

**RICHLAND COUNTY
COUNTY COUNCIL**

AMENDED

AGENDA



Tuesday, MAY 03, 2022

6:00 PM



Richland County Council 2022



Derrek Pugh
District 2



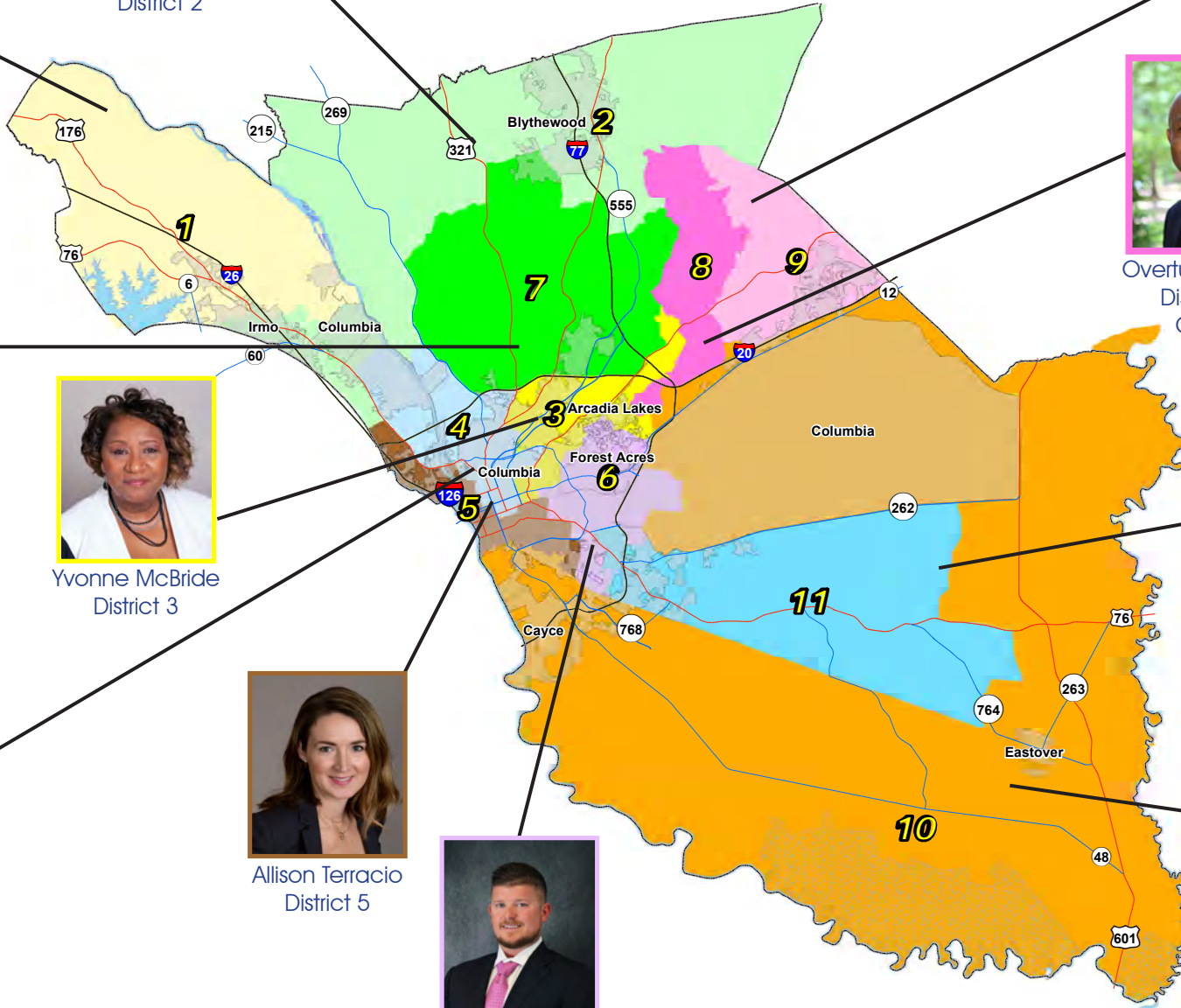
Jessica Mackey
District 9
Vice Chair



Bill Malinowski
District 1



Overture Walker
District 8
Chair



Gretchen Barron
District 7



Yvonne McBride
District 3



Chakisse Newton
District 11



Paul Livingston
District 4



Allison Terracio
District 5



Joe Walker, III
District 6



Cheryl English
District 10



Richland County Council
Regular Session
AMENDED AGENDA
May 03, 2022 - 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

1. **CALL TO ORDER**

The Honorable Overture Walker,
Chair Richland County Council

a. ROLL CALL

2. **INVOCATION**

Pastor Doyle Robert, International Praise Church
on behalf of Councilwoman Jesica Mackey

3. **PLEDGE OF ALLEGIANCE**

The Honorable Jesica Mackey

4. **PRESENTATION OF PROCLAMATIONS**

a. A Proclamation Recognizing Ridge View Boys
Basketball Championship

The Honorable Jesica Mackey
The Honorable Overture Walker

b. A Proclamation Recognizing W. J. Keenan High School
and their Lady Raiders Three-Peat Championship

The Honorable Gretchen Barron

c. Proclamation Honoring Richland County Detention
Center Correctional Officers

The Honorable Cheryl English

5. **APPROVAL OF MINUTES**

The Honorable Overture Walker

a. Regular Session: April 19, 2022 [PAGES 7-16]

6. **ADOPTION OF AGENDA**

The Honorable Overture Walker

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE
SESSION ITEMS**

Patrick Wright,
County Attorney

*After Council returns to open session, Council may take action on any item,
including any subsection of any section, listed on an executive session agenda
or discussed in an executive session during a properly noticed meeting.*

- a. Alvin S. Glenn Detention Center
- b. 9019 Garners Ferry Road First Amendment to Lease – Richland County Public Library

- 8. **CITIZEN'S INPUT** The Honorable Overture Walker
 - a. For Items on the Agenda Not Requiring a Public Hearing
- 9. **CITIZEN'S INPUT** The Honorable Overture Walker
 - a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time.)
- 10. **REPORT OF THE COUNTY ADMINISTRATOR** Leonardo Brown,
County Administrator
- 11. **REPORT OF THE CLERK OF COUNCIL** Anette Kirylo,
Clerk of Council
- 12. **REPORT OF THE CHAIR** The Honorable Overture Walker
- 13. **OPEN / CLOSE PUBLIC HEARINGS** The Honorable Overture Walker
 - a. Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Vanguard to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the conveyance of certain real property to Project Vanguard; and other related matters
- 14. **APPROVAL OF CONSENT ITEMS** The Honorable Overture Walker
 - a. Emergency Services - Fire Division - Purchase of Fire Pumper Truck [PAGES 17-19]
 - b. Department of Public Works - Engineering Division - Springwood Lakes Community Drainage Project [PAGES 20-23]
 - c. Upper Township Magistrate - Sheriff's Department Substation [PAGES 24-29]
- 15. **FIRST READING ITEMS** The Honorable Overture Walker
 - a. An Ordinance to raise revenue, make appropriations, and adopt an Annual Budget (FY2023) for Richland County, South Carolina for Fiscal Year beginning July 1, 2022 and ending June 30, 2023. So as to raise revenue, make appropriations and Amend the General Fund, Millage [PAGE 30]

Agencies, Special Revenue Funds, Enterprise Funds, and Debt Service Funds Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2022 and ending June 30, 2023 [BY TITLE ONLY]

- b. An Ordinance authorizing the levying of Ad Valorem property taxes which together with the prior year's carryover and other State Levies and any additional amount appropriated by the Richland County Council prior to July 1, 2022 will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2022 through June 30, 2023 [BY TITLE ONLY] [PAGE 31]
- c. An Ordinance Amending Ordinance # 05-53.5-21 Amending the Richland County Code of Ordinances, so as to adopt the Richland County Land Development Code Rewrite; and to replace Chapter 26, Land Development amending the effective dates of its provision and clarification of interim procedures [PAGES 32-61]

16. REPORT OF THE EMPLOYEE EVALUATION AND OVERSIGHT AD HOC COMMITTEE

The Honorable Chakisse Newton

- a. 2022 County Administrator Evaluation Process [PAGE 62]
- b. County Attorney and Clerk to Council Performance Evaluation Process [PAGE 63]

17. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

The Honorable Jesica Mackey

- a. I-20/Broad River Rd. Interchange [PAGE 64-95]
- b. Mill Creek Mitigation Credit Sales [PAGES 96-99]

18. OTHER ITEMS

The Honorable Overture Walker

- a. FY22 - District 8 Hospitality Tax Allocations [PAGES 100-101]

19. EXECUTIVE SESSION

After Council returns to open session, Council may take action on any item, including any subsection of any section, listed on an executive session agenda or discussed in an executive session during a properly noticed meeting.

Patrick Wright,
County Attorney

20. MOTION PERIOD

- a. A Resolution Honoring Richland County Emergency Medical Service Employees [PAGE 102]

21. ADJOURNMENT

The Honorable Jesica Mackey



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
Regular Session
MINUTES
April 19, 2022 – 6:00 PM
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Overture Walker, Chair, Jesica Mackey, Vice-Chair, Bill Malinowski, Derrek Pugh, Yvonne McBride, Paul Livingston, Allison Terracio, Joe Walker, Gretchen Barron, Cheryl English and Chakisse Newton

OTHERS PRESENT: Michelle Onley, Kyle Holsclaw, Ashiya Myers, Randy Pruitt, Michael Byrd, Stacey Hamm, Dale Welch, Geo Price, Jeff Ruble, Leonardo Brown, Tamar Black, Lori Thomas, Patrick Wright, Justin Landy, Aric Jensen, Abhi Deshpande, Anette Kirylo, Brittney Hoyle-Terry, Quinton Epps, Judy Carter, Dante Roberts and Dwight Hanna

1. **CALL TO ORDER** – Chairman O. Walker called the meeting to order at approximately 6:00PM.
2. **INVOCATION** – The Invocation was led by the Reverend Adam China on behalf of the Honorable Jesica Mackey.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Jesica Mackey.
4. **APPROVAL OF MINUTES**
 - a. **Regular Session: April 5, 2022** – Mr. Livingston moved, seconded by Ms. Barron, to approve the minutes as distributed.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.
5. **ADOPTION OF AGENDA** – Ms. Barron moved, seconded by Mr. J. Walker, to adopt the agenda as published.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.
6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** – The County Attorney, Mr. Patrick Wright, stated the following items qualify for Executive Session:
 - a. **Pineview Park Contractual Matter**
 - b. **Alvin S. Glenn Detention Center**

Special Called
April 19, 2022

Mr. Wright indicated the “Land Development Code Re-Write Ordinance” item may be discussed in open session.

Land Development Code Re-Write Ordinance – Mr. Wright indicated there are changes that need to be made to the approved ordinance because the dates included will not be realized, as previously thought.

Ms. Barron moved, seconded by Mr. Livingston, to discuss the Land Development Code Re-Write Ordinance now, and go into Executive Session at the end of the meeting.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

Mr. Wright noted the issue is in the approved ordinance, Section II. Interim Procedures, (a) and (d), there are dates, but because certain things have not come before Council from the Planning Commission, the ordinance may need to be amended to say, “become effective as part of the adoption of the map amendment ordinance” instead of having a specific date. The recommendation is to amend Sections II, III and VI to remove the specific dates.

Mr. Malinowski inquired if the amendment would require 3 Readings and a public hearing.

Mr. Wright responded in the affirmative.

Mr. Malinowski suggested, instead of amending portions of the ordinance, to revert back to the previous Land Development Code. He stated any property owner, individually or as a business, that wants to develop will have something to follow.

Mr. Malinowski moved, seconded by Mr. O. Walker, to revert back to the previous Land Development Code, until the map is complete, and all other items related to the new Land Development Code are settled.

Ms. McBride inquired if the County is currently under the Land Development Code Mr. Malinowski is referring to.

Mr. Geo Price, Deputy Community Planning and Development Director/Zoning Administrator, responded we are currently operating under the current Land Development Code.

Mr. O. Walker inquired about which Land Development Code Mr. Price was referring to.

Mr. Price responded the code that was in existence prior to November 2021.

Mr. J. Walker stated, for clarification, if we pass the motion as presented, it is business as usual for the Planning Department until such time as we approve the new Land Development Code.

Mr. Price responded in the affirmative. He noted that any re-zonings will come in under the new Land Development Code.

Mr. J. Walker stated, for clarification, business as usual means no blanket re-zoning yet. Any applications for new zoning are considered under the newly adopted Land Development Code. For example, if Mr. Malinowski’s motion passes there is no blanket, everything stays status quo, until such point when the new Land Development Code is voted on 3 times, has a public hearing, and is adopted. However, zoning applications, from today until that same point and time, would be considered under the new Land Development Code.

Mr. Price responded that would be determined by Council. If we are going to go back to business as usual, he would assume we would go back to the zoning designations under the previous zoning ordinance.

Mr. J. Walker inquired how that be muddle the existing pipeline. He inquired if we have people that would be effected because they have already submitted for re-zoning and staff is reviewing their application, and can be maintain operational efficiency under the structure of the motion.

**Special Called
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Mr. Price responded in the affirmative. They currently have a few applications under the new Land Development Code. He indicated they can make contact with the applicants and find an equivalent zoning under the previous code and allow them to proceed on with their request.

Ms. Barron stated she wants to ensure this motion says we are not dealing with the ordinance from November 2021 until the Planning Commission gets something solid that is palatable to the body.

Mr. Price requested Council to establish which way they wish to proceed.

Mr. Pugh inquired if we currently have developers preparing land in expectation of the new code being passed.

Mr. Price responded they have met with a number of developers, and they have looked at what is proposed. Some are waiting to see what Council ultimately decides with the remapping. The developers are not prepping land in anticipation of this ordinance being passed. Normally they do not go through that exercise unless you know you have the zoning in place that would allow the use.

Ms. McBride inquired if a zoning application currently were to come in, what would staff do.

Mr. Price responded, as part of the ordinance adopted in November, any zonings that come in would have to go by the new Land Development Code. There are a few that will be scheduled to go before the Planning Commission. If it is decided to go back to the original Land Development Code, staff would have a conversation to find a similar zoning to their request, and determine if they would like to proceed.

Ms. McBride stated, it was her impression, Mr. Malinowski's motion is to revert back to what we are currently doing.

Mr. Malinowski noted his motion is to go back to what we were doing prior to the new Land Development Code being adopted in November 2021.

Ms. Newton stated, for clarification, if there a property was zoned rural, the individual would construct their home according the previous rural designation.

Mr. Price responded in the affirmative.

Ms. Newton stated the implications of Mr. Malinowski's motion are exclusively experienced, as it related to zoning and re-zoning requests, and not to current homeowners or landowners trying to build a house. In other words, someone currently building a home is doing so under the previous code; therefore, passing Mr. Malinowski's motion would not affect them. It would only affect someone with a re-zoning request.

Mr. Wright stated, if Council's desire is to revert back to the previous Land Development Code, you would want to rescind the November 2021 ordinance.

Mr. O. Walker stated, for clarification, we are pretty much operating as business as usual.

Mr. Price responded, from the development standpoint, we are operating as usual. Any re-zonings that come in, will be under the new Land Development Code.

Mr. Livingston inquired as to what happens if someone that is applying for a re-zoning has an option to do it under the current Land Development Code or the previous Land Development Code.

Mr. Price stated, if they applied for the former Land Development Code, they would be able to develop as such. If they were to apply for one of the new Land Development Code districts, then they would not be able to proceed with development under those standards because we have not fully adopted the code and mapping.

Ms. Newton inquired if there are any other implications they need to be aware of, if they were to make this change.

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Mr. Price responded, none he is aware of.

Ms. Newton inquired about the advantages and disadvantages to the County, in terms of this action.

Mr. Price responded one of the advantages would be more dialog, and the citizens would have a better understanding. A disadvantage would be having to go back through the notification process, which may require staff to do another mail out to all of the citizens.

Ms. Newton inquired if the rescinding option the only option, or is there another option that would achieve the intent.

Mr. Wright responded the two options are to rescind the ordinance or remove the dates from the ordinance. If we change the dates, everything will remain as is, but will take place once the remapping process is completed.

Mr. Aric Jensen, Assistant County Administrator, essentially what we are proposing is to move from a fixed date to an open-ended date for implementation of the ordinance.

Ms. Barron stated, from day one, this process has seemed somewhat convoluted. She inquired if the process we are taking has to be done that way. It seems like if we had the text and the map, hand-in-hand, we could look at and make sense out of it. We are trying to marry them, but somewhere along the lines it seems something has gotten confused. She inquired if there is a better route we can take where we can work on both of them to make sense.

Mr. Price responded he believes we are at the point now where that is what we are doing. He noted we had to have the text in place so everyone would know exactly what they were doing. Trying to put them together would have caused even more confusion. This process we are doing now, allows for additional meetings and discussions.

Ms. Barron stated she does not think it was presented in the best manner. We are back, months later, doing something we could have done at the beginning.

Mr. Malinowski stated moving to an open-ended date still leaves what was approved in November 2021 in place, which puts people in limbo that are trying to develop a piece of property. By removing that and reverting back to what we had in place before, or rescinding what was done, it allows anybody to move forward with any type of re-zoning they would like to request. We do not know when we are going to finish the mapping process.

Mr. Jensen stated the downside of rescinding is that you go back to square one, so you lose all of the time and money you have invested over the last 5 years. The upside is you have given Planning Commission, and the public, directions as to what it wants done. If the direction of Council is that staff continue to accept and process applications under the existing code, while this other process moves forward, that is fantastic.

Mr. Livingston made a substitute motion, seconded by Ms. Newton, to amend the current ordinance and allow someone to request re-zoning under the previous ordinance.

Mr. Malinowski stated, he took deference with Mr. Jensen's comment that we have been holding public hearings for the last 5 years. We can have one public hearing, unless Council approves more than one. He noted Council has not been receiving information for the last 5 years about this matter, which is why we are where we are right now. He stated approximately 10 years ago, he asked staff about some changes and was told they were rewriting the code.

Ms. Barron inquired how Mr. Livingston's motion impacts re-zoning.

Mr. Jensen stated the recommendation of staff is to amend the dates in the existing ordinance language, so it is an open-ended date. Effectively, everything existing in the code, continues until such time as the ordinance becomes effective. The new ordinance will become effective when the Planning Commission makes a recommendation to Council on the zoning map, and Council adopts it. Until then, it is the existing code.

Ms. Barron responded she needs to hear this includes re-zoning because that is not what was stated earlier.

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Mr. Brown stated that is Mr. Livingston's motion.

Mr. Livingston reiterated that was the intent of his motion.

Ms. Newton inquired if this amendment also includes 3 Readings and a public hearing.

Mr. Wright responded in the affirmative.

Ms. Mackey requested Mr. Livingston restate the motion.

Mr. Livingston stated to amend the ordinance that was passed in November 2021 to allow someone to request re-zoning under the previous ordinance.

Ms. Terracio inquired if there is a proposed end date.

Mr. Livingston responded when the new ordinance is adopted.

In Favor: Pugh, McBride, Livingston, Terracio, O. Walker, Mackey, English and Newton

Opposed: Malinowski, J. Walker and Barron

The vote was in favor of the substitute motion.

7. **CITIZENS' INPUT**

- a. **For Items on the Agenda Not Requiring a Public Hearing** – Ms. Mackey stated the subject matter the individuals had signed up to speak to had previously had a public hearing. Therefore, according to Council Rules, the individuals were unable to speak to this matter.

8. **CITIZENS' INPUT**

- a. **Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time)**
 - 1. Mr. Thurmond Guess, 3111 Two Notch Road, Apt. 124, Columbia, SC 29204 – Easement Right-of-Way
 - 2. Mr. Steve Krietemeyer, 109 Rose Creek Lane, Columbia, SC 29229 – Affordable Housing Trust Fund

9. **REPORT OF THE COUNTY ADMINISTRATOR** – No report was given.

10. **REPORT OF THE CLERK OF COUNCIL** – No report was given

11. **REPORT OF THE CHAIR** – No report was given.

12. **SECOND READING ITEMS**

- a. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and [Project Gamecock] to provide for payment of a fee-in-lieu of taxes; and other related matters** – Ms. McBride moved, seconded by Mr. J. Walker, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

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- b. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes agreement by and between Richland County, South Carolina and Project Laser to provide for payment of a fee-in-lieu of taxes; and other related matters** – Ms. McBride moved, seconded by Mr. J. Walker, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

- c. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Project Vanguard to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; the conveyance of certain real property to Project Vanguard; and other related matters** – Ms. McBride moved, seconded by Mr. J. Walker, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

13. **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. **A Resolution acknowledging the acquisition of the Carolina Pines Industrial I, LLC, by CH Carolina Pines, LLC and consenting to the transfer of the fee-in-lieu of tax agreement with Richland County from Carolina Pines I, LLC to CH Carolina Pines, LLC** – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

- b. **A Resolution (1) approving the assignment to Exeter 1020 Jenkins Brothers (2020), LLC of all the rights, interests, and obligations of Mid-South 1080 Jenkins Brothers (SC), LLC (f/k/a Exeter 1080 Jenkins Brothers, LLC) (“Mid-South”) under that certain fee agreement between Mid-South and Richland County, South Carolina (“Fee Agreement”), (2) authorizing the county’s execution and delivery of an assignment and assumption of fee agreement in connection with such assignment; and (3) authorizing other matters relating thereto** – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, English and Newton

Recuse: Mackey – due to her parent company representing the company. (Recusal form on file).

The vote in favor was unanimous.

- c. **Authorization for Task Order #1 under the Master Agreement between Richland County and Thomas & Hutton Engineering Co.** – Mr. Livingston stated the committee recommended approval of this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

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Mr. J. Walker moved, seconded by Ms. Mackey, to reconsider Items 13 (a) – (c).

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

14. **OTHER ITEMS**

- a. **Administrator’s Office – Pawmetto Lifeline Request** – Ms. Mackey moved, seconded by Ms. Barron, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Newton acknowledged her new puppy came from Pawmetto Lifeline.

Mr. Livingston moved, seconded by Ms. Mackey, to reconsider this item.

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

- b. **Conservation Land Purchase** – Ms. Mackey moved, seconded by Ms. Newton, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

Ms. Barron moved, seconded by Mr. J. Walker, to reconsider this item.

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

- c. **Vendor Selection – Comprehensive Grant Management Software**

- d. **FY22 – District 2 Hospitality Tax Allocations:**

1. Juneteenth Freedom Festival - \$5,000
2. Richland County Recreation Foundation – Jazz Fest - \$5,000

- e. **FY22 – District 3 Hospitality Tax Allocations:**

1. Columbia Classical Ballet - \$10,000

- f. **FY22 – District 9 Hospitality Tax Allocations:**

1. SC Juneteenth Freedom Festival - \$7,500

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Ms. McBride moved, seconded by Ms. Barron, to approve Items 14 (c) – (f).

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: J. Walker

The vote was in favor.

Ms. McBride moved, seconded by Ms. English, to reconsider Items 14 (c) – (f).

In Favor: J. Walker

Opposed: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

The motion for reconsideration failed.

- g. **A Resolution to appoint and commission Jamal Rashawn Clavon as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Ms. Mackey moved, seconded by Ms. Barron, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

- h. **A Resolution to appoint and commission Kiall Brenton Wright as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Ms. Barron moved, seconded by Mr. Livingston, to approve this item.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

15. **EXECUTIVE SESSION**

Mr. Pugh moved, seconded by Ms. Mackey, to go into Executive Session.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, Barron, O. Walker, Mackey, English and Newton

Opposed: J. Walker

The vote was in favor.

*Council went into Executive Session at approximately 7:03 PM
and came out at approximately 7:53 PM*

Mr. J. Walker moved, seconded by Ms. Newton, to come out of Executives Session.

In Favor: Malinowski, Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

The vote in favor was unanimous.

**Special Called
April 19, 2022**

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a. **Pineview Park Contractual Matter** – No action was taken.

b. **Alvin S. Glenn Detention Center** – No action was taken.

Mr. Malinowski moved, seconded by Ms. Barron, to reconsider Item 6(b) “Land Development Code Re-Write Ordinance.

In Favor: Malinowski, Pugh, Livingston, J. Walker, Barron, O. Walker, English and Newton

Opposed: McBride, Terracio and Mackey

The vote was in favor.

Mr. Malinowski requested Mr. Wright to explain the difference between the motion he made, which was to rescind the November 2021 Land Development Code Ordinance, and the motion Mr. Livingston made to put the November 2021 ordinance into an indefinite hold until other matters get taken care of at the staff level. His understanding is, Mr. Livingston’s keeps the November 2021 code in place until an uncertain date in the future, and individuals have the option to apply for re-zoning under the old code or the new code and wait. Ultimately, according to staff, the new code will be approved. He noted the motion he made is that they can only apply under the old code because we do not know what will happen with the new code.

Mr. Wright stated Mr. Malinowski’s motion was to rescind so that everything goes back to pre-November. With Mr. Livingston’s amendment, leaves the November ordinance in place, but the dates are open-ended. It also allows individuals to either use the pre-November code or file under new code and wait until the new code is approved.

Mr. Malinowski stated either way it takes 3 Readings and a public hearing, as well as 3 Readings and a public hearing to approve the remapping.

Mr. Wright responded in the affirmative.

Mr. Livingston noted his motion would mean you would not necessarily have to do 3 Readings and a public hearing, if Council decides to move forward with a new ordinance. He stated, if you rescind the ordinance, you have to start the process over.

Mr. Malinowski stated the reason he wants to rescind the ordinance is that people may be applying saying they will wait for the new code to pass. We do not know how long it will take for the new code to be approved, or if it will be approved. Therefore, we should allow people to move on with whatever development or re-zoning request they want to do. He noted he does not think the process was done properly, which is why he is saying we should start over.

Mr. Livingston stated he wants his constituents to have the option to consider both.

Ms. McBride noted what Mr. Malinowski wants is covered in Mr. Livingston’s motion.

Mr. Malinowski noted Mr. Livingston’s motion also keeps the language approved in November 2021, which he and others do not feel we should have until it is all hashed out.

Ms. Barron stated she still has some challenges with where we are. She understands we can stop at any point, but she does not think we should delay saying, “Stop! It is not working!” She noted Mr. Price agrees there are some challenges we have experienced.

Ms. Mackey noted Mr. Livingston’s motion give us the ability to do both. She knows we have heard from citizens that are not happy with some of the changes, but she has also heard from some that want the changes.

Ms. English inquired about the timeframe if we start over.

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Mr. Wright responded any amendments and/or repeal will take 3 Readings and a public hearing.

POINT OF ORDER – Mr. Livingston noted this motion may not be properly before us because Mr. Malinowski was not on the prevailing side.

Mr. O. Walker and Mr. Wright concurred.

16. **MOTION PERIOD** – There were no motions submitted.

17. **ADJOURNMENT** – Ms. Newton moved, seconded by Ms. Barron, to adjourn.

In Favor: Pugh, McBride, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

Opposed: Malinowski

The vote was in favor.

The meeting adjourned at approximately 8:06 PM.

Richland County Council Request for Action

Subject:

Emergency Services - Fire Division - Purchase of Fire Pumper Truck

Notes:

April 26, 2022 – The A&F Committee recommended Council approve the purchase of a fire truck pumper for the Lower Richland Station using Community Development Block Grant (CDBG) funds.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Michael A. Byrd	Title:	Director
Department:	Emergency Services	Division:	Fire
Date Prepared:	March 25, 2022	Meeting Date:	April 26, 2022
Legal Review	Patrick Wright via email	Date:	April 5, 2022
Budget Review	Abhijit Deshpande via email	Date:	April 7, 2022
Finance Review	Stacey Hamm via email	Date:	April 7, 2022
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM	
Committee	Administration & Finance		
Subject:	Purchase of Fire Truck Pumper		

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval of the purchase of a fire truck pumper for the Lower Richland Station using Community Development Block Grant (CDBG) funds.

Request for Council Reconsideration: Yes

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The associated cost of the fire truck pumper is \$589,227.00. The proposed funding source is an accumulation of remaining CDBG funds from the past 4+ program years. Using CDBG funds will not impact the Fire Fund or the General Fund.

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

None.

REGULATORY COMPLIANCE:

The proposed use of CDBG Funds requires an environmental review, confirmation that the equipment will be used in a qualifying Low-to-Moderate-Income (LMI) area, and other documentation which will be prepared in-house by the Community Development Division of Community Planning and Development (CP&D). Payment/reimbursement from CDBG funds cannot be accomplished until all US Department of Housing and Urban Development (HUD) requirements are satisfied.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	Click or tap here to enter text.
Meeting	Click or tap here to enter text.
Date	Click or tap here to enter text.

STRATEGIC & GENERATIVE DISCUSSION:

The purpose of this report is to obtain Council approval to purchase a new fire pumper for the County's Lower Richland Fire Station. Funding is proposed to be from residual/reserve CDBG Funds that have accumulated since PY 2016 and that need to be expended or refunded to the federal government. No additional funds are needed. This will be the fifth truck purchased using CDBG funds. The first pumper is stationed at the Hopkins Station, the second pumper is stationed at the Capital View station, the third pumper is stationed at the Gadsden station, and the fourth is a tanker stationed at the Hopkins station. This action supports Strategic Plan Goal 3 - Fiscal Responsibility (3.3); Goal 4 - Community Enhancement (4.2); Goal 7 - Operational Excellence (7.3, 7.7).

Richland County needs to add additional fire trucks to the fleet to meet front-line demand and reserve truck capacity. Currently, we have six available reserve trucks and should increase the number of reserves to maintain our current Insurance Services Office (ISO) Public Protection Classification (PPC). This purchase will improve our ability to respond to fire calls in the Lower Richland area. The older pumper currently in use at the Lower Richland station will be reassigned or become a reserve truck.

Richland County contacted builders to identify available ready built trucks. Ready built trucks are demos and stock vehicles that reduce the delivery time. The industry standard for delivery of new vehicles built to customer specifications is now over 365 days.

The only builder that has a truck available for delivery within the time frame is Spartan Fire. The advantage of purchasing a stock truck option is that it provides a quick delivery time verses developing specifications and having a long bid and evaluation process. Ready built stock trucks are available on a first come - first purchase basis, so this purchase is time sensitive.

Fire Trucks sold by Spartan Fire and Emergency Vehicles are on the Sourcewell Contract (#022818 – ID#805). Richland County is a member of Sourcewell.

Once approved, Council is asked to reconsider this item due to the time sensitive purchase. After reconsideration, no further action is required, and Procurement will issue the purchase order.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. Click or tap here to enter text.

Richland County Council Request for Action

Subject:

Department of Public Works - Engineering Division - Springwood Lakes Community Drainage Project

Notes:

April 26, 2022 – The A&F Committee recommended Council approve the award of a contract for Springwood Lakes Community Drainage Project engineering services to NOVA Engineering and Environmental, LLC.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Jennifer Wladischkin	Title:	Manager
Department:	Finance	Division:	Procurement
Date Prepared:	April 6, 2022	Meeting Date:	April 26, 2022
Legal Review	Patrick Wright via email	Date:	April 20, 2022
Budget Review	Abhijit Deshpande via email	Date:	April 7, 2022
Finance Review	Stacey Hamm via email	Date:	April 7, 2022
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM	
Committee	Administration & Finance		
Subject:	Springwood Lakes Community Drainage Project Engineering Services		

RECOMMENDED/REQUESTED ACTION:

Staff recommends Council to approve the award of a contract for Springwood Lakes Community Drainage Project engineering services to NOVA Engineering and Environmental, LLC.

Request for Council Reconsideration: Yes

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Funding for this project is provided under a SCDHEC grant approved by County Council on May 4, 2021. Funds are encumbered on requisition R2201317 under account 1200992030.526500/4844200.526500.

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

None.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

There is no motion of origin for this request.

Council Member	Click or tap here to enter text.
Meeting	Click or tap here to enter text.
Date	Click or tap here to enter text.

STRATEGIC & GENERATIVE DISCUSSION:

Portions of Creekwood Drive and Overpond Road are located on the crests of dams that impound Springwood Lake and Crestbrook Pond respectively. Springwood Lake dam is regulated as a High Hazard Dam by SCDHEC. Crestbrook Pond Dam is not regulated by the Dam Safety Section of SCDHEC. At these dams, the roads are presently closed as the result of embankment damage, presumably related to failed or damaged spillway conduits. The goal of the project is to design and, ultimately, construct the embankment as well as drainage improvements that will permit the reopening of Creekwood Drive and Overpond Road in such a way that the reservoir can be maintained, in the case of Crestbrook Pond, or if restored in the future, in the case of Springwood Lake.

The engineering services for this project include schematic designs (surveying, geotechnical investigation, jurisdictional waters investigation, schematic design drawings and calculations, preliminary design review and cost estimate), construction documents (construction drawings and specs, calculations and reports, permit submittals) and construction period services (assistance in bidding, construction conferences, meetings, inspections and testing and project closeout). Additionally, this engineer will include services in support of seeking another grant needed to restore Springwood Lake. The consultant won the qualification based selection based on their understanding of the project and methods to provide the greatest outcome for the Springwood Lake Community. They were the only consultant to have charted a path not only to restore the roadways, but to also ultimately restore the normal operation of the wet basins.

A Request for Proposals was issued in December 2021. There were three submissions which were evaluated and ranked. NOVA Engineering and Environmental was the highest ranked offeror.

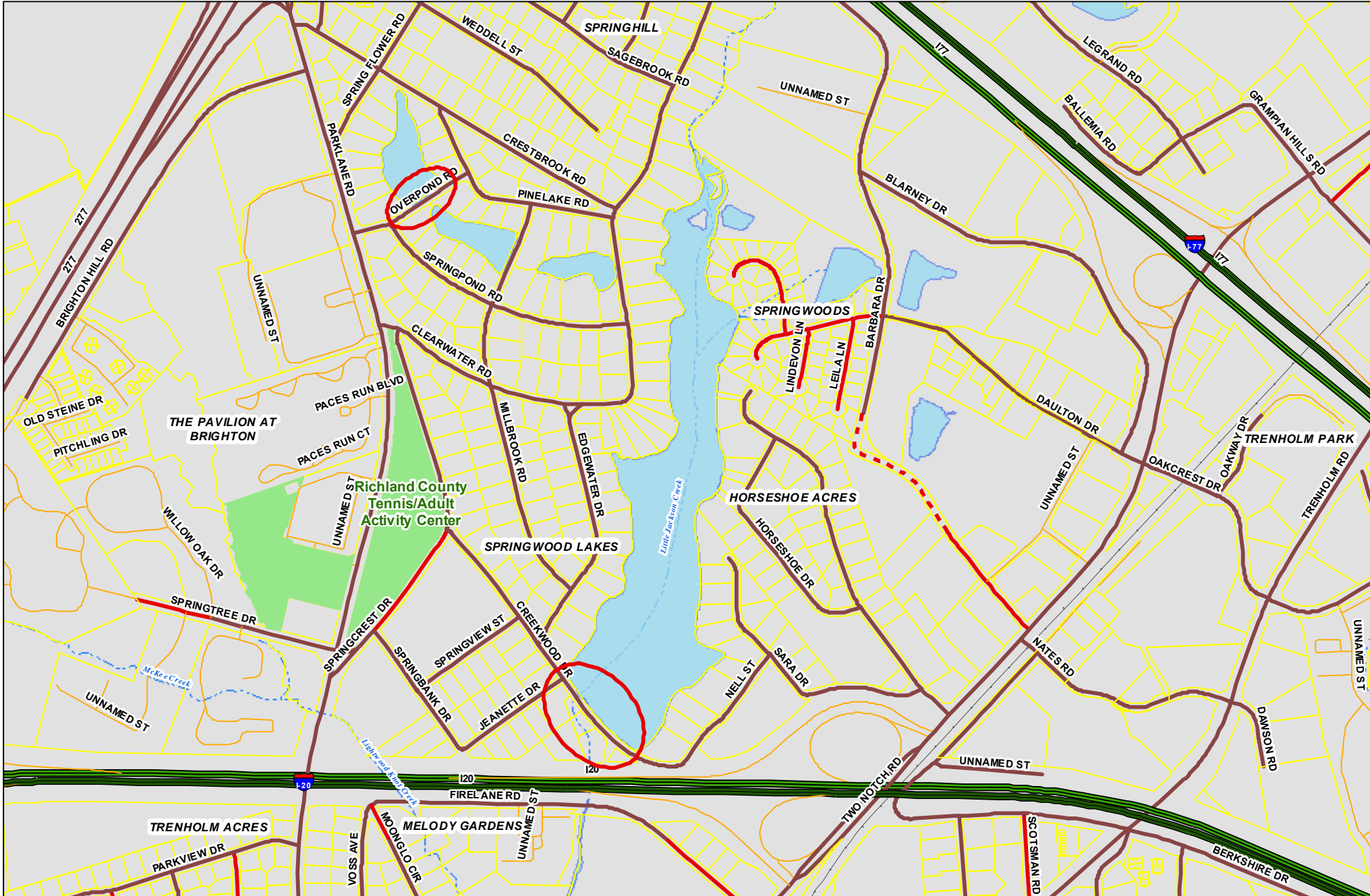
ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.












ATTACHMENTS:

1. Area Map
2. CONFIDENTIAL- Scoring to be provided under separate cover.

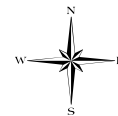
Springwood Lake



Legend

	Parcels		Other		SCDOT
	Waterbody		County Paved		Interstate
	Streams		County Unpaved		Proposed
			Private / Other		None

Note: Areas circled in red indicate where majority of work will take place.



23 of 102 1 inch = 775 feet

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 governments 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.

PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a licensing agreement.

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Richland County Public Works
400 Powell Rd.
Columbia, SC 29205



Richland County Council Request for Action

Subject:

Upper Township Magistrate - Sheriff's Department Substation

Notes:

April 26, 2022 – The A&F Committee recommended Council to award a contract to Solid Structure for the design/build of the Upper Township Sheriff's Substation.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Jennifer Wladischkin	Title:	Manager
Department:	Finance	Division:	Procurement
Date Prepared:	April 4, 2022	Meeting Date:	April 26, 2022
Legal Review	Patrick Wright via email	Date:	April 5, 2022
Budget Review	Abhijit Deshpande via email	Date:	April 7, 2022
Finance Review	Stacey Hamm via email	Date:	April 5, 2022
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM	
Committee	Administration & Finance		
Subject:	Upper Township Sheriff Substation		

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval to award a contract to Solid Structure for the design/build of the Upper Township Sheriff's Substation.

Request for Council Reconsideration: Yes

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

A budget estimate of \$1.2 million was identified for this project. Funding is encumbered using two sources- 1100201001.526500 Special Duty- Professional Services and 1344995000.532200/13441860.532200 Magistrates bond- Construction. The cost proposal provided by the recommended contractor does not exceed this amount.

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

None.

REGULATORY COMPLIANCE:

Not applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	Click or tap here to enter text.
Meeting	Click or tap here to enter text.
Date	Click or tap here to enter text.

STRATEGIC & GENERATIVE DISCUSSION:

In May of 2018, Council approved the design and construction of the Upper Township Magistrate's office on property which was purchased by the County for this use. The property, located at 7615 Wilson Blvd, included a pre-engineered metal building. Approximately half of the building, or 4,830 square feet, was renovated into the magistrate's office including perimeter and parking lot refurbishment. The remaining portion of the structure was upfitted with utility connections for future use.

The space attached to the Upper Township Magistrate's Office was always planned to be used as a substation for the Sheriff's Department. The goal of the Sheriff and the Chief Magistrate has always been to co-locate their offices for the convenience of the citizens and as a cost-saving measure to the County. Currently Region Two, Region Four, and Region Six are co-located with Central Court, the Dutch Fork Magistrate, and the Blythewood Magistrate respectively. Generally speaking, having the Richland County Sheriff's Department (RCSD) presence in the Upper Township community is critically needed and placing this office space there will help fulfill that need. The Midlands Fugitive/Gang Task Force office is currently located in a leased space that is in need of renovation. Moving investigators from a space that is currently leased to a County-owned facility will create a space that meets the current and future operational needs of staff, and will additionally provide a meeting space for community events and outreach opportunities. If the request to upfit the additional space next to the magistrate's office is denied, then the space will remain unoccupied, and the substation will remain in the leased facility. Any efficiencies that could be realized by the move would be lost.

A Request for Qualifications was issued by the Procurement office on February 11, 2022. A pre-bid meeting and site visit were held at the Upper Township Magistrate office and interested contractors were provided with the opportunity to tour the space. There was one submittal received from Solid Structures. Procurement reviewed the submittal, and an evaluation team provided their scoring. The Solid Structures submittal is responsive and responsible, and the recommendation is to award a contract for this project. Solid Structures is a certified M/DBE by the State of South Carolina and South Carolina Department of Transportation (SCDOT).

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. 01 May 2018 – Relevant Regular Session Council Meeting Minutes
2. Floorplan of 7615 Wilson Blvd
3. Preliminary layout provided for solicitation
4. Scoring and cost summary (CONFIDENTIAL- to be provided under separate cover)

17. **REPORT OF THE ADMINISTRATION & FINANCE COMMITTEE**

- a. Approval to negotiate and enter into a Design/Build Contract for Two Magistrate offices – Mr. Malinowski stated the question was divided on this item in committee and a vote taken on each of the magistrate’s offices, so that one would not hold up the other if there were some glitch. Therefore, they need to be voted on individually here.

Ms. Kennedy inquired if we are referring to the magistrate’s office in the Northeast section.

Mr. Malinowski stated he is referring to both of the offices. We can vote on both of them together, but ensure they are divided out.

Mr. N. Jackson stated, for clarification, the motion is to vote on them together, but they need to be divided out. He requested Mr. Malinowski to explain.

Upper Township Magistrate Office – Mr. Malinowski moved, seconded by Ms. McBride, to approve this item.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

Hopkins Magistrate Office – Mr. Malinowski moved, seconded by Ms. McBride, to approve this item.

Mr. N. Jackson stated while he supports the Hopkins Magistrate’s Office he wants to make sure the community is aware that a courthouse will be placed in front of their neighborhood and there is some community input or discussion.

In Favor: Malinowski, C. Jackson, Myers, Pearce, Kennedy, Manning, Dickerson, N. Jackson, Livingston, Rose and McBride

The vote in favor was unanimous.

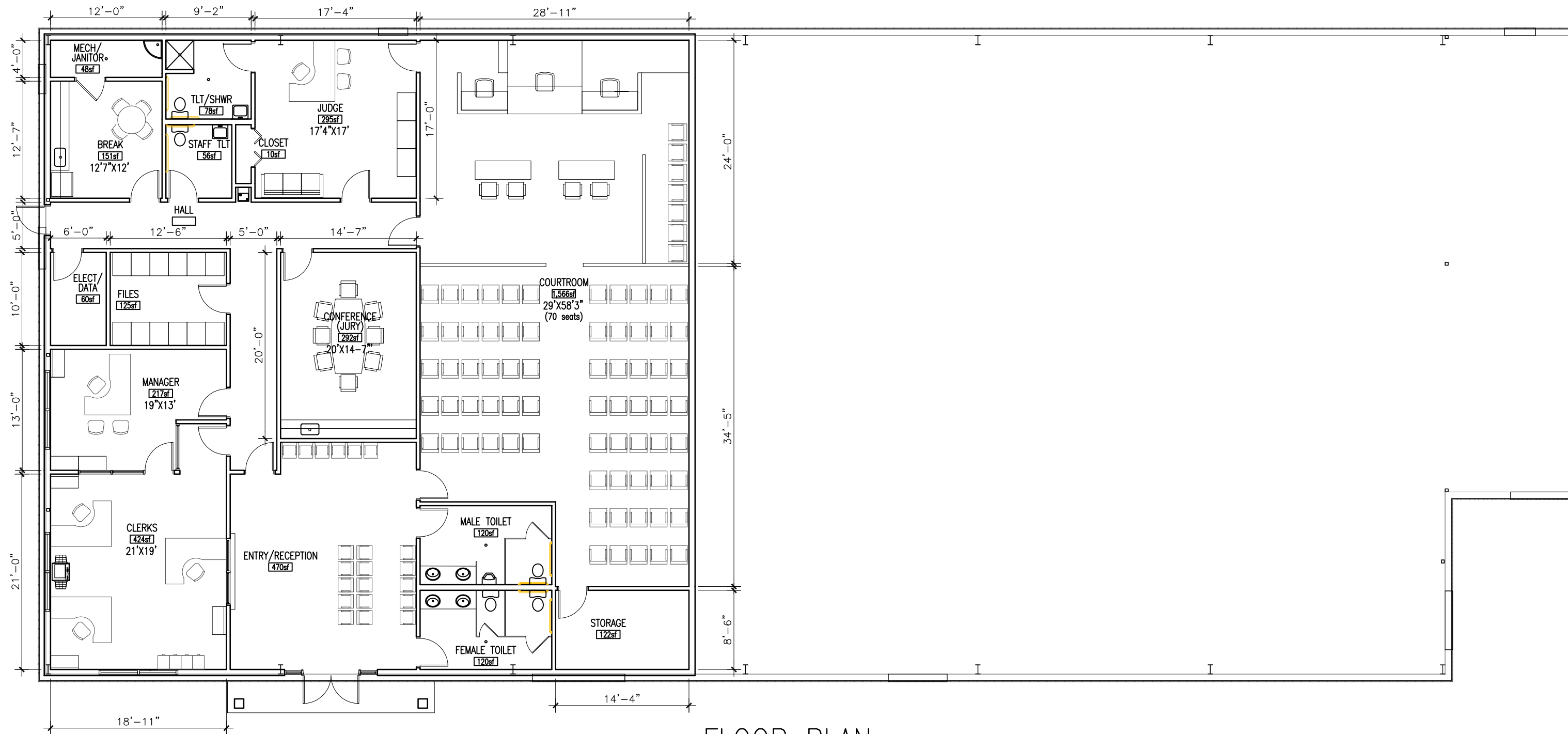
18. **REPORT OF RULES & APPOINTMENTS COMMITTEE**19. **NOTIFICATION OF VACANCIES**

- a. Accommodations Tax – Five (5) Vacancies (One applicant must have a background in the Cultural Industry; Three applicants must have a background in the Hospitality Industry; One is an at-large seat)
- b. Hospitality Tax – Three (3) Vacancies (At least two applicants must be from the Restaurant Industry)
- c. Employee Grievance Committee – Three (3) Vacancies (MUST be a Richland County employee)
- d. Business Service Center Appeals Board – One (1) Vacancy (Applicant must be an attorney)

Regular Session

May 1, 2018

-13-



4,830 GSF

FLOOR PLAN

3/32" = 1'-0"



Design/Planning/Construction
 1201 Main Street, Suite 2100
 Columbia, S.C. 29201
 tel. 803-256-0000
 fax 803-255-7243

owner

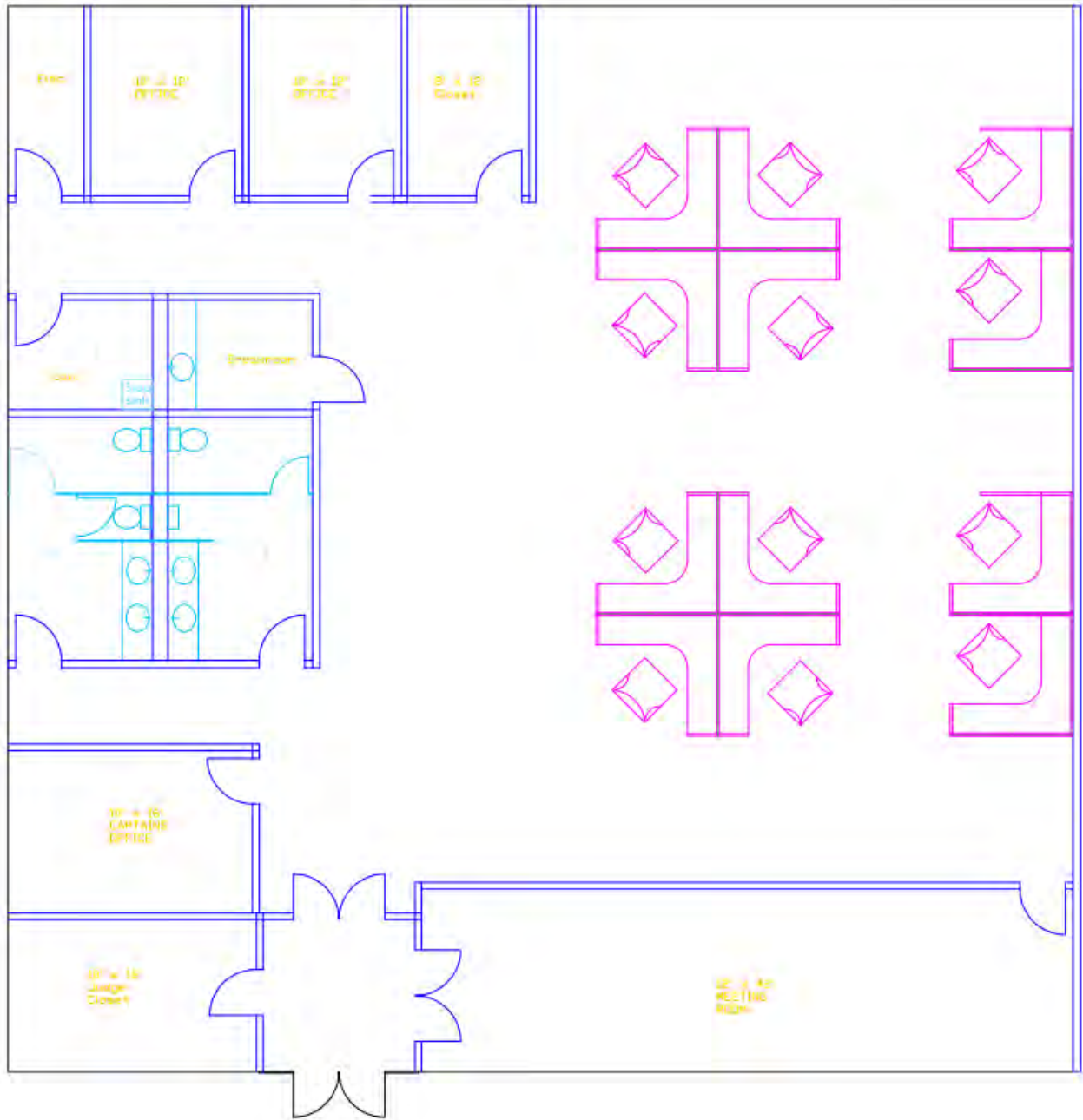


project name
 Richland County
 Magistrate's
 Offices
 project number
 17810.00A

title CONCEPTUAL FLOOR PLAN – Option 7
 UPPER TOWNSHIP MAGISTRATE FACILITY
 issued for BUDGET UPDATE date 4/3/2018
 from
 drawn by

UT-2.1.7

Attachment A: Preliminary Layout



Richland County Council Request for Action

Subject:

An Ordinance to raise revenue, make appropriations, and adopt an Annual Budget (FY2023) for Richland County, South Carolina for Fiscal Year beginning July 1, 2022 and ending June 30, 2023”. So as to raise revenue, make appropriations and Amend the General Fund, Millage Agencies, Special Revenue Funds, Enterprise Funds, and Debt Service Funds Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2022 and ending June 30, 2023

Notes:

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

Richland County Council Request for Action

Subject:

An Ordinance authorizing the levying of Ad Valorem property taxes which together with the prior year's carryover and other State Levies and any additional amount appropriated by the Richland County Council prior to July 1, 2022 will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2022 through June 30, 2023

Notes:

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

Richland County Council Request for Action

Subject:

An Ordinance Amending Ordinance # 05-53.5-21 Amending the Richland County Code of Ordinances, so as to adopt the Richland County Land Development Code Rewrite; and to replace Chapter 26, Land Development amending the effective dates of its provision and clarification of interim procedures

Notes:

First Reading: May 3, 2022 {Tentative}
Second Reading: May 17, 2022 {Tentative}
Third Reading: June 7, 2022 {Tentative}
Public Hearing: May 17, 2022

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Aric A. Jensen	Title:	Assistant County Administrator
Department:	Administration	Division:	Click or tap here to enter text.
Date Prepared:	April 22, 2022	Meeting Date:	May 3, 2022
Legal Review	Patrick Wright via email	Date:	April 27, 2022
Budget Review	Abhijit Deshpande via email	Date:	April 26, 2022
Finance Review	Stacey Hamm via email	Date:	April 26, 2022
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Meeting/Committee	Regular Session		
Subject	AN ORDINANCE AMENDING ORDINANCE # 05-53.5-21 AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO ADOPT THE RICHLAND COUNTY LAND DEVELOPMENT CODE REWRITE; AND TO REPLACE CHAPTER 26, LAND DEVELOPMENT AMENDING THE EFFECTIVE DATES OF ITS PROVISION AND CLARIFICATION OF INTERIM PROCEDURES.		

RECOMMENDED/REQUESTED ACTION:

Staff requests a public hearing and then Council approval for first (1st) reading of an amendment to Ordinance No. 05-53.5-21 amending the Richland County Code of Ordinances, so as to adopt the Richland County Land Development Code Rewrite; and to replace Chapter 26, Land Development amending the effective dates of its provision and clarification of interim procedures.

Request for Council Reconsideration: Yes

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact to the County's budget.

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

None.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

“...to amend the current ordinance and allow someone to request re-zoning under the previous ordinance [until] the new ordinance is adopted.”

Council Member	The Honorable Paul Livingston, District 4
Meeting	Regular Session
Date	April 19, 2022

STRATEGIC & GENERATIVE DISCUSSION:

At its April 19, 2022 Regular Session meeting, County Council passed a motion directing staff to prepare an amendment to Ordinance No. 05-53.5-21, which had received third reading at the November 16, 2021 Regular Session meeting but was not enacted due to the proposed comprehensive revisions to the Land Development Code Zone Map. The purpose and intent of the Council’s action on April 19th was to allow the Planning Commission as much time as is necessary to consider and recommend amendments to: the Richland County Zoning Map, the adopted- but not enacted- Land Development Code, and to any other applicable documents. The purpose and intent are achieved by eliminating specific performance deadlines and by inserting language that clarifies that the existing (“old”) 2005 code and zoning map remain in effect until such time that the Planning Commission and County Council endorse an amended zoning map.

Approving the proposed ordinance amendment provides the County Planning Commission and the County Council the most options because it does not eliminate any of the previously completed work nor does it require that any of the November 2021 adopted code be enacted. Approval of this proposed ordinance eliminates any deadlines and time constraints, so Council and Commission members may feel confident that sufficient public participation has occurred before any changes become effective.

During the map preparation process, it is anticipated that changes to the November 2021 text will be proposed and considered as staff, citizens, the Planning Commission, and the Council work to meld the map and the text into a cohesive document. Appropriate public noticing for any proposed text amendments will be prepared when and if such changes are considered.

A public hearing is required prior to second reading of the proposed amendment.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. A Summary Timeline of the Re-write of the Land Development Code
2. November 16, 2021 Regular Session Minutes
3. Adopted Ordinance
4. Proposed Ordinance Amendment



MEMORANDUM

To Chair Walker and Members of County Council

CC Leonardo Brown, County Administrator; Aric Jensen, Asst. County Administrator; Geonard Price, Deputy Director & Zoning Administrator; Tommy DeLage, Assistant Zoning Administrator; Anette Kirylo, Clerk to Council

From Brian Crooks, Planning Services Manager

Date April 27, 2022

Subject Land Development Code Rewrite Summary & Timeline

This memorandum serves to provide an overview of the Land Development Code Rewrite Process. By way of this memo, staff is presenting a high-level review of engagement activities as well as an overview on the various steps and tasks with the rewrite process, including a general synopsis on input received from each.

REWRITE ENGAGEMENT REVIEW

The below points provide a review summary of the public engagement activities for the five phases of the Land Development Code Rewrite offered as so far:

- Phase 1 (Initiation)
 - o 3 public forums with attendee surveys – positive feedback on goals, objectives, issues, and opportunities for rewriting the Land Development Code.
- Phase 2 (Code Assessment)
 - o 2 public forums (one livestreamed and recorded for additional viewing) – input was consistent with diagnosis of strengths, weaknesses, opportunities, and issues and establishing a way to enhance the code; comments were positive and provided support for adding new rural protections; concerns related to manufactured housing locations.
- Phase 3 (Code Drafting)
 - o 3 public forums (one livestreamed and recorded for additional viewing; one virtual and recorded for additional viewing); positive feedback related to new uses and enhanced development standards, particularly rural protections and zoning districts.
 - o Appointments made available during business hours while the County building was not open to the public.
- Phase 4 (Code Testing)
 - o No public engagement meetings on this phase; report is available for public viewing.
- Phase 5 (Code Adoption – 5A and Remapping – 5B)



- Phase 5A
 - 4 public forums (all virtual and recorded for additional viewing) – 3 public meetings held by Councilperson Newton – 15 in-person drop-in meetings; feedback has generally been positive related to new zoning districts, new land uses and permissions, enhanced protections for rural communities, improved tree protections, required open space for developments, and better connectivity for developments.
 - Appointments made available during business hours while the County building was not open to the public.
 - Phase 5B
 - 25 in-person drop-in meetings throughout the County; feedback was mixed and mostly specific to one’s property or area – e.g. “farm animals”, density standard (both allowing it and not allowing it), non-detached dwellings, and items unrelated to zoning.
 - Ability to schedule a sit-down meeting with staff during business hours or request attendance at a neighborhood meeting – 12 individual sit-downs meetings have been had with either individual property owners, their representatives, or groups wishing to learn more or get additional clarification.
- All phases have totaled 55 individually scheduled meetings to discuss the Land Development Code Rewrite. Additional opportunities existed to meet with staff one-on-one, whether in person, via phone, or via Zoom to discuss the Rewrite. Council members have also requested staff’s attendance at various neighborhood meetings or County sponsored events to provide information on the LDC Rewrite also.

BACKGROUND

The Land Development Code [LDC] Rewrite process started as an outcome and implementation element of the 2015 PLAN Richland County Comprehensive Plan. PLAN Richland County identified the LDC update as the most critical action item for meeting the new vision for the County. Within this framework, the LDC Rewrite serves as the primary means of implementing the community’s vision for where and how to grow as a County. The purpose of the rewrite, beyond the policy direction listed in PLAN Richland County, is to create appropriate development regulations and standards that are user-friendly and align with contemporary zoning practices.

For majority of the LDC Rewrite process, staff has utilized an outside consultant, Clarion Associates. Beginning in Task 5, staff took over as the primary entity conducting the Rewrite process versus managing the consultant and providing input and guidance.

The project itself is currently in Task 5 (Phase V) of the Rewrite, which includes adoption of the code text and review and approval of the Remapping process. Council gave 1st Reading approval to LDC text on September 28, 2021. 3rd Reading was given on November 16, 2021. An effective date of May 2, 2022 is currently included as part of the adopting ordinance. May 2 was originally anticipated to be the effective date for both the text and map.

The zone map amendment (remapping) process is separate from the text adoption, and is ongoing at this time. Staff completed and released the draft zoning map for public review in mid-January. The originally proposed timeline has seen subsequent delays. The timeline moving forward contemplates the finalized process for the map as well as text amendments prior to any effective date for the full LDC.

PROJECT SUMMARY



The overall LDC Rewrite process consists of five tasks or phases. Task 1, 2, 3, and 4 are all complete. Task 1 included the project initiation and establishment of goals and objectives for the project. Task 2 included the creation and review of the LDC Assessment. Task 3 comprised public review of the draft ordinance, public forums, and development of the Zoning Map. Task 3 included initial public forums and work sessions, with one on one engagement opportunities provided for residents to discuss the LDC text. Task 4 involved testing the Draft Zoning Ordinance and Land Development Regulations at selected project sites to gauge the LDC's effectiveness in meeting the desired development outcomes. Task 5 includes preparing the Draft Text(s) (5a) and Zoning Map (5b), as well as their individual adoptions.

During each of the various phases, stakeholder groups and the public at large have been vital for providing feedback, and comments on the LDC Rewrite process. Four formal stakeholder groups exist. Stakeholder Group #1 includes the Building, Development, Business, and Economic community. Stakeholder Group #2 includes the Conservation and Environmental community. Stakeholder Group #3 includes Service Providers (Utilities with County Departments added in Phase III). In addition to the Stakeholder Groups, a Code Rewrite Guidance Committee has served during each phase of the project made up of representatives from all of the stakeholder groups and the public. Likewise, staff met with individual entities who submitted formal comments and offered one-on-one meetings for those with questions or concerns during Phases 3, 4, and 5a. Staff will be continuing these engagement opportunities and others as part of the Remapping process at that time.

REWRITE SYNOPSIS & OVERVIEW OF ENGAGEMENT ACTIVITIES

PHASE I

Phase I consisted of a variety of engagement and input opportunities for all participants. Clarion and staff conducted interviews with then Councilmembers, Planning staff, non-planning staff (Public Works, Utilities, Transportation), appointed board and commission members, individual stakeholder group members, and others about various wants, needs, strengths, weaknesses, issues, and opportunities regarding the LDC. The project team also distributed a survey to staff members for additional input. A primary focus of this was how to incorporate the policy direction of PLAN Richland County in the new LDC.

During Phase 1, the project team also met with the Guidance Committee, Planning Commission, and the public to inform them of the process and obtain input, feedback, and direction of the project goals and objectives. Regarding the public, this included Public Forum #1, #2, and #3. These forums occurred over a three-day period in the southeast, northeast, and northwest portions of the County. In total, nearly 80 persons attended the various forums. Input supported the project and was favorable toward the different goals and objectives. The public provided 183 different ideas and comments regarding the Rewrite with common occurring themes, such as tailoring regulations to different contexts and implementing aspects of the Comp Plan.

These engagement opportunities occurred in February of 2017.

PHASE II

Phase II made available the Code Assessment, which provided a diagnosis and annotated outline. The diagnosis identified key issues the rewrite would need to address. It also provided an analysis of the strengths and weaknesses of the current LDC in addressing/implementing policy in the Comp Plan. It also provided how a new code should address those deficiencies or enhance regulations that are working, whether something new or old items to retain. The annotated outline provided the community, including staff, the public, and Council, an opportunity to review the potential structure of what revisions could look like based upon the findings of the diagnosis. Public Forums #4 and #5 focused upon the Code Assessment and obtaining input from the public. Public Forum #4 was livestreamed and recorded on the County's Livestream service to allow for increased participation and viewing. In total, about 45 persons attended the two forums. Input primarily pertained to questions on how certain changes may have specific impacts, i.e., where manufactured homes would be allowed with the elimination of the Mobile Home (MH) district. The few comments corresponded agreement with what was proposed and how to better the LDC, i.e., improving protections for "rural" areas from single-family housing



developments and need for lower densities in certain areas (in reference to the proposed AG and RRT districts at the time). The public was able to submit any additional comments through the project's webpage or to staff directly.

These engagement opportunities occurred in February of 2018.

PHASE III

Phase III contained numerous opportunities for feedback and engagement. Phase III was the largest overall phase in terms of time and information released. During this phase, the public received the actual draft language for the LDC and ability to begin providing comments on the text directly. The LDC text underwent release in portions due to the nature of the rewrite seeking to establish a completely new LDC. The first portion, Module 1, saw its release in February of 2019. With the Module 1 release, the project team provided the public an overview of the information and provide feedback. This included Public Forum #6 and #7. Public Forum #6 was also livestreamed and recorded on the County's Livestream service to allow for increased participation and viewing. In total, about 40 persons participated in the Module 1 public forums. There was a limited amount of feedback regarding the text. Most comments and questions related to when the map will be available, which would be included in a subsequent phase, or questions regarding uses or development standards, which Module 2 would address. In general, the feedback was positive. The public was able to submit any additional comments, suggestions, or other feedback on Module 1 through the project's webpage or to staff directly.

The second portion of the draft text, or Module 2, comprised the full draft under the Consolidated Draft moniker. The Consolidated Draft underwent release in early March of 2020. This allowed review of both Modules in tandem, rather than in separate modules, which was a concern raised during the Module 1 review. Staff had initially planned in-person engagement events related to the Consolidated Draft but was unable to hold them due to the COVID-19 pandemic. As such, the project team decided to move the engagement opportunities to digital as with the other County meetings. This led to Public Forum #8, recorded on the County's YouTube channel. The forum, at the time of this memorandum, has received 235 views. As part of the Forum, viewers were able to submit questions and comments live during the presentation through either the Comment box on the YouTube or via email to staff. The project team addressed questions and comments during the presentation and/or provided a follow-up after the forum's conclusion.

In addition to the Public Forum, staff set-up one-on-one Zoom and phone appointments for additional engagement and input opportunities during the pandemic. Likewise, residents were able to call or email about the LDC at any time to discuss the rewrite throughout the entire time the County building was not open to the public. Only two individuals signed up for the one-on-one meetings.

The engagement opportunities for Module 1 occurred in February of 2019. For the Consolidated Draft, the public forums occurred in May of 2020 and the individual appointments occurred in November and December of 2020.

PHASE IV

Phase IV of the LDC Rewrite did not include public forums as it was solely the test of how objectives were being achieved. The results, including the presentations to Council and the Planning Commission and the Testing Report, are publicly available for those interested.

Phase IV meetings were held in September, October, and November of 2020.

PHASE V

The LDC Rewrite process is currently in Phase V. This is the final phase for both the LDC text (5a) and the Remapping (5b). The LDC text was made ready and available for review by Council and the public in May of 2021. Since the COVID-19 pandemic was still on going, staff hosted virtual Public Forums again. Public Forums #9, #10, #11, and #12 occurred in May of 2021. Each session underwent recording on the County's YouTube page, where staff streamed the meeting live. Staff answered comments and questions during the meeting using the Zoom Meeting's chat box function. Only about 10



individuals participated in the meetings live at the time. The forums, at the time of this memorandum, has received 169 cumulative views.

Individuals had the ability to schedule one-on-one in-person meetings with staff using the online scheduler app, phone, or email while the building was open for appointments only. Staff only received one request for such a meeting. This meeting consisted primarily of questions and clarification on certain sections of the LDC. Staff had three other one-on-one conversations directly related to questions and comments on the LDC via phone. Most items related to questions or obtaining clarification on the code.

In June, Councilperson Newton requested staff's attendance on meetings she was planning to host in District 11 to discuss zoning and land use, particularly the LDC Rewrite. Three of these meetings in particular focused upon the rewrite and its potential impacts and changes related to rural areas of the County. In total, around 80 persons attended those three meetings. Generally, persons in attendance had comments and questions about stopping development or the rewrite process. Many individuals spoke with staff after the meetings and voiced appreciation for clarifying how new and better protections were included for rural communities.

County Council postponed the Zoning Public Hearing scheduled for June until September to allow for in-person meetings and individuals to participate in the public hearing physically. Throughout this time, staff scheduled thirteen drop-in meetings throughout the County as time and availability allowed. In total, around 40 persons attended the various drop-ins. Most of the individuals who attended the meetings asked questions regarding various portions of the code, such as what an old zoning district would be or how this use may work. Additionally, many had questions unrelated to the LDC but other matters related to development, such as a particular development, traffic and road improvements, or items related to the building and property maintenance codes. Staff heard general comments related to posting of properties and the notice provided on zoning and land use matters, an issue that staff had already identified and is working to address internally versus through the LDC itself.

In addition to the drop-in meetings scheduled by staff, Mr. Pugh requested that two additional meetings occur. One meeting was in the Upper Richland area and many persons from that area's community and property association attended, including about 20 persons in total. Much of the conversation related to what the changes to the rural zoning district would look like and how new protections proposed in the LDC would affect their community. The other meeting occurred at the Doko Manor amphitheater and was attended by three persons. Barbara Ball of the Blythewood Voice was one of the attendees and asked several questions about the new LDC related to single-family developments and the rural areas of the County particular to the Northeast and Blythewood area. Kim Murphy was one of the other attendees and had several follow-up conversations to previous ones she has had with staff. Particularly at this time, Kim Murphy requested that staff create a new draft map of the proposed that includes the Homestead (HM) District in order to see how much area that district may include.

Included in the Phase V engagement opportunities was the Zoning Public Hearing for the text. The meeting occurred on September 28 2021. Six individuals signed up to speak. All of these persons have been involved in the LDC Rewrite in some manner. Two speakers were participants in the Development Stakeholder Group and spoke on behalf of the BIA. Staff is aware of several of their concerns and has worked to address their concerns as best as possible while considering competing interests also. Two members of the Olympia community spoke at the public hearing regarding the Olympia area. Vi Hendley was part of the Rewrite Guidance Committee. The concerns presented by Ms. Hendley and Dr. Jaco are either already addressed or are being addressed in some fashion, particularly, required parking and open space for non-single-family residences and protections for the historic character of the Olympia Community. Another speaker was Javar Jaurez, the leader of the Broad River Business Alliance. Staff has had numerous conversations with Mr. Jaurez on the LDC and other items related to the Broad River Corridor area, particularly the desire for an overlay district for the corridor area. The other speaker was Chris Lawson. Staff has had multiple conversations, communications, and interactions with Mr. Lawson related to both the current LDC and the proposed. Mr. Lawson's biggest worry relates to the sub-use of "paintball & airsoft facilities". Mr. Lawson has been trying to establish this use for a little over two years now and provided feedback to staff on the new code, which staff worked to directly incorporate based upon his concerns.



Since the adoption of the text in November of 2021, there have been additional engagement opportunities scheduled for Phase V, particular to the Remapping process. The intent for the engagement with the Remapping was to schedule a meeting at every Richland County Recreation Commission facility to ensure every portion of the County had an adequate opportunity to attend a meeting and ask questions in person about the Remapping process. Persons interested in learning more would also have the ability to call and email staff or visit the Planning & Zoning Division on the 1st Floor of the County Administration building, where these are also currently available options to learn about the LDC Rewrite in general. Staff hosted twenty-five [25] drop-in meetings specific to the Remapping process. The estimated attendance from among all of the meetings is around 400+/- attendees. The draft Zoning Map was completed in mid-January with meetings starting the following week. Staff provided Council with the meeting schedule in advance of the meetings beginning. The meeting information was also shared via Press Release(s), PIO Weekly Reviews, GCS Bi-Weekly Newsletters, and directly to community groups through GCS, including targeted send outs to areas of greater impact from the map recommendations. In general, feedback has been mixed. There has been some positive feedback but the negative has been much louder and vocal. Positive feedback has varied from area to area, from everything related to greater rural protections under the AG, HM, and RT zoning districts to new land uses and densities under the R2-R4 districts, to potential removal of non-conformities for the ability to build a home. The negative feedback has related directly primarily to four main components: farming/farm animals on one's property; density (both upzoning & downzoning being an issue); use permissions for non-detached units; and other non-zoning related development issues, e.g., infrastructure, traffic, etc. There has also been a lot of misunderstanding and misinformation about how various components or uses within the code would work. This has involved everything from the density standard to land uses to subdivision of property to just development under the code in general.

In addition to these specific drop-in meetings, there has been at least two Public Meetings by the Planning Commission for comment on the Zoning Map. The comments made at the same main topics as what staff has been receiving.

Likewise, staff has also hosted at least twelve [12] individual sit-down meetings by requested by property owners to discuss the code, its impacts on a person's property, and answer questions and provide clarifications. Staff has also been requested to attend at least nine [9] community/neighborhood meetings and/or events to discuss the LDC Rewrite or zoning in general throughout the Remapping process. Additionally, staff has also serviced dozens of walk-up customers at the Planning & Zoning counter, hundreds of emails to the LDC email, as well as staff directly, and thousands of phone calls from property owners and residents with questions about the draft zoning map and code. Common questions have consisted of effect on taxes, what a previous zoning was/what a new zoning means, why is this changing, and what zoning is in general.

Throughout this time, staff also prepared and mailed notices to all property owners in unincorporated Richland County. Notices were mailed to property owners in February of 2021.

Engagement opportunities for Phase V (Text) occurred in May, June, July, August, and September 2021. Engagement opportunities for Phase V (Remapping) occurred in January, February, and March of 2022. At this time, there is the possibility of additional engagement opportunities as the Remapping process continues forward. It is staff's expectation that, as changes to the map or the text itself occur, Council will request additional community meetings on those items. Likewise, there will continue to be additional Public Meetings by the Planning Commission and Zoning Public Hearings by Council as the Remapping process continues and any text amendments are proposed.

LDC REWRITE TIMELINE

Below is a timeline of all significant items/milestones to date

LDC Rewrite:

Task 1: Project Initiation (Phase I)

- *March 9th, 2017*



- LDC Rewrite Questionnaire Sent
- *March 27th, 2017*
 - Staff Interviews
 - Planning Commission Work-session
 - Councilmember Interviews
 - Site Visits
 - Public Forum #1 and #2
- *March 28th, 2017*
 - Code Rewrite Guidance Committee Meeting
 - Councilmember Interviews
 - Stakeholder Group #1 Meeting
 - County Department Interviews
 - Zoning Public Hearing Presentation
- *March 29th, 2017*
 - Stakeholder Group #2 Meeting
 - County Department Interviews
 - Stakeholder Group #3 Meeting
 - Site Visits
 - Public Forum #3

Task 2: LDC Assessment (Phase II)

- *August 2017*
 - Staff Review of LDC Assessment
- *December 2017*
 - LDC Assessment Public Draft Released for Comment
- *February 5th, 2017*
 - Planning Commission Work-session
 - Public Forum #4 (Multisite + Livestreamed)
- *February 6th, 2017*

- Stakeholder Group #1 Meeting
- Stakeholder Group #2 Meeting
- Stakeholder Group #3 Meeting
- Staff/Consultant Discussion
- County Council Presentation
- *February 7th, 2017*
 - County Departments Meeting
 - Code Rewrite Guidance Committee Meeting
 - Public Forum #5

Task 3: LDC Drafts (Phase III)

- *June 2018*
 - Staff Review of Module 1A draft
- *July 2018*
 - Staff Review of Module 1B draft
- *January 2019*
 - LDC Module 1 draft released for public review and comment
- *February 25th, 2019*
 - Code Rewrite Guidance Committee Module 1
 - Stakeholder Group #2 Meeting Module 1
 - Planning Commission Work-session Module 1
 - Public Forum #6 (Livestreamed) Module 1
- *February 26th, 2019*
 - Stakeholder Group #3 Meeting Module 1
 - Stakeholder Group #1 Meeting Module 1
 - Public Forum #7 Module 1
 - Staff/Consultant Discussion Module 1
 - Zoning Public Hearing Presentation Module 1
- *March 2019*



- Conference call with Clarion, Vice-Chair Myers and Councilwoman Dickerson about AG district
- March 18th, 2019
 - Gave an overview and update on the Code Rewrite for the Conservation Commission
- *April 2019 (1st Week)*
 - Begin standing conference call meetings (bi-weekly) with Clarion
- *June 20, 2019*
 - Conference call with Robert Reese, Lower Richland NAACP President, to discuss the LDC Rewrite
- *September 25, 2019*
 - Planned overview and discussion of LDC Rewrite during Planning Commission Retreat
- *November 2019*
 - Staff receives Consolidated Draft (Modules 1 and 2 combined) and begins review
- *December 12th, 13th, & 15th, 2019*
 - Staff meetings for recommended edits for the Consolidated Draft
- *March 9th, 2020*
 - Consolidated LDC draft released for public review and comment
- *March 16th, 17th, & 18th, 2020*
 - Open meetings for County Council to discuss the LDC Rewrite and Consolidated Draft prior to Stakeholder and public meetings
- *Late March 2020*
 - Scheduled in-person Stakeholder, PC, Council, and other public meetings put on hold due to COVID19
- *May 12, 2020*
 - PIO Press Release on LDC Rewrite and Public Forum #8
- *May 13, 2020*
 - Code Rewrite Guidance Committee and Stakeholder Group Meetings on Consolidated Draft
- *May 14, 2020*
 - Public Presentation Forum #8 (Livestreamed) and made available on the County's YouTube
 - Planning Commission and County Council Presentation on Consolidated Draft
- *May 28, 2020*

- County Council Worksession on LDC
- *June 18, 2020*
 - Overview and discussion with BIA of SC on their comments submitted for the Consolidated Draft
- *June 29, 2020*
 - Overview and discussion with the Conservation Commission on their comments submitted for the Consolidated Draft
- *July 7 and 9, 2020*
 - County Council Work sessions on Consolidated Draft
- *July 13, 2020*
 - Overview and discussion with the Conservation Commission on their comments submitted for the Consolidated Draft
- *July 16, 2020*
 - Overview and discussion with BIA of SC on their comments submitted for the Consolidated Draft
- *July 23, 2020*
 - Overview and discussion with Sierra Club Representative on the Consolidated Draft
- *July 27, 2020*
 - Overview and discussion with the Conservation Commission on their comments submitted for the Consolidated Draft
- *July 30, 2020*
 - Overview and discussion with BIA of SC on their comments submitted for the Consolidated Draft
- *August 13, 2020*
 - Overview and discussion with BIA of SC on their comments submitted for the Consolidated Draft
- *September 17, 2020*
 - Overview and discussion with the Gill's Creek Watershed Association on their comments submitted for the Consolidated Draft
- *September 25, 2020*
 - Overview and discussion with the Gill's Creek Watershed Association on their comments submitted for the Consolidated Draft
- *November 23 and 24, 2020*
 - Meeting with Councilmember-elects on the Land Development Code Rewrite



- November 30, 2020 – December 11, 2020
 - PIO Press Release for opening up scheduling 1-on-1 meetings with staff and the public to discuss and provide comments on the LDC Rewrite
 - Dec. 7, 2020 – Lynnford Hughes
 - Dec. 9, 2020 – Kevin Simpson
- December 21, 2020
 - Overview and update on the LDC Rewrite Process to the Conservation Commission regarding comments submitted

Task 4: Test LDC Draft Regulations and Standards (Phase IV) Concurrent with Task 3

- *May/June of 2020*
 - Staff and Clarion discuss and select case study locations
- *July/August 2020*
 - Testing of LDC at the designated sites by Clarion
- *September 2020*
 - Clarion submits testing results to Staff for review
- *September 22, 2020*
 - Testing Results Presentation for Council [Re-scheduled for lack of attendance]
- *October 14, 2020*
 - Testing Results Presentation for Council [Part 1]
- *October 22, 2020*
 - Testing Results Presentation for Council [Part 2]
- *November 5, 2020*
 - Testing Results Presentation for BIA of SC
- *November 9, 2020*
 - Testing Results Presentation for Planning Commission
- *November 11, 2020*
 - Testing Results released for Public Review
- *November 2020 – January 2021*



- Make refinements and adjustments to Code based upon testing results and other comments received

Task 5: Prepare Public Hearing Draft of LDC and Zoning Map (Phase V)

- *December through March 2020*
 - Continue Zoning Map draft iterations
- *December 11th, 2020*
 - Comment submittal period ended for the LDC Consolidated Draft Text
- *January 2021*
 - Staff reviews all comments and begins preparing recommended changes
- *January 29, 2021*
 - *County Council Retreat: Informational update and overview on the LDC Rewrite*
- *February 2021*
 - Feb. 8, 201
 - Staff submits recommended changes and edits, along with all submitted comments, to Clarion
 - Clarion undertakes revisions for the Public Hearing Draft
 - Staff discussions on recommended changes with Clarion
 - Reach out to Councilmembers to schedule individual meetings in February and March to go over the Zoning Map
- *March, April, May 2021*
 - Individual Council Meetings on Remapping Process
 - *March 31st, 2021*
 - Councilman Livingston
 - *March 31st, 2021*
 - Councilwoman Mackey
 - *April 1st, 2021*
 - Councilwoman Newton
 - *April 2nd, 2021*
 - Councilwoman Barron



- *April 7th, 2021*
 - Councilman Walker
- *April 12th, 2021*
 - Councilwoman Newton
- *April 29th, 2021*
 - Councilwoman Terracio
- *May 4th, 2021*
 - Councilwoman English
- *May 5th, 2021*
 - Councilman Pugh
- *May 12th, 2021*
 - Councilman Malinowski
- *April 22nd, 2021*
 - Individual Stakeholder meeting with representatives from McEntire ANGB
- *April 27th, 2021*
 - Council receives Public Hearing Draft
- *May 3rd, 2021*
 - Release Public Hearing Draft for public review
- *May 12th, 2021*
 - Individual Stakeholder meeting with representatives from the Central SC BIA
- *May 13th, 2021*
 - Individual Stakeholder meeting with representatives from the military installations
- *May 17th, 2021*
 - Individual Stakeholder meeting with the Conservation Commission
- *May 17th, 2021*
 - Worksession on the LDC text with the Planning Commission
- *May 18th, 2021*
 - Individual Stakeholder meeting with the Central SC BIA

- May 20, 2021
 - County Council Worksession on Remapping Process
- May 21, 2021
 - One-on-one in-person meeting with Pamela Greenlaw
- *May 24th, 2021*
 - Land Development Code Rewrite Guidance Committee Meeting
- *May 25th, 2021*
 - Land Development Code Rewrite Public Forum #9
 - Land Development Code Rewrite Service Provider Stakeholder Group Meeting
- *May 26th, 2021*
 - Land Development Code Rewrite Public Forum #10
 - Land Development Code Rewrite Public Forum #11
- *May 27th, 2021*
 - Land Development Code Rewrite Environmental Community Stakeholder Meeting
 - Land Development Code Rewrite Business and Development Community Stakeholder Meeting
 - Land Development Code Rewrite Public Forum #12
 - One-on-one phone conversation with Kim Murphy
- *June 1, 2021*
 - One-on-one phone conversation with Dr. Bryan Grady
- *June 4, 2021*
 - One-on-one phone conversation with Elaine Dubose
- *June 7th, 2021*
 - Planning Commission Public Meeting on Public Hearing Draft
- *June 9, 2021*
 - Ms. Newton Community Meeting #1 on Land Development and Zoning in District 11
- *June 14, 2021*
 - Planning Commission Public Meeting on Public Hearing Draft with Recommendations on Text
- *June 21, 2021*

- Ms. Newton Community Meeting #2 on Land Development and Zoning in District 11
- *June 23, 2021*
 - Ms. Newton Community Meeting #3 on Land Development and Zoning in District 11
- *July, August, September 2021*
 - LDC Rewrite In-person Drop-in Meetings
 - *Wednesday, July 28 – Crossroads Community Center*
 - *Thursday, July 29 – Meadowlake Park*
 - *Tuesday, Aug. 3 – Upper Richland Community Center*
 - *Wednesday, Aug. 4 – Gadsden Park Community Center*
 - *Tuesday, Aug. 10 – County Administration Building*
 - *Tuesday, Aug. 10 – Hopkins Park*
 - *Thursday, Aug. 12 – County Administration Building*
 - *Thursday, Aug. 12 – Ballentine Community Center*
 - *Tuesday, Aug. 17 – County Administration Building*
 - *Wednesday, Aug. 18 – Decker Center*
 - *Thursday, Aug. 19 – County Administration Building*
 - *Thursday, Aug. 19 – Blythewood Park*
 - *Wednesday, Aug. 25 – Upper Richland Community Center*
 - *Tuesday, Aug. 31 – Crane Creek Gymnasium*
 - *Thursday, Sept. 2 – Doko Manor Amphitheater*
- *September 23, 2021*
 - County Council Worksession on the Planning Commission’s Recommended text
- *September 28, 2021*
 - Zoning Public Hearing and 1st Reading of the text
- *October 19, 2021*
 - 2nd Reading of the text
- *November 16, 201*
 - 3rd and Final Reading of the LDC Text

- *January 14, 2022*
 - Release draft Zoning Map for public review
- *February 14, 2022*
 - Notices sent regarding upcoming map amendment with property zoning information
- *February 15, 2022*
 - Interactive Zoning Viewer App made available
- *January, February, and March 2022*
 - LDC Remapping In-person Drop-in Community Meetings
 - *Tuesday, January 18 – Blythewood Park*
 - *Wednesday, January 19 – Parklane Adult Activity Center*
 - *Monday, January 24 – Cross Roads Community Center*
 - *Tuesday, January 25 – Eastover Park*
 - *Wednesday, January 26 – Bluff Road Park*
 - *Thursday, January 27 – Ballentine Community Center*
 - *Tuesday, February 1 – Friarsgate Park*
 - *Wednesday, February 2 – Garners Ferry Adult Activity Center*
 - *Tuesday, February 8 – Hopkins Adult Activity Center*
 - *Wednesday, February 9 – Killian Park*
 - *Thursday, February 10 – Meadowlake Park*
 - *Tuesday, February 15 – New Castle-Trenholm Acres Community Center*
 - *Wednesday, February 16 – North Springs Community Center*
 - *Thursday, February 17 – Perrin-Thomas Community Center*
 - *Tuesday, February 22 – Pine Grove Community Center*
 - *Wednesday, February 23 – Ridgewood Park Community Center*
 - *Thursday, February 24 – Polo Road Park*
 - *Tuesday, March 1 – St. Andrews Park*
 - *Wednesday, March 2 – Upper Richland Community Center*
 - *Tuesday, March 17 – Garners Ferry Adult Activity Center*



- *Monday, March 21 – Parklane Adult Activity Center*
 - *Tuesday, March 22 – Gadsden Park Community Center*
 - *Thursday, March 24 – North Springs Park Community Center*
 - *Monday, March 28 – Pine Grove Community Center*
- *March 7, 2022*
 - Planning Commission Public Meeting on Zoning Map
 - No action taken by Planning Commission
- *March 22, 2022*
 - Scheduled Zoning Public Hearing cancelled
- *April 4, 2022*
 - Planning Commission Public Meeting on Zoning Map
 - Planning Commission defers action on Zoning Map
- *April 19, 2022*
 - County Council regularly scheduled meeting where discuss was held in relation to the LDC Rewrite adopting ordinance
- *April 26, 2022*
 - Scheduled Zoning Public Hearing cancelled



READING]

- b. **Ordinance Authorizing Quit-Claim Deed of Olympia Alleyways to contiguous landowner (Mr. Outlaw – 726 Maryland Street) [SECOND READING]**

Ms. Newton moved, seconded by Ms. Barron, to approve the Consent Items.

In Favor: Malinowski, Pugh, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

Not Present: McBride

The vote in favor was unanimous.

13. **THIRD READING ITEMS**

- a. **An Ordinance making certain changes to Article I, Chapter 16 of the Code of Ordinances of Richland County relating to business licensing and regulation** – Ms. Newton moved, seconded by Ms. Mackey, to approve this item.

Mr. Malinowski stated, for clarification, we are only approving the State requirements, the remainder of the ordinance content is unchanged.

Mr. Cavanaugh responded in the affirmative.

In Favor: Malinowski, Pugh, Livingston, Terracio, J. Walker, Barron, O. Walker, Mackey, English and Newton

Not Present: McBride

The vote in favor was unanimous.

- b. **An Ordinance Amending the Richland County Code of Ordinances, so as to adopt the Richland County Land Development Code Rewrite; and to replace Chapter 26, Land Development** – Mr. J. Walker moved, seconded by Ms. Barron, to approve this item.

Mr. J. Walker inquired if the amended ordinance removes the moratorium re-zoning language.

Mr. Price responded, until December 1, 2021, anyone can request a re-zoning under the current zoning designations. After December 1, 2021, they can request a re-zoning utilizing the new Land Development Code. The term “moratorium” has been removed from the ordinance.

Ms. Newton stated, in her area, there is constant conflict between the Comprehensive Plan and zoning recommendations. She requested to “pause” re-zonings in District 11.

Ms. Newton made a substitute motion, seconded by Ms. Barron, to adopt the ordinance, but to “pause” re-zonings in District 11 until the remapping process is complete, to allow for conflicts in the Comprehensive Plan to be addressed.

Mr. Malinowski noted Council was told they could send their comments/questions about the Land Development Code Rewrite to staff, but he has not been provided any feedback to his questions.

Ms. Terracio inquired if Council will be voting on re-zoning requests that were already in the que at the December Zoning Public Hearing.

Mr. Price responded there are re-zoning requests in the que that will come before Council in December and February.

Ms. Terracio inquired if Council will be voting on re-zoning requests utilizing the new zoning designations in February, March and April.

Mr. Price responded in the affirmative. He noted the approved re-zonings will not take effect prior to the remapping process being approved.

Mr. Malinowski inquired how the maps will be created.

Mr. Price responded staff will essentially do conceptual mapping for Richland County. During that time, staff will meet with each Councilmember to look specifically at their respective district.

Ms. Barron inquired how the changes are being communicated to the citizens.

Mr. Price responded, once the text is in place, there will be a mail-out informing citizens of the new zoning designation for their property. During this time, staff will have numerous meetings within the communities. In addition, if Councilmembers identify specific areas to meet with, staff will be conduct meetings in those areas.

Ms. Barron inquired, if we are going to be implementing the new code for those applying for re-zonings, how will this be communicated to the citizens.

Mr. Price responded staff will reach out to those citizens that previously inquired about re-zoning. In addition, when individuals come in to inquire about re-zoning, staff can explain the new zoning designations. Staff will also place information on the County's website.

Ms. Mackey inquired if there are any staff/legal concerns regarding Ms. Newton's motion singling out District 11.

Mr. Wright responded, in order to do a variance, there has be an articulable reason. Then, it is up to Council to decide if they accept the reason for the variance.

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

Opposed: Malinowski, Livingston, J. Walker and O. Walker

Not Present: McBride

The vote was in favor.

14. **SECOND READING**

- a. **Authorizing the execution and delivery of a fee-in-lieu of ad valorem taxes and incentive agreement by and between Richland County, South Carolina and Carolina Pines Industrial I, LLC to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters** – Ms. Newton moved, seconded by Ms. Barron, to approve this item.

Mr. Malinowski noted in the Economic Development documents it states, "The Chair, the County Administrator and the Clerk to County Council are each authorized to execute such documents and take such further actions as may be necessary to complete the expansion..." He believes any changes need to be brought back to Council.

Ms. Terracio inquired about the normal process.

Mr. Livingston responded usually what is executed is what Council approves.

Mr. Ruble responded these are form documents that were vetted between outside counsel and the County's legal counsel. The documents are used with most economic development projects. He noted Ms. Emily Luther

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 53.5-21HR

Attachment 3

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO ADOPT THE RICHLAND COUNTY LAND DEVELOPMENT CODE REWRITE; AND TO REPLACE CHAPTER 26, LAND DEVELOPMENT.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development, is hereby amended by the deletion of the language contained therein and the substitution of the following:

Exhibit "A" - Richland County Land Development Code Rewrite

SECTION II. Interim Procedures.

- (a) *Notice.* Within ninety (90) days of the adoption of this ordinance, the county shall mail written notice to all real property owners of record in the unincorporated areas of the county, informing them that a new land development code has been adopted and that a map amendment ordinance will soon be adopted, both of which will become effective on May 2, 2022, and that the uses of their property could be affected by the adoption of these ordinances. In addition, the notice will provide contact information for those persons who desire additional information and/or have questions.
- (b) *Staff reports.* Upon adoption of this ordinance, the planning and development department staff shall begin to provide monthly written reports to county council on the progress of implementing the new land development code. The reports shall include, but not be limited to, the number of inquiries the department has received concerning the land development code. Monthly reports shall continue until the effective date of this ordinance.
- (d) *Compliance.* All standards and regulations of the new land development code, which is incorporated herein, must be complied with beginning on May 2, 2022. Applications and submittals accepted prior to May 2, 2022 shall be processed in good faith according to Sec. 26-1.9. Transitional Provisions found within the Land Development Code adopted on November 16, 2021.

SECTION III. It is hereby enacted that from and after December 1, 2021, no person shall be permitted to apply for any zoning district classification other than a district classification described and regulated in the Land Development Code Rewrite adopted on November 16, 2021.

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

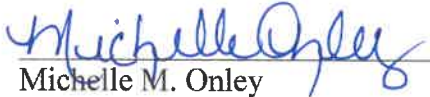
SECTION V. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION VI. Effective Date. The provisions of Section II. (Interim Procedures) and Section III of this ordinance shall be effective from and after November 16, 2021. All other provisions of this ordinance shall be effective from and after May 2, 2022.

RICHLAND COUNTY COUNCIL

By: 
Paul Livingston, Chair

Attest this 7 day of
December, 2021.



Michelle M. Onley
Interim Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE



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

Public Hearing:	September 28, 2021
First Reading:	September 28, 2021
Second Reading:	October 19, 2021
Third Reading:	November 16, 2021

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. -21HR

~~AN ORDINANCE AMENDING Ordinance # 05-53.5-21 Amending THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO ADOPT THE RICHLAND COUNTY LAND DEVELOPMENT CODE REWRITE; AND TO REPLACE CHAPTER 26, LAND DEVELOPMENT Amending the effective dates of its provision and clarification of interim procedures. THIS ORDINANCE SERVES AS AN AMENDMENT TO ORDINANCE ?? 21 HR, AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO ADOPT THE RICHLAND COUNTY LAND DEVELOPMENT CODE REWRITE; AND TO REPLACE CHAPTER 26, LAND DEVELOPMENT, WHICH AMENDS THE EFFECTIVE DATES OF ITS PROVISIONS AND CLARIFIES CERTAIN INTERIM PROCEDURES.~~

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development, is hereby amended by the deletion of the language contained therein and the substitution of the following:

Exhibit "A" - Richland County Land Development Code Rewrite

SECTION II. Interim Procedures.

- (a) *Notice.* Within ninety (90) days of the adoption of this ordinance, the county shall mail written notice to all real property owners of record in the unincorporated areas of the county, informing them that a new land development code has been adopted and that a map amendment ordinance ~~is proposed~~ will soon be adopted, both of which will become effective ~~as part of upon the adoption of the map amendment ordinance on July 6, 2022,~~ and that the uses of their property could be affected by the adoption of these ordinances. In addition, the notice will provide contact information for those persons who desire additional information and/or have questions.
- (b) *Zone Map Preparation Process* ~~Staff reports.~~ Upon adoption of this ordinance, the planning and development department staff shall assist the Richland County Planning Commission to prepare a zone map amendment as set forth in SCCode Section 6 Chapter 29 et seq, and applicable provisions of Richland County Code.
- (c) *Staff Reports.* ~~The Planning Commission or its professional staff shall begin to at a minimum~~ provide monthly written reports to County Council on the progress of ~~implementing the proposed~~ new land development code and zone map. The reports shall include, but not be limited to, the number of inquiries the department has received concerning the land development code. Monthly reports shall continue until the effective date of this ordinance and the zone map amendment.
- (d) *Compliance.* ~~Prior to the adoption of the anticipated zone map amendment ordinance, any application for building permit, subdivision, or any other applicable land use action shall be evaluated and processed in accordance with the existing Richland County Code of Ordinances, Chapter 26, Land Development, and not the revised regulations contemplated herein.~~
- (e) *Effective Date.* All standards and regulations of the new land development code, which is incorporated herein, must be complied with beginning on ~~July 6, 2022~~ the effective date of the anticipated map amendment adopting ordinance. ~~Applications and submittals accepted prior to July 6, 2022 the effective date of the map amendment adopting ordinance shall be processed in good faith according to Sec. 26-1.9. Transitional Provisions found within the Land Development Code adopted on November 16, 2021.~~

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~~SECTION II.~~ It is hereby enacted that from and after December 1, 2021, no person shall be permitted to apply for any zoning district classification other than a district classification described and regulated in the Land Development Code Rewrite adopted on November 16, 2021.

~~SECTION III.~~ A moratorium on requests for map amendments within County Council District 11 is hereby enacted, so that no person shall be permitted to apply for any zoning district classification other than a district classification described and regulated in the Land Development Code Rewrite adopted on November 16, 2021 until the effective date of the map amendment adopting ordinance July 6, 2022.

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

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

~~SECTION VI.~~ Effective Date. The provisions of Section II. (Interim Procedures) ~~and Section III~~ of this ordinance shall be effective from and after November 16, 2021. All other provisions of this ordinance shall be effective from and after the effective date of the map amendment adopting ordinance May 2, 2022.

RICHLAND COUNTY COUNCIL

By: Paul Livingston Overture Walker, Chair

Attest this _____ day of _____, 2021.

Michelle M. Onley Anette Kirylo
~~Interim~~ Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: September 28, 2021 TBD
First Reading: September 28, 2021 TBD
Second Reading: October 19, 2021 TBD
Third Reading: November 16, 2021 TBD

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. -21HR

AN ORDINANCE AMENDING Ordinance # 05-53.5-21 Amending THE RICHLAND COUNTY CODE OF ORDINANCES, SO AS TO ADOPT THE RICHLAND COUNTY LAND DEVELOPMENT CODE REWRITE; AND TO REPLACE CHAPTER 26, LAND DEVELOPMENT Amending the effective dates of its provision and clarification of interim procedures.

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- (b) *Zone Map Preparation Process.* Upon adoption of this ordinance, the planning and development department staff shall assist the Richland County Planning Commission to prepare a zone map amendment as set forth in SCCode Section 6 Chapter 29 et seq, and applicable provisions of Richland County Code.
- (c) *Staff Reports.* The Planning Commission or its professional staff shall at a minimum provide monthly written reports to County Council on the progress of the proposed land development code and zone map. The reports shall include, but not be limited to, the number of inquiries the department has received concerning the land development code. Monthly reports shall continue until the effective date of this ordinance and the zone map amendment.
- (d) *Compliance.* Prior to the adoption of the anticipated zone map amendment ordinance, any application for building permit, subdivision, or any other applicable land use action shall be evaluated and processed in accordance with the existing Richland County Code of Ordinances, Chapter 26, Land Development, and not the revised regulations contemplated herein.
- (e) *Effective Date.* All standards and regulations of the new land development code, which is incorporated herein, must be complied with beginning on the effective date of the anticipated map amendment adopting ordinance. .

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

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

SECTION V. Effective Date. The provisions of Section II. (Interim Procedures) of this ordinance shall be effective from and after **November 16, 2021**. All other provisions of this

ordinance shall be effective from and after the effective date of the map amendment adopting ordinance.

RICHLAND COUNTY COUNCIL

By: _____
Overture Walker, Chair

Attest this _____ day of
_____, 2021.

Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. -21HR

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in good faith according to Sec. 26-1.9. Transitional Provisions found within the Land Development Code adopted on ~~November 16, 2021~~.

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~~SECTION III.~~ A moratorium on requests for map amendments within County Council District 11 is hereby enacted, so that no person shall be permitted to apply for any zoning district classification other than a district classification described and regulated in the Land Development Code Rewrite adopted on ~~November 16, 2021~~ until the effective date of the map amendment adopting ordinance July 6, 2022.

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~~SECTION VI.~~ Effective Date. The provisions of Section II. (Interim Procedures) ~~and Section III~~ of this ordinance shall be effective from and after ~~November 16, 2021~~. All other provisions of this ordinance shall be effective from and after the effective date of the map amendment adopting ordinance May 2, 2022.

RICHLAND COUNTY COUNCIL

By: Paul Livingston Overture Walker, Chair

Attest this _____ day of _____, 2021.

~~Michelle M. Onley~~ Anette Kirylo
~~Interim~~ Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

Public Hearing: September 28, 2021 TBD
First Reading: September 28, 2021 TBD
Second Reading: October 19, 2021 TBD
Third Reading: November 16, 2021 TBD

Richland County Council Request for Action

Subject:

2022 County Administrator Evaluation Process

Notes:

April 19, 2022 – The Employee Evaluation & Oversight Ad Hoc Committee recommended Council direct Ms. Wladischkin and Procurement to enter into negotiations with company #2.

Richland County Council Request for Action

Subject:

County Attorney and Clerk to Council Performance Evaluation Process

Notes:

April 19, 2022 – The Employee Evaluation & Oversight Ad Hoc Committee recommended Council to direct Ms. Wladischkin and Procurement to enter into negotiations with company #2. The budgeted amount should not exceed the amount discussed in Executive Session.

Richland County Council Request for Action

Subject:

I-20/Broad River Rd. Interchange

Notes:

April 26, 2022 – The Transportation Ad Hoc Committee recommended Council approve the de-programming of the I-20/Broad River Rd. Interchange Project in the amount of \$52,500,000.



Agenda Briefing

Prepared by:	Michael Maloney, PE	Title:	Interim Director
Department:	Transportation	Division:	Click or tap here to enter text.
Date Prepared:	April 5, 2022	Meeting Date:	April 26, 2022
Legal Review	Patrick Wright via email	Date:	April 12, 2022
Budget Review	Abhijit Deshpande via email	Date:	April 7, 2022
Finance Review	Stacey Hamm via email	Date:	April 11, 2022
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Committee	Transportation Ad Hoc		
Subject:	I-20/Broad River Rd. Interchange		

RECOMMENDED/REQUESTED ACTION:

Staff requests approval to de-program the \$52,500,000 from the I-20/Broad River Rd. Interchange Project.

Request for Council Reconsideration: Yes

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

None applicable.

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

None.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	Click or tap here to enter text.
Meeting	Click or tap here to enter text.
Date	Click or tap here to enter text.

STRATEGIC & GENERATIVE DISCUSSION:

As part of the original referendum, \$52,500,000 was programmed for the I-20/Broad River Rd. Interchange as part of the South Carolina Department of Transportation's (SCDOT) Carolina Crossroads project. To date, SCDOT has not submitted a request for this funding and has not indicated that they will request it.

On June 21, 2018, former Assistant County Administrator Dr. Sandra Yudicé sent a letter to SCDOT informing them that the County intends to reallocate this funding to other projects within the County. In our recent communication with SCDOT, they will not respond to the letter. They have not formed an Intergovernmental Agreement (IGA) for the project, but they have proceeded into the project using their State program funds and federal interstate funds.

In the current Intergovernmental Agreement with SCDOT, dated February 7, 2014, the language in section 1.C states that "*Nothing contained in this Agreement shall be construed to require the County to undertake or complete any particular Project in the Program. Those obligations shall be solely governed by the actions of Richland County Council and applicable law.*"

It is for these reasons that staff requests this funding be de-programmed and considered to be a reserve fund to be made available for use on other Program projects as budgetarily needed.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. Dr. Yudicé Letter to SCDOT
2. SCDOT/County IGA
3. Carolina Crossroads - Preliminary Plan Excerpt

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050

Attachment 1



June 21, 2018

Leland D. Colvin, P.E.
Deputy Secretary for Engineering
South Carolina Department of Transportation
955 Park Street
Post Office Box 191
Columbia, South Carolina 29202-0191

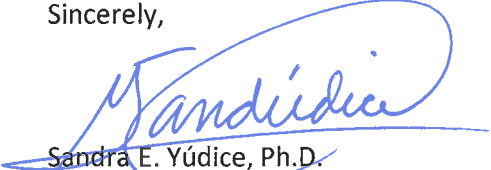
Dear Mr. Colvin:

Richland County is in support of the South Carolina Department of Transportation's (SCDOT) Carolina Crossroads I-20/26/126 Corridor Project, as it will minimize current traffic congestion, while accommodating a greater volume of traffic in the future. The County is aware that this project is included in the Statewide Transportation Improvement Program, which means that there is committed funding available to complete this approximately \$1.4 billion project. More specifically, the County understands that the sources of the project's funding are a combination of a Federal-Aid Interstate Program and State funding established by Act 275.

As you may be aware, included in Richland County's 2012 Transportation Sales Tax Referendum was funding for improvements to the I-20/Broad River Road Interchange. It appears that this specific interchange, along with others, is included in the overall Carolina Crossroads I-20/26/126 project. Because SCDOT has committed funding for the Carolina Crossroads I-20/26/126 Corridor Project, Richland County is informing SCDOT that the County intends to reallocate the previously identified Richland County Transportation Penny Tax funding in the amount of \$52.5 million for the I-20/Broad River Road Interchange to other projects within Richland County. It remains the intent of the County to provide improvements to the SCDOT system for the remaining of the transportation projects.

Thank you for your attention to this matter. If you have any questions or concerns, please contact me at yudice.sandra@richlandcountysc.gov or 803-576-2057.

Sincerely,


Sandra E. Yúdice, Ph.D.
Assistant County Administrator

cc: Christy Hall, Secretary of Transportation
Richland County Council Members (via email)
Larry Smith, Esq., Richland County Attorney (via email)
John M. Thompson, Ph.D., Richland County Director of Transportation (via email)

**Cooperative Intergovernmental Agreement
 Between
 Richland County, South Carolina
 And
 South Carolina Department of Transportation
 For
 Richland County Sales Tax Transportation Program**

THIS AGREEMENT is made this 7th day of February, 2014, by and between Richland County, hereinafter referred to as County, and the South Carolina Department of Transportation, hereinafter referred to as SCDOT.
 WITNESSETH THAT:

WHEREAS, the County and the SCDOT desire to work together in the planning and implementation of the Richland County Sales Tax Transportation Program and,

WHEREAS, the County is a body politic with all the rights and privileges of such including the power to contract as necessary and incidental powers to carry out the County’s functions covered under this Agreement; and,

WHEREAS, the SCDOT is an agency of the State of South Carolina with the authority to enter into contracts necessary for the proper discharge of its functions and duties,

NOW THEREFORE, in consideration of the several promises to be faithfully performed by the parties hereto as set forth herein, the County and the SCDOT do hereby agree as follows:

I. GENERAL RECITALS:

A. Purpose

The purpose of this work is to construct and improve certain transportation facilities throughout Richland County using, in part, funds derived from the one (1) cent special sales and use tax imposed by Richland County and approved by referendum held November 6, 2012.

B. Description of Work

The projects for this agreement include only those projects that are listed in Attachment “A” and are hereinafter referred to as the “Project(s)” and the collective group of Projects is hereinafter referred to as the “Program”. The provisions herein shall only apply to Projects listed in Attachment “A” and all are currently on the State Highway System or are proposed to be conveyed to the SCDOT for acceptance into the State Highway System. Unless otherwise agreed, these provisions shall not apply to projects which are to be owned or maintained by the County, a municipality or another non-state entity. Where local roadways tie into state or federal roadways, changes within the SCDOT’s right of way will fall under

the terms of this agreement unless changes are approved by the SCDOT through an encroachment permit.

Prior to project initiation for each project, the County shall identify whether it will develop the Project to maintain eligibility for Federal Transportation Funding. The Projects declared federally eligible shall be developed and constructed to federal standards. The Federal Highway Administration (FHWA) will make the determination of eligibility for Federal Transportation Funding for each Project for which those funds are requested at the time of request for authorization of each phase.

The scope of each individual Project shall be determined by the County during the planning phase of each Project. The County shall carry out the specific activities necessary to implement and construct each Project, which includes planning, design, right of way acquisition, construction and other associated coordination and administrative activities, unless noted otherwise herein.

C. Scope of Work

The scope of the Program has been described in Attachment A. Nothing contained in this Agreement shall be construed to require the County to undertake or complete any particular Project in the Program. Those obligations shall be solely governed by the actions of Richland County Council and applicable State law.

II. COMMUNICATIONS:

- A. The County and SCDOT agree that regular and thorough communication about this work is essential to the effective execution of the Program. The County and SCDOT further agree that each party will strive to communicate at both the management level and staff level.
 - 1. The County Transportation Director and/or the designated County Representative shall meet with the Program Manager from the SCDOT on an as-needed basis.
 - 2. Additional coordination meetings will be planned and mutually agreed upon as necessary to coordinate the work.
- B. The SCDOT will provide such technical support and advice as requested by the County to assist in the planning and execution of the Program.

III. OBLIGATIONS OF SCDOT:

- A. The County shall prepare, in the SCDOT's name, all documentation required under the implementing regulations of the National Environmental Policy Act of 1969, 23 C.F.R. §771, et seq, or as specified by the SCDOT. The SCDOT agrees to expedite the review and approval of necessary environmental documentation as it applies within the SCDOT's authority. The SCDOT further agrees to use its best efforts to coordinate with the Federal

Agencies on behalf of the County to expedite the approval of required environmental documentation, if necessary.

- B. To the extent permitted by existing South Carolina law, the SCDOT hereby assumes complete responsibility for any loss resulting from bodily injuries (including death) or damages to property, arising out of any negligent act or negligent failure to act on the SCDOT's part, or the part of any employee or agent of the SCDOT in the performance or participation in the work undertaken under this Agreement.
- C. Upon final completion of Projects on the state system, the County agrees to assign a right of entry or other property rights necessary for the SCDOT to maintain the Project until such time as all rights of way and other property rights are turned over to the SCDOT after the completion of the Project. The SCDOT agrees to accept the Project on the state system for maintenance within 30 days once all obligations of the County have been completed as outlined in Section V.F.5 of this agreement.

IV. OBLIGATIONS OF THE COUNTY:

- A. To the extent permitted by existing South Carolina law, the County hereby assumes complete responsibilities for any loss resulting from bodily injuries (including death) or damages to property, arising out of any negligent act or negligent failure to act on the County's part, or the part of any employee of the County in performance of the work undertaken under this Agreement.
- B. The County shall provide or cause to be provided all services for the execution of activities for the planning, development, and delivery of each Project, unless noted otherwise herein.
- C. The County shall reimburse the SCDOT for costs incurred as part of the SCDOT's reviews, coordination, and oversight. The SCDOT will invoice the County no more often than quarterly for those costs.
- D. The cost of each Project shall be borne solely by Richland County unless additional funding is secured through the SCDOT or other sources or as otherwise provided for in this agreement.

V. GENERAL PROVISIONS:

A. Conformance:

All Projects shall be developed and constructed to SCDOT standards and specifications any other applicable legal standards and will be accorded equal priority for completion. The current edition of each standard and specification shall be the edition as of the beginning of the design work for each Project with the expectation that the standards and specifications shall be applicable through the completion of the Project. However, where there is a significant delay in the completion of the design of a Project, the most current standards and specifications may be incorporated into the contract documents. It is the intent of both the

County and the SCDOT to design the Projects in compliance with the applicable standards and specifications. However, both parties recognize that exceptions to these standards and specifications may be mutually beneficial. Such exceptions will be granted if both parties agree.

B. Planning Activities

The County shall consider each Project and shall make a determination as to the exact scope of the proposed improvement. In this planning phase, the County shall consider the following aspects of the Projects in determining the scope of the proposed improvements:

- Public involvement
- Funding
- Environmental considerations including determination of necessary environmental documentation
- Traffic requirements for the Projects based on traffic projections for the design year 20 years beyond the scheduled construction date of the Project. For example, a scheduled construction start in 2015 would yield design year traffic projections for the year 2035. Where available, the local Central Midlands Council of Governments (CMCOG) traffic projections would be supplied by the SCDOT for use in these planning activities. Where these CMCOG traffic projections are not available, the County will make traffic projections based on standard industry methodology for the appropriate design year as indicated above.
- Right of way issues and impacts
- Constructability
- Other issues impacting the planning and execution of the work as deemed appropriate and beneficial to the County

The County will also carry out their work or services in compliance with all applicable Federal, State, and local environmental laws and regulations, and shall monitor and oversee each Project for such compliance. This responsibility shall include:

1. Complying with those stipulations and conditions under which the SCDOT received approval of applicable environmental documents and permits. The County will ensure compliance with all secured permits. The County will be the sole party responsible for resolution of any enforcement actions as a result of non-compliance with permit conditions and requirements to the extent that the County or its agents were responsible for such breach or action causing the enforcement action.
2. Complying with applicable laws and regulations relating to potential or actual hazardous materials that may be encountered in the course of implementing each Project.
3. Carrying out all required social, economic, and environmental studies required by law, and
4. Make all necessary modifications to approved permits as required by law.

The County recognizes that the SCDOT and/or the FHWA or other agencies may have final review and approval for the environmental documentation required under the implementing regulations of the National Environmental Policy Act of 1969, 23 C.F.R. §771, et seq. The County will be responsible for the preparation of necessary permit applications required by any governmental agency to complete the Projects and will work with the SCDOT in coordinating and negotiating with the agency to secure the permits. All work performed must be in accordance with the SCDOT's Environmental Consultant Scope, latest edition, and any amendments thereafter, if applicable. Where required by law, the County shall prepare all permit applications in the name of the SCDOT. The County will comply with any regulatory agency requirements, and be responsible for resolution of any enforcement actions that may arise as a result of non-compliance with regulatory agency requirements. All permit conditions set by the regulatory agencies must be reviewed and approved by the SCDOT for all roads in the state system.

Upon approval of the SCDOT and other applicable regulatory agencies, Richland County may use credits from environmental mitigation banks controlled by or developed for use by the SCDOT. If credits are used by the County from a mitigation bank controlled by or developed for use by the SCDOT, the County will pay to the SCDOT the costs of these credits as mutually agreed upon by the County and the SCDOT.

The County shall conduct required public involvement meetings for each Project in accordance with NEPA regulations, or as otherwise specified by the SCDOT. In addition, non-mandatory public meetings may be held to discuss Project issues if desired by the County. The County shall notify representatives of the SCDOT in advance of all meetings and shall notify other representatives from state, federal, and resource agencies as required. Projects shall not be advanced to right of way acquisition and/or construction phases until final approval of environmental documentation is obtained.

C. Design Activities

Design of the Projects will be the responsibility of the County except as provided for otherwise in this agreement.

1. Since availability of State or Federal funding has not been determined, and since it is the County's desire to proceed with certain aspects of the Projects, the SCDOT shall assign Project Identification Numbers to the Projects for tracking purposes. The County shall use these numbers on all right of way instruments, plans, and permits as applicable.
2. All Project surveys related to the setting of horizontal control, vertical control, mapping, and aerial photography will comply with the SCDOT's current edition of the "Preconstruction Survey Manual".
3. All structural components of the Projects shall comply with the AASHTO Standard Specifications for Highway Bridges, latest edition, including the latest Interim

Specifications thereto. Bridge structures shall be designed with the LRFD criteria. This will include all seismic requirements in accordance with these AASHTO criteria.

4. Upon completion of the work, the County shall certify that the contract documents have been prepared in conformance with the provisions of Items 1, 2, and 3 above. The County shall require that all construction plans and specifications be sealed by a South Carolina registered professional engineer.
5. If the County intends to seek reimbursement for state or federal funds that may become available for individual Projects, the County shall comply with all applicable federal and state statutes and regulations to maintain the eligibility of those funds for reimbursement.
6. In the event that state or federal funding becomes available for the Project, and in the event that the County should desire to utilize these funds, the parties shall cooperate with regard to amendments to this Agreement that may be required to secure that funding. Such amendments will provide for policies and procedures including direct SCOOT administration or assistance with administration of the Project that would be most advantageous in securing that funding.
7. The SCDOT's Office of Materials and Research shall approve the pavement design on roads within or intended for the state system and shall respond to the County within 30 business days of the time the County submits the pavement design for review.
8. The SCOOT will provide reviews of the design plans and other contract documents and provide written comments to the County. Plans or other design documentation will be sent to the SCDOT at the following stages of the Project: concept (optional), preliminary (optional), right of way and final design. The County shall submit the design in a form that is acceptable to the SCDOT's reviewer. Design reviews will be accomplished by the SCDOT and review comments will be returned to the County within 25 business days of the time the County submits the review documents to the SCDOT. The County will notify the SCDOT at least two weeks in advance of the submission of documents to be reviewed. Should the review comments not be returned within the designated period, the County is not required to consider the comments in the revisions to the plans. Comment or failure to comment by the SCDOT shall in no way relieve the County or its agents of any responsibility in regard to individual Projects. Projects shall not be advanced to right-of-way or construction until written authorization is provided by the SCDOT.
9. Design plans and documents submitted for reviews by the SCOOT shall be provided in electronic (.pdf) format. The County shall utilize file transfer protocol (FTP) or other agreed upon platform to transfer the documents to be reviewed.
10. The SCDOT's written "authority to proceed" with right-of-way acquisition activities shall serve as approval for the County to begin right-of-way activities on individual Projects. The SCDOT agrees to provide written notice of "authority to proceed" or

review conunents for the right-of-way plans within 25 business days of the time the County submits the right-of-way plans for review.

11. The SCDOT's written "authority to proceed" with construction shall serve as approval of right of entry and encroachment by the SCDOT for construction of individual Projects by the County. The SCDOT agrees to provide written notice of "authority to proceed" or review comments for the final plans within 25 business days of the time the County submits the final plans for review.
12. In the event that federal funding is sought by the County through the SCDOT, the County shall perfonn a value engineering analysis as required by 23 C.F.R. Part 627.

D. Utility Activities

- I. Utility relocations will be paid based on prior rights. Where a utility establishes a prior right of occupancy in its existing location, the County will be responsible for the cost of that relocation, including all real and actual costs associated (engineering, easements, construction, inspections, etc.). Prior Rights may be established by the following means:
 - a. The Utility holds a fee, an easement, or other real property interest, the taking of which is compensable in eminent domain.
 - b. The Utility occupies SCDOT right of way, and per an existing agreement with the SCDOT, is not required to relocate at its own expense.
2. Where the utility cannot establish a prior right of occupancy, the utility will be required to relocate at its own expense. However, in some cases for municipal, county and special purpose district owned and operated utilities, the County, may elect to use Program funds for all or part of such utility relocation costs.
3. Utility work will be coordinated and executed in accordance with Chapter 5 of the SCDOT Design Manual and Section 105.6 of the SCDOT construction manual.
4. If Federal funds are used for utility relocations, the County shall comply with the applicable State law and the Federal Code (23 CFR 645 A and B) for those utility relocations.
5. Utilities to remain in SCDOT rights of way, or to be relocated to a point within SCDOT rights of way, shall be in accordance with SCDOT's "A Policy for Accommodating Utilities on Highnvay Rights of Way."
6. The County will honor the terms of any pre-existing agreements between the SCDOT and a utility owner.
7. The County will provide utility deliverables as defined in Section VI-E.

E. Right of Way Acquisition Activities

1. The County shall acquire all right-of-way necessary for highway purposes in its own name. Acquisition of rights-of-way to be turned over to the SCOOT and rights-of-way for projects that may or will be using federal funds shall be acquired in accordance with the *United States Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, P.L. 91-646, 42 U.S.C. §§4601 et seq.*, and regulations thereunder, 49 C.F.R., Part 24 and the South Carolina Eminent Domain Procedures Act. Title instruments acquired on those routes shall be documented on SCOOT standard forms. The County shall acquire right of way title in fee simple for any Project where utilization of federal funding is contemplated. Right-of-way limits shall be set according to standard SCOOT practices, utilizing the SCOOT Highway Design Manual and the SCOOT Road Design Plan Preparation Guide. These limits shall encompass all pertinent highway facilities and structures necessary for the construction and maintenance of the roadway. With respect to the acquisitions:

The County Shall:

- a. Perform title searches for properties to be acquired and provide the SCOOT a Certificate of Title signed by a South Carolina attorney. Preliminary title abstracts must be provided prior to property being appraised.
- b. In accordance with the SCDOT's Appraisal Manual, provide an acceptable appraisal for each tract by an appraiser from the SCDOT's approved appraisal list. All contracts for appraisals shall obligate the appraiser to provide court testimony in the event of condemnation. The County shall obtain appraisal reviews complying with technical review guidelines of the Appraisal Manual and make a recommendation of just compensation. The Appraisal reviewer shall be approved by the SCOOT. The reviewed appraisal must be approved by the SCDOT's right-of-way representative prior to the offer to purchase being made to the Landowner.
- c. Secure approval from the SCDOT's right of way representative for any settlement above the approved appraisal.
- d. Titles shall be in fee simple absolute by recordable warranty deeds unless otherwise approved by the SCOOT. All titles shall be recorded in the land records of Richland County.
- e. In the event of condemnation the necessary documents as required by the Eminent Domain Procedures Act, S.C. Code Ann. §§ 28-2-10 *et seq.*, will be prepared and the County will utilize its Eminent Domain authority to acquire title. The County will provide legal counsel. Condemnation shall be by way of trial after rejection of the amount tendered as provided in Code § 28-2-240.
- f. Retain all records dealing with property acquisition and all other costs associated with this project for 3 years after the final phase of construction work on the Project. The County or its authorized representative upon request will make such records available for audit and review.

- g. The County is responsible for establishing and maintaining Quality Control and Quality Assurance procedures for the entire right of way acquisition process.
- h. Provide relocation assistance in accordance with the SCDOT's Relocation Manual. All relocation housing payment offers shall be approved by the SCOOT prior to being offered to displacees. The County shall issue (90) and (30) - day notices of displacement in accordance with State and federal guidelines.
- l. The County shall be responsible for the disposition of all identified improvements being acquired on the Project prior to the obligation date of the construction. The County shall furnish the SCOOT with a list of all surplus propellies that are purchased on a Project that are to be conveyed to it. Surplus property is defined as property not needed for current or planned future projects. Proceeds received from the sale of surplus property shall be distributed based on the funding source used to secure the property.
- J. Establish specific milestone dates for the different phases of the right-of-way acquisition and provide bi-monthly reports indicating the status of each individual parcel.
- k. Provide a Right-of-Way Certification in a form acceptable to the SCOOT insuring that all property necessary for construction of the Project has been secured and that all displacees have been relocated prior to advertising for construction bids.

The SCOOT Shall:

- a. Designate a right-of-way representative to approve offers of just compensation as well as any settlements above the approved appraisal amounts.
- b. The right-of-way representative will provide approval for all relocations benefits for those displaced by the project.
- c. Provide approval of the Right-of-Way Certification and authorization to proceed to construction.

F. Construction Activities

- 1. The County will construct the Projects in conformance with the technical sections of the SCDOT's current Standard Specifications for Highway Construction and related AASHTO standards as called for in the construction contract documents. The County must obtain approval from the SCOOT if there is a circumstance where there may be any significant deviation from the contract documents.
- 2. The County and the SCOOT agree to conduct a final inspection of the completed Project prior to acceptance of the work by the SCOOT.

3. To the extent applicable, materials shall be procured in accordance with Richland County Procurement Procedures and in conformance with the S.C. Code Ann. §§ 11-35-10 et seq., as amended, SCDOT standard policies, and applicable Federal (23CFR635) and State statutes and regulations.
4. The County shall provide administrative, management, Quality Control, and other services sufficient to provide certification to the SCDOT that the construction and the materials used for construction are in conformance with the specifications set forth in the contract documents. The inspectors and/or engineers performing Quality Control or other inspections shall be certified and/or licensed in South Carolina. The County shall ensure testing is performed based on project quantities in accordance with the SCOOT's Construction Manual.
5. The County shall coordinate with the SCOOT during the construction of the work. When the County concludes that all aspects of the Project have been properly and fully performed and the work is substantially complete, the County shall notify the SCDOT of the date for final inspection of the work. The County and the SCOOT shall jointly conduct the final inspection and develop a Final Project Punchlist, list of items that need remedial action, if necessary. As used herein, "Substantial Completion" shall mean when an entire road or other transportation facility is ready for safe use by the public. The County shall require that the deficiencies identified on the Final Project Punchlist are appropriately addressed and shall advise the SCOOT in writing of the completion of those actions. The date of this notice shall then become the date of Final Completion. The SCDOT agrees to respond to the County within 20 business days from the time the County submits the Final Completion notification. If additional centerline miles are created by the project, once Final Completion is accepted by the SCDOT, the Project will be presented by SCOOT Staff to the SCOOT Commission. The Commission will determine if additional mileage is to be accepted by the SCOOT.
6. The SCOOT shall conduct construction oversight on all State-maintained roadways at the discretion of the Deputy Secretary for Engineering. All SCDOT costs associated with construction oversight shall be reimbursed by the County in accordance with section IV.C.
 - a. The County, or its agent, shall perform all acceptance sampling and testing in accordance with the quality control (QC) sampling and testing schedule and frequency specified in the SCDOT's Construction Manual.
 - b. The SCOOT will perform independent assurance (IA) sampling and testing on projects with federal funding. For projects that do not have federal funding, the County shall arrange for IA sampling and testing to be performed by an independent qualified entity. All IA procedures shall be in accordance with the SCOOT's Construction Manual.

- c. The SCDOT may at any time ask for, and the County shall immediately provide, any construction inspection or testing related documents. The SCDOT may also perform its own tests, and obtain its own samples, at any time.
 - d. The Project may be subject to periodic reviews/inspections by the SCDOT's Quality Management Team at the discretion of the SCDOT.
7. To facilitate the coordination of construction activities and to ensure that the work is constructed in accordance with the applicable provisions, the County and the SCDOT agree as follows:
- a. Weekly Project field reviews will be made by the County and the SCDOT's construction representatives to discuss project status, mutual concerns and construction issues.
 - b. Contract documents will be furnished to the SCDOT.
 - c. Copies of test results will be submitted to the SCDOT so test data and results can be coordinated. Periodic reviews of test reports and summaries will be made by the SCDOT.
 - d. Project traffic control reviews for safety and specification compliance will be made and documented on the daily report by the County.
 - e. Erosion control reviews will be made on a schedule as required in the NPDES General Construction Permit. Erosion Control reviews will be made in accordance with the SCDOT's Supplemental Specification on Seeding and Erosion Control Measures, latest edition. Observations will be documented on the SCDOT's Erosion Control form. The County will apply for and acquire all necessary land disturbance permits such as the NPDES General Construction Permit in the name of the County. The County will comply with any NPDES requirements, and be responsible for resolution of any enforcement actions that may arise as a result of non-compliance with NPDES requirements.
8. The County shall obtain SCDOT concurrence prior to awarding the contract. If applicable, the County will include the required Federal Aid Contract Provisions for the contract.

VI. OTHER PROVISIONS:

A. Maintenance of Traffic

The County shall require that its contractors keep open to traffic all existing State highways while they are undergoing improvements except for temporary construction detours or closures and shall be responsible for maintaining the entire section or sections of highway within the limits of the work being performed from the time its construction contractor is issued the Notice to Proceed until the Project is delivered to the SCDOT under the terms of this Agreement. Traffic control activities shall be in accordance with the MUTCD (current edition), the SCDOT District 1 Daytime Lane Closure policy (current edition), and the

SCDOT's standard guidelines and standard drawings for maintenance of traffic in a work zone.

B. Maintenance of Project

1. The County shall accept responsibility for normal maintenance of the roadway within the Project limits during construction.
2. The SCDOT shall accept responsibility for normal maintenance of the roadway within the Project limits once the Project has been constructed and accepted by the SCDOT as described in Section V.F.5. above.

C. Tie-in Agreements

Where the limits of the Project meet or overlap into the project limits established for projects that are or will be executed by the SCDOT before the completion of that individual County Project, the County and the SCDOT will develop agreements to outline provisions that would be beneficial to both the County Projects and the SCDOT projects with respect to funding, traffic control, improved safety for the traveling public, coordination of drainage systems, or other design or construction considerations. These agreements will stipulate the funding implications of such provisions and the responsible parties thereof.

D. Encroachment Rights

The SCDOT shall deliver possession of its highways to the County in the same manner and under the same terms it does to highway contractors working under contract with it and hereby grants encroachment and access rights to the right of way and easements along the proposed Project corridors as set forth below. This possession shall be delivered after approval of the final construction plans as outlined below.

1. When a construction Project has been awarded by the County, the County will notify the SCDOT of the anticipated Notice to Proceed date for the contract. After written approval of the final construction plans by the SCDOT as outlined in Section V.C.9 above and on the Notice to Proceed date for construction, the County and/or its agents will assume maintenance responsibilities for the Project.
2. Where applications for encroachment permits with regard to any segment of road covered by the Project are received by the SCDOT, it will forward those applications to the County within 10 business days of receipt for review to assure that those proposed improvements described in the permit applications will not conflict with the Project plans. The County shall review the applications and return comments within 15 business days.

From and after execution of this Agreement, the SCDOT hereby grants the County access to the Project corridors for the purposes of gathering field information necessary for accomplishing the planning, design, and right of way aspects of the Project. The County

will publish an Eminent Domain notice for the Projects in accordance with the Eminent Domain Act Section 28-2-70(c).

E. Close-out Documents

Upon completion of the Projects, the County will provide the following Project documentation to the SCDOT.

1. Copies of required environmental documents
2. Design documents
 - a. As described elsewhere in this agreement
 - b. Final Project plans suitable for delivery and recording pursuant to S.C. Code §57-5-570 (1991)
 - c. Electronic files of the Final Project plans as described in the SCDOT's "Road Design Reference Material for Consultant Prepared Plans".
 - d. Final Stormwater Reports
3. Right of way documents
 - a. Appraisals
 - b. Title search information
 - c. Deeds sufficient to convey to the SCDOT the additional highway right of way acquired by the County. Titles shall be by special warranty and sufficient to convey the entire interest obtained by the County from the Landowner.
 - d. Correspondence with property owners
 - e. Diaries or agents worksheets related to the acquisition of right of way
4. Construction documents
 - a. As-built drawings - In addition to those documents set forth elsewhere in this Agreement, the County shall provide, within 90 days after Final Completion, two marked-up sets of final construction drawings reflecting the as-built condition of each Project based on information provided by the construction contractor and verified by the County. "As-built" plans must be drawn to scale, and be based on the project survey stationing. These plans will include as-built information for utilities. These plans will be sufficient to establish the precise location of all utilities and appurtenances as well as provide key information for future determination of the extent of prior rights. "As-built" utility plans must include at a minimum the following:
 - Survey centerline and existing roadway centerline if different, with labeled stationing.
 - Existing and new right of way lines, and County easement lines
 - Final location of utility lines and appurtenances
 - b. Test reports
 - c. Daily construction diaries

5. Other documents

- a. Assignments to the SCDOT of all contractors' payment and performance bonds in connection with the Project or Consents of Surety on the SCDOT's standard form.
- b. Releases, affidavits or other proof of payment to indicate full payment of all claims by contractors, their subcontractors or suppliers.
- c. All permits of government regulatory agencies

F. Certifications

Upon final completion of each Project, the County will provide a letter to the SCDOT stating the following:

The County has provided construction oversight and material for Name of Project. The workmanship and materials used in the construction of the Project are in conformance with the contract documents.”

G. Warranty

1. The County warrants that it will perform the work necessary under this agreement in accordance with the standards of care and diligence normally practiced in the transportation industry for work of similar nature. To the extent the County's construction contractor warranties are obtained in connection with any Project intended to be turned over to the SCDOT, the County shall assure that those warranties are assignable.
2. The County shall take all steps necessary to transfer to the SCDOT any manufacturer or other third party warranties of any materials or other services used in the construction of a Project.

VII. Miscellaneous General Provisions:

A. Disputes

The County and the SCDOT shall cooperate and consult with each other with respect to those Projects intended to be turned over to the SCDOT for maintenance to the extent set forth herein and may utilize the Issues Escalation and Dispute Resolution Process included as Attachment “B” to determine the appropriate person(s) and timeframe to resolve issues that arise. In the event that a dispute arises, the following procedures will be used to resolve the matter.

Any dispute or claim arising out of or related to this Agreement shall be submitted for resolution under the procedures outlined in Attachment “B”. Within (90) days of the date of this Agreement, an ad hoc board, the Dispute Resolution Board, will be selected pursuant to the procedures identified below. The Dispute Resolution Board will consist of two members of the County and two members of the SCDOT. These four members shall choose

a fifth member employed neither by the County nor the SCDOT. This fifth member shall be a mediator certified in the State of South Carolina. The cost for the mediator shall be shared equally between the County and the SCDOT. The board shall be empanelled for the entire duration of this Agreement and shall hear all disputes between the County and the SCDOT relating to this Agreement that cannot be resolved through the normal resolution process outlined in the Issues Escalation chart. Exhaustion of this Dispute Resolution Process is a condition precedent to the filing of a lawsuit. Any lawsuit arising out of or relating to this Agreement shall be filed for non-jury proceedings in Richland County, South Carolina.

B. Successors/Assigns

The County and the SCDOT each binds itself, its successors, executors, administrators, and assigns to the other party with respect to these requirements, and also agree that neither party shall assign, sublet, or transfer its interest in the Agreement without the written consent of the other.

C. Disadvantaged Business Enterprises

The County will provide opportunities for Disadvantaged Business Enterprises as required by state laws or regulations. The County will coordinate with the SCDOT's DBE Office when establishing goals for specific Projects. The parties hereto and their agents shall not discriminate on the basis of race, color, national origin or sex in the performance of this Agreement or the work provided for herein. Where required the parties hereto and their agents shall carry out applicable requirements of 49 C.F.R. Part 26 in the administration of this Agreement.

D. Enforceability

All of the terms, provisions and conditions of this Agreement shall be binding upon and enforceable by the parties, their respective elected officials, legal representatives, agents and employees and their respective successors.

E. Amendment

This Agreement may be amended or modified only by a written document, which has been signed by the parties hereto, or by their duly authorized officials. The County, or its authorized agent, shall agree to hold consultations with the SCDOT as may be necessary with regard to the execution of supplements to this Agreement during the course of the Program for the purpose of resolving any items that may have been unintentionally omitted from this Agreement or arise from unforeseen events or conditions. Such supplemental agreements shall be subject to the approval and proper execution of the parties hereto. No modifications or amendments to this Agreement shall be effective or binding upon either party unless both parties agree in writing to any such changes.

F. Waiver

No waiver of a breach of any of the covenants, promises or provisions contained in this Agreement shall be construed as a waiver of any succeeding breach of the same covenant or promise or any other covenant or promise thereof. In no event shall any failure by either party hereto to fully enforce any provision of this Agreement be construed as a waiver by such party of its right to subsequently enforce, assert or rely upon such provision.

G. Governing Law

This Agreement shall be governed by the laws of the State of South Carolina, and by execution of this Agreement, the parties consent to the exclusive jurisdiction of the courts of Richland County, South Carolina, for resolution of any dispute arising hereunder.

H. Severability

In the event that any part or provision of this Agreement shall be determined to be invalid and/or unenforceable, the remaining parts and provisions which can be separated from the invalid and/or unenforceable provision or provisions shall continue in full force and effect.

I. Captions

The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

J. Notices

All notices pertaining to this Agreement shall be in writing and addressed as set forth below, and shall be deemed properly delivered, given or served when (i) personally delivered, or (ii) sent by overnight courier, or (iii) three (3) days have elapsed following the date mailed by certified or registered mail, postage prepaid.

Notices to County:

Mr. Tony McDonald
Richland County Administrator
P.O. Box 192
Columbia, South Carolina 29202

Notices to SCDOT:

South Carolina Department of Transportation
Attn: Deputy Secretary for Engineering
PO Box 191
Columbia, South Carolina 29202

K. Further Documents

Each party will, whenever and as often as it shall be requested by another party, promptly and within a reasonable time, execute, acknowledge and deliver, or cause to be executed,

acknowledged and delivered such further instruments or documents as may be necessary to carry out the intent and purpose of this Agreement.

L. Assignment

Except as otherwise provided by applicable law, this Agreement may not be assigned by either party without the written consent of the other party.

M. No Third-party Beneficiaries

No rights in any Third-party are created by this Agreement, and no person not a party to this Agreement may rely on any aspect of this Agreement, notwithstanding any representation, written or oral, to the contrary, made by any person or entity. The parties hereto affirmatively represent that this Agreement is made solely for the benefit of the parties hereto and their respective successors and assigns and not for the benefit of any Third-party who is not a signature party hereto. No party other than the signature parties and their respective successors and assigns hereto shall have any enforceable rights hereunder, or have any right to the enforcement hereof, or any claim for damages as a result of any alleged breach hereof.

N. Multiple Counterparts

This Agreement is executed in multiple counterparts, each of which shall be deemed an original but all of which collectively shall constitute one and the same Agreement.

O. Prior Agreements, Entire Agreement

All obligations of the parties, each to the other, relating to the subject matter of this Agreement, contained in any other document or agreement or based on any other communication prior to the execution of this Agreement have been satisfied or are superseded by this Agreement. This Agreement constitutes the entire agreement between the parties relating to the subject matter hereof.

This Agreement, with the Appendices hereto, sets forth the full and complete understanding of the parties as of the date first above stated, and it supersedes any and all agreements and representations made or dated prior thereto.

The parties make no representations, covenants, warranties or guarantees, express or implied, other than those expressly set forth herein. The parties' rights, liabilities, responsibilities and remedies with respect to the services provided for in this Agreement shall be exclusively those expressly set forth in this Agreement.


P. Reviews and Approvals

Any and all reviews and approvals required of the parties herein shall not be unreasonably denied, delayed or withheld.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representative the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

RICHLAND COUNTY

By: 
Kelvin Washington
Chairman, Richland County Council

Attest: _____

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

SOUTH CAROLINA DEPARTMENT
OF TRANSPORTATION


ABD

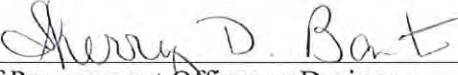
By: 
Secretary of Transportation **ACTING**

Attest: 

RECOMMENDED:

By: 
Deputy Secretary for Engineering or Designee *RKP*

By:  *AA Warner*
Deputy Secretary for Finance and
Administration of Designee

By: 
Chief Procurement Officer or Designee

CERTIFICATION OF SCDOT

I hereby certify that I am the Deputy Secretary of the Department of Transportation of the State of South Carolina and the COUNTY or its legal representatives have not been required directly or indirectly as an expressed or implied condition in connection with obtaining or carrying out this Agreement to:

- (a) Employ or retain, or agree to employ or retain, any firm or person or
- (b) Pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind, except as herein expressly stated (if any).

In accordance with Section 635.105 of Title 23 C.F.R., I further certify that any work stipulated in this agreement to be performed by the COUNTY is adequately staffed and suitably equipped to undertake and satisfactorily complete such work, including the performance of proper maintenance on the highway facilities constructed under the terms of this agreement.

I acknowledge that this certificate is to be furnished to the Federal Highway Administration, U.S. Department of Transportation, in connection with this Agreement, and is subject to applicable State and Federal laws, both criminal and civil.

1/31/2014
(Date)

V. M. Fuller
(SCDOT Signature)

CERTIFICATION OF COUNTY

I hereby certify that I am the County Administrator and duly authorized representative of the COUNTY, whose address is Post Office Box 192, Columbia, South Carolina, 29202 and that neither I nor the above COUNTY I here represent has:

- (a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above COUNTY) to solicit or secure this Agreement, or
- (b) Agreed, as an expressed or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement, or
- (c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above COUNTY) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract except as herein expressly stated (if any).

In accordance with Section 635.105 of Title 23 C.F.R., I further certify that any work stipulated in this agreement to be performed by the COUNTY can be more advantageously performed by said COUNTY and that said COUNTY is adequately staffed and suitably equipped to undertake and satisfactorily complete such work, including the performance of proper maintenance on the highway facilities constructed under the terms of this agreement.

I acknowledge that this certificate is to be furnished to the SCDOT and the Federal Highway Administration, U.S. Department of Transportation, in connection with this Agreement, and is subject to applicable State and Federal laws, both criminal and civil.

(Date)



COUNTY (Signature)

Certification for Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, or an officer or employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuations, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, or an officer or employee of a member of Congress in connection with this contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

(Date)
1/31/2014
(Date)



COUNTY (Signature)


SCDOT (Signature)

COUNTY
DRUG-FREE WORKPLACE CERTIFICATION

In accordance with Section 44-107-30, South Carolina Code of Laws (1976), as amended, and as a condition precedent to the execution of this Agreement, the undersigned, who is an authorized representative of the COUNTY certifies on behalf of the COUNTY that the COUNTY will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the COUNTY's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
- (2) Establishing a drug-free awareness program to inform employees about:
 - (a) the dangers of drug abuse in a workplace;
 - (b) the person's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug violations;
- (3) Making it a requirement that each employee to be engaged in the performance of the Agreement be given a copy of the statement required by Item (1);
- (4) Notifying the employee in the statement required by Item (1) that, as a condition of employment of this Agreement, the employee will:
 - (a) abide by the terms of the statement; and
 - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
- (5) Notifying the South Carolina Department of Transportation within ten days after receiving notice under item (4)(b) from an employee or otherwise receiving actual notice of the conviction;
- (6) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee convicted as required in Section 44-107-50; and
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of Items (1), (2), (3), (4), (5), and (6).

COUNTY: _____



SCDOT DRUG-FREE WORKPLACE CERTIFICATION

In accordance with Section 44-107-30, South Carolina Code of Laws (1976), as amended, and as a condition precedent to the execution of this Agreement, the undersigned, who is an authorized representative of the SCDOT certifies on behalf of the SCDOT that the SCDOT will provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensations, possession, or use of a controlled substance is prohibited in the SCDOT's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
- (2) Establishing a drug-free awareness program to inform employees about:
 - (a) the dangers of drug abuse in a workplace;
 - (b) the person's policy of maintaining a drug-free workplace;
 - (c) any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) the penalties that may be imposed upon employees for drug violations;
- (3) Making it a requirement that each employee to be engaged in the performance of the Agreement be given a copy of the statement required by Item (1);
- (4) Notifying the employee in the statement required by Item (1) that, as a condition of employment of this Agreement, the employee will:
 - (a) abide by the terms of the statement; and
 - (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after the conviction;
- (5) Notifying the County within ten days after receiving notice under Item (4)(b) from any employee involved with the Program or otherwise receiving actual notice of the conviction;
- (6) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee convicted as required in Section 44-107-50; and
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of items (1), (2), (3), (4), (5), and (6).

SCDOT: 

Attachment "A" List of Projects



2012 Roadway Projects			
Type	Project Name	Begin Location	End Location
Widening	Pineview Rd	Bluff Rd	Garners Ferry Rd
Widening	Atlas Rd	Bluff Rd	Garners Ferry Rd
Widening	Clemson Rd	Old Clemson Rd	Sparkleberry Crossing Rd
Widening	Hardscrabble Rd	Farrow Road	Lake Carolina Blvd
Widening	Blythewood Rd	Syrup Mill Rd	I-77
Widening	Lower Richland Blvd	Rabbit Run Rd	Garners Ferry Rd
Widening	Broad River Rd	Royal Tower Rd	I-26 (Exit 97)
Widening	Shop Rd	I-77	George Rogers Blvd
Widening	Polo Rd	Mallet Hill Rd	Two Notch Rd
Widening	Bluff Rd	I-77	Rosewood Dr
Widening	Blythewood Rd	Winnsboro Rd	Syrup Mill Rd
Widening	Spears Creek Church Rd	Two Notch Rd	Percival Rd
Widening	North Main Street (Phases IA2 & III; II & IV)	Anthony Avenue	Fuller Avenue
Widening	Leesburg Road	Fairmont Rd	Lower Richland Blvd
Special	Shop Road Extension	na	na
Special	Kelly Mill Rd.	na	na
Special	Assembly Street RR Grade Separation	na	na
Intersection	Clemson Rd. and Rhame Rd./North Springs Rd.	Clemson Rd.	Rhame Rd./North Springs Rd.
Intersection	Farrow Rd. and Pisgah Church Rd.	Farrow Rd.	Pisgah Church Rd.
Intersection	Wilson Blvd. and Pisgah Church Rd.	Wilson Blvd.	Pisgah Church Rd.
Intersection	North Main St. and Monticello Rd.	North Main St.	Monticello Rd.
Intersection	Broad River Rd. and Rushmore Rd.	Broad River Rd.	Rushmore Rd.
Intersection	Wilson Blvd. and Killian Rd.	Wilson Blvd.	Killian Rd.
Intersection	Garners Ferry Rd. and Harmon Rd.	Garners Ferry Rd.	Harmon Rd.
Intersection	Clemson Rd. and Sparkleberry Ln. (to Mallet Hill Rd.)	Clemson Rd.	Sparkleberry Ln. (to Mallet Hill Rd.)
Intersection	North Springs Rd. and Risdon Way	North Springs Rd.	Risdon Way
Intersection	Hardscrabble Rd. and Kelly Mill Rd./Rimer Pond Rd.	Hardscrabble Rd.	Kelly Mill Rd./Rimer Pond Rd.
Intersection	Bull St. and Elmwood Ave.	Bull St.	Elmwood Ave.
Intersection	Screaming Eagle Rd. and Percival Rd.	Screaming Eagle Rd.	Percival Rd.
Intersection	Kennerly Rd. and Coogler Rd./Steeple Ridge Rd.	Kennerly Rd.	Coogler Rd./Steeple Ridge Rd.
Intersection	North Springs Rd. and Harrington Rd.	North Springs Rd.	Harrington Rd.
Interchange	I-20 / Broad River Rd.	I-20 / Broad River	I-20 / Broad River

2012 Bike / Pedestrian / Greenway Projects			
Type	Location	Highway Name 1	Highway Name 2
Intersection	Broad River Rd and Bush River Rd		
Intersection	Huger St and Gervais St		
Intersection	Elmwood Ave and Park St		
Intersection	Main St and Elmwood Ave		
Intersection	Elmwood Ave and Bull St		
Intersection	Two Notch Rd and Alpine Rd		
Intersection	Two Notch Rd and Maingate Dr/Windsor Lake Blvd		
Intersection	Two Notch Rd and Brickyard Rd		
Intersection	Two Notch Rd and Sparkleberry Ln		
Intersection	Blossom St and Saluda Ave		
Intersection	Devine St and Harden St/Santee Ave		
Intersection	Two Notch Rd and Decker Blvd/Parklane Rd		
Intersection	Huger St and Blossom St		
Intersection	Huger St and Greene St		
Intersection	Huger St and Lady St		
Intersection	Assembly St and Gervais St		
Intersection	Assembly St and Washington St		
Intersection	Assembly St and Laurel St		
Intersection	Assembly St and Calhoun St		
Intersection	Rosewood Dr and Marion St		
Intersection	Rosewood Dr and Pickens St		
Intersection	Rosewood Dr and Harden St		
Intersection	Rosewood Dr and Holly St		
Intersection	Rosewood Dr and Ott Rd		
Intersection	Rosewood Dr and Kilbourne Rd		
Intersection	Rosewood Dr and Beltline Blvd		
Intersection	Harden St and Gervais St		
Intersection	Garners Ferry and Atlas Road (1)		
Intersection	Garners Ferry Rd and Hallbrook Dr / Pineview Rd (2)		
Intersection	Two Notch Rd and Polo Rd (3)		
Intersection	Polo Rd and Mallet Hill Rd (4)		
Intersection	Assembly St and Greene St (5)		
Intersection	Assembly St and Pendleton St (6)		
Sidewalk	Assembly St	Whaley St	Beltline Blvd
Sidewalk	Clemson Rd	Longtown Rd	Two Notch Rd
Sidewalk	Colonial Dr	Harden St	Academy St
Sidewalk	Broad River Rd	Greystone Blvd	Broad River Bridge
Sidewalk	Blossom St	Williams St	Huger St
Sidewalk	Gervais St	450' west of Gist St	Gist St
Sidewalk	Alpine Rd	Two Notch Rd	Percival Rd
Sidewalk	Blythwood Rd	I-77	Main St
Sidewalk	Broad River Rd	Harbison Blvd	Bush River Rd
Sidewalk	Superior St	Whaley St	Airport Blvd
Sidewalk	Leesburg Rd	Garners Ferry Rd	Semmes Rd
Sidewalk	Two Notch Rd	Alpine Rd	Spears Creek Church Rd
Sidewalk	Gervais St	Gist St	Huger St
Sidewalk	Huger St	Blossom St	Gervais St
Sidewalk	Broad River Rd	I-26	Harbison Blvd
Sidewalk	Park St	Gervais St	Senate St
Sidewalk	Polo Rd	Mallet Hill Rd	Alpine Rd
Sidewalk	Clemson Rd	Two Notch Rd	Percival Rd
Sidewalk	Bratton St	King St	Maple St
Sidewalk	Franklin St	Sumter St	Bull St
Sidewalk	Fort Jackson Blvd	Wildcat Rd	I-77
Sidewalk	Grand St	Shealy St	Hydrick St
Sidewalk	Jefferson St	Sumter St	Bull St
Sidewalk	Lyon St	Gervais St	Washington St
Sidewalk	Magnolia St	Two Notch Rd	Pinehurst Rd
Sidewalk	Mildred Ave	Westwood Ave	Duke Ave
Sidewalk	School House Rd	Two Notch Rd	Ervin St
Sidewalk	Senate St	Gladden St	Kings St
Sidewalk	Shandon St	Wilmot St	Wheat St
Sidewalk	Wildwood Ave	Monticello Rd	Ridgewood Ave
Sidewalk	Windover St	Two Notch Rd	Belvedere Dr
Sidewalk	Lower Richland Blvd	Rabbit Run Rd	Garners Ferry Rd
Sidewalk	Harrison Road	Harrison Rd	Harrison Rd
Sidewalk	Koon	Malinda Road	Farmview Street
Sidewalk	Pinehurst	Harrison Road	Forest Drive
Sidewalk	Prospect	Wilmot Avenue	Yale
Sidewalk	Sunset	Elmhurst Road	River Drive
Sidewalk	Veterans	Garners Ferry Road	Wormwood Drive
Sidewalk	Veterans	Coachmaker Road	Coatsdale Road
Sidewalk	Percival Road	Forest Dr	Decker Blvd
Sidewalk	Polo Rd (7)	Two Notch Rd	Mallet Hill Rd
Sidewalk	Bluff Rd (8)	Rosewood Dr	Beltline Blvd
Sidewalk	Atlas Rd (9)	Fountain Lake Way	Garners Ferry Rd
Sidewalk	Broad River Rd (10)	Royal Tower Rd	Woodrow St
Sidewalk	Broad River Rd (11)	Lake Murray Blvd	Western Ln

2012 Bike / Pedestrian / Greenway Projects			
Type	Location	Highway Name 1	Highway Name 2
Bikeways	Broad River Rd	Greystone Blvd	Broad River Bridge
Bikeways	Harden St	Devine St	Rosewood Dr
Bikeways	Trenholm Rd	South of Dent Middle School	Decker Blvd
Bikeways	Two Notch Rd	Beltline Blvd	Parklane Rd
Bikeways	Hampton St	Pickens St	Harden St
Bikeways	Pendleton St	Lincoln St	Marion St
Bikeways	Sumter St	Washington St	Senate St
Bikeways	Beltline Blvd/Devine St	Rosewood Dr	Chateau Dr
Bikeways	Beltline Blvd	Forest Dr	Valley Rd
Bikeways	Beltline Blvd/Colonial Dr/Farrow Rd	Harden St	Academy St
Bikeways	Bonham Rd/Devereaux Rd/Heathwood Cir/Kilbourne	Blossom St	Fort Jackson Blvd
Bikeways	Chester St/Elmwood Ave/Wayne St	Hampton St	Park St
Bikeways	Clement Rd/Duke Ave/River Dr	Main St	Monticello Rd
Bikeways	Edgefield St/Park St	Calhoun St	River Dr
Bikeways	Gervais St/Gladden St/Hagood Ave/Page St/Senate	Millwood Ave	Beltline Blvd
Bikeways	Sumter St	Blossom St	Wheat St
Bikeways	Huger St/Lady St/Park St	Gervais St (east)	Gervais St (west)
Bikeways	Ott Rd	Jim Hamilton Blvd	Blossom St
Bikeways	Saluda Ave	Wheat St	Greene St
Bikeways	Wheat St	Sumter St	Assembly St
Bikeways	Blossom St	Williams St	Huger St
Bikeways	Gervais St	450' west of Gist St	Gist St
Bikeways	Assembly St	Blossom St	Rosewood Dr
Bikeways	Beltline Blvd	Rosewood Dr	Devine St
Bikeways	Broad River Rd	Bush River Rd	Greystone Blvd
Bikeways	Broad River Rd	Harbison Blvd	Bush River Rd
Bikeways	Decker Blvd/Parklane Rd/Two Notch Rd	Two Notch Rd	Percival Rd
Bikeways	Fort Jackson Blvd	Devine St	Newell Rd
Bikeways	Garners Ferry Rd	Rosewood Dr	True St
Bikeways	Gervais St	Park St	Millwood Ave
Bikeways	Oneil Ct	Decker Blvd	Parklane Rd
Bikeways	Rosewood Dr	Bluff Rd	Garners Ferry Rd
Bikeways	Leesburg Rd	Garners Ferry Rd	Semmes Rd
Bikeways	Gervais St	Gist St	Huger St
Bikeways	Huger St	Blossom St	Gervais St
Bikeways	Shop Rd	Beltline Blvd	Pineview Dr
Bikeways	Blossom St	Assembly St	Sumter St
Bikeways	Bull St	Elmwood Ave	Victoria St
Bikeways	Main St	Elmwood Ave	Sunset Dr
Bikeways	Elmwood Ave	Wayne St	Proposed Greenway Connector
Bikeways	Broad River Rd/Lake Murray Blvd	I-26	Harbison Blvd
Bikeways	Blythewood Rd	Winnsboro Rd	Main St
Bikeways	Clemson Rd	Longtown Rd	Brook Hollow Dr
Bikeways	Clemson Rd	Summit Pky	Percival Rd
Bikeways	Alpine Rd	Two Notch Rd	Percival Rd
Bikeways	Polo Rd	Two Notch Rd	640' south of Mallet Hill Rd
Bikeways	Clemson Rd	Brook Hollow Dr	Summit Pky
Bikeways	Two Notch Rd	Alpine Rd	Spears Creek Church Rd
Bikeways	Pickens St	Washington St	Rosewood Dr
Bikeways	Assembly St	Blossom St	Rosewood Dr
Bikeways	Greene St	Assembly St	Bull St
Bikeways	Bull St/Henderson St/Rice St	Wheat St	Heyward St
Bikeways	Blossom St	Huger St	Assembly St
Bikeways	Whaley St	Lincoln St	Pickens St
Bikeways	Whaley St	Lincoln St	Church St
Bikeways	Craig Rd	Harrison Rd	Covenant Rd
Bikeways	Shop Rd (12)	George Rogers Blvd	Northway Rd
Bikeways	Bluff Rd (13)	Berea Rd	Beltline Blvd
Bikeways	Shop Rd (14)	Northway Rd	Beltline Blvd
Bikeways	Bluff Rd (15)	Rosewood Dr	Berea Rd
Bikeways	Wilson Blvd (16)	I-77	Farrow Rd
Bikeways	Broad River Rd (17)	Woodrow St	I-26 (Exit 97)
Bikeways	Hardscrabble Rd (18)	Farrow Rd	Lee Rd
Bikeways	Hardscrabble Rd (19)	Lee Rd	Lake Carolina Blvd
Bikeways	Pineview Rd (20)	Bluff Rd	Garners Ferry Rd
Bikeways	Atlas Rd (21)	Bluff Rd	Garners Ferry Rd
Bikeways	Broad River Rd (22)	Royal Tower Rd	Woodrow St
Bikeways	Broad River Rd (23)	Lake Murray Blvd	Western Ln
Bikeways	Dutch Fork Rd (24)	Broad River Rd	Rauch Metz

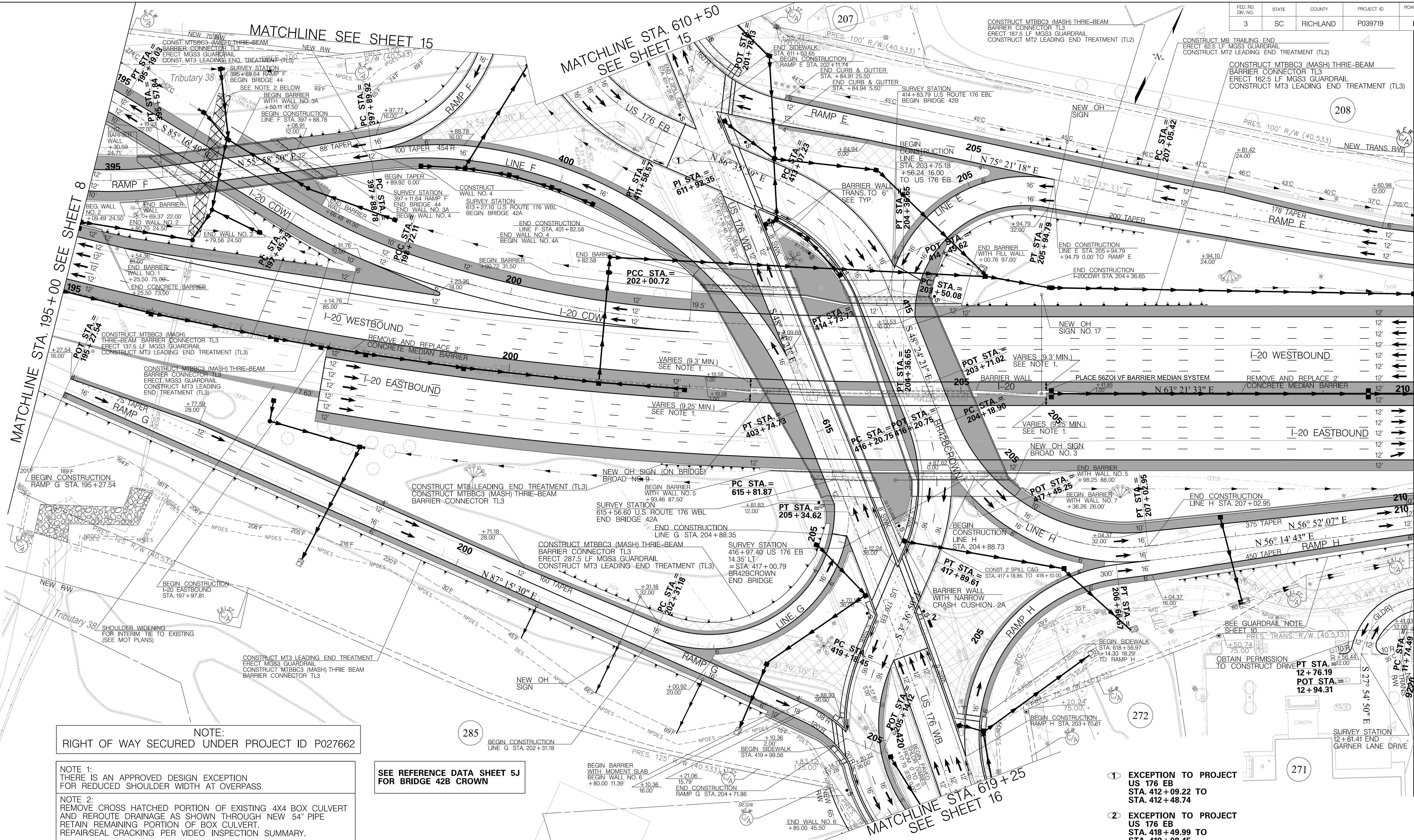
Attachment "B"
Issue Escalation and Dispute Resolution Process

The purpose of this process is to define the different levels of management in the County and the SCOOT that have the authority and responsibility to make decisions when lower levels of staff are unable to resolve issues that may arise during the life of the Program. Such issues should be addressed promptly in order to minimize delays to the Program and to avoid negative impacts to the Program, the County and the SCOOT. The County and the SCOOT agree that if an issue cannot be resolved by the normal process of communications between the County or its designee and the SCDOT's Program Manager, the following procedure will be adhered to by the County and the SCOOT. This diagram describes the escalation process, personnel involved, and time limitations for resolution. Should resolution not be reached in the duration listed below, the next level of management will be informed of the issue and they will then be responsible to make a decision within the allotted time period as shown below. These allotted time periods may be changed based on mutual agreement of the managers working to resolve the issue. Decisions reached through this process will be recorded in writing and signatures of the responsible person from the County and the SCOOT will sign an acknowledgement of the decision made within two days of concluding the decision.

SCOOT (PLANNING, DESIGN, RIGHT OF WAY ISSUES)	SCOOT (CONSTRUCTION ISSUES)	COUNTY	WORK DAYS
Program Manager	District Engr. Administrator	Director of Transportation	2
			
Director of Preconstruction	Director of Construction	Director of Transportation	3
			
Dep. Secretary for Engineering	Dep. Secretary for Engineering	County Administrator	5

The Deputy Secretary for Engineering shall review and make the final determination on unresolved issues pertaining to right of way, design and construction for routes within or to be added to the State Highway System. Should the County Administrator and the Deputy Secretary for Engineering be unable to resolve other issues that may arise during the program, either party may request a resolution by the Dispute Resolution Board that shall hear the matter and reach a resolution to the dispute within ten days. By majority decision of the Board, this ten-day time frame to reach a resolution may be amended.

Attachment 3



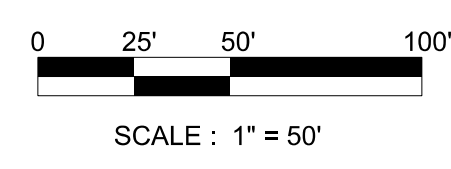
NOTE:
RIGHT OF WAY SECURED UNDER PROJECT ID P027662

NOTE 1:
THERE IS AN APPROVED DESIGN EXCEPTION FOR REDUCED SHOULDER WIDTH AT OVERPASS.

NOTE 2:
REMOVE CROSS HATCHED PORTION OF EXISTING 4X4 BOX CULVERT AND REROUTE DRAINAGE AS SHOWN THROUGH NEW 54" PIPE. RETAIN REMAINING PORTION OF BOX CULVERT. REPAIR SEAL CRACKING PER VIDEO INSPECTION SUMMARY.

SEE REFERENCE DATA SHEET 5J FOR BRIDGE 42B CROWN

- ① EXCEPTION TO PROJECT US 176 EB STA. 412 + 09.22 TO STA. 412 + 48.74
- ② EXCEPTION TO PROJECT US 176 EB STA. 418 + 49.99 TO STA. 419 + 08.45



ALIGNMENT CONTROL CAN BE FOUND ON REFERENCE DATA SHEET



PRELIMINARY
NOT FOR CONSTRUCTION

SCALE: 1" = 50'

6				
5				
4				
3				
2				
1				
0				
REV. NO.	BY	DATE	DESCRIPTION OF REVISION	

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
CAROLINA CROSSROADS PHASE 2
PLAN SHEET

Z:\Projects\20-8\CCR Ph 2\Roadway\PLANS\SHEET 9.dgn 2/4/2022

Richland County Council Request for Action

Subject:

Mill Creek Mitigation Credit Sales

Notes:

April 26, 2022 – The Transportation Ad Hoc Committee recommended Council approve the sale of mitigation credits to South Fork Ventures, LLC, which will generate \$55,200, and be credited to the Transportation Penny Program.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Michael Maloney	Title:	Interim Director
Department:	Transportation	Division:	Click or tap here to enter text.
Date Prepared:	March 11, 2022	Meeting Date:	Click or tap to enter a date.
Legal Review	Patrick Wright via email	Date:	April 5, 2022
Budget Review	Abhijit Deshpande via email	Date:	April 7, 2022
Finance Review	Stacey Hamm via email	Date:	April 5, 2022
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCCEM	
Committee	Transportation Ad Hoc		
Subject:	Mitigation Credit Sales - South Fork Ventures, LLC		

RECOMMENDED/REQUESTED ACTION:

Staff requests the Committee concur with the credit sales and forward to full Council for consideration.

Request for Council Reconsideration: Yes

FIDUCIARY:

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

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The mitigation credit sale will generate \$30,952.00 which will be credited to the Transportation Penny Program.

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

None.

REGULATORY COMPLIANCE:

None applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

Council Member	Click or tap here to enter text.
Meeting	Click or tap here to enter text.
Date	Click or tap here to enter text.

STRATEGIC & GENERATIVE DISCUSSION:

Staff requests approval for the sale of mitigation bank credits from the Mill Creek Mitigation Bank to South Fork Ventures, LLC for an Army Corps of Engineers (ACE) 404 Permit to facilitate the construction of Fergus Crossroads Development in York County. The applicant is requesting 2.544 wetland and 0.00 stream mitigation credits to fulfill the permitting requirements.

The mitigation bank was established with Transportation Program funding to provide mitigation credits necessary to acquire construction permits for transportation and other projects. Construction for projects with water resource impacts need mitigation credits to obtain permits. It is more cost effective when mitigation credits are available. As surplus mitigation credits are sold, the price for credits utilized for County projects is reduced. The requested mitigation credit sales provide for the acquisition of construction permits required for transportation and other projects as well as to replenish funds spent on the creation of the mitigation credits.

The mitigation bankers were notified by email of the County's desire to participate in this sale subject to final approval by County Council at the 100% level on March 3, 2022. When the sales are completed, if approved by County Council, the funds will be added to the Transportation Program account.

If the County Council does not approve the requested sales of its surplus mitigation credits, the County portion of the mitigation credit sales will drop from \$30,952.00 to \$6,360.00 for a difference of \$22,896.00 to the Transportation Program. The County Council has approved surplus mitigation credit sales on many occasions. Related County Council actions since 2014 are not included in the attachments for brevity.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Click or tap here to enter text.

ATTACHMENTS:

1. Mill Creek Mitigation Bank Credit Sale Checklist Villages South Fork Ventures LLC

MITIGATION SURPLUS CREDIT SALES AGREEMENT SUMMARY

<u>Project:</u>	Fergus Crossroads Development
<u>Location:</u>	York County, SC
<u>8-Digit HUC Watershed Code</u>	03050103 (Lower Catawba)
<u>Buyer:</u>	South Fork Ventures, LLC
<u>Permittee:</u>	South Fork Ventures, LLC
<u>Permittee's USACE 404 Permit #:</u>	SAC-2021-01549
<u>Price Per Wetland Credit:</u>	\$12,500
<u>Price Per Stream Credit:</u>	N/A
<u>Wetland Credits:</u>	2.544 credits (1.272 restoration/enhancement & 1.272 preservation)
<u>Stream Credits:</u>	0.00 credits
<u>Credit Proceeds:</u>	\$31,800.00
<u>Richland County Credit Share:</u>	\$29,256.00 (92% of \$31,800.00)
<u>MCMH Credit Share:</u>	\$2,544.00 (8% of \$31,800.00)
<u>Fee for Out of Primary Service Area Sale:</u>	\$8,480.00
<u>Richland County Fee Share:</u>	\$1,696.00 (20% of \$8,480.00)
<u>MCMH Fee Share:</u>	\$6,784.00 (80% of \$8,480.00)
<u>Gross Proceeds (Inclusive of Fee for Out of Primary Service Area Sale:</u>	\$40,280.00
<u>Richland County Proceeds Share:</u>	\$30,952.00
<u>MCMH Proceeds Share:</u>	\$9,328.00



REQUEST OF ACTION

Subject: FY22 - District 8 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$12,000** for District 8.

B. Background / Discussion

For the 2021 - 2022 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$82,425.00 for each district Council member. The details of these motions are listed below:

Motion List (3rd reading) for FY17: Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

Motion List (3rd reading) for FY22, Special Called Meeting – June 10, 2021: Establish Hospitality Tax discretionary accounts for each district in FY22 at the amount of \$82,425. Move that all unallocated district specific H-Tax funding for FY20-21 be carried over and added to any additional funding for FY21-22.

Pursuant to Budget Memorandum 2017-1 and the third reading of the budget for FY22 each district Council member was approved \$82,425.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 8 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$ 82,425
FY2021 Remaining	\$ 22,275
Columbia City Ballet	\$ 6,000
Columbia Classic Ballet	\$ 6,000
Total Allocation	\$ 12,000
Remaining Balance	\$ 85,200

C. Legislative / Chronological History

- 3rd Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- 3rd Reading of Budget FY19 June 21 ,2018
- 3rd Reading of the Budget FY20 June 10, 2019
- 3rd Reading of the Budget FY21 June 11, 2020

D. Alternatives

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

E. Final Recommendation

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.

RESOLUTION HONORING RICHLAND COUNTY EMERGENCY MEDICAL SERVICE EMPLOYEES

WHEREAS, Emergency Medical Service professionals provide a vital public service to the citizens and visitors of Richland County; and

WHEREAS, well –trained and highly qualified emergency medical professionals maintain a constant readiness enabling them to respond quickly and effectively to those in need, as demonstrated during numerous disasters and daily emergencies; and

WHEREAS, access to professional emergency medical service dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, Richland County’s Emergency Medical Service consists of more than 200 emergency medical technicians, Paramedics, physicians and administrators; and

WHEREAS, Richland County Emergency Medical Service is one of the busiest EMS systems in the state; and

WHEREAS, May 15 – 21, 2022, has been proclaimed national Emergency Medical Service Week.

NOW, THEREFORE, WE, Richland County Council, do hereby recognize and honor all Richland County Emergency Medical Service employees for the many contributions and the dedication for caring for their fellow citizens suffering from sudden illness or traumatic injury on this ____ day of May, 2022.

Overture Walker
Chair of Richland County Council