



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION AGENDA**

**JANUARY 17, 2012  
6:00 PM**

**CALL TO ORDER                    HONORABLE KELVIN E. WASHINGTON, SR., CHAIR**

**INVOCATION                      THE HONORABLE GWENDOLYN DAVIS KENNEDY**

**PLEDGE OF ALLEGIANCE    THE HONORABLE GWENDOLYN DAVIS KENNEDY**

**Approval Of Minutes**

1. Regular Session: January 10, 2012 [PAGES 4-17]

**Adoption Of The Agenda**

**Report Of The Attorney For Executive Session Items**

**Citizen's Input**

2. For Items on the Agenda Not Requiring a Public Hearing

**Report Of The County Administrator**

3. a. Adult Services Report [PAGES 20-22]  
b. Northeast Landfill Update  
c. Council Retreat  
d. SCE&G Settlement Update

**Report Of The Clerk Of Council**

**Report Of The Chairman**

**Presentations**

4. a. EdVenture - Catherine Horne, President
- b. Stevens & Wilkinson - Ashby Gressette and Stephanie Morgan

### **Approval Of Consent Items**

5. An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (a)(4); so as to increase the amount of funding dedicated to organizations and projects that generate tourism in those areas where Richland County collects Hospitality Taxes [**THIRD READING**] [**PAGES 24-26**]
6. 11-20MA  
Columbia Agape Presbyterian Church  
Claire Baxter  
RU to OI (.41 Acres)  
251 Rabon Rd.  
17115-01-07 [**THIRD READING**] [**PAGES 27-28**]
7. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards and Article VI, Supplemental Use Standards; so as to properly reference Section 26-186 rather than "Section 26-184" wherever applicable and/or deleting reference to Section 26-184 (as Section 26-184 is currently "Reserved") [**THIRD READING**] [**PAGES 29-31**]
8. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment" wherever applicable [**SECOND READING**] [**PAGES 32-36**]
9. An Ordinance Authorizing a Quit-Claim Deed to Bettye Garrick Byrd for an unnamed 50' Road shown on a plat in Plat Book "X" at Page 9275 and recorded in the Richland County Register of Deeds [**FIRST READING**] [**PAGES 37-40**]

### **Second Reading Items**

10. An Ordinance Amending the Richland County Code of Ordinances; Chapter 5, Animals and Fowl, so as to clarify sections dealing with authority of officers, conditions of impoundment, redemption of animals and owner responsibilities [**SECOND READING**] [**PAGES ]**

### **Other Items**

11. Caughman Creek Property [**PAGES 57-63**]
12. CMRTA Service Reductions [**PAGES 64-65**]

### **Citizen's Input**

13. Must Pertain to Items Not on the Agenda

## **Executive Session**

### **Motion Period**

14. a. Whenever a motion is forwarded to full Council from Committee the only way it goes back to Committee is if Council directs it back to Committee **[JACKSON]**

### **Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: January 10, 2012 [PAGES 4-17]

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JANUARY 10, 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.*

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### MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

**OTHERS PRESENT** – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Sara Salley, Stephany Snowden, Larry Smith, Amelia Linder, Dale Welch, David Hoops, John Hixon, Hayden Davis, Sandra Haynes, Nelson Lindsey, Andy Metts, Buddy Atkins, Melinda Edwards, Nancy Stone-Collum, Daniel Driggers, Michael Byrd, Rodolfo Callwood, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:06 p.m.

### INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Indian Waters Council, Catawba District, Pack 73

### ELECTION OF CHAIR

Mr. Jeter moved, seconded by Ms. Hutchinson, to nominate Mr. Washington for the position of Council Chair.

Mr. Malinowski moved, seconded by Ms. Dickerson, to nominate Mr. Jackson for the position of Council Chair. Mr. Jackson declined the nomination due to work conflict.

Mr. Jackson moved, seconded by Ms. Kennedy, to nominate Ms. Dickerson for the position of Council Chair.

Mr. Pearce moved, seconded by Ms. Hutchinson, to close the floor for nominations. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Jackson, to re-open the nominations.

<u>For</u>	<u>Against</u>
Malinowski	Pearce
Jackson	Hutchinson
Dickerson	Jeter
Kennedy	Livingston
Rose	Manning
	Washington

The motion to re-open nominations failed.

Mr. Malinowski, Mr. Jackson, Ms. Dickerson, and Ms. Kennedy voted in favor of Ms. Dickerson.

Mr. Pearce, Ms. Hutchinson, Mr. Jeter, Mr. Livingston, Mr. Manning, Mr. Rose and Mr. Washing voted in favor of Mr. Washington.

Mr. Washington was elected as Council Chair.

Mr. Washington thanked Mr. Livingston for his service as Chair for the last three years.

### ELECTION OF VICE CHAIR

Mr. Livingston moved, seconded by Ms. Hutchinson, to nominate Mr. Pearce for the position of Vice Chair.

Mr. Jackson moved, seconded by Mr. Malinowski, to nominate Ms. Kennedy for the position of Vice Chair.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to close the floor for nominations. The vote in favor was unanimous.

Mr. Malinowski, Mr. Jackson, Mr. Dickerson, and Ms. Kennedy voted in favor of Ms. Kennedy.

Mr. Pearce, Ms. Hutchinson, Mr. Jeter, Mr. Washington, Mr. Manning, Mr. Rose and Mr. Livingston voted in favor of Mr. Pearce.

Mr. Pearce was elected as Vice Chair.

#### **SELECTION OF SEATS**

Mr. Washington stated the next order of business was the selection of seats.

(The selection of seats was taken up by seniority and continued in alphabetical order.)

The seats were selected from left to right as follows:

1. Rose
2. Malinowski
3. Jackson
4. Hutchinson
5. Pearce
6. Washington
7. Livingston
8. Dickerson
9. Kennedy
10. Manning
11. Jeter

#### **APPROVAL OF MINUTES**

**Regular Session: December 13, 2011** – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: December 20, 2011** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

Mr. Jackson moved, seconded by Mr. Malinowski, to add the Caughman Property contract to the agenda. A discussion took place.

Mr. Jackson withdrew the motion.

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

#### **REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS**

- a. **Finch vs. Richland County**
- b. **Proposed Amendment to Settlement Agreement with Northeast Landfill**
- c. **Detention Center: Correct Care**

#### **EXECUTIVE SESSION**

=====  
**Council went into Executive Session at approximately 6:28 p.m. and came out at approximately 6:53 p.m.**  
=====

- a. **Finch vs. Richland County** – Mr. Manning moved, seconded by Ms. Hutchinson, to accept the County Attorney’s recommendation regarding mediation.

Mr. Jackson moved, seconded by Ms. Kennedy, to make an offer to pay five year’s salary. The motion failed.

The vote was in favor of the motion to accept the County Attorney’s recommendation regarding mediation.

#### **CITIZENS’ INPUT**

No one signed up to speak.

#### **REPORT OF THE COUNTY ADMINISTRATOR**

**Quarterly Smoking Ban Report** – Mr. Pope stated that one complaint was reported for the previous quarter.



**SCE&G Settlement Update** – Mr. Pope stated that this item is almost complete. Council will continue to be updated.

**NACo Prescription Card** – Mr. Pope stated that Richland County citizens have saved over \$600,000 since the program's inception.

**Council Retreat Update** – Mr. Pope reminded Council that the Council Retreat will be held January 26<sup>th</sup> and 27<sup>th</sup> at the Clemson Sandhill Research and Education Center.

#### **REPORT OF THE CLERK OF COUNCIL**

No report was given.

#### **REPORT OF THE CHAIRMAN**

No report was given.

#### **OPEN/CLOSE PUBLIC HEARINGS**

- **An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C. Pageant** – No one signed up to speak.

#### **APPROVAL OF CONSENT ITEMS**

- **11-20MA, Columbia Agape Presbyterian Church, Claire Baxter, RU to OI (.41 Acres), 251 Rabon Rd., 17115-01-07 [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards and Article VI, Supplemental Use Standards; so as to properly reference Section 26-186 rather than "Section 26-184" wherever applicable and/or deleting reference to Section 26-184 (as Section 26-184 is currently "Reserved") [SECOND READING]**
- **Achieve SC Solid Waste Diversion Rate of 35% within five years and develop a long range goal for zero waste**
- **Calculation of Salary for Retirement Purposes [TO TABLE]**
- **Valhalla Micro Surfacing Project**

- **Ordinance to amend Chapter 6, Building and Building Regulations, so as to correct the improper reference to the “Building Code Board of Adjustments.” [FIRST READING]**
- **Quit Claim of Unnamed Road**
- **Richland County Shady Wood Lane Improvements Contract**
- **Pursuant to a request from Gary Watts, the Richland County Coroner, I move that the County Administrator and/or his designee along with the County Attorney meet with the Coroner and Probate Judge Amy McCullough to determine whether a county ordinance could be developed that would assist in the recovery of costs associated with the disposition of unclaimed decedents. This would only apply to those individuals whose estates are determined to have financial resources available. Explanation: According to the Coroner, the number of families declining custody of their deceased relates is rising annually with the County having to bear the costs of preparation and burial of these individuals. In many cases, the Coroner and Probate Judge have determined that the decedent’s estates have sufficient assets to cover these costs; however, they currently have no means to recover the costs associated with these expenses [TO TABLE]**
- **Status Offender Intervention Project/One Full-Time position/10% match**
- **Approval to Participate in Emergency Medicine Fellowship Program**

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

### THIRD READING

**An Ordinance Amending the Fiscal Year 2011-2012 Hospitality Tax Budget to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Miss S.C.**

**Pageant** – Mr. Jackson moved, seconded by Mr. Pearce, to approve this item. The vote was in favor.

Mr. Livingston moved, seconded by Mr. Pearce, to reconsider this item. The vote in favor was unanimous.

Mr. Livingston moved, seconded Ms. Hutchinson, to amend the ordinance to appropriate \$25,000 of Hospitality Tax Undesignated Fund Balance for a grant to the Township Auditorium. A discussion took place.

The vote was in favor.

## REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

**Transfer of CMRTA to City of Columbia** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to defer this item to the Council Retreat for discussion. The vote was in favor.

**City of Forest Acres Animal Care Intergovernmental Agreement** – Mr. Malinowski moved, seconded by Mr. Jackson, to change the ROA wording from “goal” to “deadline” and approve the item.

Mr. Livingston made a substitute motion, seconded by Mr. Manning, to not change the wording of the ROA.

Mr. Malinowski and Mr. Livingston withdrew their previous motions.

Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until the January 17<sup>th</sup> Council meeting. The vote was in favor.

**Medical and Health Care Offices in the RU rural zoning district** – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until staff provides clarification of “special exception”. The vote was in favor.

**Animal Care Ordinance Revisions** – Mr. Rose made a motion, seconded by Mr. Jeter, to remove Section 5-5 from the ordinance. A discussion took place.

Mr. Malinowski made a substitute motion to defer this item to the Council Retreat. The motion died for lack of a second.

Ms. Hutchinson offered a friendly amendment to remove from the following language from Section 5-1, Paragraph 7: “A cat is not considered at large unless it is running off of the premises of the owner or keeper and not under the physical control of the owner or keeper.”

Mr. Rose called for the question, seconded by Ms. Hutchinson. The vote was in favor.

The vote was in favor of amending the ordinance to remove Section 5-5 and the following language in Section 5-1, Paragraph 7: “A cat is not considered at large unless it is running off of the premises of the owner or keeper and not under the physical control of the owner or keeper.”

## REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

**Motion requesting that County Attorney establish a list of qualified bond attorneys** – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**Broad River Administration Building—Loan Payment** – Mr. Malinowski moved, seconded by Mr. Jackson, to deny this item. A discussion took place.

Mr. Livingston made a substitute motion, seconded by Mr. Jeter, to approve the committee's recommendation. A discussion took place.

Mr. Malinowski withdrew his motion to deny this item.

Mr. Malinowski made a substitute motion, seconded by Ms. Kennedy, to defer this item to the Council Retreat.

<u>For</u>	<u>Against</u>
Rose	Washington
Malinowski	Livingston
Jackson	Manning
Hutchinson	
Pearce	
Dickerson	
Kennedy	

The vote was in favor.

**Landfill Office Building Replacement** – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**Approval of Mars Petcare Utility Tax Credit Grant** – Mr. Washington stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

## REPORT OF RULES AND APPOINTMENTS COMMITTEE

### I. NOTIFICATION OF VACANCIES

- a. **Richland Memorial Hospital Board—2** – Mr. Malinowski stated that the committee recommended advertising for this item. The vote in favor was unanimous.

### II. NOTIFICATION OF APPOINTMENTS

- a. **Lexington/Richland Alcohol and Drug Abuse Council—1** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Marilyn M. Mattheus. The vote in favor was unanimous.
- b. **Township Auditorium Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for the vacancy. The vote in favor was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Motion that Council rules be amended such that when 5 or fewer people are signed up to speak on a non-agenda item they be allowed to speak after those speaking to an agenda item have finished (towards the beginning of the meeting). If 6 or more people are signed up to speak on a non-agenda item then Council's current rule will take affect [HUTCHINSON, JACKSON AND ROSE]** – This item was held in committee.
- b. **Request for an opinion from the Ethics Commission** – This item was held in committee.

### OTHER ITEMS

**CMRTA Route Cuts** – No action was taken.

**POINT OF PERSONAL PRIVILEGE** – Mr. Washington recognized that the new CMRTA Director, Dr. Bob Schneider, was in the audience.

**Council Meeting Schedule** – Mr. Manning moved, seconded by Mr. Pearce, to approve the proposed meeting schedule. A discussion took place.

The vote in favor was unanimous.

**Hospitality Tax County Promotions Grant Program Changes** – Mr. Pearce moved, seconded by Mr. Livingston, to delete Item 3.b. A discussion took place.

Mr. Washington made a substitute motion, seconded by Mr. Manning, to table this item. A discussion took place.

Mr. Washington made a seconded substitute motion, seconded by Mr. Rose, to defer this item to the February 7, 2012 Council meeting.

<b><u>For</u></b>	<b><u>Against</u></b>
Rose	Malinowski
Washington	Jackson
Manning	Hutchinson
	Pearce
	Dickerson
	Kennedy
	Jeter

The motion to defer failed.

The motion to table failed.

The vote was in favor to delete 3.b.

**Proposed Amendment to Settlement Agreement with Northeast Landfill** – Mr. Malinowski moved, seconded by Mr. Jackson, to approve the proposed settlement agreement as the letter set forth in the agenda packet. A discussion took place.

Mr. Pearce made a substitute motion, seconded by Ms. Hutchinson, to defer this item until the January 17, 2012 Council meeting.

<b><u>For</u></b>	<b><u>Against</u></b>
Rose	Malinowski
Hutchinson	Jackson
Pearce	Dickerson
Washington	Kennedy
Livingston	Manning
	Jeter

The motion failed.

Mr. Rose made a substitute motion, seconded by Ms. Hutchinson, to request an independent third-party study, which would then report back to Council their findings in a timely manner, the study would be funded by the landfill, and Richland County and the landfill would approve the third-party entity who would conduct the study. A discussion took place.

Ms. Kennedy called for the question, seconded by Mr. Manning. The vote was in favor.

<b><u>For</u></b>	<b><u>Against</u></b>
Rose	Malinowski
Hutchinson	Jackson
	Pearce
	Washington
	Livingston
	Dickerson
	Kennedy
	Manning
	Jeter

The substitute motion failed.

The vote was in favor to approve the proposed settlement agreement as the letter set forth in the agenda packet.

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

### CITIZEN'S INPUT

Mr. Bob Holmes spoke regarding Sexually Oriented Businesses.

### EXECUTIVE SESSION

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**Council went into Executive Session at approximately 8:54 p.m. and came out at approximately 9:09 p.m.**  
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- a. **Detention Center: Correct Care** – No action was taken.

Mr. Rose moved, seconded by Ms. Hutchinson, to reconsider the Animal Care Ordinance Revisions. The vote was in favor.

Mr. Rose moved, seconded by Mr. Livingston, to remove the proposed revisions to Section 5-1, Paragraph 7, and the proposed revisions to Section 5-5(a). A discussion took place.

The vote was in favor to remove the proposed revisions to Section 5-1, Paragraph 7, and the proposed revisions to 5-5(a).

### MOTION PERIOD

**Motion to have property maps, assessors records, deeds all put on the County's website. Additionally, this motion requests that all there be hyper-linked so you can jump from one to the other for easy records searching. Rationale: When a company is doing their own research where to locate it benefits our County to make this process as easy as possible so that we do not lose business to neighboring Counties. Our neighbors have streamlined the process of searching these records on their website by hyper-linking them and have an advantage in recruiting business as a result. This motion requests that the above-described process be done in Richland County in a timely fashion. [ROSE]**

– This item was referred to the Economic Development Committee.

**Motion for a resolution from the County recognizing EdVenture for being named one of five museums nationally to receive the National Medal for Museum Service for 2011. This award recognizes all types of museums for their exceptional service to their local communities and their leadership to the field of museums nationally. This is the highest award that a museum can earn. Our service and leadership in health education and obesity prevention were a major reason we have been recognized [ROSE, WASHINGTON, DICKERSON, JETER, PEARCE AND MANNING]** – The resolution was unanimously adopted.

**Evaluate the needs and cost of improvement to County roads and infrastructure**

**[JACKSON]** – This item was referred to the D&S Committee.

**County employees receive updates and information from the State Employees**

**Association [JACKSON]** – This item was referred to the A&F Committee.

**Request the County Administrator and the County Attorney to answer the question of whether or not Richland County can lawfully sell a portion of property located at the Hamilton/Owens General Aviation Airport for the purpose of re-development and provide any related consequences [PEARCE]** – This item was referred to the A&F Committee.

**At the next A&F committee meeting, Richland County will identify funding and discuss at what level to fund the CMRTA operations to prevent any service reductions of our bus system [WASHINGTON]** – This item was referred to the A&F Committee.

**ADJOURNMENT**

The meeting adjourned at approximately 9:20 p.m.

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

\_\_\_\_\_  
L. Gregory Pearce, Jr., Vice-Chair

\_\_\_\_\_  
Gwendolyn Davis Kennedy

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Valerie Hutchinson

\_\_\_\_\_  
Norman Jackson

\_\_\_\_\_  
Damon Jeter

\_\_\_\_\_  
Bill Malinowski

\_\_\_\_\_  
Jim Manning



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Paul Livingston

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Seth Rose

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

## **Subject**

- a. Adult Services Report [**PAGES 20-22**]
- b. Northeast Landfill Update
- c. Council Retreat
- d. SCE&G Settlement Update

# Richland County Government

County Administration Building  
2020 Hampton Street  
P.O. Box 192  
Columbia, SC 29202



Phone: (803) 576-2050  
Fax: (803) 576-2137  
TDD: (803) 748-4999

*Office of the County Administrator*

## Memo

**TO:** Richland County Council  
**FROM:** Randy Cherry  
Research Manager, Richland County Government  
**DATE:** January 17, 2012  
**RE:** Adult Services Reports from the Richland County Recreation Commission and Central Midlands Council of Governments (October through December 2011)

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During the July 5, 2011 Council meeting, Council directed staff to request regular reports from the Recreation Commission and Central Midlands Council of Governments regarding the number of Richland County residents who received services through the two organizations senior programs. During your October 4<sup>th</sup> meeting, I provided you with the initial report. Attached you will find the second report which covers the period from October through December 2011.

Please advise if you have any questions or need additional information.

**Richland County Recreation Commission Adult Services Report**

The programs/activities listed below are offered on a weekly or monthly basis at each facility. (October-December 2011)

Facility	Activity/Program
<b>Hopkins Adult Activity Center</b>	Health Fair (monthly) Community Meeting (monthly) Senior Bingo (weekly) Senior Aerobics (weekly) Arthritis Exercise (weekly) Bowling (weekly) Travel Club (monthly) Bible Study (weekly) Ceramics (weekly) Walking Club (weekly)
<b>Adult Activity Center</b>	Bingo (weekly) Bridge (weekly) Crochet (weekly)
<b>Upper Richland Community Center</b>	Arthritis Exercise (weekly) Bingo (weekly)
<b>Ballentine Community Center</b>	Ceramics (weekly) Yard Sale (monthly) Arthritis Exercise (weekly) Flu Shots (monthly)
<b>Crane Creek Community Center</b>	Bible Study (weekly) Bingo (weekly) Line Dancing (weekly) Wellness Seminar (monthly)
<b>Gadsden Community Center</b>	Arthritis Exercise (weekly) Line Dancing (weekly) Trip to Pick Apples Trip to State Fair
<b>Pine Grove Community Center</b>	Line Dancing (weekly) Arthritis Exercise (weekly) Senior Group (monthly) Coffee Club (weekly)
<b>Caughman Road Park</b>	
<b>All</b>	Trip to USC Baseball Complex Apple Picking Trip

Note: The Recreation Commission estimates that between 400 and 500 people participate in these programs each month.

# Senior Resources Incorporated:

Attached you will find the number of units served by Senior Resources, Inc. for the fiscal year ending December 31, 2011. A unit of service is identified as:

- Congregate & Home Delivered Meals = 1 meal
- Home Care = 1 hour of service in the home
- Transportation = 1 passenger mile
- Physical Fitness = 1 hour of Arthritis Exercise Class
- \*Information and Referral = 1 call from a client and/or family member seeking assistance
- \*Retired and Senior Volunteer Program = 1 hour of volunteer service
- \*Senior Companion Program = 1 hour of senior companionship or respite in the home
- \*Foster Grandparent Program = 1 hour of senior volunteer service mentoring or helping children

\* These programs do not receive any funds through the Central Midlands Area Agency on Aging

Please note that the Retired and Senior Volunteer Program operates in Richland, Lexington and Newberry Counties. No Richland County funds are used to support program expenses in any county outside of Richland County.

In Home and Community Based Services (includes transportation, congregate meals, Physical Fitness, Home Delivered Meal, Home Care Level I & Level 2):

Total unduplicated clients = 639

Total Units of Service = 135,725.75

(A unit of service is a meal served, an hour of Home Care, a passenger mile driven, an hour of physical fitness)

Volunteer Services:

Foster Grandparent Program = 93 stipend volunteers served approximately 659 students a total of 25,121.53 hours of service

Senior Companion Program = 65 stipend volunteers served approximately 84 client for a total of 9,782.34 hours of service

Retired and Senior Volunteer Program = 774 volunteers served 20,676.35 hours of service

Community Volunteers:

Senior Resources is governed by an 18 member Volunteer Board of Directors

1050 community volunteers who help with the packing and delivery of Meals on Wheels to Richland County elderly/frail homebound

# Richland County Council Request of Action

**Subject**

- a. EdVenture - Catherine Horne, President
- b. Stevens & Wilkinson - Ashby Gressette and Stephanie Morgan

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (a)(4); so as to increase the amount of funding dedicated to organizations and projects that generate tourism in those areas where Richland County collects Hospitality Taxes  
**[THIRD READING] [PAGES 24-26]**

## **Notes**

First Reading: November 15, 2011  
Second Reading: December 6, 2011  
Third Reading:  
Public Hearing: December 6, 2011



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-69, DISTRIBUTION OF FUNDS; SUBSECTION (a)(4); SO AS TO INCREASE THE AMOUNT OF FUNDING DEDICATED TO ORGANIZATIONS AND PROJECTS THAT GENERATE TOURISM IN THOSE AREAS WHERE RICHLAND COUNTY COLLECTS HOSPITALITY TAXES.

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 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (a) (4) is hereby amended to read as follows:

- (4) For the amounts distributed under the County Promotions program, funds will be distributed with a goal of ~~seventy-five~~ one hundred percent (~~75~~100%) dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County and in municipal areas where Hospitality Tax revenues are collected by the county. These shall include:
- a. Organizations that are physically located in the areas where the county collects Hospitality tax Revenues, provided the organization also sponsors projects or events within those areas;
  - b. Organizations that are not physically located in the areas where the county collects Hospitality Tax Revenues; however, the organization sponsors projects or events within those areas; and
  - c. Regional marketing organizations whose primary mission is to bring tourists to the region, including the areas where the county collects Hospitality Tax revenues.

SECTION II. Severability. If any section, subsection, or clause of this article 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. All sections of this ordinance shall be effective on and after \_\_\_\_\_, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_ DAY

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

\_\_\_\_\_  
Michelle M. Onley  
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: November 15, 2011 (tentative)  
Second Reading: December 6, 2011 (tentative)  
Public Hearing: December 13, 2011 (tentative)  
Third Reading: December 13, 2011 (tentative)

# Richland County Council Request of Action

**Subject**

11-20MA  
Columbia Agape Presbyterian Church  
Claire Baxter  
RU to OI (.41 Acres)  
251 Rabon Rd.  
17115-01-07 **[THIRD READING] [PAGES 27-28]**

**Notes**

First Reading: December 20, 2011  
Second Reading:  
Third Reading:  
Public Hearing: December 20, 2011

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 17115-01-07 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17115-01-07 from RU (Rural District) zoning to OI (Office and Institutional District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing: December 20, 2011  
First Reading: December 20, 2011  
Second Reading: January 10, 2012 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards and Article VI, Supplemental Use Standards; so as to properly reference Section 26-186 rather than "Section 26-184" wherever applicable and/or deleting reference to Section 26-184 (as Section 26-184 is currently "Reserved") **[THIRD READING] [PAGES 29-31]**

## **Notes**

First Reading: December 20, 2011  
Second Reading: January 10, 2012  
Third Reading:  
Public Hearing: December 20, 2011

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SO AS TO PROPERLY REFERENCE SECTION 26-186 RATHER THAN “SECTION 26-184” WHEREVER APPLICABLE AND/OR DELETING REFERENCE TO SECTION 26-184 (AS SECTION 26-184 IS CURRENTLY “RESERVED”).

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 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-105, C Conservation Overlay District; Subsection (d), Development Standards; Paragraph (6); is hereby amended to read as follows:

- (6) *Recreational/open space standards:* Open space shall be provided for new developments and expansions of existing developments in accordance with the provisions established in Section ~~26-184~~ 26-186 of this chapter.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-109, CRD Corridor Redevelopment Overlay District; Subsection (d), Development Standards; Paragraph (7), (the introductory paragraph only); is hereby amended to read as follows:

- (7) *Recreation/Open Space Standards:* All CRD developments that include residential units shall be required to dedicate open space. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix below. Unless otherwise specified below, the requirements of Section ~~26-184~~ 26-186 of this chapter shall apply.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (44), Manufactured Home Parks; Subparagraph k.; is hereby amended to read as follows:

- k. ~~Common area open space (meeting the requirements set forth in Sections 26-184(b)(2)&(3) of this chapter) shall be provided for each manufactured home park.~~ A minimum of twenty percent (20%) of the total development area shall be reserved for open space. However, in no event shall the required open space within a manufactured home development be less than three hundred (300) square feet. In order to expand an existing manufactured home park development, the minimum open space requirements must be met.

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

SECTION VI. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2011

\_\_\_\_\_  
Michelle M. Onley  
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: December 20, 2011  
First Reading: December 20, 2011  
Second Reading: January 10, 2012 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; so as to properly reference the Building Codes Board of Appeals rather than the "Building Codes Board of Adjustment" wherever applicable **[SECOND READING] [PAGES 32-36]**

## **Notes**

December 20, 2011 - The committee recommended that Council approve an ordinance to amend Chapter 6, Building and Building Regulations; so as to correct the improper reference to the "Building Code Board of Adjustments" wherever applicable in the chapter. The vote in favor was unanimous.

First Reading: January 10, 2012

Second Reading

Third Reading:

Public Hearing:



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO PROPERLY REFERENCE THE BUILDING CODES BOARD OF APPEALS RATHER THAN THE “BUILDING CODES BOARD OF ADJUSTMENT” WHEREVER APPLICABLE.

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 6, Buildings and Building Regulations; Article II, Administration; Division 1. Generally; Section 6-18, Conflicts of Interest; is hereby amended to read as follows:

**Sec. 6-18. Conflicts of interest.**

No employee of the building codes and inspections department, except one whose only connection is as a member of the building codes board of ~~adjustment~~ appeals established by this chapter, shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore unless he/she is the owner of such building. No such employee shall engage in any work that is inconsistent with his/her duties or with the interests of the building codes and inspections department.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 1. Generally; Section 6-19, Liability; is hereby amended to read as follows:

**Sec. 6-19. Liability.**

Any officer or employee of the building codes and inspections department, or member of the building codes board of ~~adjustment~~ appeals, charged with the enforcement of this chapter, acting for the council in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee because of such act performed by him/her in the enforcement of any provision of this chapter shall be defended by the county attorney until the final termination of the proceedings.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-31, Powers and Duties; Subsection (d), Determination of Requirements Not Covered by Chapter; is hereby amended to read as follows:

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

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 2. Building Codes and Inspections Director; Section 6-33, Appeals From Decisions; Subsection (a), General; is hereby amended to read as follows:

(a) *General.* Whenever the building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used, or when the holder of the permit claims that the provisions of this chapter do not apply, or that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter or any of the regulations thereunder were misconstrued or wrongly interpreted, the owner of such building or structure, or his/her duly authorized agent, may appeal the decision of the building official to the building codes board of [adjustment appeals](#). Pending the decision of the building codes board of [adjustment appeals](#), the building official's decision shall be considered binding.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3. Permits, Inspection and Certificate of Approval; Section 6-45, Examination of Application, Approval or Disapproval, Appeal From Disapproval; Subsection (c); is hereby amended to read as follows:

(c) The applicant may appeal the decision of the building official to the building codes board of [adjustment appeals](#) as provided herein.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3. Permits, Inspection and Certificate of Approval; Section 6-46, Conditions of Issuance; Subsection (c); is hereby amended to read as follows:

(c) All building permits shall include a completion date in which construction shall be completed. Any permit issued shall become invalid unless the work authorized by it was commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each, may be allowed in writing by the building official. Any structure that has not been completed and has had no permitted/approved/inspected work for a period of one (1) year and has allowed the structure to get in a state of disrepair due to neglect and abandonment, shall be declared debris and abated by demolition. A lien shall be placed on the property and possible legal action taken against the owner for a violation of this Article and for any costs incurred for abatement. Decisions of the Building Official may be appealed to the Building Board of ~~Adjustments and~~ Appeals.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4. Licensing and Bonding of Builders,

Contractors and Craftsmen; Section 6-66, Craftsmen Qualification Cards; Subsection (b); is hereby amended to read as follows:

(b) Any person wishing to qualify permanently for qualification cards shall satisfy the building official of his/her competence by satisfactorily completing a written test of competence approved by the building codes board of ~~adjustment~~ appeals.

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 4. Licensing and Bonding of Builders, Contractors and Craftsmen; Section 6-67, Illegal Work, Revocation of License; is hereby amended to read as follows:

**Sec. 6-67. Illegal work; revocation of license.**

Any person engaged in the plumbing, electrical, mechanical (HVAC), or gas installation business, whose work does not conform to the rules and regulations set out in this chapter, or whose workmanship or materials are of inferior quality, shall on notice from the building official make necessary changes or correction at once so as to conform to this chapter; if work has not been so changed after ten (10) days' notice from the building official, the building official shall then refuse to issue any more permits to that person until such work has fully complied with the rules and regulations of this chapter. The building official may appear before the building codes board of ~~adjustment~~ appeals and request that all licenses be revoked because of continued violations. Any license issued under this chapter, upon recommendation of the building codes board of ~~adjustment~~ appeals, may be revoked by the county council. When the revocation of any such license is to be considered and voted upon by the council at any meeting, the person to whom the license has been issued shall have at least three (3) days' notice in writing of the time and place of such meeting together with a statement of the grounds upon which it is proposed to revoke such license.

SECTION IX. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; is hereby amended to read as follows:

DIVISION 5. BUILDING CODES BOARD OF ~~ADJUSTMENT~~ APPEALS

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

SECTION XII. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:            January 10, 2012 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing a Quit-Claim Deed to Bettye Garrick Byrd for an unnamed 50' Road shown on a plat in Plat Book "X" at Page 9275 and recorded in the Richland County Register of Deeds **[FIRST READING] [PAGES 37-40]**

## **Notes**

December 20, 2011 - The committee recommended that Council approve the Quit Claim to Ms. Bettye Gaither Byrd. The vote in favor was unanimous.

First Reading: January 10, 2012

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE AUTHORIZING A QUIT-CLAIM DEED TO BETTYE GARRICK BYRD FOR AN UNNAMED 50' ROAD SHOWN ON A PLAT IN PLAT BOOK "X" AT PAGE 9275 AND RECORDED IN THE RICHLAND COUNTY REGISTER OF DEEDS.

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. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant to BETTYE GARRICK BYRD a quit-claim deed for an unnamed 50' road shown on a plat in Plat Book "X" at page 9275 and recorded in the Richland County Register of Deeds, as specifically described in the attached quit claim deed, which is incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin Washington, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle Onley  
Assistant 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:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by Richland County, (hereinafter "Grantor"), to **Bettye Garrick Byrd** (hereinafter "Grantee"). (Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the Grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

All that certain piece, parcel, lot of land in the County of Richland, State of South Carolina, approximately 1.2 miles from Gadsden, S.C. as shown on a plat prepared for the Estate of Beverly Garrick by Hugh F. Longshore, Jr., R.L.S., and recorded on July 13, 1977 in the Richland County Register of Deeds in Plat Book "X" at page 9275, and shown as a 50' Road. Said road contains such metes and bounds as shown on said plat.

DERIVATION: (Derivation on quitclaim deed not required under Section 30-5-35 of S.C. Code Ann. (1976) as amended.

Grantee's Address: Bettye Garrick Byrd  
9 S. Gawain Way  
Hampton, VA 23669

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS the hand(s) and seal(s) of the Grantor(s) this \_\_\_\_\_ day of \_\_\_\_\_, 2012.





# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 5, Animals and Fowl, so as to clarify sections dealing with authority of officers, conditions of impoundment, redemption of animals and owner responsibilities **[SECOND READING] [PAGES ]**

## **Notes**

December 20, 2011 - The committee recommended that Council approve the ordinance revisions (highlighted in yellow in the draft ordinance) related to Animal Care for consistency, improved enforcement efforts, and other related matters. The remaining revisions (other than those clarifying definitions and scrivener revisions) are policy decisions of Council. The vote was in favor.

First Reading: January 10, 2012

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. \_\_\_\_\_-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 5, ANIMALS AND FOWL, SO AS TO CLARIFY SECTIONS DEALING WITH AUTHORITY OF OFFICERS, CONDITIONS OF IMPOUNDMENT, REDEMPTION OF ANIMALS AND OWNER RESPONSIBILITIES.

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.** Definitions

Section 5-1, Definitions; is hereby amended to read as follows:

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

Abuse shall mean the act of any person who deprives any animal of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any animal, or causes these things to be done.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal ~~care officer~~ Care Officer shall mean any person employed by the county to enforce the animal care program.

Animal ~~shelter~~ Care Facility shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this chapter.

At large shall mean a pet running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.  
A cat is not considered at large unless it is running off of the premises of the owner or keeper and not under the physical control of the owner or keeper.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.

Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her.

Pet shall mean a domestic dog (canis familiaris) and/or a domestic cat (felis catus domesticus).

Shelter shall mean any structure appropriately sized for the pet to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for the entry and exit and a floor so as to protect the pet from the elements of weather.

Under restraint shall mean a pet that is on the premise of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or a pet that is off the premises of its owner or keeper but is accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

## **SECTION II. Differential county license fees; rabies vaccination tags**

Section 5-2, Differential county license fees; rabies vaccination tags, is amended to read as follows:

~~Sec. 5-2. Differential county license fees; rabies vaccination tags~~

Sec. 5-2. Differential county and commercial pet breeder license fees; rabies vaccination tags.

(a) It shall be unlawful for the owner of any pet to fail to provide any pet over ~~six (6) four~~ months of age with a current county license tag. The owner of any pet over ~~six (6) four (4)~~ months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

(b) The county license fee for fertile pets shall be twenty dollars (\$20.00) per year. The county license fee for sterilized pets shall be four dollars (\$4.00) per year. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The ~~animal care department~~ Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets numbered from one (1) upwards on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times. Any pet owner who has their animal tattooed may register the tattoo number with the ~~animal care department~~ Animal Care Department in addition to obtaining a tag.

(d) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder license. The requirements for such a license are as follows:

(1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must obtain a separate business license through the County's Business Service Center.

(2) First time applicants must have all pets that have reached the age of four (4) months, currently licensed with a County pet license, before applying for the commercial pet breeder license.

(3) The Animal Care Department, through its Animal Care Officers, shall conduct an inspection of the property for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section.

(4) During an inspection, an Animal Care Officer will be looking for the following:

a.) The enclosure where the pets are being kept should be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.

b.) The location of all pet enclosures should be in such a position so that it can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud and debris.

c.) Every pet on the premises should have constant access to a clean and fresh water supply. All pets must also have an adequate amount of appropriate food to maintain each pet's normal condition of health.

d.) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.

- e.) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.
- (5) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within (5) years of the date of application.
- (6) License registration should be made prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties.
- (7) A commercial pet breeder license is not transferrable to another person or location.
- (8) The inspection fee for a county commercial pet breeder license shall be one hundred (\$100.00) dollars annually. The license shall expire one year after the date of issue.
- (9) Any violations found under the provisions of this Chapter shall be grounds for the suspension of the commercial pet breeder license if deemed necessary by the Animal Care Department. Re-instatement shall be determined on a case by case basis.
- i. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.
- (10) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section; so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in their custody.

### **SECTION III.** Exemptions from differential licensing

Section 5-3, Exemptions from differential licensing; is hereby amended to read as follows:

- (a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet but will pay only a fee of four dollars (\$4.00) for each license and will not be required to have the pet spayed/neutered:
1. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;

2. Any owner of one or more purebred pets who can furnish proof of participation in at least three nationally recognized conformation or performance events within the past twelve months.
  3. ~~Any owner of a dog that is currently being used for hunting purposes and is properly registered with South Carolina Wildlife Department and whose owner has a valid South Carolina Hunting license. Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.~~
- (b) Any ~~individual who is handicapped and who owns a dog which is used for seeing, hearing, or other such assistance purposes~~ owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.
- (c) The county ~~animal care department~~ Animal Care Department shall ~~obtain~~ maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

**SECTION IV.** 5-4, Dangerous or vicious animals,

Section 5-4, Dangerous or vicious animals, is hereby amended to read as follows:

- (a) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined as the term is used in this section if the animal is ~~not~~ not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.
- (b) For the purposes of this section a dangerous or vicious animal shall be defined to be any one of the following:
- (1) Any animal with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or

(2) Any animal which attacks a human being or other domestic animal one or more times without provocation whether or not such attack occurs on the premises of the animal's owner; or

(3) An animal owned or harbored primarily or in part for the purpose of animal fighting or an animal trained for animal fighting.

(c) Any animal that has been determined to be a dangerous or vicious animal may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal ~~shelter-care facility~~ and has completed and signed a surrender form or until a hearing is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized. However, if the magistrate has determined that the owner may redeem the animal, the Animal Care Department shall release the animal upon receipt of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the ~~animal shelter~~ Animal Care Department and may be euthanized.

#### **SECTION V.** Running at large

Section 5-5, Running at large – restraint, is hereby amended to read as follows:

(a) All domestic animals must be kept under restraint or confinement. Any domestic animal not so restrained will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered. ~~This subsection shall not require domestic cats to be kept under restraint or confinement by means of a restraining device. Provided, however, this subsection shall deem a domestic cat unlawfully at large if it leaves the owner's premises unaccompanied by its owner or custodian.~~

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, ~~or~~ lure courses and other events similar in nature shall not be considered "at large."

~~(c) In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises unrestrained and presents an immediate threat of bodily harm to public safety such as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.~~

#### **SECTION VI.** Injured or diseased pets

5-7, Injured or diseased pets, is hereby amended to read as follows:

Anyone striking a pet with a motor vehicle or bicycle shall notify the county ~~animal care department~~ Animal Care Department who will then take action necessary to make proper disposition of the pet. Any pet received by the animal ~~shelter care facility~~ in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Every effort possible shall be made to contact the owner or veterinarian of the pet via information obtained from its tag or microchip. Any such pet in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian cannot be contacted within ~~five (5)~~ two (2) hours. If the pet is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.

## **SECTION VII.** Nuisance animals

Section 5-8, Nuisance animals, is hereby amended to read as follows:

- (a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- (b) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:
  - (1) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5.
  - (2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
  - (3) Failure to maintain a dangerous animal in a manner other than that which is described in section 5-4.
  - (4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.
  - (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property
  - (6) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a



manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(7) Maintaining an animal that is diseased and dangerous to the public health.

(8) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(c) An animal that has been determined to be a habitual nuisance by the ~~animal care department~~Animal Care Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(d) Every female animal in heat shall be kept confined in a building or secure enclosure in such manner as will not create a nuisance by attracting other animals.

### **SECTION VIII.** Sale of pets

Section 5-10, Sale of pets, is hereby amended to read as follows:

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.

(b) No person shall offer a pet as an inducement to purchase a product, commodity or service.

(c) No person shall sell, offer for sale or give away any pet under eight (8) weeks of age, except as surrender to a municipal and/or county animal ~~shelter~~care facility or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, municipal and/or county animal ~~shelters~~care facilities, and licensed pet rescue organizations are exempt from the requirements of this section.

### **SECTION IX.** Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals

Section 5-12, Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals, is hereby amended to read as follows:

(a) If the owner does not give permission, the ~~animal control officer~~Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises. The ~~animal control officer~~Animal Care Officer shall thereafter petition the appropriate

magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The ~~animal control officer~~ Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the ~~animal control officer~~ Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the ~~animal shelter~~ Animal Care Department until such matter is heard before the magistrate. The magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the ~~animal shelter~~ Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. If the magistrate orders the return of the animal to its owner, the ~~animal control officer~~ care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the ~~animal control shelter~~ Animal Care Department and may be placed for adoption or euthanized. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes.

#### **SECTION X.** Impounding

Section 5-13, Impounding, is hereby amended to read as follows:

- (a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The ~~animal care department~~ Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals not redeemed within five (5) days. Animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.
- (b) When a person arrested is, at the time of the arrest, in charge of an animal, the county ~~animal care department~~ Animal Care Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal ~~shelter~~ care facility.

(c) The county may transfer title of all animals held at its animal ~~shelter-care facility~~ after the legal detention period has expired and its owner has not claimed the animal.

~~(d) Immediately after impounding a pet that is wearing a abies tag, a county license tag, or another identification tag, or a pet has an implanted identification microchip or an obvious identification tattoo, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the county reflection its disposition.~~

(d) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag pursuant to section 5-2; or traceable number, tattoo or microchip pursuant to S.C. Code Ann. 47-3-510 (Supp.1999).

The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has 14 days from the date of mailing to contact the animal care facility for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees or other charges. If the owner does not make contact within 14 days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S. C. Code Ann. 47-3-540 (Supp. 1999).

Notwithstanding the above, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death may be humanely destroyed.

(e) Any animal found "at large" may be impounded by the ~~animal-care-offieer~~ Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county ~~animal-care-department~~ Animal Care Department, with assurance from the owner that proper care and custody will be maintained.

(f) Any animal surrendered to the ~~animal-shelter~~ Animal Care Department or Animal Care facility may be adopted or euthanized at any time provided there is a completed and signed surrender ~~form~~ form on file for the animal concerned.

(g) It shall be unlawful for any person to furnish false information on the animal surrender form.

## **SECTION XI. Redemption**

Section 5-14, Redemption, is hereby amended to read as follows:

(a) The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within ~~five (5) days~~ the legal detention period outlined in 5-13 upon payment of a fee as follows:

- (1) For a pet that has been properly inoculated, ~~licensed~~ licensed, microchipped, and neutered or spayed, the fee shall be \$10.00.
- (2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation, the cost of microchipping the pet, and the cost of spaying or neutering the pet. No fertile pet shall be redeemed or adopted unless one of the criteria under the exceptions provisions in subsections 5-3(a)(1) - (3) has been met. No pet will be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 5-3 (a) (1) – (3) when the animal has been impounded a second time for any violations of sections 5-4; 5-5; 5-6; 5-8; 5-9; 5-10; 5-11; 5-12 or 5-13.

(b) In addition to the redemption fee, an impound fee of \$20.00 and a board fee of \$~~76~~.00 per day per pet shall be paid by the owner or keeper when a pet is redeemed.

(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

## **SECTION XII** Adoption

Section 5-15, Adoption, is hereby amended to read as follows:

(a) Any animal impounded under the provisions of this chapter may at the end of the legal detention period be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) All adult pets adopted from the animal shelter shall be spayed or neutered, and inoculated against rabies. Any pet surrendered to the Animal Care Department or Animal Care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) Fees for the adopted pets will be the same as those established for the redemption of impounded pets, together with the cost of microchipping.

**SECTION XIII.** Sec. 5-16, is hereby re-titled and amended to read as follows:

Section 5-16. Prohibited; exceptions

(a) Except as provided in subsection 5-16(d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:

- (1) a. Nondomestic member of the family felidae;
- b. Wolf-dog hybrid containing any percentage of wolf;
- c. Badger, wolverine, weasel, skunk and mink;
- d. Raccoon;
- e. Bear;
- f. Nonhuman primate to include ape, monkey, baboon, macaque, lemur;
- g. Marmoset, tamarin and other species of the order primates;
- h. Bat;
- i. Alligator, crocodile and caiman;
- j. Scorpion;
- k. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;
- l. Venomous reptile; or
- m. Lizard over two feet which are members of the family varanidae.

(b) It shall be unlawful for any person to own, keep, harbor, act as custodian of, expose to public view or contact, exhibit either gratuitously or for a fee, any wild or feral animals identified in this subsection, or any animal of mixed domestication and feral lineage within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).

(c) Wild or feral animal means:

(1) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;

(2) Any non-domesticated member of the order Carnivora;

(3) The following animals which shall be deemed to be wild or feral animals per se:

- a. All nondomestic members of the family felidae;
- b. Wolves, wolf-dog hybrids containing any percentage of wolf, coyotes and foxes;
- c. Badgers, wolverines, weasels, skunks and mink;
- d. Raccoons;
- e. Bears;
- f. Nonhuman primates to include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins and other species of the order primates;
- g. Bats;
- h. Alligators, crocodiles and caimans;
- i. Scorpions;
- j. Any snakes or venomous reptile; or
- k. Lizards over two feet which are members of the family varanidae;

(d) The prohibition contained in subsections (a), (b) and (c) above, shall not apply to the keeping of wild or feral animals in the following circumstances:

- (1) The keeping of wild or feral animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
- (2) The keeping of wild or feral animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law.
- (3) The keeping of wild or feral animals in a bona fide, licensed veterinary hospital for treatment.
- (4) The keeping of wild or feral animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.

#### **SECTION XIV.** Interference with animal care officers

Sec. 5-17, is hereby re-titled and amended to read as follows:

Section 5-17. Interference with ~~animal care officers~~ Animal Care Officers.

It shall be unlawful for any person to interfere with, hinder, or molest an ~~animal care officer~~ Animal Care Officer in the performance of his or her duty or seek to release any pet in his/her custody without his/her consent.

**SECTION XV.** Complainant's identification to remain confidential.

Section 5-18, is hereby re-titled and amended to read as follows:

Section 5-18. Complainant's identification to remain confidential.

The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential to the agency receiving the report unless the complainant authorizes the release of his or her identity.

**SECTION XVI.** Penalties

Section 5-19, is hereby added and adapted from the previous version to read as follows:

Sec. 5-19. Penalties.

(a) Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

(b) The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.

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

**SECTION XIX.** Effective Date. This ordinance shall be effective from and after \_\_\_\_\_.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2011.

\_\_\_\_\_  
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:



# Richland County Council Request of Action

**Subject**

Caughman Creek Property [PAGES 57-63]

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**CONTRACT OF SALE**

**THIS CONTRACT OF SALE** is made to be effective as of the date of the last to sign below by and between John G. Gwinn, Jr. ("Seller") and Richland County ("Purchaser"), whose address is Attention: Milton Pope, County Administrator, 2020 Hampton Street, Room 4058, Columbia, SC 29201.

**DESCRIPTION OF PROPERTY**

1. Seller agrees to sell and Purchaser agrees to buy the following described real property and all permanent improvements thereon, to-wit:

All that certain parcel of land, together with improvements thereon, situate, lying and being on Garners Ferry Road in (or near) the City of Columbia, in the County of Richland County, State of South Carolina, consisting of 44 acres (the property being sold will not include the 700 feet of Dam shown on the attached sketch which includes the spillway and outlet structure and a major portion of the dam), subject to a proper survey. Said property is described and delineated in the Tax Map Books of Richland County on page 19011, in Block #2, as Lot 01 and a portion of Lot 2 and further described in a sketch which is attached to this contract, a copy of such map or sketch being attached hereto as Exhibit A and made a part hereof (the "Property").

**SALES PRICE**

2. The purchase price is One Million Dollars and No/100 Dollars (\$1,000,000.00) which shall be paid One Thousand & No/100 Dollars (\$1,000.00) as earnest money (which shall be held in The Morris Law Firm's Escrow Account) and the balance of Nine Hundred Ninety Nine Thousand & No/100 Dollars (\$999,000.00) due and payable in cash of certified funds at closing.

**CONTINGENCY**

3. Purchaser's obligation to close is contingent upon this agreement being approved by the Richland County Council. It is agreed by the parties that the appropriation of funds has been completed and approved by Richland County Council.

**CLOSING COSTS**

4. Seller agrees to pay for deed preparation, documentary stamp tax on the transfer, a new survey, and their attorney's fees. Purchaser agrees to pay all other closing costs incurred by the Purchaser.

**CLOSING DATE**

5. This Contract shall close 15 days after the receipt of a new survey at Seller's attorney's office, W.D. Morris, The Morris Law Firm, 3700 Forest Drive, Suite 405, Columbia, SC 29204.

### **ADJUSTMENTS AT CLOSING**

6. Taxes, water and sewer charges, homeowner's association dues, garbage collection charges and similar expenses and assessments will be prorated as of the date of closing. Real estate taxes shall be prorated based upon the latest available tax bill. If a prior year tax bill is used for proration, Seller and Purchaser agree that an appropriate adjustment will be made when the actual tax amount becomes available should the actual tax amount differ more than five (5%) percent (upward or downward) from the tax amount used for proration at closing.

### **DISBURSEMENT OF EARNEST MONEY**

7. All of Purchaser's earnest money shall be paid to Seller's if Purchaser fails to close at no fault of Seller. Unless otherwise agreed, all of Purchaser's earnest money shall be applied to the purchase price if this transaction timely closes.

### **DEFAULT**

8. If Purchaser defaults under this Contract, Seller shall, in addition to receiving the forfeited earnest money, be entitled to sue for specific performance or damages, including reasonable attorney fees. If Seller defaults hereunder, Purchaser shall be entitled to full refund of their earnest money. Further, Purchaser may elect to rescind this Contract or sue for damages (including reasonable attorney's fees) or for specific performance.

### **CONDITION OF PROPERTY AND FEASIBILITY**

9. Purchaser shall from effective date of this agreement until 10 days before closing to perform any tests or evaluations it deems necessary. Seller makes no warranty, expressed or implied, as to the physical condition of the Property. Purchaser shall have the privilege of having the Property inspected at their expense at reasonable times and upon reasonable notice to Seller for such matters as dam inspection, soil testing, evaluations and examinations of the property as Purchaser may desire. Purchaser may terminate this agreement by written Notice to the Seller. In such an event, this agreement shall be deemed terminated and Purchaser shall have no obligation to purchase the property.

### **SECTION 1031 EXCHANGE**

10. At the request of Seller, at no cost or assumption of liability to Purchaser, Purchaser will cooperate in effecting for Seller an exchange of the Property under Section 1031 of the Internal Revenue Code.

### **POSSESSION**

11. Possession of the Property will be delivered at closing.

### **ENTIRE AGREEMENT**

12. This Contract expresses the entire agreement between Seller and Purchaser and shall not be modified except by written document signed by all.

### **BINDING EFFECT**

13. This Contract shall bind Seller and Purchaser and their respective successors, heirs and assigns. This Contract shall be interpreted according to the laws of the State of South



Carolina.

**TITLE EXAMINATION**

14. Seller will provide a copy of his title abstract. Purchaser shall notify Seller prior to closing of any title defects Purchaser deems unacceptable. Seller shall have the option to either cure said defects or rescind this Contract.

**REAL ESTATE BROKERAGE**

15. Purchaser warrants that they have not employed the services of a real estate broker in reaching this contractual agreement and that no brokerage or commission is due by Purchaser. Seller agrees to pay Phil Chappell Realty a commission outside of closing.

**IN WITNESS WHEREOF**, Seller and Purchaser have caused this Contract to be executed the dates below written.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

SELLER:

\_\_\_\_\_  
John G. Gwinn, Jr.

DATE

PURCHASER:

RICHLAND COUNTY

\_\_\_\_\_  
By: Milton Pope, County Administrator

DATE











# Richland County Council Request of Action

**Subject**

CMRTA Service Reductions [**PAGES 64-65**]





January 11, 2012

The Honorable Kelvin Washington  
Chairman, Richland County Council  
VIA E-MAIL: [washingtonk@rcgov.us](mailto:washingtonk@rcgov.us)

J. Milton Pope, County Administrator  
Richland County, South Carolina  
VIA E-MAIL: [miltonpope@richlandonline.com](mailto:miltonpope@richlandonline.com)

RE: Richland County Approval of CMRTA Proposed Service Reductions

Dear Chairman Washington and Mr. Pope:

As you know, the CMRTA finds itself in the unfortunate situation of having to reduce services so that its budget can be balanced for the remainder of the fiscal year. Also, as you are aware, pursuant to the IGA these service reductions require approval of the funding partners.

The purpose of this letter is to request an opportunity for the CMRTA to make a presentation to County Council at its next meeting on January 17, 2012. The purposes of the presentation will be to provide County Council with updated information on the budget situation, to describe the proposed service reductions, and to solicit the approval of Richland County Council to implement said service reductions..

The CMRTA Board of Directors will meet on January 18, 2012, to review and direct staff to implement service reductions to balance the budget. Due to the severity of the reductions and urgency of the decision-making timelines, the CMRTA would greatly appreciate being able to make this presentation at the January 17, 2012, County Council meeting.

Bob Schneider, the CMRTA's Executive Director, will be attendance at the County Council meeting to make the presentation and answer any questions Council members may have.

Please let me know if you have any questions at this time. Also, please let me know if you would like any materials submitted to County Council prior to the meeting on January 17, 2012. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Newman", written over a horizontal line.

Brian D. Newman  
Chairman, Board of Directors

# Richland County Council Request of Action

## **Subject**

a. Whenever a motion is forwarded to full Council from Committee the only way it goes back to Committee is if Council directs it back to Committee **[JACKSON]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda