



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Julie-Ann Dixon	Damon Jeter	Torey Rush (Chair)	Bill Malinowski	Seth Rose
District 9	District 3	District 7	District 1	District 5

**NOVEMBER 25, 2014  
5:00 PM**

**2020 Hampton Street**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: October 28, 2014 [PAGES 3-6]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Parking in Residential and Commercial Zones of the County [PAGE 7-13]
3. Military Order of the Purple Heart Road Signs [PAGES 14-17]
4. Impact Fees [PAGES 18-50]

5. Department of Public Works - Blocking a Portion of Bob Dorn Road [PAGE 51-63]

#### **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

6. Dog Park Program [PAGE 64]
7. Sewage Sludge Spray Field Applications [PAGE 65]
8. Remove the requirements placing a lien on property if owners do not pay sewer bill or if owners do not maintain overgrown lots [JACKSON] [PAGE 66]
9. Move to direct staff to draft an ordinance to impose greater noise restrictions in unincorporated Richland County [ROSE] [PAGE 67]
10. Interstate Interchange Lighting Project [PAGE 68]

#### **ADJOURNMENT**



#### **Special Accommodations and Interpreter Services**

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

# Richland County Council Request of Action

## **Subject**

Regular Session: October 28, 2014 [PAGES 3-6]

## **Reviews**

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### DEVELOPMENT AND SERVICES COMMITTEE

October 28, 2014  
5:00 PM  
Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 5:01 PM

#### APPROVAL OF MINUTES

**September 23, 2014** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote in favor was unanimous

#### ADOPTION OF AGENDA

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

#### ITEMS FOR ACTION

**Microphone Mute Options for Council Chambers** – Mr. Jeter moved, seconded by Ms. Dixon, to forward to Council with a recommendation to request staff to provide costs for installation of “kill switches” for microphones in Council Chambers. The vote in favor was unanimous.

**RC Souvenirs** – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to move forward with procuring the 3” etched medallion, to determine the parameters for presenting medallions to individuals and/or organizations, and if the County is interested in selling the medallions. The vote in favor was unanimous.

**Roofing Project – Lower Richland Fire Station** – Mr. Malinowski requested the difference in the two (2) bids and the reason why the one not chosen was not acceptable.

Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to proceed with the replacement of the deteriorating roofing system at the Lower Richland Fire Station, pending receipt of the requested information from Mr. Hixon. The vote in favor was unanimous.



#### Committee Members Present

Torrey Rush, Chair  
District Seven

Julie-Ann Dixon  
District Nine

Bill Malinowski  
District One

#### Others Present:

Norman Jackson  
Kelvin E. Washington, Sr.  
Paul Livingston  
Tony McDonald  
Sparty Hammett  
John Hixon  
Warren Harley  
Brandon Madden  
Larry Smith  
Quinton Epps  
Stacy Culbreath  
Ismail Ozbek  
Amelia Linder  
Sara Salley  
Nelson Lindsay  
Tracy Hegler  
Roxanne Ancheta  
Ray Peterson  
Valeria Jackson  
Hayden Davis  
Monique Walters  
Michelle Onley  
Monique McDaniels

Item# 1

Attachment number 1

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



**Richland County Council**  
**Development and Services Committee**  
**October 28, 2014**  
**Page Two**

**Exploration and Development of a "Preservation Land Management Plan"** – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to approve the request to explore and develop a Preservation Land Management Plan with the assist of the Planning Department.

**Department of Public Works – Blocking a Portion of Bob Dorn Road** – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to approve the placement of physical barriers to block a portion of Bob Dorn Road at tis crossing with Swygert Branch Creek, which would result in Bob Dorn Road physically stopping at the Creek and resuming on the other side.

Mr. Smith requested clarification if the intent is to close or block a portion of the road.

Ms. Dixon made a substitute motion, seconded by Mr. Malinowski, to hold this item in committee to have staff bring back the definition of blocked and closed, the County's liability from the blocking and/or closing of a portion of Bob Dorn Road, as well as, a list of residents requesting the County to block and/or close a portion of Bob Dorn Road. The vote in favor was unanimous.

**Dog Park Program** – Mr. Malinowski moved, seconded by Ms. Dixon, to hold this item in committee until staff provides additional information. The vote in favor was unanimous.

Mr. Jeter requested an assessment of "dog fight" lawsuits in regards to dog parks be brought back to committee.

**Impact Fees** – Mr. Jeter inquired as who the impact fees would apply, i.e. would it be a blanket policy or applied in certain situations.

Mr. Malinowski moved, seconded by Ms. Dixon, to hold in committee until staff provides additional information. The vote in favor was unanimous.

**FY14-15 Annual Action Plan – Council Approval** – Ms. Dixon moved, seconded by Mr. Jeter, to forward to Council with a recommendation to approve the request to approve the HUD approved FY 14-15 Annual Action Plan in its entirety. The vote in favor was unanimous.

**Department of Public Works: S. Scott Rd. Drainage Project** – Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to refer to the Dirt Road Ad Hoc Committee. The vote in favor was unanimous.

### ITEMS PENDING ANALYSIS

**Parking in Residential and Commercial Zones of the County** – Held in committee.

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

Richland County Council  
Development and Services Committee  
October 28, 2014  
Page Three

Sewage Sludge Spray Field Applications – Held in committee.

Remove the requirements placing a lien on property if owners do not pay sewer bill or if owners do not maintain overgrown lots –Held in committee.

Move to direct staff to draft an ordinance to impose greater noise restrictions in unincorporated Richland County – Held in committee.

Interstate Interchange – Held in committee.

### ADJOURNMENT

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



# Richland County Council Request of Action

## **Subject**

Parking in Residential and Commercial Zones of the County **[PAGE 7-13]**

## **Reviews**

## **Notes**

This item was reviewed at the May D&S Committee meeting, and held in the Committee in order for Council members to have their questions/concerns addressed by Legal, Planning and the Sheriff's Department. Meetings were held on June 17th, July 15th, September 9th, September 23rd, and October 21st to review the proposed ordinance with Legal staff, the Zoning Administrator, representatives from the Sheriff's Dept. and Council members. A follow up meeting was held on November 18th to discuss any additional changes to the draft ordinance. The finalized and redlined ordinance is included in the agenda packet for review and action by the Committee.

## Richland County Council Request of Action

**Subject:** Define the vehicles subject to Section 17-10, Parking in Residential and Commercial Zones of the County.

### **A. Purpose**

County Council is requested to approve the ordinance amendment that will more clearly define the vehicles prohibited from parking in residential and commercial zones of the County.

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

Section 17-10's definitions and substantive provisions are antiquated, they do not take into account gross vehicle weight ratings, and create confusion by focusing on the number of axles rather than the size and purpose of the vehicles sought to be regulated. There also is no active loading and unloading/delivery section or provision for vehicles that might otherwise be subject to the penalties in the ordinance that are in residential and commercial areas for purposes of providing temporary services, making repairs, or deliveries. The County has received citizen complaints regarding the current section based on the above concerns, which are addressed in this proposed revision, and the amendment is intended to clarify these numerous issues and make enforcement of section 17-10 more practical and uniform.

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

On March 4, 2014, Council approved a motion sponsored by the Honorable Norman Jackson as follows:

*“Revisit the ordinance on having commercial vehicles parked in neighborhoods or residential communities.”*

### **D. Financial Impact**

There is no financial impact associated with this request.

### **E. Alternatives**

1. Approve the ordinance amendment that will more clearly define the vehicles prohibited from parking in residential and commercial zones of the County.
2. Do not approve the ordinance amendment that will more clearly define the vehicles prohibited from parking in residential and commercial zones of the County.

### **F. Recommendation**

This recommendation was made by the Honorable Norman Jackson. This is a policy decision for Council.

Recommended by: Norman Jackson      Department: County Council      Date: March 4, 2014



**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 3/11/14

Recommend Council approval

Recommend Council denial

✓ Recommend Council discretion

Comments regarding recommendation:

Recommendation based on no financial impact noted

**Sheriff**

Reviewed by: Deputy Chief Stephen Birnie

Date: 03/12/14

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval provided a perfecting amendment striking references to “right-of-way”. It is difficult for the enforcing deputy to determine where a “right-of-way” begins and ends. Insert “public street or roadway” as appropriate.

**Legal**

Reviewed by: Elizabeth McLean

Date: 3/18/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. As to Chief Birnie’s comments, I would recommend, if Council deems it necessary, adding the language suggested along with “right-of-way”. Right of way and roadway would be defined differently, with right-of-way giving more leeway.

**Administration**

Reviewed by: Warren Harley

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-14HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-10, PARKING IN RESIDENTIAL AND COMMERCIAL ZONES OF THE COUNTY; SO AS TO DEFINE VEHICLES SUBJECT THERETO.

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 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones of the County; is hereby amended to read as follows:

**Section 17-10. Parking in residential and commercial zones of the county.**

(a) For the purpose of this ~~paragraph~~ section, the following definitions shall apply:

- (1) Fitted cover, for the purpose of this section, means a cover that conforms to the basic shape of the vehicle and covers all portions of such vehicle.
- (2) Motor Vehicle means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- (3) Semi-trailer means every vehicle ~~having more than two (2) axles~~, with or without motive power, ~~other than a pole trailer~~, designed for carrying persons or property and for being drawn by a motor vehicle, and ~~so~~ constructed that some part of its weight and that of its load rests upon or is carried by another vehicle; and exceeds a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds.
- (4) Trailer (~~other than semi-trailer~~) means every vehicle ~~having more than two (2) axles~~, with or without motive power, ~~other than a pole trailer~~, designed for carrying persons or property and for being drawn by a motor vehicle, ~~and so constructed that no part of its weight rests upon the towing vehicle; and which does not exceed a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds. This definition excludes camping trailers, boat trailers, travel trailers, and utility trailers, as such are regulated in the Richland County Land Development Code at Section 26-173 (f).~~

(5) *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles; and not so constructed as to carry a load other than a part of the weight of the vehicle and the load ~~so~~ drawn.

(b) It shall be unlawful for a truck tractor, a semi-trailer, or a trailer having more than two (2) axles, or a trailer having more than two (2) axles to be parked on any public street, road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential under the Richland County Zoning Ordinance and the “Zoning Map of Unincorporated Richland County”, as amended.

(c) Except as is provided in subsection (d), below, it shall be unlawful for any truck tractor, semi-trailer or trailer to be parked, stored or located on a lot in any residential zoning district in the unincorporated areas of the county [except for those parcels that are one (1) acre or greater in the (RU) Rural zoning district] unless the entire portion of such truck tractor, semi-trailer or trailer is parked, stored or located in an enclosed garage or in a carport at the residence, or is enclosed under a fitted cover.

(d) Notwithstanding subsections (b) and (c), above, truck tractors, semi-trailers or trailers that are in active use in the provision of a service or delivery or removal of property or material at or from a residence in a residential zoning district may park on the public street, road, right-of-way or lot at which the service is being provided or the delivery or removal is being made, for only the duration of the service provision or delivery or removal as provided for herein. For purposes of this section, “active loading or unloading” shall include, but not be limited to, the delivery or removal of furniture, yard trash or debris, household or building materials, tangible personal property and the like, evidenced by the active involvement (e.g., the loading, unloading, service provision or supervision thereof) of the owner, operator, delivery personnel, service provider, or other person responsible for parking or causing to be parked the truck tractor, semi-trailer or trailer while the truck tractor, semi-trailer or trailer is parked on the public street, road, right-of-way or lot subject to this section. For purposes of this section, “active loading and unloading” does not include parking or “staging” a truck tractor, semi-trailer or trailer, leaving the same unattended and then engaging in loading, unloading, removal or service provision at a subsequent point beyond twenty-four (24) hours.

~~(bc)~~ It shall be unlawful for ~~an automobile vehicle,~~ motor vehicle, or wheeled conveyance of any kind required by law to be licensed that is unlicensed, or is displaying an expired or invalid licenses to be parked on any public street, ~~or~~ road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or Multi-Family Residential under the Richland County Zoning Ordinance and the “Zoning Map of Unincorporated Richland County”, as amended.

(ef) All motor vehicles ~~and~~/or trailers without a valid state-issued license plate permitting operation on public roads and highways, which are stored, parked, or located on a lot in any zoning district in the unincorporated areas of the county, except for those parcels that are ~~five (5)~~ three (3) acres or greater in the (RU) Rural zoning district, are required to be kept in a garage, carport, or protected from the elements by a fitted cover; ~~provided, however, in the case of a vehicle protected from the elements by a cover, such covered vehicle shall not be visible from the public right-of-way.~~ Licensed automobile dealerships, persons licensed to conduct businesses involving storage and sale of junk and scrap, trailers utilized as temporary structures in conjunction with construction activities, and vehicles used in agricultural operations and which are not operated on the public roads and highways are exempt.

(dg) Any motor vehicle ~~and~~/or trailer that is not capable of operating in accordance with South Carolina law ~~and~~/or in the case of a motor vehicle, not capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot in any residential or commercial zoning district in the unincorporated areas of the county (except for those parcels that are ~~five (5)~~ three (3) acres or greater in the (RU) Rural zoning district) for more than ~~a single period of thirty (30)~~ forty-five (45) consecutive days ~~during any calendar year~~ unless it is kept in an enclosed garage, in a carport ~~attached to the residence,~~ or protected from the elements by a fitted cover; ~~provided, however, in the case of a vehicle protected from the elements by a cover, such vehicle shall not be visible from the public right-of-way.~~

(eh) *Penalties:* ~~Unless otherwise prescribed by law, any owner and/or operator of a motor vehicle and/or trailer violating the provisions of this section shall be deemed guilty of a misdemeanor. Upon a finding by a deputy sheriff of a violation, any offender shall have an opportunity to cure the violation within a prescribed period of time; provided that the period of time allowed shall not begin to run until notice of the violation is provided to the offender. Notice shall be sufficient if provided by personal contact directly with the offender or by talking on the telephone with the offender, by the offender having accepted written notice by certified mail, or by placement of a notice of violation on the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer. If the offender, resident, owner of the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer or owner of the real property on which the violation occurred fails to take proper corrective action, in the prescribed time, such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues after due notice shall be considered a separate offense. Any owner and/or operator of a vehicle, motor vehicle, truck tractor, semi-trailer, or trailer which is in violation of this section (or if the offender is unable to be located, any owner of land on which the violation occurred), and any person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties set forth herein. In the event that an offender has been previously cited for or given notice of a violation of this section, enforcement action may be taken immediately without the requirement of an opportunity to cure the violation.~~

(f) *Administration and enforcement:* The Sheriff of ~~the~~ Richland County shall be authorized to enforce the provisions of this section and to engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

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 \_\_\_\_\_, 2014.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Norman Jackson, Chair

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

OF \_\_\_\_\_, 2014

\_\_\_\_\_  
S. Monique McDaniels  
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**

Military Order of the Purple Heart Road Signs **[PAGES 14-17]**

**Reviews**

# Richland County Council Request of Action

**Subject:** Military Order of the Purple Heart Road Signs

## **A. Purpose**

County Council is requested to approve the purchase and installation of six (6) road signs that recognize Richland County as a Purple Heart County. The road signs will be installed along the County line on Interstate 20 (I-20), Interstate 26 (I-26) and Interstate 77 (I-77). The signs complement the Proclamation made by County Council on May 7, 2013 declaring Richland County a Purple Heart County.

## **B. Background / Discussion**

The Purple Heart Medal is awarded to members of the armed forces of the U.S. who are wounded in combat. Chartered by the U.S. Congress in 1958, The Military Order of the Purple Heart (MOHP) is an organization composed of military men and women who received the Purple Heart Medal. On May 7, 2013, County Council passed a Proclamation declaring Richland County a Purple Heart County. The City of Columbia and the State of South Carolina have passed this type of Proclamation in the past.

Annually, the Department of South Carolina MOPH holds a State Convention, which was most recently held on May 15, 2014. In April 2014, a citizen requested that the County put up Purple Heart road signs (signs) along the Interstates as you enter the County to inform visitors and attendees of the MOPH State Convention that the County is a Purple Heart County. The citizen contacted the South Carolina Department of Transportation (SCDOT) about installing the signs since the Interstates are maintained by the SCDOT. The SCDOT does not install this type of signage on the Interstates and suggested that the citizen contact the County regarding their request. Due to the timeframe of the request, a Request of Action (ROA) could not be prepared and approved by Council prior to the MOHP State Convention. The citizen, who understood why we could not proceed with his request, contacted the County again in October 2014 regarding the installation of the signs.

Staff is requesting that County Council approve the purchase and installation of six (6) road signs that recognize Richland County as a Purple Heart County along the County line on I-20, I-26 and I-77. The signs can create a symbolic and visual reminder to those that travel through the County as they use the Interstates of the sacrifices made by members of the U.S. Military.

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

There is no legislative history associated with this request. This request of action is staff initiated as a result of a citizen request.

## **D. Financial Impact**

Public Works staff has researched the prices for the signs that would be installed, and the cost of all six (6) signs is approximately \$5,000. This cost does not include the time and labor to install the signs, which will be performed by County staff. The cost for purchasing and installing the signs will come out of the Public Works budget.

## **E. Alternatives**

1. Approve the purchase and installation of six (6) road signs that recognize Richland County as a Purple Heart County along the County line on Interstate 20 (I-20), Interstate 26 (I-26) and Interstate 77 (I-77).
2. Do not approve the purchase and installation of six (6) road signs that recognize Richland County as a Purple Heart County along the County line on Interstate 20 (I-20), Interstate 26 (I-26) and Interstate 77 (I-77).

Item# 3

**F. Recommendation**

Public Works recommends approving the purchase and installation of six (6) signs recognizing Richland County as a Purple Heart County.

Recommended by: Ismail Ozbek, Public Works Director

Department: Public Works

Date: 11/5/14

**G. Reviews**

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

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

**Finance**

Reviewed by: Daniel Driggers

Date: 11/12/14

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation based on availability of funding

**Procurement**

Reviewed by: Cheryl Patrick

Date: 11-12-2014

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation based on approval by Council and availability of funding.

**Legal**

Reviewed by: Elizabeth McLean

Date: 11/13/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. I would suggest getting approval in writing from SCDOT to install the signs before purchase. Additionally, DPW should inquire as to whether SCDOT will require a temporary encroachment permit, or some similar document, for county installation.

**Administration**

Reviewed by: Sparty Hammett

Date: 11/13/14

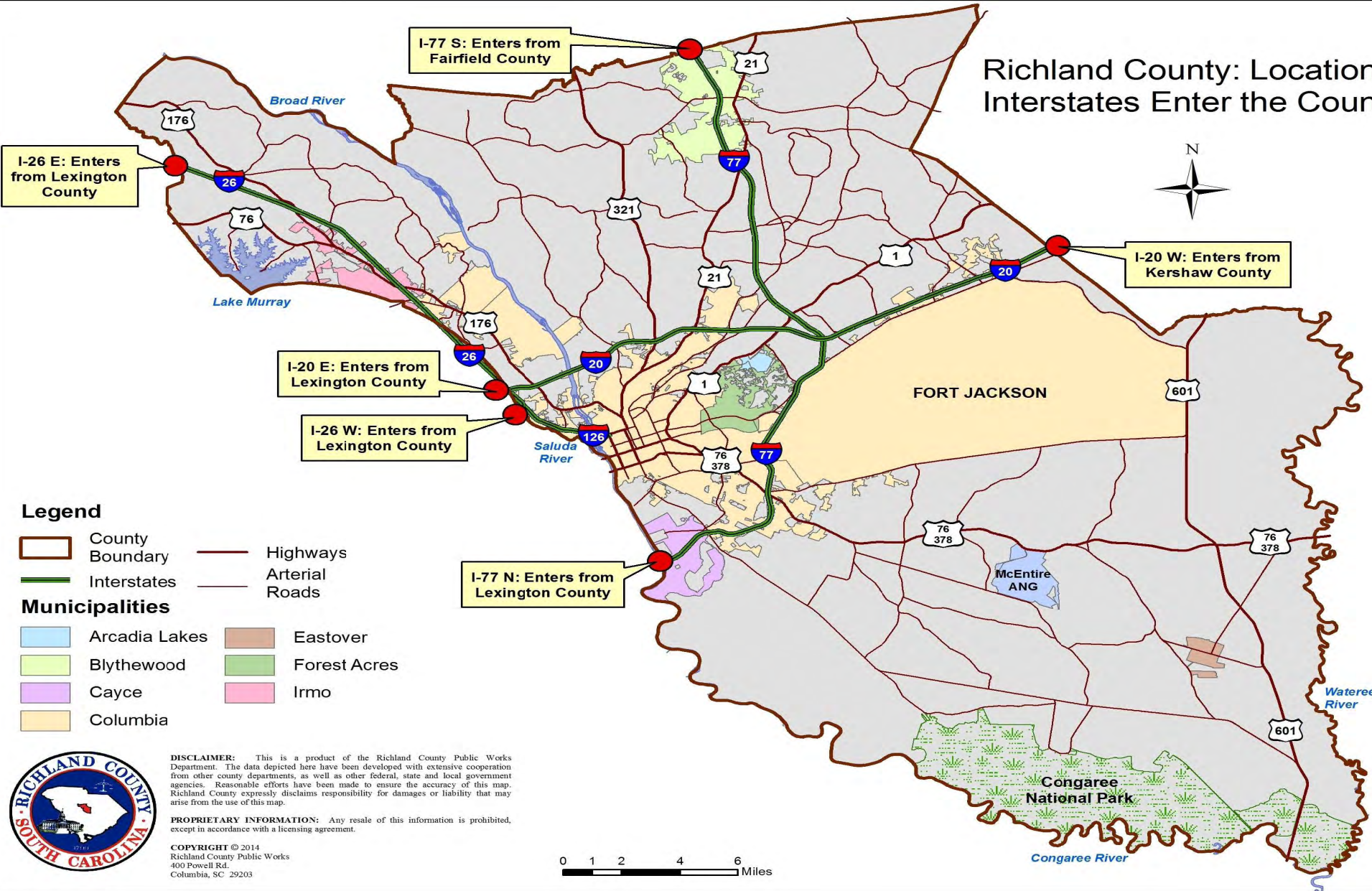
✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval. In regard to Ms. McLean’s comments, an encroachment permit will be required by the SCDOT. Public Works would not purchase the signs until approval is received from the SCDOT.



# Richland County: Locations Interstates Enter the County



**Legend**

- County Boundary
- Highways
- Interstates
- Arterial Roads

**Municipalities**

- Arcadia Lakes
- Blythewood
- Cayce
- Columbia
- Eastover
- Forest Acres
- Irmo



**DISCLAIMER:** This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local government agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

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 400 Powell Rd.  
 Columbia, SC 29203



Item# 3

Attachment number 1  
 Page 3 of 3

# Richland County Council Request of Action

## **Subject**

Impact Fees [**PAGES 18-50**]

## **Reviews**

## **Notes**

This item was held in Committee at the October D&S Committee meeting. The Committee directed staff to provide additional details regarding the implementation of impact fees in the County, including Council's efforts in previous years with regard to enacting impact fees. As directed, staff has provided this information in a memo to Council, which is included in the agenda packet for review by the Committee.

MEMORANDUM

TO: County Council

CC: Tony McDonald, County Administrator

FROM: Tracy Hegler, Director, Richland County Planning Department

DATE: November 19, 2014

RE: Impact Fees – For D&S Committee Discussion

At the October 28, 2014 Development and Services Committee meeting, committee members asked for clarity on several issues pertaining to the implementation of impact fees in the County, including Council's efforts in previous years with regard to enacting impact fees. Those questions and responses are provided below.

**1. Mr. Malinowski questioned the results of Council's efforts to implement impact fees in previous years?**

The following history may be helpful in providing a timeline of actions regarding impact fees in previous years:

- January 2010 – The development of road impact fees were discussed by Council at their Retreat
- February 2, 2010 – Council adopted the goals of the Retreat, including making a determination regarding Impact Fees
- February 16, 2010 – Council approved the attached Resolution directing the Planning Commission to initiate the development of a Road Impact Fee
- April 5, 2010 – The Resolution was presented to the Planning Commission (discussion indicated a consultant would be hired to do a study; no action was taken)
- A Consultant was retained to determine the effects of implementing a road impact fee on affordable housing (executive study of the report is attached; full study can be provided)
- June 28, 2011 – Presentation by Consultant Tischler Bise was given to County Council at the Zoning Public Hearing (no action was taken) (presentation attached)
- July 2011 – Presentation by Consultant Tischler Bise was given to Planning Commission (no action was taken)

My research has found no additional action on impact fees following the above timeline.





Thus, I'm not sure if there are any major changes regarding this issue. Additionally, Amelia Linder has advised there have been no amendments to the state's legislation on impact fees since 2011.

## **2. What are we charging impact fees for?**

Impact fees may be imposed for any type of system improvement to a *public facility*. *Public facilities* are generally defined as those facilities related to water and wastewater services; solid waste and recycling; roads, streets, and bridges; storm water and flood control; public safety; street lighting; parks; libraries; open spaces; recreation areas; and capital equipment with an individual unit purchase price of not less than \$100,000. *S.C. Code § 6-1-920 (18)*.

Council, thus, would need to determine what to charge impact fees for.

It is recommended that a consultant perform an Impact Fee Study in order to obtain the expertise needed to consider imposing an impact fee on new development within the county. This study would help determine what facilities the fees would be imposed for and justification for the fee calculation and length of time.

Additionally, Council may consider hiring a qualified consultant to perform an Impact Fee Feasibility Analysis prior to completing the Impact Fee Study. This analysis would prioritize the impact fee categories most appropriate for Richland County, and could save consultant fees by avoiding the preparation of impact fees for inadvisable categories or for categories unlikely to be approved by elected officials.

## **3. How long can we charge impact fees?**

The ordinance authorizing the fee must contain certain provisions, including a provision terminating the fee.

Again, this would best be determined by an Impact Fee Study.

## **4. How much can we charge in impact fees?**

Financial planning and fee calculation is the most complex element of an impact fee system. This work must be completed before the ordinance is drafted. An impact fee must be calculated in accordance with generally accepted accounting principles. The amount of the development fee must be based on actual improvement costs or reasonable estimates of the costs, supported by sound engineering studies. Thus, the fee planning and calculation entails a careful study of the existing services and needs of a local government.



The fee may not exceed the proportionate share of costs of the system improvements.

An Impact Fee Study is recommended to determine the amount of the fees.



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL

A RESOLUTION TO DIRECT THE PLANNING COMMISSION TO INITIATE  
DEVELOPMENT OF AN ORDINANCE TO ESTABLISH A ROAD IMPACT FEE  
PROGRAM IN RICHLAND COUNTY THAT COMPLIES WITH THE REQUIREMENTS  
OF THE SOUTH CAROLINA DEVELOPMENT IMPACT FEE ACT

WHEREAS, the 2035 Long Range Transportation Plan prepared by the MPO has identified \$ 1.5 billion of road improvement needs and only \$ 300 million in available revenue over the next 25 years; and

WHEREAS, Richland County's share of the Long Range Transportation Plan includes 81 miles of road widening projects for an estimated cost of \$ 592 million; and

WHEREAS, the State Gas Tax has not been increased since 1987 and to-date the General Assembly has refused to even consider an increase; and

WHEREAS, the General Assembly enacted Act 388 in 2006 which limits the County's ability to increase the millage rate to the Consumer Price Index for the previous year plus the percent of population increase for the previous year; and

WHEREAS, the entire MPO area of the midlands has \$ 6.5 million per year for road widening projects until after 2022; and

WHEREAS, on March 3, 2009, the County Council adopted a Strategic Plan which, in part, includes Strategic Priority # 1: Manage Growth and an objective stating: "...A method will be developed to assess the net financial impact of new residential and commercial development and a plan will be implemented to ensure that all new residential and commercial growth pays for itself to the fullest extent possible..."; and

WHEREAS, the South Carolina Development Impact Fee Act (Title 6, Article 9, South Carolina Code of Laws) was enacted by the General Assembly to allow local governments to establish development impact fees under certain conditions; and

WHEREAS, Richland County has adopted a Capital Improvement Program in compliance with the requirements of Section 6-1-960, SC Code of Laws as a prerequisite to adopting development impact fees; and

WHEREAS, Richland County agrees to prepare a report "...which estimates the effect of recovering capital costs through impact fees on the availability of affordable housing..." as a prerequisite to adoption of development impact fees [Section 6-1-930 (A) (2)]; and

WHEREAS, said affordable housing study will require outside expert consultant services and an estimated 6 to 8 months to complete; and

WHEREAS, preparation of a road impact fees ordinance and the requisite administrative procedures will require outside expert impact fee consultant services and an estimated 18 to 24 months for completion of these services prior to a Planning Commission recommendation and final County Council adoption; and

\*\*\*\*\*  
Onhold/impactfee/resolution

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**WHEREAS**, at its annual County Council Retreat on January 21/22, 2010, it was the consensus of the Council to entertain the idea of establishing a road impact fee system for the unincorporated area, the first step of which is the completion of a report "...which estimates the effect of recovering capital costs through impact fees on the availability of affordable housing...".

**NOW, THEREFORE, BE IT RESOLVED** that the Richland County Council does hereby support the concept of establishing a legally justifiable road impact fee program which applies to all land uses in compliance with the requirements of Section 6-1-900 et seq., South Carolina Code of Laws to be accomplished in two phases as follows:

**Phase 1** - Complete the affordable housing study in compliance with the requirements of Section 6-1-930 (A) (2), SC Code of Laws no later than January 1, 2011.

**Phase 2** - Within 24 months of County Council authorization of the funds to prepare a road impact fee ordinance and administrative procedures documents in compliance with the requirements of Section 6-1-900 et seq., SC Code of Laws, the Planning Commission shall recommend a road impact fee ordinance for consideration by the County Council.

**ADOPTED THIS** the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Paul Livingston, Chair  
Richland County Council

**ATTEST** this \_\_\_\_ day of \_\_\_\_\_, 2009

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

\*\*\*\*\*  
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# EFFECTS OF ROAD IMPACT FEES ON THE PRICE OF AFFORDABLE HOUSING

*Prepared for:*

*Richland County, South Carolina*

*January 21, 2011*

**TischlerBise**  
Fiscal, Economic & Planning Consultants

**4701 Sangamore Road, Suite S240**

**Bethesda, MD**

**301.320.6900**

**[www.tischlerbise.com](http://www.tischlerbise.com)**

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## EXECUTIVE SUMMARY

The potentially detrimental effect of impact fees on housing affordability is a concern of Federal, State, and local governments. In 2008, the U.S. Department of Housing and Urban Development (HUD) published *Impact Fees and Housing Affordability: A Guidebook for Practitioners*. The Guidebook advocates for impact fees which more equitably reflect proportionate share of infrastructure costs and therefore have less of a negative impact on housing affordability. South Carolina's impact fee enabling act is unique from other states in that it requires the consideration of the effects impact fees on the availability of affordable housing prior to the adoption of fees.

Impact fees are often assessed as a flat fee per housing unit, regardless of size or numbers of bedrooms. While legally defensible, the "one fee fits all" structure of this type of schedule can have serious drawbacks as smaller homes and apartments pay disproportionately larger share of costs, while larger homes pay disproportionately smaller shares. The result is that flat fees tend to have a regressive effect as those with lower incomes bear a larger percentage of these costs.

South Carolina communities which are considering impact fees typically conduct this analysis as a final step. The "Housing Element" of the *2009 Richland County Comprehensive Plan* (Goal 3) includes several statements related to the provision of affordable housing opportunities. Based on the Housing Element's affordable housing policies, the County Council chose to determine the relative effect of hypothetical road impact fees on the price of housing prior to embarking on the full development of a road impact fee program.

Affordable housing units are often smaller in size than a typical single family housing unit. On average, smaller housing units have fewer persons and vehicle trips and thus create less demand for additional infrastructure capacity than larger single family units. Using local data, a progressive impact fee schedule can be created to reflect the differences in demand by size of housing unit. Since smaller homes create a smaller proportion of capital needs, fees are less. This progressive schedule with separate tiers of impact fee amounts reduces the regressive nature of the fees.

To meet the requirements of the South Carolina Impact Fee Act and the objectives of the County Council, TischlerBise has prepared two analyses:

1. Using data specific to Richland County, TischlerBise has created a hypothetical, progressive road impact fee schedule by size of single family housing unit to demonstrate that such a schedule is a viable option for the County, and can significantly mitigate the regressive nature of impact fees on affordable housing in the County.
2. TischlerBise prepared a cost burden analysis on the monthly mortgage costs of an affordable housing unit using three scenarios: no road impact fee, a progressive impact fee schedule, and a flat impact fee schedule.

The significant findings of these analyses include:

1. A progressive impact fee schedule reduces impact fees by 65% for the smallest size of single family housing units compared to a flat impact fee schedule.
2. Under the progressive impact fee schedule, the proportionality of impact fees improves for all sizes of housing units. This is most evident for the smallest units, but not at the expense of larger units. Impact fees for larger homes are higher than the average but the increase is not as great as the reduction for small homes.
3. Even with impact fees, monthly mortgage costs are still within the County's prescribed percentage of 28 percent of monthly income spent on housing for those earning 80 percent of average household income. The progressive fees schedule with different tiers of impact fees further reduces the percentage of income spent on housing than a flat impact fee schedule.

Finally, the South Carolina Impact Fee Act allows for waiver of impact fees for projects which create affordable housing with the caveat that the local government has to pay waived fees with revenues other than impact fees. In instances when a community desires to waive impact fees for affordable housing, a progressive impact fee schedule can reduce the fiscal impact on local government. This ensures that the impacts of all new development are accounted for and the impact fee program is kept "whole". This requirement also acknowledges the fiscal reality that even if impact fees are waived, the demand for additional infrastructure capacity still exists and that funds will eventually be needed to address these demands.

# SC IMPACT FEES





# Impact Fee Uses

## **Fees may be used for**

- Design & engineering
- ROW acquisition and utility relocation
- Construction & project financing

## **General**

- Money must be spent within 3 years of the scheduled date of construction in the CIP
- Annual report
- New project or fee change requires updated study

# WHO ELSE IS COLLECTING IMPACT FEES IN SOUTH CAROLINA?



**Note:**

^ = Portions of impacts fees collected in Mount Pleasant & Goose Creek were adopted prior to enactment of the South Carolina Development Impact Fee Act.



## Locations & Dates of Adoption

1. Beaufort County- (Sec 82-21, 9/27/1999)
2. Berkeley County- (Ord. No. 06-11-75, 11/13/2006)
3. Charleston- (Ord. No. 2003-38 § 1, 4/22/03)
4. Dorchester County- (passed 12/7/2010)
5. \*Goose Creek\*- (Ord. 88-12 Passed 12/13/1988, Ord. 95-002, passed 3-14-1995)
6. Hilton Head- (Ordinance 1999-31, Revised 10/5/99)
7. \*Mount Pleasant\*-('81 Code, § 158.0, Ord. passed 6/27/88)
8. Myrtle Beach- connection fees for 30+ years
9. Rock Hill- (3/17/2003)
10. Summerville- (Ord. No. 10-0802, 10/13/2010)
11. York County- (12/31/1996 Ord. 7196 Passed 12/16/96 code 14-31)

# CAPITAL IMPROVEMENT PLAN

The CIP is a document listing future capital expenditures funded over a fixed period of time to meet anticipated demand.

## **What's in a CIP?**

- Capital improvement project description
- Start & completion dates
- Revenue & expenditure summaries
- Funding sources & schedule

# CAPITAL IMPROVEMENT PLAN REQUIREMENTS IMPACT FEES

## What's missing in RC's CIP?

- Analysis of total capacity, level of current usage, commitments for usage of capacity
- Table establishing service units for each category
- Projected demand for system improvements
- Determining LOS for service areas





# TECHNIQUES TO CALCULATE

## **Consumption-driven**

- Incremental cost per service unit
- Assumes constant current service delivery standards for calculating maximum allowable impact fees

## **Improvements-driven**

- Cost of increasing capacity at established LOS is divided among new service units
- It does not charge new development for using existing capacity, nor does it account for excess capacity remaining in the system at the horizon year
- Identifies existing & future year deficiencies, but only future year improvements are considered in impact fee calculations

# FORMAL STUDY PROCESS

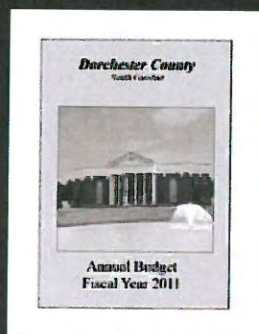
1

Prepare Impact Fee  
Justification Report



2

Revise Capital  
Improvements Plan



3

Prepare Housing  
Affordability Study



4

Adopt Impact Fee  
Ordinance



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# TYPICAL PLANNING PROCESS

## Feasibility Study

- Initial study / appropriateness
- Presentation to PC / CC
- Commitment

## Prepare Supporting Documents

- Impact Fee Study Report
- Capital Improvements Plan
- Housing Affordability Analysis

## Develop Draft Ordinance

## Public Workshops

- General citizen workshop(s)
- Building community workshop(s)

## Adoption Process



# QUESTIONS?

# Richland County Council Request of Action

**Subject:** Impact Fees

**A. Purpose**

Staff has provided Council with the information regarding impact fees (fee) and State law on areas of future development and how it relates to Richland County. Staff is submitting this information to Council for review. As it pertains to the information provided in this Request of Action, Staff is requesting direction as to how Council would like to proceed at this time.

**B. Background / Discussion**

On September 16, 2014, the Honorable Norman Jackson brought forth the following motion:

“Explore impact fees and State law on areas of future development and how it relates to Richland County.”

Impact fees are one-time, up-front assessments levied on new development in order to help finance the construction or expansion of off-site capital improvements that benefit the contributing development. It must be noted that impact fees are not intended to be used for operational expenses or to pay for capital improvements to correct an existing deficiency. Impact fees can be differentiated from other types of development exactions in that they represent monetary charges imposed on the builder or developer of a new housing unit as a condition for approval at some stage of the project. In addition, impact fees are the only development exactions that are structured to remain constant; other exactions can be negotiated.

Cash payments in advance of the completion of development are typically required, i.e., developers must pay the fee at the time of plat or permit approval. These fees are generally calculated based upon some proportion of the additional infrastructure costs attributable to the new development and are assessed on a per-unit basis.

The rationale for charging impact fees is based on the premise that new development should pay the costs associated with growth. Conversely, the existing residents should only bear the costs of improving existing services. In other words, impact fees are primarily an attempt to more equitably distribute the cost burden of new capital investments on those who are directly responsible for causing the need. Impact fees force those responsible for the new infrastructure requirements to pay a greater share of the costs than they would under a property-tax-based general revenue or cost-sharing scheme because most forms of development impose costs on the community greater than the revenues generated from the new development. It must be noted that since the fee is a proportionate share of facility costs necessitated by the development, no development will be required to pay more than its own fair share. Impact fees cannot be used to fund any deficiency in facility capacity due to earlier development. But, when development necessitates new facilities, the full cost should be apportioned.

Impact fees differ from service or user fees. “Service or user fee” is defined as “ a charge required to be paid in return for a particular government service or program made available to the payor that benefits the payor in some manner different from the members of the general public not paying the fee. “Service or user fees” also includes uniform service charges (S.C.

*Code § 6-1-300 (6)*). To impose a service or user fee, the local governing body must hold a public hearing, with public notice, of any new fee being considered. Revenues from a service or user fee must be used to pay costs related to the provision of the service or program for which the fee was paid (*S.C. Code § 6-1-330(B)*).

State Law governs impact fees, specifically Title 6 (§6-1-910 -- §6-1-2010). This law allows a county or municipality to impose a development impact fee for the cost of new public facilities or to make system improvements caused by new growth and development. The increasing costs of providing new or expanded public facilities for new development, combined with decreasing state and federal support, has forced local governments to seek alternatives for financing these costs. One such alternative is the use of development impact fees. Local governments use impact fees to shift some of the burden of paying for new or expanded facilities (to accommodate new growth) from existing development to new development.

A brief synopsis of the South Carolina Development Impact Fee Act is found below:

The South Carolina Development Impact Fee Act allows a county or municipality to fund certain capital improvements through the imposition of a development impact fee. The legislation includes numerous details and requirements. The main points are summarized below.

- Only a governmental entity that has a comprehensive plan or a capital improvement plan that substantially complies with the law may impose a development impact fee.
- Once a governing body has adopted a capital improvement plan it may, by ordinance, impose an impact fee.
- The governing body begins the process for the adoption of an ordinance imposing an impact fee by enacting a resolution directing the local planning commission to conduct the studies and to recommend an impact fee ordinance, developed in accordance with the requirements of the Act. A draft Resolution is attached as Exhibit A.
- However, before imposing an impact fee on residential units, a government entity is required to prepare a report which estimates what the effect of recovering capital costs through impact fees will have on the availability of affordable housing within that area.
- The amount of the impact fee must be based on actual improvement costs or a reasonable estimate of the costs.
- The ordinance authorizing the fee must contain certain provisions, including a provision terminating the fee.

- The impact fee ordinance must also provide for the amount of fees due for each unit of development in a project for which an individual building permit or certificate of occupancy is issued.
- The ordinance must also contain information about how the impact fee is calculated and must specify certain other information regarding the fee.
- The impact fee for each service unit may not exceed the amount determined by dividing the costs of the capital improvements by the total number of projected service units that potentially could use the capital improvement.
- The impact fee imposed upon a fee payor may not exceed a proportionate share of the costs incurred by the governmental entity in providing system improvements to the new development.

In addition to the points above, some other considerations regarding the South Carolina Development Impact Fee Act and local governments are below:

- (1) Local governments must give developers credit for previously paid taxes or contributions, or for improvements made to the same facility;
- (2) Local governments must deposit the fees in separate, interest bearing trust accounts, earmarked for specific types of improvements;
- (3) Governments must institute procedures to refund fees when a project is delayed or abandoned; and
- (4) Local governments must periodically review the fee schedule to ensure that the exactions are equitable.

A brief summary of impact fees is attached as Exhibit B, including why they are needed, who pays the fees, etc. This summary also includes the types of facilities that can be financed by impact fees and includes more information from State Law Title 6.

Research suggests hiring a consultant to perform an Impact Fee Study in order to obtain the expertise needed to consider imposing an impact fee on new development within a county. Additionally, Council may consider hiring a qualified consultant to perform an Impact Fee Feasibility Analysis prior to completing the Impact Fee Study. This analysis would prioritize the impact fee categories most appropriate for Richland County, and could save consultant fees by avoiding the preparation of impact fees for inadvisable categories or for categories unlikely to be approved by elected officials.

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

On September 16, 2014, the Honorable Norman Jackson made a motion as follows:

“Explore impact fees and State law on areas of future development and how it relates to Richland County.”

County Council then sent this motion to the October 28, 2014 meeting of the Development and Services Committee.

**D. Financial Impact**

There is no financial impact associated with this Request of Action. However, if Council directs staff to explore the effect of imposing impact fees on the citizens of Richland County, then there may be some costs associated with potentially hiring a consultant or group of consultants to perform an Impact Fee Study and/or an Impact Fee Feasibility Analysis pertaining to Richland County.

**E. Alternatives**

At this time, Staff is requesting direction regarding the information provided in this Request of Action.

**F. Recommendation**

This recommendation was made by Mr. Jackson. This is a policy decision for Council.

Recommended by: Norman Jackson

Department: Council Council

Date: September 16, 2014

**G. Reviews**

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

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

**Finance**

Reviewed by: Daniel Driggers

Date: 10/20/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

ROA is for direction only.

**Planning**

Reviewed by: Tracy Hegler

Date: 10/22/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Council’s discretion on how we should proceed with this information.

**Legal**

Reviewed by: Elizabeth McLean

Date: 10/22/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The ROA is an appropriate guide to impact fees; however, due to the lack of specificity regarding the nature and kind of impact fees

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the County may want to pursue, Legal cannot provide a complete legal opinion at this time.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/23/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision left to Council's discretion.

**Exhibit A**

**STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF RICHLAND        )**

**A RESOLUTION**

**A RESOLUTION DIRECTING THE RICHLAND COUNTY PLANNING COMMISSION TO CONDUCT THE REQUISITE STUDIES AND TO RECOMMEND AN IMPACT FEE ORDINANCE TO THE RICHLAND COUNTY COUNCIL.**

**WHEREAS**, the County Council is considering the implementation of development impact fees covering projects including, but not limited to, road improvements and additions, utilities and related infrastructure, as well as public safety services (including police and emergency services) associated with continuing growth within the County; and

**WHEREAS**, the “South Carolina Development Impact Fee Act” (Section 6-1-910, et. seq. of the S.C. Code of Laws) requires, among other things, that the County Council begin the process for the adoption of any new or revised ordinance imposing an impact fee by enacting a resolution directing the local planning commission to conduct requisite studies and recommend an impact fee ordinance and associated capital improvements plan; and

**NOW, THEREFORE, BE IT RESOLVED**, that Richland County Council herewith directs the Richland County Planning Commission to conduct studies, and present such preliminary information for the purpose of returning a capital improvements plan and recommended ordinance for the aforementioned projects, developed in accordance with the requirements of Title 6, Chapter 1, Article 9, of the S.C. Code of Laws, including, but not limited to, road improvements and additions, utilities and related infrastructure, as well as public safety services (including police and emergency services) to County Council no later than May 29, 2015.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2014, having been duly adopted by the Richland County Council on the \_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Norman Jackson, Chair  
Richland County Council

ATTEST this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

## Exhibit B

# Impact Fees Summary

**WHAT:** Charges assessed against newly-developing property that attempt to recover the cost incurred by a local government in providing the public facilities required to serve the new development. The cost of projects needed to support growth are financed with impact fees based on some measurement of a development's impact on future needs.

**WHY:** Development should pay for the cost of providing the facilities necessary to accommodate growth.

**WHO PAYS:** The developer of a proposed development pays the impact fee, although the developer will, as a practical matter, pass the costs of these fees onto the purchasers of the developed property. The local government examines the proposed development, determines what facilities will be required to sustain the desired level of service, and charges the developer a fee to cover a portion of the cost of the needed system improvements. The cost of projects needed to support growth are financed with impact fees based on some measurement of a development's impact on future needs.

**Impact fees are strictly optional.** They are another way for local governments to pay for facilities accommodating future growth.

### TYPES OF FACILITIES THAT CAN BE FINANCED BY IMPACT FEES

Streets and thoroughfare facilities -- traffic generation rates.

Traffic control facilities -- traffic generation rates.

Bridges -- traffic generation rates.

Storm drainage and flood control facilities -- runoff coefficient/impervious area.

Utility undergrounding -- number of meters/service connections.

Street lighting -- traffic generation rates.

Street trees and median landscaping -- traffic generation rates.

Parks and recreation facilities -- population.

Other Public facilities (city hall, civic center) -- acreage.

Law enforcement facilities, equipment, and training -- responses.

Fire protection facilities, equipment, and training -- incidents.

Solid-waste collection equipment -- waste generation rates.

Solid-waste disposal facilities -- waste generation rates.

Low- and moderate-income housing -- local agency policy.

Historical preservation and cultural facilities -- population.

Harbors, ports, and airports -- modal transportation generated.

Public art, museums, and cultural resources -- population.

Mass transit facilities and equipment -- traffic generation rates.

Day-care facilities -- square footage of commercial/industrial.

Water treatment and distribution facilities -- usage.

Wastewater collection and treatment facilities -- usage.

Reclaimed water treatment and distribution facilities -- usage.

Electric generation and distribution facilities -- usage.

Others: Bike and pedestrian trails, Bus Bays, Rights of Way, Traffic Signals, Landscaping  
Open Space Trails

## **More from State Law Title 6**

### **ROLE OF IMPACT FEES IN THE PLANNING PROCESS**

Impact fees are effectively the last step in the land use planning process, but may serve two important purposes: to provide financing for new improvements and to implement policy.

After projections of population, housing, and employment have been made, the community vision and planning goals are determined based on the projections. Then, service areas are defined based on terrain, facility characteristics, or tiered levels of service to reflect differences in urban, suburban, and exurban areas. Next, an inventory of facilities and level of service (LOS) standards are adopted. The preparation of a development guidance system and regulations precedes the long-term (10-50 years) capital improvement element and the shorter-term (0-10 years) capital improvements plan (CIP). Revenue shortfall should be projected in the CIP. Finally, the revenue shortfall is converted into an impact fee system; impact fees are a means of fulfilling the CIP. In other words, the impact fees are a sort of gap financing, which fill the gap between available funds and the costs of new facilities.

Impact fees may also help facilitate a community's goals. For example, impact fees may ensure the efficient provision of facilities, contain urban growth, or encourage urban infill development. As a revenue source, impact fees should be designed to cover the incremental cost of extending new facilities to new development, but they may have the effect of discouraging development in undeveloped areas and encouraging development in developed areas. However, impact fees should not be viewed solely as a means to slow growth. In its most recent policy statement on impact fees, the American Planning Association states that there has been little evidence to support the conclusion that the imposition of a fee system has "stifled" development (1997). Impact fees do not in themselves reduce the rate of development, and impact fees do not have the effect of spreading growth into non-impact fee jurisdictions. Instead, residential growth and economic development will be stimulated by the new or expanded infrastructure financed by impact fees.

Thus, while impact fees are the last step in the land use planning process, they may become tools to implement policies in a community's comprehensive plan or capital improvements plan. These plans, in turn, become a tool to justify an impact fee scheme.

### **ADVANTAGES AND DISADVANTAGES OF IMPACT FEES**

#### ***Advantages:***

- Impact fees can meet local capital facility needs due to new growth without raising taxes
- Impact fees shift the fiscal burden to new development
- Impact fees coordinate new growth with new service demands
- Impact fees may encourage infill development and discourage sprawl

***Disadvantages:***

- Impact fees only pay for facilities benefiting the payor and cannot be used for operating expenses or general expenditures
- The fees must be spent within 3 years after the funds have been committed
- Impact fees do not provide a steady source of revenue since they are collected only when new development occurs
- Formulas for calculating fees and fee schedules are rather complex: must account for developer's proportional costs, rational nexus criteria, and credits

Impact fees may be imposed for any type of system improvement to a *public facility*. *Public facilities* are generally defined as those facilities related to water and wastewater services; solid waste and recycling; roads, streets, and bridges; storm water and flood control; public safety; street lighting; parks; libraries; open spaces; recreation areas; and capital equipment with an individual unit purchase price of not less than \$100,000. *S.C. Code § 6-1-920 (18)*.

Eligible Public Facilities:

- Water supply production, treatment, laboratory, engineering, administration, storage, and transmission facilities
- Wastewater collection, treatment, laboratory, engineering, administration, and disposal facilities
- Solid waste and recycling collection, treatment, and disposal facilities
- Roads, streets, and bridges, including, but not limited to, rights-of-way and traffic signals
- Storm water transmission, retention, detention, treatment, and disposal facilities and flood control facilities
- Public safety facilities, including law enforcement, fire, emergency medical and rescue, and street lighting facilities
- Capital equipment and vehicles, with an individual unit price of not less than \$100,000 including, but not limited to, equipment and vehicles used in the delivery of public safety services, emergency preparedness services, collection and disposal of solid waste, and storm water management and control
- Parks, libraries, and recreational facilities

**Items exempt from Impact Fees**

Impact fees are prohibited on certain structures or activities. *S.C. Code § 6-1-970*. Impact fees may **NOT** be charged for:

- rebuilding the same amount of floor space of a structure that was destroyed;
- remodeling or repairing a structure that does not result in an increase in the number of service units;
- replacing a residential unit, if the number of service units does not increase;

- construction trailers or offices on site during the period of construction;
- additions to residential structures that does not increase the number of service units;
- accessories typical to residential uses (tennis courts or clubhouses);
- projects determined to create affordable housing; and
- projects where the developer's proportionate share of system improvements is funded through another revenue source.

A development must create an additional demand or need for public facilities in order for the imposition of impact fees to be valid.

### **Financial Planning and Fee Calculation**

Financial planning and fee calculation is the most complex element of an impact fee system. This work must be completed before the ordinance is drafted. An impact fee must be calculated in accordance with generally accepted accounting principles. The amount of the development fee must be based on actual improvement costs or reasonable estimates of the costs, supported by sound engineering studies. Thus, the fee planning and calculation entails a careful study of the existing services and needs of a local government.

### **Level of Service Standards**

The Development Impact Fee Act mandates the establishment of level of service standards. *S.C. Code § 6-1-960*. A consistent LOS for each public facility must be provided in each service area. A service area is defined as "based on sound planning or engineering principles, or both, a defined geographic area in which specific public facilities provide service to development within the area defined." A service area can be all or part of a geographic area of a local government. Each service area can have its own impact fee schedule. Steps to establish level of service standards include the following:

- (1) Inventory existing facilities for each service area
- (2) Determine the current level of service
- (3) Determine whether the current level of service is acceptable
- (4) Adopt level of service for each service area
- (5) Determine any excess capacity or deficiency
- (6) Determine when excess capacity is exhausted
- (7) Determine when deficiency may be remedied
- (8) Tailor levels of service to realistic service area needs (e.g., road classifications)

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The level of service set by the local government must be provided to existing residents before impact fees are assessed. A local government can meet the desired level of service by physically providing the service or by setting aside revenue sources for the deficiency.

### **Service Units**

The fee may not exceed the amount found by dividing the costs of the capital improvements by the total number of projected service units that could use the capital improvement. *S.C. Code § 9-1-980*. Service units are defined as " a standardized unit of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements." *S.C. Code § 6-1-920(20)*. If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions (land use assumptions are described in the capital improvements plan) at full development of the service area, the maximum impact fee for each service unit must be calculated by dividing the costs of the part of the capital improvements attributable to the projected new service units by the total projected new service units. *S.C. Code § 6-1-980*.

### **Proportionate Share of Costs**

The fee may not exceed the proportionate share of costs of the system improvements. The proportionate share is the cost attributable to the development after the governmental entity reduces the amount considering any credit, offset, contribution of money, dedication of land and all other sources of funding, including grants which are not required to be repaid. *S.C. Code § 6-1-990*.

In determining the proportionate share of the cost of system improvements to be paid, the governmental entity imposing the impact fee must consider:

- (1) Cost of existing system improvements resulting from new development within the service area(s)
- (2) Means by which existing system improvements have been financed
- (3) The extent to which the new development being charged has already contributed to the cost of existing facilities, through property taxes or other means
- (4) The extent to which the new development will contribute to the cost of existing capital facilities in the future.
- (5) The extent to which the new development should be credited for providing common municipal facilities without charge to other properties in the municipality's service area (e.g., roads, rights-of-way, traffic signs and turning lanes.)
- (6) Time and price differentials inherent in a fair comparison of fees paid at different times

- (7) Availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation.

Note: A developer may not be required to pay more than the project's proportionate share of costs to enlarge the facilities for the use of others outside the project without fair compensation or reimbursement. *S.C. Code § 6-1-1000.*

### **Fee Calculation by Facility Type**

Water and sewer impact fees are the simplest to calculate and defend because these systems are utilized only by users who have connected to the system. To calculate a reasonable fee, a local government must develop empirical data to show expansion needs caused by growth. A water or sewer impact fee may also take into account an amount to pay for excess capacity carried by existing users and any future expansion required to serve new users.

Park impact fees, one of the most frequently adopted, require an inventory of parks available, an adopted standard or level of service, a capital improvements program for expansion, and a credit mechanism to ensure that new users pay only for the expansion necessary to accommodate them.

Of greater difficulty to calculate are road impact fees, because roads are used by the general public. It is considerably more complex to accurately reflect the actual cost and benefit to the individual development. Elements used in the calculation of a road impact fee include:

- (1) Adopted level of service;
- (2) Inventory of existing road network and existing deficiencies;
- (3) Average daily traffic counts;
- (4) Growth patterns by location and by land use classification;
- (5) Capital improvements plan;
- (6) Examination of other funding sources for deficiencies;
- (7) Construction costs;
- (8) Right of way costs.

Other types of impact fees will require the inclusion of level of service standards, capital improvements program, estimates of personnel and staff, population growth projections, and other factors discussed above.

### **Planning Commission's Recommendations**

Within the time designated in the resolution, the planning commission shall develop and make recommendations to the governing body for an impact fee ordinance based on service units. *S.C. Code § 6-1-950.* The proposed impact fee ordinance must meet all statutory requirements. The

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governing body is not bound by the recommendations and may amend the plan. *S.C. Code § 6-1-960.*

### **Affordable Housing Requirement**

Before imposing an impact fee on residential developments, the governmental entity must prepare a report estimating the effect of recovering capital costs through impact fees on the availability of affordable housing within the governmental entity's jurisdiction. *S.C. Code § 6-1-930.* Affordable housing is defined as housing affordable to families whose incomes do not exceed 80 percent of the median income for the governmental entity's service area. *S.C. Code § 6-1-920(1).*

### **Notice of Public Hearing**

The governing body must give a 30-day public notice and conduct a public hearing prior to the adoption of the impact fee ordinance. The public notice must appear in a general circulation newspaper 30 days before the hearing and must indicate where the public can view a copy of the plan. *S.C. Code § 6-1-960.*

### **Annual Reporting Requirement**

The governmental entity must prepare and publish an annual report describing the amount of impact fees collected, appropriated, or spent during the preceding year. The report must categorize the fees by public facility and service area. *S.C. Code § 6-1-950.*

### **Refunds**

Impact fees must be refunded to the owner of record of property on which the fee was paid if:

- (1) the fees have not been expended within three years of the date they were scheduled to be expended, or
- (2) if a building permit for a manufactured home is denied.

The fees paid and the pro rata portion of interest earned must be refunded within 90 days after it is due. A fee payor has standing to bring legal action if the refund is not made within the 90 days. *S.C. Code § 6-1-1020.*

### **Accounting for Fees Received**

Fees received must be maintained in interest-bearing accounts. Records must be maintained for each category of system improvements and service area. In which the fees are collected. Any interest earned on the fees must be considered funds of the account.

Expenditures of fees collected must be made only for the category of system improvements and within or for the benefit of the service area for which the impact fee was imposed. *S.C. Code § 6-1-1010.* Impact fees may not be used for:

- (1) a purpose other than system improvement costs to create additional improvements to serve new growth;

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- (2) a category of system improvements other than that for which they were collected; or
- (3) the benefit of service areas other than the area for which they were imposed.

### **Fees Prohibited on Certain Structures or Activities**

Impact fees are prohibited on certain structures or activities. *S.C. Code § 6-1-970*. Impact fees may not be charged for:

- (1) rebuilding the same amount of floor space of a structure that was destroyed;
- (2) remodeling or repairing a structure that does not result in an increase in the number of service units;
- (3) replacing a residential unit, if the number of service units does not increase;
- (4) construction trailers or offices on site during the period of construction;
- (5) additions to residential structures that does not increase the number of service units;
- (6) accessories typical to residential uses (tennis courts or clubhouses);
- (7) projects determined to create affordable housing; and
- (8) projects where the developer's proportionate share of system improvements is funded through another revenue source.

# Richland County Council Request of Action

## **Subject**

Department of Public Works - Blocking a Portion of Bob Dorn Road [PAGE 51-63]

## **Reviews**

## **Notes**

This item was held in Committee at the October D&S Committee meeting. The Committee directed staff to provide clarification on the definition of "closing" and "blocking" as it pertains to the Request of Action for this item. Additionally, staff was directed to send a letter for action to the residents of the Lost Creek Patio Homes subdivision for signed petitions of support for the requested action. Staff has included the signed petitions of support in the agenda packet for consideration and action by the Committee.



# Lost Creek Patio Homeowners' Association

P.O. Box 1342  
Irmo, SC 29063  
[lostcreekph@aol.com](mailto:lostcreekph@aol.com)

November 18, 2014

## Board of Directors

Don Lindsay, President  
407-5024

Andy Welch, V. President  
920-9464

Jane Rich, Treasurer     Richland County  
749-7060     Department of Public Works

Beverlee King, Secretary     400 Powell Road  
749-9244     Columbia, SC 29203

Carol Doty  
724-2320

Lynn Hammond  
467-4617

Rita Black  
223-9100

ATTN: J. Stacy Culbreath, Asst. County Engineer

RE: Barricading of Bob Dorn Road at Creek to Through Traffic

Please find enclosed the signatures of citizens of Lost Creek Patio Homes whose residences back-up to Bob Dorn Road that are in favor of barricading said road at Swygert Branch. All of the occupied residences have been contacted and all except one have indicated by their signatures that they are in favor of the petition. The vacant properties are listed as such.

## Architectural Review

### Committee

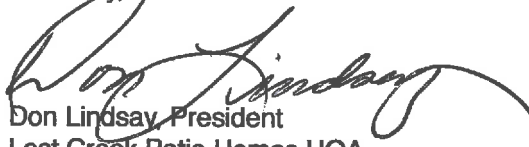
Don Lindsay  
407-5024

Andy Welch  
920-9464

Bob Elliott  
732-5146

Thank you for your assistance in this matter.

Sincerely,



Don Lindsay, President  
Lost Creek Patio Homes HOA

Enclosure

Item# 5



**RICHLAND COUNTY**

**Department of Public Works**

**C. Laney Talbert Center**

**400 Powell Road**

**Columbia, South Carolina 29203**

**Voice: (803) 576-2400 Facsimile (803) 576-2499**

**<http://www.richlandonline.com/departments/publicworks/index.asp>**



November 4, 2014

Lost Creek Patio Homes HOA  
C/O Don Lindsey

Re: Barricading of Bob Dorn Road at Creek to Through Traffic

Dear Mr. Lindsey

The HOA's request to barricade Bob Dorn Road at the intersection of Swygert Branch was sent to the D&S Committee last month for approval. The D & S committee must approve the request before it can be forwarded to the full county council. At the committee meeting, a recommendation was made to have all residents, who back up to Bob Dorn Road sign a petition stating they were in favor of the road closing.

At this time, we are requesting the HOA to have the citizens who back up to Bob Dorn Road sign the enclosed petition indicating that they are in favor of the barricading Bob Dorn Rd at Swygert Branch.

We are also sending a request to each property owner along Bob Dorn Rd to see if they concur with the barricading of Bob Dorn Rd. at Swygert Branch.

If you can return the enclosed petition to me by November 24, 2014, we can then complete the request from the D&S so that they can make their recommendation.

If you have any questions, please don't hesitate to call me at 803-576-2409

Sincerely,

J. Stacy Culbreath, Asst. County Engineer

Item# 5

**I am in favor of barricading Bob Dorn Rd at Swygert Branch**

Printed Name, Signature, address ALLEN C. & ROSE ANNE LIVINGSTON  
*Allen C. & Rose Anne Livingston*  
216 PATIO PLACE, COLUMBIA, SC 29212

Printed Name, Signature, address 258 Patio Place, Columbia, SC  
JOLA SAMSON; *John Samson* 29212

Printed Name, Signature, address 144 Patio Place, Columbia, SC 29212  
Peggy N. Ballentine *Peggy N. Ballentine*

Printed Name, Signature, address *Judy Rothwell*  
Judy Rothwell, 220 PATIO PLACE, Co/A., S.C. 29212

Printed Name, Signature, address *George T. Larson*  
GEORGE T. LARSON 304 PATIO PLACE, COLUMBIA, SC 29212

Printed Name, Signature, address *Werner W. Miller*  
DANIEL BONENFANT 368 PATIO PLACE Co/A., 29212

Printed Name, Signature, address *Werner W. Miller*  
WERNER W. MILLER 312 PATIO PLACE, COLUMBIA, SC 29212

Printed Name, Signature, address *Zerael Harrari*  
Zerael Harrari 3160 Patio Place, Columbia SC 29212

Printed Name, Signature, address *James R. Hindle*  
James R. Hindle *James R. Hindle* 400 PATIO PLACE Co/A SC 29212

Printed Name, Signature, address

Leo Bonenfant  
Leo BONENFANT 404 PATIO PLACE Colo SC 29212

Printed Name, Signature, address

Terry Goza  
TERRY GOZA 420 PATIO PLACE, COLUMBIA, SC 29212

Printed Name, Signature, address

Recky Lindstrom  
RECKY LINDSTROM 500 PATIO PL. COLUMBIA, SC 29212

Printed Name, Signature, address

John Tudor  
John Tudor 504 Patio Pl. Colo. SC 29212

Printed Name, Signature, address

Luis Crevar  
Luis Crevar 516 Patio Place, Col., S.C.

Printed Name, Signature, address

**I am in favor of barricading Bob Dorn Rd at Swygert Branch**  
WANDA RAWLAND - Wanda Rawland 500 PATIO PL. Col. SC 29212

Printed Name, Signature, address

Terri Rake  
Terri Rake 540 Patio Pl Columbia, SC 29212

Printed Name, Signature, address

CATHERINE W. FORD  
Catherine W. Ford 324 Patio Place Columbia, SC 29212

Printed Name, Signature, address

ROLAND M. SHICK  
ROLAND M. SHICK 140 PATIO PLACE COL. S.C. 29212

Printed Name, Signature, address

Edwin + Pek-Soo Scharrer  
EDWIN + PEK-SOODSCHARER 532 Patio Place, SC 29212

Printed Name, Signature, address

Printed Name, Signature, address

Jane B. Rich, *Jane B Rich*, 536 Patio Place  
Columbia SC 29212

Printed Name, Signature, address

MARY E. HARRIS / 428 - PATIO PLACE  
*Mary E. Harris* Columbia, SC 29212

Printed Name, Signature, address

WILLIAM C. WALLACE  
Printed Name, Signature, address

*William C. Wallace* 528 patio place, Columbia, SC 29212

Printed Name, Signature, address

RAY DODD 204 PATIO PLACE COLA SC 29212 *RD*

Printed Name, Signature, address

CHARLES BAKER, *Chaz*, 52A PATIO PLACE, COLUMBIA, S.C 29212

Printed Name, Signature, address

John A. Willis *John A Willis* 320 Patio Place Colo SC 29212

Printed Name, Signature, address

Jean M. Rutkowski *Jean M Rutkowski* 200 PATIO PLACE COLA SC 29212

Printed Name, Signature, address

Ila M Woodwyk *Ila M Woodwyk* 508 PATIO PLACE Columbia SC 29212

Printed Name, Signature, address

Printed Name, Signature, address



**I am in favor of barricading Bob Dora Rd at Swygert Branch**

132 Patio Place - VACANT

Printed Name, Signature, address

JANE SCHILLER

Jane Schiller  
212 Patio Pl.

Printed Name, Signature, address

148 Patio Place - VACANT

Printed Name, Signature, address

~~132~~ 424 Patio Place - unable to sign due to illness

Printed Name, Signature, address

512 Patio Place - VACANT

Printed Name, Signature, address

Printed Name, Signature, address

Printed Name, Signature, address

Printed Name, Signature, address

Printed Name, Signature, address

# Richland County Council Request of Action

**Subject:** Department of Public Works - Blocking a Portion of Bob Dorn Road

**A. Purpose**

County Council is requested to approve the placement of physical barriers to block a portion of Bob Dorn Road at its crossing with the Swygert Branch Creek (Creek), which would result in Bob Dorn Road physically stopping at the Creek and resuming on the other side.

**B. Background / Discussion**

Bob Dorn Road is a Richland County maintained dirt road, which the County has no written easement or deed on. It is maintained via prescriptive easement only. Bob Dorn Road connects Lost Creek Drive and Lykes Lane. There is an unimproved creek crossing (Swygert Branch) on Bob Dorn Road which is a safety hazard. Over the years, the residents of Lost Creek Patio Homes, which backs up to Bob Dorn Road, have complained about the dust generated from the through traffic on Bob Dorn Road. On September 14, 2014, the Lost Creek Patio Homeowners' Association requested that the area of Bob Dorn Road that crosses with the Creek be closed to all through traffic.

The County's Public Works Department does not believe that the use of signage prohibiting through traffic on the portion of Bob Dorn Road that crosses with the Creek will be sufficient for alleviating the problems associated with the creek crossing. Therefore, Council is requested to approve the placement of physical barriers to block a portion of Bob Dorn Road at its crossing with the Creek, which would result in Bob Dorn Road physically stopping at the Creek and resuming on the other side.

The letter from the Lost Creek Patio Homeowners' Association and maps of Bob Dorn Road and the Creek are attached.

**C. Legislative / Chronological History**

- Richland County received One Stop requests for Dust Suppression in 2013, and 2014.
- Richland County received One Stop requests for illegal activity or dumping on July 16, 2014.
- Richland County has applied Dust Suppression in 2013 and 2014
- Richland County received official request to close Bob Dorn Road to through traffic on September 14, 2014.

**D. Financial Impact**

The financial impact to the County includes the cost of the barricades at the creek crossing for both approaches on Bob Dorn Road, two (2) signs for advanced citizen notification purposes and two (2) "Road Closed" signs for each approach to the creek crossing.

Richland County Sign Shop will install the signs. The cost for the barricades and the signs are nominal.

**E. Alternatives**

1. Approve the placement of physical barriers to block a portion of Bob Dorn Road at its crossing with the Swygert Branch Creek (Creek), which would result in Bob Dorn Road physically stopping at the Creek and resuming on the other side.
2. Do not approve the placement of physical barriers to block a portion of Bob Dorn Road at its crossing with the Swygert Branch Creek (Creek). This alternative is not recommended as the creek crossing is a potential safety hazard, and as noted above, the County has received multiple One Stop requests from nearby residents regarding the dust generated from through traffic and complaints of illegal activity and dumping.

**F. Recommendation**

It is recommended that Council approve the request to close Bob Dorn Road at its crossing with the Swygert Branch Creek.

Recommended by: Ismail Ozbek, P.E. Interim Director/County Engineer

Department: Public Works

Date: October 8, 2014

**G. Reviews**

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

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

**Finance**

Reviewed by: Daniel Driggers

Date: 10/16/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Planning**

Reviewed by: Tracy Hegler

Date: 10/20/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Emergency Services**

Reviewed by: Michael Byrd

Date: 10/20/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

It does not appear closing the road would impact emergency vehicle response.

**Legal**

Reviewed by: Elizabeth McLean

Date: 10/21/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion. It doesn’t appear that it is DPW’s intent to completely close the road, but there may not be

enough facts at this point to determine the effect of placing the barriers. Legal will provide whatever assistance is necessary (petition the court) if Council desires to close the road. Also, as the County does not have a deed to this road, it may be useful to inform all abutting property owners about the intended change to avoid future issues.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/23/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Lost Creek Patio Homeowners' Association**

P.O. Box 1342  
Irmo, SC 29063  
[lostcreekph@aol.com](mailto:lostcreekph@aol.com)

September 14, 2014

Mr. William Malinowski  
PO Box 535  
Chapin, SC 29036

Dear Mr. Malinowski:

The Homeowners Association of the Lost Creek Patio Homes Subdivision submit the following for consideration:

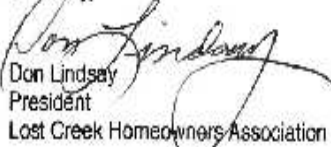
In the Lost Creek Patio Homes Subdivision there are 38 homes that abut Bob Dorn Road. Over the years traffic has increased on this road largely because of the numerous developments along Lykes Road even though access to Broad River Road via Lykes Road is quick. This increase in the number and the rate of speed of these vehicles has increased the amount of dust which has severely affected the use and care of back yards, swimming pools and patios. Health wise, the many elderly residents of this street are more adversely affected by the dust. Opening windows and doors during nice weather is not an option!

Commercial vehicles such as those used by UPS and FedEx along with others routinely use the road at high speeds even though the road is marked "Slow No Through Street." There have been animal carcasses dumped along Bob Dorn Road, along with other garbage and trash, not to mention the use of dirt bikes, graffiti sprayed on the backs of the walls, and sliding glass doors being broken by chunks of bricks thrown at them over the walls. Residents have also been aware of vehicles, usually during late-night hours, rendezvousing for short periods of time. All of this impacts property values, but also limits enjoyment of their homes by these residents.

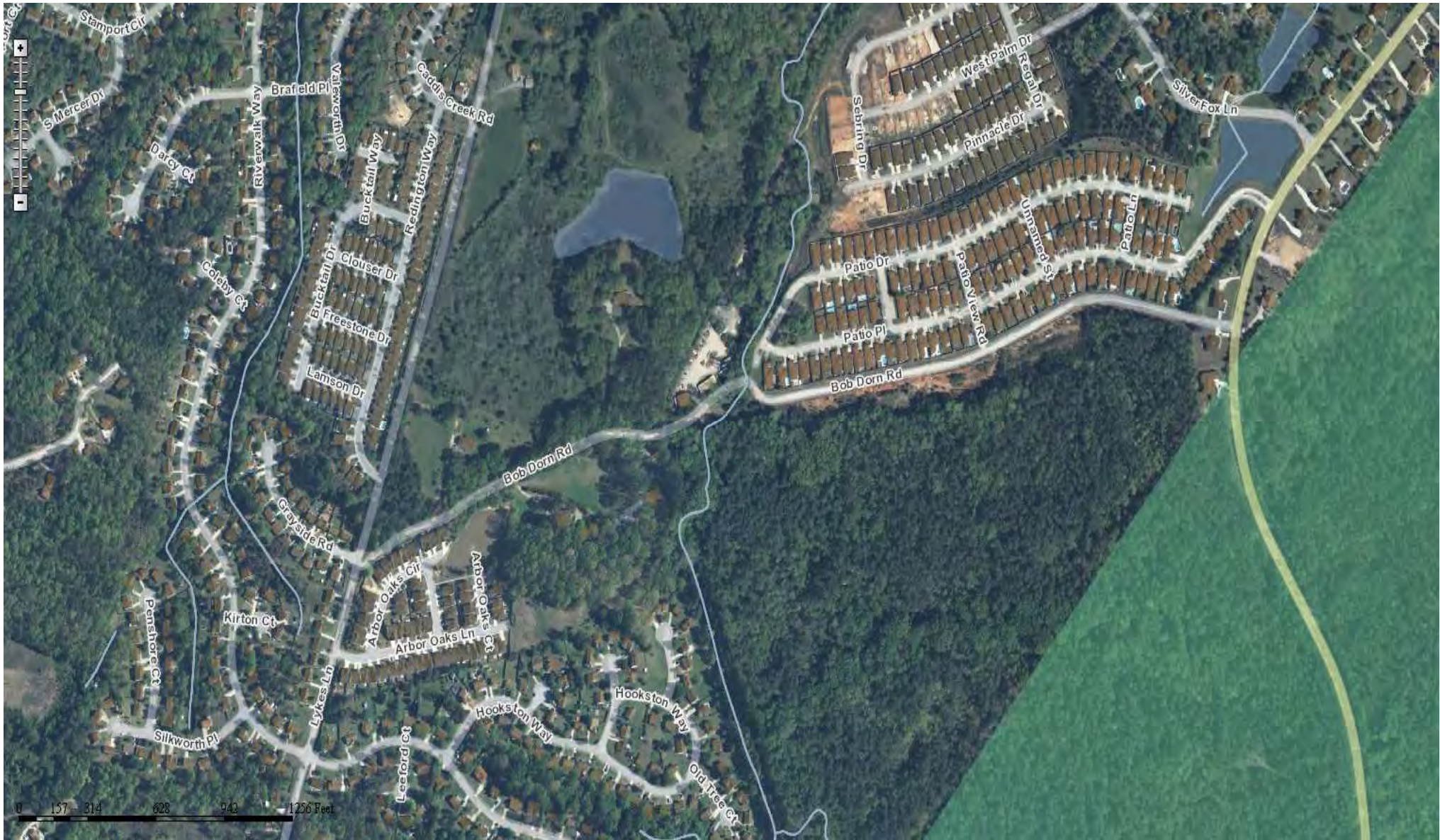
Barricading the road at the creek would minimize these problems, allow the county crews to still maintain the ditches for water run-off and not impact the back gate access to the Patio Home community which may need to be utilized periodically for special/emergency purposes.

Your prompt and careful attention to this matter is appreciated.

Sincerely,

  
Don Lindsay  
President  
Lost Creek Homeowners Association

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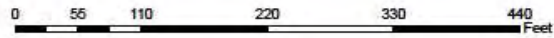


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Attachment number 1  
Page 5 of 6



**Bob Dorn Rd / Swygert Branch**



**DISCLAIMER:** This is a product of the Richland County Public Works Department. The data depicted here has been developed with extensive cooperation from other county departments, as well as other federal, state and local government agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

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 400 Powell Rd.  
 Columbia, SC 29203



Item# 5

Attachment number 1  
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# Items Pending Analysis

## **Subject**

Dog Park Program [**PAGE 64**]

## **Reviews**

## **Notes**

This item was held in Committee at the October D&S Committee meeting. The Committee directed staff to investigate the feasibility of creating a dog park program (e.g., cost, maintenance, liability), with a pilot dog park to begin at 2618 Decker Boulevard (the former Zorba's Restaurant site). As directed, staff is investigating the feasibility of creating a dog park program. Once completed, staff will report this information back to the Committee at a future Committee meeting for their consideration and action.



# Items Pending Analysis

## **Subject**

Sewage Sludge Spray Field Applications [**PAGE 65**]

## **Reviews**

## **Notes**

This item was first reviewed at the February D&S Committee meeting, and Council approved staff to work with the Conservation Commission, Soil and Water District, Conservation staff, and Utilities staff to develop an ordinance related to sewage sludge spray fields that will protect County waterways. The Planning Commission recommended approval of the ordinance, and this item will be on the upcoming Zoning Public Hearing agenda.

# Items Pending Analysis

## **Subject**

Remove the requirements placing a lien on property if owners do not pay sewer bill or if owners do not maintain overgrown lots [**JACKSON**] [**PAGE 66**]

## **Reviews**

## **Notes**

This motion was made at the September 9, 2014 Regular Session Council Meeting. Staff is currently working to finalize the necessary ordinance amendments and potential alternatives regarding this motion. Once finalized, Staff will bring this item to the Committee for review and action.

# Items Pending Analysis

**Subject**

Move to direct staff to draft an ordinance to impose greater noise restrictions in unincorporated Richland County  
**[ROSE] [PAGE 67]**

**Reviews**

**Notes**

This motion was made at the July 1, 2014 Regular Session Council Meeting. Staff is currently working on a draft ordinance regarding greater noise restrictions in unincorporated Richland County. Staff will bring this item to the Committee for review and action once the ordinance is finalized.

# Items Pending Analysis

## **Subject**

Interstate Interchange Lighting Project [**PAGE 68**]

## **Reviews**

## **Notes**

At the September 23, 2014 D&S Meeting, the Committee directed Staff to contact the Hospitality Association to recruit businesses that are willing to assist in funding the Two Notch Road at I-77 (Exit 17) & the Clemson Road at I-20 (Exit 80) Interstate Interchange Lighting Projects (Projects). The information regarding the Projects is currently being circulated by the South Carolina Restaurant and Lodging Association (formerly known as the SC Hospitality Association) to their members to recruit businesses that are willing to assist in funding the Two Notch Road at I-77 (Exit 17) & the Clemson Road at I-20 (Exit 80) Projects.