



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott
District 10

Joyce Dickerson
District 2

Norman Jackson, Chair
District 11

Val Hutchinson
District 9

Bill Malinowski
District 1

January 29, 2008
4:00 PM

Richland County Council Chambers
County Administration Building
2020 Hampton Street

Call to Order

Election of Chair

Approval of Minutes

- A. November 27, 2007: Regular Meeting [Pages 3 – 5]
- B. December 18, 2007: Special Called Meeting [Pages 6 – 7]

Adoption of Agenda

I. Items for Action

- A. Ordinance to create an Architectural Review Board [Pages 8 – 20]
- B. Request to approve Airport Commission recommendations [Pages 21 – 24]
- C. Sanitary sewer main extension agreement for Kingston Village off-site gravity sewer (B & C Development Co., LLC) [Pages 25 – 34]
- D. An ordinance amending the Richland County Code of Ordinances; Chapter 12, Garbage, trash and refuse; Article III, Construction, modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions [Pages 35 – 38]

- E. Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley [Pages 39 – 41]
- F. Request to approve a grant from Palmetto Pride in the amount of \$8,000 for a community recycling event (No match, no personnel) [Pages 42 – 44]
- G. Request to approve the expenditure of up to \$100,000 of the FY08 Electric Traffic Signal Program fund for the construction and installation of an electric traffic signal at the intersection of Summit Ridge Drive and Summit Parkway [Pages 45 – 46]

II. Items for Discussion / Information

- A. Update and discussion relating to the installation and maintenance of traffic signals on state maintained roads
- B. Update and discussion of the Road Maintenance Fee
- C. Utility franchise fees [Page 47]
- D. Review of on-premises signs
- E. Overview and discussion of vicious animal regulations
- F. Discussion of CMRTA issues: [Pages 48 – 49]
 - 1. Dissolution of CMRTA
 - 2. Board membership

Adjournment

Staffed by: Joe Cronin

**Richland County Council
Development and Services Committee
November 27, 2007
6:00 PM**



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

Members Present:

Chair: Norman Jackson
Member: Joyce Dickerson
Member: Valerie Hutchinson
Member: Bill Malinowski
Member: Bernice G. Scott

Others Present: Paul Livingston, L. Gregory Pearce, Jr., Kit Smith, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Joseph Kocy, Jennie Sherry-Linder, Anna Almeida, Teresa Smith, Jennifer Dowden, Tamara King, Jim Wilson, Tiaa Rutherford, Dwight Hanna, James Hayes, Andy Metts, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:14 p.m.

APPROVAL OF MINUTES

October 23, 2007 (Regular Session) – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that the Personnel Policies and Procedures under Items for Discussion/Information on the A&F agenda needed to be added to the D&S Agenda.

Ms. Scott requested that a donation of property for a golf course be added under Items for Review/Discussion.

Ms. Scott moved, seconded by Ms. Dickerson, to move the Personnel Policies and Procedures to first on the agenda. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Personnel Policies and Procedures – Mr. Hanna gave a brief update on the process of the policies and procedures update.

ITEMS FOR ACTION

Request to approve a conservation easement from Mr. F. D. Monroe for approximately 100 acres in Northeast Richland County – Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval.

The vote in favor was unanimous.

Request to approve a conservation easement from Mr. John Kirk for approximately 50 acres in Northeast Richland County – Ms. Scott moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval.

The vote in favor was unanimous.

Request to approve a list of pre-qualified engineering firms for neighborhood master plans - Mr. Malinowski moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Lower Richland Sewer Service – Mr. Malinowski moved, seconded by Ms. Hutchinson, to forward Alternative 2 to Council with a recommendation for approval. A discussion took place.

Ms. Scott made a substitute motion, seconded by Ms. Dickerson, to forward Alternative 1 to Council with a recommendation for approval.

The substitute motion failed.

The vote was in favor of the main motion.

Resolution in support of the Cool Counties program – Ms. Dickerson moved, seconded by Ms. Hutchinson, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote was in favor.

POINT OF PERSONAL PRIVILEGE – Ms. Scott recognized Mr. Kocy for his professional and timely handling of issues in his department.

Ordinance to create an Architectural Review Board – Mr. Malinowski moved, seconded by Ms. Scott, to defer this item. The vote in favor was unanimous.

Donation of Property for Potential Golf Course – Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. A discussion took place.

Ms. Hutchinson made a substitute motion to forward this item to Council without a recommendation. The motion died for lack of a second.

The vote was in favor.

ITEMS FOR DISCUSSION/INFORMATION

MOU with Lexington County for the establishment of a no-kill animal shelter – Held in committee.

Utility Franchise Fees – Held in committee.

2007 Roadway Resurfacing Program Update – Held in committee.

Road Maintenance Fee – Held in committee.

Update on Ashley Ridge Subdivision – Held in committee.

ADJOURNMENT

The meeting adjourned at approximately 7:06.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

**Richland County Council
Development and Services Committee
Special Called Meeting
December 18, 2007
6:00 PM**



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

Members Present:

Chair: Norman Jackson
Member: Joyce Dickerson
Member: Valerie Hutchinson
Member: Bill Malinowski
Member: Bernice G. Scott

Others Present: Joseph McEachern, Paul Livingston, L. Gregory Pearce, Jr., Kit Smith, Damon Jeter, Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Joseph Kocy, Jennie Sherry-Linder, Anna Almeida, Jennifer Dowden, Tamara King, Jim Wilson, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 5:30 p.m.

ADOPTION OF AGENDA

Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve the agenda as submitted. The vote in favor was unanimous.

ITEMS FOR ACTION

Sheriff's Department: Request to approve the rollover and expenditure of \$184,909.60 of Special Duty Administrative fees billed in FY 2006-2007 and collected after July 1, 2007 for the purpose of purchasing non-lethal Taser Equipment and training – Ms. Scott moved, seconded by Ms. Dickerson, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Amendments to the Richland County Billboard Ordinance – Ms. Dickerson moved, seconded by Ms. Hutchinson, to retain this in committee until a work session, to be schedule on or before January 15th, can be held. A discussion took place.

Ms. Dickerson amended her motion to forward this matter to the Planning Commission for a work session on January 7, 2008. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:54.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject: Architectural Review Board Ordinance

A. Purpose

Council is asked to consider an ordinance that would create an Architectural Review Board.

B. Background / Discussion

During a June meeting of the Rules and Appointments Committee, the committee referred two ordinances creating an Architectural Review Board (ARB) to the Development and Services for consideration. Rules and Appointments did not make a recommendation as to whether the committee should support an ordinance, or which ordinance it should support.

There are currently two proposed ordinances before council for consideration.

Under the first ordinance, the ARB would have the following responsibilities:

- Advise the county council upon the designation of landmarks, landmark districts, architectural conservation districts, and protection areas.
- Carry out those regulatory duties relating to subsection (3)(a) of this section as set forth in this section.
- Plan and direct continuing studies of areas, physical features and improvements in the county relating to design, historic preservation, beautification, civic improvement and other considerations in furtherance of this subsection, and in doing so, properly coordinate such plans and studies with the various departments and agencies of the county.
- Engage in educational activities related to the furtherance of this subsection in order to promote appropriate design, historic preservation and conservation of historic or aesthetic features of the county.
- Advise, assist and represent the best interest of the county in matters relating to coordination of and assistance to other public bodies and private interests in activities related to this subsection.
- Advise and assist the county council in acquisition of any gift, grant, purchase, bequest, devise, lease, fee simple or lesser interest, development right, easement (including scenic easement), covenant or other contractual right which may accrue to the furtherance of the purposes of this subsection.

- Advise the county council in actions of eminent domain taken in furtherance of the purposes of this subsection.
- Upon request of the county council, manage, control and maintain any property related to the purpose of this subsection or to the purposes of the board.

Under the second proposed ordinance, the ARB would be responsible for:

- The board of architectural review shall review applications for permits for the following activities within AR districts which are subject to architectural review by the board pursuant to regulations in this article:
 - All new buildings and structures, excluding single-family residential development and exterior signs for existing commercial buildings;
 - All changes of use from residential to nonresidential;
 - Any alteration that increases the total impervious site area or gross floor area of a building;
 - All exterior signs for new developments;
 - All exterior signs and exterior alterations on buildings and sites in C districts. The board shall issue a certificate of approval for activities which comply with the applicable standards.
- The board may initiate establishment of AR architectural review overlay districts and zoning text amendments for this article.
- The board shall inventory historic and architecturally valuable buildings and structures, significant scenic areas, and unique districts, corridors and development areas; and make recommendations to the planning commission for specific architectural review standards to be adopted by the city council and applied in AR districts established to preserve and protect them. Standards may vary according to the character of the district, and shall be included in the ordinance establishing a specific AR district as a part of the district regulations.
- The board, by rules of procedure, may delegate to the zoning administrator the authority to approve specified activities, as outlined in subsection (a) of this section, which meet all applicable standards in this chapter without review by the board, subject to appeal to the board as provided in this article.
- The board may grant a variance from the strict application of architectural review standards to a particular parcel or structure after a public hearing held on 15 days' prior newspaper notice, upon making written factual findings that application of the regulations would result in unnecessary hardship, and that the property or structure to

be protected and the alternative site planning and building design approach meet the same design objectives; and the character of the district will not be harmed by the variance. In granting a variance of architectural review standards, the board may attach reasonable conditions in conformity with the purpose of this article.

C. Financial Impact

There is no direct financial impact associated with this request; however, if an ARB is created, there will be additional needs in the future to ensure that the board receives adequate staff support.

D. Alternatives

The following alternatives should be considered:

1. Approve the first proposed ordinance creating an Architectural Review Board.
2. Approve the second proposed ordinance creating an Architectural Review Board.
3. Do not approve an ordinance creating an Architectural Review Board.

E. Recommendation

This item was forwarded without recommendation from the Rules and Appointments Committee. This request is at the discretion of council.

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 10/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation left to Council

Legal

Reviewed by: Amelia Linder

Date: 10/15/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend alternative 2 (an amendment to Chapter 26) or alternative 3. However, if alternative 2 is selected, this ordinance would have to go to the Planning Commission prior to second reading. The Committee also has the discretion to further amend the ordinance. I also recommend soliciting comments from the Planning Department prior to this ordinance moving forward.

Planning

Reviewed by: Joe Kocy

Date: 11/21/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: See attached page for comments.

Administration

Reviewed by: Tony McDonald

Date: 11/21/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the Planning Director's recommendations.

Memorandum:

To: Milton Pope
From: Jos. Kocy
Date: November 21, 2007
Re: Architectural Review Board

I have reviewed the County Council Request of Action for the Architectural Review Board Ordinance and offer these comments.

The 1st proposed ordinance:

- The County has not adopted design architectural or design guidelines. What criteria would the Review Board for district and building designation?
- The Planning Department does not have a staff member with architecture or design training. It will be difficult for existing Planning staff to create architectural/design guidelines or engage in educational activities.
- Without trained staff, it would be difficult to advise and assist in architectural and design activities, especially management and maintenance of properties.

The 2nd proposed ordinance:

- The County has not adopted design architectural or design guidelines. What criteria would the Review Board for district and building designation?
- The Planning Department does not have a staff member with architecture or design training. It will be difficult for existing Planning staff to create architectural/design guidelines.
- It will be difficult for existing Planning staff to advise a Review board in architectural review, including;
 - New structures
 - Changes in use
 - Building alterations
 - Signs
- The Planning Department does not have the education or expertise to undertake an inventory of historic and architecturally valuable buildings, or review inventories performed by a consultant.
- The Planning Department does not have the education or expertise to evaluate an application for a variance, especially reviewing alternative building design or impact on the character of a neighborhood.

Financial Impact

- The Planning Department would need consultants or trained staff to undertake the duties proposed in either of these ordinances.

Alternatives – a 4th choice

- Approve the 1st proposed ordinance creating an Architectural Review Board
- Approve the 2nd proposed ordinance creating an Architectural Review Board
- Do not approve the ordinance creating an Architectural Review Board
- A 4th choice

Adopt Neighborhood Design Standards contained in Neighborhood Plans

The Neighborhood Planning program, in collaboration with residents, is preparing detailed Neighborhood Plans (e.g., Decker Blvd). Neighborhood Plans contain detailed design recommendations, and could easily be adopted as architectural and design standards providing guidance to developers. These standards could be used as guidelines by the Planning Commission and Planning Department when reviewing development applications in Neighborhood Planning Areas.

The Planning Department is currently preparing a Zoning Overlay and Development Regulations creating regulatory guidelines and incentives to implement the Decker Blvd Neighborhood Plan. This could be a pilot project for design guidelines, gauging effectiveness and efficiency of a new program.

OPTION #1

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-326, BOARDS AND COMMISSION CREATED AND RECOGNIZED; SO AS TO CREATE AN ARCHITECTURAL REVIEW BOARD.

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 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and commissions created and recognized; is hereby amended by the addition of a new subsection creating the Richland County Architectural Review Board as follows:

(1) *Richland County Architectural Review Board.*

(1) *Creation.* There is hereby created a Richland County Architectural Review Board, pursuant to S.C. Code 1976, § 6-29-870, which shall serve the functions and in the capacities set forth herein.

(2) *Membership.* The membership of the board shall be as follows:

(a) *Number of members; qualifications of members.* The board shall consist of not more than ten members, of whom at least one shall be an architect registered in the state, at least one shall be a lawyer admitted to practice before the supreme court of the state, at least one shall be experienced as an architectural historian, at least one shall be experienced as a county planner, at least one shall be a real estate developer or licensed real estate broker, and one shall be an architect with historic preservation experience and the remainder, if any, shall be persons who, by reason of other experience or education, shall be qualified for service on such board. All members must be interested citizens residing in Richland County.

(b) *Appointment of members; terms; vacancies.* Every such member shall be appointed by the county council for a term of three years. However, in making the initial appointments, not more than five members shall be appointed for a term of two years and not more than five members shall be appointed for a term of three years, so that certain of the offices shall expire every year. Thereafter, their successors shall be appointed for terms of three years, or for the balance of any unexpired term. No member of the board may be appointed to serve for more than two

successive terms. The board may submit a list of recommended nominees to fill vacancies for consideration by the county council.

- (c) *Removal of members; compensation.* Members may be removed at any time with or without cause. Any member who fails to attend two consecutive meetings of the board without giving five days' advance written notice of conflict to the chairperson and secretary of the board shall be deemed to have abandoned his membership on the board. No member shall receive compensation for his/her service on the board, but he/she may be reimbursed for his/her actual expenses necessarily incurred in the performance of his/her official duties.
 - (d) *Rules of procedure; officers; records.* The procedures of the board shall be as follows: The board shall adopt, and from time to time may amend, bylaws concerning its internal management. Such bylaws and amendments must be approved by resolution of the county council. The board shall elect one of its members as chairperson and another as vice-chairperson. The county administrator shall designate an employee of the county to serve as its secretary. The records of the board shall set forth every determination made by the board, the vote of every member participating in such determination and the absence or failure to vote of every other member.
 - (e) The Committee shall meet at such times and places as determined by the Chairperson, but no less frequently than once per month.
- (3) *Responsibilities.* The Richland County Architectural Review Board shall have the following responsibilities:
- (a) Advise the county council upon the designation of landmarks, landmark districts, architectural conservation districts, and protection areas.
 - (b) Carry out those regulatory duties relating to subsection (3)(a) of this section as set forth in this section.
 - (c) Plan and direct continuing studies of areas, physical features and improvements in the county relating to design, historic preservation, beautification, civic improvement and other considerations in furtherance of this subsection, and in doing so, properly coordinate such plans and studies with the various departments and agencies of the county.
 - (d) Engage in educational activities related to the furtherance of this subsection in order to promote appropriate design, historic preservation and conservation of historic or aesthetic features of the county.

- (e) Advise, assist and represent the best interest of the county in matters relating to coordination of and assistance to other public bodies and private interests in activities related to this subsection.
- (f) Advise and assist the county council in acquisition of any gift, grant, purchase, bequest, device, lease, fee simple or lesser interest, development right, easement (including scenic easement), covenant or other contractual right which may accrue to the furtherance of the purposes of this subsection.
- (g) Advise the county council in actions of eminent domain taken in furtherance of the purposes of this subsection.
- (h) Upon request of the county council, manage, control and maintain any property related to the purpose of this subsection or to the purposes of the board.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY
OF _____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

OPTION #2

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, ADMINISTRATION; SO AS TO CREATE A RICHLAND COUNTY ARCHITECTURAL REVIEW BOARD.

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; Article II, Administration; is hereby amended by the addition of a new section creating the Richland County Architectural Review Board as follows:

Sec. 26-37. Richland County Architectural Review Board.

(a) Established; organization.

- (1) A board of architectural review is established to review proposals within architectural review districts. The board shall consist of seven residents of the county appointed by the county council for staggered terms of four years, commencing January 1. Members shall not be appointed for more than two consecutive terms.
- (2) The board shall be composed of at least three, but no more than four, professionals from among the following fields: architecture, landscape architecture, horticulture, building construction, engineering, and urban planning. Two members shall own property, a business, or be a resident of an architectural review district. At least one, but not more than two, members shall be at-large resident members who are neither design professionals nor property owners, business owners, or residents of an architectural review district. Any vacancy in membership shall be filled for the unexpired term by the city council, which shall have the authority to remove any member. No member of the commission may hold another public office position in the city.
- (3) The board shall elect annually a chair and vice-chair from among its members. It shall adopt bylaws and rules of procedure and keep a record of its proceedings in accordance with state law and these regulations. Minutes of meetings shall state the reasons for granting or denying certificates of approval.
- (4) Four members of the board shall constitute a quorum for the conduct of business. The members shall serve without compensation, except for reimbursement for

authorized expenses attendant to the performance of their duties. The board shall meet at the call of the chair or at such regular intervals as determined by the board. Meetings shall comply with the Freedom of Information Act, S.C. Code 1976, § 30-4-10 et seq.

(a) Powers and duties of the board.

(1) The board of architectural review shall review applications for permits for the following activities within AR districts which are subject to architectural review by the board pursuant to regulations in this article:

a. All new buildings and structures, excluding single-family residential development and exterior signs for existing commercial buildings;

b. All changes of use from residential to nonresidential;

c. Any alteration that increases the total impervious site area or gross floor area of a building;

d. All exterior signs for new developments;

e. All exterior signs and exterior alterations on buildings and sites in C districts. The board shall issue a certificate of approval for activities which comply with the applicable standards.

(2) The board may initiate establishment of AR architectural review overlay districts and zoning text amendments for this article.

(3) The board shall inventory historic and architecturally valuable buildings and structures, significant scenic areas, and unique districts, corridors and development areas; and make recommendations to the planning commission for specific architectural review standards to be adopted by the city council and applied in AR districts established to preserve and protect them. Standards may vary according to the character of the district, and shall be included in the ordinance establishing a specific AR district as a part of the district regulations.

(4) The board, by rules of procedure, may delegate to the zoning administrator the authority to approve specified activities, as outlined in subsection (a) of this section, which meet all applicable standards in this chapter without review by the board, subject to appeal to the board as provided in this article.

(5) The board may grant a variance from the strict application of architectural review standards to a particular parcel or structure after a public hearing held on 15 days' prior newspaper notice, upon making written factual findings that application of the regulations would result in unnecessary hardship, and that the property or structure to be protected and the alternative site planning and

building design approach meet the same design objectives; and the character of the district will not be harmed by the variance. In granting a variance of architectural review standards, the board may attach reasonable conditions in conformity with the purpose of this article.

Secs. 26-38 – 26-50. Reserved.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2007.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY
OF _____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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

Richland County Council Request of Action

Subject: Airport Commission Recommendations

A. Purpose

The County Council is being asked to consider adoption of several items recommended by the Richland County Airport Commission at its last meeting.

B. Background / Discussion

The Richland County Airport Commission was established by the County Council as an advisory body on issues relating to the Columbia Owens Downtown Airport. As such, the Commission may make recommendations on Airport issues, but cannot set policy without the Council's approval.

At its meeting of September 18, 2007, the Airport Commission made the following recommendations:

- (1) Establish ramp fees for aircraft that utilize the Airport, except for brief stopovers. The proposed fee schedule is attached for review.
- (2) Establish a \$10 replacement fee for access keys and gate cards.
- (3) Require that the tenants of the new corporate hangars pay for their own electricity. These hangars are separately metered, which will facilitate this process.
- (4) Institute a policy to regulate the placement of memorial markers on Airport property. Under the proposed policy, a copy of which is attached, markers would only be allowed under rare and exceptional circumstances.

C. Financial Impact

Each of the first three recommendations would be a revenue generator and would not cost the County or the Airport any additional funds. This additional revenue would assist with the Airport's continued efforts to become self-supporting. Recommendation #4 would not generate revenue for the Airport, but neither would it cost the Airport or the County since the markers' sponsors would be required to fund the full cost if approved.

D. Alternatives

The following alternatives should be considered:

1. Approve each of the three recommendations as proposed by the Airport Commission.
2. Approve any combination of the Airport Commission's recommendations.
3. Do not approve the Commission's recommendations.

E. Recommendation

It is recommended that the Council approve the recommendations of the Airport Commission as outlined above.

Recommended by: Tony McDonald Department: Administration Date: 10/10/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Approval of additional fees would require a budget amendment therefore Council may consider taken this up as a part of the FY09 budget ordinance. The current adopted airport budget includes a GF subsidy of approximately \$76k; therefore, if approved, we would recommend that any additional revenue be used to support the existing operation prior to adding additional cost.

Legal

Reviewed by: Amelia Linder

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: All three alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Concur with Finance Director's comments.



August 13, 2007

Mr. John C. B. Smith, Jr.
 Richland County Airport Commission
 330 Country Club Drive
 Columbia, South Carolina 29206

Dear C. B.,

As we discussed after the last commission meeting I highly recommend we implement a ramp fee. This will provide the county with some additional revenue from the ramp fee and by increasing fuel sales from transient customers. This would place no burden on the local aircraft owners and as you know, is an accepted practice throughout the country. I propose the following rates which are half the rates at Metro:

Piston Single	\$ 5.00
Piston Twin	\$ 10.00
Turbine Single	\$ 15.00
Turbine Twin	\$ 20.00
Light Jet	\$ 30.00
Medium Jet	\$ 50.00
Heavy Jet	\$ 100.00

We would not charge the ramp fee if they make a minimum fuel purchase or for those who just drop a passenger and leave. The objective behind the ramp fee is to encourage transient aircraft to purchase fuel and support the operation. I would propose the revenue be split on the same basis as hangar rentals 75% County/ 25% Eagle.

I recommend we commence with the reopening of the airport and its new resurfaced runway.

Best regards,


 Dave Lipski

DL/tm

Cc: Jim Hamilton

Richland County Airport Commission Memorial Marker Policy

The Richland County Airport Commission (RCAC) shall be the authority to review and approve or disapprove all written requests to install memorial markers in the designated area of Columbia Owens Downtown Airport (KCUB).

Memorial markers are intended to honor the memory of deceased friends of KCUB who have made noteworthy contributions to the Airport.

Sponsors shall submit a written request and include a statement on why the deceased person is being remembered and a professional drawing or rendition of the marker.

Only professionally engraved granite markers measuring no more than 42" X 16" X 3" deep will be considered.

Markers shall not have any objectionable content. Nothing on or associated with the marker shall be above ground level.

When approved by RCAC, markers shall be professionally installed flush with the ground, six (6) feet from the preceding marker, twelve (12) inches from the fence between the driveway curb and the fence beginning at the southeast corner of the Terminal building and continuing along the fence so long as space is available.

The marker's sponsors shall be responsible for all marker-associated costs and any damage to Airport property, utilities or facilities resulting from the marker installation.

The Richland County Government, RCAC or Airport management shall not be responsible for any subsequent damage to the marker for any reason.

-----end-----

Richland County Council Request of Action

Subject: Sanitary Sewer Extension Agreement – Kingston Village Off -Site Gravity Sewer

A. Purpose

The purpose of this report is to obtain approval of a “Sanitary Sewer Extension Agreement” for the construction of an 8-inch gravity sewer line to serve the Kingston Village Subdivision.

B. Background

The Broad River Regional sewer system has been developed primarily by developers extending sewer lines to new subdivisions. The County has a sewer extension policy that will allow developers to recoup a portion of their investment in the sewer line extension if other property owners connect to the new sewer lines. Only main sewer trunk line and other components that are identified in the County’s sewer master plan qualify for a sewer extension agreement.

C. Discussion

The B&C Development Company, LLC is proposing to construct an 8 inch gravity sewer line to serve their new subdivision known as Kingston Village. This 8 inch sewer line is identified in the County’s sewer master plan as a line needed to serve the drainage basin in which the Kingston Village subdivision is located. It will extend from an existing sewer line at the Dutch Fork Middle School to the project site. The extension of this sewer line and the construction of this subdivision will be infill for a part of the community that is surrounded by properties that currently have sewer service available. Entering into a sanitary sewer extension agreement for the construction of this sewer line will be consistent with existing policies for the expansion of the Broad River Regional Sewer System.

The B&C Development Company, LLC plans to invest approximately \$218,303.00 in the construction of this sewer line. For their investment, the developer will receive sewer taps equal to the value of their investment that may be used for payment of connection fees for the lots within their subdivision. Future customers that connect to this line will pay sewer tap fee directly to the County.

D. Financial Impact

The B&C Development Company, LLC will fund all cost associated the construction of this sewer line. No additional funds should be required.

E. Alternatives

1. Approve the Sanitary Sewer Extension Agreement as presented.
2. Disapprove the agreement.

F. Recommendation

It is recommended that County Council approve the “Sanitary Sewer Extension Agreement” for the construction of the Kingston Village Off-Site Gravity Sewer.

Recommended by: Andy H. Metts **Department:** Utilities **Date:** 09/11/07

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/14/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 9/18/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that this request be approved. It should be noted that Administration is currently reviewing the County’s sewer extension policy, as directed by a previous Council motion, and the results will be presented later this fall.

SANITARY SEWER MAIN EXTENSION AGREEMENT

STATE OF SOUTH CAROLINA) SANITARY SEWER MAIN EXTENSION
) AGREEMENT FOR:
COUNTY OF RICHLAND) KINGSTON VILLAGE OFF-SITE GRAVITY SEWER
) BROAD RIVER REGIONAL SEWER SYSTEM

THIS AGREEMENT entered into this _____ day of _____ 2007, is by and between the County of Richland, State of South Carolina (hereinafter referred to as the "County"), and **B & C Development Co., LLC**, (hereinafter referred to as "Developer"). This Agreement represents the whole agreement between the two parties and supersedes and replaces any prior agreements, oral or written, between the parties regarding the subject matter of this Agreement.

RECITALS

WHEREAS, the Developer desires to finance the design and construction of a sewer collection system to be known as **Kingston Village Off-site Gravity Sewer**, as delineated on plans prepared for B & C Development Co., LLC, prepared by Genesis Consulting Group, dated July 31, 2007, revised August 20, 2007, Project No. 07-051 (herein after referred to as "Facilities") and being further delineated thereon as approximately 3,440 linear feet of 8-inch PVC pipe and ten (10) sanitary sewer manholes, which are located on properties on or near Old Tamah Road north of Interstate I-26, beginning at the proposed Kingston Village Subdivision traveling along easterly approximately parallel to Old Tamah Road to the existing 8-inch gravity sewer serving the Dutch Fork Middle School, copies of said plans are on file in the Richland County Utilities Division, and upon completion, to transfer the Facilities to the County for ownership, operation and maintenance; and

WHEREAS, County agrees to accept, own, operate and maintain the Facilities upon completion pursuant to the terms hereof.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions and terms contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I - RESPONSIBILITIES OF THE DEVELOPER

The Developer shall:

- (1) Have prepared final engineering plans and specifications for the collection system to be constructed. These plans and specifications shall be prepared by a registered professional engineer licensed to practice in South Carolina; shall conform to standards and design, construction and materials normally used and required by

the County; and shall be submitted to the County and the South Carolina Department of Health and Environmental Control (DHEC) for review, approval and issuance of a construction permit.

- (2) Be responsible for obtaining all permits and approvals including, but not limited to, approved construction plans, SCDHEC construction permit, any required City, County or State highway right-of-way encroachment permits, S. C. Water Resources permits, public utility permits, and any required easements on private property. All easements shall be obtained in the name of the County. The Developer shall receive approval from the County prior to closing on the purchase of any easement.
- (3) Following approval from Richland County and the receipt of the construction permit from SCDHEC, advertise the project for bids and award a contract for the construction of the facilities in accordance with the following conditions:
 - a. The project bid package must be approved for advertisement by the County's Procurement Department.
 - b. The project shall be advertised for a minimum of two weeks in The State newspaper.
 - c. Proof of advertisement shall be provided to the County prior to the bid opening.
 - d. Sealed bids shall be forwarded to the County's Procurement Department to be opened jointly by the County and the Developer, as specified in the advertisement for bids, with the Director of Procurement and the Director of Utilities or their representatives in attendance.
 - e. The contract shall be awarded to the lowest responsible bidder. The County shall determine whether bidder is responsible, and approve the award of the contract. The County shall have the authority to waive technicalities and reject any or all bids and to approve such award as, in its opinion, appears to be in the best interest of the County.
 - f. A minimum of three bids must be received prior to bid opening.
- (4) Upon satisfactory completion of all items above, award and administer the contract to insure construction of the Facilities is in accordance with the plans and specifications approved by the County and in accordance with all applicable laws and regulations. Payment of the total cost for the facilities shall be the responsibility of the Developer;
- (5) Deed good and marketable title to the Facilities, free of any liens or encumbrances, to the County upon completion of construction so that the County can legally own, maintain, and operate the Facilities, including transfer of all easements, rights-of-way, and all improvements thereon, relating to the Facilities;
- (6) Provide as-built plans, design and construction cost data, to include a certification from the Developer's engineer of actual quantities installed and measured in the

field, a lien waiver form and a list of materials installed from the Contractor installing the Facilities, and;

- (7) Be responsible for payment of sewer tap fees for properties discussed herein prior to the issuance of the permit to operate the Facilities by the SCDHEC. Sewer tap certificates issued under the terms of this agreement shall be negotiable as payment for sewer tap fees within and outside the property to be served.
- (8) Guarantee the work done and materials furnished by him under this project to be free from defects for a period of two years from the date of the permit to operate issued by S.C. DHEC. During the years of guarantee, the Developer shall correct any defects that may develop in work done or materials furnished under this contract. Should the Developer fail to correct defects in work, materials or equipment within seven (7) days after being notified by the County, the County may correct such defects and charge the cost to the Developer. In case any defect is an emergency, the County has the right to correct same and charge the actual cost to the Developer.

ARTICLE II - RESPONSIBILITIES OF THE COUNTY

The County shall:

- (1) Review, and, if acceptable, approve engineering plans for Facilities;
 - (2) Periodically inspect the construction process to ensure that construction is being performed in accordance with approved plans and specifications and sound engineering standards and principles;
 - (3) Within ten (10) days of final DHEC approval, accept the completed Facilities for operation and maintenance, provided the Facilities are constructed in accordance with this Agreement and the Developer has otherwise performed its obligations hereunder (provided, however, that such acceptance shall not constitute a waiver of any rights the County may have against the Developer for breach of its obligations hereunder);
- (4) Upon proper transfer of the Facilities to the County, issue to the Developer non-transferable sewer tap certificates as compensation for constructing the Facilities based on actual costs or the maximum estimated total cost as agreed below, at the option of the County as follows:
- a. Sewer tap certificates shall be issued for the total cost to the Developer of the Facilities as the sum of the construction cost including materials, labor, and engineering. The final total cost shall be determined by the County with construction costs being based on the actual quantities installed and measured in the field. The estimated total cost is agreed to be Two Hundred Eighteen Thousand Three Hundred Three Dollars (**\$218,303**). It is understood and agreed that the estimated total cost is the maximum amount that the County will credit the Developer

- b. The Developer shall obtain all easements in name of the County and shall advise the County prior to closing on the purchase of any easement of the proposed purchase price. The Developer shall be reimbursed with sewer tap certificates for reasonable easement acquisition cost as determined by the County.
- c. The cost of all on-site sanitary sewers (those not included in the Facilities) shall be absorbed by the Developer with the exception of sewer lines that require oversizing to adhere to the County's sewer master plan. If the County requires lines to be oversized, the Developer shall be issued sewer tap certificates for the difference in actual construction cost of the line size required by the County and that normally required to serve Developer's project. The Developer shall make provisions during the project bid process to obtain the difference in construction cost for the oversized system. The estimated difference in construction cost for the oversized system shall be included in the estimated total cost in paragraph 4 (a).
- d. The number of the sewer tap certificates shall be determined by dividing the total construction cost by the County's established tap fee rate of four thousand dollars (\$4000.00) per residential equivalent for the area. If a fractional certificate is involved, the number of certificates to be issued shall be rounded down to the next lower whole number. It is understood that the maximum number of sewer tap certificates issued under this Agreement shall not exceed **fifty-four (54)** plus an equivalent number of taps attributed to easement acquisition as noted in paragraph (4)b above.
- e. The tap certificates issued hereunder will have a five (5) year usable life and will have a constant value of \$4000.00 throughout this life. The tap certificate issue date shall correspond to the SCDHEC Permit to Operate date for the Facilities. Tap certificates not sold or assigned to specific property will be void after such five (5) year period.
- f. Retain one (1) certificate issued under this Agreement for each residential lot in the Developer's development known as **Kingston Village**.
- g. The sewer tap certificates shall be valid for connection anywhere on the Broad River Regional sewer system.
- h. Have the right to purchase all tap certificates issued under the terms of this Agreement for the value the tap certificates were issued. If the County purchases all tap certificates mentioned herein, the County shall be relieved of any future compensation due the Developer as a result of the terms and conditions of the Agreement.

ARTICLE III - TERM OF AGREEMENT

Developer must begin construction within six (6) months of the date hereof and complete the Facilities and transfer the Facilities to the County within one (1) year from the date of the Agreement. Should the Developer not begin and finish its construction of the Facilities within such periods, the County may terminate this Agreement without any further liability on its part.

ARTICLE IV - COMPLIANCE WITH LOCAL LAWS

The Developer shall comply with all applicable laws, ordinances and codes of the State of South Carolina and the County of Richland and shall commit no trespass on any public or private property in performing any of the work embraced by this Agreement.

ARTICLE V - INDEMNIFICATION

The Developer agrees to indemnify the County for all damages, costs (including reasonable attorneys' fees), or other expenses, which the County may incur as a result of a breach of the Developer's obligations hereunder.

IN WITNESS WHEREOF, the parties herein have hereunto set their hands and seals the year and day of the first above written.

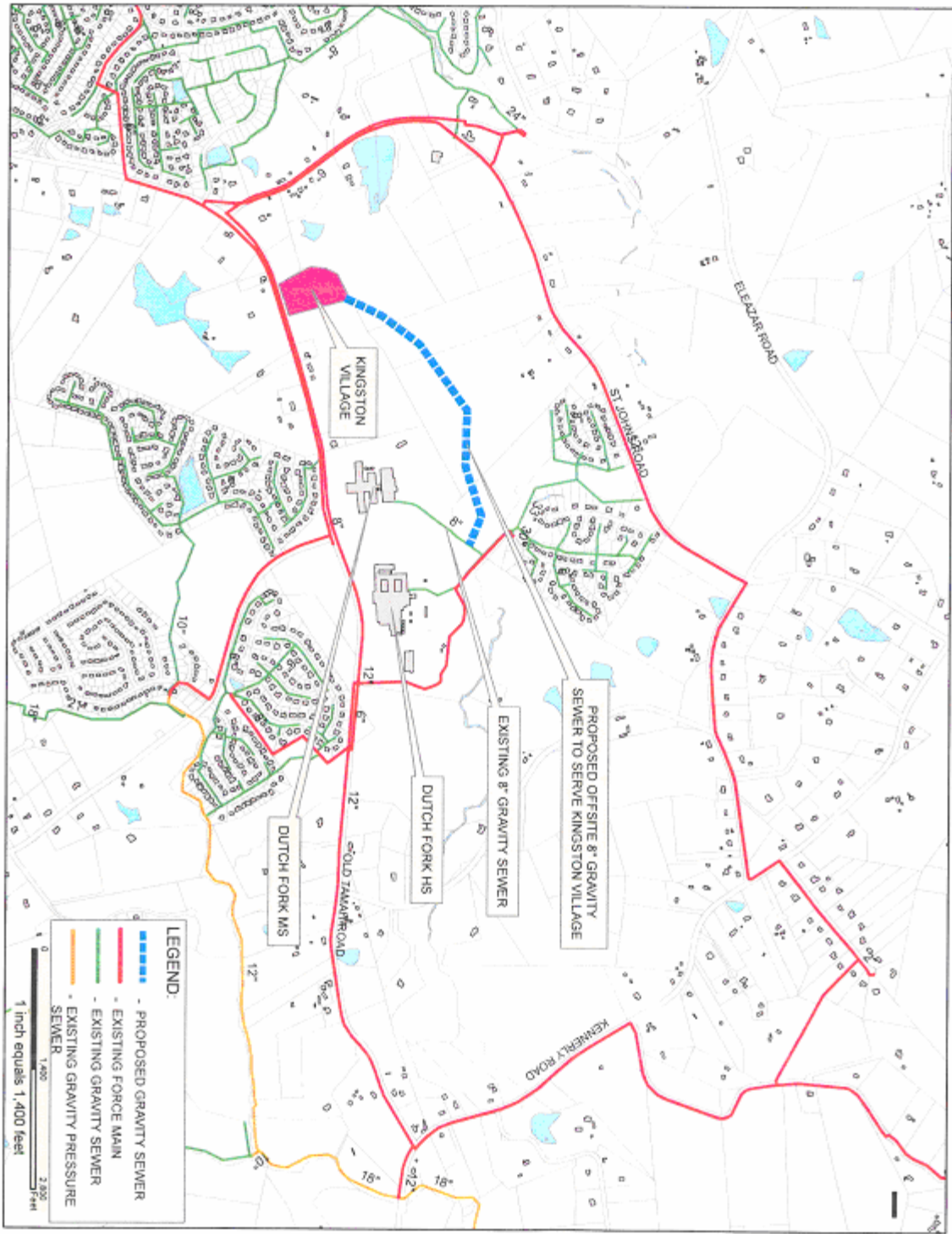
WITNESSES: County of Richland County

COUNTY OF RICHLAND

By: _____
County of Richland
Duly Authorized Officer

WITNESSES:

By: _____



Richland County Council Request of Action

Subject: Solid Waste Ordinance Amendment

A. Purpose

The Council is requested to approve an amendment to the County's Solid Waste Ordinance that would repeal the requirement that beneficial landfills, composting facilities, and solid waste management facilities locating in Richland County obtain a permit from the County.

B. Background / Discussion

On December 18, 2007, Richland County and Northeast Landfill ("NEL") entered into a settlement of the case brought by NEL challenging the validity of the County's Solid Waste Management Plan. As part of this settlement agreement, the County agreed to repeal section 12-46 of the Richland County Code of Ordinances. This section requires solid waste management facilities located in Richland County to obtain a solid waste permit from Richland County. "Solid waste management facility" is defined as "any solid waste disposal area (including public and private landfills), volume reduction plant; transfer station, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste."

Repeal of section 12-46 will eliminate the need for NEL, or any other facility, to obtain a solid waste permit from the County. NEL must still, of course, seek and obtain a solid waste permit from the S.C. Department of Health and Environmental Control. In addition, it is recommended that Section 12-41, Definitions; Section 12-42, Applicability; Section 12-44, Beneficial landfills; and Section 12-45, Composting facilities; be repealed in their entireties, and that Section 12-43, Federal, state and local law be re-numbered to read as a new Section 12-41.

C. Financial Impact

There is currently a \$100 application fee that must be paid when application is made to Richland County. The repeal of the ordinance in question, therefore, would eliminate any income from such applications. The number of applications that the County receives, however, are so few that this loss of revenue would have no impact on the County's overall Solid Waste Division's operations.

D. Alternatives

The following alternatives exist with respect to this request:

1. Approve the ordinance amendment as indicated above. This action would be consistent with the settlement agreement entered into with NEL.

2. Do not approve the proposed ordinance amendment, which would render the County non-compliant with the settlement agreement.

E. Recommendation

Recommend approval of the amendment as proposed.

Recommended by: Tony McDonald **Department:** Administration **Date:** 1/18/08

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/22/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Revenue impact is immaterial and can be absorbed within the current SW budget estimates.

Legal

Reviewed by: Amelia Linder

Date: 1/22/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 1/22/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 12, GARBAGE, TRASH AND REFUSE; ARTICLE III, CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES, BENEFICIAL LANDFILLS, AND COMPOSTING FACILITIES, SO AS TO REPEAL CERTAIN PROVISIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse, Article III, Construction, Modification, Expansion, and/or Operation of Solid Waste Management Facilities, Beneficial Landfills, and Composting Facilities, is hereby amended to read as follows:

ARTICLE III. CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES, BENEFICIAL LANDFILLS, AND COMPOSTING FACILITIES

Section 12-41. Federal, state and local law.

All solid waste management facilities, beneficial landfills, and composting facilities shall adhere to all federal and state rules and regulations, and all local zoning, land use and other applicable local ordinances.

Sections 12-42 – 12-47. Reserved.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject: Quit Claim, Hastings Alley

A. Purpose

County Council is requested to approve execution of a quit-claim deed by which Richland County releases its interest in part of the right of way which is between the property owners property line and the new right of way of Hastings alley

B. Background / Discussion

As part of the South Paving Program, Hastings Alley was surveyed and the new alignment set. This new alignment left a small triangle area totaling 62 square feet between the new alignment and the surveyed property line on property having a tax map no. of 11203-03-29. The property owner, We Rent Pretty Homes, LLC, is willing to donate 841 square feet of tax map 11203-03-04 in exchange for Richland County Quit Claiming 62 square feet back to We Rent Pretty Homes, LLC. Both of these swaps will allow the new alignment to line up with property lines. A survey plat by Cox and Dinkins, Engineers and Surveyors is attached.

C. Financial Impact:

Section 21-14 of the Richland County Code of Ordinances states that: The County Council **may** require the grantee to pay up to the fair market value, as determined by the County Assessors Office, in exchange for the conveyance of the right of way.

Tax map no. 11203-03-29 has a total of 14510+- square feet, with an assessed value of \$8800, which is \$0.61 per square foot. Amount to be owed to grantor, We Rent Pretty Homes, LLC, would be 841sq. ft X \$0.61=\$513.00

Tax map no. 11203-03-04 has a total of 7320 +- square feet, with an assessed value of \$7500, which is \$1.02 per square foot. Amount to be paid to grantee, Richland County, would be 62 sq. ft X \$1.02=\$63.24

As the grantor, We Rent Pretty Homes, LLC is giving up a total of 841 square feet of roadway in exchange for only 62 square feet.

D. Alternatives:

1. Grant the quit-claim without compensation
2. Grant the quit-claim but require compensation. The property owner would then request Richland County pay We Rent Pretty Homes, LLC for property taken on the other parcel.
3. Deny the quit-claim. The property owner would then probably refuse to grant the necessary right of way for the other parcel.

E. Recommendation:

It is recommended that Council approve Alternative #1, the request to quitclaim a portion of county property. In exchange the property we need as part of the R/W to pave Hastings alley would be transferred to us in conjunction with our quitclaim.

Recommended by: Teresa C. Smith, P.E **Department:** Public Works **Date:** 1/15/08

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/16/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: If approved, this request will require an ordinance, with three readings and a public hearing.

Administration

Reviewed by: Tony McDonald

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject: Public Works: Grant Approval/No Personnel/No Cash Match

A. Purpose

County Council is requested to approve 1 grant in the amount of \$8,000. There is no cash match request for this project.

B. Background / Discussion

This grant application became available after the FY09 grant budget request was submitted. A grant application was submitted to PalmettoPride for a Community Grant of \$8,000 to help the Richland County Solid Waste hold a Community Recycling Event on November 15, 2008. This grant has no personnel, or match fund requirements. A general synopsis of the program is attached. A full copy of the application may be obtained from the Grant Development Manager, Ms. Audrey Shifflett.

This project was designed to address a direct need within the communities we serve.

C. Financial Impact

The grant request to PalmettoPride is for \$8,000. There is no cash match requirement.

	Amount
Match funding request	\$0
Total	\$0

D. Alternatives

1. Accept the grant award from PalmettoPride (anticipated in February 2008).
2. Do not approve and refuse to accept the grant.

E. Recommendation

The Department of Public Works recommends that Council approve the grant of \$8,000.00

Recommended by: Teresa C. Smith, P.E., Department: Public Works **Date:** 01/15/08
Paul Alcantar, Solid Waste Manager

F. Reviews

Grants

Reviewed by: Audrey Shifflett

Date: 01-17-08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This grant opportunity became available after the FY08 budget process; there are no personnel to be funded by the grant and no cash match requirement.

Finance

Reviewed by: Daniel Driggers

Date: 1/17/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 1/17/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 1/17/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Celebrates “America Recycles Day 2008”

Richland County Solid Waste Department will hold a Community Recycle Event on November 15, 2008. This event will be held at Clemson Sandhill Research and Education Center on Clemson Road.

I. Community involvement

We will partner with the following environmentally focused organizations:

- DHEC
- SCE&G
- Richland County Sheriff Department
- Clemson Sandhill Research & Education Center
- Richland County Appearance Commission
- Richland County Council of Neighborhoods
- All Richland County Contract Haulers
- Keep the Midlands Beautiful
- Richland County Special Services
- Richland County Master Gardeners
- Sonoco Recycle
- Fort Jackson Recycle Center
- Lexington County
- BP Barber

II. Litter reduction activities

The Recycle Event will be a day of educational games, displays, and recycle awareness messages. We will also collect tires and electronics, thereby reducing common neighborhood littering problems. We will also incorporate a recruitment effort for our participation in the Great American Clean Up.

III. Goals & Objectives

- Increased participation in county Recycle Program.
- To educate the public about:
 - 1) The need to recycle
 - 2) What to recycle
 - 3) The procedures to recycle in there area
 - 4) How to work with the local hauler
 - 5) Alternative and innovative ways to reduce waste
- Foster relations between County Agencies, businesses and non-profit groups working on environmental issue and concerns.
- Keep recyclable material from littering neighborhoods

IV. Benefits:

- 1) Reduction in waste to land fill
- 2) Strengthen relationships throughout the community to solve the common problems associated with waste.
- 3) Community awareness of citizens impact on the environment
- 4) Litter free neighborhoods and roads

Richland County Council Request of Action

Subject: Funding alternative for Electric Traffic Signal at the Summit Ridge Drive and Summit Parkway

A. Purpose

Council is requested to approve utilization of up to \$100,000 of the FY08 Electric Traffic Signal Program fund for the construction and installation of an electric traffic signal at the intersection of Summit Ridge Drive and Summit Parkway with potential reimbursement of \$45,000 by the CTC upon resolution of the current funding shortfall issue associated with CTC funds.

B. Background / Discussion

In October 2007 Council approved installation of an electric traffic signal at the intersection of utilization of Summit Parkway with four lanes and Summit Ridge Drive. Funding for this intersection was to be via \$45,000 from CTC and the \$250,000 approved for the FY08 Electric Signal Program from the Roads & Drainage fund balance. Richland County has been notified by SCDOT via the CTC that current funding requests can not be processed at this time due to funding issues. No information has been received to date as to when the funding for new projects will be available.

C. Financial Impact

Council approved \$250,000 to fund the FY08 Electric Traffic Signal Program. Funds are available to allow utilization of up to \$100,000 of the FY08 Electric Traffic Signal Program funds with reimbursement of the \$45,000 in CTC funds as they become available.

D. Alternatives

The alternatives are:

1. Approve utilization of up to \$100,000 of the FY08 Electric Traffic Signal Program funds to install/construct the electronic traffic signalization at the intersection of Summit Ridge Drive and Summit Parkway with reimbursement of \$45,000 in CTC funds as they become available there by allowing this project to proceed on schedule.
2. Disapprove utilization of up to \$100,000 of the FY08 Electric Traffic Signal Program funds to install/construct the electronic traffic signalization at the intersection of Summit Ridge Drive and Summit Parkway with reimbursement of \$45,000 in CTC funds as they become available; thereby stopping progress on the project until the funding issues with CTC can be resolved.

E. Recommendation

It is recommended that County Council approve option #1 above.

The County of Richland



Office of the County Attorney

MEMORANDUM

TO: Milton Pope, County Administrator
FROM: *LS* Larry C. Smith, Richland County Attorney
SUBJECT: Establishment of Franchise Fees upon utilities operating in Richland County
DATE: November 14, 2007

1. The County has the legal authority to impose franchise fees upon utilities operating in the County's designated Service Area without the County's consent.
2. The County's designated Service Area is defined as "an area in which the particular service is being provided or funds have budgeted or funds have been applied for as certified by the governing body thereof."
3. If the County designated a "Service Area," the County's consent and application of the fee would only likely apply to new service.
4. Telephone, telegraph, gas and electric are exempt and don't require the County's consent to operate.
5. In addition to the imposition of a franchise fee, the County could also consider the imposition of a business license tax on the for the extension of the lines in the unincorporated.

Cc: Honorable Joseph McEachern, Chair of Richland County Council
Tony McDonald, Assistant County Administrator
Any Metts, Utilities Director

CMRTA DISSOLUTION/REMOVAL OF MEMBERS

- Both the Agreement establishing the CMRTA and the CMRTA by-laws state that dissolution shall be according the State statute (section 58-25-30(5)).
- Section 58-25-10 et seq. of the South Carolina Code of Laws is the “Regional Transportation Authority Law”, which allows for creation and dissolution of a regional transit authority.
- Section 58-25-30(5) states “Dissolution of the authority created pursuant to this chapter must be in the same manner as that for creation of the authority as set forth in this chapter. All resources of the authority including, but not limited to, real and personal property, structures, improvements, buildings, equipment, plants, rolling stock, vehicle improvements, vehicle parking, or other facilities or rights-of-way must be disposed of and the proceeds distributed among the authority’s government members proportionate to their financial contribution.”
- Thus, dissolution shall be by agreement of the majority of the governing bodies of general purpose local governments within the service area which include at least 90% of the population of the service area (58-25-30(2)).
- The membership of the Board must be apportioned among the member municipalities and counties proportionate to population within the authority’s service area. No member government, regardless of population, may have less than one member on the Board (section 58-25-40(1)). There is no statute or by-law which would allow for the removal of a member if their respective governmental entity does not fund the CMRTA. In fact, the statute clearly states that each government must have at least one member. Additionally, there is no provision in the Agreement which requires any member to fund the CMRTA.

CREATION OF A REGIONAL TRANSIT AUTHORITY

- The steps for creation of a regional transit authority are also outlined in sections 25-25-10 et seq.
- If Richland County desires to be the only member of the authority then the transit can ONLY run in the UNINCORPORATED areas of the County. If the transit is to run in any incorporated area, then those municipalities would also have to be members (section 58-25-35). The area to be served must include at least 50,000 people.
- Generally, a plan of service must be prepared. It must be consistent with adopted transportation plans for the area to be served and must include:
 - 1) The area to be served.

- 2) The procedures to be used to serve the area.
 - 3) The estimated capital and operating cost by year for the first five years of operation, and a funding mechanism for operation.
 - 4) Funds necessary for the 1st year capital and operating costs.
- If a new source of funding, such as a tax, is to be used, then the question of establishing the authority must be submitted to the qualified electors for a vote.