



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Julie-Ann Dixon	Damon Jeter	Norman Jackson	Bill Malinowski	Seth Rose
District 9	District 3	District 11	District 1	District 5

**FEBRUARY 24, 2015  
5:00 PM**

**2020 Hampton Street**

### **CALL TO ORDER**

### **ELECTION OF CHAIR**

1. Election of Chair

### **APPROVAL OF MINUTES**

2. Regular Session: January 27, 2015 [PAGES 5 - 7]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

3. RC Souvenirs [PAGES 8 - 17]
  
4. Ordinance Amendments Regarding the Removal of the Requirements Placing a Lien on Property [PAGES 18 - 32]
  
5. Dog Park Program [PAGES 33 - 45]
  
6. Neighborhood Improvement Program Property Purchase - Candlewood [PAGES 46 - 52]
  
7. Fund and/or seek a partnership with SCE&G to plant indigenous flowers and plants along transmission line corridors in Richland County [PAGES 53 - 57]
  
8. Intergovernmental Service Agreement with the City of Forest Acres [PAGES 58 - 63]
  
9. Richland County Conservation Commission (RCCC) Request to Negotiate Property Purchase: Executive Session [PAGES 64 - 68]

**ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

10. Noise Ordinance [PAGE 69]
  
11. Comprehensive Youth Program [PAGE 70]
  
12. Interstate Interchange Lighting Project [PAGE 71]

**ADJOURNMENT**



## **Special Accommodations and Interpreter Services**

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

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

# Richland County Council Request of Action

**Subject**

Election of Chair

**Reviews**

# Richland County Council Request of Action

## **Subject**

Regular Session: January 27, 2015 [PAGES 5 - 7]

## **Reviews**

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### DEVELOPMENT AND SERVICES COMMITTEE

January 27, 2015  
5:00 PM  
Council Chambers

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

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 5:02 PM

#### APPROVAL OF MINUTES

**December 16, 2014** – Ms. Dixon moved, seconded by Mr. Malinowski, to approve the minutes as distributed. The vote was in favor.

#### ADOPTION OF AGENDA

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

#### ITEMS FOR ACTION

**RC Souvenirs** – Mr. Malinowski moved, seconded by Ms. Dixon, to hold in committee until the Clerk's Office brings back cost estimates for changes to the souvenir coin designs and the timeframe for producing the coins. The vote in favor was unanimous.

**Interstate Interchange Lighting Project** – Mr. Malinowski moved, seconded by Ms. Dixon, to hold in committee. Staff is to explore potential Federal and/or State grant opportunities and SCDOT funding to assist with the interstate interchange lighting projects. The vote in favor was unanimous.

#### ITEMS PENDING ANALYSIS

**Noise Ordinance** – Held in committee.

**Dog Park Program** – Held in committee.

**Comprehensive Youth Program** – Held in committee.

**Ordinance Amendments Regarding the Removal of the Requirements Placing a Lien on Property [EXECUTIVE SESSION]** – The committee went into Executive Session at approximately 5:22 p.m. and came out at approximately 5:28 p.m.



#### Committee Members Present

Torrey Rush, Chair  
District Seven

Julie-Ann Dixon  
District Nine

Bill Malinowski  
District One

Seth Rose  
District Five

#### Others Present:

Tony McDonald  
Sparty Hammett  
John Hixon  
Warren Harley  
Brandon Madden  
Larry Smith  
Monique Walters  
Daniel Driggers  
Roxanne Ancheta  
Brad Farrar  
Michelle Onley  
Monique McDaniels

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# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

**Richland County Council**  
**Development and Services Committee**  
**January 27, 2015**  
**Page Two**

### **ADJOURNMENT**

The meeting adjourned at approximately 5:28 p.m.



# Richland County Council Request of Action

**Subject**

RC Souvenirs [PAGES 8 - 17]

**Reviews**

**Notes**



**RICHLAND COUNTY  
GOVERNMENT**  
Office of the County Administrator

## MEMORANDUM

**TO:** Richland County Council  
**CC:** Tony McDonald, County Administrator  
**FROM:** Monique McDaniels, Clerk of Council  
**DATE:** February 19, 2015  
**RE:** Richland County Souvenirs

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The Committee held this item in Committee at the January D&S Committee meeting. The Committee directed the Clerk's Office to provide the cost estimates for making any changes to the souvenir coin designs that were presented to the Committee. Also, the Committee directed the Clerk's Office to provide the timeframe for producing the souvenir coins.

Designs of the 4-inch souvenir coin are included in the February D&S Committee agenda packet. Please see the cost estimates for the 4-inch souvenir coin below:

Quantity (50) - 4 inch die struck custom two sided medallions \$16.50 each = Total of \$825  
Quantity (100) - 4 inch die struck custom two sided medallions \$14.50 each = Total of \$1,450

Velour gift boxes \$6.00 each

- 50 = \$300
- 100 = \$600

Two sided die charge \$595.00 – onetime fee

Pre-production sample and shipment- 3 weeks (we will only need to utilize pre-production with the initial order unless we change the graphics)

Complete production and shipment- 4 weeks

Designs of the smaller souvenir coin are included in the February D&S Committee agenda packet. Please see the cost estimates for the smaller souvenir coin below:

Quantity (100) - \$4.50 per coin = Total of \$450

Die charge - \$250 (one-time fee)

Shipping cost - \$24.30

Delivery/shipment time: 4 weeks

# COUNCIL

50%

FRONT

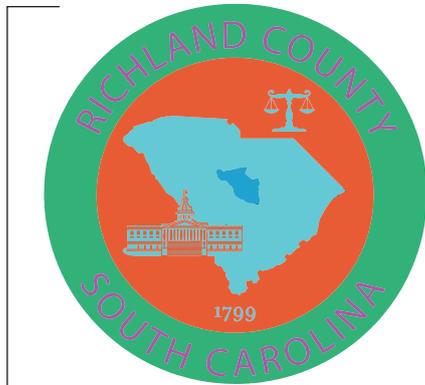
SIDE

BACK

top

- layer 1
- layer 2
- layer 3
- layer 4
- layer 5

4"



3.5mm



## COLOR CHART:

- GOLD PLATED
- PAN 288C
- PAN 485C



## COLOR CHART:

- COPPER PLATED
- PAN 288C
- PAN 485C



Item# 3



EMBOSED

DEBOSED

DEBOSED

EMBOSED

DEBOSED



Item# 3

Attachment number 1  
Page 1 of 1

# *Richland County Government*

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



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

## *Office of the County Administrator*



## MEMORANDUM

**TO:** Richland County Council  
**CC:** Tony McDonald, County Administrator  
**FROM:** Monique McDaniels, Clerk of Council  
**DATE:** December 12, 2014  
**RE:** Alternative RC Souvenir Option

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At the November 18, 2014 Council meeting, Council referred this item back to the D&S Committee to review alternative souvenir coin options that are less expensive than the recommended coin option.

The Clerk's Office has identified a souvenir option that is similar to the command coin used by Fort Jackson in Columbia, SC – see attached rendering. The cost for this souvenir coin is \$4.75 per coin, which is significantly less costly than previously identified souvenir options. Please note, that there is an initial fee of \$250.00 to create the mold for the coin.

This information is being presented to the D&S Committee for their review and action.

Front Side

Back Side



- RAISED METAL (1ST LEVEL)
- RAISED METAL (2ND LEVEL)
- RECESSED METAL
- PMS 200
- PMS 123
- BLACK
- X=CUT OUT

Government Sales Co.  
[www.MilitaryCoins.US](http://www.MilitaryCoins.US)

Please check the artwork carefully. If any errors are found, please notify us to make the change before we go to production. If we have the instruction to proceed with any errors on the artwork, we will have to charge to fix the die.

- RAISED METAL
- RECESSED METAL
- WHITE
- PMS 200
- PMS 5545
- BLACK
- X=CUT OUT

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2020 Hampton Street  
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TDD: (803) 748-4999

## Office of the County Administrator



## MEMORANDUM

**TO:** Richland County Council  
**CC:** Richland County Administration  
**FROM:** Monique McDaniels, Clerk to Council  
**DATE:** October 24, 2014  
**RE:** Richland County Proposed Souvenirs Options and Supplemental Information

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At the March 18, 2014 Council meeting, Councilman Jackson made the following motion:

*“Develop souvenirs for Richland County to be sold at the State Museum and stores for tourism purpose.”*

This item was forwarded to the April D&S Committee.

At the April 22, 2014 D&S Committee meeting, the Committee recommended to hold the item in the Committee, and requested Staff to look into available options regarding souvenirs and report back their findings. Staff provided a summary of available souvenir options at the June 24, 2014 D&S Committee meeting. Following their review, the Committee directed Staff to reexamine possible souvenir options, including a souvenir coin and provide a recommendation to the Committee. Additionally, Staff was directed to research souvenirs used by other jurisdictions, including the City of Columbia.

Some possible souvenir options are as follows:

- Souvenir coins
- Cufflinks
- T-shirts
- Coffee mugs

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A breakdown of souvenir items offered by other counties and municipalities is below:

Jurisdiction	Souvenir Item(s)
City of Columbia	<ul style="list-style-type: none"> <li>• Ink pens</li> <li>• Coffee mugs</li> <li>• Notepads</li> <li>• “Key to The City”</li> </ul>
Fairfield County	<ul style="list-style-type: none"> <li>• Coasters</li> <li>• Metal palmetto trees</li> <li>• “Pieces” of historical buildings</li> </ul>
Florence County	<ul style="list-style-type: none"> <li>• Gift baskets w/ products manufactured in Florence County</li> <li>• Umbrellas</li> <li>• Mugs</li> <li>• Ink pen w/ flash drive</li> <li>• County flag</li> </ul>
Lexington County	<ul style="list-style-type: none"> <li>• Pens</li> <li>• Coffee mugs</li> </ul>
Oconee County	Framed prints signed by Council members and/or Chair

The Columbia Regional Visitors Center (Visitors Center) sells merchandise, including t-shirts and tervis tumblers, which displays their “Famously Hot Columbia, SC” logo. The Visitors Center is a division within the Midlands Authority for Conventions, Sports & Tourism. The County funded the Columbia Metro Convention & Visitors Bureau in FY14 in the amount of \$193,200, and in the amount of \$226,000 in FY15. Given the role of the Midlands Authority for Conventions, Sports & Tourism in promoting the Midlands, the County’s souvenir item(s) may be able to be sold at the Columbia Regional Visitors Center. There are no other counties or municipalities that sell their souvenir items and Richland County cannot sell their items in the South Carolina State Museum or Columbia Convention Center gift shop.

After researching souvenir items offered by other counties and municipalities, Staff recommends the following souvenir options:

- a. Desk Telescop
  1. Price per item - \$30.00-\$34.00
  2. 150 x \$34.00 = \$5,100.00 total

- b. Limestone Paperweight
  - 1. Price per item \$19.00-21.00
  - 2.  $150 \times \$21.00 = \$3,150.00$
  
- c. Desk clock with compass or just the compass
  - 1. Price per item \$48
  - 2.  $150 \times \$48.00 = \$7,200$
  
- d. Gold Medallion
  - 1. Price per item \$44.00
  - 2.  $150 \times \$44.00 = \$6,600$

**RICHLAND COUNTY SOUVENIR**  
**MISC\_8235**



**DESK TELESCOPE**

150 - \$34.20 each  
250 - \$32.40 each  
300 - \$30.30 each



**LIMESTONE PAPERWEIGHT**

150 - \$21.00 each  
250 - \$19.20 each



**DESK CLOCK WITH COMPASS**

150 - \$48.00 each  
250 - \$48.00 each



**3" ETCHED MEDALLION**

150 - \$44.16 each  
250 - \$44.16 each

**Additional option** (need to explore costs more)  
**Limestone pieces from quarry in Richland County**  
We could get actual Richland County limestone pieces place on a wooden base with a plaque or laser engraved.

# Richland County Council Request of Action

**Subject**

Ordinance Amendments Regarding the Removal of the Requirements Placing a Lien on Property [**PAGES 18 - 32**]

**Reviews**

## Richland County Council Request of Action

**Subject:** Ordinance Amendments Regarding the Removal of the Requirements Placing a Lien on Property

### **A. Purpose**

County Council is requested to approve ordinance amendments to remove the requirements placing a lien on property if owners do not pay their sewer bill, or if owners do not maintain lots, and allow them to become overgrown.

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

On September 9, 2014, Council member Jackson brought forth the following motion:

“Remove the requirements placing a lien on property if owners do not pay sewer bill or if owners do not maintain overgrown lots.”

The County can place a lien on property if the property owner does not pay their sewer service charges, sewer connection charges and/or capital sewer service charges, under the Richland County Code of Ordinances, Chapter 24, Utilities; Article II, Water and Sewer Service Generally; 24-7, Powers of the council; 24-8, Unpaid water or sewer charges a lien; and Chapter 24.5, Special Sewer Assessment District; 24.5-42, Authorization and enforcement of charges; 24.5-43, Sewer service charges and sewer connection charges created as liens; 24.5-44, Capital sewer service charges created as liens. See attached ordinance(s).

As a point of reference, pursuant to South Carolina Code of Laws, creating a lien against real property is an available method for a governing body to collect overdue sewer charges; however, it is not mandatory. See the appropriate State law(s) below:

**SECTION 6-15-90.** Levy of assessment for annual sewer service charge. In the event that it is impractical to provide for the collection of all or any part of the sewer service charge jointly with charges rendered by a private or public agency for water service, then in such event the governing body shall be fully empowered to levy an assessment for the annual sewer service charge. Prior to the making of any sewer connection or the furnishing of any sewage disposal service for which the prescribed sewer service charge shall pursuant to Section 6-15-100 become a lien on the property affected and prior to any subsequent increase in any sewer service charge not less than ten days' written notice shall be given to each affected property owner notifying him of the nature and quantum of the sewer service charge and providing such property owner an opportunity, if desired and requested, to appear and be heard in person or by counsel before the governing body. Following such hearing, if such be requested and held, action shall be taken by the governing body and notice of its decision shall be given to the property owner concerned or his counsel as the case may be not less than ten days prior to the effective date of the sewer service charge. Any property owner aggrieved by the action of the governing body may proceed by appeal in the court of common pleas for the county in which his property or any part thereof lies, to have such court review the action taken by the governing body at which time the court will determine the validity and reasonableness of the sewer service charge. Sewer service charges not intended to become liens in the case of nonpayment may be imposed and subsequently increased upon any user without such notice and hearing. The

appeal provided for herein shall be pursuant to the provisions of Chapter 7 of Title 18, providing for appeals to the court of common pleas.  
HISTORY: 1962 Code Section 59-507.8; 1965 (54) 693.

**SECTION 6-15-100.** Lien for sewer service charge. If the notice or notices prescribed by Section 6-15-90 shall have been given and any hearing requested pursuant thereto shall have been held all connection or tapping fees, sewer service charges and other charges imposed by the governing body following that procedure under authority of this chapter and not paid when due and payable, shall constitute a lien upon the real estate to which the sewage service concerned relates so long as the fees or charges remain unpaid. In addition to such other rights and remedies as may be available to the governing body in law or in equity for the collection of such fees and charges, the lien may be enforced by the governing body in the same manner and fashion as the lien of property taxes on real estate.  
HISTORY: 1962 Code Section 59-507.9; 1965 (54) 693.

**SECTION 6-15-110.** Other methods of collecting overdue charges. The method provided in this chapter for the enforcement of the collection of past due sewer service charges and connection fees by creating the liens against real property is not the exclusive method of enforcing this collection and the governing body is fully empowered to enforce the collection of these fees and charges in any other lawful manner in all or any part of the municipality, county, or special purpose district, including particularly by way of a contract as authorized under Section 6-15-80.

The County can place a lien on property with an overgrown lot within a developed residential area or commercial area within the County, under the Richland County Code of Ordinances, Chapter 18, Offenses; Section 18-4. Weeds and rank vegetation. See attached ordinance. Council may consider that according to a South Carolina Attorney General's opinion, the County is likely prohibited from placing liens on property owners with overgrown lots.

In either of the aforementioned instances, if the County files a lien, the County currently only collects the lien when the property is sold.

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

Motion by Mr. Jackson – September 9, 2014

### **D. Financial Impact**

The financial impact to the County regarding this motion is unknown at this time. However, the County would have to absorb the costs associated with delinquent sewer service charges, sewer connection charges and/or capital sewer service charges within the County. Additionally, the County would have to absorb the costs associated with maintaining the overgrown lots of property owners within the County. As a point of reference, last year (January 2013 – December 2013) the County provided maintenance services on 117 overgrown lots.

### **E. Alternatives**

1. Approve the ordinance amendments to remove the requirements placing a lien on property if owners do not pay their sewer bill or if owners do not maintain lots, and allow them to become overgrown.

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2. Approve the ordinance amendment to remove the requirements placing a lien on property if owners do not pay their sewer bill.
3. Approve the ordinance amendment to remove the requirements placing a lien on property if owners do not maintain lots, and allow them to become overgrown.
4. Approve a policy that will suspend or terminate the utility services being provided to the property if owners do not pay their utility bill. This policy may include an option for the County to utilize the SC Department of Revenue's debt collection programs (Set-Off Debt/GEAR) to collect delinquent payments from the property owners. Staff can develop the policy and bring the policy back to Council for their consideration.
5. Do not approve the ordinance amendments.

**F. Recommendation**

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

Recommended by: Norman Jackson

Department: County Council

Date: 9/9/14

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 12/9/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

There is not a recommendation made on the ROA. I would recommend alternative five and that the County continue to utilize this process as a collection tool.

**Sheriff:**

Reviewed by: Chris Cowan

Date: 12/9/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

At this time we would like clarification on the Attorney General's Opinion vs what we received from County Legal during the committee meetings on this issue. Placing the "Lien" on letters (and as an option for the County to enforce) provides the Code Enforcement Deputies the language that action can be taken against the property owner for not remedying the problem.

**Legal**

Reviewed by: Elizabeth McLean

Date: 12/11/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Legal recommends removing the lien language from the weeds and rank vegetation ordinance as we are likely prohibited from placing them in that circumstance; as to the liens for utility/sewer, that is a policy decision left to

Item# 4

Council's discretion. If Council chooses to remove the lien language, the County could attempt to recoup its costs via the Set-Off Debt program, which is already in use for other citizen debts to the County.

**Utilities/Administration**

Reviewed by: Sparty Hammett

Date: 12/11/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Administration recommends that Council obtain an Attorney General's opinion as to the legality of placing liens on property for overgrown lot violations. If this language is removed, it would significantly impact the ability of the Sheriff's Department to enforce the ordinance and increase the number of overgrown lots that have to be cut by Public Works.

Administration recommends Council discretion in regard to removing the lien language for Utilities. If Council decides to remove the language, Administration recommends the use of the Set-Off Debt program.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 24, UTILITIES; ARTICLE II, WATER AND SEWER SERVICE GENERALLY; SECTIONS 24-7 AND 24-8; AND AMENDING CHAPTER 24.5, SPECIAL SEWER ASSESSMENT DISTRICT; ARTICLE III, FINANCING IMPROVEMENTS; RATES AND CHARGES; SECTIONS 24.5-42, 24.5-43 AND 24.5-44; SO AS TO DELETE THE REFERENCES TO LIENS AS A COLLECTION METHOD FOR UNPAID BILLS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 24, Utilities; Article II, Water and Sewer Service Generally; Section 24-7, Powers of Council; is hereby amended to read as follows:

**Sec. 24-7. Powers of the council.**

The council shall be empowered as follows:

- (1) To enter into contracts by which any special purpose district or municipality in the county may agree to maintain and operate any part or all of any water and sewer facilities of the county or under its control, on a cost basis or any reasonable basis.
- (2) To make any and all regulations which shall be deemed appropriate in connection with the construction, establishment, maintenance and use of any water or sewer facilities of the county or under its control.
- (3) To acquire, establish, maintain, operate, extend, enlarge, and improve such system of water lines, mains and pipes and sewers, sewer lines, sewer mains, and sewage disposal and treatment facilities as, in the opinion of the council, is required for the maintenance of the health of the county.
- (4) To purchase or lease existing water and sewer lines, mains, systems and disposal or treatment plants and to make contracts whereby they may be connected to the lines or systems which it may establish.
- (5) To employ such engineering, clerical and other help as it deems necessary and fix the salaries and compensation of such employees.
- (6) To place into effect and to revise by resolution a schedule of rates and charges upon all those who receive benefits from the water or sewer facilities of the county.

(7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs.

(8) To contract for or otherwise acquire a supply of water and sell water for industrial and domestic use.

(9) To enter into contracts for the sale of water with persons, private corporations, municipalities or other public or private bodies.

(10) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system.

(11) To require a permit for connection with any sewer constructed and maintained by the county, and as a condition to the issuance of any such permits, to promulgate regulations prescribing the type and manner of connections permitted to be made therewith, to inspect such connections to ensure compliance and to make a reasonable charge for permits sufficient to cover the cost thereof and of such inspection.

(12) To make use of county and state highway rights-of-way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights-of-way shall approve.

(13) In addition to the rates and charges provided for in paragraph (6), to place into effect and revise whenever it so wishes or may be required a schedule of water and sewer service or connection charges for the use of and connection to any water or sewer facilities which it may operate, ~~which charges shall, pursuant to section 24-8, become a lien on the property affected. Prior to the making of any connection or the furnishing of any service for which the prescribed service charge shall become a lien on the property affected and prior to any subsequent increase in any such service charge, not less than ten (10) days' written notice shall be given to each affected property owner notifying him of the nature and quantum of the service charge and providing such property owner an opportunity, if desired and requested, to appear and be heard in person or by counsel before the council or its designee. Following such hearing, if such be requested and held, action shall be taken by the council and notice of its decision shall be given to the property owner concerned or to his counsel, as the case may be, not less than ten (10) days prior to the effective date of the sewer service charge. Any property owner aggrieved by the action of the council may proceed by certiorari in the court of common pleas for the county to have such court review the action taken by the county, at which time the court will determine the validity and reasonableness of the service charge so made.~~ Service charges ~~not intended to become liens~~ in the case of nonpayment can be imposed and subsequently increased upon any user in the unincorporated area of the county without ~~such~~ notice and hearing.

(14) To enter into contracts with any water distribution agency upon terms and conditions to be mutually agreed upon by which the council shall authorize the water distribution agency to add the sewer service charges to the charge rendered for water service in a single bill, shall constitute the water distribution agency its agent for the purpose of collecting such sewer service charges as the council shall from time to time impose upon those who utilize

its sewer facilities and shall empower the water distribution agency as such agent to disconnect water service upon failure of any user to pay such sewer service charges.

(15) To adopt and enforce regulations requiring all persons to whom it shall be available to make use of any water or sewer facilities which the county shall from time to time operate; and generally with respect to the discharge of sewage and the use of privies, septic tanks and any other type of sewer facilities within the unincorporated area of the county.

SECTION II. The Richland County Code of Ordinances; Chapter 24, Utilities; Article II, Water and Sewer Service Generally; Section 24-8, Powers of Council; is hereby amended to read as follows:

**Sec. 24-8. Collection of unpaid Unpaid water or sewer charges ~~a~~ lien.**

~~(a) If the notice or notices prescribed by paragraph (13) of section 24-7 shall have been given and any hearing requested pursuant thereto shall have been held, all water or sewer service charges imposed by the council following that procedure under authority of this article and not paid when due and payable shall be and constitute a lien upon the real estate to which the water or sewer service concerned relates so long as the water or sewer service charges remain unpaid. In addition to such other rights and remedies as may be available to the council in law or in equity for the collection of the water or sewer service charges, the lien may be enforced by the council in the same manner and fashion as the lien of property taxes on real estate. The lien herein provided shall be superior to all other liens except liens for unpaid property taxes.~~

~~(b) The method provided in this article for the enforcement of the collection of past due water or sewer service charges shall not be the exclusive method of enforcing such collections and the council county is fully empowered to enforce the collection of any such past due or unpaid water or sewer service charges in any ~~other~~ lawful manner in all or any part of the unincorporated area of the county, including particularly by way of a contract with a water distribution agency as authorized under paragraph (14) of section 24-7.~~

SECTION III. The Richland County Code of Ordinances; Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Section 24.5-42, Authorization and Enforcement of Charges; is hereby amended to read as follows:

**Sec. 24.5-42. Authorization and enforcement of charges.**

~~(a) The sewer service charges, sewer connection charges and capital sewer service charges may become liens on the property on which they are imposed, provided that the notice and public hearing requirements of sections 24.5-25, 24.5-43 and 24.5-44 hereof have been met. If adopted in the form of a lien, such unpaid sewer service charges, sewer connection charges and capital sewer service charges shall remain liens as long as they remain unpaid. In addition to such other rights and remedies as may be available to the county in law or in equity for the collection of unpaid sewer service charges, sewer connection charges and capital sewer service charges, the lien may be enforced by the~~

~~county in the same manner and fashion as the lien of property taxes on real estate. The lien herein provided shall be superior to all other liens except liens for unpaid property taxes.~~

~~—(b) The method provided in this article for the enforcement of the collection of past due sewer service charges, sewer connection charges and capital sewer service charges shall not be the exclusive method of enforcing such collection and the~~ The county is fully empowered to enforce the collection of any such past due or unpaid sewer service charges and capital sewer service charges in any ~~other~~ lawful manner, which methods include the entering into contracts for the collection of such charges with other political subdivision.

SECTION IV. The Richland County Code of Ordinances; Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Section 24.5-43, Sewer service charges and sewer connection charges created as liens; is hereby amended to read as follows:

**Sec. 24.5-43. Sewer service charges and sewer connection charges ~~created as liens.~~**

The council shall place into effect and revise whenever it so wishes or may be required a schedule of sewer service and sewer connection charges to be imposed within the district for the use of the connection to the system. ~~Prior to the imposition of any sewer service charges or sewer connection charges authorized by the provisions of this chapter and which are to become liens in accordance with sections 6-15-90 and 6-15-100 of the Code of Laws of South Carolina, 1976, as amended, and prior to any subsequent increase in any such sewer service charges or sewer connection charges, not less than fifteen (15) days' written notice shall be given to each affected property owner notifying him of the nature and quantum of such charges and providing such property owner an opportunity, if desired and requested, to appear and be heard in person or by counsel before the council. Following such hearing, if such be requested and held, action shall be taken by the council and notice of its decision shall be given to the property owner concerned or to his counsel, as the case may be, not less than ten (10) days prior to the effective date of the sewer service charge and sewer connection charges. Any property owner aggrieved by the action of council may appeal to the court of common pleas for Richland County to have such court review and action taken by the council as the validity and reasonableness of the sewer service charge and sewer connection charges.~~

SECTION V. The Richland County Code of Ordinances; Chapter 24.5, Special Sewer Assessment District; Article III, Financing Improvements; Rates and Charges; Section 24.5-44, Capital sewer service charges created as liens; is hereby amended to read as follows:

**Sec. 24.5-44. Capital sewer service charges ~~created as liens.~~**

(a) The council shall place into effect and revise whenever it so wishes or may be required a schedule of capital sewer service charges which will be used to retire debt incurred to finance that portion of the system within a particular district. The capital sewer service charges shall be based on the estimated cost of the establishment and construction of any sewer lateral collection lines and any extensions thereof constructed within the district, or so much of the estimated cost thereof as the council in its discretion deems appropriate, and shall be assessed upon the lots and parcels of land abutting directly on such lateral lines or

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extensions thereof according to the extent of the respective frontage thereon by an equal rate per foot of such frontage; but the council may, in its discretion, provide, in the instance of corner lots, for a charge deemed to be equitable. If part or all of the district is part of a development plan or zoned for residential use, then such capital sewer service charges may be levied by the council on a parcel or per unit basis rather than on a front-foot basis. The capital sewer service charges to be levied in connection with such installations may be paid in equal installments covering a period not to exceed twenty (20) years. Such deferred payments shall be payable annually within the period that county taxes are payable and late payments shall be penalized to the same extent as in the case of county taxes.

(b) In connection with the imposition of such capital sewer service charges:

(1) The council shall provide a general description of the improvements to be made and the street or parts thereof whereon the work is to be effected and the estimated cost thereof and the amount of the cost to be assessed upon all abutting properties and the terms and manner of payment. Such description may incorporate by reference plats and engineering reports and other data on file in the office of the county coordinator of utilities and services provided that the place of filing and reasonable hours for inspection by interested persons are specified in the ordinance imposing the capital sewer service charges. Within thirty (30) days of the creation of a district, the council shall prepare in poster form a notice advising of the proposed capital sewer service charges and generally describing the area to be affected and shall deliver the notice to the register of mesne conveyances of the county. The register of mesne conveyances shall prominently display such notice in his office until an assessment book compiling a list of all residents and property owners of the district has been prepared by the county auditor and filed with the council. Failure to provide or post such notice shall not affect the validity of any such assessment.

(2) Immediately after such assessment book has been completed, the council shall forthwith cause one copy thereof to be deposited in the office of the register of mesne conveyances for inspection by interested parties, and shall cause to be published at least once in a newspaper of general circulation in the county a notice of the completion of the assessment book. This notice shall set forth a description in general terms of the improvements and the time fixed for the meeting of the council for a hearing of objections in respect of the capital sewer service charges. Such meeting shall not be earlier than ten (10) days from the date of the publication of such notice.

(3) As soon as practicable after the completion of the assessment book and prior to the publication of the notice mentioned in the preceding paragraph (2), the council shall mail to the owner or owners of each lot or parcel of land against which a capital sewer service charge is to be levied at his or their address, if any, appearing on the records of the county auditor, a notice stating the nature of the improvement, the principal amount of bonds to be issued in order to finance the improvements, the appropriated amount to be assessed against the particular property in order to repay the bonds, and the frontage in feet or charge per parcel upon which the capital sewer service charge is based, together with the terms and conditions upon which the capital sewer service charge may be paid. This notice shall also contain a brief description of the district together with a statement

that the amount assessed shall constitute a lien against the property superior to all other liens except property taxes. The notice shall also state the time and place fixed for the meeting of the council mentioned in the preceding paragraph (2) for a hearing of objections in respect of the capital sewer service charge. Any property owner who fails to appear at the meeting and shall have failed not later than three (3) days prior to the date set for such meeting, to file with the council a written objection to the capital sewer system charges against his property shall be deemed to have waived all rights to object to such capital sewer service charges and the notice prescribed herein shall so state.

(4) At the time and place specified for the meeting above-mentioned, or at some other time to which it may adjourn, the council shall hear the objections of all persons who have filed written notice of objection within the time prescribed above who may appear and make proof in relation thereto either in person or by their attorney. The council may thereupon make such corrections in the assessment book as it may deem proper, confirm the same or set it aside and provide for a new assessment.

Immediately upon the confirmation of a capital sewer service charge, the council shall mail a written notice (the confirmation notice) to all persons who have filed written objections as hereinabove provided of the amount of the capital sewer service charge confirmed against his property. Such notice shall be given to the affected property owners not less than ten (10) days prior to the effective date of the capital sewer service charge.

Subsequent to the council's confirming an assessment book, either as originally prepared or as thereafter corrected, a copy thereof certified by the clerk of the council shall forthwith be filed in the office of the register of mesne conveyances. ~~From the time of such filing the capital sewer service charges impressed in the assessment book shall constitute and be a lien on the real property against which the same are assessed superior to all other liens and encumbrances except only the lien for property taxes.~~

(5) After the assessment book has been confirmed, a certified copy thereof shall be delivered to the county treasurer who shall prepare and keep a separate book or books in connection therewith and who shall proceed to collect the same in the manner of county taxes and shall remit such collections on or before April fifteenth of each year upon the direction of the council. Each year the county auditor shall mail out notices of such capital sewer service charges at the same time county tax notices are mailed. ~~Past due capital sewer service charges shall be turned over by the county treasurer to the tax collector who shall proceed to collect in the same manner as unpaid county taxes are collected. The collecting official shall likewise keep separate records in connection with such past due assessments and shall remit all sums collected forthwith upon the direction of the council.~~

(6) If any such person is dissatisfied with the amount of the capital sewer service charge so confirmed, such person shall within ten (10) days after the mailing of the confirmation notice to him, give written notice to the council of his intent to appeal the capital sewer service charge to the court of common pleas for the county, and shall within five (5) days after giving such notice to the council serve upon the council a

statement of facts upon which he bases his appeal. Any property owner who fails to give the notice of his objection prescribed by this paragraph, shall be deemed to have waived all rights to object to the capital sewer service charge and the confirmation notice shall so state and shall also advise of the appeal procedure provided by this paragraph. No such appeal shall delay the construction of the improvements or affect the validity of the capital sewer service charges confirmed and not appealed.

(7) Subsequent to the confirmation of an assessment book, the council may correct, cancel or remit any such capital sewer service charge and may remit, cancel or adjust the interest or penalties of any capital sewer service charge and is empowered, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the capital sewer service charge made by it and thereupon to make a reassessment.

(c) In the event the council provides that such capital sewer system charges may be paid in equal annual installments, then any property owner shall have the right at any time in his option to prepay in full the capital sewer service charge against his property by the payment of the balance due plus interest calculated to the date of prepayment. ~~If any property owner shall fail or neglect to pay any installment when the same becomes due and payable, then and in that event the council may, at its option, declare all of the installments remaining unpaid at once due and payable and such property may be sold by the county sheriff in the same manner and with the same right of redemption as are prescribed by law for the sale of land for unpaid property taxes.~~

SECTION VI. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

SECTION VII. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION VIII. Effective Date. This Ordinance shall be enforced from and after \_\_\_\_\_, 2014.

RICHLAND COUNTY COUNCIL

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

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

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-4. WEEDS AND RANK VEGETATION; SUBSECTION (F); SO AS TO PROHIBIT THE PLACING OF LIENS TO RECOUP WORK COSTS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; Subsection (f); is hereby amended to read as follows:

(f) *Removal by county.* In the event any property is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States Mail, or posted upon the premises, then the department of public works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by cutting and removing such weeds or other rank vegetation, ~~and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.~~ The county is fully empowered to collect all costs of such work in any manner available to it in law or equity.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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

SECTION IV. Effective Date. This Ordinance shall be enforced from and after \_\_\_\_\_, 2014.

RICHLAND COUNTY COUNCIL

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

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

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

Item# 4

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Item# 4

# Richland County Council Request of Action

**Subject**

Dog Park Program [**PAGES 33 - 45**]

**Reviews**

**MEMORANDUM**

TO: Richland County Council

CC: Sparty Hammett, Holland Leger, Ashley Powell

FROM: Tracy Hegler, Planning Director

DATE: February 19, 2015

RE: Dog Park on Decker Boulevard

In an ROA drafted in October of 2015, a request was made that Council direct staff to investigate the feasibility of implementing a dog park at 2628 Decker Boulevard, the former Zorba's Restaurant Site. The purpose of this memo is to provide supporting documentation for the aforementioned request of action.

**Background/Discussion:**

Research shows that dog parks promote responsible pet ownership as well as licensing and vaccination. Dog parks allow dogs to exercise and socialize, which can result in making them less aggressive and therefore safer for the community. Analysis has shown that urban areas with dog parks are home to happier pets and owners.

Last year Richland County Animal Care recorded 4,937 dogs licensed; however, unincorporated Richland County currently does not have any public space designated for use by pets and their owners. In contrast many counties operate dog parks, such as Greenville County which operates three highly successful ones. As such, staff has identified the need for a dog park and proposed the use of the old Zorba's Site on Decker Boulevard as the development of a park on this site coincided with the prescriptions of the Renaissance Master Plan.



**Design:**

Richland County currently retains ownership of 1.7 acres of the 2.57 acre parcel located at 2628 Decker Boulevard. If approved, approximately 1 acre would be designated for active use as a dog park.

Initial analysis of design needs based upon research of other dog parks determined that, at a minimum, the park will require landscaping, perimeter fencing, pet waste receptacles and access to a water spigot. Other less essential, but equally common, features of dog parks include furniture for owners and pets, walking trails, double gated fencing for size/breed restricted areas and shelters.



*Example Dog Park Design | .85 acres | Denver, CO.*

Under Richland County Zoning, recreation facilities typically require 1 parking space for every 200 sq. ft. of activity space; however, because there is no precedent in the county for this specific land use and this would lead to excessive parking on site, parking will be prescribed for the site based on the Park’s design and review of other dog parks’ parking requirements.

**Liability:**

Conclusions from staff’s initial study of area dog parks found that liability is most commonly handled by making owners responsible for the actions of their pets as a part of the terms and conditions for use of the site. Signage is posted articulating that, by using the facility, owners agree to take full responsibility for the actions of their pets. Any incident which occurs in the dog park is documented and if it is serious local law enforcement is involved and citations are issued accordingly.

In the majority of parks surveyed by staff, grounds are not regularly monitored by any sort of park staff; instead they rely on self-policing as a deterrent to undesired behaviors. However, staff or a committee of volunteers is available for questions, concerns or occurrences that require intervening. Though there is typically a governing body for each of the parks surveyed, their involvement in day to day interactions in the park is minimal.

An example of an Ordinances governing off-leash Dog Parks can be found below:

**Town of New Hartford, NY**

**§ 88-8. Domestic animals; Sherrillbrook Dog Park.**

**[Amended 8-20-1997 by L.L. No. 9-1997; 6-13-2007 by L.L. No. 2-2007]**

A. Domestic animals, including dogs, cats and horses, are to be leashed and under control of the owner, guardian or caregiver, at all times while within the park.

(1) Exception. Dogs may be off leash while inside the Dog Park located at Sherrillbrook Park. All users of the dog park must have a valid registration on file with the Parks Office and with the Department of Animal Control.

(2) All users of the dog park must adhere to the rules and regulations provided upon registration for a user ID card. The rules and regulations will also be posted at the entrance of the dog park and shall also be available at the park offices and animal control office. Violators will be subject to removal from the park, suspension of park privileges and subject to fines, as outlined in §§ 56-1A through E, 56-1.2A through F, 56-2, and 88-8 through 88-10 of the laws of the Town of New Hartford, in addition to the Oneida County Sanitary Code, Article XV, Section 2, Subsection 3h and i, along with Article 7, § 119, Subsections (a), (b) and (c), of the State of New York Agriculture and Markets Law; along with § 121 of the State of New York Agriculture and Markets Law; along with § 2145 of the New York State Public Health Law, Title IV, Article 21.

B. Sherrillbrook Dog Park.

(1) Access; application; hours.

(a) Entry to, and use of, the dog park is restricted to Town-approved applicants only.

(b) Entry to the dog park is gained by proper use of a Town-issued magnetic access card.

(c) Persons seeking an application to use the dog park can do so by contacting the Town Parks and Recreation Office located in Sherrillbrook Park; telephone: 724-0654.

(d) Dog park hours and capacity.

[1] April through September: 8:00 a.m. to 7:30 p.m.

[2] October through March: 8:00 a.m. to 5:00 p.m. (weather permitting).

[3] Maximum capacity shall not exceed 110 dogs.

(2) Dog park rules and regulations.

(a) Persons making use of the dog park do so at their own risk of injury to selves and dogs.

(b) Persons making use of the dog park shall be responsible for injuries caused by their dogs to other persons and dogs. Persons responsible for any such injuries or property damage shall hold the Town of New Hartford harmless for same.

(c) Persons making use of the dog park must be 18 years of age or older, and dogs must be at least four months old, properly licensed with the state, with proper vaccinations for rabies. Parvo/distemper and bordatella vaccinations are recommended.

(d) No entry will be permitted without a park registration tag, dog license tag, and rabies identification tag attached to the dog collar.

(e) Allowing other individuals to utilize a dog pass or to give access to unregistered dogs will result in immediate suspension of privileges.

(f) No choke, prong or spike collars, as these can injure dogs during play.

(g) The permit holder must have in his or her possession a mutt mitt (baggy) or some other form of equipment to clean up after his or her dog(s). All waste must

be placed in a mutt mitt and placed in a waste receptacle provided at the park in accordance with § 56-1.2 of the New Hartford Code.

(h) No animals other than dogs may be brought into the dog park.

(i) Dogs must never be left unattended. The dog owner/permit holder must keep an eye on his or her dog(s) at all times and keep a leash available at all times.

(j) Dogs must be leashed at all times when not in the dog park.

(k) Dogs may not be brought into the park if they are less than four months old, sick or unhealthy, have a history of aggressiveness, have been adjudicated as dangerous by a court of law, or are females in heat.

(l) If aggressive action is observed, the permit holder must leave the park immediately with the aggressive dog.

(m) Children under 12 years of age must be closely supervised at all times. It is strongly urged that, for their own safety, young children not be brought to the dog park; if they are, the children must be close enough to hold an adult's hand at all times.

(n) No food, treats, rawhide chews, alcoholic beverages, glass containers, strollers, bicycles, skateboards, roller blades or toys will be allowed in the dog park area. Littering and smoking is prohibited.

(o) No more than three beings (dogs and/or small children) per handler will be allowed.

(p) Dog owners must immediately fill any holes their dogs dig; a shovel will be provided at the dog park entrance.

(q) Professional dog trainers/behaviorists and dog walkers are not permitted to use the dog park to conduct their business unless they are participating in a park-sponsored program approved by the New Hartford Parks Department.

(r) Dogs, permit holders and park users creating a disturbance or violating rules must immediately leave the off-leash area if requested by law enforcement personnel, park personnel or their designated agents.

(s) No large dogs will be allowed in the small-dog area and vice versa.

(t) All gates must be closed at all times after entering or leaving.

(u) All dog bites must be reported to the New Hartford Animal Control Department at 733-6666. If a bite occurs, the dog's owner must exchange his or her name and phone number with the other dog owner.

(v) The Town of New Hartford Parks and Recreation Department reserves the right to close the dog park area for maintenance and repairs.

(3) Enforcement. Enforcement of the above rules and regulations is under the immediate supervision of the Town of New Hartford Animal Control Officer. Violators of dog park rules and regulations will be subject to one or more of the following:

(a) Removal from the park;

(b) Suspension of park privileges;

(c) Revocation of dog park permit; and/or

(d) A fine as outlined and provided in §§ 56-1A through E, 56-1.2A through F, 56-2, and 88-8 through 88-10 of the laws of the Town of New Hartford, in addition to the Oneida County Sanitary Code, Article XV, Section 2, Subsection 3h and i, along with Article 7, § 119, Subsections (a), (b) and (c), of the State of New York Agriculture and Markets Law; along with § 121 of the State of New York Agriculture and Markets Law; along with § 2145 of the New York State Public Health Law, Title IV, Article 21.

**Financial Impact:**

The portion of the parcel that is anticipated for use as active park space would, at a minimum, require a fence to enclose the tract as well as additional landscaping. The estimated cost of implementation would depend heavily on the design of the park and could be paid through the Neighborhood Improvement Program (NIP) Budget.

As a comparative figure, the Conestee Dog Park in Greenville, South Carolina, which is approximately 1.01 acres and features a 14, 000 sq. ft. small dog area, a 30,000 sq. ft. large dog area, double gated entry, naturalized areas, rounded fences to minimize canine conflict, benches, shade shelters and potable running water was a total expenditure of about \$95,000.

Dog Park Membership Fees could potentially pay for operational and maintenance costs. Average fees range from \$25 - \$50 in Columbia area dog parks. Anything above and beyond operational and maintenance costs could help recoup original construction costs or be utilized for future improvements. A list of nearby dog parks and the fees associated with membership is below:

- A. NOMA Paw Park, City of Columbia
  - i. \$25 per dog, per year on or before June 30<sup>th</sup>
  - ii. \$15 per dog, per year on or after July 1<sup>st</sup>

*Note: Requires general information about pet including age, breed, spay/neuter, documentation of most recent rabies vaccination and distemper booster and city or county pet license*

- B. Paw Park, Lexington
  - i. In town rate: \$30 for the first dog; additional dog(s) \$15 each with a maximum of 3 dogs per household
  - ii. Out of town rate: \$50 for first dog; additional dog(s) \$25 each with a maximum of 3 dogs per household
- C. SesquiDog Park at Sesquicentennial State Park
  - i. \$25 per dog, per year
  - ii. Permits are prorated depending on date of purchase
  - iii. Daily permits are available for \$4
- D. James Island County Park Dog Park, Charleston County
  - i. \$1 per day

**Maintenance:**

Staff found that maintenance of pet parks varies depending on the size and location of the park. Most parks researched by staff are maintained by a partnership formed by a board of volunteers or pet enthusiasts and a local Parks and Recreation Department.

**Waste Management:**

Responsible pet ownership is essential to operating and maintaining a pet park. Pet owners are contractually required to pick up after their pets and properly dispose of waste in order to continue use of facilities. Failure to do so results in immediate suspension or termination of park privileges. According to the result of the surveys conducted by staff, pet parks are generally self-policed and owners do well maintaining the cleanliness of the park and adhering to the aforementioned rules.

**Water Quality Protective Measures:**

Because the prospective site for the county's inaugural dog park is bordered by Gills Creek, it is essential that staff take into consideration possible unintended consequences on the watershed and ways to mitigate stormwater impacts.

In a study conducted by the State of Rhode Island Department of Environmental Management Office of Water Resources, urban dog parks are recognized as a method of protecting local water quality. National trends show that pet owners are more likely to clean up after their pets in a dog park rather than in other public areas. This alone helps tremendously to lessen the effect of animal fecal matter in stormwater runoff. The use of signage and the proper provisions of waste receptacles and bags encourage cleanup and further help to alleviate potentially harmful effects to waterways.

The United States Environmental Protection Agency suggests pet waste management programs, such as those found in urban dog parks, which focus on an increase in public awareness, display educational signage and encourage proper disposal through local ordinances or by launching public education campaigns that inform the public are the most effective way to lessen the harmful effects of pet waste on waterways.

Local dog parks, such as the NOMA Bark Park at Earlewood Park, have even adopted their neighboring waterways and launched annual cleanups and tree plantings to help mitigate the effects of siting a dog park next to a waterway. Since adopting the Smith Branch Creek and implementing the clean-up and tree planting, regular testing of the creek has shown steady improvement despite the presence of the bark park.

**Recommendation:**

Given the findings provided above, staff recommends immediately soliciting a consultant to design the Park, which would include appropriate water quality protective measures, and provide detailed cost estimates.

The following tasks will also need to be completed after the park is designed:

- Establish a dog park ordinance, which would be reviewed by Animal Care for consistency with their Code
- Determine source of construction costs
- Determine how the park should be maintained (note: if by Richland County Support Services, then additional funding and staff must be identified)
- Establish fees for use of the park
- Establish a volunteer board to oversee the management of the park, to include at a minimum contracts with pet owners, proof of vaccinations, and collection of fees

# Richland County Council Request of Action

**Subject:** Dog Park Program

**A. Purpose**

Richland County Council is requested to direct staff to investigate the feasibility of creating a dog park program, with a pilot dog park to begin at 2618 Decker Boulevard (the former Zorba’s Restaurant site).

**B. Background / Discussion**

Various citizens have expressed an interest in creating a dog park at the former Zorba’s Restaurant site – see attached map. Staff has agreed to investigate the feasibility of initiating a dog park program with the inaugural park at the aforementioned site should Council have an interest in doing so.

Analysis of the benefits of a dog park has shown that dog parks promote responsible pet ownership, as well as licensing and vaccination. Dog parks allow dogs to exercise and socialize which can result in making them less aggressive, and therefore safer for the community.

The proposed inaugural site is within the County’s Renaissance Plan (Master Plan) for Decker Boulevard and the greater Woodfield Park neighborhood area. As a means by which to preserve and improve water quality, the Master Plan supports reclaiming areas in the Jackson Creek flood plain for recreational and conservational uses. As such, the development of a dog park on the former Zorba’s Restaurant site is in line with the vision of the Master Plan.

Additionally, the County owns the parcel, as it was purchased under a Federal Emergency Management Agency (FEMA) grant in 2014. The old restaurant structure has recently been demolished.

**C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

**D. Financial Impact**

The portion of the parcel that is anticipated as the pilot project would, at a minimum, require a fence to enclose the tract as well as additional landscaping. Parking may also be needed. The estimated cost of implementation would depend heavily on the design of the park.

No funding sources have been identified at this time.

Dog Park Membership Fees could potentially pay for operational and maintenance costs. Average fees range from \$25 - \$50 for dog parks in the Columbia, SC area. Anything above and beyond operational and maintenance costs could help recoup original construction costs or be utilized for future improvements.

**E. Alternatives**

1. Approve the request to direct staff to investigate the feasibility of creating a dog park program, including the pilot site.

2. Do not approve the request to direct staff to investigate the feasibility of creating a dog park program.

#### F. Recommendation

It is recommended that Council approve the request to direct staff to investigate the feasibility of creating a dog park program, including the pilot site.

Recommended by: Sparty Hammett

Department: Administration

Date: October 14, 2014

#### G. Reviews

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

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

##### Finance

Reviewed by: Daniel Driggers

Date: 10/16/14

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation supports Council providing staff direction.

##### Conservation

Reviewed by: Quinton Epps

Date: 10/21/14

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

##### Planning

Reviewed by: Tracy Hegler

Date: 10/21/14

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

##### Animal Care

Reviewed by: Sandra Haynes

Date: 10/21/14

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

##### Legal

Reviewed by: Elizabeth McLean

Date: 10/22/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As to the general issue of the exploration of a dog park program, that is left to Council’s discretion. For comments specific to the site recommended in the ROA, see separate cover document.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/23/14

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend directing staff to investigate the feasibility of creating a dog park program, including the pilot site. All aspects of the pilot site would be investigated including any potential environmental impacts.

Inaugural NIP Dog Park Site Aerial View:

Decker Boulevard

Partial Parcel of land acquired by Richland County

2618 Decker Boulevard -- R16907-03-05

2.5700 Acres



Item# 5

Attachment number 1  
Page 4 of 4

# Richland County Council Request of Action

**Subject**

Neighborhood Improvement Program Property Purchase - Candlewood [PAGES 46 - 52]

**Reviews**

## Richland County Council Request of Action

**Subject:** Neighborhood Improvement Program Property Purchase - Candlewood

### A. Purpose

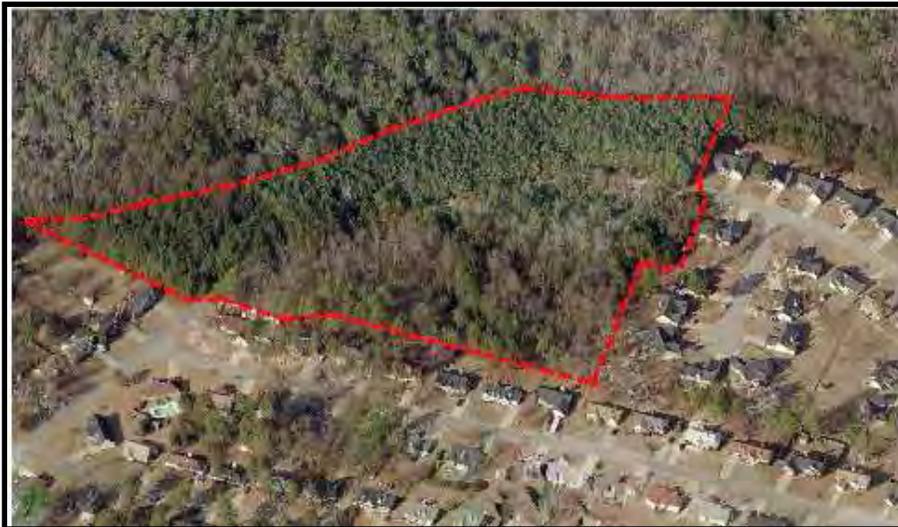
County Council is requested to approve staff negotiating with the property owner, up to the appraised value, for the purchase of 9.34 acres of vacant land on the North and South sides of Seton Hall Drive in the Candlewood Neighborhood for the development of a neighborhood park.

### B. Background / Discussion

On March 1, 2005 Richland County Council approved the first 10 priority focal areas for Neighborhood Master Planning. On March 12, 2009 County Council adopted the Candlewood Master Plan.

The vision of the Candlewood Community, formerly in District 9 and as stated in the Master Plan, is to create a neighborhood-wide identity and a sense of place for all Candlewood residents to live, play and enjoy. The Master Plan has four major objectives: to establish identity for the Candlewood Community, to create a streetscape and circulation plan, to create a program and design for a neighborhood park and recreation area and to increase neighborhood authority and law enforcement. The vision for the Candlewood Park includes a clubhouse, fitness stations, multiple pavilions, basketball courts, playground, and dog park (see Appendix A).

The neighborhood park is catalyst project number 3 in the Candlewood Master Plan and has a ranking of number 2 on the Five Year Project Plan adopted by Council in November of 2013. The Neighborhood Improvement Program utilized Integra Realty Resources to appraise the land, which was completed on October 31, 2014. The appraisal values the land at 73,000.00.



Site: 9.34 Acres of Greenfield | North and South sides of Seton Hall Drive

Planning staff met with the current property owner on August 13 to discuss his interest in selling the property or portions thereof. The property owner indicated a desire to sell the entire parcel and thought it should be valued at \$200,000.00.

Staff has identified the following additional activities related to the development of the Candlewood Park:

- Richland County Recreation Commission (RCRC) has allocated funding in the amount of \$120,000.00 for the development of a neighborhood park in the Candlewood Master Plan. Use of these funds requires quick claiming to RCRC the portion of the property being developed by them (approximately 1 acre).
- Seton Hall Drive is on the list of Transportation Penny Infrastructure Improvements in the Candlewood Master Plan.

**C. Legislative / Chronological History**

This is a staff initiated request; therefore there is no legislative history.

**D. Financial Impact**

Candlewood – Catalyst 3 – Neighborhood Park

Purchase offer for property: \$ 73,000.00

Please note this ROA does not estimate maintenance costs after the property is purchased. Depending upon long term arrangements with RCRC and their improvements noted above, additional resources for maintenance, in labor and equipment, may be necessary.

**E. Alternatives**

1. Approve staff negotiating with the property owner, up to the appraised value of \$73,000.00, the purchase of subject property for implementation of the Candlewood Master Plan Project – Catalyst 3, Neighborhood Park.
2. Do not approve negotiating, with the property owner, up to the appraised value of \$73,000.00, the purchase of subject property for implementation of the Candlewood Master Plan Project – Catalyst 3, Neighborhood Park.

**F. Recommendation**

It is recommended that Council approve staff negotiating with the property owner, up to the appraised value of \$73,000, the purchase of subject property for implementation of the Candlewood Master Plan Project – Catalyst 3, Neighborhood Park.

Recommended by: Tracy Hegler  
Department: Planning and Development  
Date: January 8, 2015

## G. Reviews

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

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

### Finance

Reviewed by: Daniel Driggers

Date: 1/22/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Support Services

Reviewed by: John Hixon

Date: 1/26/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

While this decision is at Counsel’s discretion, I ask that Council please note that within the ROA Background / Discussion section that “The vision for the Candlewood Park includes a clubhouse, fitness stations, multiple pavilions, basketball courts, playground, and dog park.” And under the Financial Impact “Please note this ROA does not estimate maintenance costs after the property is purchased. Depending upon long term arrangements with RCRC and their improvements noted above, additional resources for maintenance, in labor and equipment, may be necessary.”

As we move forward with programs that create properties that must be managed in a completely different manner than the typical government operational facilities; we need to determine responsibility and associated funding for each agency involved to be included as part of the initial project plan. The Richland County Recreation Commission (RCRC) is obviously best suited to manage this type of facility as they currently manage multiple parks that operate 7 days a week requiring evening and weekend maintenance, as well as operational management, but should it be determined that Richland County direct report departments such as the Support Services Department take on these responsibilities in full or in part, it is important to note our current facilities personnel do not have the experience or training to manage or operate such facilities. We do have the necessary skills to perform normal maintenance to ensure the grounds and vertical facilities are properly maintained as long as the appropriate resources (personnel, equipment, materials and funding) are approved. Our current operations are managed with a five day, Monday through Friday, work week structure with afterhours response on an as needed basis, but parks that see heavier use / traffic on weekends may require a change in how we manage our personnel resources and required skills.

As I understand it, the park will initially only involve a traditional shelter provided by RCRC as noted in the background above and disturb only an acre of the site. I estimate maintenance of this phase to cost approximately \$17,500, which includes lighting, water, and general maintenance and custodial work (three trips to the park a week and one cutting per week).

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If the park is further built out, it is noted that the vision for the park to have several vertical structures (I am assuming environmentally controlled space, restrooms, full utilities, and operational equipment) as well as 9.3 acres of grounds. Due to the scope it is probable that the entire Facilities and Grounds Division trades sections could have responsibilities in the maintenance portion once the operations of the park are identified and assigned.

Without having a full understanding of the RCRC and or the Counties Direct Report Departments role in management, operations, and maintenance; determining actual resources required is not feasible. Best guess cost associated with a maintenance focus only (no operational responsibilities with staffing, scheduling and coordinating community functions) would be between \$45,000 and \$65,000 annually.

### **Legal**

Reviewed by: Elizabeth McLean

Date: 2/10/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, I recommend that Council seriously consider any future park maintenance plan and if the plan includes participation by the RCRC, that their willingness to participate (and any financial considerations that entails) be reduced to writing. Such document, should Council decide to use one, should be in place before the sale of the property. Additionally, if the landowner is not represented by counsel, then Legal recommends that if the negotiations are successful, that Planning and Development Services enlist the services of an attorney for the closing.

### **Administration**

Reviewed by: Sparty Hammett

Date: 2/19/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval to negotiate the purchase of the property and concur with Legal that a park maintenance agreement with the RCRC should be in place prior to the purchase. If RCRC does not maintain the park, funding will have to be addressed for the ongoing maintenance. The County has acquired properties and Support Services budget and staffing has not been increased to reflect the additional workload. As a result, Support Services is stretched thin and can no longer continue to absorb the impact. As indicated in the Support Services Director's comments, the estimated annual maintenance cost for the initial phase of the park would be \$17,500.

**APPENDIX A**  
**Candlewood Park Concept Plan**



Item# 6

Attachment number 1  
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# Richland County Council Request of Action

## **Subject**

Fund and/or seek a partnership with SCE&G to plant indigenous flowers and plants along transmission line corridors in Richland County [**PAGES 53 - 57**]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Fund and/or seek a partnership with SCE&G to plant indigenous flowers and plants along transmission line corridors in Richland County

### **A. Purpose**

County Council is requested to direct staff to move to fund and/or seek a partnership with SCE&G (South Carolina Energy and Gas) to plant indigenous flowers and plants along transmission line corridors in Richland County.

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

On February 10, 2015, Council member Rose brought forth the following motion:

“Move to fund and/or seek a partnership with SCEG to plant indigenous flowers and plants along transmission line corridors in Richland County”

Transmission lines are high capacity power lines that bring electricity from generating stations out into communities in the county. Transmission line corridors are the areas along a transmission line right of way, which is the strip of land purchased by an energy company (SCE&G) from an individual property owner for the company to install the lines and related equipment – see attached illustration.

In some instances, the strip of land along the transmission line corridors can provide an environment that is conducive to native plant and animal life that require the type of habitat maintained beneath the transmission lines.

As such, this request to Council is to direct staff to fund and/or seek a partnership with SCE&G to plant indigenous flowers and plants to the Midlands along the transmission line corridors. This could serve as an effort to beautify the strips of land in and around the corridors of the transmission lines.

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

Motion by Mr. Rose – February 10, 2015

### **D. Financial Impact**

The financial impact to the County regarding this motion is unknown at this time. The cost to direct staff to explore a partnership with SCE&G is negligible.

To estimate the cost of planting the flowers and plants along the corridors will require staff to research the types of indigenous plants and flowers that can survive along the corridors, along with any costs associated with planting and maintaining the flowers. Also, there may be a cost associated with obtaining the necessary easements along the corridors to plant the flowers if staff is unable to develop a partnership with SCE&G regarding this request.

If approved, staff can research the aforementioned information and bring it back to Council for their consideration. Staff will need direction regarding the funding source for any of the costs associated with this request.

**E. Alternatives**

1. Approve the request to direct staff to move to fund and/or seek a partnership with SCE&G (South Carolina Energy and Gas) to plant indigenous flowers and plants along transmission line corridors in Richland County.
2. Do not approve the request to direct staff to move to fund and/or seek a partnership with SCE&G (South Carolina Energy and Gas) to plant indigenous flowers and plants along transmission line corridors in Richland County.

**F. Recommendation**

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

Recommended by: Seth Rose

Department: County Council

Date: 2/10/15

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 2/17/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

This is a request for Council discretion. Recommendation is based on the request being out of the budget funding cycle and not the merits of the program. It may be appropriate for the request to be considered during the FY16 budget process. Approval would require the identification of a funding source.

**Support Services:**

Reviewed by: John Hixon

Date: 2/19/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Although this is Council discretion, I recommend denial based on the alternatives to fund or seek partnership with SCE&G until the corridors for improvement are specified, allowing the generation of a scope of work and subsequent resource requirements. SCE&G currently maintains over 3,500 miles of transmission line that ranges from 50 feet to 500 feet in width.

Although I believe the intent to use indigenous plants is to minimize required maintenance, we would be responsible for protecting the investment and aesthetics of the sites and any additional workload, especially during the growing season, will create a major concern with our ability to properly maintain our current assets. Our facilities division currently has six employees maintaining approximately 350 acres of county owned grounds and we are requesting additional resources in the FY16 budget to maintain the new property's being brought into the county. I should also note that we do not have the specialized equipment needed to supply water to sites that are not irrigated so a program such as this may require a capital investment as well.

Perhaps a program such as the DOT uses for the wildflower patches along the interstate system could be more manageable once the breadth of the program is clearly identified, although the preparing of the planting areas each year will require substantial work prior to seeding.

**Public Works:**

Reviewed by: Ismail Ozbek

Date: 2/19/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend denial due to funding not being identified and scope not being defined. Staff can still be directed to explore partnerships.

**Legal**

Reviewed by: Elizabeth McLean

Date: 2/19/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. I would note that the ROA requests either funding or having staff explore a partnership with SCE&G. I am unaware how the County would proceed without securing permission from SCE&G, as SCE&G would be the easement holder and not the County. Thus, the County would have no legal right to enter any power line easement area to plant without SCE&G's permission.

**Administration**

Reviewed by: Roxanne Ancheta

Date: February 19, 2015

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council direct staff to gather more information on a potential partnership with SCE&G (South Carolina Energy and Gas) to plant indigenous flowers and plants along transmission line corridors in Richland County. Once this information is obtained, including any budgetary impact on the County, the item will be brought back to Council for review and action.



Item# 7

Attachment number 1

# Richland County Council Request of Action

## **Subject**

Intergovernmental Service Agreement with the City of Forest Acres [**PAGES 58 - 63**]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Intergovernmental Service Agreement with the City of Forest Acres

**A. Purpose**

County Council is requested to approve the Intergovernmental Service Agreement (IGA) with the City of Forest Acres to permit the services of Richland County Magistrate Phillip Newsom for the position of Forest Acres Associate Municipal Judge.

**B. Background / Discussion**

The City of Forest Acres (Forest Acres) would like to appoint current County Magistrate Phillip F. Newsom to their Associate Municipal Judge position in their Municipal Court. This is a part time position, and as outlined in the attached IGA, Judge Newsom will perform the same job duties for Forest Acres that he is currently performing for the County.

The County has an existing IGA with Forest Acres in which they are utilizing the services of County Magistrate Kirby Shealy.

Forest Acres assumes the responsibility for any actions brought against their court system as it pertains to Judge Newsom.

**C. Legislative / Chronological History**

This is a staff-initiated request; therefore, there is no legislative history.

**D. Financial Impact**

There is no financial impact associated with this request to the County. Forest Acres will pay the County monthly for Judge Newsom's services, along with the County's share of FICA and State Retirement.

**E. Alternatives**

1. Approve the Intergovernmental Service Agreement with the City of Forest Acres to permit the services of Richland County Magistrate Phillip F. Newsom for the position of Forest Acres Associate Municipal Judge.
  
2. Do not approve the Intergovernmental Service Agreement with the City of Forest Acres to permit the services of Richland County Magistrate Phillip F. Newsom for the position of Forest Acres Associate Municipal Judge.

**F. Recommendation**

It is recommended that Council approve the Intergovernmental Service Agreement with the City of Forest Acres to permit the services of Richland County Magistrate Phillip F. Newsom for the position of Forest Acres Associate Municipal Judge.

Recommended by: Warren Harley

Department: Administration

Date: 2/6/15

## G. Reviews

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

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

### Finance

Reviewed by: Daniel Driggers

Date: 2/9/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Magistrates

Reviewed by: Donald Simons

Date: 2/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Legal

Reviewed by: Elizabeth McLean

Date: 2/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion; however, please note Legal’s suggestions in redline on the Agreement. Legal has no knowledge of the cited 2001 SC Supreme Court Order and thus cannot comment on such.

### Administration

Reviewed by: Warren Harley

Date: 2/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**INTERGOVERNMENTAL  
SERVICE AGREEMENT  
(Magistrate)**

This Agreement made and entered into by and between the County of Richland, a political subdivision of the State of South Carolina, hereinafter referred to as the “County”, and the City of Forest Acres, a political subdivision of the State of South Carolina, hereinafter referred to as the “City”;

**WHEREAS**, the City is desirous of providing an efficient and effective municipal court system utilizing the most qualified judicial personnel available;

**WHEREAS**, the City desires to utilize the services of Richland County Magistrate Phillip F. Newsom for the position of Forest Acres Associate Municipal Judge;

**WHEREAS**, the County is willing to permit Phillip F. Newsom to serve as the City of Forest Acres Associate Municipal Judge; and

**WHEREAS**, the County and City are authorized to enter into this Agreement by virtue of the provisions of Sections 4-9-40 and 14-25-25 of the South Carolina Code of Laws 1976, as amended, and as authorized by Order of the South Carolina Supreme Court dated May 25, 2001.

**NOW, THEREFORE**, it is mutually agreed by and between the City and County as follows:

1. Phillip F. Newsom shall serve as the City of Forest Acres Associate Municipal Court Judge.
2. Phillip F. Newsom shall perform all functions and provide such services to the City as have been customarily rendered by the City’s Associate Municipal Judge, consisting of, but not limited to conducting bench and jury trials, issuing arrest warrants, setting bonds, and such other duties and functions as shall be ~~performed as~~ mutually agreed upon ~~with~~ by the parties and the Chief Municipal Judge of the City. The provision of such services shall be in a time and manner so as not to interfere with the Judge Phillip F. Newsom’s regular duties with Richland County.
3. While actually performing the functions and duties of the Associate Municipal Judge, Phillip F. Newsom shall be totally responsible and dedicatedd to the benefit and objectives of the judicial system of the City, without interference from or influence by the County, its employees, or its Council.

4. In order to compensate the County for the services of ~~a~~ Richland County Magistrate Phillip F. Newsom serving as City Associate Municipal Judge, the City shall pay the County the sum of One Thousand Two Hundred Twenty Five ~~and no cents~~ (\$1,225.00) Dollars per month or prorated portion thereof, plus the employer's share of FICA, ~~and~~ State Retirement, ~~and any other sums customarily paid by an employer~~, calculated on the monthly amount paid, said sum being due on or before the last day of each and every month that said judicial services are rendered. Said sum shall constitute the total compensation to Phillip F. Newsom for services as Associate Municipal Judge. The County shall be responsible for all required deductions and reporting all sums for withholding, social security, unemployment and any other deductions on the sums paid for the judicial services of Phillip F. Newsom.

5. The sums paid to the County for the services of ~~the~~ Richland County Magistrate Phillip F. Newsom, less the deductions set forth herein, shall be duly paid to Phillip F. Newsom.

6. This Agreement may be terminated, at any time, by the City, ~~Council of Forest Acres the County~~, or Phillip F. Newsom by giving ~~the County all other parties~~ thirty (30) days written notice of termination ~~this Agreement for any reason or no reason~~.

7. This agreement may be amended, modified or changed only by written agreement of the Council of Richland County and Council of the City of Forest Acres; except that, the City reserves the right to alter or change, from time to time, the compensation rendered to Phillip F. Newsom for his services to the City without further approval of the County. Any such change in compensation shall be timely reported to the County by the City.

8. The City shall be responsible for defending any and all claims, demands, and/or actions brought against the City and/or Phillip F. Newsom arising out of or from any act(s) and/or omission(s) on the part of Phillip F. Newsom during the course of providing such judicial services to the City.

9. The assignment of Phillip F. Newsom as Associate Municipal Judge for the City

shall be made by the Chief Summary Court Judge for Richland County in accordance with the terms of this Agreement. Additionally, the City shall comply with the requirements of S.C.Code Ann. Section 14-25-15 (2004), and in particular (i) shall pursuant to subsection (A) appoint Magistrate Newsom to serve for a set term “not to exceed four years and until his successor is appointed and qualified”; and (ii) shall pursuant to subsection (B) “notify South Carolina Court Administration of” the appointment of Magistrate Newsom as Associate Municipal Judge for Forest Acres.

**IT WITNESS WHEREOF**, the County of Richland has caused this Agreement to be executed by its County Administrator and the City of Forest Acres has caused this Agreement to be executed by its City Administrator, effective this \_\_\_ day of \_\_\_\_\_, 2015.

For the County of Richland

\_\_\_\_\_  
By its County Administrator

For the City of Forest Acres

\_\_\_\_\_  
By its City Administrator

I So Consent and Agree:

\_\_\_\_\_  
Phillip F. Newsom  
Richland County Magistrate

# Richland County Council Request of Action

## **Subject**

Richland County Conservation Commission (RCCC) Request to Negotiate Property Purchase: Executive Session [**PAGES 64 - 68**]

## **Reviews**

# Richland County Council Request of Action

**Subject:** Richland County Conservation Commission (RCCC) Request to Negotiate Property Purchase

**A. Purpose**

County Council is requested to approve negotiations to purchase approximately 769 acres directly north and adjacent to the existing Mill Creek Mitigation property for conservation, mitigation and recreational purposes.

**B. Background / Discussion**

In 2013 Richland County Council approved the purchase of approximately 1,750 acres of an approximately 2,519 acre tract (see map in Appendix) for the creation of the Mill Creek Mitigation Bank (MCMB) for conservation, mitigation and future recreational uses as well as access to the Congaree River. The rest of the tract, commonly referred to as the Upper Tract, approximately 769 acres was retained by the Mitigation Bankers, Eco-Capital, Inc. (Eco-Capital). Eco-Capital wants to sell the property and has approached the RCCC with an offer to purchase.

The RCCC has been allowing funds to accumulate in the RCCC Fund established for the purpose of funding acquisitions and projects. County Council approval is required to expend these funds. The RCCC believes that the Upper Tract would be a good conservation purpose and the property could be easily used for recreation and education purposes.

The RCCC has investigated various options with Eco-Capital to purchase the property and offset the purchase price by increasing the portion of the amount we will be receiving from mitigation credit sales. The RCCC has also preliminarily discussed reducing the cost by timber sales, creation of mitigation credits on the Upper Tract, and spreading the costs out over 5 to 7 years with other entities. At this point to determine if an acceptable deal is possible for RCCC to purchase the property we need County Council approval to negotiate.

**C. Legislative / Chronological History**

This is a staff initiated request; therefore there is no legislative history.

**D. Financial Impact**

This information will be discussed in Executive Session as this Request of Action pertains to a contractual matter.

**E. Alternatives**

1. Approve negotiations to purchase approximately 769 acres directly north and adjacent to the existing Mill Creek Mitigation property for conservation, mitigation and recreational purposes.
2. Do not approve negotiations to purchase approximately 769 acres directly north and adjacent to the existing Mill Creek Mitigation property for conservation, mitigation and recreational purposes.

**F. Recommendation**

It is recommended that Council approve negotiations to purchase approximately 769 acres directly north and adjacent to the existing Mill Creek Mitigation property for conservation, mitigation and recreational purposes.

Recommended by: Richland County Conservation Commission

Department: Conservation Development

Date: January 12, 2015

**G. Reviews**

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

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

**Finance**

Reviewed by: Daniel Driggers

Date: 1/22/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

No recommendation since the request is to authorize negotiations. The Conservation Commission currently has a reserve balance of approximately \$1m. Approval of purchase would require the identification of a funding plan for the entire purchase and may require a budget amendment.

**Support Services**

Reviewed by: John Hixon

Date: 1/27/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

While this is at Counsel’s discretion I ask that Council please note that within the ROA Financial Impact portion it is stated “Please note this ROA does not estimate maintenance costs after the property is purchased.”

Although this property would not require the same level of maintenance as property purchased for citizen use such as parks and recreational areas, it is possible that part of the property will require maintenance to ensure we do not fail to adhere to our overgrown lot ordinance in the area of Old Bluff Rd. Maintenance of the property egress will also require some attention from the Public Works Department. It also appears, per the County GIS aerial map view that the property contains at least one vertical structure with currently maintained grounds, so a decision would be required as to any future maintenance or operation for any structures in order to establish associated maintenance costs.

As we move forward with programs that bring additional properties into our inventory, we need to determine responsibility, scope, and associated funding for each agency

identified as having responsibility related to the property ownership to be included as part of the initial project plan.

**Legal**

Reviewed by: Elizabeth McLean

Date: 2/10/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. It is my understanding that RCCC will use Attorney Ken Driggers to assist with the negotiations and another outside counsel (undetermined at this point) for the closing.

**Administration**

Reviewed by: Sparty Hammett

Date: 2/19/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval to negotiate the purchase using Conservation Commission funding. The County has acquired properties and Support Services budget and staffing has not been increased to reflect the additional workload. As a result, Support Services is stretched thin and can no longer continue to absorb the impact. A plan should be prepared to address maintenance costs prior to property purchase.



# Items Pending Analysis

## **Subject**

Noise Ordinance [**PAGE 69**]

## **Reviews**

## **Notes**

This item will be reviewed by the Ordinance Review Ad Hoc Committee. Once their review is complete, their recommendation regarding this item will be forwarded to the D&S Committee for their consideration.

# Items Pending Analysis

## **Subject**

Comprehensive Youth Program [**PAGE 70**]

## **Reviews**

## **Notes**

This item was held in Committee at the December D&S Committee meeting. The Committee directed Staff and the Clerk's Office to develop a plan of action for developing a comprehensive youth program for Richland County. As directed, Staff and the Clerk's Office are working to develop a plan of action regarding a comprehensive youth program. Once completed, Staff and the Clerk's Office will report this information back to the Committee for their review and action.

# Items Pending Analysis

## **Subject**

Interstate Interchange Lighting Project [PAGE 71]

## **Reviews**

## **Notes**

This item was held in Committee at the January D&S Committee meeting. The Committee directed staff to explore potential grant (Federal and/or State) opportunities through the County's Grant Office and the County's Transportation Department to assist with funding the interstate interchange lighting projects. As directed, staff is working to identify potential grant funding opportunities for the interstate interchange lighting projects. Staff will report this information back to the Committee at a future Committee meeting for their consideration.