hearing: October 27, 2020 – Ms. McBride moved, seconded by Ms. Dickerson, to approve the minutes as distributed.

Mr. Livingston made a substitute motion, seconded by Mr. Walker, to reconsider the portion of the minutes related to Case # 20-022MA.

The vote was in favor.

Council went into Executive Session at approximately 9:34 PM and came out at approximately 10:56 PM

Mr. Manning moved, seconded by Mr. Walker, to come out of Executive Session.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Manning, Myers and Newton

Not Present: Kennedy

The vote in favor was unanimous.

- a. Compensation for Interim Clerk to Council – Ms. Newton moved, seconded by Mr. Walker, to update the contract, as discussed in Executive Session.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker and Newton

Not Present: Kennedy

The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Livingston, to reconsider this item.

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker and Newton

Not Present: Kennedy

The motion for reconsideration failed.

23. **MOTION PERIOD**

- a. Amend the County's current ordinance, in order to allow lighting on Broad River Road [DICKERSON]
– This item was referred to the D&S Committee.

24. **ADJOURNMENT** – The meeting adjourned at approximately 11:07 PM

Sec. 21-12. Street lighting.

The county shall not provide street lighting on any highway, street or road until such time as sufficient funds are appropriated to provide that service county-wide. Homeowners or homeowner's associations may obtain street lighting through contractual arrangements with the electric utility serving their area.

(Ord. No. 005-03HR, § I, 1-21-03)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 005-03HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES, BY THE DELETION OF THE LANGUAGE CONTAINED THEREIN AND THE SUBSTITUTION OF THE FOLLOWING LANGUAGE.

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

**CHAPTER 21
ROADS, HIGHWAYS AND BRIDGES**

ARTICLE I. IN GENERAL

Sec. 21-1 Purpose.

The purpose of this Article is to define the mission, responsibilities and limitations of the Department of Public Works with regard to maintenance and construction of road and drainage infrastructure in Richland County.

Sec. 21-2 Jurisdiction.

The provisions of this Article shall apply to all lands within the jurisdiction of Richland County, South Carolina, and within the jurisdiction of those municipalities that agree, through intergovernmental service contracts, to have these provisions administered within their corporate limits.

Sec. 21-3 Definitions.

The following definitions apply to words and terms used in this Article. All other words shall have their customary meanings:

(a) *“C” Construction Program:* A State program by which State gasoline tax revenues are shared with Counties for transportation and road construction activities. The funds involved are commonly referred to as “C” funds and they are used at the discretion of a County Transportation Committee (CTC) appointed by the County’s Legislative Delegation pursuant to Section 12-28-2740 of the S.C Code of Laws.

(b) *County:* Richland County, South Carolina, its County Council or its administrative staff acting on its behalf.

(c) *County Road Maintenance System:* All those public highways, streets and roads, paved and unpaved, that have been dedicated for public use and accepted by the County as prescribed in this chapter and which have not been accepted for maintenance by any other public entity.

(d) *Driveway:* Any paved or unpaved way located on a single parcel of property and intended for vehicular access from a highway, street or road to one or more residences located on that parcel.

(e) *Easement*: A grant to the general public, a corporation, a specific person or persons or a public entity of the right to use a strip or parcel of land for a specific purpose. Fee simple title to the land remains with the grantor.

(f) *Easement and Right-of-Way Deed*: A legal document by which an easement or right-of-way, as defined herein, is granted by a property owner to the County. This document is executed by the property owner (grantor) and the County and recorded in the office of the Richland County Register of Deeds so that the easement or right-of-way becomes a permanent part of the public record and binds the grantor's successors in title to its provisions.

(g) *Highway, Street or Road*: The terms "highway", "street", and "road", as used herein, shall be general terms denoting a public way for the purpose of vehicular travel. The terms shall refer to the entire area within the right-of-way to include roadways, pedestrian facilities, bridges, tunnels, viaducts, drainage structures and all other facilities commonly considered component parts of highways, streets or roads. These terms are used interchangeably herein.

(h) *Prescriptive Easement*: An easement acquired for a specific purpose by long continued enjoyment or usage of property for that purpose. To a certain extent, it resembles title by adverse possession but differs to the extent that the adverse user acquires only an easement and not title. To create an easement by "prescription", the use must have been open, continuous, exclusive and under claim of right for the statutory period, which in South Carolina is twenty (20) years.

(i) *Private Road*: As it is used in this article, a private road refers to a road that is not maintained by any public entity such as the County, the South Carolina Department of Transportation (SCDOT) or a municipality. Depending upon the granting of easements and accepted use, private roads *may* be used by those other than the property owners.

(j) *Public Road*: A public road refers to a road that is maintained by a public entity. This would include all roads in the County Road Maintenance System. In this case, the public is clearly entitled to use the road.

(k) *Quit-Claim Deed*: A deed of conveyance that is intended to pass any title, interest or claim which the grantor may have in the premises, but not professing that such title is valid, nor containing any warranty or covenants for title.

(l) *Right-of-Way*: A strip or parcel of land occupied or intended for occupancy by a street, road, railroad or other special use. Fee simple title may or may not be granted to the agency or entity acquiring the right-of-way, but the property is dedicated exclusively for the intended use and is platted separately and distinct from the adjoining lots or parcels.

Sec. 21-4 Drainage on private property.

(a) Drainage improvements and/or maintenance will be undertaken by County forces on private property only:

- (1) When the drainage system involved has been designed, approved and constructed in accordance with the County's Stormwater Management, Erosion and Sediment Control Ordinance (Chapter 8) and accepted by the County, or
- (2) When there is a clear and substantial public interest served in doing so and drainage easements are granted to the County on all of the property involved. For the purpose of this section, a public interest is defined as:
 - a. The correction of a serious health hazard, as designated by county or state health officials, affecting multiple residences and beyond the responsibility of an individual property owner.

- b. The correction of a malfunction or inadequacy of the drainage system within the right-of-way of a publicly maintained street or road.
- c. The correction of drainage problems associated with projects constructed by the County.
- d. The maintenance of the structural integrity of the existing drainage infrastructure of the County.
- e. The improvement of drainage for the benefit of the community. To benefit the community, drainage improvements must eliminate flooding that directly affects a minimum of four (4) residences and/or businesses situated on individual lots or inundates a public road.

Note: Correction of minor ditch erosion problems on private property will not be considered a substantial public interest.

(b) Easements will be obtained for any existing or proposed drainage facilities on private property before any work is performed thereon by County forces. Easements for maintenance of drainage facilities constructed without the County's approval of plans or inspections will not be accepted unless the property owners hold harmless and release the County from all claims resulting from deficiencies of the facilities.

(c) Except where the County has accepted an easement for maintenance of drainage facilities on private property as provided herein, maintenance is the responsibility of the property owner.

Sec. 21-5. Maintenance of unpaved roads.

(a) The Department of Public Works shall maintain all unpaved roads of the County which have been dedicated for public use regardless of whether or not the dedication was by law or usage. Those roads determined to have been dedicated shall be considered to be a part of the County Road Maintenance System.

(b) For purposes of ascertaining dedication by usage or by maintenance by the County, all unpaved roads which have been used by the public and/or maintained by the County for a period of twenty (20) years or more shall be deemed dedicated and shall be maintained by the Department of Public Works.

(c) Richland County will claim a prescriptive easement for all unpaved roads deemed to be dedicated as public roads by usage. Such easements will be considered as comprising the land actually maintained by the County as part of the road.

(d) All unpaved roads which have been marked in either red or green on the map presented to the County Council on March 5, 1975, shall be brought within a systematic identification process as soon as practicable and maintained by County forces.

(e) Unpaved roads not maintained by the County under the provisions of (a) through (d) above, will be accepted for maintenance only when such maintenance will provide a substantial public benefit. For the purpose of this section, one or more of the following characteristics will constitute "substantial public benefit":

- (1) Provides access to a publicly owned facility, or
- (2) Comprises an integral part of the comprehensive transportation plan adopted by the County's planning agency, or
- (3) Comprises a part of an existing street/road network as of January 21, 2003, and is used by the surrounding community, or

- (4) Provides the principle access to a minimum of three (3) occupied residences situated on individually owned parcels that are lots of record for tax purposes and does not exceed one fifth (1/5) mile in length per residence served.

(f) No work will be performed pursuant to subsection (e), above, except on the basis of a right-of-way deed for rights-of-way fifty (50) feet in width whenever possible, but in no case less than thirty (30) feet, having been executed and accepted in accordance with section 21-7.

(g) Only established, passable roads with an unobstructed width of twelve (12) feet may be accepted pursuant to subsection (e) above. Such roads will be maintained only up to a minimum serviceable condition and will not be substantially improved by the County.

(h) Any road in the County, including those created as a part of a private driveway subdivision pursuant to the County's land development regulations, may be accepted by the County and brought up to paved or unpaved road standards as set forth in this Article; provided that eighty (80) percent of all property owners within the subdivision agree to same and that all costs incurred by the County to bring the road up to County paved or unpaved standards are paid by the 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 year period with an interest charge equal to that paid by the County for bonds issued to fund construction. The total costs plus interest of the improvements shall be allocated between the property owners by each lot being assessed an equal share of the costs and interest. Any unpaved road deeded to the County under these provisions may be eligible for "C" fund improvements.

(i) The County engineer and his staff shall periodically update the existing County road map and shall add such unpaved roads which are not presently shown thereon and attempt to determine the ownership of such unpaved roads.

(j) The Department of Public Works shall maintain those unpaved roads determined to be dedicated under the provisions of this section. Such maintenance shall include, but not be limited to:

- (1) Grading,
- (2) Applying crusher-run or gravel,
- (3) Installing street name and traffic control signs,
- (4) Installing driveways,
- (5) Cutting back overhanging branches,
- (6) Mowing shoulders, and/or
- (7) Drainage improvements.

Sec. 21-6. Standards for streets and drainage.

(a) Except as provided for in Sections 21-4 and 21-5 above, no drainage systems or streets will be accepted for maintenance by the County that have not been designed and constructed in accordance with the standards prescribed herein.

(b) Streets: The minimum acceptable street is paved, and the pavement design will be in accordance with the design standards adopted by the County Engineer. Provided, however, that an exception may be allowed whenever the County Council deems that the variance in design is minimal or of such nature that it will not otherwise pose an undue burden or risk upon the County. Where determined necessary and in the sole discretion of the County Council, the County, with the agreement of those property owners served by such roadway, may consent to accept a roadway with special conditions as to any particular non-conforming aspects with regard to county road standards.

(c) Storm Drainage: Drainage systems will be designed in accordance with the County's Stormwater Management, Erosion and Sediment Control Ordinance (Chapter 8) and the design standards adopted by the County Engineer.

(d) Specifications: Materials and construction of streets and drainage systems will be in accordance with the applicable sections of the current edition of the Standard Specifications for Highway Construction published by South Carolina Department of Transportation.

(e) Acceptance: County acceptance of new streets and drainage systems shall be accomplished through the acceptance of easement and right-of-way deeds. The County accepts no responsibility for the streets or drainage system until the deeds are executed by both parties and recorded.

(f) Warranty: As a prerequisite to the County's acceptance of new streets and drainage systems, the grantor (or an assigned agent thereof) shall provide the County with a bond in an amount equal to the construction cost, with surety and conditions satisfactory to the County, as a warranty for a period of three (3) years. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the formal acceptance of the roads by the County. The grantor (or an assigned agent thereof) is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure. The County may accept a bond in any one of the following forms:

- (1) A surety bond issued by a bonding company licensed to do business in the State of South Carolina, or
- (2) Escrow funds in an account in the name of Richland County, or
- (3) An irrevocable letter of credit issued by a responsible financial institution, or
- (4) A cash bond.

(g) Only those streets and drainage systems located in subdivision developments where individually owned lots front directly on the street rights-of-way will be accepted by the County. This will apply to residential, commercial and industrial subdivisions. Streets and drainage systems serving group developments such as shopping centers, apartment complexes, condominiums and mobile home parks will not be accepted for maintenance by Richland County.

Sec. 21-7. Easement and/or right-of-way acceptance authority.

The County Administrator and/or his designee(s) are hereby authorized to accept any easement or deed for rights-of-way, drainage easements, and sewer easements; emergency maintenance easements, dirt road rights-of-way, additional rights-of-way, sewer extension agreements, water line easements and other instruments authorized by the County Code of Ordinances; and is authorized to establish procedures for the acceptance and recording of such instruments.

Sec. 21-8. Driveways.

Driveway connections from the roadway to the right-of-way line will be provided on County maintained roads by the Department of Public Works, subject to the following limitations:

(1) Only one driveway connection per residence, and a maximum of two per individual parcel of property, will be provided by the County. The Public Works Department will not install additional driveway connections.

(2) Apron finish will match the finish of the County road to which it is attached.

(3) A maximum of twenty-four (24) feet of pipe, not exceeding twenty-four (24) inches in diameter, will be provided by the County. Larger diameter pipe may be installed by the Public Works Department provided the property owner pays the additional costs incurred for materials.

(4) Pipe diameter required will be determined by the County Engineer.

Sec. 21-9. Surplus dirt.

Surplus dirt excavated on County projects, which must be hauled away and disposed of off-site, may be placed on private property, with the property owner's consent, provided that:

(1) Disposal there is more economical than hauling the dirt to the nearest County owned disposal site, and

(2) The property owner releases and holds the County harmless for any damages or liability resulting from placement of the dirt on his property, and

(3) All applicable permitting requirements (including the requirements of Chapter 12, Article III, regarding beneficial landfills) have been or will be met.

(4) A reasonable effort is made to insure a fair and equitable distribution among property owners who want the dirt.

Sec. 21-10. Street name signs.

(a) The Department of Public Works shall erect and maintain street name signs on all public streets within the jurisdiction and authority of the County. Signs will be metal blanks on metal posts fabricated in a standard design established by the Director of Public Works. They will have white reflective lettering a minimum of four inches high on a reflective background. A green background will denote a public road. A blue background will denote a private road.

(b) The developer of any new subdivision constructed within the jurisdiction and authority of the County is responsible for the initial installation of street name signs in accordance with an approved signage plan. All street signs shall comply with the County's design standard for retro-reflectivity.

(c) The Department of Public Works may erect street name signs at the intersections of private streets with public streets, at no cost to the residents, when there are residences with addresses on that private street.

(d) Overhead signs may be installed at selected intersections at the discretion of the Director of Public Works.

(e) In conjunction with subsection (a) above, the County standard for street name signs shall be included in published road design standards developed by the County Engineer. The standard shall address sign material, installation, visibility, and color. The Department of Public Works shall maintain street name signs to the County standard after acceptance of the streets.

Sec. 21-11. Traffic engineering.

(a) Traffic engineering on County maintained highways, streets and roads shall be in accordance with the *South Carolina Manual on Uniform Traffic Control Devices*.

(b) Traffic control signs on County maintained highways, streets and roads shall comply with the standards contained in the *South Carolina Manual on Uniform Traffic Control Devices*.

(c) The developer of any new subdivision constructed within the jurisdiction and authority of the County is responsible for the initial installation of all necessary traffic

control signs in accordance with an approved signage plan. The Department of Public Works shall maintain the signs after acceptance of the streets.

(d) Speed bumps, humps or tables are not recognized in the *South Carolina Manual on Uniform Traffic Control Devices* as devices for controlling speed and will, therefore, not be installed or permitted on County maintained highways, streets or roads.

Sec. 21-12. Street lighting.

The County shall not provide street lighting on any highway, street or road until such time as sufficient funds are appropriated to provide that service county-wide. Homeowners or homeowner's associations may obtain street lighting through contractual arrangements with the electric utility serving their area.

Sec. 21-13. Emergency maintenance of roads.

(a) No work may be performed on any roadway not already maintained by the County unless the County Administrator determines that access to such roadway is necessary for the performance of one (1) or more public functions, and the following conditions exist:

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

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

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

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 Richland County to public traffic shall petition a court of competent jurisdiction in accordance with Section 57-9-10, et seq. of the South Carolina Code of Laws. The petition shall name Richland 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 Richland 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) Any person or organization wishing to acquire ownership of an unused road right-of-way in the County (including a public right-of-way that is dedicated either by deed, prescription, or recordation of a plat) may submit a petition for consideration by County Council. If it is determined by the County's planning department and public works department that the right-of-way will not be utilized by the County for road purposes, County Council may approve a quit-claim deed conveying the County's interest to the owners of the adjoining property. Unless the owners of the adjoining property agree to another division, each may acquire that portion of the right-of-way adjacent to his/her property on his/her side of the right-of-way's centerline. The grantee(s) of the quit-claim deed(s) shall be responsible for preparing the deed(s) prior to County Council's consideration of the request. Upon approval and execution of the deed(s), the grantee(s) shall be responsible for recording the deed(s) in the office of the Register of Deeds and for returning a filed copy to the office of the County Attorney. The County Council may require the grantee(s) to pay up to the fair market value, as determined by the County Assessor's Office, in exchange for the conveyance of the right-of-way. Upon recordation of the deed, the County Assessor's Office shall adjust the appraisal of the adjoining parcels to reflect the value of the additional property.

Sec. 21-15. Temporary closing of streets and roads.

(a) *Request.* Any party desiring to have any street or road temporarily closed in the County shall submit a written request to the County Administrator.

(b) *Deadlines for requests.* All written requests must be submitted to the County Administrator at least ten (10) days prior to the requested closing date.

(c) *Appointment of person accountable.* All parties requesting such temporary closure shall designate one (1) person who shall act as spokesman for the party, as well as supervise all activities for the duration of such closing.

(d) *County Administrator consideration.* The County Administrator shall consider, within five (5) days, all timely submitted requests made by such parties. If approved, the County Administrator shall request the Sheriff to take appropriate action to blockade the requested streets and/or roads and the Clerk of Council shall advertise to the public through the news media all approved temporary closings. The cost of such advertising shall be borne by the parties requesting the temporary closures.

(e) *Duration.* All streets and roads closed pursuant to this Section shall be blockaded for a period normally not to exceed twenty-four (24) hours. Such duration, however, may be amended by the County Administrator at his/her discretion on an event basis.

(f) *Emergency closings.* Requests for temporary closing received less than ten (10) days prior to the requested closing date may be considered as an emergency closing if, in the opinion of the County Administrator, such closing is warranted; provided, that such action would not conflict with the public interest and, further, that there exists sufficient time for appropriate action to blockade requested streets and/or roads. All applicants will be placed on notice that future requests must be submitted to the County Administrator ten (10) days prior to the requested closing date.

Sec. 21-16. Work on private property.

The County Department of Public Works is prohibited from performing any work on private property not specifically authorized under the provisions of this Section except in emergency situations involving public health or safety and authorized, in writing, by the County Administrator.

Sec. 21-17. Cutting of roads.

No roads will be cut by the County Department of Public Works unless specifically directed by the County Council.

Sec. 21-18. Trees on private property.

The County Department of Public Works may remove dead trees on private property when there is a clear danger that they will fall onto a public road.

Sec. 21-19. "C" construction program.

(a) All funds available to the County Council through the "C" construction program will be used exclusively for maintenance and construction of publicly owned streets and roads in the county, and the drainage facilities directly related thereto.

(b) The Director of Public Works will be responsible for implementing systematic programs for resurfacing of existing streets and new construction funded with "C" funds. New construction may include any of the following:

- (1) Paving existing unpaved roads,
- (2) Widening existing roads,
- (3) Intersection improvements,
- (4) Transportation Improvement Projects,
- (5) Traffic Safety Projects,
- (6) Drainage Improvements, or
- (7) Sidewalks.

(c) The Director of Public Works may provide staff support to the County Transportation Committee as requested for coordination of the "C" Construction Program for Richland County.

(d) The County Finance Department may provide all financial services required for administration of the County's "C" fund allocation if requested by the County Transportation Committee.

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 Public Works. Such program shall have the following basic characteristics:

- (1) Only County maintained roads 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 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, and
- (4) Maintenance difficulty 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 1320 feet.

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

A road's priority for paving will be established by the number of points accredited to it as described below divided by it's length, with the highest total of points per mile constituting the highest priority. The points per mile (P) is calculated by the formula:

$$P = \frac{H + B + C + T + M}{L} \quad \text{Where:}$$

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=Number of points accredited for a through road.

Five points are accredited if the road is a through road connecting two different paved roads. It should be noted that a through road has the potential for people other than the residents to use it and it is also more likely to be utilized as a school bus route.

M=Number of points accredited for difficult maintenance.

From 0 to 10 points may accredited to a road based on the difficulty of maintaining it in serviceable condition as determined through consultation with the Roads and Drainage Manager.

L=Length of the road in miles and hundredths.

(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 Richland County shall meet the design and construction standards contained in Section 21-6, above.

(g) The Director of Public Works shall, within the best judgment of the engineering staff, 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.

Sec. 21-21. Transportation improvement program.

All public funds available to Richland County for transportation system improvements shall be expended in accordance with a comprehensive transportation improvement plan. This would apply to:

- (a) Connector roads,
- (b) Intersection improvements,
- (c) Widening,
- (d) Turn lanes, and
- (e) Alignment improvements.

Sec. 21-22. Sidewalks.

(a) Public funds will be used by the County for construction of sidewalks only on arterial and collector streets. The Director of Public Works shall be responsible for establishing a systematic program for identifying, prioritizing, and implementing sidewalk construction projects. The principal focus for such program will be the safety of children walking to school, to school bus stops, or to neighborhood / public recreation facilities.

(b) Sidewalks on local residential streets may be constructed by the County provided that all costs incurred by the County are paid by the property owners on the streets. 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.

Sec. 21-23. Condemnation / compensation.

(a) In general, Richland County will not compensate property owners for easements or rights-of-way on public works projects from which they directly benefit. Exceptions may be made, however, when:

- (1) Unusual circumstances make payment of a reasonable amount of compensation more economical than resorting to condemnation,
- (2) Deadlines for completion of a project preclude the expenditure of time required for condemnation, or
- (3) Compensation is awarded through the condemnation process.

(b) Condemnation of easements or rights-of-way on any County public works project shall require the prior approval of the County Council. An appraisal of affected property parcels shall accompany a staff recommendation to County Council for condemnation of property.

Sec. 21-24. Encroachments on county maintained roads.

(a) *Generally.*

- (1) An encroachment permit, approved by the County Engineer's office, shall be required for all construction, undertaken by parties other than the Richland County Public Works Department or its authorized contractor, within or affecting the right-of-way of any County maintained highway, street or road. This requirement shall apply, but not be limited, to:
 - a. Driveway connections involving a curb cut or pipe installation,
 - b. Curb cuts,
 - c. Utility taps,
 - d. Utility installations,
 - e. Excavations within rights-of-way,
 - f. Storm drainage installation,
 - g. Storm drainage discharge, and
 - h. Subdivision entrance signs or gateways.
- (2) The permittee shall indemnify the County for any liability incurred or damages sustained as a result of the encroachment.
- (3) The permittee shall be responsible for:
 - a. Notifying the County Engineer's office when construction begins on an encroachment,
 - b. Ensuring that a copy of the encroachment permit is on the construction site, and
 - c. Ensuring that the construction and the restoration of the roadway have been approved by the County Engineer's office.

(b) *Excavations in streets.*

- (1) An encroachment permit shall be required for each excavation in a County road before the work is commenced. Work under such permit shall be commenced within the time specified on the permit, otherwise the permit shall become void. All permits shall be kept at the place of excavation while the work is being done and exhibited whenever called for by any person having the authority to examine the same. There shall be no more than one-half (1/2) the width of any street or alley opened or obstructed at any one time; tunneling may be allowed, provided that no authorized underground construction shall be damaged or interfered with. All portions of the street excavated shall be put in as good condition as before the excavation was made. The trench or excavation shall be refilled, thoroughly rammed and puddled within the time specified on the permit after making the connection or repairs. When an excavation is made in any paved County road where it is necessary to remove paving, the person to whom the permit was issued for such excavation shall leave a written notice with the County Department of Public Works and such notice shall state that the excavation has been properly filled, tamped, and is ready for repaving. Whenever any person making any excavations in the street or alley fails to refill, in the proper manner, as required by this Section or fails to maintain the same for a period of one (1) year, then the County Council shall cause the work to be done and the cost thereof shall be charged against the bond as heretofore provided in section 6-68 of this Code.
- (2) Where such excavations occur in a state or federal highway, permission shall be obtained from the state or federal highway department before any work is commenced.
- (3) Public protection requirement.
 - a. It is hereby required that for every excavation made on public property, proper safeguards shall be provided against injury to the public; barricades shall be provided at five (5) foot distances, and such barricades shall completely encircle all open excavations or trenches. All barricades, as required by this Section, shall have at least one sign placed thereon in a conspicuous manner, indicating the name of the person causing such excavation. When approved, steel plates of sufficient strength may be used to cover excavation to prevent blocking of street.
 - b. From sunup to sundown there shall be placed, at a distance of not less than one hundred (100) feet, sufficient numbers of red flags to warn the public of dangerous excavation. From sunset to sunrise there shall be placed, at a distance of not less than one hundred (100) feet, sufficient red lights or flambeaux to indicate the length of the excavation in the public thoroughfare and to warn the public of dangerous excavation; in addition, there shall be placed on or by the barricades sufficient red lights or flambeaux to indicate the point of excavation and size.

(c) Anyone who encroaches on the right-of-way of a County maintained highway, street or road without securing an encroachment permit or who fails to adequately restore the road and right-of-way after an encroachment shall be deemed guilty of a misdemeanor, and shall be subject to the general penalty provisions of this Code. Each day that the unauthorized encroachment exists, or that the inadequacy exists following notification, shall be considered a separate offense.

Secs. 21-25--21-33. Reserved.

ARTICLE II. EASEMENTS ON PUBLIC STREETS

Sec. 21-34. Easements on, over, under and across public streets and property.

(a) *Generally.*

- (1) Easements over, under and across public streets and property controlled by the County shall be granted only for a public purpose, convenience, necessity, or to facilitate the provision of water, sewer, electricity, transportation or other utility.
- (2) The grantee of such easement shall certify the purpose of such easement, the area affected, the necessity and the fact that the area affected does or does not receive similar services from another public or private utility.
- (3) Prior to the granting of such easement, the grantee shall provide a written assurance that he, she, or it will comply with all applicable local, state and federal laws and regulations including, but not limited to, public safety, job safety, wage and hour laws, health standards and such other requirements as are necessary to ensure the public's safety at any time, during construction, repairs, or otherwise, should injury to person or property occur as a result of acts and/or omissions to act by such grantee, his, her, or its heirs, executor, successors or assigns.
- (4) Prior to any construction, installation, erection or repair of any such improvements and appurtenances on, over, under or across such streets or property as may be authorized by such easement, the grantee shall notify the County Department of Public Works, the County Sheriff's Department and the County Administrator at least forty-eight (48) hours in advance.
- (5) The grantee shall provide the Director of Public Works or his designee with certificate(s) of insurance verifying the grantee currently has the insurance required by the County. All such insurance policies shall be issued by an insurer satisfactory to the County, and the insurer shall have a rating in the A categories of Best Insurance Reports. The certificate(s) shall include a provision that not less than 30 days notice will be given to the County prior to cancellation, termination or reduction in coverage. In addition, the grantee shall also provide such prior notice to the Director of Public Works. The term of all insurance shall be not less than any time the grantee or anyone with a contract to perform work on the grantee's projects shall be performing such work. Insurance shall consist of the following:
 - a. At its expense the grantee shall for the term required by the County maintain a commercial general liability policy for bodily injury, personal injury, completed operations and property damage in a coverage amount of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate, and a business auto policy for bodily injury and property damage in a coverage amount of not less than \$1,000,000 per occurrence. The forms shall be ISO (Insurance Services Office, Inc.) or comparable to them. Richland County Government shall be named an additional insured, except when the grantee is a governmental entity. Grantee shall provide its insurer a copy of any agreement with or requirement by the grantee regarding insurance.
 - b. At its expense the grantee shall for the term required by the County maintain the workers' compensation coverage required by S.C. law. The grantee shall provide a certificate for insurance for this coverage in the manner required by this subsection (5).
- (6) The grantee shall indemnify and hold harmless the County, its successors and assigns, from and against all loss, costs, expenses, including attorneys' fees,

claims, suits and judgments whatsoever in connection with injury to or death of any person or persons or loss of or damage to property, and further claims, suits and judgments whatsoever in connection with injury to or death of any person or persons or loss of or damage to property, and further claims, suits and judgments whatsoever by third parties resulting from the interruption of traffic caused by or in any way connected with the construction, installation, erection, repair or maintenance, use or presence of any such improvements or appurtenances, however caused.

- (7) The grantee shall bear all costs of furnishing flagging protection, warning devices and inspection services, as well as the costs of restoring the affected area to its original condition.

(b) *Fees, charges or water rents.*

- (1) In consideration for the granting of such easements by the County, the grantee shall pay to the County such fees, charges, or portions of fees and water rents as shall be from time to time established by the County Council.
- (2) Initial fees, charges, water rents or portions thereof shall be those as are in force and effect at the time the easement is granted and shall be remitted to the County Finance Department on a monthly basis.
- (3) Prior to any increase in fees, charges or water rents, at least thirty (30) days' notice prior to the effective date shall be given to those grantees so affected.
- (4) Any grantee affected by any such increase may request a hearing by County Council or its duly authorized representative, provided such hearing is requested in writing within twenty (20) days of the giving of notice as required in subsection (b)(3) of this Section.
- (5) Such request for hearing shall stay the implementation of such increase for an additional fifteen (15) days beyond the thirty-day notice period, but thereafter such increase shall go into effect and so continue until such time as changed by County Council, general law, or a court of competent jurisdiction.
- (6) Such increase as is collected subsequent to such request for hearing shall be placed in escrow pending a ruling by County Council. In the event of a reduction of the increase, such difference shall be refunded to the grantee.
- (7) Only that increase collected from a grantee that has requested a hearing shall be so escrowed. Increases collected from grantees that do not request a hearing will not be escrowed.
- (8) In the event County Council, after hearing, refuses to reduce the increase, the funds so escrowed shall immediately revert to the general fund or such other fund as has been designated by County Council.
- (9) In the event the hearing provided for in subsection (b)(4) of this Section is held by the duly authorized representative of County Council, the representative shall report his/her findings and recommendations to County Council within ten (10) working days thereafter.
- (10) The failure of County Council to affirmatively reduce the increase by the second meeting after a receipt of such report shall constitute a ratification of its previous action establishing such increase.

Sec. 21-35. Adoption not to constitute waiver.

- (a) The adoption of this chapter shall not be deemed an acceptance of liability nor a waiver of the doctrine of sovereign immunity.

(b) The adoption of this chapter shall not be deemed a waiver of the release clause contained in the standard easement and right-of-way deed.

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 January 21, 2003.

Roadway Lighting

Scope

Council has requested information regarding lighting issues within the County. As part of this, Council would like to determine what constitutes adequate lighting, which areas are not adequate and how to assess cost and establish priority regarding how to address such issues. Due to the nature of roadway lighting being a highly specialized field, recommendations stemming from research may be limited in scope toward what may be achievable by Planning Services staff and their expertise in regards to comprehensive roadway lighting. Further work and outsourcing to consultants will likely be necessary to fully determine and accurately reflect values, quantities, metrics and results for addressing the wishes of Council. As a result, this document primarily provides research and background on roadway lighting for informational and decision-making purposes and, therefore, should not be construed as providing professional engineering opinion or know-how. In facilitating this task, staff will also be looking at potential conflicts and issues which may arise in implementing street lighting, based upon the research, along with potential steps on how to move forward if Council so chooses.

Roadway Lighting

Need for Engineering Expertise

From the *Roadway Lighting Design Guide* by the American Association of Highway and Transportation Officials (AASHTO), it is explicitly understood that roadway and street lighting design and studies should be undertaken by a licensed engineer.¹ Design documents require the signature and seal of a registered professional engineer. Likewise, the premier body regarding roadway lighting, the Illuminating Engineering Society (IES), has been publishing the guidelines for road lighting since 1928 and has been the standard since.² Other organizations that provide information on roadway lighting is the International Commission on Illumination, who is an international body of professionals devoted to the international exchange and cooperation of information regarding the art and science of lighting. It consists of membership from among 40 countries and is recognized as an authority on all aspects of light and lighting. All lighting designs should be developed to engineering specifications required of a seal.³ Expertise in roadway lighting and electrical systems is a necessary facet for performing roadway lighting design as it would include a plethora of highly coordinated features where engineering practice and judgement need be applied to the various characteristics.⁴

Five [5] major publications exist which provide information regarding roadway lighting of varying detail and content. One publication is RP-8-14 *Roadway Lighting* by IES/ANSI. It is one of two primary documents for roadway lighting in the United States. Another, which is the other primary guide, was noted above. The GL-5 *Roadway Lighting Design Guide* by AASHTO is heavily used alongside the IES publication. The CEI publishes Technical Report CIE 115:2010 *Lighting of Roads for Motor and Pedestrian Traffic* for authoritative guidance on road lighting. The other two documents are produced by the Federal

¹ AASHTO (2005), pg. 1.

² IES (2014), pg. 1.

³ AASHTO (2005), pg. 1.

⁴ AASHTO (2005), pg. 1; IES (2014), pg. 1 and 12.

Highway Administration (FHWA). FHWA-SA-11-22 *Lighting Handbook* is a general guide on road lighting, which refers back to the IES and AASHTO guides. The other FHWA document is FHWA-HRT-14-050 *Guidelines for the Implementation of Reduced Lighting on Roadways* which is mostly used for adaptive lighting and supplements existing guidelines. Each of these documents are written by and made for engineers in the practice of road lighting design.⁵

General Process for Lighting Design

The design for road lighting systems is a process of applying known or specified photometric characteristics of selected lamp-luminaire combinations.⁶ Two accepted methods, luminance or illuminance, allow for the analysis of alternatives regarding lamps, luminaires, mounting heights, luminaire spacing, energy consumption and other facets, to determine a preferred design. A trial-and-adjust process of assumed settings is utilized to make calculations on the overall lighting design. The various photometric data of possible outcomes is utilized to determine best-case scenarios for the desired illumination effect.

Purpose of Roadway Lighting

The general purpose of roadway lighting is to provide improved safety, security and aesthetics for the various users of the roadways and associated facilities.⁷ IES expounds upon this further stating, “the principal purpose of roadway and street lighting is to allow accurate and comfortable visibility at night of potential hazards in sufficient time to allow appropriate action.”⁸ Lighting is intended to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicles headlights.⁹ It is also intended to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists and assist in the visual search tasks both on and adjacent to the street.¹⁰ The International Commission on Illumination (CIE) gives three main purposes of road lighting: (1) to allow all road users, including motor vehicle operators, cyclists and even animal drawn vehicles, to proceed safely on roadways; (2) to allow pedestrians to see hazards, orientate themselves, recognize other pedestrians and give pedestrians a sense of security; and (3) to improve the day-time and night-time appearance of an environment.¹¹ Being able to adequately see the road/street and observe traffic and the roadway layout is integral to driving. Lighting significantly improves the visibility of the roadway, increases sight distance, and makes roadside obstacles more noticeable. Likewise, roadway lighting is a proven safety measure for personal security. Lighting along roadways helps provide personal safety to pedestrians, cyclists and transit users. As such, ensuring that lighting meets minimum acceptable levels of illumination is important for all users of a roadway during the design process.¹²

⁵ IES (2014), pg. 1; AASHTO (2005), pg. 1-2.

⁶ AASHTO (2005), pg. 13.

⁷ AASHTO (2005), pg. B-1.

⁸ IES (2014), pg. 1.

⁹ *Ibid.*, pg. 2.

¹⁰ *Ibid.*, pg. 2.

¹¹ CIE (2010), pg. 3.

¹² Lutkevich, Mclean, & Cheung (2012), pg. 5.

Generally, roadway lighting achieves four objectives: (1) to supplement vehicle headlights, extending the visibility range beyond their limits both laterally and longitudinally; (2) to improve visibility of roadway features and objects on or near the roadway; (3) to delineate the roadway ahead and improve visibility of the surroundings; and (4) to reduce apprehension of those using the roadway.¹³

Master Lighting Plans¹⁴

A master lighting plan is a formal arrangement to coordinate and standardize the design, operation and maintenance of public lighting established through analysis, study and planning. A master lighting plan helps create a blueprint and show a dedicated commitment to establishing lighting if such a process is desirable for a community. Often, master lighting plans are regionally based so as to include coordination between area authorities, governments and utility agencies. Master lighting plans combine a breadth of information that is leveraged as the basis for lighting projects. Items addressed vary, but typically involve safety and security issues, capital and operating costs, daytime and nighttime aesthetics, lighting design criteria, environmental issues and constraints, energy use, preservation of areas of darkness and maintenance requirements. Plans should take into account anticipated economic and cultural changes, a community's public image, economic development goals and technological advancements. Master lighting plans and transportation related lighting is viewed as a core concept of government management. Likewise, lighting plans should not dictate the quantity or quality of light for a roadway facility since it will vary based upon the needed requirements of that facility.

Master lighting plans provide three major benefits of safety, beautification, and security for people and property. Other additional benefits include system identification, energy management, sky glow and light trespass control, aid in lighting curfews and coordinated maintenance, among others. Further potential benefits may also be identified throughout the plan development process.

AASHTO recommends a three step process for developing a master lighting plan. Step one would be to coordinate with other participants to set goals. Step two would be to consult with and consider concerns of groups having a stake in public lighting. Step three would be to conduct studies regarding current systems and operations, feasibility of any potential strategies and justification of such strategies. Participants often will include local government agencies, the state DOT, emergency service departments including fire, sheriff/police, EMS, traffic management centers, parks and recreation and other regional entities. This participation will allow for coordination of public lighting systems through joint goals and how to achieve them. Other groups that may have concerns about lighting would be property owners, retailers and businesses, school districts, civic organizations and environmental groups. As part of this step would be to develop goals for the lighting plan. AASHTO notes that a lighting plan should have five [5] major goals: (1) improved safety; (2) environmentally judicious use of resources; (3) judicious energy use; (4) attracting tourists, businesses and nighttime activities, as appropriate; and (5) planned maintenance.

¹³ Kennaugh (n.d.), para 5; Henson (2012), pg. 1.

¹⁴ AASHTO (2005), pg. 3-12; Lutkevich, McClean, & Cheung (2012), pg. 55-56.

Following the goal identification and conversations with stakeholders, studies should then be conducted by traffic and lighting engineers. Such studies are needed to determine how various lighting systems currently operate and how they can be optimized and coordinated. Likewise, they are used to justify implementing any lighting curfews and justify expenditures for technological improvements. Generally, the scope of lighting studies in conjunction with master lighting plans will typically cover the electrical system, purpose of the lighting system, benefits and effects of curfews and dimming, traffic studies, surrounding land use and lighting, security concerns, negative effects of lighting, community goals, traffic management, lighting controls, system implementation and lighting budget. Studies should also evaluate electrical energy use and potential savings in both use and cost. Another important aspect of studies will be budgetary factors including budget for installation and maintenance and effect on other traffic issues.

Lighting Criteria, Adequacy and Inadequacy

Illumination Levels

There are two metrics for measuring light. One is illuminance, which is the amount of light that falls onto a surface, and luminance, which is the amount of light that reflects from a surface in the direction of the observer. Illuminance is measured as the amount of lumens per unit area in footcandles (lumens/ft²) or in lux (lumens/m²). Illuminance is a simple lighting metric to calculate and measure as it does not take into account reflection.¹⁵ Illuminance occurs in two variations, vertical illuminance and horizontal illuminance, which have the same properties. Vertical illuminance is a primary criterion for determining the amount of light needed for pedestrians as it helps with facial recognition.¹⁶ Luminance (candela (ca)/m²) is often referred to as the “brightness” of the surface and is considered a more complete metric than illuminance because it factors in the amount of light that reaches the surface but how much of that light is reflected back towards the driver.¹⁷

Important to understanding illumination levels are several metrics which help to measure and evaluate lighting systems. Uniformity of lighting is an indication of the quality of illumination and can be defined by either the average-to-minimum, maximum-to-minimum or maximum-to-average ratios of light levels. Uniformity of illuminance is the ratio of average footcandles/lux of illuminance on the pavement area to the footcandles/lux at the point of minimum illuminance on the pavement.¹⁸ Uniformity of Luminance is expressed as the ratio average-to-maximum point of luminance or the maximum-to-minimum point, known as overall uniformity or longitudinal uniformity, respectively. Each of these only considers the traveled portion of roadway, except for divided roadways which have separate designs. Overall uniformity uses the average luminance of the roadway design area between two adjacent luminaires, divided by the lowest value at any point in the area and is an important criterion regarding the control of minimum visibility on roads. Longitudinal uniformity uses the maximum and minimum values along a line or lines

¹⁵ Lutkevich, McClean, & Cheung (2012), pg. 27; AASHTO (2005), pg. 14 and 63; IES (2014), pg. 11 and 27-36.

¹⁶ Lutkevich, McClean, & Cheung (2012) pg. 27; IES (2014), pg. 4-5, 11-12 and 27-36.

¹⁷ Lutkevich, McClean, & Cheung (2012) pg. 28; AASHTO (2005), pg. 14 and 64; IES (2014), pg. 4-5, 11-12 and 27-36.

¹⁸ AASHTO (2005), pg. 66.

parallel to a road.¹⁹ Longitudinal uniformity relates primarily to comfort with a purpose of preventing repeating patterns of high and low luminance becoming too pronounced.²⁰

Two additional metrics deal with disability glare, which is scattering of light within the eye which reduces contrast. Veiling luminance is a ratio used to determine the amount of glare generated by a lighting system and helps in understanding contrast among objects in a visual field.²¹ Similar to this is Threshold Increment (TI), which is a measure of the loss of visibility caused by disability glare due to road lighting luminaires.²² TI is based upon the amount of contrast between an object and its background and expressed as the percentage of contrast needed to reach a visible threshold, i.e., fifty percent [50%], when glare is introduced.²³

Lighting Types (Bulbs)²⁴

There are three general types of light sources which are used for roadway lighting. The first is LEDs. LEDs are considered to be an integrated light where the luminaire and fixture are not separated parts. Usually, LED roadway lights have a rectangular pattern, casting majority of the light on the street side. LEDs are considered highly energy efficient compared to other fixtures, as they use less energy and have a longer life. One disadvantage is the likelihood of increased glare. LEDs typically operate at a range of 2-90 lumens with a lifespan of around 50,000 hours.

The second type is filament lamps. These consist primarily of incandescent lamps. These types of lamps have an electrical resistance wire filament enclosed in a gas filled bulb. A current is passed through the filament to heat it until the incandescence produces light. The gases act as a thermal barrier and reduce evaporation of the filament as its heated. Incandescent lamps typically operate at a range of 10-15 lumens with a lifespan of around 12,000 hours.

The third type is discharge lamps. Discharge lamps produce light by exciting gases or metal vapors in a bulb or tube situated between electrodes in the fixture and ballast. The gas is ionized as current flows between the electrodes. The ballast is used to maintain and regulate input power for the lamp due to the negative resistance of the discharge lamps. A variety of discharge lamps are utilized for roadway lighting. One type is fluorescent lamps. Fluorescent lamps produce light through the activation of a fluorescent coating on the inside of the tube via ultraviolet energy generated by an arc. Typically, fluorescent lamps produce 60-70 lumens with a lifespan of around 7,500-24,000 hours. Another discharge lamp is mercury vapor which consists of an arc tube inside an outer bulb containing mercury vapor and electrodes. Light is produced from the mercury vapor ionization. Often these lamps will have a phosphorus coating to improve color retention. Mercury vapor bulbs/lamps typically produce a range of 50-65 lumens and a lifespan of around 24,000 hours. Another variety of discharge lamp is metal halide, which is produced by

¹⁹ AASHTO (2005), pg. 66; CIE (2010), pg. 2.

²⁰ CIE (2005), pg. 2-3.

²¹ Lutkevich, McClean, & Cheung (2012), pg. 29; AASHTO (2005), pg. 16 and 66; IES (2014), pg. 4-5, 11-12 and 27-36.

²² CIE (2010), pg. 3.

²³ Lutkevich, McClean, & Cheung (2012), pg. 29.

²⁴ Kennaugh (n.d.), para. 10-18.

applying an electrical current to metallic vapors. Metal halides have increased potential for color retention, but short lifespans at around 10,000-20,000 hours. It typically operates at 90-110 lumens. High pressure sodium is another variety of discharge lamps. High pressure sodium lamps produce light from sodium vapor, where an arc tube is filled with sodium, mercury and xenon. The gas is used for starting the light and the mercury for coloring. The lamp has no electrode and produces a high voltage pulse of 2,500-4,000 volts. High pressure sodium lamps typically produce 125-140 lumens with a lifespan of around 24,000 hours. Low pressure sodium in another type of discharge lamp used for roadway lighting. Low pressure sodium lamps are highly efficient, though are monochromatic, large in size, have a hard to control pattern and a lower lamp life at around 18,000 hours. Typically, it produces around 180 lumens.

Lighting Warrants

Lighting warrants are analytical evaluation methods for the purpose of establishing a basis on which lighting may be justified. Warrants are based on defined conditions or rating systems. Meeting warrants does not mean an obligation to provide lighting, but simply provide minimum conditions to be met when contemplating lighting for new or existing facilities. Warrants indicate where lighting may be beneficial but should not be interpreted as an absolute indication of whether or not lighting is required. They indicate situations where lighting should be investigated. Warrants are not to be construed as the only criteria for justifying lighting. Warrants are intended to be an easily understood tool to assist administrators and designers in considering lighting for roadways. The need for lighting should be determined by sound engineering judgement and, ultimately, rests with the decision-making body with jurisdiction over the roadway.²⁵

Warranting conditions vary among roadway classifications. AASHTO provides for warranting criteria for continuous freeway lighting, complete interchange lighting, partial interchange lighting and for streets and localized roadways, among others. Warranting criteria for each of the various classification differs. Most deal with traffic volumes, spacing of interchanges, lighting in adjacent areas and crash ratios. For streets and localized highways, criteria vary with location as local authorities will often have specific criteria of their own, though, generally consist of crash ratios, traffic volumes, pedestrian activity, intersections and other components.²⁶

Adequacy and Inadequacy – Design Values

Qualification for adequate or inadequate roadway lighting varies depending on numerous factors such as road classification, pavement type, adjacent activities, land uses and/or potential conflicts. General adequacy also varies based on the method of illumination utilized, e.g., illuminance or luminance. Likewise, the class of lighting whether normal lighting, which consists of the same level of lighting throughout an entire period of darkness, or adaptive lighting, which is also known as transition lighting, allows for variable lighting levels throughout a time period and/or over areas.²⁷ Level of adequacy is not

²⁵ Lutkevich, McClean, & Cheung (2012), pg. 31; AASHTO (2005), pg. 17 and 23.

²⁶ AASHTO (2005), pg. 17-23.

²⁷ CIE (2010), pg.7-8; Gibbons, et. al., pg. XXXX.

easily defined and should be determined in conjunction with a lighting study undertaken by a licensed engineering professional.²⁸

The three major bodies who produce lighting standards, the IES, AASHTO and CEI, all have differing standards for what constitutes as minimum criteria for designing roadway lighting and the preferred method of illumination. IES and AASHTO are the main bodies which apply to, and most heavily influence, practice in the United States. CEI influences and provides guidance for lighting in the US, but normally, standards set forth by IES and AASHTO are consulted. The FHWA provides guidance in regards to adaptive lighting design criteria further than that prescribed by AASHTO or IES.²⁹ The values each organization provides are not guarantees of adequacy or inadequacy, nor are they requisite levels. Professional lighting engineers will be able to more accurately provide what constitutes adequate or inadequate lighting.³⁰

AASHTO Design Values³¹

AASHTO divides values between roadway classification, pavement type, illumination method and via the off-road general land use, categorized as commercial, intermediate and residential. The values utilized in the *AASHTO Roadway Lighting Design Guide* are for continuous lighting at non-intersections. Special conditions may warrant different luminance or illuminance levels, such as pedestrian activity, curbs, luminaire structures, bridges/islands/divisions or other considerations. The selection of light source, luminaire distribution, mounting height and luminaire overhang are each an engineering decision which should be based on factors such as road geometry and character of the roadway, environment, proposed maintenance, economics, aesthetics and overall lighting objectives.

The area classifications play an important factor in identifying how much lighting should or should not be utilized. The three different classifications range in part by how pedestrianized each class would normally be. Commercial consists of mostly densely populated areas, such as a central business district, where there are large numbers of pedestrians and a heavy demand for parking during peak hours or sustained periods of high pedestrians and parking demand throughout a day. Intermediate consists primarily around activity centers, such as hospitals, libraries and recreation centers, that are characterized by moderate nighttime pedestrian traffic and lower parking turnover than commercial areas. Residential consists of low density developments, whether residential or commercial, that is characterized by few pedestrians with single family homes. These classifications play a large role in determining the appropriateness of associated design values for the types of roads, streets and walkways in the AASHTO guidelines.

For interstates and other limited access highways or freeways, using the illuminance method, the average maintained illuminance varies between a minimum 0.6-1.1 footcandles (6-12 lux), a minimum illuminance at 0.2 footcandles (2 lux) and a max illuminance uniformity ratio of 3:1 to 4:1. Using the luminance

²⁸ IES (2014), pg. 1 and 12; AASHTO (2005), pg. 1, 6 and 10.

²⁹ Gibbons, et. al.

³⁰ AASHTO (2005); CIE (2010); IES (2014); Gibbons, et. al. (2014).

³¹ AASHTO (2005), pg. 20-25.

method, the minimum average luminance ranges from 0.4-1.0 cd/m² and max ratios of 3.5:1 overall uniformity and 6:1 longitudinal uniformity.

For major arterials, under the illuminance method, the minimum average maintained illuminance ranges from 0.6 to 1.6 footcandles (6-17 lux) and a maximum illuminance ratio of 3:1. Minimum illuminance is determined by the uniformity ratio for all non-limited access roadways. Under the luminance method, major arterials have a minimum average luminance of 0.6-1.2 cd/m² and maximum ratios of 3:1-3.5:1 for overall uniformity and 5:1-6:1 for longitudinal uniformity.

For minor arterials, using the illuminance method, the minimum average maintained illuminance ranges from 0.5-1.4 footcandles (5-15 lux) and have a max uniformity ratio of 4:1. The luminance method sets a minimum luminance average of 0.6-1.2 cd/m² with max uniformity ratios of 3:1-3.5:1 for overall and 5:1-6:1 for longitudinal uniformity.

Collector streets have a minimum average maintained illuminance of 0.4-1.1 footcandles (4-12 lux) and a max uniformity ratio of 4:1 under the illuminance method. Collectors have a range of 0.4-0.8 cd/m² for the minimum average maintained luminance and max ratios of between 3:1-4:1 for overall uniformity and 5:1-8:1 for longitudinal uniformity.

Local streets, via the illuminance method, have a minimum average maintained illuminance of 0.3-0.8 footcandles (3-9 lux) and a max uniformity ratio of 6:1. Via the luminance method, local streets have a minimum average maintained luminance of 0.4-0.6 cd/m² and max ratios of 6:1 for overall and 10:1 for longitudinal uniformity.

Design guidelines are also included for alleys by AASHTO. Alleys have a minimum average maintained illuminance of 0.2-0.6 footcandles (2-6 lux) and have a maximum illuminance uniformity ratio of 6:1. Alleys have a minimum average maintained luminance of 0.2-0.4 cd/m² with a max overall uniformity ratio of 6:1 and a longitudinal uniformity ratio of 10:1.

Sidewalks have design values for the illuminance method only, as this will take into consideration vertical and horizontal illuminance and facial recognition which luminance does not. Sidewalks have a minimum average maintained illuminance of 0.3-1.3 footcandles (3-14 lux) and a max uniformity ratio ranging between 3:1-6:1. Additionally, pedestrian and bicycle ways are given values as well, though, these are assumed to be a separate facility from roads and streets and using an R3 pavement type. For pedestrian or bicycle ways which are adjacent to roads or streets, the road and street design values should then be utilized. The minimum average maintained illuminance should be a range between 1.4-2.0 footcandles (15-22 lux) with a max illuminance uniformity ratio of 3:1.

IES Design Guidelines³²

As noted previously, each of the primary groups who provides standards regarding road lighting has different methods and approaches to determining appropriate levels of illumination. The IES recommends three methods of luminance, illuminance and Small Target Visibility for evaluating continuous street and roadway lighting design. For the IES, luminance is the selected design method for straight roadways and streets, horizontal and vertical illuminance is the method for pedestrian areas and horizontal illuminance is used for intersections and interchanges. Unlike AASHTO, IES makes clear distinction between “roadway” and “street” lighting systems. “Roadways” include freeways, expressways, limited access highways and roads which pedestrians, cyclists and parked vehicles are normally not present. “Streets” include major (minor arterials), collectors and local roads where pedestrians and cyclists are generally present. As with AASHTO, IES divides the streets classification into three classes based on pedestrian conflicts, which is responsible for a disproportionate number of nighttime fatalities. High pedestrian conflict areas are those with significant numbers of pedestrians expected to be on sidewalks or crossing streets during darkness. Medium pedestrian conflict areas are those with lesser numbers of pedestrian use streets at night. Low pedestrian conflict areas are areas with low volumes of night pedestrian usage. IES states that the choice of the appropriate pedestrian activity level for a street is an engineering decision. Lighting design recommendations through IES are given as minimum values, or maximums for uniformity ratios, which have been arrived at through practical experience and agreed upon by consensus of lighting experts. Variations and exceptions to the values are not addressed as they should be evaluated with the necessary engineering study. IES provides design values for numerous types of lighting such as pedestrian underpasses, intersections, high mast lighting and crosswalks among others.

Lighting design criteria for roadways utilized the luminance method, though it is recommended that illuminance calculations be performed for the resultant design to provide values that can be used for field validation of an installed system’s performance. For Freeway Class A roads, minimum average luminance is 0.6 cd/m^2 with a max overall uniformity ratio of 3.5 and a max longitudinal uniformity ratio of 6.0. For Freeway Class B roads, the minimum average luminance is 0.4 cd/m^2 with max overall uniformity ratios of 3.5 and 6.0 for overall and longitudinal uniformity respectively. Expressway roads have a minimum average luminance of 1.0 cd/m^2 and uniformity ratios of 3.0 and 5.0 respectively for overall and longitudinal uniformity.

Lighting design criteria for streets uses the luminance method for the motor vehicle traveled portion of the roadway and are based on the pedestrian area classification. For major (minor arterials) streets the minimum average luminance ranges from $0.6\text{-}1.2 \text{ cd/m}^2$ with maximum uniformity ratio ranges from 3.0-3.5 and 5.0-6.0 for overall and longitudinal uniformity respectively. Collectors have a minimum average luminance range of $0.4\text{-}0.8 \text{ cd/m}^2$ with ranges of 3.0-4.0 and 5.0-8.0 maximum uniformity ratios for overall and longitudinal uniformity, respectively. Local streets have a minimum average luminance range of $0.3\text{-}0.6 \text{ cd/m}^2$ with a maximum overall uniformity ratio of 6.0 and a maximum longitudinal uniformity ratio of 10.0.

³² IES (2014), pg. 2-4 and 11-27.

Lighting design criteria for the pedestrian portion of streets utilizes the illuminance method for each of the three pedestrian conflict areas. Vertical illuminance should be measured at a height of 1.5m (5 ft.) in both directions and parallel to the main pedestrian flow. High pedestrian conflict areas consists of two types for walkways. One is mixed vehicle and pedestrian which has a minimum average illuminance of 20.0 lux (2.0 footcandles), a minimum vertical illuminance of 10.0 lux (1.0 footcandles) and a maximum illuminance uniformity ratio of 4.0. The other type is pedestrian only which calls for a minimum average illuminance of 10.0 lux (1.0 footcandles) with a vertical illuminance of 5.0 lux (0.5 footcandles) and a maximum average illuminance of 4.0. The medium pedestrian conflict area provides only a pedestrian area with a minimum average illuminance of 5.0 lux (0.5 footcandles) with a vertical illuminance of 2.0 lux (0.2 footcandles) and a maximum uniformity illuminance of 4.0. Low pedestrian conflict area consists of three types which rely heavily on pedestrian environments based on housing density. The low pedestrian conflict area of rural/semi-rural areas has a minimum average illuminance of 2.0 lux (0.2 footcandles), vertical illuminance of 0.6 lux (0.06 footcandles) and a maximum illuminance uniformity ratio of 10.0. The next type of low density residential, defined as 2 or fewer dwelling units per acre, has a minimum average illuminance of 3.0 lux (0.3 footcandles), vertical illuminance of 0.8 lux (0.08 footcandles) and a maximum illuminance uniformity ratio of 6.0. The last type of medium density, defined as 2.1 to 6.0 dwelling units per acre, has an average illuminance of 4.0 lux (0.4 footcandles), vertical illuminance of 1.0 lux (0.1 footcandles) and an illuminance uniformity ratio of 4.0.

CIE Design Guidelines³³

CIE uses a different process for selecting how road lighting should be applied and at what levels. CIE utilizes three classes of roadways for which lighting is suggested. They are identified as M, C and P classes. M lighting classes are intended for drivers of motorized vehicles on traffic routes and some residential roads with medium to high driving speeds. C lighting classes are conflict areas where vehicle streams intersect each other or run into areas frequented by pedestrians, cyclists or other users, or when there is a change in road geometry, such as a lane reduction. P lighting classes are roads and streets characterized by low vehicle speeds and are highly pedestrianized. Each of the lighting classes have six types which necessitate a different level of lighting. The lighting class for each is derived at using a series of weighted criteria based on certain parameters that affect each class. Generally, the outcome of the appropriate values is determined by the sum of the weighted factors, or: $class X = 6 - V_{ws}$; within this scheme, the more points means greater lighting level. After the selectin of the appropriate weighting values, the sum will yield values between either 1-6 for M and P or 0-5 for C. Where the sum does not result in a whole number, the next lower whole number is to be used. CIE recommends the use of the luminance method for motor traffic and does not recommended illuminance except in special situations, such as lighting for pedestrian design and very low speeds.

M lighting classes range from M1-M6. M1 would be the highest class roadway, such as an interstate with high speeds, a large separation of traffic and modes and controlled access, and M6 would be lowest class. The parameters for determining classes are speed, traffic volume, traffic composition, separation of

³³ CIE (2010), pg. 7-19.

carriageways, intersection density, parked vehicles, ambient luminance and visual guidance/traffic control. M1 roads have an average luminance of 2.0 cd/m², an overall luminance uniformity ratio of 0.40 and a longitudinal luminance uniformity ratio of 0.70. M2 roads have an average luminance of 1.5 cd/m², an overall luminance uniformity ratio of 0.40 and a longitudinal uniformity ratio of 0.70. M3 roads have an average luminance of 1.0 cd/m², an overall uniformity ratio of 0.40 and a longitudinal uniformity ratio of 0.60. M4 roads have an average luminance of 0.75 cd/m², an overall uniformity ratio of 0.40 and a longitudinal uniformity ratio of 0.60. M5 roads have an average luminance of 0.50 cd/m², an overall uniformity ratio of 0.35 and a longitudinal uniformity ratio of 0.40. M6 roads have an average luminance of 0.30 cd/m², an overall uniformity ratio of 0.35 and a longitudinal uniformity ratio of 0.40.

C lighting classes range from C0-C5. C0 is the highest class for conflict areas and C5 is the lowest. This differs from M and P because conflict areas should have a lighting level higher than connecting roads. It is suggested that the luminance method be used for conflict area, however, due to the nature of conflict areas, illuminance may be utilized. The parameters for C classes are speed, traffic volume, traffic composition, separation of carriageways, ambient luminance and visual guidance/traffic control. Each C class has an illuminance uniformity ratio of 0.40. C0 has an average illuminance of 50 lux. C1 has an average illuminance of 30 lux. C2 has an average illuminance of 20 lux. C3 has an average illuminance of 15 lux. C4 has an average illuminance of 10 lux. C5 has an average illuminance of 7.5 lux.

P lighting classes range from P1-P6. P1 would be highly pedestrianized with lots of foot traffic or other pedestrian activities. P class lighting is intended for pedestrians and cyclists on footways, cycleways and other road areas lying separately or along a traffic route, and for residential roads, pedestrian streets and parking places, among others. Lighting for pedestrians should enable users to discern obstacles and other hazards in their path and be aware of the movements of other pedestrians who are in close proximity. This leads toward the utilization of the illuminance method for both horizontal and vertical surfaces. As by the IES, CIE uses 1.5 m height (5 feet) as the standard measure for vertical illuminance. The parameters for P classes are speed, traffic volume, traffic composition, parked vehicles, ambient luminance and facial recognition. P1 has an average illuminance of 15 lux, a minimum illuminance of 3.0 lux and a vertical illuminance of 5.0 lux. P2 has an average illuminance of 10 lux, a minimum illuminance of 2.0 lux and a vertical illuminance of 3.0 lux. P3 has an average illuminance of 7.5 lux, a minimum illuminance of 1.5 lux and a minimum vertical illuminance of 2.5 lux. P4 has an average illuminance of 5.0 lux, a minimum illuminance of 1.0 lux and a vertical illuminance of 1.5 lux. P5 has an average illuminance of 3.0 lux, a minimum horizontal illuminance of 0.6 lux and a vertical illuminance of 1.0 lux. P6 has an average illuminance of 2.0 lux, a horizontal illuminance of 0.4 lux and a vertical illuminance of 0.6 lux.

FHWA Adaptive Lighting Design Values³⁴

FHWA provides the process by which an agency or lighting designer can select the required lighting level for a road or street and implement adaptive lighting for a lighting installation or lighting retrofit. Adaptive lighting allows lighting to be turned off or reduced when few or no vehicles or pedestrians are using the roadway. Likewise, lighting can be increased or turned on when needed. The objective for roadway

³⁴ Gibbons, et. al. (2014), pg. 1-31.

lighting is to use lighting only when it is required and at an appropriate level to provide for the safety of roadway users that does not result in over-lighting. Adaptive lighting therefore provides lighting only when and where it is needed, managing the roadway lighting level as an asset, controlling and managing the light level on the roadway. Typically, the process for determining a lighting level is to choose the road classification and then the potential for conflict, such as the AASHTO and IES methods. These do not provide a good basis for adaptive lighting as they only rely upon maximum conditions, or worst-case scenarios, to keep a sustained level throughout a period using that type. As such, elements such as AASHTO's land use, do not allow for variability in the change throughout a day. Similarly, IES's design values for roadways are the same way, though the street classification could allow for variability. Due to this the FHWA sought to develop a more complete classification beyond the IES and AASHTO guidelines to implement adaptive lighting and obtain the requisite benefits from such. The methodology is heavily adapted from the CIE method presented in CIE 115:2010 *Roadway Lighting*. FHWA separates facilities into three categories: roadways (H), streets (S) and residential/pedestrian (P). Roadway lighting is provided for freeways, expressways, limited access highways and other roads where pedestrians, cyclists and parked vehicles are not generally present. Street lighting includes major (minor arterials), collectors and local roads on which pedestrians and cyclists are normally present. Residential/pedestrian lighting is provided primarily for the safety and security of pedestrians, not necessarily for drivers/motorists, with slow speeds. As with the CIE methods, the level of facility is determined through the weighting of factors. Points are provided for certain parameters and the lighting class for the various type is decided based on the sum of all factors; or $Lighting\ Class = Base\ Value - \sum Weighting\ Values$.

H lighting classes range from H1-H4. H1 would be higher order roadways and H4 being lower. The purpose of H class lighting is to help the motorist remain on the roadway and aid in detection of obstacles within and beyond the range of headlights. H lighting classes have parameters of speed, traffic volume, median, intersection/interchange density, ambient luminance and guidance. The luminance method is used for H class lighting. H1 has an average luminance of 1.0 cd/m², an overall uniformity ratio of 3 and a longitudinal uniformity ratio of 5. H2 has an average luminance of 0.8 cd/m², an overall uniformity ratio of 3 and a longitudinal uniformity ratio of 6. H3 has an average luminance of 0.6 cd/m², an overall uniformity ratio of 3.5 and a longitudinal uniformity ratio of 6. H4 has an average luminance of 0.4 cd/m², an overall uniformity ratio of 3.5 and a longitudinal uniformity ratio of 6.

S lighting classes range from S1-S6, with S1 being more heavily trafficked and S6 being less. The purpose of S class lighting is to help motorists identify obstacles, provide visibility of and for pedestrian and cyclists and assist all users in visual search tasks on and adjacent to the roadway. Parameters for S class lighting consist of speed, traffic volume, median, intersection/intersection density, ambient luminance, guidance, pedestrian/bicycle interaction and parked vehicles. The luminance method is used for S class lighting. S1 has an average luminance of 1.2 cd/m², an overall uniformity ratio of 3 and a longitudinal uniformity ratio of 5. S2 has an average luminance of 0.9 cd/m², an overall uniformity ratio of 3.5 and a longitudinal uniformity ratio of 6. S3 has an average luminance of 0.6 cd/m², an overall uniformity ratio of 4 and a longitudinal uniformity ratio of 6. S4 has an average luminance of 0.4 cd/m², an overall uniformity ratio of 6 and a longitudinal uniformity ratio of 8. S5 has an average luminance of 0.3 cd/m², an overall uniformity ratio of 6 and a longitudinal uniformity ratio of 10.

P lighting classes range from P1-P5, with P1 being high and P5 being low. The purpose of P class lighting is to provide guidance, safety and security for pedestrian users as headlights are appropriate for motorized traffic. The parameters for P class lighting are speed, traffic volume, intersection/intersection density, ambient luminance, pedestrian/bicycle interaction, parked vehicles and facial recognition. P lighting classes use the illuminance method with horizontal and vertical illuminance taken into account. P1 has an average illuminance of 10 lux, a vertical illuminance of 5 lux and an illuminance uniformity ratio of 4. P2 has an average illuminance of 5 lux, a vertical illuminance of 2 lux and an illuminance uniformity ratio of 4. P3 has an average illuminance of 4 lux, a vertical illuminance of 1 lux and an illuminance uniformity ratio of 4. P4 has an average illuminance of 3 lux, a vertical illuminance of 0.8 lux and an illuminance uniformity ratio of 6. P5 has an average illuminance of 2 lux, a vertical illuminance of 0.6 lux and an illuminance uniformity ratio of 10.

Lighting control and policies

Of the 34,500 or so roads and road sections throughout the County, paved or unpaved, Richland County maintains about eighteen percent [18%] of those. The remainder fall under the jurisdiction of either SCDOT, the various municipalities or private owners and HOAs. SCEG is the main utility company which provides electricity across the various portions of unincorporated Richland County. This creates an amalgam of levels of control, regulations and policies affecting lighting.

County Ordinances of Richland County

For the roads over which Richland County has jurisdiction, County ordinances and policies apply to those streets. Two sections of the Richland County Code of Ordinances relate to lighting. No further policies have been identified as pertaining to lighting or street lighting. The two ordinances provide for local control in regards to lighting for unincorporated Richland County.

§21-12 (Roads, Highways and Bridges)

Chapter 21 (Roads, Highways and Bridges) of the Richland County Code of Ordinances defines the mission, responsibilities and limitations of County public works regarding maintenance and construction of road and drainage infrastructure in the jurisdiction of the County. Section 21-12, with the catchline titled “Street Lighting”, states “the County shall not provide street lighting on any highway, street or road until such time as sufficient funds are appropriated to provide that service county-wide.”³⁵ It expands further to state “homeowners or homeowner’s associations may obtain street lighting through contractual arrangement with the electric utility servicing their area.”

§26-177 (LDC)

Chapter 26 (Land Development Code) of the Richland County Code of Ordinances specifies in §26-177 the requirements for lighting throughout the County. This section of the LDC applies to all new development in the unincorporated areas of Richland County unless otherwise specified, i.e., building expansion.

³⁵ Code of Ordinances of Richland County, South Carolina §21-12.

Section 26-177 of the LDC does not address lighting along streets and rights-of-ways but focuses on buildings, structures and the general parcel, which may include the pedestrian zone as applicable.³⁶

Code of Laws of South Carolina and Code of Regulations of South Carolina

There appear to be no relevant state codes which relate to roadway lighting beyond outdoor advertising for signage along or near highways in *Title 57, Highways, Bridges and Ferries*, South Carolina Code of Laws. Similarly, this portion of the State Code authorizes the state highway department (SCDOT). Otherwise, policy discretion falls under the purview of local jurisdictions.

Likewise, the Code of Regulations of South Carolina, *Chapter 63, Departments of Highways and Public Transportation*, which speaks to highways and roadways, is limited beyond sign illumination for lighting along roadways.

SCDOT

SCDOT follows guidelines set forth in AASHTO's *Roadway Lighting Design Guide* (2005) and other materials when it comes to warranting criteria and design values for lighting.³⁷ The ARMS manual provides limited details in regards to roadway lighting installation, though it is not meant to be a comprehensive guide. Additionally, the *Utilities Accommodation Manual* dedicates one limited section toward lighting.³⁸ It refers back to the ARMS Manual for requirements necessary for permitting and installation procedures, though, it does provide slight guidance about what types of lamps can be utilized and other such features. The ARMS Manual notes that further guidance and requirements regarding roadway lighting can be obtained from the Director of Traffic Engineering with SCDOT.³⁹

Estimated Costs of Lighting

SCEG Rates

SCEG provides rates to municipal customers using the electric service for area and street lighting. Three different rates exist which would potentially apply to Richland County, Rate 17, Rate 18 and Rate 26. SCEG lighting rates are based on several factors, such as fixture, bulb and/or facility/system. Most of these require an initial contract lease up to ten [10] years, with the exception of Rate 26 with five [5] years. Rate 17 regards municipal street lighting for area and street lighting. Most of the lighting fixtures within this rate use the standard wood poles or post-top mounted luminaires for SCEG's overhead distribution. Two bulb types of metal halide (MH) and high pressure sodium (HPS) are available at varying rates and kilowatt hours (kWh) per the rate. The rate notes other fixtures for new installations but only to maintain pattern sensitive areas. The charges range from \$10.21 – \$18.26 per month for the standard wooden poles at various bulb types, lumens and kWh. For post-top mounted luminaires, charges range from \$22.36 – \$26.58 per month at various lumens, bulb type and kWh.

³⁶ Code of Ordinances of Richland County, South Carolina, §26-177.

³⁷ SCDOT (2015), pg. 76.

³⁸ SCDOT (2011), pg. 30.

³⁹ SCDOT (2015), pg. 76

Rate 18 regards underground street lighting through the use of underground distribution facilities. Rate 18 is only applicable to high intensity discharge fixtures with outdoor lighting and poles conforming to SCEG specifications at locations that are readily accessible for maintenance per SCEG. With underground lighting, there are numerous bulbs that can be utilized along with different pole types that are more aesthetic-driven than the standard wooden pole. Two different rate structures apply under the underground street lighting, one per luminaire and one per pole for a combined total. The rate per luminaires range from \$12.56 – \$47.31 per month at various levels of lumens, bulb type and kWh. The rate per pole varies from \$9.95 – \$37.60 per month at various heights and materials.

Rate 26 applies to overhead private street lighting for all night street lighting service where fixtures are mounted on the standard SCEG wooden poles. The rates range from \$9.40 – \$18.83 per month which varies by bulb type, lumens and kWh. An additional charge is added for extra poles at varying heights and material ranging from \$5.20 – \$10.65 per month.

Example Lighting Costs (Monticello Rd)

Richland County currently pays for lighting along Monticello Rd as part of the Ridgeview Neighborhood Revitalization Plan by the Community Planning and Development Department's Community Development Division. The County leases from SCEG forty-five [45] street lights along a 0.68-mile stretch of Monticello Rd. The lighting was first given approval in March of 2010 as part of the Ridgewood Streetscape Design, where Council approved the agreement of a lease with SCEG for two five [5] year sequential agreements. At that time, it was expected that the cost of the 45 lights would be \$13,678.2 annually, or \$1,139.85 per month. These costs would be subject to rate changes. In November of 2012, the project was given approval again when it was revisited after facing several delays. Due to the delays, the 2010 agreement was never executed. During the 2012 approval, the two 5 year agreements were replaced by a single ten [10] year agreement. An upfront installation charge of \$3,200 was added to the contract which would then be paid using CDBG funds. A rate increase occurred between the two years (which any agreement would be subject to even if executed) from \$25.33 to \$26.16. This increased the cost of the 45 lights to approximately \$14,126.4 annually, or \$1,177.20 per month. It was decided to use Neighborhood Redevelopment funds to pay for this annual lighting expense for the term of the agreement.

The Ridgewood Streetscape lighting on Monticello Rd is under SCEG's Rate 18. This rate structure allows for more aesthetically pleasing luminaries and poles, as was fitting of the Streetscape project. The lighting consists of 150W HPS Acorn Style luminaires with 17' Standard Fiberglass Poles. At the time of the agreement in 2012 the cost of each luminaire was \$16.86 and the cost per pole was \$9.30, which amounts to the total rate of \$26.16. Presently, the rate for the luminaire is \$16.78 and \$9.95 for the pole for a total of \$26.73 without taxes. This amounts to a total charge of around \$1,202.85 per month (\$1,299.08 with tax), or about \$14,434.20 annually (\$15,589.64 with taxes) for this one 0.68-mile section of roadway.

Monticello Rd lighting is one example where the County is currently paying for street lighting. Following this example, depending on how new or updated lighting were to be implemented throughout the County, reasonable estimates could put the cost at \$100,000 - \$500,000 annually for the cost of leasing lamps and poles, not including any construction costs that may be associated with any new lighting.

Potential Funding Sources

Currently, no dedicated funding mechanism exists for street lighting within the County budget. Two potential fund sources would be applicable from governmental funds from the County budget. One source would be to utilize General Funds for the operation and maintenance of lighting through a lease agreement. As of the current fiscal year, FY 18-19, all revenues within the general fund had been appropriated for use, leading towards a balanced budget. If general funds were to be utilized for lighting, funds would need to be reallocated or appropriated from current budget items as funding requests exceeded available amounts. As these dollar amounts were prioritized based upon available funding, need and Council's will, introducing a new leased system in need of funding would either allow for budget shortfalls or take away critical funding from other necessary sources. The second source would be to utilize Special Revenue Funds. Special revenue funds provide consistent funding, through the set millage, for specific, dedicated purposes. One current special revenue fund, the Hospitality Tax, may be appropriate for funding street lighting throughout the County. The Hospitality Tax, which allows for the improvement of services and facilities related to tourism, which lighting systems would likely fall under. Hospitality Tax funds could provide for necessary funds to cover certain portions of lighting, but as with the general fund, would take away from other uses of the fund which are often allocated to communities for tourism promotions and other types of events, or back into the general fund itself. Likewise, this fund is limited in the dollar amount provided and for the specific use. Another special revenue fund, the Neighborhood Redevelopment fund is currently being used to pay for four [4] lighting leases with SCEG which totals approximately \$3,800 per month, or approximately \$45,600 annually. This special revenue fund would not be an appropriate special revenue fund for funding lighting, as it would not be able to adequately fund lighting to cover the whole county and such lighting would not be toward redevelopment efforts. Likewise, it is dedicated for the purpose of redevelopment efforts throughout the County, particularly Neighborhood Master Plans, that require the funding for their implementation. In no way, could all of these funding sources pay for street lighting throughout the unincorporated portions of Richland County.

Two additional funding options exists that could allow for adequate funding of street lighting. One would be to create a special purpose tax district or districts which solely deal with street lighting issues. Funding street lighting would fall under an appropriate use via SC enabling legislation under County powers, however, it would need voter approval to be realized. The other option would be to create a new special revenue fund dedicated solely toward paying for lighting within the unincorporated areas of Richland County. A new special revenue fund seems the most viable as it would allow for a millage amount set at the needed limit to pay for any potential lighting while not limiting or diminishing funds from other sources. It could also only be applied to the unincorporated areas. A drawback to this option would be the increase in taxes from establishing the new fund.

Foreseeable Issues and Conflicts

Several issues and conflicts currently exist as it relates to street lighting. Generally, issues involve phenomena associated with light trespass, or obtrusive lighting, such as spill light, glare and skyglow. Spill light is light that falls outside the area intended to be lit. Glare is light that is viewed at the light source

which reduces one's visibility. Skyglow is when light is reflected from one source, road or other surface upward into the atmosphere, in effect casting unwanted light into the sky reducing the ability to view and keep a dark night sky. Light trespass is an overall issue that perpetuates from the introduction or expansion of lighting systems. Likewise, the type of luminaire can cause unwanted light trespass depending on how light is directed. Light trespass can often only be reduced and not eliminated. As such, lighting systems have a profound effect upon the general character area of an area where lighting is introduced. Urban, suburban and rural environments have certain character aspects which make it so and the amount of lighting and light trespass are often a part of those characteristics, such as star gazing in a pasture or viewing a highly illuminated skyline around a downtown.

Likewise, the character area aspect of implementing lighting is also an issue. Lighting for denser, more heavily populated areas makes sense unlike in areas that become sparser and less populated. Provisionally, this would likely lead to conflict in regards to area spending for services with certain environs requiring much high spending than in other areas which would likely not require street lighting. Service provision would likely stem based on the lighting warrant measures and design criteria noted above.

Another issue/conflict arises specifically within the County Code of Ordinances. As noted above, §21-12, "Street Lighting", states that the County will not be providing any street lighting until a dedicated funding source is identified and available. The ordinance has an approval date of January 21st, 2003, which appears to predate many of the lighting projects which the County is currently providing and leasing. County practice appears to be in clear conflict with the County Code, where street lighting is being provided, though no dedicated funding source is available to provide service county-wide. This is the greatest conflict which would need to be remedied, as one it allows for no county lighting without dedicated funding for a county-wide system and, two, means the County has been operating against its code of ordinances in regards to lighting projects.

Stemming in part from §21-12 of the County Code, and generally, warrants the need for a dedicated funding source to pay for any potential lighting systems the County could seek to implement. No current funding sources would be available to pay for any type of street lighting system operation. Any installation costs could possibly be covered by capital funds or bonds, though funds for the dedicated operation of the system would need to be identified and established. As mentioned earlier, the most reasonable method for creating a dedicated funding source would be through a new special revenue fund for street lighting. Creating a new fund would allow for service needs to be met from a dedicated millage that could be set each budget year for any anticipated costs and potential rate changes. Beyond the conflict with the code, having a dedicated funding source would be paramount for any type of street lighting throughout the County. Establishing a new fund in order to make street lighting work and available, costs would be passed onto County citizen taxpayers. Because of an increase in taxes, property owners may be apprehensive to provide buy-in for any potential lighting systems.

Another conflict comes from jurisdictional control of streets and roadways. Majority of roads and streets across the County belong to SCDOT. This limits what the County is able to do within and along right-of-ways (ROW) for highways, major thoroughfares and even local streets. County would have limited

authority to enact successful changes for any potential lighting. Additionally, the County is then limited geographically where and how improvements could be made. It would have the potential to disrupt systems or not allow for the appropriate design that would be warranted. Unless specific agreements were made with SCDOT, and coordination were undertaken on each section of ROW, the feasibility of a comprehensive lighting scheme seems to diminish.

Recommendations for Steps Forward

As Planning Services is not subject matter experts on roadway lighting, nor can staff adequately state what constitutes adequate or inadequate lighting, the task of providing a recommendation on whether or not to move forward with comprehensive lighting for roadways cannot be definitively addressed. In general, staff is of the opinion implementing comprehensive lighting should not be pursued as it would be antagonistic to County ordinances; annual costs on a year to year basis would be exorbitantly high; implementation and design would be constrained due to lack of jurisdictional control; there exists no available funding or future funding which could cover any necessary costs for installation or leasing; and costs would likely be forced onto county residents.

However, staff can provide recommendations for how to move forward with any comprehensive lighting should it be the will of Council to do so. Alternatively, to not pursuing comprehensive lighting, staff is recommending a multi-step approach to allow for obtaining a better understanding of lighting conditions, development of Council goals regarding lighting, public feedback for lighting installation, lighting costs and potential funding sources as well as how to implement any such lighting should Council wish to pursue the matter further. Major components include:

- Clarification of § 21-12, “Street Lighting”, of the Richland County Code should be obtained from the Legal Department and County Attorney. Currently, it appears likely to be a barrier to any such implementation of street lighting throughout the County. If Council were to decide to move forward with implementing comprehensive roadway lighting, it would need to likely repeal or amend §21-12 depending on the opinion of the Legal and on the will of Council. Once this conflict is addressed further steps could then be pursued with greater finality.
- Contracting with an engineering consultant through the Procurement Office to perform a comprehensive assessment and study of current lighting conditions for the unincorporated roadways of Richland County. A comprehensive assessment by a licensed engineer should provide Council with further answers to questions regarding lighting conditions, such as level of adequacy or inadequacy, potential ways to optimize and up-fit current lighting systems, feasibility of and costs for new lighting systems and more detailed recommendations regarding comprehensive lighting implementation.
- Determination of a funding source for any potential lighting should be performed by the Office of Budget and Grants Management to ascertain if any current funding source can be utilized for the leasing and installation costs. This should be done after or concurrent to any type of assessment

and/or study, once potential cost estimates have been attained. By having estimates ready it would allow for Budget to know the dollar amount annually would be needed to be dedicated to lighting and if it is feasible to use current funding without taking dollar amounts from current programs. If no sufficient funds can be dedicated or discovered, a new funding source should be explored to be dedicated to funding any potential lighting in conjunction with the Finance Department and Budget Office.

- Development of a comprehensive lighting master plan should be completed with help from a professional lighting engineer. Developing a master lighting plan could be accomplished in part by the same process and consultant from the lighting assessment. The lighting plan should follow general practiced standards such as the process and steps listed earlier in this document. A plan could function and develop in a manner similar to the Sewer Master Plan process being undertaken by the Utilities Department and their consultant.

These four major items should provide a general path forward if Council decides to move toward implementing comprehensive lighting for the County. Likewise, a lighting professional and assessment would be able to more adequately address Councils questions regarding lighting and more definite steps which need to be taken to realize any goals Council may have for lighting. These steps should provide a guideline of how to move forward with understanding and realizing comprehensive roadway lighting should Council wish it necessary.

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MEMORANDUM

To Edward Gomeau, Interim County Administrator

CC Dr. Sandra Yudice, Assistant County Administrator

From Ashley Powell, Interim Director;
Brian Crooks, Comprehensive Planner

Date

Subject Street Lighting Non-compliance

Mr. Gomeau,

This memo serves to bring to your attention, as Interim Administrator and the executive head of the County, a discovered issue regarding the violation of and non-compliance with the Richland County Code of Ordinances for the payment/provision of street/roadway lighting for select areas of the County. This memo provides background on the issue at play, the ordinance in question, and known violations of said ordinance.

In October of 2018, the Planning Services Division (PSD) hosted an event entitled "Tea and Talks with Planners." This event was held to serve as an informal setting for PSD to brief Council on upcoming issues, initiatives and projects. Likewise, it was a chance for Council members to ask questions of staff about upcoming work as pertains to planning. Council members in attendance mentioned that a comprehensive lighting plan would be beneficial for the County and that it would be helpful if PSD could put together some information regarding such. Planning Services went about researching how the County could go about establishing such a plan. The research consisted of what street lighting entails and how to conduct, implement and potentially finance a lighting plan. Out of this research, an issue has arisen wherein PSD believes the County to be in violation of its own Code of Ordinances as relates to the payment/provision of street lighting.

Chapter 21 of the Richland County Code of Ordinances generally deals elements which fall under the purview of the Department of Public Works, particularly roads, drainage and other infrastructure. The current chapter was adopted as part of an overall rewrite with amendments under Ordinance NO. 005-03HR, with an effective date of January 21, 2003. Section 21-12 was first enacted as part of this amendment to Chapter 21. Section 21-12 pertains to street lighting on roadways. The Code states:

"The County shall not provide street lighting on any highway, street or road until such time as sufficient funds are appropriated to provide that service county-wide. Homeowners or homeowner's associations may obtain street lighting through contractual arrangements with the electric utility serving their area." Richland County Code of Ordinances, §21-12

No amendments or changes have been made to this section of Chapter 21 since it was adopted. Since the ordinance was enacted, County Council has, via subsequent motions, directed that the County establish and pay for street lighting in certain areas of thereof, thus entering into agreements which appear to violate the aforementioned ordinance and section of the Code.

There have been at least three motions, which were passed between February 1, 2011 and November 13, 2012, for approving lease agreement which provided street lighting. During this time, no funds were appropriated that would satisfy the requirement under Section 21-12 to provide street lighting to the entirety of the County, nor have such funds been allocated for that purpose since that time. Each of the items/motions were brought before Council after having been routed through Committees.

The first agreement of which PSD is aware involves street lighting along Decker Blvd. This motion was brought forth during the Motion Period of the October 19, 2010 Council meeting. The motion, put forth by Current Councilman Jim Manning and past Councilman Norman Jackson, stated "Council allocate \$12,000 from Hospitality funds for Highway Lighting to be established for Richland County's International Corridor." This motion was directed to the Administration and Finance (A&F) Committee for review. At the following A&F Committee meeting, it was listed on the agenda as an item pending discussion/information. The committee directed staff to study the item further and place it on the January A&F agenda for action. At the January 2011 A&F meeting, the committee approved staff's recommendation to fund lighting for 5 years from the Neighborhood Redevelopment fund, and then require the Decker Boulevard Business Coalition (DBBC) to fund the remaining five years. Under the review of the staff recommendation, Legal and Administration both recommended approval of this option, neither of which noted §21-12 and its stipulations. The committee recommendation was then approved at the following February 1, 2011, Council meeting. The lighting agreement for Decker Blvd is a 10-year recurring monthly lease of \$599.30 per month (subject to rate changes) for 26 lights plus a one-time installation fee of \$1,040. Though currently funded by the County, the lease agreement for this lighting is held by the DBBC and SCEG. It was signed on April 25, 2011 by then DBBC President James Manning. PSD has found a non-executed contract agreement between the County and the DBBC which states that the County would pay for the first 5 years of lighting and that the DBBC would provide such for the remainder. PSD does not have an executed copy of this document in its files. As this contract would have been effective in April of 2011, the County should have stopped payment of the lease agreement in April 2016, per the motion (and the contract if executed). The County continues to pay for the lighting service against the motion, the contract and §21-12 of the County Code. The most recent bill for the Decker Blvd lighting is from January 22, 2019 for a total of \$627.73.

The second agreement is for the Ridgeway Streetscape Project (Phase I) along Monticello Rd. This item/motion originated out of A&F Committee in February of 2010. This item was brought before the committee by the Community Development Department. The item involved a request to approve two 5-year lease agreements to install and maintain 45 lights (28 lights under the first phase) along Monticello Rd for a cost of \$709.24 per month (subject to rate changes). Administration and Legal both recommended approval of the request for the County to provide lighting for 10-years with no mention of §21-12. Finance recommended denial of the request and to, instead, determine a dedicated funding source or to have the end-users (e.g., contiguous property) pay for the lighting. The Committee recommended approval, as recommended by Community Development, for the County to pay for lighting for 10-years, that staff would need to determine the cost of making an outright purchase versus leasing and that Legal should finalize lease agreement language. This recommendation was brought forward at the March 2, 2010 County Council meeting under the Report of the Administration & Finance Committee/Consent Agenda. Council approved the recommendation as brought forth out of the committee to approve the lease agreement and provide the lighting for 10-years under two 5-year leases.



Even though Council gave approval for the lease agreements they were never enacted due to disagreement with language for the leases and an extended time-lapse since approval. The item, Ridgeway Streetscape Project (Phase 1) was brought before the A&F Committee again in October of 2012. This item carried two parts. One was to approve a bid for a construction project totaling \$315,815.20 and the other for a 10-year recurring monthly lighting agreement for 30 lights along Monticello Rd for a cost of \$784.80 per month (subject to rate changes). Legal and Administration again recommended approval of this item without any mention of §21-12. The Committee recommended approval for this item. It was then brought forward at the November 13, 2012 Council meeting under the Approval of Consent Items/Committee Reports. It was given approval under the Approval of Consent Items. The lease agreement for the 30 lights was signed on December 31, 2012 by then County Administrator McDonald. The most recent bill for this portion of lighting is from December 21, 2018 for a total of \$1,318.57 (includes the bill for all 45 lights, Phase I and II lighting).

As with the Phase I Ridgeway Streetscape Project, the third lease agreement given Council approval was an item brought before the A&F Committee in October of 2012 at the same meeting. This item was brought before the Committee by the Planning Department to request approval of a 5-year recurring monthly lease agreement for 33 street lights along Broad River Rd for \$664.95 per month (subject to rate changes). Legal and Administration again recommended approval without mention of §21-12, and it was noted further that the item was considered during the FY12 budget session where funding was allocated and rolled-over as part of the FY13 process. The committee recommended Council approve the item. It was brought forward at the November 13, 2012 Council meeting under the Approval of Consent Items/Committee Reports. During the meeting, it was given approval by Council after several attempts to defer the item. The lease agreement was signed on November 20, 2012 by then County Council Chair Washington. The most recent bill for the Broad River Rd lighting is from January 8, 2019 for a total amount of \$619.24.

In addition to these three items which went before Council for approval, there have been at least two other street lighting agreements which have been entered into, with either Administrative or Departmental approval, in order to pay for road lighting. Limited background information is available for these two lease agreements, though the Ridgewood Streetscape Phase II/Monticello Rd can be partly identified in Council documents from 2014. Each of these agreements are being funded out of the Neighborhood Redevelopment fund. One is a lighting agreement for Phase II of the Ridgewood Streetscape Project which pays for an additional 15 street lights under a 10-year recurring monthly lease of \$408.90 per month (subject to rate changes) and a one-time installation fee of \$1,276.00. This agreement was signed on August 19, 2014 by then County Administrator McDonald. Funds from the Neighborhood Redevelopment fund were used to pay for this lease agreement. The current monthly payment is noted previously. The second agreement is a recent leasing agreement entered into by the County, which was signed on January 1, 2018 by then County Administrator Seals, for a 5-year recurring monthly lease of \$20.42 per month (subject to rate changes) for two lights on Susan Rd and Arrowwood Rd off of Broad River Rd. The most recent bill for this portion of lighting is from January 7, 2019 for a total of \$22.38.

It is likely there may be other lease agreements for roadway lighting which the County is currently paying, however, these are the only agreements for which the County is utilizing Neighborhood Redevelopment funds. There is one other agreement for the Crane Creek Nature Trail Park being paid with Neighborhood Redevelopment funds, but it is for area lighting of the park, in accordance with an implementation project out of the adopted Crane Creek Neighborhood Master Plan, and not roadway lighting; thus it does not appear to violate the aforementioned ordinance.



Through the lighting agreements, the County has been paying a total of around \$27,000 per year since June of 2013 for street lighting on these stretches of roadway. In total, for all payments to date, the County has paid around \$167,000 for all of the agreements since they were signed. The rates for the lighting agreements have changed since they were enacted. The table below shows the original rates at the time of the agreements and the current rates (as of May of 2018):

| Description | Agreement Rate | Current Rate | Value Change | % Change |
|-----------------------|----------------|--------------|--------------|----------|
| Decker Blvd | \$23.05 | \$22.02 | \$1.03 | 4 |
| Monticello Rd I | \$26.16 | \$26.73 | \$0.57 | 2 |
| Luminaire | \$16.86 | \$16.78 | \$0.08 | 0 |
| Pole | \$9.30 | \$9.95 | \$0.65 | 7 |
| Monticello Rd II | \$27.26 | \$26.73 | \$0.53 | 2 |
| Luminaire | \$17.31 | \$16.78 | \$0.53 | 3 |
| Pole | \$9.95 | \$9.95 | \$0.00 | 0 |
| Broad River Rd | \$20.15 | \$18.83 | \$1.32 | 7 |
| Susan Rd/Arrowwood Rd | \$10.21 | \$11.72 | \$1.51 | 15 |

So far for this fiscal year, the County has paid a total of around \$16,000 as of mid-January 2019. By the end of this fiscal year the County will end up likely having paid a total of about \$31,500 for street lighting. This total seems likely to increase moving forward, which is the trend from prior fiscal years.

Each contract has a stipulation that it can be cancelled at any time with 30-day notice. However, each of the contracts have a requirement of cancellation fees for premature cancellation outside of the initial agreement period. Each contract has a varying amount for early termination of that contract. Early termination of the Monticello Rd agreements would have the largest termination fees associated with them. As each of the two contracts were for a 10-year period about 3 and 5 ½ years remain on each agreement. The Decker Blvd Rd agreement still has about 2 years remaining and would result in a fee, though likely minor. The Decker Blvd lease agreement has also exceeded the timeframe which the County agreed to provide payment. The lighting cost should now be provided by the DBBC, otherwise, the lease agreement should be terminated if the County would continue providing payment. The Susan Rd/Arrowwood Rd agreement is only a year old, however, it only carries a \$150 early termination fee per the lease agreement, about a year’s worth of payment. The Broad River Rd lease agreement is the only agreement which has exceeded its full agreement term and will continue year to year unless the 30-day notice for termination is provided.

If all of the contracts were to be terminated prior to the end of stipulated length a total termination fee of approximately \$57,000 would be required per the lease agreements. This includes a \$150 fee for Susan Rd, \$30,605.36 for Monticello Rd Phase I, \$22,395.67 for Monticello Rd Phase II, and an undetermined, though likely minimal, amount for Decker Blvd, such as \$1,500 to \$5,000. This total amount to terminate the lease agreements prematurely would be less than the yearly amount if all the contracts were paid through the remainder their leases.

As such, the Planning Services Division requests the Administrator make a determination on non-compliant street lighting lease agreements and provide approval to discontinue the payment of the aforementioned from the Neighborhood Redevelopment budget. Further, PSD requests administrative processes be put in place that aid in ensuring future roadway lighting projects are not charged against the Neighborhood Redevelopment budget preventing the use of these funds for the purpose(s) for which they were intended – the drafting and implementation of Neighborhood Master Plans.



5. a. Contractual Matter
- b. Lexington County Transportation Request **[PAGE 23]**

Open/Close Public Hearings

6. a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits, Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the "Emergency Planning Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County
- b. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5, Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code
- c. An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters

Approval Of Consent Items

7. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43, Permits Required/Exemption; so as to add a new paragraph to require an evacuation plan for certain entities within the "Emergency Planning Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County **[THIRD READING] [PAGES 26-29]**
8. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; so as to empower the Board to hear appeals under the International Fire Code **[THIRD READING][PAGES 31-35]**
9. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-180, Signs; Subsection (g), On-Premises Signs Permitted in Rural And Residential Districts; so as to establish the maximum height and square footage of signs for institutional uses in the RU Rural District **[THIRD READING] [PAGES 37-38]**
10. An Ordinance Authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee-in-lieu of tax agreement, between Richland County, South Carolina, and Mars Petcare US, Inc., as sponsor, to provide for a fee-in-lieu of ad valorem taxes incentive; and other related matters **[SECOND READING] [PAGES 40-66]**
11. 10-33MA
Odom Enterprise
Steven Odom
RU to LI (2.33 Acres)

5771 Lower Richland Blvd. [**SECOND READING**] [**PAGE 68**]

12. An Ordinance the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; Subsection (A), General; so as to require notification to the Building Inspections Department and to the Emergency Services Department whenever plans are submitted that affect the "Emergency Zone (EPZ)" of the V. C. Summer Nuclear Plant, which is located in Fairfield County [**SECOND READING**] [**PAGES 70-71**]
13. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-180, Signs; Subsection (I), On-Premises Signs Permitted in the General Commercial District; Paragraph (4), Height; so as to the maximum height for on-premise signs in the GC (General Commercial) District [**SECOND READING**] [**PAGE 73**]
14. Construction Services/Detention Center Chiller Project [**PAGES 75-76**]
15. Judicial Center and Administration Building Lighting Upgrades [**PAGES 78-79**]
16. Kershaw County IGA Screaming Eagle Landfill [**PAGES 81-85**]
17. Recreation for Adults/Seniors [**PAGES 87-88**]
18. Richland County North Paving Contract RC-008-CN-1011 [**PAGES 90-91**]
19. A Resolution in support of the Central Midlands Council of Governments' pursuit of grant funding from the Department of Defense [**PAGES 93-95**]
20. Decker International Corridor Lighting [**PAGES 97-98**]
21. Jim Hamilton-L.B. Owens Airport Master Plan Update Executive Summary [**PAGES 100-106**]

First Reading Items

22. Sale of Property to Vulcan [**PAGE 108**]

Report Of Development And Services Committee

23. Richland County membership in the U.S. Green Building Council [**TO DENY**] [**PAGES 110-111**]
24. The Town of Irmo Animal Care Intergovernmental Agreement [**PAGES 113-118**]
25. To amend the existing Intergovernmental Agreement with the Town of Arcadia Lakes for Road Maintenance, Drainage Maintenance, Plan Review, Inspection, and NPDES Stormwater Permit Compliance, dated July 14, 2003 [**PAGES 120-122**]

Report Of Administration And Finance Committee

- 26.

Richland County Council Request of Action

Subject: Decker International Corridor Lighting

A. Purpose

Councilmen Norman Jackson and Jim Manning made a motion on October 19, 2010 to allocate \$12,000 from Hospitality funds for highway lighting to be established on Decker Boulevard. At the November 23, 2010 Administration and Finance Committee meeting, the Committee directed staff to investigate alternative funding options to add street lighting along Decker Boulevard and report the findings within two months.

B. Background / Discussion

SCE&G requires a 10 year contract commitment to operating costs, but is willing to waive the upfront installation costs for this lighting project. Staff investigated several options for funding, several of which were determined to not be feasible. For example, Planning Legal Counsel researched the potential of attaching an assessment to the Decker business licenses to cover the operating costs.

C. Financial Impact

The annual operating cost for the lighting is approximately \$7,000.

D. Alternatives

1. Set up a “special purpose district” to fund the lighting on Decker Boulevard (which would require a referendum).
2. Fund the lighting program for five (5) years from the Neighborhood Improvement Program budget, and then require the Decker Boulevard Business Coalition to fund the remaining five (5) years.
3. Fund the lighting cost for the full ten (10) year contract term from the Neighborhood Improvement Program budget.
4. Do not fund the Decker Boulevard lighting program.

E. Recommendation

Staff recommends Alternative #2. This option would provide 5-year start-up funding for the lighting program. Using this option would create a true public-private partnership, which is a necessity as Richland County moves forward with implementation of the Neighborhood Master Plans.

Recommended by: Anna F. Almeida Department: Planning Date: 1/18/11

F. Reviews

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

FinanceReviewed by: Daniel Driggers

Date: 1/19/11

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Council Discretion

LegalReviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Recommend approval of option #2

AdministrationReviewed by: Sparty Hammett

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Recommend approval of Option 2.

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 1, 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 | Paul Livingston |
| Vice Chair | Damon Jeter |
| Member | Gwendolyn Davis Kennedy |
| Member | Joyce Dickerson |
| Member | Valerie Hutchinson |
| Member | Norman Jackson |
| Member | Bill Malinowski |
| Member | Jim Manning |
| Member | L. Gregory Pearce, Jr. |
| Member | Seth Rose |
| Member | Kelvin Washington |

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Sara Salley, Stephany Snowden, Tamara King, Melinda Edwards, Larry Smith, Daniel Driggers, Donald Chamblee, Anna Almeida, Anna Lange, Dale Welch, Amelia Linder, Chris Eversmann, Michael Byrd, Dwight Hanna, Rodolfo Callwood, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

INVOCATION

The Invocation was given by the Honorable Damon Jeter

by Mr. Pearce, to amend the resolution by deleting the word any in the last two paragraphs. The vote in favor was unanimous.

Decker International Corridor Lighting – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item. A discussion took place.

The vote was in favor.

Jim Hamilton-L. B. Owens Airport Master Plan Update Executive Summary – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote in favor was unanimous.

Consultant Services for Employee, Retiree, and Medicare Group Benefits & Insurance RFP – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

An Ordinance Authorizing the issuance and sale of General Obligation Refunding Bonds, in one or more series, with appropriate series designations, in an aggregate amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the other bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING] – Mr. Washington moved, seconded by Ms. Hutchinson, to approve this item. The vote was in favor.

An Ordinance Authorizing the issuance and sale of Sewer System General Obligation Refunding Bonds, with an appropriate series designation, in an amount sufficient to refund certain maturities of outstanding bonds of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; other matters relating thereto [FIRST READING] – Mr. Washington moved, seconded by Mr. Manning, to approve this item. The vote was in favor.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

Pass Through Grants:

- a. Project P—SC Energy Office Clean Green Investment Incentives
- b. Project P—SC Department of Commerce Closing Grant Fund
- c. Project Cyrus—SC Department of Commerce Closing Grant Fund



**RICHLAND COUNTY COUNCIL
REGULAR SESSION AGENDA**

**NOVEMBER 13, 2012
6:00 PM**

CALL TO ORDER HONORABLE KELVIN E. WASHINGTON, SR., CHAIR

INVOCATION THE HONORABLE VALERIE HUTCHINSON

PLEDGE OF ALLEGIANCE THE HONORABLE VALERIE HUTCHINSON

Approval Of Minutes

1. Regular Session: October 16, 2012 [PAGES 8-19]
2. Zoning Public Hearing: October 23, 2012 [PAGES 20-23]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

3. a. Palmetto Utilities Update
- b. Landfill Contractual Matter [PAGES 25-32]
- c. Personnel Matter
- d. SOB Update
- e. Legal Advice - Elections

Citizen's Input

4. For Items on the Agenda Not Requiring a Public Hearing

Report Of The County Administrator

5. a. Transportation Penny Update

18. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-176, Landscaping Standards; Subsection (J), Protection of Existing Trees During Development; Paragraph (3), Exemption - Protection; so as to remove buffer and BMP requirements for forestry activities **[SECOND READING] [PAGES 110-112]**
19. General Obligation Bonds for the Richland County Recreation Commission **[PAGES 113-126]**
20. Changes to Employee Handbook - Promotion Probation **[PAGES 127-129]**
21. Santee Wateree Transit Authority Motion and COG Transit Analysis **[PAGES 130-139]**
22. IT Server Room HVAC Upgrade **[PAGES 140-144]**
23. Ridgewood Monticello Road Streetscape Project (Bid Award Approval and Commercial Lighting Fee Increase) **[PAGES 145-157]**
24. Broad River Road Corridor Lighting Project **[PAGES 158-169]**
25. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office **[FIRST READING] [PAGES 170-175]**
26. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Certain Subdivisions Exempt from Road Standards; so as to delete the requirement of county review fees **[FIRST READING] [PAGES 176-181]**
27. Develop a Master Plan for the Olympia Neighborhood **[TO TABLE] [PAGES 182-186]**
28. Council Members to Review the Comprehensive Plan's Current and Future Land Use Maps **[RECEIVE AS INFORMATION] [PAGES 187-189]**
29. Water Line Installation on Larger Street **[PAGES 190-193]**
30. Broad River Sewer Monthly User Fee **[TO TABLE] [PAGES 194-207]**
31. An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book "13" at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS# 07313-07-01 **[FIRST READING] [PAGES 208-222]**
32. An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS# 15209-01-04, also known as 218 McNulty Street **[FIRST READING] [PAGES 223-236]**

Third Reading Items

33. An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection

Richland County Council Request of Action

Subject

Ridgewood Monticello Road Streetscape Project (Bid Award Approval and Commercial Lighting Fee Increase) [**PAGES 145-157**]

Notes

October 23, 2012 - The Committee recommended that Council approve the award of contract in the amount of \$315,815.20 to Cherokee Construction for the Monticello Road Streetscape project (Phase I of II). The Committee also recommended Council approve the revised lighting fee agreement between SCE&G and Richland County, contingent upon the requested revisions by the Legal Department being resolved.

Richland County Council Request of Action

Subject: Ridgewood Monticello Road Streetscape Project (Bid Award Approval
And Commercial Lighting Fee Increase)

A. Purpose

County Council is requested to approve two items related to the Ridgewood Monticello Road Streetscape Project. Approval is requested for the bid to be awarded to Cherokee Construction and to approve changes to the lighting agreement made by South Carolina Electric & Gas (SCE&G).

B. Background / Discussion

The Ridgewood Monticello Road Streetscape design is focused on repair of existing infrastructure, safety and beautification. There are residents, businesses, schools and churches directly impacted by the project. The community is located immediately south of Interstate 20 at Monticello Road near the Exit 68 interchange (see map). Updates to this area are reflective of the 2004 Council-approved Ridgewood Master Plan.

County Council is requested to approve two items related to the Ridgewood Monticello Road Streetscape Project.

1. Approval is requested for the Phase I (of II) bid to be awarded to Cherokee Construction. This vendor was vetted through the County's Procurement Department and determined to be the lowest, responsible, responsive bidder at \$315,815.20 for Phase I of the Ridgewood Monticello Road Streetscape Project. This project will be bid and constructed in two phases. Initially, the Monticello Road Streetscape Project was estimated to cost \$500,000. (The entire project (Phase I and II) was estimated by BP Barber to cost \$500,000. At this time we have a bid for Phase I. Phase I is approximately 75% of the project.) The construction will be phased over 2 years (FY's 2012-2013). This plan of action was chosen due to the availability of CDBG funding. Richland County Community Development has allocated Community Development Block Grant (CDBG) funds for Phase I of construction.

Phase I consists of the demolition of 5219 Ridgeway St; replacement of 1,818 SF retainer wall; construction of sidewalk and curb ramp; creation of detectable warning surfaces including cross walks and stamped asphalt at 3 intersections; construction of a pocket park and installation of a shelter at bus stop. Phase I is expected to take 120 days to complete.

2. County Council is also requested to approve changes made to the lighting agreement to include a fee increase for 30 decorative streetlights (Phase I) along Monticello Road commercial corridor and a one-time installation charge of \$3,200.

Please note that on March 16, 2010 Council approved a 10 year Lease Agreement for lighting for this project with SCE&G. The overall project had several delays and now the project is proceeding again. (For more than a year, staff was negotiating acquisitions of two properties needed for project construction. The project was also delayed by end of County's fiscal year.)

The original 2010 Terms of the Agreement with SCE&G were negotiated by Richland County Legal Department and SCE&G Legal before approval by Council. In March 2010, there were two five-year Agreements that would run consecutively for the installation and maintenance of 45 lights. Those agreements were not executed due to project construction delays.

Because two years have passed since Council’s initial approval of the agreement, the 2 five-year agreements have been replaced by a ten year agreement. The new agreement reflects that the total number of lights is 45. Lighting under Phase I construction was increased from 28 to 30 lights. In addition, there is now an up-front, one-time installation charge of \$3,200, which can be paid by CDBG funds. Also, there is a rate increase for lights from a monthly charge of \$25.33 per light to \$26.16 per light (30 lights total in Phase I) and the fee for early termination increased. If Richland County decided to terminate the agreement prior to the fifth year of service, there would be termination penalty. No other changes have been made to the agreement.

A comparative table reflecting changes over this two year period are found in the following table:

| 2009/2010 Phase 1 Agreement | 2012 Phase 1 Agreement |
|--|---|
| Contract was for 28 Lights/Poles | Contract is for 30 Lights/Poles |
| The monthly lease rate for each light/pole was \$25.33 | The current monthly lease rate for each light/pole is \$26.16 |
| The was no required up-front installation charge | We now will require an up-front installation charge of \$3,200.00 |
| The termination value at 5 years was \$40,660.32 | The current termination value at 5 years is now \$41,581.24 |
| Total Annual Budget \$8,510.88 | Total Annual Budget \$9,417.60 |

The new agreement will be effective when signed by both parties for a period of 10 years and must be signed prior to installation of lighting. Richland County will need to sign the Agreement (attached) for Phase I lighting and Richland County will only be charged for lights as they are installed and operational. Language highlighted in yellow indicate document changes. A separate agreement will be presented to Council at a later date for Phase II which includes 15 lights, of which eight (8) are in the County. The City of Columbia has agreed to fund a portion of the Phase II construction, once we begin to reach the end of Phase I. (We have a letter of financial commitment from the City Manager. Community Development staff has been instructed to create an MOU for Phase II, which is forthcoming.)

C. Legislative / Chronological History

March 16, 2010 – Council approved the SCE&G lighting agreement and agreed to pay for leasing fees and maintenance of the lighting for a total of 10 years with Neighborhood Improvement Program funds.

March 20, 2012 – Council approved the acquisition of two properties for this project along Monticello Road. The funds to pay for the acquisition will come from CDBG funding.

D. Financial Impact

The financial impact to the Community Development Department for Phase I of the Monticello Road Streetscape Project for acquisition, construction (\$315,815.20), and lights installation (\$3,200) is \$319,015.20. CDBG grant funds have been reserved for this purpose.

The financial impact to the Neighborhood Improvement Program to lease 30 underground, decorative lights along Monticello Rd for 10 years is \$94,176.00. The annual cost will be \$9,417.60 or \$784.80 per month. Please note that SCE&G Lighting Rates are subject to change within this ten year period. By signing SCE&G's 10 Year Lighting Agreement, Richland County will be responsible for the monthly lease for 10 years at a minimum. Neighborhood Improvement Program (NIP) funds will be used to pay for service and maintenance.

**See attached SCE&G rate schedule and written agreements.

Ridgewood Monticello Road Streetscape Project

| | |
|--|----------------------|
| Streetscape Construction (FY 2011 & 2012 CDBG) | \$315,815.20 |
| Light Installation Fee (FY 2011 & 2012 CDBG) | \$ 3,200.00 |
| Ten year lighting service and maintenance (*Neighborhood Improvement Program) | <u>\$ 94,176.00*</u> |
| TOTAL | \$413,191.20 |

Note: Projected cost for Phase II construction is \$234,184.80 and \$47,088 for installation, service and maintenance of 15 Lights. Phase II construction will be funded using CDBG and the City of Columbia has committed \$71,000 for Phase II construction.

E. Alternatives

- Approve the bid of \$315,815.20 to be awarded to Cherokee Construction for Monticello Road Streetscape construction (Phase I). Approve the revised lighting agreement between SCE&G and Richland County. The cost to the County will provide the power service fee and maintenance fees for a total of 10 years.
- Approve the bid of \$315,815.20 to be awarded to Cherokee Construction for Monticello Road Streetscape construction (Phase I). Do not approve the revised SCE&G lease agreement. The County would install lights privately at an estimated cost of \$150,000-175,000 with the County paying for maintenance and paying SCE&G for electrical power only.
- Approve neither the bid award to Cherokee Construction nor the revised lighting lease agreement with SCE&G. The Monticello Road Streetscape Design would not continue.

F. Recommendation

It is recommended that Council approve the bid of \$315,815.20 to be awarded to Cherokee Construction for Monticello Road Streetscape construction (Phase I). It is also recommended that Council also approve the revised lighting fee agreement between SCE&G and Richland County.

| | | |
|----------------------------------|------------------------------|------------------------|
| Recommended by: | Department: | Date: |
| <u>Valeria Jackson, Director</u> | <u>Community Development</u> | <u>October 4, 2012</u> |

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Grants

Reviewed by: Sara Salley

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval as this project is included in the Ridgewood Master Plan and can utilize CDBG grant funds.

Planning

Reviewed by: Tracy Hegler

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, ARTICLE VII (Term), ARTICLE IV (Early Termination Charge), and EXHIBIT A are not totally consistent as to the early termination charge. The language should be cleaned up.

Administration

Reviewed by: Sparty Hammett

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to award Cherokee Construction the Monticello Road Streetscape construction project (Phase I) using CDBG funds. It is also recommended that Council approve the revised lighting fee agreement between SCE&G and Richland County. As indicated by Ms. McLean, the language regarding early termination should be revised.

AGREEMENT COVERING AREA LIGHTING

**RICHLAND COUNTY
PHASE 1
MONTICELLO ROAD STREETScape
RIDGWAY STREET TO KNIGHTNER STREET
COLUMBIA, SOUTH CAROLINA 29203**

THIS AGREEMENT is entered into and effective this 14th day of September, 2012, by and between "Customer", **Richland County** and South Carolina Electric & Gas Company, "Company".

In consideration of the mutual covenants and agreements herein contained, the same to be well and truly kept and performed, the sums of money to be paid, and the services to be rendered, the parties hereto covenant and agree with each other as follows, namely:

ARTICLE I

LIGHTING SERVICE: Company shall provide lighting service from dusk (one half (1/2) hour after sunset) to dawn (one half (1/2) hour before sunrise) each night during the Agreement period for a total of approximately four thousand (4000) hours of lighting per year. Customer agrees that lighting provided is ornamental in nature and is not designed for security or public safety. Company does not guarantee lighting level for security or public safety purposes. Customer agrees that lighting is not designed in accordance with the Illuminating Engineering Society (IES) recommended maintained luminance and illumination values for roadways and area lighting.

ARTICLE II

RATE: Customer shall be billed in accordance with Company's "Underground Street Lighting" Rate 18, attached hereto and incorporated herein by reference which is currently \$26.16 per luminaire and pole per month, based on the current rate. Customer's current monthly lighting charges for this project will total \$784.80 plus S.C. sales tax and all other applicable fees. This rate is subject to change upon periodic review by the South Carolina Public Service Commission (PSC), in the manner prescribed by law. Additionally, this Agreement and all services rendered hereunder are subject to Company's "General Terms and Conditions" as approved by the Commission as they may now exist or may be amended in the future. The "General Terms and Conditions" as they currently exist are made a part of this Agreement as attached.

| Rate | Item | Cost | Qty | Total |
|------|---|---------|--------------|-----------------|
| 18 | 150 watt high pressure sodium Acorn-Style Luminaire | \$16.86 | 30 | \$505.80 |
| 18 | 17' black fiberglass pole | \$9.30 | 30 | \$279.00 |
| | | | Total | \$784.80 |

ARTICLE III

AID-TO-CONSTRUCTION: Customer has requested and Company has agreed to install facilities. The installation cost requires an aid to construction in the amount of \$3,200.00 to be paid by Customer to Company prior to installation. Customer agrees to provide and install all two (2) inch schedule 40 gray electrical PVC lighting conduit to Company specification. Company shall assume no responsibility for repairs to or replacement of damaged conduit.

ARTICLE IV

INSTALLATION AND MAINTENANCE: Customer is responsible for locating and marking all facilities (irrigation, water, sewer, drainage, etc.) in areas where digging will take place if not part of the Palmetto Utility Protection Service (PUPS). Company is not responsible for any damage to Customer owned utilities such as irrigation, sewer, cable, water taps, etc. that have not been located or have been mis-located. Customer is responsible for obtaining all applicable authorizations and permissions from any governmental entities related to luminaires, poles, and/or related equipment. Customer is also responsible for compliance with, and informing Company of, any governmental ordinances as they may relate to lighting. Customer is responsible for and will pay to Company any and all costs associated with the removal, relocation or exchange of luminaires, poles and/or related equipment that are determined to be non-compliant by governmental entities. Company agrees to provide and install underground wiring and appurtenances for thirty (30) 150 watt high pressure sodium Acorn-Style luminaires mounted on thirty (30) 17' black fiberglass poles. This lighting installation will be located along Monticello Road from Ridgeway Street to Knightner Street (southern intersection) on the east side of Monticello Road, and from Knightner Street (southern intersection) to Knightner Street (northern intersection) on both sides of Monticello Road located in Columbia, South Carolina. The delivery voltage to these fixtures shall be 120v. At all times, Company will maintain ownership of luminaires and poles. Customer must notify Company of any non-functioning or mal-functioning luminaires. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any landscape or pavement replacement that may be necessary as a result of the Company performing maintenance on the lighting facility. Customer will maintain a reasonable working distance around luminaires and poles.

Customer Initial/Date

ARTICLE V

REPLACEMENT AND MAINTENANCE - ORDINARY: Company shall perform all ordinary replacement and maintenance on the equipment and appurtenances. This shall include the replacement of lamps, photocells, conductor, and conduit and electrical connections. The replacement lamps shall be limited to Company's standard 150 watt high pressure sodium and the replacement photocells shall be limited to Company's standard twist-lock photocell. Non-standard equipment replacement may be delayed until such equipment can be ordered and delivered to Company, as non-standard equipment is not kept in Company inventory. Company shall retain ownership of these facilities located on Customer's premises. If Customer elects, for any reason, to require removal or relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.

ARTICLE VI

REPLACEMENT AND MAINTENANCE - EXTRAORDINARY: Company is responsible for the replacement and maintenance of extraordinary equipment and appurtenances, which shall include the replacement of the luminaires and poles and other associated equipment due to normal wear and tear. In the event of accidental damage or vandalism, Company shall bill Customer and hold Customer responsible for all extraordinary replacement and maintenance work that is not recovered by Company from third parties tortfeasors. If Customer elects, for any reason, to require removal or

relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.

ARTICLE VII

TERM: This Agreement shall continue for the full initial term of five (5) years ("Initial Term"). Thirty (30) days prior to the end of the Initial Term, Customer shall notify Company in writing whether or not it intends to let the Agreement term expire or extend the Agreement term for an additional five (5) year period ("Extension Term"). Customer may terminate (or after the completion of the Initial Term, choose not to extend for the Extension Term) this Agreement at the end of any year in either the Initial Term or the Extension Term, in which case Customer will be liable for a payment in the amount specified on Exhibit A. Following completion of the Extension Term, this Agreement shall continue thereafter from year to year until terminated by at least thirty (30) days prior written notice by either Party to the other of its intention to terminate. In the event of a termination after both the Initial Term and the Extension Term (a total of ten years), no payment arising as a result of the termination shall be due from the Customer.

ARTICLE VIII

TERMINATION FOR DEFAULT BY CUSTOMER: The occurrence of any one or more of the following events by Customer shall constitute a default by Customer: 1) bankruptcy; 2) non-payment; 3) dissolution of business entity; 4) discontinuation of access; or 5) unauthorized modification of equipment. In the event of default, Company reserves the right to terminate this Agreement. Should Customer terminate prior to the end of the initial term of this Agreement, an early termination charge outlined in Article IX shall apply.

ARTICLE IX

EARLY TERMINATION CHARGE: Should Customer terminate this Agreement for any reason, either during the initial term or any extension thereof, unless waived as provided for herein, Customer shall pay to Company a termination charge excluding fuel for the remainder of the contract term; plus the sum of the original cost of the installed equipment, less accumulated depreciation through the effective termination date, plus removal and disposal costs, plus environmental remediation costs, less any applicable salvage values, the total cost of which shall not be less than zero. Company may waive a portion or all of the termination charge where (1) a successor agreement is executed prior to termination of this Agreement, (2) Customer is able to furnish Company with satisfactory evidence that a successor customer will occupy the premises within a reasonable time and contract for substantially the same service facilities, or (3) the facilities for serving have been fully depreciated.

ARTICLE X

LIMITATION OF LIABILITY: THE PARTIES AGREE, AS AN ESSENTIAL CONDITION OF THIS AGREEMENT, THAT COMPANY SHALL HAVE NO LIABILITY TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES EXCEPT TO THE EXTENT OF COMPANY'S NEGLIGENCE.

IN NO EVENT WILL COMPANY BE LIABLE FOR INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES. THE LIABILITY OF COMPANY SHALL IN NO EVENT EXCEED THE MAXIMUM

AMOUNT THAT THE COUNTY COULD BE LIABLE TO A THIRD PARTY UNDER THE SOUTH CAROLINA TORT CLAIMS ACT, WHICH AMOUNT IS CURRENTLY THREE HOUNDRED THOUSAND DOLLARS (\$300,000).

ARTICLE XI

WARRANTIES: COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, COMPANY EXPLICITLY DISCLAIMS ANY WARRANTY REGARDNG THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES REGARDING THE SUITABILITY, PRACTICALITY, VIABILITY, OR FUNCTIONALITY OF THE PRODUCTS AND SERVICES PROVIDED HEREUNDER, EXCEPT AS SPECIFICALLY STATED HEREIN. COMPANY SPECIFICALLY DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL INCREASE SAFETY OR REDUCE THE POSSIBILITY OF CRIMINAL ACTIVITY. THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE SPECIFICALLY DISCLAIMED.

ARTICLE XII

RIGHT OF WAY: Customer hereby grants Company free access and right of way to maintain install and remove any and all luminaires, poles, conductors and other appurtenances associated with the lighting facilities contained within this Agreement.

ARTICLE XIII

CUSTOMER MODIFICATIONS: No modifications to luminaires, poles or related equipment may be made by Customer without prior written approval from Company. Company assumes no liability if luminaires, poles or related equipment are modified in any manner by Customer.

ARTICLE XIV

ASSIGNMENT: No assignment of this Agreement, in whole or in part by Customer, will be made without the prior written consent of Company, which consent will not be unreasonably withheld or delayed.

ARTICLE XV

AMENDMENT: This Agreement may not be amended except by written agreement signed by an authorized representative of each Party.

ARTICLE XVI

REPRESENTATION: Each Party to the Agreement represents and warrants that it has full and complete authority to enter into and perform its respective obligations under this Agreement. Any person who executes this Agreement on behalf of either Party represents and warrants that he or she has full and complete authority to do so and that such represented Party shall be bound thereby.

ARTICLE XVII

COVENANTS: This Agreement is an entire contract, each stipulation thereto being a part of the consideration for every other, and the terms, covenants, and conditions thereof inure to the benefit of and bind the successors and assigns of each of the parties hereto, as well as the parties themselves.

ARTICLE XVIII

ENTIRE UNDERSTANDING: This Agreement contains the entire understanding of the Parties and supersedes all prior oral or written representation(s) concerning the subject matter hereof.

RICHLAND COUNTY

By: _____

(Print
Name): _____

Title: _____

Date: _____

SOUTH CAROLINA ELECTRIC & GAS COMPANY

By: _____

(Print Name): Daniel F. Kassis

Title: Vice President of Customer Service

Date: _____

RATE 18

UNDERGROUND
STREET LIGHTING

(Page 1 of 2)

AVAILABILITY

This rate is available to customers, including municipal customers, using the Company's electric service for street and area lighting served from existing underground distribution facilities.

APPLICABILITY

Applicable only to outdoor lighting high intensity discharge fixtures, either high pressure sodium (HPS), or metal halide (MH), and with poles conforming to Company specifications. Services will be rendered only at locations that, solely in the opinion of the Company, are readily accessible for maintenance. If the Company is required to install light fixtures on poles other than those described herein, the Company will determine in each case the amount and form of payment required.

RATE PER LUMINARIES

| SIZE AND DESCRIPTION | | | Lamp Charges per Month | kWh per Month |
|----------------------|---------------|-------------------------------------|---------------------------|------------------|
| 9,000 Lumens | (MH) (100W) | (Acorn, Round, or Octagonal Style)* | \$ 16.49 | 41 |
| 15,000 Lumens | (HPS) (150W) | (Acorn, Round, or Octagonal Style)* | \$ 16.86 | 62 |
| 9,000 Lumens | (MH) (100W) | (Traditional) | \$ 12.12 | 37 |
| 15,000 Lumens | (HPS) (150W) | (Traditional) | \$ 12.55 | 62 |
| 9,000 Lumens | (MH) (100W) | (Shepherd) | \$ 25.06 | 41 |
| 15,000 Lumens | (HPS) (150W) | (Shepherd) | \$ 26.81 | 62 |
| 42,600 Lumens | (MH) (400W) | Hatbox | \$ 32.18 | 159 |
| 50,000 Lumens | (HPS) (400W) | Hatbox | \$ 30.97 | 158 |
| 110,000 Lumens | (MH) (1000W) | Hatbox | \$ 49.82 | 359 |
| 140,000 Lumens | (HPS) (1000W) | Hatbox | \$ 45.50 | 368 |
| 30,000 Lumens | (MH) (320W) | Shoebox Type | \$ 26.62 | 123 |
| 45,000 Lumens | (HPS) (400W) | Shoebox Type | \$ 23.12 | 158 |
| 30,000 Lumens | (MH) (320W) | Cobra Flex | \$ 30.74 | 120 |
| 50,000 Lumens | (HPS) (400W) | Cobra Flex | \$ 30.80 | 152 |

The following fixtures are available for new installations only to maintain pattern sensitive areas:

| | | | | |
|---------------|--------------|-----------|----------|----|
| 9,000 Lumens | (MH) (100W) | (Modern) | \$ 12.12 | 37 |
| 15,000 Lumens | (HPS) (150W) | (Modern) | \$ 12.55 | 62 |
| 9,000 Lumens | (MH) (100W) | (Classic) | \$ 15.90 | 37 |
| 15,000 Lumens | (HPS) (150W) | (Classic) | \$ 16.76 | 62 |

Effective January 2009, selected existing light sets will no longer be available for new installations. Replacement light sets will only be available until inventory is depleted and will be replaced on a first-come, first-served basis. Affected lights are as follows:

| | | | | |
|---------------|-------------|-------------------------------------|----------|-----|
| 7,500 Lumens | (MV) (175W) | (Acorn, Round, or Octagonal Style)* | \$ 16.18 | 69 |
| 7,500 Lumens | (MV) (175W) | (Traditional) | \$ 12.05 | 69 |
| 7,500 Lumens | (MV) (175W) | (Shepherd) | \$ 23.52 | 69 |
| 7,500 Lumens | (MV) (175W) | (Modern) | \$ 12.05 | 69 |
| 7,500 Lumens | (MV) (175W) | (Classic) | \$ 16.07 | 69 |
| 10,000 Lumens | (MV) (250W) | (Acorn, Round, or Octagonal Style)* | \$ 17.69 | 95 |
| 20,000 Lumens | (MV) (400W) | Shoebox Type | \$ 21.44 | 159 |
| 36,000 Lumens | (MH) (400W) | Hatbox | \$ 32.37 | 159 |
| 40,000 Lumens | (MH) (400W) | Shoebox Type | \$ 28.47 | 159 |

RATE PER POLE

| | |
|---|----------|
| 15' Aluminum Shepherd's Crook / Direct Buried (Mounted Height) | \$ 26.75 |
| 15' Aluminum Shepherd's Crook / Base Mounted (Mounted Height) | \$ 34.40 |
| 12' Smooth/Fluted Aluminum (Mounted Height) | \$ 23.00 |
| 14' Smooth/Fluted Aluminum (Mounted Height) | \$ 23.65 |
| 17' Standard Fiberglass (Mounted Height) | \$ 9.30 |
| 42' Square Aluminum/Direct Buried (35' Mounted Height) | \$ 25.60 |
| 42' Round Aluminum/Direct Buried (35' Mounted Height) | \$ 25.60 |
| 35' Round Aluminum/Base Mounted (Add Base To Determine Mounted Height) | \$ 32.50 |
| 35' Square Aluminum/Base Mounted (Add Base To Determine Mounted Height) | \$ 35.50 |

EXHIBIT A - Phase I

9/14/2012

Early Termination Charge Estimate

Project Name: Phase I - Ridgewood Revitalization Project (Monticello Road Streetscape)

Light Fixtures: 150 W HPS Acorn 30 \$14.66

Light Poles: 17' Black Fiberglass Pole 30 \$9.30

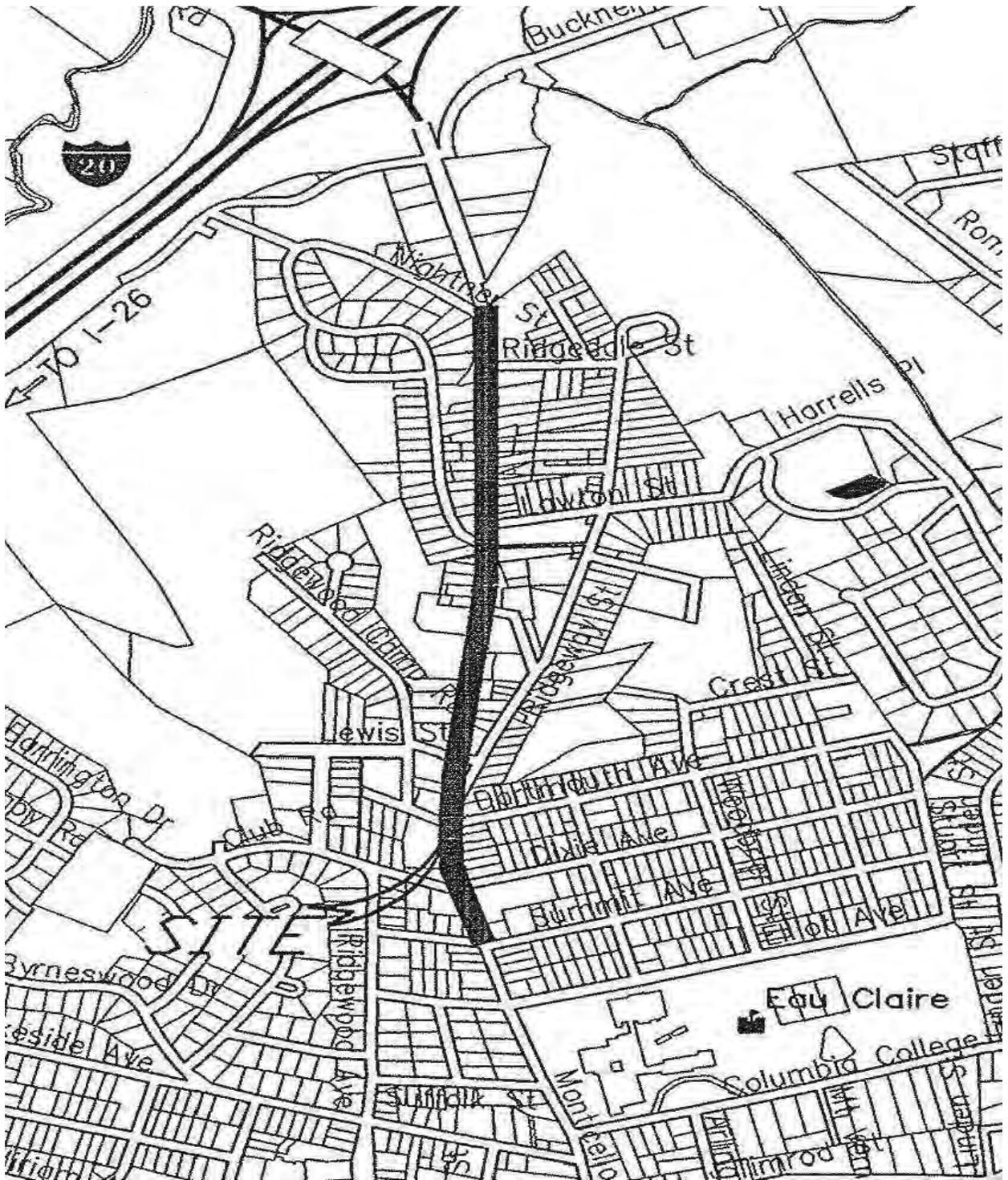
Original Cost of Installed Equipment: \$ 32,417.00

Depreciation Rate: 4.59%

Annual Depreciation (Straight Line) \$ 1,487.94

| <u>Year</u> | <u>Months Remaining in Term</u> | <u>Original Cost Less Depreciation</u> | <u>Removal and Disposal</u> | <u>Salvage</u> | <u>Total Cancellation Fee</u> |
|-------------|---------------------------------|--|-----------------------------|----------------|-------------------------------|
| 1 | 120 | \$ 32,417.00 | \$ 18,116.00 | \$ 3,000.00 | \$ 47,533.00 |
| 2 | 108 | \$ 30,929.06 | \$ 18,116.00 | \$ 3,000.00 | \$ 46,045.06 |
| 3 | 96 | \$ 29,441.12 | \$ 18,116.00 | \$ 3,000.00 | \$ 44,557.12 |
| 4 | 84 | \$ 27,953.18 | \$ 18,116.00 | \$ 3,000.00 | \$ 43,069.18 |
| 5 | 72 | \$ 26,465.24 | \$ 18,116.00 | \$ 3,000.00 | \$ 41,581.24 |
| 6 | 60 | \$ 24,977.30 | \$ 18,116.00 | \$ 3,000.00 | \$ 40,093.30 |
| 7 | 48 | \$ 23,489.36 | \$ 18,116.00 | \$ 3,000.00 | \$ 38,605.36 |
| 8 | 36 | \$ 22,001.42 | \$ 18,116.00 | \$ 3,000.00 | \$ 37,117.42 |
| 9 | 24 | \$ 20,513.48 | \$ 18,116.00 | \$ 3,000.00 | \$ 35,629.48 |
| 10 | 12 | \$ 19,025.54 | \$ 18,116.00 | \$ 3,000.00 | \$ 34,141.54 |

Ridgewood Monticello Road Streetscape Project Map



Richland County Council Request of Action

Subject

Broad River Road Corridor Lighting Project [PAGES 158-169]

Notes

October 23, 2012 - The Committee recommended that Council approve the request to install the 33 lights within the Broad River Corridor and Community study area, contingent upon the offending language being removed from the lighting agreement.

Richland County Council Request of Action

Subject: Broad River Road Corridor Lighting Project

A. Purpose

County Council is requested to approve a five (5) year+ agreement with SCE&G for the installation and monthly maintenance of street lights along Broad River Road in the Broad River Road Corridor and Community Study area, from the Broad River Bridge to the Harbison State Forest. This would involve monthly installments of \$664.95 for thirty-three (33) lights.

B. Background / Discussion

Richland County Council is being asked to approve the installation of thirty-three (33) 400 watt high pressure sodium Cobra head-style fixtures on six foot arms mounted to existing SCE&G electric poles in the Broad River Road Corridor and Community Master Plan area as a step towards implementation of the master plan. Installation of the 33 lights will require one (1) additional transformer to serve the lights.

A total of fifty-three (53) lights will actually be installed, but twenty (20) of those lights fall within the City of Columbia municipal boundaries. The City of Columbia is in the process of agreeing to provide funding for the twenty (20) lights and one (1) transformer that is within their municipal boundaries as a part of their lighting agreement with SCE&G. It is anticipated that City Council will approve the request in November.

C. Legislative/Chronological History

Funding for the lighting in the Broad River Road Corridor in the amount of \$75,000 was approved and appropriated during FY 12 from the Planning and Development Services Department/Neighborhood Improvement Program Division budget. The FY 12 funds were rolled over to FY 13, as these funds were not used in FY 12; therefore, funding exists for this project.

D. Financial Impact

The cost per year for the 33 lights is \$7,979.40. In addition, an upfront cost of \$800.00 is required to install the needed transformer for the Richland County-Broad River Road Streetscape project located along Broad River Road from Harbison Boulevard to Marley Drive.

| Qty | Type of Luminaire | Rate | Lease Charges/Month |
|-------------------------------|--|------|---------------------|
| 33 | 400 Watt High Pressure Sodium, 45,000 Lumens | 26 | \$ 20.15 |
| Total Lease Charges Per Month | | | \$664.95 |

The total cost for the first five years under the proposed agreement with SCE&G would be \$40,697.00 (\$7,979.40 X 5 years + \$800 transformer). However, funds in the amount of \$75,000 for installation and monthly charges were appropriated during FY 12 (and rolled over

to FY 13) from the Planning and Development Services Department/Neighborhood Improvement Program Division budget.

This appropriation (\$75,000) is in excess of what is quoted in this contract (\$40,697.00 for 5 years, includes transformer), which means that the contract could be extended for an additional four years beyond the original term. The contract states that the contract will continue year to year after the first five years unless either Party gives written notice 30 days prior to the end of a term. (\$7,979.40 X 9 years + \$800 transformer = \$72,614.60; \$75,000 was budgeted for this project.)

E. Alternatives

1. Approve the request to install the needed lighting for the Broad River Road Corridor as a first step towards implementation of this Master Plan.
2. Do not approve the request to install lighting for the Broad River Road Corridor.

F. Recommendation

It is recommended that Council approve the request to install the 33 lights within the Broad River Road Corridor and Community Study area.

Recommended by: Tracy Hegler Department: Planning Date: October 1, 2012

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation based on previous Council approval of project, funding availability and Planning Director recommendation.

Procurement

Reviewed by: Rodolfo Callwood

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 10/17/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, the County cannot indemnify or hold harmless a third party. The offending language has been removed from the attached contract.

Administration

Reviewed by: Sparty Hammett

Date: 10/18/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval, as indicated in the ROA, Council previously approved the lighting during the FY12 budget process.

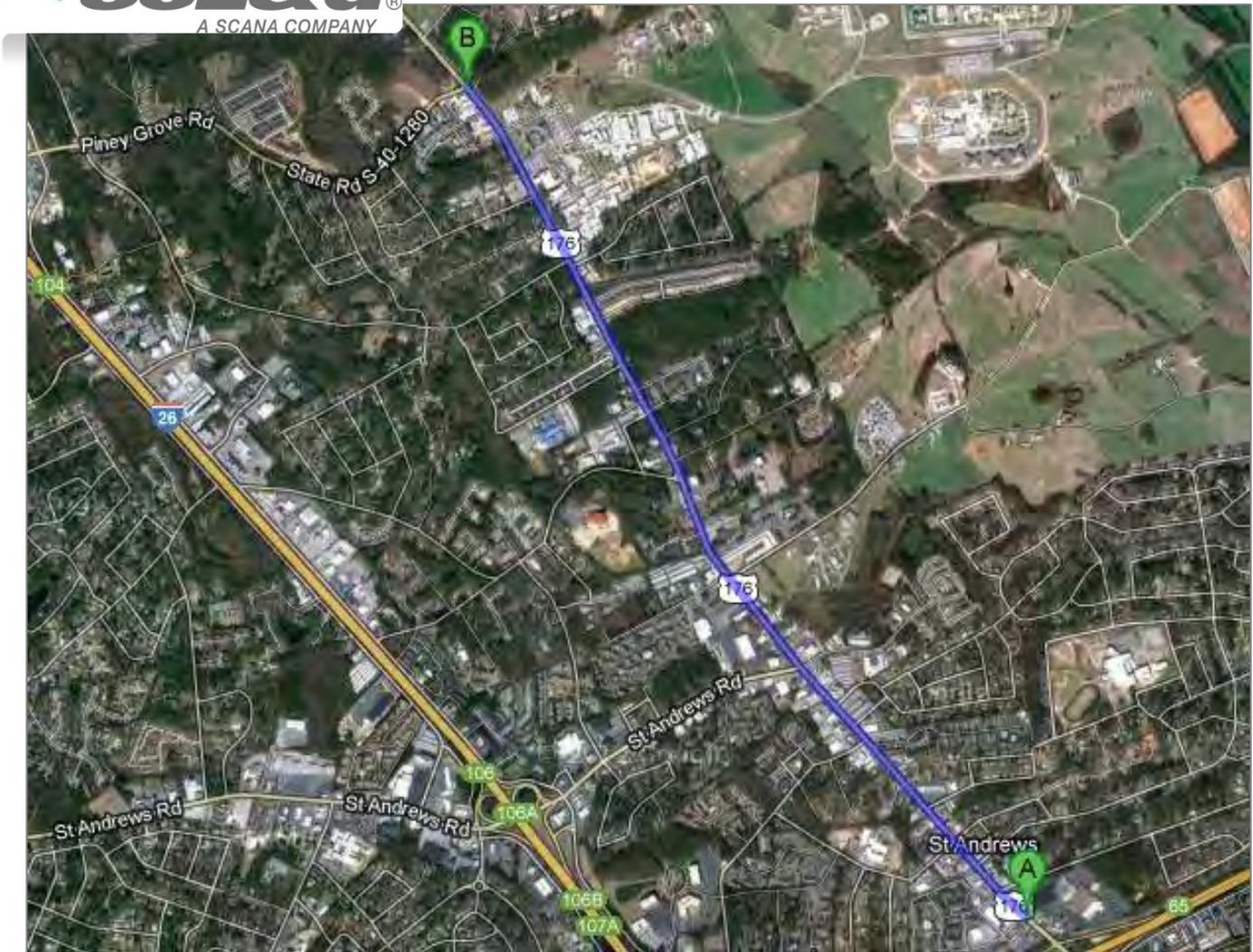


Richland County Broad River Road Streetscape

Broad River Road Streetscape

Scope: Street lighting from Briargate Cir/Marley Drive to Piney Grove Road.

Proposal: Installation of 53 Fixtures along the approximate 2.5



miles of Broad River Road.

Description

Install 53 – 400 watt high pressure sodium Cobrahead–style fixtures on six foot arms mounted on existing SCE&G electric poles

- 33 lights fall inside the Richland County municipal boundary and 20 lights fall inside the City of Columbia municipal boundary
- This installation will require one additional transformer to serve some of the lights and, therefore, this installation will require an up-front installation charge of \$800.00
- Requires a 5 year lighting agreement with Richland County
- All Lighting Rates are subject to any PSC-approved rate increases

Total Charges

- Up-front installation charge of \$800.00
- 33 Fixtures @ \$20.15 each per month = \$664.95 total per month

Cobrahead Roadway Cutoff

This cutoff-style cobrahead emanates useful light at lower angles for a precise distribution. Optics are computer-designed for maximum performance.



WATTAGE/TYPE

150 HPS 15,000 Lumens
400 HPS 50,000 Lumens
100 MH 9,000 Lumens
320 MH 30,000 Lumens

AREA OF ILLUMINATION



AGREEMENT FOR PRIVATE SECURITY LIGHTING SERVICE

THIS AGREEMENT made this 8th day of October, 2012 by and between South Carolina Electric & Gas Company, for itself, its successors and assigns hereinafter called "Company" and **Richland County – Broad River Road Streetscape** located along Broad River Road from Harbison Boulevard to Marley Drive in Columbia, South Carolina, hereinafter called "Customer".

It being agreed and understood that:

1. **EQUIPMENT:** Company will install and maintain standard light(s) and pole(s) as follows:

| Qty | Type Luminaire(s)/Pole(s) | Rate | Lease Charges/Month |
|---------------------------------------|--|------|---------------------|
| | 100 Watt Metal Halide, 9,000 Lumens | 26 | \$ |
| | 150 Watt High Pressure Sodium, 15,000 Lumens | 26 | \$ |
| | 320 Watt Metal Halide, 30,000 Lumens | 25 | \$ |
| 33 | 400 Watt High Pressure Sodium, 45,000 Lumens | 26 | \$20.15 |
| | 30' Wooden Pole | 26 | \$ |
| | 35' Wooden Pole | 26 | \$ |
| | 25' Fiberglass Pole | 26 | \$ |
| | Other: | X | \$ |
| TOTAL LEASE CHARGES PER MONTH: | | | \$664.95 |

All charges are subject to S.C. sales tax and all other applicable fees. These charges are in accordance with Company's published rates. Company will retain ownership of facilities installed on Customer's premises.

2. **LIGHTING SERVICE:** Company shall provide lighting service from dusk (one half (1/2) hour after sunset) to dawn (one half (1/2) hour before sunrise) each night during the Agreement period for a total of approximately four thousand (4000) hours of lighting per year. Company does not guarantee lighting level for security or public safety purposes. Customer agrees that lighting is not designed in accordance with the Illuminating Engineering Society (IES) recommended maintained luminance and illumination values for roadways and area lighting.
3. **TERM:** The initial term of the Agreement is for five (5) years, beginning on the date service is established, and Agreement continues thereafter from year to year until terminated by at least thirty (30) days prior written notice by either Party to the other of its intention to terminate the Agreement, except as noted in Item 5 below.
4. **DEPOSIT:** Customer will make a deposit of \$0.00 before commencement of the lighting installation. Deposit will be refunded, together with any interest then due, less any monies owed for service, at the end of the Agreement term, provided Customer's payment history has been satisfactory. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. Company reserves the right to terminate this Agreement and remove the lighting facilities at any time at its sole discretion. In this event, no termination charge will be applied.
5. **EARLY TERMINATION CHARGE:** Customer requested cancellation of this Agreement prior to expiration of the initial Agreement term as noted in Item 3 above will result in an early termination charge of \$2,475.00. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. The occurrence of any one or more of the following events by Customer shall constitute a default by Customer: 1) bankruptcy; 2) non-payment; or 3) discontinuation of access. In the event of default by Customer, Company reserves the right to terminate this Agreement, upon written notice to Customer and the early termination charges shall apply. Company reserves the right to terminate this Agreement, for its convenience and due to no fault by Customer, and remove the lighting facilities, in which event no early termination charge shall be applied.
6. **RIGHT OF WAY:** Customer hereby grants Company free access and right of way to maintain, install and remove any and all luminaires, poles, conductors and appurtenances associated with the lighting facilities contained within this Agreement. If vegetation prevents access, Company may use reasonable means to remove vegetation to gain access.
7. **INSTALLATION AND MAINTENANCE:** Customer is responsible for locating and marking all facilities, (irrigation, water, sewer, drainage, etc.) in areas where digging will take place if not part of the Palmetto Utility Protection Service (PUPS). Company is not responsible for any damage to Customer owned utilities such as irrigation, sewer, cable, water taps, etc. that have not been located or have been mis-located. Customer is responsible for: 1) notification to Company of any non-functioning or mal-functioning luminaires; 2) obtaining all applicable governmental permissions; 3) compliance with any governmental ordinances; and 4) payment to Company any and all costs associated with

change-out of lighting fixtures associated with Customer's non-compliance noted above. Company shall perform all ordinary replacement and maintenance on the equipment and appurtenances, including replacement of Company's standard lamps, photocells, poles, fixtures, conductors, conduit and electrical connections due to normal wear and tear. In the event of accidental damage or vandalism, Company shall bill Customer and hold Customer

responsible for all replacement work that is not recovered by Company from third party tortfeasors. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any landscape or pavement replacement that may be necessary as a result of the Company performing maintenance on the lighting facility. Customer will maintain a reasonable working distance around luminaires and poles.

Customer Initials/Date

8. **RELOCATION:** If Customer elects, for any reason, to require removal or relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.
9. **RATES AND TERMS:** The Rates and Terms under this Agreement are in accordance with Company's published Rates and General Terms and Conditions which are incorporated herein by reference and are available upon request. Rates and Terms are subject to change at any time by the South Carolina Public Service Commission in the manner prescribed by law.
10. **LIMITATION OF LIABILITY:** THE PARTIES AGREE, AS AN ESSENTIAL CONDITION OF THIS AGREEMENT, THAT COMPANY SHALL HAVE NO LIABILITY TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES EXCEPT TO THE EXTENT OF COMPANY'S NEGLIGENCE. ~~CUSTOMER AGREES TO INDEMNIFY COMPANY IN THE EVENT THAT A THIRD PARTY SHOULD BRING A CLAIM AGAINST COMPANY ARISING OUT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES.~~

IN NO EVENT WILL COMPANY BE LIABLE FOR INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES. THE LIABILITY OF COMPANY SHALL IN NO EVENT EXCEED THE AMOUNT PAID BY CUSTOMER TO COMPANY DURING THE TWELVE MONTHS PRECEEDING THE EVENT WHICH GIVES RISE TO THE UNDERLYING CLAIM.

11. **WARRANTIES:** COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, COMPANY EXPLICITLY DISCLAIMS ANY WARRANTY REGARDING THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES REGARDING THE SUITABILITY, PRACTICALITY, VIABILITY, OR FUNCTIONALITY OF THE PRODUCTS AND SERVICES PROVIDED HEREUNDER, EXCEPT AS SPECIFICALLY STATED HEREIN. COMPANY SPECIFICALLY DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL INCREASE SAFETY OR REDUCE THE POSSIBILITY OF CRIMINAL ACTIVITY. THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE SPECIFICALLY DISCLAIMED.

OTHER CONSIDERATIONS: Deposit waived – Left in as Termination Charge. Contribution in Aid to Construction of \$800.00 is required for this installation and to be paid prior to installation.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in two identical counterparts each having the same legal significance as the other.

SOUTH CAROLINA ELECTRIC & GAS COMPANY

RICHLAND COUNTY

BY: _____

BY: _____

PRINT NAME: Daniel F. Kassis _____

PRINT NAME _____

TITLE: Vice President of Customer Service _____

TITLE: _____

DATE: _____

DATE: _____

MAILING ADDRESS: _____

ACCOUNT NO: _____

RATE 26

**OVERHEAD PRIVATE
STREET LIGHTING**

AVAILABILITY

This rate is available to customers using the Company's electric service for overhead street lighting.

RATE

All night street lighting service where fixtures are mounted on Company's existing standard wooden poles which are a part of Company's distribution system will be charged for at the following rates:

| | SIZE AND DESCRIPTION | Lamp Charges per Month | kWh per Month |
|--------|---------------------------------|-----------------------------------|--------------------------|
| 9,000 | Lumens (MH) (100W) Closed Type | \$ 10.36 | 37 |
| 15,000 | Lumens (HPS) (150W) Open Type | \$ 10.64 | 57 |
| 15,000 | Lumens (HPS) (150W) Closed Type | \$ 12.06 | 62 |
| 30,000 | Lumens (MH) (320W) Closed Type | \$ 18.64 | 123 |
| 50,000 | Lumens (HPS) (400W) Closed Type | \$ 20.15 | 158 |

The following fixtures are available for new installations only to maintain pattern sensitive areas:

| | | | |
|--------|--|----------|-----|
| 9,500 | Lumens (HPS) (100W) Open Type | \$ 10.59 | 38 |
| 9,500 | Lumens (HPS) (100W) Closed Type | \$ 10.59 | 38 |
| 15,000 | Lumens (HPS) (150W) Open Type - Retrofit | \$ 10.64 | 63 |
| 27,500 | Lumens (HPS) (250W) Closed Type | \$ 17.41 | 102 |
| 45,000 | Lumens (HPS) (360W) Closed Type - Retrofit | \$ 19.75 | 164 |

Effective January 2009, selected existing light sets will no longer be available for new installations. Replacement light sets will only be available until inventory is depleted and will be replaced on a first-come, first-served basis. Affected lights are as follows:

| | | | |
|--------|-------------------------------------|----------|-----|
| 7,500 | Lumens (Mercury) (175W) Open Type | \$ 9.82 | 69 |
| 7,500 | Lumens (Mercury) (175W) Closed Type | \$ 12.07 | 69 |
| 10,000 | Lumens (Mercury) (250W) Open Type | \$ 14.79 | 95 |
| 20,000 | Lumens (Mercury) (400W) Closed Type | \$ 18.69 | 159 |

Cost per month for each additional pole:

| | 25' | 30' | 35' | 40' | 45' |
|--------------|--------|--------|--------|--------|--------|
| (Fiberglass) | \$9.95 | \$4.65 | \$5.10 | \$6.50 | \$7.75 |

MINIMUM CHARGE

When construction costs exceed four (4) times the estimated annual revenue excluding fuel revenue to be derived by the Company, the customer may make a contribution in aid of construction of the excess cost or pay the Company's standard facility rate on the excess construction cost in addition to the rate charges above.

ADJUSTMENT FOR FUEL AND VARIABLE ENVIRONMENTAL COSTS

Fuel costs of \$.03541 per kWh are included in the monthly lamp charge and are subject to adjustment by the Public Service Commission of South Carolina.

STORM DAMAGE COMPONENT

Inclusion of a storm damage component has been indefinitely suspended until further order of the Public Service Commission of South Carolina.

SALES AND FRANCHISE TAX

To the above will be added any applicable sales tax, franchise fee or business license tax which may be assessed by any state or local governmental body.

PAYMENT TERMS

All bills are net and payable when rendered.

TERM OF CONTRACT

The initial term of this contract shall be for a period of five (5) years and, thereafter, for like periods until terminated by either party on thirty days' written notice, but the Company may require a contract of initial term up to ten (10) years and may require an advance deposit not to exceed one half of the estimated revenue for the term of the initial contract. The Company reserves the right to remove its facilities when subject to vandalism or for other cogent reasons.

SPECIAL PROVISIONS

The Company will furnish, erect, operate and maintain all necessary equipment in accordance with its standard specifications. It is the customer's responsibility to notify the Company when equipment fails to operate properly. Non-standard service requiring underground, special fixtures and/or poles will be furnished only when the customer pays the difference in costs between such non-standard service and standard service or pays to the Company its normal monthly facility charge based on such difference in costs.

GENERAL TERMS AND CONDITIONS

The Company's General Terms and Conditions are incorporated by reference and are a part of this rate schedule.

AGREEMENT FOR PRIVATE SECURITY LIGHTING SERVICE

THIS AGREEMENT made this 8th day of October, 2012 by and between South Carolina Electric & Gas Company, for itself, its successors and assigns hereinafter called "Company" and **Richland County – Broad River Road Streetscape** located along Broad River Road from Harbison Boulevard to Marley Drive in Columbia, South Carolina, hereinafter called "Customer".

It being agreed and understood that:

1. **EQUIPMENT:** Company will install and maintain standard light(s) and pole(s) as follows:

| Qty | Type Luminaire(s)/Pole(s) | Rate | Lease Charges/Month |
|---------------------------------------|--|------|---------------------|
| | 100 Watt Metal Halide, 9,000 Lumens | 26 | \$ |
| | 150 Watt High Pressure Sodium, 15,000 Lumens | 26 | \$ |
| | 320 Watt Metal Halide, 30,000 Lumens | 25 | \$ |
| 33 | 400 Watt High Pressure Sodium, 45,000 Lumens | 26 | \$20.15 |
| | 30' Wooden Pole | 26 | \$ |
| | 35' Wooden Pole | 26 | \$ |
| | 25' Fiberglass Pole | 26 | \$ |
| | Other: | X | \$ |
| TOTAL LEASE CHARGES PER MONTH: | | | \$664.95 |

All charges are subject to S.C. sales tax and all other applicable fees. These charges are in accordance with Company's published rates. Company will retain ownership of facilities installed on Customer's premises.

2. **LIGHTING SERVICE:** Company shall provide lighting service from dusk (one half (1/2) hour after sunset) to dawn (one half (1/2) hour before sunrise) each night during the Agreement period for a total of approximately four thousand (4000) hours of lighting per year. Company does not guarantee lighting level for security or public safety purposes. Customer agrees that lighting is not designed in accordance with the Illuminating Engineering Society (IES) recommended maintained luminance and illumination values for roadways and area lighting.
3. **TERM:** The initial term of the Agreement is for five (5) years, beginning on the date service is established, and Agreement continues thereafter from year to year until terminated by at least thirty (30) days prior written notice by either Party to the other of its intention to terminate the Agreement, except as noted in Item 5 below.
4. **DEPOSIT:** Customer will make a deposit of \$0.00 before commencement of the lighting installation. Deposit will be refunded, together with any interest then due, less any monies owed for service, at the end of the Agreement term, provided Customer's payment history has been satisfactory. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. Company reserves the right to terminate this Agreement and remove the lighting facilities at any time at its sole discretion. In this event, no termination charge will be applied.
5. **EARLY TERMINATION CHARGE:** Customer requested cancellation of this Agreement prior to expiration of the initial Agreement term as noted in Item 3 above will result in an early termination charge of \$2,475.00. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. The occurrence of any one or more of the following events by Customer shall constitute a default by Customer: 1) bankruptcy; 2) non-payment; or 3) discontinuation of access. In the event of default by Customer, Company reserves the right to terminate this Agreement, upon written notice to Customer and the early termination charges shall apply. Company reserves the right to terminate this Agreement, for its convenience and due to no fault by Customer, and remove the lighting facilities, in which event no early termination charge shall be applied.
6. **RIGHT OF WAY:** Customer hereby grants Company free access and right of way to maintain, install and remove any and all luminaires, poles, conductors and appurtenances associated with the lighting facilities contained within this Agreement. If vegetation prevents access, Company may use reasonable means to remove vegetation to gain access.
7. **INSTALLATION AND MAINTENANCE:** Customer is responsible for locating and marking all facilities, (irrigation, water, sewer, drainage, etc.) in areas where digging will take place if not part of the Palmetto Utility Protection Service (PUPS). Company is not responsible for any damage to Customer owned utilities such as irrigation, sewer, cable, water taps, etc. that have not been located or have been mis-located. Customer is responsible for: 1) notification to Company of any non-functioning or mal-functioning luminaires; 2) obtaining all applicable governmental permissions; 3) compliance with any governmental ordinances; and 4) payment to Company any and all costs associated with change-out of lighting fixtures associated with Customer's non-compliance noted above. Company shall perform all ordinary replacement and maintenance on the equipment and appurtenances, including replacement of Company's standard lamps, photocells, poles, fixtures, conductors, conduit and electrical connections due to normal wear and tear. In the event of accidental damage or vandalism, Company shall bill Customer and hold Customer

responsible for all replacement work that is not recovered by Company from third party tortfeasors. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any landscape or pavement replacement that may be necessary as a result of the Company performing maintenance on the lighting facility. Customer will maintain a reasonable working distance around luminaires and poles.

Customer Initials/Date

- 8. **RELOCATION:** If Customer elects, for any reason, to require removal or relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.
- 9. **RATES AND TERMS:** The Rates and Terms under this Agreement are in accordance with Company's published Rates and General Terms and Conditions which are incorporated herein by reference and are available upon request. Rates and Terms are subject to change at any time by the South Carolina Public Service Commission in the manner prescribed by law.
- 10. **LIMITATION OF LIABILITY:** THE PARTIES AGREE, AS AN ESSENTIAL CONDITION OF THIS AGREEMENT, THAT COMPANY SHALL HAVE NO LIABILITY TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES EXCEPT TO THE EXTENT OF COMPANY'S NEGLIGENCE.

IN NO EVENT WILL COMPANY BE LIABLE FOR INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES. THE LIABILITY OF COMPANY SHALL IN NO EVENT EXCEED THE AMOUNT PAID BY CUSTOMER TO COMPANY DURING THE TWELVE MONTHS PRECEDING THE EVENT WHICH GIVES RISE TO THE UNDERLYING CLAIM.

- 11. **WARRANTIES:** COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, COMPANY EXPLICITLY DISCLAIMS ANY WARRANTY REGARDING THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES REGARDING THE SUITABILITY, PRACTICALITY, VIABILITY, OR FUNCTIONALITY OF THE PRODUCTS AND SERVICES PROVIDED HEREUNDER, EXCEPT AS SPECIFICALLY STATED HEREIN. COMPANY SPECIFICALLY DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL INCREASE SAFETY OR REDUCE THE POSSIBILITY OF CRIMINAL ACTIVITY. THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE SPECIFICALLY DISCLAIMED.

OTHER CONSIDERATIONS: Deposit waived – Left in as Termination Charge. Contribution in Aid to Construction of \$800.00 is required for this installation and to be paid prior to installation.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in two identical counterparts each having the same legal significance as the other.

SOUTH CAROLINA ELECTRIC & GAS COMPANY

RICHLAND COUNTY

BY: _____

BY: _____

PRINT NAME: Daniel F. Kassis

PRINT NAME _____

TITLE: Vice President of Customer Service

TITLE: _____

DATE: _____

DATE: _____

MAILING ADDRESS: _____

ACCOUNT NO: _____

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 13, 2012 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 | Kelvin E. Washington, Sr. |
| Vice Chair | L. Gregory Pearce, Jr. |
| Member | Joyce Dickerson |
| Member | Valerie Hutchinson |
| Member | Norman Jackson |
| Member | Gwendolyn Davis Kennedy |
| Member | Bill Malinowski |
| Member | Jim Manning |
| Member | Paul Livingston |
| Member | Seth Rose |
| Absent | Damon Jeter |

OTHERS PRESENT – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Yanisse Adrian-Silva, Sara Salley, John Hixon, Nelson Lindsay, Geo Price, Tracy Hegler, David Hoops, Dale Welch, Janet Claggett, Hayden Davis, Alonzo Smith, Buddy Atkins, Michael Byrd, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:08 p.m.

INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

Fund Balance for transfer to the Solid Waste Operating Budget for the sole purpose of purchasing roll carts [THIRD READING]

- **And Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184m496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 6A, Conservation; so that a new department will be created [THIRD READING]**
- **An Ordinance Amending Ordinance 043-10HR, so as to increase the rate of copy charges for autopsy reports to \$500 [THIRD READING]**
- **An Ordinance Authorizing the Second Amendment of that certain Fee Agreement by and between Richland County, South Carolina and [Project Resolve], relating to, without limitation, the payment to Richland County of a fee in lieu of taxes and the grant of a special source revenue credit to [Project Resolve], and other matters relating thereto [SECOND READING]**
- **An Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fee on the investment by [Project Resolve], and other matters related thereto [SECOND READING]**
- **12-32MA, Terry Darragh, Richland County Landfill, Inc., RU to HI (79.11 Acres), Screaming Eagle Rd., 31600-02-18(p) [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as —Reserved” [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-176 Landscaping Standards; Subsection (J), Protection of Existing Trees During Development; Paragraph (3), Exemptions-Protection; so as to remove buffer and BMP requirements for forestry activities [SECOND READING]**
- **Changes to Employee Handbook-Promotion Probation**
- **Ridgewood Monticello Road Streetscape Project (Bid Award Approval and Commercial Lighting Fee Increase)**

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

General Obligation Bonds for the Richland County Recreation Commission – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the committee's recommendation. A discussion took place.

The vote in favor was unanimous.

Santee Wateree Transit Authority Motion and COG Transit Analysis – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the committee's recommendation. The vote was in favor.

IT Server Room HVAC Upgrade – Mr. Malinowski moved, seconded by Ms. Hutchinson. A discussion took place.

The vote in favor was unanimous.

Broad River Road Corridor Lighting Project – Mr. Malinowski moved, seconded by Mr. Jackson, to further negotiate the agreement with SCE&G. A discussion took place.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to defer this item. The motion to defer failed.

The motion to further negotiate the agreement with SCE&G failed.

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve staff's recommendation. The vote was in favor.

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office [FIRST READING] – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

The vote was in favor.

Develop a Master Plan for the Olympia Neighborhood [TO TABLE] – Mr. Washington moved, seconded by Mr. Rose, to authorize staff to discuss with the City of Columbia an option to partner with the County on Master Plan(s) for the Olympia and Whaley communities. Recommendations will be discussed at the Council Retreat.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to authorize staff to engage the City of Columbia on their willingness to a partner in a Master Plan for the Olympia and Whaley Street neighborhoods. Mr. Rose withdrew his substitute motion.

The vote in favor.



**RICHLAND COUNTY COUNCIL
REGULAR SESSION AGENDA**

**JULY 1, 2014
6:00 PM**

| | |
|-----------------------------|--------------------------------------|
| CALL TO ORDER | THE HONORABLE NORMAN JACKSON |
| INVOCATION | THE HONORABLE BILL MALINOWSKI |
| PLEDGE OF ALLEGIANCE | THE HONORABLE BILL MALINOWSKI |

Approval Of Minutes

1. Regular Session: June 17, 2014 [PAGES 8-16]
2. Zoning Public Hearing: June 24, 2014 [PAGES 17-20]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

3. a. Contractual Matter: Convention Center Agreement
- b. Solid Waste Disposal Contract
- c. Project LR: Contractual Matter
- d. Contractual Matter: Victim's Assistance

Citizen's Input

4. For Items on the Agenda Not Requiring a Public Hearing

Report Of The County Administrator

5. a. Contractual Matter: Convention Center Agreement
- b. Public Information Office

14. High Performance Building Policy Options [**PAGES 52-61**]
15. Richland County Commission on Aging [**PAGES 62-69**]
16. County Recycling Services [**PAGES 70-94**]
17. Department of Public Works: Denton Dr. Ditch Stabilization Project [**PAGES 95-100**]
18. Expiration of County's Municipal Solid Waste Disposal Contract [**PAGES 101-122**]
19. RC Conservation Commission Financial Contribution for the Acquisition of a Historic Property [**PAGES 123-130**]
20. South Carolina Rural Infrastructure Grant Approval and Additional Funding for Project Engineering Design and Easement Acquisition [**PAGES 131-148**]
21. Hospitality Tax Ordinance Agency Procurement [**PAGES 149-159**]
22. Detention Center- HVAC Maintenance Contract [**PAGES 160-194**]
23. Approval of FY 14-15 Budgets within the FY 14-15 Annual Action Plan for Community Development Department Funds [**PAGES 195-198**]
24. Monticello Road Streetscape Project (Construction Bid Award Approval) – Phase II [**PAGES 199-204**]
25. Minimum Residence Requirement for SLBE Program Applicants [**PAGES 205-208**]
26. Ad Hoc Health Insurance Study Committee [**PAGES 209-211**]

Third Reading Items

27. An Ordinance Authorizing pursuant to Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Section 68 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of a Special Source Revenue Credit Agreement between Richland County, South Carolina and Project Cesium; and matters relating thereto [**PAGES 212-243**]
28. An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 2, Public Works; Section 2-197, Use of County Equipment by Private Parties and During Public Emergencies; and Chapter 21, Roads, Highways and Bridges; Article I, in general; Section 21-4, Drainage on Private Property; and Section 21-16; so as to broaden the circumstances under which the County may perform emergency maintenance [**PAGES 244-248**]

Second Reading Items

29. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration;

Richland County Council Request of Action

Subject

Monticello Road Streetscape Project (Construction Bid Award Approval) – Phase II [**PAGES 199-204**]

Notes

June 24, 2014 - The Committee recommended that Council approve the bid of \$449,636.50 to be awarded to L-J Inc. for Monticello Road Streetscape construction (Phase II).

Richland County Council Request of Action

Subject: Monticello Road Streetscape Project (Construction Bid Award Approval) – Phase II

A. Purpose

County Council is requested to approve the bid to be awarded to L-J, Inc. for Monticello Streetscape Phase II. This vendor was vetted through URS (see attached letter), the contract manager for the project, and was recommended to Richland County's Procurement Department as the lowest, responsible, responsive bidder at \$449,636.50 for Phase II of the Monticello Road Streetscape Project. Procurement has given their approval to this vendor. Phase II construction will be the final phase of the project. Richland County Community Development allocated Community Development Block Grant (CDBG) funds for construction of Phase II. No County funds will be requested for the construction. The timeline for Phase II is expected to take 120 days to complete once work begins. The project has been on hold for some time, but Phase II is ready to proceed.

B. Background / Discussion

The Monticello Road Streetscape design is focused on repair of existing infrastructure, safety and beautification. There are residents, businesses, schools and churches directly impacted by the project. The community is located south of Interstate 20 at Monticello Road near the Exit 68 interchange (see attached map). Updates to this area are reflective of the 2004 Council approved Ridgewood Master Plan.

On November 13, 2012, County Council awarded Cherokee Construction the contract to construct Phase I in the amount of \$315,815.20. Phase I is complete and the final invoice has been paid. Cherokee responded to the request for bid for Phase II by submitting a no response bid along with L-J Inc. and AOS Specialty Contractors, Inc.

Initially, the estimated cost for Phase I and II for the Monticello Road Streetscape Project was \$500,000.00. The budget for Phase I construction was \$315,815.20. However, during the construction the scope of work changed and some of the items were transferred to Phase II. As a result, the final cost for Phase I was \$219,602.00.

Phase II will consist of demolition of a concrete block building and appurtenances at 5229 Ridgeway Street, and demolition of a block retaining wall. Also, Phase II includes construction and installation of concrete steps, sidewalk segments, asphalt pavements, curb, gutter, and street signage. Twenty (21) decorative streetlights will be installed, including 6 in the City of Columbia. A 305 LF retaining wall will be constructed along the east side of Monticello Road. The maximum height is expected to be 6 feet. A 185 LF modular brick wall will be constructed along the west side of Monticello Road. Standard height is expected to be 2 feet. There will also be hardscape and landscape improvements to include pedestrian ramps, cross walks and decorative street signage.

C. Legislative / Chronological History

On March 2, 2010, County Council minutes reflect approval of the Monticello Road streetscape design.

On November 13, 2012, Council minutes reflect approval to award Cherokee Inc. the contract in the amount of \$315,815.20 for construction of Phase I.

On May 6, 2014, Council minutes denote approval of a Community Development budget amendment to receive \$71,000.00 from the City of Columbia earmarked for the streetscape of one city block on Monticello Road.

D. Financial Impact

There is no financial impact to the County for the approval of the Phase II construction vendor. The vendor is required to honor their bid for 90 days from the date of the bid opening (May 6, 2014). For this reason we are seeking approval of the vendor and bid for construction of Phase II. There will be a service and maintenance cost associated with the installation of the additional street lighting included with Phase II of the project; however, RCCD will be submitting a separate ROA in the near future for Council approval to amend the existing County's lighting agreement with SCE&G to include Phase II lights and a slight SCE&G rate increase.

The Richland County Community Development Department will use CDBG funds for Phase II of the Monticello Road Streetscape Project for demolition, construction, and other associated costs. This amount is \$449,636.50 CDBG funds have been earmarked for this use, pending Council approval.

Ridgewood Streetscape Project

| | |
|---|---------------------|
| Streetscape Construction (FY 2012/13 & 2013/14 CDBG/City) | \$378,636.50 |
| City of Columbia | <u>\$ 71,000.00</u> |
| TOTAL | \$449,636.50 |

E. Alternatives

1. Approve the bid of \$449,636.50 to be awarded to L-J Inc. for Monticello Road Streetscape construction (Phase II).
2. Do not approve the bid of \$449,636.50 to be awarded to L-J Inc. for Monticello Road Streetscape construction (Phase II). If not approved, the Monticello Road Streetscape would not continue.

F. Recommendation

It is recommended that Council approve the bid of \$449,636.50 to be awarded to L-J Inc. for Monticello Road Streetscape construction (Phase II).

Recommended by: Valeria Jackson Department: Community Development Date: June 6, 2014

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:

✓ Recommend Council approval

Comments regarding recommendation:

Date: 6/10/14

Recommend Council denial

Procurement

Reviewed by Christy Swofford:

✓ Recommend Council approval

Comments regarding recommendation:

Date: 6/10/14

Recommend Council denial

Grants

Reviewed by: Sara Salley

✓ Recommend Council approval

Comments regarding recommendation:

Date: 6/10/14

Recommend Council denial

Legal

Reviewed by: Elizabeth McLean

Recommend Council approval

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

Date: 6/10/14

Recommend Council denial

Administration

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 6/19/14

Recommend Council denial

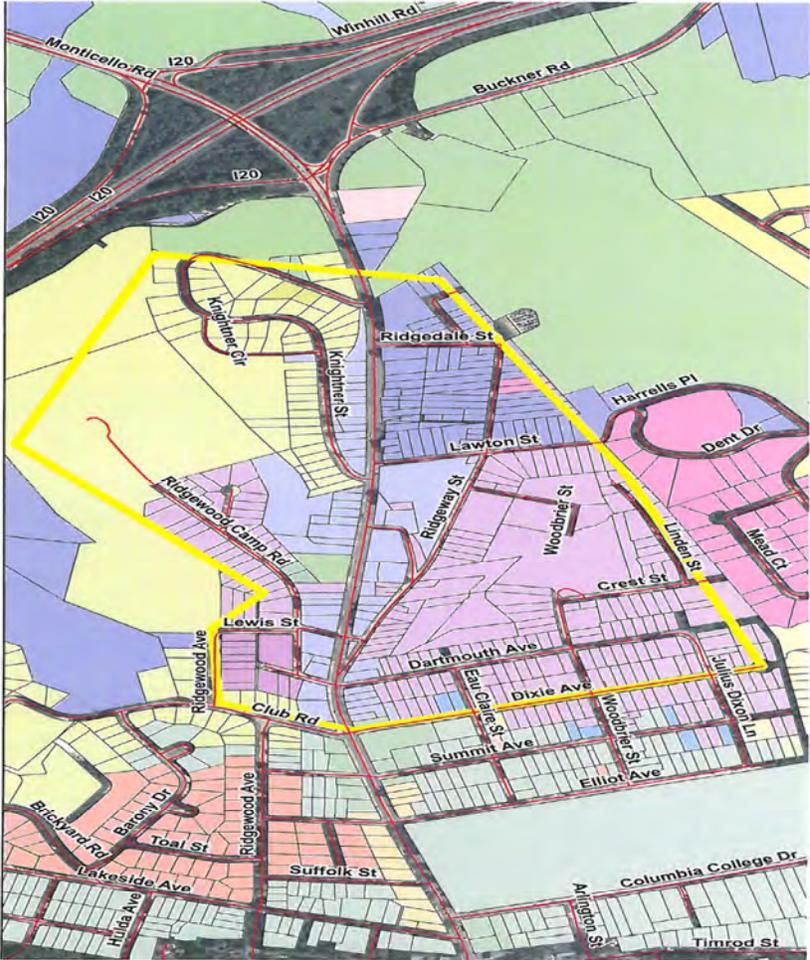
Map of Monticello Road Streetscape Project Area

Ridgewood Revitalization Area

-  Roads
-  Ridgewood_Boundary
-  <all other values>

Zoning

-  C-1
-  C-2
-  C-3
-  GC
-  HI
-  LI
-  M-1
-  OI
-  RG-1
-  RG-2
-  RG-3
-  RM-HD
-  RM-MD
-  RS-1
-  RS-2
-  RS-3
-  RS-HD
-  RS-LD
-  RS-MD
-  RU



Letter from URS



May 23, 2014

Richland County Office of Procurement
ATTN: Ms. Christy Swofford
2020 Hampton Street, Suite 3064
Columbia, SC 29204

RE: Monticello Road Improvements Phase II
CPS140592 (URS 09116/46421629)

Dear Ms. Swofford:

COPY

As you know, URS assisted Richland County with bidding services for the project referenced above. At the time bids were opened, L-J, Inc. was the apparent lowest bidder, with a total bid of \$449,636.50. After contacting references and reviewing the qualifications presented by L-J, Inc., it appears that L-J, Inc. is qualified to perform the work. URS recommends that Richland County award the project to L-J, Inc. in the amount of \$449,636.50. If you have no objection, we will prepare a Notice of Intent to Award for your signature. Please contact me at (803) 254-4400 when you are ready to proceed, or if you have any questions.

Very truly yours,

URS Corporation

A handwritten signature in blue ink, appearing to read 'WRH', is written over the printed name.

Walter R. Hodges
Project Manager

cc: Mr. Stacy Culbreath, P.E., Assistant County Engineer, Richland County
Ms. Jocelyn Jennings, Community Development, Richland County

URS Corporation
101 Research Drive
Columbia, SC 29203
Tel: 803.254.4400
Fax: 803.771.6676



**MINUTES OF
RICHLAND COUNTY COUNCIL
REGULAR SESSION
JULY 1, 2014
6:00 PM**

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

MEMBERS PRESENT:

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

OTHERS PRESENT – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Beverly Harris, Justine Jones, Ismail Ozbek, Brad Farrar, Nelson Lindsay, John Hixon, Brandon Madden, Monique McDaniels, Amelia Linder, Andy Metts, Ray Peterson, Daniel Driggers, Melinda Edwards, Sara Salley, Nancy Stone-Collum, Ronaldo Myers, Laura Saylor, Larry Smith, Tracy Hegler, Rudy Curtis, Valeria Jackson, Geo Price, Kecia Lara, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

INVOCATION

The Invocation was given by the Honorable Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-180, Signs; Subsection (f), Temporary Signs Requiring Permits; so as to delete “Grand Opening Signs” [SECOND READING]**
- **Sustainability Policy**
- **High Performance Building Policy Options**
- **Richland County Commission on Aging**
- **Department of Public Works: Denton Dr. Ditch Stabilization Project**
- **RC Conservation Commission Financial Contribution for the Acquisition of a Historic Property**
- **Hospitality Tax Ordinance Agency Procurement**
- **Approval of FY14-15 Budgets within the FY14-15 Annual Action Plan for Community Development Department Funds**
- **Monticello Road Streetscape Project (Construction Bid Award Approval) – Phase II**
- **Minimum Residence Requirement for SLBE Program Applicants**

Ms. Dickerson moved, seconded by Ms. Dixon, to approve the consent items. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson congratulated Mr. Rose on being inducted into the USC Association of Letterman Athletic Hall of Fame for Tennis.

THIRD READING ITEMS

An Ordinance Authorizing pursuant to Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Section 68 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of a Special Source Revenue Credit Agreement relating to Project Cesium; and matters relating thereto – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 2, Public Works; Section 2-197, Use of County Equipment by Private Parties and During Public Emergencies; and Chapter 21, Roads, Highways and Bridges; Article I, in general; Section 21-4, Drainage on Private Property; and Section 21-16; so as to broaden the circumstances under which the



Agenda Briefing Addendum

| | | | |
|------------------------------------|--|----------------------|-----------------------------------|
| Prepared by: | Brian Crooks, AICP | Title: | Interim Planning Services Manager |
| Department: | Community Planning & Development | Division: | Planning Services |
| Contributor: | Michael Maloney, P.E. | Title: | Director of Public Works |
| Date Prepared: | March 18, 2021 | Meeting Date: | February 23, 2021 |
| Approved for Consideration: | County Administrator | | Leonardo Brown, MBA, CPM |
| Committee: | Development & Services | | |
| Agenda Item: | 5a. Amend the County's current ordinance, in order to allow lighting on Broad River Road [DICKERSON] | | |

COUNCIL INQUIRY #1:

Where is the County currently paying for/providing lighting along Broad River Road?

Reply:

The County is currently paying for thirty-one [31] lights along Broad River Road. These are found between Marley Drive and Piney Grove Road. Specific information on this can be found under Attachment #6 of the original briefing document on pg. 83. The executed lighting agreement is provided here under Attachment 1 denoting the thirty-one [31] lights.

None of the existing lighting locations are on County maintained roads.

COUNCIL INQUIRY#2:

What could costs look like for providing lighting service County-wide in order to identify an appropriate funding source?

Reply:

During the D&S meeting Ms. Terracio and Mr. Malinowski referenced a previous cost estimate provided to Council that explored costs associated with lighting service. Planning Services is unaware of any prior detailed estimates and would defer to the appropriate staff that previously provided those costs.

Actual costs for lighting are determined based on the various rate structures provided for by Dominion Energy according to the type of service and the luminaire and pole leased or purchased. A more detailed cost estimate could be accomplished as part of a comprehensive lighting assessment by a professional lighting engineer.

Nonetheless, energy costs and the related energy cost increases will continue in perpetuity, or for as long as the lighting continues to exist.

COUNCIL INQUIRY #3:

How would need or justification for lighting in certain areas be determined? What that might entail?

Reply:

As described in Attachment #3 of the original briefing document on pg. 38, a “lighting warrant” is the method for establishing a basis on which lighting may be justified. A “lighting warrant” is an assessment of conditions against defined criteria and rating systems, which are context-specific to the site and situation. As such, the assessment does not specify where lighting is required, but rather where it would be beneficial. A “lighting warrant” or similar assessment would be able to provide an objective basis for road lighting. On pg. 52 under Attachment #3 of the original briefing document, it is noted under the “Recommendations for Steps Forward” that the County could contract with a professional lighting engineer to perform such as part of a comprehensive assessment and study of current lighting conditions, which would provide information related to the level of adequacy or inadequacy for lighting service and systems and any likely costs associated for such.

COUNCIL INQUIRY #4:

How are other peer jurisdictions and communities handling the provision for and funding of street lighting services?

Reply:

Greenville County has a mechanism that has not been widely used regarding street lighting provision that is similar to a Special Assessment. In Greenville County, requesting citizens petition the County’s Attorney office for lights. The Attorney’s Office performs an assessment to ensure the district requesting the lighting can pay for the on-going rate charge. They then utilize a Special Purpose Tax District to pay for the on-going service fees and any maintenance. Greenville County pays for the upfront installation costs, which the Special Purpose Tax District pays back over time. As such, those receiving the lighting service pay for the bill.

Public Works Staff continues to research funding and provision of street lighting by other peer jurisdictions.

ADDITIONAL COMMENTS FOR CONSIDERATION:

None.

ATTACHMENTS:

1. Broad River Road Executed Lighting Agreement

AGREEMENT FOR PRIVATE SECURITY LIGHTING SERVICE

THIS AGREEMENT made this 28th day of November, 2012 by and between South Carolina Electric & Gas Company, for itself, its successors and assigns hereinafter called "Company" and Richland County – Broad River Road Streetscape located along Broad River Road from Marley Drive to Piney Grove Road in Columbia, South Carolina, hereinafter called "Customer".

It being agreed and understood that:

1. **EQUIPMENT:** Company will install and maintain standard light(s) and pole(s) as follows:

| Qty | Type Luminaire(s)/Pole(s) | Rate | Lease Charges/Month |
|---------------------------------------|--|------|---------------------|
| | 100 Watt Metal Halide, 9,000 Lumens | 26 | \$ |
| | 150 Watt High Pressure Sodium, 15,000 Lumens | 26 | \$ |
| | 320 Watt Metal Halide, 30,000 Lumens | 25 | \$ |
| 31 | 400 Watt High Pressure Sodium, 45,000 Lumens | 26 | \$20.15 each |
| | 30' Wooden Pole | 26 | \$ |
| | 35' Wooden Pole | 26 | \$ |
| | 25' Fiberglass Pole | 26 | \$ |
| | Other: | X | \$ |
| TOTAL LEASE CHARGES PER MONTH: | | | \$624.65 |

All charges are subject to S.C. sales tax and all other applicable fees. These charges are in accordance with Company's published rates. Company will retain ownership of facilities installed on Customer's premises.

2. **LIGHTING SERVICE:** Company shall provide lighting service from dusk (one half (1/2) hour after sunset) to dawn (one half (1/2) hour before sunrise) each night during the Agreement period for a total of approximately four thousand (4000) hours of lighting per year. Company does not guarantee lighting level for security or public safety purposes. Customer agrees that lighting is not designed in accordance with the Illuminating Engineering Society (IES) recommended maintained luminance and illumination values for roadways and area lighting.
3. **TERM:** The initial term of the Agreement is for five (5) years, beginning on the date service is established, and Agreement continues thereafter from year to year until terminated by at least thirty (30) days prior written notice by either Party to the other of its intention to terminate the Agreement, except as noted in Item 5 below.
4. **DEPOSIT:** Customer will make a deposit of \$0.00 before commencement of the lighting installation. Deposit will be refunded, together with any interest then due, less any monies owed for service, at the end of the Agreement term, provided Customer's payment history has been satisfactory. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. Company reserves the right to terminate this Agreement and remove the lighting facilities at any time at its sole discretion. In this event, no termination charge will be applied.
5. **EARLY TERMINATION CHARGE:** Customer requested cancellation of this Agreement prior to expiration of the initial Agreement term as noted in Item 3 above will result in an early termination charge of \$2,325.00. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. The occurrence of any one or more of the following events by Customer shall constitute a default by Customer: 1) bankruptcy; 2) non-payment; or 3) discontinuation of access. In the event of default by Customer, Company reserves the right to terminate this Agreement, upon written notice to Customer and the early termination charges shall apply. Company reserves the right to terminate this Agreement, for its convenience and due to no fault by Customer, and remove the lighting facilities, in which event no early termination charge shall be applied.
6. **RIGHT OF WAY:** Customer hereby grants Company free access and right of way to maintain, install and remove any and all luminaires, poles, conductors and appurtenances associated with the lighting facilities contained within this Agreement. If vegetation prevents access, Company may use reasonable means to remove vegetation to gain access.
7. **INSTALLATION AND MAINTENANCE:** Customer is responsible for locating and marking all facilities, (irrigation, water, sewer, drainage, etc.) in areas where digging will take place if not part of the Palmetto Utility Protection Service (PUPS). Company is not responsible for any damage to Customer owned utilities such as irrigation, sewer, cable, water taps, etc. that have not been located or have been mis-located. Customer is responsible for: 1) notification to Company of any non-functioning or mal-functioning luminaires; 2) obtaining all applicable governmental permissions; 3) compliance with any governmental ordinances; and 4) payment to Company any and all costs associated with change-out of lighting fixtures associated with Customer's non-compliance noted above. Company shall perform all ordinary replacement and maintenance on the equipment and appurtenances, including replacement of Company's standard lamps, photocells, poles, fixtures, conductors, conduit and electrical connections due to normal wear and tear. In the event of accidental damage or vandalism, Company shall bill Customer and hold Customer

responsible for all replacement work that is not recovered by Company from third party tortfeasors. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any

| |
|---------------|
| CLP # 62098 |
| RCVD CR012813 |

responsible for all replacement work that is not recovered by Company from third party tortfeasors. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any landscape or pavement replacement that may be necessary as a result of the Company performing maintenance on the lighting facility. Customer will maintain a reasonable working distance around luminaires and poles.

Customer Initials/Date

- 8. **RELOCATION:** If Customer elects, for any reason, to require removal or relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.
- 9. **RATES AND TERMS:** The Rates and Terms under this Agreement are in accordance with Company's published Rates and General Terms and Conditions which are incorporated herein by reference and are available upon request. Rates and Terms are subject to change at any time by the South Carolina Public Service Commission in the manner prescribed by law.
- 10. **LIMITATION OF LIABILITY:** THE PARTIES AGREE, AS AN ESSENTIAL CONDITION OF THIS AGREEMENT, THAT COMPANY SHALL HAVE NO LIABILITY TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES EXCEPT TO THE EXTENT OF COMPANY'S NEGLIGENCE.

IN NO EVENT WILL COMPANY BE LIABLE FOR INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES. THE LIABILITY OF COMPANY SHALL IN NO EVENT EXCEED THE AMOUNT PAID BY CUSTOMER TO COMPANY DURING THE TWELVE MONTHS PRECEDING THE EVENT WHICH GIVES RISE TO THE UNDERLYING CLAIM.

- 11. **WARRANTIES:** COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, COMPANY EXPLICITLY DISCLAIMS ANY WARRANTY REGARDING THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES REGARDING THE SUITABILITY, PRACTICALITY, VIABILITY, OR FUNCTIONALITY OF THE PRODUCTS AND SERVICES PROVIDED HEREUNDER, EXCEPT AS SPECIFICALLY STATED HEREIN. COMPANY SPECIFICALLY DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL INCREASE SAFETY OR REDUCE THE POSSIBILITY OF CRIMINAL ACTIVITY. THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE SPECIFICALLY DISCLAIMED.

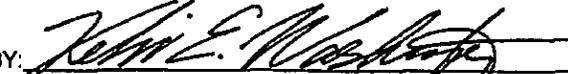
OTHER CONSIDERATIONS: Deposit waived - Left in as Termination Charge. Contribution in Aid to Construction of \$800.00 is required for this installation and to be paid prior to installation.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in two identical counterparts each having the same legal significance as the other.

SOUTH CAROLINA ELECTRIC & GAS COMPANY

RICHLAND COUNTY

BY: 

BY: 

PRINT NAME: Daniel F. Kassis

PRINT NAME: Kelvin E. Washington, Sr.

TITLE: Vice President of Customer Service

TITLE: Chair

DATE: 12/21/12

DATE: 11/20/12

MAILING ADDRESS: _____

ACCOUNT NO: _____

RATE 26

OVERHEAD PRIVATE STREET LIGHTING

AVAILABILITY

This rate is available to customers using the Company's electric service for overhead street lighting.

RATE

All night street lighting service where fixtures are mounted on Company's existing standard wooden poles which are a part of Company's distribution system will be charged for at the following rates:

| | SIZE AND DESCRIPTION | Lamp Charges per Month | kWh per Month |
|--------|---------------------------------|------------------------|---------------|
| 9,000 | Lumens (MH) (100W) Closed Type | \$ 10.36 | 37 |
| 15,000 | Lumens (HPS) (150W) Open Type | \$ 10.64 | 57 |
| 15,000 | Lumens (HPS) (150W) Closed Type | \$ 12.06 | 62 |
| 30,000 | Lumens (MH) (320W) Closed Type | \$ 18.64 | 123 |
| 50,000 | Lumens (HPS) (400W) Closed Type | \$ 20.15 | 158 |

The following fixtures are available for new installations only to maintain pattern sensitive areas:

| | | | |
|--------|--|----------|-----|
| 9,500 | Lumens (HPS) (100W) Open Type | \$ 10.59 | 38 |
| 9,500 | Lumens (HPS) (100W) Closed Type | \$ 10.59 | 38 |
| 15,000 | Lumens (HPS) (150W) Open Type - Retrofit | \$ 10.64 | 63 |
| 27,500 | Lumens (HPS) (250W) Closed Type | \$ 17.41 | 102 |
| 45,000 | Lumens (HPS) (360W) Closed Type - Retrofit | \$ 19.75 | 164 |

Effective January 2009, selected existing light sets will no longer be available for new installations. Replacement light sets will only be available until inventory is depleted and will be replaced on a first-come, first-served basis. Affected lights are as follows

| | | | |
|--------|-------------------------------------|----------|-----|
| 7,500 | Lumens (Mercury) (175W) Open Type | \$ 9.82 | 69 |
| 7,500 | Lumens (Mercury) (175W) Closed Type | \$ 12.07 | 69 |
| 10,000 | Lumens (Mercury) (250W) Open Type | \$ 14.79 | 95 |
| 20,000 | Lumens (Mercury) (400W) Closed Type | \$ 18.69 | 159 |

| Cost per month for each additional pole: | | | | | |
|--|--------|--------|--------|--------|--|
| 25' | 30' | 35' | 40' | 45' | |
| (Fiberglass) | | | | | |
| \$9.95 | \$4.65 | \$5.10 | \$6.50 | \$7.75 | |

MINIMUM CHARGE

When construction costs exceed four (4) times the estimated annual revenue excluding fuel revenue to be derived by the Company, the customer may make a contribution in aid of construction of the excess cost or pay the Company's standard facility rate on the excess construction cost in addition to the rate charges above

ADJUSTMENT FOR FUEL AND VARIABLE ENVIRONMENTAL COSTS

Fuel costs of \$ 03541 per kWh are included in the monthly lamp charge and are subject to adjustment by the Public Service Commission of South Carolina

STORM DAMAGE COMPONENT

Inclusion of a storm damage component has been indefinitely suspended until further order of the Public Service Commission of South Carolina.

SALES AND FRANCHISE TAX

To the above will be added any applicable sales tax, franchise fee or business license tax which may be assessed by any state or local governmental body

PAYMENT TERMS

All bills are net and payable when rendered

TERM OF CONTRACT

The initial term of this contract shall be for a period of five (5) years and, thereafter, for like periods until terminated by either party on thirty days' written notice, but the Company may require a contract of initial term up to ten (10) years and may require an advance deposit not to exceed one half of the estimated revenue for the term of the initial contract. The Company reserves the right to remove its facilities when subject to vandalism or for other cogent reasons

SPECIAL PROVISIONS

The Company will furnish, erect, operate and maintain all necessary equipment in accordance with its standard specifications. It is the customer's responsibility to notify the Company when equipment fails to operate properly. Non-standard service requiring underground, special fixtures and/or poles will be furnished only when the customer pays the difference in costs between such non-standard service and standard service or pays to the Company its normal monthly facility charge based on such difference in costs.

GENERAL TERMS AND CONDITIONS

The Company's General Terms and Conditions are incorporated by reference and are a part of this rate schedule.



Agenda Briefing

| | | | |
|------------------------------------|--|-----------------------------------|-------------------------|
| Prepared by: | John Ansell | Title: | General Manager |
| Department: | Public Works | Division: | Solid Waste & Recycling |
| Date Prepared: | May 05, 2021 | Meeting Date: | June 22, 2021 |
| Legal Review | Elizabeth McLean via email | Date: | June 10, 2021 |
| Budget Review | James Hayes via email | Date: | June 14, 2021 |
| Finance Review | Stacey Hamm via email | Date: | June 10, 2021 |
| Approved for consideration: | Assistant County Administrator | John M. Thompson, Ph.D., MBA, CPM | |
| Committee | Development & Services | | |
| Subject: | Adoption of the Richland County Solid Waste Management Plan (SWMP) | | |

STAFF’S RECOMMENDED ACTION:

The Solid Waste & Recycling Division Staff recommends that County Council adopt and implement the updated 2021 Richland County Solid Waste Management Plan as required by the South Carolina Solid Waste Policy and Management Act of 1991.

Request for Council Reconsideration: Yes

FIDUCIARY:

| | | | | |
|---|-------------------------------------|-----|--|----|
| Are funds allocated in the department’s current fiscal year budget? | <input checked="" type="checkbox"/> | Yes | | No |
| If no, is a budget amendment necessary? | | Yes | | No |

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The Solid Waste Management Plan (SWMP) was prepared by HDR Consulting at a cost of \$25,800.00. Purchase order CPS19056 was established for this plan.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

None.

REGULATORY COMPLIANCE:

The South Carolina Solid Waste Policy and Management Act of 1991 requires preparation of local solid waste management plans.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

| | |
|----------------|--|
| Council Member | |
| Meeting | |
| Date | |

STRATEGIC & GENERATIVE DISCUSSION:

The Solid Waste Management Plan for Richland County, South Carolina, has been prepared in compliance with the South Carolina Solid Waste Policy and Management Act of 1991 (SC SWPM Act). The goals of the Plan, along with the recommended methods for implementation, are contained herein.

The purpose of this document is to accurately depict the background and current conditions of the solid waste management system in Richland County and to establish a plan by which the County can enter into a new era of solid waste management.

In developing this Solid Waste Management Plan, the Solid Waste & Recycling Division Staff agreed that the goals of this effort would be:

- To identify any deficiencies in existing solid waste management programs and systems which should be addressed in order to meet local needs and protect public health and the environment.
- To guide the County in what solid waste management programs and facilities should be implemented and developed in the future, and
- To maintain a Solid Waste Management Plan which is in compliance with State requirements and local objectives.

ADDITIONAL COMMENTS FOR CONSIDERATION:

The original Richland County Solid Waste Management Plan was created in 1994. Revisions were made in 2005 and 2011. The 2021 plan includes current population trends, describes legislative authority, expands on our county wide recycling program, provides current economic trends and expands on existing and future of Solid Waste Management here in Richland County. The Solid Waste Industry changes continuously and this revised plan will allow Richland County to keep up with current industry standards and those for the future.

ATTACHMENTS:

1. Richland County Solid Waste Management Plan



2021 Solid Waste Management Plan

Richland County

Richland County, South Carolina

May 4, 2021

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1 Executive Summary

1.1 Introduction

The Solid Waste Policy and Management Act of 1991 (Act) requires the South Carolina Department of Health and Environmental Control (SC DHEC) to publish a Solid Waste Management Plan (State Plan). The most recent revision to the State Plan was published in 1999.

The Act also requires preparation of "local" solid waste management plans. Richland County initially developed a Solid Waste Management Plan for Richland County (Plan) in 1994 and updated it in April 2005. The Plan was again updated in 2011 but was not approved by the Richland County Council. The purpose of this revision is to update the Plan by incorporating information through Fiscal Year (FY) 2019 to correspond with the latest South Carolina Solid Waste Management Annual Report, as well as to generate planning for a future period of twenty years. For the purposes of this Plan, fiscal year is defined as July 1 through June 30 (i.e. FY 2019 is from July 1, 2018 to June 30, 2019). This update to the Plan has been organized to follow the 1999 State Plan and has been prepared so that information presented in the Plan can be readily incorporated into the appropriate chapters of the State Plan. It is recommended that the Richland County Solid Waste Management Plan be reviewed annually and updated every five years.

A brief synopsis of each Section of the 2021 Solid Waste Management Plan is provided in the remainder of this section.

1.2 Legislative Authority

Subtitle D of the Resource Conservation and Recovery Act of 1976 (RCRA) is a federal law, which was established to provide nationwide standards for management of solid waste. Because South Carolina adopted the standards outlined in Subtitle D, the United States Environmental Protection Agency (EPA) gave authorization to the State to enforce solid waste management standards.

The State law that largely governs the management of solid waste in South Carolina is the Solid Waste Policy and Management Act of 1991 (Act). The Act required SC DHEC to develop South Carolina's Solid Waste Management Plan. The Act also provided minimum standards as to the content of the Plan. Also included as part of the Act, SC DHEC was given responsibility in the development and promulgation of various regulations intended to establish minimum standards for the construction, maintenance, operation, and closure of solid waste management facilities.

Section 44-96-80(J) of the Act gives the Governing body of a county the responsibility and authority to provide for the operation of solid waste management facilities. The Governing body of the Richland County Solid Waste & Recycling Division is the Richland County Council.

A copy of the Richland County Code of Ordinance for management of solid waste (Chapter 12) is provided in *Appendix A*.



1.3 Demographics

Using the US Census Data (Census 2010) population projection growth rate, the permanent population of Richland County in FY 2019 was estimated to be 414,576. The projections are based on an estimated 0.96 percent annual growth rate through 2020; annual growth rate from 2020 to 2025 is estimated to be 0.74 percent, from 2025 through the remainder of the 20-year planning period is estimated to be 0.67 percent. The permanent population is estimated to be 479,224 people in FY 2040.

1.4 Existing and Future Solid Waste Management

According to the South Carolina Solid Waste Management Annual Report for FY 2019, each South Carolinian generated an average of 5.2 pounds per day of Municipal Solid Waste (MSW) and an average of 3.7 pounds per day of the generated MSW was disposed. Additionally, the State's per capita MSW recycling rate was an average 1.5 pounds per day. Comparatively, for Richland County in FY 2019, SC DHEC reported that Richland County had a residential per capita generation rate of 4.3 pounds per day, a per capita MSW disposal rate of 3.7 pounds per day, as well as a per capita MSW recycling rate of 0.59 pounds per day.

Collection and transfer of waste for disposal in Richland County is accomplished by varying means throughout the County, depending on the particular location. The collection of solid waste for the majority of Richland County's population is either curbside or staffed drop-off centers.

There are three permitted Class 3 Landfills within Richland County. The commercially operated, privately-owned Waste Management of Richland Landfill has an estimated 25.1 years of remaining life based on its permitted disposal rate. Based on current disposal rates, it has 30 years of remaining life. The Richland Landfill accepts the majority of the State's imported waste. The Richland Landfill has notified the County that it is planning to request an increase in the annual disposal rate for the landfill. The commercially operated, privately-owned Northeast Landfill, LLC has an estimated 10.8 years of remaining life based on its permitted disposal rate. Based on current disposal rates, it has 34.7 years of remaining life. The non-commercially operated, privately-owned Dominion Energy Wateree Station Landfill has an estimated remaining airspace of 15.1 million cubic yards. Its estimated remaining life was reported by SC DHEC in the FY 2019 South Carolina Solid Waste Management Annual Report as not applicable.

There are three permitted Class 2 Landfills within Richland County. The commercially operated, publicly owned Richland County Construction & Demolition Debris (C&D) Landfill has approximately 11 years of remaining life. The commercially operated, privately-owned Carolina Grading Inc. Landfill has approximately 150 years of remaining life. The non-commercially operated, privately-owned International Paper – Eastover Landfill has approximately nine years of remaining life.

The 1991 Solid Waste Management Act placed disposal bans (cannot be landfilled) on lead-acid batteries, used oil, yard trash & land-clearing debris, whole waste tires, and white goods. Beginning July 1, 2011, certain electronic wastes were banned from disposal in landfills in South



Carolina. Richland County provides collection, recycling, and disposal services for the banned items.

A list of SC DHEC permitted or registered solid waste facilities located within Richland County is located in *Appendix B*.

1.5 Local Government Oversight

All of the incorporated areas of Richland County, including the Cities/Towns of Arcadia Lakes, Blythewood, Cayce, Columbia, Eastover, Forest Acres, and Irmo, as well as the unincorporated collection system generate funds in support of their systems through user fees and/or property taxes. These user fees and/or property taxes pay for collection, recycling and mulching, public education, as well as disposal. The annual fee for curbside collection is included in each Richland County property owner's annual tax bill. The Town of Blythewood has an intergovernmental agreement (IGA) with Richland County whereby the solid waste services in Blythewood will be managed by Richland County.

It is the responsibility of the Richland County Solid Waste & Recycling Division to address the planning of solid waste management facilities. Richland County's primary sources of revenue to cover costs for siting, construction, operation, closure, and post-closure care of any proposed solid waste management facilities for the 20-year planning period are generated from residential solid waste fees, tipping fees, roll cart fees and sales from recyclables. Ordinance No. 954-82 plays an important role in providing a means of funding for all solid waste management and recycling facilities located in Richland County. According to Ordinance No. 954-82, the Richland County Solid Waste & Recycling Division shall annually determine the assessments to be levied for garbage services mainly based upon the level of services provided the property, the amount of funds required to finance solid waste collection, and the benefit received by the property, and advise the auditor of the assessment to be collected. It is the auditor's duty to include the assessment with the annual property tax notices. The county director of finance shall be the one to establish a solid waste enterprise fund. All receipts collected by the treasurer from the assessments for the purpose of solid waste collection will be credited to the established fund.

1.6 Goals, Policies, Strategies & Barriers

The Richland County Solid Waste & Recycling Division intends to incorporate the goals and policies set by the State into its solid waste program. Through Richland County's recycling and public education programs, significant effort has been made toward recycling and reduction of solid waste. As funding allows, the Richland County Solid Waste & Recycling Division intends to capitalize on opportunities to achieve the per capita waste generation goal and continue to work toward exceeding the recycling goal set by the State Plan. The greatest barriers to increasing solid waste reduction and recycling include adequate and affordable markets for recyclables, available funding, and education.



1.7 Public Participation, Plan Revision, and Consistency with State and Local Solid Waste Management Plan

The 2021 Richland County Solid Waste Management Plan was prepared utilizing input from local governments. While Section 44-96-80(N) of the South Carolina Solid Waste Policy and Management Act calls for the formation of a Solid Waste Advisory Council, it was decided that this formation was unnecessary as the Richland County Solid Waste & Recycling Division and local governments provided sufficient review of the Plan. This Plan will instead be submitted straight to Richland County Council by the Richland County Solid Waste & Recycling Division. Meeting minutes documenting the Richland County Council review of the Richland County Solid Waste Management Plan will be provided to SC DHEC and eventually be located in *Appendix C* of this Plan.

The Richland County Solid Waste Management Plan will be updated every five years, at a minimum. Revisions of the Richland County Solid Waste Management Plan require endorsement of the Richland County Solid Waste & Recycling Division and the Richland County Council.

Section 44-96-290(F) of the Act states no permit to construct a new solid waste management facility or to expand an existing solid waste management facility within a county or municipality may be issued by SC DHEC unless:

- The proposed facility or expansion is consistent with the local or regional solid waste management plan and the state solid waste management plan; and
- The host jurisdiction and the jurisdiction generating solid waste destined for the proposed facility or expansion can demonstrate that they are actively involved in and have a strategy for meeting the statewide goal of waste reduction established in this chapter.

All permit applications for solid waste management facilities must be submitted to SC DHEC and reviewed for consistency with the State Solid Waste Management Plan and the 2021 Richland County Solid Waste Management Plan.



2 Legislative Authority

2.1 Introduction

The purpose of this section is to describe the legislative authority for preparation of this plan.

2.2 Federal

The EPA regulates solid waste under the authority of RCRA. Non-hazardous solid waste is governed by Parts 257 and 258 of the Code of Federal Regulations. Part 258, better known as RCRA Subtitle D, establishes criteria for municipal solid waste landfills and was published in the Federal Register on October 9, 1991. The intent of this section is to establish a framework for federal, state and local government cooperation in controlling the management of non-hazardous solid waste. The federal role in this arrangement is to establish the general regulatory direction, by providing minimum nationwide standards for protecting human health and the environment and to provide technical assistance to states for planning and developing their own environmentally sound waste management practices.

2.3 State

The principle state law that governs solid waste management is the South Carolina Solid Waste Policy and Management Act of 1991 (Act).

The Act outlines its purpose as follows:

1. to protect the public health and safety, protect and preserve the environment of the State and recover resources which have the potential for further usefulness by providing for, in the most environmentally safe, economically feasible and cost-effective manner, the storage, collection, transport, separation, treatment, processing, recycling and disposal of solid waste;
2. to establish and maintain a cooperative state program for providing planning assistance, technical assistance, and financial assistance to local governments for solid waste management;
3. to require local governments to adequately plan for and provide efficient, environmentally acceptable solid waste management services and programs;
4. to promote the establishment of resource recovery systems that preserve and enhance the quality of air, water and land resources;
5. to ensure that solid waste is transported, stored, treated, processed and disposed of in a manner adequate to protect human health, safety, welfare and the environment;
6. to promote the reduction, recycling, reuse and treatment of solid waste and the recycling of materials which would otherwise be disposed of as solid waste;
7. to encourage local governments to utilize all means reasonably available to promote efficient and proper methods of managing solid waste, which may include contracting with private entities to provide management services or operate management facilities on behalf of the local government, when it is cost effective to do so;

8. to promote the education of the general public and the training of solid waste professionals to reduce the generation of solid waste, to ensure proper disposal of solid waste and to encourage recycling;
9. to encourage the development of waste reduction and recycling programs through planning assistance, technical assistance, grants and other incentives;
10. to encourage the development of the state's recycling industries by promoting the successful development of markets for recycled items and by promoting the acceleration and advancement of the technology used in manufacturing processes that use recycled items;
11. to establish a leadership role for the State in recycling efforts by requiring the General Assembly, the Governor's Office, the Judiciary and all state agencies to separate solid waste for recycling and by granting a preference in state procurement policies to products with recycled content;
12. to require counties to develop and implement source separation, resource recovery or recycling programs or all of the above, or enhance existing programs so that valuable materials may be returned to productive use, energy and natural resources conserved and the useful life of solid waste management facilities extended;
13. to require local government and state agencies to determine the full cost of providing storage, collection, transport, separation, treatment, recycling and disposal of solid waste in an environmentally safe manner; and
14. to encourage local governments to pursue a regional approach to solid waste management.

The Act required SC DHEC to develop the South Carolina Solid Waste Management Plan (Plan). As stated in Section 44-96-60 of the Act, the Plan shall, at a minimum, include:

1. an inventory of the amounts and types of solid waste currently being disposed of at solid waste disposal facilities in this State, both in the municipal solid waste stream and in the industrial solid waste stream;
2. an estimate of solid waste which will require disposal at solid waste disposal facilities in this State projected for the 20-year period following this chapter's effective date;
3. an estimate of the current capacity in this state to manage solid waste, including an identification of each solid waste management facility and a projection of its remaining useful life;
4. an evaluation of current solid waste management practices, including without limitation waste reduction, recycling, incineration, storage, processing, disposal and export;
5. an analysis of the types of solid waste facilities which will be needed to manage the state's solid waste during the projected 20-year period;
6. a description of procedures by which the state may facilitate the siting, construction and operation of new facilities needed to manage the state's solid waste over the projected 20-year period;
7. an evaluation of existing local government solid waste management programs, including recommendations, if necessary, on ways to improve such programs;

8. a description of the means by which the State shall achieve its statewide solid waste recycling and reduction goals; including recommendations on which categories of solid waste material should be recycled;
9. procedures and requirements for meeting state goals for waste reduction and recycling, including composting and objectives for waste-to-energy implementation and sanitary landfilling;
10. a description of existing state programs and recommendations for new programs or activities that will be needed to assist local governments in meeting their responsibilities under this article, whether by financial, technical or other forms of aid;
11. procedures by which local governments and regions may request assistance from SC DHEC;
12. procedures for encouraging and ensuring cooperative efforts in solid waste management by the State, local governments and private industry, including a description of the means by which the State may encourage local governments to pursue a regional approach to solid waste management;
13. minimum standards and procedures developed after consulting with local government officials which must be met by a county or region in its solid waste management plan, including the procedures that will be used to provide input from private industry and from private citizens;
14. a comprehensive analysis of the amounts and types of hazardous waste currently being disposed of in municipal solid waste landfills and recommendations regarding more appropriate means of managing such waste;
15. a description of the public education programs to be developed in consultation with local governments, other state agencies, and business and industry organizations to inform the public of solid waste management practices in this State and the need for and benefits of recycling, reduction, and other methods of managing the solid waste generated in this State;
16. a description of the program for the certification of operators of solid waste management facilities;
17. recommendations on whether to require that certain solid waste materials be made degradable and, if so, which categories of materials; and
18. a fiscal impact statement identifying the cost incurred by SC DHEC in preparing the State Solid Waste Management Plan and that which will be incurred in carrying out all of SC DHEC's duties and responsibilities under this chapter, including the number of new employees that may be necessary, and an estimate of the revenues that will be raised by the various fees authorized by this chapter.

SC DHEC published the first State Solid Waste Management Plan, pursuant to the Act, on November 27, 1992. In mid-1999, SC DHEC published the 1999 South Carolina Solid Waste Management Plan that was intended to be a revision and update of the 1992 Plan.

In an effort to streamline the regulatory process for permitting of solid waste landfills, SC DHEC promulgated a new landfill regulation that based disposal of waste on the waste's chemical and physical properties and not the source of generation of the waste, except for municipal solid waste. On May 23, 2008, Regulation 61-107.19, Solid Waste Landfills and Structural Fill,



became effective. The regulation established minimum standards for site selection, design, operation, and closure of all solid waste landfills and structural fill areas. The regulation replaced R.61-107.11, Construction, Demolition, and Land-clearing Debris Landfills; R.61-107.13, Municipal Solid Waste Incinerator Ash Landfills; 61-107.16, Industrial Solid Waste Landfills; and, 61-107.258, Municipal Solid Waste Landfills. The landfill classifications established by R.61-107.19 are reflected in Section 4, Existing and Future Solid Waste Management.

Another regulatory change that has occurred is the revision to R.61-107.17, Demonstration of Need. The revisions to the regulation became effective on June 26, 2009. Changes in the regulation drastically reduced allowable increases in the maximum annual disposal rate for Class 2 and Class 3 Landfills. Another important revision to the regulation provides for only one replacement of an existing Class 2 or Class 3 Landfill that has exhausted its capacity. From a planning standpoint, it is imperative that the capacity of the existing site be utilized to the maximum extent before moving to a replacement site.

A regulatory change occurred in R.61-107.4 Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, which became effective on June 26, 2015. Changes in the regulation were related to feedstock categories for composting.

The SC Solid Waste Policy and Management Act of 1991, Section 44-96-360 of the 1976 Code, was amended on May 3, 2018 with requirements for C&D recyclers and processors. Specifically, all unpermitted C&D debris recycling and processing facilities in existence prior to or on May 3, 2018 were required to register with SC DHEC (by July 3, 2018); submit a permit application (if required based on information provided in the registration) within 12 months of the effective date of the amendment (by July 3, 2019); and obtain a permit within 24 months of the effective date (July 2, 2020). Any new facility (after May 3, 2018) that plans to process or recycle C&D debris must register or obtain a permit before beginning operations. All registered C&D debris recycling and processing facilities must submit an annual report by March 1 to SC DHEC. In addition, facility records must be maintained for no less than three years.

Additionally, as part of this 2018 amendment, Section 44-96-85 was added to establish the Solid Waste Emergency Fund. The department shall transfer 2.5 percent of the funds remitted quarterly to the Solid Waste Management Trust Fund to a special sub-fund designated as the Solid Waste Emergency Fund. The department shall deposit quarterly payments into the Solid Waste Emergency Fund until the unencumbered balance equals \$1,500,000. Section 44-96-120 (relating to the Solid Waste Management Trust Fund) was also amended to include funding of the Solid Waste Emergency Fund in the list of authorized Solid Waste Management Trust Fund expenditures. Lastly, Section 44-96-290 (relating to Solid Waste Management Facility Permitting) was amended to allow the Department to limit Demonstration of Need (DON) requirements, to remove local land use and zoning ordinances from a construction permit to build a new solid waste management facility or expand an existing facility, and to require a person seeking a construction permit to provide documentation of compliance with local land use and zoning ordinances.



2.4 Local Government

Section 44-96-80(J) of the Act gives the governing body of a county the responsibility and authority to provide for the operation of solid waste management facilities. The current governing body of Richland County is the Richland County Council.

Section 44-96-80(K) of the Act gives the governing body of a county the authority to enact such ordinances that may be necessary to carry out these responsibilities regarding solid waste management.

The primary County Ordinance regarding solid waste, Chapter 12 in the Code of Ordinances entitled "Garbage, Trash and Refuse", is provided in *Appendix A*. County-wide collection and disposition of solid waste allows for more effective implementation of the County's integrated solid waste management plan. It is anticipated that this County Ordinance will be updated in the near future to more accurately reflect current strategies and operations of solid waste management.

Section 44-96-80(A) of the Act requires the governing body of a county to develop a solid waste management plan. It also outlines the minimum requirements that are to be addressed in the Plan. These requirements include the following:

1. an estimate of the amount of solid waste currently disposed of at the solid waste disposal facilities within that county or region and a projection of the amount of solid waste that will be disposed of at solid waste disposal facilities during the 20-year period following this chapter's effective date;
2. an estimate of the current capacity within that county or region to manage solid waste including identification of each solid waste management facility and a projection of its useful life;
3. an analysis of the existing and new solid waste facilities that will be needed to manage the solid waste generated within that county or region during the projected 20-year period;
4. an estimate of the cost of implementing the solid waste management plan within that county or region;
5. an estimate of the revenue that each local government or region needs and intends to make available to fund implementation of the solid waste management plan;
6. an estimate of the cost of siting, constructing, and bringing into operation any new facilities needed to manage solid waste within that county or region during the projected 20-year period;
7. a description and estimate of the sources and amount of revenues that can be made available for the siting, construction, and operation of the new solid waste management facilities;
8. a description of resource recovery, or recycling program, or both, which shall be implemented in each county or region and shall include, at a minimum, the following:
 - a. a designation of a recycling coordinator;
 - b. an identification of the categories of solid waste materials to be source separate, recovered, recycled, or all of the above;



- c. an identification of the means by which such materials will be collected and marketed;
 - d. a description of the incentives or penalties, or both, that will be used to ensure compliance with the recycling program; and
 - e. a description of the public education program that will be used to inform the public of the need for and benefits of source separation, recovery, and recycling and of the requirements of the recycling program; and
9. a description of efforts, in addition to the recycling program, which will be undertaken within that county or region to meet the solid waste reduction goal as established on a statewide basis in Section 44-96-50.

The Richland County Solid Waste & Recycling Division is currently responsible for preparing the Richland County Solid Waste Management Plan. Richland County initially developed a Solid Waste Management Plan in 1994 and updated it in April 2005. Updates to the 2005 Plan have been made since then but were never approved by County Council. This Plan, the 2021 Richland County Solid Waste Management Plan, is prepared for the purpose of meeting the requirements of Section 44-96-80 of the Act.

Each of the municipalities within Richland County have solid waste related ordinances within their respective jurisdictions, including:

- **Town of Arcadia Lakes:** The Town of Arcadia Lakes covers solid waste related matters in Chapter 6, Article V, Garbage and Refuse of the Town Code of Ordinances.
- **Town of Blythewood:** The Town of Blythewood has an IGA with Richland County such that the County will collect the Town's waste as part of its collection; therefore, solid waste management in the Town of Blythewood also abides by Chapter 12 of the Richland County Code of Ordinances.
- **City of Cayce:** The City of Cayce covers solid waste related matters in Chapter 34 Solid Waste Management of the City Code of Ordinances.
- **City of Columbia:** The City of Columbia covers solid waste related matters in Chapter 19 Solid Waste Management of the City Code of Ordinances.
- **Town of Eastover:** The Town of Eastover covers solid waste under its Article 3 Ordinances.
- **City of Forest Acres:** The City of Forest Acres covers solid waste related matters in Chapter 8 Garbage and Trash of the City Code of Ordinances.
- **Town of Irmo:** The Town of Irmo covers solid waste related matters in Chapter 26 Solid Waste Management of the Town Code of Ordinances.



3 Demographics

3.1 Introduction

There are multiple sources of population information available. For the purpose of this Plan, the method to project Richland County’s population utilized the data reported in the South Carolina Solid Waste Management Annual Reports (SC DHEC) for 2015, 2016, 2017, 2018, and 2019. US Census Data sourced from the SC Revenue and Fiscal Affairs Office was then used to project future yearly populations.

According to the US Census, the population projection increased by an annual average of 0.96 percent between 2015 and 2020; by 0.74 percent between 2020 and 2025; and by 0.67 percent between 2025 and 2030. The permanent resident population is estimated to be 479,224 in FY 2040, as shown in Table 3.1.

Table 3.1 Population projection – Richland County

| Fiscal Year | Permanent Residents⁺ |
|--------------------|--|
| 2015 | 401,566 |
| 2016 | 407,051 |
| 2017 | 409,549 |
| 2018 | 411,592 |
| 2019 | 414,576 |
| 2020 | 420,845 |
| 2021 | 423,960 |
| 2022 | 427,098 |
| 2023 | 430,259 |
| 2024 | 433,444 |
| 2025 | 436,420 |
| 2026 | 439,336 |
| 2027 | 442,271 |
| 2028 | 445,227 |
| 2029 | 448,201 |
| 2030 | 451,000 |
| 2031 | 454,013 |
| 2032 | 457,047 |
| 2033 | 460,101 |
| 2034 | 463,175 |
| 2035 | 463,530 |
| 2036 | 466,627 |
| 2037 | 469,745 |
| 2038 | 472,884 |
| 2039 | 476,043 |
| 2040 | 479,224 |

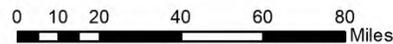
⁺ Unless otherwise noted, permanent residents are estimated from South Carolina State Projections. See note below.

* Population growth rates were calculated from the Census Bureau's FY 2020, FY 2025, FY 2030 and FY 2035 population estimates. (Note that the population counts in this analysis diverge slightly from Census counts due to the availability of actual population counts in 2015 through 2019.)

Richland County, SC Vicinity Map



Exhibit A



Produced by Richland County Department of Pubic Works

Exhibit A - Vicinity map



3.2 Economic Trends

The characteristics of a local economy are significant indicators of growth. Changes in the economic base will directly affect solid waste management within Richland County and must be an integral part of solid waste planning. The availability and type of employment impacts the demand for housing, retail trade, and services. As Table 3.2 illustrates, from 2013 to 2019, Richland County’s labor force has increased by approximately 8,088 people, a gain of approximately 4.2 percent. Within the last 10 years, according to Richland County, the unemployment rate in Richland County has ranged from a low of 2.2 percent in 2019 to a high of 9.4 percent in 2010. As the unemployment rate of Richland County decreases, the waste stream generated through industrial and commercial business should increase as a result of increased production. It should be noted that some of the labor force in Richland County may not work within the County limits and some employed in Richland County may reside in other counties. Richland County’s unemployment rate has consistently been either equal or slightly higher than the Columbia Metropolitan Statistical Area (MSA) average unemployment rate over the past seven years.

Table 3.2 Richland County labor force characteristics (2013-2019)

| Year | County Labor Force | County Unemployment Rate (%) | Columbia MSA Labor Force | Columbia MSA Unemployment Rate (%) |
|-------|--------------------|------------------------------|--------------------------|------------------------------------|
| 2013+ | 190,867 | 6.9 | 382,165 | 6.7 |
| 2014+ | 194,126 | 6.0 | 389,806 | 5.8 |
| 2015+ | 198,804 | 5.7 | 398,970 | 5.5 |
| 2016+ | 200,628 | 4.7 | 402,727 | 4.5 |
| 2017+ | 199,987 | 4.8 | 402,734 | 4.1 |
| 2018+ | 198,511 | 3.3 | 399,043 | 3.2 |
| 2019* | 198,955 | 2.2 | 402,903 | 2.2 |

+ Unless otherwise noted, labor force data is reported from Richland County Economic Development.

<http://richlandcountysc.com/Workforce/Unemployment>.

* December 2019 Richland County Labor Force. <http://richlandcountysc.com/Workforce/Labor-Force>.

Industry and business in Richland County are crucial factors in solid waste planning. As the member of industries and businesses in the County increase, the amount of waste generated within the County increases.

In an effort to attract industry to Richland County, several commercial and industrial parks have been developed. Currently, 12 industrial parks are located in Richland County (*Exhibit B*):

1. **Blythewood Industrial Park (Megasite)** - Blythewood Industrial Park is a developing Industrial Park able to locate a large, single-user original equipment manufacturer (OEM) encompassing 1,349 acres between Blythewood Road and US Highway 21 and along Community Road with approximately two miles of Interstate 77 frontage.
2. **Buckner Industrial Park** - The approximately 26-acre Buckner Industrial Park is located less than one-half mile from Interstate 20, Interchange 70. The site is a developing industrial park, zoned light manufacturing (M-1). The surrounding land use is both industrial and commercial.

3. Carolina Pines Industrial Park - Carolina Pines Industrial Park is approximately 70 acres and is located on US Highway 21 at Interstate 77. The site is zoned for light industry.
4. Carolina Research Park – Carolina Research Park consists of approximately 260 acres located on Farrow Road (SC 555) at Interstate 77.
5. Fontaine Business Center - The Fontaine Business Center is 28 acres located on SC Road 277 approximately two miles south of Interstate 20. The site is a developing industrial park and the surrounding land use is predominately industrial and commercial in nature.
6. Northpoint Industrial Park - Located within the northwest quadrant of the Interstate 77 and US Highway 21 Interchange, Northpoint Industrial Park encompasses approximately 380 acres. The site is a developing industrial park and the surrounding land use is industrial and commercial.
7. Pineview Industrial Park - Pineview Industrial Park is 780 acres zoned for light manufacturing (M-1). The site is located off of SC Highway 768 approximately two miles from US Highway 378.
8. Pontiac Business Center Park - Pontiac Business Center Park is approximately 60 acres zoned as M-1-Distribution. Interstate 20 provides interstate access approximately one-half mile from the site.
9. Richland Northeast Industrial Park - Richland Northeast Industrial Park encompasses approximately 310 acres located along US Highway 1. The site is a developmental industrial park with protective covenants.
10. Seventy-Seven Business Park - Seventy-Seven Business Park is a developing industrial park located on Farrow Road (SC 555) consisting of approximately 200 acres. The site is located approximately one-half mile from Interstate 77.
11. Shop Grove Commerce Park – Shop Grove Commerce Park is approximately 43 acres zoned as light industrial (M-1). The park is located at Shop Road and Shop Grove Drive just north of Pineview Industrial Park.
12. Spears Creek Commerce Park – Spears Creek Commerce Park is zoned as light industrial (M-1) consisting of approximately 50 acres. Interstate 20 and SC Road 53 provide access to the Park.

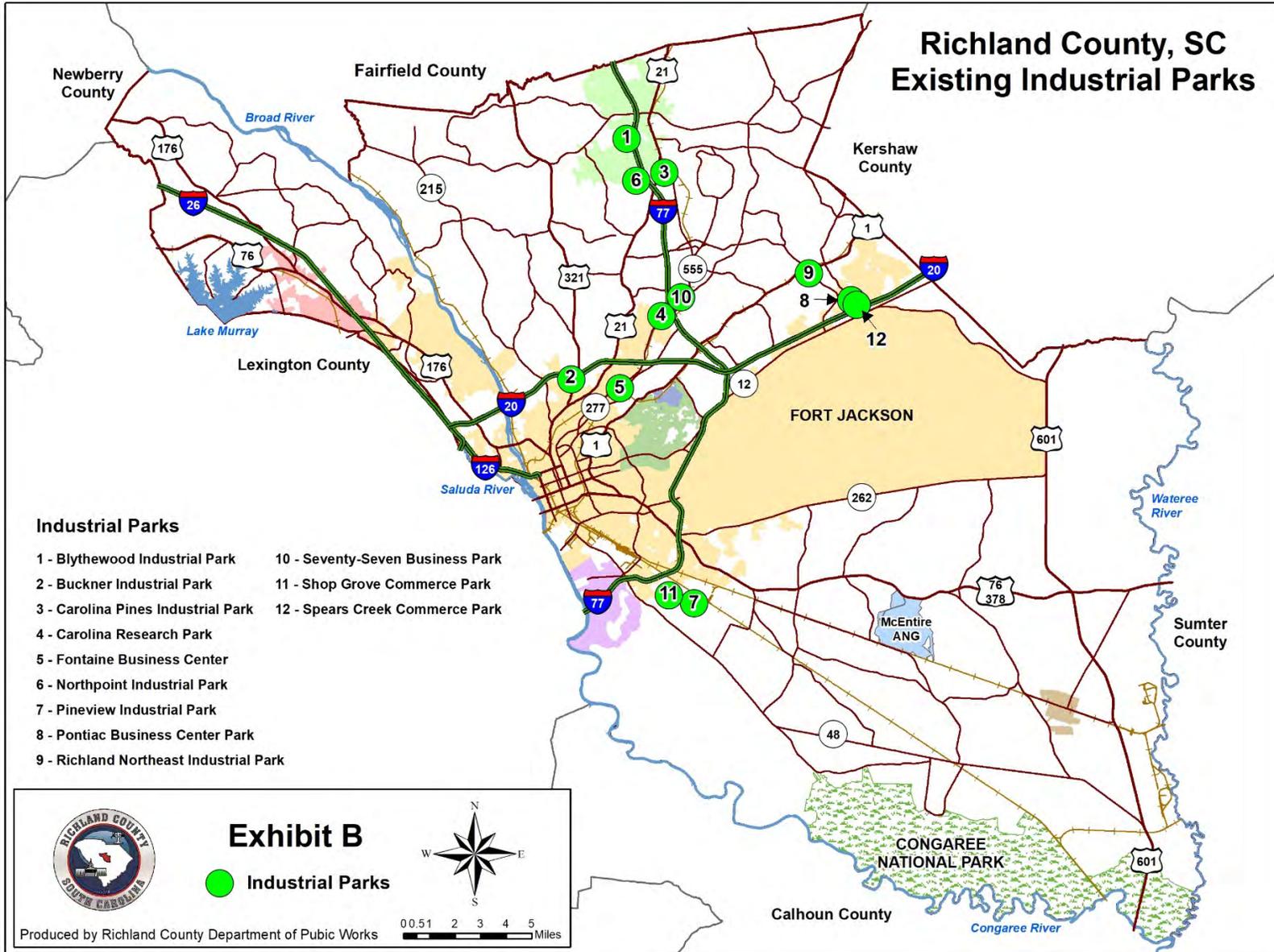


Exhibit B - Industrial parks

3.3 Land Use

Land use is an important characteristic to be evaluated in the development and implementation of a solid waste management system because it indicates areas of growth and urban development, both of which result in increased waste generation. In addition, area of concentrated growth can cause congestion, which could adversely affect the collection and transportation of solid waste.

Richland County encompasses approximately 756 square miles including the municipalities of Arcadia Lakes, Blythewood, Cayce, Columbia, Eastover, Forest Acres and Irmo. Most of the land within Richland County is privately owned with the exception of Harbison Environmental Education State Forest, Congaree Swamp National Park, Fort Jackson U.S. Military Reservation, McEntire Joint National Guard Base, and land owned by the County and its municipalities. Richland County has a population density of approximately 508 people per square mile, ranking second out of 46 counties in South Carolina according to the US Census 2010.

Harbison State Forest is located approximately nine miles direct from City of Columbia along the Broad River. The Forest encompasses 2,177 acres of forest land and contains 12 miles of nature trails designed for walking, jogging, hiking, and bicycling, ranging from easy to moderately difficult. The area serves primarily as an educational and recreational green space for metropolitan Columbia and the state of South Carolina.

Congaree Swamp National Park is located approximately 20 miles southeast of the City of Columbia. The National Park rests on a floodplain of the Congaree River. The Park was authorized as a unit of the National Park Service on October 18, 1976. On June 30, 1983, the site was recognized as an International Biosphere Reserve. Congaree Swamp National Park offers a boardwalk loop 2.3 miles long, over twenty miles of hiking trails and 18 miles of canoe trails.

Fort Jackson Military Reservation encompasses more than 52,000 acres of land. Serving as a military base along Interstate 77. The post has its own family housing units, golf course, recreation areas, recycling drop-off center, etc. Fort Jackson is the largest and most active Initial Entry Training Center in the United States Army and has a significant economic impact on the Richland County area.

The McEntire Joint National Guard Base, formed in 1946, is a 2,400-acre base located approximately 12 miles east of Columbia. Under normal operating conditions, the Base has a daily population of 1,000 persons, both enlisted and civilian, with an overall available capacity of 4,000 persons. The Base does not have residential housing. Disposed waste is collected in on-site dumpsters which are serviced by Waste Management. The Base has its own government program, not affiliated with Richland County, for on-base recycling called the "Quality Recycling Program". The program is managed by Pratt Recycling located at 120 Atlas Road in Columbia, South Carolina. The program includes the collection of plastic, cardboard, aluminum, steel, waste oil, and cooking oil/grease.



Richland County is located in the central part of the state and has excellent transportation access to the Interstates and federal highway system. There are three Interstates and five U.S. Highways including Interstate 77, Interstate 26 and Interstate 20. Interstate 20 intersects the central part of the County east to west, which gives excellent access to Columbia, SC and its outlying communities. Interstate 77, the beltway to Charlotte, North Carolina, begins in Columbia and provides access to Interstate 26. Interstate 26, located along the west boundary of the County, provides access to Columbia. It originates from Charleston, South Carolina and runs all the way up through Spartanburg, South Carolina. These three Interstates support most of Richland County’s transportation needs, but some major US and SC Highways are as follows:

- US Highway 601 (north-south) Kershaw County to Calhoun County
- US Highway 378/76 (east-west) Columbia, SC to Sumter, SC
- US Highway 1 (east-west) Columbia, SC to Camden, SC
- US Highway 21 (north-south) Columbia, SC to Ridgeway, SC
- US Highway 321 (north-south) US 21 to Winnsboro, SC
- SC Highway 12 (east-west) Columbia, SC to Camden, SC
- SC Highway 262 (east-west) US 378 to US 601
- SC Highway 277 (east-west) Columbia, SC to Interstate 77
- SC Highway 555 (north-south) Columbia, SC to US 21

Other modes of transportation include truck, rail, and air. Freight railroad service providers are CSX and Norfolk Southern. Amtrak provides passenger railroad service. Central Midlands provides local bus service daily. Greyhound Bus Line and Southeastern Stages provide national bus service daily. Columbia Metropolitan Airport, located in Columbia, provides commercial air service and Columbia’s Owens Field serves as the local airport. Columbia was designated a foreign trade zone in 1986 with currently four freight carriers. The four freight carriers that provided airborne service are Airborne Express, Emery Worldwide, Federal Express, and Mid Atlantic Freight. Richland County has 44 truck freight carriers and 10 truck terminals. Charleston is the nearest port facility, which is approximately 110 miles from Columbia.

Richland County contains an adequate amount of utility services. Water service providers are Richland County Utilities, Carolina Water Service Inc., Chapin Water System, and City of Columbia. The eight sanitary sewer service providers are Richland County Utilities, Carolina Water Service Inc., Chapin Sewer System, City of Columbia, East Richland County Public Service District, Midlands Utility Inc., Palmetto of Richland County LLC, and Palmetto Utilities Inc. Four electricity service providers to the area are Central Electric Power Cooperative, Mid-Carolina Electric Cooperative, Dominion Energy (previously known as SCE&G), and Tri-County Electric Cooperative. Dominion Energy provides natural gas service to the area.

The majority of urban and built-up areas are situated within corporation limits of the municipalities within the County, such as, the City of Columbia, the City of Cayce, Town of Irmo, City of Forest Acres, Town of Arcadia Lakes, Town of Eastover and Town of Blythewood. The remaining municipalities are relatively small, having populations of less than 1,000 residents. According to population data obtained by the South Carolina Office of Research and Statistics,



Richland County has experienced moderate growth, primarily in the unincorporated areas of the County. Residential and commercial development is expected to increase as the larger municipal areas and the neighboring counties continue to experience growth. As residential, commercial, and industrial development increases in the County, additional solid waste collection locations should be evaluated to accommodate the increase in waste generation. For instance, it is anticipated that a new waste materials drop-off center will need to be constructed to service the northwest area of Richland County. Similarly, the northeast area of the County only has a partially servicing drop-off center (i.e. the Clemson Road Recycling Drop-Off Site) that will need to be expanded to act as a full-service center or moved to another location. In addition, as traffic in Richland County increases, the traffic patterns for solid waste transport should also be evaluated. For example, due to unsafe traffic patterns and volume at the Lower Richland Drop-Off Center, the site is expected to be re-evaluated to find a replacement site in a safer location with safer access for residents.



4 Existing and Future Solid Waste Management

4.1 Introduction

Section 44-96-60 of the Solid Waste Policy and Management Act requires that the State's existing solid waste management be assessed and that the State's future solid waste management needs be determined and addressed.

The information in this chapter describes existing and future solid waste management in Richland County.

4.2 Generation & Characterization

4.2.1 Existing Conditions

The FY 2019 South Carolina Solid Waste Management Annual Report determined, based on FY 2019 figures, that each South Carolinian disposed an average 3.7 pounds per day of Municipal Solid Waste (MSW). It should be noted that according to the FY 2019 South Carolina Solid Waste Management Annual Report, MSW does not include other waste types such as industrial process waste, construction and demolition (C&D) debris, land-clearing debris, automobile bodies, combustion ash and other items. The FY 2019 South Carolina Solid Waste Management Annual Report further determined that based on FY 2019 figures, each South Carolinian generates an average 5.2 pounds per day of MSW.

For Richland County in FY 2019, SC DHEC reported that 414,576 Richland County residents disposed of 280,396 tons of MSW and recycled 44,644 tons of MSW, resulting in a per capita MSW disposal rate of 3.7 pounds per day and a per capita MSW recycling rate of 0.59 pounds per day, respectively. Similarly, in FY 2019, Richland County residents generated 325,040 tons of MSW, resulting in a per capita generation rate of 4.3 pounds per day. Table 4.1 shows per capita MSW disposal and generation rates for Richland County residents for FY 2013 to FY 2019.

Table 4.1. Richland County per capita existing waste rates (2013-2019)

| | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 |
|---|------------|------------|------------|------------|------------|------------|------------|
| MSW Disposed (tons)* | 263,456 | 258,569 | 249,128 | 237,489 | 266,846 | 280,452 | 280,396 |
| MSW Recycled (tons)* | 76,467 | 114,740 | 82,923 | 76,861 | 84,103 | 51,351 | 44,644 |
| Grand Total MSW Generated (tons) | 339,923 | 373,309 | 332,051 | 314,350 | 350,949 | 331,803 | 325,040 |
| Permanent Population* | 393,830 | 399,256 | 401,566 | 407,051 | 409,549 | 411,592 | 414,576 |
| Per Capita Daily MSW Disposed (lbs)* | 3.7 | 3.6 | 3.4 | 3.2 | 3.6 | 3.7 | 3.7 |
| Per Capita Daily MSW Recycled (lbs)* | 1.1 | 1.6 | 1.1 | 1.0 | 1.1 | 0.68 | 0.59 |
| Per Capita Daily MSW Generation (lbs)* | 4.7 | 5.1 | 4.5 | 4.2 | 4.7 | 4.4 | 4.3 |

* FY 13-FY 19 South Carolina Solid Waste Management Annual Reports, SC DHEC.



4.2.2 Future Conditions

To project future tonnages of MSW, the average disposal, recycling, and generation per capita rates (for FY 2013 to FY 2019) were applied to the projected populations for the 20-year planning period (FY 2020 to FY 2040). It is assumed that the per capita rates will remain unchanged over time. Assuming the population in FY 2040 is 479,224 people, it is projected that the total tons of MSW disposed based on the County’s average MSW disposal rate (3.6 lb/p/d) is approximately 314,850 tons; the total tons of MSW recycled based on the County’s average MSW recycling rate (1.0 lb/p/d) is approximately 87,458 tons; and the total tons of MSW generated based on the County’s average MSW generation rate (4.6 lb/p/d) is approximately 402,309 tons. It is important to note that MSW projections do not include other waste types such as industrial process waste, construction and demolition (C&D) debris, land-clearing debris, automobile bodies, combustion ash and other items. Please refer to *Table 4.2* for projections of MSW disposal, recycling, and generation in the County for the planning period (FY 2020 to FY 2040).

Table 4.2 Richland County per capita projected waste rates (2020-2040)

| | FY 2020 | FY 2025 | FY 2030 | FY 2035 | FY 2040 |
|--|------------|------------|------------|------------|------------|
| Projected Population | 420,845 | 436,420 | 451,000 | 463,530 | 479,224 |
| Projected MSW Disposed (tons) | 276,495 | 286,728 | 296,307 | 304,539 | 314,850 |
| Projected MSW Recycled (tons) | 76,804 | 79,647 | 82,308 | 84,594 | 87,458 |
| Projected MSW Generated (tons) | 353,299 | 366,375 | 378,615 | 389,133 | 402,309 |
| Average Per Capita Daily MSW Disposed (lbs) | 3.6 | 3.6 | 3.6 | 3.6 | 3.6 |
| Average Per Capita Daily MSW Recycled (lbs) | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Average Per Capita Daily MSW Generation (lbs) | 4.6 | 4.6 | 4.6 | 4.6 | 4.6 |

4.3 Collection & Transfer

Collection and transfer of waste in Richland County is accomplished by varying means throughout the County depending on the particular area. There are six incorporated areas within Richland County that have separate collection, including Arcadia Lakes, Cayce, Columbia, Eastover, Forest Acres, and Irmo, which provide for collection and transfer of waste within their respective incorporated limits. Although considered as an incorporated area, Richland County has an intergovernmental agreement (IGA) with the Town of Blythewood where the County will collect the Town’s waste as part of its collection. The unincorporated areas of Richland County comprise the remaining area of Richland County. The collection and transfer of waste for each of these areas is described in more detail below.

4.3.1 Unincorporated Areas of Richland County

The unincorporated area of Richland County is provided residential solid waste collection and recycling services via staffed drop-off centers located throughout the County (*Exhibit C*) and by private haulers. Additional drop-off centers will be added as needed to serve the unincorporated area of Richland County.

Curbside collection is provided by private haulers and available for the following materials:

- Aluminum cans
- Cans (e.g., steel, aerosol)
- Cardboard (e.g., shipping and pizza boxes)
- Cartons (e.g., milk, juice, broth)
- Glass bottles and jars (brown, green, clear)
- Paper (e.g., catalogs, magazines, newspaper and inserts, office paper, unwanted mail, paper bags, envelopes)
- Paperboard (e.g., cereal boxes, shoe boxes)
- Plastic bottles, jars, and jugs
- Telephone books

The staffed Lower Richland Drop-Off Center, located at 10531 Garners Ferry Road, collects the following materials Monday through Saturday from 8:00 AM to 5:00 PM and Sunday from 12:30 PM to 5:00 PM (the center is closed on Tuesdays and Thursdays):

- Aluminum cans
- Antifreeze
- Appliances, large (e.g., refrigerators, washers, dryers)
- Batteries, lead-acid (car, truck, boat)
- Cans (e.g., steel, aerosol)
- Cardboard (e.g., shipping and pizza boxes)
- Cartons (e.g., milk, juice, broth)
- Cooking oil
- Electronics, household (televisions, computers, computer monitors, printers and other electronic equipment)
- Farmer oil (up to 55 gallons)
- Fluorescent bulbs
- Glass bottles and jars (brown, green, clear)
- Latex Paint
- Oil/gasoline mixtures
- Paper (e.g., catalogs, magazines, newspaper and inserts, office paper, unwanted mail, paper bags, envelopes)
- Paperboard (e.g., cereal boxes, shoe boxes)
- Plastic bottles, jars, and jugs
- Telephone books
- Tires
- Used motor oil and oil filters

The staffed drop-off center at the Richland County C&D Landfill, located at 1070 Caughman Road North in Columbia, collects the following materials Monday through Friday from 7:00 AM to 4:30 PM and Saturday from 7:00 AM to 12:30 PM:

- Aluminum cans
- Appliances, large (e.g., refrigerators, washers, dryers)
- Cans (e.g., steel, aerosol)
- Cardboard (e.g., shipping and pizza boxes)
- Cartons (e.g., milk, juice, broth)
- Cooking oil
- Electronics, household (televisions, computers, computer monitors, printers and other electronic equipment)
- Farmer oil (up to 55 gallons)
- Fluorescent bulbs
- Glass bottles and jars (brown, green, clear)
- Latex Paint
- Mattress and Box Springs
- Oil/gasoline mixtures
- Paper (e.g., catalogs, magazines, newspaper and inserts, office paper, unwanted mail, paper bags, envelopes)
- Paperboard (e.g., cereal boxes, shoe boxes)
- Plastic bottles, jars, and jugs
- Tires
- Used motor oil and oil filters

The staffed drop-off center at the Clemson Road Recycling Drop-Off Site, located at 900 Clemson Road, collects the following materials Tuesday, Thursday, and Friday through Sunday from 9:00 AM to 6:00 PM:

- Aluminum cans
- Cans (e.g., steel, aerosol)
- Cardboard (e.g., shipping and pizza boxes)
- Cartons (e.g., milk, juice, broth)
- Cooking oil
- Glass bottles and jars (brown, green, clear)
- Paper (e.g., catalogs, magazines, newspaper and inserts, office paper, unwanted mail, paper bags, envelopes)
- Paperboard (e.g., cereal boxes, shoe boxes)
- Plastic bottles, jars, and jugs
- Telephone books

Waste generated by commercial (business) entities throughout the unincorporated areas of Richland County is collected by private contractors.

Currently, the unincorporated area of Richland County does not have a solid waste transfer station facility. A transfer station facility is not anticipated to be needed or required in the unincorporated area to meet Richland County's unincorporated area collection and transfer needs during the 20-year planning period.

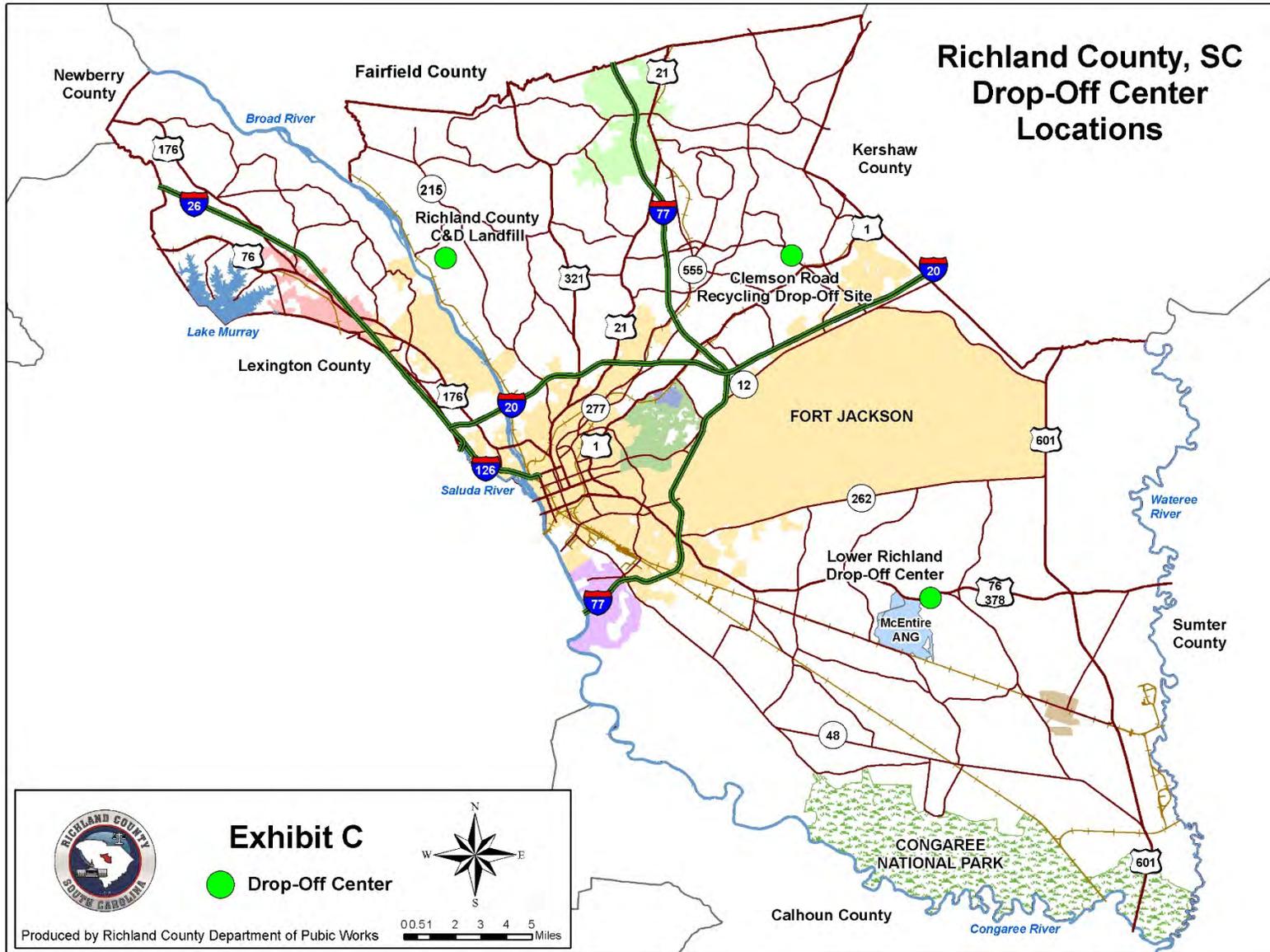


Exhibit C - Drop-off center

4.3.2 Incorporated Areas of Richland County

The incorporated areas are as follows (*Exhibit D*):

TOWN OF ARCADIA LAKES

- Curbside collection of the following items: cans (aluminum, steel); cardboard; plastic bottles, jars and jugs; paper (magazines, newspaper and inserts); paper board; empty aerosol cans; glass; junk mail; and office paper.
- Available drop-off centers: Richland County C&D Landfill and Lower Richland Drop-Off Center.

TOWN OF BLYTHEWOOD

- Although considered as an incorporated area, the Town has an IGA with Richland County where the Town's waste will be collected and managed as part of Richland County's solid waste services.

CITY OF CAYCE

- Household waste is collected curbside on a weekly basis. The waste is then disposed of at the Richland Landfill (Waste Management).
- Residential yard waste, preferably bagged, will be collected on regular household waste collection days. Tree limbs should not be longer than six feet in length and six inches in diameter. In normal season quantities, yard waste will be removed by the City of Cayce. If feasible, abnormal quantities may be collected after normal collection is completed. A fee for collection of abnormal quantities shall be collected in advance as set by the City manager and determined based on costs of personnel, equipment, and landfill fees. Whole trees, stumps, and land-clearing debris will not be collected by the City but shall be disposed of by the property owner or contractor performing removal.
- The City of Cayce picks up bulk items once a month, typically on the last Wednesday of every month. Bulk items include refrigerators, stoves, water heaters, air conditioners, freezers, washers and dryers, and furniture (e.g., sofas, chairs, mattresses, box springs, rugs, carpets, dressers, recliners, tables, etc.).
- Residential recycling is not required in the City of Cayce, but highly encouraged. Residents can purchase recycling bins at City Hall. Recycling is collected weekly, along with MSW and yard trash. Recycling roll carts have been provided in three neighborhoods within Cayce (Concord Park, Hunter's Mill and Moss Creek) through a pilot program. These carts are picked up every other week.
- The following products are recyclable as part of Cayce's Curbside Recycling Program: Newspaper and inserts; newspaper-like paper; plastic milk jugs and soda bottles; clear and colored plastic items coded #1 through #7; any metal or aluminum food cans; magazines; office paper; junk mail; phone books; and cardboard.
- The Program does not accept the following items at this time: Glass food containers in all colors; paint cans; and pesticide containers.
- There is a collection fee to pick up tires which must be paid in advance of pickup.
- The City does not pick up C&D on a regular basis but if the City can feasibly remove the debris it will be done for a fee paid in advance.



CITY OF COLUMBIA

- Curbside collection of the following items: aluminum cans, foil, trays and pie pans; cans (aluminum, steel, aerosol); cardboard (e.g., shipping and pizza boxes); cartons (e.g., milk, juice, broth); glass bottles and jars (brown, green, clear); paper (e.g., magazines, newspaper and inserts, office paper, unwanted mail, paper bags, greeting cards, envelopes); paperboard (e.g., cereal boxes, shoe boxes); plastic bottles, jars, jugs and other containers (e.g., beverage bottles, yogurt containers, butter tubs, frozen dinner trays); and telephone books.
- Cooking oil (cooking oil, fats and greases) is accepted from households only at the Public Works facility at 2910 Colonial Drive. The facility is open from 9:30 AM and 3:30 PM, Monday-through Friday. Please note that cooking oil containers are not accepted for recycling at this site.
- Electronics, household equipment (televisions, computers, computer monitors, printers and other electronic equipment) and all fluorescent bulbs from City of Columbia residents only can be recycled at the Public Works facility at 2910 Colonial Drive. Items can be dropped off between 9:30 AM and 3:30 PM on Monday through Friday.
- City of Columbia residents can recycle their telephone books year-round by simply placing them in their curbside recycling containers.
- City of Columbia residents can compost their yard trimmings at Humane Lane from Monday through Friday from 8:30 AM to 5:00 PM for \$25 per cubic yard. Residents can purchase compost by contacting (803) 545-3800.
- Waste collection for Fort Jackson, located in the City of Columbia, is treated as a separate entity from the City. It has an unstaffed recycling center located at Building 5671 on Lee Road collects the following items from Monday to Friday from 7:00 AM to 3:00 PM and Saturday from 8:30 AM to 3:30 PM: cans (aluminum, steel); cardboard; glass bottles and jars (green, brown, clear); pallets (standard size 40" X 48" only); paper (colored paper, magazines, newspaper and inserts, mixed office paper); plastic bottles, jars and jugs (#1-#7); scrap metal; and telephone books.

TOWN OF EASTOVER

- The Town of Eastover currently provides residents with weekly curbside collection service.
- The Town of Eastover does not offer curbside recycling at this time. Residents can take their recyclables to the Lower Richland Drop-Off Center.

CITY OF FOREST ACRES

- The City of Forest Acres collects garbage, recycling and yard debris once a week at each residence. Garbage must be placed in roll carts. Recyclable materials must be placed in recycling bins for pickup but should not be bagged. Roll carts cannot be used for yard waste, recycling, hot ashes, flammable liquids, chemicals, motor oil, hazardous waste or construction debris.
- Each resident is provided with one recycling bin by the City for curbside collection of the following items: plastic containers (i.e. milk jugs, soda bottles, plastic bottles, jugs, and jars with recycling codes #1-#7) (containers contaminated with food may result in rejection of the entire bin of recyclables); glass: clear, green and brown beverage and



food containers (must be clean to be accepted); newspapers and magazines; paperboard - flattened (cereal and shoe boxes); cardboard - flattened (shipping and pizza boxes); aluminum and tin (i.e. soda, vegetable and aerosol cans); and telephone books.

- Unacceptable items for curbside recycling include egg cartons, plastic bags, Styrofoam of any kind, light bulbs, dishes or windowpane glass.
- The Forest Acres Public Works facility at the corner of Covenant Road and Robert Springs Road only accepts the following items: plastic containers (i.e. milk jugs, soda bottles, plastic bottles, jugs, and jars with recycling codes #1-#7); newspapers and magazines; paperboard - flattened (cereal and shoe boxes); cardboard - flattened (shipping and pizza boxes); aluminum and tin (i.e. soda, vegetable and aerosol cans); and telephone books.
- The following items are not collected by the City of Forest Acres, but may be disposed of at other Richland County facilities: gear oil; fuel oil; heating oil; kerosene; hydraulic oil; diesel fuel; automatic transmission oil; motor oil; cooking oil; oil and gas mixture; antifreeze; tires; lead acid batteries; fluorescent light bulbs; paint; propane tanks; and helium tanks.

TOWN OF IRMO

- The Town of Irmo contracts with a third-party hauler to provide sanitation and recycling collection services to its residents. The third-party is responsible of providing residents with roll-carts for household trash and recyclables.
- Residential household waste and yard trash are collected weekly, while recyclables are collected bi-weekly. Special/bulk items can be collected by an arranged pick-up.
- Curbside collection of the following items: cans (aluminum, steel); cardboard; paper (magazines, newspaper and inserts); plastic bottles, jars and jugs. No glass is collected.

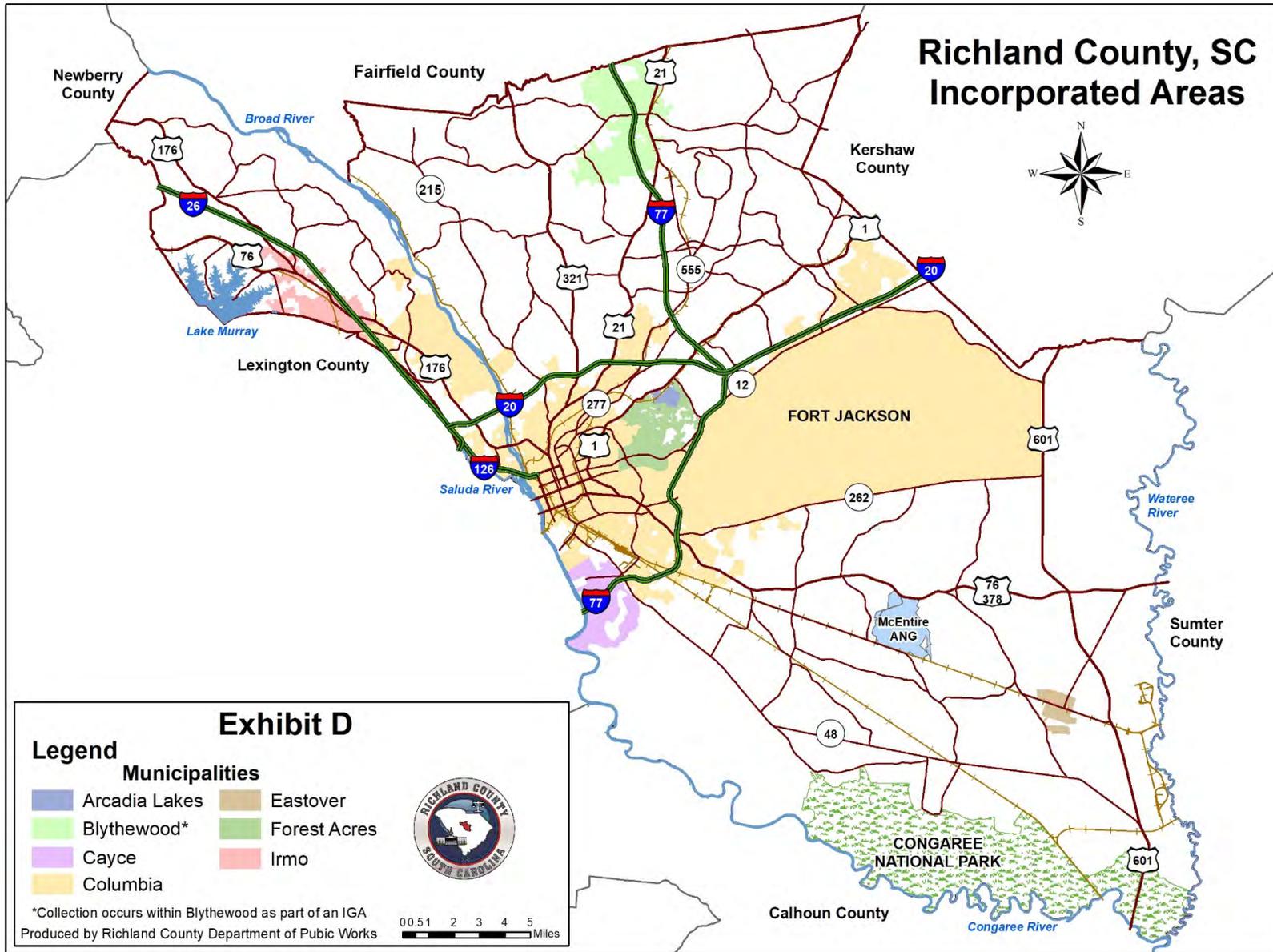


Exhibit D - Incorporated areas



Table 4.3 summarizes the collection practices used by the municipalities in the county.

Table 4.3 Collection practices in Richland County

| Material | Town of Arcadia Lakes | City of Cayce | City of Columbia | City of Forest Acres | Town of Eastover | Town of Irmo | Unincorporated Areas |
|-------------------------|-----------------------------|----------------------------|--------------------|----------------------|-------------------------|--------------------|--------------------------|
| MSW | Curbside or Driveway Weekly | Curbside Weekly | Curbside Weekly | Curbside Weekly | Curbside Weekly | Curbside Weekly | Staffed Drop-off Centers |
| Recyclables | Curbside or Driveway Weekly | Curbside Weekly | Curbside Bi-weekly | Curbside Weekly | Staffed Drop-off Center | Curbside Bi-weekly | Staffed Drop-off Centers |
| C&D | None | Fee if removal is feasible | None | None | None | None | Staffed Drop-off Centers |
| Yard Waste | Curbside Weekly | Curbside Weekly | Curbside Weekly | Curbside Weekly | None | Curbside Weekly | Staffed Drop-off Centers |
| White Goods/Brown Goods | None | Once per Month | None | None | None | On-Call Basis | Staffed Drop-off Centers |

4.3.3 Richland County Public School District

Richland County is made up of three school districts: Richland School District 1 with 52 schools, Richland School District 2 with 40 schools, and Lexington-Richland School District 5 with 23 schools. In 2016, Sonoco Recycling ended its free school pickup service in the County for recyclables. This was due to the school collection services becoming too costly for Sonoco as well as the unavailability of enough operable collection trucks. To ensure schools still receive collection services, Richland County’s Solid Waste & Recycling Division worked with the Richland 2 school district to find a way to continue recycling collection at the district’s 42 campuses. Richland County has an agreement with Richland 2 where the school purchases recycling roll carts from the County and the County collects the carts. The Richland 2 school district reimburses the County for the collection costs, estimated at \$1,150 per month. The Lexington-Richland 5 school district and other private schools are considering planning to contract with private haulers for collection services. When Sonoco offered the collection service, Lexington County schools were paying Sonoco a hauling fee. Some districts are able to use grant funding for recycling roll carts while other districts do not implement recycling at all due to the cost and lack of available funds.

For student education, Richland County mans a booth at schools’ back-to-school and open house events to teach students and their parents about recycling and its importance. Schools are also encouraged to participate in the County’s annual ‘Richland Recycles Day’. Typically hosted at the SC State Fairgrounds on a Saturday in May, ‘Richland Recycles Day’ is a materials collection day for County residents. Residents are encouraged to bring their unwanted items to the recycling event so that they can be disposed of properly. Items accepted include electronics and appliances, paint, batteries, scrap metal, household chemicals, fluorescent light bulbs, fertilizer, tires, and others. Wood, mattresses and cooking oil are items not accepted at this event. The County also offers solid waste facility tours to schools as another way to educate

students on recycling and solid waste management. The County would like to form a strong partnership with SC DHEC to host joint recycling talks at schools.

Some schools in Richland County, including those in the Richland County 1 and Lexington-Richland 5 school districts, are South Carolina Green Step Schools. South Carolina Green Steps Schools is an environmental education initiative that encourages individual schools to take annual sustainable steps toward becoming more environmentally responsible. For example, H. E. Corley Leadership Magnet & Montessori Magnet School (HEC) in the Lexington-Richland 5 school district is a South Carolina Green Step School and operates a school-wide program to conserve and reduce the amount of trash landfilled by implementing the strategies of Reducing, Reusing and Recycling. Its "Go Green" Recycle Leadership Team is made up of approximately 56 students, some of which are Recycle Leader Captains whose responsibility is to oversee recycling by their classmates. Grade levels are recognized for their recycling efforts. HEC, along with other schools across the D5 district, put all recycled materials in large recycle containers located on school property to reduce the weekly collection frequency by a local recycling company in partnership with the district. SC DHEC grant money helped support this program. The D5 school district also uses a combination of Tap and Stack and washable trays to reduce the amount of trash generated during breakfast and lunch meals. This district is also part of the Farm to Five Program. The Farm to Five Program expands local food offerings in schools, provides school gardening and experiential learning opportunities, and promotes health and wellness. Some of the schools have edible gardens. To help these gardens thrive, some schools in both the Richland 1 and Lexington-Richland 5 districts have initiated composting projects partially sourced from food scraps collected from the schools' cafeterias.

4.4 Treatment

The Act defines treatment as "any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport, amenable to storage, recovery, or recycling, safe for disposal, or reduced in volume or concentration." Treatment methods practiced in South Carolina include activities such as, shredding, compacting, incineration and baling. A description of each process, and its use in Richland County is described below.

4.4.1 Shredding

Shredding is generally used to change the physical character of solid waste. For instance, shredders help reduce the volume of bulky waste, including paper materials, bumpers, tires, refrigerators, scrap iron, aluminum, copper, plastic, etc. Shredded waste is easier and cheaper to transport and extends landfill life because it allows for more available volume in a landfill.

4.4.2 Compacting

Compacting is generally used to change the physical character of solid waste. For instance, compaction is used to more efficiently transfer waste and dispose waste. Compaction is utilized for, but not necessarily limited to, the collection and disposal programs in Richland County.

4.4.3 Waste Conversion Technologies

Waste conversion technologies, including Waste-to-Energy Facilities, and Pyrolysis Facilities, etc. are governed by SC DHEC Regulation 61-107.12. Solid Waste Incinerator facilities and Waste-to-Energy facilities are only effective with large volumes of waste, and landfilling is still a necessity for disposal of the ash. The cost of these facilities and low public opinion continue to inhibit the use of this treatment process. Pyrolysis facilities heat municipal solid waste without oxygen and generate a synthesis gas, char, and inorganic residue. To date, most of these facilities are small scale and unproven. While there is solid waste disposal capacity available in Richland County, the County may consider utilizing a commercially proven or emerging alternative technology that derives energy from waste during the 20-year planning period in order to increase diversion and extend the life of the landfill.

Air curtain incinerators operate by forcefully projecting a curtain of air across an open chamber or pit in which burning occurs. These facilities are only allowed to burn land-clearing debris, yard waste, and clean wood. A permit from SC DHEC is required.

4.4.4 Baling

No baling activities occur in Richland County.

4.4.5 Solid Waste Processing Facility

Solid waste processing facility means a combination of structures, machinery, or devices utilized to reduce or alter the volume, chemical, or physical characteristics of solid waste through processes, such as baling, shredding, or solidifying prior to delivery of such waste to a recycling or resource recovery facility or to a solid waste treatment, storage, or disposal facility and excludes collection vehicles. Solid waste processing facilities are governed by SC DHEC Regulation 61-107.6. Section A.1. of the Regulation states that the Regulation establishes the procedures, documentation, and other requirements which must be met for the proper operation and management of all solid waste processing facilities, including the processing activities involving unrecoverable solid waste at a Materials Recovery Facility (MRF). MRFs are defined by the Act as solid waste management facilities that provide for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

A C&D processing facility is permitted as a solid waste processing facility by the state and is limited to processing only C&D debris. Richland County encourages the siting of other facilities to recover the useful materials from the C&D waste stream as long as it is accomplished within the guidelines of the SC DHEC regulations. At the time of drafting updates to this plan, SC DHEC intended to move forward with a new regulation addressing requirements for facilities that manage C&D debris.

The following solid waste and C&D processing facilities are located and/or permitted in Richland County:

An active permit exists for the Waste 2 Energy LLC Class 2 Solid Waste (Organics) Processing Facility (Facility ID No. 402901-2001); however, the facility has not been built yet and has

therefore never received waste. The facility is expected to be located in Columbia, South Carolina.

Carolina Wrecking, located at 141 Cort Road in Columbia, South Carolina, owns and operates Elmwood Staging & Recycling, a C&D recycling facility (Facility ID No. CDR-00023) located at 631 Elmwood Avenue in Columbia, South Carolina.

Corley Construction owns and operates the Fairfield C&D Recycling Facility (Facility ID No. PROC-00043) located at 1080 Wessinger Road in Columbia.

Facilities that process solid waste generated in the course of normal operations on property under the same ownership or control as the solid waste processing facility, such as industrial or manufacturing facilities that process their own waste, are exempt from the requirements in SC DHEC Regulation 61-107.6. Because these facilities are not required to obtain a solid waste permit and cannot accept waste from other solid waste generators, they are not included in Richland County's solid waste planning. In addition, Section 44-96-80(G) of the Act limits the authority of South Carolina counties to regulate industrial waste. Richland County does not accept certain types of industrial waste at its facilities; however, there are numerous commercial solid waste processors located within the 75-mile planning area that process waste destined for disposal in a Class 3 landfill. These facilities operate on a regional basis, accepting waste from across South Carolina and the Southeast. These facilities are available to accept any non-hazardous industrial waste generated in Richland County that may need processing prior to disposal in a Class 3 landfill. Therefore, no solid waste processing facilities that process waste requiring disposal at a Class 3 landfill will be required to meet Richland County's solid waste processing facilities needs during the 20-year planning period.

4.5 Other

Solid waste management practices that are not considered to be treatment or disposal are discussed in this section. Mulching, land application of solid waste, and research, development, and demonstration projects are included in this category. Each is described below.

4.5.1 Mulching, Composting and Wood Grinding

Section 44-96-190 of the Solid Waste Act banned the disposal of yard trash and land-clearing debris in landfills by May 27, 1993. The Act defines a composting facility as any facility used to provide aerobic, thermophilic decomposition of the solid organic constituents of solid waste to produce a stable, humus-like material. Regulation 61-107.4 Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals establishes minimum standards for the proper management of yard trimmings, land-clearing debris and other organic material; encourages composting and establishes standards for the production of compost; and ensures that operations are performed in a manner that is protective of public health and the environment. Regulation 61-107.4 became effective on June 27, 2014.

Residential yard debris such as leaves, pine straw, grass clippings, trimmings from shrubs and trees may be bagged or placed at the roadside in loose piles for collection. Tree limbs must not exceed four feet in length or four inches in diameter. The County does not remove debris generated by commercial tree cutters, tree surgeons, or landscapers nor construction debris



generated by remodeling or repairs. The contractor or resident is responsible for disposal at an approved County landfill. Also, open burning of any yard debris is prohibited in the County's residential districts.

Yard waste mulching is currently a successful component of Richland County's program and will continue to be well into the future. Mulching is conducted at one public facility in Richland County at the present time (i.e. the Richland County Mulching and Wood Chipping Facility located at the Richland County Landfill facility). Material is ground up or shredded and is then placed into windrows for mulching. Mulch is sold to the general public, golf courses, and landscaping business.

Several private companies are registered with SC DHEC to perform mulching, composting and wood grinding in Richland County. A list of all registered facilities are as follows (*Exhibit E*):

CITY OF COLUMBIA COMPOSTING

The City of Columbia Composting Facility is a government-run facility (Facility ID No. 401002-3001) located near Columbia, South Carolina. Approximately 6,600 tons of material were received at the facility in FY 2019. For more information regarding this facility, contact:

City of Columbia Composting Facility (Type 1)

Mailing Address: Robert Anderson
P.O. Box 147
Columbia, South Carolina 29203
Phone: (803) 733-8456

Facility Location: 110 Humane Ln
Columbia, South Carolina 29209

CORLEY CONSTRUCTION WOOD CHIPPING

The Corley Construction Wood Chipping Facility is a commercial facility (Facility ID No. COMM-00214) located near Columbia, South Carolina. Approximately 968 tons of material were received at the facility in FY 2019. For more information regarding this facility, contact:

Corley Construction Wood Chipping Facility (Type 1)

Mailing Address: Todd Corley
7462 Fairfield Road
Columbia, South Carolina 29203
Phone: (803) 513-1269 or (803) 781-3127

Facility Location: 1010 Wessinger Road
Columbia, South Carolina 29203

WASTE INDUSTRIES WOOD CHIPPING

The Waste Industries (formerly L&L Disposal) Wood Chipping Facility is a commercial facility (Facility ID No. COMM-00212) located near Elgin, South Carolina. Approximately 4,465 tons of

material were received at the facility in FY 2019. For more information regarding this facility, contact:

Waste Industries Wood Chipping (Type 1)

Mailing Address: John Barnard
1047 Highway Church Road
Elgin, South Carolina 29045
Phone: (800) 207-6618 ext. 4521

Facility Location: Same as mailing address.

MITCH HOOK COMPOSTING

The Mitch Hook Composting Facility is a commercial facility (Facility ID No. 402696-3001) located near Blythewood, South Carolina. Approximately 250 tons of material were received at the facility in FY 2019. For more information regarding this facility, contact:

Mitch Hook Composting (Type 1)

Mailing Address: Mitch Hook
72 Ridgecreek Drive
Lexington, South Carolina 29072
Phone: (803) 791-7805

Facility Location: 1309 Cedar Creek Road
Blythewood, South Carolina 29016

RICHLAND COUNTY COMPOSTING AND WOOD CHIPPING

The Richland County Composting and Wood Chipping Facility is a government-run facility (Facility ID No. 401007-3001) located near Columbia, South Carolina. Approximately 2,910 tons of material were received at the facility in FY 2019. For more information regarding this facility, contact:

Richland County Mulching and Wood Chipping (Type 1)

Mailing Address: Alan Huffstetler
1070 Caughman Road North
Columbia, South Carolina 29203
Phone: (803) 576-2391

Facility Location: Same as mailing address.

A list of the registered solid waste management facilities in Richland County can be found in *Appendix B*.

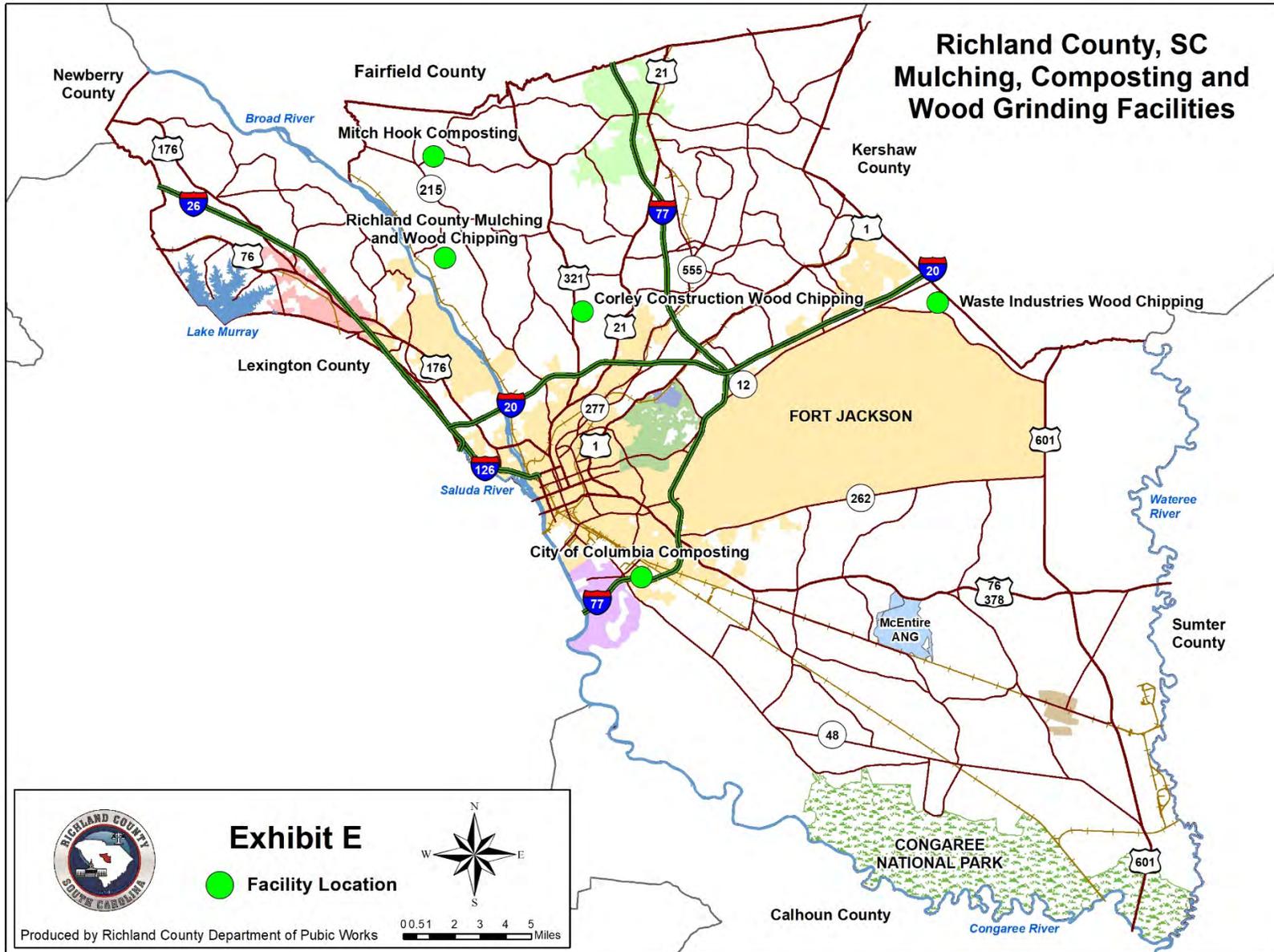


Exhibit E - Mulching, composting and wood grinding facilities

4.5.2 Organics

As a way of encouraging backyard composting, Richland County Solid Waste & Recycling has offered compost bins to residents in the past. Large black compost bins were able to be purchased by County residents for a fixed price. Each bin came with a small plastic receptacle that could be placed on a kitchen countertop to hold food scraps and transport them to the outdoor bin. A box of compostable bags was included in the purchase to help keep the countertop receptacle clean. This composting initiative was made possible through an awarded grant through SC DHEC. The program is currently halted as grant funding from SC DHEC and is no longer available. At this time, it is uncertain whether the program will occur again in the future.

WASTE 2 ENERGY LLC

Richland County has a permitted Class 2 Solid Waste (Organics) Processing Facility by Waste 2 Energy LLC (Facility ID 402901-2001); however, the facility has not been built yet. The facility is expected to be located in Columbia, South Carolina. This facility is permitted to be able to receive and process 48,000 tons of organics (yard trimmings and food waste) per year. It did not receive any tonnage in FY 2019, nor before that.

Waste 2 Energy LLC

Mailing Address: Daniel Rickenmann
719 Holly Street, Suite 1000
Columbia, South Carolina 29205
Phone: (803) 920-9541

Facility Location: Anticipated to be located at intersection of Shop Road and S Beltline Boulevard in Columbia, South Carolina.

4.5.3 Land Application of Solid Waste

On July 26, 1996, Regulation 61-107.15: Land Application of Solid Waste became effective. This regulation establishes appropriate application rates, frequency of application, and monitoring requirements for the uniform surface spreading or mechanical incorporation of non-hazardous solid waste on or into soil that is being used for agricultural, silvicultural and horticultural production. This regulation also applies to the application of solid waste on land that is being reclaimed to enhance its aesthetic value or to reduce environmental degradation. The land application of non-hazardous solid waste shall be for beneficial agricultural, silvicultural and horticultural purposes and not used as a means of disposal. Benefits of land application include offsetting farming costs of soil amendments and lime, returning nutrients to the soil depleted by erosion and harvesting crops, and freeing additional landfill space. Land application is a way to recycle Richland County's resources and is not a means of disposal.

International Paper, located in Eastover, South Carolina, is the only facility permitted for land application projects within the County. Per the FY 19 South Carolina Solid Waste Management Annual Report, the facility has no permitted limit (tons per acre).



4.5.4 Research, Development & Demonstration Projects

Innovative and experimental solid waste management technologies and processes are regulated by Regulation 61-107.10. This regulation, effective June 25, 1993, establishes the minimum standards for the proper operation and management of solid waste management facilities, or parts of these facilities, proposing to utilize an innovative and experimental solid waste management technology or process. Examples of emerging technologies include gasification, plasma arc, anaerobic digestion, and chemical decomposition.

Gasification is the heating of municipal solid waste to generate a synthesis gas (syngas) that can be used as a fuel or feedstock for the production of other chemicals. Most gasification facilities are small scale projects.

Plasma arc facilities use a plasma torch to create a high energy field that breaks down waste and generates a syngas. Impurities such as metals are captured in a glass bath. Most plasma facilities are small scale operations that treat industrial or medical waste.

Anaerobic digestion is a treatment process organic wastes are fed into water tanks and processed without air. The wastes breakdown and generate a gas that is high in methane. The gas can be burned as a fuel or to generate electricity.

Chemical decomposition uses chemicals to break down wastes into oils or gases such as ethanol. This technology is still under development.

Currently there are no Research, Development and Demonstration projects within Richland County.

4.6 Disposal

In an effort to minimize the landfilling of waste and increase recycling, Richland County strives to divert as much waste as practical to a contracted materials recovery facility (Sonoco). Because it is not feasible to recover 100 percent of the waste stream at this time, landfills continue to be a necessity. As stated earlier in this Plan, the landfill regulation 61-107.19 became effective on May 23, 2008. The regulation changed the classification of landfills based on the source of the waste, e.g., yard waste, construction and demolition debris, industrial waste, and municipal solid waste, to Class 1, 2 and 3 Landfills.

The regulation establishes the minimum standards for all types of landfills and is divided into the following five parts:

- Part I – outlines the general criteria that applies to one or more Parts of the regulation, e.g., the applicability for the regulation, waste characterization requirements for determining the type of landfill needed, and definitions for the purposes of the regulation;
- Part II – outlines the Permit-by-Rule requirements for structural fill activity using a limited waste stream;
- Part III – outlines the General Permitting requirements for Class 1 Landfills. Class 1 Landfills can accept only land-clearing debris and yard trash to fill low areas, including mining sites, for an aesthetic benefit or property enhancement;



- Part IV – outlines the requirements for Class 2 Landfills. These are all landfills used for the disposal of waste outlined in Appendix I of the regulation, primarily construction and demolition debris type wastes, and wastes that leach contaminants at very low levels when tested.
- Part V – outlines the requirements for Class 3 Landfills that accept municipal solid waste, industrial solid waste, sewage sludge, nonhazardous municipal solid waste incinerator ash, and other nonhazardous wastes.

In fulfilling the disposal needs of the County, Richland County owns and operates one Class 2 (C&D) landfill. Richland County intends to expand the Class 2 landfill in order to provide Class 2 waste disposal capacity for at least the 20-year planning period window. Refer to Section 4.6.2 for more detailed information about Richland County’s Class 2 Landfill. Additional Class 3, Class 2, and Class 1 Landfills not owned and operated by Richland County but permitted and located within the County are also outlined in the sections below.

4.6.1 Class 3 Landfills

There are three permitted Class 3 Landfills within Richland County (*Exhibit F*). Each Class 3 Landfill is described below:

RICHLAND LANDFILL (WASTE MANAGEMENT)

The Waste Management of Richland Landfill is a privately-owned, commercially operated landfill (Facility ID No. 402401-1101) located near Elgin, South Carolina. It has a maximum annual permitted rate of disposal of 1.14 million tons per year. Approximately 951,000 tons of material were disposed at the landfill in FY 2019. The estimated remaining airspace is 28.5 million cubic yards. The estimated remaining life of the facility based on the permitted disposal rate is 25.1 years. The estimated remaining life of the facility based on the current disposal rate is 30 years. For more information regarding this landfill, contact:

Richland Landfill (Waste Management)

Mailing Address: Tom Powles
1047 Highway Church Road
Elgin, South Carolina 29045
Phone: (803) 542-8488

Facility Location: Same as mailing address.

REPUBLIC SERVICES NORTHEAST SANITARY LANDFILL LLC

The Republic Services Northeast Sanitary Landfill is a privately-owned, commercially operated landfill (Facility ID No. 402434-1101) located near Eastover, South Carolina. It has a maximum annual permitted rate of disposal of 530,000 tons per year. Approximately 164,000 tons of material were disposed at the landfill in FY 2019. The estimated remaining airspace is 5.7 million cubic yards. The estimated remaining life of the facility based on the permitted disposal rate is 10.8 years. The estimated remaining life of the facility based on the current disposal rate is 34.7 years. For more information regarding this landfill, contact:

Republic Services Northeast Sanitary Landfill

Mailing Address: Jeffrey Yaroch
1581 Westvaco Road
Eastover, South Carolina 29044
Phone: (803) 692-3303

Facility Location: Same as mailing address.

DOMINION ENERGY WATEREE STATION LANDFILL

The Dominion Energy Wateree Station Landfill is a privately-owned, non-commercially operated landfill (Facility ID No. 403320-1601) located near Eastover, South Carolina. It has a maximum annual permitted rate of disposal of three million tons per year. Approximately 630,000 tons of material were disposed at the landfill in FY 2019. The estimated remaining airspace is 15.1 million cubic yards. The estimated remaining life of the facility is unknown. For more information regarding this landfill, contact:

Dominion Energy Wateree Station Landfill

Mailing Address: Richard Salley
142 Wateree Station Road
Eastover, South Carolina 29044
Phone: (803) 217-4021

Facility Location: Same as mailing address.

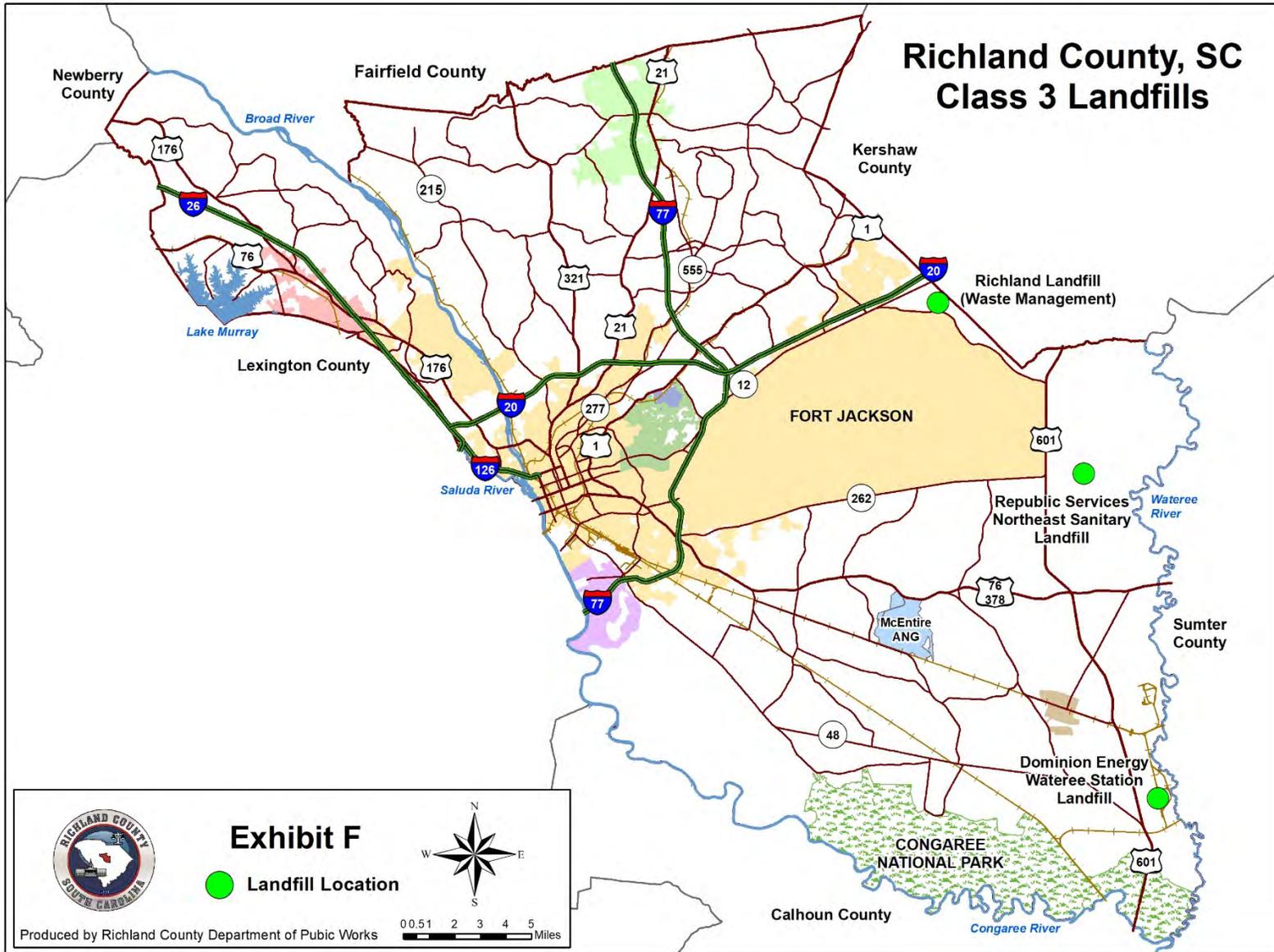


Exhibit F – Class 3 landfill location

4.6.2 Class 2 Landfills

There are three permitted Class 2 Landfills within Richland County (*Exhibit G*). Each Class 2 Landfill is described below:

RICHLAND COUNTY LANDFILL

The Richland County Landfill is a public, commercially operated landfill (Facility ID No. 401001-1202) located near Columbia, South Carolina. It has a maximum annual permitted rate of disposal of 200,000 tons per year. Approximately 40,400 tons of material were disposed at the landfill in FY 2019. The estimated remaining life of the facility is 11 years. For more information regarding this landfill, contact:

Richland County Landfill

Mailing Address: Alan Huffstetler
1070 Caughman Road North
Columbia, South Carolina 29203
Phone: (803) 576-2390

Facility Location: Same as mailing address.

Figure 4.1 shows the remaining capacity of the Class 2 Landfill, and the estimated consumption at the landfill over the next 20 years. An annual waste increase of 2.0 percent was assumed. The Richland County Class 2 Landfill is expected to reach its permitted capacity at the end of FY 2029. It is important to note; however, that the estimated remaining life of the Richland County Landfill is subject to change based on compaction rates, materials collected, and waste characteristics. Richland County also expects to expand the Class 2 Landfill for additional airspace before FY 2029.

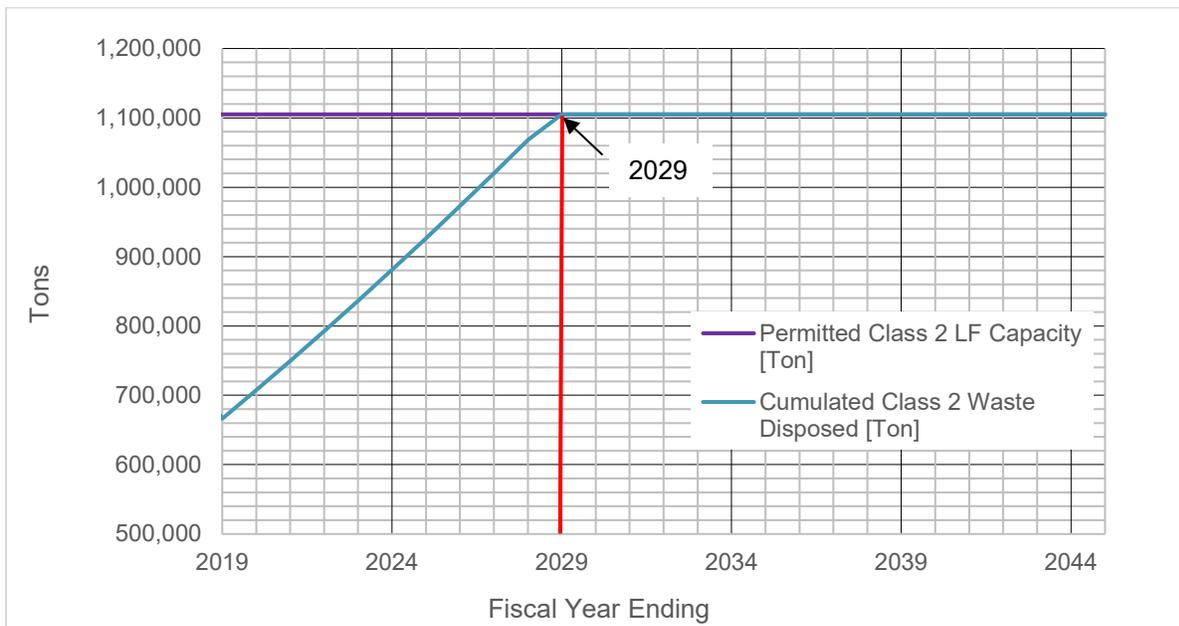


Figure 4-1 - Richland County Class 2 landfill estimated capacity timeline.



CAROLINA GRADING INC. LANDFILL

The Carolina Grading Inc. Landfill is a private, commercially operated landfill (Facility ID No. 402446-1601) located near Eastover, South Carolina. It has a maximum annual permitted rate of disposal of 122,400 tons per year. Approximately four tons of material were disposed at the landfill in FY 2019. The estimated remaining life of the facility is 150 years. For more information regarding this landfill, contact:

Carolina Grading Inc. Landfill

Mailing Address: Tom Powles
1047 Highway Church Road
Elgin, South Carolina 29045
Phone: (803) 542-8488

Facility Location: 125 McDowell Lane
Eastover, South Carolina 29044
Phone: (803) 788-3054

INTERNATIONAL PAPER – EASTOVER LANDFILL

The International Paper – Eastover Landfill is a private, non-commercially operated landfill (Facility ID No. 403313-1601) located near Eastover, South Carolina. It does not have an annual permitted rate of disposal. Approximately 143,000 tons of material were disposed at the landfill in FY 2019. The estimated remaining life of the facility is 9 years. For more information regarding this landfill, contact:

International Paper – Eastover Landfill

Mailing Address: John Baker
P.O. Box B
Eastover, South Carolina 29044
Phone: (803) 353-7440

Facility Location: 4001 McCords Ferry Road
Eastover, South Carolina 29044
Phone: (803) 353-7370

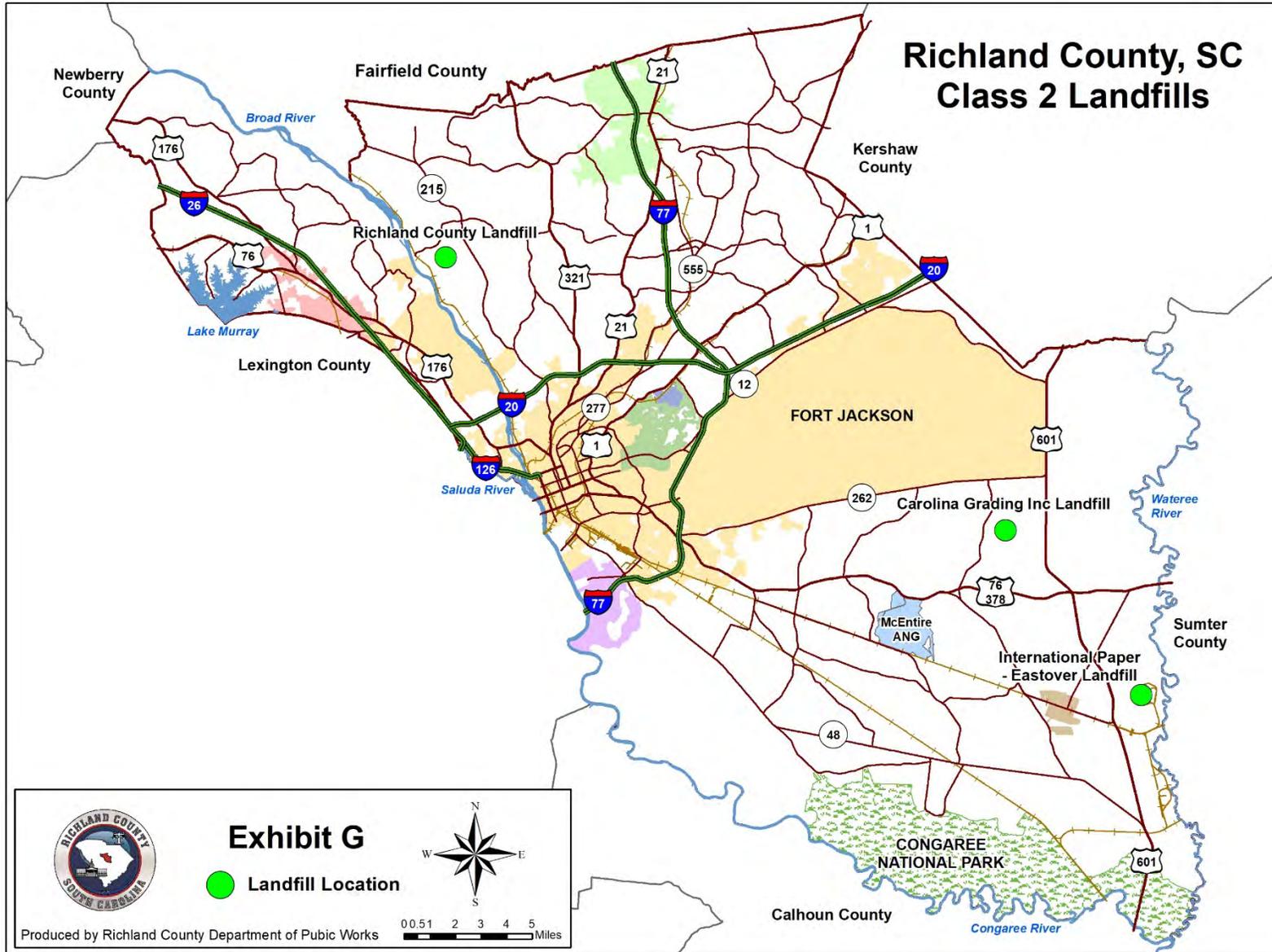


Exhibit G - Class 2 landfill location



4.6.3 Class 1 Landfills

There are two permitted Class 1 Landfills within Richland County (*Exhibit H*). Each Class 1 Landfill is described below:

WASTE INDUSTRIES LCD LANDFILL

The Waste Industries (formerly L&L Disposal) LCD Landfill is a commercial landfill (Facility ID No. 402428-1701) located near Elgin, South Carolina. It has a maximum annual permitted rate of disposal of 30,000 tons per year. The landfill did not dispose of any waste in FY 2019. For more information regarding this landfill, contact:

Waste Industries LCD Landfill

Mailing Address: John Barnard
1047 Highway Church Road
Elgin, South Carolina 29045
Phone: (800) 207-6618 Extension 4521

Facility Location: Same as mailing address.

SHARPE'S CONTRACTING SERVICES LLC LANDFILL

The Sharpe's Contracting Services LLC Landfill is a commercial landfill (Facility ID No. 402479-1701) located near Blythewood, South Carolina. It has a maximum annual permitted rate of disposal of 75 tons per year. For FY 2019, the landfill received 74 tons of disposed waste, approximately meeting its yearly permitted disposal rate. For more information regarding this landfill, contact:

Sharpe's Contracting Services LLC Landfill

Mailing Address: Bill Sharpe
1837 Muller Road
P.O. Box 27
Blythewood, SC 29016
Phone: (803) 960-4247

Facility Location: 1700 Loner Road
Blythewood, SC 29016

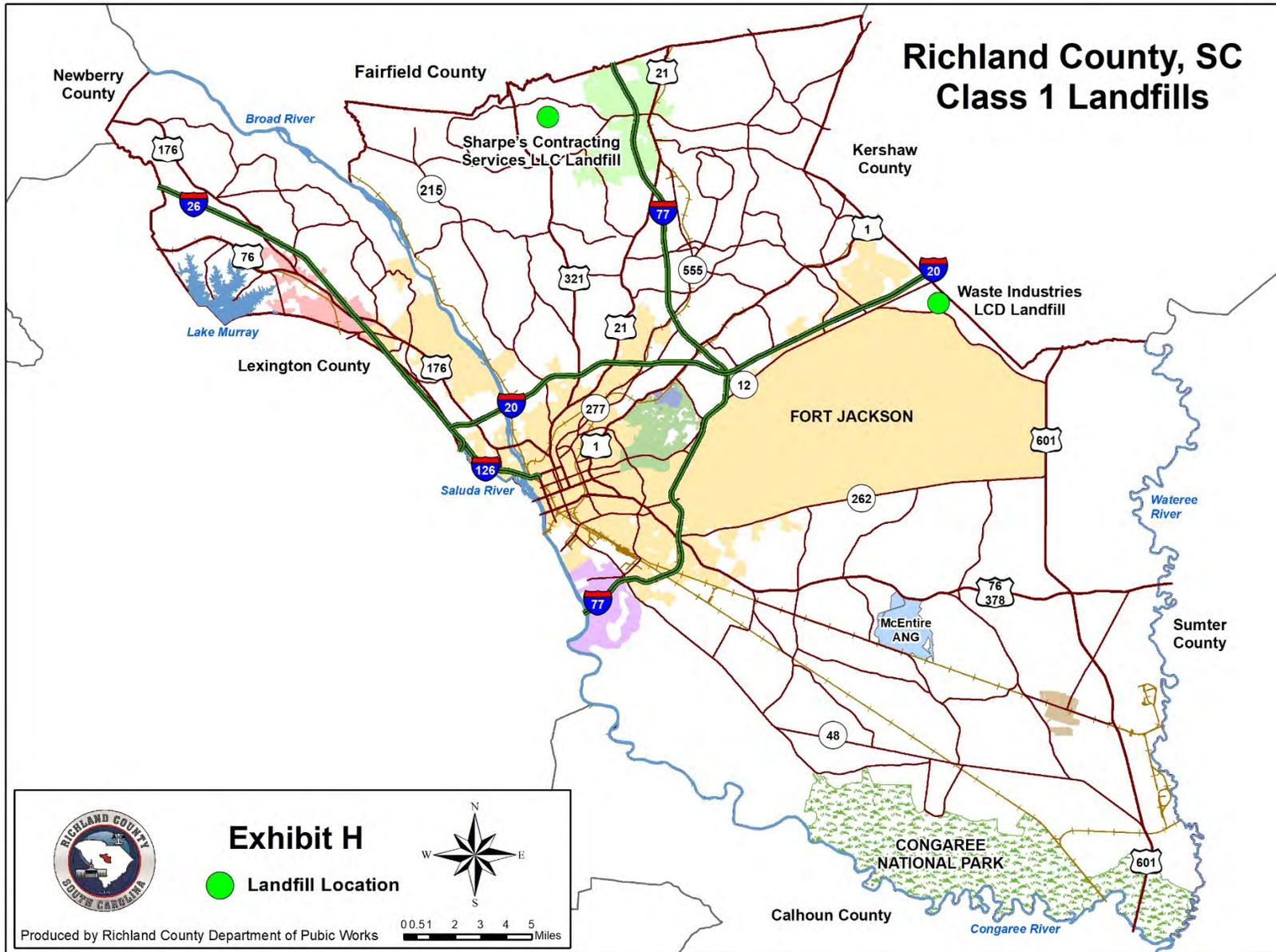


Exhibit H - Class 1 landfill location



4.7 Reduce, Reuse, & Recycle

Section 44-96-80 of the Solid Waste Policy and Management Act requires local governments to provide a description of recycling programs and to designate a recycling coordinator.

4.7.1 Recycling Coordinator

Richland County has a Recycling Coordinator position. The Recycling Coordinator is currently Syndi Castelluccio and she can be contacted at 1070 Caughman Road North, Columbia, South Carolina 29203 at (803) 576-2467.

4.7.2 Categories of Solid Waste to be Recycled

To gain a better appreciation for recycling efforts, Table 4.4 shows the recycling tonnage broken down by commodity.

Table 4.4 Recycling by commodity*

| Category | FY 2013 tons | FY 2014 tons | FY 2015 tons | FY 2016 tons | FY 2017 tons | FY 2018 tons | FY 2019 tons |
|---------------------------|------------------|-------------------|------------------|------------------|------------------|------------------|------------------|
| Glass | 468.65 | 289.50 | 341.03 | 187.71 | 92.67 | 38.12 | 32.19 |
| Metal | 25,954.74 | 50,073.35 | 28,787.88 | 8,618.75 | 28,150.98 | 2,156.09 | 12,800.67 |
| Paper | 17,964.39 | 30,107.20 | 28,318.76 | 30,682.41 | 23,505.06 | 11,009.19 | 7,685.53 |
| Plastics | 1,175.18 | 2,959.02 | 960.50 | 429.90 | 2,620.97 | 239.25 | 186.59 |
| Organics | N/A | 3,014.42 | 3,695.44 | 2,757.81 | 4,344.21 | 15,851.59 | 1,384.74 |
| Banned Items | 15,439.50 | 5,085.66 | 4,873.46 | 12,489.44 | 4,935.81 | 2,643.34 | 2,318.40 |
| Miscellaneous | 3,401.37 | 10,743.36 | 1,010.48 | 1,474.66 | 1,246.59 | 1,989.78 | 2,211.41 |
| Commingled Recyclables | 12,062.78 | 12,467.13 | 14,935.87 | 20,220.44 | 19,206.98 | 17,423.87 | 18,024.93 |
| Total | 76,466.61 | 114,739.64 | 82,923.43 | 76,861.13 | 84,103.28 | 51,351.24 | 44,644.46 |

* Numbers compiled from the FY 13-FY 19 South Carolina Solid Waste Management Annual Reports.

4.7.3 Annual Recycling Rate

The average annual recycling rate for Richland County over the last seven years is approximately 22.27 percent. The County's annual recycling rates since 2013 are shown in Table 4.5 below, as reported in each respective South Carolina Solid Waste Management Annual Report.

Table 4.5 Annual recycling rate

| Fiscal Year (FY) | Annual Recycling Rate (%) |
|------------------|---------------------------|
| FY 2013 | 22.50% |
| FY 2014 | 30.74% |
| FY 2015 | 25.00% |
| FY 2016 | 24.45% |
| FY 2017 | 23.96% |
| FY 2018 | 15.48% |
| FY 2019 | 13.74% |
| Average | 22.27% |

4.7.4 Materials Processing

Sonoco Recycling, located at 1132 Idlewilde Boulevard, Columbia, SC 29201, processes all of Richland County's recyclable products. Currently, recyclable materials are collected curbside from Richland County citizens either weekly or bi-weekly. The County provides a specific, single



container for all different products (i.e. single-stream). Those materials are collected through contract hauling companies and delivered to Sonoco’s plant in Columbia. The hauler then deposits the materials on the tipping floor. From the tipping floor, the product is loaded into a hopper which then sends the waste into the plant. The different commodities are sorted by a variety of conveyors, hand pickers, optical scanners, and lastly, robots. The end result includes different types of like materials separated and packaged for shipment to the end user.

4.8 Banned Items

The 1991 Solid Waste Management Act placed disposal bans on certain types of solid wastes increasing the importance of counties to manage this waste. A list of the items that are banned from disposal in MSW landfills is identified in *Table 4.6*.

Table 4.6 Items banned from MSW landfills (State)

| Banned Item | Effective Date |
|-----------------------------------|------------------|
| Lead-Acid Batteries | May 27, 1992 |
| Used Oil | May 27, 1992 |
| Yard Trash & Land-clearing Debris | May 27, 1993 |
| Whole Waste Tires | October 23, 1993 |
| White Goods | May 27, 1994 |
| Small-Sealed Lead-Acid Batteries | June 23, 1995 |
| Electronic Waste | July 1, 2011 |

The management of banned items are discussed in the following sections: yard trash & land-clearing debris in section 4.5.1, batteries in section 4.8.1, used oil in section 4.8.2, tires in section 4.8.3, white goods in section 4.8.4, and electronic waste in section 4.8.5.

4.8.1 Batteries

Section 44-96-180 of the Solid Waste Act banned the disposal of lead-acid batteries in landfills by May 27, 1992. Since that time, the Richland County has provided for the collection of batteries at each of the recycling drop-off centers located throughout the County. Richland County contracts with an approved recycling company for the collection of these batteries. The tons of batteries recycled since 2013 are shown in *Table 4.7* below, as reported in each respective South Carolina Solid Waste Management Annual Report.

Table 4.7 Tons of batteries recycled by Richland County

| | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 |
|------------------------------|------------|------------|------------|------------|------------|------------|------------|
| Number of Batteries Recycled | 2,332 | 2,043 | 1,858 | 1,320 | 409 | 189 | 129 |

4.8.2 Used Oil

In accordance with Section 44-96-160 of the Solid Waste Policy and Management Act, the disposal of used oil in the landfill was banned on May 27, 1992. Used Oil tanks are available at County recycling drop-off centers for the proper disposal of used motor oil. County residents are allowed to dispose of a maximum 5 gallons per visit. The following type of fluids are accepted:



gear oil, fuel oil, heating oil, kerosene, hydraulic fluid, diesel fuel, automatic transmission fluid, and household cooking oil (small quantities). Gas/oil fluid mixtures are only accepted at the Richland C&D Landfill and Lower Richland Collection site. County residents can also dispose or used oil filters at any of the public (*Exhibit I*) or private (*Exhibit J*) drop-off centers shown in *Table 4.8*.

Table 4.8 Used oil recycling locations in Richland County

| Area | Location Name | Address |
|---------------------------|----------------------------------|-----------------------------|
| Public Facilities | | |
| Ballentine/Irmo | Ballentine Fire Station | 10717 Broad River Road* |
| Blythewood | Blythewood Fire Station | 435 Main Street* |
| Columbia | Columbia Atlas Road Fire Station | 933 Atlas Road* |
| Eastover | Eastover Fire Station | 504 Henry Street* |
| Gadsden | Gadsden Fire Station | 122 Community Center Drive* |
| Hopkins | Hopkins Fire Station | 1631 Clarkson Street* |
| Columbia | Jim Hamilton-LB Owens Airport | 1400 Jim Hamilton Boulevard |
| Eastover | Lower Richland Drop-off Center | 10531 Garners Ferry Road* |
| Columbia | Richland County C&D Landfill | 1070 Caughman Road North* |
| Columbia | Richland County Public Works | 400 Powell Road* |
| Columbia | Sandhill Fire Station | 130 Sparkleberry Lane* |
| Columbia | Upper Richland Fire Station | 300 Camp Ground Road* |
| Private Facilities | | |
| Columbia | Advance Auto Parts | 7613 Garners Ferry Road |
| Columbia | Advance Auto Parts | 7030 Two Notch Road |
| Columbia | Advance Auto Parts | 3010 Two Notch Road |
| Columbia | Advance Auto Parts | 4731 Devine Street |
| Columbia | Advance Auto Parts | 249 Bush River Road |
| Columbia | Advance Auto Parts | 4709 Broad River Road |
| Elgin | Advance Auto Parts | 10505 Two Notch Road |
| Columbia | Auto Zone | 3108 Two Notch Road |
| Columbia | Auto Zone | 9860 Two Notch Road |
| Columbia | Auto Zone | 255 O'Neil Court |
| Columbia | Auto Zone | 3601 Main Street |
| Columbia | Auto Zone | 7710 Garners Ferry Road |
| Columbia | Auto Zone | 211 Ricky Lane |
| Irmo | Auto Zone | 7236 Broad River Road |
| Columbia | Pep Boys | 1804 Broad River Road |
| Columbia | Pep Boys | 2455 Decker Boulevard |
| Columbia | Walmart Tire and Lube Express | 5420 Forest Drive |
| Columbia | Walmart Tire and Lube Express | 7520 Garners Ferry Road |
| Columbia | Walmart Tire and Lube Express | 321 Killian Road |
| Columbia | Walmart Tire and Lube Express | 10060 Two Notch Road |

Note: Sites marked with an asterisk (*) also accept used oil filters. Source: SC DHEC "Richland County Recycling Locations." <https://scdhec.gov/environment/recycling-waste-reduction/where-recycle-locally/richland-county-recycling-locations>.

Richland County has one private permitted Used Oil Processor, which is Dilmar Oil Company, Inc. (*Exhibit J*). The Dilmar Fluid Services Used Oil Processing facility (Facility ID No. 402407-7101) is located at 1955 Bluff Road in Columbia, South Carolina. The facility is permitted to receive up to 160,000 gallons per year (gpy).

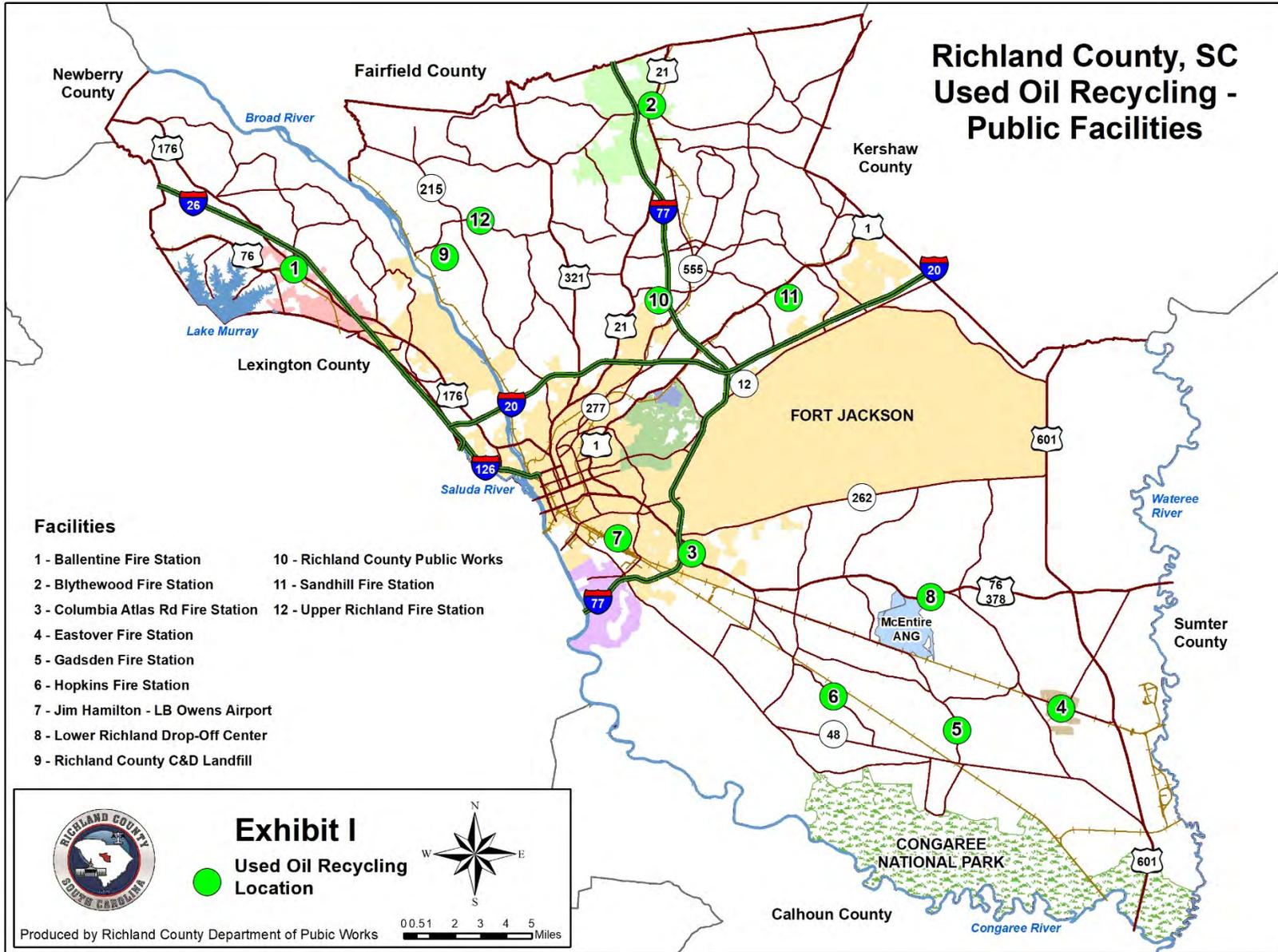


Exhibit I - Used oil recycling - public facilities

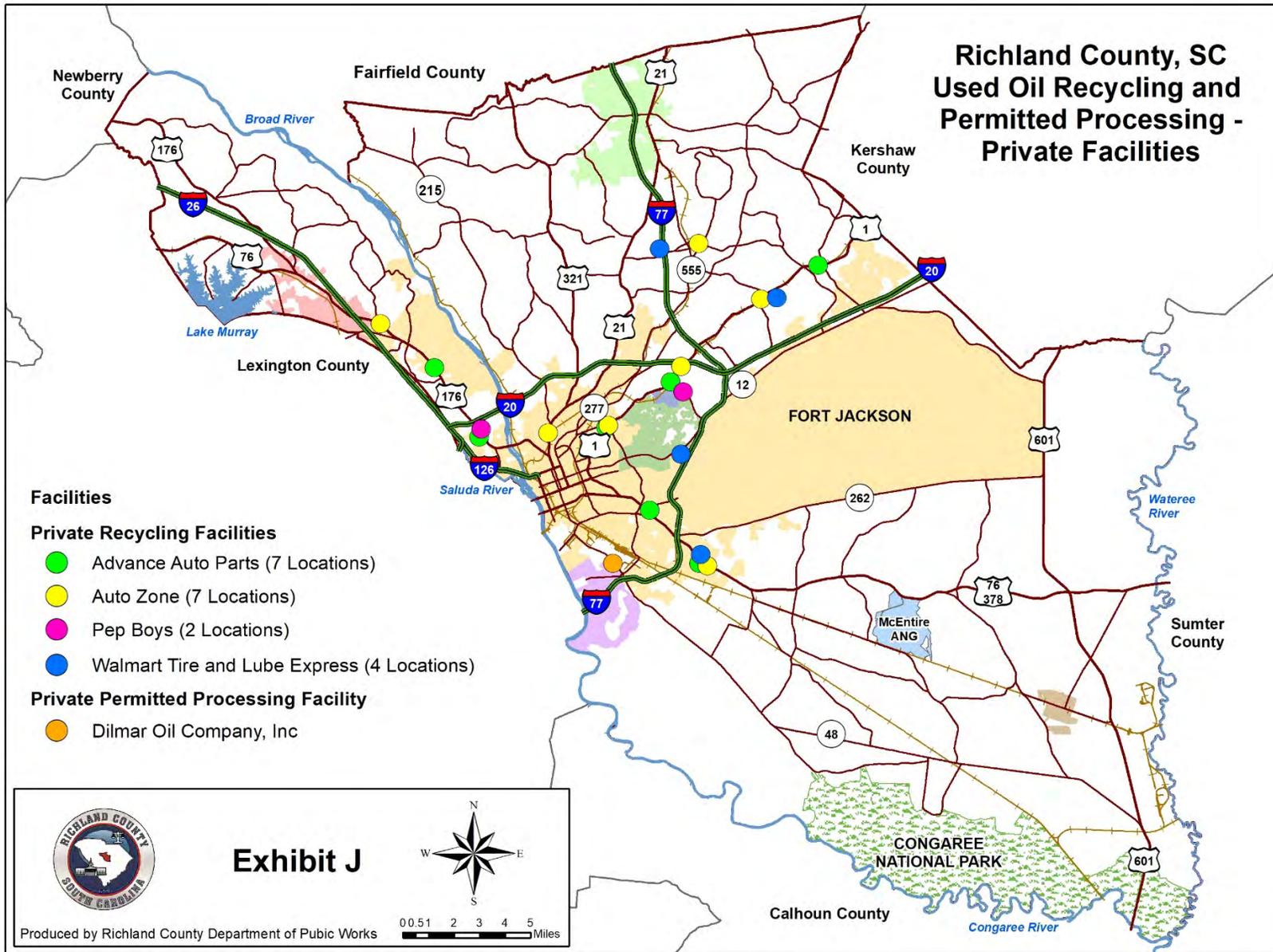


Exhibit J - Used oil recycling and permitted processing - private facilities



4.8.3 Tires

Whole waste tires have been banned from the MSW and C&D waste stream since October 23, 1993. The waste tire rebate by the state funds this collection program, along with Waste Tire Grant funds provided by SC DHEC. To encourage the proper disposal of waste tires, Richland County residents are allowed to dispose of five standard car/truck tires per year at no charge at any of the Richland County recycling drop-off centers. Any additional tires are charged the commercial cost, which is \$150.00 per ton.

4.8.4 White Goods

Section 44-96-200 of the Solid Waste Act placed a ban on the landfilling of white goods as of May 27, 1994. Large Household Appliances, including stoves, refrigerators, HVAC units, trash compactors, water coolers, freezers, washer and dryer, and hot water heaters, that are generated from Richland County residents' primary homes are not charged for their disposal at any County recycling drop-off center. Commercial entities are charged a fee per ton for the disposal of large household appliances.

4.8.5 Electronic Wastes

Beginning July 1, 2011, disposal of most electronic waste was prohibited in landfills. Residents of Richland County may recycle electronic waste by taking these items to either the County's Lower Richland Drop-Off Center (10531 Garners Ferry Road) or to the Richland County Landfill's Drop-Off Center (1070 Caughman Road North). The tons of electronics recycled since 2013 by Richland County is shown in *Table 4.9* below, as reported in each respective South Carolina Solid Waste Management Annual Report.

Table 4.9 Tons of electronics recycled by Richland County

| | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 |
|------------------------------|------------|------------|------------|------------|------------|------------|------------|
| Tons of Electronics Recycled | 2,315 | 1,089 | 549 | 1,120 | 738 | 512 | 324 |

4.9 Miscellaneous Items

Miscellaneous items include materials such as household hazard waste, antifreeze, cooking oil, fluorescent bulbs, mattresses, paint, rechargeable batteries, textiles, used motor oil filters and carpet padding.

4.9.1 Household Hazardous Materials

Household Hazardous Waste (HHW) includes: acids, aerosols, antifreeze, batteries, brake fluids, corrosives, drain openers, flammables, fuel, furniture strippers, gasoline, household cleaners and polishes, kerosene, lighter fluid, oxidizers, paints, pesticides, photo chemicals, poisons, pool chemicals, solvents, thinners, weed killers, and wood preservatives.

Richland County will only collect dried latex paint as part of household garbage, however wet latex paint will not be picked up. The Lower Richland Drop-off Center and the Richland County C&D Landfill Drop-off Center accept latex paint for recycling if it is in good condition. Oil based paints and stains will not be accepted at curbside or drop-off centers. Residents are encouraged to dispose of their wastes at County-hosted HHW collection events that occur twice throughout



the year. The Richland County C&D Landfill Drop-Off Center and the Lower Richland Drop-Off Center also collect residential used motor oil and used oil filters, antifreeze, and lead acid batteries. No HHW material tonnage was collected by Richland County in FY 2019.

4.9.2 Textiles

Through the Mid-Atlantic Clothing Recycling Program (MAC), textiles such as clothing and shoes are collected at a drop box at the Richland County Sheriff’s Department. MAC then collects the materials. The tons of textiles recycled since 2013 by Richland County is shown in *Table 4.10* below, as reported in each respective South Carolina Solid Waste Management Annual Report.

Table 4.10 Tons of textiles recycled by Richland County

| | FY 2013 | FY 2014 | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 |
|---------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| Tons of Textiles Recycled | 60 | 13 | 53 | 135 | 131 | 17 | 1.3 |

4.9.3 Construction and Demolition Debris

Construction debris (to include carpet, padding, shingles, lumber, cement, sand, and dirt) is not collected curbside by Richland County. County residents should take these items to the Lower Richland Drop-off Center or the Richland County C&D Landfill Drop-off Center.

4.10 Public Education

Richland County strives to educate the public as much as possible on best solid waste and recycling disposal practices. The Richland County Solid Waste & Recycling Division has enacted several public education programs to inform the public of the need for and benefits of source separation, recovery, and recycling. It does this by hosting numerous events and educational opportunities County-wide. For example, in addition to the annual ‘Richland Recycles Day’, the County mans a booth at the State Fair every year to teach people how to properly recycle. The County also hauls all the recycled materials from the State Fair to the appropriate processing facility. The County’s goal is to host at least four recycling collection events every year. It is looking to do this through partnerships with the local Riverbanks Zoo and Garden, Lexington County and the City of Columbia. Richland County hosts a Recycling and Shred Event to collect unwanted materials (mainly electronics) from residents that are hard to recycle or often not recycled properly, as well as paper shredding. Richland County also hosts outreach events at the Richland County Library.

For single-family households, the County promotes the neighborhood captains program sponsored by SC DHEC. This program appoints a designated resident to be their neighborhood’s champion for recycling. The captain will post reminder flyers to recycle throughout the neighborhood three days before collection and will overall educate and encourage neighbors on the importance of recycling. The County would like to encourage participation by offering Richland Recycles clothing to residents that do volunteer to be captains.

4.11 Awards

In partnership with Keep the Midlands Beautiful, as well as the City of Columbia and Lexington County, Richland County helps run the Midlands Green Business program. This program recognizes businesses that adopt sustainable and eco-friendly business practices, thus keeping the local community cleaner, greener and making it a more beautiful place to live. The County will recognize businesses that do this and award them with accreditation as an official Midlands Green Business.

4.12 Special Wastes

Special waste is defined as commercial or nonresidential solid waste, other than regulated hazardous wastes, that are either difficult or dangerous to handle and require unusual management at MSW landfills, including but not limited to pesticide wastes, liquid wastes, sludge, industrial process wastes, wastes from pollution control processes, residue or debris from chemical cleanups, contaminated soil from a chemical cleanup, containers and drums, and animal carcasses. Richland County does not currently accept any type of special waste at its Lower Richland Drop-Off Center or the C&D Landfill. Any special wastes generated for disposal within Richland County are the responsibility of the entity generating the waste.

4.13 Import and Export

The Richland County Solid Waste & Recycling Division serves the solid waste needs of its citizens. The Waste Management of Richland Class 3 Landfill accepts waste from several other surrounding counties. Richland County does not export its MSW out of the County. Some private businesses and industries send their waste to the privately-owned landfills outside of Richland County.



5 Local Government Oversight

5.1 Introduction

Section 44-96-80 of the Act requires the County's Solid Waste Management Plan to include:

- an estimate of the cost of implementing the solid waste management plan within that county or region;
- an estimate of the revenue which each local government or region needs and intends to make available to fund implementation of the solid waste management plan;
- an estimate of the cost of siting, constructing, and bringing into operation any new facilities needed to manage solid waste within that county or region during the projected 20-year period;

Richland County's approved FY 2021 budget has \$34,236,249.58 allotted to its Solid Waste Enterprise Fund and is the estimated cost to implement the solid waste management plan within Richland County. The approved FY 2021 budget total comprises of a solid waste management budget of \$1,022,789.00, a collections budget of \$30,264,828.29, a C&D budget of \$1,635,699.29, a Lower Richland Drop-Off Center budget of \$583,623.00, and a closure/post-closure budget of \$749,310.00. The estimate of costs for implementing the Plan is directly related to inflation and incoming waste amounts, which are projected to increase two percent annually from the previous year thereafter. Therefore, applying the directly correlated two percent annual increase, it is estimated that the cost to implement the Plan within Richland County over the entire 20-year planning period will be approximately \$831,850,816.57.

Richland County's budgeting is not influenced nor correlated with the revenue stream generated within each of its incorporated areas. All of the incorporated areas of Richland County as well as the unincorporated collection system generate funds in support of their systems through user fees and/or property taxes.

New facilities needed to manage solid waste within Richland County during the projected 20-year period include the construction of a new waste and recycling drop-off center for the Clemson Road area which is not expected to take place for another two to three years. No funds have been allocated yet for the siting of a new drop-off center to service the northwest area of Richland County nor for the new siting of the Lower Richland Drop-Off Center. Another aspect of the 20-year plan is to expand the Richland County Class 2 Landfill. The design, permitting, and construction process of the expansion is not expected to start until FY 2024 and no funds have yet been allocated towards this effort.

A discussion of how each of the solid waste management services is funded is in the following sections.

5.2 Collection

Many of the incorporated areas of Richland County provide curbside collection services. Residential curbside collection of MSW, yard waste, and recyclables is available to the residents of Richland County per the Richland County Ordinance. A roll cart is provided to residents for



storing solid waste and a recycling bin to store recyclables for pickup. Curbside pickup occurs weekly for MSW and yard waste, and weekly/bi-weekly for recyclables. Residents must place their cart at the street on their designated collection day. Each of the incorporated areas generates funds in support of their systems through user fees and/or property taxes.

Richland County provides collection for the unincorporated areas of the County by utilizing manned drop-off centers. These centers accept items that can't be placed in roll carts, such as C&D debris, electronics, waste tires, used oil, and metal. The Richland County Solid Waste & Recycling Division manages and provides staffing for the drop-off centers.

5.3 Education

For incorporated areas of Richland County that provide education, funds are generated through user fees and/or property taxes.

Richland County provides solid waste and recycling public education services for the entire County. Funding for these public education services are funded from the collection of tipping fees and residential solid waste fees, which are paid by all users of the Richland County waste disposal facilities, as well as revenues from sales of recyclables.

5.4 Recycling and Mulching/Composting

For incorporated areas of Richland County that have recycling and composting programs, funds are generated through user fees and/or property taxes.

Richland County provides hauling services for numerous recycling collection areas located in both the incorporated and unincorporated areas of Richland County, including the Town of Blythewood.

The County also operates a mulching facility as described in Section 4.5.1 of this Plan. The mulching facility is funded from sales of mulch as well as the collection of residential solid waste and tipping fees, which are paid by all users of the Richland County waste disposal facilities.

5.5 Disposal

The Richland County Solid Waste & Recycling Division is responsible for the siting, construction and operation of solid waste management disposal facilities in Richland County. Residential solid waste fees will be the primary source of revenue to cover costs for siting, construction, and operation of Richland County's solid waste disposal facilities for the 20-year planning period. Currently, residential solid waste fees are used to cover the costs related to solid waste programming, waste collection, landfill operation and drop-off center operation costs. Landfill tipping fees also help cover landfill operational costs. A County-wide millage pays for the disposal costs at the Class 3 MSW landfill, currently at the Waste Management Richland Landfill. The County pays for disposal of residential Class 2 waste generated in the eastern part of Richland County at the Waste Management Pine Hill Landfill. Residential Class 2 waste from the western half of the County is taken to the Richland County C&D Landfill for disposal.

6 Goals, Policies, Strategies & Barriers

6.1 Introduction

The Solid Waste Policy and Management Act (Act) designates a waste reduction goal and a waste recycling goal for the state. The Act also establishes policies to be incorporated into South Carolina's solid waste management programs. This chapter details the solid waste reduction and recycling goals and policies outlined in the Act along with suggested strategies for achieving the goals, and possible barriers.

Specifically, Section 6.2 summarizes the State Solid Waste Management Plan Goals and Policies; Section 6.3 presents Richland County's plan for meeting these Goals and Policies; Section 6.4 presents additional potential strategies and actions to assist in meeting the Goals and Policies; Section 6.5 describes ongoing actions taken to meet Goals and Policies; and Section 6.6 describes possible barriers to meeting the Goals and Policies.

6.2 State Solid Waste Management Plan Goals and Policies

6.2.1 Goals

The following goals are included in Section 44-96-50 of the Act.

1. It is the goal of this State to reduce, on a statewide per capita basis, the amount of municipal solid waste being *generated* to 3.5 pounds per day not later than June 30, 2005. The FY 2011 South Carolina Solid Waste Management Annual Report updated this goal to be a *disposal* rate of 3.25 pounds or less per day by 2020. The current goal, per the FY 2019 South Carolina Solid Waste Management Annual Report, is to reduce municipal solid waste *disposal* to 3.25 pounds or less per person per day. For the purposes of this goal, "municipal solid waste" includes, but is not limited to, wastes that are durable goods, nondurable goods, containers and packaging, food scraps, yard trimmings, and miscellaneous inorganic wastes from residential, commercial, institutional, and industrial sources including, but not limited to, appliances, automobile tires, old newspapers, clothing, disposable tableware, office and classroom paper, wood pallets, and cafeteria wastes. "Municipal solid waste" does not include solid wastes from other sources including, but not limited to, construction and demolition debris, auto bodies, municipal sludges, combustion ash, and industrial process wastes that also might be disposed of in municipal waste landfills or incinerators.
2. It was a prior goal of the State to recycle, on a statewide basis, at least 35 percent, calculated by weight, of the municipal solid waste stream generated in this State no later than June 30, 2005. In determining whether the solid waste recycling goal has been achieved, no more than 40 percent of this goal may be met by removing yard trash, land-clearing debris, and C&D debris from the solid waste stream. The FY 2011 South Carolina Solid Waste Management Annual Report updated this goal to recycle 40 percent of its MSW by 2020. The current goal, per the FY 2019 South Carolina Solid Waste Management Annual Report, is to recycle 40 percent of the state's MSW.



3. It is the goal of this State to continue setting new and revised solid waste recycling and waste reduction goals after June 30, 2005. These goals must be established in a manner so as to attempt to further reduce the flow of solid waste being disposed of in municipal solid waste landfills and solid waste incinerators.

6.2.2 Policies

The following policies are included in Section 44-96-50 of the Act.

1. It is the policy of this State to promote appropriate methods of solid waste management prior to utilizing the options of disposal in landfills, treatment or disposal by incineration or other treatment, storage, or disposal methods, and to assist local government with solid waste management functions. In furtherance of this state policy, it shall be preferable to reduce the production and generation of waste at the source and to promote the reuse and recycling of materials rather than the treatment, storage, or disposal of wastes by landfill disposal, incineration, or other management methods designed to handle waste after it enters the waste stream.
2. It is the policy of this State that the methods of management of solid waste shall protect public health, safety, and the environment by employing the best available technology, which is economically feasible for the control of pollution and the release of hazardous constituents into the environment. Such methods shall be implemented in a manner to maximize the reduction of solid waste through source reduction, reuse, and recycling.
3. It is the policy of this State to encourage research by private entities, by state agencies, and by state-supported educational institutions into the reduction of solid waste production and generation.
4. It is the policy of this State to encourage a regional approach to solid waste management.
5. It is the policy of this State that each county or region make every effort to meet, on an individual basis, the state solid waste recycling and reduction goals and that each county or region, and municipalities located therein, which meet this goal be financially rewarded by the State.

6.3 Strategies to Meet Goals and Policies of the Act

With this Plan, Richland County intends to incorporate all the goals and policies set by the State into its solid waste program. Strategies to meet goals and policies of the Act include:

- To develop and maintain an administrative staff which fully supports the missions, goals, and objectives of the Richland County Solid Waste & Recycling Division.
- To provide educational programs to the public on responsible waste management with an emphasis on source reduction, re-use, recycling, and environmental awareness.
- To provide comprehensive solid waste management programs which incorporate state-of-the-art technologies in order to maximize protection of the environment and efficiently utilize the disposal system.
- To provide attractive and well-maintained facilities and equipment in order to provide waste disposal services promptly to users, to enhance the image of waste management in the service area, and to instill pride in Richland County.

- To maintain active liaison and communications with industry, federal, state, and local officials concerned with solid waste management.
- To continue to employ, train, and retain a highly competent work force consistent with sound personnel practices and laws.
- To pursue a regional approach to managing the County's waste.

6.4 Additional Potential Strategies and Action Items to Consider

The following additional strategies are considered for inclusion in the 2021 Solid Waste Management Plan.

6.4.1 Consumption/Generation Potential Strategies

1. A phased approach for increasing diversion over time beyond the state goals should be considered. However, due to the difficulty in accurately tracking the actual, overall diversion and recycling rates due to inconsistent reporting across the County and State, a more clear and comprehensive understanding of accounting for recycling and diversion in the County is needed. A clear method of accounting for recycling and diversion rates could be established as a baseline before setting more aggressive recycling and diversion goals and developing strategies to achieve those goals.

The County could look for ways to incentivize commercial reporting. An evaluation of what is currently occurring should first be determined. Consider encouraging the State to require reporting, and perhaps consider putting the reporting requirement on the recyclable materials haulers rather than individual businesses.

Discussions with the Richland County Solid Waste & Recycling Division could be considered in order to demonstrate the current difficulties in measuring accurate recycling rates, and potential efforts to require or otherwise incentives reporting in order to accurately track recycling efforts in the County, which may include:

- updating the current County ordinance to make reporting required
 - an incentive program to promote businesses that report
 - an adjustment to regulations in order to make recycling easier for businesses (i.e. dumpster enclosure regulations, style of service regulations, future building design criteria).
 - **Action Item:** Work with SC DHEC to improve/streamline, require and enforce reporting, which may include changes to who reports and how (e.g., instead of individual businesses reporting, focus on recyclable material haulers reporting and tie to licensing to enforce.)
2. The County could perform a recycling commodity characterization study every five years (before each Plan update) or as determined by market conditions in order to better understand what is in the waste stream and how the current recycling market is affecting it. The study should break down information from different generator sectors (e.g., residential single family, residential multifamily, and commercial areas). A recycling commodity characterization study could help analyze if changing the recycling collections stream could be cost beneficial (e.g., removing glass from collection).



3. The County, and municipalities within the County, could continue to promote backyard composting and take-back programs, such as for electronics, through its education and outreach efforts.
 - **Action Item:** Baseline food scraps, electronics, and other items that should be recycled in “take back” programs in the next recycling commodity characterization study, then measure progress with each waste characterization study performed prior to each Plan update.
 - **Action Item:** Research whether an additional fee could be added for Richland County to provide certain additional services.
4. The County and municipalities within the County could support state-level Extended Producer Responsibility (EPR) initiatives, rather than implement its own EPR initiatives, which may include EPR initiatives for tires, e-waste, plastic bags, carpet, paint, mattresses, batteries, and various product packaging materials.
 - **Action Item:** Encourage SC DHEC to take more action on EPR initiatives.
5. The County and municipalities within the County could each review its own current Municipal Purchasing Practice and determine if there are opportunities to lead by example through sustainable purchasing practices at the local government level. The County could also encourage the State to look for opportunities for sustainability initiatives through the State purchasing practices.

6.4.2 Collection and Transfer Potential Strategies

1. The County should expand its drop-off center locations to allow more residents within the County access to a means of disposal and recycling (i.e. construct a new drop-off center to service the northwest area).
 - **Action Item:** Analyze the logistical and financial potential to build a new drop-off center to service the northwest area of Richland County; expand or re-locate the partially servicing drop-off center in the northeast area to act as a full servicing center; and re-evaluate the Lower Richland Drop-Off Center site due to unsafe traffic patterns and volume, and determine whether it should be relocated to a safer location.
2. The County could remove glass from the curbside recycling program and collect it only at the drop-off sites to reduce contamination, equipment damage and costs. It could generate a partnership with the University of South Carolina and other Richland County municipalities to collect glass and consolidate it at the County landfill for transportation to a glass recycler.
3. The County could partner with SC DHEC to establish a public relations campaign to encourage residential recycling and reduce contamination in collected roll carts. The Division should continue to tag recycling roll carts to educate residents on proper recycling, as well as reduce the contamination rate.
4. The County and municipalities within the County could continue to monitor and implement opportunities to address recycling in public places and at special events. The added cost of these events should be compared to the diversion anticipated to determine the cost and benefits of expanding recycling in public places and at special

events. Logistics, including impacts on planning and zoning should also be factored into the analysis.

5. The County could continue to expand its programming to assist businesses and multifamily housing in setting up recycling programs. Programming could include education and outreach for tenants of building, logistics assistance for property managers to determine placement of recycling containers, and recommendations for recycling programs that make the most sense for the specific user (i.e. office buildings recycle office paper, restaurants recycle bottles and containers and/or food scraps, retailers recycle cardboard, etc.). Currently, multifamily residents do have access to the County-wide drop-off centers.

6.4.3 Processing and Conversion Potential Strategies

1. The County could investigate and develop markets for its mulch/woodchips. The Division should consider renting a trommel screen to screen the mulch and woodchips. Fines from the screened material could be sold as topsoil or compost.
2. The County recently conducted a capacity study for the Richland County C&D Landfill to determine the potential for future landfill expansions. Within the next five years, the County should move forward with the permitting of the next expansion phase of the landfill.

6.4.4 Marketing/End Use

1. The County could evaluate the markets for recyclables in the region in order to determine what markets are readily available in the area and what kinds of markets make sense to attract to the area. The Solid Waste and Recycling Division should be responsible for determining which commodities to include or remove from the curbside recycling collection program based on market conditions.

6.4.5 Additional Material Streams and Strategies to Consider

1. The County could further promote organics recycling through commercial food scraps diversion, as the processing capabilities within the County allow.
 - **Action Item:** Look for ways to attract more private haulers for organics collection, to help lower cost.
2. The County and municipalities within the County could look for opportunities to recycle construction and demolition debris (C&D).
 - **Action Item:** Add C&D recycling statistics from each municipality to the Plan, so it can be tracked every five years, with each update. To the extent possible, aggregate data from private operators, too.
3. The County should routinely review tipping and residential solid waste fees, or identify other funding sources, that cover the cost of recycling and diversion programs.
4. The County could encourage municipalities to accept the 2021 strategies as part of their own goals and strategies, as many of these strategies would need to be implemented in each jurisdiction.



6.5 Ongoing Actions Taken to Meet Goals and Policies of the Act

Richland County has made significant efforts toward the recycling and reduction of solid waste through its aforementioned recycling events and public education programs. The County will continue to operate these events and programs and plans to add more in the future.

The County intends to capitalize on opportunities to achieve the per capita waste disposal goal and recycling goal set by the State Plan. As a strategy to reach the State goals, Richland County is analyzing incoming recycling commodity materials and removing categories that are not cost effective. For example, the County is currently planning on slowly removing glass from its curbside collection program due to negative current market conditions, its contamination of other materials, its abundant presence in residue, as well as its abrasiveness to recycling machinery.

6.6 Possible Barriers to Achieving Goals

Over the past several decades, it has been demonstrated that waste generation is directly correlated to economic activity. During prosperous times, society tends to be more wasteful. For businesses, these good economic times reduce the incentive to recycle or reduce waste since waste disposal fees become a much smaller portion of their overall costs. During good economic times, citizens tend to increase purchases and discard rather than reuse, thereby creating more waste.

During the past couple of years, the country has experienced extreme volatility in markets for commodities that are collected for recycling, which fell drastically due to recent actions on the part of China. In July 2017, China notified the World Trade Organization (WTO) of its intention to prohibit the import of certain solid wastes and scrap into their country, including mixed paper and mixed plastics, beginning on January 1, 2018. China also announced an exceedingly stringent contamination standard applicable to recyclable imports (0.5 percent). According to Chemical & Engineering News (C&EN), prior to these new restrictions China was importing approximately 13 million tons of paper and 776,000 tons of plastic from the United States annually. Recycling processing facilities around the United States are now struggling to find viable markets to accept these materials, especially since it is often cheaper for manufacturers to use virgin materials that are typically abundantly available rather than recycled materials.

Fluctuating and unstable markets for recyclables have made it difficult to significantly expand recycling opportunities. The markets can significantly impact the cost effectiveness of a recycling program. Markets must abound and be stable for communities and private businesses to invest and expand recycling and waste reduction efforts.

Since recycling programs are generally a net cost (i.e. the revenues from the sale of recyclables do not cover the cost of the programs), their prevalence is subject to the funding constraints of the local government. Richland County's recycling programs are funded from sales of recyclables and solid waste fees charged to residents. New recycling programs or expansion of existing recycling programs will necessitate significant increases in residential solid waste fees. Increased funding could result from more waste being disposed or from higher residential solid waste fees. The biggest concern is that maintaining the existing system is dependent upon

maintaining the residential solid waste fees at their current levels or the substitution of an alternative funding system. The County has already started implementing some strategies to help alleviate some of the cost burdens. While some municipalities across the country are eliminating curbside recycling altogether to help reduce costs, Richland County has chosen a different course. It has been trying to educate its citizens on the contamination issues with recycling and are even refusing to pick up carts with contaminated materials. The County will return on the next pick up day providing the contamination has been removed. The County's efforts have resulted in an approximately \$20.00 per ton difference in its favor compared to other similar municipalities. While the County's educational efforts have proven to be helpful in cost reduction so far, the County is still planning on slowly removing glass from its curbside collection program to cause further savings.

As discussed earlier, waste reduction plays an important role in reaching the goals of the State. Richland County can encourage its citizens to reduce the amount of waste they generate by smart shopping and reuse of packaging materials; however, the results will be limited without the support of the businesses and industries that produce and sell the products the citizens buy. The effort to reduce packaging must start at the State and Federal levels in order to be successful. Richland County could encourage SC DHEC and the General Assembly to expand Section 44-96-150 of the Act dealing with packaging and plastics. The section requires packaging, especially beverage containers, to be made of recyclable materials. The section needs to also focus on reducing packaging for all products, where practical.

7 Public Participation, Plan Revision, and Consistency with State and Local Solid Waste Management Plan

7.1 Introduction

This section of the Plan describes public participation utilized to make this Plan revision as well as procedures for determining consistency with the State and local Solid Waste Management Plans.

7.2 State and Local Plan Revision

7.2.1 Local Government Participation

Section 44-96-80 of the Solid Waste Act states "Local governments... shall participate in the development of the...plan and are required to be a part of the plan". As previously mentioned in Section 1.7 of this Plan, the 2021 Plan was prepared utilizing input from the Richland County Solid Waste & Recycling Division and the local governments/incorporated areas.

After their input is incorporated, the Plan is to be submitted directly to the Richland County Council by the Richland County Solid Waste & Recycling Division. The Richland County Council will be asked to approve a resolution in support of the Plan.

Following approval by the Richland County Council, the Plan will be submitted to SC DHEC.

7.2.2 Plan Revision

The Richland County Solid Waste Management Plan will be, at a minimum, updated every five years. Revisions of the Richland County Solid Waste Management Plan will require approval of the Richland County Council. Meeting minutes documenting Richland County Council review and/or approval of the updated Richland County Solid Waste Management Plan will be provided to SC DHEC and will be located in *Appendix C*.

7.3 Consistency with State and Local Solid Waste Management Plans

Section 44-96-290(F) of the Act states no permit to construct a new solid waste management facility or to expand an existing solid waste management facility within a county or municipality may be issued by the SC DHEC unless:

1. the applicant provides documentation from the applicable local government of compliance with local land use and zoning ordinances along with the permit application;
2. the proposed facility or expansion is consistent with the local or regional solid waste management plan and the state solid waste management plan; and

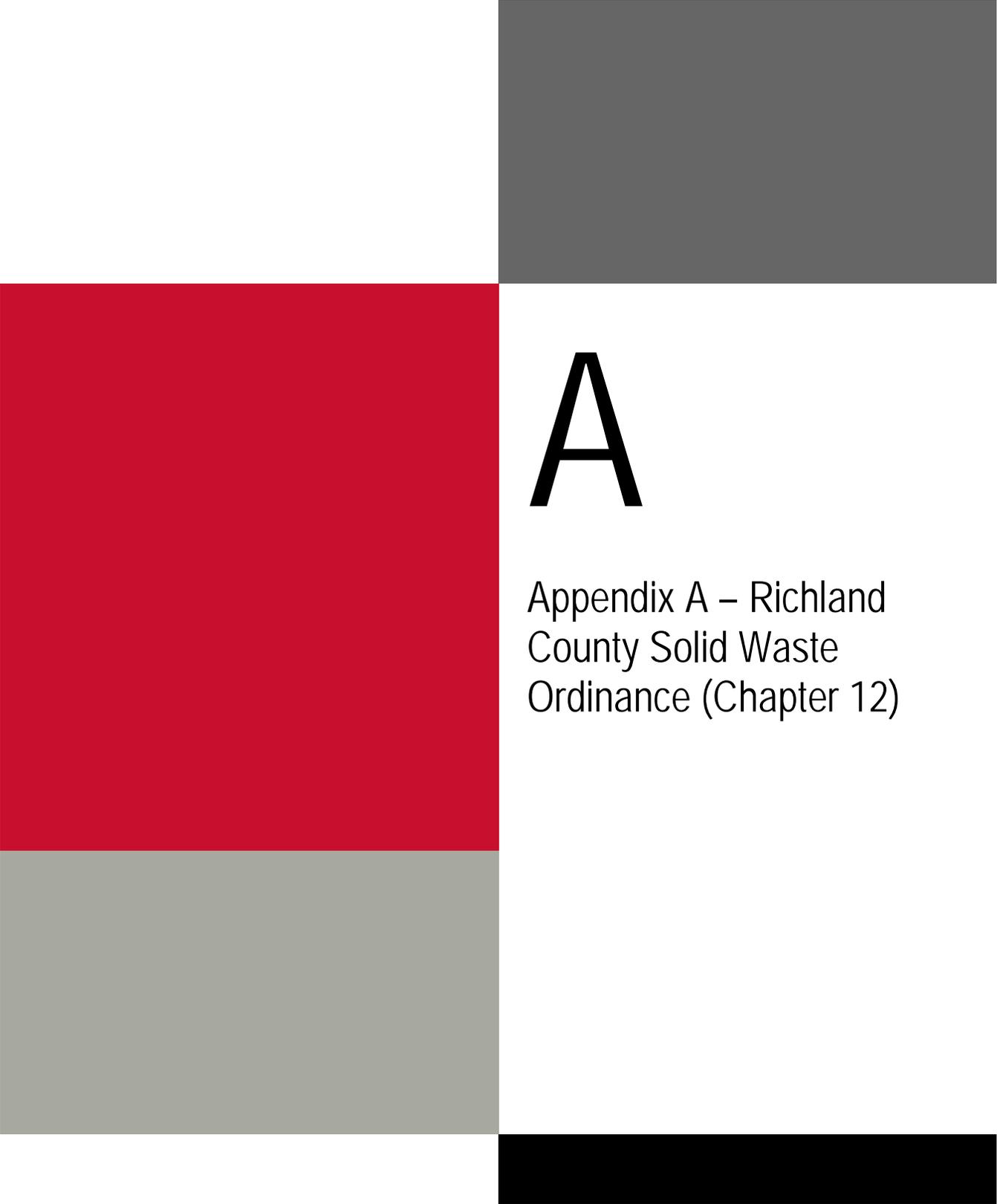


3. the host jurisdiction and the jurisdiction generating solid waste destined for the proposed facility or expansion can demonstrate that they are actively involved in and have a strategy for meeting the statewide goal of waste reduction established in this chapter

All permit applications for solid waste management facilities must be submitted to SC DHEC and reviewed for consistency with the State Solid Waste Management Plan and the 2021 Richland County Solid Waste Management Plan.



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Appendix A – Richland County Solid Waste Ordinance (Chapter 12)



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CHAPTER 12: GARBAGE, TRASH AND REFUSE*

***Editor's note--**At the discretion of the editor, Ord. No. 954-82, effective Jan. 1, 1984, has been included as having superseded §§ 12-2, 12-4, and all of Art. II, formerly comprising §§ 12-11--12-21. Ord. No. 954-82 had been saved from repeal by § 1-10(7); it was not specifically amendatory. The provisions codified as old §§ 12-2, 12-4 and 12-11--12-21 derived from Code 1976, §§ 8-2001--8-2013 and Ord. No. 649-80, effective June 6, 1979.

Cross reference(s)---Dumping on private property, § 2-199; hazardous chemicals, Ch. 13; health, Ch. 14; sewers and sewage disposal; weeds and rank vegetation, § 18-4; § 24-61 et seq.

State law reference(s)---Garbage collection and disposal in counties, S.C. Code 1976, § 44-55-1010 et seq; solid waste collection and disposal by counties, S.C. Code 1976, § 44-55-1210 et seq.

ARTICLE I. IN GENERAL

Sec. 12-1. Dumping within rights-of-way prohibited.

It shall be unlawful for any person to dump, throw, drop, leave, or in any way deposit any garbage, ashes, rubbish, paper, trash, litter, refuse, building materials, glass bottles, glass or cans on any property belonging to another on or along any street, road, highway, curb, sidewalk, or public right-of-way, except as required by the authorized and franchised garbage collector for that district; nor shall any person throw or deposit any refuse in any stream or other body of water within the boundaries of the county.

(Code 1976, § 11-4001; Ord. No. 389-77, § 1, 4-20-77)

Cross reference(s)---See also § 12-21.

State law reference(s)---Similar provisions, S.C. Code 1976, § 16-11-700.

Sec. 12-2. Litter control.

(a) *Responsibility of driver.* When litter is thrown from a vehicle, the driver shall be held responsible regardless of who throws the litter out of the vehicle.

(b) *Procedures.* The following procedures shall be followed by refuse control officers when citing violators of this provision of this section:

(1) In accordance with South Carolina Code 1976, section 16-11-710, the county refuse control officers shall hereby be authorized to accept a cash bond in lieu of requiring an immediate court appearance by a person who has been charged in a violation of ordinances and laws relating to litter control. Checks shall be accepted instead of cash.

(2) Refuse control officers shall use Form S-438 when issuing citations.

(3) In cases where bail is accepted by arresting officers, the violator's copy of the summons (blue) shall serve as the receipt for the offender. Bail monies shall be properly secured during nonworking hours by the refuse control officer. Prior to the trial, the arresting officer shall turn the bail bond over to the magistrate who signs the receipt portion of the summons for the arresting officer. Strict accountability shall be required in accordance with established procedures of the county's finance department (Ordinance No. 233-1015-75, Sections 1 and 2).

(Ord. No. 954-82, § 11, 1-1-84)

Sec. 12-3. Scavenging through greenboxes.

It shall be unlawful for any person to rummage through, remove, or salvage items from or otherwise scavenge from or tamper with any county-owned greenbox, solid waste container or the area located around green boxes and containers located within the unincorporated area of the county.

(Code 1976, § 11-1003; Ord. No. 794-81, §§ I, II, 4-2-81; Ord. No. 999-82, § I, 12-1-82; Ord. No. 1907-89, § IV, 9-5-89; Ord. No. 006-02HR, § I, 3-19-02)

Sec. 12-4. Debris on lots.

(a) *Definition.* For purpose of this section, the term "debris" means refuse, rubbish, trash, garbage, offal, junk, spilt, waste, litter, and/or building materials that are determined to be deleterious to good health and public sanitation.

(b) *Declaration of nuisance.* Debris allowed to accumulate and remain on any lot or parcel of land in a developed residential area within the county may be deemed and declared a nuisance in the judgement of the county public works director. For the purpose of this action, "residential area" is defined as property zoned for a residential use, platted for residential use with a plat having been begun, installation of utilities having been begun and construction of residential units being commenced.

(c) *Duty of owner, etc., to remove.* It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in a developed residential area within the county to remove such debris as often as may be necessary to prevent the accumulation of such debris.

(d) *Notice to owner, etc., to remove.* Whenever the county public works director shall find that debris has been allowed to accumulate and remain upon any lot or parcel of land in a developed residential area within the county in such a manner as to constitute a nuisance, s/he may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.

(e) *Failure to comply with notice.* If the person to whom the notice is directed, under the provisions of the preceding subsection fails, or neglects to cause such debris to be removed from any such premises within ten (10) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of this chapter.

(f) *Removal by county.* In the event any property is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States mail, or posted upon the premises, then the department of public works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by removing the debris, and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

(g) Work may be done by county upon request. Upon the written request by the owner or the person in control of any lot or parcel of land covered by this section, and the payment to the county for the services, the department of public services may enter upon any such lands and remove the debris therefrom, the charge and cost of such service to be paid into the county treasury.

(Ord. No. 1130-84, §§ 1-7, 3-6-84; Ord. No. 1611-87, §§ 1-5, 5-5-87; Ord. No. 1843-89, §§ I-III, 3-7-89; Ord. No. 2086-91, §§ I, II, 4-16-91; Ord. No. 051-02HR, § II, 9-17-02)

Sec. 12-5. Penalties.

(a) If any of the matter or material dumped in violation of this chapter can be identified as having last belonged to, been in the possession of, sent to, or received by, or to have been the property of any person, firm,

or corporation prior to its being dumped as prohibited herein, such identification shall be presumed to be prima facie evidence that such owner dumped or caused to be dumped such matter or material in violation of this chapter.

(b) Appointed refuse control officers shall have the authority to enforce all the provisions of this chapter and shall issue summons to violators of any provision to appear in the magistrate's court of the county to answer to the charge of violation of the appropriate section of this chapter.

(c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than thirty (30) days or fined not more than five hundred (\$500.00) dollars, or both. Each day's continuing violation shall constitute a separate and distinct offense, unless otherwise specified.

(Ord. No. 954-82, §§ 12-1, 13-1, 13-2, 1-1-84; Ord. No. 023-01HR, § I, 4-17-01; Ord. No. 051-02HR, § II, 9-17-02)

Sec. 12-6. County landfills not to accept garbage, refuse and other waste material generated outside county.

(a) The Richland County Landfill shall not accept garbage, refuse or other waste material which is generated outside of the county.

(b) Before being allowed to dump garbage, refuse, or other waste material in the county landfill, the person dumping said material shall sign a statement authenticating that said material was generated within the county.

(c) Any and each false statement signed by a person dumping material referred to in subsection (b) of this section shall constitute a violation of this chapter.

(d) The term "generated," as used in this section, shall mean the point of origin of garbage, refuse, or other waste material. Sludge from waste treatment plants located outside of the county which treat waste generated in the county may be accepted to the extent that the sludge is generated in the county.

(e) Any dispute as to the point of origin of garbage, refuse, or other waste material shall be decided by the director of public works and utilities.

(Ord. No. 1703-88, § 2, 1-5-88; Ord. No. 1736-99, §§ I--III, 4-19-88; Ord. No. 051-02HR, § II, 9-17-02)

Secs. 12-7--12-10. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 12-11. Applicability.

This article shall apply to the preparation, storage, collection, transportation and disposal of all refuse in the area under jurisdiction of the county council as presently or hereafter established. It shall prescribe rules and regulations relating to collection and disposal of solid waste; prescribing rules and regulations for hauling garbage, refuse and other waste material within and through the county; providing for the proper disposal of solid waste; prohibiting littering and illegal dumping within the unincorporated area of the county, and providing penalties for violation thereof. This article provides for the assessment of service charges to finance the cost of solid waste collection.

(Ord. No. 954-82, § 2, 1-1-84; Ord. No. 093-05HR, § 1, 12-6-05)

Sec. 12-12. Definitions.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section. When not inconsistent with the context, words used in the present tense include the

future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely discretionary.

Apartment: Any building containing more than four (4) contiguous dwelling units or any group of buildings or mobile homes located on a single lot which contains a total of six (6) or more dwelling units.

Bulk container: A manufacturing container suitable for emptying by mechanical equipment and approved by the director of public works.

Code: The Code of Richland County, South Carolina.

Commercial establishment: Any hotel, apartment, rooming house, business, industrial, public or semi-public establishment of any nature.

Commercial refuse: Trash and garbage generated by apartments, operation of stores, offices, restaurants and other places of business and industrial establishments (excluding industrial waste as defined herein).

Contractor: The person or persons, partnership, or corporation which has entered into a contract with the county to perform solid waste collection.

County: Richland County, South Carolina.

County administrator: The county administrator or his designated agent.

Disposal facility: Any facility or location where any treatment, utilization, processing or disposition of solid waste occurs.

Dwelling unit: One or more habitable rooms which are intended to be occupied by one (1) family with facilities for living, sleeping, cooking and eating and from which the county would collect refuse; excludes commercial, industrial and manufacturing establishments.

Franchise collector: The person or persons, partnership or corporation which has entered into a franchise agreement with the county to perform solid waste collection.

Garbage: All accumulations of animal, fruit or vegetable matter that attend the preparation, use, cooking and dealing in, or storage of meats, fish, fowl, fruit, vegetables and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious and offensive smells or odors, or which during and after decay may serve as breeding or feeding material for flies and/or germ-carrying insects or vermin; bottles, cans or food containers which due to their ability to retain water can serve as a breeding place for mosquitoes and other water-breeding insects.

Garden and yard trash: Any and all accumulations of grass, leaves, small trees and branches (not exceeding four (4) inches in diameter), shrubs, vines and other similar items generated by the maintenance of lawns, shrubs, gardens and trees from residential properties.

Hazardous materials: Wastes that are defined as hazardous by state law and the state department of health and environmental control regulations.

Health officer: The county health officer or his authorized deputy, agent or representative or other person as the county council may designate in lieu of such health officer.

Household trash: Any and all accumulations of materials from the operation of a home which are not included within the definition of garbage. Household trash shall include all bulky appliances, furniture, boxes and yard toys.

Industrial waste: Any and all debris and waste products generated by canning, manufacturing, food processing (excluding restaurants), land clearing, building construction or alteration and public works type construction projects whether performed by a governmental agency or by contract.

Refuse: Includes both garbage and trash as defined in this section.

Residential property: Property which contains residential dwelling units other than those defined in this section as apartments.

Residential refuse: Refuse generated by residential property as defined in this section.

Roll cart: Garbage containers, mounted on wheels, which are issued to citizens by the county. Containers are used to store garbage between collections by franchise collectors.

Sanitary landfill: The method of disposing of refuse by placing an earth cover thereon which meets the regulations of the state department of health and environmental control.

Small business: Any business entity registered with the Secretary of State that produces no more solid waste during any County defined solid waste collection cycle than will fill two (2) County-issued roll carts.

Special material: These are bulky materials or other special wastes that are not stored in roll carts and cannot be picked up by a normally used collection vehicle.

Trash: Unless specifically provided to the contrary, shall include and mean household trash and garden and yard trash as defined herein.

(Ord. No. 954-82, § 3, 1-1-84; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-13. Administration and enforcement.

(a) The director of public works shall be responsible for the administration and enforcement of the provisions of this article. He or she may request assistance from the various departments and other officials of the county as may be necessary for the orderly implementation of this article. Regulations promulgated to carry out this article shall be subject to prior review and approval of county council.

(b) Proof of means used for disposal of solid wastes by businesses and commercial enterprises shall be presented to the refuse control officers when requested by them.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-14. General conditions for granting contracts for residential and small business solid waste collection.

(a) The entire unincorporated area of the county shall be designated as a roll cart service area and shall be divided into eight (8) service areas with these areas to be plainly outlined on a map of the county. Such maps shall be made a part of the contract with the collectors and shall be available for public inspection..

(b) Contracts shall be obtained as follows:

(1) After the initial awarding of the service areas, the option to bid on any or all of the service areas shall be open to all contractors, or subcontractors, who are garbage collectors for the county, or said areas may be awarded through open, competitive bidding.

(2) If all service areas are not successfully awarded through the above method, areas shall be awarded pursuant to the Richland County Code of Ordinances, Chapter 2, Article X, Division 2, Competitive purchasing policy. Anyone submitting a bid or proposal must meet all qualifications and criteria set forth for collectors.

(3) A lone bid or proposal for a specific service area shall not warrant automatic award of the franchise to the lone bidder or proposer.

(4) Should any contractor, or subcontractor, be found to be involved in collusion, in any way, through his or her own acts or those of any agent, said contractor or subcontractor, shall be disqualified from bidding or proposing.

(5) Successful contractors shall offer to purchase existing solid waste collection vehicles from current contractors within the respective service areas who were unsuccessful in renewing or renegotiating a contract.

The value of the equipment will be determined by an independent appraiser.

(6) Successful contractors will be encouraged to hire employees of current contractors, within the respective service area, who were unsuccessful in renewing or renegotiating a contract.

(7) a. In the event that a contractor shall lose his contract through the expiration of his or her contract through the expiration of the contract or otherwise, or in the event that he or she subcontracts his or her area, then county council may, at its option, do any of the following:

1. Contract with the subcontractor without competitive bidding, pursuant to section 2-612(c)(3) and (10);
2. Open the area to competitive bidding by the contractors authorized to operate in Richland County; or
3. Open the area to competitive public bidding.

b. In the event that a contractor is a partnership, corporation, or entity other than an individual, and such contractor anticipates a sale or transfer of the ownership and/or management of the business to a third party, then the county administrator shall, at his discretion, give written approval or denial of the assignment of the contractor's contract rights under the contractor's franchise to the third party. Written approval of the county administrator shall be obtained prior to the third party's assumption of the contractor's duties in the service area.

c. In the event that a contractor who is a partnership, corporation, or entity other than an individual fails to obtain the prior written approval of the county administrator as required by section 12-14(b)(7)b. above, the county may competitively bid such contractor's service area.

(c) Monthly payments shall be made by the director of finance to the contractors. The contractors shall be allowed to petition county council for payment increase, based upon significant change of circumstances in the cost of delivering collection services.

(d) Collectors shall not be permitted to change boundaries of collection areas or to enter into agreements with subcontractors without prior written approval of the county administrator.

(e) All collectors under contract with the county shall continue service to customers as outlined in the contract.

(f) All bonds, insurance and other contractual obligations shall be adhered to by all contractors. Such contract requirements shall be reviewed and/or evaluated on a routine basis, and if, at any time, a collector is found to be in violation of any contract requirement, the collector shall be given fifteen (15) days to correct the violation. Should the collector fail to show compliance with the contract after the fifteen-day grace period, he or she shall automatically forfeit his or her franchise.

(g) The county administrator shall make available to the contractors any information gathered by the county which might assist the collector in submitting his or her cost and/or bid.

(h) Contractors shall not be required to pay the standard landfill dumping fees for residential solid waste or for small business solid waste delivered to the Richland County Landfill.

(i) Contracts with the franchise shall be for a period not to exceed five (5) years.

(j) Any contract may be extended at the option of county council and the contractor for a period not to exceed five (5) years, notwithstanding any contract language to the contrary. Any subcontractor who has assumed the duties and responsibilities of another contractor may, at the option of county council, be substituted as the original contractor of the service area.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 1859-89, § I, 4-18-89; Ord. No. 1917-89, § I, 10-3-89; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-15. Conditions for residential and small business solid waste collection--Garbage.

(a) Garbage shall be collected only by collectors who are franchised by the county.

(b) Garbage shall be collected in the entire unincorporated portion of the county by roll cart service under the following conditions:

(1) One (1) roll cart shall be issued to each household in the unincorporated area of the county. The roll carts remain the property of the county for use by the household to which they are issued. Residents who damage roll carts issued to them shall pay for repairing the carts or purchase replacement carts from the county. Carts that are damaged through normal use as a result of being emptied by contractors will be repaired at county's expense. Collection will be suspended at any location at which a roll cart is missing or at which a roll cart is damaged to such an extent as to interfere with normal collection methods.

(2) A small business may request up to two (2) county-issued roll-carts for use in scheduled solid waste collection by the franchise collector. The roll carts remain the property of the county for use by the small business to which they are issued. Anyone who damages a roll cart that is issued to them shall pay for repairing the carts or purchase replacement carts from the county. Carts that are damaged through normal use as a result of being emptied by contractors will be repaired at county's expense. Collection will be suspended at any location at which a roll cart is missing or at which a roll cart is damaged to such an extent as to interfere with normal collection methods.

(3) Except as described in section 12-17(b) and (c), infra, roll carts shall be placed at curbside of the nearest public road, no later than 7:00 a.m. on the day of collection. Carts shall be removed from the curbside by the residents no later than 7:30 p.m. on the day of collection.

(4) For residential collection, garbage in excess of the capacity of the roll cart will be collected if placed in plastic bags and placed at curbside along with the roll cart.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-16. Conditions for residential and small business solid waste collection--Yard trash and other household articles.

(a) Refuse shall be collected only by collectors who are franchised by the county.

(b) Yard trash and other household articles shall be collected in the entire unincorporated portion of the county under the following conditions:

(1) Yard trash, including all bagged or boxed trash and the equivalent of two (2) roll carts of loose trash, placed at curbside of the nearest public road, shall be collected once each week. This article does not intend to require that yard trash be bagged, boxed or bundled; however, such practice will be encouraged.

(2) Yard trash and other household/business articles not suitable for placement in a roll cart, plastic bag or trash container sack may be placed for collection as follows:

a. Tree branches and heavy brush which do not exceed four (4) inches in diameter shall be cut in lengths not exceeding four (4) feet in length and stacked in a compact pile in front of the residence adjacent to the curb, but such piles shall not extend into the streets;

b. Sticks, hedge clippings, small brush and leaves shall be placed in neat piles at curbside.

(3) Within one (1) week of each month, contractors shall remove all household/ business furnishings, appliances, large yard toys and other large household/business articles, when placed in front of the residence or business at the nearest public road. All large appliances shall have doors removed prior to placement at the curb.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-17. Additional levels of residential solid waste collection.

- (a) Citizens living more than three hundred (300) feet from a public road may use either roll carts or other suitable containers to place solid waste awaiting collection. If a roll cart is not used by the property owner, payment for the cart will not be assessed.
- (b) Handicapped citizens may receive backyard service for garbage collection. This special exception may be granted when the appropriate county official determines that there is no person living in the house who is physically capable of rolling the cart to and from the curb. In such instances, the cart will be dumped only once per week, on the second day of collection (Thursday or Friday). Provided, however, that yard trash will be collected only from the nearest public road, as set forth hereinabove.
- (c) Subdivisions desiring a higher level of service may request backyard pick-up pursuant to the following conditions:
- (1) The subdivision must have a duly organized homeowners' association and such request shall be made by said association.
 - (2) At the time that the homeowners' association requests the higher level of service, said association shall provide either a certified true copy of the results of a certified ballot mailed to each homeowner and tallied by a certified public accountant, or a certified true copy of the minutes of the meeting where the decision was made by majority vote to request said higher level of service. Said minutes shall be signed and attested by the president and secretary of the homeowners' association; the association must also certify that all homeowners were notified of the meeting at least ten (10) days in advance and must furnish a copy of the notice.
 - (3) At the time that the homeowners' association makes the request, said association shall clearly define the geographic boundaries of the area encompassed in the request, including tax map sheet references.
 - (4) The cost of the higher level of roll cart service (backyard pick-up) shall be placed on the tax bills of all residents in the subdivision, however, said cost shall not exceed 1.8 times the basic curb service charge. In addition to the garbage collection charge, the county shall be entitled to collect the total cost of administering this program, which shall be divided among the individual homeowners on an equitable basis by the finance department annually.
 - (5) All requests for the higher level of service (backyard pick-up) shall be made to and approved by the county administrator.
 - (6) Under no circumstances shall the county provide the higher level of roll cart service (backyard pick-up) to any subdivision which does not have deed restrictions which prohibit curbside pick-up.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 1567-86, § 1, 12-30-86; Ord. No. 093-05HR, § 1, 12-6-05)

Sec. 12-18. Preparation and storage of residential and/or small business solid waste for collection.

- (a) It shall be the duty of the occupant or owner of any residential premises, or the owner or operator of any small business, to store all refuse properly, including garbage and trash, pending collection and disposal. Residential excess garbage beyond that which can be placed in the roll cart shall be placed in plastic bags alongside carts on collection days.
- (b) All garbage receptacles except single-use paper or plastic bags and cardboard boxes shall be kept clean and free of accumulated waste and shall be treated with an effective insecticide, if necessary, to prevent nuisance.
- (c) Each owner shall prevent the continued, excessive and unsightly accumulation of refuse upon the property occupied by him (or her) or a public thoroughfare adjoining his or her property. Unlicensed automobiles and other vehicles shall not be permitted to be kept except at appropriate commercial establishments. Removal and disposal of unlicensed vehicles shall be the responsibility of property owners where such vehicles are located.
- (d) It shall be a violation of this article to place or cause to be placed in any refuse can or bulk container for collection any acid, explosive material, inflammable liquids or dangerous or corrosive material of any kind, or

any other hazardous waste.

(e) No person other than the owner thereof, his or her agents or employees, or employees of contractors of the county for the collection of refuse shall tamper or meddle with any garbage container or the contents thereof, or remove the contents of the container from the location where the same shall have been placed by the owner thereof or his agents.

(f) Property owners shall be prohibited from receiving for deposit in their refuse containers any type refuse that originates outside their designated collection area.

(g) Property owners shall be responsible for policing any strewn refuse resulting from broken bags, garbage not properly prepared for collection or from any other cause other than contractor mishandling.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-18.1. Exemption from roll cart service and fees for handicapped homeowners.

There is hereby provided an exemption from roll cart service and fees for handicapped homeowners in the unincorporated areas of the county. Such handicapped homeowners shall apply for said exemption at the solid waste division of the public works department. Such applicant must be handicapped and housebound and must live next to a relative or caretaker who shall agree to assume responsibility for the handicapped homeowner's garbage disposal.

The director of public works shall recommend approval or denial of the handicapped homeowners application for exemption from roll cart service and fees. Final approval or denial of exemption from roll cart service and fees shall be made by the county administrator.

(Ord. No. 1926-89, § I, 11-7-89; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-19. Transportation of refuse.

(a) It shall be unlawful for any person to haul, convey or cause to be conveyed any refuse upon or along the public streets and roadways except when the material transported is adequately secured in such a manner as to prevent it from falling, leaking or being blown from transporting vehicles. The owner or driver of the offending vehicle shall be personally responsible for any violation of this section.

(b) It shall be a violation of this article for any person not authorized by the county to collect and haul any refuse other than that arising from his or her own accumulation within any area of the county in which refuse collection service is maintained by the county.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-20. Items not covered in residential or small business solid waste collection service.

(a) *Dead animals.* Dead animals, other than household pets, shall not be collected. Dead household pets shall be collected by the county animal care department if placed in plastic bags at curbside and if that department is notified. All other dead animals shall be the responsibility of property owners.

(b) *Building materials.* The county shall not be responsible for collecting or hauling discarded building material, dirt, rock or industrial and hazardous waste.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-21. Unlawful disposal generally.

(a) It shall be unlawful for any person, firm, or corporation to dump or cause to be dumped any garbage, trash, litter, junk, appliances, equipment, cans, bottles, paper, trees, tree limbs, tree stumps, brush or parts thereof, anywhere in the unincorporated area of the county except at approved sanitary landfills.

(b) The above provisions shall not apply to the dumping on private property, with the owner's written permission, of sand, dirt, broken brick, blocks, or broken pavement or other suitable material for use as a fill to raise the elevation of land; provided, the same is not maintained in an unsightly condition and, further provided, the owner of the property on which such material is dumped agrees to level such dumped material with appropriate grading equipment.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 006- 02HR, § II, 3-19-02; Ord. No. 093-05HR, § I, 12- 6-05)

Sec. 12-22. Collected refuse is county property.

All refuse collected by county forces or collectors under contract with the county shall be disposed of and/or delivered to such places and used for such purposes as may be ordered by the county.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 093- 05HR, § I, 12-6-05)

Sec. 12-23. Assessment for residential solid waste collection and small business solid waste collection.

(a) *Residential.* Owners of residential property in the unincorporated area of the county, as currently or may hereinafter exist, shall be assessed a service charge for the purpose of financing the collection of solid waste. The assessment for solid waste collection shall reflect a level of service and benefit provided to the owner and shall be determined by the county council. The procedures for collecting the assessment for solid waste collection for new houses shall be as follows:

(1) Before issuing a certificate of occupancy pursuant to section 6-57 of this Code, the director, solid waste management department shall collect from the applicant an amount of money equivalent to the pro rata portion of solid waste assessment for the year in which the applicant is seeking the certificate.

(2) Beginning with the first calendar year after which the certificate of occupancy pursuant to section 6-57 of this Code applied for, the assessment for such services shall be collected through a uniform service charge added to the annual real property tax bill. Furthermore, all penalties applicable to delinquent payment of property taxes shall apply to the uniform service charge for solid waste collection.

(b) *Businesses and commercial enterprises.* Businesses and commercial enterprises (other than small businesses) shall not be provided garbage collection service by the county; therefore, they shall not be assessed a charge. These activities shall be responsible for the disposal of their garbage, refuse and industrial waste.

(c) *Small businesses.* Owners of small business in the unincorporated area of the county, as currently or may hereinafter exist, shall be assessed a service charge two (2) times the residential rate per roll-cart for the purpose of financing the collection of solid waste.

(Ord. No. 1517-86, § 1, 8-5-86; Ord. No. 1849-89, § I, 3-21-89; Ord. No. 1918-89, § I, 10-3-89; Ord. No. 020-95HR, § I, 3-21-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-24. Determination of assessments; inclusion in tax notice.

The county council shall annually determine the assessments to be levied for garbage services, based upon, among other things, the level of services provided the property, the amount of funds required to finance solid waste collection, and the benefit received by the property and advise the auditor of the assessment to be collected. It shall be the duty of the auditor to include the assessment with the annual property tax notices. The county director of finance shall establish a solid waste collection fund and all receipts collected by the treasurer from the assessments for the purpose of solid waste collection shall be credited to the fund.

(Ord. No. 954-82, § 4-3, 1-1-84; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-25. Lien; hearing required to raise lien amount of charge.

(a) If the notice or notices prescribed by subsection (b) shall have been given and the hearing required pursuant thereto shall have been held, all solid waste collection service charges imposed by the county pursuant

to this article and not paid when due and payable shall constitute a lien upon the real estate to which the solid waste collection service concerned relates so long as the charges remain unpaid. It is the intention of the county that in addition to such other rights and remedies as may be available to the governing body in law or in equity for the collection of such charges, the lien may be enforced by the governing body in the same manner and fashion as the lien of property taxes on real estate.

(b) Prior to the furnishing of any solid waste collection service for which the prescribed service charge shall, pursuant to subsection (a), become a lien on the property affected and prior to any subsequent increase in any solid waste collection service charge, county council shall hold a hearing on the proposed charges providing property owners an opportunity, if desired, to appear and be heard in person or by counsel before the county council. Not less than ten (10) days' published notice of this public hearing shall be given in a newspaper of general circulation in the county. Such notice shall state the time and place of the public hearing and shall notify property owners of the nature and quantum of the proposed service charges. Following such hearing, action shall be taken by the county council and published notice of its decision shall be given in a newspaper of general circulation in the county, not less than ten (10) days prior to the effective date of the charges. This notice shall set forth the charges being imposed in such a manner as to notify property owners thereof. Any property owner aggrieved by the action of the county council may proceed by appeal in the court of common pleas for the county, to have such court review the action taken by the county council at which time the court will determine the validity and reasonableness of the solid waste service charge. Solid waste collection service charges not intended to become liens in the case of nonpayment may be imposed and subsequently increased upon any user without such notice and hearing. The appeal provided for herein shall be pursuant to the provisions of chapter 7 of Title 18, of the South Carolina Code of Laws, 1976, providing for appeals to the court of common pleas.

(Ord. No. 954-82, §§ 4-4, 4-5, 1-1-84; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-26. County landfill fees.

The following fees shall be charged for all materials dumped in a county landfill:

- (a) Normal garbage and trash: Twenty four dollars (\$24.00) per ton.
- (b) Tires: Thirty dollars (\$30.00) per ton.
- (c) DHEC-controlled waste: Thirty dollars (\$30.00) per ton.
- (d) Baled nylon filament: Twenty dollars (\$20.00) per ton.
- (e) Waste containing nylon filament: One hundred dollars (\$100.00) per ton.

(Ord. No. 1703-88, § 1, 1-5-88; Ord. No. 1906-89, § 1, 9-5-89; Ord. No. 2023-90, § I, 9-4-90; Ord. No. 2144-91, § I, 10-15-91; Ord. No. 018-95HR, § I, 3-21-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-27. Corrugated cardboard banned from all landfills.

(a) Corrugated cardboard shall be banned from all county operated landfills located in the unincorporated areas of Richland County. This ban does not apply to any construction and demolition landfill.

(b) The manager of the solid waste division of the public works department and/or his or her designees, are hereby authorized to implement such programs and procedures as deemed necessary to further implement this program; to inspect all loads designated for any county operated landfill located in the unincorporated areas of the county to insure compliance with this section; to inspect such loads for corrugated cardboard content; and to impose such surcharges as set forth herein for violations of this section.

(c) The manager of the solid waste division of the public works department and/or his or her designees, shall issue a warning for any first occurrence where a load is found to consist of more than ten percent (10%) corrugated cardboard. Upon a second occurrence, the Director and/or his or her designees, shall impose a charge of forty eight dollars (\$48.00) per ton for loads that consist of more than ten percent (10%) corrugated

cardboard. This amount will be the entire tipping fee charged for such loads. For any third or subsequent occurrence, a charge of seventy two dollars (\$72.00) per ton shall be collected.

(d) The manager of the solid waste division of the public works department and/or his or her designees, shall be authorized to establish recycling centers throughout the county to accept corrugated cardboard and other recyclable materials.

(Ord. No. 024-95HR, § I, 5-2-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-28. Out-of-county waste banned from all county landfills.

(a) All solid and other wastes generated from outside the boundaries of the county are banned from being dumped in any county operated landfill.

(b) The manager of the solid waste division of the public works department and/or his or her designees, are hereby authorized to implement such programs and procedures as deemed necessary to further implement this ban; to inspect all loads designated for the county landfill(s) for any violations thereof; and to issue warrants according to law for any violations of this section.

(c) Any residential and/or small business solid waste collector found in violation of this section by the county council shall forfeit their contract with the county.

(d) The manager of the solid waste division of the public works department may seek an injunction to enforce the provisions of this section.

(e) Violations of this section shall be deemed to be a misdemeanor, and any shall subject the violator to a fine not exceeding one thousand dollars (\$1,000.00), imprisonment not exceeding thirty (30) days, or both.

(Ord. No. 045-95HR, § I, 6-6-95; Ord. No. 093-05HR, § I, 12-6-05)

Sec. 12-29--12-40. Reserved.

ARTICLE III. CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES, BENEFICIAL LANDFILLS, AND COMPOSTING FACILITIES

Editor's note--Nonamendatory Ord. No. 065-94, §§ III--VIII, adopted Sept. 6, 1994, has been included herein as a new Art. III, §§ 12-41--12-46, at the discretion of the editor.

Cross reference(s)--Hazardous materials, § 13-1 et seq.; zoning, Chapter 26.

Sec. 12-41. Federal, state and local law.

All solid waste management facilities, beneficial landfills, and composting facilities shall adhere to all federal and state rules and regulations, and all local zoning land use and other applicable local ordinances.

(Ord. No. 008-09HR, § I, 3-4-08)

Sections 12-42 – 12-47. Reserved.

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B

Appendix B – List of SC
DHEC Permitted or
Registered Solid Waste
Facilities Located in Richland
County

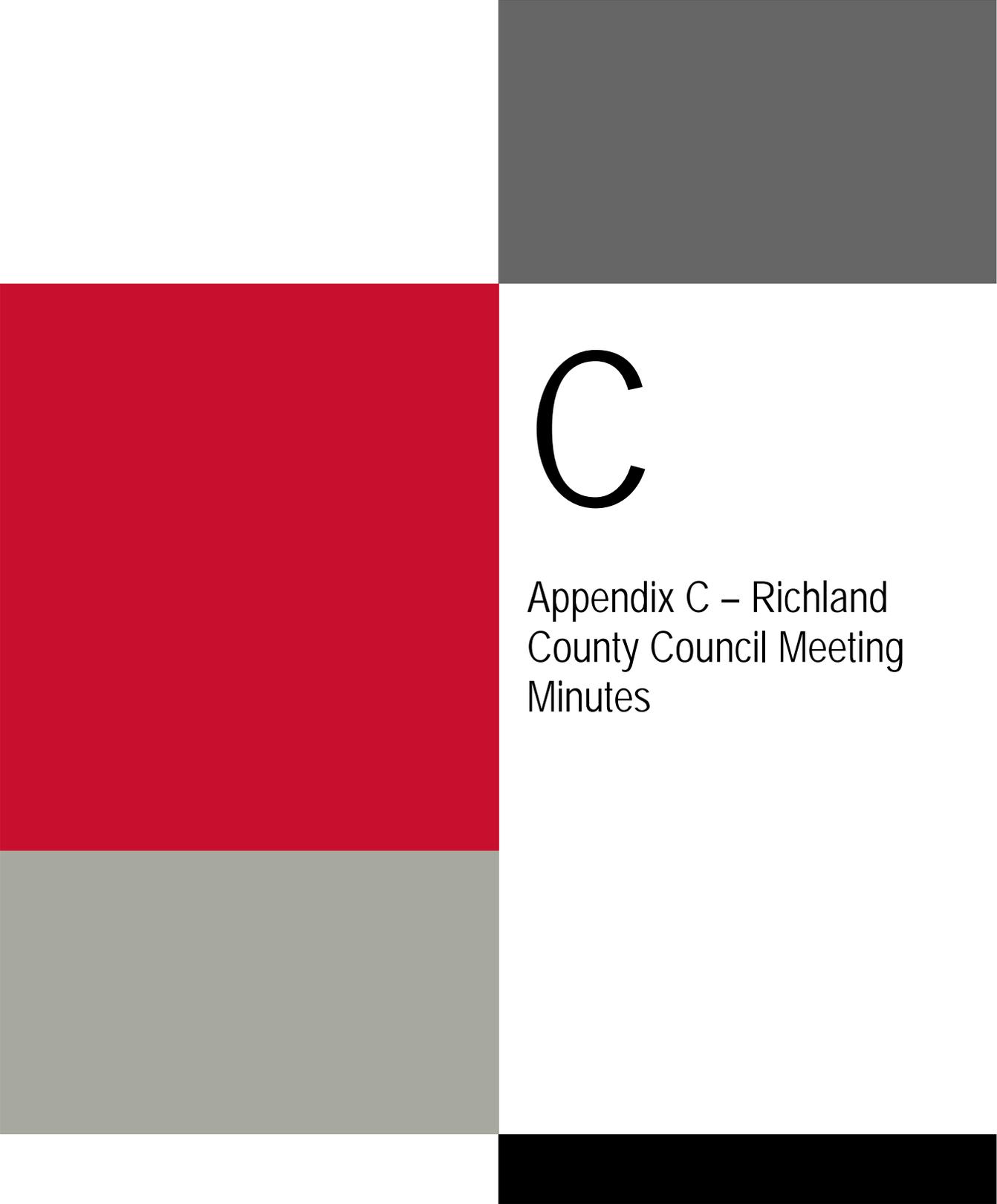


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SC DHEC Solid Waste Facilities List for Richland County (as of November 2019):

| FACILITY_NAME | PERMIT_STA | MISCELLANEOUS | ONLINE_DATA | FACILITY_ID | GW_MON_REQD | FA_REQD | COUNTY |
|--|------------|-----------------|-----------------------|-------------|-------------|---------|----------|
| CORLEY CONSTRUCTION CDR | Active | Permit Required | C&D Debris Recyclers | CDR-00015 | N | N | Richland |
| CAROLINA WRECKING CDR | Active | Registered | C&D Debris Recyclers | CDR-00023 | N | N | Richland |
| CAROLINA CONCRETE & ASPHALT CDR | Active | Registered | C&D Debris Recyclers | CDR-00057 | N | N | Richland |
| L&L Disposal LCD Landfill | Active | Commercial | Class 1 Landfill | 402428-1701 | N | Y | Richland |
| Sharpe's Contracting Services LLC | Active | Commercial | Class 1 Landfill | 402479-1701 | N | Y | Richland |
| RICHLAND CO | Active | Government | Class 2 Landfill | 401001-1202 | Y | N | Richland |
| CAROLINA GRADING | Active | Commercial | Class 2 Landfill | 402446-1601 | Y | Y | Richland |
| IP - EASTOVER | Active | Non-Commercial | Class 2 Landfill | 403313-1601 | Y | Y | Richland |
| RICHLAND | Active | Commercial | Class 3 Landfill | 402401-1101 | Y | Y | Richland |
| NORTHEAST | Active | Commercial | Class 3 Landfill | 402434-1101 | Y | Y | Richland |
| DOMINION - WATEREE STA | Active | Non-Commercial | Class 3 Landfill | 403320-1601 | Y | Y | Richland |
| City of Columbia Composting Facility | Active | Government | Composting - Type 1 | 401002-3001 | N | N | Richland |
| Richland Co Composting and Wood Chipping | Active | Government | Composting - Type 1 | 401007-3001 | N | N | Richland |
| Mitch Hook Wood Composting Site | Active | Commercial | Composting - Type 1 | 402696-3001 | N | Y | Richland |
| L&L Disposal Wood Chipping | Active | Commercial | Composting - Type 1 | COM-00212 | N | Y | Richland |
| Corely Construction Wood Chipping Site | Active | Commercial | Composting - Type 1 | COM-00214 | N | Y | Richland |
| International Paper - Union Camp | Active | | Land Application | 163313-8001 | N | | Richland |
| Waste 2 Energy LLC | Active | Class 2 | Solid Waste Processor | 402901-2001 | N | Y | Richland |
| Dilmar Fluid Services Used Oil Processing | Active | | Used Oil Processor | 402407-7101 | N | | Richland |

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The page features a large, abstract graphic composed of several overlapping rectangular blocks. A large red block is on the left side, partially overlapping a grey block above it and another grey block below it. To the right of the red block is a white vertical strip containing the text. At the bottom right, there is a solid black horizontal bar.

C

Appendix C – Richland County Council Meeting Minutes



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South Carolina Certificate of Authorization No. 0318

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Agenda Briefing

| | | | |
|------------------------------------|---|-----------------------------------|-------------------------|
| Prepared by: | Michael Maloney, P.E. | Title: | Director |
| Department: | Public Works | Division: | Solid Waste & Recycling |
| Date Prepared: | June 07, 2021 | Meeting Date: | June 22, 2021 |
| Legal Review | Elizabeth McLean via email | Date: | June 14, 2021 |
| Budget Review | James Hayes via email | Date: | June 10, 2021 |
| Finance Review | Stacey Hamm via email | Date: | June 14, 2021 |
| Approved for consideration: | Assistant County Administrator | John M. Thompson, Ph.D., MBA, CPM | |
| Committee | Development & Services | | |
| Subject: | Solid Waste and Recycling(SWR) Collections Contract - Staff recommendations | | |

STAFF’S RECOMMENDED ACTION:

It is recommended that County Council approve the following list of recommendations pertaining to Richland County SWR Collections Contracts as presented in the County Council Work Session on June 3, 2021:

- Adoption of the updated Richland County Solid Waste Management Plan (separate AB);
- Approval of a re-write of Chapter 12 of the *Richland County Code of Ordinances* (to be presented subsequently);
- Place reasonable limits on the volume of yard waste to be picked up weekly in the residential / small business curbside collection program (to be reflected in the re-write of Chapter 12 and upcoming residential / small business curbside collection contracts);
- Require that yard waste picked up weekly in the residential / small business curbside collection program be bagged, bundled, or boxed (to be reflected in the re-write of Chapter 12 and upcoming residential / small business curbside collection contracts);
- Delegate recycling program commodity determinations to the County Administrator;
- Approve use of automated collection trucks in future residential / small business curbside curbside collection contracts;
- Limit Bulk Item pick-ups by Appointment to four items per collection;
- Seek County Council approval annually for Solid Waste Rates and Fees;
- Permit high performing Curbside Collection Contractors to be allowed to contract for three areas;
- Create meaningful penalties based on monthly Hauler Report Card performance;
- Move collection contract area lines for poor performance and/or create new areas due to growth.

- Adjust Curbside Collection Contract term from five years to three years, plus two, one-year extensions.

Approve a negotiated one-month contract extension of the CWS Collection Area #3.

Request for Council Reconsideration: Yes

FIDUCIARY:

| | | | | |
|---|-------------------------------------|-----|--|----|
| Are funds allocated in the department’s current fiscal year budget? | <input checked="" type="checkbox"/> | Yes | | No |
| If no, is a budget amendment necessary? | | Yes | | No |

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

These recommendations that pertain to the residential / small business curbside collection program are made in order to improve quality, efficiency and otherwise contain costs in future contracts / renegotiations.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

None.

REGULATORY COMPLIANCE:

The recommendations that directly pertain to regulatory compliance follow:

- Adoption of the updated Richland County Solid Waste Management Plan – This item is covered in a separate Agenda Brief (AB).
- Approval of a re-write of Chapter 12 of the Richland County Code of Ordinances – An extensively re-written ordinance will to be presented subsequently to County Council for their consideration and adoption.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

| | |
|----------------|--|
| Council Member | |
| Meeting | |
| Date | |

STRATEGIC & GENERATIVE DISCUSSION:

These recommendations were presented in detail during the Work Session of June 3, 2021. Specifically:

- Place reasonable limits on the volume of yard waste to be picked up weekly in the residential / small business curbside collection program – These limits are, generally, in practice; this will codify them and begin the process of ensuring consistency between our ordinance and contracts. These limits will be reflected in the re-write of Chapter 12 and upcoming residential / small business curbside collection contracts.
- Require that yard waste picked up weekly in the residential / small business curbside collection program be bagged, bundled, or boxed – It is acknowledged that this is a significant to the yard waste collection portion of the residential / small business curbside collection program. It will be reflected in the re-write of Chapter 12 and upcoming residential / small business curbside collection contracts. This will greatly enhance the efficiency of this process and will enable future costs to be contained.
- Delegate recycling program commodity determinations to the County Administrator – This authority is not currently defined; we recommend that it be and that this decision reside with the County Administrator as recommended by the Director of Public Works and the Solid Waste & Recycling General Manager based on market conditions.
- Approve use of automated collection trucks in future residential / small business curbside curbside collection programs. This will offer the collection contractors an efficiency option that will enable them to enhance staff safety, reduce staffing levels, and speed up collection. There may be, however, some short term added expense to the County in modernization of our roll cart inventory.
- Limit Bulk Item pick-ups by Appointment to four items per collection – Like limitations on yard waste volumes, this reasonable limitation reflects practical limits already in effect.
- Seek County Council approval annually for Solid Waste Rates and Fees – Small, incremental increases in program fees will enable better financial and Solid Waste Fund management.
- Permit high performing Curbside Collection Contractors to be allowed to contract for three areas – promoting the expanded contract beyond the current two-area limitation will provide an added incentive for high performing Curbside Collection Contractors,
- Create meaningful penalties based on monthly Hauler Report Card performance – Current contract penalties are, in the judgment of the staff, insufficient incentive for improved performance.
- Move collection contract area boundary lines for poor performance and/or create new areas due to population growth – The flexibility to adjust and/or add collection area boundaries will provide incentive for higher quality performance. This will also provide new opportunities for small and minority owned businesses.

- Adjust Curbside Collection Contract term from five years to three years, plus two, one-year extensions. This will provide both the financial stability for the contractors and will allow financial flexibility for the County.

Approve a negotiated one-month extension of the CWS Collection Area #3 to match the Waste Management contract terminations of 2/28/2022 for Collection Areas #1 & #6. This will provide all prospective contractors an equal amount of time to prepare for the new contract start date.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Discussion on efficiencies variation among communities of varying densities of service areas.

- City of Greenville and their lower cost of \$16.50 /month.
 - *Answer -The city of Greenville has 28 square miles. Richland County unincorporated is 602 square miles. Greenville is much smaller, condensed with many customers per square mile and requires many fewer miles travelled per pick-up. With all the communities there are varying degrees of true Enterprise versus partial funding from General Fund and/or Waste Services Millages.*
- Richland County's high level of service at \$26.98/month comparison with more expensive Counties:
 - Lexington County at \$33/month, does not offer bulk item pickup in the price. They charge \$35 per bulk item to be picked up curbside.
 - Horry County at \$35/month, does not offer bulk item pickup in the price, and only has trash pickup in rural areas.
 - *Answer – The Richland County Managed SW&R provides an economy of scale as compared with the couple of Counties that provide some level of what we provide. Richland County has been working in a deficit for a number of years. The prior rate increase may have brought rates up to 2020 expense levels, but does not build a fund balance for the continued operation nor cover capital expenses that are needed for the long term operation. Revenue will need to be reviewed annually to offset the CPI adjustments to our major contract expenses as well as other inflation factors contributing to our overall cost.*

Customer Service and our most vulnerable

- How to serve the elderly and underserved within our County.
 - *Answer – Richland County SWR will continue to require special pick-up services for those with medical needs, even with automation in the system. This contract requirement will not change.*
 - *For yard waste - Using bags, bundles or cardboard boxes will limit the amount of materials per collection, and will help the resident gauge yard waste volume until the next week.*

- *Should the resident's yard waste exceed the capacity of our collection service, they may use one of our drop centers. County attendants will unload materials for those in need.*

Minority Owned and Locally Owned Business Opportunities

- How to promote business opportunities with Solid Waste and Recycling
 - Answer –
 1. *We request the authority to create new service areas providing opportunism for MBE and SBE to participate.*
 2. *We request the authority to move collection area lines to provide the High performing contractor additional growth to their collection area.*
 3. *We will directly solicit bids from MBE/SBE's for ongoing contract work.*

ATTACHMENTS:

None.



Item Pending Analysis

| | | | |
|------------------------------------|---|--------------------------|--------------------------|
| Prepared by: | Mike Zaprzalka | Title: | Interim Division Manager |
| Department: | CP&D | Division: | Building Inspections |
| Date Prepared: | June 10, 2021 | Meeting Date: | June 22, 2021 |
| Approved for Consideration: | County Administrator | Leonardo Brown, MBA, CPM | |
| Committee: | Development & Services Committee | | |
| Agenda Item/Council Motion: | I move to direct the County Attorney to work with the County Administrator to research and draft an absentee landlord ordinance. The ordinance should provide potential remedies for individuals who violate county ordinances and provide, via supplemental documentation, a comprehensive review of the legal impacts [potentially] associated with the adoption of such an ordinance. [NEWTON and DICKERSON] | | |

EXECUTIVE SUMMARY (NARRATIVE STATUS):

At the February 23, 2021, Council Members directed County Legal and Administration, whose representation was subsequently established by a workgroup comprised of staff from various County departments, to provide a comprehensive review of the potential legal impacts of adopting an ordinance that addresses owner/landlord standards for residential rental properties. At this meeting, Councilmember Newton felt the document presented was comprehensive, but did not capture the motion’s intent.

At the March 23, 2021, Development and Services Committee meeting, Legal presented the draft Ordinance Amendment of Chapter 16, Licenses and Miscellaneous Business Regulations to better capture the intent of the motion based on feedback from Councilmember Newton. Based on her clarification of the motion’s intent, the amendment will not include any emphasis on Building Code Inspections. Additionally, based on the feedback, Legal and the staff workgroup believe the intent of the motion is the property owner, the responsible local representative, landlord, and tenants shall be liable for Richland County Code violations within dwellings, dwelling units, rental units, or premises under their control or in which they are leasing.

Legal and the staff workgroup agree implementation of the amendment, as drafted, will require a significant level of recurring resources. These resources are in the form of planning, staffing, and operating and capital funds, primarily in the Business Service Center, before the ordinance amendment can be presented to Committee for review and forwarded to Council for adoption.

At the April 27, 2021 Committee meeting, the amendment was not discussed. The staff workgroup had begun to meet bi-weekly to review each section of the amendment and prepare an operational cost analysis to implement and execute such an ordinance amendment.

At the May 25, 2021 Committee meeting, based on Ms. Barron’s and Ms. Newton's desire to make the workgroups efforts a high priority, the workgroup now meets weekly to help facilitate the Committee's directive.

KEY ACCOMPLISHMENTS/MILESTONES:

- Talked with City of Columbia about their method of tracking of violations and point system used in the execution of their Rental Ordinance. Workgroup is identifying the barriers they faced in using a violation point system. Also reviewing the labor requirements to manually track the point system. The workgroup is evaluating the effectiveness and efficiency of the process.
- Met with West Columbia Building Official in reference to their implementation of their newly introduced Rental Ordinance to identify their unforeseen execution issues.
- Workgroup is looking at the Central Square Technologies System as the means for tracking violations in lieu of using a manual tracked point system. This system is used by multiple divisions in the county and can be tailored to track violations and fees associated with each stakeholder effected by the proposed amendment. Will be working with IT over the next few weeks to identify the capabilities of the system.

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

- Stakeholders are finalizing staffing, equipment, and training costs as it relates to the execution of the amendment; they have been given a suspense of June 30, 2021.
- Workgroups final amendment/ordinance scrub and execution recommendations to be presented to Legal tentatively by 1 July 2021.
- Legal review for enforcement concerns. Completion TBD based on staffing and workload
- 1st Draft Briefing Document to Administration tentatively July 9, 2021.
- Final Briefing Document to Administration tentatively July 16, 2021. Forwarded to Committee for review and questions to be addressed at the July 27, 2021 meeting.

Note: Completion dates are tentative for the overall General Information Briefing Document. Processes, procedures, and implementation timeline will be projected further out dependent upon the Committee's feedback at the July 27, 2021 meeting.

**RICHLAND COUNTY GOVERNMENT
COMMUNITY PLANNING & DEVELOPMENT
BUSINESS SERVICE CENTER**

2020 Hampton Street, Suite 1050, P.O. Box 192, Columbia SC 29202
T 803-576-2287 | F 803-576-2289 | TDD 803-576-2045
bsc@richlandcountysc.gov | richlandcountysc.gov/bsc



Staffing

The current Richland County Business Service Center personnel structure when fully staffed consist of two Revenue Analyst’s, two Revenue Inspectors, two Revenue Auditors, One Clerk Receptionist, and One Division Manager.

The Richland County Business Service Center would require eight additional Revenue Inspectors, four additional Revenue Analyst’s, and two administrative employees to ensure proper implementation of the Absentee Landlord Ordinance. This is due to the 20,139 potential residential rental properties located in unincorporated Richland County. These properties were identified by the Richland County Assessor’s office by using the search criteria of properties paying 6% property tax that indicates that those properties are not owner occupied.

| Cost Category | Business Service Center Estimated Costs |
|--|--|
| Vehicles | \$174,510 |
| Start-up Equipment (Desks, computers, chairs, etc...) | \$17,950 |
| Operational | \$12,500 |
| Labor Costs | \$473,240 |
| Estimated Total Start-up Cost | \$678,200 |

**Budget may be subject to changes dependent on final draft of ordinance

Start-up Equipment

- Vehicles: Seven additional vehicles to add to the three Business Service Center currently has: \$24,930 (7)
- Inspectors (iPad) for every inspector : 8 Inspectors= 400/iPad=\$3,200
- Administrative employees: 2 desktop (\$1,000), desk/cubicle (\$1,500), and chair (\$150) for every administrative staff person: 2 administrative employee = \$4,150
- Revenue Analyst’s: 4 desktops (\$1,000), desk/cubicle (\$1,500), and chair (\$150) for every Analyst: 4 Revenue Analyst= \$10,600

Operational / Labor costs

- Office Supplies, PPE, field equipment, fuel etc. (\$1,000/employee/year)=12,500
- Fourteen employees (8 Inspectors, 4 Analysts, 2 administrative employees) =\$473,240



STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-20HR

AN ORDINANCE CREATING RENTAL HOUSING REGULATIONS AND PERMITTING.

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

SECTION I. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; is hereby amended by the creation of a new Article, to read as follows:

ARTICLE VII. RENTAL HOUSING REGULATIONS

Sec. 16-71. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Citation means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance.

Dwelling or dwelling unit means a building or portion thereof, designed for occupancy for residential purposes.

Landlord means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

Occupant means a family or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Offense means any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into pre-trial intervention, alcohol education program or a determination of guilt by a court or a jury. For purposes of this article, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance in to a pre-trial intervention program, alcohol education program, conviction, or a plea of guilty or no contest collectively shall be deemed one offense.

Owner means any person, firm or corporation having a legal or equitable title in the property, or recorded in the official records of the state, county or municipality as holding title.

Owner-occupied rental unit means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.

Commented [MZ1]: This is the same City of Columbia document we originally started with almost no changes. The same concerns are still present as addressed in the work groups original document submission.

This document places the operational burden on the Business Service Center and would create the same operational barriers outlined in the work groups original document.

Commented [MZ2R1]: Most of the Building Code verbiage has been removed

Person means any natural individual, firm, partnership, association, joint stock company, joint venture, public or Private Corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.

Premises mean a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units, rental units and dwellings.

Professional Management Company means any company licensed by South Carolina Department of Labor, Licensing and Regulation as a real estate broker or property manager and holding the appropriate current Richland County Business License.

Rental unit means that portion of a dwelling for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, manager, or professional management company for the use and occupancy of that portion as a living facility. For purposes of this article, the term “rental unit” is limited to single-household dwellings, townhouses, and multi-unit structures used for residential purposes. Whenever the words rental unit are stated in this Article, they shall be construed as though they were followed by the words “or any part thereof”. Exceptions shall be the following:

- (1) Dwellings occupied for residency for over 120 days by employees of that organization which are owned by a firm, corporation, religious organization or another incorporated organization;
- (2) Dwellings occupied by individuals who are under a written contract to purchase the residence, if such contract has been properly recorded with the Richland County ROD; or
- (3) Dwellings owned and operated by the United States of America, the State of South Carolina, or any agency thereof, including the Housing Authority of the Richland County, or any institution of higher learning which operates housing for its faculty, staff, or students.

Responsible Local Representative means a person having his or her place of residence or business office within 45 miles of the rental property and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the County. For the purposes of this article, the term “agent” shall refer to the Responsible Local Representative.

Tenant means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Warning means a notice of non-compliance with any ordinance or statute referenced in Section 16-76, with or without an accompanying Order to abate the non-compliance.

Commented [MZ3]: This was Mr. Malinowski's original concern. Potentially an owner could live in the county but still be outside this limitation to their rental property.

Sec. 16-72. Rental permit required.

- (a) No owner, whether a person, firm or corporation, shall operate any dwelling or residential rental unit as defined in section 16-71 unless that owner holds a current rental permit issued by the Richland County Business Service Center for the residential rental unit named therein. Failure to obtain or properly renew such permit shall be a violation of this article.
- (b) Before a rental permit can be granted, the owner or landlord shall certify that the subject property complies with the minimum code. This minimum standard shall be determined by the County and available to all citizens upon request. If an owner or Responsible Local Representative is unsure if the property meets the minimum code, inspections by County staff are available upon request.
- (c) Properties that fail to pass an inspection as outlined in this article within 30 days shall correct all defects noted on the inspection report and schedule a subsequent inspection of property.
- (d) Permits are not transferable from any owner to another.
- (e) The permitting year shall be for twelve months following the issuance of the permit.
- (f) Renewals of permits after sixty (60) days of the expiration date will be assessed a late penalty fee of five percent of the unpaid fee per month.
- (g) Failure to renew the permit within 120 days following the expiration of the permit while the property is occupied as a rental unit, shall be considered a violation of this article.
- (h) Each individual property requires a separate permit.
- (i) Professional management companies in good standing are exempt from the annual permit fee but not the other requirements of this article.

Commented [MZ4]: The article is still dependent on owner self-certification / inspection of the property. Still do not think this is a best practice. This was addressed in the work group original submission.

Commented [MZ5]: The BSC has been named as the execution division throughout the document.

Commented [MZ6]: What system/form will used for all stakeholders (Sec 16-76) to be able to track/participate in the application process

Commented [MZ7]: Why are we providing an exception for management companies in good standing, but a property owner in good standing must continue to pay the annual permit fee.

Sec. 16-73. Application.

Applications for a permit to operate residential rental units and for renewal thereof shall be on a form provided by the Richland County Business Service Center. Such form shall set forth the owner's name, address, and telephone number, the residential rental unit address, the name of the person, firm, or corporation located within a 45-mile radius of Richland County responsible for the care and maintenance of the building and additional information as outlined on the application for rental housing. Multiple permits can be requested on one application when there are multiple units owned/managed by the same person or owner.

Commented [MZ8]: Verbiage is different as stated in Section 16-71 Definitions

Sec. 16-74. Issuance or refusal of rental permit.

Richland County shall issue a rental permit for rental housing to the applicant upon proof of the following:

- (1) The owner has either certified that the subject property complies with the minimum building code standards for residential properties, or if the owner is unsure, the subject property has passed a rental housing inspection ; and,
- (2) All permit fees, including any fees for violations, have been paid.

Commented [MZ9]: Addresses building codes, you still have the concern; Does your operation area (BSC) have the people certified and licensed to enforce building codes? This was addressed in the work group document.

Sec. 16-75. Property owner, responsible local representative, and occupant.

(a) A permit will not be issued or renewed to a person, firm, or corporation who does not either reside in nor have an office within a 45-mile radius of Richland County, unless a Responsible Local Representative is designated. The Responsible Local Representative may be a Professional Management Company. The Business Service Center shall, within fourteen (14) days, be notified in writing if there is a change of owner or Responsible Local Representative.

Commented [MZ10]: Inconsistent with below required distance limitation. Section 16-71 Definitions

(b) The property owner, the responsible local representative, landlord, and/or tenants shall be liable for Richland County Code violations within dwellings, dwelling units, rental units, or premises under their control or in which they are leasing.

Commented [MZ11]: I believe this item best defines Ms. Newton's motion intent.

(c) For the purposes of this article and any violations or warnings, the owner or Responsible Local Representative shall be responsible for the maintenance of the common areas of the dwelling and shall respond to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to service tenant and emergency calls with reasonable dispatch, but in no event farther than 45 miles from the rental unit. The owner shall advise the tenants individually of the names, addresses, and telephone numbers of such owner and/or Responsible Local Representative.

Commented [MZ12]: How do we enforce this, who is licensed to verify the repairs, does the tenant call the BSC to notify them of needed repairs?

Commented [MZ13]: This is inconsistent with the other sections that allow 45 miles outside of Richland County.

Sec. 16-76. Violations, warnings and assignment of violations.

(a) For purposes of this section, violations shall include citations for any federal, state, or local ordinance.

(b) Violations; warnings; points. Violations shall mean rental units where there are citations, warnings, and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following County ordinances:

- (1) Vector control ordinances (Chapter 8);
- (2) Animal control ordinances (Chapter 4);
- (3) Garbage, trash, and refuse ordinances (Chapter 12)
- (4) Parking Ordinances (Chapter 17);
- (5) Zoning ordinances (Chapter 26)
- (6) Noise; Weeds and Rank Vegetation Ordinances (Chapter 18); or,
- (7) Offenses involving state criminal law which occur in the dwelling or rental unit or on the premises.

Commented [MZ14]: How does this ordinance amendment affect each of the stakeholders staffing and operational costs?

(c) Violations and warnings shall apply as points towards revocation of the rental permit for residential rental units as follows:

- (1) Single-household dwellings. Violations or warnings that occur anywhere on the premises shall apply to the permitted dwelling unit.
- (2) Multi-unit structures.

- a. Violations or non-compliances resulting in warnings that occur within an individual unit shall apply to that unit.
- b. Violations or non-compliance resulting in a warning occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.
- c. Violations or non-compliance resulting in a warning committed by the property owner and/or Responsible Local Representative shall be assigned to all units.

(d) In the event a violation or non-compliance resulting in a warning occurs at a unit regulated by this article, such violation shall be grounds for the accumulation of points as follows:

- a. First Offense - One point will be assessed for the first occurrence of a violation or non-compliance resulting in a warning.
- b. Second Offense - Two points will be assessed for a second occurrence of the same violation or non-compliance resulting in a warning, within the same permit year.
- c. Third Offense or Each Offense Thereafter - Five points will be assessed for a third occurrence and each occurrence thereafter of the same violation or non-compliance resulting in a warning within the same permit year.

(1) After points are assessed on a landlord permit for a unit, Business Service Center will send a written notice to the owner or agent. Each notice will specify which ordinance or ordinances have been violated and will state that further warnings or violations could lead to a revocation of the permit. Each notice will be sent by regular mail to the address of the owner or agent or responsible local representative, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.

(2) A fee of \$100 will be assessed per point for each point accumulated beyond three (3) points within any renewal year. Such fees shall be due upon renewal. Failure to pay any fees due shall result in a denial of the permit renewal.

(3) If a person is found not guilty, or the case against them for a violation is dismissed, then the point shall be removed from the permit as if it had not been assessed.

(4) If the non-compliance for which a warning has been issued has been abated with ten (10) calendar days from the date of the warning, then the point shall be removed from the permit as if it had not been assessed; provided, however, that any such warning shall still be considered in calculating how many offenses have occurred during a twelve (12) month period, pursuant to this section.

d. Serious Offense - Five points will be assessed for a Serious Offense, which shall mean any violation which falls under Section 16-76 (b)(7).

Sec.16-77. Revocation of permit.

(a) Accumulation of ten (10) or more points on a permit for a dwelling unit within any twelve (12) month period shall subject the owner to proceedings to revoke the permit.

Commented [MZ15]: Violation Point System was addressed in the work group original document. Having spoken with the two individuals from the city of Columbia, they do not feel it is a good system, and it is very labor intensive to keep up with.

(b) Upon the accumulation of ten (10) or more points or failure to comply with the requirements of this article, the following procedure shall be followed:

(1) The Business Service Center shall cause to be served written notice to show cause why the permit should not be revoked. Service shall be deemed complete if personally delivered upon the owner or agent by any officer authorized by law to serve process or a duly appointed law enforcement officer. The person serving process shall make proof of service within the time during which the person served must respond to the process. If service cannot be personally made within the County, then service may be made by notice posted on the property and mailed certified return receipt to the last known address of record.

Commented [MZ16]: What are the legal issues developed if an owner challenges the authority for the BSC staff interpret or enforce the building code? Addressed in the work group original document.

(2) The owner or agent shall have fifteen (15) days from the date of service to request a hearing to appeal the revocation of the permit. The request shall be sent to the Business Service Center by certified mail, return receipt requested. If such request is not timely made, the revocation shall take effect on the 21st day after the date of service to show cause.

(3) Upon request for a hearing, the Business Service Center shall schedule the appeal with the _____ within thirty (30) days.

(4) Once the hearing is scheduled, the property should be posted to announce the hearing date to the general public.

(5) In conducting the hearing, the _____ shall have the power to administer oaths, issue subpoenas, compel the production of books, paper, and other documents, and receive evidence. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the _____'s recommended order, and to be represented by counsel or other designated representative. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The lack of actual knowledge of, acquiescence to, participation in, or responsibility for, a public nuisance at common law or a noxious use of private property on the part of the owner or agent shall not be a defense by such owner or agent.

(6) If the _____ finds that the accumulation of ten (10) or more points properly exist, then _____ shall order revocation of the permit.

(7) If the _____ finds evidence that any points have been assigned improperly, the _____ will dismiss the revocation action and recommend which points, if any, should be rescinded from the permit.

(8) The _____'s order shall consist of findings of fact, conclusions of law and recommended relief. The _____ or designee shall transmit the order to

Commented [MZ17]: Will these functions be either the BSC Manager or CP&D Director? Who is the best fit.

the County Administrator and the owner or agent. The owner or agent shall have fifteen (15) days from the date of the hearing officer's order to submit written exceptions to the order. The County Administrator shall review such order and any written exceptions by the owner and may set forth any deficiencies he/she finds with respect to the order. Said deficiencies shall be limited to determinations that the findings were not based upon competent, substantial evidence, or that the proceedings on which the findings were based did not comply with the essential requirements of law. In reviewing such recommended order, the County Administrator shall not have the power to receive or consider additional evidence and shall not have the power to reject or modify the findings of fact or conclusions of law contained in the recommended order. The County Administrator may remand the recommended order along with the delineated deficiencies back to the _____ for consideration of the deficiencies. The _____ shall address the deficiencies in an addendum to the order. The County Administrator shall then either: (a) adopt the order and addendum, if applicable, in its entirety; or (b) adopt the findings of fact and conclusions of law in the order and addendum, if applicable, and reject or modify the recommended relief. The action of the County Administrator shall be the final order of the County.

Commented [MZ18]: Not sure it is feasible to have the County Administrator as the appealing authority. Again this was addressed in the work groups original document submitted to the committee

(9) The County Administrator or designee shall provide notice of the final order within five (5) days of the date of the final order.

(10) If the permit is revoked under these procedures, the owner or agent shall have five (5) days from the date of the final order to commence recovering possession of the rental unit. If the tenants do not voluntarily agree to vacate the premises, the owner or agent shall diligently pursue the process of eviction to completion. The owner or agent shall provide copies of all documents provided to the tenants or filed with the court concerning the eviction process to the County Administrator or designee. If the owner collects any rent from the tenants following the revocation of the permit, fails to comply with these provisions, or fails to abide with the final order of the County, the County may seek criminal relief by citing the owner for violation of this article, or seek other available legal or equitable relief.

Commented [MZ19]: IS this the duty of the BSC manager.

(11) In addition to the above-described procedures, the County Attorney is authorized to file for injunctive relief to abate any public nuisance at common law or noxious use of private property pursuant to law.

(12) The final order of the County is subject to certiorari review in a court of competent Jurisdiction in Richland County, South Carolina.

Sec. 16-78. Effect of revocation.

Upon the commencement of revocation, no permit shall be granted nor any lease approved and no person, firm or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental housing permit for such unit is revoked; however any residential tenants under a lease in existence at the time of the commencement of revocation shall have all of the rights afforded to them under applicable state law.

If a permit is revoked pursuant to section 16-77, the property shall not be eligible for a rental housing permit for a period of six (6) months after full vacation of the unit.

Sec. 16-79. Defenses.

When tenants are guilty of offenses resulting in a revocation notice, the property owner may request a suspension of revocation proceedings by providing written evidence of the initiation of eviction proceedings against the culpable tenants. If the tenants are evicted, the property owner may request termination of the revocation proceedings. If revocation has been suspended but the tenants are not evicted, revocation proceedings will be reinstated by the County. A remediation plan, which addresses any future problems with the tenants, will also have the same effect as initiating eviction proceedings.

Sec. 16-80. Operating without a permit a public nuisance.

If a person operates as a landlord without a rental permit as set forth in this section, such shall constitute a public nuisance.

Sec. 16-81. Offenses as misdemeanors.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in section 1-8 of the Richland County Code of Ordinances. Each day of violation shall be considered a separate offense for purposes of citation only, and shall not be considered a separate offenses under section 16-76. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties, and costs provided for this article.

Sec. 16-83. Denial of permit.

(a) The Business Service Center may deny issuance of any permits applied for under this section if it is determined either that the owner or agent has made material misrepresentations about the condition of his/her property or status of ownership, or that the occupancy of the property is in violation of the International Property Maintenance Code or County Ordinances or that the owner has otherwise violated a provision of this article.

(b) If the Business Service Center determines there is reasonable cause to believe that there are grounds to deny a permit applied for, it shall provide notice of the denial, including the grounds for the denial.

(c) Within fifteen (15) days of the date of the notice, the owner may request in writing to the Business Service Center a hearing on the denial. The Business Service Center shall schedule the hearing with the _____ to occur within fifteen (15) days after receiving the request for hearing and shall notify the owner at least five (5) days in advance of the time and location for the hearing. The hearing may be postponed if mutually agreed upon.

Commented [MZ20]: Is the BSC staff certified to enforce this code? Referencing or using this code as a standard implies staff will be conducting Code enforcement inspections.

(d) The hearing shall be conducted informally and adherence to the rules of evidence normally followed by the courts shall not be required. Any person may present testimony, documents or other evidence as deemed relevant by the County Administrator or designee. Any person may be represented by counsel.

(e) The _____ shall consider all evidence presented, and if the preponderance of the evidence supports the allegation of violation the permit shall be denied. If the preponderance of the evidence does not support the allegation of violation, the permit shall be issued. The decision of the _____ may be appealed by a writ of certiorari to a court of competent jurisdiction in Richland County o, South Carolina.

Commented [MZZ1]: Again, who is the best fit to hear/process hearings? BSC Manager or CP&D Director?

(f) The Business Service Center may waive the denial requirement as to any permit if it is determined that the owner has attempted in good faith to comply with this article. In determining asserted good faith as required for a waiver, the Business Service Center may consider, but not be limited to, the owner response to current violations and remedy of past violations.

(g) If a permit is denied under this section, the owner whose permit was denied shall not be issued another permit on the same dwelling unit for a period of six (6) months after the date of denial.

Sec. 16-84. Permit fee.

(a) The annual permit fee shall be \$25.00 for each permit, unless exempt from the fee as follows: (1) the applicant is a professional management company applying on behalf of an owner as a Responsible Local Party; or (2) the applicant is licensed by the Richland County through the Business License Office to conduct the business of being a Landlord.

Commented [MZZ2]: This fee cover operational costs, especially if staff/stakeholders are conducting inspections.

(b) Upon determination that a rental property owner has failed to obtain a rental housing permit, a permit fee penalty shall be assessed at \$400.00 for each year the unpermitted occupancy has occurred.

Commented [MZZ3]: Why is this less than max outlined in Section 1-8 General Penalties, \$500

(c) An inspection fee of \$50.00 shall be included in the permit fee for properties that request an inspection and fail to pass inspection after the second inspection. An additional \$50.00 fee will be assessed for each additional inspection.

Commented [MZZ4]: What are we inspecting?

(d) All required fees shall be paid before a rental permit is issued, including any past due fees, penalty fees, or fees assessed for work abated by the County (i.e. weeds and rank vegetation).

Sec. 16-85. Remediation plan.

Whenever points are assessed to a permit, the responsible party may establish a remediation plan with the County that outlines actions to be taken to remedy the violation of County Ordinances. The plan must be approved by the _____ and include a timeline for implementation. Once the remediation plan is approved, the points against the permit will be suspended during the term of the remediation. When the remediation is completed successfully as agreed the points assessed

Commented [MZZ5]: Is this the BSC Manager or CP&D Director

prior to remediation will be removed. If the permit holder fails to adhere to the remediation plan, the plan will be withdrawn by the County and the points will be reassessed.

Sec. 16-86. Existing rights unaffected.

Nothing contained in this section is intended to affect the rights and responsibilities of property owners or tenants under the law of the United States of America or the State of South Carolina as out lined by the South Carolina Landlord Tenant Act, the Americans with Disabilities Act, the Violence Against Women Act, the Fair Housing Act or any other provision of federal or state law regulating housing.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of _____, 2020.

Michelle Onley
Interim Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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

ARTICLE VII. RENTAL HOUSING REGULATIONS

Sec. 16-71. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this Article, have the meanings shown in this section. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meaning such as the context implies.

Citation means a charge or formal written accusation of violation of a municipal, state or federal law, regulation or ordinance.

Dwelling or dwelling unit means a building or portion thereof, designed for occupancy for residential purposes.

Landlord means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.

Occupant means a family or an individual unrelated by blood to a second degree of consanguinity, marriage, adoption, or guardianship to any other occupant of the dwelling unit. A family of related persons shall be counted as one occupant.

Offense means any violation of local, state, or federal statutes or ordinances which results in a forfeiture of bond, plea of guilty, no contest, acceptance into pre-trial intervention, alcohol education program or a determination of guilt by a court or a jury. For purposes of this article, all violations for which charges are made during one response by law enforcement officers which result in a forfeiture of bond, acceptance in to a pre-trial intervention program, alcohol education program, conviction, or a plea of guilty or no contest collectively shall be deemed one offense.

Owner means any person, firm or corporation having a legal or equitable title in the property, or recorded in the official records of the state, county or municipality as holding title.

Owner-occupied rental unit means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.

Person means any natural individual, firm, partnership, association, joint stock company, joint venture, public or Private Corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.

Premises mean a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units, rental units and dwellings.

Professional Management Company means any company licensed by South Carolina Department of Labor, Licensing and Regulation as a real estate broker or property manager and holding the appropriate current Richland County Business License.

Rental unit means that portion of a dwelling for which payment or other consideration, including performance of general maintenance, payment of utilities or other fees, or similar in-kind services, is being made to an owner, agent, manager, or professional management company for the use and occupancy of that portion as a living facility. For purposes of this article, the term “rental unit” is limited to single-household dwellings, townhouses, and multi-unit structures used for residential purposes. Whenever the words rental unit are stated in this Article, they shall be construed as though they were followed by the words “or any part thereof”. Exceptions shall be the following:

- (1) Dwellings occupied for residency for over 120 days by employees of that organization which are owned by a firm, corporation, religious organization or another incorporated organization;
- (2) Dwellings occupied by individuals who are under a written contract to purchase the residence, if such contract has been properly recorded with the Richland County ROD; or
- (3) Dwellings owned and operated by the United States of America, the State of South Carolina, or any agency thereof, including the Housing Authority of the Richland County, or any institution of higher learning which operates housing for its faculty, staff, or students.

Responsible Local Representative means a person having his or her place of residence or business office ~~within 45 miles of the rental property~~ residing 45-mile radius and within Richland County and/or a contiguous County, and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the County. For the purposes of this article, the term “agent” shall refer to the Responsible Local Representative.

Commented [MZ1]: Recommend to change the verbiage not to penalize landlords that live in the county but further than the 45-miles to their rentals.

Tenant means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person's title and with that other person's consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Warning means a notice of non-compliance with any ordinance or statute referenced in Section 16-76, with or without an accompanying Order to abate the non-compliance.

Sec. 16-72. Rental permit required.

- (a) No owner, whether a person, firm or corporation, shall operate any dwelling or residential rental unit as defined in section 16-71 unless that owner holds a current rental permit issued by the Richland County Business Service Center for the residential rental unit named therein. Failure to obtain or properly renew such permit shall be a violation of this article.
- (b) Before a rental permit can be granted, the owner or landlord shall certify that the subject property is free from violations and assessed fees. eomplies with the minimum code. This minimum standard ~~The county divisions shall verify the owner or landlord certification. The Business Service Center, Animal Control, Code Enforcement and Waste Management will be the verifying divisions. shall be determined by the County and Their verification is available to all citizens upon request. If an owner or Responsible Local Representative is~~

Commented [MZ2]: Workgroup recommends a change in verbiage to remove the implications of a structure inspection is needed. The new verbiage keeps it within the authority of the listed stakeholders.

~~unsure if the property meets the minimum code, inspections by County staff are available upon request.~~

- (c) Properties that fail to pass an inspection as outlined in this article within 30 days shall correct all defects noted on the inspection report and schedule a subsequent inspection of property.
- (d) Permits are not transferable from any owner to another.
- (e) The permitting year shall be for twelve months following the issuance of the permit.
- (f) Renewals of permits after sixty (60) days of the expiration date will be assessed a late penalty fee of five percent of the unpaid fee per month.
- (g) Failure to renew the permit within 120 days following the expiration of the permit while the property is occupied as a rental unit, shall be considered a violation of this article.
- (h) Each individual property requires a separate permit.
- (i) Professional management companies in good standing are exempt from the annual permit fee but not the other requirements of this article.

Commented [MZ3]: Workgroup recommends this item should be taken out.

Sec. 16-73. Application.

Applications for a permit to operate residential rental units and for renewal thereof shall be on a form provided by the Richland County Business Service Center. Such form shall set forth the owner's name, address, and telephone number, the residential rental unit address, the name of the person, firm, or corporation located within a 45-mile radius of Richland County responsible for the care and maintenance of the building and additional information as outlined on the application for rental housing. Multiple permits can be requested on one application when there are multiple units owned/managed by the same person or owner.

Commented [MZ4]: Workgroup recommends to change verbiage to make it consistent throughout.

Sec. 16-74. Issuance or refusal of rental permit.

Richland County shall issue a rental permit for rental housing to the applicant upon proof of the following:

- (1) The owner has either certified that the subject property complies with the ~~minimum building code standards for residential properties, or if the owner is unsure, the subject property has passed a rental housing inspection guidelines outlined in this ordinance~~; and,
- (2) All permit fees, including any fees for violations ~~that have been mitigated~~, have been paid.

Commented [MZ5]: Workgroup recommends to change verbiage to remove reference to building codes.

Sec. 16-75. Property owner, responsible local representative, and occupant.

- (a) A permit will not be issued or renewed to a person, firm, or corporation who does not either reside in nor have an office ~~within a 45 mile radius of Richland County~~, unless a Responsible Local Representative is designated. The Responsible Local Representative may be a Professional Management Company. The Business Service Center shall, within fourteen (14) days, be notified in writing if there is a change of owner or Responsible Local Representative.

Commented [MZ6]: Workgroup recommends to change verbiage to make the mileage consistent throughout.

(b) The property owner, the responsible local representative, landlord, and/or tenants shall be liable for Richland County Code violations within dwellings, dwelling units, rental units, or premises under their control or in which they are leasing.

(c) For the purposes of this article and any violations or warnings, the owner or Responsible Local Representative shall be responsible for the maintenance of the common areas of the dwelling and shall respond to service requests and emergency needs, including entry into units where an emergency appears to exist. Such person or persons shall be situated close enough to the dwelling as to be able to service tenant and emergency calls with reasonable dispatch, but in no event farther than 45 miles from the rental unit. The owner shall advise the tenants individually of the names, addresses, and telephone numbers of such owner and/or Responsible Local Representative.

Commented [MZ7]: How do we enforce this, who is licensed to verify the repairs, does the tenant call the BSC to notify them of needed repairs?

Commented [MZ8]: This is inconsistent with the other sections that allow 45 miles outside of Richland County.

Sec. 16-76. Violations, warnings and assignment of violations.

(a) For purposes of this section, violations shall include citations for any federal, state, or local ordinance.

(b) Violations; warnings; points. Violations shall mean rental units where there are citations, warnings, and/or adjudication of guilt, finding of guilt with adjudication withheld, waiver of right to contest the violation, or pleas of no contest (including, but not limited to, payment of fine) of the following County ordinances:

- (1) Vector control ordinances (Chapter 8);
- (2) Animal control ordinances (Chapter 5);
- (3) Garbage, trash, and refuse ordinances (Chapter 12)
- (4) Parking Ordinances (Chapter 17);
- (5) Zoning ordinances (Chapter 26)
- (6) Noise; Weeds and Rank Vegetation Ordinances (Chapter 18); or,
- (7) Offenses involving state criminal law which occur in the dwelling or rental unit or on the premises.

(c) Violations and warnings shall apply as points towards revocation of the rental permit for residential rental units as follows:

- (1) Single-household dwellings. Violations or warnings that occur anywhere on the premises shall apply to the permitted dwelling unit.
- (2) Multi-unit structures.
 - a. Violations or non-compliances resulting in warnings that occur within an individual unit shall apply to that unit.
 - b. Violations or non-compliance resulting in a warning occurring outside of the units shall be assigned to the unit responsible as determined by the investigating party for the offense.
 - c. Violations or non-compliance resulting in a warning committed by the property owner and/or Responsible Local Representative shall be assigned to all units.

(d) In the event a violation or non-compliance resulting in a warning occurs at a unit regulated by this article, such violation shall be grounds for the accumulation of points as follows:

- a. First Offense - One point will be assessed for the first occurrence of a violation or non-compliance resulting in a warning.
- b. Second Offense - Two points will be assessed for a second occurrence of the same violation or non-compliance resulting in a warning, within the same permit year.
- c. Third Offense or Each Offense Thereafter - Five points will be assessed for a third occurrence and each occurrence thereafter of the same violation or non-compliance resulting in a warning within the same permit year.

(1) After points are assessed on a landlord permit for a unit, Business Service Center will send a written notice to the owner or agent. Each notice will specify which ordinance or ordinances have been violated and will state that further warnings or violations could lead to a revocation of the permit. Each notice will be sent by regular mail to the address of the owner or agent or responsible local representative, as identified on the permit application, as well as a copy of the warning mailed to the property address of the subject property.

(2) A fee of \$100 will be assessed per point for each point accumulated beyond three (3) points within any renewal year. Such fees shall be due upon renewal. Failure to pay any fees due shall result in a denial of the permit renewal.

(3) If a person is found not guilty, or the case against them for a violation is dismissed, then the point shall be removed from the permit as if it had not been assessed.

(4) If the non-compliance for which a warning has been issued has been abated with ten (10) calendar days from the date of the warning, then the point shall be removed from the permit as if it had not been assessed; provided, however, that any such warning shall still be considered in calculating how many offenses have occurred during a twelve (12) month period, pursuant to this section.

- d. Serious Offense - Five points will be assessed for a Serious Offense, which shall mean any violation which falls under Section 16-76 (b)(7).

Commented [MZ9]: Workgroup recommends to change this section to allow the use of the Central Square Software for tracking violations and assessing fees. Stakeholders could add their fees for services rendered in addition to a violation fee.

Further direction from Ms. Newton on her thoughts removing a points system.

Workgroup must verify the system's capabilities.